

**AGENDA**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF LIVE OAK**  
**WILL BE HELD AT THE LIVE OAK COUNCIL CHAMBERS**  
**8001 SHIN OAK DRIVE**  
**TUESDAY, APRIL 29, 2025, 7:00 P.M.**

The public may watch the meeting live at [www.liveoaktx.net](http://www.liveoaktx.net) by clicking on the “Live Meetings” button.

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

**Per City of Live Oak Code of Ordinances**

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

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

**5. CONSENT AGENDA**

- A. Approval of Minutes
  - April 8, 2025
- B. First Quarter 2025 Code Enforcement Report – Mr. Solis

**6. SPECIAL CONSIDERATION**

- A. Proclamation for Older Americans Month – Mayor Dennis
- B. Proclamation for Building Safety Month – Mayor Dennis
- C. Proclamation for Stroke Awareness Month – Mayor Dennis
- D. Proclamation for Public Service Recognition Week – Mayor Dennis
- E. Proclamation for National Police Week – Chief Fratus
- F. Proclamation for National Drinking Water Week – Mr. Wagster
- G. Proclamation for National Nurses Week – Mayor Dennis
- H. Proclamation for Trauma Awareness Month – Mayor Dennis
- I. Proclamation for National Military Appreciation Month (NMAM) – Mayor Dennis

**7. NEW BUSINESS**

- A. Discussion and possible action regarding the Monthly Financial Report ending February 28, 2025 – Mr. Kowalik
- B. Discussion and possible action regarding the State of the City and the upcoming 2025/2026 budget and processes – Mr. Kowalik
- C. Discussion and possible action regarding an Ordinance approving proposed revisions and updates to the City of Live Oak Code of Ordinances, Chapter 24 - Zoning Regulations,

Article XII – Administration and Procedures, regarding public notification requirements and site plan approval requirements – Mr. Ruthven

## 8. EXECUTIVE SESSION

- A. The City Council will meet in executive session pursuant to Texas Government Code Section 551.071, Consultation with Attorney, to discuss and receive advice on
- Update City Council on City of Live Oak VS 10804 O'Connor, LLC
- B. Reconvene into open session and possible action on any items discussed in executive session.

## 9. CITY COUNCIL REPORT

- A. City Councilmembers' reports regarding discussion of City issues with citizens.

## 10. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

### A. City Council

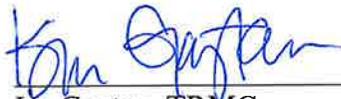
- Ribbon Cuttings, upcoming City Events, Special meetings and workshops, conferences and special acknowledgements

### B. Staff

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

## 11. ADJOURNMENT

I certify that the above notice of meeting was posted on the bulletin board of the City Hall, 8001 Shin Oak Drive, City of Live Oak, Texas, on April 25, 2025, by 5:00 p.m.



Isa Gaytan, TRMC  
City Secretary



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

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

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

**MINUTES OF THE  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF LIVE OAK  
8001 SHIN OAK DRIVE  
TUESDAY, APRIL 8, 2025, 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**

Councilmember Mendell Morgan, present

Mayor Pro-Tem Bob Tullgren, present

Councilmember Dr. Erin Perez, present

Councilmember Ed Cimics, present

Councilmember Aaron Dahl, present

Mayor Mary M. Dennis, present

Anas Garfaoui, City Manager

Ron Ruthven, Assistant City Manager

Chief Michael Fratus, Police Chief

Chief Linc Surber, Fire Chief

Mark Wagster, Director of Public Works

Edmond McNew, Assistant Director of Public Works

Donna Lowder, Manager of Marketing and Economic Development Corporation

Leroy Kowalik, Director of Finance and Administration

Isa Gaytan, City Secretary

Clarissa Rodriguez, City Attorney

**4. CITIZENS TO BE HEARD**

No Citizens to be heard.

**5. CONSENT AGENDA**

A. Approval of Minutes

- March 25, 2025

B. City Council to approve an excused absence for Mayor Pro-Tem Tullgren from the March 25, 2025, meeting – Mrs. Gaytan

C. City Council to approve an excused absence for Councilmember Cimics from the March 25, 2025, meeting – Mrs. Gaytan

Motion was made by Mayor Pro-Tem Tullgren and seconded by Councilmember Perez to approve the Consent Agenda.

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

## **6. SPECIAL CONSIDERATION**

A. Presentation of the Employee of the Quarter, Andrew Morales

Assistant Chief Barela presented the Employee of the Quarter to Corporal Morales. Chief Fratus was also present. Corporal Morales accepted the award along with his wife and family.

B. Proclamation for National Economic Development Week

Councilmember Dahl read the Proclamation for the National Economic Development Week. Mayor Dennis and Mayor Pro-Tem Tullgren presented the proclamation to Economic Development Manager Donna Lowder and Citizen Director Angela Green.

C. Proclamation for Earth Day

Councilmember Perez read the Proclamation for Earth Day. Mayor Dennis presented the proclamation to the Garden Club.

D. Proclamation for National Poppy Day

Mayor Pro-Tem Tullgren read proclamation. Mayor Dennis presented proclamation to Bonnie Tullgren and members of the American Legion Club.

E. Proclamation for Volunteer Appreciation Month

Proclamation was read by Councilmember Morgan. Mayor Dennis presented proclamation and recognized members volunteers, Seniors Of Live Oak, and Live Oak Citizens Assisting Police.

## **7. NEW BUSINESS**

A. Discussion and possible action regarding a Resolution to authorize the City Manager to enter into an agreement with HUB International to provide health and welfare consulting services for the Employee Benefits Program for the City of Live Oak, Texas.

Mr. Kowalik presented agenda item to City Council.

Motion was made by Mayor Pro-Tem Tullgren and seconded by Councilmember Morgan to approve a Resolution to authorize the City Manager to enter into an agreement with HUB International to provide health and welfare consulting services for the Employee Benefits Program for the City of Live Oak, Texas.

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

B. Discussion and possible action regarding a Resolution awarding a bid for the 2025 Park Parking Lots Reconstruction Project to Platinum Paving, LLC in the amount of \$911,731.17 and authorize an additional 10% for contingencies for a total amount of \$1,002,910.88.

Mr. McNew presented agenda item to City Council with Mr. Cantu from 6S Engineering.

Motion was made by Councilmember Dahl and seconded by Councilmember Cimics to approve a Resolution awarding a bid for the 2025 Park Parking Lots Reconstruction Project to Platinum Paving, LLC in the amount of \$911,731.17 and authorize an additional 10% for contingencies for a total amount of \$1,002,910.88.

