REGULAR MEETING OF THE CITY COUNCIL

PRESENT: Anita R. Rodriguez .............................................. Mayor
        Elorine Sitka ..................................................... Mayor Pro-Tem
        Don E. Bowe ........................................................ Councilmember
        Margie McMullen .................................................. Councilmember
        Tim Faulkner ....................................................... Councilmember
        Charles J. Kvinta, Jr. ............................................. City Attorney
        Calvin Cook .......................................................... City Manager
        Theresa A. Bowe .................................................... City Clerk

ABSENT: None

MAYOR Rodriguez called the City Council meeting to order and Councilmember Bowe gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Visitors were acknowledged. Mayor Rodriguez presented a plaque to outgoing Councilmember Craig Carter for his years of service to the community on the Yoakum City Council.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meetings of December 11 and December 18, 2007 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER Old Business, a motion was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1933) on second and final reading regulating skateboarding and bicycles on certain City streets and sidewalks. Second was made by Mayor Pro-Tem Sitka and motion carried unanimously.

UNDER New Business, Mayor Pro-Tem Sitka made a motion to adopt a resolution (recorded as No. 2008-01) establishing a joint election agreement and procedures between the City, Yoakum Independent School District, and the Yoakum Hospital District and appointing a custodian of City election records. Second was made by Councilmember Faulkner and motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to authorize the Yoakum Economic Development Corporation to expend $125,000 as matching funds for a Lower Colorado River Authority Partnerships In Parks grant contingent on grant approval. Second was made by Councilmember Bowe; motion carried unanimously.

ECONOMIC/Community Development Coordinator Patrick J. Kennedy was present to provide the Council with information regarding a proposed Lower Colorado River Authority Partnerships In Parks grant application. After discussion, a motion was made by Councilmember Bowe to adopt a resolution (recorded as No. 2008-02) authorizing the submission of a grant application to the Lower Colorado River Authority for a Partnerships In Parks grant and authorizing the City Manager to act on behalf of the City on all matters relating to the grant application. Second was made by Councilmember McMullen. Motion carried unanimously. If received, grant funds will be utilized toward improvements to the swimming pool, as recommended by the Parks Advisory Board.

AFTER review of bids received for the Fire Station Roof replace, Mayor Pro-Tem Sitka made a motion to award the bid to Fojt Construction Company of Shiner, Texas in the amount of
$33,430.60. The bid included removing the existing roof and constructing a new roof structure and roof on the Fire Station. Motion was seconded by Councilmember Faulkner and carried unanimously.

UNDER City Manager’s report, approval of the plans for Phase I of the Sewer Rehabilitation project was received from the Texas Water Development Board. The Board authorized advertisement for bids. A pre-bid conference has been scheduled; once bids are opened and awarded by Council, the results will be submitted to the Water Development Board. This project includes approximately 33,600 feet of sewer main replacement. Contracts have been executed with Diversified Coatings from O’Fallon, IL to repair and paint the Yoakum Street Elevate Storage Tank. The project is scheduled to begin January 21, 2008. Bids were received on the Fire Station Central Air/Heating Unit. The bids are being evaluated to determine the bid most advantageous to the City. An award has not been made at this time. The move to the City Hall building located at 808 Hwy 77A South is on schedule; plans have been made to open for business at that location on January 28, 2008. Techline Construction, the contractor for the Airport Road Relocation Project, has completed the relocation of the electric distribution line from the North side of the abandoned road to the South side of the newly constructed road. The project completes the relocation of the City’s road and utilities as recommended in the Airport Action Plan approved in 1999. Council was reminded of the Yoakum Area Chamber of Commerce Annual Banquet to be held at the Yoakum Community Center on January 24, 2008. Council was invited to the annual Guadalupe Valley Water Association Meeting to be hosted locally on January 17, 2008.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:22 PM to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 6:35 PM. No action resulted from Executive Session.

THERE being no further business, the meeting closed at 6:36 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
REGULAR MEETING OF THE CITY COUNCIL

PRESENT:  Anita R. Rodriguez ........................................ Mayoral
Elorine Sitka ............................................................ Mayor Pro-Tem
Don E. Bowe ............................................................... Councilmember
Margie McMullen ....................................................... Councilmember
Tim Faulkner ............................................................. Councilmember
Charles J. Kvinta, Jr. ..................................................... City Attorney
Calvin Cook ............................................................... City Manager
Theresa A. Bowe .......................................................... City Clerk

ABSENT:  None

MAYOR Rodriguez called the City Council meeting to order and dedicated the meeting to the memory of Charles J. Kvinta, Sr., recognizing his many accomplishments, commending his exemplary service, and praise his devotion to the Yoakum community. Mayor Rodriguez gave the invocation and the Pledge of Allegiance to the Flag was recited by all attending. Visitors were acknowledged.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meeting of January 8, 2008 as presented. Second was made by Councilmember Faulkner. Motion carried unanimously.

UNDER New Business, the following recommendation was received from the Planning and Zoning Commission: for the approval of a change in zoning from Residential (R-2) to Residential (R-3) for Doris Hall at 506 Lavaca St. Mayor Rodriguez opened a public hearing to receive comments on the recommendation from the Planning and Zoning Commission. Council was presented with the map indicating the area subject to the request along with the application and the letters sent to surrounding property owners. There were no comments received from the public on the request. The recommended change is in compliance with the Future Land Use Plan since the property is adjacent to an R-3 zone. After discussion, the public hearing closed.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1934) on first reading granting a change in zoning from Residential (R-2) to Residential (R-3) on property described as Lot 10 of Block 1241 in the Berry Addition (506 Lavaca St.). Second was made by Councilmember Bowe and motion carried unanimously.

CITY Manager Cook provided Council with information regarding the Sanitary Sewer Project – Year 1 bid opening. The Council had authorized a study of the City’s sanitary sewer collection system in 2004 which indicated the need for the replacement of large portion of the existing sewer line. Due to the size of the project, priorities were divided into three phases and financing options were researched. In November of 2006, the Council approved $7.5 million in interest free Certificates of Obligation through the Texas Water Development Board’s Revolving Fund Program. Craig Bell, P.E. with TRC Hunter was in attendance to present Council with information on the bid opening and provide a recommendation. Bids were received from three construction companies which provided bids for two proposals. Proposal I requires cement
stabilized backfill be used in all street excavations. Proposal II consists of compacted spoil backfill. After discussion and review of the recommendation; Mayor Pro-Tem Sitka made a motion to award the bid for Proposal I to Darnell & Dickson Construction, Inc. in the amount of $2,300,196.00 contingent upon approval by the Texas Water Development Board and receiving all required documents. Motion was seconded by Councilmember Faulkner and carried unanimously.

THE Yoakum Area Chamber of Commerce submitted a letter requesting the temporary closure of portions of West, and Lowrance Streets and the use of City owned property described as lots 5, 6, and 7 of Block 1077 in the Yoakum Townsite Addition behind the Community Center Kitchen Facility for the Land of Leather Days to be held on February 22, 23, and 24, 2008. Council was presented with a map indicating the locations. After review, Councilmember Bowe made a motion to approve the closing of the streets and the use of City property as requested. Second was made by Councilmember McMullen; motion carried unanimously.

STEVE Van Mannen with Harrison, Waldrop & Uherek, L.L.P. was present to provide the audit report for Fiscal Year ending September 30, 2007 and a letter of assurance from the firm asserting that the information contained in the audit report is accurate. After review of the document, Councilmember Faulkner made a motion to approve the audit for Fiscal Year ending September 30, 2007 as presented. Mayor Pro-Tem Sitka seconded the motion. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion adopting a resolution (recorded as No. 2008-03) establishing the procedures and appointing election officials for the City’s General Election to be held May 10, 2008. Second was made by Councilmember Bowe. Motion carried unanimously.

COUNCILMEMBER Bowe made a motion authorizing the City Manager to enter into a lease agreement with Lavaca County for the use of two (2) electronic voting machines to be utilized during Early Voting and on Election Day contingent upon final review and approval by the City Attorney. Mayor Pro-Tem Sitka seconded the motion. Motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to appoint Annie Rodriguez as Council’s representative to the Texas Emergency Retirement System Local Pension Board. Second was made by Councilmember Faulkner. Motion carried unanimously.

MOTION was made by Councilmember Bowe to proclaim the week of March 10th through March 14th as “Texas Public Schools Week”. Councilmember McMullen seconded the motion. Motion carried unanimously.

UNDER City Manager’s report, Mr. Cook provided information to the Council regarding the Yoakum Street Elevated Storage Tank Project. When work began on the structure, staff found that the anchor bolts which anchor the tower to the foundation were in very poor condition. A structural engineer was contacted for an opinion and recommendation. The engineers provided a recommendation, and Diversified Coatings, the contractor awarded the repair and painting contract for the tower, submitted a cost estimate for the additional work. The bid provided was not to exceed $18,360 for the replacement of the anchor bolts, to add additional anchor bolts and plates, and re-grouting the foundation. The change order has been approved which brings the total awarded contract to $196,945 and the project is within budget. The Texas Commission on Environmental Quality conducted a compliance investigation of the water system on January 4 and a written report was received on January 23rd. The report stated that the City of Yoakum’s water supply continues to merit recognition as a “Superior
Water System and TCEQ appreciates the assistance received during the inspection for continued compliance efforts to ensure the protection of the State’s environment. Mr. Cook commended the Water Department Staff for the continued dedication and for operating in compliance with all TCEQ rules and regulations. Bids were opened on January 4th for the Fire Station Central Air/Heating unit. After evaluation, all bids were rejected and specifications were revised. Bids were opened on the revised specifications on January 29th. Two bids were received: one from Kutenka Furniture and one from Jahn Refrigeration. The bid was awarded to the low bidder, Jahn Refrigeration, in the amount of $15,310 and the project is within budget. This system will replace numerous window units and space heaters. Staff feels that energy savings will pay for the system in a matter of a few years, and the safety factor has greatly improved. City Manager Cook provided Council with an update on the Police Department Antenna Replacement Project. Staff attempted to replace the failing antenna, however; after climbing the tower, staff found that the brackets holding the antenna were broken. Hallettsville Communications was contacted to make the necessary repairs and replace the antenna. The work has been completed and Police Department communication system is working normally. Council was informed of changes in the Texas Municipal Retirement System, including changing their investment strategy for the system, as recommended by the TMRS Board of Directors. Staff will provide additional information and details as they become available from TMRS.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:45 PM to deliberate the purchase, exchange, lease, or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 6:57 PM. No action resulted from Executive Session.

