


AGENDA
THE SPECIAL MEETING OF THE VISIT LIVE OAK ADVISORY BOARD
WILL BE HELD AT THE CITY COUNCIL CHAMBER,
8001 SHIN OAK DRIVE, LIVE OAK, TEXAS 78233
WEDNESDAY, DECEMBER 4, 2024, AT NOON

The public may watch the meeting live at www.liveoaktx.net under the Live Meetings button or in person.

1. **CALL TO ORDER**
2. **INVOCATION/PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **ELECTION OF OFFICERS**
 - A. Chairperson
 - B. Vice-Chairperson
 - C. Secretary
5. **CITIZENS TO BE HEARD**
6. **NEW BUSINESS**
 - A. Discussion and possible action regarding the adoption of the Visit Live Oak Advisory Board Rules and Bylaws – Mrs. D. Lowder
 - B. Executive Report regarding qualifying Hotel Occupancy Tax events for FY 2025-2026 – Mrs. D. Lowder
 - C. Discussion and presentation regarding the Hotel Occupancy Tax Funding Allowances, and Budget – Mr. L. Kowalik
7. **GENERAL ANNOUNCEMENTS**
 - A. BOARD MEMBERS - City event information, upcoming ribbon cutting/grand opening dates and times, and special acknowledgements.
 - B. STAFF - City event information, upcoming ribbon cutting/grand opening dates and times, and special acknowledgements.
8. **ADJOURNMENT** - *I certify that the above notice of this meeting was posted on the bulletin board of the City Hall, 8001 Shin Oak Drive, Live Oak, Texas 78233, on November 21, 2024, by 5:00 p.m.*



Donna M. Lowder, EDC Manager
Economic Development Corporation
Visit Live Oak Advisory Board

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 or 2219 or FAX (210) 653-2766. The Visit Live Oak Advisory Board 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) and any other provision under the Texas Open Meetings Act that permits a governmental body to discuss a matter in a closed executive session. "It is possible that a quorum of the City of Live Oak Council could attend this meeting. The individual member 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.



VISIT LIVE OAK ADVISORY BOARD AGENDA ITEM FORM

Meeting Date: December 4, 2024

Agenda item: 4

Prepared by: Donna Lowder, EDC Manager

Reviewed by: City Manager Anas Garfaoui

Department: Economic Development Corporation

AGENDA ITEM DESCRIPTION:

Election of Officers to include Chairperson, Vice-Chairperson, and Secretary for the Visit Live Oak Advisory Board - Mrs. D. Lowder

STAFF BRIEFING

The Visit Live Oak's Board Officers will be decided by an election process for the following positions:

- Chairperson
- Vice-Chairperson
- Secretary

Members may make a nomination for any of the positions from the floor. Once the nomination has been made for an officer position, the nominee must consent to the nomination. If there are no further nominations or discussion regarding the position, staff will declare the nomination closed and call for a second motion to the nomination and finally a vote in favor/opposed.

Each Board Officer position will be filled in the same manner. The Board Chair will take over the meeting at the close of the elections.

ACTION:

- | | |
|-----------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> Ordinance | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Proclamation | <input checked="" type="checkbox"/> Special Presentation |
| <input type="checkbox"/> Finance Report | <input type="checkbox"/> Public Hearing |
| <input type="checkbox"/> Other | |

Cost:	
Budgeted -	
Actual	
Acct. Name	
Acct. Fund	
Goals	1, 2, 3, & 4

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

Staff Recommended Motion: Hold Election Board Officers to include Chairperson, Vice-Chairperson, and Secretary for the Visit Live Oak Advisory Board.



VISIT LIVE OAK ADVISORY BOARD AGENDA ITEM FORM

Meeting Date: December 4, 2024

Agenda item: 6A

Prepared by: Donna Lowder, EDC Manager

Reviewed by: City Manager Anas Garfaoui

Department: Economic Development Corp.

