

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LIVE OAK
WILL BE HELD AT THE LIVE OAK COUNCIL CHAMBERS
8001 SHIN OAK DRIVE
TUESDAY, APRIL 30, 2024, 7:00 P.M.

The public may watch the meeting live at www.liveoaktx.net by clicking on the “Live Meetings” button.

1. CALL TO ORDER
2. INVOCATION/PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. CITIZENS TO BE HEARD

Per City of Live Oak Code of Ordinances

Section 2-21.5 (1) Live Oak Municipal Code: The rules of courtesy are adopted for persons in attendance at all meetings of Council include: “Those signed up to speak under Citizens To Be Heard shall be called upon in the order that they have registered. No personal attacks shall be allowed by any speaker.”

Section 2-21.1 – Preservation of order includes: “The mayor shall preserve order and decorum, prevent personal references to Council Members or impugning of other members’ motives.”

5. CONSENT AGENDA

A. Approval of Minutes

1. April 9, 2024

B. First Quarter 2024 Code Enforcement Report—Mr. Stakes

C. Discussion and possible action regarding surplus and disposal of fixed assets with an initial net worth of \$5,000 and over—Mr. Kowalik

6. SPECIAL CONSIDERATION

A. Proclamation for Building Safety Month—Mayor Dennis and Mr. Bealor

B. Proclamation for Stroke Awareness Month—Mayor Dennis

C. Proclamation for Public Service Recognition Week, May 6 through May 10, 2024—Mayor Dennis, Mrs. Malloy, and Mrs. Whitfield

D. Proclamation for National Poppy Day, May 24, 2024—Mayor Dennis

E. Proclamation for National Police Week, May 12 through May 18, 2024—Mayor Dennis and Chief Hopper

F. Proclamation for National Drinking Water Week, May 5 through May 11, 2024—Mayor Dennis and Mr. Wagster

G. Proclamation for National Water Safety Month, May 2024—Mayor Dennis and Mr. Wagster

H. Proclamation for National Public Works Week, May 19 through May 25, 2024—Mayor Dennis and Mr. Wagster

I. Proclamation for National Nurses Week, May 6 through May 12, 2024—Mayor Dennis and City Council

- J. Proclamation for Trauma Awareness Month May 2024—Mayor Dennis and City Council
- K. Proclamation for National Military Appreciation Month (NMAM) May 2024—Mayor Dennis
- L. Proclamation for Older Americans Month, May 2024—Mayor Dennis
- M. Proclamation for Childrens Chorus of San Antonio—Mayor Dennis and City Council

7. NEW BUSINESS

- A. Discussion and possible action on a Memorandum of Understanding with Alamo Community College to bring VIA Metropolitan Transit service to Northeast Lakeview College—Dr. Garcia, President of Northeast Lakeview College
- B. Discussion and possible action regarding a Resolution approving, for the purposes of Section 147(f) of the Internal Revenue Code, as amended, of a tax-exempt loan agreement for Goodwill Industries of San Antonio—Mr. Kowalik

8. CITY COUNCIL REPORT

- A. City Council Member’s report regarding discussion of City issues with citizens.

9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

A. City Council

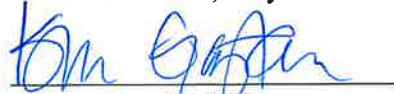
- 1. Ribbon Cuttings, upcoming City Events, Special meetings and workshops, conferences and special acknowledgements

B. Staff

- 1. Ribbon Cuttings, upcoming City Events, Special meetings and workshops, conferences and special acknowledgements

10. ADJOURNMENT

I certify that the above notice of meeting was posted on the bulletin board of the City Hall, 8001 Shin Oak Drive, City of Live Oak, Texas, on April 25, 2024, by 5:00 p.m.



Isa Gaytan, TRMC
City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Secretary’s Office, for concerns or requests, at (210) 653-9140, Ext. 2213

The City Council for the City of Live Oak reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by the Texas Open Meetings Act, Texas Governmental Code §§ 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberation about Security Devices), and 551.086 (Economic Development), and any other provision under Texas law that permits a governmental body to discuss a matter in a closed executive session.

REQUEST PHONES BE TURNED OFF, WITH THE EXCEPTION OF EMERGENCY ON-CALL PERSONNEL

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LIVE OAK
WILL BE HELD AT THE LIVE OAK COUNCIL CHAMBERS
8001 SHIN OAK DRIVE
TUESDAY, APRIL 9, 2024, AT 7:00 P.M.
FOLLOWING THE PARKS AND RECREATION COMMISSION MEETING

1. CALL TO ORDER
Mayor Dennis called the meeting to order at 7:00 p.m.

2. INVOCATION/PLEDGE OF ALLEGIANCE
Completed

3. ROLL CALL

Mayor Mary M. Dennis
Councilmember Mendell Morgan
Councilmember Bob Tullgren
Councilmember Dr. Erin Perez
Councilmember Ed Cimics
Councilmember/Mayor Pro-Tem Aaron Dahl

Staff

Anas Garfaoui, City Manager
Leroy Kowalik, Finance Director
Chief Gary Hopper, Police Department
Chief Linc Surber, Fire Department
Mark Wagster, Director of PW
Lloyd Newton, Attorney
Donna Lowder, Manager of EDC
Isa Gaytan, City Secretary

4. CITIZENS TO BE HEARD

No citizens to be heard.

5. CONSENT AGENDA

A. Approval of Minutes

1. March 26, 2024

B. City Council to approve a Resolution and authorize the City Manager to sign the Contract for Election Services for the May 4, 2024, General Election—Mr. Garfaoui

Councilmember Tullgren made a motion to approve Consent Agenda; seconded by Councilmember Morgan

Vote FOR: Councilmember Morgan, Tullgren, Perez, Cimics, and Dahl; Passed 5/0

6. SPECIAL CONSIDERATION

A. Presentation of the Employee of the Quarter, Sergeant Gregory Castro—Chief Hopper

Chief Hopper presented the Employee of the Quarter to Sergeant Gregory Castro. Sergeant Castro was accompanied by Assistant Chief Fratus, Lieutenant Barela, Sergeant Sanders, Sergeant DeHoyos, Officer Morales, Officer Trigg, Officer Alejandra Canales-Weigend, and Officer Zachary Zepeda.

B. Proclamation for Earth Day, April 22, 2024—Mayor Dennis

Councilmember Perez read the proclamation. Mayor Dennis invited Rebecca Kochan, Angela Green, and Elizabeth Ramirez to receive the proclamation and join for a picture.

C. Proclamation for Economic Development Week May 6-10, 2024—D. Lowder

Councilmember Dahl read the proclamation. Mayor Dennis presented the proclamation to EDC Manager Donna Lowder who invited EDC Directors present to take a picture with proclamation. Directors Green, Cimics, and Tullgren came forward to take a picture.

7. NEW BUSINESS

A. Discussion and possible action to accept and approve the Monthly Financial Report ending February 29, 2024—Mr. Kowalik

Mr. Kowalik presented the financial report to city council. Council had no questions or comments about report.

Councilmember Dahl made a motion to approve the Monthly Financial Report ending February 29, 2024; seconded by Councilmember Cimics.