THERE being no further business, the meeting closed at 6:58 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
March 11, 2008
Conference Room – 6:00 PM
City Hall

REGULAR MEETING OF THE CITY COUNCIL

PRESENT: Anita R. Rodriguez ................................................. Mayor
Eiorine Sitka ............................................................... Mayor Pro-Tem
Don E. Bowe ............................................................... Councilmember
Margie McMullen ......................................................... Councilmember
Tim Faulkner ............................................................... Councilmember
Charles J. Kvinta, Jr. ....................................................... City Attorney
Calvin Cook ................................................................. City Manager
Theresa A. Bowe ........................................................... City Clerk

ABSENT: None

MAYOR Rodriguez called the City Council meeting to order and Mayor Pro-Tem Sitka gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Visitors were acknowledged. Mr. Chris Mikesch was present and requested to discuss the Skateboard Ordinance and the possibility of providing a skate park. Mr. Cook stated that a location for the skate park has been found and that funding would be the next issue to be addressed. Since the item was not an agenda item, Mr. Mikesch was asked to provide a letter to the City Manager requesting that the issue be placed on next month’s agenda if he would like additional information addressed. Police Officer Michael Yaws and his wife Anna, were introduced to the Council. Officer Yaws began with the Yoakum Police Department on February 20, 2008. Council welcomed them.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meetings of February 12, 2008 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER Old Business, motion was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1934) on second and final reading granting a change in zoning from Residential (R-2) to Residential (R-3) on property described as Lot 10 of Block 1241 in the Berry Addition (506 Lavaca St.). Second was made by Councilmember Bowe and motion carried unanimously.

UNDER New Business, an estimate was received from Harrison, Waldrop & Uherek, L.L.P. for auditing services for the current fiscal year in the amount of $19,450 with an additional cost for a new risk assessment requirement not to exceed $2,500. After discussion and review of staff’s recommendation, Councilmember Faulkner made a motion to appoint Harrison, Waldrop & Uherek, L.L.P. for auditing of City financial records for Fiscal Year ending September 30, 2008 and authorize the City Manager to enter into a Letter of Understanding. Second was made by Mayor Pro-Tem Sitka and motion carried unanimously.

REVIEW of the streets recommended for inclusion in the 2008 Street Improvement Project was held. After discussion, motion was made by Councilmember Bowe to approve the 2008 Street Improvement Project list as presented consisting of 79,545 square yards of city streets, and authorize the City Manager to advertise for bids. The motion was seconded by Councilmember McMullen and carried unanimously.
A motion was made by Mayor Pro-Tem Sitka to proclaim the month of April as Fair Housing Month. Second was made by Councilmember Bowe; motion carried unanimously.

UNDER City Manager's report, weather permitting the Yoakum Street Elevated Storage Tank Project should be completed within the week and an inspection scheduled by the end of the following week. The Mayor has executed the contracts and other documents required for the Sanitary Sewer Replacement Project – Year 1. The documents have been sent to the Texas Water Development Board for approval. Once approval is received, a preconstruction meeting will be scheduled and a start date will be set. The bid tabulation for the new Police car was provided. The low bid was submitted by Wendel motor company in the amount of $20,113.75. Funds in the amount of $24,000 were budgeted for this item. The remaining funds will be utilized for equipping and striping of the vehicle. The bid has been awarded to Wendel Motor Company of Yoakum. The annual water well production test results were provided for Council's review. All wells are tested prior to peak pumping periods each year and performed at an acceptable rate during the test. Well #7 was noted to be approximately 3 ½% below last year's production and will be monitored. After researching problems with the topiaries in the Chisholm Trail Memorial Park, staff was informed by the River Oaks Plant House that the topiaries will need to be refurbished every three to four years to re-moss and reinforce the steel. Last year, one of the steers was taken to Houston for repairs and is beginning to show improvement in the foliage. Mr. Cook provided Council with information regarding grants from the Texas Department of Agriculture Texas Yes! Program and De-Go-La Resource Conservation and Development, Inc., a division of the U.S. Department of Agriculture. Funding from these agencies will be utilized toward the budget for the maintenance of the topiaries and lighting in the park. Council inquired about other plant options that may be harder and withstand the winter better. Councilmember McMullen offered to research the options. The topiaries are currently covered with Fig Ivy.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:21 PM to deliberate the purchase, exchange, lease, or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 7:35 PM. No action resulted from Executive Session.

THERE being no further business, the meeting closed at 7:35 PM.

[Signature]
Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:
Theresa A. Bowe, City Clerk
April 8, 2008  
Conference Room – 6:00 PM  
City Hall

REGULAR MEETING OF THE CITY COUNCIL

PRESENT:  
Anita R. Rodriguez ........................................ Mayor  
Elorine Sitka ........................................... Mayor Pro-Tem  
Don E. Bowe ........................................... Councilmember  
Margie McMullen ........................................ Councilmember  
Tim Faulkner ........................................... Councilmember  
Charles J. Kvinta, Jr. ................................. City Attorney  
Calvin Cook ............................................. City Manager  
Theresa A. Bowe ........................................ City Clerk

ABSENT:  None

MAYOR Rodriguez called the City Council meeting to order. Councilmember Faulkner gave the invocation and the Pledge of Allegiance to the Flag was recited by all attending. Visitors were acknowledged and welcomed.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meeting of March 11, 2008 as presented. Second was made by Councilmember Faulkner. Motion carried unanimously.

UNDER New Business, motion was made by Councilmember Bowe to accept the Certificate of Unopposed Candidates and adopt a resolution (recorded as No. 2008-04) canceling the May 10th General Election for Council Places 1, 4, and 5. Motion was seconded by Councilmember McMullen and carried unanimously.

MAYOR Pro-Tem Sitka made a motion to appoint Conyetta Gaus Swaney and Faustino Rodriguez as Commissioners for two-year terms, and Gerline Ellis as Resident Commissioner for a one-year term to the Yoakum Housing Authority Board of Commissioners. Second was made by Councilmember Faulkner; motion carried unanimously.

COUNCILMEMBER Faulkner made a motion to appoint Mayor Pro-Tem Sitka, Councilmember Bowe, and City Manager to the City/School Summer Recreation Board. Councilmember McMullen seconded the motion. Motion carried unanimously.

Discussion was held regarding providing solid waste collection service outside the city limits. The City received a request from Double J Saddlery for solid waste service to their new facility on 77A outside the city limits. Requests for solid waste service outside the city limits are brought to the City Council for consideration. The City Manager provided the Council with information on comparative costs and other factors to consider. Discussion was held. Mayor Pro-Tem Sitka made a motion to decline providing the service at this time. Second was made by Councilmember Bowe. Motion carried with Councilmember Faulkner voting nay. Information was requested from a visitor regarding the possibility of changing the city limits. Mr. Cook explained the annexation process and the restrictions involved in annexing property that the property owner has not requested to be annexed.

UNDER City Manager's Report, Mr. Cook informed the Council that the deed for the Railroad property has been received. He also made the Council aware of a stipulation in the agreement requiring the City to install a fence or other barrier within 90 days of receipt of the
deed along the 1,250 feet of the east side of the property. The Economic Development Corporation Board of Directors has been consulted regarding the type of fence to be installed. EDC Board members have directed the City Manager to research different types of fencing for their consideration including estimated costs to be brought to the Board at the next scheduled meeting. Council will be kept informed of the progress of the project. A report was provided on the status of Yoakum Street Elevated Storage Tank Project. The engineer has completed a substantial completion inspection and provided a punch list to the contractor. Mr. Cook expressed his concern about the paint job on the outside of the tank and has asked the paint manufacturer to inspect the tower and to give a recommendation on maintaining the outside of the structure. The start date for the Sanitary Sewer Replacement Project-Year 1 was April 7, 2008. The contractor is making preparations for his crew, contacting local suppliers for certain materials, and awaiting shipment of materials; construction is scheduled to begin the first part of May. Police Chief Arthur Rogers was present and made the new badges to be presented to the police officers available for viewing. The new badges were designed by Police Department personnel; the officers are very pleased with the new design. Chief Rogers was asked to provide information on the Police Station remodel project. Personnel have removed the old carpeting and cut the window in the wall for the dispatcher area; another portion of the wall has been removed in order to upgrade the electrical in the dispatcher office. Chief Rogers has been working with the Department of Criminal Justice on the design of the dispatch center. The Police Department personnel have been doing most of the work themselves and have been offered assistance through the work program by the DeWitt County Sheriff’s office. Work has been planned in two phases; the Chief’s, Secretary’s, dispatchers’ and officers’ offices will be moved downstairs during the initial phase. The other offices will be brought down at a later date as funds are available. As the plans are now, the jail cells will remain upstairs. Mr. Cook complimented the Police Department staff on the accomplishments so far. Citizen remarks were addressed regarding the skateboard ordinance and skate park issue. Mr. Cook also informed the Council that a brother to three City employees had passed away earlier this day. Council expressed their sympathy to the family of Jesse Gomez.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:49 PM to deliberate the purchase, exchange, lease, or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 7:07 PM. No action resulted from Executive Session.