AGENDA ITEM DESCRIPTION: Discussion and possible action regarding the adoption of the Visit Live Oak Advisory Board Rules and Bylaws– Mrs. D. Lowder

STAFF BRIEFING

The board may adopt rules and bylaws for the government of their own proceedings, and to carry out the purposes for which the board is created, not inconsistent with state law, the Charter, this chapter and ordinances of the city.

The draft of the proposed document has been included in the meeting packet received.

ACTION:

- Ordinance Resolution
 Proclamation Special Presentation
 Finance Report Public Hearing
 Other

Cost:	
Budgeted -	
Actual	
Acct. Name	
Acct. Fund	
Goals	1, 2, 3, & 4

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

Staff Recommended Motion: A motion to approve the Rules and Bylaws for the Visit Live Oak Advisory Board governing body to include procedures, creation, purpose, and membership of the board.

**Rules & Bylaws
Visit Live Oak Advisory Board
Live Oak, Texas**

ARTICLE I

Section 1 - Creation:

The City Council does hereby establish an advisory board for the purpose and with the responsibility to make recommendations to the City Council as to adopted procedures, rules and regulations reasonably necessary to effectively collect the tax levied herein and the disbursement of the hotel-motel tax revenues collected in accord with the purposes stated herein. (Section 22-28. – Visit Live Oak Advisory Board; City Ordinance 1669)

ARTICLE II

Section 1 – Name:

The name shall be Visit Live Oak Advisory Board, City of Live Oak, Bexar County, Texas.

ARTICLE III

Section 1 - Duties

The board shall act only as an advisory body and provide recommendations to the City Council, and shall perform the following functions:

- Receive and review applications from businesses and individuals requesting funds for projects that are eligible for hotel motel tax funds;
- Prioritize the requests for such funds and projects and advise the City Council regarding the board's recommendations;
- Assist city with oversight of projects and agencies that receive funds and verify that such funds are being used in accordance with state law requirements;
- Report to city council on an as needed basis regarding the activities of the board and the agencies and the projects that have received funds;
- Develop a planning calendar, procedure for evaluation and evaluation criteria to be used when recommending and prioritizing agencies and projects for hotel motel tax funds;
- Recommend advertising and marketing strategies for the city council to consider and assist the city with oversight of any contracts for advertising and marketing approved by the City Council;
- Any other function or duty directed by the city council in regard to the hotel motel advisory board.

ARTICLE IV

Section 1 – Membership & Terms of Office:

The board shall be composed of a total of nine (9) members. All members shall be appointed by simple majority vote of the city council. All members appointed to the board shall not be in arrears in the payment of any taxes or other liabilities due to the city. The members of the board shall be appointed by the City Council for a term of two (2) years or until their successors are appointed and qualified.

The membership of the board shall be composed of the following:

- Two residents
- Two restaurant operators
- Two business operators
- One business entertainment operator
- One hotel operator
- One Tri-County Chamber of Commerce representative

Section 2 – Absences:

Members who are absent from three (3) consecutive meetings without an excuse shall be subject to replacement by City Council.

Section 3 - Elections:

Election of officers shall be held the first meeting following the beginning of the regular term of appointment in October of each year. Officers assume duties at the next regular meeting. Officers shall consist of a Chairperson, Vice-Chairperson and Secretary.

ARTICLE IV

Section 1 – Meetings:

The board shall meet no less than twice a year, or as needed or as requested by the city manager or city council.

Section 2 - Quorum:

A quorum shall consist of at least five (5) members, one of whom must be the Chairperson or Vice-Chairperson. If both the Chairperson and Vice-Chairperson are absent, Secretary will Chair the meeting.

Section 3 – Agenda:

The agenda shall be prepared by a member of the City staff based on the receipt of new applicant requests for Hotel Occupancy Tax Funds.

ARTICLE V

Section 1 - Rules and bylaws:

The board may adopt rules and regulations for the government of their own proceedings, and to carry out the purposes for which the board is created, not inconsistent with state law, the Charter, this chapter and ordinances of the city.