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

C. Discussion and possible action regarding a Resolution to accept a proposal from Fuquay Incorporated for the repair of a sewer main located south of Judson Road in the amount of \$133,288.59 and authorize an additional 10% for contingencies for a total amount of \$146,617.44.

Mr. McNew presented agenda item to City Council.

Motion was made by Councilmember Dahl and seconded by Councilmember Cimics to approve a Resolution to accept a proposal from Fuquay Incorporated for the repair of a sewer main located south of Judson Road in the amount of \$133,288.59 and authorize an additional 10% for contingencies for a total amount of \$146,617.44.

## **8. CITY COUNCIL REPORT**

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

Councilmember Morgan mentioned the concern for residents who will be affected by the increase of sewer rates and recommended there be some way City could help those in need.

Councilmember Cimics mentioned the parking problem at the City Park.

## **9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF**

A. City Council

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

Councilmember Perez said she is looking forward to the Eggstravaganza event and mentioned it was lovely to see students taking prom pictures at the City Park; thanked the Parks department and City staff.

Councilmember Cimics congratulated Mayor Dennis for receiving her Texas Municipal League Municipal Officer Certification for the 14th year.

Mayor Dennis mentioned the ribbon cutting at the reopening of the Village Florist and congratulated April for the beautiful event. Also mentioned that she attended the employee appreciation event for Hillside Care facility and said that it was a great event. Another event Mayor attended was a book signing of residents who lived in Live Oak. Mayor Dennis thanked Councilmember Cimics for the community garage sales idea which was a great success. Lastly, Mayor also congratulated Councilmember Cimics for also receiving his Texas Municipal League Municipal Officer Certification and because both Mayor Dennis and Councilmember Cimics are both part of this program, the City of Live Oak was also recognized for being a great city.

B. Staff

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

Mr. Garfaoui announced the next City Council meeting will be held on April 29, 2025, and also mentioned he is looking forward to the Eggstravanza event.

Mr. Wagster announced the Eggstravanza event will be on April 19 at the main park at 6:00 p.m., ending the event with the movie Despicable Me 4.

Councilmember Cimics congratulated Mrs. Lowder for the presentation at the Tri County luncheon.

**10. ADJOURNMENT**

Motion was made by Councilmember Dahl and seconded by Councilmember Perez to adjourn the meeting at 7:45 p.m.

**APPROVED:**

**ATTEST:**

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Mary M. Dennis, Mayor

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Isa Gaytan, TRMC  
City Secretary



# CITY COUNCIL AGENDA ITEM FORM

**Meeting Date:** April 29, 2025

**Agenda item:** 5B

**Prepared by:** S. Solis, Code Enforcement Supervisor

**Reviewed by:** R. Ruthven, ACM

**Department:** Code Enforcement

**Agenda Item Description:**

First Quarter 2025 Code Enforcement Report.

**Staff Briefing:**

Attached is the first quarter 2025 Code Enforcement report for the period of January to March.

**Action:**

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

<b>Cost:</b>	
<b>Budgeted</b>	
<b>Actual</b>	
<b>Acct. Name</b>	
<b>Acct. Fund</b>	
<b>Other Funding</b>	
<b>Strategic Goal #</b>	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 Q1 Report - 2025

Violation Category	January	February	March	Total - Violations
Accessory Structures			1	1
Accumulation of rubbish or garbage	35	57	62	154
Barbeque Grills	11	14	9	34
City Ordinance 24-81 Prohibited Signs	22	22	44	88
Disposal of garbage	1	1		2
Disposal of rubbish		1	1	2
Exterior Structure (General)	2	2	2	6
Low Hanging Limbs	3	23	2	28
Motor vehicles	35	25	25	85
Parking of Vehicles Boats and Trailers	10	1	12	23
Parking on Grass	15	11	7	33
Portable Basketball	5	1	2	8
Sanitation			1	1
Sign Violations	7	2	12	21
Stop Work Order	7	5	12	24
Weeds, Grass and Limbs	47	8	41	96
<b>Grand Total</b>	<b>200</b>	<b>173</b>	<b>233</b>	<b>606</b>



# CITY COUNCIL AGENDA ITEM FORM

**Meeting Date:** April 29, 2025

**Agenda item:** 6A

**Prepared by:** I. Gaytan, City Secretary

**Reviewed by:** A. Garfaoui, City Manager

**Department:** Administration

**Agenda Item Description:**

Proclamation for Older Americans Month.

**Staff Briefing:**

The month of May 2025 is recognized as Older Americans Month.

**Action:**

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

<b>Cost:</b>	
<b>Budgeted</b>	
<b>Actual</b>	
<b>Acct. Name</b>	
<b>Acct. Fund</b>	
<b>Other Funding</b>	
<b>Strategic Goal #</b>	3

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

**Staff Recommended Motion:**

No motion is necessary.



**PROCLAMATION FOR**  
**OLDER AMERICANS MONTH**

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

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

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

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

**NOW THEREFORE,** I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 2025, as Older Americans Month in the City of Live Oak.

**IN WITNESS WHEREOF,** I have set my hand and caused the Seal of the City of Live Oak to be affixed this 29th day of April 2025.

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Mary M. Dennis, Mayor



# CITY COUNCIL AGENDA ITEM FORM

**Meeting Date:** April 29, 2025

**Agenda item:** 6B

**Prepared by:** I. Gaytan, City Secretary

**Reviewed by:** A. Garfaoui, City Manager

**Department:** Administration

**Agenda Item Description:**

Proclamation for Building Safety Month.

**Staff Briefing:**

The month of May 2025 is recognized as Building Safety Month.

**Action:**

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

<b>Cost:</b>	
<b>Budgeted</b>	
<b>Actual</b>	
<b>Acct. Name</b>	
<b>Acct. Fund</b>	
<b>Other Funding</b>	
<b>Strategic Goal #</b>	3

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

**Staff Recommended Motion:**

No motion is necessary.



## **PROCLAMATION FOR BUILDING SAFETY MONTH**

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

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

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

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

**WHEREAS:** “Game On!” the theme for Building Safety Month 2025, encourages us all to raise awareness about building safety on a personal, local and global scale, and;

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

**NOW, THEREFORE,** I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim the month of May 2025 as Building Safety Month in the City of Live Oak. Accordingly, I encourage our residents to join us as we participate in Building Safety Month activities.