THERE being no further business, the meeting closed at 7:07 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
REGULAR MEETING OF THE CITY COUNCIL

PRESENT: Anita R. Rodriguez ........................................ Mayor
Elorine Sitka .............................................................. Mayor Pro-Tem
Don E. Bowe ................................................................. Councilmember
Margie McMullen .......................................................... Councilmember
Charles J. Kvinta, Jr ......................................................... City Attorney
Calvin Cook ........................................................................ City Manager
Theresa A. Bowe .............................................................. City Clerk

ABSENT: Tim Faulkner ......................................................... Councilmember

MAYOR Rodriguez called the City Council meeting to order. Councilmember Bowe gave the invocation and the Pledge of Allegiance to the Flag was recited by all attending. Mayor Rodriguez presented Certificates of Election to Councilmembers Sitka, and McMullen followed by City Clerk Bowe administering the Statement of Elected Officers and the Oaths of Office.

COUNCILMEMBER Bowe made a motion to elect Anita R. Rodriguez as Mayor and Elorine Sitka as Mayor Pro-Tem. Second was made by Councilmember McMullen and motion carried unanimously.

VISITORS were acknowledged and welcomed. A request was received from Rick Linn to address the Council regarding the noise coming from vehicles driving by his home. Mr. Linn provided the Council with a copy of a Police Summary Report indicating Loud Music/Noise Vehicle reports made on April 6, 2008. Mr. Linn requested that an ordinance be drawn up to address the issue. Discussion was held; Council received comments from the public, Police Chief Arthur Rogers, and Mr. Linn. Mayor Rodriguez thanked Mr. Linn for bring the information to the Council’s attention and advised that the City of Yoakum Police Department would continue to abide by State Law on these matters.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meeting of April 8, 2008 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER New Business, a request was received from the St. Joseph Catholic School to close Orange Street during school hours. The street is between the school’s facility and the playground. Representatives were present to make the request on behalf of the school to help insure the safety of the students and faculty. After discussion, Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1935) on first reading closing Orange Street to vehicular and pedestrian traffic during school hours. Motion was seconded by Councilmember Bowe and carried unanimously.

YOAKUM Nursing and Rehabilitation Center, Inc. made a request to the Council to establish an Evacuation Destination Agreement to provide temporary shelter for their residents in case of an emergency. Jeffrey Burton was present to represent the Center and provide information regarding the request. After discussion, Councilmember Bowe made a motion to authorize the City Manager to execute an Evacuation Destination Agreement with Yoakum Nursing and Rehabilitation Center, Inc. as presented. Second was made by Mayor Pro-Tem Sitka; motion carried unanimously.
DISCUSSION was held regarding the second sale of Certificates of Obligation on the Sanitary Sewer Project. Mark McLinney with Southwest Securities, Inc. was present to provide Council with information and answer questions regarding the sale. After review and discussion, Council provided direction to the City Manager to begin proceedings on the sale of the second sale of Certificates of Obligation for the project.

SBA, Inc. submitted a request to the Council to consent to the sale of the cell tower located on Crittenden Street. The original agreement for the use of the tower states that the owner of the tower is required to receive the Council’s written consent prior to sale. After discussion, Mayor Pro-Tem Sitka made a motion to authorize the City Manager to execute the letter of consent for assignment of ground lease agreement and purchase of tenants assets as presented. Motion was seconded by Councilmember McMullen and carried unanimously.

COUNCIL received the bid tabulation and recommendation on the 2008 Street Improvement Project. The low bidder was H & C Construction, Inc. of Shiner, Texas. A bid was received from F.N. Ploch Construction Co., Inc. of New Braunfels, Texas. After review, Councilmember Bowie made a motion to award the bid to the low bidder, H & C Construction Co., Inc. of Shiner, Texas based on unit prices in the amount of $2.56 for Asphalt and $71.14 for Rock. Second was made by Councilmember McMullen; motion carried unanimously.

THE Yoakum Area Chamber of Commerce submitted a request to close certain streets for the 80th Annual Tom Tom Festival to be held on June 6 through June 7, 2008. Staff provided a map indicating the parade routes as requested by the Chamber representative. Mayor Pro-Tem Sitka made a motion to approve the request from the Yoakum Area Chamber of Commerce for the closure of certain streets for the 80th Annual Tom Tom Festival as presented. Councilmember Bowie seconded the motion. Motion carried unanimously.

A revised Technology Plan for the Carl & Mary Welschusen Library was submitted to the Council for review and consideration. The Plan was reviewed, revised, and recommended to the Council by the Library Board. After discussion, Mayor Pro-Tem Sitka made a motion to approve the revised Technology Plan as recommended by the Library Board. Second was made by Councilmember Bowie and motion carried unanimously.

NOMINATIONS were received for appointment consideration to the Parks and Recreation Advisory Board for two-year terms. After Council ballots were tallied, Mayor Pro-Tem Sitka made a motion to appoint Ken Kvinta, Jeff Card, and Holly Fishbeck to the Parks and Recreation Advisory Board for two-year terms. Motion was seconded by Councilmember Bowie and carried unanimously.

MOTION was made by Councilmember Bowie to authorize the City Manager to sell City surplus equipment including: 1 – 1985 Mack roll-off truck; 1 – 1975 Baker forklift; 1 – 8,000 lb winch; and 1 – side toolbox to fit fleet-side pickup. Second was made by Mayor Pro-Tem Sitka; motion carried unanimously.

UNDER City Manager's Report, City staff met with the paint manufacturer, engineers and the construction contractor painting the Yoakum Street Water Tower. A meeting has been schedule with the owner of the construction company to discuss concerns. Staff anticipates placing the tower back into service the first week in June. Mr. Cook provided Council with a map and an update on the Sanitary Sewer Project – Year 1, indicating where the contractor began excavation and discussed the routes that have been set and an anticipated timeline. A report was provided on the Front Street Railroad Park. The City Manager received approval from Union Pacific Railroad Company for the type of fencing to be placed along the Park. The
proposed "Replica Fence" was approved by the Railroad Company and the Economic Development Board gave direction to the City Manager at their meeting of May 12, 2008 to request bids for a five (5') foot tall fence using treated lumber to span the 1,250 foot length of the property. Bids will be requested and submitted to the ED Board at their June 9th meeting for consideration.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:50 PM to deliberate the purchase, exchange, lease, or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 7:35 PM. As a result of Executive Session, Mayor Pro-Tem Sitka made a motion to authorize the City Manager to execute a transformation service agreement and enter into a connection agreement with LCRA. Second was made by Councilmember Bowe; motion carried unanimously.

CITY Manager Cook provided information to the Council regarding the Memorial Day Service to be held on Monday, May 26, 2008 at the Yoakum Fire Station. Council was also invited to ride in the 80th Annual Tom Tom parade to be held on Saturday, June 7, 2008.

THERE being no further business, the meeting closed at 7:38 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
REGULAR MEETING OF THE CITY COUNCIL

PRESENT: Anita R. Rodriguez ........................................... Mayor
Elorine Sitka .............................................................. Mayor Pro-Tem
Don E. Bowe ............................................................... Councilmember
Margie McMullen .......................................................... Councilmember
Tim Faulkner ............................................................... Councilmember
Charles J. Kvinta, Jr. ................................................... City Attorney
Calvin Cook ................................................................. City Manager
Theresa A. Bowe ............................................................ City Clerk

ABSENT: None

MAYOR Rodriguez called the City Council meeting to order and gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Mayor Rodriguez acknowledged and welcomed all visitors.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meeting of May 13, 2008 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER Old Business, Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1935) on second and final reading closing Orange Street to vehicular and pedestrian traffic during St. Joseph Catholic School hours. Motion was seconded by Councilmember Faulkner and carried unanimously.

UNDER New Business, Ryan Cunningham with Southwest Securities, Inc. was present to provide a timeline and other information regarding the selling of the second set of Certificates of Obligation. After review and discussion, Mayor Pro-Tem Sitka made a motion to adopt a resolution (recorded as No. 2008-05) authorizing and approving publication of Notice of Intention to Issue Certificates of Obligation to the Texas Water Development Board in the amount of $2,500,000 at 0% interest; and providing an effective date. Second was made by Councilmember Bowe; motion carried unanimously.

A recommendation was received from the Yoakum Economic Development Corporation Board of Directors to award the bid for the Front Street Railroad Park replica fence. City Manager Cook provided information on the bids received. H & N Fence Company and Construction of Sweet Home, Texas submitted the low bid in the amount of $23.00 per linear foot for a total base bid of $27,600 based on an estimated 1,200 feet of fence. Two bids were received from Decko Construction of Victoria, Texas: 1) in the amount of $29.00 per linear foot for a total base bid of $34,800, and 2) in the amount of $30.00 per linear foot for a total base bid of $36,000. After review and discussion, Councilmember Faulkner made a motion to award the bid to H & N Fence Company and Construction of Shiner, Texas based on the unit bid amount of $23.00 per linear foot. Second was made by Councilmember Bowe and motion carried unanimously.