PASSED AND APPROVED ON _____ DAY OF _____, 2024.

Board Chairperson

ATTEST:

City Secretary

ORDINANCE NO. 1669

**AN ORDINANCE OF THE CITY OF LIVE OAK, TEXAS,
AMENDING CHAPTER 22 -TAXATION, ARTICLE II – HOTEL
OCCUPANCY TAX BY ADDING PROVISIONS ESTABLISHING
THE VISIT LIVE OAK ADVISORY BOARD FOR THE CITY OF
LIVE OAK, INCLUDING RULES, PROCEDURES, PURPOSES,
DUTIES, AND AUTHORITY OF THE BOARD; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City is authorized by Chapter 351 of the Texas Tax Code to impose a hotel occupancy tax for the purpose of promoting tourism and the convention and hotel industry, and for further purposes as set forth in Texas Tax Code, Section 351.101, as amended; and

WHEREAS, Chapter 22 – Taxation, Article II. – Hotel Occupancy Tax of the City’s Code of Ordinances lays out the City’s collection of hotel occupancy tax; and

WHEREAS, the City Council desires to create a board to assist with the collection and disbursement of hotel occupancy tax; and

WHEREAS, per Section 4.09 of the City Charter, the City Council has the power to create, by ordinance, boards to assist with carrying out the business and welfare of the City; and

WHEREAS, the City recognizes its responsibility and authority to impose ordinances and controls that are necessary for the government of the City and in the best interest of the health, safety, and welfare of the City.

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

Section 1. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

Section 2. The City Council does hereby establish an advisory board for the purpose and with the responsibility to make recommendations to the City Council as to adopted procedures, rules and regulations reasonably necessary to effectively collect the tax levied herein and the disbursement of the hotel-motel tax revenues collected in accord with the purposes more specifically laid out in Exhibit A.

Section 3. The City Council hereby amends Chapter 22 – Taxation, Article II. – Hotel Occupancy Tax, to add a new section as set forth in the attached Exhibit A.

Section 4. If for any reason any section, paragraph, subdivision, clause, phrase, word, or other provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this Council that every section, paragraph, subdivision, clause phrase, word, or provision hereof shall be given full force and effect for its purpose.

Section 5. This ordinance shall be cumulative of all other ordinances of the City of Live Oak, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Live Oak except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section 6. That it is officially found, determined and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 7. This ordinance shall take effect immediately from and after its passage and any publication requirements as required by law.

PASSED AND APPROVED this 24 day of September 2024.

CITY OF LIVE OAK, TEXAS

By: Mary M. Dennis
Mary M. Dennis, Mayor

ATTEST:

Isaura Gaytan
Isaura Gaytan, City Secretary

APPROVED AS TO FORM:

Denton Navarro Rodriguez Bernal Santee & Zech, PC
City Attorney
DENTON NAVARRO RODRIGUEZ BERNAL SANTEE & ZECH, PC

EXHIBIT A

Section 22-28. – Visit Live Oak Advisory Board

(a) Creation

The City Council does hereby establish an advisory board for the purpose and with the responsibility to make recommendations to the City Council as to adopted procedures, rules and regulations reasonably necessary to effectively collect the tax levied herein and the disbursement of the hotel-motel tax revenues collected in accord with the purposes stated herein.

(b) Membership

The board shall be composed of a total of nine (9) members. All members shall be appointed by simple majority vote of the city council. All members appointed to the board shall not be in arrears in the payment of any taxes or other liabilities due to the city. The members of the board shall be appointed by the City Council for a term of two (2) years or until their successors are appointed and qualified.

