

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, MAY 12, 2020 AT 7:00 P.M.
VIDEO AND TELECONFERENCE MEETING
SPECIAL ECONOMIC DEVELOPMENT CORPORATION MEETING WILL FOLLOW

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.

Click link for videoconference participation: <https://us02web.zoom.us/j/87259181797>

Meeting ID: 872 5918 1797

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
4. CITIZENS TO BE HEARD
5. CONSENT AGENDA
 - A. Approval of Minutes
 1. April 28, 2020
 - B. City Council to approve the second reading of a Resolution to establish a project and business assistance grant program to provide financial assistance for Live Oak businesses impacted by the COVID-19 pandemic – Mr. Hornes
 - C. City Council to approve an Ordinance amending the Code of Ordinances regarding regulations of “basketball goals over streets,” per the City’s Property Maintenance Code, Amendments-Section 18-2, Section 302.11– Mr. Hornes
6. SPECIAL CONSIDERATION
 - A. Proclamation for National Police Week, May 10 through May 16, 2020 – Chief Pue
 - B. Proclamation for National EMS Week, May 17 through May 23, 2020 – Chief Surber

C. Proclamation for National Public Works Week, May 17 through May 23, 2020- Mr. Wagster

D. Proclamation for National Military Appreciation Month (NMAM) - Mayor Dennis

7. NEW BUSINESS

- A. Presentation of Employee of the Quarter - January through March 2020 – Jonathan D. Gann, Police Corporal
- B. Discussion, presentation of Certificates of Election to candidates for Mayor, Two Councilmembers, Place Two, and Four and declaring the results of the General Election held May 2, 2020, for the purpose of electing a Mayor and Two Councilmembers, Place Two, and Four to the City Council of the City of Live Oak – Ms. Goza
- C. Discussion and possible action regarding the appointment of a qualified person to the Live Oak City Council as Council Member, Place 3 to fill the remainder of the unexpired term of Anthony A. Brooks pursuant to the authority contained in Section 4.07(a) and (c) City Charter and provide Oath of Office – Mr. Wayman and Mayor Dennis
- D. Presentation, discussion, and possible action regarding the 2020/21 budget, process and goals– Mr. Wayman and Mr. Kowalik
- E. Discussion and possible action regarding the FY 2020/2021 San Antonio River Authority Utility Rates – Mr. Kowalik
- F. City Council to approve the Quarterly Financial Report ending March 31, 2020 – Mr. Kowalik
- G. Presentation, discussion, and possible action regarding an update of the City’s Annual Storm Water Management Program – Mr. Wagster

8. CITY COUNCIL REPORT

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

9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

- A. City Council
- 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 May 6, 2020 by 5:00 p.m.


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.

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

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

MINUTES
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1. CALL TO ORDER

Mayor Mary M. Dennis called the May 12, 2020 Regular (Video/Teleconference) to order at 7:04 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 Ed Cimics
 Councilman/Mayor Pro Tem Aaron Dahl

Staff

Scott Wayman, City Manager
 Michael Hornes, Assistant City Manager
 Leroy Kowalik, Finance Director
 Chief Dan Pue, Police Department (Remote)

Chief Linc Surber, Fire Department (Remote)
 Clarissa Rodriguez, City Attorney (Remote)
 Donna Lowder, EDC Executive Assistant
 Deborah Goza, City Secretary

4. CITIZENS TO BE HEARD

None

5. CONSENT AGENDA

A. Approval of Minutes

1. April 28, 2020

B. City Council to approve the second reading of a Resolution to establish a project and business assistance grant program to provide financial assistance for Live Oak businesses impacted by the COVID-19 pandemic – Mr. Hornes

C. City Council to approve an Ordinance amending the Code of Ordinances regarding regulations of “basketball goals over streets,” per the City’s Property Maintenance Code, Amendments-Section 18-2, Section 302.11– Mr. Hornes

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

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

6. SPECIAL CONSIDERATION

Mr. Wayman read all the Proclamation and indicated that each proclamation would be forwarded to the appropriate Department/Organization.

A. Proclamation for National Police Week, May 10 through May 16, 2020 – Chief Pue

B. Proclamation for National EMS Week, May 17 through May 23, 2020 – Chief Surber

C. Proclamation for National Public Works Week, May 17 through May 23, 2020- Mr. Wagster

D. Proclamation for National Military Appreciation Month (NMAM) - Mayor Dennis

7. NEW BUSINESS

A. Presentation of Employee of the Quarter - January through March 2020 – Jonathan D. Gann, Police Corporal

Chief Pue introduced the Employee of the Quarter Sergeant Jonathan Gann. Sergeant Gann’s phenomenal duties ranged from coordination of many different agencies during the IKEA opening, ensuring officers shifts were filled during short notice (court duties or illness), his performance and challenge of Warrant Officer, and implemented an investigative tool agreement with the Texas Workforce to contact violators at their current employment. In addition, he volunteered and used his computer skills to add traffic accidents and field contact information on the Brazos ticket writers. He volunteered for a Spillman Software Administrator as an extra duty, receiving a letter of appreciation from Motorola, who now owns Spillman, for his dedication to upgrading Spillman System with Live Oak and Selma. He scheduled meetings between Spillman and Barcom and made the process easier for both companies. Officer Gann represents the City of Live Oak and is a total professional in everything he accomplishes.