A copy of an application for the Texas Department of Agriculture's GO TEXAN Program was provided for Council's review. The new program replaces the Texas Yes! Program. When the new program was launched on May 12, 2008, Texas Yes! memberships expired requiring a new application for membership to the GO TEXAN Program. Councilmember Bowe made a motion authorizing the City Manager to submit an application for membership to the GO TEXAN Program on behalf of the City. Councilmember McMullen seconded the motion. Motion carried unanimously.
APPOINTMENTS to various boards were considered. Councilmember Faulkner moved to appoint the following: 1) Elorine Sitka as Council Representative for a one-year term to the Yoakum Heritage Museum Board; 2) Bob Arlitt, Gladys Jiral and James Leist for three-year terms to the Planning and Zoning Commission; 3) E. L. Moore, Glen Rudolph and Bill Natho for three-year terms to the Construction Board of Adjustment and Appeals; and 4) Virginia Smith, Bill Haas, Reggie Simek, Beth Campbell, Jeffrey Burton, and Roberta Bitlick for two-year terms to the Library Board. Motion was seconded by Councilmember McMullen and carried unanimously.

UNDER City Manager's Report, the paint manufacturer and the contractor agreed to repaint the exterior of the Yoakum Street Water Tower, due to staff's concerns for the lack of uniformity of the first application. If all goes well, the repainting should be completed next week, the tank will be disinfected, and water samples collected for bacteriological quality prior to being put back into service. Mr. Cook provided Council with an update on the Sanitary Sewer Project — Year 1. The contractor has made fair progress. They hope to have a second crew in town next week to begin working in two different locations. A report was provided on the substation circuit breaker installation. The LCRA changed their schedule and will install the breakers in September, not June as previously planned. On the Police Station remodeling project, all the flooring has been installed downstairs, and the prison system will be delivering the components for the dispatcher area next week. The dispatch, Chief, Investigator, and secretary's offices should be moved downstairs by the end of this month. The Fire Station Roof is near completion. Once minor details are completed by the contractor the central air and heating unit will be installed. Council was invited to the TML Region 11 meeting to be hosted by the City of Ganado on June 26, 2008. Representative Ruben Hinojosa is hosting a Regional Leaders Conference to be held in Washington, D.C. on July 14th through July 16th. Mayor Annie Rodriguez, Economic/Community Development Coordinator Pat Kennedy and YEDC Director Allan Dieringer plan to attend to represent Yoakum. The City Manager provided Council with the bid results for the City surplus equipment including: 1 – 1985 Mack roll-off truck; 1 – 1975 Baker forklift; 1 – 8,000 lb winch; and 1 – side toolbox to fit a fleet-side pickup. Award letters have been sent to the high bidders. Mr. Cook informed Council that he received a call from President Bill Lopez of the Yoakum Area Chamber of Commerce expressing his appreciation to the Council and City staff for the assistance provided during the Tom Tom Festival. The topiary from the Chisholm Trail Memorial Park was picked up from Houston today and will be installed by the end of this week.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:20 PM to deliberate the purchase, exchange, lease, or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071), to deliberate regarding economic development negotiations (V.T.C.A., Gov. Code, Sec. 551.087), and to deliberate regarding Economic/Community Development Coordinator personnel matter (V.T.C.A., Gov. Code Sec. 551.074).

THE meeting re-opened to the public at 7:45 PM. No action resulted from Executive Session.

THERE being no further business, the meeting closed at 7:45 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
July 8, 2008  
Conference Room – 6:00 PM  
City Hall

REGULAR MEETING OF THE CITY COUNCIL

PRESENT:  
Anita R. Rodriguez ................................................... Mayor  
Elorine Sitka ............................................................. Mayor Pro-Tem  
Don E. Bowe ............................................................. Councilmember  
Tim Faulkner .............................................................. Councilmember  
Charles J. Kvinta, Jr ............................................... City Attorney  
Calvin Cook ............................................................... City Manager  
Theresa A. Bowe ......................................................... City Clerk

ABSENT:  
Margie McMullen ........................................................ Councilmember

MAYOR Rodriguez called the City Council meeting to order and Mayor Pro-Tem Sitka gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Mayor Rodriguez acknowledged and welcomed all visitors.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meeting of June 10, 2008 as presented. Second was made by Councilmember Faulkner and motion carried unanimously.

ECONOMIC/Community Development Coordinator Patrick J. Kennedy presented and reviewed the proposed Yoakum Economic Development Corporation's Operating Budget and Work Plan for Fiscal Year 2008-2009 as recommended by the YEDC Board of Directors. The Directors requested Council's consideration to approve the budget and work plan during their regular monthly meeting on July 7, 2008. The budget is for $104,800 in expenses, including $63,600 for administration, $40,000 for Community Development and $1,200 for Community Marketing. The budget includes a contingency of $135,200; any new project for this year will be taken to the EDC Board for consideration. After review and discussion, Councilmember Bowe made a motion to approve the Yoakum Economic Development Corporation Annual Work Plan and Budget for Fiscal Year 2008-2009 as presented. Second was made by Mayor Pro-Tem Sitka; motion carried unanimously.

NOTIFICATION was received that the City had been accepted into the Texas Department of Agriculture's GO TEXAN Rural Community Program and a request was made for the City to execute a license agreement for use of the logo and taglines. After review, Mayor Pro-Tem Sitka made a motion to authorize the Mayor to execute a license agreement with the Texas Department of Agriculture for the GO TEXAN Rural Community Program. Motion was seconded by Councilmember Faulkner and carried unanimously.

PLATS for the Juniper Ridge Subdivision were presented and reviewed. Based on an Interlocal agreement with Lavaca County the City must review and approve subdivisions within the City's Extraterritorial Jurisdiction to insure they are in compliance with the City's Subdivision Ordinance. Staff had reviewed the preliminary plat and it appears to be in compliance with the City's Subdivision Ordinance. Discussion was held. Councilmember Faulkner made a motion to approve the preliminary plats contingent on the following conditions: 1) approval is for layout of the subdivision as presented; 2) the owners must provide a final plat and engineering plans as required by the City of Yoakum's Subdivision Ordinance; 3) the approval of the preliminary plat shall be effective for one (1) year unless reviewed by the City Council in light of new information that would require the revision of the preliminary plat; 4) work shall not begin on the subdivision before the final plat is accepted and recorded unless owners are provided written approval by the City Council; and 5) the final plat must conform to the preliminary plat, as approved, and shall not be released for filing until detailed engineering plans have been approved by the City of Yoakum. Second was made by Mayor Pro-Tem Sitka; motion carried unanimously.
COUNCIL reviewed a request from the Police Department to consider authorization to submit a grant application to purchase tasers and all equipment used with them, three new light bars to be installed on patrol units, seven new computers, the law enforcement programs to aid the officer in completing reports and taking statements in a more timely manner, and three additional printers. Police Chief Arthur Rogers was present to provide additional information and answer any questions. The equipment listed has been requested in the coming budget request. If received, these funds will be offsetting revenues for the budgeted items. After discussion, Mayor Pro-Tem Sitka made a motion to authorize the City Manager to submit an application to the M.G. and Lillie A. Johnson Foundation, Inc. for police equipment. Second was made by Councilmember Faulkner and motion carried unanimously.

AN updated agreement for the billing and collection of property taxes with DeWitt County was provided for Council’s review. Changes were addressed. In 1979, the City and School district elected to utilize DeWitt County Appraisal District for tax appraisals. Legislation passed during the last legislative session requires that a tax appraisal district’s boundaries are the same as the county boundary. Each county is responsible for appraising properties within their own boundaries. The revised contract allows DeWitt County to continue to bill and collect City taxes including taxes for property located inside the city limits in Lavaca County. DeWitt County will receive appraisal information from Lavaca County for billing by DeWitt County. DeWitt County will incur additional cost for these services and must pass them on to the City. After review and discussion, Mayor Pro-Tem Sitka made a motion to authorize the Mayor to enter into an updated agreement with DeWitt County for the collection of property taxes contingent upon the City Attorney’s final review. Second was made by Councilmember Bowe; motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to appoint Don Bowe and Tim Faulkner to the Golden Crescent Regional Planning Commission’s General Assembly. Second was made by Mayor Rodriguez and motion carried unanimously.

UNDER City Manager’s Report, Mr. Cook provided information to the Council on the utility system. On June 30th water usage set a June record, for the decade, at 2.1 million gallons pumped. During the month of June, 43.811 million gallons of water were pumped setting another decade long record. The utility system is in very good condition and we do not anticipate any problems unless we loose more than one major system at one time. The sanitary sewer project contractor has installed 3,500 linear feet of line, which is roughly six (6%) percent of the year one project. Progress has been good. An additional crew has been added and currently the contractor is working on W. Morris Street and Centennial Park. H&N Construction began work this morning on the Front Street Railroad Park fence. City crews worked on the north side of Gonzales Street last week to improve drainage on that property recently purchased from Union Pacific Railroad. The contractor expressed concern regarding the twenty (20) day time frame he had provided in the bid. Mr. Cook assured him that as long as progress was being made, the City would be flexible. Personnel from the prison work system have installed the communication center in the downstairs area of the Police Station. The drop ceiling, lighting, and air conditioning vents have been completed. The first floor men’s room wall is being repaired and efforts are being made to make the restroom as handicap accessible as possible. Currently the Department is waiting on the 9-1-1 and telephone lines to be installed. Plans will be discussed for the location of the Court Room once the Police Department relocation has been completed. A thank you note was received from the Yoakum Rodeo Club for the City’s assistance during the Tom Tom Festival. The City has been experiencing vandalism at the Parks. Individuals have been breaking bathroom fixtures, and placing large rocks into the plumbing at both the Mack Jamison and Municipal Parks. The same types of problems have been occurring at the swimming pool; the fence is being scaled after hours and vandalism is occurring. Staff is working on a solution to the problems. A question was raised by a visitor regarding clean-up after parades where horses have left messes. Mr. Cook explained that it is the responsibility of the group sponsoring the event to insure that streets and event locations are left clean; however, the City does usually end up providing clean-up service with the street sweeper to make sure streets are free of debris and manure.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:40 PM to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code,
Sec. 551.071). The meeting re-opened to the public at 7:10 PM. No action resulted from Executive Session.

