

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, JANUARY 14, 2025, AT 7:00 P.M.

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

- 1. CALL TO ORDER**
- 2. INVOCATION/PLEDGE OF ALLEGIANCE**

Invocation by Pastor Lestor L. Cooper

- 3. ROLL CALL**
- 4. CITIZENS TO BE HEARD**

**Per the 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**

- December 10, 2024 - Regular City Council Meeting
- December 30, 2024 - Special City Council Meeting

- 6. SPECIAL CONSIDERATION**

**A. Presentation for Employee of the Quarter, October 1, 2024, through December 31, 2024 - Public Works**

- 7. NEW BUSINESS**

**A. Discussion and possible action on a Resolution authorizing the City Manager to enter into a Memorandum of Understanding for a joint election agreement with the Bexar County Elections Department for their services during early voting and election day for the May 3, 2025, general election. — Mr. Garfaoui**

**B. Discussion and possible action on an Ordinance Amending Code of Ordinances, Chapter 5, Article IX, Sec. 5-183 - Dangerous Structure Determination Board — Mr. Ruthven**

- 8. EXECUTIVE SESSION**

**A. The City Council shall meet in executive session under Texas Government Code Section 551.074, Personnel Matters, to discuss the following:**

- i. Annual evaluation of the City Manager as required in the employment agreement.**

## 9. CITY COUNCIL REPORT

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

## 10. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF

### A. City Council

1. Ribbon Cuttings, upcoming City events, special meetings and workshops, conferences and special acknowledgments

### B. Staff

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

## 11. ADJOURNMENT

I certify that the above notice of the meeting was posted on the bulletin board of the City Hall, 8001 Shin Oak Drive, City of Live Oak, Texas, on January 9, 2025, by 5:00 p.m.



Lydia English  
Executive Assistant to the City Manager



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

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

### **REQUEST 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 OF REGULAR MEETING OF THE CITY COUNCIL  
CITY OF LIVE OAK  
8001 SHIN OAK DRIVE  
TUESDAY, DECEMBER 10, 2024, AT 7:00 P.M.**

**1. CALL TO ORDER**

Mayor Mary Dennis called the meeting to order at 7:00 p.m.

**2. INVOCATION/PLEDGE OF ALLEGIANCE**

**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

**STAFF IN ATTENDANCE**

Anas Garfaoui, City Manager

Ron Ruthven, Assistant City Manager

Chief Michael Fratus, Police Chief

Chief Linc Surber, Fire Chief

Keith Drewry, Assistant Fire Chief

Mark Wagster, Director of Public Works

Eddy 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

Lydia English, Executive Assistant to the City Manager

Clarissa Rodriguez, City Attorney

#### **4. CITIZENS TO BE HEARD**

Brandon Rumfield from the Hampton Inn in Live Oak expressed gratitude for the Fire Department on a recent event they assisted with at the hotel. He also presented a donation to Live Oak Citizens Assisting Police (LOCAP).

Hugh Farr with Big Brothers Big Sisters of South Texas thanked the City Council for their support and presented a report as well.

#### **5. CONSENT AGENDA**

##### **A. Approval of Minutes**

1. November 12, 2024

##### **B. City Council to approve an excused absence for Mayor Dennis from the November 12, 2024, Regular City Council Meeting.**

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

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

#### **6. SPECIAL CONSIDERATION**

##### **A. Presentation of new employees to City Council.**

City Staff presented the new employees who have been employed six months or longer to City Council.

#### **7. NEW BUSINESS**

##### **A. Discussion and possible action regarding a Resolution Adopting the 2024 Live Oak Parks, Open Space, and Trails Master Plan.**

Director of Public Works Mark Wagster presented the plan to City Council.

Motion was made by Mayor Pro-Tem Tullgren and seconded by Councilmember Dahl to approve Resolution Adopting the 2024 Live Oak Parks, Open Space, and Trails Master Plan.

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

**B. Discussion and possible action regarding a Resolution authorizing the San Antonio Water System (SAWS) to provide water and wastewater services to 14350 Lookout Road within its Certificate of Necessity (CCN); and authorizing any additional actions reasonably necessary therewith.**

Director of Public Works Mark Wagster presented this agenda item.