Vote FOR: Councilmember Morgan, Tullgren, Perez, Cimics, and Dahl; Passed 5/0

8. CITY COUNCIL REPORT

A. City Council Member's report regarding discussion of City issues with citizens.

Councilmember Cimics reported that a citizen reached out to him regarding disposal of old fencing. Councilmember Cimics said citizen reached out and spoke with Mr. Garfaoui, City Manager, and everything was taken care of.

9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

A. City Council

I. Ribbon Cuttings, upcoming City Events, Special meetings and workshops, conferences and special acknowledgements

Councilmember Morgan announced the upcoming magic show Saturday, May 11, 2024, at St. Matthew's Episcopal Church. Magic show will support Live Oak Humane Society. Councilmember Morgan also mentioned Shred day will be on May 11, 2024.

Councilmember Perez thanked the City of Live Oak for helping Honor Flight host their event helping the veterans in our community on 4/27 at 9:00 a.m. in the Council Chambers.

Councilmember Cimics- commended the City on the groundbreaking event that happened last week saying it was a great event and a great presentation by Mayor Dennis. Councilmember Cimics also mentioned the Air Show was a success event mentioned Tri County did a great job and City of Live Oak was represented well. Also mentioned the announcement at the end of the Air Show saying that Thunder Birds would be back in 2026 because of the success of the event.

Also mentioned the Tri County luncheon at the Wayland University was sponsored by Olympia Hills Family Dental. Councilmember Cimics thanked them for their support involving in the community.

Councilmember Dahl announced the Parks Planning workshop next Wednesday also mentioned survey is available online.

Mayor Dennis announced with a heavy heart the celebration of life for Eric Sanchez Thursday April 11, 2024 at Portal Loring. Mr. Sanchez served in City Council and as president in the Economic Development Corporation. Mr. Sanchez was responsible for starting the business luncheon.

B. Staff

I. Ribbon Cuttings, upcoming City Events, Special meetings and workshops, conferences and special acknowledgements

City Manager, Mr. Garfaoui, thanked everyone for their positive remarks for the City's great job and commended all involved in making these great events happen.

Ms. Lowder mentioned businesses have stepped up at the luncheons events by hosting luncheons; IKEA and Hilton to name a couple and appreciates everything they all do. Also announced the Alterman wire cutting on April 18 at 9am

Mr. Kowalik announced that budget season has begun and will keep Council updated in the next few Council meetings.

Chief Surber announced four members are up in Wisconsin on day two of the inspection of the new trucks and the Fire Departments goal is to have trucks here on time for the parade in May.

Mr. Wagster announced the Parks Planning workshop is scheduled for April 17 at 6:00 p.m. in the Council Chambers, invited all citizens to come by and finally announced the survey is online.

Mayor Dennis announced she attended a town hall event regarding how to lower your property taxes. At the beginning of council meeting, Mayor Dennis recognized Suzanne Hildebrand being present.

10. ADJOURNMENT

As there was no further business, Councilmember Cimics made a motion to adjourn; seconded by Councilmember Dahl. The City Council meeting adjourned at 7:26 p.m.

APPROVED:

Mary M. Dennis, Mayor

ATTEST:

Isa Gaytan, City Secretary



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 30, 2024

Agenda item: 5B

Prepared by: Ben Stakes, Officer

Reviewed by: Anas Garfaoui, City Manager

Department: Code Enforcement

Agenda Item Description:

First Quarter 2024 Code Enforcement report.

Staff Briefing:

Attached is the first quarter 2024 Code Enforcement report for the period of January to March.

Action:

- Ordinance Resolution
- Proclamations Special Presentation
- Finance Report Public Hearing
- Other

Cost: N/A	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	1, & 2

Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

The item is under the consent agenda.



First Quarter Code Enforcement Report

Violation Category	January	February	March	Total - Violations
Accessory Structures	17	36	1	54
Accumulation of rubbish or garbage	0	0	0	0
Barbeque Grills	59	109	49	217
Sign Violations	3	0	0	3
Exterior Structure (General)	1	1	1	3
Low Hanging Limbs	36	24	7	67
Motor vehicles	4	5	2	11
Parking of Vehicles Boats and Trailers	5	3	17	25
Parking on Grass	1	1	1	3
Portable Basketball	6	6	1	13
Sidewalks and Driveways	6	6	3	15
Stop Work Order	6	22	106	134
Weeds, Grass and Limbs	139	209	212	560
Grand Total				



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 30, 2024

Agenda item:5C

Prepared by: L. Kowalik, Fin Director

Reviewed by: Anas Garfaoui, City Manager

Department: Finance

AGENDA ITEM DESCRIPTION:

Discussion and possible action regarding disposal of fixed assets with an initial net worth of \$5,000 and over.

Staff Briefing:

While there is no specific statutory requirement that governs the process for disposing of the City’s personal property, it is good policy to bring before Council, a list of fixed assets that staff is recommending for disposal to ensure proper disposition of the fixed or other assets and to ensure they are disposed of without violating the Constitution to prevent the gratuitous application of public funds. It is also good policy to bring before Council any surplus item, whether a fixed asset or not, if the intent is to sale or convey to another governmental entity or not-for-profit entity.

The list below contains the items that rises to the level of a City fixed asset:

Asset ID#	Description	Year Acquired	Fund	Location
69	Elgin Street Sweeper - 49H6WFAAXYHF84330	2000	GF	SW/Streets
46	Pierce Skyarm Ladder - 4P1CT02S52A0002057	2002	GF	Fire
255	Pierce Saber Pumper - 4P1CT02U6WA000471	1998	GF	Fire

These items will be disposed of in the appropriate manner. This is an on-going program and more items may be coming before council as staff identifies such items as disposable. Other items, in addition to the items listed above, may be considered obsoleted, damaged or surplus that do not rise to the level of a fixed asset or not recorded as a City fixed asset mat be requested for disposal.

CITY COUNCIL AGENDA ITEM FORM

ACTION:

- Ordinance Resolution
 Proclamations Special Presentation
 Finance Report Public Hearing
 Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	3, 4

Strategic Goals: 1 - Stable, 2 - Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

Under consent agenda.



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 30, 2024

Agenda item: 6A

Prepared by Isa Gaytan, City Secretary

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

AGENDA ITEM DESCRIPTION:

Proclamation for Building Safety Month, May 2024.

Staff Briefing:

Recognizing the month of May 2024 as Building Safety Month.

ACTION:

- Ordinance Resolution
 Proclamations Special Presentation
 Finance Report Public Hearing
 Other

Cost:	N/A
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	1, 2, 3

Strategic Goals: 1- Stability, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

None.



PROCLAMATION FOR **BUILDING SAFETY MONTH**

WHEREAS: Our Jurisdiction is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike, and;

WHEREAS: Our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

WHEREAS: These guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play, and;

WHEREAS: These modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes. Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us to safe, sustainable, and affordable buildings that are essential to our prosperity, and:

WHEREAS: “Mission Possible,” the theme for Building Safety Month 2024, encourages us all to raise awareness about building safety on a personal, local and global scale, and;

WHEREAS: Each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, I, Mary M. Dennis, Mayor of City of Live Oak, do hereby proclaim the month of May 2024 as Building Safety Month. Accordingly, I encourage our citizens to join us as we participate in Building Safety Month activities.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Live Oak to be affixed this 30th day of April 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 30, 2024

Agenda item: 6B

Prepared by Isa Gaytan, City Secretary

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

AGENDA ITEM DESCRIPTION:

Proclamation for Stroke Awareness Month, May 2024.