A budget workshop was scheduled July 29, 2008 at 5:30 PM.

THERE being no further business, the meeting closed at 7:12 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
BUDGET WORKSHOP MEETING OF THE CITY COUNCIL

PRESENT: Anita R. Rodriguez ........................................ Mayor
Elorine Sitka ......................................................... Mayor Pro-Tem
Don E. Bowe ............................................................ Councilmember
Margie McMullen ..................................................... Councilmember
Tim Faulkner ......................................................... Councilmember
Calvin Cook ............................................................ City Manager
Theresa A. Bowe ....................................................... City Clerk

ABSENT: Charles J. Kvinta, Jr. ........................................ City Attorney

THE budget workshop meeting was called to order by Mayor Rodriguez with City Manager Calvin Cook, Fire/EMS Director Phil Baker, Director of Technical Services Jack Maloney, Finance Director Charlotte Morrow, Police Chief Arthur Rogers, Director of Community Services Derrick Smith, and City Clerk Theresa Bowe in attendance for presentation of the 2008-2009 Fiscal Year Budget and considering the adoption of the 2008 tax rolls as certified by the DeWitt County and Lavaca County Appraisal Districts.

AFTER review and discussion of the provided information, Mayor Pro-Tem Sitka made a motion to approve the 2008 Tax Roll as certified by the DeWitt County Appraisal District in the amount of $67,685,100 and Lavaca County Appraisal District in the amount of $118,997,080 for a total taxable value of $186,682,180. Second was made by Councilmember Faulkner. Motion carried unanimously.

MAYOR Rodriguez expressed the sincere gratitude of the Council to the City Manager and the Department Heads for the hard work that went into the development of the budget. All revenues and expenditures were reviewed on an individual department basis. City Manager and department heads outlined the increase in the cost of certain items, needed purchases, along with a review of service fee comparisons with the state average and surrounding entities. Two budgets were provided for Council’s consideration: Exhibit 1 would allow for continuing the policy of setting funds into a reserve account for infrastructure improvement and equipment replacement projects. This policy has been recommended by the City’s auditors as something that all cities should practice; Yoakum was commended as one of the few cities that have had the foresight to initiate such a policy. Exhibit 2 provided information to the Council that did not allow for funds to be set aside for reserves. A revised pay plan was included in the budget and discussed. Staff also recommended the eight-year Phase In process for the Texas Municipal Retirement System increase.

AFTER review and discussion, Councilmember Faulkner expressed his appreciation for the outstanding employees that the City of Yoakum has on staff in all departments. Mr. Cook also expressed Staff’s appreciation to the Council for their support and assistance throughout the year. Motion was made by Mayor Pro-Tem Sitka to approve the budget as presented in Exhibit 1 for first reading at the August 12, 2008 Council Meeting. Motion was seconded by Councilmember Bowe and carried unanimously.

THERE being no further business, the meeting closed at 7:08 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
August 12, 2008  
Conference Room – 6:00 PM  
City Hall

REGULAR MEETING OF THE CITY COUNCIL

PRESENT:  
Anita R. Rodríguez ......................................................... Mayor  
Elorine Sitka ............................................................. Mayor Pro-Tem  
Don E. Bowe ............................................................... Councilmember  
Margie McMullen ....................................................... Councilmember  
Tim Faulkner ............................................................... Councilmember  
Charles J. Kvinta, Jr. .................................................... City Attorney  
Calvin Cook ................................................................. City Manager  
Theresa A. Bowe .......................................................... City Clerk

ABSENT:  None

MAYOR Rodríguez called the City Council meeting to order and Councilmember Faulkner gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Mayor Rodríguez acknowledged and welcomed all visitors.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meeting of July 8, 2008 and July 29, 2008 as presented. Second was made by Councilmember McMullen and motion carried unanimously.

UNDER New Business, Ryan Cunningham with Southwest Securities, Inc. was present to provide information regarding the issuance of the 2008 Certificates of Obligation through the Texas Water Development Board at zero (0%) percent interest for the Sanitary Sewer Project. Discussion was held. Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1936) on first and final reading authorizing the issuance of “City of Yoakum, Texas Combination Tax and Subordinate Lien Revenue Certificates of Obligation, Series 2008”; providing for the payment of said Certificates, by the levy of an ad valorem tax upon all taxable property within the city and further securing said certificates by a subordinate and inferior lien on and pledge of the net revenues of the system; providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates, including the approval of an application to the Texas Water Development Board; authorizing the execution of a paying agent/registrar agreement, an escrow agreement, and the letter of representations with the depository trust company; complying with the regulations promulgated by the Texas Water Development Board; and providing an effective date. Second was made by Councilmember Bowe; motion carried unanimously. The effective date will be August 12, 2008 and the funds are scheduled for deposit on September 11, 2008. Final documentation was executed. State law allows for only one reading of the ordinance, and prevails over the City’s Charter requirement for two readings.

THE following recommendation was received from the Planning and Zoning Commission: for the approval of a Specific Use Permit for the Operation of a Religious Institution for Gary Gould at 213 W. Grand Ave and providing a one-year time limit with the ability to re-apply at the end of the time limit. Mayor Rodríguez opened a public hearing to receive comments on the recommendation from the Planning and Zoning Commission. Council was presented with the map indicating the area subject to the request along with the application, the letters sent to surrounding property owners, and letters of objection received by the Planning
and Zoning Commission. Shari and Gary Gould were present to represent the Gathering of Warriors Church. Comments from the public were heard. After review and discussion, the public hearing was closed. Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1937) on first reading granting a Specific Use Permit for the Operation of a Religious Institution for a nine month time period from the date of final reading of the ordinance to allow the applicants to complete the lease agreement signed with the property owner. (Property is owned by Lorraine Zinke.) Motion was seconded by Councilmember Bowe and carried unanimously.

THE Chamber of Commerce requested the Council’s consideration to increase the electric rates charged for renting the Community Center by 25%. If approved the change would increase the electric rate from 0.125 cents per kwh to 0.156 cents per kwh. After review, Councilmember Faulkner made a motion to adopt an ordinance (recorded as No. 1938) on first reading amending the General Section of the Manual of Fees and Service Charges specifically Subsection II. Yoakum Community Center Rates and Fees as requested by the Yoakum Area Chamber of Commerce to increase electric rate. Second was made by Councilmember McMullen; motion carried unanimously.

A request was received from the Helping Hands and Hearts of Yoakum for the closure of certain streets on Saturday, October 4, 2008 from 7:00 AM till 12:00 Noon for a fund raising event. A letter of request, along with a map indicating the portion of the streets to be considered for closure was received from Helping Hands and Hearts Director Bill Lopez on July 17, 2008. Discussion was held. Councilmember Bowe made a motion to approve the request to close W. Schleicher Street from Lott Street to Front Street on Saturday, October 4, 2008 from 7:00 AM until 12:00 Noon as requested. Councilmember Faulkner seconded the motion. Motion carried unanimously.

COUNCIL received a request from the Yoakum Community Hospital to allow the hospital to use the Community Center as an alternate care site in the event of a disaster. Information from the hospital and the Fire/EMS Director were reviewed. Crystal Creations was present to provide the Council with information and answer questions. After discussion, Mayor Pro-Tem Sitka made a motion authorizing the Mayor to execute a Memorandum of Understanding with the Yoakum Community Hospital to use the Community Center as an emergency alternate care site. Second was made by Councilmember Bowe; motion carried unanimously.

A recommendation was received from Fire/EMS Director Phillip Baker to authorize the Mayor to execute a 2007 Homeland Security Sub-Recipient Grant Agreement in the amount of $32,218. The grant would be utilized to purchase ten (10) Project 25 compatible radios for the Fire and EMS vehicles. Federal law requires that by the year 2012, all radios used by First Responders be in compliance to meet the interoperability communication requirements. Motion was made by Councilmember Faulkner with a second by Councilmember Bowe to authorize the Mayor to execute a 2007 Homeland Security Sub-Recipient Grant Agreement in the amount of $32,218. Motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to establish the amount of debt service to be supported by the ad valorem tax at $90,000 and the amount to be supported by utility revenue at $254,275 for Fiscal Year 2008-2009 for the payment of principal, interest and administrative fees, the 2005 General Obligation Bond Issue debt, and the 2006 Texas Water Development General Obligation Bond debt for a total debt service of $344,275. The motion was second by Councilmember McMullen. Motion carried.
COUNCILMEMBER Faulkner made a motion to adopt an ordinance (recorded as No. 1939) on first reading adopting the 2008-2009 City Budget as presented in the amount of $18,079,880. Second was made by Councilmember Bowe. Motion carried unanimously. Mayor Rodriguez thanked staff on behalf of the Council for the hard work that was put into preparing the budget.

MOTION was made by Councilmember Faulkner made a motion to adopt an ordinance (recorded as No. 1940) on first reading establishing the 2008 City Tax Rate at 0.08589 per one hundred dollar valuation allowing $0.03768 for maintenance and operation and $0.04821 for the debt service. Information was provided informing the Council that, although the Tax Rate is decreasing, the actual revenue collected from the tax rate will increase because of the increase in property valuation. Second was made by Councilmember McMullen. Motion carried unanimously.

CITY Manager Cook provided a rate adjustment schedule developed by staff to increase revenue to balance the budget and maintain a lower impact on the smaller residential customers. After review and discussion, Councilmember Bowe made a motion to adopt an ordinance (recorded as No. 1941) on first reading amending the Manual of Fees and Service Charges as it pertains to Utility Section of the Manual of Fees and Service Charges specifically Subsection V. Water Rates and Fees, Subsection VI. Sewer Rates and Fees, Subsection VII. Electric Rates and Fees, and Subsection VIII. Solid Waste Rates and Fees as recommended. Second was made by Councilmember Faulkner. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to appoint Tommy Barre, Allen Dieringer, and Margie McMullen to the Yoakum Economic Corporation Board of Directors for two-year terms. Second was made by Councilmember Faulkner and motion carried unanimously.

