

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LIVE OAK
WILL BE HELD IN CITY HALL
8001 SHIN OAK DRIVE
TUESDAY, MAY 26, 2009, AT 7:00 P.M.

1. CALL TO ORDER

Mayor Joe Painter called the May 26, 2009 Regular City Council Meeting to order at 7:00 p.m.

2. INVOCATION/PLEDGE OF ALLEGIANCE

Mayor Painter read a poem by CW Johnson, titled Memorial Day. The Invocation and Pledge of Allegiance was completed.

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. Mark Cymbalist, 7545 Old Spanish Trail, Live Oak – Mr. Cymbalist came before City Council to thank out going Councilwomen Dennis and Mancillas for their service to the community. Additionally he spoke about the multimedia technologies for the City Hall renovation and he is in favor of having the City Attorney at every City Council meeting, to ensure clarification of all legal situations that come up during the meetings.

2. Ed Cimics, 12214 Brownstone, Live Oak – Mr. Cimics came before City Council to thank out going Councilwomen Dennis and Mancillas for their service to the community.

3. Rebecca Kochan, 13806 Biltmore Lakes – Ms. Kochan came before City Council to thank out going Councilwomen Dennis and Mancillas for their service to the community. Additionally she supported a Live Oak float, but stressed that cost should be considered in its creation.

4. Henry O. Edwards Jr., 7410 Leafy Hollow – Mr. Edwards came before City Council to thank out going Councilwomen Dennis and Mancillas for their service to the community. Additionally he welcomed both incoming Councilwomen Kusek and Kirschner. Finally, he spoke about the not having a City Attorney at each meeting, agenda item 9A, flag etiquette and finally agenda item 7E, water rights.

5. CONSENT AGENDA

A. Approval Of Minutes

1. May 12, 2009

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

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

6. SPECIAL CONSIDERATION

A. Presentation Of Recognition Plaques To Lewis Borgfeld, David Covington And Police Officer Curt Hermosillo

Lt Malone recognized and presented plaques to David Covington, Lewis Borgfield, and Officer Curt Hermosillo for their life saving efforts in the near drowning of John Benton at the local Gold's Gym. Mr. Benton praised all three men and thanked them for their life saving heroics.

B. Proclamation For National Garden Week For Both Live Oak Village Garden Club and Friendship Garden Club – Mayor Painter

Mayor Painter presented proclamations for National Garden Week to both the Live Oak Village Garden Club and the Friendship Garden Club.

7. NEW BUSINESS

A. Administer Oath Of Office To Newly Re- Elected And Elected Officials - Judge Phillips

1. Presentation of Certificates Of Election For Newly Re-Elected And Elected Officials – Judge Phillips

Judge Ed Phillips swore in incoming City Councilmembers Serrano, Kusek, and Kirschner.

2. Remarks From The Newly Re-Elected And Elected Officials

Councilwoman Kirschner thanked the citizens of Live Oak and everyone who supported her during the election. She spoke about setting new standards for quality of life improvements, supportive alliances to change trends and future endeavors for the city.

Councilwoman Kusek thanked the citizens of Live Oak and everyone who supported her during the election and she is ready to go to work.

Councilman Serrano thanked all the citizens of Live Oak, who voted for him and thanked both outgoing Councilwomen Dennis and Mancillas for their service to the City.

B. Presentation Of Plaques And Remarks By Departing City Council Members

Councilwoman Mancillas thanked the citizens of Live Oak, council members, family and mentors Nick Davies and John Gallagher for their support in her service to the City. She spoke about the completion of city projects such as FEMA project, park, and street improvements, and the near completion of the new Justice Center. Finally, she spoke about running for Mayor in the next election.

Councilwoman Mary Dennis thanked the citizens of Live Oak, mayor, council members, city staff, and friends for their support in all her accomplishments in serving the City of Live Oak. She indicated that she would like to volunteer for a City Board or Commission.

C. Discussion And Possible Action For City Council To Elect A Council Member To The Position Of Mayor-Pro Tem Per The City Charter, Article IV, Section 4.06 – Mayor Painter

Mayor Painter read the caption and opened the item for discussion and motion.

Councilwoman Kusek made a motion to nominate Councilman Serrano for the position of Mayor Pro-tem; seconded by Councilwoman Kirschner

Councilwoman Jorrie made a motion to nominate Councilwoman Kauts for the position of Mayor Pro-tem; seconded by Councilman Serrano

Vote For Councilman Serrano – Councilmembers Kusek and Kirschner

Vote Against Councilman Serrano – Councilmembers Kauts, Serrano, and Jorrie – fail 3/2

Vote For Councilwoman Kauts – Councilmembers Jorrie, Serrano, Kauts, Kusek, and Kirschner – passed 5/0

Councilwoman Kauts was re-elected for the Mayor Pro-tem position.

Mayor Painter asked for a five-minute break at 7:50 p.m. City Council reconvened at 7:55 p.m.