Motion was made by Mayor Pro-Tem Tullgren and seconded by Councilmember Morgan to approve Resolution authorizing the San Antonio Water System (SAWS) to provide water and wastewater services to 14350 Lookout Road within its Certificate of Necessity (CCN); and authorizing any additional actions reasonably necessary therewith.

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

**C. Discussion and possible action regarding an Ordinance for proposed revisions and updates to the City of Live Oak Code of Ordinances Chapter 20– Streets, Sidewalks and Public Places, as same may have heretofore been amended, modified or supplemented; adding Article V – Street Use Licenses; providing a penalty clause; providing an effective date; providing a savings clause; repealing all prior Ordinances conflicting or inconsistent herewith; and further providing for severability.**

Assistant City Manager Ron Ruthven presented this agenda item.

Motion was made by Councilmember Dahl and seconded by Councilmember Cimics to approve Ordinance for proposed revisions and updates to the City of Live Oak Code of Ordinances Chapter 20– Streets, Sidewalks and Public Places, as same may have heretofore been amended, modified or supplemented; adding Article V – Street Use Licenses; providing a penalty clause; providing an effective date; providing a savings clause; repealing all prior Ordinances conflicting or inconsistent herewith; and further providing for severability.

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

**D. Discussion and possible action regarding a Resolution approving a license agreement with the Retama Hollow Homeowners Association to allow a subdivision entry sign within Retama Hollow right-of-way; and authorizing any additional actions reasonably necessary therewith.**

Assistant City Manager Ron Ruthven presented this agenda item. Mayor Dennis invited anyone who would like to speak on this item to speak at the podium.

Mr. Jose Rivera, a retired teacher from Crestview, expressed his disapproval of the sign along with the HOA meeting process.

Paula Griffith, President of Retama Hollow HOA, presented to the City Council the due diligence of the HOA on the new signage.

Alena and John Lasoya expressed their support for the HOA sign.

Mayor Dennis closed public comments.

Motion was made by Councilmember Dahl and seconded by Councilmember Perez to approve the Resolution approving a license agreement with the Retama Hollow Homeowners Association to allow a subdivision entry sign within Retama Hollow right-of-way; and authorizing any additional actions reasonably necessary therewith.

Vote FOR: Morgan, Perez, Dahl, and Tullgren;

Vote AGAINST: Cimics;

Passed 4/1

**E. Discuss and consider a Resolution casting votes for candidates for the Boards of Directors for Bexar County Appraisal District for 2025.**

City Manager Anas Garfaoui presented this agenda item.

Mayor recommended Councilwoman Dr. Adriana Rocha Garcia if there were no other candidates the Council would like to suggest.

Motion was made by Mayor Pro-Tem Tullgren and seconded by Councilmember Perez to approve a Resolution casting votes for Dr. Adriana Rocha Garcia for the Boards of Directors for Bexar County Appraisal District for 2025.

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

**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 pending or contemplated litigation related to 10804 O'Connor Road.**

The City Council convened in executive session at 7:51 p.m.

**B. Reconvene into open session and possible action on any items discussed in the Executive Session.**

The City Council reconvened in open session at 8:38 p.m.

Motion was made by Mayor Pro-Tem Tullgren and seconded by Councilmember Perez for Council to authorize Chapter 54 proceedings against 10804 O'Connor LLC otherwise known as 10804 O'Connor Road and authorizing the City Manager to take appropriate action as needed.

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

**9. CITY COUNCIL REPORT**

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

Councilmember Morgan expressed appreciation for the first meeting of the Visit Live Oak Board, an open records process with a citizen, and the recent city event of Down Home Christmas.

Mayor Pro-Tem Tullgren advised all to take care of people, pets, plants, and pipes during the upcoming colder seasons.

Councilmember Perez echoed her appreciation for the Down-Home Christmas City event.

Councilmember Cimics shared successful statistics of the recent Shred Day.

Councilmember Dahl wished everyone a Happy Christmas and a healthy New Year.

**10. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF**

**A. City Council**

Councilmember Perez encouraged those in attendance to get flu vaccines.

**B. Staff**

City Manager Anas Garfaoui announced holiday closures for staff and announced the next City Council meeting.