UNDER City Manager's Report, Mr. Cook provided a report/update on the Sanitary Sewer Project – Year 1. Pictures were provided. Poor soil conditions have slowed progress in certain areas of the project. Other parts of the project have progressed well. The Contractor requested approval to bore rather than open excavate the section of the project behind the La Hacienda Restaurant. Permission was granted. Contractor also indicated that they may be submitting a request for a change order for additional backfill. The City Manager met with the Contractor, the engineer, and the State Inspector on the project. Mr. Cook expressed his concern about the constructional integrity of the street after excavation. The projects are behind schedule because of the challenges with the soil and other issues and will probably not be completed before classes begin at the end of August. The City will contact the school and work with each campus to ensure adequate traffic flow and safety. The Police Department remodeling project is nearing completion. All offices including communications have been moved downstairs and positive comments have been received from citizens entering the facility. Chief Rogers was provide information and answer questions. Touchups are still needed and staff participation has been excellent. Inmate labor was able to be utilized for certain projects. Mayor Rodriguez praised the work done by the staff. City Manager Cook informed the Council that proposals will be requested for the City's Bank Depository contract and presented for consideration at the September Council meeting. Proposals have been sent to the local banks. Information was provided on the Texas Municipal League’s 96th Annual Conference to be held in San Antonio October 28th through 31st. Reservations for hotel accommodations will be made on August 13th. Council received an invitation to the Golden Crescent Regional Planning Commission’s 41st Annual General Assembly Meeting to be held in Gonzales on August 20, 2008 beginning at 6:00 PM. Response is required by August 15, 2008.
MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 7:30 PM to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071), and to perform the annual performance evaluation of the City Manager by City Council (V.T.C.A., Gov. Code, Sec. 551.074). The meeting re-opened to the public at 8:15 PM.

ACTION resulting from Executive Session: Mayor Pro-Tem Sitka made a motion to approve a five (5%) percent salary increase for the City Manager. Second was made by Councilmember Bowe. Motion carried unanimously. The Mayor expressed her gratitude to the City Manager for all of his hard work and dedication.

MR. Cook informed the Council that Dana Cimrhanzel with H&C Construction Co., Inc. stopped his office to request a revision to the bid provided for the 2008 Seal Coat Project. The contractor providing H&C's Asphalt informed him that they had no asphalt. The distributor increased the price of the oil to finish the project. Mr. Cimrhanzel asked to increase the price by 8% to cover the increased cost of the asphalt. Even with the revision, H&C will still be the low bid. Mr. Cimrhanzel indicated that he would order the product this week and complete the job before prices increase any further.

THERE being no further business, the meeting closed at 8:20 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
SPECIAL MEETING OF THE CITY COUNCIL

PRESENT:  Anita R. Rodriguez ........................................... Mayor
          Elorine Sitka .................................................... Mayor Pro-Tem
          Don E. Bowe ....................................................... Councilmember
          Margie McMullen .................................................. Councilmember
          Tim Faulkner ........................................................ Councilmember
          Charles J. Kvinta, Jr. ............................................. City Attorney
          Calvin Cook ........................................................ City Manager
          Theresa A. Bowe ..................................................... City Clerk

ABSENT:  None

MAYOR Rodriguez called the City Council meeting to order and opened the meeting to the public. Mayor Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 4:02 PM to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086).

THE meeting re-opened to the public at 5:15 PM. No action resulted from Executive Session. There being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
REGULAR MEETING OF THE CITY COUNCIL

PRESENT:  Anita R. Rodriguez .................................. Mayor
          Elorine Sitka ......................................... Mayor Pro-Tem
          Don E. Bowe ........................................... Councilmember
          Margie McMullen ...................................... Councilmember
          Tim Faulkner .......................................... Councilmember
          Charles J. Kvinta, Jr. .............................. City Attorney
          Calvin Cook ............................................ City Manager
          Theresa A. Bowe ....................................... City Clerk

ABSENT:  None

MAYOR Rodriguez called the City Council meeting to order and Councilmember McMullen gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Mayor Rodriguez acknowledged and welcomed all visitors. Ms. Margie Thomas asked to address the Council. Ms. Thomas expressed her appreciation to the Council and City staff and shared sentiments with the audience.

MAYOR Pro-Tem Sitka made a motion to adopt the minutes from the meeting of August 12, 2008 as presented. Second was made by Councilmember Faulkner; motion carried unanimously.

UNDER Old Business, a public hearing was opened to receive citizen comments on the proposed 2008-2009 City Budget. City Manager Cook provided information to the Council regarding the budget. The General Fund Budget as presented is $5,261,440, the Utility Fund Budget is $12,805,290 and the Airport Budget is $15,620 for a total 2008-2009 Fiscal Year Budget in the amount of $18,082,350. Citizen comments were received; the public hearing was closed. Councilmember Bowe made a motion to adopt an ordinance (recorded as No. 1939) on second and final reading adopting the 2008-2009 City Budget. Second was made by Councilmember McMullen; motion carried unanimously.

MOTION was made by Councilmember Faulkner to adopt an ordinance (recorded as No. 1940) on second and final reading adopting the 2008 City Tax Rate set at .08589 per one hundred dollar valuation, allowing $.03768 for maintenance and operation and $.04821 for debt service. Motion was seconded by Mayor Pro-Tem Sitka and carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1937) on second and final reading granting a Specific Use Permit for the Operation of a Religious Institution on property described as Part of Lot 4 in Block 1010 of the Yoakum Townsite Addition (213 W. Grand) (Property owned by Lorraine Zinke,) for a nine month period from the date of final reading. Second was made by Councilmember Bowe; motion carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1938) on second and final reading amending the General Section of the Manual of Fees and Service
Charges specifically Subsection II. Yoakum Community Center Rates and Fees. Motion was seconded by Councilmember McMullen and carried unanimously.

MOTION was made by Councilmember Faulkner to adopt an ordinance (recorded as No. 1941) on second and final reading amending the Manual of Fees and Service Charges as it pertains to the Utility Section of the Manual of Fees and Service Charges specifically Subsection V. Water Rates and Fees, Subsection VI. Sewer Rates and Fees, Subsection VII. Electric Rates and Fees, and Subsection VIII. Solid Waste Rates and Fees. Second was made by Councilmember McMullen; motion carried unanimously.

UNDER New Business, Mr. Cook reviewed a proposed investment policy as recommended by City Staff. After discussion, Mayor Pro-Tem Sitka made a motion to adopt a resolution (recorded as No. 2008-06) adopting the City of Yoakum's Investment Policy and Strategies in order to comply with the Public Investment Act outlined in the Government Code. Second was made by Councilmember Faulkner. Motion carried unanimously.

AFTER review of applications for the City depository, Councilmember Faulkner made a motion to award the depository contract to First State Bank for a two-year period. Second was made by Councilmember Bowe and motion carried unanimously.

REVIEW and discussion was held to consider the charge-off of delinquent ambulance and utility accounts. After discussion, a motion was made by Councilmember Bowe to authorize the charge-off of listed ambulance and utility account receivables as presented. Motion was seconded by Councilmember McMullen and carried unanimously.

A ballot was considered for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees. After review, Councilmember Faulkner made a motion to authorize the Mayor to execute a certificate casting votes for all incumbents listed on the ballot. Second was made by Councilmember Bowe. Motion carried unanimously.

A ballot was considered for the Texas Municipal League Intergovernmental Employee Benefits Pool of Region 11 Board of Trustees. After discussion, Mayor Pro-Tem Sitka made a motion to authorize the Mayor to execute a certificate casting a vote for the Incumbent, Mr. Joe Hermes. Second was made by Councilmember Faulkner. Motion carried unanimously.

UNDER City Manager's Report, Mr. Cook provided a report/update on the Sanitary Sewer Project – Year 1. The contractor has completed the portion of the project where problems had been experienced. Two crews are currently working and another crew is scheduled to begin next week. A report was given on Time Warner's petition to the Federal Communication Commission. Time Warner is currently providing cable service in Yoakum under the terms of a certificate of franchise authority granted the Texas Public Utility Commission. The Texas Utility Code requires cable companies such as Time Warner to pay 5% of the gross revenue plus an additional 1%. Time Warner has been sending two franchise payment checks; one for the 5% and the other for the 1% with the intention of filing a petition with the Federal Communication Commission for reimbursement of the 1% fee because Time Warner feels the additional 1% fee is preempted by federal law. That petition has been filed. The substation breaker installation project is scheduled for this week. With the hurricane in the Gulf of Mexico, it is possible that the project may be postponed. Mr. Cook provided the closing memorandum for the Certificates of Obligation, Series 2008 received from Southwest Securities, Inc. The closing will be held on September 16, 2008 for the $2.5 million. Fees for professional services will be taken from those funds.
MR. Cook provided additional information to the Council regarding a letter received from Crystal Harris with the Yoakum Community Hospital thanking the Council for the execution of the Memorandum of Understanding for emergency use of the Community Center. The Yoakum Area Chamber of Commerce and others have asked that the City participate in the Downtown Christmas Tree Project again this year. A request has been made to place a Christmas Tree at the end of West Grand Avenue on the newly purchased railroad property. The City will be setting and decorating the tree. Preparations will be made to get the property ready for the placement. Council was informed that the November Council meeting will fall on Veteran's Day, November 11, 2008. Council was also informed that Hurricane Ike is entering the Gulf of Mexico and staff will be monitoring the storm and making necessary preparations in case it impacts our area. Citizen question was presented regarding the clean up of West Grand Avenue where the sweeper is unable to reach the debris. Accommodations will be considered.