**IN WITNESS WHEREOF,** I have set my hand and caused the Seal of the City of Live Oak to be affixed this 29th day of April 2025.

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Mary M. Dennis, Mayor



# CITY COUNCIL AGENDA ITEM FORM

**Meeting Date:** April 29, 2025

**Agenda item:** 6C

**Prepared by:** I. Gaytan, City Secretary

**Reviewed by:** A. Garfaoui, City Manager

**Department:** Administration

**Agenda Item Description:**

Proclamation for Stroke Awareness Month.

**Staff Briefing:**

The month of May 2025 is recognized as Stroke Awareness Month.

**Action:**

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

<b>Cost:</b>	
<b>Budgeted</b>	
<b>Actual</b>	
<b>Acct. Name</b>	
<b>Acct. Fund</b>	
<b>Other Funding</b>	
<b>Strategic Goal #</b>	3

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

**Staff Recommended Motion:**

No motion is necessary.



## **PROCLAMATION FOR STROKE AWARENESS MONTH**

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

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

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

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

**WHEREAS:** Recognizing the warning signs of a stroke is crucial for getting prompt medical attention and preventing long-term damage. The acronym “FAST” is an easy way to remember the signs of a stroke: **F**ace drooping, **A**rm weakness, **S**peech difficulty, **T**ime to call 911; and

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

**NOW, THEREFORE,** I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 2025 as Stroke Awareness Month in the City of Live Oak.

**IN WITNESS WHEREOF,** I have set my hand and caused the Seal of the City of Live Oak to be affixed this 29th day of April 2025.

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Mary M. Dennis, Mayor



# CITY COUNCIL AGENDA ITEM FORM

**Meeting Date:** April 29, 2025

**Agenda item:** 6D

**Prepared by:** I. Gaytan, City Secretary

**Reviewed by:** A. Garfaoui, City Manager

**Department:** Administration

**Agenda Item Description:**

Proclamation for Public Service Recognition Week.

**Staff Briefing:**

The week of May 4-10, 2025, is recognized as Public Service Recognition Week.

**Action:**

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

<b>Cost:</b>	
<b>Budgeted</b>	
<b>Actual</b>	
<b>Acct. Name</b>	
<b>Acct. Fund</b>	
<b>Other Funding</b>	
<b>Strategic Goal #</b>	3

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

**Staff Recommended Motion:**

No motion is necessary.



**PROCLAMATION FOR**  
**PUBLIC SERVICE RECOGNITION WEEK**

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

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

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

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

**NOW THEREFORE,** I, Mary M. Dennis, Mayor of the City of Live Oak, call upon our residents and all patriotic, civic, and educational organizations to observe the week of May 4 - 10, 2025 as Public Service Recognition Week in the City of Live Oak. Accordingly, I recognize all public servants, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities.

**IN WITNESS WHEREOF,** I have set my hand and caused the Seal of the City of Live Oak to be affixed this 29th day of April 2025.

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Mary M. Dennis, Mayor



# CITY COUNCIL AGENDA ITEM FORM

**Meeting Date:** April 29, 2025

**Agenda item:** 6E

**Prepared by:** M. Fratus, Chief of Police

**Reviewed by:** A. Garfaoui, City Manager

**Department:** Police Department

**Agenda Item Description:**

Proclamation for National Police Week.

**Staff Briefing:**

National Police Week is observed annually to honor the service and sacrifice of law enforcement officers across the country. May 15th is designated as Peace Officers Memorial Day, a time to remember those who have lost their lives in the line of duty. This proclamation acknowledges the dedication and professionalism of the men and women of the Live Oak Police Department, who work tirelessly to protect and serve our community.

**Action:**

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

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

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

**Staff Recommended Motion:**

No motion is necessary.



## **PROCLAMATION FOR** **NATIONAL POLICE WEEK**

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

**WHEREAS:** The men and women of the Live Oak Police Department provide our residents a vital public service with professionalism, compassion, and with great personal sacrifice to safeguard lives and property; and

**WHEREAS:** According to the Officer Down Memorial Page, there were 165 line-of-duty deaths nationwide in 2024; with Texas losing 17 officers. Since the first recorded death in 1791, almost 27,000 law enforcement officers in the United States have made the ultimate sacrifice and were killed in the line of duty, including Officer Alfredo F. Araiza of the Live Oak Police Department who was killed on January 17, 1980; and

**WHEREAS:** We pause during National Police Week to honor and remember those officers who have made the ultimate sacrifice in the line of duty, and to thank all those who currently serve for their commitment to keeping our community safe; and

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

**NOW THEREFORE,** I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 11-17, 2025, as National Police Week in the City of Live Oak.

**IN WITNESS WHEREOF,** I have set my hand and caused the Seal of the City of Live Oak to be affixed this 29th day of April 2025.

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Mary M. Dennis, Mayor



# CITY COUNCIL AGENDA ITEM FORM

**Meeting Date:** April 29, 2025

**Agenda item:** 6F

**Prepared by:** M. Wagster, Director

**Reviewed by:** A. Garfaoui, City Manager

**Department:** Public Works

**Agenda Item Description:**

Proclamation for National Drinking Water Week.

**Staff Briefing:**

This annual observance highlights the essential role drinking water plays in public health, environmental protection, and the well-being of our community. The proclamation will also recognize the contributions of water professionals and encourage continued stewardship of our water resources, highlight the infrastructure and personnel involved in its delivery, and encourage community support and understanding of water conservation efforts.

**Action:**

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

<b>Cost:</b>	
<b>Budgeted</b>	
<b>Actual</b>	
<b>Acct. Name</b>	
<b>Acct. Fund</b>	
<b>Other Funding</b>	
<b>Strategic Goal #</b>	3

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

**Staff Recommended Motion:**

No motion is necessary.



## **PROCLAMATION FOR NATIONAL DRINKING WATER WEEK**

**WHEREAS:** Water is our most valuable natural resource; and

**WHEREAS:** Drinking water serves a vital role in daily life, serving an essential purpose to health, hydration and hygiene needs for the quality of life our residents enjoy; and

**WHEREAS:** Tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

**WHEREAS:** The hard work performed by the entire water sector, designing capital projects, operators ensuring the safety and quality of drinking water, or a member of a pipe crew maintaining the infrastructure communities rely on to transport high quality drinking water from its source to consumers' taps; and

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

**WHEREAS:** The residents of our city are called upon to help protect our source waters from pollution, practice water conservation and get involved with their water by familiarizing themselves with it.

