

MINUTES  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF LIVE OAK  
WILL BE HELD IN CITY HALL  
8001 SHIN OAK DRIVE  
TUESDAY, MARCH 10, 2009, AT 7:00 P.M.

1. CALL TO ORDER

Mayor Joe Painter called the February 10, 2009 Regular City Council Meeting to order at 7:02p.m.

2. INVOCATION/PLEDGE OF ALLEGIANCE

A moment of silence was observed and the Pledge of Allegiance was recited, which was led by Boy Scout Troop 475.

3. ROLL CALL

Mayor Joe Painter

Councilwoman Mary Dennis, Place 1

Councilwoman Pat Kauts, Place 2

Councilman Emilio Serrano, Place 3

Councilwoman Anne Jorrie, Place 4

Councilwoman Ann Mancillas, Place 5

4. CITIZENS TO BE HEARD

1. Bill Umphlett, 7501 Avery Road, Live Oak – Mr. Umphlett came before City Council to thank all City Council members for their service and complimented them on being the best City Council that has served Live Oak. Additionally he expressed his disappointment that Councilwoman Mancillas decided against re-election, but understood family responsibility. Finally, he announced he would mediate/host a Candidates Meeting, April 9, 2009, 6:30 p.m., Live Oak Civic Center, Rocket Room. He reminded all candidates that this was a questions and answers session for all Live Oak citizens, and asked that all candidates be prepared.

2. Ed Cimics, 12214 Brownstone, Live Oak – Mr. Cimics came before City Council to discuss 4 issues, (1) would like to have a Live Oak street (for example Shin Oak) renamed Live Oak Street. This idea would require a possible survey to the citizens, and this renaming of the street could coincide with the City's 50<sup>th</sup> Anniversary. (2) Ensuring the City move toward a paperless environment, such as City Council Packets, laptops and PowerPoint. (3) He expressed his opinion regarding the portable toilets in the Main Park, as he felt the toilets were unsightly and wanted them moved to another location. (4) Felt that agenda item 7B was not necessary, as the Economic Development Corporation was a department in the City of Live Oak.

3. Thaddeus Kockan, 13806 Biltmore Lakes, Live Oak – Mr. Kochan came before the City Council to request an update of a Bridlewood Park, March 10, 2009 meeting between Israel Fogiel, Terracon, Scott Wayman and the city engineer. In addition, he mentioned that Mr. Wayman could use a better camera and suggested the Canon PowerShot Digital Elph.

5. CONSENT AGENDA

A. Approval Of Minutes

1. February 24, 2009

Councilman Serrano made a motion to approve the Consent Agenda; seconded by Councilwoman Dennis

Vote FOR: Councilmembers Serrano, Dennis, Kauts, Jorrie, and Mancillas – passed 5/0

6. SPECIAL CONSIDERATION

A. Proclamation For The National Intellectual And Developmental Disabilities Awareness Month, For The Month Of March 2009

Mayor Painter read and presented the proclamation to Tanisha Fuller-Felix, Executive Director, Mosaic in South Central Texas.

B. Recognition Of Police Officers By Dr. Eric Reno, ACCD President – Chief Echols

This item was tabled until the April 14, 2009 City Council Meeting, Dr. Reno was unable to attend.

C. Introduction Of New City Employees – Chief Echols and Mr. Wagster

1. Casey Barnett, Dispatch
2. Janet Vanderver, Dispatch

Chief Echols introduced his two newest employees Telecommunicator's Janet Vanderver and Casey Barnett.

3. Bennett (Benny) Clayton, Public Works (Parks) - Mr. Wagster tabled the introduction until April 14, 2009 City Council meeting.

7. NEW BUSINESS

A. Update Of The May 2009 Joint, General And Special Election

Ms. Goza explained there are three positions up for re-election, Place 1, 3, 5, to include numerous amendments to the City Charter. However, at the time this Blue Sheet was written, she was unable to solidify all the early voting locations throughout Bexar County, however, this information will be final March 18, 2009. In addition, the following candidates will be on the May 2009 ballot: Place 1 – Loretta Kusek and Mary Dennis, Place 3 – Emilio Serrano, Place 5 – Susan Kirschner, Ed Cimics and Erika Cashion. Ms. Goza explained that extensive advertisement through the Herald, marquee and election handouts. No further action was taken.

