

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, JUNE 26, 2018 AT 7:00 P.M. OR IMMEDIATELY  
FOLLOWING THE ECONOMIC DEVELOPMENT CORPORATION MEETING

1. CALL TO ORDER

Mayor Mary M. Dennis called the regular June 26, 2018 scheduled City Council Meeting to order at 7:00 p.m.

2. INVOCATION/PLEDGE OF ALLEGIANCE

Completed.

3. ROLL CALL

Mayor Mary M. Dennis  
Councilman Mendell D. Morgan Jr., Place 1  
Councilman Bob Tullgren, Place 2  
Councilman Anthony A. Brooks, Place 3  
Councilman Ed Cimics, Place 4  
Councilman Aaron Dahl, Place 4 (Arrived at 7:03 p.m.)

4. CITIZENS TO BE HEARD

None

5. CONSENT AGENDA

A. Approval of Minutes

1. June 12, 2018

B. City Council to approve Mayor Dennis' TML meeting trip to Roanoke, TX on June 28, 2018 through June 30, 2018

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

Vote FOR: Councilmembers Morgan, Tullgren, Brooks, Cimics and Dahl – passed 5/0

6. SPECIAL CONSIDERATION

- A. Presentation of Plaque for outgoing Economic Development Corporation Director Delbert Berryman, 2011 through 2018 – Mayor Dennis and Ms. Matney

Ms. Matney came before City Council to recognize Mr. Berryman for his contribution to the City through his service with the Economic Development Corporation. Mr. Berryman thanked everyone, and he acknowledged the plaque and the well wishes.

7. NEW BUSINESS

- A. Discussion and possible action to re-appoint two (2) City Council Directors and re-appoint two (2) Citizen Directors and appoint one (1) Citizen Director (due to vacancy) to the Economic Development Corporation, with terms ending June 30, 2020 – Ms. Matney

Ms. Matney came before City Council to provide information and introduce the applicants who volunteered to fill the position that became vacant when Mr. Berryman decided that he would resign. Both Mr. Feldmeier and Mr. Jenkins came before City Council and answered duplicate questions. Citizen Director Joe Painter and Phillip Tsai-Brooks were volunteers to extend their terms for another two years and City Council Director Mary Dennis and Bob Tullgren were volunteers to extend their two-year terms to June 30, 2020.

Councilman Dahl made a motion to appoint Mr. Feldmeier to the position vacated by Mr. Berryman with a term to expire June 30, 2020; seconded by Councilman Cimics

Vote FOR: Councilmembers Dahl, Cimics, Brooks, Tullgren and Morgan – passed – 5/0

Councilman Morgan made a motion to reappoint Director Joe Painter and Phillip Tsai-Brooks for an additional two-year term, expiring June 30, 2020; seconded by Councilman Tullgren

Vote FOR: Councilmembers Dahl, Cimics, Tullgren, Brooks and Morgan – passed 5/0

Councilman Morgan made a motion to reappoint City Council Directors Mary Dennis and Bob Tullgren for an additional two-year term, expiring June 30, 2020; seconded Councilman Brooks

Vote FOR: Councilmembers Morgan, Tullgren, Brooks, Cimics and Dahl – passed 5/0

- B. City Council to approve the Monthly Financial Report ending May 2018– Mr. Kowalik

Mr. Kowalik came before City Council to provide information on the monthly Financial Report. The report represents eight months into the fiscal year, revenues and expenditures should be targeted at around the 66.6% of budget. Other items discussed: General Fund (overall revenues are at 74%); overall expenditures on target at 59% of budget; Capital Project Funds for the City are Woodcrest Park Fund, Capital Project Fund, 2005 (Woodcrest Park Fund is \$17,673); 2014 GO Bond Fund has a fund balance of \$220,062 (This Fund is where all financial transactions for the 2014 bond projects get recorded); The Utility operating fund is on target on revenue collections (66%) and expenditures (62%); The Storm Water Utility Fund (72%) is standing firmly on its own two feet. Revenues are below the target as well as expenditures (41%).

Councilman Cimics asked about the Sales Tax Report that had been received in the past and Mr. Kowalik indicated that this report would be sent to Council. In addition, Councilman Cimics had questions regarding Asset Replacement Fund on page 2 and Fines & Forfeitures on page 8 and 9; Mr. Kowalik explained that most funds had these line items and the amounts are correct.

Councilman Dahl made a motion to accept and approve the Monthly Financial Report ending May 2018; seconded by Councilman Cimics

Vote FOR: Councilmembers Morgan, Tullgren, Brooks, Cimics and Dahl – passed 5/0

C. Discussion and possible action regarding the use of the remaining 2014 Bond Funds for the Street Bond Projects – Mr. Wagster

Mr. Wagster came before City Council to provide information and earmark minor projects and how the funds would be utilized. Mr. Wagster spoke about the following items:

The total remaining in the fund is currently \$224,000 and the list below is the staff recommendation for the use of these funds.

- Reconstruct and resurface Forest Ash and Forest Bridge in the Woodcrest subdivision \$37,000 and Gateway Circle \$32,000
- Replace the controller and support poles for the traffic signal at the intersection of Toepperwein and Leafy Hollow. The support wires, and signal heads were replaced earlier this year. \$40,000
- Perform contract crack sealing to protect streets from water intrusion and lengthen the life of pavements and pavement patching on various small isolated failures \$80,090
- Pavement Condition Index (PCI) analysis for all city streets \$13,000
- Engineering \$18,910
- Testing \$3,000

D. Discussion and possible action regarding an Ordinance to repeal Code of Ordinances Section 14-15, carrying loaded rifle or shotgun- Asst. Chief Hopper; Ms. Rodriguez

Chief Pue and Assistant Chief Hopper came before City Council to provide an overview of Section 14.5 Code of Ordinances regarding repealing and removal of this section. This section is covered by current State laws and the Texas Penal Code statute and regulations sufficient to protect the health, safety and welfare of its citizens as to firearms. In the State of Texas there is no law set out in the Texas Penal Code which prohibits a person from carrying a loaded rifle or shotgun in public except where prohibited by law.

