

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, OCTOBER 29, 2024, AT 7:00 P.M.

The public may watch the meeting live at www.liveoaktx.net by clicking "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. September 24, 2024

B. City Council to approve the Q3 Code Enforcement Report—Mr. Ruthven

C. Discussion and possible action regarding a Second reading of a Resolution authorizing expenditures of \$300,000 from the Economic Development fund to purchase water rights for future business development—Mrs. Lowder

D. Discussion and possible action regarding a Second reading of a Resolution authorizing expenditures of \$150,000 from the Economic Development fund for the Business Improvement grant for the promotion of new or expanded business and Economic Development—Mrs. Lowder

E. Discussion and possible action regarding a Second reading of a Resolution authorizing expenditures of \$100,000 from the Economic Development fund for the Visual Improvement program for the promotion of new or expanded business and Economic Development—Mrs. Lowder

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

6. SPECIAL PRESENTATION

A. Proclamation for Chief Gary Hopper on his retirement—Mayor Dennis

B. Employee of the Quarter- Fire Department, July through September 2024 – Chief Surber

- C. Proclamation for Chamber of Commerce Week presented to Tri-County Chamber – Mayor Dennis
- D. Presentation of Scenic City Award—Mr. Ruthven
- E. Presentation of Texas APA award—Mr. Ruthven
- F. Proclamation for Arbor Day – Live Oak Village Garden Club – Mr. Wagster
- G. Proclamation for National Municipal Court Week—Ms. Gonzales
- H. Proclamation for Veterans Day– Mayor Dennis

7. NEW BUSINESS

- A. Presentation, discussion and action regarding the Linebarger, Goggan Blair & Sampson, LLP Delinquent Tax Collections Activities– Edra Bush and Kara Canales, Linebarger, Goggan Blair & Sampson, LLP
- B. Discussion and possible action regarding a Resolution, accepting and approving the Investment Policy and Strategies and the authorized list of brokers/dealers as revised for October 2024– L. Kowalik
- C. Discussion and possible action regarding a Resolution to enter into a proposal with Roadrunner Towing Services for wrecker services and impound storage—Chief Hopper
- D. Discussion and possible action regarding a Resolution to authorize the City Manager to file a grant application for the FY25 SB 224 Catalytic Converter Grant Program with the Motor Vehicle Crime Prevention Authority Auxiliary Grant Program and authorizing the City Manager or his designee to act on behalf of the City on all matters thereto and related to the application—Chief Hopper
- E. Discussion and possible action regarding an Ordinance approving a comprehensive land plan amendment, amending the future land use plan in the most recently adopted 2024 Live Oak Comprehensive Plan, specifically for Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit) located at 6703, 6707 and 6715 Queen’s Crown Street respectively; changing the future land use designation from “Low Density Residential” to “Medium Density Residential”—Mr. Ruthven
- F. Discussion and possible action regarding an ordinance approving a comprehensive land plan amendment, amending the future land use plan in the most recently adopted 2040 Live Oak Comprehensive Plan, specifically for Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit) located at 6703, 6707 and 6715 Queen’s Crown Street respectively; changing the future land use designation from “Low Density Residential” to “Medium Density Residential”—Mr. Ruthven
- G. Discussion and possible action regarding an Ordinance for proposed revisions and updates to the City of Live Oak Code of Ordinances Chapter 21– Subdivision Regulations, as same may have heretofore been amended, modified or supplemented; amending the approval authority for plats from primarily legislative approval to primarily administrative approval in accordance with Chapter 212 of the Texas Local Government Code; providing a penalty clause; providing an effective date; providing a savings clause; repealing all prior Ordinances conflicting or inconsistent herewith; and further providing for severability—Mr. Ruthven
- H. Discussion and possible action regarding an Ordinance for proposed revisions and updates to the City of Live Oak Code of Ordinances, Chapter 24 Zoning Regulations, Article VIII

– Signs, as same may have heretofore been amended, modified or supplemented; adopting new regulations and requirements; providing a penalty clause; providing an effective date; providing a savings clause; repealing all prior Ordinances conflicting or inconsistent herewith; and further providing for severability—Mr. Ruthven

8. CITY COUNCIL REPORT

A. City Council Members report regarding discussion of City issues with citizens.

9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

A. City Council

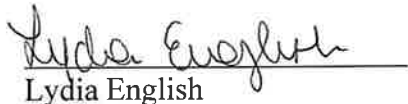
1. Ribbon Cuttings, upcoming City Events, Special meetings and workshops, conferences and special acknowledgements

B. Staff

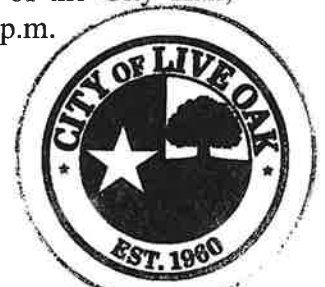
1. Ribbon Cuttings, upcoming City Events, Special meetings and workshops, conferences and special acknowledgements

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 October 24, 2024, by 5:00 p.m.


Lydia English

Executive Assistant to the City Manager



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

It is possible that a quorum of the Live Oak Economic Development Corporation, Parks and Recreation Commission, Planning and Zoning Commission and Board of Adjustment Commission could attend this meeting. The individual members will not engage in any discussion or deliberation on any matters presented by the agenda.

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, SEPTEMBER 24, 2024, AT 7:00 P.M.

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/Mayor Pro-Tem Bob Tullgren
Councilmember Dr. Erin Perez
Councilmember Ed Cimics
Councilmember Aaron Dahl

Staff

Anas Garfaoui, City Manager
Ron Ruthven, Assistant City Manager
Chief Gary Hopper, Police Department
Chief Linc Surber, Fire Department
Mark Wagster, Director of PW
Clarissa Rodriguez, City Attorney
Donna Lowder, Manager of EDC
Jackie Malloy, Accounting & HR Manager
Isa Gaytan, City Secretary

4. CITIZENS TO BE HEARD

No citizens to be heard.

5. CONSENT AGENDA

A. Approval of Minutes

1. September 10, 2024

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

Councilmember Dahl made a motion to approve Consent Agenda; seconded by Councilmember Perez.

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

6. SPECIAL CONSIDERATION

- A. Proclamation for National Community Planning Month—Mr. Ruthven

Councilmember read National Community Planning Month. Rebecca Kushman and Angela Green, from the Planning & Zoning Commission were present and received the proclamation.

- B. Proclamation for World's Teacher's Day, 2024—Mayor Dennis

Mayor Dennis read the World's Teacher's Day proclamation. Dr. Kelly Lofton, Principal at Ed Franz Academy and Cecilia Davis were presented with proclamation.

- C. Presentation for Proclamation for National Breast Cancer Awareness Month—Mayor Dennis

Mayor Dennis read the National Breast Cancer Awareness month proclamation. LOCAP president Marie Atkinson was present to receive the proclamation.

- D. Proclamation for National Night Out and National Crime Prevention Month, October 2024 – Chief Hopper

Councilmember Perez read the National Night Out and National Crime Prevention month proclamation. Assistant Chief Fratus, Sergeant Feldtmose and McGruff were presented with proclamation.

- E. Proclamation for National Domestic Violence Awareness Month, October 2024 – Mr. Scales

Councilmember Morgan read the National Domestic Violence Awareness month proclamation. Assistant Chief Fratus and Sergeant Atkinson were present to receive proclamation.

- F. Proclamation for Fire Prevention Week, 2024 – Chief Surber

Councilmember Cimics read the Fire Prevention proclamation. Assistant Chief Drewry was present to receive proclamation.

G. Proclamation for Hispanic Heritage month—Mayor Dennis

Councilmember Tullgren read the Hispanic Heritage proclamation.

7. NEW BUSINESS

A. Discussion and possible action regarding an Ordinance of the City of Live Oak amending Chapter 22 Taxation, Article II-Hotel Occupancy Tax by adding provisions establishing the Visit Live Oak Advisory Board—Mrs. Lowder

Mrs. Lowder presented an Ordinance of the City of Live Oak amending Chapter 22 Taxation, Article II-Hotel Occupancy Tax by adding provisions establishing the Visit Live Oak Advisory Board.

Councilmember Dahl made a motion to approve an Ordinance of the City of Live Oak amending Chapter 22 Taxation, Article II-Hotel Occupancy Tax by adding provisions establishing the Visit Live Oak Advisory Board; seconded by Councilmember Morgan

Vote FOR: Councilmember Morgan, Tullgren, Perez, and Dahl; Passed 4/1
Vote AGAINST: Councilmember Cimics

B. Discussion and possible action regarding a Resolution appointing and reappointing members and alternates and providing the current list for various City of Live Oak Boards and Commissions—Mr. Ruthven

Mr. Ruthven presented a Resolution appointing and reappointing members and alternates and providing the current list for various City of Live Oak Boards and Commissions.

Councilmember Tullgren made a motion to approve a Resolution appointing members to Economic Development Corporation; seconded by Councilmember Dahl

Vote FOR: Councilmember Morgan, Tullgren, Perez, and Dahl; Passed 4/1
Vote AGAINST: Councilmember Cimics

C. Discussion and possible action regarding a Resolution appointing and reappointing members to the Live Oak Economic Development Corporation—Mrs. Lowder

Mrs. Lowder presented a Resolution appointing and reappointing members to the Live Oak Economic Development Corporation.

Councilmember Dahl made a motion to approve a Resolution appointing and reappointing members to the Economic Development Corporation; seconded by Councilmember Tullgren.

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

- D. Discussion and possible action regarding a first reading of a Resolution authorizing an expenditure of \$300,000 of Economic Development funds to purchase water rights for future business development—Mrs. Lowder

Mrs. Lowder presented first reading of a Resolution authorizing an expenditure of \$300,000 of Economic Development funds to purchase water rights for future business development.

Councilmember Cimics made a motion to approve a Resolution authorizing an expenditure of \$300,000 of Economic Development funds to purchase water rights for future business development; seconded by Councilmember Dahl.

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

- E. Discussion and possible action regarding a Resolution regarding the Business Improvement Grant (BIG) program and associated expenditures for FY 2024-2025 to promote the development and expansion of businesses and existing businesses in the City of Live Oak to include BIG Guidelines and Performance Agreement for applicants—Mrs. Lowder

Mrs. Lowder presented s Resolution regarding the Business Improvement Grant (BIG) program and associated expenditures for FY 2024-2025 to promote the development and expansion of businesses and existing businesses in the City of Live Oak to include BIG Guidelines and Performance Agreement for applicants

Councilmember Perez made a motion to approve a Resolution regarding the Business Improvement Grant (BIG) program and associated expenditures for FY 2024-2025 to promote the development and expansion of businesses and existing businesses in the City of Live Oak to include BIG Guidelines and Performance Agreement for applicants; seconded by Councilmember Tullgren

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

- F. Discussion and possible action regarding a First reading Resolution authorizing expenditures of \$150,000 from the Economic Development fund for the Business Improvement grant for the promotion of new or expanded business and Economic Development—Mrs. Lowder

Mrs. Lowder presented first reading of a Resolution authorizing an expenditure of \$150,000 from the Economic Development fund for the Business Improvement grant for the promotion of new or expanded business and Economic Development.

Councilmember Dahl made a motion to approve a Resolution authorizing an expenditure of \$150,000 from the Economic Development fund for the Business Improvement grant for the promotion of new or expanded business and Economic Development; seconded by Councilmember Morgan.

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

- G. Discussion and possible action regarding a First reading Resolution authorizing expenditures of \$100,000 from the Economic Development fund for the Visual Improvement program for the promotion of new or expanded business and Economic Development—Mrs. Lowder

Mrs. Lowder presented first reading of a Resolution authorizing expenditures of \$100,000 from the Economic Development fund for the Visual Improvement program for the promotion of new or expanded business and Economic Development

Councilmember Morgan made a motion to approve a Resolution authorizing expenditures of \$100,000 from the Economic Development fund for the Visual Improvement program for the promotion of new or expanded business and Economic Development; seconded by Councilmember Dahl.

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

- H. Discussion and possible action regarding an Ordinance prohibiting parking on Gunn Road—Mr. Wagster

Mr. Wagster presented an Ordinance prohibiting parking on Gunn Rd.

Councilmember Perez made a motion to approve an Ordinance prohibiting parking on Gunn Rd.; seconded by Councilmember Morgan

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

8. CITY COUNCIL REPORT

- A. City Council Members report regarding discussion of City issues with citizens.

Councilmember Morgan mentioned the potential problem with pit bull concern and the lighting situation in Woodcrest but he addressed the issues to City Manager.

Councilmember Tullgren asked for the effective date for item 7H, Manager Garfaoui provided the process.

9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

A. City Council

Councilmember Morgan announced two Humane Society fundraisers.

Councilmember Perez congratulated the LOLA art exhibit and congratulated all who participated and welcomed Claudia Moriarty. Also, mentioned it is flu shot season.

Mayor Dennis mentioned the Hog Wild was a huge success and thanked City Attorney. Also mentioned all the talented people at the LOLA art exhibit.

B. Staff

Mr. Garfaoui announced the October 8, 2024, City Council meeting has been canceled and the next meeting will be on October 29, 2024.

Ms. Rodriguez thanked everyone who attended the Hog-Wild event.

Mrs. Lowder introduced Mr. Arlen Miller. Mr. Miller came before City Council and introduced himself.

Assistant Chief Fratus announced the National Night Out scheduled for October 1, 2024. Also announced Coffee with Cops will be at Wayland University, SWAT will be competing in a state competition and lastly announced this October, the officers will be honoring Breast Cancer Awareness with pink ribbons on vehicles.

Ms. Maloy mentioned the budget will be in effect October 1, 2024.

Mr. Wagster announced Shin Dig on October 5, 2024.

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 7:57 p.m.

APPROVED:

Mary M. Dennis

ATTEST:

City Secretary



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: October 29, 2024

Agenda item: 5B

Prepared by: Ron Ruthven, Assistant City Manager Reviewed by: Anas Garfaoui, City Manager

Department: Code Enforcement

Agenda Item Description:

City Council to approve Q3 Code Enforcement report.

Staff Briefing:

Attached is the third quarter 2024 Code Enforcement report for the period of July to September.

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.



Code Enforcement Q3 Report

Violation Category	July	August	September	Total - Violations
Accumulation of Rubbish or Garbage	16	41	28	85
City Ordinance 24-81 Prohibited Signs	16	29	43	88
Exterior Structure (General)	1	1	1	3
Low Hanging Limbs	1	2	6	9
Motor Vehicles	2	4	11	17
Parking of Vehicles Boats and Trailers	6	6	5	17
Parking on Grass	6	3	5	14
Portable Basketball		2		2
Refrigerators		1		1
Sanitation			2	2
Sidewalks and Driveways	2	1	2	5
Sign Violations			2	2
Stop Work Order	2	5	6	13
Vacant Land		1		1
Weeds, Grass, and Limbs	28	34	98	160
GRAND TOTAL	80	130	209	419



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: October 29, 2024

Agenda item: 5C

Prepared by: Donna Lowder, EDC Manager

Reviewed by: Anas Garfaoui, City Manager

Department: Economic Development

Agenda Item Description:

Discussion and possible action regarding a first reading of a Resolution authorizing an expenditure of \$300,000 from the Economic Development Corporation Funds on the purchase of water rights for future business development.

Staff Briefing:

The Live Oak Economic Development Corporation, during the 2024/25 budget process, identified \$300,000 for the purchase of water rights. As part of the procedure for the expenditure of funds, the following process is outlined:

- October 1, 2024 – \$300,000 budgeted for the purchase of Water Rights in the Economic Development Fund in FY 2022/2023.
- September 11, 2024 – First publication of notice of funds for the purchase of water rights, public hearing date and beginning of 60-day review period.
- September 18, 2024 – Second publication of notice of funds for the purchase of water rights and public hearing date.
- September 24, 2024 - First reading of Resolution for expenditure of funds for purchase of water rights by the City Council.
- October 29, 2024 – Second reading of Resolution for expenditure of funds for purchase of water rights by the City Council.
- December 2, 2024 – End of 60-day public comment period.

The attached Resolution will be read twice by the City Council for the expenditure of funds for the purchase of water rights during the September 24th and October 29th regular meetings.

Action:

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

Cost: \$300,000	
Budgeted	\$300,000
Actual	\$300,000
Acct. Name	Purchase of Water Rights
Acct. Fund	50-500.581
Other Funding	1, 2, & 3

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

Staff Recommended Motion:

A motion to approve the first reading of a Resolution authorizing an expenditure of \$300,000 of Economic Development Corporation Funds on the purchase of water rights with an effective date.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LIVE OAK, TEXAS, AUTHORIZING
EXPENDITURES OF \$300,000 FROM THE
ECONOMIC DEVELOPMENT FUND TO
PURCHASE WATER RIGHTS FOR FUTURE
BUSINESS DEVELOPMENT WITH AN EFFECTIVE
DATE

WHEREAS, the City of Live Oak relies on the Edwards Aquifer and other providers as sources of water, which is becoming a scarce commodity; and

WHEREAS, the City of Live Oak and Live Oak Economic Development Corporation recognizes that opportunities for procurement of water rights are often sporadic and it is important for the expansion of new and existing businesses to have available water at the time it is needed; and

WHEREAS, the City of Live Oak public was notified of this project on September 11th and 18th, 2024, and shall have a 60-day review period for comments, as required by state law; and

WHEREAS, the City of Live Oak Economic Development Corporation held a public hearing for this project on September 24, 2024, as required by state law, and

WHEREAS, the City of Live Oak Economic Development Corporation finds the purchase of water rights meets criteria for a permissible project based on initial ballot language from the 4B sales and use tax election as well as, a legal opinion from the City Attorney; and

WHEREAS, the Economic Development Fund has funds budgeted for the purchase of water rights for the FY 2024-2025 budget year and has approved this Resolution to be sent to City Council for consideration; and

WHEREAS, City Council must hold two (2) readings of this Resolution before final approval, as required by state law.

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

The City of Live Oak hereby authorizes as an appropriate project for the City of Live Oak Economic Development Corporation the purchase of water rights to be used for the promotion of new and expanded business enterprises and the expenditure of up to \$300,000 from the Economic Development Fund, after December 2, 2024, for the procurement of water rights as they become available.

PASSED AND APPROVED this _____ day of _____, 2024

Mary M. Dennis, Mayor

ATTEST:

Isa Gaytan, City Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

City Attorney



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: October 29, 2024

Agenda Item: 5D

Prepared by: Donna Lowder, EDC Manager

Reviewed by: Anas Garfaoui, City Manager

Department: Economic Development

Agenda Item Description:

Discussion and possible action regarding a first reading of a Resolution authorizing and expenditure of \$150,000 from the Economic Development Corporation funds on the Business Improvement Grant (BIG).

Staff Briefing:

The Live Oak Economic Development Corporation, during the 2024/25 budget process, identified \$150,000 for the Business Improvement Grant (BIG). As part of the procedure for the expenditure of funds, the following process is outlined:

- October 1, 2024 – \$150,000 budgeted for the Business Improvement Grant (BIG) in the Economic Development Fund in FY 2024/2025
- September 11, 2024 – First publication of notice of funds for the BIG, public hearing date and beginning of 60-day review period
- September 18, 2024 – Second publication of notice of funds for BIG and public hearing date
- September 24, 2024 - First reading of Resolution for expenditure of funds for the BIG by the City Council
- October 29, 2024 – Second reading of Resolution for expenditure of funds for the BIG by the City Council
- December 2, 2024 – End of 60-day public comment period.

The attached Resolution will be read twice by the City Council for the expenditure of funds for the Business Improvement Grant during the September 24th and October 29th regular meeting.

Action:

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

Cost: \$150,000.00	
Budgeted - VIP	\$150,000.00
Actual	\$150,000.00
Acct. Name	Other ED Initiatives
Acct. Fund	50-400.486
Other Funding	

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

Staff Recommended Motion:

A motion to approve the first reading of a Resolution authorizing and expenditure of \$150,000 of Economic Development Corporation funds in FY 2024/2025 on the Business Improvement Grant (BIG) with an effective date.

RESOLUTION NO. 2107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS, AUTHORIZING EXPENDITURES OF \$150,000 FROM THE ECONOMIC DEVELOPMENT FUND FOR THE BUSINESS IMPROVEMENT GRANT FOR THE PROMOTION OF NEW OR EXPANDED BUSINESS AND ECONOMIC DEVELOPMENT WITH AN EFFECTIVE DATE

WHEREAS, the Business Improvement Grant supports the revitalization and redevelopment of economic development throughout the City through a grant program for businesses which has proven to be successful and continues to grow since its inception, which also led to additional funding for this project; and

WHEREAS, the City of Live Oak and Live Oak Economic Development Corporation have determined that the Business Improvement Grant projects that are recommended and ultimately approved by the Economic Development Corporation benefit the revitalization and redevelopment of the immediate neighborhood and promotes business development in which the project is locate; and

WHEREAS, the City of Live Oak public was notified of this project on September 11th and 18th, 2024, and shall have a 60-day review period for comments, as required by state law; and

WHEREAS, the City of Live Oak Economic Development Corporation held a public hearing for this project on September 24, 2024, as required by state law, and

WHEREAS, the City of Live Oak Economic Development Corporation finds the purchase of water rights meets criteria for a permissible project based on initial ballot language from the 4B sales and use tax election as well as, a legal opinion from the City Attorney; and

WHEREAS, the Economic Development Fund has funds budgeted for the Business Improvement Grant for the FY 2024-2025 budget year and has approved this Resolution to be sent to City Council for consideration; and

WHEREAS, City Council must hold two (2) readings of this Resolution before final approval, as required by state law.

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

The City of Live Oak hereby authorizes as an appropriate project for the City of Live Oak Economic Development Corporation to be used for the promotion of new and expanded business enterprises and the expenditure of up to \$150,000 from the Economic Development Fund, after December 2, 2024. The City further resolves that the funds for each application shall be used in accordance with the Business Improvement Grant application, each award shall not exceed a total of \$50,000.00 and each application shall be approved by staff and approved by the Economic Development Corporation Board.

PASSED AND APPROVED this _____ day of _____, 2024

Mary M. Dennis, Mayor

ATTEST:

Isa Gaytan, City Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

City Attorney



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: October 29, 2024

Agenda Item: 5E

Prepared by: Donna Lowder, EDC Manager

Reviewed by: Anas Garfaoui, City Manager

Department: Economic Development

Agenda Item Description:

Discussion and possible action regarding a first reading of a Resolution authorizing and expenditure of \$100,000 from the Economic Development Corporation funds on the Visual Improvement Program.

Staff Briefing:

The Live Oak Economic Development Corporation, during the 2024/25 budget process, identified \$100,000 for the Visual Improvement Program. As part of the procedure for the expenditure of funds, the following process is outlined:

- October 1, 2024 – \$100,000 budgeted for the Visual Improvement Program (VIP) in the Economic Development Fund in FY 2024/2025
- September 11, 2024 – First publication of notice of funds for the VIP, public hearing date and beginning of 60-day review period
- September 18, 2024 – Second publication of notice of funds for VIP and public hearing date
- September 24, 2024 - First reading of Resolution for expenditure of funds for the VIP by the City Council
- October 29, 2024 – Second reading of Resolution for expenditure of funds for the VIP by the City Council
- December 2, 2024 – End of 60-day public comment period.

The attached Resolution will be read twice by the City Council for the expenditure of funds for the Visual Improvement Program during the September 24th and October 29th regular meeting.

Action:

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

Cost: \$100,000.00	
Budgeted - VIP	\$100,000.00
Actual	\$100,000.00
Acct. Name	Other ED Initiatives
Acct. Fund	50-400.486
Other Funding	

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

Staff Recommended Motion:

A motion to approve the first reading of a Resolution authorizing and expenditure of \$100,000 of Economic Development Corporation funds in FY 2024/2025 on the Visual Improvement Program with an effective date.

RESOLUTION NO. 2108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS, AUTHORIZING EXPENDITURES OF \$100,000 FROM THE ECONOMIC DEVELOPMENT FUND FOR THE VISUAL IMPROVEMENT PROGRAM FOR THE PROMOTION OF NEW OR EXPANDED BUSINESS AND ECONOMIC DEVELOPMENT WITH AN EFFECTIVE DATE

WHEREAS, the Visual Improvement Program supports the revitalization and redevelopment of economic development throughout the City through a grant program for businesses which has proven to be successful and continues to grow since its inception, which also led to additional funding for this project; and

WHEREAS, the City of Live Oak and Live Oak Economic Development Corporation have determined that the Visual Improvement Program projects that are recommended and ultimately approved by the Economic Development Corporation benefit the revitalization and redevelopment of the immediate neighborhood and promotes business development in which the project is locate; and

WHEREAS, the City of Live Oak public was notified of this project on September 11th and 18th, 2024, and shall have a 60-day review period for comments, as required by state law; and

WHEREAS, the City of Live Oak Economic Development Corporation held a public hearing for this project on September 24, 2024, as required by state law, and

WHEREAS, the City of Live Oak Economic Development Corporation finds the purchase of water rights meets criteria for a permissible project based on initial ballot language from the 4B sales and use tax election as well as, a legal opinion from the City Attorney; and

WHEREAS, the Economic Development Fund has funds budgeted for the Visual Improvement Program for the FY 2024-2025 budget year and has approved this Resolution to be sent to City Council for consideration; and

WHEREAS, City Council must hold two (2) readings of this Resolution before final approval, as required by state law.

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

The City of Live Oak hereby authorizes as an appropriate project for the City of Live Oak Economic Development Corporation to be used for the promotion of new and expanded business enterprises and the expenditure of up to \$100,000 from the Economic Development Fund, after December 2, 2024. The City further resolves that the funds for each application shall be used in accordance with the Visual Improvement Program application, each award shall not exceed a total of \$5,000.00 and each application shall be approved by staff and approved by the Economic Development Corporation Board.

PASSED AND APPROVED this _____ day of _____, 2024

Mary M. Dennis, Mayor

ATTEST:

Isa Gaytan, City Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

City Attorney



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: October 29, 2024

Agenda item: 5F

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 rise to the level of a City fixed asset:

Asset ID#	Description	Year Acquired	Fund	Location
05811	Vermeer Vactron – 5HZBF17238LK87169	2008	60	Utilities
05993	Chevy Silverado ¾ Ton – 1GCOCVCG7CF140898	2012	60	Utilities
05839	Ford F250 – 1FTBF2A66BEB90558	2011	10	Parks
05838	Ford F250 – 1FTBF2A64BEB90560	2011	10	PW

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 obsolete, damaged or surplus that do not rise to the level of a fixed asset or not recorded as a City fixed asset may 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:

Staff's recommended motion is for the council to approve the list of Fixed Assets that have been identified for disposal.



CITY COUNCIL AGENDA ITEM FORM

Meeting Date October 29, 2024

Agenda item: 6A

Prepared by: Isa Gaytan, City Secretary

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

Agenda Item Description:

Presentation of Proclamation to Assistant Chief Gary Hopper on his retirement.

Staff Briefing:

Recognizing 45 years of public service by Police Chief Gary Hopper, including 22 years with the City of Live Oak Police Department.

Action:

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

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

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

Staff Recommended Motion:

None.



PROCLAMATION RECOGNIZING THE SERVICE AND THE RETIREMENT OF POLICE CHIEF GARY HOPPER

WHEREAS: Gary Hopper has been a police officer for 45 years and began his career with the Live Oak Police Department in December of 1979. Gary rose through the ranks within the department and left in 1993 as the Assistant Chief after being selected as the Chief of Police for the City of Seguin. After serving in Seguin, as an Investigator for the State of Texas, and as Police Chief for Texas Lutheran University, Gary returned to the City of Live Oak in 2016 as the Assistant Chief and assumed the role of Police Chief in 2022; and

WHEREAS: Gary has earned his Master Peace Officer License from the Texas Commission of Law Enforcement, holds a Bachelor of Science in Criminal Justice Degree from Southwest Texas University, and was selected to become one of only 1% of law enforcement officers to attend the F.B.I. National Academy where he graduated as Class 146 in 1986; and

WHEREAS: Gary provided the leadership and team-building skills necessary to create a safe community for Live Oak residents and the drive and commitment to ensure all members of the department receive training and the most up-to-date equipment and technology necessary to perform their day-to-day duties and responsibilities of their jobs; and

WHEREAS: Gary's professional conduct and devotion to law enforcement have been made evident through his 45 years of public service, and Gary will retire from his long-standing career on the Live Oak Police Department on October 31, 2024; and

WHEREAS: Gary will not only be remembered for his dedication and passion in law enforcement, but for his kind and gentle demeanor, his wisdom and empathy, and the sense of community and leadership that he modeled and advocated.

NOW, THEREFORE, I, Mary M. Dennis, Mayor of the City of Live Oak, for and on behalf of the residents of Live Oak, do hereby extend our heartfelt congratulations to Gary Hopper on his excellent career in law enforcement and the legacy he will leave behind and call upon all residents to express their gratitude for Chief Hopper's years of dedication and exemplary service to our community that has made Live Oak one of the safest cities in Texas.

IN WITNESS WHEREOF, I have set my hand and caused the Seal of the City of Live Oak to be affixed this 29th day of October 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: October 29, 2024

Agenda item: 6B

Prepared by: Linc Surber, Fire Chief

Reviewed by: Anas Garfaoui, City Manager

Department: Fire

Agenda Item Description:

Employee of the Quarter- Fire Department, July through September 2024.

Staff Briefing:

Kyle Sanchez joined Team Live Oak in July 2021. Right from the beginning, he put his experience in EMS from Austin to work. Kyle has trained aggressively to become a great firefighter. His loyalty to the city is evident in his willingness to participate in all Fire Prevention Week activities, often serving as lead speaker at our schools and daycares. Kyle works behind the scenes to help with Live Oak events, trainings, and conferences. He is also one of the most dependable firefighters when we need someone to backfill a short-shift when unexpected sick-leave causes below minimum staffing. Always showing a smile and a great attitude, we are happy to award Firefighter Kyle Sanchez with this year's Live Oak Employee of the Quarter.

Action:

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

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

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

Staff Recommended Motion:

None.



CITY COUNCIL AGENDA ITEM FORM

Meeting Date October 29, 2024

Agenda item: 6C

Prepared by: Donna Lowder, EDC Manager

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

Agenda Item Description:

Proclamation for Chamber of Commerce Week, October 14-18, 2024, presented to Texas Tri-County Chamber of Commerce.

Staff Briefing:

Proclamation presented to Executive Director Mindy Paxton for Chamber of Commerce Week 2024 honoring Texas Tri-County Chamber of Commerce for the support they provide to Live Oak local businesses and to Live Oak as a city partner.

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:

None.



PROCLAMATION FOR **CHAMBER OF COMMERCE WEEK**

WHEREAS: The Tri-County Chamber of Commerce is a respected organization that has been helping local businesses prosper since 1975; and

WHEREAS: The Tri-County Chamber of Commerce provides marketing, education, resources, and advocacy to local businesses; and

WHEREAS: The Tri-County Chamber of Commerce has provided representation and function as the bridge that connects citizens to local businesses for eleven (11) communities within the northeast region; and,

WHEREAS: Each year, a week in October is set aside to acknowledge the achievements of local chambers of commerce and to celebrate the critical role they play in our great state, and

WHEREAS: We encourage all residents of the City of Live Oak to recognize the vital and constructive accomplishments of these organizations, which have been instrumental in shaping the past, present, and future development of our great community.