Assistant City Manager Ron Ruthven and EDC Director Donna Lowder wished everyone a Merry Christmas and a Happy New Year.

Police Chief Michael Fratus announced Cocoa with Cops and the Grinch. Chief Fratus wished everyone a safe holiday season.

Director of Public Works Mark Wagster and Director of Finance and Administration Leroy Kowalik wished everyone a Merry Christmas and a Happy New Year.

Fire Chief Linc Surber announced that the Fire Department would be delivering food to families in need.

The Mayor thanked the City Council and the Live Oak staff for a great year. The Mayor wanted to wish everyone a Merry Christmas, Happy Hanukkah, Happy Kwanza, and a wonderful holiday season and to enjoy their families and eat lots of candy and cookies.

## **11. ADJOURNMENT**

Motion was made by Councilmember Cimics and seconded by Councilmember Dahl to adjourn the meeting at 8:39 p.m.

APPROVED:

ATTEST:

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Mary M. Dennis, Mayor

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Lydia English, Executive Assistant to the  
City Manager



**MINUTES OF SPECIAL MEETING OF THE CITY COUNCIL  
CITY OF LIVE OAK  
8001 SHIN OAK DRIVE  
MONDAY, DECEMBER 30, 2024, AT 7:00 P.M.**

**1. CALL TO ORDER**

Mayor Mary Dennis called the meeting to order at 7:00 p.m.

**2. INVOCATION/PLEDGE OF ALLEGIANCE**

**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

**STAFF IN ATTENDANCE**

Anas Garfaoui, City Manager

Clarissa Rodriguez, City Attorney

Lydia English, Executive Assistant to the City Manager

**4. CITIZENS TO BE HEARD**

No citizens to be heard.

**5. 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:**

1. A matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with the statute related to the Fire Department.
2. Chapter 54 pending litigation related to 10804 O'Connor Road.

City Council convened in executive session at 7:02 p.m.

**B. Reconvene into open session and action on items discussed in executive session as needed.**

City Council reconvened into open session at 7:34 p.m.

Motion was made by Mayor Pro-Tem Tullgren and seconded by Councilmember Perez to authorize the City Manager to use contingency funds related to the Fire Department.

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

**6. CITY COUNCIL REPORT**

No reports.

**7. GENERAL ANNOUNCEMENTS FOR CITY COUNCIL AND STAFF**

**A. City Council**

Councilmember Cimics and Councilmember Morgan wished everyone a happy New Year.

**B. Staff**

No staff announcements.

The Mayor wished everyone a safe, happy, prosperous New Year with everyone's families and encouraged everyone to eat some black-eyed peas.

**8. ADJOURNMENT**

Motion was made by Councilmember Cimics and seconded by Councilmember Dahl to adjourn the meeting at 7:36 p.m.

APPROVED:

ATTEST:

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Mary M. Dennis, Mayor

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Lydia English, Executive Assistant to the City Manager



**Meeting Date:** January 14, 2025

**Agenda item:** 6A

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

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

**Department:** Public Works

**Agenda Item Description:**

Employee of the Quarter: Don Kilianski, Heavy Equipment Operator

**Staff Briefing:**

The nomination for this award came from the Public Works leadership. Our team recognizes that Don Kilianski is a true team player. He regularly places the needs of others above his own. He is always enthusiastic and takes initiative in his daily work. Don never complains about working late or responding at 2:00 in morning for a water main break. We applaud his amazing work ethic and we truly value his loyalty and dedication to the Live Oak Team.

**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>	

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

**Staff Recommended Motion:**

A motion is not necessary for this item.



**Meeting Date:** January 14, 2025

**Agenda item:** 7A

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

**Reviewed by:** L. English, Executive Assistant to City Manager

**Department:** Administration

**Agenda Item Description:**

Discussion and possible action on a Resolution authorizing the City Manager to enter into a Memorandum of Understanding for a joint election agreement with the Bexar County Elections Department for their services during early voting and election day for the May 3, 2025, general election.

**Staff Briefing:**

This Memorandum of Understanding will allow the City of Live Oak to participate in a joint election with Bexar County. There are over 30 municipalities, schools and water districts that are part of this agreement. We have partnered with Bexar County’s Elections Department in the past and have not had any issues with their services.

