

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 14, 2020 AT 7:00 P.M. (NO EARLIER)
VIDEO AND TELECONFERENCE MEETING

In accordance with order of the Office of the Governor issued March 16, 2020, the City of Live Oak, City Council will conduct a Regular Meeting as a telephonic and videoconference meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The public may participate in this meeting by dialing in to the following toll-free number:

1- 888 788 0099 (Toll-free)

Click link for videoconference participation: <https://zoom.us/j/8327950769>

Meeting ID: 832-795-0769

The public will be permitted to offer public comments telephonically or via video stream as provided by the agenda and as permitted by the presiding officer during the meeting.

Written questions or comments may be submitted up to two hours before the meeting to Debby Goza, City Secretary at dgoza@liveoaktx.net

A recording of the telephonic and video meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.

1. CALL TO ORDER
2. INVOCATION/PLEDGE OF ALLEGIANCE
3. ROLL CALL

“During the citizens to be heard, we will unmute all calls to allow participation. For the sake of keeping order and having a clear record of your comments, please ask to be heard, by stating your name and we will give you time to make your comments. We will do our best to do this in an orderly fashion. Please note that any foul language will result in your call being disconnected.”

4. CITIZENS TO BE HEARD
5. CONSENT AGENDA
 - A. Approval of Minutes
 1. February 20, 2020 (JPH City Council & P & Z)
 2. March 10, 2020 (Regular)
 3. March 30, 2020 (Special)

B. City Council to approve the First Quarter Code Enforcement Report, January through March 2020 – Mr. Hornes

6. SPECIAL CONSIDERATION

A. Proclamation for National Public Safety Telecommunications Week – April 12 through April 18, 2020 – Chief Pue

B. Presentation of a Proclamation for National Child Abuse Prevention Month, April 2020– Nicole Solis-Douglass

C. Presentation of a Proclamation for National Sexual Assault Awareness Month and Crime Victims' Rights Week, April 19 through April 23, 2020 –Mayor Dennis

D. Proclamation for National Library Week, April 19 through April 25, 2020 – Mayor Dennis and Councilman Morgan

E. Proclamation for 2020 National Bite Prevention Week, April 12 through April 18 – Chief Pue

7. NEW BUSINESS

A. Presentation, discussion and possible action 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

B. Discussion and possible action to accept and approve the Monthly Financial Report ending January 31, 2020 – Mr. Kowalik

C. Discussion and possible action to accept and award a bid from Fencecrete America Inc., and authorize the City Manager to enter into an agreement for construction of Precast Fencing along Toepperwein Rd; and further authorize the City Manager to enter into a change order for additional work not to exceed 20% of the Bid – Mr. Wagster

D. Discussion and possible action to approve a Resolution regarding inheritance in Last Will and Testament of Georgia Wise for Fire and Police Departments – Chief Pue

8. CITY COUNCIL REPORT

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

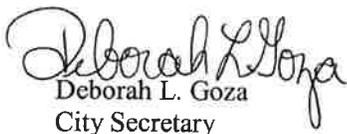
9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

A. City Council

B. Staff

10. ADJOURNMENT

I certify that the above notice of meeting was posted on the bulletin board of the City Hall, 8001 Shin Oak Drive, City of Live Oak, Texas, on April 9, 2020 by 5:00 pm


Deborah L. Goza
City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office, for concerns or requests, at (210) 653-9140, Ext. 213 or FAX (210) 653-2766

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.

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.

REQUEST ALL PAGERS AND PHONES BE TURNED OFF, WITH THE EXCEPTION OF EMERGENCY ON-CALL PERSONNEL.

MINUTES
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1. CALL TO ORDER

Mayor Mary M. Dennis called the April 14, 2020 Regular (Video/Teleconference) to order at 7:00 p.m.