Staff Briefing:

Recognizing the month of May 2024 as Stroke Awareness Month.

ACTION:

- Ordinance Resolution
- Proclamations Special Presentation
- Finance Report Public Hearing
- Other

Cost:	N/A
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	1, 2, 3

Strategic Goals: 1- Stability, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

None.



PROCLAMATION FOR **STROKE AWARENESS MONTH**

WHEREAS: May is Stroke Awareness Month, a time dedicated to increasing awareness about stroke, its causes, and its impact on individuals and families. Stroke is a leading cause of death and disability worldwide, and it is important to understand its warning signs and risk factors, and;

WHEREAS: A stroke occurs when blood flow to the brain is disrupted, either due to a clot blocking a blood vessel (ischemic stroke) or due to bleeding in the brain (hemorrhagic stroke). When the brain is deprived of blood and oxygen, brain cells start to die within minutes. This can lead to permanent brain damage, disability, or even death, and;

WHEREAS: According to the American Stroke Association, someone in the United States has a stroke every 40 seconds, and someone dies from a stroke every four minutes. In addition, stroke is a leading cause of serious long-term disability, with more than 6.5 million stroke survivors currently living in the U.S., and;

WHEREAS: While stroke can affect anyone, certain risk factors increase the likelihood of having a stroke. These include high blood pressure, smoking, diabetes, high cholesterol, obesity, and a family history of stroke, and;

WHEREAS: Recognizing the warning signs of stroke is crucial for getting prompt medical attention and preventing long-term damage. The acronym “FAST” is an easy way to remember the signs of stroke: Face drooping, Arm weakness, Speech difficulty, Time to call 911, and;

WHEREAS: Stroke Awareness Month is an opportunity to spread the word about stroke prevention, recognition, and treatment. By raising awareness, we can help more people understand the risk factors, warning signs, and actions to take in the event of a stroke. This knowledge can ultimately save lives and improve outcomes for stroke survivors.

NOW, THEREFORE, I, Mary M. Dennis, Mayor of City of Live Oak, do hereby proclaim May 2024 as Stroke Awareness Month.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Live Oak to be affixed this 30th day of April 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date April 30, 2024

Agenda item: 6C

Prepared by: Jackie Malloy, Finance

Reviewed by: Leroy Kowalik, Director

Department: Finance

AGENDA ITEM DESCRIPTION:

Proclamation for Public Service Recognition Week, May 6 - 10, 2024.

STAFF BRIEFING:

Recognizing May 6 - 10, 2024 as Public Service Recognition Week.

ACTION:

- Ordinance Resolution
 Proclamation Special Presentation
 Finance Report Public Hearing
 Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	1 & 3

Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

None.



PROCLAMATION FOR
PUBLIC SERVICE RECOGNITION WEEK 2024

WHEREAS: Our residents are served every single day by public servants at the federal, state, county, and municipal levels; and

WHEREAS: Nearly 125 hard-working, talented people are employed by the City of Live Oak, with over 1,000 combined years of government service; and

WHEREAS: In often difficult circumstances, our civil servants work to protect and improve the quality of life for our residents, businesses, and visitors; and

WHEREAS: Public Service Recognition Week has been celebrated the first week of May since 1985 to honor the men and women who serve our nation as federal, state, county, and local government employees.

NOW THEREFORE, I, Mary M. Dennis, Mayor of the City of Live Oak, call upon our citizens and all patriotic, civic, and educational organizations to observe the week of May 6-10, 2024 as Public Service Recognition Week recognizing all public servants, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Live Oak to be affixed this 30th day of April 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date April 30, 2024

Agenda item: 6D

Prepared by: Isa Gaytan, City Secretary

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

AGENDA ITEM DESCRIPTION:

Proclamation for National Poppy Day, May 24, 2024.

STAFF BRIEFING:

Recognizing May 24, 2024 as National Poppy Day.

ACTION:

- Ordinance Resolution
 Proclamation Special Presentation
 Finance Report Public Hearing
 Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	1 & 3

Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

None.



PROCLAMATION FOR **NATIONAL POPPY DAY**

WHEREAS: The United States Congress designated National Poppy Day to be held each year on the Friday, preceding Memorial Day. This date is held to encourage all Americans to wear the Bright Red Poppy on Friday May 24, 2024, to honor our fallen & to give support to the living who have worn our nation's uniform, since WWI.

WHEREAS: Originally, the red poppy was worn as a symbol to honor those soldiers that died in WWI. America lost over 87,000 soldiers while assisting England and France from being taken over by the German Communistic Government and their allies. These fallen soldiers were buried in mass gravesites in Flanders' Fields in Belgium, France. The following spring a Canadian Lieutenant-Colonel John McCrae, visited these massive sites and discovered a huge field of beautiful Bright Red Poppy's flowing in the breeze. He sat down and wrote the Nationally known poem "In Flanders' Fields", which ends with the line "We shall not sleep, though poppies grow In Flanders' Fields".

WHEREAS: Today, we continue to use the Bright Red Poppy as a symbol to honor the memory of our fallen soldiers in ALL wars, since WWI. It also reminds Americans of the sacrifices that are being made by today's veterans while continuing to protect our freedoms.

WHEREAS: We, the American Legion Family (consisting of veterans and their families) distribute poppies with a request that the person receiving the flower make a donation to support the future of veterans, active-duty military personnel and their families.

NOW, THEREFORE, I, Mary M. Dennis, Mayor of City of Live Oak, proclaim May 24, 2024 as National Poppy Day in the City of Live Oak.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Live Oak to be affixed this 30th day of April 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 30, 2023

Agenda item: 6E

Prepared by: Gary Hopper, Chief of Police

Reviewed by: Anas Garfaoui, City Manager

Department: Police Department

AGENDA ITEM DESCRIPTION:

Proclamation for National Police Week, May 12th through May 18th, 2024

Staff Briefing:

In 1962, President John F. Kennedy designated May 15th as National Peace Officers Memorial Day, and the calendar week which May 15th falls as National Police Week.

According to the Officer Down Memorial Page, there were 137 line-of-duty deaths nationwide in 2023; Texas had the highest number of fatalities, losing 11 officers in 2023; Since the first recorded death in 1791, more than 26,500 law enforcement officers in the United States have made the ultimate sacrifice and were killed in the line of duty, including Officer Alfredo F. Araiza of the Live Oak Police Department who was killed on January 17, 1980.

ACTION:

- Ordinance Resolution
- Proclamations Special Presentation
- Finance Report Public Hearing
- Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	3

Strategic Goals: 1- Stability, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

None.



PROCLAMATION FOR
NATIONAL POLICE WEEK

WHEREAS: In 1962, President John F. Kennedy designated May 15th as National Peace Officers Memorial Day, and the calendar week in which May 15th falls as National Police Week; and

WHEREAS: Each year peace officers in the United States have worked devotedly, selflessly and with great personal sacrifice to safeguard lives and property; and

WHEREAS: According to the Officer Down Memorial Page, there were 137 line-of-duty deaths nationwide in 2023; Texas had the highest number of fatalities, losing 11 officers in 2023; Since the first recorded death in 1791, more than 23,000 law enforcement officers in the United States have made the ultimate sacrifice and were killed in the line of duty, including Officer Alfredo F. Araiza of the Live Oak Police Department who was killed on January 17, 1980; and

WHEREAS: May 15th is designated as Peace Officers Memorial Day, with federal law (P.L. 103-322) directing that all flags be flown at half-staff on that date in honor of fallen officers and their families.