**Action:**

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

<b>Cost:</b> Unavailable at this time	
<b>Budgeted</b>	\$13,000.00
<b>Actual</b>	
<b>Acct. Name</b>	Elections
<b>Acct. Fund</b>	10-405.390
<b>Other Funding</b>	
<b>Strategic Goal #</b>	1, 2 & 3

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

**Staff Recommended Motion:**

Motion to approve a Resolution authorizing the City Manager to enter into a Memorandum of Understanding for a joint election agreement with the Bexar County Elections Department for their services during early voting and election day for the May 3, 2025 general election.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR A JOINT ELECTION AGREEMENT WITH THE BEXAR COUNTY ELECTIONS DEPARTMENT FOR THEIR SERVICES DURING EARLY VOTING AND ELECTION DAY FOR THE MAY 3<sup>RD</sup>, 2025 GENERAL ELECTION.**

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

**Section 1.** That the City Council of the City of Live Oak authorizes the City Manager to sign a Memorandum of Understanding for a joint election agreement with the Bexar County Elections Department for their services during early voting and election day for the May 3<sup>rd</sup>, 2025 general election.

**PASSED, APPROVED, and ADOPTED on this \_\_\_\_\_ th day of \_\_\_\_\_ 2025.**

CITY OF LIVE OAK, TEXAS

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

ATTEST:

\_\_\_\_\_  
Lydia English, Executive Assistant to the City Manager

APPROVED AS TO FORM:

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

**Exhibit "A"**  
**Memorandum of Understanding**

## JOINT ELECTION AGREEMENT

**This Agreement is entered into by and between Bexar County Elections Administrator (“ADMINISTRATOR”), acting on behalf of Bexar County; with City of San Antonio (“COSA”); Alamo Heights Independent School District (“AHISD”); Judson Independent School District (“JISD”); San Antonio Independent School District (“SAISD”); Harlandale Independent School District (“HISD”); Medina Valley ISD (“MVISD”); Northside Independent School District (“NISD”); Southside Independent School District (“SSISD”); the City of Alamo Heights (“COAH”); the City of Balcones Heights (“COBH”); the City of Castle Hills (“COCH”); the City of China Grove (“COCG”); the City of Elmendorf (“COE”); the City of Grey Forest (“COGF”); the City of Helotes (“COH”); the City of Kirby (“COK”); the City of Leon Valley (“COLV”); the City of Live Oak (“COLO”); the City of St. Hedwig (“COSH”); the City of Shavano Park (“COSP”); the City of Somerset (“COS”); the City of Universal City (“COUC”); the City of Von Ormy (“COVO”); and the Town of Hollywood Park (“TOHP”) and they may also be referred to, individually, as an “Entity” or, collectively, as the “Entities,” acting by and through their duly appointed and qualified representatives, pursuant to Texas Election Code Section 271.002(a), for the May 3, 2025 election.**

**WHEREAS,** COSA will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS,** AHISD will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS,** HISD will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS,** JISD will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS,** MVISD will conduct a general and special election on Saturday, May 3, 2025; and

**WHEREAS,** NISD will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS,** SAISD will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS,** SSISD will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS,** COAH will conduct a general and special election on Saturday, May 3, 2025; and

**WHEREAS,** COBH will conduct a general and special election on Saturday, May 3, 2025; and

**WHEREAS,** COCH will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS**, COCG will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS**, COE will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS**, COGF will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS**, COH will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS**, COK will conduct a general and special election on Saturday, May 3, 2025; and

**WHEREAS**, COLV will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS**, COLO will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS**, COSH will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS**, COSP will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS**, COS will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS**, COTH will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS**, COUC will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS**, COVO will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS**, ECSUD will conduct a general election on Saturday, May 3, 2025; and

**WHEREAS**, Section 271.002(a) of the Texas Election Code authorizes two or more political subdivisions to enter into an agreement to hold elections jointly in the election precincts that can be served by common polling places; and

**WHEREAS**, the Entities desire that a joint election be held in order to provide a convenient, simple, and cost-saving election to the voters in their respective jurisdictions; and

**WHEREAS**, the Entities desire to enter into an agreement setting out their respective duties and responsibilities for the May 3, 2025 election;

**NOW THEREFORE**, it is agreed that the Entities will hold a joint election on Saturday, May 3, 2025 (the “Joint Election”) under the following terms and conditions:



**I.**

The Entities are each required to enter into their own separate contract with ADMINISTRATOR for election services and will hold elections jointly with other Entities in the election precincts that can be served by common polling places, using joint election officer and clerks as ADMINISTRATOR determines is necessary and appropriate.