B. Discussion and Possible Action to Allow the City Manager to Enter Into A Contract For Professional Services Between The City of Live Oak And The Live Oak Economic Development Corporation

Mr. Zech explained and read the State Law regarding professional services between the Economic Development Corporation (EDC) and City. In addition, he spoke about 4B cities and stated EDC's were separate independent non-profit corporations that could not provide services without a contract, although all services were provided by the city to the EDC. There was a brief discussion regarding the Section II "Live Oak EDC continuing to contract with the City for management services, the Live Oak EDC will pay to the City for its

services pursuant to this agreement, in the form of a flat fee in the amount of One Hundred Fifty Thousand dollars and no cents (\$150,000) per year. In addition, the Live Oak EDC will pay to the City the City attorney's hourly fees as charged to the City for all attorney services." Also discussed were the attorney fees and the use of different attorneys for EDC bonds and projects.

Councilwoman Kauts made a motion to authorize the City Manager to enter into a contract for professional services between the City of Live Oak and the Live oak Economic Development Corporation; seconded by Councilwoman Jorrie.

Vote FOR: Councilmembers Kauts, Dennis, Serrano, Jorrie and Mancillas – passed 5/0

C. An Ordinance Amending the City of Live Oak's General Fund Budget for the Fiscal Year October 1, 2008 Through September 30, 2009

Mayor Painter asked for a motion and as there was no further discussion from City Council a vote was taken.

Councilwoman Dennis made a motion to approve amending the Live Oak General Fund Budget for fiscal year October 1, 2008 through September 30, 2009; seconded by Councilwoman Kauts

Vote FOR: Councilmembers Dennis, Kauts, Serrano, Jorrie and Mancillas – passed 5/0

D. An Ordinance Providing For A Variance To The City Of Live Oak, Texas, Allowing For The Construction Of A Structure, Greater In Height Than The Required Limit Of Three Stories In A General Business Zoned Subdivision

Mr. Wayman briefly explained the hotel was a Hampton Inn, 108 rooms, and 33 suites, however the timeline for beginning the project was unknown; City Council would be kept aware of this timeline.

Councilwoman Dennis made a motion to approve the Ordinance; seconded by Councilman Serrano

Vote FOR: Councilmembers Dennis, Kauts, Serrano, Jorrie and Mancillas – passed 5/0

E. Update Of The New Justice Center

Chief Echols came before city Council to update them on the new Justice Center. The items mentioned: tentative target date for the opening of the building (late spring), issues with At & T (telephone) and the ADT alarm system. When asked about a possible Open House on Memorial Day, Chief Echols indicated that he would research and get back to City Council. No further action was taken on this item.

8. CITY COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS – NO DISCUSSION OR ACTION

A. Mayor Painter asked for an update of water issues.

9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

1. Councilwoman Kauts and Councilwoman Jorrie thanked people who were involved with the City of Schertz Wilenchik's Walk for Life on March 7, 2009.
2. Councilwoman Jorrie announced park Day on April 18, 2009

3. Mayor Painter announced that he had attended the SAWs Water advisory Council Meeting. This was a forum to share knowledge and solutions regarding water supply, conservation, master water plans and technology.

B. Staff - Update Of The February 25, 2009 Austin Legislative Trip -- This item was not discussed.

1. Mr. Wayman announced the following Ribbon Cutting Ceremonies: (1) Friday, March 20, 2009 at 3:00 for Tapanini Café, (next to the old Albertsons) (2) and (same day) 4:00 p.m. for the Lion & the Rose in the Forum.

2. Mr. Wayman announced a Historical Committee Meeting on March 17, 2009, possible Joint Public Hearing with Planning and Zoning on March 24, 2009 and an EDC Meeting moved from March 18 to April 1, 2009.

3. Mr. Zech announced the Denton Navarro Rocha and Bernal "Hog Wild" event on June 26, 2009 at the New Braunfels Civic Center.

#### 10. ITEMS FOR FUTURE AGENDA – NO DISCUSSION OR ACTION

1. Councilwoman Kauts - Discussion Regarding The Nightly Closure Of City Park.

2. Councilwoman Kauts – Request City Staff Provide Alternatives Regarding The Purchasing Of Water Rights

3. Councilwoman Kauts – Request Direction From The City Engineer And Public Works Department Regarding The Acceptance Of The Streets In Bridlewood.

4. Councilman Serrano – Request Like An Update Of The Personnel Policy Revision

5. Councilwoman Jorrie – Request An Update Of Our Ordinances Regarding Application Fees

6. Councilwoman Jorrie And Mr. Zech – Discussion Regarding Amateur Radio Tower Ordinance

#### 11. ADJOURNMENT

As there was no further business, Councilwoman Jorrie made a motion to adjourn; seconded by Councilwomen Dennis. The Special City Council meeting adjourned at 7:55 p.m.

APPROVED:

  
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Joseph W. Painter, Mayor

ATTEST:

  
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Deborah L. Goza, City Secretary