NOW THEREFORE, I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 12-18, 2024 as National Police Week in the City of Live Oak, Texas.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Live Oak to be affixed this 30th day of April 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 30, 2024

Agenda item: 6F

Prepared by Mark Wagster, Director

Reviewed by: Anas Garfaoui, City Manager

Department: Public Works

AGENDA ITEM DESCRIPTION:

Proclamation for National Drinking Water Week, May 5 through May 11, 2024

Staff Briefing:

The City of Live Oak has ensured that facilities and systems throughout the city provide our citizens with a safe, dependable quality and quantity of water both now and in the future. We call upon all our citizens, businesses, and civic organizations to recognize the contributions from all utility employees.

ACTION:

- Ordinance Resolution
- Proclamations Special Presentation
- Finance Report Public Hearing
- Other

Cost:	N/A
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	1, 2, 3

Strategic Goals: 1- Stability, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

None.



PROCLAMATION FOR
NATIONAL DRINKING WATER WEEK

WHEREAS: Water is our most valuable natural resource; only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

WHEREAS: Any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and

WHEREAS: We are all stewards of the water infrastructure upon which future generations depend; and

WHEREAS: Each citizen of our city is called upon to help protect our source waters from pollution to practice water conservation, and to get involved in local water issues by getting to know their water.

NOW THEREFORE, I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 5-11, 2024, as National Drinking Water Week in the City of Live Oak, Texas.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Live Oak to be affixed this 30th day of April 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 30, 2024

Agenda item: 6G

Prepared by: Mark Wagster, Director

Reviewed by: Anas Garfaoui, City Manager

Department: Public Works

AGENDA ITEM DESCRIPTION:

Proclamation for National Water Safety Month, May 2024

Staff Briefing:

National Water Safety Month is acknowledged each year in the month of May. The attached proclamation officially designates the month of May as Water Safety Month in Live Oak.

ACTION:

- Ordinance Resolution
- Proclamation Special Presentation
- Finance Report Public Hearing
- Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	1,2,3

Strategic Goals: 1- Stability, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

None.



PROCLAMATION FOR
NATIONAL WATER SAFETY MONTH

WHEREAS: The citizens of Live Oak, Texas recognize the vital role that swimming and aquatic related activities relate to good physical and mental health and enhance the quality of life for all people; and

WHEREAS: The citizens of Live Oak, Texas understand the essential role that education regarding the topic of Water Safety plays in preventing drowning and recreational water related injuries; and

WHEREAS: The citizens of Live Oak, Texas are aware of the contributions made by the recreational water industry, in developing safe swimming facilities, aquatic programs, home pools and spas, and related activities providing healthy places to recreate, learn and grow, build self-esteem, confidence and sense of self-worth which contributes to the quality of life in our community; and

WHEREAS: The citizens of Live Oak, Texas understand the vital importance of communicating Water Safety rules and programs to families and individuals of all ages, whether owners of private pools, users of public swimming facilities, or visitors to waterparks.

NOW THEREFORE, I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 2024 as National Water Safety Month in the City of Live Oak, Texas.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Live Oak to be affixed this 30th day of April 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 30, 2024

Agenda item: 6H

Prepared by: Mark Wagster, Director

Reviewed by: Anas Garfaoui, City Manager

Department: Public Works

AGENDA ITEM DESCRIPTION:

Proclamation for National Public Works Week May 19 through May 25, 2024.

Staff Briefing:

Public works professionals advance the quality of life by providing an infrastructure of services in transportation, water, wastewater, and stormwater treatment, public buildings and spaces, parks and grounds, emergency management and first response, solid waste, and right-of-way management. They are what make our communities dynamic places to live and work. The "Advancing Quality of Life for All" theme shines a spotlight on the way public works professionals advance our quality of life, whether as a first responder to an electricity outage, regular waste pickup, or a myriad of other ways they silently serve their communities.

ACTION:

- Ordinance Resolution
- Proclamations Special Presentation
- Finance Report Public Hearing
- Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	1, 2 & 3

Strategic Goals: 1- Stability, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

None.



PROCLAMATION FOR **NATIONAL PUBLIC WORKS WEEK**

WHEREAS: Advancing Quality of Life For All is the theme for the 2024 National Public Works Week; Public Works services provided in our community are an integral part of our citizens' everyday lives; and

WHEREAS: Public Works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of City of Live Oak; and

WHEREAS: These infrastructures, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS: It is in the public interest for the citizens, civic leaders and children in the City of Live Oak to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities.

NOW THEREFORE, I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 19 - 25, 2024, as National Public Works week.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Live Oak to be affixed this 30th day of April 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date : April 30, 2024

Agenda item: 6I

Prepared by: Isa Gaytan, City Secretary

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

AGENDA ITEM DESCRIPTION:

Proclamation for National Nurses Week, May 6 through May 12, 2024.

Staff Briefing:

National Nurses Week begins each year from Monday to the Sunday of Florence Nightingale's birthday, May 12. These permanent dates enhance planning and position National Nurses Week as an established recognition event. As of 1998, May 8th was designated as National Student Nurses Day, to be celebrated annually. And as of 2003, National School Nurse Day is celebrated on the Wednesday within National Nurses Week each year.

ACTION:

- Ordinance Resolution
- Proclamations Special Presentation
- Finance Report Public Hearing
- Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	1, 2 & 3

Strategic Goals: 1- Stability, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

None.



PROCLAMATION FOR **NATIONAL NURSES WEEK**

WHEREAS: The National Nurses Week annual celebrations take place from Monday to the Sunday of the same week as Florence Nightingale’s birthday, May 12th and the profession has been supported and promoted by the American Nurses Association (ANA) since 1896; and

WHEREAS: There are nearly 5.2 million registered nurses in the United States comprise our nation’s largest health care profession, and the depth and breadth of the registered nursing profession meets the different and emerging health care needs of the American population in a wide range of settings; and

WHEREAS: The American Nurses Association, as the voice for the registered nurses of this country, is working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventive health care; and

WHEREAS: The National Nurses Week theme is – Nurses Make the Difference – This theme honors the incredible nurses who embody the spirit of compassion and care in every health care setting.

NOW THEREFORE, I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 6-12, 2024, as National Nurses week.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Live Oak to be affixed this 30th day of April 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 30, 2024

Agenda item:6J

Prepared by: Isa Gaytan, City Secretary

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

AGENDA ITEM DESCRIPTION:

Proclamation for Trauma Awareness Month May 2024.

Staff Briefing:

American Trauma Society (ATS) is dedicated to the elimination of needless death and disability from injury.

For the past 50 years, ATS has served as an advocate for the trauma care system, trauma prevention programs, and the victims of trauma and their families throughout the United States. Their goals are to prevent injury whenever possible, and to ensure optimal treatment of trauma when it does occur.

ACTION:

- Ordinance Resolution
 Proclamations Special Presentation
 Finance Report Public Hearing
 Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	3

Strategic Goals: 1- Stability, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

None.