2. INVOCATION/PLEDGE OF ALLEGIANCE

Completed

3. ROLL CALL

All City Council were on remote platform

Mayor Mary M. Dennis
Councilman Mendell D. Morgan Jr.
Councilman Bob Tullgren
Councilman Anthony A. Brooks (Absent)
Councilman Ed Cimics
Councilman/Mayor Pro Tem Aaron Dahl

Staff

Scott Wayman, City Manager
Michael Hornes, Assistant City Manager
Mark Wagster, Director of PW

Leroy Kowalik, Finance Director
Chief Dan Pue, Police Department
Chief Linc Surber, Fire Department (Remote)
Clarissa Rodriguez, City Attorney (Remote)
Donna Lowder, Executive Assistant
Deborah Goza, City Secretary

4. CITIZENS TO BE HEARD

1. From Citizen to be Hear Application

- Email: pauliegolf@yahoo.com
- Name: Paul Lukich
- Phone: 2106564914
- Address: 7944 Splintered Oak ST

Agenda Item: 7C. Construction of wall on Toepperwein Road

Message: Can we not find other ways to waste the taxpayer's money in the city. 200 K can do a lot of things that are more urgent, such as, sidewalks, additional lighting, park improvements, down payment for another firetruck or 3 police cars. I have not heard anyone asking for this wall and during the plan for the future of Live Oak a wall was never brought up. READ THE PLAN and let's do something more constructive with our money that giving people a new fence.

2. From Citizens to be Heard Application (This application came in at 6:30 p.m. and was not included due to error by City Secretary.

- Email: scootertsm@gmail.com
- Name: Torrance McKenna
- Phone: 2102320599
- Address: 7529 Old Spanish Trail

Agenda Item: 7C - Decorative Wall on Toepperwein Road

Message: It does not seem appropriate to build a decorative wall costing \$200,000 when more pressing items like sidewalks are needed for safety. Children walking down a street to school with no sidewalk is dangerous while we here from City Council "Look at our wall". Use our taxpayer money intelligently. The people in Live Oak do not want the wall.

5. CONSENT AGENDA

A. Approval of Minutes

1. February 20, 2020 (JPH City Council & P & Z)
2. March 10, 2020 (Regular)
3. March 30, 2020 (Special)

B. City Council to approve the First Quarter Code Enforcement Report, January through March 2020 – Mr. Hornes

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

Vote FOR: Councilmembers Morgan, Tullgren, Cimics and Dahl- passed 4/0

6. SPECIAL CONSIDERATION

Mr. Wayman read the Proclamation, provided an overview of the Proclamation and announced that the Proclamations would be mailed out to the organization.

A. Proclamation for National Public Safety Telecommunications Week – April 12 through April 18, 2020 – Chief Pue

B. Presentation of a Proclamation for National Child Abuse Prevention Month, April 2020– Nicole Solis-Douglass

C. Presentation of a Proclamation for National Sexual Assault Awareness Month and Crime Victims' Rights Week, April 19 through April 23, 2020 –Mayor Dennis

D. Proclamation for National Library Week, April 19 through April 25, 2020 – Mayor Dennis and Councilman Morgan

E. Proclamation for 2020 National Bite Prevention Week, April 12 through April 18 – Chief Pue

7. NEW BUSINESS

A. Presentation, discussion and possible action 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

Mr. Wayman provided the following to City Council and indicated that Mr. Kowalik could answer any questions that they might have regarding the cost/fees. The City of Live Oak has contracted with IPS Advisors, Inc to provide health and welfare consulting services for the employee benefits program of the City since April 2011. HUB/IPS has made solid recommendations to City Management and City Council throughout the annual process of analyzing, negotiating, bidding, securing and contracting with these providers. This agreement acknowledges the name change to HUB International and extends the term limit for at least another three years to March 31, 2023. This agreement also reflects a \$3,000 increase to the base annual fee. The previous fee from April 2011 was \$31, 500; new fee will be \$34,500.

Councilman Cimics made a motion authorizing 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; seconded by Councilman Tullgren

Vote FOR: Councilmembers Morgan, Tullgren, Cimics and Dahl- passed 4/0

B. Discussion and possible action to accept and approve the Monthly Financial Report ending January 31, 2020 – Mr. Kowalik

Mr. Kowalik came before City Council to provide information on the monthly Financial Report. The report represents four months into the fiscal year, revenues and expenditures should be targeted at around the 33.3% of budget. Other items discussed:

General Fund (overall revenues are at 42%); overall expenditures on target at 31% of budget; Capital Project Funds for the City are Woodcrest Park Fund (memo to follow), Capital Project Fund; The Utility operating fund are slightly below target on revenue collections (30%) and expenditures (35%); The Storm Water Utility Fund is standing firm and Revenues are slightly below target (32%) as well as expenditures (235%).