NOW, THEREFORE, Mary M. Dennis, Mayor of the City of Live Oak, for and on behalf of the citizens of Live Oak, do hereby proclaim October 14-18, 2024, Chamber of Commerce Week in 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 29th day of October 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: October 29, 2024

Agenda item: 6D

Prepared by: Ron Ruthven, ACM

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

Agenda Item Description:

Presentation of Scenic City Award.

Staff Briefing:

Live Oak was presented with a Silver Scenic City Certification on Thursday, October 10th, in Houston at an event held in conjunction with the Texas Municipal League's Annual Conference. 175 Scenic City officials and business leaders from across the state were on hand to recognize Live Oak, which was among 15 cities to earn certification for the 2024 -2029 period.

The Scenic City Certification Program is a project of Scenic Texas, Inc. Texas cities access this diagnostic program for an objective review of existing municipal infrastructure ordinances as they relate to public roadways and public spaces. The evaluation compares the applicant city's standards to the unique Scenic City model devised by the partnership organizations.

Assessment is points-based, with every applicant in the city receiving a detailed, scored evaluation. Official certification can be earned by the cities that score in the upper range and meet stringent scenic streetscape standards.

Action:

- | | |
|---|--|
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Proclamations | <input checked="" type="checkbox"/> Special Presentation |
| <input type="checkbox"/> Finance Report | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Other | |

Cost: N/A	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	4

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

Staff Recommended Motion:

None.



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: October 29, 2024

Agenda item: 6E

Prepared by: Ron Ruthven, ACM

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

Agenda Item Description:

Presentation of Texas APA Award.

Staff Briefing:

The Texas Chapter of the American Planning Association continues its program of recognizing planning excellence in municipalities throughout the State through the Richard R. Lillie, FAICP Planning Excellence Recognition Program. Texas cities can apply for this award each year. Live Oak received its first Planning Excellence Award last year and was recently awarded for a second time at the Planning Excellence Award for 2024 at the Texas Chapter of the American Planning Association conference in Allen, TX on October 17, 2024.

Evaluation criteria include the level of training of Planning Commissioners and professional staff, professional qualifications of the planning staff, breadth and currency of master plan components, and completion of other planning related projects. The goals of the program include:

- Increasing community awareness of the importance of planning,
- Recognizing planning departments which meet certain professional requirements,
- Recognizing planning efforts that have achieved community support,
- Encouraging the funding of professional training for Planning Commissioners and staff, and
- Aiding economic development and community image.

Action:

- | | |
|---|--|
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Proclamations | <input checked="" type="checkbox"/> Special Presentation |
| <input type="checkbox"/> Finance Report | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Other | |

Cost: N/A	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	4

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

Staff Recommended Motion:

None.



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: October 29, 2024

Agenda item: 6F

Prepared by: M. Wagster, PW Director

Reviewed by: Anas Garfaoui, City Manager

Department: Public Works

Agenda Item Description:

Proclamation for Arbor Day- Friday, November 1, 2024.

Staff Briefing:

The city partners with the Live Oak Village Garden Club to celebrate Arbor Day in Live Oak a Tree City USA recognized city.

Action:

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

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Strategic Goals	1, 3, & 4

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

Staff Recommended Motion:

None.



PROCLAMATION FOR **ARBOR DAY**

WHEREAS: Arbor Day is now observed throughout the nation and the world; and

WHEREAS: Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS: Trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS: Trees in our city increase property values, enhance the economic vitality of business areas, beautify our community, and are a source of joy and spiritual renewal.

NOW, THEREFORE, Mary M. Dennis, Mayor of the City of Live Oak, for and on behalf of the citizens of Live Oak, do hereby proclaim November 1, 2024, as Texas State Arbor Day in 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 29th day of October 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date October 29, 2024

Agenda item: 6G

Prepared by: Angie Gonzales, Court Clerk

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

Agenda Item Description:

Presentation of a Proclamation for National Municipal Court Week, November 4 through November 8, 2024.

Staff Briefing:

To join municipal courts, city councils, and communities throughout Texas in showing appreciation for the dedicated municipal judges, court clerks, court administrators, prosecutors, bailiffs, and warrant officers who comprise the Texas municipal courts from November 4th through November 8th, 2024. Municipal Court Week is a great time to not only recognize how much municipal courts do, but to share with the public the important role that local courts and their personnel play in the criminal justice system and the community at large.

Action:

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

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

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

Staff Recommended Motion:

None.



PROCLAMATION FOR MUNICIPAL COURT WEEK

WHEREAS; More people come in contact with the municipal courts than with all other Texas courts combined, and the public's impression of the Texas judicial system is largely dependent upon their experience in municipal court; and

WHEREAS; The City of Live Oak is committed to the notion that our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us and that judges and court personnel should comply with the law and act in a manner that promotes public confidence in the integrity and impartiality of the judiciary; and

WHEREAS; Live Oak Municipal Judges are not policymakers for the City of Live but are bound by the law and the Canons of Judicial Conduct and are required to make decisions independent of the governing body of the City Council, city officials, and employees; and

WHEREAS; The City Council recognizes that the Constitution and laws of the State of Texas contain procedural safeguards in criminal cases for all defendants, including indigent defendants, and supports the Live Oak Municipal Court in complying with legal requirements; and

NOW THEREFORE I, Mary M. Dennis, Mayor of the City of Live Oak, for and on behalf of the citizens of Live Oak, do hereby proclaim the week of November 4th through 8th, 2024, in Live Oak, Texas as Municipal Court Week.

IN WITNESS WHEREOF, I have set my hand, this 29th day of October 2024, and have caused this seal to be affixed hereto:

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date October 29, 2024

Agenda item: 6H

Prepared by: Isa Gaytan, City Secretary

Reviewed by: Anas Garfaoui, City Manager

Department: Administration

Agenda Item Description:

Proclamation for Veterans Day.

Staff Briefing:

Proclamation presented in honor of Veterans Day.

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- Stability, 2- Secure, 3 – Supportive, and 4 - Beautiful

Staff Recommended Motion:

None.



PROCLAMATION FOR **VETERANS DAY**

WHEREAS: Carefully preserved within the pages of American history lie the valiant stories of the men and women who fought with valor and fortitude to defend the ideals upon which our great nation was founded: liberty, freedom, and justice; and whereas these dedicated men and women, our United States veterans, reinforce the truth that heroism is not a gift or a goal, but often a moment and sometimes a lifetime, of pure selflessness; and

WHEREAS: Our veterans disregard personal well-being and act with incredible honor to preserve for us, the citizens of this great nation, a gift of unapproachable magnitude: our freedom; whereas we come together to recognize all our distinguished veterans whose service has allowed our nation to prosper and has allowed us all to live in freedom; and

WHEREAS: The City of Live Oak pays special tribute to the valiant guardians of our freedom who remain listed as Missing in Action, and offers our support to the loving families who hope for their safe return; and

WHEREAS: As citizens of the United States of America, we owe an inexpressible debt to our veterans, and today we ask with humility and eternal gratitude that their spirit never be forgotten.

NOW, THEREFORE, Mary M. Dennis, the Mayor of the City of Live Oak, for and on behalf of the citizens of Live Oak, do hereby proclaim the day of November 11, 2024, as Veterans Day in 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 29th day of October 2024.

Mary M. Dennis, Mayor



CITY COUNCIL AGENDA ITEM FORM

Meeting Date October 29, 2024 Agenda item: 7A

Prepared by: Isa Gaytan, City Secretary Reviewed by: Anas Garfaoui, City Manager

Department: Administration

Agenda Item Description:

Presentation, discussion, and action regarding the Linebarger, Goggan Blair & Sampson, LLP Delinquent Tax and Court Fees, and Fines Collection and contract.

Staff Briefing:

The law firm Linebarger Goggan Blair & Sampson is contracted for the collection of the City's delinquent property taxes. Each year they provide the City with a report on the status of these collections.

Action:

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

Cost:	
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:

None.



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: October 29, 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 to approve a Resolution, accepting and approving the Investment Policy and Strategies, and the authorized list of brokers/dealers as revised for October 2024.

Staff Briefing:

The Public Funds Investment Act (PFIA) requires that the City, at least annually, review and approve the City's investment policy and strategies and list of authorized brokers/dealers. This annual review allows for any changes in the investment strategies that could benefit the City with an increase in investment income. The Investment Committee met on October 17, 2024, and recommended that the attached policy and strategies with the list of authorized brokers/dealers be submitted to the City Council for approval. The Investment Committee consists of the Mayor, City Manager, and Finance Director (Investment Officer). Please see the attached minutes of the Investment Committee meeting held on October 17, 2024. There are no recommended changes to the Investment Policy and Strategies.

Action:

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

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

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

Staff Recommended Motion:

Staff's recommended motion is to approve the Resolution.

**Minutes for the
Meeting of the City of Live Oak
Investment Committee
October 17, 2024**

1. Review of the City of Live Oak Investment Policy revised for FY 2024/2025.

The Investment Committee reviewed the Investment Policy and Strategy to discuss any potential changes. Discussions concerning the current economic outlook took place.

After the review and discussion, it was determined that the current Policy and Strategies are in line with the needs of the City for the current economic conditions. As we get further into a rate cutting environment, it was mentioned that, if necessary, the Investment Committee may meet again before the next annual meeting to suggest any changes. The Committee recommended no changes at this time.

2. Review of the List of Authorized Brokers/Dealers created for FY 2024/2025.

The Investment Committee reviewed and discussed the list of authorized Brokers/Dealers. No changes are being requested. The Committee recommended to proceed with the proposed list.

3. Review and discussion on any information relating to the activity from the presented Quarterly Investment Reports.

No action was deemed necessary at this time.

4. Review investment training requirements.

Kowalik – Feb 2023 (Feb 2025)
Dennis – December 2022 (Dec 2024)
Garfaoui – March 2024 (Mar 2026)

All members are in compliance, and will remain in compliance with their training requirements under PFIA.

5. Review roles of the Investment Committee, Investment Officer and City Council.

No changes recommended. The Investment Committee reviews and recommends changes to the Policy and Strategies to full council. Council has approval authority on the Policy and Strategies and investment reports. The Investment Officer is responsible for managing the City's investment portfolio in accordance with the approved Policy and Strategies and the PFIA.

6. Recommendation from Investment Committee on submittal of the revised Investment Policy and List of Brokers to full City Council for approval by Resolution on October 29, 2024.

The recommendation from the Investment Committee was to submit the reviewed Investment Policy and Strategies and the list of Approved Brokers/Dealers for approval by Resolution to the full City Council

7. Adjourn meeting.

RESOLUTION NUMBER _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIVE OAK
REVIEWING AND ACCEPTING THE INVESTMENT POLICY AND
STRATEGIES AND LIST OF AUTHORIZED BROKERS/DEALERS AND
RECORDING ANY CHANGES THEREOF

WHEREAS, Chapter 2256 of the Government Code, commonly known as the “Public Funds Investment Act,” requires the city to adopt and annually review and approve an investment policy by rule, order ordinance, or resolution; and the City Council has reviewed the policy and strategies of the City of Live Oak’s investment policy as required by Chapter 2256 of the Public Funds Investment Act; and

WHEREAS, the Public Funds Investment Act requires the city to annually review and approve a list of qualified brokers/dealers; and the City Council has reviewed the list of authorized brokers/dealers as required; and

WHEREAS, the Public Funds Investment Act requires the treasurer; the chief financial officer, if not the treasurer; and the investment officer of the city to attend investment training; and

WHEREAS, the City of Live Oak approves of the investment training courses sponsored by the Texas Municipal League, Government Finance Officers Association of Texas, Government Treasurers Organization of Texas, the Center of Public Management at the University of North Texas, and the North Central Texas Council of Governments;

WHEREAS, changes were discussed to be recommended by the City’s Investment Committee; and

WHEREAS, Exhibit A attached to this resolution constitutes the record of changes made to either the investment policy or strategy;

WHEREAS, the attached investment policy and incorporated strategy along with the list of authorized brokers/dealers comply with the Public Investment Act, as amended, and authorizes the investment of city funds in safe and prudent investments.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Live Oak:

That the City of Live Oak has reviewed and accepts the investment strategy with no changes and the investment policy with no changes attached for the fiscal year 2024/2025 and list of authorized brokers/dealers.

PASSED and APPROVED this the 29th day of October, 2024.

MARY M. DENNIS, MAYOR

ATTEST:

ISA GAYTAN, CITY SECRETARY

APPROVED AS TO LEGAL SUFFICIENCY:

City Attorney's Office

Record of Changes to the Revised
Investment Strategy and Policy

INVESTMENT STRATEGY

No recommended changes

INVESTMENT POLICY

No recommended changes

CITY OF LIVE OAK INVESTMENT POLICY

INTRODUCTION

The purpose of this document is to set forth specific investment policy and strategy guidelines for the City of Live Oak in order to achieve the goals of safety, liquidity, yield, and public trust for all investment activity. The City Council of the City of Live Oak shall review, and adopt, by resolution, its investment strategies and policy not less than annually. The resolution shall include a record of changes made to either the invest policy or strategy. This policy serves to satisfy the statutory requirement (specifically the Public Funds Investment Act, Chapter 2256, Government Code, to define, adopt and review a formal investment strategy and policy.

INVESTMENT STRATEGY

The City of Live Oak maintains portfolios, which utilize four specific investment strategy considerations, designed to address the unique characteristics of the fund groups represented in the portfolios:

- A. Investment strategies for operating funds and commingled pools containing operating funds have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure, which will experience minimal volatility during economic cycles. This may be accomplished by purchasing high quality, short to medium-term securities which will complement each other in a laddered or barbell maturity structure. The dollar weighted average maturity will be calculated using the stated final maturity date of each security.
- B. Investment strategies for debt service funds shall have as the primary objective the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Securities purchased shall not have a stated final maturity date which exceeds the debt service payment date.
- C. Investment strategies for debt service reserve funds shall have as the primary objective the ability to generate a dependable revenue stream to the appropriate debt service fund from securities with a low degree of volatility. Securities should be of high quality and, except as may be required by the bond ordinance specific to an individual issue, of short to intermediate-term maturities. Volatility shall be further controlled through the purchase of securities carrying the highest coupon available, within the desired maturity and quality range, without paying a premium, if at all possible.
- D. Investment strategies for special projects or special purpose fund portfolios will have as their primary objective to assure that anticipated cash flows are matched with adequate investment liquidity. These portfolios should include at least 10% in highly liquid securities to allow for flexibility and unanticipated project outlays. The stated final maturity dates of securities held should not exceed the estimated project completion date.

CITY OF LIVE OAK INVESTMENT POLICY

INVESTMENT POLICY

I. SCOPE

This investment policy applies to all financial assets of the City of Live Oak. The funds are accounted for in the City's Comprehensive Annual Financial Report (CAFR) and include:

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Projects Funds
- Proprietary Funds
- All Other Funds

II. OBJECTIVES

The City of Live Oak shall manage and invest its cash with four objectives, listed in order of priority: Safety, Liquidity, Yield, and Public Trust. The safety of the principal invested always remains the primary objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with State and Local law.

The City shall maintain a comprehensive cash management program which includes collection of accounts receivable, vendor payment in accordance with invoice terms, and prudent investment of available cash. Cash management is defined as the process of managing monies in order to insure maximum cash availability and maximum yield on short-term investment of pooled idle cash.

Safety

The primary objective of the City's investment activity is the preservation of capital in the overall portfolio. Each investment transaction shall be conducted in a manner to avoid capital losses, whether they are from securities defaults or erosion of market value.

Liquidity

The City's investment portfolio shall be structured such that the City is able to meet all obligations in a timely manner. This shall be achieved by matching investment maturities with forecasted cash flow requirements and by investing in securities with active secondary markets.

Yield

The City's cash management portfolio shall be designed with the objective of regularly exceeding the average rate of return on U.S. Treasury Bills at a maturity level comparable to the City's weighted average maturity in days. The investment program shall seek to augment returns above this threshold consistent with risk limitations identified herein and prudent investment policies.

CITY OF LIVE OAK INVESTMENT POLICY

Public Trust

All participants in the City's investment process shall seek to act responsibly as custodians of the public trust. Investment officials shall avoid any transaction which might impair public confidence in the City's ability to govern effectively.

III. RESPONSIBILITY AND CONTROL

Investment Committee

An Investment Committee, consisting of the City Manager, the Director of Finance, and one Council member shall meet at least annually to determine operational strategies and to monitor results. The Investment Committee shall include in its deliberation such topics as: performance reports, economic outlook, portfolio diversification, maturity structure, potential risk to the City's funds, authorized brokers and dealers, and the target rate of return on the investment portfolio. The Investment Committee can meet more frequently as needed or upon request,

Delegation of Authority and Training

Authority to manage the City's investment program is derived from a resolution of the City Council. The Director of Finance is designated as investment officer of the City and is responsible for investment decisions and activities. The Director of Finance shall establish written procedures for the operation of the investment program, consistent with this investment policy. The investment officer shall attend at least one training session relating to the officer's responsibility under the Act within 12 months after assuming duties. A training session not less than once every two years and receive 10 hours of training. Such training from an independent source shall be approved or endorsed by the Government Finance Officers Association of Texas, the Government Treasurers Organization of Texas, the Texas Municipal League, or the North Central Texas Council of Governments.

Internal Controls

The Director of Finance is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the entity are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgements by management.

Accordingly, the Director of Finance shall establish a process for annual independent review by an external auditor to assure compliance with policies and procedures. The results of this review shall be reported to the City Council. The internal controls shall address the following points:

CITY OF LIVE OAK INVESTMENT POLICY

- A. Control of collusion.
- B. Separation of transaction authority from accounting and record keeping.
- C. Custodial safekeeping.
- D. Avoidance of physical delivery securities.
- E. Clear delegation of authority to subordinate staff members.
- F. Written confirmation for telephone (voice) transactions for investments and wire transfers.
- G. Development of a wire transfer agreement with the depository bank or third party custodian.

Prudence

The standard of prudence to be applied by the investment officer shall be the “prudent investor” rule, which states: “Investments shall be made with judgement and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.” In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- A. The investment of all funds, or funds under the City’s control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment.
- B. Whether the investment decision was consistent with the written investment policy of the City.

The investment officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific security’s credit risk or market price changes, provided that these deviations are reported immediately to the City Manager and City Council and that appropriate action is taken to control adverse developments.

Ethics and Conflict of Interest

City staff involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions. City staff shall disclose to the City Manager any material financial interests in financial institutions that conduct business with the City and they shall further disclose positions that could be related to the performance of the City’s portfolio. City staff shall subordinate their personal financial transactions to those of the City, particularly with regard to timing of purchases and sales.

An investment officer of the City who has a personal business relationship with an organization seeking to sell an investment to the City shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing body of the entity.

CITY OF LIVE OAK INVESTMENT POLICY

IV. REPORTING

Quarterly Reporting

The Director of Finance shall submit a signed quarterly investment report that summarizes current market conditions, economic developments and anticipated investment conditions. The report shall summarize investment strategies employed in the most recent quarter, and describe the portfolio in terms of investment securities, maturities, risk characteristics, and shall explain the total investment return for the quarter.

Annual Report

Within 90 days of the end of the fiscal year, the Director of Finance shall present an annual report on the investment program and investment activity. This report may be presented as a component of the fourth quarter report to the City Manager and City Council.

Methods

The quarterly investment report shall include a succinct management summary that provides a clear picture of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report will be prepared in compliance with generally accepted accounting principles. The report will be provided to the City Manager and City Council. The report will include the following:

- A. A listing of individual securities held at the end of the reporting period. This list will include the name of the fund or pooled group fund for which each individual investment was acquired.
- B. Unrealized gains or losses resulting from appreciation or depreciation by listing the beginning and ending book and market value of securities for the period. Market values shall be obtained from financial institutions or portfolio reporting services independent from the broker/dealer from whom the security was purchased.
- C. Additions and changes to the market value during the period.
- D. Fully accrued interest for the reporting period.
- E. Average weighted yield to maturity of portfolio on entity investments as compared to applicable benchmarks.
- F. Listings of investments by maturity date.
- G. The percentage of the total portfolio which each type of investment represents.

CITY OF LIVE OAK INVESTMENT POLICY

- H. Statement of compliance of the City's investment portfolio with State Law and the investment strategy and policy approved by the City Council.

V. INVESTMENT PORTFOLIO

Active Portfolio Management

The City shall pursue an active versus a passive portfolio management philosophy. That is, securities may be sold before they mature if market conditions present an opportunity for the City to benefit from the trade. The investment officer will routinely monitor the contents of the portfolio, the available markets, and the relative value of competing instruments, and will adjust the portfolio accordingly.

Investments

Assets of the City of Live Oak may be invested in the following instruments; provided, however, that at no time shall assets of the City be invested in any instrument or security not authorized for investment under the Act, as the Act may from time to time be amended. The City is not required to liquidate investments that were authorized investments at the time of purchase.

A. Authorized

1. Obligations of the United States of America, its agencies and instrumentalities, which have a liquid market with a readily determinable market value.
2. Direct obligations of the State of Texas and agencies thereof.
3. Other obligations, the principal of and interest on which are unconditionally guaranteed by the State of Texas or United States of America.
4. Obligations of the States, agencies thereof, Counties, Cities, and other political subdivisions of any state having been rated as investment quality by a nationally recognized investment rating firm, and having received a rating of not less than "A" or its equivalent.
5. Certificates of deposit in which the funds are invested through a broker that has its main office or a branch office in the State of Texas and is selected from the approved list of brokers or a depository institution that has its main office or a branch office in the State of Texas and is selected by the investing entity. The broker or depository institution arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the investing entity. The full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and the

CITY OF LIVE OAK INVESTMENT POLICY

investing entity appoints the City's depository institution as custodian with respect to the certificates of deposit issued for the account of the investing entity.

6. Fully collateralized direct repurchase agreements with a defined termination date secured by obligations of the United States or its agencies and instrumentalities pledged with a third party, selected by the Director of Finance, other than an agency for the pledger. Repurchase agreements must be purchased through a primary government securities dealer, as defined by the Federal Reserve, or a bank domiciled in Texas. A Master Repurchase Agreement must be signed by the bank/dealer prior to investment in a repurchase agreement.
7. Commercial paper is an authorized investment if the commercial paper has a stated maturity of 270 days or fewer from the date of its issuance; and is rated not less than A-1 or P-1 or an equivalent rating by at least two nationally recognized credit rating agencies or one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state. Investment in commercial paper shall be limited to no more than 20% of the City's entire portfolio.
8. Joint pools of political subdivisions in the State of Texas which invest in instruments and follow practices allowed by current law. Investment in such pools shall be limited to around 50% of the City's entire portfolio. A pool must be continuously rated no lower than "AAA" or "AAA-m" or at an equivalent rating by at least one nationally recognized rating service.

B. Not Authorized

The City's authorized investment options are more restrictive than those allowed by State law. State law specially prohibits investment in the following investment securities.

1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
2. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
3. Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.
4. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

CITY OF LIVE OAK INVESTMENT POLICY

Holding Period

The City of Live Oak intends to match the holding periods of investment funds with liquidity needs of the City. In no case will the average maturity of investments of the City's operating funds exceed two years. The maximum final stated maturity of any investment shall not exceed three years.

Investments in all funds shall be managed in such a way that the market price losses resulting from interest rate volatility would be offset by coupon income and current income received from the volume of the portfolio during a twelve month period.

Risk and Diversification

The City of Live Oak recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification which shall be achieved by the following general guidelines:

- A. Risk of issuer default is controlled by limiting investments to those instruments allowed by the Act, which are described herein.
- B. Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, limitation of average maturity of operating funds investments to two years, and avoidance of over-concentration of assets in specific instruments other than U.S. Treasury Securities and Insured or Collateralized Certificates of Deposits.
- C. Risk of illiquidity due to technical complications shall be controlled by the selection of securities dealers as described herein.

VI. SELECTION OF QUALIFYING INSTITUTIONS

Depository

At least every five years a Depository shall be selected through the City's banking services procurement process, which shall include a formal request for proposal (RFP). In selecting a depository, the credit worthiness of institutions shall be considered, and the Director of Finance shall conduct a comprehensive review of prospective depository's credit characteristics and financial history.

Certificates of Deposit

Banks seeking to establish eligibility for the City's competitive certificate of deposit purchase program shall submit for review annual financial statements, evidence of federal insurance and other information as required by the Director of Finance.

CITY OF LIVE OAK INVESTMENT POLICY

Securities Dealers

For brokers and dealers of government securities, the City shall select only those dealers reporting to the Market Reports Division of the Federal Reserve Board of New York, also known as the “Primary Government Security Dealers”, unless a comprehensive credit and capitalization analysis reveals that other firms are adequately financed to conduct public business. Investment officials shall not knowingly conduct business with any firm with whom public entities have sustained losses on investments. All Securities dealers shall provide the City with references from public entities which they are currently serving. The Investment Committee shall adopt and annually review a list of qualified brokers authorized to engage in investment transactions with the entity.

All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following as appropriate:

- audited financial statements
- proof of National Association of Securities Dealers (NASD) certification
- proof of state registration
- completed broker/dealer questionnaire
- certification of having read the City’s investment policy signed by a qualified representative of the organization
- acknowledgment that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment activities arising out of investment transactions conducted between the City and the organization

Qualified representative means a person who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following:

- A. For a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the National Association of Securities Dealers;
- B. For a state or federal bank, a savings bank, or a state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution; or
- C. For an investment pool, the person authorized by the elected official or board with authority to administer the activities of the investment pool to sign the certification on behalf of the investment pool.

CITY OF LIVE OAK INVESTMENT POLICY

Investment Pools

A thorough investigation of the pool is required prior to investing, and on a continual basis. All investment pools must supply the following information in order to be eligible to receive funds:

- the types of investments in which money is allowed to be invested
- the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool
- the maximum stated maturity date any investment security within the portfolio has
- the objectives of the pool
- the size of the pool
- the names of the members of the advisory board of the pool and the dates their terms expire
- the custodian bank that will safekeep the pool's assets
- whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment
- the name and address of the independent auditor of the pool
- the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in an withdraw funds from the pool
- the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios
- a description of interest calculations and how interest is distributed, and how gains and losses are treated

An annual review of the financial condition and registration of qualified bidders will be conducted by the Director of Finance.

VII. SAFEKEEPING AND CUSTODY

Insurance of Collateral

All deposits and investments of City funds other than direct purchases of U.S. Treasuries or Agencies shall be secured by pledged collateral. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 102% of market value of principal and accrued interest on the deposits or investments less an amount insured by the FDIC or FSLIC. Evidence of the pledged collateral shall be maintained by the Director of Finance or a third party financial institution. Repurchase agreements shall be documented by a specific agreement noting the collateral pledge in each agreement. Collateral shall be reviewed weekly to assure that the market value of the pledged securities is adequate. The City shall have a "perfected security interest" on all collateral.

CITY OF LIVE OAK INVESTMENT POLICY

Safekeeping Agreement

Collateral pledged to secure deposits of the City shall be held by a safekeeping institution in accordance with a Safekeeping Agreement which clearly defines the procedural steps for gaining access to the collateral should the City of Live Oak determine that the City's funds are in jeopardy. The safekeeping institution, or Trustee, shall be the Federal Reserve Bank or an institution not affiliated with the firm pledging the collateral. The safekeeping agreement shall include the signatures of authorized representatives of the City of Live Oak, the firm pledging the collateral, and the Trustee.

Collateral Defined

The City of Live Oak shall accept only the following securities as collateral:

- A. FDIC and FSLIC insurance coverage.
- B. A bond, certificate of indebtedness, or Treasury Note of the United States, or other evidence of indebtedness of the United States that is guaranteed as to principal and interest by the United States.
- C. Obligations, the principal and interest on which, are unconditionally guaranteed or insured by the State of Texas.
- D. A bond of the State of Texas or of a county, city or other political subdivision of the State of Texas having been rated as investment grade (investment rating no less than "A" or its equivalent) by a nationally recognized rating agency with a remaining maturity of ten (10) years or less.

Subject to Audit

All collateral shall be subject to inspection and audit by the Director of Finance or the City's independent auditors.

Delivery vs. Payment

Treasury Bills, Notes, Bonds, Repurchase Agreements, Certificates of Deposit and Government Agencies' securities shall be purchased using the delivery vs. payment method. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the Trustee. The security shall be held in the name of the City or held on behalf of the City. The Trustee's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City.

CITY OF LIVE OAK INVESTMENT POLICY

VIII. INVESTMENT POLICY ADOPTION

The City of Live Oak investment policy shall be adopted by resolution of the City Council. The policy shall be reviewed for effectiveness on an annual basis by the Investment Committee and any modifications will be recommended for approval to the City Council. The City Council shall review these investment policies and strategies not less than annually.

CITY OF LIVE OAK INVESTMENT POLICY

GLOSSARY OF COMMON TREASURY TERMINOLOGY

Agencies: Federal agency securities.

Asked: The price at which securities are offered.

Bid: The price offered for securities.

Bankers' Acceptance (BA): A draft or bill or exchange accepted by a bank or trust company. The accepting institution guarantees payment of the bill, as well as the issuer.

Broker: A broker brings buyers and sellers together for a commission paid by the initiator of the transaction or by both sides; he does not position. In the money market, brokers are active in markets in which banks buy and sell money and in interdealer markets.

Certificate of Deposit (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination CD's are typically negotiable.

Collateral: Securities, evidence of deposit or other property that a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Comprehensive Annual Financial Report (CAFR): The official annual report for the City of Live Oak. It includes five combined statements and basic financial statements for each individual fund and account group prepared in conformity with GAAP. It also includes supporting schedules necessary to demonstrate compliance with finance-related legal and contractual provisions, extensive introductory material, and a detailed Statistical Section.

Coupon: (a) The annual rate of interest that a bond's issuer promises to pay the bondholder on the bond's face value. (b) A certificate attached to a bond evidencing interest due on a payment date.

Dealer: A dealer, as opposed to a broker, acts as a principal in all transactions, buying and selling for his own account.

Debenture: A bond secured only by the general credit of the issuer.

Delivery versus Payment (DVP): There are two methods of delivery of securities: delivery versus payment and delivery versus receipt (DVR) (also called free). Delivery versus payment means delivery of securities with an exchange of money for the securities. Delivery versus receipt means delivery of securities with an exchange of a signed receipt for the securities.

CITY OF LIVE OAK INVESTMENT POLICY

Discount: The difference between the cost price of a security and its value at maturity when quoted at lower than face value. A security selling below original offering price shortly after sale also is considered to be at a discount.

Discount Securities: Non-interest bearing money market instruments that are issued at a discount and redeemed at maturity for full face value, for example, U.S. Treasury bills.

Diversification: Dividing investment funds among a variety of securities offering independent returns.

Federal Credit Agencies: Agencies of the Federal government set up to supply credit to various classes of institutions and individuals, for example, S&L's, small business firms, students, farmers, farm cooperatives, and exporters.