THERE being no further business, the meeting closed at 6:37 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
REGULAR MEETING OF THE CITY COUNCIL

PRESENT:  Anita R. Rodriguez .......................... Mayor
          Elorine Sitka ................................ Mayor Pro-Tem
          Don E. Bowe ................................ Councilmember
          Margie McMullen .............................. Councilmember
          Tim Faulkner .................................. Councilmember
          Charles J. Kvinta, Jr. ......................... City Attorney
          Calvin Cook .................................. City Manager
          Theresa A. Bowe ......................... City Clerk

ABSENT: None

MAYOR Rodriguez called the City Council meeting to order and Councilmember Bowe gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Mayor Rodriguez acknowledged and welcomed all visitors.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the special meeting of September 9, 2008 and the regular meeting of September 9, 2008 as presented. Second was made by Mayor Pro-Tem Sitka; motion carried unanimously.

UNDER New Business, THE following recommendations were received from the Planning and Zoning Commission: for the approval of a change in zoning requested Esteban Barcenas-Reyes from Residential (R-2) to Residential (R-3) for property located at the corner of Davis & Tom Marshall Streets; approval of a change in zoning requested by George Scott from Residential (R-2) to Residential (R-4) on property located at the corner of Mathew and Yoakum Streets; approval of a change in zoning requested by Charles Dullye from Residential (R-1) to Residential (R-4) on property located at 900 Old Shiner Rd; and approval of a Specific Use Permit to locate a manufactured home park on property located at 900 Old Shiner Rd. Mayor Rodriguez opened a public hearing to receive comments on the recommendations from the Planning and Zoning Commission. Mr. George Scott was present to answer questions and provide information to the Council on the request for a change in zoning on property located at the corner of Mathew and Yoakum Streets; he plans to place a wooden fence at the back of the property and skirt the manufactured home that will be placed on the property. He believes the addition of this manufactured home will be an asset to that area. Mr. Leilions Giles was present to object to the change requested by Mr. Scott, stating that the children who reside there may be destructive to the neighbors' property. One written objection was received and presented to the Council for review. Discussion was held on the request for a change in zoning and specific use permit at 900 Old Shiner Rd. City Manager Cook made the Council aware that when the zoning ordinance was adopted, the manufactured home park was already in existence and was grandfathered in. Mr. Charles Dullye has owned the property since that time and is currently in the process of selling it. To be in compliance with the zoning ordinance, Mr. Dullye is requesting the change in zoning and specific use permit prior to the finalization of the sale. All recommended changes are in compliance with the Future Land Use Plan.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1942) on first reading granting a Change in Zoning from Residential (R-2) to Residential (R-3)
on property described as Lots 1-3 in Block 2 of the Woodrow Addition (corner of Davis & Tom Marshall Streets). Second was made by Councilmember Faulkner. Motion carried unanimously.

COUNCILMEMBER Faulkner made a motion to adopt an ordinance (recorded as No. 1943) on first reading granting a Change in Zoning from Residential (R-2) to Residential (R-4) on property described as Part of Lot 5 & all of Lot 6 of Block 1122 in the Guadalupe Addition (Mathew/Yoakum Streets). Councilmember Bowe seconded the motion; motion carried unanimously.

A motion was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1944) on first reading granting a Change in Zoning from Residential (R-1) to Residential (R-4) on property described as Part of Abstract 29 in the John May Addition (900 Old Shiner Rd.). Motion was seconded by Councilmember Faulkner and carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1945) on first reading granting a Specific Use Permit to locate a manufactured home park on property described as Part of Abstract 29 in the John May Addition (900 Old Shiner Rd.). Councilmember McMullen seconded the motion; motion carried unanimously.

CITY Manager Cook provided information to the Council regarding a Texas Cooperative Purchasing Program through the Texas Comptroller of Public Accounts. The City currently utilizes several cooperative purchasing programs such as this one and has seen substantial savings when purchasing equipment. This newest program will provide City staff with another tool to use when seeking bids for equipment. After review, motion was made by Councilmember Faulkner to adopt a resolution (recorded as No. 2008-07) authorizing the City of Yoakum’s participation in the State of Texas Cooperative Purchasing Program. Second was made by Councilmember Bowe; motion carried unanimously.

NEW legislation was enacted that requires municipalities and cooperatives to implement a written program to comply with the Federal Trade Commission’s rules on identity theft. The Fair and Accurate Credit Transaction Act took effect on January 1, 2008 but allowed municipal utilities until November 1, 2008 to have the written identity theft program developed and approved. Staff developed a policy modeled after samples provided through the Texas Public Power Association. After review, Councilmember Bowe made a motion to adopt the Identity Theft Prevention Program (recorded as Policy Statement No. 60) as presented. Motion was seconded by Councilmember McMullen and carried unanimously.

COUNCIL was presented with a request from SBA Network Services, Inc. to accept a lump sum payment in the amount of $185,000 for a term of 99 years for rental of the cell phone tower located on Crittenden Street, in lieu of the current payment of $5,520 annual rental for four possible renewals of five year increments. The City Manager provided a comparison of the revenues that could be received for the next 25 years for Council’s review. After discussion, Councilmember Faulkner made a motion to table the item to allow for further investigation. Second was made by Mayor Pro-Tem Sitka; motion to table carried unanimously.

COUNCIL reviewed a request to authorize the purchase of the following budgeted items: Dump Truck for the Street Department, Garbage Truck for the Solid Waste Department, and the replacement of the SCADA computer and software for the Water/Wastewater Department. A request was also submitted to authorize staff to begin the process for the construction of the Public Works Yard Facility. Bids on the equipment and the construction of the Public Works
Yard Facility will be brought to the Council prior to purchase; the SCADA equipment will be purchased at a cost not to exceed the budgeted amount of $35,000. Each project was included in the 2008-2009 budget. After review and discussion, Mayor Pro-Tem Sitka made a motion to authorize the City Manager to advertise for bids for the purchase of the equipment and for the construction project as presented. Second was made by Councilmember Bowe; motion carried unanimously.

DISCUSSION was held regarding the Camp Fire Girl Hut located in the City Park. Director of Community Services Derrick Smith was present to answer questions and provided information. City Manager Cook informed the Council that a request had been made by the Camp Fire Girl Troop Leader for the City to make repairs to the building. After researching the origins of the building, the only record staff was able to locate was that in 1959 Council gave permission to the Camp Fire Girl organization to place a building on the current location. The repairs needed on the building are extensive and will be expensive. Staff requested direction from the Council as to how to proceed. After discussion, Council gave direction to the City Manager to assist the Camp Fire Girls in locating a facility to utilize, and demolish or sell the existing buildings for removal. Discussion was held to consider expanding existing buildings maintained by the Parks & Recreation Department for local community organizations to use.

THE Yoakum Area Chamber of Commerce made a request to close a portion of West Grand Avenue from Irvine Street to Front Street on December 6th from 4:00 pm to 7:30 pm for Christmas activities and Santa’s arrival. According to Bill Lopez, President of the Chamber, all business owners have been or will be notified of the activities. After review and discussion, a motion was made by Councilmember Bowe with a second by Councilmember McMullen to approve the street closure as requested.

MOTION was made by Councilmember Faulkner to appoint Maggie Jahn and Wayne Rudolph to the Yoakum Oak Grove Cemetery Association Board of Directors for a three-year term. Second was made by Mayor Pro-Tem Sitka; motion carried unanimously.

MOTION was made by Councilmember Bowe to appoint Howard Templin, Bert Kenna, Fay Coldewey, Gayle East, and Wilbern Hairell as members, and Harvey Pekar as an alternate member of the Building and Standards Commission for two-year terms. Motion was seconded by Councilmember McMullen and carried unanimously.

UNDER City Manager’s Report, Mr. Cook provided a report/update on the Sanitary Sewer Project – Phase I and II. Due to poor soil conditions, the contractor continues to have excavation problems which is causing a delay in productivity. City Manager informed Council that the contractor is behind schedule but continues to work steadily on the project. The paving contractor has also been delayed in beginning the paving of the completed areas of the Sewer Project. Information was provided and the City Manager answered questions from the Council. On Phase II of the Project, the City’s engineers and the Water Development Board have been corresponding on the environmental permitting requirements; City engineers are in the process of determining if plans and specifications must be reviewed by other State agencies to approve the proposed route of the sewer lines in that phase of the project prior to beginning construction. The City was given the option to bore under ditches and creeks rather than cut through as to not disturb the drainage. If the drainage is not disturbed, the City is allowed to only notify the Core of Engineers and will not be required to request a study. In the interest of time and funding, the City Manager authorized the City engineers to develop the plans and specification to bore under the ditches and creeks. One of the substation breakers has been installed and in service. During the installation of the second breaker, staff found that two of the small transformers on
the breaker were defective. The manufacturer was contacted; they will be replacing them and should the new items should are expected any day. Once received, LCRA will complete the installation. The 2008 Street Seal Coat Project was completed on September 26th; 5.6 miles of seal coat was installed at a final cost of $123,331. Notification was received from the Texas Commission on Environmental Quality that the Waste Water Treatment Plant Discharge Permit will expire on August 1, 2009. TCEQ requires that the renewal application be submitted to that office for review six months prior to the expiration date. Certain sections of the permit are required to be completed by an engineer. Staff and City engineers are working together with a goal to submit the application to the State by January or early February. The estimated cost will be $7,500 including the renewal fee. Staff has advertised for bids for the 2008-09 Brush and Lumber Grinding Project and requests for bids have been sent out to six bidders. If bids received are under the budgeted amount of $24,500, the City Manager will award the bid to the lowest bidder. The City Manager informed the Council that he will write and execute an agreement for engineering services for the Front Street Railroad Park drainage study as approved in the budget, and detailed the scope of the project. City Manager Cook congratulated City Clerk Theresa Bowe for completing all of the requirements for the Texas Municipal Clerks Certification Program and becoming a certified municipal clerk in the State of Texas. Thanks was extended from Charline Pugh for the cleaning done on West Grand Avenue by community service workers supervised by the Community Service Officer. A request was made to restrict the garbage trucks from driving through West Grand. The City Manager informed the Council that he would check into the situation and that the solid waste trucks were not to travel that street.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 7:00 PM to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 7:55 PM. No action resulted from Executive Session.