**NOW THEREFORE,** I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 4-10, 2025, as National Drinking Water Week in the City of Live Oak.

**IN WITNESS WHEREOF,** I have set my hand and caused the Seal of the City of Live Oak to be affixed this 29th day of April 2025.

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Mary M. Dennis, Mayor



# CITY COUNCIL AGENDA ITEM FORM

**Meeting Date:** April 29, 2025

**Agenda item:** 6G

**Prepared by:** I. Gaytan, City Secretary

**Reviewed by:** A. Garfaoui, City Manager

**Department:** Administration

**Agenda Item Description:**

Proclamation for National Nurses Week.

**Staff Briefing:**

The week of May 6-12, 2025, is recognized as National Nurses Week.

**Action:**

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

<b>Cost:</b>	
<b>Budgeted</b>	
<b>Actual</b>	
<b>Acct. Name</b>	
<b>Acct. Fund</b>	
<b>Other Funding</b>	
<b>Strategic Goal #</b>	3

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

**Staff Recommended Motion:**

No motion is necessary.



## **PROCLAMATION FOR** **NATIONAL NURSES WEEK**

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

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

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

**WHEREAS:** The National Nurses Week theme is The Power of Nurses. This theme acknowledges the significant contributions and challenges nurses face in various healthcare settings, highlighting their compassion and care.

**NOW THEREFORE,** I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 6-12, 2025, as National Nurses Week in the City of Live Oak.

**IN WITNESS WHEREOF,** I have set my hand and caused the Seal of the City of Live Oak to be affixed this 29th day of April 2025.

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Mary M. Dennis, Mayor



# CITY COUNCIL AGENDA ITEM FORM

**Meeting Date:** April 29, 2025

**Agenda item:** 6H

**Prepared by:** I. Gaytan, City Secretary

**Reviewed by:** A. Garfaoui, City Manager

**Department:** Administration

**Agenda Item Description:**

Proclamation for Trauma Awareness Month.

**Staff Briefing:**

The month of May 2025 is recognized as Trauma Awareness Month.

**Action:**

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

<b>Cost:</b>	
<b>Budgeted</b>	
<b>Actual</b>	
<b>Acct. Name</b>	
<b>Acct. Fund</b>	
<b>Other Funding</b>	
<b>Strategic Goal #</b>	3

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

**Staff Recommended Motion:**

No motion is necessary.



## **PROCLAMATION FOR** **NATIONAL TRAUMA AWARENESS MONTH**

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

**WHEREAS:** National Trauma Awareness Month is an annual campaign dedicated to promoting injury prevention and safety practices, with the help of members from the Trauma Prevention Coalition (TPC), this year's theme is "'Model Safety Every Day: For A Stronger Tomorrow;" and

**WHEREAS:** Small actions, like wearing a seatbelt, using protective gear, or eliminating distractions, can inspire others and build a culture of safety. This month-long initiative aims to engage individuals, communities, and organizations in efforts to reduce the incidence of injuries and mitigate their impact; and

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

**NOW THEREFORE,** I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 2025 as National Trauma Awareness Month in the City of Live Oak.

**IN WITNESS WHEREOF,** I have set my hand and caused the Seal of the City of Live Oak to be affixed this 29th day of April 2025.

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Mary M. Dennis, Mayor



# CITY COUNCIL AGENDA ITEM FORM

**Meeting Date:** April 29, 2025

**Agenda item:** 6I

**Prepared by:** I. Gaytan, City Secretary

**Reviewed by:** A. Garfaoui, City Manager

**Department:** Administration

**Agenda Item Description:**

Proclamation for National Military Appreciation Month (NMAM).

**Staff Briefing:**

The month of May 2025 is recognized as National Military Appreciation Month.

**Action:**

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

<b>Cost:</b>	
<b>Budgeted</b>	
<b>Actual</b>	
<b>Acct. Name</b>	
<b>Acct. Fund</b>	
<b>Other Funding</b>	
<b>Strategic Goal #</b>	3

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

**Staff Recommended Motion:**

No motion is necessary.



## **PROCLAMATION FOR** **NATIONAL MILITARY APPRECIATION MONTH**

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

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

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

**WHEREAS:** National Military Appreciation Month (NMAM) is a month set aside for the reaffirmation of loyalty to the United States, and to reflect on the proud heritage of our American freedom; and

**WHEREAS:** National Military Appreciation Month (NMAM) is a month set aside to honor the men and women who serve our nation as federal, state, county and local government employees and ensure that our government is the best in the world.

**NOW THEREFORE,** I, Mary M. Dennis, Mayor of the City of Live Oak, do hereby proclaim May 2025, as National Military Appreciation Month in the City of Live Oak.

**IN WITNESS WHEREOF,** I have set my hand and caused the Seal of the City of Live Oak to be affixed this 29th day of April 2025.

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Mary M. Dennis, Mayor



# CITY COUNCIL AGENDA ITEM FORM

**Meeting Date:** April 29, 2025

**Agenda item:** 7A

**Prepared by:** L. Kowalik, Finance Director

**Reviewed by:** A. Garfaoui, City Manager

**Department:** Finance Department

**Agenda Item Description:**

Discussion and possible action regarding the Monthly Financial Report ending February 28, 2025.

**Staff Briefing:**

The presented financial reports are cumulative from October 1, 2024, through the period ending date. These reports are presented to keep the City Council, Mayor and City Manager up to date on the financial condition of the City of Live Oak.

Attached is a memorandum outlining some of the major points of interest, along with the Financial Report for the period ending February 28, 2025. The financial reports are cumulative from October 1, 2024, through the ending period. This report is also unaudited and subject to slight changes.

**Action:**

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

<b>Cost:</b>	
<b>Budgeted</b>	
<b>Actual</b>	
<b>Acct. Name</b>	
<b>Acct. Fund</b>	
<b>Other Funding</b>	
<b>Strategic Goal #</b>	1, 3

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

**Staff Recommended Motion:**

Motion to accept and approve the Monthly Financial Report for the period ending February 28, 2025.



## CITY COUNCIL AGENDA ITEM FORM

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**Meeting Date:** April 29, 2025

**Agenda item:** 7B

**Prepared by:** L. Kowalik, Finance Dir.

**Reviewed by:** A. Garfaoui, City Manager

**Department:** Finance

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### **Agenda Item Description:**

Discussion and possible action regarding the State of the City and the upcoming 2025/2026 budget and processes.