- B. Discussion, presentation of Certificates of Election to candidates for Mayor, Two Councilmembers, Place Two, and Four and declaring the results of the General Election held May 2, 2020, for the purpose of electing a Mayor and Two Councilmembers, Place Two, and Four to the City Council of the City of Live Oak – Ms. Goza

Ms. Goza came before City Council to provide information regarding the Certification of Election process. A Certificate of Election is a formal document that grants the holder the rights and privileges of holding elected office. Although the City was able to cancel their election this meeting will serve as our canvass of election. Certificate of Election is presented to the following; Mary M. Dennis, Mayor, Robert “Bob” Tullgren, City Council Place 2 and Ed Cimics, City Council Place 4.

- C. Discussion and possible action regarding the appointment of a qualified person to the Live Oak City Council as Council Member, Place 3 to fill the remainder of the unexpired term of Anthony A. Brooks pursuant to the authority contained in Section 4.07(a) and (c) City Charter and provide Oath of Office – Mr. Wayman and Mayor Dennis

Mr. Wayman came before City Council to announce the applicants that filed for City Council Place 3 position. There are as follows, in order of application date:

Angel L. Suarez, Ramon Norris Jr., Anna M. Nedry, Mike R. Llamas, and Dorothy F. Scott

Mr. Suarez asked that his letter, that he e-mailed be read to the Council, applicants and into the minutes. The letter will be permanently attached to the May 12, 2020 Minutes.

The Mayor and City Council members took turns asking questions of the applicants ranging from defining leadership roles, residency, work, likes and what they most appreciated or liked about the city.

Mayor Dennis asked the councilmembers for their input and if there were any other questions or concerns; there were none.

Councilman Tullgren indicated that it was a difficult choice to make, as all applicants were well received. He expressed his opinion on wanting a diverse council and he selected Angel L. Suarez, as Mr. Suarez attended the Live Oak Leadership Academy, business owner and currently serving on the Parks & Recreation Commission.

Councilman Tullgren made a motion to appoint Angel L. Suarez to fill the unexpired term of City Council Place 3, with an expiration term of May 2021; seconded by Councilmen Cimics and Dahl

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

Mr. Suarez will sign the Statement of Officer and will be sworn into office on May 26, 2020.

- D. Presentation, discussion, and possible action regarding the 2020/21 budget, process and goals– Mr. Wayman and Mr. Kowalik

Mr. Wayman came before City Council to provide the following information, to begin the 20/21 budget year. The goals that we are currently working under are:

- Provide for, maintain and expand service delivery to our residents and guests, to include recreational, senior, youth, quality of life, and partnerships.

- Prepare for and provide advance planning for the future to include infrastructure, finances and staffing.
- Continue enhanced efforts for Economic development, attracting, retaining, expanding and collaborating with the business sector.
- Plan for the beautification and appearance of the City, city facility, entrance areas, aged neighborhoods and parks.
- Improve the way in which the city shares information and communicates with our residents.

In addition, Mr. Wayman added that staff will be presenting a temporary goal that we would like for you to consider and will deal with the recovery of the Coronavirus. It can deal with “Assisting in the way our city and businesses prepare for the economic recovery for the Coronavirus” or “Insure that our businesses and city administration look after the interests of the city as we recover from the economic crisis of the Coronavirus.” The objectives could be many, ranging from establishing programs to assist businesses even further, making sure our processes improve to identify efficiencies in city services and even look to ways in which the primary operations of the city can be maintained while simplifying the way in which the city does businesses. The goals worksheet sent out on goal worksheet on Wednesday, May 13th and look forward to feedback to determine how you all would like to proceed. No action taken on this item

E. Discussion and possible action regarding the FY 2020/2021 San Antonio River Authority Utility Rates – Mr. Kowalik

Mr. Kowalik came before City Council to provide information to City Council regarding the upcoming rate increase from the San Antonio River Authority. The Cities of Live Oak, Universal City and Converse along with the SARA Retail System contract with the San Antonio River Authority for the transportation, treatment and disposal of sewage at the Salatrillo Wastewater Treatment Facility. Each year the San Antonio River Authority calculates a revised wholesale sewer rate to cover costs of the contractual commitment for the treatment of the sewage generated from within each entity.