PROCLAMATION FOR **NATIONAL TRAUMA AWARENESS MONTH**

WHEREAS: The American Trauma Society was instrumental in having May of each year designated as National Trauma Awareness Month (NTAM) by President Ronald Reagan and Congress in 1988; and

WHEREAS: National Trauma Awareness Month is an annual campaign dedicated to promoting injury prevention and safety practices, with the help of members from the Trauma Prevention Coalition (TPC), this year's theme is "Injury Prevention Is Everyone's Business." Given the documented increase in trauma-related injuries nationwide, the theme "Trauma Is Everyone's Business" is timely and fitting for our trauma centers to advocate. This month-long initiative aims to engage individuals, communities, and organizations in efforts to reduce the incidence of injuries and mitigate their impact; and

WHEREAS: Raising awareness and supporting prevention efforts is more important now than ever. This year's committee chose four areas to focus prevention efforts on, including how they have brought solutions to IVP community issues; and

WHEREAS: This year, the American Trauma Society and Trauma Prevention Coalition have partnered to provide a toolkit with resources for each of our focus areas, in addition, to multiple webinars throughout the month of May.

NOW THEREFORE, I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 2024 as National Trauma Awareness Month in the City of Live Oak, Texas.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Live Oak to be affixed this 30th day of April 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 30, 2024

Agenda item: 6K

Prepared by Isa Gaytan, City Secretary

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

AGENDA ITEM DESCRIPTION:

Proclamation for National Military Appreciation Month (NMAM).

Staff Briefing:

National Military Appreciation Month (NMAM) is celebrated every May and is a declaration that encourages U.S. citizens to observe the month in a symbol of unity. NMAM honors the current and former members of the U.S. Armed Forces, including those who have died in the pursuit of freedom.

ACTION:

- Ordinance Resolution
 Proclamations Special Presentation
 Finance Report Public Hearing
 Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	3

Strategic Goals: 1- Stability, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

None.



PROCLAMATION FOR **NATIONAL MILITARY APPRECIATION MONTH**

WHEREAS: In 1999 Senator John McCain introduced legislation to designate the month of May as National Military Appreciation Month. Both the Senate and House of Representatives adopted resolutions calling for Americans to recognize and honor U.S. Service Members during National Military Appreciation Month (NMAM); and

WHEREAS: National Military Appreciation Month (NMAM) is celebrated every May and is a declaration that encourages U.S. citizens to observe the month in a symbol of unity; and

WHEREAS: National Military Appreciation Month (NMAM) honors the current and former members of the U.S. Armed Forces, including those who have died in the pursuit of freedom; and

WHEREAS: It is a day set aside for the reaffirmation of loyalty to the United States, and to reflect on the proud heritage of our American freedom; and

WHEREAS: A time set aside to honor the men and women who serve our nation as federal, state, county and local government employees and ensure that our government is the best in the world.

NOW THEREFORE, I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 2024, as National Military Appreciation Month in the City of Live Oak, Texas.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Live Oak to be affixed this 30th day of April 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date : April 30, 2024

Agenda item: 6L

Prepared by: Isa Gaytan, City Secretary

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

AGENDA ITEM DESCRIPTION:

Proclamation for Older Americans Month May 2024.

Staff Briefing:

The City of Live Oak recognizes the need to create a community that provides the services and support older adults need to thrive and live independently and age their way.

ACTION:

- Ordinance Resolution
- Proclamations Special Presentation
- Finance Report Public Hearing
- Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	3

Strategic Goals: 1- Stability, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

None.



PROCLAMATION FOR
OLDER AMERICANS MONTH

WHEREAS: The City of Live Oak includes a growing number of older adults who contribute their strength, wisdom, and experience to our community; and

WHEREAS: The City of Live Oak benefits when people of all ages, abilities, and backgrounds are welcomed, included, and supported; and

WHEREAS: The City of Live Oak recognizes the need to create a community that provides the services and support older adults need to thrive and live independently and age their way; and

WHEREAS: The City of Live Oak can work to build an even better community for our older adults by planning programs that encourage independence, ensuring activities are responsive to individual needs and preferences and increasing access to services that support aging in place

NOW THEREFORE, I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 2024, as Older Americans Month.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Live Oak to be affixed this 30th day of April 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 30, 2024

Agenda item: 6M

Prepared by: Isa Gaytan, City Secretary

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

AGENDA ITEM DESCRIPTION:

Proclamation for Children’s Chorus of San Antonio 40th Anniversary Celebration.

Staff Briefing:

The City of Live Oak recognizes the Children’s Chorus of San Antonio 40th Anniversary Celebration.

ACTION:

- Ordinance Resolution
- Proclamations Special Presentation
- Finance Report Public Hearing
- Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	3

Strategic Goals: 1- Stability, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

None.



PROCLAMATION FOR
CHILDREN'S CHORUS OF SAN ANTONIO 40TH
ANNIVERSARY CELEBRATION

WHEREAS: The Children's Chorus of San Antonio (CCSA) was founded in 1983 by Artistic Director, Mrs. Marguerite McCormick. CCSA began as the UTSA Children's Chorus with only 33 singers in the program. In 1993, CCSA officially became the Children's Chorus of San Antonio, an independent musical non-profit organization dedicated to providing San Antonio youth with a musical education; and

WHEREAS: The Children's Chorus of San Antonio is comprised of singers ages 5-18 from youth across San Antonio and the surrounding cities and counties. CCSA is dedicated to enriching and expanding the experiences of young people through choral singing and musical performance. CCSA's commitment to artistic excellence, social inclusion and individual responsibility empowers young singers to embrace and explore a broader, more positive view of self and the world; and

WHEREAS: The Children's Chorus of San Antonio is a community-based musical non-profit organization. Through specially crafted programming, CCSA continues to cultivate the arts and culture in and around San Antonio and beyond, while transforming the lives of young people through the power of music and friendship. CCSA continues to shape the future – one voice at a time. Together in partnerships highlight excellence, integrity, and community; and

WHEREAS: Demonstrating remarkable talent, dedication and unwavering enthusiasm, the Children's Chorus has enriched the lives of countless Texans. CCSA has shared the gift of music around the world, proudly embracing the grand heritage of the Lone Star State. CCSA is the Texas of the future.

NOW, THEREFORE, I, Mary M. Dennis, Mayor of City of Live Oak, on behalf of Live Oak and fellow Texans, we proudly extend congratulations to the Children's Chorus of San Antonio on your 40th anniversary May 2024. Live Oak congratulates all the faculty, staff, singers and alumni for your extraordinary gifts, talents, and achievements.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Live Oak to be affixed this 30th day of April 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 30, 2024

Agenda item: 7A

Prepared by: Anas Garfaoui, CM

Reviewed by: Isa Gaytan, City Secretary

Department: Administration

Agenda Item Description:

Discussion and possible action on a Memorandum of Understanding with the Alamo Community College District to bring VIA Metropolitan Transit service to Northeast Lakeview College.

Staff Briefing:

City staff were approached by the Alamo Community College District on bringing VIA services to their Northeast Lakeview campus. In order to accomplish this, the College is requesting that City Council consider de-annexing two portions of property from our city limits, which are within campus parking lots, so that VIA can have pick up and drop off points in the unincorporated area of Bexar County. Prior to commencing the survey work that will be needed to prepare the legal descriptions, the College District staff prepared a Memorandum of Understanding (MOU) outlining their goals and objectives. The MOU was reviewed by City staff and Legal. The College District staff will be in attendance to provide a briefing and to answer any questions related to this request.