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### **Staff Briefing:**

This will be a general, very high-level briefing and discussion. Staff is currently working on the 2025/2026 proposed budget. Department Heads are preparing their budget requests based on the same information that will be shared at this briefing.

**Budget capacity:** Budget capacity is the amount of revenues necessary to fund the various functions and services of the City. Once again, the City is in a sound stable position to continue to utilize its General Fund reserves to fund capital requests, one-time costs and contingencies, within the General Fund, as a means to managing its reserves. This process needs to be managed to keep fiscal stability in place. As of September 30, 2024, the audit revealed that the City is at 11.5 months' worth of expenditures in reserves. In the 2024/2025 budget, staff recommended and Council approved the funding of \$2,992,521 worth of capital, projects and contingency purchases. The proposed 2025/2026 budget will continue to fund all programs and projects that already have been identified and approved through City Council. Funding for the maintenance of all new programs and projects will also be part of the 2025/2026 proposed budget.

**Economic Status:** Sales tax is still, and will probably always be, the number one revenue source in the General Fund which supports the vast majority of the City's core functions. The City has seen several new retail and restaurants open up over the last several years. This growth trend is anticipated to continue into the foreseeable future. As the City continues to see new businesses open their doors, sales tax revenue should continue to trend slightly above previous years. The City is currently trending at 7.57% over last year. We will always continue to monitor the City's sales tax since it is the number one revenue stream but also the most volatile of the City's major revenue streams. There are many economic obstacles, here and abroad, that could pose some type of effect on the economy. This may lend itself again to a more conservative approach to the upcoming budget.

**Functions:** Staff is moving ahead with their budget requests for the core functions and services that their departments oversee. Staff is not anticipating any changes to the core functions and services that are currently provided to the residents of Live Oak. Staff is preparing their departmental and program budgets to coincide with the City Council goals (Stable, Secure, Supportive and Beautiful).

## CITY COUNCIL AGENDA ITEM FORM

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**Anticipation:** It is anticipated that the 2025/2026 budget will look similar to the 2024/2025 budget with a few exceptions. Some of these exceptions may be park improvement projects that were identified through the updated Park Master Plan that was recently completed. All fiscal indicators still point towards a stable pattern for the City. This pattern is anticipated to continue over the next several years because of the Live Oak Town Center and Gateway Plaza development, as well as, some of the new single-family and multi-family developments.

The City has been in a very sound pattern that supported a sound financial foundation over the last several years. This mindset will continue so that the City remains sustainable in today's economic world and into the future. There are currently several global and national situations that need to be closely watched to determine the effects they will have on our economy.

**Personnel Costs:** Staff's mid-year benefit strategy meeting with HUB/IPS Advisors took place. The City's claims ratio slid somewhat negative again. HUB/IPS has recommended utilize the RFP process to try to obtain better premiums. HUB/IPS will continue to update staff with the latest reports and information throughout the process. At the current time, staff is anticipating an increase to its premiums but the size of the increase remains in question until more claims data comes in.

Discussions on staffing needs continue to focus on supporting any new developments and programs. As the process moves along, staff will continually revisit the staffing needs and requirements to help determine the final recommendation to Council.

The City funded the latest Compensation Study in the current 2024-25 budget. Staff will be working with our compensation consultant to help determine any annual market adjustments to the City's salary structures. It is important for the City to annually keep up with market trends to keep the City competitive. City management is committed to presenting a recommendation to the Council that will help Live Oak remain competitive in attracting and retaining the highly qualified employees needed to deliver exceptional services.

**City Obligations:** The Live Oak Town Center development is still the catalyst for many of the financial decisions to be made in the 2025/2026 budget cycle. The approach to future budget cycles will slowly begin to change as we get to buildout and begin the next life cycle of Live Oak. Looking at the future of Live Oak will need to take center stage to get a clear vision of where Live Oak is headed, how we get there, and how we maintain that new identity. One thing is clear, the budget cycles of the past several years have put the City in an enviable position to take this next positive challenge head-on.

**Current Commitments:** The City has several big commitments currently underway or will be underway soon. Council already approved several project budgets during the budget cycles of previous years that are supported by the City's General Fund and/or EDC. The biggest project is the 2022 Street Bond project. All previously approved projects and programs will continue to be funded to completion.

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# CITY COUNCIL AGENDA ITEM FORM

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**Action:**

- Ordinance       Resolution  
 Proclamation     Special Presentation  
 Finance Report    Public Hearing  
 Other

<b>Cost:</b>	
<b>Budgeted</b>	
<b>Actual</b>	
<b>Acct. Name</b>	
<b>Acct. Fund</b>	
<b>Other Funding</b>	
<b>Strategic Goal #</b>	1, 2, 3 and 4

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

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**Staff Recommended Motion:**

No motion necessary unless Council wishes to provide broad general direction to staff.



# CITY COUNCIL AGENDA ITEM FORM

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**Meeting Date:** April 29, 2025

**Agenda item:** 7C

**Prepared by:** R. Ruthven, ACM

**Reviewed by:** I. Gaytan, City Secretary

**Department:** Planning and Zoning Commission

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## **Agenda Item Description:**

Discussion and possible action regarding an Ordinance approving proposed revisions and updates to the City of Live Oak Code of Ordinances, Chapter 24 - Zoning Regulations, Article XII – Administration and Procedures, regarding public notification requirements and site plan approval requirements.

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## **Staff Briefing:**

Staff is proposing amendments to the City’s zoning regulations regarding public notification requirements for zoning text amendments and site plan approval requirements.

### **Section 24-134 Zoning Text Amendments**

The proposed changes to the zoning text amendments found in Section 24-134 involve removing the requirement that property owners within 200 feet must be notified. Likewise, with the deletion of this requirement, the companion protest provisions for property owners within 200 feet are also proposed for deletion.

Zoning text amendments do not involve the change of zoning to any land parcels. Rather, text amendments are amendments to the actual zoning ordinance language contained within the City’s zoning regulations. Given this condition, the State does not require cities to notify specific property owners whenever a text amendment is proposed. However, public hearings remain mandatory with requirements for advance notice in a newspaper of general circulation per State law.

### **Section 24-136 Site Plan Review (New Section)**

This new section involves adding the requirement that a site plan be approved prior to the submittal of a building permit application. The approval requirement is administrative only and is intended to apply an efficient, process-based approach to development review that enables development review staff and developers/builders to work through site engineering, traffic access and circulation, planning and landscaping requirements ahead of the actual submission of the building permit application. Once the site plan is approved, the building permit application may then be submitted, with the permit review limited to structural review of the actual building(s) since the other site items have received approval through the site plan process.