The membership of the board shall be composed of the following:

- Two residents
- Two restaurant operators
- Two business operators
- One business entertainment operator
- One hotel operator
- One Tri-County Chamber of Commerce representative

(c) Duties

The board shall act only as an advisory body and provide recommendations to the city council, and shall perform the following functions:

- Receive and review applications from businesses and individuals requesting funds for projects that are eligible for hotel motel tax funds;
- Prioritize the requests for such funds and projects and advise the city council regarding the board's recommendations;
- Assist city with oversight of projects and agencies that receive funds and verify that such funds are being used in accordance with state law requirements;
- Report to city council on an as needed basis regarding the activities of the board and the agencies and the projects that have received funds;
- Develop a planning calendar, procedure for evaluation and evaluation criteria to be used when recommending and prioritizing agencies and projects for hotel motel tax funds;

- Recommend advertising and marketing strategies for the city council to consider and assist the city with oversight of any contracts for advertising and marketing approved by the city council;
- Any other function or duty directed by the city council in regards to the hotel motel advisory board.

(d) Meetings

The board shall meet no less than twice a year, or as needed or as requested by the city manager or city council.

(e) Rules and bylaws

The board may adopt rules and regulations for the government of their own proceedings, and to carry out the purposes for which the board is created, not inconsistent with state law, the Charter, this chapter and ordinances of the city.



VISIT LIVE OAK ADVISORY BOARD AGENDA ITEM FORM

Meeting Date: December 4, 2024

Agenda item: **6B**

Prepared by: Donna Lowder, EDC Manager

Reviewed by: City Manager Anas Garfaoui

Department: Economic Development Corporation

AGENDA ITEM DESCRIPTION:

Executive Report regarding qualifying Hotel Occupancy Tax events for FY 2025-2026.- Mrs. D. Lowder

STAFF BRIEFING

This item will provide a format for discussion on possible qualifying opportunities/events for the FY 2025/2026 that would have a direct impact on overnight hotel and motel room nights resulting in an increase in tourism activity in Live Oak. **Other qualifying uses are as follows:**

- Convention Centers or Visitor Centers
- Registration of convention delegates
- Advertising, solicitation, and promotions
- Promotion of the Arts
- Sporting Event Expense
- Historical Restoration and preservation
- Sporting Facility
- Transportation of Tourists
- Signage

ACTION:

- Ordinance Resolution
 Proclamation Special Presentation
 Finance Report Public Hearing
 Other

Cost:	
Budgeted -	
Actual	
Acct. Name	
Acct. Fund	
Goals	1, 2, 3, & 4

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

Staff Recommended Motion: No motion necessary; Presentation and Discussion from Executive staff.



VISIT LIVE OAK ADVISORY BOARD AGENDA ITEM FORM

Meeting Date: December 4, 2024

Agenda item: 6C

Prepared by: Leroy Kowalik, Finance Director

Reviewed by: City Manager Anas Garfaoui

Department: Finance Department

AGENDA ITEM DESCRIPTION: Discussion and presentation regarding the Hotel Occupancy Tax Funding Allowances, and Budget – Mr. L. Kowalik

STAFF BRIEFING

The Hotel Occupancy Tax (HOT) Fund accounts for the collection of hotel and motel occupancy tax on properties located within the city limits of Live Oak, Texas. The total tax is 13%, the state portion is 6% and the City’s portion of the tax is 7%. Both tax rates are the maximum allowed by state law. State law requires that the City spend at least 1/7 (14.3%) of the collected tax on promotions and marketing programs aimed at increasing the exposure of the City and enticing further visitation to the City and its facilities. The remaining funds collected from this tax revenue source must be spent on things that are by statutory guidelines as governed by state law. The City contracts with Avenu Insights and Analytics for complete HOT fund administration. They provide administrative assistance, collection services and audit services to the City.

The City’s 2024/2025 budget for the HOT Fund is attached for your information. The City estimated that it will collect \$615,000 in HOT funds from its existing hotels/motels. This year’s expenditure budget is \$827,156 with the largest allotment being for professional fees. This is where the City accounts for the annual incentive payment. This year’s budget contains funds to create the Visit Live Oak Advisory Board. The estimated ending fund balance as of September 2025 is \$1,163,342 and can be spent on things that are statutorily governed by state law while still maintaining a safety reserve to provide funding during unfavorable economic times.