Action:

- Ordinance Resolution
- Proclamations Special Presentation
- Finance Report Public Hearing
- Other

Cost: N/A	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	3

Strategic Goals: 1- Stable, 2- Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

Staff is recommending that you review the Memorandum of Understanding (MOU) along with the submitted exhibits and provide feedback. If you wish to proceed with this MOU, here is a sample motion for your use:

“Motion to approve and allow the City Manager to sign the Memorandum of Understanding between the City of Live Oak and the Alamo College District for the purpose of bringing VIA Metropolitan Transit service to Northeast Lakeview College.”

MEMORANDUM OF UNDERSTANDING BETWEEN
ALAMO COMMUNITY COLLEGE DISTRICT
AND
CITY OF LIVE OAK

This Memorandum of Understanding (“Agreement”) is entered into by and between Alamo Community College District, a public junior college district and a political subdivision of the State of Texas, on behalf of all five colleges of the Alamo Colleges District including Northeast Lakeview College (hereinafter referred to as “Alamo Colleges District”) and City of Live Oak, a home rule municipality, (hereinafter referred to as “Co-Party”), collectively sometimes referred to herein as “the Parties.”

WHEREAS, Alamo Colleges District is a public junior college district comprised of district services offices and five colleges, San Antonio College, St. Philip’s College, Palo Alto College, Northwest Vista College, and Northeast Lakeview College; and

WHEREAS, the Parties wish to establish the contractual relationship described at Exhibit A hereto (“Project”)

NOW THEREFORE, in consideration of the mutual agreements set forth herein, Alamo Colleges District and Co-Party agree to the following Terms and Conditions:

TERMS AND CONDITIONS

1. **ALAMO COLLEGES DISTRICT’S OBLIGATIONS.** Alamo Colleges District agrees to perform its responsibilities described in Exhibit A.
2. **CO-PARTY’S OBLIGATIONS.** Co-Party agrees to perform its responsibilities described in Exhibit A.
3. **THE PARTIES’ JOINT OBLIGATIONS.** Both Parties agree that:
 - 3.1 They shall comply with all applicable provisions of all federal and state laws and regulations, including any applicable Executive Orders, applicable to the operation of Alamo Colleges District and the Project, including, without limitation, employment-related statutes and education-related statutes such as the Family Education Rights and Privacy Act (20 USC §1232g) and implementing regulations (34 CFR Part 99) (“FERPA”). Any exchange by the parties of student record information protected by FERPA shall commit the receiving party to limit the use of such information to the purposes for which the disclosure was made, and to impose such limits on any re- disclosure, and the parties agree to comply with all applicable statutory and regulatory provisions, including, without limitation 34 CFR 99.31, 99.32, 99.33, 99.34 and 99.35. The Parties agree to have in place and abide by a policy prohibiting discrimination, harassment, and retaliation on the basis of any legally protected criteria, including, without limitation, race, color, gender/sex, sexual preference, religion, age, disability, genetic information, national origin, veteran status, income level, limited English proficiency or political affiliation. The Parties agree not to deny or discriminate on the basis of any legally protected criteria in the provision of any service or benefit, including, without limitation, access to any educational program or use of any facility. The parties agree to abide by all of one

another's applicable policies, including, without limitation, those relating to financial ethics and accountability.

- 3.2 If any aspect of the Project is funded by one or more grants ("Grant"), the parties shall retain appropriate records for a period of at least five (5) years after the conclusion of the Term of this Agreement, and any obligations of the non-Grant-recipient Party pertaining to the Grant are set forth in Exhibit A to this Agreement.

4. **TERM AND TERMINATION.**

- 4.1 This Agreement shall commence on the Effective Date and continue for the term respectively stated in Exhibit A. Either Party may terminate this Agreement, with or without cause, by providing the other a minimum of sixty (60) days prior written notice of its intent to terminate. Termination shall be effective on the later of the date so noticed or the next semester end.

5. **MISCELLANEOUS.**

- 5.1 **Notices.** All notices given pursuant to this Agreement shall be in writing, with delivery receipted, effective on receipt. Notice mailed through the US Postal Service shall be by first class mail, postage prepaid, registered or certified with return receipt requested. Notice may also be delivered in person to the intended addressee with receipt, or sent by receipted email or receipted overnight delivery service. Email notice shall always be a permitted option, and shall be mandatory during the pendency of any epidemic or pandemic affecting the city or county of the notice address of either party, or during any period during which either party has implemented limited office staffing or a temporary work-from-home program by reason of an emergency declared by authorities with jurisdiction over that area. All email notices given pursuant to this Agreement shall be effective upon receipt, rebuttably presumed received with evidence of sending, and irrebuttably presumed received with evidence of email confirmation of receipt. The notice addresses of the Parties are stated in Exhibit A and maybe changed by giving 5 business days of notice.
- 5.2 **Governing Law.** This Agreement shall be governed by and construed in accordance with the substantive federal laws of the United States and the internal laws and Constitution of the State of Texas.
- 5.3 **Successors and Assigns.** This Agreement shall be binding on and shall inure to the benefit of the Parties, and their respective heirs, legal representatives, successors and assigns. This Agreement may not in total or part be assigned or transferred directly or indirectly to another subsidiary/agency without sixty (60) days prior written notice, delivered to the other Party at its notice address herein set forth, and the consent of the non-assigning party, which shall not be unreasonably withheld.
- 5.4 **Entire Agreement.** This Agreement, and any exhibits or addenda attached, contain the entire agreement among the Parties relating to the subject matter hereof, and all prior agreements relative hereto which are not contained herein are terminated. Any and each Exhibit to this Agreement is incorporated herein for all purposes.
- 5.5 **Amendments.** Amendments or modifications may be made to this Agreement only in writing and duly executed by the Parties.

- 5.6 **Force Majeure.** Any party shall be temporarily excused from performance otherwise due hereunder only to the extent that, and for so long as, such performance is rendered impossible by reason of factors beyond that party's control and not occasioned by the negligence of the party or its affiliates, including, but not limited to, acts of God. Any party experiencing or anticipating a force majeure event shall promptly notify the other party in writing thereof.
- 5.7 **Severability.** It is intended this Agreement to be performed in accordance with, and only to the extent permitted by, all applicable laws, ordinances, rules and regulations. If any provision of this Agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be invalid or unenforceable, but the extent of such invalidity or unenforceability does not destroy the basis of the bargain among the Parties as expressed herein, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby, but rather shall be enforced to the greatest extent permitted by law.
- 5.8 **Gender and Number.** Whenever required by the context, as used in this Agreement, the singular number shall include the plural and the neuter shall include the masculine or feminine gender, and vice versa.
- 5.9 **Captions.** The Section and Subsection headings appearing in this Agreement are for convenience of reference only and are not intended, to any extent or for any purpose, to limit or define the text of any Section or Subsection.
- 5.10 **Counterparts.** This Agreement may be executed in counterparts, each one of which shall be an original, and different parties may sign different counterparts, all of which shall constitute but one document.
- 5.11 **Drafters.** Each Party to this Agreement has been afforded the opportunity to negotiate the terms of this Agreement, and to consult legal counsel regarding same; therefore, the Parties waive and disclaim the application of any principle of contract interpretation that would construe any ambiguity herein against either Party as drafter hereof.
- 5.12 **Annual Review.** This Agreement shall be evaluated and reviewed annually by the Parties for the purpose of making any agreed revisions that may be deemed advisable or necessary.
- 5.13 **No Third Party Beneficiaries.** Unless otherwise expressly specified elsewhere herein, nothing in this Agreement shall be construed as creating or giving rise to any rights in any third parties, including, but not limited to any faculty or students of Alamo Colleges District, or any persons other than the Parties.
- 5.14 **Independent Contractors.** The Parties understand and agree that each performs tasks, the details of which the other does not have legal right to control and no such control is assumed by this Agreement. This Agreement does not create an employment relationship, partnership, or joint venture between the parties or their employees. Neither party nor its employees shall be deemed employees of the other for any purpose whatsoever, nor shall they be eligible to participate in any benefit program provided by the other. The Parties further agree that nothing in this Agreement shall be construed to create a borrowed servant, joint employment or leased employee status.