The site plan process will not apply to single-family or two-family residential homes and is intended for commercial and multifamily residential projects.



# CITY COUNCIL AGENDA ITEM FORM

Site plan approval is common in many municipalities, and, rather than adding a layer of bureaucracy, the process can improve efficiency as follows:

- **Streamlined Permit Review:** Once a site plan is approved, subsequent permits (building, utility, etc.) can be processed faster because key elements (like access, layout, drainage) are already vetted.
- **Improved Interdepartmental Coordination:** Brings together development review-related departments early in the process as well as the City’s third-party engineer through internal development review meeting(s), increasing collaboration, problem solving, accuracy, and overall fidelity with City plans, requirements, budget, operations, and objectives.
- **Clear Expectations for Developers:** Offers a predictable, transparent process with clearly defined requirements and timelines and reduces back-and-forth, design revisions, and delays.
- **Early Problem Identification:** Identifies potential issues with grading, traffic flow, utilities, or land use compatibility before construction begins- when changes are easier and cheaper to make.

Staff proposes that any site plan fee be added to the fee schedule in September 2025 and that the site plan requirement take effect on June 1, 2025.

The proposed markups and Ordinance are attached.

### Planning and Zoning Commission Action

On April 22, 2025, the Planning and Zoning Commission recommended approval of this item by a 4-0 vote.

**Action:**

- Ordinance       Resolution  
 Proclamation       Special Presentation  
 Finance Report       Public Hearing  
 Other

<b>Cost:</b>	
<b>Budgeted</b>	
<b>Actual</b>	
<b>Acct. Name</b>	
<b>Acct. Fund</b>	
<b>Other Funding</b>	
<b>Strategic Goal #</b>	1,2

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

**Staff Recommended Motion:**

Motion to approve an Ordinance of the City Council of the City of Live Oak, Texas, amending Chapter 24, Article VII - Administration and Procedures, Sections 134 and 136, City of Live Oak Code of Ordinances; providing an effective date; repealer clause; and providing for severability.

## Section 24-134 Markups

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### Sec. 24-134. Zoning text amendments.

(a) *Statement of intent.*

- (1) For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the city, this chapter shall not be amended except to correct an error in the ordinance, or because of changed or changing conditions in particular areas or in the city generally, change the regulations and restrictions herein, all in accordance with the comprehensive plan.

(b) *Authority.*

- (1) The city council in accordance with applicable state law may from time to time amend, supplement, change, modify or repeal the regulation standards and boundaries herein established. In addition, a comprehensive review of the zoning ordinance text and map shall be made by the planning and zoning commission for the purpose of keeping the city current with development patterns and innovative methods in zoning and examining existing land uses and changes in land uses made by developers and builders within the city in order to ascertain those areas, where the patterns of development are changing. The planning and zoning commission, at least every three years shall file a report and recommendation thereon with the mayor and city council. The three-year time period shall commence upon the date of the adoption of this chapter.

(c) *Applicability.*

- (1) The following persons may initiate a zoning text amendment:
  - a. City council on its own motion;
  - b. The planning and zoning commission;
  - c. The city manager or his/her designee.

(d) *Processing and decision.*

- (1) *Notification requirements.* A zoning text amendment requires the following public hearing notification:
  - ~~a. Written notice mailed to each owner of real property affected by the proposed zoning text amendment and each owner of real property within 200 feet of the affected areas, as indicated by the most recently approved municipal tax roll, at least 11 days prior to the public hearing and consideration by the planning and zoning commission.~~
  - b. Published notice in a newspaper of general circulation at least 16 days prior to the public hearing and consideration by the city council.
  - c. Public hearing notices shall be in accordance with V.T.C.A., Local Government Code, ~~ch.~~[Ch.](#) 211 and include the date, time, place, and topic of the public hearing.
- (2) *Recommendation by planning and zoning commission.*
  - a. The planning and zoning commission shall hold a public hearing in accordance with the Texas Open Meetings Act and make a recommendation regarding the proposed amendment to the city council. A joint public hearing may be held with the City Council per the provisions of this article.
  - b. The planning and zoning commission may vote to recommend to city council approval, approval with conditions, or denial of the amendment.
- (3) *Decision by city council.*

## Section 24-134 Markups

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- a. The city council shall receive the written recommendation of the planning and zoning commission and shall hold a public hearing. A joint public hearing may be held with the Planning and Zoning Commission per the provisions of this article.
  - b. The city council may vote to approve, approve with conditions, or deny the amendment. The city council may, on its own motion, postpone consideration of the amendment to a certain date in the future in order to review additional information or modifications which may have a direct bearing on the final decision.
  - c. A majority vote of city council, present and qualified, is required to approve a zoning text amendment. ~~unless it is protested in accordance with the provisions below.~~
- ~~(4) *Protested zoning text amendment.*~~
- ~~a. A proposed zoning text amendment may be protested in writing by owners of at least 20 percent of either:
    - ~~i. The area of lots or land covered by the proposed amendment; or~~
    - ~~ii. The area of lots or land immediately adjoining the area covered by the proposed amendment and extending 200 feet from that area.~~
    - ~~iii. In computing the percentage of land area, the area of streets and alleys shall be included.~~~~
  - ~~b. Zoning text amendments protested in accordance with the above provisions require the affirmative vote of at least three fourths of all members of the city council, present and qualified, to approve.~~
- (e) *Criteria for approval.* The planning and zoning commission in making a recommendation and the city council in considering final action on a zoning ~~change text amendment~~ should consider the following criteria:
- (1) The proposed amendment promotes the health, safety, or general welfare of the city and the safe, orderly, efficient and healthful development of the city;
  - (2) The amendment to the text is consistent with comprehensive land plan;
  - (3) The amendment is consistent with the goals and objectives of this chapter and the city; and
  - (4) Other criteria which, at the discretion of the planning and zoning commission and the city council, are deemed relevant and important in the consideration of the amendment.