ACTION:

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

Cost:	
Budgeted -	
Actual	
Acct. Name	
Acct. Fund	
Goals	1, 2, 3, & 4

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

Staff Recommended Motion: No motion necessary, presentation and discussion only.

**HOTEL/MOTEL OCCUPANCY TAX FUND
APPROVED BUDGET
FISCAL YEAR 2024/2025**

Beginning Fund Balance October 1, 2024:		\$ 1,335,498			
Estimated Revenues:		655,000			
Approved Expenditures:					
<u>Department</u>	<u>Personnel Services</u>	<u>Supplies</u>	<u>Other Services & Charges</u>	<u>Capital Outlay</u>	<u>Total Expenditures</u>
Administration	-	-	827,156	-	827,156
Total Expenditures	-	-	827,156	-	827,156
Net Revenues/Expenditures					<u>(172,156)</u>
Ending Fund Balance September 30, 2025:					<u>\$ 1,163,342</u>

**HOTEL/MOTEL OCCUPANCY TAX FUND
APPROVED BUDGET
FISCAL YEAR 2023/2024
(AS AMENDED)**

Beginning Fund Balance October 1, 2023:		\$ 1,286,498			
Estimated Revenues:		640,000			
Approved Expenditures:					
<u>Department</u>	<u>Personnel Services</u>	<u>Supplies</u>	<u>Other Services & Charges</u>	<u>Capital Outlay</u>	<u>Total Expenditures</u>
Administration	-	-	640,000	-	640,000
Total Expenditures	-	-	640,000	-	640,000
Net Revenues/Expenditures					<u>-</u>
Ending Fund Balance September 30, 2024:					<u>\$ 1,286,498</u>

City of Live Oak
Hotel/Motel Occupancy Tax Fund
2024/2025 Approved Budget

	<u>Audited</u> <u>2022/23</u> <u>Actual</u>	<u>Current FY 2023/24</u>		<u>Approved</u> <u>Budget</u> <u>FY 2024/25</u>	<u>Budget</u> <u>Increase/</u> <u>(Decrease)</u>
		<u>Amended</u> <u>Budget</u>	<u>Projected</u> <u>End-of-Year</u>		
REVENUES					
OCCUPANCY TAX					
318.500 Occupancy Tax Revenue	617,770	615,000	600,000	615,000	-
TOTAL OCCUPANCY TAX	617,770	615,000	600,000	615,000	-
INTEREST & MISCELLANEOUS					
360.000 Interest Income	54,926	25,000	65,000	40,000	15,000
TOTAL INTEREST & MISCELLANEOUS	54,926	25,000	65,000	40,000	15,000
TOTAL REVENUES	672,696	640,000	665,000	655,000	15,000
EXPENDITURES					
ADMINISTRATION DEPARTMENT					
OTHER SERVICES & CHARGES					
400.400 Professional Fees	583,156	575,000	601,000	650,000	75,000
400.425 Conferences & Training	-	-	-	12,000	12,000
400.430 Advertising	-	35,000	15,000	50,000	15,000
400.432 Community/Sponsorships	50,000	15,000	-	60,000	45,000
400.435 Promotional Items	-	15,000	-	25,000	10,000
400.480 Contingencies	-	-	-	1,000	1,000
400.485 Dues & Publications	-	-	-	5,000	5,000
TOTAL OTHER SERVICES & CHARGES	633,156	640,000	616,000	803,000	163,000
OTHER FINANCING USES					
OPERATING TRANSFERS OUT					
700.050 Transfer To EDC - Support Fee	-	-	-	24,156	24,156
TOTAL OPERATING TRANSFERS OUT	-	-	-	24,156	24,156
TOTAL 700-OTHER FINANCING USES	-	-	-	24,156	24,156
TOTAL EXPENDITURES	633,156	640,000	616,000	827,156	187,156