EXHIBIT A TO MEMORANDUM OF UNDERSTANDING

Between

ALAMO COMMUNITY COLLEGE DISTRICT

and

CITY OF LIVE OAK

1. ALAMO COLLEGES DISTRICT and the City of Live Oak (“City”) agree to work together to enable the Alamo Colleges District to bring VIA Metropolitan Transit (VIA) service to Northeast Lakeview College (NLC). NLC is situated within the City and the City is outside of the service area for VIA. Therefore, this collaboration will require the disannexation by the City of Live Oak of a small portion of NLC land that is situated in the City. This portion of land is outlined in the map attached to this Exhibit A. This disannexed land will move into unincorporated Bexar County, allowing VIA to provide service to the students attending and employees working at NLC. This service will be provided by VIA for the long-term, with routes and service to be agreed to by VIA and the Alamo Colleges District. Further, this collaboration includes:

A. Alamo Colleges Deliverables:

- a) Work with VIA to finalize the legal description for the required land to provide service to NLC;
- b) Provide survey and the legal description for the required land to the City of Live Oak to assist in preparing the legal documents needed for disannexation;
- c) Brief City Staff, Legal Counsel, Mayor and City Council on the progress of VIA service at NLC;
- d) Brief the Bexar County Judge and Commissioners Court on progress of VIA service at NLC;
- e) Assist with a briefing of the VIA Board of Trustees once the City approves proceeding with plans to disannex the required portion of land to provide VIA service to NLC;
- f) Ensure all laws and regulations are followed regarding safety at NLC;
- g) Follow as closely as possible the timeline of briefings and approvals needed to begin VIA service at NLC beginning in August 2024; and
- h) Keep the City informed on usage of VIA service at NLC.

B. Co-Party/City of Live Oak Deliverables:

- a) City Council to discuss and consider approving the disannexation of the required land needed to provide VIA service at NLC subject to the presentation of the legal description of the land visually outlined in the attached map to this Exhibit A; and
- b) Support the Alamo Colleges District as it works with VIA to provide service to NLC beginning in August 2024. This support does not require nor obligate the City of Live Oak to provide financial support as part of this deliverable.

2. EFFECTIVE DATE / TERM: beginning April 30, 2024_

3. NOTICES:

Notices to Alamo Colleges District:
Alamo Colleges District – Northeast Lakeview College
Attention – Veronica Garcia, President of NLC
1201 Kitty Hawk Road
Live Oak, Texas 78148

Tel: 210-486-5230
Email: vgarcia@alamo.edu

Notices to Co-Party:

City of Live Oak
City Manager
8001 Shin Oak Drive
Live Oak, Texas 78233



VIA Service Plan

April 30, 2024



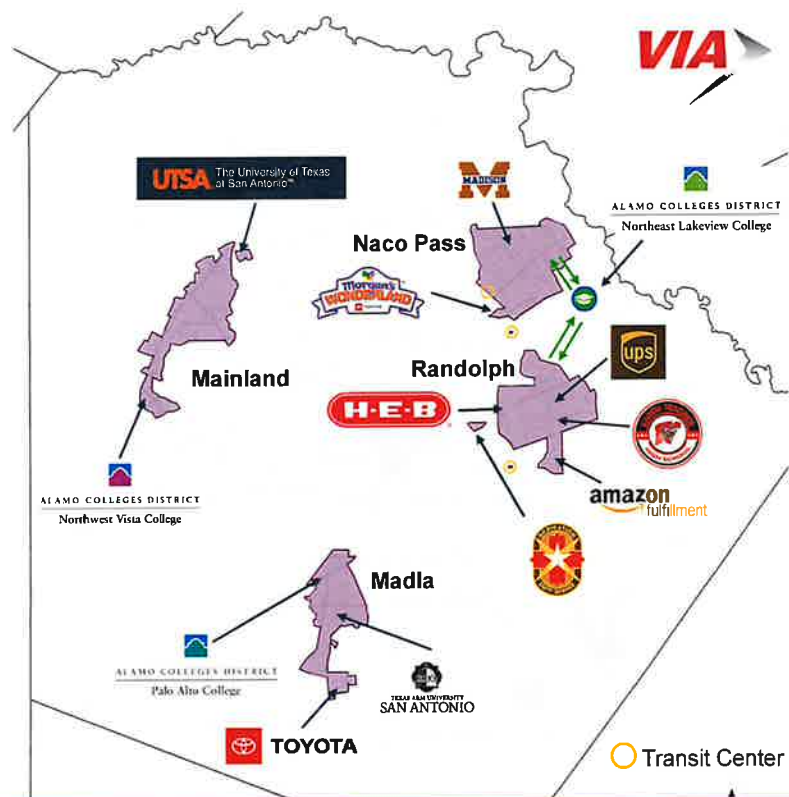
VIA Service Plan

Provide transit serve through **VIA Link** an on-demand program

- Travel anywhere within Naco Pass or Randolph zones
- Year-Round, Weekday Service
- Hours of Operation: 5:00 a.m. – 10:00 p.m.

Timeline

- Brief VIA Board: May 21, 2024
- Seek action from VIA Board: June 25, 2024
- Begin service: August 19, 2024





ALAMO COLLEGES DISTRICT
Northeast Lakeview College



ALAMO
COLLEGES
DISTRICT



Location 1 (Paluxy)





Location 2
(Kruse Circle)



Discussion



ALAMO COLLEGES DISTRICT
Northeast Lakeview College



ALAMO
COLLEGES
DISTRICT





CITY COUNCIL AGENDA ITEM FORM

Meeting Date: April 30, 2024

Agenda item: 7B

Prepared by: Leroy Kowalik, Fin. Dir.

Reviewed by: Anas Garfaoui, City Manager

Department: Finance Department

AGENDA ITEM DESCRIPTION:

Discussion and possible action regarding a Resolution approving, for the purposes of Section 147(f) of the Internal Revenue Code, as amended, of a tax-exempt loan agreement for Goodwill Industries of San Antonio.

Staff Briefing:

Goodwill Industries (the “Borrower”) was formed in 1902 in Boston, Massachusetts by Methodist Minister Rev. Edgar J. Helms to assist individuals in finding employment. The Borrower’s philosophy to provide “a hand up, not a handout” was thus born, and its successful beginnings allowed individuals to earn paychecks. The Borrower was founded in 1945 on the South Side of San Antonio, with a passion to help those less fortunate and an initial investment of only \$5,000. From this humble start, the Borrower has continued its mission to help change lives through the power of work. The Borrower assists tens of thousands of people within the 24-county territory it serves.