(Ord. No. 1641, § 1(~~EXH~~~~h~~. A), 8-9-22)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS, AMENDING CHAPTER 24, ARTICLE VII – ADMINISTRATION AND PROCEDURES, SECTIONS 134 AND 136, 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 VII – Administration and Procedures, Section 134, City of Live Oak Code of Ordinances regulates zoning text amendments; and

**WHEREAS**, Chapter 24, Article VII – Administration and Procedures, Section 136, City of Live Oak Code of Ordinances is currently reserved for future regulatory language; and

**WHEREAS**, the City Council of the City of Live Oak seeks to improve the efficiency and effectiveness of the City’s development processes by removing property owner notification requirements for zoning text amendments found in Chapter 24, Article VII, Section 134, and adding a site plan review process to improve building permit review processes and efficiency to Chapter 24, Article VII, Section 136;

**WHEREAS**, upon the recommendation of staff to amend Chapter 24, Article VII – Administration and Procedures, Sections 134 and 136, 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 VII – Administration and Procedures, Section 134, City of Live Oak Code of Ordinances is hereby amended with the attached Exhibit “A”.

Section 2. That Chapter 24, Article VII – Administration and Procedures, Section 136, City of Live Oak Code of Ordinances is hereby amended with the attached Exhibit “B”.

Section 3. 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 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, but not earlier than June 1, 2025.

PASSED and APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Mary M. Dennis, Mayor

ATTEST:

\_\_\_\_\_  
Isa Gaytan, City Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

\_\_\_\_\_  
City Attorney

**Exhibits “A” and “B” (attached)**

## EXHIBIT "A"

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### Sec. 24-134. Zoning text amendments.

(a) *Statement of intent.*

- (1) For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the city, this chapter shall not be amended except to correct an error in the ordinance, or because of changed or changing conditions in particular areas or in the city generally, change the regulations and restrictions herein, all in accordance with the comprehensive plan.

(b) *Authority.*

- (1) The city council in accordance with applicable state law may from time to time amend, supplement, change, modify or repeal the regulation standards and boundaries herein established. In addition, a comprehensive review of the zoning ordinance text and map shall be made by the planning and zoning commission for the purpose of keeping the city current with development patterns and innovative methods in zoning and examining existing land uses and changes in land uses made by developers and builders within the city in order to ascertain those areas, where the patterns of development are changing. The planning and zoning commission, at least every three years shall file a report and recommendation thereon with the mayor and city council. The three-year time period shall commence upon the date of the adoption of this chapter.

(c) *Applicability.*

- (1) The following persons may initiate a zoning text amendment:
  - a. City council on its own motion;
  - b. The planning and zoning commission;
  - c. The city manager or his/her designee.

(d) *Processing and decision.*

- (1) *Notification requirements.* A zoning text amendment requires the following public hearing notification:
  - b. Published notice in a newspaper of general circulation at least 16 days prior to the public hearing and consideration by the city council.
  - c. Public hearing notices shall be in accordance with V.T.C.A., Local Government Code, ch. 211 and include the date, time, place, and topic of the public hearing.
- (2) *Recommendation by planning and zoning commission.*
  - a. The planning and zoning commission shall hold a public hearing in accordance with the Texas Open Meetings Act and make a recommendation regarding the proposed amendment to the city council. A joint public hearing may be held with the City Council per the provisions of this article.
  - b. The planning and zoning commission may vote to recommend to city council approval, approval with conditions, or denial of the amendment.
- (3) *Decision by city council.*
  - a. The city council shall receive the written recommendation of the planning and zoning commission and shall hold a public hearing. A joint public hearing may be held with the Planning and Zoning Commission per the provisions of this article.
  - b. The city council may vote to approve, approve with conditions, or deny the amendment. The city council may, on its own motion, postpone consideration of the amendment to a certain date in the future in order to review additional information or modifications which may have a direct bearing on the final decision.

## EXHIBIT "A"

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- c. A majority vote of city council, present and qualified, is required to approve a zoning text amendment.
- (e) *Criteria for approval.* The planning and zoning commission in making a recommendation and the city council in considering final action on a zoning text amendment should consider the following criteria:
  - (1) The proposed amendment promotes the health, safety, or general welfare of the city and the safe, orderly, efficient and healthful development of the city;
  - (2) The amendment to the text is consistent with comprehensive land plan;
  - (3) The amendment is consistent with the goals and objectives of this chapter and the city; and
  - (4) Other criteria which, at the discretion of the planning and zoning commission and the city council, are deemed relevant and important in the consideration of the amendment.

(Ord. No. 1641, § 1(Exh. A), 8-9-22)

## EXHIBIT "B"

### 24.136 Site Plan Review

- a) **Purpose.** The purpose of a Site Plan is to ensure that a development project is in compliance with all applicable City ordinances and requirements, including the requirement of this Zoning Ordinance and Subdivision Ordinance, prior to commencement of construction. The purpose of this Section is to establish a process to ensure that existing ordinance requirements are met and to promote the efficient use of land, safe vehicular and pedestrian circulation, appropriate provision of landscaping, parking, screening, and lighting.
- b) **Applicability.** This section outlines when new development or an expansion to an existing, developed property is required to submit a site plan for review.
- 1) No permit for construction or expansion of a building or other structure shall be issued until a site plan, if required, including any required engineering or construction plans, has been submitted and approved in accordance with this Section.
  - 2) No certificate of occupancy, or other final approvals, shall be issued for such buildings or structures until all site improvements, as shown on the approved site plan or established in conditions of approval for the site plan, have been completed or otherwise guaranteed, as approved by the City manager, or designee,.
  - 3) Unless otherwise excepted herein, nothing in this section shall preclude a new development occurring on previously undeveloped property from having to comply with any applicable requirements within the Zoning Ordinance and Subdivision Ordinance, or any other City code, ordinance, or construction standard.
  - 4) Triggers. New construction or expansions to an existing property that meet any of the following criteria shall trigger the requirement for a site plan and all of the improvements outlined in this Section, unless otherwise specified:
    - a. Construction of any new structure, including accessory structures that result in an increase in intensity to traffic, parking, lighting, noise, and/or requires a variance;
    - b. The conversion of a residential use or structure to a nonresidential use.
    - c. Expansion of an existing structure or expansion in land area of a use.
    - d. Expansion of impervious cover, including but not limited to the addition of paved surfaces, rooftops, or other materials that increase the total impervious area on the property.
    - e. Any other development where the City's Zoning Ordinance and Subdivision Ordinance specifically require site plan approval.
  - 5) Exceptions. A site plan shall not be required for a detached one-family or two-family residential building, including associated accessory structures. However, proposed non-residential structures, such as a clubhouse, private recreation facility, gated entrance or guardhouse, etc. will require site plan review and approval for those facilities if triggered above.
  - 6) Required Improvements. Any development that triggers a Site plan must comply with all relevant city ordinance, standards, and specifications, where required by ordinance. This includes, but is not limited to, a review of the following in a Site Plan:
    - a. Drive approaches, curb cuts, and driveway spacing
    - b. Parking, including layout, striping, and surfacing requirements
    - c. Curb and gutter
    - d. Sidewalks and related pedestrian amenities