Federal Deposit Insurance Corporation (FDIC): A federal agency that insures bank deposits, currently up to \$100,000 per deposit.

Federal Funds Rate (the "Fed Rate"): The rate of interest at which Federal funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

Federal Home Loan Banks (FHLB): The institutions that regulate and lend to saving and loan associations. The Federal Home Loan Banks play a role analogous to that played by the Federal Reserve Banks in relation to member commercial banks.

Federal National Mortgage Association (FNMA): FNMA, like GNMA, was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development, H.U.D. It is the largest single provider of residential mortgage funds in the United States. Fannie Mae, as the corporation is called, is a private stockholder-owned corporation. The corporation's purchases include a variety of adjustable mortgages and second loans in addition to fixed-rate mortgages. FNMA's securities are also highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest.

Federal Open Market Committee (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank Presidents. The President of the New York Federal Reserve Bank is a permanent member while the other Presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of Government Securities in the open-market as a means of influencing the volume of bank credit and money.

Federal Reserve System: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., 12 regional banks and about 5,700 commercial banks that are members of the system.

CITY OF LIVE OAK INVESTMENT POLICY

Government National Mortgage Association (GNMA or Ginnie Mae): Securities guaranteed by GNMA and issued by mortgage bankers, commercial banks, savings and loan associations, and other institutions. Security holder is protected by full faith and credit of the U.S. Government. Ginnie Mae securities are backed by FHA, VA or FMHM mortgages. The term “pass-throughs” is often used to describe Ginnie Maes.

Liquidity: A liquid asset is one that can be converted easily and rapidly into cash without a substantial loss of value. In the money market, a security is said to be liquid if the spread between bid and asked prices is narrow and reasonable quantities can be purchased at those quotes.

Local Government Investment Pool (LGIP): The aggregate of all funds from political subdivisions that are placed in the custody of the State Treasurer for investment and reinvestment.

Market Value: The price at which a security is trading and could presumably be purchased or sold.

Master Repurchase Agreement: To protect investors, many public investors will request that repurchase agreements be preceded by a master repurchase agreement between the investor and the financial institution or dealer. The master agreement should define the nature of the transaction, identify the relationship between the parties, establish normal practices regarding ownership and custody of the collateral securities during the term of the investment, provide remedies in the case of default by either party and clarify issues of ownership. The master repurchase agreement protects the investor by eliminating the uncertainty of ownership and hence, allows investors to liquidate collateral if a bank or dealer defaults during the term of the agreement.

Maturity: The date upon which the principal or stated value of an investment becomes due and payable.

Money Market: The market in which short-term debt instruments (bills, commercial paper, bankers' acceptances, etc.) are issued and traded.

Offer: The price asked by a seller of securities. (When you are buying securities, you ask for an offer.) See Asked and Bid.

Open Market Operations: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

Portfolio: Collection of securities held by an investor.

CITY OF LIVE OAK INVESTMENT POLICY

Primary Dealer: A primary dealer is made up of a group of government securities dealers that submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and is subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC) registered securities broker-dealers, banks and a few unregulated firms.

Prudent Person Rule: An investment standard. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Qualified Public Depositories: A financial institution which does not claim exemption from the payment of any sales or compensating use or ad valorem taxes under the laws of this state, and that has segregated for the benefit of the Public Deposit Protection Commission eligible collateral having a value of not less its maximum liability and which has been approved by the commission to hold public deposits.

Rate of Return: The yield obtainable on a security based on its purchase price or its current market price. This may be the amortized yield to maturity on a bond or the current income return.

Repurchase Agreement (RP or REPO): A holder of securities sells these securities to an investor with an agreement to repurchase them at a fixed price on a fixed date. The security “buyer” in effect lends the “seller” money for the period of the agreement, and the terms of the agreement are structured to compensate him for this. Dealers use RP extensively to finance their positions. Exception: When the Fed is said to be doing RP, it is lending money that is, increasing bank reserves.

Safekeeping: A service to customers rendered by banks for a fee whereby securities and valuables of all types and descriptions are held in the bank’s vaults for protection.

SEC Rule 15C3-1: See uniform net capital rule.

Secondary Market: A market made for the purchase and sale of outstanding issues following the initial distribution.

Securities & Exchange Commission: Agency created by Congress to protect investors in securities transactions by administering securities legislation.

Structured Notes: Notes issued by Government Sponsored Enterprises (FHLB, FNMA, SLMA, etc.) and Corporations which have imbedded options (e.g., call features, step-up coupons, floating rate coupons, derivative-based returns) into their debt structure. Their market performance is impacted by the fluctuation of interest rates, the volatility of the imbedded options and shifts in the shape of the yield curve.

CITY OF LIVE OAK INVESTMENT POLICY

Treasury Bills (T Bills): A non-interest bearing discount security issued by the U.S. Treasury to finance the national debt. Most bills are issued to mature in three months, six months or one year.

Treasury Bond: Long-term U.S. Treasury securities having initial maturities of more than ten years.

Treasury Notes: Intermediate term coupon bearing U.S. Treasury securities having initial maturities from one to ten years.

Uniform Net Capital Rule: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealer in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called ***net capital rule*** and ***net capital ratio***. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

Yield: The rate of annual income return on an investment, expressed as a percentage. (a) ***Income Yield*** is obtained by dividing the current dollar income by the current market price of the security. (b) ***Net Yield*** or ***Yield to Maturity*** is the current income yield minus any premium above par.

**City of Live Oak
List of Qualified Brokers/Dealers
For Investment Activity**

The Public Fund Investment Act requires governmental to annually review and approve a list of qualified brokers for which the entity can engage in investment activity. The below list of qualified brokers is being submitted for approval:

FIRM:	SouthState DuncanWilliams, Inc. 6750 Poplar Ave., Suite 300, Memphis, TN 38138	(901) 604-5742
Name:	Patrick M. Boyer Institutional Fixed Income Sales patrick.boyer@southstateduncan.com	(901) 260-6811

FIRM:	Frost Bank Capital Markets 100 West Houston Street, San Antonio, TX 78205	(210) 220-6113
Name:	Chris Cook Investment Officer chris.cook@frostbank.com	(800) 540-7000

FIRM:	STIFEL 100 Motor Parkway 2 nd Floor, Hauppauge, NY 11788	
Name:	Greg P. Wirthmann Senior Vice President gwirthmann@stifel.com	(800) 645-5424

FIRM:	Wells Fargo Securities, LLC 1445 Ross Avenue, 4 th Floor, Dallas, Texas 75202	(800) 937-0998
Name:	Margaret Leffke Managing Director	

FIRM:	TexPool 600 Travis Street, Suite 7200 Houston, TX 77002 texpoolhouston@federatedinv.com	(866) 891-7665
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CITY COUNCIL AGENDA ITEM FORM

Meeting Date: October 29, 2024

Agenda item: 7C

Prepared by: Chief Gary Hopper

Reviewed by: Anas Garfaoui, City Manager

Department: Police Department

Agenda Item Description:

Discussion and possible action regarding a Resolution to enter into a proposal with Roadrunner Towing Services for wrecker services & impound storage.

Staff Briefing:

Live Oak Police Department went out for proposals for a new wrecker contract for the City of Live Oak. Two wrecker services made proposals and were reviewed by the Police Department. Both Roadrunner and Johnny's have served the City in the past. After reviewing, it was determined that we accept the proposal submitted by Roadrunner Wrecker Service.

Action:

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

Cost:	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	2 & 4

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

Staff Recommended Motion:

City Council to approve the resolution and authorize the City Manager to enter into a contract with Roadrunner Towing Services, Inc.

A RESOLUTION AUTHORIZING THE CITY OF LIVE OAK, TEXAS TO ENTER INTO A TOWING SERVICES AGREEMENT WITH ROADRUNNER TOWING SERVICE, INC. TO PROVIDE CERTAIN TOWING, STORAGE, AND RECORD-KEEPING SERVICES FOR THE CITY AND THE CITY'S POLICE DEPARTMENT AND ADOPTING AN AMENDED SCHEDULE OF NON-CONSENT TOWING FEES AND AUTHORIZING FUTURE AMENDMENTS TO THE SCHEDULE VIA RESOLUTION.

WHEREAS, the City desires to ensure the health, safety, and general welfare of its citizens and the general public and further desires (1) the safe and prompt removal of damaged vehicles involved in accidents within the City, and other derelict and/or abandoned vehicles throughout the City, (2) reliable towing services utilized in connection law enforcement operations, and (3) secure storage and quality record-keeping for vehicles towed in connection with the above-stated activities; and

WHEREAS, the City previously issued that certain Request for Proposal: Towing Services for the period of one (1) year with an annual automatic renewal period of a maximum for four (4) additional years after the first year and such responses to the RFP were due by 5 PM on October 1, 2024; and

WHEREAS, Roadrunner Towing Service Inc. has timely submitted a bid in response to the RFP along with sufficient information in support of his bid, including, without limitation, a certificate of insurance, equipment list, and a proposed suite of towing services (the "Services") with related cost information; and

WHEREAS, the City has selected Roadrunner Towing Service Inc. to perform the Services consistent with the RFP and Roadrunner's response to the RFP, and Roadrunner has agreed to perform such Services in accordance with the terms and conditions set forth in that certain Towing Services Agreement by and between the City and Roadrunner attached hereto as Exhibit A; and

WHEREAS, the City Council of the Live Oak is authorized to regulate non-consent towing fees pursuant to Chapter 13, Motor Vehicles and Traffic, Article V, Non-Consent Towing of the City's Code of Ordinances; and

WHEREAS, the City Staff has reviewed the fee schedule for non-consent tows previously adopted by Council and determined that revisions to the schedule are necessary; and

WHEREAS, the City Council of the Live Oak finds that the amended fee schedule for non-consent tows attached hereto as Exhibit B do not exceed an amount reasonable necessary to provide the services; and

WHEREAS, the City Council of the Live Oak finds the fees in Exhibit B to be reasonable and necessary for the protection of the public health, safety and general welfare of the citizens of Live Oak.

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

Section 1. The City Council hereby approves the Towing Services Agreement with Roadrunner Towing Service, Inc. Attached hereto as Exhibit A.

Section 2. The City Manager is hereby authorized to execute Exhibit 1 on behalf of the City of Live Oak.

Section 3. The City Council hereby authorizes the amendment to the schedule of fees for non-consent tows as shown in Exhibit B, attached.

Section 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

Section 5. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 6. The City Council may change the schedule of fees for non-consent tows as necessary via Resolution. Following the approval by City Council of the amended schedule of fees for non-consent tows and the effective date, the City shall post the changes in fee at the Live Oak Police Department and publish the rates and charges in the local newspaper.

Section 7. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 8. The schedule of fees for non-consent tows shall be effective upon approval of the City Council and publication of this resolution in a newspaper of general circulation.

Section 9. The repeal or amendment of any resolution or part of resolutions effectuated by the enactment of this resolution shall not be construed as abandoning any action now pending under or by virtue of such resolution or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue or as affecting any rights of the City of Live Oak under any section or provisions of any resolutions in effect at the time of passage of this resolution.

Section 10. The provisions of this resolution shall be cumulative of all resolutions not repealed by this resolution and resolutions governing or regulating the same subject matter as that covered herein. This resolution shall not be construed to require or allow any act which is prohibited by any other resolution.

Section 11. It is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED AND APPROVED, this, the 29th day of October 2024.

Mary M. Dennis, Mayor

ATTEST:

Isaura Gaytan, City Secretary

APPROVED AS TO FORM:

City Attorney

STATE OF TEXAS}
COUNTY OF BEXAR}
CITY OF LIVE OAK}

**AGREEMENT FOR WRECKER SERVICES BETWEEN THE CITY OF LIVE OAK
AND ROADRUNNER TOWING SERVICE, INC.**

This contract to provide wrecker service and vehicle storage is entered into as of the **29th day of October, 2024** between the CITY of Live Oak, hereinafter called the "CITY," and Geoffrey Nienstedt, Owner, DBA Roadrunner Towing Service, Inc., hereafter called "CONTRACTOR."

Now, in consideration of the Mutual Agreements hereinafter set forth:

A. THE CITY AGREES

1. Application. That the CONTRACTOR shall have authority to and upon proper authorization shall remove from public streets, ways or other public property in the CITY, vehicles which have been abandoned, disabled, parked illegally or vehicles which have no legal driver immediately available or have been involved in a collision and unable to proceed under own power.
2. Notification. CITY shall provide by telephone, radio or any other rapid means of communication, the location where the wrecker is to report.
3. Impound Record. The CITY shall provide to the wrecker driver a copy of the Impoundment Record (LOPD Form #10). The form will contain the case number and will indicate whether or not a hold is placed on the vehicle. Vehicles that indicate they are "available for release," item 20 on the impound form, may be released by the CONTRACTOR upon payment of all fees and charges. When a vehicle has been involved in a vehicle accident or collision, LOPD form #10 will only be issued at the discretion of the investigation official; decision will be based on the necessity of a hold being placed on the vehicle for further investigation.
4. Disposition of Vehicle. To cause the auction of all vehicles abandoned in accordance with State statutes and CITY ordinances. Payment of towing and storage charges to CONTRACTOR will be paid from the net proceeds of the auction. Vehicles with a "hold" shall not be auctioned until after the "hold" is removed.

B. THE CONTRACTOR AGREES:

1. Service. To provide all labor, equipment and material to safely remove any vehicle from public streets, ways or other public property as directed by the CITY Manager, Assistant CITY Manager, Chief of Police, Fire Chief or Director of Public Works, or their designated representative.

Provide and use as necessary materials needed to clean up and/or to contain normal fluid spills such as, but not limited to, radiator fluid, gasoline leaks, oil leaks, said cleanup shall be in accordance with local, state and federal regulations. This requirement does not include large, abnormal spills that require HAZMAT or truck transport companies to respond. For accidents on the highways TxDOT should be referred as regulating cleanup of debris.

2. Hours of Operation. To provide twenty-four (24) hour service every day of the year.
3. Equipment. To maintain available at all times five (5) wreckers on (1) ton or larger chassis equipped with a minimum of 14,000 pound power driven winch. In addition, the CONTRACTOR will have available one (1) heavy duty truck, minimum five (5) ton rating with winch with a minimum capacity of 50,000 pounds.
4. Storage Facility. To provide on the effective date of this contract and maintain during the entire term, a secure area for the storage of impounded vehicles. Such storage area must have an impermeable asphalt or concrete surface and be enclosed by a security privacy fence capable of being locked and maintained secure. Facility must have current VSF license and maintain license during entire contract. The secured storage facility must be within (10) ten miles of the CITY limits of the CITY of Live Oak, Texas.
5. Response. To maintain a telephone manned twenty-four (24) hours a day and respond to the location as directed by the Police Dispatcher within twenty (20) minutes after notice. CITY-owned vehicle or assist calls other than police business will have 35-minute response time.
6. Manning. To maintain on staff sufficient personnel to perform all CONTRACTOR obligations hereunder. To obtain clearances from the Police Department on all wrecker operation.
7. Indemnification/Hold Harmless. CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD HARMLESS THE CITY INCLUDING BUT NOT LIMITED TO ITS OFFICERS, AGENTS AND EMPLOYEES FROM ANY AND ALL CLAIMS, SUITS, CAUSES OF ACTION, AND LIABILITY ARISING OUT OF CONTRACTOR'S OPERATION HEREUNDER IN EXECUTION OF OR PERFORMANCE OF THIS CONTRACT.

8. Insurance.

- a. Each tow truck must carry a minimum \$500,000 combined single limit coverage for Bodily Injury or Property Damage to be increased as necessary to meet or exceed statutory requirements or CITY regulations. Each tow truck must further provide cargo, on-hook or similar type insurance in the minimum amount of \$10,000.00 with a deductible of not more than \$1,000.00. Each tow truck with a Gross Vehicle Weight over 26,000 pounds must have Cargo Insurance in the minimum amount of \$25,000 with a deductible of not more than \$1,000.00. CONTRACTOR expressly agrees to keep such policies in full force and in effect during the life of this contract. In the event of a claim against CONTRACTOR, it is expressly understood, and such policies shall expressly provide, that neither CONTRACTOR nor its insurers will seek to avoid liability on the grounds that CONTRACTOR was engaged in the exercise of a governmental function. Any lapse in the required insurance shall cause an immediate suspension of CONTRACTOR. See Exhibit C.
- b. All insurance policies required in this contract shall name the CITY as an additional named insured without qualification. In this connection, CONTRACTOR shall deposit with the CITY Secretary and the Live Oak Police Department, Proof of Insurance, Certificates of Insurance, issued by a responsible company or companies authorized to do business in the State of Texas and that CONTRACTOR shall have the insurance policies required herein in full force and effect. Each such policy shall contain an endorsement providing for thirty (30) days prior notice to the CITY Secretary and CONTRACTOR in the event of any cancellation of, or material change in, said policy.
- c. The CITY of Live Oak shall be named as a certificate holder in all insurance policies provided for herein other than workers compensation.
- d. No personal injury policy shall have a personal injury deductible.
- e. CONTRACTOR agrees to have and maintain workers compensation insurance throughout the term of this Agreement.
- f. All required insurances shall be purchased at the sole expense of the CONTRACTOR.

9. Licensing and Regulations. The CONTRACTOR agrees to comply with all applicable governmental requirements in regard to maintenance and ownership to his equipment. CONTRACTOR further agrees to operate and manage the impound procedures

pursuant to all Texas Department of Licensing and Regulation (TDLR) regulations for Tow Truck company and Vehicle Storage Facility (VSF) regulations. CONTRACTOR agrees to be responsible for complying with all state and regulatory laws and orders regarding vehicle impoundment yards. CONTRACTOR shall comply with Texas Occupations Code Section 2308.158, Drug Testing of Towing Operators. See Exhibit B.

10. Taxes and Fees. To pay all taxes. License fees or other debts which are now owed the CITY or will become due in the future.
11. Performance. CONTRACTOR shall:
 - a. Repair or to replace in a good and workmanlike manner back to its original condition any vehicle equipment or parts disconnected or tampered with for the purpose of towing.
 - b. Sweep, clean and remove all loose parts or debris in area of an accident.
 - c. All written and verbal communication between the CONTRACTOR and CITY Personnel will be done in a timely, professional and respectful manner.
 - d. Clearly mark vehicles on "POLICE HOLD" by placing a large distinct sticker prominently displayed on the front windshield of the vehicle until such time the POLICE HOLD is removed.
12. Receipt for Vehicle. CONTRACTOR shall provide to each vehicle owner or agent at the scene a receipt verifying transportation and/or storage of vehicle. The receipt will contain at least the following information:
 - a. Case Number - Assigned by the police officer.
 - b. Identification of the vehicle.
 - c. Identification of the driver/owner.
 - d. Date/time and location of the occurrence.
 - e. Destination and cost of the tow/impound to include any added fees.
 - f. Notation of whether or not there is a "hold" on the vehicle.

13. Release of Vehicle. CONTRACTOR shall release the vehicle to the owner or his authorized agent only after all charges and fees have been paid. To release "hold" vehicles only if release is authorized by CITY Police Department.
14. Impound Vehicle Status change. CONTRACTOR shall notify the Live Oak Police Department, by mail or FAX, of payment of fees paid.
15. Impoundment Fee. CONTRACTOR shall collect impoundment fees as designated by CITY ordinance for all impounded vehicles and to forward to the CITY all impoundment fees collected. Impoundment fees will be submitted to the CITY no later than five (5) days after the end of the month.
16. Records. CONTRACTOR shall maintain all of its books and records reflecting CONTRACTOR'S operations hereunder and related to this Agreement in accordance with and generally accepted accounting principles. Such books and records, together with any other documentation necessary for verification of CONTRACTOR'S compliance with the terms of this Agreement, shall be open and available for inspection by the CITY at any reasonable time.
17. Inventory. CONTRACTOR shall provide to the Chief of Police of Live Oak a monthly inventory of all vehicles which are in an impoundment status. The list shall include case number, invoice number, vehicle and registration, date of impoundment, hold or release. Monthly inventory will be sent via email to the Live Oak Police Department Records Unit (email address will be provided by the agency), Attention: Vehicle Impounds.
18. Posting of Fees. CONTRACTOR shall post prominently in CONTRACTOR'S place of business a current list of fees as approved by the CITY.
19. Fees. The following maximum fees may be charged for towing service and vehicle storage by CONTRACTOR for the services for the CITY:

*** PLEASE SEE ATTACHED RATE SHEET ATTACHED AS EXHIBIT A***

Invoices shall be sent directly to the CITY of Live Oak Police Department, Attention: Accounts Payable, 8022 Shin Oak Drive, Live Oak, Texas 78233. It is the intention of the CITY of Live Oak to make payment on completed orders within thirty days after receipt of invoice or items; whichever is later, unless unusual circumstances arise. Invoices must be fully documented as to labor, materials, and equipment provided and must reference the Live Oak Purchase Order Number in order to be processed. No payments shall be made on invoices not listing a Purchase Order Number.

Each Wrecker Slip filled out by CONTRACTOR shall contain the following information,

1. Customer Name and Department;
2. Date, Time of Tow (Arrival & Departure);
3. Requested by and Phone Number;
4. Year, make, model, color and full Vin (No Partial) License Plate (if available);
5. Pickup location;
6. Delivery to location (Taken to);
7. Total charge to include any special requirements, equipment, additional charges and/or fees, etc., other than standard bid pricing.
8. Indicates vehicle status (POLICE HOLD or Release Authorized)

CONTRACTOR MUST submit invoice within thirty (30) days after the services has been rendered. The CITY of Live Oak shall not be responsible for payment of any invoice which exceeds thirty (30) days from date of service unless authorized by the Live Oak Finance Department. CONTRACTOR MUST provide a monthly statement. The CITY of Live Oak shall not be responsible for charges which do not appear on the monthly statements. The CITY of Live Oak will refer to the CONTRACTOR'S monthly statements to assist in resolving payment for aged invoices. Charges which do not appear on the monthly statement when services were performed will not be paid.

20. Venue. This Agreement will be governed and construed according to the laws of the State of Texas. This Agreement is performable in Bexar County, Texas.

C. IT IS FURTHER MUTUALLY AGREED BETWEEN THE CITY AND THE CONTRACTOR AS FOLLOWS:

1. Term and Termination of Contract. This contract shall be for a period of one (1) year with an automatic renewal for a period of four (4) additional years after the first year provided neither party provides written notice of termination. The contract may be terminated by either party upon written sixty (60) days' notice prior to cancellation for any reason. Continuing non-performance of the CONTRACTOR in terms of Specifications shall be a basis for the termination of the contract by the CITY. The CITY shall not pay for work, equipment, or supplies which are unsatisfactory. CONTRACTOR will be given a reasonable opportunity before termination to correct the deficiencies. This, however, shall in no way be construed as negating the basis for termination for non-performance in the event of a breach or default of resulting contract award.

2. Assignment. The contract, upon award, cannot be assigned in whole or in part without the written consent of the CITY.
3. Modification. Any provision of this Agreement may be modified by written Agreement agreed and executed by both parties.
4. Independent Contractor: It is understood that CONTRACTOR, in the performance of the work and services agreed to be performed in this Agreement, shall act as and be an independent contractor and shall not act as an agent or employee of the CITY.
5. Complaints. The CITY will review all complaints and will take corrective action when required.
6. Indemnification. CONTRACTOR agrees to indemnify and agrees to hold the CITY and its agents, employees, and officers harmless from and against any loss, damage, or liability, including reasonable attorney's fees and litigation costs, from or out of any negligence, act or omission by the CONTRACTOR or its agents, officers or employees.
7. Agreement: This Agreement constitutes the complete and exclusive Agreement between CONTRACTOR and CITY.
8. Effective Date: This Agreement is effective as of October 29, 2024, the date when City Council approved and authorized such Agreement.

D. THIS AGREEMENT SHALL BE BINDING UPON THE RESPECTIVE PARTIES, HEIRS, SUCCESSORS AND ASSIGNS AND SHALL BE PERFORMABLE IN BEXAR COUNTY, TEXAS, WHERE EXCLUSIVE VENUE SHALL LIE.

*****SIGNATURE PAGE TO FOLLOW*****

SIGNED AND ACCEPTED on _____, 2024.

CONTRACTOR:

CITY OF LIVE OAK:

By: _____

Geoffrey Nienstedt, Owner
DBA Roadrunner Towing Service

By: _____

Anas Garfaoui, City Manager
City of Live Oak

EXHIBIT A
SCHEDULE OF NON-CONSENT TOWING FEES

EXHIBIT A

LIVE OAK POLICE DEPARTMENT NON-CONSENT TOW RATES Adopted by City Council October 29, 2024

ACCIDENT RATES Light Duty

- Towing Rate \$175.00
- Dollies \$50.00
- Off Road Recovery \$125.00
- Waiting Time \$125.00 Per Man/Per Hour
- Labor Time \$125.00 Per Man/Per Hour
- Additional Labor per Hour (Extra Trucks, Men) \$175.00
- Clean Up (Glass, Debris) \$50.00
- Mileage Rate (\$4.50)
- Underwater Recovery (Diver, Dive Team) \$450.00 Per Hour Per Diver 2 Hour Minimum
- City Fee \$25.00
- Fuel Adjustment (\$25.00 or 15% of Total Mileage Whichever is Greater)

POLICE REGULATED RATE

- Police Authorized (Prisoner, Stolen, Abandoned, Parking) \$150.00
- Fuel Adjustment (\$25.00 or 15% of Total Mileage Whichever is Greater)
- City Fee \$25.00

MEDIUM-DUTY ACCIDENT RATES

ACCIDENT RATES

- Towing Rate \$325.00
- Drive Shaft Removal \$50.00
- Off Road Recovery \$250.00 Per Hour
- Waiting Time \$175.00 Per Man/Per Hour
- Labor Time \$225.00 Per Man/Per Hour
- Additional Labor per Hour (Extra Trucks, Men) \$325.00
- Clean Up (Glass, Debris) \$50.00
- Mileage Rate (\$5.00 per mile loaded)

- Supervisor \$350.00 per Hour
- Underwater Recovery (Diver, Dive Team) \$450.00 Per Hour Per Diver 2 Hour Minimum
- Fuel Adjustment (\$25.00 or 15% of Total Mileage Whichever is Greater)
- City Fee \$50.00

POLICE REGULATED RATES

- Police Authorized (Prisoner, Stolen, Abandoned, Parking) \$250.00
- Fuel Adjustment (\$25.00 or 15% of Total Mileage Whichever is Greater)
- City Fee \$50.00

HEAVY-DUTY TOWING & RECOVERY RATES

ACCIDENT RATES

- Towing Rate \$800.00
- Waiting Time \$425.00 Per Truck/Per Hour
- Labor Time \$625.00 Per Truck/Per Hour
- Additional Equipment & Manpower (Heavy Duty Wrecker, Men) \$625.00 per Hour
- 50 ton Rotator Wrecker rate \$1000.00
- Supervisor \$350.00 per Hour
- Additional Equipment & Manpower (Small Wrecker) \$225.00 per Hour
- Additional Equipment (Tractors, Forklifts, Front-end Loaders) \$400.00 per Hour
- Mileage Rate (per Loaded Mile) \$7.50
- Clean Up (Glass, Debris) \$250.00
- Underwater Recovery (Diver, Dive Team) \$450.00 Per Hour Per Diver 2 Hour Minimum
- Fuel Adjustment (\$25.00 or 15% of Total Mileage Whichever is Greater)
- City Fee \$100.00

POLICE REGULATED RATES

- Police Authorized (Prisoner, Stolen, Abandoned, Impound) \$625.00
- Mileage Rate \$7.50 per Mile
- City Fee \$100.00
- Fuel Adjustment (\$25.00 or 15% of Total Mileage Whichever is Greater)

STORAGE RATES

- Vehicles less than 25' \$22.85 per Day
- Vehicles more than 25' \$39.99 per Day
- Impound Fee \$22.85
- Notification Fee \$50.00



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: October 29, 2024

Agenda item: 7D

Prepared by: Michael Fratus, Assistant Chief

Reviewed by: Anas Garfaoui, City Manager

Department: Police Department

Agenda Item Description:

Discussion and possible action regarding a Resolution to authorize the City Manager to file a grant application for the FY25 SB 224 Catalytic Converter Grant Program with the Motor Vehicle Crime Prevention Authority Auxiliary Grant Program and authorizing the City Manager or his designee to act on behalf of the City on all matters thereto and related to the application, setting an effective date.

Staff Briefing:

This grant opportunity will fund the expansion of our Flock License Plate Reader project throughout the city. We will apply for a total of 6 (six) units. The total unit cost will be \$18,000 with a one-time installation fee of \$650 per unit. The total cost for the deployment will be \$21,900. There is a 20% match requirement for this grant, which equals \$4,380.

ACTION:

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

Cost:	
Budgeted	N/A
Actual	N/A
Acct. Name	
Acct. Fund	
Other Funding	Grant
Strategic Goals	

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

Staff Recommended Motion:

City Council to approve Resolution.

RESOLUTION NO. _____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS AUTHORIZING THE FILING OF A GRANT APPLICATION FOR THE FY25 SB 224 CATALYTIC CONVERTER GRANT PROGRAM WITH THE MOTOR VEHICLE CRIME PREVENTION AUTHORITY AUXILIARY GRANT PROGRAM FOR THE LEASE OF STAND-ALONE LICENSE PLATE READERS FOR THE POLICE DEPARTMENT AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACT ON BEHALF OF THE CITY ON ALL MATTERS THERETO AND RELATED TO THE APPLICATION; SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Live Oak, Texas ("City") is a home rule city governed by the laws of the State of Texas; and

WHEREAS, under the provisions of the Texas Transportation Code Chapter 1006 and Texas Administrative Code Title 43; Part 3; Chapter 57, entities are eligible to receive grants from the Motor Vehicle Crime Prevention Authority to provide financial support to law enforcement task forces and agencies for economic motor vehicle theft, including catalytic converter theft; and

WHEREAS this grant program will assist this jurisdiction to combat catalytic converter theft; and

WHEREAS, The City of Live Oak has agreed that in the event of loss or misuse of the grant funds, the City of Live Oak agrees and assures that the grant funds will be returned in full to the Motor Vehicle Crime Prevention Authority.

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

Section 1. That the facts and opinions in the preamble are true and correct.

Section 2. The City Council hereby designates the City Manager as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Motor Vehicle Crime Prevention Authority Program, and all other necessary documents to accept said grant, on behalf of the City of Live Oak.

Section 3. Michael Fratus is designated as the Program Director and Leroy Kowalik is designated as the Financial Officer for this grant program.

Section 4. All resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 5. This Resolution shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Resolution or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Resolution and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Resolution would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 8. This Resolution shall be in force and effect from and after its final passage, and it is so resolved.

PASSED AND ADOPTED, this _____ day of _____, 2024.