Councilman Dahl made a motion to accept and approve the Monthly Financial Report ending January 31, 2020; seconded by Councilman Tullgren

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

- C. Discussion and possible action to accept and award a bid from Fencecrete America Inc., and authorize the City Manager to enter into an agreement for construction of Precast Fencing along Toepperwein Rd; and further authorize the City Manager to enter into a change order for additional work not to exceed 20% of the Bid – Mr. Wagster

Mr. Wayman provided the following information to City Council regarding the Bid and the process. A capital improvement project in the amount of \$250,000 was funded in the current budget to construct a precast concrete type fence along Toepperwein Road. Staff utilized the formal bid process to advertise and receive a bid from Fencecrete America Inc. in the base bid amount of \$185,716.25 to construct 1,525 linear feet of precast concrete fencing on along Toepperwein Road. The bid came in under budget therefore staff recommends authorization to issue a change order for additional work not to exceed 20% of the bid.

Comments:

Councilmen Morgan, Tullgren and Dahl supported the project and it is a budgeted project.

Councilman Cimics opposed the Toepperwein wall, and he spoke against it during the July 16, 2019 Special Budget Workshop. In an e-mail dated April 14th, 2020, he cited that during the July 16th meeting, City Council unanimously voted to approve an ADA sidewalk too, and it appeared that city staff is selecting which project goes first. In addition, he cited the Comprehensive Plan that never mentioned the “Decorative Concrete Wall,” no citizen input, and he cited graffiti and taggers.

Mayor Dennis wanted ensure that there would be constant contact with residents regarding this project; it was important to keep them informed.

Councilman Dahl made a motion to accept and award bid to construct precast concrete fencing along Toepperwein Road to Fencecrete America, Inc. in the base bid amount of \$185,716.25 and further authorize a change order not to exceed 20% of the base bid for additional work; seconded by Councilman Tullgren

Vote FOR: Councilmembers Morgan, Tullgren and Dahl - passed 3/1

AGAINST: Councilman Cimics

- D. Discussion and possible action to approve a Resolution regarding inheritance in Last Will and Testament of Georgia Wise for Fire and Police Departments – Chief Pue

Mr. Wayman provided the following information to City Council: Ms. Georgia Wise was a longtime resident of Live Oak with a love of animals, Police Department and Fire

Department; she loved her City! When she passed away took out an insurance policy/will and made a bequest to both the Live Oak Police Department and Fire Department. A resolution will be required to ensure that all legal requirements are met to accept the donation.

All City Council supported approval of her generous offer to the City.

Councilman Tullgren made a motion to approve a Resolution regarding inheritance in Last Will and Testament of Georgia Wise for Fire and Police Departments; seconded Councilman Cimics

Vote FOR: Councilmember Morgan, Tullgren, Cimics and Dahl- passed 4/0

8. CITY COUNCIL REPORT

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

None

9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

A. City Council

None

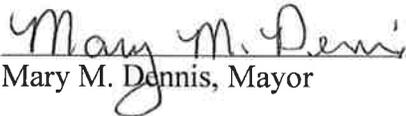
B. Staff

Mr. Wayman announced that we might have to continue with the Video/Teleconferencing until the end of the month, but this depended on the Governor and what orders he might relay.

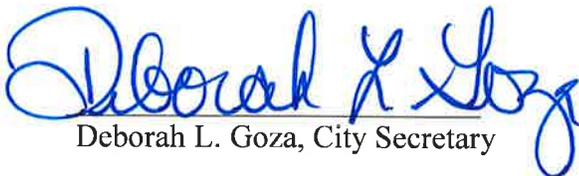
10. ADJOURNMENT

As there was no further business, Councilman Cimics made a motion to adjourn; seconded by Mayor Pro-Tem Dahl at 7:21 p.m.

APPROVED:


Mary M. Dennis, Mayor

ATTEST:


Deborah L. Goza, City Secretary