D. Discussion And Possible Action To Appoint A City Council Member To The Animal Control Advisory Committee – Mayor Painter

Councilwoman Kauts made a motion to nominate Councilwoman Kusek to the Animal Control Advisory Committee; seconded by Councilwoman Jorrie

Vote FOR: Councilmembers Kauts, Serrano, Jorrie, Kirschner and Kusek – passed 5/0

E. Update, Discussion, And Possible Action Regarding Water Rights For Future Developments – Ms. Buttler

Ms. Buttler provided information to City Council regarding recommendations that included information from an Economic Development Corporation meeting on April 1, 2009, which included the following recommendations: (1) proceeding with developing a process for acquiring water rights for 167 acre feet for current new development with a mechanism for possible repayment (user fee) as a function of the EDC for a \$1,002,000 dollar bond. (2) staff would proceed to study the 167 acre feet for economic development purposes, to include that a recommendation for City Council look at developing additional water rights for other municipal uses (3) Council should investigate considering an ordinance for requiring all future developments bring water rights with the development. Other items discussed: surveying area cities for water requirements for new development, results from the survey results, the city of Brownsville to verify the relevance of a possible court case and its outcome, setting up a Goals Workshop, draft water plan, and projection of usage. City Council asked staff to research purchasing, leasing of water, its cost effectiveness to stay in the water business, information on the Brownsville case, update on Bexar Met, and asked that current leases be attached to all future water rights information. June 3, 2009 is the next EDC Meeting.

F. Discussion And Possible Action Regarding The Redesign Of The Live Oak Web Site – Mr. Nardone And Mr. Kowalik

Mr. Nardone briefly explained to City Council about the pending redesign of the website and the possible contracting with Ektron Solutions Engineers, with two cost considerations,

(1) \$3,000 for Best Practices Service Option, and (2) \$26,400 for a Full Site Implementation Option. Mr. Nardone indicated this issue stems from the 2009 Council goal-setting session, where Council established a priority to redesign the website. Items of discussion: (1) possible use of college interns from the ACCD Lakeview College, (2) more research regarding other available web base companies (3) the cost of the project. Mayor Painter asked that another workshop be scheduled to allow the two new council members to add their priorities.

This item will be brought forward to another City Council meeting; no further action was taken on this item

G. Update And Discussion Regarding The Establishment Of A Youth Advisory Committee By the Parks and Recreations Commission - Mr. Wagster

Mr. Wagster brief City Council regarding the Youth Committee, and indicated that the Park and Recreation Commission by-laws includes the Powers and Duties that include the establishment and direction of a Youth Committee; they are currently working toward creating a Youth Advisory Committee.

No further action was taken on this item.

H. Discussion And Possible Action Regarding Having The City Attorney Present At Every City Council Meeting – Mr. Smith

Councilwoman Kauts made a motion to table this item for three months; seconded by Councilwoman Jorrie

Vote FOR: Councilmembers Kauts, Serrano, Jorrie, Kirschner and Kusek – passed 5/0

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

A. Councilwoman Kauts – On June 30, 2009 Agenda- Update and possible action regarding Home Occupation Business Ordinance.

Mayor Painter – Asked for a critique of the parade and possible adjustments for the Memorial Day Parade 2010.

9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

A. Councilmembers:

Councilwoman Jorrie – Congratulation regarding scheduling internal city training for all employees for Word, Excel, and Outlook.

Councilman Serrano – Kudos regarding the Memorial Day Parade; thanked staff for their hard work.

Councilwoman Kauts – Thanked Mr. Wagster and staff for their hard work regarding the Memorial Day parade. Indicated the ICSC Conference in Las Vegas was successful, and there were many networking resources/contacts for the city.

Councilwoman Kirschner – Announced that her daughter took third place at the baby competition.

Mayor Painter asked for a creation of Calendar of Events for TML events.

B. Staff:

Mr. Wagster - Ribbon Cutting For Woodcrest Park, June 1, 2009, 6:00 p.m.

Mr. Wagster - Junior Fishing Day Event, June 6, 2009

Mr. Wayman -- Historical Committee meeting on May 28, 2009

Mr. Zech -- Denton, Navarro, Roche and Bernal, hosting the Hog Wild governmental seminar.

Mayor Painter asked that staff research and promote procedures for Flag Etiquette.

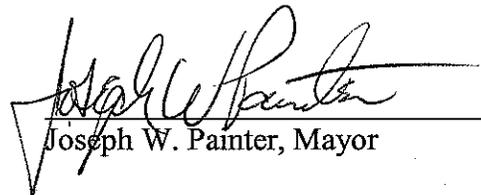
10. ITEMS FOR FUTURE AGENDA -- NO DISCUSSION OR ACTION

1. Councilwoman Kauts -- Request Direction From The City Engineer And Public Works Department Regarding The Acceptance Of The Streets In Bridlewood.
2. Councilwoman Jorrie -- Request An Update Of Our Ordinances Regarding Application Fees
3. Councilwoman Mancillas --Update And Possible Action Regarding Home Occupation Business Ordinance
4. Councilwoman Mancillas -- Number Of Occupants Allowed To Live In A Live Oak Residence
5. Councilman Serrano --Update, Discussion, And Possible Action Regarding A Dog Park In The Main City Park.
6. Councilman Serrano -- Discussion Regarding A Senior Committee In Live Oak -- 5/12/09

11. ADJOURNMENT

As there was no further business, Councilwoman Dennis made a motion to adjourn; seconded by Councilwoman Mancillas. The City Council meeting adjourned at 9:00 p.m.

APPROVED:



Joseph W. Painter, Mayor

ATTEST:



Deborah L. Goza, City Secretary