CITY OF LIVE OAK, TEXAS

Mary M. Dennis, Mayor

ATTEST:

Isa Gaytan, City Secretary

(CITY SEAL)

APPROVED AS TO FORM:

City Attorney



CITY COUNCIL AGENDA ITEM FORM

Meeting date: October 29, 2024

Agenda Item: 7E

Prepared by: Ron Ruthven, ACM

Reviewed By: Anas Garfaoui, City Manager

Department: Administration

Agenda Item Description:

Discussion and possible action regarding an ordinance approving a comprehensive land plan amendment, amending the future land use plan in the most recently adopted 2040 Live Oak Comprehensive Plan, specifically for Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit) located at 6703, 6707 and 6715 Queen's Crown Street respectively; changing the future land use designation from "Low Density Residential" to "Medium Density Residential".

Property Information:

LEGAL DESCRIPTION:	Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit)
CURRENT ZONING:	PD PRE-DEVELOPMENT DISTRICT
CURRENT LAND USE:	UNIMPROVED/VACANT
ADJACENT ZONING:	PD PRE-DEVELOPMENT DISTRICT
ACREAGE:	0.434, 0.432, and 0.53 acres (1.396 total acres)

Summary of Request:

The applicant, Octavio Viramontes, on behalf of Melbrun Construction LLC, is requesting a comprehensive land plan amendment as part of a rezoning request for the subject properties. The Live Oak zoning regulations and State law require the zoning regulations to be consistent with the comprehensive plan. In the event a zoning request is not consistent with land use plan contained in the comprehensive plan, the land use plan must first be amended before the zoning can be approved.

The Live Oak comprehensive plan currently recommends "Low Density Residential" for the subject properties. The comprehensive plan describes "Low Density Residential" as having a maximum residential density of 8 dwelling units per acre (dua) with only single-family homes. The zoning requested by the applicant (R3 – Two Family Residential District) allows for a maximum residential density of 9.68 dua.

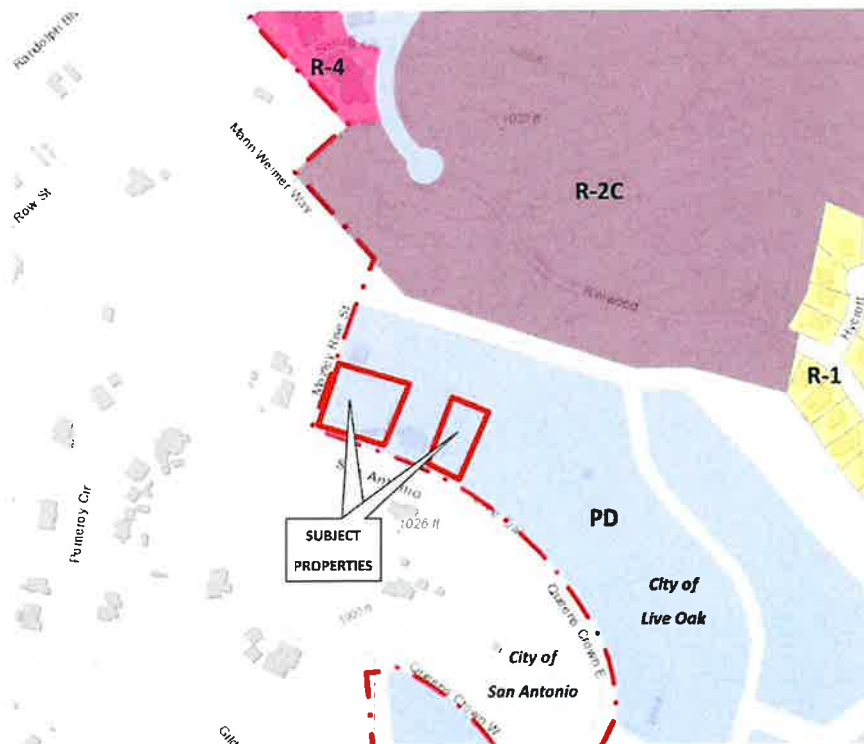
CITY COUNCIL AGENDA ITEM FORM

The following table shows the maximum residential density by zoning district and the corresponding comprehensive plan land use category:

Zoning Classification	Maximum Residential Density Allowed per Zoning (based on minimum lot size)	Housing Types Permitted	Comprehensive Plan Land Use Plan Category and Maximum Density
(R-1) Single Family Residential District	6.05 dua	single family detached	Low Density Residential (8 dua max)
(R-2A) Garden Home Residential District-A	8.7 dua	single family detached, garden home	Medium Density Residential (14 dua max)
(R-2B) Garden Home Residential District-B	7.03 dua	single family detached, garden home	Low Density Residential (8 dua max)
(R-2C) Garden Home Residential District-C	8.7 dua	single family detached, garden home	Medium Density Residential (14 dua max)
(R-3) Two-Family Residential District	9.68 dua	single family detached, duplex	Medium Density Residential (14 dua max)
(R-4) Town House Residential District	17.4 dua	single family attached, duplex	High Density Residential (24 dua max)
(R-5) Apartment/Multifamily Residential District	22 dua	multifamily, boarding house, STR	High Density Residential (24 dua max)

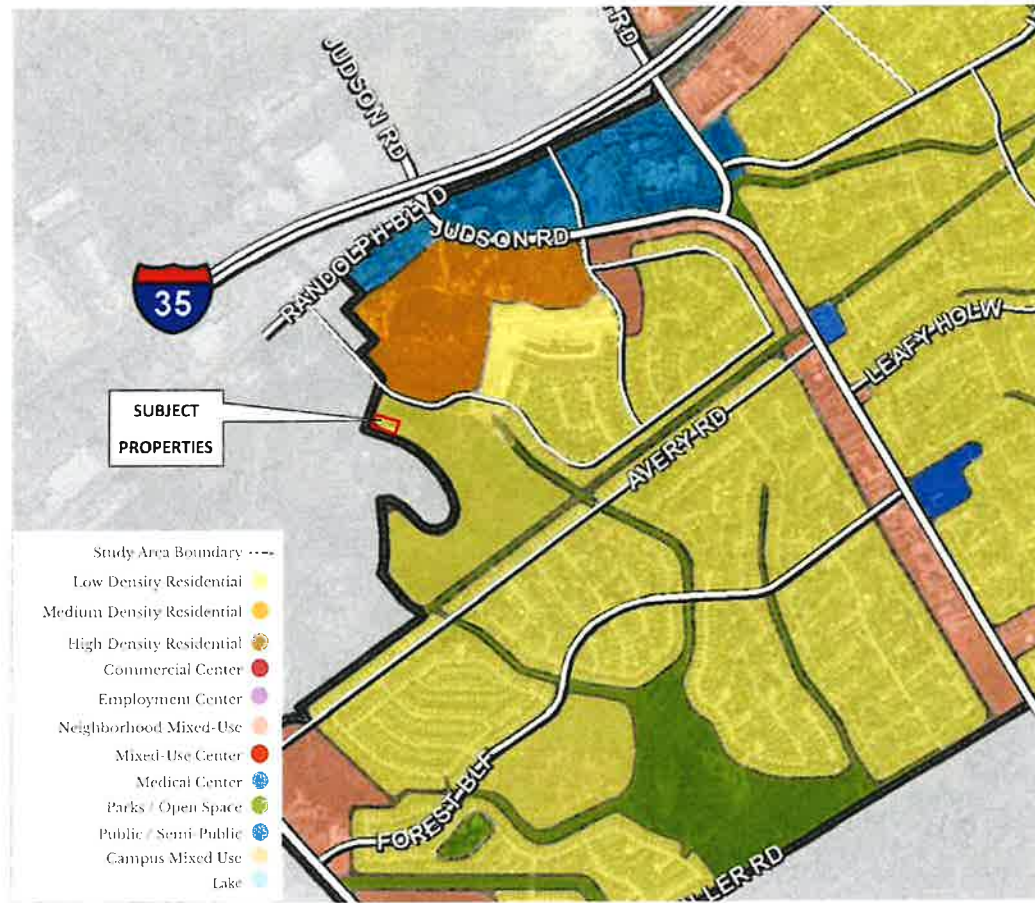
dua = dwelling units per acre

LOCATION AND ZONING MAP:



CITY COUNCIL AGENDA ITEM FORM

COMPREHENSIVE PLAN - LAND USE MAP:



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- Stable, 2- Secure, 3 - Supportive, and 4 - Beautiful



CITY COUNCIL AGENDA ITEM FORM

Staff Recommended Motion:

Staff recommends denial of the request.

Planning and Zoning Commission Recommendation:

The Commission voted to recommend denial of the item by a vote of (4-0) on October 15, 2024.

AN ORDINANCE OF THE CITY OF LIVE OAK, TEXAS APPROVING A FUTURE LAND USE PLAN AMENDMENT FROM “LOW DENSITY RESIDENTIAL” TO “MEDIUM DENSITY RESIDENTIAL”. THE PROPERTY BEING LOTS 19, 20 AND 22, BLOCK 51, ROBARDS TEXAS (SECOND UNIT) LOCATED AT 6703, 6707 AND 6715 QUEEN’S CROWN STREET IN THE CITY OF LIVE OAK, BEXAR COUNTY TEXAS; PROVIDING FOR AN EFFECTIVE DATE; REPEALER CLAUSE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Live Oak (“City”) is a Texas Home Rule Municipality operating under the laws of the State of Texas; and

WHEREAS, The City Council of the City of Live Oak is empowered to adopt a comprehensive plan for the long-range development of the City pursuant to Chapter 213, Texas Local Government Code; and

WHEREAS, on March 10, 2020, the City Council of the City of Live Oak approved a comprehensive plan; and

WHEREAS, Chapter 211.004, Texas Local Government Code requires zoning regulations to be adopted in accordance with a comprehensive plan; and

WHEREAS, Section 24-133, Live Oak Code of Ordinances provides that a property owner may request to amend the boundaries shown on the future land use map contained in the comprehensive land plan in accordance with the provisions contained therein; and

WHEREAS, Octavio Viramontes has petitioned the City Council of the City of Live Oak, Texas, for a Comprehensive Land Plan Amendment to amend the Future Land Use Plan from “Low Density Residential” to “Medium Density Residential” on Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit) located at 6703, 6707 and 6715 Queen’s Crown Street; and,

WHEREAS, the public and interested parties were notified, and this matter has been previously heard and considered by the Live Oak Planning and Zoning Commission on October 15, 2024 with a _____ recommendation; and,

WHEREAS, the Planning and Zoning Commission and the Live Oak City Council conducted a public hearing for the purpose of determining whether the approval of such an amendment would be in the best interests of the community; and

WHEREAS, both the City Council and the Planning and Zoning Commission of the City of Live Oak find approving the Comprehensive Land Plan Amendment promotes the health, safety, or general welfare of the city and the safe, orderly, efficient and healthful

development of the city, and is consistent with the goals and objectives of the comprehensive land plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS:

Section 1. A comprehensive land plan amendment is hereby granted to Octavio Viramontes, on behalf of Melbrun Construction, LLC, amending the Future Land Use Plan in the City of Live Oak Comprehensive Plan from “Low Density Residential” to “Medium Density Residential” on Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit) located at 6703, 6707 and 6715 Queen’s Crown Street, as further depicted in Exhibit “A”.

Section 2. Findings of Fact. The recitals contained in the preamble are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of facts.

Section 3. Severability. Should any section, subsection or phrase of this Ordinance be held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole or any other remaining portions of this Ordinance.

Section 4. Repealer. This Ordinance shall be cumulative of all provisions of ordinances of the City of Live Oak, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 5. Proper Notice and Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 6. Effective Date. This ordinance shall take effect from and after the earliest date provided by law following its adoption and publication as provided by law.

PASSED and APPROVED this the _____ day of _____, 2024.

Mary M. Dennis, Mayor

ATTEST:

Isa Gaytan, City Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

City Attorney

Exhibit “A”



Development Application

For Office Use
Case No. CP-2024-01

Submission of an application does not indicate acceptance by the City of Live Oak.

Type of Request:

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Plat Certification |
| <input type="checkbox"/> Zone Change | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Zoning Change PUD | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Replat |
| <input type="checkbox"/> Zoning Special Exception | <input type="checkbox"/> Amending Plat |
| <input type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Minor Plat |
| <input checked="" type="checkbox"/> Other: <u>Low density to medium density residential</u> | <input type="checkbox"/> Plat Waiver |

Project Name/Description: E QUEENS CROWN DUPLEX

Site Location Information

Legal Description CB 5937 BLK 51 LOT 19,20,21,22

County Appraisal District Parcel ID # (all properties) 359993

Address: 6703 E QUEENS CROWN ST Number of Lots: 4 Acreage: 1.887

General Location of Property (if no address): _____

Subdivision Name: NA Block: 51 Lot: 19,20,21,22

School District: ☐ JISD ☒ NEISD ☐ Other: _____

Zoning Information

Current Zoning: Pre-Development District (PD) Requested Zoning (if applicable): Medium density R-3

Existing Land Use: Vacant Regular Lot Proposed Land Use (if applicable): 2 DWELING UNITS (DUPLEX) PER LOT

Property Owner Information

Owner Name: MELBRUN CONSTRUCTION LLC

Owner Address: 17890 Blanco rd. suite 211

(Street) (City) (State) (Zip)

Phone #: (210)861-1077 Email: mario@rodleegroup.com

Applicant Information - ☐ Check box if same as property owner

Name: OCTAVIO A. VIRAMONTES R.A.

Address: 13620 NW MILITARY HWY. STE 203 SAN ANTONIO TX 78231

(Street) (City) (State) (Zip)

Phone #: 210-464-8120 Email: INFO@RESCOSERVICES.COM

Engineer/Surveyor Information (if applicable)

Name: Odie Bernal, RPLS. Odie Bernal, RPLS
(Company) (Contact Person)
Address: 4603 N Stahl Park, Suite 103, San Antonio, Tx 78217
(Street) (City) (State) (Zip)
Phone #: (210) 971-4870 Email: OBernal@Summit-Geomatics.com

Authorized Agent Information (if applicable)

Name: _____
Address: _____
(Street) (City) (State) (Zip)
Phone #: _____ Email: _____

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the property owner to submit this application and have attached written evidence of such authorization AND that I have reviewed the application and all information submitted here in is true and correct.

Signature Owner: [Signature] Date: 07/30/24
Printed Name: Marlo Lee Zamora

Office Use Only	
Received Date: <u>8/2/2024</u>	Date Application Deemed Complete: <u>8/2/2024</u>
Case No.: <u>CP-2024-01</u>	Review By: <u>[Signature]</u>

★ - App. is for COMPREHENSIVE
LAND PLAN AMENDMENT RR
- No Fee, Included w/ Rezoning Fee.



LETTER OF INTENT

6703, 6707, 6715 E QUEENS CROWN ST

LIVE OAK, TX 78233

LOT 19 BLOCK 51

Legal Description: CB 5937 BLK 51 LOT 19,20,21,22

Property ID: 359993

Vacant Regular Lot

Acres: 0.4341

Existing land use designation: Low-density residential

Proposed land use designation: Medium-density residential

Existing Zoning: Pre-Development District (PD)

Proposed zoning: Two-Family Residential District (R-3)

Lots 19-22 are on Queens Crown St (south) and Weimer Way (East). Currently, with a Low-density residential, the intent is that they become **Medium-density residential**.

Each piece of land pretends to have a **Single building with two single-family attached residential dwellings**—Two (8) dwelling units total on all four.

Due to each lot's dimensions, .4 + acres on average is possible to allow a medium density without affecting the original intended density.

Every lot complies with the minimum square footage of 9,000 square feet for R-3 two single-family residential districts, for attached residential dwellings. The proposed density is only 5 units per acre, 3 under the maximum 8 units per acre for the low-density residential land designation.

The lot widths are in average 100 + feet, exceeding the minimum 75 feet requested for an R-3; the lot's depths are 180 + feet, exceeding the requested 120 feet.

This low density will not affect traffic on the existing streets as shown in the traffic impact analysis (TIA) threshold worksheet, the existing streets hold sufficient capacity to carry the increased traffic generated by the units.

The probable reason for the lot's dimensions is the existing slope, however, this becomes favorable to resolve the lack of sewer in the area that with a single shared septic system will function properly in a large irrigation field that will result in the lower rear part of each lot.

Besides the mentioned lot's dimensions, we see the viability of this designation due to the proximity of an existing similar designation (see Figure A1 and A1 below).

An R-3 case between R-1 low density can also be seen functioning properly in the proximity of this case and between R-1 single family just as proposed (see Figure B1 and B2).

In this case, although medium-density developments are suitable buffers between single-family districts and commercial uses, this development due to the land dimensions will keep the characteristics of a low-density single-family use keeping the original land use intent.

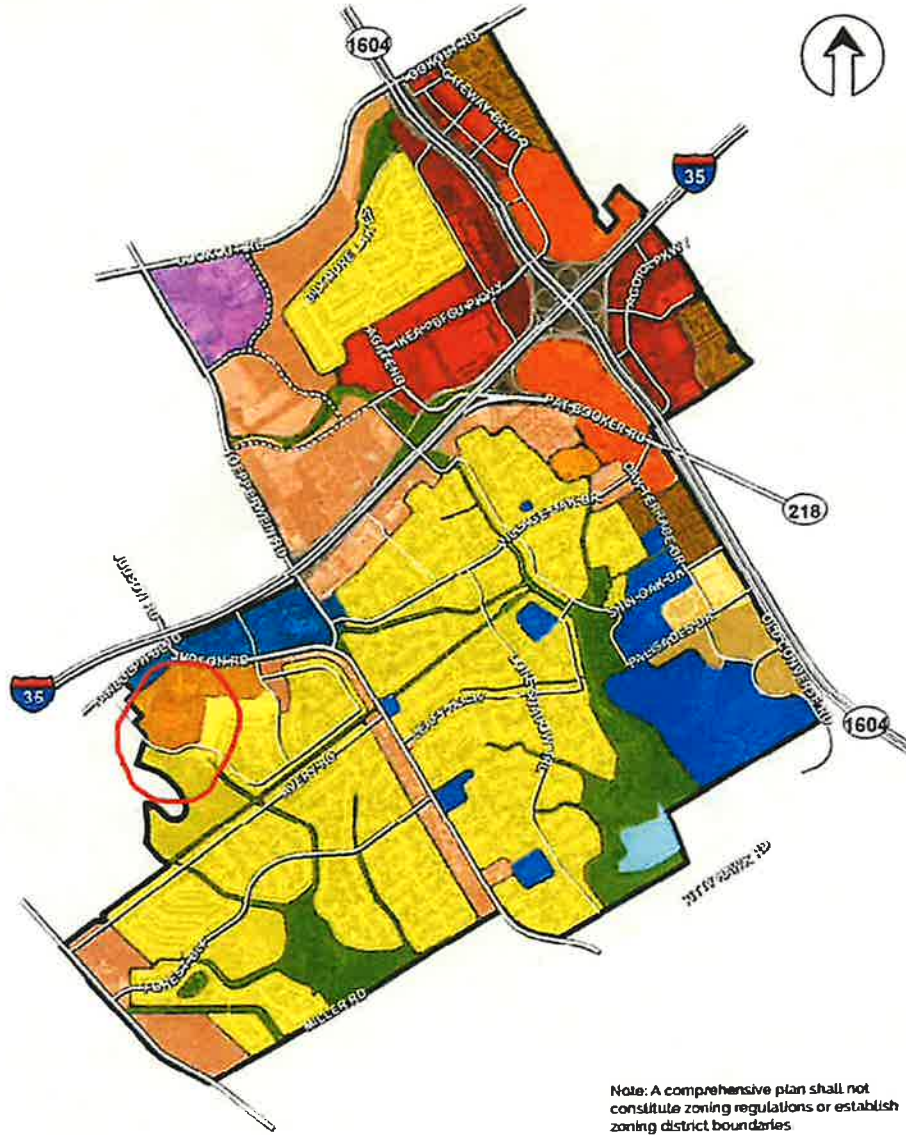


FIGURA A1

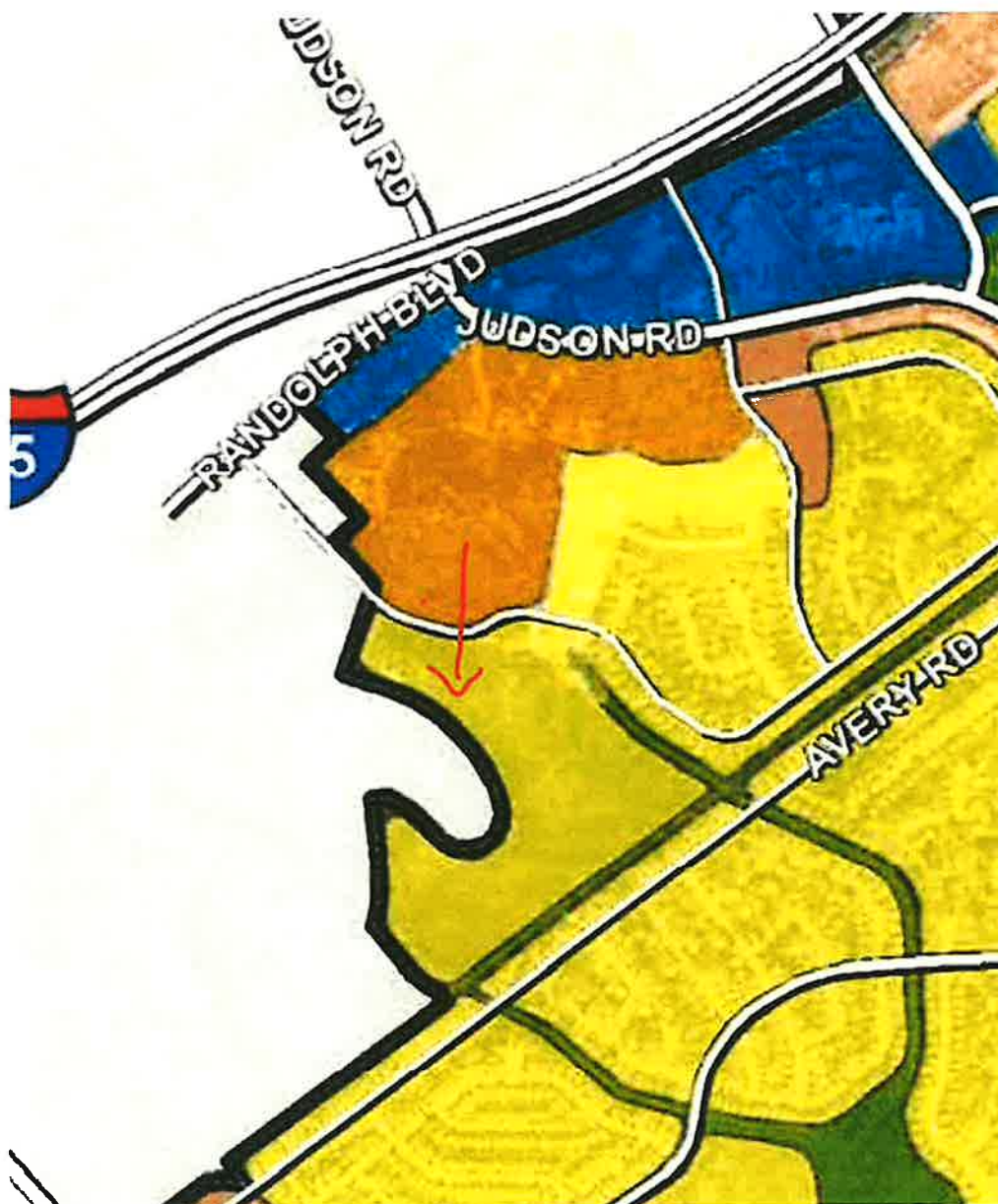


FIGURE A2



FIGURE B2



CITY COUNCIL AGENDA ITEM FORM

MEETING DATE: October 29, 2024

AGENDA ITEM: 7F

Prepared by: Ron Ruthven, ACM

REVIEWED BY: Anas Garfaoui, CM

Department: Administration

Agenda Item Description:

Discussion and possible action regarding an ordinance approving a zoning change from the “PD-Pre-Development District” to the “R3-Two-Family Residential District” for property located at 6703, 6707 and 6715 Queen’s Crown Street

Property Information:

LEGAL DESCRIPTION:	Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit)
CURRENT ZONING:	PD PRE-DEVELOPMENT DISTRICT
CURRENT LAND USE:	UNIMPROVED/VACANT
ADJACENT ZONING:	PD PRE-DEVELOPMENT DISTRICT
ACREAGE:	0.434, 0.432, and 0.53 acres (1.396 total acres)

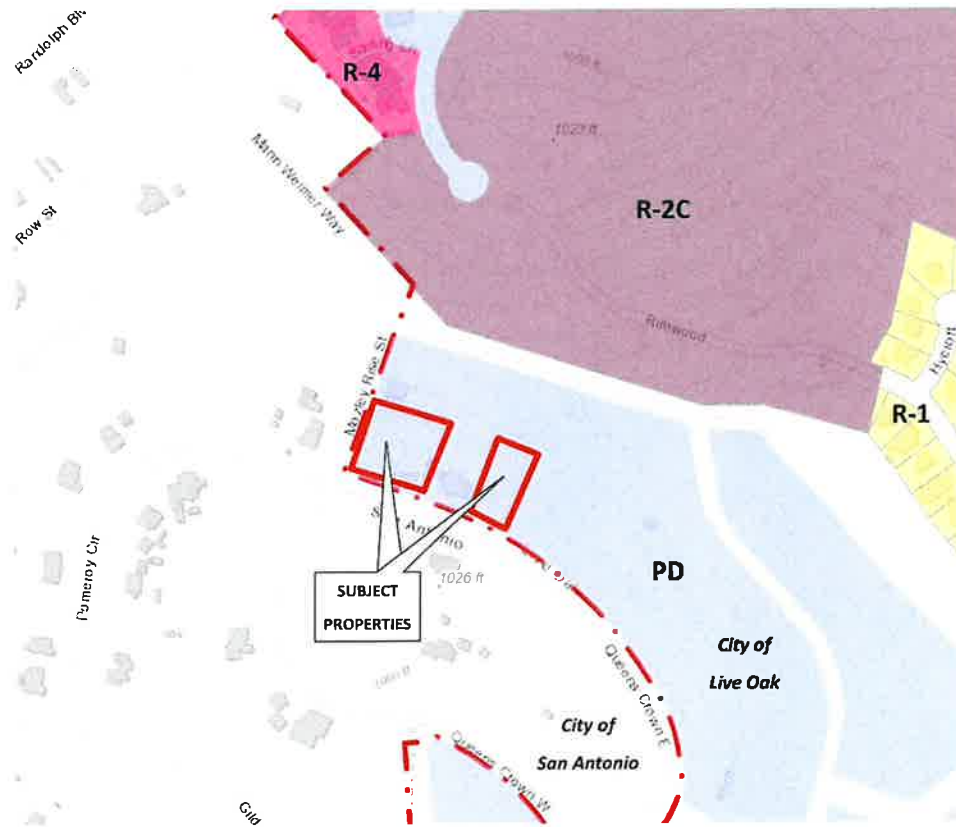
Summary of Request:

The applicant, Octavio Viramontes, on behalf of Melbrun Construction LLC, is requesting a zoning change for the subject properties in order construct two-family residences (duplexes) on the subject properties. This item is a companion item to the comprehensive land plan amendment request.

The “R3-Two-Family Residential District” allows the following uses:

- Agricultural uses
 - Single-Family Detached Residential
 - Two-Family Residential (Duplex)
 - Religious Institution
-

Location and Zoning Map:



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- Stable, 2- Secure, 3 – Supportive, and 4 - Beautiful



CITY COUNCIL AGENDA ITEM FORM

Staff Recommended Motion:

Staff recommends an action consistent with the City Council vote regarding the companion comprehensive land plan amendment.

Planning and Zoning Commission Recommendation:

The Commission voted to recommend denial of the item by a vote of (4-0) on October 15, 2024.



AMENDED

Development Application

For Office Use

Case No. 2-2024-001

Submission of an application does not indicate acceptance by the City of Live Oak.

Type of Request:

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Plat Certification |
| <input checked="" type="checkbox"/> Zone Change | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Zoning Change PUD | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Replat |
| <input type="checkbox"/> Zoning Special Exception | <input type="checkbox"/> Amending Plat |
| <input type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Minor Plat |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Plat Waiver |

Project Name/Description: 6715 E QUEENS CROWN DEUPLEX

Site Location Information

Legal Description CB 5937 BLK 51 LOT 22

County Appraisal District Parcel ID # (all properties) 359996

Address: 6715 E QUEENS CROWN ST Number of Lots: 1 Acreage: 0.5303

General Location of Property (if no address): _____

Subdivision Name: NA Block: 51 Lot: 22

School District: ☐ JISD ☒ NEISD ☐ Other: _____

Zoning Information

Current Zoning: Pre-Development District (PD) Requested Zoning (if applicable): R-3

Existing Land Use: Vacant Regular Lot Proposed Land Use (if applicable): 2 DWELING UNITS (DUPLEX)

Property Owner Information

Owner Name: MELBRUN CONSTRUCTION LLC

Owner Address: 17890 Blanco rd. suite 211

(Street) (City) (State) (Zip)

Phone #: (210)861-1077 Email: mario@rodleegroup.com

Applicant Information - ☐ Check box if same as property owner

Name: OCTAVIO A. VIRAMONTES R.A.

Address: 13620 NW MILITARY HWY. STE 203 SAN ANTONIO TX 78231

(Street) (City) (State) (Zip)

Phone #: 210-464-8120 Email: INFO@RESCOSERVICES.COM

Engineer/Surveyor Information (if applicable)

Name: Odie Bernal, RPLS. Odie Bernal, RPLS
(Company) (Contact Person)

Address: 4603 N Stahl Park, Suite 103, San Antonio, Tx 78217
(Street) (City) (State) (Zip)

Phone #: (210) 971-4870 Email: OBernal@Summit-Geomatics.com

Authorized Agent Information (if applicable)

Name: _____

Address: _____
(Street) (City) (State) (Zip)

Phone #: _____ Email: _____

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the property owner to submit this application and have attached written evidence of such authorization AND that I have reviewed the application, and all information submitted here in is true and correct.

Signature Owner: [Signature] Date: 07/30/24

Printed Name: Mario Lee Zamora

Office Use Only

Received Date: 8/2/2024 Date Application Deemed Complete: 8/2/2024

Case No.: Z-2024-001 Review By: [Signature]

App. Fee Paid on 8/6/2024
\$2000.00, Cit 117026223



LETTER OF INTENT

6715 E QUEENS CROWN ST

LIVE OAK, TX 78233

LOT 22 BLOCK 51

Legal Description: CB 5937 BLK 51 LOT 22

Property ID: 359996

Vacant Regular Lot

Acres: 0.5303

SF: 23,100

Pre-Development District (PD)

Two-Family Residential District (R-3)

Lot 22 is a lot Located on Queens Crown St (south) and Weimer Way (East) is intended for a **Single building with two single-family attached residential dwellings**—Two (2) dwelling units total.

Each unit will average 1,800 square feet in three levels with a maximum height of 45 feet.

The front yard setback will be a minimum of 30 feet; the rear yard will have no less than 25 feet; the side yard setback will be a minimum of 10 feet and on the side with Weimer Way a 15-foot side yard setback from the street right-of-way. The projection of a roof eave into the required side yard shall not exceed 18 inches.

The lot complies with the minimum square footage of 9,000 square feet for R-3 two single-family residential districts, attached residential dwellings.