Councilman Dahl made a motion to amend/repeal the City of Live Oak Code of Ordinances Chapter 15 Section 14. An Ordinance prohibiting the carrying of a loaded rifle or shotgun within the City of Live Oak City limits; seconded by Councilman Cimics

Vote FOR: Councilmembers Morgan, Tullgren, Brooks, Cimics and Dahl – passed 5/0

E. Discussion and possible action regarding an Ordinance to repeal Code of Ordinances, Section 19-2, Police Department Policy Manual- Asst. Chief Hopper; Ms. Rodriguez

Chief Pue and Assistant Chief Hopper came before City Council to provide an overview of Section 19-2, Police Department Policy Manual. Section 19-2 in the City of Live Oak Code of Ordinance is no longer warranted and if continued would have to be updated many times during each year. Live Oak Police Department is a Recognized Department by the Texas Police Chief's Association and our adherence to the Best Practices of modern law enforcement. We have policies in place which must meet the best practices guidelines and insure our community that our department is held to very high standards. There are 1,913 law enforcement agencies in the State of Texas at this of which only 151 are Recognized Departments.

Councilman Dahl made a motion to amend/repeal the City of Live Oak Code of Ordinances Section 19.2 Police Department Policy Manual; seconded by Councilman Cimics

Vote FOR: Councilmembers Morgan, Tullgren, Brooks, Cimics and Dahl – passed 5/0

F. Discussion and staff direction regarding a cost analysis for a Community Garden located at the main Park – Councilman Cimics

Councilman Cimics asked that this item be placed on the agenda for discussion. He cited the City of Cibolo's new Community Garden that was funded by their city and individual donations. In addition, the city has a make shift green house in the main (park house) Park and staff are growing a variety of tree for eventual planting in the park. Councilman Cimics asked that the city look into purchasing a green house for the park and asking staff to look into costs for a community garden.

Mr. Wayman discussed the greenhouse and suggested that this item be placed on the Capital Projects Fund to be discussed at the Budget Goals session.

Mayor Dennis suggested this item be placed on the goals list for discussion, as well as the traffic island that council would be discussing next.

Councilman Cimics asked that the city proceed with getting cost estimates and proceed with the purchase of the greenhouse.

Councilman Morgan asked about maintenance and upkeep/responsibility of the community garden (staff and residents) and what would be allowed to be planted (food/plants).

Councilman Dahl supported the idea but asked that the Master Park Plan needed to be reviewed.

No action taken; would like additional information. (placed on the Capital Project Goals)

G. Discussion and staff direction regarding a cost analysis for improvement of the traffic island at Toepperwein and Judson Road – Councilman Cimics

Councilman Cimics asked that this item be placed on the agenda for discussion. The large and paved traffic island at Toepperwein and Judson Road (adjacent to the Xeriscape Garden) needs to be improved and enhanced by using decorative planters (example: Kitty Hawk Rd. in Universal City). He cited the funds in the Capital Project Fund could be used for this project; going out for bids.

It was determined that this was a good project, but it should be placed on the Capital Projects Fund to be discussed at the Budget Goals session.

No action taken; would like additional information. (placed on the Capital Project Goals)

## 8. CITY COUNCIL REPORT

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

Councilman Cimics announced that he had heard from a resident that offers transportation for residents that do not have transportation to doctor appointments; Lift services.

Councilman Dahl announced during the Bridlewood HOA meeting on June 25<sup>th</sup> it was learned that the El Dorado Chemical Company toxin report did not affect the Bridlewood Sub-Division drinking water. In another HOA item there was a discussion regarding Neighborhood Watch Signs and he asked the staff about the procedures for implementation.

Mayor Dennis announced that during the HOA meeting there was mention of five (5) blocks (sidewalks) in the sub-division that were not level and could D & D Construction take care of this area.

Councilman Brooks asked about who was responsible for the clearing of the drainage ditch areas in Bridlewood. The Bridlewood Park HOA indicated that the residents were responsible.

9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

A. City Council

Councilman Cimics wanted to congratulate and give kudos to the following departments: Public Works, Terry Mayfield for his dedication and hard work; Police Department, Sergeant Feldtmose and all the volunteers working with the kids (45) during the Jr. Police Academy.

Councilman Morgan announced that the Live Oak Humane Society, Christmas in July on July 25th, Wednesday, 4 pm until 8 pm at the Live Oak Clubhouse. (Bake sale, Gifts and free Goodies!)

B. Staff.

Mr. Wayman announced that he had given two interviews regarding IKEA on Tuesday. In addition, he reminded City Council to turn in their goals and project lists for the upcoming budget workshop.

Ms. Matney announced the July 11th Business Appreciation Luncheon, at the Hilton Garden Inn, 11:30 am – 1:30 pm.

10. ADJOURNMENT

As there was no further business, Councilman Cimics made a motion to adjourn, seconded by Councilman Dahl. The City Council meeting adjourned at 8:05 p.m.

APPROVED:

//signed//

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Mary M. Dennis, Mayor

ATTEST:

//signed//

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Deborah L. Goza, City Secretary