**II.**

The Entities agree to conduct early voting jointly. ADMINISTRATOR will arrange for and handle early voting in person and by mail for the Joint Election in accordance with her contracts with those Entities.

**III.**

The Entities agree that a single ballot, containing all the measures and offices to be voted on at a particular polling place, shall be used in this Joint Election.

**IV.**

Each Entity is responsible for its own posting of public notices in connection with the Joint Election. ADMINISTRATOR shall be responsible for publishing a Notice of Election in a newspaper of general circulation in the territory as required of all the Entities under Section 4.003 of the Election Code, and each Entity shall pay ADMINISTRATOR its proportionate share of the publishing cost.

**V.**

Each Entity is responsible for paying ADMINISTRATOR for any and all other election costs, as applicable to the specific Entity and agreed upon by separate contract for election services between each Entity and ADMINISTRATOR.

**VI.**

ADMINISTRATOR will tabulate the ballots and provide a set of copies of the affidavit page of each return along with the returns of the election, as agreed upon by separate contract between each Entity and ADMINISTRATOR.

**VII.**

Each Entity will be responsible for canvassing its respective precinct returns for the Joint Election.

**VIII.**

The Entities agree to comply with any and all applicable state and federal record retention statutes. Each Entity shall be the custodian of its respective election records.

**IX.**

If an Entity determines not to participate in the Joint Election to be held on Saturday, May 3, 2025, because it has no contested positions, the nonparticipating Entity shall promptly notify ADMINISTRATOR and the other Entities, and this Agreement shall be automatically amended to delete the nonparticipating Entity as a party to the Agreement.

**X.**

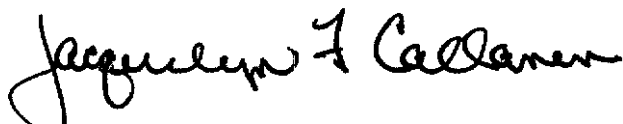
The undersigned persons are the duly authorized signatories of their Entities, and their signatures represent acceptance of the terms and conditions of this Agreement, as passed and approved by their respective governing bodies.

**XI.**

This Agreement may be executed in two or more counterparts. Together the counterparts shall be deemed an executed original instrument. The Entities may execute this Agreement and exchange counterparts of the signature pages by means of facsimile transmission, and the receipt of executed counterparts by facsimile transmission shall be binding on the Entities. Following a facsimile exchange, the Entities shall promptly exchange original signature pages.

SIGNED and AGREED this \_\_\_\_\_<sup>th</sup> day of \_\_\_\_\_, 2025.

**BEXAR COUNTY ELECTIONS ADMINISTRATOR**



\_\_\_\_\_  
Jacquelyn F. Callanen

**ENTITY:** City of Live Oak. Texas

**BY:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_



**Meeting Date:** January 14, 2025

**Agenda item:** 7B

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

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

**Department:** Administration

**Agenda Item Description:**

Discussion and possible action on an Ordinance Amending Code of Ordinances, Chapter 5, Article IX, Sec. 5-183 - Dangerous Structure Determination Board

**Staff Briefing:**

In consultation with the City Attorney, staff proposes amendments to Chapter 5, Article IX, Section 183 in the Live Oak Code of Ordinances. Generally speaking, the amendments expand the membership of the Dangerous Structure Determination Board (DSDB) to 5 members in compliance with Chapter 54 – Texas Local Government Code.