The current lack of sewer can be solved with a single septic system for both units, that will have sufficient irrigation area due to the lot's dimensions.

The lot width is 102.71 feet, exceeding the minimum 60 feet requested; the lot's depth is 197.86 feet on its shorter side and 218.97 feet on the long side, exceeding the requested 120 feet.

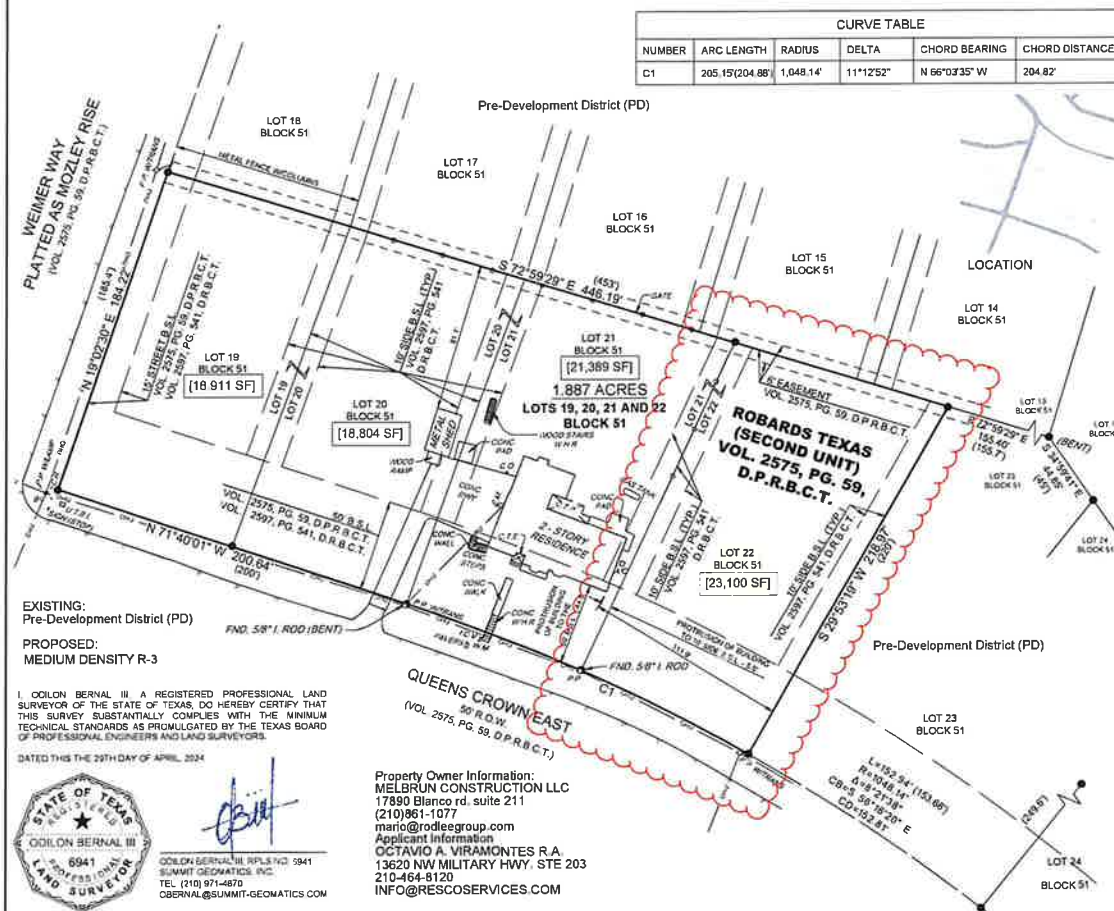
The proposed density is only 5 units per acre, 3 under the maximum 8 units per acre for the low-density residential land designation. Due to the large lot dimensions the density is not affected and remains low.

This low density will not affect traffic on the existing streets as shown in the traffic impact analysis (TIA) threshold worksheet, the existing streets hold sufficient capacity to carry the increased traffic generated by the units.

In this case despite the fact that medium density developments are suitable buffers between single-family districts and commercial uses, this development due to the land dimensions will remain with the characteristics of a low-density single-family use.

K:\03_Summit_Proyectos\2024-Proyectos\24-0149_RobardsTexas_SecondUnit_Survey\03_Finish\DOT_CAD\QueensCrownEast_15'(C).dwg 4/23/2024 8:18 PM, Odbernal

INSURED: MD LEGACY INVESTMENTS LLC
ADDRESS: E. QUEENS CROWN STREET, LIVE OAK, TX 78233
FILE NO.: 2282035





★ AMENDED

Development Application

For Office Use

Case No. 2-2024-002

Submission of an application does not indicate acceptance by the City of Live Oak.

Type of Request:

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Plat Certification |
| <input checked="" type="checkbox"/> Zone Change | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Zoning Change PUD | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Replat |
| <input type="checkbox"/> Zoning Special Exception | <input type="checkbox"/> Amending Plat |
| <input type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Minor Plat |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Plat Waiver |

Project Name/Description: 6707 E QUEENS CROWN DUPLEX

Site Location Information

Legal Description CB 5937 BLK 51 LOT 20

County Appraisal District Parcel ID # (all properties) 359994

Address: 6707 E QUEENS CROWN ST Number of Lots: 1 Acreage: 0.4317

General Location of Property (if no address): _____

Subdivision Name: NA Block: 51 Lot: 20

School District: ☐ JISD ☒ NEISD ☐ Other: _____

Zoning Information

Current Zoning: Pre-Development District (PD) Requested Zoning (if applicable): R-3

Existing Land Use: Vacant Regular Lot Proposed Land Use (if applicable): 2 DWELING UNITS (DUPLEX)

Property Owner Information

Owner Name: MELBRUN CONSTRUCTION LLC

Owner Address: 17890 Blanco rd. suite 211
(Street) (City) (State) (Zip)

Phone #: (210)861-1077 Email: mario@rodleegroup.com

Applicant Information - ☐ Check box if same as property owner

Name: OCTAVIO A. VIRAMONTES R.A.

Address: 13620 NW MILITARY HWY. STE 203 SAN ANTONIO TX 78231
(Street) (City) (State) (Zip)

Phone #: 210-464-8120 Email: INFO@RESCOSERVICES.COM

Engineer/Surveyor Information (if applicable)

Name: Odie Bernal, RPLS. Odie Bernal, RPLS
(Company) (Contact Person)
Address: 4603 N Stahl Park, Suite 103, San Antonio, Tx 78217
(Street) (City) (State) (Zip)
Phone #: (210) 971-4870 Email: OBernal@Summit-Geomatics.com

Authorized Agent Information (if applicable)

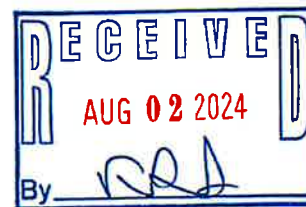
Name: _____
Address: _____
(Street) (City) (State) (Zip)
Phone #: _____ Email: _____

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the property owner to submit this application and have attached written evidence of such authorization AND that I have reviewed the application, and all information submitted here in is true and correct.

Signature Owner: [Signature] Date: 07/30/24
Printed Name: Mario Lee Zamora

Office Use Only
Received Date: 8/2/2024 Date Application Deemed Complete: 8/2/2024
Case No.: Z-2024-002 Review By: [Signature]

App Fee Paid on 6/10/2024
\$2,000.00 XX CHK 1170200230



LETTER OF INTENT

6707 E QUEENS CROWN ST

LIVE OAK, TX 78233

LOT 20 BLOCK 51

Legal Description: CB 5937 BLK 51 LOT 20

Property ID: 359994

Vacant Regular Lot

Acres: 0.4317

SF: 18,804

Pre-Development District (PD)

Two-Family Residential District (R-3)

Lot 20 is a lot Located on Queens Crown St (south) and Weimer Way (East) is intended for a **Single building with two single-family attached residential dwellings**—Two (2) dwelling units total.

Each unit will average 1,800 square feet in three levels with a maximum height of 45 feet.

The front yard setback will be a minimum of 30 feet; the rear yard will have no less than 25 feet; the side yard setback will be a minimum of 10 feet and on the side with Weimer Way a 15-foot side yard setback from the street right-of-way. The projection of a roof eave into the required side yard shall not exceed 18 inches.

The lot complies with the minimum square footage of 9,000 square feet for R-3 two single-family residential districts, attached residential dwellings.

The current lack of sewer can be solved with a single septic system for both units, that will have sufficient irrigation area due to the lot's dimensions.

The lot width is 100.43 feet, exceeding the minimum 60 feet requested; the lot's depth is 186.68 feet on its shorter side and 189.99 feet on the long side, exceeding the requested 120 feet.

The proposed density is only 5 units per acre, 3 under the maximum 8 units per acre for the low-density residential land designation. Due to the large lot dimensions the density is not affected and remains low.

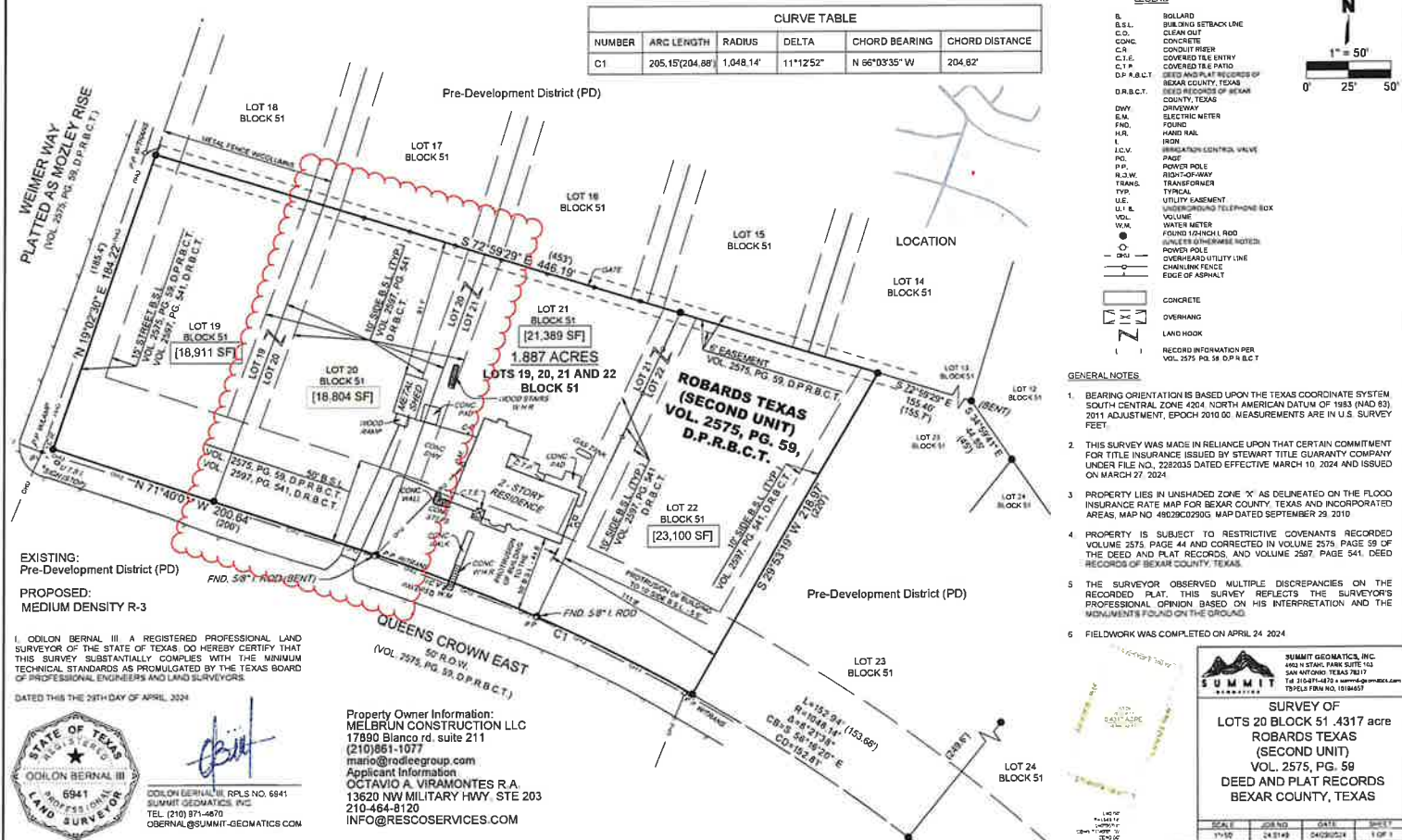
This low density will not affect traffic on the existing streets as shown in the traffic impact analysis (TIA) threshold worksheet, the existing streets hold sufficient capacity to carry the increased traffic generated by the units.

In this case despite the fact that medium density developments are suitable buffers between single-family districts and commercial uses, this development due to the land dimensions will remain with the characteristics of a low-density single-family use.

X:\03_Summit Projects\2024-Projects\240149_RobardsGroup_QueensCrownSt-LiveOak\03_Final\01_CAD\QueensCrownEast_15'0\"/>

INSURED: MO LEGACY INVESTMENTS LLC
ADDRESS: E. QUEENS CROWN STREET, LIVE OAK, TX 78233
FILE NO.: 2282035

CURVE TABLE					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	205.15(204.88)	1,048.14'	11°12'52"	N 66°03'35" W	204.82'





Amended
Development Application

For Office Use 2024-003
Case No. 2-0-003

Submission of an application does not indicate acceptance by the City of Live Oak.

Type of Request:

- | | |
|---|---|
| <input type="checkbox"/> Annexation | <input type="checkbox"/> Plat Certification |
| <input checked="" type="checkbox"/> Zone Change | <input type="checkbox"/> Preliminary Plat |
| <input type="checkbox"/> Zoning Change PUD | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Replat |
| <input type="checkbox"/> Zoning Special Exception | <input type="checkbox"/> Amending Plat |
| <input type="checkbox"/> Specific Use Permit | <input type="checkbox"/> Minor Plat |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Plat Waiver |

Project Name/Description: **6703 E QUEENS CROWN DUPLEX**

Site Location Information

Legal Description **CB 5937 BLK 51 LOT 19**

County Appraisal District Parcel ID # (all properties) **359993**

Address: **6703 E QUEENS CROWN ST** Number of Lots: **1** Acreage: **0.4341**

General Location of Property (if no address): _____

Subdivision Name: **NA** Block: **51** Lot: **19**

School District: ☐ JISD ☒ NEISD ☐ Other: _____

Zoning Information

Current Zoning: **Pre-Development District (PD)** Requested Zoning (if applicable): **R-3**

Existing Land Use: **Vacant Regular Lot** Proposed Land Use (if applicable): **2 DWELING UNITS (DUPLEX)**

Property Owner Information

Owner Name: **MELBRUN CONSTRUCTION LLC**

Owner Address: **17890 Blanco rd. suite 211**
(Street) (City) (State) (Zip)

Phone #: **(210)861-1077** Email: **mario@rodleegroup.com**

Applicant Information - ☐ Check box if same as property owner

Name: **OCTAVIO A. VIRAMONTES R.A.**

Address: **13620 NW MILITARY HWY. STE 203 SAN ANTONIO TX 78231**
(Street) (City) (State) (Zip)

Phone #: 210-464-8120 Email: INFO@RESCOSERVICES.COM

Engineer/Surveyor Information (if applicable)

Name: Odie Bernal, RPLS. Odie Bernal, RPLS
(Company) (Contact Person)
Address: 4603 N Stahl Park, Suite 103, San Antonio, Tx 78217
(Street) (City) (State) (Zip)
Phone #: (210) 971-4870 Email: OBernal@Summit-Geomatics.com

Authorized Agent Information (if applicable)

Name: _____
Address: _____
(Street) (City) (State) (Zip)
Phone #: _____ Email: _____

I certify that I am the actual owner of the property described above and this application is being submitted with my consent (include corporate name if applicable) OR I am authorized by the property owner to submit this application and have attached written evidence of such authorization AND that I have reviewed the application, and all information submitted here in is true and correct.

Signature Owner: [Signature] Date: 07/30/24
Printed Name: Mario Lee Zamora

Office Use Only

Received Date: 8/2/2024 Date Application Deemed Complete: 8/2/2024
Case No.: 2-2024-003 Review By: [Signature]

App Fee Paid on 8/2/2024
\$2,000.00 CTR 117020225



LETTER OF INTENT

6703 E QUEENS CROWN ST

LIVE OAK, TX 78233

LOT 19 BLOCK 51

Legal Description: CB 5937 BLK 51 LOT 19

Property ID: 359993

Vacant Regular Lot

Acres: 0.4341

SF: 18,911.00

Existing Zoning: Pre-Development District (PD)

Proposed zoning: **Two-Family Residential District (R-3)**

Lot 19 is a corner lot Located on Queens Crown St (south) and Weimer Way (East) is intended for a **Single building with two single-family attached residential dwellings**—Two (2) dwelling units total.

Each unit will average 1,800 square feet in three levels with a maximum height of 45 feet.

The front yard setback will be a minimum of 30 feet; the rear yard will have no less than 25 feet; the side yard setback will be a minimum of 10 feet and on the side with Weimer Way a 15-foot side yard setback from the street right-of-way. The projection of a roof eave into the required side yard shall not exceed 18 inches.

The lot complies with the minimum square footage of 9,000 square feet for R-3 two single-family residential districts, attached residential dwellings.

The current lack of sewer can be solved with a single septic system for both units, that will have sufficient irrigation area due to the lot's dimensions.

The lot width is 100.43 feet, exceeding the minimum 75 feet requested for an R-3; the lot's depth is 184.22 feet on its short er side and 186.68 feet on the long side, exceeding the requested 120 feet.

The proposed density is only 5 units per acre, 3 under the maximum 8 units per acre for the low-density residential land designation. Due to the large lot dimensions the density is not affected and remains low.

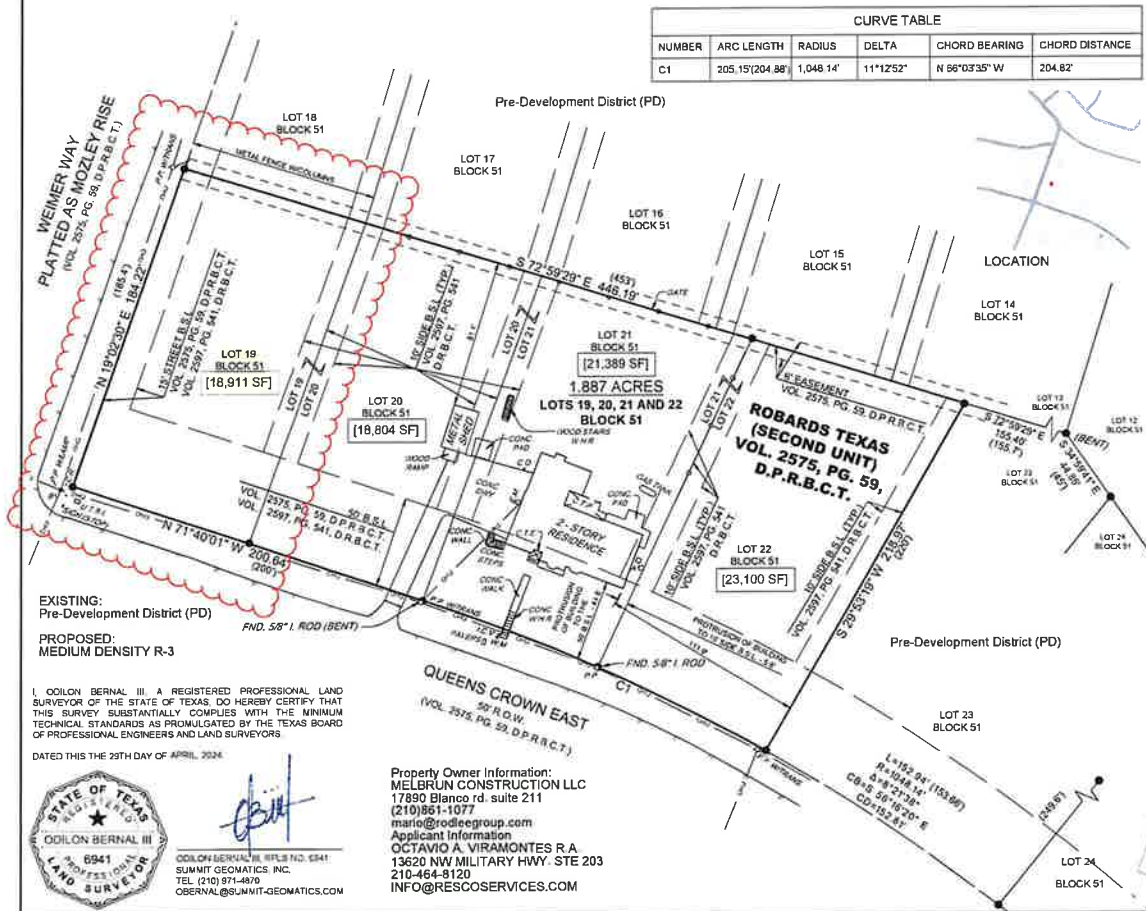
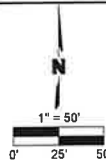
This low density will not affect traffic on the existing streets as shown in the traffic impact analysis (TIA) threshold worksheet, the existing streets hold sufficient capacity to carry the increased traffic generated by the units.

In this case despite the fact that medium density developments are suitable buffers between single-family districts and commercial uses, this development due to the land dimensions will remain with the characteristics of a low-density single-family use.

INSURED: MD LEGACY INVESTMENTS LLC
ADDRESS: E. QUEENS CROWN STREET, LIVE OAK, TX 78233
FILE NO.: 2282035

CURVE TABLE					
NUMBER	ARC LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	205.15'(204.88')	1,048.14'	11°12'52"	N 86°03'35" W	204.82'

- LEGEND**
- B. BOLLARD
 - B.O.L. BUILDING SETBACK LINE
 - C.O. CLEAR CUT
 - CONC. CONCRETE
 - C.R. CONCRETE RIVER
 - C.T.E. COVERED TILE ENTRY
 - C.T. COVERED TILE PATIO
 - D.P.R.B.C.T. DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS
 - D.R.B.C.T. DEED RECORDS OF BEXAR COUNTY, TEXAS
 - DRIVEWAY
 - E.M. ELECTRIC METER
 - FND. FOUND
 - H.R. HAND RAIL
 - I. IRON
 - I.C.V. IRRIGATION CONTROL VALVE
 - PG. PAGE
 - P.P. POWER POLE
 - R.O.W. RIGHT-OF-WAY
 - TRANS. TRANSFORMER
 - TYP. TYPICAL
 - U.E. UTILITY EASEMENT
 - U.T.B. UNDERGROUND TELEPHONE BOX
 - VOL. VOLUME
 - W.M. WATER METER
 - FOUND 15" (4" x 1" ROD)
 - CONCRETE (OTHERWISE NOTED)
 - POINT-A POLE
 - OVERHEAD UTILITY LINE
 - CHANNEL FENCE
 - EDGE OF ASPHALT
- CONCRETE
OVERHANG
LAND HOOK
- RECORD INFORMATION PER VOL. 2575, PG. 58 D.P.R.B.C.T.



- GENERAL NOTES:**
1. BEARING ORIENTATION IS BASED UPON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE 4204 NORTH AMERICAN DATUM OF 1983 (NAD 83) 2011 ADJUSTMENT, EPOCH 2010.00. MEASUREMENTS ARE IN U.S. SURVEY FEET.
 2. THIS SURVEY WAS MADE IN RELIANCE UPON THAT CERTAIN COMMITMENT FOR TITLE INSURANCE ISSUED BY STEWART TITLE GUARANTY COMPANY UNDER FILE NO. 2282035 DATED EFFECTIVE MARCH 10, 2024 AND ISSUED ON MARCH 27, 2024.
 3. PROPERTY LIES IN UNSHADED ZONE 'X' AS DELINEATED ON THE FLOOD INSURANCE RATE MAP FOR BEXAR COUNTY, TEXAS AND INCORPORATED AREAS, MAP NO. 48029C02950, MAP DATED SEPTEMBER 29, 2010.
 4. PROPERTY IS SUBJECT TO RESTRICTIVE COVENANTS RECORDED VOLUME 2575, PAGE 44 AND CORRECTED IN VOLUME 2575, PAGE 59 OF THE DEED AND PLAT RECORDS, AND VOLUME 2597, PAGE 541, DEED RECORDS OF BEXAR COUNTY, TEXAS.
 5. THE SURVEYOR OBSERVED MULTIPLE DISCREPANCIES ON THE RECORDED PLAT. THIS SURVEY REFLECTS THE SURVEYOR'S PROFESSIONAL OPINION BASED ON HIS INTERPRETATION AND THE MONUMENTS FOUND ON THE GROUND.
 6. FIELDWORK WAS COMPLETED ON APRIL 24, 2024.

EXISTING:
Pre-Development District (PD)

PROPOSED:
MEDIUM DENSITY R-3

I, ODILON BERNAL III, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS AS PROMULGATED BY THE TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

DATED THIS 29TH DAY OF APRIL, 2024.

STATE OF TEXAS
REGISTERED
ODILON BERNAL III
6941
PROFESSIONAL
LAND SURVEYOR

ODILON BERNAL III, P.E. NO. 6941
SUMMIT GEOMATICS, INC.
TEL. (210) 871-4070
OBERNAL@SUMMIT-GEOMATICS.COM

Property Owner Information:
MELBRUN CONSTRUCTION LLC
17890 Blanco rd. suite 211
(210) 861-1077
mario@melbrunconstruction.com

Applicant Information:
OCTAVIO A. VIRAMONTES R.A.
13620 NW MILITARY HWY. STE 203
210-464-8120
INFO@RESCOSERVICES.COM

SUMMIT
GEOMATICS, INC.
4804 N. STANLEY PARK, SUITE 100
SAN ANTONIO, TEXAS 78217
TEL. (210) 871-4070 • FAX (210) 871-4071
TBPELS FORM NO. 10194857

SURVEY OF
LOTS 19 BLOCK 51, 4.341 acre
ROBARDS TEXAS
(SECOND UNIT)
VOL. 2575, PG. 59
DEED AND PLAT RECORDS
BEXAR COUNTY, TEXAS

SCALE	JOB NO.	DATE	SHEET
1"=50'	24-048	04/23/2024	1 OF 1

AN ORDINANCE OF THE CITY OF LIVE OAK, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF LIVE OAK, TEXAS, APPROVING A ZONING CHANGE REQUEST FROM THE “PD-PRE-DEVELOPMENT DISTRICT” TO THE “R3-TWO-FAMILY RESIDENTIAL DISTRICT”; THE PROPERTY BEING LOTS 19, 20 AND 22, BLOCK 51, ROBARDS TEXAS (SECOND UNIT) LOCATED AT 6703, 6707 AND 6715 QUEEN’S CROWN STREET IN THE CITY OF LIVE OAK, BEXAR COUNTY TEXAS; PROVIDING FOR AN EFFECTIVE DATE; REPEALER CLAUSE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Live Oak (“City”) is a Texas Home Rule Municipality operating under the laws of the State of Texas; and

WHEREAS, the City Council of the City of Live Oak is empowered to enact and establish zoning districts, classifications and regulations pursuant to the Texas Local Government Code Chapter 211; and

WHEREAS, the City Council of the City of Live Oak is empowered by the Texas Local Government Code and its status as Home Rule Municipality, to make and adopt ordinances, bylaws, rules and regulations that are necessary to provide for, among other things, the health, safety, and welfare of the City and its citizens; and

WHEREAS, Octavio Viramontes has petitioned the City Council of the City of Live Oak, Texas, for zoning change from the “PD-Pre-Development District” to the “R3-Two-Family Residential District” on Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit) located at 6703, 6707 and 6715 Queen’s Crown Street; and,

WHEREAS, the public and interested parties were notified, and this matter has been previously heard and considered by the Live Oak Planning and Zoning Commission on October 15, 2024 with a _____ recommendation; and,

WHEREAS, the Planning and Zoning Commission and the Live Oak City Council conducted a public hearing for the purpose of determining whether the approval of a zoning change would be in the best interests of the community; and

WHEREAS, both the City Council and the Planning and Zoning Commission of the City of Live Oak find approving the zoning change to be consistent with the recommendations of Live Oak Comprehensive Plan and Future Land Use Plan.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS:

Section 1. A zoning change is hereby granted to Octavio Viramontes, on behalf of Melbrun Construction, LLC, amending the official zoning map of the City of Live Oak from the "PD-Pre-Development District" to the "R3-Two-Family Residential District" on Lots 19, 20 and 22, Block 51, Robards Texas (Second Unit) located at 6703, 6707 and 6715 Queen's Crown Street, as further depicted in Exhibit "A".

Section 2. Findings of Fact. The recitals contained in the preamble are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of facts.

Section 3. The City Manager, or designee, is hereby directed to update the official zoning map of the City to implement this zoning change.

Section 4. Severability. Should any section, subsection or phrase of this Ordinance be held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole or any other remaining portions of this Ordinance.

Section 5. Repealer. This Ordinance shall be cumulative of all provisions of ordinances of the City of Live Oak, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 6. Proper Notice and Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 7. Effective Date. This ordinance shall take effect from and after the earliest date provided by law following its adoption and publication as provided by law.

PASSED and APPROVED this the _____ day of _____, 2024.

Mary M. Dennis, Mayor

ATTEST:

Isa Gaytan, City Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

City Attorney

Exhibit “A”



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: October 29, 2024

Agenda Item: 7G

Prepared by: Ron Ruthven, ACM

Reviewed By: Anas Garfaoui, City Manager

Department: Administration

Agenda Item Description:

Discussion and possible action regarding an ordinance approving revisions and updates to the City of Live Oak Code of Ordinances Chapter 21– Subdivision Regulations, as same may have heretofore been amended, modified or supplemented; amending the approval authority for plats from primarily legislative approval to primarily administrative approval in accordance with Chapter 212 of the Texas Local Government Code.

Staff Briefing:

Staff, working with the city attorney, is proposing amendments to the City's subdivision regulations in response to recent changes approved by the Texas Legislature allowing cities to approve most subdivision plats administratively. Currently, many plats require final approval by the Planning and Zoning Commission. As proposed, the changes would enhance efficiency while maintaining oversight of all platting requirements, ensuring that local regulations and standards are still upheld while facilitating quicker responses to development requests.

A copy of the proposed mark-up to the regulations is attached.

Action:

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

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

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



CITY COUNCIL AGENDA ITEM FORM

Staff Recommended Motion:

Staff recommends approval as presented.

Planning and Zoning Commission Recommendation:

The Commission voted to recommend approval of the item by a vote of (4-0) on October 15, 2024.