The Borrower has requested a conduit issuer enter into a loan agreement not to exceed \$10,000,000 in principal amount, the proceeds of which will be loaned to the Borrower (the “Issuer Loan”) to be used by the Borrower to acquire, construct, equip, and refinance retail/warehouse facilities and pay costs of issuance.

Section 147(f) of the Internal Revenue Code, as amended (the “Code”) requires that the issuance of any qualified 501(c)(3) obligations (such as the Issuer Loan) be approved by the applicable elected representative of the governmental unit in which the project is located after a public hearing following reasonable public notice. Because the project sits within the City of Live Oak boundaries, approval of the City Council is required to move forward with this financing.

Lauren Ferrero and Clayton Binford from McCall, Parkhurst & Horton, LLP., will be in attendance to present this item to City Council.

CITY COUNCIL AGENDA ITEM FORM

ACTION:

- Ordinance Resolution
 Proclamations Special Presentation
 Finance Report Public Hearing
 Other

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	3

Strategic Goals: 1 - Stable, 2 - Secure, 3 - Supportive and 4 - Beautiful

Staff Recommended Motion:

Motion to approve Resolution.

RESOLUTION NO. _____

REGARDING APPROVAL, FOR PURPOSES OF SECTION 147(f) OF THE INTERNAL REVENUE CODE, AS AMENDED, OF A TAX-EXEMPT LOAN AGREEMENT BY AND AMONG THE CITY OF BALCONES HEIGHTS, TEXAS CULTURAL EDUCATION FACILITIES FINANCE CORPORATION, GOODWILL INDUSTRIES OF SAN ANTONIO, TEXAS, GOODWILL INDUSTRIES OF SAN ANTONIO CONTRACT SERVICES, AND HANCOCK WHITNEY BANK

* * *

WHEREAS, the City of Balcones Heights, Texas (*Balcones Heights*), pursuant to the provisions of the Cultural Education Facilities Finance Corporation Act, codified under Chapter 337, Texas Local Government Code, as amended, and to the extent required, Chapter 221, Texas Health and Safety Code, as amended (collectively, the *Acts*), approved and created the CITY OF BALCONES HEIGHTS, TEXAS CULTURAL EDUCATION FACILITIES FINANCE CORPORATION (the *Issuer*) as a public, nonprofit corporation to exercise the powers enumerated under the Acts for and on behalf of Balcones Heights; and

WHEREAS, the Issuer, on behalf of Balcones Heights, is empowered pursuant to the provisions of the Acts to issue bonds, notes, or other obligations for acquiring, constructing, providing, improving, financing, and refinancing cultural and educational facilities (including Goodwill Industries of San Antonio, Texas and Goodwill Industries of San Antonio Contract Services (collectively, and jointly and severally, the *Borrower*), which are Texas non-profit corporations) and providing facilities incidental, subordinate, or related thereto or appropriate in connection therewith; and

WHEREAS, the Borrower has determined that it is necessary and appropriate to acquire, construct and equip the retail/warehouse facilities located at 7693 N. Loop 1604 E., Live Oak, Texas 78233 and 11722 Quincy Lee Drive, San Antonio, Texas 78250 (the *Projects*); and

WHEREAS, the Borrower has applied to the Issuer for a loan of up to \$10,000,000 to refinance debt used for the Projects and pay costs of issuance; and

WHEREAS, the Borrower has asked HANCOCK WHITNEY BANK, a Mississippi state chartered bank (the *Lender*), to make a loan of up to \$10,000,000 to the Issuer for the purpose of providing funds to enable the Issuer to make a loan to the Borrower for the above purposes; and

WHEREAS, the Lender is willing to make such loan to the Issuer for the benefit of the Borrower on the terms and conditions as set forth in a Loan Agreement, dated as of May 1, 2024 (the *Loan Agreement*), by and among the Issuer, the Borrower, and the Lender; and

WHEREAS, on March 25, 2024, the Issuer published notice of a public hearing in a newspaper of general circulation in the City of Live Oak, Texas (the *City*) relating to refinancing the Projects as required by Section 147(f) of the Internal Revenue Code (the *Code*), and such public hearing was held on March 25, 2024 by the representative of the Issuer ratified and approved by this Resolution; and

WHEREAS, in order to satisfy the requirements of section 147(f) of the Code, it is necessary for the City Council of the City, as a jurisdiction in which part of the Projects are currently located, to approve the Issuer Loan, together with any other necessary elected official or governing body pursuant to the Code; and

WHEREAS, on March 25, 2024, the Board of Directors of the Issuer adopted a resolution approving and authorizing the Loan Agreement and all other documents related to providing the loan being requested by the Borrower; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was adopted was open to the public and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code, as amended; and

WHEREAS, the Governing Body hereby finds and determines that the adoption of this Resolution is in the best interests of the residents of the City; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS THAT:

SECTION 1. DEFINITIONS; PURPOSE. Terms not otherwise defined herein shall have the meanings assigned to them in the Loan Agreement. This Resolution is adopted for the purpose of satisfying the conditions and requirements of the Acts, the bylaws of the Issuer, as applicable, and sections 103 and 147(f) of the Code and the regulations promulgated thereunder.

SECTION 2. SECTION 147(f) APPROVAL. The City hereby approves, solely for the purposes of satisfying Section 147(f) of the Code, the Issuer Loan in the principal amount of up to \$10,000,000, the Loan Agreement and the refinancing of the Projects, all as described in the public notice. The City shall have no liability in connection with the refinancing of the Projects and shall not be required to take any further action with respect thereto. The Issuer Loan shall never constitute an indebtedness or pledge of the City, or the State of Texas, within the meaning of any constitutional or statutory provision, and the holder(s) of the Issuer Loan shall never be paid in whole or in part out of any funds raised or to be raised by taxation or any part out of any funds raised or to be raised by taxation or any other revenues of the Issuer, the City, or the State of Texas.

SECTION 3. AUTHORIZED ACTIONS. The Mayor and the City Secretary and the other officers of the City are hereby authorized, jointly and severally and after satisfaction of all conditions precedent to such execution as provided in Section 147(f) of the Code, to execute an Approval Certificate as well as to execute and deliver such additional endorsements, instruments, certificates, documents, or paper necessary and advisable to carry out the intent and purposes of this Resolution.

SECTION 4. INCORPORATION OF RECITALS. The City hereby finds that the statements set forth in the recitals of this Resolution are true and correct, and the City hereby incorporates such recitals as a part of this Resolution.

SECTION 5. SEVERABILITY. If any provision of this Resolution or the application thereof to any circumstance shall be held to be invalid, the remainder of this Resolution and the application thereof to other circumstances shall nevertheless be valid, and this Governing Body hereby declares that this Resolution would have been enacted without such invalid provision.

SECTION 6. EFFECTIVE DATE. This Resolution shall become effective immediately.

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PASSED AND ADOPTED by an affirmative vote of ____ members of the City Council of the City of Live Oak, Texas, this the 30th day of April, 2024

MAYOR
Mary M. Dennis

ATTEST:

Isa Gaytan, City Secretary

APPROVED AS TO FORM:

City Attorney

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