Brief description: Rate Calculation Process. The process for this calculation starts with each entity supplying SARA with their monthly winter consumption totals and residential and commercial customer counts. SARA contributes their information into the models which includes their operational and debt expenses for the facility and treatment of the sewage. SARA takes all this information and runs it through their rate model. Once the rate is calculated, SARA hosts a meeting with all three cities represented, to present, discuss and validate the new proposed rates. Under the current ILA, after this meeting, cities may present this new rate to their respective councils. Other items of interest:

- FY2019 saw a system wide rate increase of 13%.
- FY2020 saw a system wide rate increase of 16.57%.
- FY2021 is proposed to be a 16.16% increase. Specifically, for the City of Live Oak, the current (2019/2020) wholesale treatment charge per residential customer is \$16.83 at a winter average of 4,589 gallons. That was a 14.1% increase from the prior year.
- The proposed charge per residential customer for 2020/2021 will be \$19.70 at a winter average of 4,599 gallons. The result is a 17.1% (\$2.87 per month/per

resident) increase.

- The various components are as follows: O & M rate remained the same at \$2.00/1000 gallons and the fixed charge increased to \$10.50 from \$7.65. The City's 2019/20 winter average is 4,599 gallons; this is slightly higher than last year's winter average of 4,589 gallons.
- The current (2019/2020) commercial (other than residential) rate is \$3.40 per 1,000 gallons. The proposed rate for 2020/2021 will increase to \$4.00 per 1,000 gallons. This is a 17.6% increase.
- The biggest reason for this increase and the increases proposed for the next several years, is the Salitrillo Plant Expansion Project.
- SARA will begin assessing these new rates on July 1, 2019 which is the begin

Both Councilmen Cimics and Morgan indicated that the rate increase was unacceptable and they voiced their displeasure. No action was taken on this item.

F. City Council to approve the Quarterly Financial Report ending March 31, 2020 – Mr. Kowalik

Mr. Kowalik came before City Council to provide details on the Financial Report and to answer any questions.

Overall revenues are at 54% of budget. Property taxes are a big contributing factor at approximately 93%. Sales tax revenue amounts overall were on target are at 47% of budget. Interest rates continue to climb as the economy improves, thus, interest income is at 81%. Municipal court fees and permits and licenses are running at 57 and 49% respectively. Overall expenditures are at 48% of budget, and most departments are close to the 50% target; Outstanding encumbrance's total \$404,358 in the General Fund. Total revenue recorded through March 2020 is \$8,989,250. Total expenditures recorded through the same period are \$7,596,124. This activity results in a current net increase of \$1,393,126. The Utility Operating Fund is slightly below the target percentage in revenues at 45%. Expenditures are below target at 49%,

Mayor Dennis had questions regarding page 5, Debt Service Fund (principle/interest) and Councilman Cimics had a question(s) regarding the expenditures by department (City Council); Mr. Kowalik indicated that it was for the Budgeted Net Pension Obligation.

Councilman Cimics made a motion to accept and approve the Quarterly Financial Report ending March 31, 2020; seconded by Councilman Dahl

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

G. Presentation, discussion, and possible action regarding an update of the City's Annual Storm Water Management Program – Mr. Wagster

Mr. Wagster came before City Council to provide the annual update on the Storm Water Management Plan and it's this important regulatory process. The City is a part of the National Pollutant Discharge Elimination System. The City operates under the State of Texas General Permit to reduce and eliminate storm water pollution at the source. In addition, the city utilizes the services of Givler Engineering to oversee the program and keep the city in compliance with state & federal requirements. There are five (5) key elements:

- Public Education and involvement
- Illicit discharge detection and elimination
- Oversee construction sites that disturb large areas of land.
- Post construction storm water management
- Pollution prevention for municipal operations.

Mayor Dennis and Councilman Tullgren asked about getting children at the elementary schools involved with the educational aspect of this program.

There is no further action on this item.

8. CITY COUNCIL REPORT

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

9. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

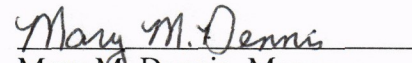
A. City Council

B. Staff

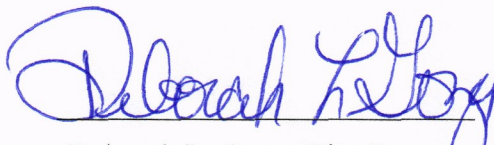
10. ADJOURNMENT

As there was no further business, Councilman Cimics made a motion to adjourn; seconded by Mayor Pro-Tem Dahl at 8:33 p.m.

APPROVED:


Mary M. Dennis, Mayor

ATTEST:


Deborah L. Goza, City Secretary