AN ORDINANCE OF THE CITY OF LIVE OAK, TEXAS AMENDING CHAPTER 21, SUBDIVISION REGULATIONS, CITY OF LIVE OAK CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE; REPEALER CLAUSE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Live Oak (“City”) is a Texas Home Rule Municipality operating under the laws of the State of Texas; and

WHEREAS, Chapter 21, City of Live Oak Code of Ordinances regulates subdivisions; and

WHEREAS, the City Council of the City of Live Oak seeks to allow administrative approval of most subdivision plats in accordance with recent changes to Chapter 212, Texas Local Government Code approved by the Texas Legislature, and;

WHEREAS, upon the recommendation of staff to amend Chapter 21, City of Live Oak Code of Ordinances, the City Council of the City of Live Oak, Texas is of opinion that it is in the best interests of the City and its citizens that these amendments should be approved and adopted.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS:

Section 1. That Chapter 21 – Subdivision Regulations, City of Live Oak Code of Ordinances is hereby amended as described in the attached Exhibit “A” subject to the following conditions:

- A. Only the specific sections shown in Exhibit “A” shall be amended. All other provisions of Chapter 21 not amended by this ordinance shall remain in full force and effect;

Section 2. Findings of Fact. The recitals contained in the preamble are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of facts.

Section 3. Severability. Should any section, subsection or phrase of this Ordinance be held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole or any other remaining portions of this Ordinance.

Section 4. Repealer. This Ordinance shall be cumulative of all provisions of ordinances of the City of Live Oak, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 5. Proper Notice and Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 6. Effective Date. This ordinance shall take effect from and after the earliest date provided by law following its adoption and publication as provided by law.

PASSED and APPROVED this the _____ day of _____, 2024.

Mary M. Dennis, Mayor

ATTEST:

Isa Gaytan, City Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

City Attorney

Exhibit “A”

EXHIBIT A

All text which is underlined denotes the addition of new text. All text which is ~~stricken through~~ denotes the removal of existing text. All other text is existing, unchanged text. Any existing text which has been omitted shall be considered unchanged. All text which is both between braces { } and *italicized* is for document organization and reference only and is not intended to be adopted. The Code of Ordinances of the City of Live Oak, Texas, Chapter 21, Article II *Application and Procedures* and Sec.24-121 are hereby amended as follows:

{Revisions to Chapter 21 – Subdivision Regulations, Article II. – Applications and Procedures}

CHAPTER 21 – SUBDIVISION REGULATIONS

ARTICLE II. – APPLICATIONS AND PROCEDURES

Sec. 21-28. Initiation of application.

- (a) *Application submittal.* All development applications to be considered by any board, commission or committee, ~~or by the city council,~~ or the city manager or his/her designee shall be initiated by the filing of the application by the owner of the property on which the permit is applicable or by the owner's designated agent. In the event an application is submitted by a designated agent, the application must be accompanied by a written statement, signed by the owner, authorizing the agent to file the application on the owner's behalf.
- (b) *Determination of application completeness.*
 - (1) All submitted development applications shall be subject to a determination of completeness by the city manager or his/her designee.
 - (2) No application shall be deemed complete and accepted for filing unless it is accompanied by all documents required by and prepared in accordance with the requirements of the city and any required fees have been paid.
 - (3) A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this chapter.
 - (4) Not later than the 10th business day after the date an application is submitted, the city manager or his/her designee shall make a written determination whether the application constitutes a complete application. This shall include a determination that all information and documents required by the city for the type of plan/plat/permit being requested have been submitted. A determination that the application is incomplete shall be sent to the applicant within such time period by email to the address listed on the application or by United States mail at the address listed on the application with the date the application was submitted. The determination shall specify the documents or other information needed to complete the application ~~and shall state that the application will expire if the documents or other information are not submitted within 45 calendar days after the date the application was submitted.~~ All incomplete applications not picked up within 10 business days may be discarded at the discretion of the city manager or his/her designee. If an application is considered incomplete, a new application package must be submitted.
 - (5) Applications which are determined to be complete shall be considered filed on the date the complete application was received by the city.

- (56) The processing of an application by any city employee other than the city manager or his/her designee prior to the time the application is officially determined to be complete shall not be binding on the city as the official acceptance of the application for filing.
- ~~(6) A development application shall be deemed to expire on the 45th calendar day after the application is submitted to the city manager or his/her designee for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this chapter or other requirements as specified in the determination provided to the applicant. Upon expiration, the application will be discarded, and a new application must be submitted.~~
- (7) No vested rights accrue solely from the submission of an incomplete application, application that has expired pursuant to this section, or from the submission of a complete application that is subsequently denied.
- (c) *Application withdrawal.* Any request for withdrawal of an application must be submitted in writing to the city manager or his/her designee. If notification is required for the application and has been properly given via publication in the newspaper and/or written notification to surrounding property owners, such application must be placed on the agenda. The staff representative shall notify the board, commission, committee or the city council of the request for withdrawal. Application fees are not refundable unless reimbursement is otherwise authorized by the city manager or his/her designee.

Sec. 21-31. Subdivision master plan.

- (a) *Applicability.*
- (1) A subdivision master plan is required to provide for review of certain developments for compliance with, this chapter, any additional adopted plans (i.e. water, wastewater, transportation, drainage), the compatibility of land uses, and the coordination of improvements within and among individual parcels of land or phases of development prior to approval of a preliminary or final plat. A subdivision master plan is required for any development meeting one or more following criteria:
- The property is undeveloped and is greater than 50 acres in size;
 - The proposed subdivision of land is to occur in phases; or
 - The proposed subdivision will require off-site road, drainage or utility connections of improvements that will have a substantial impact or effect on other properties or developments.
- (2) If a preliminary plat encompasses the entire development and tract of land, a subdivision master plan will not be required.
- (b) *Application requirements.* Any request for a subdivision master plan shall be accompanied by an application prepared in accordance with the city's development manual.
- (c) *Processing of application and decision.*
- (1) *Submittal.* An application for a subdivision master plan shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager or his/her designee may request a review and recommendation from any other city department or consultant. ~~After appropriate review, the city manager or his/her designee shall forward a written recommendation to the planning and zoning commission for consideration.~~
- (2) ~~Subdivision master plan approval Decision by planning and zoning commission. The city manager or his/her designee may approve, approve with conditions, or disapprove a subdivision master plan. The city manager or his/her designee may, for any reason, elect to present the subdivision master plan for approval to the planning and zoning commission. The planning and zoning commission shall receive the written recommendation of the city manager or his/her designee and shall consider the proposed subdivision master plan. The city manager or his/her designee or planning and zoning commission shall~~

act on the plan within 30 calendar days after the date a complete application is filed. The city manager or his/her designee or planning and zoning commission must approve a subdivision master plan that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the city. The city manager or his/her designee or planning and zoning commission may ~~vote to~~ approve with conditions or deny a subdivision master plan that does not satisfy all applicable regulations of the city.

- (3) *Conditional approval and denial.* If the city manager or his/her designee or planning and zoning commission conditionally approves or denies the subdivision master plan, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
 - (4) *Applicant response to conditional approval or denial.* After the conditional approval or denial of a subdivision master plan, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The city manager or his/her designee is authorized to approve, approve with conditions, or disapprove ~~revisions required for conditional approval of the subdivision master plan. The city manager or his/her designee may, for any reason, elect to present the subdivision master plan for approval to the planning and zoning commission. planning and zoning commission shall determine whether to approve or deny the applicant's previously denied subdivision master plan or conditionally approved, if forwarded to the planning and zoning commission by the city manager or his/her designee.~~ Action shall be taken by the city manager or his/her designee or planning and zoning commission no later than the fifteenth calendar day after the date the response was submitted.
 - (5) Appeal to city council. Any decision to disapprove a subdivision master plan made by the city manager or his/her designee may be appealed to the city council.
 - (6)(5) *Subdivision master plan authorization.* Approval of a subdivision master plan ~~by the planning and zoning commission~~ shall be deemed as an expression of the approval of the layout submitted on the master plan as a guide to the final design of streets, water, sewer and other required improvements and utilities and to the preparation of a preliminary plat in accordance with the requirements of the city.
- (d) *Criteria for approval.* The city manager or his/her designee or planning and zoning commission, in considering final action on a subdivision master plan, should consider the following criteria:
- (1) The subdivision master plan is consistent with all city requirements including zoning requirements for the property or any development regulations approved as part of a development agreement;
 - (2) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities are adequate to serve each phase of the subdivision;
 - (3) The schedule of development is feasible and prudent and assures that the proposed development will progress to completion within the time limits proposed;
 - (4) The location, size and sequence of the phases of development proposed assures orderly and efficient development of the land subject to the plan; ~~and-~~
 - (5) All applicable fees, including any city consultant fees, have been paid.
- (e) *Expiration.* The approval of a subdivision master plan shall remain in effect for a period of two years after the date the application was ~~approved or conditionally~~ approved, during which period the applicant shall submit and receive approval for a preliminary plat for any portion of the land subject to the subdivision master plan. If a preliminary plat has not been approved within the two-year period, the subdivision master plan approval shall expire and the plan shall be null and void.
- (f) *Revisions to an approved subdivision master plan.*

- (1) *Minor changes.* Minor changes in the design of the subdivision subject to a subdivision master plan may be incorporated in an application for approval of a preliminary plat without the necessity of filing a new application for approval of a subdivision master plan. Minor changes shall include adjustment in street or alley alignments, lengths, and adjustment of lot lines that do not result in creation of additional lots, provided that such changes are consistent with any approved prior applications.
- (2) *Major changes.* All other proposed changes to the design of the subdivision subject to an approved subdivision master plan shall be deemed major amendments that require submittal and approval of a new application for ~~approval of a revised~~ subdivision master plan before approval of a preliminary plat.

Sec. 21-32. Preliminary plat.

(a) Applicability.

- (1) A preliminary plat is required to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development and the overall compliance of the land division with applicable city requirements.
- (2) A preliminary plat may be submitted for any phase of development consistent with an approved subdivision master plan. Where a subdivision master plan is not required and the area to be platted is part of a larger tract of land, the preliminary plat must encompass the entire tract of land under ownership of the ~~subdivider applicant~~ and shall provide a preliminary layout of streets, lots, blocks, utilities and drainage for the larger tract. A final plat may be submitted for individual lots to be platted out of the larger parcel.

(b) Application requirements. Any request for a preliminary plat shall be accompanied by an application prepared in accordance with the city's development manual.

(c) Processing of application and decision.

- (1) *Submittal.* An application for a preliminary plat shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager or his/her designee may request a review and recommendation from any other city department or consultant. ~~After appropriate review, the city manager or his/her designee shall forward a written recommendation to the planning and zoning commission for consideration.~~
- (2) *Preliminary plat approval Decision by planning and zoning commission.* ~~The city manager or his/her designee may approve, approve with conditions, or disapprove a preliminary plat. The city manager or his/her designee may, for any reason, elect to present the plat for approval to the~~ planning and zoning commission ~~shall receive the written recommendation of the city manager or his/her designee and shall consider the proposed plat.~~ The ~~city manager or his/her designee or~~ planning and zoning commission shall act on the plat within 30 calendar days after the date a complete application is filed. The ~~city manager or his/her designee or~~ planning and zoning commission must approve a preliminary plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the city. The ~~city manager or his/her designee or~~ planning and zoning commission may ~~vote to~~ approve with conditions or deny a preliminary plat that does not satisfy all applicable regulations of the city.
- (3) *Conditional approval and denial.* If the ~~city manager or his/her designee or~~ planning and zoning commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
- (4) *Applicant response to conditional approval or denial.* After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval

or remedies each reason for denial provided. The city manager or his/her designee is authorized to approve, approve with conditions, or disapprove ~~revisions required for conditional approval of the~~ preliminary plat. The city manager or his/her designee may, for any reason, elect to present the plat for approval to the planning and zoning commission ~~shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the planning and zoning commission by the city manager or his/her designee.~~ Action shall be taken by the city manager or his/her designee or planning and zoning commission no later than the 15th calendar day after the date the response was submitted.

(5) Appeal to city council. Any decision to disapprove a plat made by the city manager or his/her designee may be appealed to the city council.

(65) Preliminary plat authorization. Approval of a preliminary plat ~~by the planning and zoning commission~~ shall be deemed as an expression of the approval of the layout submitted on the plat as a guide to the final design of streets, water, sewer and other required improvements and utilities and to the preparation of a final plat in accordance with the requirements of this chapter.

(d) *Criteria for approval.* The city manager or his/her designee or planning and zoning commission, in considering final action on a preliminary plat, should consider the following criteria:

- (1) The plat is consistent with all city requirements including zoning requirements for the property;
- (2) The plat conforms to the general layout of the subdivision master plan (if applicable) and is consistent with the phasing plan approved therein;
- (3) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision; ~~and-~~

(4) All applicable fees, including any city consultant fees, have been paid.

(e) *Expiration and extension.*

- (1) *Expiration.* The approval of a preliminary plat shall remain in effect for a period of two years after the date the application was ~~approved or conditionally~~ approved, during which period the applicant shall submit and receive approval for a final plat for any portion of the land subject to the preliminary plat. If a final plat has not been approved within the two-year period, the preliminary plat approval, unless extended, shall expire and the plat shall be null and void.
- (2) *Extension.* At the request of the property owners or their representative, the expiration date for approval of a preliminary plat may be extended by the city manager or his/her designee or planning and zoning commission for a period not to exceed six months. A preliminary plat is not subject to reinstatement following expiration.

(f) *Revisions to an approved preliminary plat.*

- (1) *Minor changes.* Minor changes in the design of the subdivision subject to a preliminary plat may be incorporated in an application for approval of a final plat without the necessity of filing a new application for approval of a preliminary plat. Minor changes shall include a revision to plat notes, a revision to street or alley lengths, scrivener's errors, adjustment of lot lines that do not result in the increase or creation of additional lots or additional acreage, or changes or clarifications to easements, provided that such changes are consistent with any approved prior applications.
- (2) *Major changes.* All other proposed changes to the design of the subdivision shall be deemed major changes which includes but is not limited to the reconfiguration of street or alley alignments, the addition of streets or alleys, an increase in the number of lots or acreage, the addition or revision of a unit previously approved by the preliminary plat, any change to the open space dedication requirement, changes to drainage. The city manager or his/her designee shall determine if a change is minor or major. Major changes shall require submittal of a revised subdivision master plan (if

applicable) and preliminary plat which is submitted and processed the same as a new subdivision master plan application and new preliminary plat application.

Sec. 21-33. Final plat.

(a) *Applicability.*

- (1) A final plat is required to assure that the division or development of the land subject to the plat is consistent with all standards of this chapter pertaining to the adequacy of public facilities, that public improvements to serve the subdivision or development have been installed and accepted by the city or that provision for such installation has been made, that all other requirements and conditions have been satisfied or provided for to allow the plat to be recorded, and to assure that the subdivision or development meets all other standards of this chapter to enable initiation of site preparation activities for any lot or tract subject to the plat. Approval of a final plat shall be required prior to any non-exempt division of land and prior to any site preparation activities for a lot or tract of land that requires installation of public improvements on or adjacent thereto.
- (2) A final plat may be submitted for any phase of development consistent with an approved preliminary plat.

(b) *Application requirements.* Any request for a final plat shall be accompanied by an application prepared in accordance with the city's development manual.

(c) *Processing of application and decision.*

- (1) *Submittal.* An application for a final plat shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager or his/her designee may request a review and recommendation from any other city department or consultant. ~~After appropriate review, the city manager or his/her designee shall forward a written recommendation to the planning and zoning commission for consideration.~~
- (2) ~~*Final plat approval Decision by planning and zoning commission.*~~ The city manager or his/her designee may approve, approve with conditions, or disapprove a final plat. The city manager or his/her designee may, for any reason, elect to present the plat for approval to tThe planning and zoning commission shall receive the written recommendation of the city manager or his/her designee and shall consider the proposed final plat. The city manager or his/her designee or planning and zoning commission shall act on the plat within 30 calendar days after the date a complete application is filed. The city manager or his/her designee or planning and zoning commission must approve a final plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the city. The city manager or his/her designee or planning and zoning commission may ~~vote to~~ approve with conditions or deny a final plat that does not satisfy all applicable regulations of the city.
- (3) *Conditional approval and denial.* If the city manager or his/her designee or planning and zoning commission conditionally approves or denies the final plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
- (4) *Applicant response to conditional approval or denial.* After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The city manager or his/her designee is authorized to approve, approve with conditions, or disapprove ~~revisions required for conditional approval of the final plat. The city manager or his/her designee may, for any reason, elect to present the plat for approval to t~~The planning and zoning commission ~~shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the planning and zoning commission~~

~~by the city manager or his/her designee.~~ Action shall be taken by the city manager or his/her designee or planning and zoning commission no later than the 15th calendar day after the date the response was submitted.

(5) Appeal to city council. Any decision to disapprove a plat made by the city manager or his/her designee may be appealed to the city council.

(d) *Criteria for approval.* The ~~city manager or his/her designee or~~ planning and zoning commission, in considering final action on a final plat, should consider the following criteria:

- (1) The plat is consistent with all city requirements including zoning requirements for the property;
- (2) The final plat conforms to the approved preliminary plat, except for minor changes that may be approved without the necessity of revising the approved preliminary plat; ~~and~~
- (3) The proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision; ~~and-~~

(4) All applicable fees, including any city consultant fees, have been paid.

(e) *Expiration and extension.*

- (1) *Expiration.* The approval of a final plat shall remain in effect for a period of two years after the date the application was approved ~~or conditionally approved~~, during which period the applicant shall submit any required revisions for approval and recordation of the plat. If the final plat has not been recorded within the two-year period, the final plat approval, unless extended, shall expire and the plat shall be null and void.
- (2) *Extension.* At the request of the property owner or their representative, the expiration date for approval of a final plat may be extended by the ~~city manager or his/her designee or~~ planning and zoning commission for a period not to exceed six months. A final plat is not subject to reinstatement following expiration.

(f) *Revisions following approval of final plat.*

- (1) *Minor changes.* An applicant may make minor changes to an approved final plat to reflect changes arising from installation of public improvements thereafter, provided that the approved final plat has not been recorded and that approval of the revised final plat occurs prior to expiration of approval of the initial final plat application. The city manager or his/her designee is authorized to approve minor changes to an approved final plat. If the approved final plat has been recorded, an amending plat or replat must be approved and recorded. Minor changes shall include a revision to plat notes, a revision to street or alley lengths, scrivener's errors, adjustment of lot lines that do not result in the increase or creation of additional lots or additional acreage, or changes or clarifications to easements, provided that such changes are consistent with any approved prior applications.
- (2) *Major changes.* All other proposed changes shall be deemed major changes which includes but is not limited to the reconfiguration of street or alley alignments, the addition of streets or alleys, an increase in the number of lots or acreage, the addition or revision of a unit previously approved by the preliminary plat, any change to the open space dedication requirement, changes to drainage. The city manager or his/her designee shall determine if a change is minor or major. Major changes shall require submittal of a revised final plat which is submitted and processed the same as a new final plat application. Major changes may also require the submittal of a new application for approval of a preliminary plat before approval of a revised final plat.

Sec. 21-34. Minor plat.

- (a) *Applicability.* A minor plat may be submitted for approval where the proposed division of land involves four or fewer lots fronting onto an existing street and not requiring the creation of any new street or the extension of municipal facilities.
- (b) *Application requirements.* Any request for a minor plat shall be accompanied by an application prepared in accordance with the city's development manual.
- (c) *Processing of application and decision.*
 - (1) *Submittal.* An application for a minor plat shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager or his/her designee may request a review and recommendation from any other city department or consultant.
 - (2) *Minor plat approval.* The city manager or his/her designee may approve, approve with conditions, or disapprove a minor plat. The city manager or his/her designee may, for any reason, elect to present the plat for approval to the planning and zoning commission. ~~The city manager or his/her designee shall not disapprove a minor plat and shall be required to refer any plat for which approval is refused to the planning and zoning commission.~~ The city manager or his/her designee or the planning and zoning commission shall act on the plat within 30 calendar days after the date a complete application is filed. The city manager or his/her designee or planning and zoning commission must approve a minor plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the city. The city manager or his/her designee or planning and zoning commission may approve with conditions or deny a minor plat that does not satisfy all applicable regulations of the city.
 - (3) *Conditional approval and denial.* If the city manager or his/her designee or planning and zoning commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
 - (4) *Applicant response to conditional approval or denial.* After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The city manager or his/her designee is authorized to approve, approve with conditions, or disapprove ~~revisions required for conditional approval of~~ the plat. The city manager or his/her designee may, for any reason, elect to present the plat to the planning and zoning commission ~~shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the planning and zoning commission by the city manager or his/her designee.~~ Action shall be taken by the city manager or his/her designee or planning and zoning commission no later than the 15th calendar day after the date the response was submitted.
 - (5) Appeal to city council. Any decision to disapprove a minor plat made by the city manager or his/her designee may be appealed to the city council.
- (d) *Criteria for approval.* In considering final action on a minor plat should consider the following criteria:
 - (1) The plat is consistent with all city requirements including zoning requirements for the property;
 - (2) All lots to be created by the plat already are adequately served by all required public utilities and infrastructure; ~~and~~
 - (3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision; ~~and~~
 - (4) All applicable fees, including any consultant fees, have been paid.
- (e) *Expiration and extension.*

- (1) *Expiration.* The approval of a minor plat shall remain in effect for a period of two years after the date the application was approved ~~or conditionally approved~~ by the city manager or his/her designee or the planning and zoning commission. If the minor plat has not been recorded within the two-year period, the plat approval, unless extended, shall expire and the plat shall be deemed null and void.
- (2) *Extension.* At the request of the property owners or their representative, the expiration date for approval of a minor plat may be extended by the ~~city manager or his/her designee or~~ planning and zoning commission for a period not to exceed six months. A minor plat is not subject to reinstatement following expiration.

Sec. 21-35. Replats.

- (a) *Applicability.* A replat is any plat that complies with V.T.C.A., Local Government Code, §§ 212.014, 212.0145, and 212.015, as amended, which is generally submitted to replat a subdivision or part of a subdivision without vacation of the original plat. Replatting a portion of a recorded lot is not permitted.
- (b) *Application requirements.* Any request for a replat plat shall be accompanied by an application prepared in accordance with the city's development manual.
- (c) *Processing of application and decision.*
 - (1) *Submittal.* An application for a replat ~~plat~~ shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager ~~or his/her designee~~ may request a review and recommendation from any other city department or consultant. ~~After appropriate review, the city manager or his/her designee shall forward a written recommendation to the planning and zoning commission for consideration.~~
 - (2) *Notification requirements for certain replats.*
 - a. *Applicability.* An application for a replat which is also accompanied by a waiver or variance request requires a public hearing and notice if:
 - i. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - ii. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
 - b. *Public hearing notice.* Notice of the public hearing shall be given at least 16 calendar days before the date of the public hearing by:
 - i. Publication in an official newspaper or a newspaper of general circulation in Bexar County.
 - ii. Written notice with a copy of V.T.C.A., Local Government Code, sec. 212.015(c) attached, mailed to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested.
 - c. *Protests.* For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the planning and zoning commission, prior to the close of the public hearing. If the proposed replat is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the planning and zoning commission members present.

- i. In computing the percentage of land area for protest, the area of streets and alleys shall be included.
- (3) ~~Replat approval Decision by the planning and zoning commission.~~ The city manager or his/her designee may approve, approve with conditions, or disapprove a replat. The city manager may, for any reason, elect to present the replat for approval to the planning and zoning commission ~~shall receive the recommendation of the city manager or his/her designee and shall consider the proposed replat.~~ A public hearing shall be held if required by subsection (c)(2)a. above. The city manager or his/her designee or planning and zoning commission shall act on the replat within 30 calendar days after the date a complete application is filed. The city manager or his/her designee or planning and zoning commission must approve a replat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the city. The city manager or his/her designee or planning and zoning commission may ~~vote to~~ approve with conditions or deny a replat that does not satisfy all applicable regulations of the city.
 - (4) *Conditional approval and denial.* If the city manager or his/her designee or planning and zoning commission conditionally approves or denies the replat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.
 - (5) *Applicant response to conditional approval or denial.* After the conditional approval or denial of a replat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The city manager or his/her designee is authorized to approve, approve with conditions, or disapprove the replat-revisions required for conditional approval of the plat. ~~The city manager or his/her designee may, for any reason, elect to present the replat for approval to t~~The planning and zoning commission ~~shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the planning and zoning commission by the city manager or his/her designee.~~ Action shall be taken by the city manager or his/her designee or planning and zoning commission no later than the 15th calendar day after the date the response was submitted.
 - (6) Appeal to city council. Any decision to disapprove a replat made by the city administrator may be appealed to the city council.
- (d) *Criteria for approval.* The city manager or his/her designee or planning and zoning commission, in considering final action on a replat, ~~should~~ consider the following criteria:
 - (1) The replat is consistent with all city requirements including zoning requirements for the property;
 - (2) The replat is signed and acknowledged by only the owners of the property being replatted;
 - (3) If required, a public hearing was held and parties in interest and citizens have had an opportunity to be heard;
 - (4) If required, the proposed provision and configuration of roads, water, wastewater, drainage and park facilities, and easements and rights-of-way are adequate to serve the subdivision; ~~and~~
 - (5) The replat does not attempt to amend or remove any covenants or restrictions; ~~and.~~
 - (6) All applicable fees, including any city consultant fees, have been paid.
- (e) *Notification of approval for certain replats.*
 - (1) Applicability. Notification of approval of the replat is required if:
 - a. During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or

- b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
- (2) Notification of approval of the replat is not required if the planning and zoning commission holds a public hearing and gives notice of the hearing in the manner provided above in this section.
- (3) If notification of the approval of the replat is required, the city shall, not later than the 15th calendar day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent city or county tax roll.
 - a. The notice of a replat approval must include:
 - i. The zoning designation of the property after the replat; and
 - ii. A telephone number and e-mail address an owner of a lot may use to contact the city about the replat.
- (f) *Expiration and extension.*
 - (1) *Expiration.* The approval of a replat shall remain in effect for a period of two years after the date the application was approved ~~or conditionally approved by the planning and zoning commission~~. If the replat has not been recorded within the two-year period, the plat approval, unless extended, shall expire and the plat shall be deemed null and void.
 - (2) *Extension.* At the request of the property owners or their representative, the expiration date for approval of a replat may be extended by the ~~city manager or his/her designee or~~ planning and zoning commission for a period not to exceed six months. A replat is not subject to reinstatement following expiration.

Sec. 21-36. Amending plat.

- (a) *Applicability.* An amending plat may be submitted for approval, and if approved and recorded is controlling over the preceding plat without vacation of that plat and without notice and hearing, if the amending plat is signed and acknowledged by all owners of the property being replatted and is solely for one or more of the following purposes:
 - (1) To correct an error in a course or distance shown on the preceding plat;
 - (2) To add a course or distance that was omitted on the preceding plat;
 - (3) To correct an error in a real property description shown on the preceding plat;
 - (4) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - (5) To show the location or character of a monument which has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - (6) To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - (7) To correct an error in courses and distances of lot lines between two adjacent lots if:
 - a. Both lot owners join in the application for amending the plat;
 - b. Neither lot is abolished;
 - c. The amendment does not attempt to remove recorded covenants or restrictions; and

- d. The amendment does not have a materially adverse effect on the property rights of the other owners in the plat;
- (8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (9) To relocate one or more lot lines between one or more adjacent lots if:
 - a. The owners of all those lots join in the application for amending the plat;
 - b. The amendment does not attempt to remove recorded covenants or restrictions; or
 - c. The amendment does not increase the number of lots;
- (10) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - a. The changes do not affect applicable zoning and other regulations of the municipality;
 - b. The changes do not attempt to amend or remove any covenants or restrictions; and
 - c. The area covered by the changes is located in an area that the city council has approved, after a public hearing, as a residential improvement area;
- (11) To replat one or more lots fronting on an existing street if:
 - a. The owners of all those lots join in the application for amending the plat;
 - b. The amendment does not attempt to remove recorded covenants or restrictions;
 - c. The amendment does not increase the number of lots; and
 - d. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (b) *Application requirements.* Any request for an amending plat shall be accompanied by an application prepared in accordance with the city's development manual.
- (c) *Processing of application and decision.*
 - (1) *Submittal.* An application for an amending plat shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager or his/her designee may request a review and recommendation from any other city department or consultant.
 - (2) *Amending plat approval.* The city manager or his/her designee may approve, approve with conditions, or disapprove an amending plat. The city manager or his/her designee may, for any reason, elect to present the plat for approval to the planning and zoning commission. ~~The city manager or his/her designee shall not disapprove an amending plat and shall be required to refer any plat for which approval is refused to the planning and zoning commission.~~ The city manager or his/her designee or the planning and zoning commission shall act on the plat within 30 calendar days after the date a complete application is filed. The city manager or his/her designee or planning and zoning commission must approve an amending plat that is required to be prepared in accordance with this section and that satisfies all applicable regulations of the city. The city manager or his/her designee or planning and zoning commission may approve with conditions or deny an amending plat that does not satisfy all applicable regulations of the city.
 - (3) *Conditional approval and denial.* If the city manager or his/her designee or planning and zoning commission conditionally approves or denies the plat, a written statement must be provided to the applicant clearly articulating each specific condition for the conditional approval or reason for denial. Each condition or reason specified in the written statement may not be arbitrary and must include a citation to the regulation, ordinance, or law that is the basis for the conditional approval or denial.

- (4) *Applicant response to conditional approval or denial.* After the conditional approval or denial of a plat, the applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason for denial provided. The city manager or his/her designee is authorized to approve, ~~approve with conditions, or disapprove~~ revisions required for conditional approval of the plat. The city manager or his/her designee may, for any reason, elect to present the plat for approval to the planning and zoning commission. ~~planning and zoning commission shall determine whether to approve or deny the applicant's previously denied plat or conditionally approved, if forwarded to the planning and zoning commission by the city manager or his/her designee.~~ Action shall be taken by the city manager or his/her designee or planning and zoning commission no later than the 15th calendar day after the date the response was submitted.
- (5) Appeal to city council. Any decision to disapprove an amending plat made by the city manager or his/her designee may be appealed to the city council.
- (d) *Criteria for approval.* The city manager or his/her designee or the planning and zoning commission, in considering final action on an amending plat, should consider the following criteria:
- (1) The plat is consistent with all city requirements including zoning requirements for the property;
 - (2) All lots to be created by the plat already are adequately served by all required public utilities and infrastructure; ~~and~~
 - (3) The plat does not require the extension of any municipal facilities to serve any lot within the subdivision; ~~and-~~
 - (4) All applicable fees, including any city consultant fees, have been paid.
- (e) *Expiration and extension.*
- (1) *Expiration.* The approval of an amending plat shall remain in effect for a period of two years after the date the application was approved ~~or conditionally approved by the city manager or his/her designee or the planning and zoning commission.~~ If the amending plat has not been recorded within the two-year period, the plat approval, unless extended, shall expire and the plat shall be deemed null and void.
 - (2) *Extension.* At the request of the property owners or their representative, the expiration date for approval of an amending plat may be extended by the city manager or his/her designee or planning and zoning commission for a period not to exceed six months. An amending plat is not subject to reinstatement following expiration.

Sec. 21-37. Vacating a plat.