**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 & 4

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

**Staff Recommended Motion:**

Approval as presented.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIVE OAK, TEXAS, AMENDING SECTION 5-183, CHAPTER 5, ARTICLE IX – DANGEROUS BUILDINGS AND DISTRESSED PROPERTIES CITY OF LIVE OAK CODE OF ORDINANCES RELATED TO THE BOARD STRUCTURE; 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**, Section 5-183 of Chapter 5, Article IX – Dangerous Buildings and Distressed Properties, City of Live Oak Code of Ordinances establishes the Dangerous Structure Determination Board; and

**WHEREAS**, the City of Live Oak desires to amend the composition and makeup of the Board for the Board to be a quasi-judicial Board in line with Section 54.033 of the Texas Local Government Code, and

**WHEREAS**, upon the recommendation of staff to amend Section 5-183 of Chapter 5, Article IX – Dangerous Buildings and Distressed Properties as it pertains to the Board in the 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. Amendments. That Section 5-183 of Chapter 5, Article IX – Dangerous Buildings and Distressed Properties, City of Live Oak Code of Ordinances is hereby amended as shown in the attached Exhibit “A”.

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

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

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

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

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

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

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

ATTEST:

\_\_\_\_\_  
Lydia English, Executive Assistant to the City Manager

Approved as to Form

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

**Exhibit “A”**

**Sec. 5-183. Dangerous structure determination board established; composition; public hearing authority; alternative repairs; quorum.**

- (a) The dangerous structure determination board (DSDB) is hereby established, and shall consist of appointees of at least ~~three~~ five members, ~~but no more than five members~~ who are qualified electors of the city, and appointed for terms of two years. ~~All appointees shall serve at the pleasure of the city council.~~
- (b) City Council may remove a board member for cause on a written charge. Before a decision on removal is made, the appointing authority must hold a public hearing on the matter if requested by the board member subject to the removal action.
- (c) Any vacancy shall be filled for the unexpired term.
- (~~b~~d) The DSDB shall act as authorized under this article and V.T.C.A., Local Government Code, ch. 214, subch. A., § 214.001, et. seq., dangerous structures. The DSDB shall carry out the hearing duties and procedures prescribed herein, and as those duties and procedures may, from time to time, be modified by applicable law.

The DSDB duties shall include review of the procedures for each case brought before the board to confirm notice requirements have been satisfied; conduct of the public hearing required by this article to determine whether or not a building is a public nuisance, as defined in section 5-182, or to determine whether or not a building qualifies for required demolition under section 5-184, as allowed by state law; make remediation and demolition orders or exercise city repair options, as provided in this article.

In hearing cases pertaining to distressed buildings and structures, the DSDB shall regard potential for curing title and to advise, when appropriate, property owners of programs which may be available to assist in preserving buildings as affordable housing.

- (~~e~~e) In addition to the city's authority under V.T.C.A., Local Government Code, § 214.001 (m)(n) to perform public nuisance abatement of dangerous buildings or structures and secure its costs with a lien, whenever remediation is not accomplished within the allotted time, the city shall further exercise its authority, under V.T.C.A., Local Government Code § 214.0015, additional authority, to allow the DSDB to elect to have the city perform limited repairs, as described below. Assessment for repairs, notice, and recovery of the assessment shall be performed by the city in the same manner as required for the fixing, filing, and foreclosure of liens arising from city services rendered to remediate other premises violations.
- (~~e~~f) A building may be repaired by the city under this section, only to the extent necessary to bring the building into compliance with minimum standards, and only if the building is a non-homestead residential building with ten or fewer dwelling units.
- (~~e~~g) The lien, however, may be imposed against any non-homestead real property to secure payment of qualified repair, removal, or demolition expenses.
- (~~f~~h) DSDB action shall require a quorum for binding decisions. A quorum shall require presence of 50 percent of the board's membership, plus one.
- (~~g~~i) DSDB actions shall require supporting votes for motions as follows:
  - (1) Deliberation and discussion of any matter within the board's jurisdiction upon a motion and a second;
  - (2) Orders to secure, and/or vacate, by a simple majority.
  - (3) Orders for a responsible party to repair, by a simple majority.
  - (4) Recommendations to effect city repair of qualifying properties, by a simple majority, provided resources are available to properly perform repair and duly fix the lien for charges.
  - (5) All other orders or actions within the board's jurisdiction, by a simple majority.

- (h~~j~~) Under guidance of and subject to applicable statutes and laws, the DSDB shall devise its administrative procedures, review and adjust such procedures as necessary and make available to any interested person, a copy of such procedures.