## EXHIBIT "B"

- e. Fire code requirements, including fire hydrants
  - f. Screening, buffering, landscaping, and tree preservation
  - g. Designated outdoor storage and outdoor display areas
  - h. Fencing
  - i. Lighting
  - j. Stormwater Management
  - k. Flood Plain Management
- c) **Application.** A complete application, fees, and any other required information for site plan review shall be submitted to the City manager, or designee.
- 1) Area to be included on a site plan. When the overall development project is to be developed in phases, the site plan area shall include only the portion of the overall property that is to be developed/constructed. However, any excluded area must be separately developable as a stand-alone site in the future. This provision shall not be interpreted to allow portions of a property to be excluded so as to avoid development standards, other requirements, or otherwise required improvements to the site.
    - a. Submittal and Timing. A Site Plan shall be submitted prior to a building permit application and shall meet the same certification and submittal timing requirements for plats as described in Chapter 21.
    - b. Submission and Contents. The purpose of site plan review is to ensure compliance with all relevant city ordinances, codes, and other requirements. To ensure the submission of adequate information, the City manager, or designee, shall maintain and distribute a checklist of specific requirements for Site Plan review applications. All applications and related contents shall be submitted consistent with these requirements. The authorized reviewer may request additional information to complete the application for review to meet the site plan requirements.
- d) **Review Criteria.** The City manager, or designee, in consultation with relevant City staff in other City departments, shall review the Site Plan for compliance with all applicable City ordinances including the site plan's compliance with all provisions of the City's development ordinances, including this Zoning Ordinance, Subdivision Ordinance, and other applicable City ordinances.
- e) **Review and Approval.**
- 1) The City manager, or designee, shall be the responsible official for reviewing Site Plan applications. The City manager, or designee, shall consult with relevant staff from City departments for review and comments on a proposed Site Plan. Based on the review from all relevant departments, the City manager, or designee, shall make the final decision on Site Plan approval.
  - 2) The City manager, or designee, based on input from relevant staff, may reject review of a Site Plan until adequate information for its review is provided by the applicant. Resubmission of a Site Plan, in this instance, shall not require an additional application fee.
  - 3) Upon completing the review of a Site Plan, the City manager, or designee, may take one of the following actions:
    - a. If the Site Plan contains errors or requires corrections, notify the applicant of the deficiencies and provide instructions for resubmitting corrected plans.
    - b. If the application meets all requirements, the City manager, or designee, may approve the Site Plan. If it does not meet requirements, the City manager, or

## EXHIBIT "B"

designee, may deny the Site Plan or approve it with conditions to ensure compliance.

- c. The City manager, or designee, may, for any reason, elect to present the Site Plan for action to the Planning and Zoning Commission.
  - d. The determination for approval, approval with conditions, decision to defer action to the Planning and Zoning Commission, or denial of a site plan shall be made by the city manager, or designee, and communicated in writing to the applicant within 30 days from the date the application is officially accepted.
- 4) If a site plan requires a variance from the Board of Adjustment, an applicant is required to obtain approval for the variance before an application for a Site Plan can be approved by the City manager, or designee.
  - 5) The City manager, or designee, may approve issuance of permits following conditional Site Plan approval when it is deemed that the required corrections to the Site Plan are minor in nature. However, no Certificate of Occupancy shall be issued until an amended site plan meeting all conditions has been submitted and approved.
  - 6) Prior to the issuance of a Certificate of Occupancy the City manager, or designee, shall inspect the site to ensure compliance with the Site Plan and any conditions imposed with the approval.

### **f) Revisions to an approved Site Plan.**

- 1) Minor Revisions/Amendments: It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. Such minor revisions shall be shown on an "amended Site Plan." For a revision/amendment to be considered minor, the changes shall meet the following criteria:
  - a. Adjustments are no more than ten percent (10%) or fifty (50) feet in any direction, whichever is less, to the location or configuration of roadways, sidewalks, utilities, parking areas, buildings, landscape features, ponds, or any other improvements depicted on the Site Plan.
  - b. Adjustments are no more than five percent (5%) to the building square footage of any individual building to be constructed within the area of the Site Plan.
  - c. Adjustments are no more than five percent (5%) to the number of required parking spaces within the area of the Site Plan.
  - d. Adjusts flat work such as curbs, sidewalks, streets, decks, parking areas, and other paved areas if there is no net increase in impervious coverage within the area of the Site Plan.
  - e. Revisions may not authorize changes that would result in a violation of any building code or city ordinance.
- 2) Major Revisions/Amendments: Revisions that exceed the thresholds for minor amendments outlined above or result in significant changes to the approved Site Plan shall require a new Site Plan application, review, and approval.

### **g) Expiration.**

- 1) An approved Site Plan shall be valid for a period of two (2) years. An application for a building permit for the site, consistent with the site plan, will extend the validity of the site plan for 18 months from the date of the approved permit.

### **h) Compliance & Responsibilities.**

- 1) Duties and Responsible Parties.

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- a. It shall be incumbent upon the Building Official, or designees, to make all inspections and certifications necessary to ensure that a structure is built in accordance with the approved Site Plan.
- b. In the event that the Building Official, or designees, finds that a condition or modification of the approved Site Plan or a provision of City Codes and Ordinances has not been met, they may issue a stop work order.
  - i. It shall be incumbent upon the contractor or developer to correct those items that are in violation before construction may resume.
  - ii. In the event that the structure has been completed, a Certificate of Occupancy shall not be issued by the Building Official until the conditions of the Site Plan or City Codes and Ordinances, as applicable, have been substantially fulfilled.
  - iii. All action required in order to bring a site into compliance with the approved Site Plan shall be the responsibility of the property owner.
- c. Following issuance of the Certificate of Occupancy, it shall be the continuing duty of the owner and occupant of the site, or their successors in interest, to maintain compliance with the approved Site Plan and amendments thereto. Failure to maintain compliance shall constitute a violation of this Zoning Ordinance and may result in revocation of the Certificate of Occupancy.
- d. Site may not become less conforming. Any site that is not subject to an approved site plan or is governed by a pre-existing site plan that does not conform to the current standards of this Chapter, must maintain compliance with the standards within this Chapter to the extent that the site currently complies with those standards.