- (a) *Applicability.* The provisions of this section are for vacating a recorded plat.
- (b) *Application requirements.* Any request for vacating a plat shall be accompanied by an application prepared in accordance with the city's development manual.
- (c) *Processing of application and decision.*
 - (1) *Submittal.* An application for vacating a plat shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager or his/her designee may request a review and recommendation from any other city department or consultant. ~~After appropriate review, the city manager or his/her designee shall forward a written recommendation to the planning and zoning commission for consideration.~~
 - (2) *Vacating plat approval Decision by the planning and zoning commission.* The city manager or his/her designee or planning and zoning commission ~~shall receive the recommendation of the city manager or his/her designee and shall consider the proposed plat vacation. The planning and zoning commission may vote to~~ approve, approve with conditions, or deny a request for vacating a plat.

(3) Appeal to city council. Any decision to disapprove a request to vacate a plat made by the city manager or his/her designee may be appealed to the city council.

- (d) *Criteria for approval.* The city manager or his/her designee or planning and zoning commission, in considering action on vacating a plat, should consider the following criteria:
- (1) The vacating plat is consistent with all zoning requirements for the property, all other requirements of this chapter that apply to the plat vacation, and any other applicable city requirements;
 - (2) The vacating plat is signed and acknowledged by all owners of lots in the original plat; ~~and~~
 - (3) The vacating plat is consistent with all other state requirements pertaining to vacating a plat; ~~and~~
 - (4) All applicable fees, including any city consultant fees, have been paid.
- (e) *Effect of vacation.*
- (1) Upon the execution and recording of the vacating instrument, the previous plat shall no longer be in effect.
 - (2) Regardless of the action of the city manager or his/her designee or planning and zoning commission's ~~action~~ on the petition, the applicant will have no right to a refund of any monies, fees or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to by the city manager or planning and zoning commission.
 - (3) The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
 - (4) The city manager or planning and zoning commission, at ~~their~~ its discretion, shall have the right to retain all or specific portions of road right-of-way or easements shown on the plat being considered for vacation. However, the city manager or planning and zoning commission shall consider a request for vacating a plat upon satisfactory conveyance of easements or right-of-way in a separate legal document.

Sec. 21-38. Recordation.

Recording procedures. After approval of a final plat, minor plat, amending plat or replat and acceptance of any required public improvements or execution of a subdivision improvement agreement pursuant to this chapter, the applicant may submit all required items to the city to record the plat in the county in which the land is located. Upon receipt of the plat recording submittal and notification of acceptance of required public improvements or execution of an improvement agreement, the city manager or his/her designee shall procure the signatures of the required city officials ~~city engineer and the planning and zoning commission chairperson or his/her designee~~ on the plat and shall promptly cause the plat to be recorded. No plat will be received for recording until all back taxes owed to the city have been paid in full and a certified copy of a tax certificate from the applicable county tax office has been received for the subject property.

Sec. 21-39. Plat waivers.

- (a) *General.* The planning and zoning commission may authorize waivers from the provisions of this chapter when, in its opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the planning and zoning commission shall prescribe only conditions that it deems necessary or desirable to the public interest. In making their findings, the planning and zoning commission shall take into account the nature of the proposed use of the land involved and existing uses of land in the vicinity, the number of

persons who will reside or work in the proposed subdivision, and the probable effect of such waivers upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

- (b) *Timing.* Plat waivers shall be submitted prior to filing a plat application. The city will not issue a certification of exhibit for any proposed subdivision plat exhibits requesting a plat waiver until the requested waiver has been approved.
- (c) *Application requirements.* Any request for a plat waiver shall be accompanied by an application prepared in accordance with the city's development manual.
- (d) *Processing of application and decision.*
 - (1) *Submittal.* An application for a plat waiver shall be submitted to the city manager or his/her designee. The city manager or his/her designee shall review the application for completeness. The city manager or his/her designee may request a review and recommendation from any other city department or consultant. After appropriate review, the city manager or his/her designee shall forward a written recommendation to the planning and zoning commission for consideration.
 - (2) *Decision by planning and zoning commission.* The planning and zoning commission shall receive the written recommendation of the city manager or his/her designee and shall consider the proposed plat waiver request. The planning and zoning commission may vote to approve, approve with conditions, or deny the plat waiver request.
- (e) *Conditions.* In approving a plat waiver, the planning and zoning commission may prescribe appropriate conditions that it deems necessary or desirable to the public interest.
- (f) *Criteria for approval.* The planning and zoning commission, in considering action on a plat waiver should consider the following criteria:
 - (1) That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
 - (2) The granting of the waiver is in harmony with the general purpose and intent of this chapter so that the public health, safety, and welfare may be secured and justice done; and
 - (3) The granting of the waiver is necessary for the preservation and enjoyment of a substantial property right; and
 - (4) There are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of the land; and
 - (5) The waiver request represents the minimum degree of variation, in the opinion of planning and zoning commission, of requirements necessary to meet the needs of the applicant; and
 - (6) The waiver is to a provision of this chapter; and
 - (7) That the granting of the waiver will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.
- (g) *Findings.* The findings of the planning and zoning commission, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the planning and zoning commission meeting at which such waiver is granted.
- (h) *Expiration.* Approved waivers shall expire 12 months after approval if a plat application has not been filed with the city. If a plat application is filed before the waiver expires, the approved waiver shall be incorporated into the plat application and follow the same expiration timelines as the associated plat application.
- (i) *Limitations.* The planning and zoning commission shall not authorize a waiver that would constitute a violation of a valid law, ordinance, code or regulation of the city.

- (j) *Appeals.* Any decision of the planning and zoning commission regarding waivers to the provisions of this chapter may be appealed to the city council. When considering an appeal, the city council shall consider the same standards as the planning and zoning commission as outlined above.

{Revisions to Sec.24-121(e) Planning and Zoning Commission Powers and duties}

Sec. 24-121. Planning and zoning commission.

- (e) Powers and duties. The planning and zoning commission is hereby charged with the duty and invested with the authority to:
- (1) Review and make a recommendation to the city council on the following applications:
 - a. Amendment to the comprehensive land plan;
 - b. Establish or amend a zoning district map classification, including creation or amendment of an overlay district;
 - c. Rezoning requests including an application for a specific use permit;
 - d. Amendment to the zoning and subdivision ordinances.
 - (2) Have final approval authority on the following subdivision applications:
 - a. Subdivision master plan if forwarded by the city manager or his/her designee;
 - b. Preliminary plat if forwarded by the city manager or his/her designee;
 - c. Final plat if forwarded by the city manager or his/her designee;
 - d. Amending plat if forwarded by the city manager or his/her designee;
 - e. Minor plat if forwarded by the city manager or his/her designee; ~~and~~
 - f. Replat if forwarded by the city manager or his/her designee; and-
 - g. Vacating a plat if forwarded by the city manager or his/her designee.
 - (3) Hear and decide on plat waiver requests under chapter 21—subdivisions.
 - (4) Hear and decide on an appeal related to tree preservation removal permits.
 - (5) May serve in an advisory capacity on any planning related item(s) in the city as requested by the city council;~~;~~
 - (6) Consider and make recommendations on other matters as requested by the city council;~~;~~



CITY COUNCIL AGENDA ITEM FORM

Meeting Date: October 29, 2024

Agenda Item: 7H

Prepared by: Ron Ruthven, ACM

Reviewed By: Anas Garfaoui, City Manager

Department: Administration

Agenda Item Description:

Discussion and possible action regarding an ordinance approving revisions and updates to the City of Live Oak Code of Ordinances, Chapter 24 Zoning Regulations, Article VIII – Signs, as same may have heretofore been amended, modified or supplemented; adopting new regulations and requirements

Item Summary:

Staff, working with the city attorney, is proposing amendments to the City's sign regulations. The amendments primarily involve the following changes:

- More descriptive requirements for wall signs.
- Additional restrictions on digital moving and animated signs.
- Adds painted signs, roof signs, and billboards to the list of prohibited signs.
- Other minor amendments and clarifications.

A copy of the proposed mark-up to the regulations is attached.

Action:

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

Cost: N/A	
Budgeted	
Actual	
Acct. Name	
Acct. Fund	
Other Funding	
Strategic Goal #	4

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



CITY COUNCIL AGENDA ITEM FORM

Staff Recommended Motion:

Staff recommends approval as presented.

Planning and Zoning Commission Recommendation:

The Commission voted to recommend approval of the item by a vote of (4-0) on October 15, 2024.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS, REPEALING AND REPLACING CHAPTER 24, ARTICLE VIII – SIGNS, CITY OF LIVE OAK CODE OF ORDINANCES; PROVIDING AN EFFECTIVE DATE; REPEALER CLAUSE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Live Oak (“City”) is a Texas Home Rule Municipality operating under the laws of the State of Texas; and

WHEREAS, Chapter 24, Article VIII - Signs, City of Live Oak Code of Ordinances regulates signs; and

WHEREAS, the City Council of the City of Live Oak seeks to balance the signage needs of businesses and organizations within the community with the beautification goals of the community while promoting Live Oak as the “Premier Place to Live, Learn, Work & Play”, and;

WHEREAS, upon the recommendation of staff to amend Chapter 24, Article VIII - Signs, City of Live Oak Code of Ordinances, the City Council of the City of Live Oak, Texas is of opinion that it is in the best interests of the City and its citizens that these amendments should be approved and adopted.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS:

Section 1. That Chapter 24, Article VIII - Signs, City of Live Oak Code of Ordinances is hereby repealed in its entirety and replaced with the attached Exhibit “A”.

Section 2. Findings of Fact. The recitals contained in the preamble are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of facts.

Section 3. Severability. Should any section, subsection or phrase of this Ordinance be held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the Ordinance as a whole or any other remaining portions of this Ordinance.

Section 4. Repealer. This Ordinance shall be cumulative of all provisions of ordinances of the City of Live Oak, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 5. Proper Notice and Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required

and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Section 5. Effective Date. This ordinance shall take effect from and after the earliest date provided by law following its adoption and publication as provided by law.

PASSED and APPROVED this the _____ day of _____, 2024.

Mary M. Dennis, Mayor

ATTEST:

Isa Gaytan, City Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

City Attorney

Exhibit “A”

Draft Live Oak – Sign Regulations Update

Exhibit A

All text which is underlined denotes addition of new text. All text which is ~~stricken through~~ denotes removal of existing text. All other text is existing, unchanged text. Any existing text which has been omitted shall be considered unchanged. All text which is both between braces { } and italicized, is for document organization and reference only and is not intended to be adopted. Code of Ordinances Chapter 24 Zoning, Article VIII Signs of City of Live Oak, Texas, is hereby amended as follows:

ARTICLE VIII. SIGNS

Sec. 24-76. Purpose.

The regulations enacted in this chapter are to promote the health, safety and general welfare of the city; and also provide in each area standards which promote a positive city image reflecting order, harmony and pride, thereby strengthening the economic stability in Live Oak business, residential and cultural areas.

Sec. 24-77. Objectives.

- (a) The objectives of this article are to pursue application of specific standards as follows:
- (1) To ensure safe sign construction.
 - (2) To prevent the construction of signs that would restrict the sight distance or confuse vehicle operators and or pedestrians to proceed in a safe manner.
 - (3) To prevent the obstruction of streets, alleys and other public places by signs.
 - (4) To provide for the orderly installation and construction of signs without creating confusion, unsightliness, or visual obscurity of adjacent buildings or businesses.
 - (5) To assure that all signs in terms of brightness, size, scale, height and location are properly related to the overall adjacent land use characteristics and development lot size.
 - (6) To assure all signs, the supports and bases are, in terms of color, form, material and design, compatible with other structural forms on development lots and adjacent areas.
 - (7) To assure, by permit and inspection, the construction of safe signs thereby preventing obstruction of streets, alleys or public places and not unduly restricting the sight or safety of vehicle operators and pedestrians.

Sec. 24-78. General provisions.

- (a) A sign permit shall be obtained prior to placement or erection of any sign not exempted herein.
- (b) All signs, where applicable, shall meet the standards of the city building code.
- (c) Except as herein provided, no person or business firm, acting either as principal or agent, shall alter the copy face or lettering of any sign, (except for signs with temporary messages made from interchangeable characters attached to tracks or grooves on the sign board) either by changing the message or by renovating an existing message or shall erect any sign or sign structure until a sign permit for such work has been issued by the appropriate staff official.

- (d) No sign, sign structure, or sign support shall project over any property line or into a public right-of-way except that a sign placed flat against the wall of a building which is on the property line may project 18 inches beyond the property line over public property.
- (e) Trees, rocks, bridges, fences, towers, utility poles and dilapidated buildings shall not be used as sign supports.
- (f) Business locations shall be identified by a street number attached to the building and must be clearly visible from the street. The characters will be a minimum of six inches. Shopping malls and centers having a common address are exempt; however, the main sign for the mall or center must display the full street address.
- (g) All residences shall be identified by a street number attached to the building and clearly visible from the street. Characters shall be a minimum of three inches. Residences may also display a yard sign that includes address information not more than three and one-half feet tall or three and one-half feet in width. These yard signs shall only be made of masonry, stone, tile and ornamental metals.
- (h) In the event that more than one sign-related definition applies to an existing or proposed sign, resulting in conflicting regulations thereon, the most restrictive regulation shall apply.
- (i) Clear sight triangle, parking lot driveway. A clear sight triangle shall be formed on both sides of a driveway into a parking lot. Size shall be determined by measuring ten feet along the property line and ten feet along the driveway. No sign more than two feet in height shall be erected or placed in this triangle.
- (j) Clear sign triangle, street corner. A clear sight triangle shall be formed by measuring 2025 feet along the property line in both directions from the corner of the lot adjacent to the intersecting streets. No sign or landscaping more than two feet in height shall be erected or placed in this triangle. A single support with no sign structure or copy between a point 30 inches and 84 inches above the street grade is not considered a violation of clear sight triangle.
- (k) See Exhibit 1 in the definitions of this article for schematic of clear sight triangles.
- (l) For the purpose of this chapter and regulations within it, including digital displays and message boards, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function or required by law, ordinance or governmental regulation, including schools, community service organizations, educational facilities and libraries. All other applicable ordinance regulations must be followed.
- (m) No sign permit shall be required for one flagpole per development lot. Flags shall be limited to no more than three per flagpole and are limited to official flags of governmental jurisdictions, flags indicating weather conditions, or flags displaying colors or designs associated with a school, sports team, or similar non-commercial flags. Other flags, or flags beyond this limit, shall be considered signs subject to freestanding sign requirements.

Sec. 24-79. Types of signs.

- (a) *Subdivision sign.*
 - (1) *Time.* A sign permit is required. A sign permit may not be issued until the subdivision or land development has received all required approvals from the city. These signs may remain in place until all units in the subdivision are sold.
 - (2) *Place.* The sign shall not be placed within any city easement or right-of-way or within ten feet of a property line. ~~The minimum distance between signs is 200 feet.~~
 - (3) *Manner.* Such signs shall not exceed 200 square feet in face area and may be indirectly lighted. Flashing or moving parts are not permitted.

(4) Number. Such signs shall be limited to one per street intersection at the perimeter of the subdivision, not to exceed 1 sign per 200 feet. Subdivision signs at intersections may be broken up into 2 signs, one on each side of the roadway, however the two sign areas when combined may not exceed the 200 square foot maximum.

(b) *Political signs.*

- (1) In this section, "private real property" does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.
- (2) *Time.* A sign permit is not required. Political signs shall be removed within ten calendar days after the election is decided.
- (3) *Place.* Political signs can only be located on private property with the consent of the property owner in any zoning district. A political sign shall not be placed or posted:
 - a. Closer than ten feet from the edge of the street pavement;
 - b. On any public property except where authorized by law; and/or
 - c. Within a designated public easement or right-of-way.
- (4) *Manner.* Political signs shall not:
 - a. Exceed eight feet in height measured from the ground to the highest point of the sign;
 - b. Exceed 36 square feet in area;
 - c. Be illuminated;
 - d. Contain any moving elements or parts; and
 - e. Shall not be dilapidated or cause a hazard. (V.T.C.A., Local Government Code, § 216.903)

(c) *Canopy signs.*

- (1) *Time.* A sign permit is required. A sign permit shall not be issued to erect, install or place a canopy sign on a property until a site plan has received all necessary approvals by the city for development of the property and after the issuance of a building permit for a building on the property.
- (2) *Place.* Canopy signs may only be erected on the two sides of the canopy band that face a public street for non-residential and multifamily uses within the R-5, B-1, B-2, B-3, I-1, & I-2 zoning districts.
- (3) *Manner.* Canopy signs shall be counted as part of and limited to the total square footage allowable for wall signs. Awning signs are permitted in this section. A building permit or certificate of occupancy is required for placement of a canopy sign.

~~(d) *Sloping roof signs.*~~

- ~~(1) *Time.* A sign permit is required.~~
- ~~(2) *Place.* Sloping roof signs shall not project horizontally or vertically beyond the roof line. These signs are permitted in B1, B2, B3, I1 and I2.~~
- ~~(3) *Manner.* Not more than ten percent of any sloping roof area shall be devoted to these signs.~~

(ed) *Freestanding signs.*

- (1) *Time.* A sign permit is required.
- (2) *Place.* Freestanding signs are permitted on development lots for non-residential and multifamily uses within the R-5, B-1, B-2, B-3, I-1, & I-2 zoning districts.
- (3) *Manner.* Listed below:

- a. One freestanding sign for each freestanding building, not to exceed one freestanding sign per development lot.
- b. *Area.* The area of a freestanding sign shall not exceed 64 square feet of ~~gross face area~~ sign area. All 64 square feet may be composed of an electronic video screen and an electronic message center.
- c. *Height.* The height of a freestanding sign shall not exceed 35 feet.
- d. *Setback.* The setback of a freestanding sign shall be a minimum of ten feet from all lot lines.
- e. *Corner lots.* On corner lots the major or primary street shall be construed to be the development lot frontage, and no more than one sign shall be permitted. On a development lot located at the intersection of two major thoroughfares or two expressways or a major thoroughfare and an expressway, a freestanding sign shall be permitted on each such thoroughfare or expressway.

(f) *Temporary signs.*

- (1) *Time.* A sign permit is required.
- (2) *Place.* A temporary sign shall not be placed within a designated public easement or right-of-way, and may be placed in windows and cannot be placed closer than ten feet from the edge of the street pavement, on any public property except where authorized by law, and/or within a designated location.
- (3) *Manner.* Any sign shall have a combined area not exceeding 50 percent of the area of all the windows on the same wall; with the exception of signs listed below in subsections (5) and (6), a freestanding temporary sign shall not exceed five feet in height measured from the ground to the highest point of the sign and shall not exceed 20 square feet in area. Said sign area shall not be counted against total permitted sign area. Temporary signs shall not be illuminated, contain any moving elements or parts, be dilapidated or cause a hazard. Temporary sign may only stay up for a total period of 30 days once per calendar year.
- (4) *Banners, pennants, search lights, business flags, banner flags, twirling signs, sandwich or "A" frame signs, sidewalk or curb signs, balloons or other inflatable objects.* These types of signs may be authorized for a period not to exceed 30 days once per calendar year and may not exceed 15 feet in height or, for signs attached to a building, the height of the building. Extensions will only be permitted to properties awaiting permanent sign fixture with proof of order. A permit must be obtained from the appropriate city official and follow the city's permitting process.
- (5) Up to two additional temporary signs may be placed on a development lot or subdivision without a permit during time periods the property on which the signs are located is for sale or lease, provided such signs shall not exceed 32 square feet in area and eight feet in height. A sign permit is not required. Signs must be removed within 14 days following the purpose or use of the sign is concerned. These signs can only be located on private property with the consent of the property owner. These signs shall not be placed or posted:
 - a. Closer than ten feet from the edge of the street pavement;
 - b. On any public property except where authorized by law; and/or
 - c. Within a designated public easement or right-of-way.

These signs must not be illuminated or have any electronic component. In areas noted in section 24-~~8081~~(c), signs may not exceed 200 square feet in face area for the proposed use of property on which they are placed. In residential areas, one unlighted sign not exceeding four square feet in face area is permitted under this section.

- (6) Up to two additional temporary signs may be placed on construction sites without a permit, provided such signs shall not exceed 64 square feet in area and eight feet in height after approval of a site plan,

plat or building permits, as applicable, and/or which do not remain erected for more than seven days after the completion of the construction project.

(ef) Portable or wheeled signs.

- (1) *Time.* A sign permit is required. A portable or wheeled sign is authorized for a period not to exceed 30 calendar days in any calendar year. The 30 calendar days may be broken into any combination of increments.
- (2) *Place.* A portable or wheeled signs may not be displayed on property that does not maintain a certificate of occupancy or building permit.
- (3) *Manner.* Flashing parts, moving parts, or any appurtenance causing a visual distraction to motorists or pedestrians is prohibited.

(hg) Monument Sign.

- (1) *Time.* A sign permit is required.
- (2) *Place.* Monument signs are permitted on development lots for non-residential or multifamily uses within the R-5, B-1, B-2, B-3, I-1, & I-2 zoning districts.
- (3) *Manner.* Listed below:
 - a. One monument sign per development lot per street frontage.
 - b. *Area.* The area of a monument sign shall not exceed 50 square feet of gross face area sign area. Electronic video screen and an electronic message center are prohibited on monument signs.
 - c. *Height.* The height of a monument sign shall not exceed five feet six inches.
 - d. *Setback.* The setback of a monument sign shall be a minimum of 15 feet from all lot lines.
 - e. *Material requirements.* All monument sign bases generally should be constructed of masonry material consisting of brick, stone or split face concrete block. Alternative materials of similar quality may be allowed. Sculpted aluminum sign panels will be allowed. All sign text and graphic elements shall be limited to a minimum of six inches from the outer limits of the sign structure.
 - f. *Illumination.* Monument signs shall only be illuminated utilizing internal lighting for sculpted aluminum panels or a ground lighting source where the light itself and supporting sign structure are not visible from public right-of-way.

(H) Wall signs.

- (1) Time. A sign permit is required.
- (2) Place. Wall signs are permitted on development lots for non-residential or multifamily uses within the R-5, B-1, B-2, B-3, I-1, & I-2 zoning districts and shall be attached to the building face.
- (3) Manner. No wall sign shall exceed 64 square feet in sign area. The total of all wall signs shall not exceed 2015 percent of each building façade or 300 square feet, whichever is less. For multi-tenant buildings, wall signs for each tenancy space shall not exceed 15 percent of the façade of the individual space. Wall signs shall project no more than two feet perpendicular from the wall and not more than three feet vertically above the wall of the building. A wall sign may include neon tubing attached directly to a wall surface when forming a border for the subject matter or when forming letters, logos, or pictorial designs. No building shall have both a wall sign and any other type of sign on the same building face.

- (i) *Miscellaneous signs.* Signs in residential zones shall not exceed two square feet in face area. In nonresidential zones, these types of miscellaneous signs may not exceed four square feet. Signs placed with the intent of warning or advising the public of possible danger that may be encountered on private property shall not

exceed two square feet in face area in residential areas and ~~in nonresidential areas, this type of sign may not exceed four square feet in face area~~ in nonresidential areas. An opening soon type sign may be placed in nonresidential areas provided it is the property it is placed on private property with consent of the owner and is not more than 64 square feet in face area. These limits do not apply to signs placed by the city or signs for city sponsored events, as authorized by the City Manager or his/her designee

Sec. 24-~~9080~~. Digital display regulations.

This section applies to electronic messaging center and electronic video screens ~~defined in sections 24-79 and 24-89 above.~~

- (1) Digital displays are restricted to the areas specified as special sign use districts in this chapter. The minimum distance between digital displays for an individual business or property shall be 200 feet.
- (2) Digital displays shall be illuminated at a level no greater than 0.3 foot-candles over ambient light levels for the location and time, and shall employ light cutoff devices such as, but not limited to, louvers to minimize light escaping above the horizontal plane. Foot-candle readings shall be measured at ground level at a distance of 100 feet from the source.
- (3) Digital displays in proximity to within 200 feet of residential areas shall be illuminated at a level no greater than 0.2 foot-candles as measured from the nearest residential property line.
- (4) All digital displays must be equipped with both a dimmer control and a photocell which automatically adjusts the display's intensity according to natural ambient light conditions and should be dimmed 30 minutes prior to dusk each night.
- (5) All digital displays shall contain a default mechanism to turn off the sign in case of malfunction or shall be manually turned off with 24 hours of a reported malfunction.
- (6) Digital displays, as defined, lawfully in existence prior to the effective date of this chapter are exempted from the provisions of this chapter until such time the displays are replaced.
- (7) Any sign related to a governmental function ~~described in section 24-78(k)~~ is exempt from the times requirement of these regulations.
- (8) Digital display signs must comply with all rules and regulations for electronic signs adopted by the Federal Highway Administration, United States Department of Transportation and the Texas Department of Transportation.
- (9) Digital display sign permit applicants must present a TxDOT outdoor advertising permit as outlined in the permit application and present to staff at least 15 days before installation of the sign begins.
- (10) Moving animations with flashing or traveling images on the electronic video screen are prohibited.
- (11) Electronic video screens and electronic message centers shall be set so as to not cycle through messages more than once every ten seconds.
- (12) A permit application for a digital sign shall include a photometric plan indicating compliance with the provisions of this section.

Sec. 24-~~8081~~. Special district sign requirements.

(a) Residential districts.

- (1) *Time.* No sign permit is required.
- (2) *Place.* A person having a legal home occupation may display a nameplate on the face of the building or porch. Noncommercial signs, such as but not limited to, real estate signs, garage sale signs, celebratory signs, political signs, and holiday signs, may be placed on a residential lot.

- (3) *Manner.* ~~The A home occupation~~ nameplate shall be attached directly to, and parallel to, the face of the building or porch. It shall not exceed one square foot in area, shall not be illuminated in any way, and shall project not more than six inches beyond the building or porch. ~~No electronic video screen or electronic message center sign are allowed in a residential district. Noncommercial signs may not exceed two square feet in sign area and no property shall have more than two such signs displayed.~~
- (b) *Mobile-Manufactured home park district.* A ground sign or wall sign not more than 100 square feet in total area may be erected on property of the mobile home park and may be indirectly lighted.
 - (1) *Time.* A sign permit is required.
 - (2) *Place.* A mobile home park sign may be erected on property of the mobile home park.
 - (3) *Manner.* A mobile home park district sign may be a ground sign or wall sign not more than 100 square feet in total area and may be indirectly lighted.
- ~~(c) Office and professional districts, neighborhood service districts, general business districts, light industrial districts, medium industrial districts, apartment/multifamily residential districts. No wall sign shall exceed 64 square feet in gross face area. Wall signs shall project no more than two feet perpendicular from the wall and not more than three feet vertically above the wall of the building.~~
 - ~~(1) Time. A sign permit is required.~~
 - ~~(2) Place. The wall signs in these districts may be attached to buildings. Freestanding signs are permitted subject to the guidelines and regulations in article.~~
 - ~~(3) Manner. No wall sign shall exceed 64 square feet in gross face area. Wall signs shall project no more than two feet perpendicular from the wall and not more than three feet vertically above the wall of the building. A wall sign may include neon tubing attached directly to a wall surface when forming a border for the subject matter or when forming letters, logos, or pictorial designs. No building shall have both a wall sign and any other type of sign on the same building face.~~
- ~~(d) Garden offices.~~
 - (1) *Time.* A sign permit is required.
 - (2) *Place.* Any zoning district where B-1, B-2, or B-3 is permitted.
 - (3) *Manner.* One pylon sign per complex may be erected advertising the total number of office tenants. If the complex is located on a corner lot, the corner lot provision contained in section 24-79 (e) shall apply. The face area of the sign may not be larger than ten feet by 30 feet, mounted six feet above the ground with a maximum height of 36 feet. The sign and the street address must have letters no less than six inches high will appear at the top of the ~~sign~~^{copy}. There may be one sign no larger than 15 square feet in face area and placed flush on the wall near the entrance. As an alternate one hanging sign or one ground sign containing no more than six square feet in face area may be erected.

Sec. 24-~~85~~82. Special sign use districts.

The following special sign use districts (SSUDs) are created with specific requirements as specified:

- (1) *SSUD-1.* The area extending 200 feet on both sides of the Toepperwein Road right-of-way from the intersection of Toepperwein Road and Miller Road west to the intersection of Toepperwein Road and Village Oak Drive is hereby designated as SSUD-1.

The following additional criteria shall apply to all freestanding signs in SSUD-1:

- a. *Area.* No sign shall exceed 64 square feet in gross face area~~sign area~~.
- b. *Height.* No sign shall exceed 25 feet in height.
- ~~c. Setback. All signs shall have a minimum setback of ten feet from lot lines.~~

- ~~dc.~~ All 64 square feet may be composed of an electronic video screen or an electronic message center, which must be in compliance with Section 24-80, ~~electronic video screen or an electronic message center must be in compliance with Sec.XXX digital display~~
 - ~~e.~~ ~~Sign must be equipped with an auto-dimming feature and should be dimmed 30 minutes prior to dusk each night.~~
 - ~~f.~~ ~~Moving animations with flashing or traveling images on the electronic video screen are prohibited.~~
 - ~~g.~~ ~~Electronic video screens and electronic message centers shall be set so as to not cycle through messages more than once every ten seconds.~~
 - ~~hd.~~ In a garden office complex, ~~as noted in section 24-80(d), garden offices. One~~ freestanding sign per complex may be erected to include the total number of tenants. The face area of the sign may not be larger than ten feet by 20 feet if located in SSUD-1.
 - ~~ie.~~ All other nonconflicting provisions of this ~~chapter~~ article shall apply to SSUD-1.
- (2) ~~SSUD-2. In addition to all other applicable regulations provided for in the City Code, the following regulations shall apply to signs within SSUD-2.~~
- The area extending 200 feet on both sides of the IH-35, Loop 1604, and Pat Booker Road rights-of-way within the city limits of the City of Live Oak is hereby designated as SSUD-2.
- The following additional criteria shall apply to ~~all freestanding~~ signs in SSUD-2:
- a. Area. No sign shall exceed ~~400-200~~ square feet in ~~gross face area~~ sign area.
 - b. Height. No sign shall exceed ~~60-50~~ 60 feet in height.
 - c. Setback. All signs shall have a minimum setback often ten feet from all lot lines or as specified by the state department of highways and public transportation if applicable.
 - ~~d.~~ ~~Sign must be equipped with an auto-dimming feature and should be dimmed 30 minutes prior to dusk each night.~~
 - ~~e.~~ ~~Moving animations with flashing traveling images on the electronic video screen are prohibited.~~
 - ~~f.~~ ~~Electronic video screens and electronic message centers shall be set so as to not cycle through messages more than once every ten seconds.~~
 - ~~gd.~~ All requirements of the state department of transportation must be met, and evidence of compliance provided to the city as part of the permit process.
 - e. All other nonconflicting provisions of this article shall apply to SSUD-2.
- (3) ~~SSUD-3. In addition to all other applicable regulations provided for in the City Code, the following regulations shall apply to signs within SSUD-3.~~
- The area extending from the intersection of Hwy 218 (Pat Booker Rd.) and the Loop 1604 Eastbound access road, west 1,200 feet along both joining state roadways (Hwy 218 and Loop 1604) and connecting and encompassing the area between, within the city limits of the City of Live Oak, shall be designated as SSUD-3. Map is attached to Ord. No. 1489 and on file with the city.
- The following additional criteria shall apply to all freestanding signs in SSUD-3:
- a. Area. No sign shall exceed ~~400-200~~ square feet in ~~gross face area~~ sign area. ~~Combined free standing signage cannot exceed 800-400 feet in gross square feet area.~~
 - b. Height. No sign shall exceed ~~60-50~~ 60 feet in height.
 - c. Setbacks. All signs shall have a minimum setback often ten feet from all lot lines or as specified by the state department of transportation as applicable.

- d. Special provisions. Development lots within SSUD-3 may have up to two ~~freestanding~~ ground signs ~~as described by section 4.5~~, no more than one at the frontage of each state highway.
- ~~e. The digital display regulations applicable in section 15 shall apply to SSUD-3, as well as the following regulations:~~
- ~~f. Moving animations with flashing traveling images on the electronic video screen are prohibited.~~
- ~~g. Electronic video screens and electronic message centers shall be set so as to not cycle through messages more than once every ten seconds.~~
- ~~h. Sign must be equipped with an auto-dimming feature and should be dimmed 30 minutes prior to dusk each night.~~
- ie. All requirements of the state department of transportation must be met, and evidence of compliance provided to the city as part of the permit process.
- f. All other nonconflicting provisions of this article shall apply to SSUD-3.

Sec. 24-~~818~~3. Prohibited signs.

The following signs shall be prohibited in all districts:

- (a) Any signs and supports, other than those signs and supports owned or required by a governmental authority, or for which a street use license has been issued, which are located on the public right-of-way, including on public streets, alleys and parkways.
- (b) Signs with flashing, blinking or traveling lights.
- (c) Displays are classified as a sign and is not permitted in any residential district.
- (d) Any signs which resemble an official traffic sign or signal, or which bear the words of traffic control, except for government signs.
- (e) Signs which, by reasons of their size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
- (f) Any sign which emits sound, odor or visible matter which serves as a distraction to persons within the public right-of-way.
- (g) No signs shall be erected except as noted under this article.
- (h) Signs constructed of scrap materials, paper, tree, rock, bridge, or other such fragile or materials which are non-weather resistant.
- (i) The use of fluorescent paint, metallic paint, or similar nonconventional paint emitting luminosity upon exposure to external radiation or bombardment by a stream of particles is expressly prohibited.
- (j) Any sign in apparent compliance with this chapter, but which staff deems is by design, construction or erection hazardous to persons, will require approval of council in accordance with the variance or appeal process outlined in section 24-87this article.
- (k) No electronic video screens and electronic message centers are permitted in a residential district.
- (l) Window border lights or other lighting directed to exterior of the building which outline doors, windows, attached columns or other parts of the building.
- (m) Any sign not referenced in or governed by this article.
- (n) Any sign erected or installed without the issuance of a permit, either prior to or after the adoption of this chapter (if a permit was required).

- (o) Any sign erected or installed in or over a public right-of-way, utility pole, or access easement, unless permitted within this article.
- (p) Any sign that does not comply with this or other applicable municipal ordinances, or those which do not comply with federal or state laws.
- (q) Prohibited signs, if not specifically mentioned in this article otherwise are as follows:
 - (1) Abandoned sign.
 - (2) Balloons and other floating devices.
 - (3) Cloud buster balloon and air devices.
 - (4) Neglected sign.
 - (5) Bandit signs, except signs placed by the city or signs for city sponsored events, as authorized by the City Manager or his/her designee.
 - (6) Signs on public property or in the public right-of-way, including public easements, except for those specifically licensed or permitted by the city.
 - (7) Painted signs.
 - (8) Roof signs.
 - (9) Billboards.

Sec. 24-8284. Parking of vehicles.

No person shall park a vehicle or trailer to be used as a sign on a public right-of-way, on public property, or on private property so as to be visible from a public right-of-way, except in accordance with section 24-79(gf.). A vehicle containing advertising that is a personal vehicle or is a vehicle used regularly in the course of business is exempt provided that the vehicle is in operable condition, including valid license plate and registration, and is parked in an appropriate parking space. Such vehicle signage shall not be illuminated, shall contain no flashing or moving elements, and shall not include any type of digital display.

Sec. 24-8385. Existing signs.

- (a) Where existing signs are in newly annexed areas a permit shall be obtained.
- (b) Where existing signs do not comply with this chapter with respect to location, height, size, area of display, minimum ground clearance and are not a hazard or nuisance and are in good condition, an exception may be granted upon filing of an application for a permit, when required, and passage of an inspection by the city staff official or a variance may be applied for to submit to city council.
- (c) All abandoned and damaged signs and their supports shall be removed within 60 days from the date of abandonment. All damaged signs shall be repaired or removed within 60 days. The appropriate staff official shall have the authority to grant a time extension not exceeding an additional 60 days for an abandoned, nondamaged sign.
- (d) Should the responsible party or parties after due notice fail to correct a violation of this section, the appropriate staff official shall cause such signs and supports to be removed. This official, on behalf of the city, shall also take necessary action to file against the property a lien in the amount of the cost of such work if such costs are not paid by the property owner within 15 days after he is billed.
- (e) Nonconforming sign registration and amortization.
 - (1) Registration. The operator and/or owner of any nonconforming sign shall register such nonconforming sign and obtain from the city manager and/or his designee a certificate of nonconforming rights, within ten years after the sign becomes nonconforming or ten years after the date of publication of the

current version of this sign chapter, whichever occurs later. If a sign qualifies as a nonconforming sign and the operator and/or owner registers the sign with the city, the city manager or his/her designee shall issue a certificate of nonconforming rights. Failure to obtain this certificate of nonconforming rights within the requisite time shall terminate the sign's status as a nonconforming sign and such sign shall be considered an illegal sign, which must come into compliance with all current ordinances.

- (2) Amortization. Any nonconforming sign may be amortized and removed by the city in accordance with the procedural and compensation requirements specified in V.T.C.A., Local Government Code, ch. 216 and as outlined in this chapter.
- (f) Maintenance of signs and neglected and abandoned signs.
- (1) All signs, including but not limited to nonconforming signs shall be maintained to consistently have a neat appearance. Sign panels and/or sign graphics shall be secured and maintained so that they do not separate from, hang from, or fall from a sign. Sign panels and sign graphics shall not be faded, ripped, or have any other damage.
 - (2) Abandoned signs and neglected signs shall be considered a public nuisance and are prohibited by this chapter. Upon written notification by the building official or his/her designee, such abandoned signs shall be removed from the premises and neglected signs shall be repaired or removed from the premises by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located. The notification shall state that the offending sign shall be repaired or removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within ten calendar days after written notification to do so by the building official or his/her representative. The notification shall further state that if the sign is not removed or repaired, a citation may be issued and the city may resort to any civil remedy available to remove or repair the sign, up to and including impoundment. If any sign is determined to present an immediate danger to public health, safety or welfare, the city shall remove it immediately upon obtaining a written court order for such removal. Within ten calendar days of the removal of the sign, the building official shall notify the owner of the property on which the sign was located of the reason(s) for the removal of such sign.
 - (3) It shall be unlawful for any person, firm, entity or corporation receiving such written notification to fail to comply with the direction of the notice. In the event failure to comply with such notice provided under this section, the building official is hereby authorized to cause the removal and impoundment of such sign upon the issuance of a written court order authorizing the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent, or person having beneficial use of the land, building or structure upon which such sign was located. The city shall invoice the owner, agent, or person having beneficial use of the land for such expenses incurred by the city associated with the removal and impoundment of such sign.

Sec. 24-8486. Permits.

(a) Restrictions.

- (1) Except as otherwise provided for herein, no sign shall be erected, posted, ~~painted~~ or otherwise produced, changed, reconstructed in whole or in part, retained or maintained within the City of Live Oak without first obtaining a permit. The city is authorized to charge a fee for issuance of sign permits in accordance with the city's fee schedule adopted by the city council and as amended from time to time as necessary.
- (2) Any sign requiring a permit shall be installed or erected by an individual registered and licensed by the city for such work. No sign requiring an electrical permit or incorporating any electrical lighting or wiring shall be erected, modified, or repaired by anyone not licensed for such work in the city.

- (b) *Requirements.* A sign requiring a permit shall be inspected annually by the appropriate staff official or his duly appointed agent, assistant or deputy to ensure compliance with the provisions of this chapter and other

relevant city ordinances. Additional inspections may be conducted at the discretion of the appropriate staff official during the term of the permit to enforce the provisions of this chapter.

(c) *Issuance.*

(1) A permit shall not be issued when:

- a. An existing sign is in a deteriorated, unsafe or unsightly condition.
- b. A sign is not in compliance with or authorized under this chapter.
- c. Authorization of the property owner has not been obtained.
- d. The property at issue for the sign permit does not have either a building permit or a certificate of occupancy issued by the development services department on the property.

(2) A permit shall not be required for:

- a. Displaying street numbers.
- b. Temporary signs under section 24-79(~~fe~~)(5).
- c. Simple routine maintenance, adjustments, replacement of light globes etc. on existing signs as authorized under this article.
- d. When a sign has been damaged by fire, windstorm or other causes, immediate work to repair may be done to prevent damage to property or hazard to persons, and to this extent only. Notice will be given by the property or business owner as soon as practical to the appropriate staff official to advise of such damage and repair.

(d) *Fees.*

- (1) Sign permit fees shall be charged in accordance with the fee schedule adopted by the city council and as amended from time to time as necessary.

Sec. 24-~~91~~87. Master sign plan.

(a) *Purpose.* Master sign plans are authorized under this section to allow, within parcels as this section deems applicable, the following:

- (1) The unified presentation of signage throughout applicable parcels;
- (2) The authorization to deviate from the existing rules relating to number, height, dimensions, locations, or design characteristics of attached or freestanding signs within the master sign plan area when the design and quality components of the signs proposed in the master sign plan area exceed the existing rules in other aspects;
- (3) The flexibility to provide for unique environments; and
- (4) A pre-approval of designs and design elements process that will make subsequent applications for sign permits under an approved master sign plan more efficient.

(b) *Applicability.* An application for approval of a master sign plan ~~permit~~ is authorized only for those developments located within the General Business District (B-3) that meet the criteria that follows:

- (1) *Single-use development.* A single use development that exceeds 100,000 square feet of gross floor area; or
- (2) *Multi-tenant development.* A multi-tenant development that exceeds 150,000 square feet of gross floor area.

(c) *Definitions.* In this section, the terms below shall have the definitions that follow:

Administrator shall mean the city manager or his/her designee who shall be authorized to review and approve or reject master sign plan applications and have administrative authority over approved master sign plan applications.

Applicable rules means the city's sign rules and regulations a sign would otherwise be subject to but for its inclusion in an approved master sign plan.

Development means an existing or proposed single use development that exceeds 100,000 square feet of gross floor area or multi-tenant development that exceeds 150,000 square feet of gross floor area.

No progress means that no sign authorized by an approved master sign plan has been installed.

~~Section means this section 24-91.~~

Uniformed codes means those national codes, including but not limited to the International Building Code and the International Electrical Code, that have been adopted by the city.

(d) ~~Permit Application.~~

- (1) The owner of a platted lot of real property on which a development is currently located or is proposed may submit ~~an~~ permit-application, on such form as is provided by the administrator and the ~~permit~~ application fee, as set out in the city's fee schedule adopted by city council and amended from time to time as necessary.
- (2) A master sign plan application shall include three copies of the site layout of the single-use or multi-tenant development and a narrative.
 - a. Contents of site plan. The site plan shall depict the proposed signage for the entire development. For example, shopping center master sign plans shall include all tenants and out parcels; and office or industrial parks shall include all types of signs for wayfinding and tenants or uses within the development. The site plan shall include the following:
 - i. Identification of development as single-use or multi-use with total square footage of gross floor area in the development;
 - ii. A depiction of all proposed signs that will deviate from the underlying sign regulations;
 - iii. Size, location, and number of all signs, including area, letter height, and height;
 - iv. Materials, styles (letter colors, background colors, text, fonts, etc.), and colors for all signs subject to the master sign plan, including context of where signs are to be placed on any given facade;
 - v. Proposed illumination (external, internal, etc.), including illumination levels;
 - vi. A design theme with illustrative examples of each sign type and the proposed general locations of each sign type;
 - vii. Site plans for multi-tenant developments shall provide that wall signs displayed by two or more businesses using common parking facilities shall be uniform in construction (i.e. channel letters, plaques) and lighting (i.e. direct, indirect); and
 - viii. Landscaping and/or ornamental structures including fences, fountains, public art, ground cover, and other landscaping elements that are intended to complement those proposed signs that would deviate from the underlying sign regulations.
 - b. Narrative. The application shall include a narrative explaining the reasons for any deviation under existing rules from the number, height, dimensions, locations, or design characteristics of attached or freestanding signs that is sought under the under the master sign plan. The narrative should articulate design and quality components that exceeds the requirements of the existing rules, including but not limited to the use of brick or natural stone; uniformity of sign size, style, and color across the development; use of landscaping around a sign base; use of channel

lettering; use of directional signs; greater spacing between signs along street frontages; signage in locations to assist with direction in a location not on the lot of the existing business; incorporation of retaining walls for signage; or use of entry signs. In addition the narrative should establish an integrated architectural vocabulary and cohesive theme for the applicable single-use or multitenant development.

(e) ~~Permit~~ Approval.

- (1) ~~Permit~~ The application shall be reviewed by the administrator. Within ten business days from the date of receipt of the application the administrator shall verify the ~~permit~~ application is administratively complete and includes the application fee. An application that is not administratively complete shall not be processed.
- (2) Upon determination that the application is administratively complete, the request shall be presented to the planning and zoning commission. The commission may approve, approve with conditions or amendments, or deny the request. administrator may issue a master sign plan permit if the administrator finds The commission's approval of the request shall be based upon finding that the application demonstrates that the master sign plan will:
 - a. Result in a substantially improved, comprehensive, and unified use of signs within the applicable single or multi-tenant development, compared to what is allowed through strict compliance with the applicable rules; and
 - b. Provides for all signs to be architecturally integrated into or complimentary to the design of the buildings and character of the site, and use similar and coordinated design features, materials, and colors; and plans for multitenant developments provide for uniformity of signs.
- (3) The applicant may appeal a denial of a master sign plan to the city council. The council may approve, approve with conditions, or deny the request. The council's approval shall be based upon the same findings as the planning commission noted above.
- (3) ~~Permit~~ eExpiration. An ~~approved permit~~ approval shall expire and shall expire two years from the date of approval if no progress has been made towards completion of the placement of signs pursuant to the master sign plan. If a master sign plan ~~permit~~ expires it is of no further force and effect and a new application shall be required to implement a master sign plan for that development.

(f) *Authorized deviation from applicable rules.* The maximum deviation from the applicable rules that may be authorized under an approved master sign plan are as follows:

- (1) Maximum sign height may be increased no more than 30%;
- (2) Number of signs;
- (3) Location of signs;
- (4) Inclusion of multiple multi-tenant signs; wall signs; pylon signs; subdivision signs; and monument signs; and
- (5) Maximum sign area may be increased no more than double the normal allowance.

(g) *Prohibited signs and sign elements.*

- (1) Except as otherwise authorized in this section, signs and sign elements prohibited by the applicable rules are prohibited from inclusion in a master sign plan.
- (2) Nonconforming signs. Existing non-conforming signs are not permitted within a development that is subject of master sign plan. A master sign ~~permit issued~~ approval for a development on which an existing non-conforming sign is located shall require that the existing non-conforming sign be eliminated or brought into conformance with the standards of the approved master sign plan before the installation of any new signs under the approved master sign plan.

- (h) *Conditional approval.* ~~In issuing a permit the~~The administrator may impose reasonable conditions on the master sign plan relating to the design, materials, locations, placements, or orientations, and sign specifications; provided that such conditions are related to time, place and manner matters and does not attempted to regulate sign content. Reasonable conditions are conditions imposed on the master sign plan that promote the purpose of this section and the approval criteria set out in in this section.
- (i) *Amendment.*
 - (1) A valid master sign plan may be amended upon application by the permittee and approval by the administrator. An amendment application may seek to alter the design, materials, locations, placements, orientations, and specifications of a sign or signs designated within an approved master sign plan; provided the amendment does not attempt to increase the area or height of any freestanding or wall sign subject to the original master sign program by more than ten percent.
 - (2) To request an amendment the permittee shall submit a completed master plan ~~permit~~ amendment application, on such form as provided by the administrator, and a site plan and narrative as is required for a master sign plan ~~permit~~. The administrator shall review the request for administrative completeness and may issue a master plan amendment ~~permit~~ if the administrator finds the proposed amendment advances the objectives of this section and the approval criteria stated in this section. ~~the applicant may apply for.~~ The city manager or his/her designee may approve the amended master sign plan if it is consistent with this section, and does not increase the area or height of any freestanding or wall sign subject to the original master sign program by more than ten percent.
- (j) *Other permits.* The ~~issuance approval~~ of a master sign plan ~~permit~~ shall not relieve the applicant from the requirements of the uniform codes, including permitting requirements required therein.

Sec. 24-~~8788~~. Variance and appeal procedure.

- (a) *Sign Variances*~~variances~~.
 - (1) A request for a variance of requirements as set forth in this ~~chapter article~~ may be made to the board of adjustment. The variance must be made in writing at the time of the permit application. If the applicant is not the property owner, authorization from the property owner is required for the variance application.
 - (2) In order to approve a request for a variance, the board of adjustment shall determine that the request meets three of the following four criteria:
 - a. The proposed sign shall not adversely impact the adjacent property (visibility, size and the like);
 - b. The proposed sign shall be of a unique design or configuration;
 - c. The variance is needed due to restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be erected; or
 - d. The variance will substantially improve the public convenience and welfare and does not violate the intent of this chapter.
 - (3) A variance shall not be approved for a sign that is prohibited by this chapter.
 - (4) The board of adjustment's decision is final.
- (b) Appeal of a decision by city staff regarding this article may be made to the board of adjustment by notification, within ten days of the decision to the city secretary. The appeal will be placed on an agenda as soon as practical to conduct a hearing before the board of adjustment. Staff shall notify the petitioner of their right to appeal.

Sec. 24-8689. Penalties for violation.

Any person or other responsible party who shall violate any provision of this article shall be charged with a misdemeanor and shall, upon conviction thereof, be assessed a fine of not less than \$10.00 nor more than \$500.00 unless it is a health and safety issue which includes a max fine of \$2,000.00. Each responsible party may be charged separately for a violation of this chapter and, if convicted, be held individually liable for resulting civil and/or criminal penalties, as applicable and in accordance with other law. The primary beneficiary of any sign installed in violation of this chapter is, until proven otherwise, presumed to have authorized or caused the installation, use or maintenance of the sign in violation of this chapter and may be charged with an offense under this section. It is a defense to prosecution that the property owner or beneficiary of a sign did not give consent for the placement of the sign.

Sec. 24-8890. Severability.

If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this article.

Sec. 24-8991. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. See below Exhibit 1 for specific graphic examples of signs:

A-frame sign. A temporary sign made of two pieces of wood, metal or other similar material approved by the building official connected at the top by hinges or similar device(s) and may collapse when the connecting device(s) are overextended or the two pieces of wood, metal or other similar material are against one another. Also, commonly referred to as a "sandwich board sign."

Abandoned sign. A sign that had a permit on a piece of property or premises, but the permit has been expired for more than one year and has become dilapidated or has ceased use in that timeframe. Abandoned signs are prohibited in the city.

Amortization. In terms relevant to signage and urban planning, it conveys the "grace period" beginning on the date a sign owner is notified that removal of a previously conforming sign has been ordered, and ending on the date removal is required. This process makes a sign structure, which was legally erected or placed pursuant to permit, legally nonconforming for a period of time—the amortization period. After the amortization period expires, the sign becomes illegally nonconforming and must be removed.

Apartment sign. A temporary stake sign made of wood, metal or other similar material approved by the building official in zoning district R5.

Animation. Shall mean the use of movement or some element thereof to depict action or create a special effect or scene.

Area of sign. Shall be the total face area which includes the message and the border of the sign. It does not include the supporting super-structure. See Exhibit 1 to this article for determining the face area of an irregular shape or other than a rectangle. Only one surface of a two-sided freestanding sign is counted if the two sides are back to back, have identical content, and are not separated by more than four feet at the widest point.

Bandit Sign. Any sign posted on a utility pole, street sign, or other street furniture or a sign posted on public property or public right-of-way in violation of this chapter.

Banner. A temporary sign having characters, letters, or illustrations applied to plastic, cloth, canvas, or other light fabric or similar material, with the only purpose of such nonrigid material being for background.

Billboard

A sign which exceeds the maximum allowed area of a freestanding sign and that advertises a business, product, service, or event that is located off the property where the sign is installed.

Canopy sign. A sign that is applied, attached, ~~painted~~ or affixed on a canopy or other roof-like covered areas where it is intended for protection from the weather or other safety measure.

Canopy/awning sign. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, patio, deck, or window, and any sign attached to a freestanding canopy structure, which may be retractable or nonretractable projection, shelter or structure. A marquee is not a canopy.

Development lot. Developed lot which is ground leased or which has structures in place for use and has a building permit, and/or certificate of occupancy, or a certificate of final acceptance.

Developed. A developed property is a nonresidential property for which a building permit or certificate of occupancy has been issued by the building official to occupy a building on the property or a residential property for which a certificate of final acceptance has been issued by the city.

Digital conversion. Shall mean the replacement of a previously installed static sign face with a digital display.

Digital display. Shall mean an electronic video screen or electronic message center.

Dilapidated. Any surface element, background, or support of any sign that has finished materials that are missing, broken, bent, cracked, decayed, dented, harmful, hazardous, illegible, leaning, splintered, ripped, torn, twisted, or unsightly.

Distance between signs. The distance between signs shall be measured from the nearest part of each sign, including sign faces and all structural elements of the sign.

Dwell time. Shall mean the interval of change between each individual message. Dwell time shall include the one second or less required to change a message.

Electronic message center. Shall mean a sign or portion of a sign which uses LED technology to form a sign message or messages in text form, with or without fixed images, wherein the sequence of messages the rate of change is electronically programmed and can be modified by electronic processes.

Electronic video screen. Shall mean a sign or portion of a sign which displays an electronic video which may or may not include text including television screens, plasma screens, digital screens, flat screens, LED screens, tri-vision technology, video boards and holographic displays

Flashing. Shall mean a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated, employs inverse illumination, or operates with transitory bursts for periods of less than one second. This term shall include blinking, strobe, and twinkling illuminations. Animation, as defined, shall not fall under the definition of flashing.

Foot-candle. Shall mean a unit of light measurement equal to one lumen per square foot. Foot-candle may be abbreviated "fc."

Freestanding sign. Shall mean any sign supported by structures or supports that are placed on, or anchored in the ground, and that are independent from any building or other structure.

Full-motion video. Shall be defined as the use of live action footage shot with a video camera or similar device and sized to fit and be displayed by an electronic message sign or similar device.

Garden office. Business offices with multiple tenants and/or buildings, where not all the tenants front onto the street.

Ground sign. Any sign which is supported by structures or supports in or upon the ground and independent of support from any building. A ground sign may be a freestanding sign or a monument sign.

Government sign. A sign installed, maintained, or used (i) by the city, county, state or the federal government, required or specifically authorized for the public purpose pursuant to regulations promulgated by the

state or federal government, (ii) a traffic-related sign installed by any government agency within public right-of-way, or (iii) convey information to the public regarding city, state, or federal government activities and special events.

Height of sign. The vertical distance measured from the lowest adjacent natural grade to the highest point of the sign or sign structure.

Miscellaneous sign. Permanent or temporary informational signs, such as, but not limited to, parking lot directional signs, warning signs, and holiday signs.

Monument sign. A sign supported from the grade to the bottom of the sign having or appearing to have a solid base.

Moving sign. Any sign, sign appendages or apparatus designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device. Moving signs, and/or any sign appendage that moves.

Neglected sign. A sign that has any missing panels, burned out lights, missing letters or characters, has rust, has loose parts, has damage, faded from its original color, supports or framework with missing sign or parts, or is not maintained.

Noncommercial sign. A sign that does not contain information or advertising for any business, commodity, service, entertainment, product, or other attraction.

Nonconforming sign. Any sign and its supporting structure that does not conform to all or any portion of this chapter and was in existence and lawfully erected prior to the effective date of this chapter; and was in existence and lawfully located and used in accordance with the provision of any prior ordinances applicable thereto, or which was considered legally nonconforming there under, and has since been in continuous or regular use; or was used on the premises at the time it was annexed into the city and has since been in regular and continuous use continuously existed as a nonconforming sign.

Painted sign. A sign that is painted directly on the face of a building, fence, canopy, or other structure, with the exceptions of noncommercial murals or other such artwork.

Pole sign. A sign erected on a vertical framework consisting of one or more uprights supported by the ground. With the exception of the pole signs specifically authorized by this chapter, pole signs are prohibited in the city. A pole sign is also freestanding sign under section 4.5.

Portable sign(s). Any sign designed or intended to be relocated from time-to-time, whether or not it is permanently attached to a building or structure or is located on the ground. Portable signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, banners, tents or other portable structures, A-frame signs, T-shaped signs, airborne devices, or other devices used for temporary display or advertising.

Public nuisance. Any sign or similar device that is obscene, causes a hazard or dangerous condition to the general public.

Public right-of-way. An area or strip of land, dedicated or conveyed for municipal public use, occupied or intended to be occupied by a street, walkway, utility line, drainage channel, or other municipal public uses as authorized by law.

Portable sign(s). Any sign designed or intended to be relocated from time-to-time, whether or not it is permanently attached to a building or structure or is located on the ground. Portable signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, banners, tents or other portable structures, airborne devices, or other devices used for temporary display or advertising. Portable signs are prohibited in the city and its extraterritorial jurisdiction, except as specifically allowed by other sections of this chapter. A vehicle sign is not a portable or wheeled sign.

Responsible party. Any of the following shall be considered a responsible party, as applicable: any entity (individual person, corporation, organization, etc.) or its agent whose product, service, activity or enterprise is

announced or advertised by a sign, or whose message is carried by a sign, including other persons or entities acting on behalf of, at the direction of, or to primarily benefit said entity; the owner of the property upon which a sign is located; and/or the lessee/tenant of the property upon which a sign is located.

Roof sign. A sign mounted on and supported by the roof portion of a building or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building or a sign that is ~~painted directly to or~~ applied directly on the roof or top of a building or structure. A sign that is mounted on mansard facades, pent eaves or architectural projections, such as canopies or the fascia (wall) of a building or structure shall not be considered to be a roof sign.

Sign. Any form of an object conveying information or instruction by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, or other pictorial matter designed to convey such information and displayed by means of print, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or structures or supports. This definition shall also include any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or communicate information of any kind to the public.

Subdivision. For purposes of this chapter, the subdivision in its entirety, including all phases, sections, villages, or units under a common development plan.

Subdivision sign. A permanent sign identifying an entrance to a residential subdivision. A subdivision sign may be authorized for qualifying non-residential subdivisions in conjunction with the approval of a Master Sign Plan.

Temporary sign. Any sign used to display information with a limited duration which is not rigidly and permanently installed into or on the ground, attached to a building, or as identified in this chapter.

Variance. An official written request to the city council to allow exceptions to regulations or requirements of this appendix.

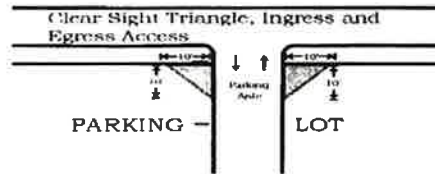
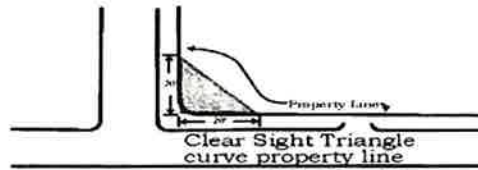
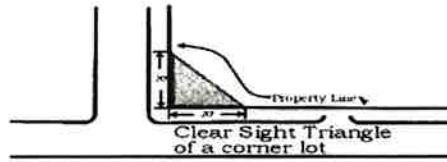
Vehicle. Any operable or inoperable motorized machine on wheels, treads, or runners by which any person, materials, commodity, or property is or may be transported.

Vehicle sign. A sign painted upon or applied directly (to include magnetic, but not signs taped to) to any vehicle, truck, car, bus, trailer, boat, recreational vehicle, motorcycle or any other vehicle. Vehicle signs shall exclude bumper stickers and state required registration or inspection stickers/identifications.

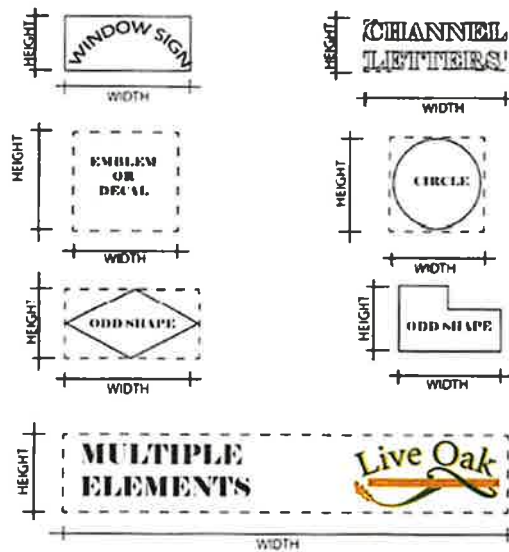
Wall sign. Any sign erected against an exterior wall, erected parallel to a wall or ~~painted-applied~~ directly onto a wall. A wall sign is a sign ~~painted-on~~ applied to or erected parallel to and extending not more than 12 inches from the facade of any building to which it is attached, supported throughout its entire length by the building face.

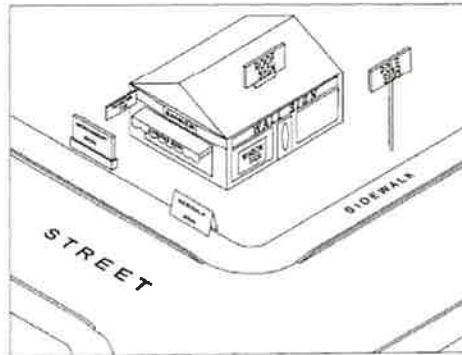
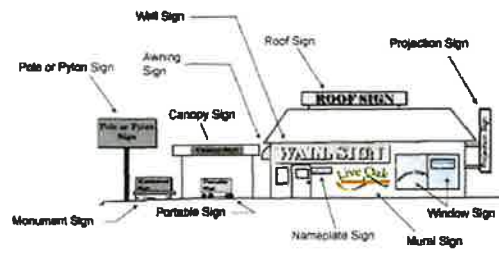
Window sign. Any sign, poster, window slick, or other similar displayed item, excluding banners (see "banners"), located on the internal or external surface of a window that is visible from a public street or sidewalk. A sign applied on or over a window and/or visible through a window from the exterior of a building is a wall sign. An interior sign that faces a window exposed to public view and located within three feet of the window is considered a window sign.

EXHIBIT I



DETERMINING THE TOTAL FACE AREA OF A SIGN





Secs. 24-92—24-95. Reserved