THERE being no further business, the meeting closed at 7:55 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
November 11, 2008
Conference Room – 6:00 PM
City Hall

REGULAR MEETING OF THE CITY COUNCIL

PRESENT: Anita R. Rodriguez ............................................. Mayor
Elorine Sitka ............................................................... Mayor Pro-Tem
Don E. Bowe ............................................................... Councilmember
Margie McMullen ....................................................... Councilmember
Tim Faulkner ............................................................. Councilmember
Charles J. Kvinta, Jr. .................................................... City Attorney
Calvin Cook ............................................................... City Manager
Theresa A. Bowe .......................................................... City Clerk

ABSENT: None

MAYOR Rodriguez called the City Council meeting to order and gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Mayor Rodriguez acknowledged and welcomed all visitors.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meeting of October 14, 2008 as presented. Second was made by Councilmember McMullen; motion carried unanimously.

UNDER Old Business, Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1942) on second and final reading granting a Change in Zoning from Residential (R-2) to Residential (R-3) on property described as Lots 1-3 in Block 2 of the Woodrow Addition (corner of Davis & Tom Marshall Streets). Second was made by Councilmember Faulkner. Motion carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1943) on second and final reading granting a Change in Zoning from Residential (R-2) to Residential (R-4) on property described as Part of Lot 5 & all of Lot 6 of Block 1122 in the Guchard Addition (Mathew/Yoakum Streets). Mayor Pro-Tem Sitka seconded the motion; motion carried unanimously.

A motion was made by Councilmember Faulkner to adopt an ordinance (recorded as No. 1944) on second and final reading granting a Change in Zoning from Residential (R-1) to Residential (R-4) on property described as Part of Abstract 29 in the John May Addition (900 Old Shiner Rd.). Motion was seconded by Councilmember Bowe and carried unanimously.

MAYOR Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1945) on second and final reading granting a Specific Use Permit to locate a manufactured home park on property described as Part of Abstract 29 in the John May Addition (900 Old Shiner Rd.). Councilmember Faulkner seconded the motion; motion carried unanimously.

UNDER New Business, the developers of the Juniper Ridge Subdivision were present to request approval of the engineering drainage design/study developed by Southwest Engineers, Inc. of Gonzales, Texas. The study had been required by City staff prior to the submission of the Final Plat to the Council. Layne Brandt and Walt Hairrell were present to provide information
and answer questions regarding the request. The study had been submitted to City staff and sent to TRC, Inc., the City's engineering consultants, for review and comment. Craig Bell of TRC was present to review the document with the Council. Discussion was held regarding the proposed design, drainage effects of surrounding properties, and suggested strategies to alleviate drainage issues in the future. After review of the information provided, Councilmember Faulkner made a motion to approve the engineering drainage study of the Juniper Ridge Subdivision provided by Southwest Engineers, Inc. as presented. Second was made by Mayor Pro-Tem Sitka. Motion carried unanimously.

AN ordinance to amend the Fiscal Year 2007-2008 Budget was presented and Finance Director Charlotte Morrow was present to answer questions. After review of the revised Exhibit “A” presented, Councilmember Faulkner made a motion to adopt and ordinance (recorded as No. 1946) on first reading amending the Fiscal Year 2007-2008 Budget Ordinance No. 1926. Second was made by Councilmember Bowe; motion carried unanimously.

CITY Manager Cook provided a letter received from Bill Lopez, President of the Yoakum Area Chamber of Commerce requesting assistance to purchase Christmas Lights for the Downtown Christmas Tree. City staff recommended that energy efficient LED lights be purchased. After receiving assurance from Mr. Lopez that the City would be reimbursed for the cost of the lights, Mr. Cock authorized the purchase through one of the cooperative purchasing programs the City is able to utilize. The initial estimate was in the amount of $5,200.00. Utilizing the cooperative purchasing program, the final cost for the lighting was $3,305.00. City Manager Cook informed the Council that, the Yoakum Economic Development Corporation Board of Directors, at their regular meeting of November 10th, agreed to participate in the project and purchase the lights.

UNDER City Manager’s Report, Mr. Cook provided a report/update on the Sanitary Sewer Project – Phase I. The Contractor has installed 1,718 linear feet of sewer main, 49 service connections, and set eight manholes on the project. City staff has requested that the contractor concentrate on installing the services on the lines that have been installed in order to complete those portions of the project. All of the lines that have connections being installed have been tested and approved. Later this week the Contractor hopes to begin work on the last block of W. Morris Street from Forrest Street to North Street. The paving contractor for the sewer project has paved 900 feet of Cecelia Street from Hopkins Street to W. May Street, and is presently working on saw cutting several other streets in preparation for paving. The sewer contractor is taking bids from sub-contractors on repairing concrete streets. City staff will have to approve any sub-contractors being utilized by the Contractor. A change order has been submitted by the Contractor; Mr. Cook and Craig Bell with TRC, Inc. have reviewed the request and asked for additional information from the Contractor on the submission. After review by City staff and engineers, the request may be brought to the Council at their December meeting. The Police Department received a grant from the M.G. and Lillie Johnson Foundation in the amount of $15,064 for the purchase of computers and software. Mr. Cook expressed the City’s appreciation for the grant and asked Chief Arthur Rogers for any comments. Chief Rogers informed the Council of the process and credited Sergeant Michael Pierman for the development of the grant application. Bids were opened for the 2008 Brush and Lumber Grinding Project on October 16th; three bids were received. The low bid was submitted by Eggemeyer Land Clearing L.L.C. of Yoakum in the amount of $11,428.75. Other bids received were from Austin Wood Recycling of Austin, Texas in the amount of $12,601.28, and L&M WoodWaste Recycling, Inc. of Austin, Texas in the amount of $12,480.00. The project was awarded to Eggemeyer Land Clearing, L.L.C. and was completed last week. The Annual Report from the Yoakum Economic Development Corporation was presented to the Council in
compliance with the YEDC By-Laws. A copy of the Fiscal Year Sales Tax Rebate Comparison was also provided for Council's review. Based on the report, the YEDC has done an outstanding job for the community. Mr. Cook informed the Council that a letter was received from DeWitt County indicating that tax bills will be late going out because of problems that the DeWitt County Tax office is having making adjustments to come into compliance with House Bill 1010. A notice will be going out in the newspaper informing citizens of the delay and the discount rate for paying the bills early. Chief Rogers introduced the Police Department's newest dispatcher, Melody Ruppert. Council welcomed her to the City.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 7:07 PM to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071), and to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086). The meeting re-opened to the public at 7:45 PM. Action resulting from Executive Session: Mayor Pro-Tem Sitka made a motion to credit $48,802.50 to the City of Yoakum electric customers as realized as a credit received on the City's wholesale power bill. Second was made by Councilmember Faulkner: motion carried unanimously.

THERE being no further business, the meeting closed at 7:46 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
REGULAR MEETING OF THE CITY COUNCIL

PRESENT: Anita R. Rodriguez ...........................................Mayor
          Elorine Sitka ..................................................Mayor Pro-Tem
          Don E. Bowe .......................................................Councilmember
          Tim Faulkner .....................................................Councilmember
          Charles J. Kvinta, Jr. ...........................................City Attorney
          Calvin Cook .......................................................City Manager
          Theresa A. Bowe ...................................................City Clerk

ABSENT: Margie McMullen ..............................................Councilmember

MAYOR Rodriguez called the City Council meeting to order and Mayor Pro-Tem Sitka
gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Mayor
Rodriguez acknowledged and welcomed all visitors.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meeting of
November 11, 2008 as presented. Second was made by Mayor Pro-Tem Sitka; motion carried
unanimously.

UNDER Old Business, Council reviewed the ordinance amending the 2007-2008 Annual
Budget and the revised Exhibit "A" presented by Finance Director Charlotte Morrow. After
review and discussion Councilmember Bowe made a motion to adopt an ordinance (recorded
as No. 1946) on second and final reading amending the Fiscal Year 2007-2008 Budget
Ordinance No. 1926. Second was made by Mayor Pro-Tem Sitka. Motion carried unanimously.

COUNCIL was provided copies of the proposed final plat of the Juniper Ridge
Subdivision for consideration. A letter from the developers acknowledging that the private road
indicated in the plat would be the responsibility of the property owners and that neither the City
of Yoakum nor Lavaca County will be responsible for maintenance of the road was reviewed. A
second letter indicating that the developers would be responsible for the maintenance of the
retention pond was also presented. After review and discussion, Councilmember Faulkner
made a motion to approve the final plat for the Juniper Ridge Subdivision as presented. Second
was made by Councilmember Bowe; motion carried unanimously.

DEWITT County Tax Assessor Susie Dreyer requested review and approval of a revised
2008 DeWitt County Tax Roll. After review and discussion, Mayor Pro-Tem Sitka made a
motion to approve the City of Yoakum 2008 Tax Roll in the amount of $186,676,180. The
motion was seconded by Councilmember Bowe and carried unanimously.

UNDER New Business, the following recommendation was received from the Planning
and Zoning Commission: for the approval of a change in zoning from Commercial (C-2) to
Residential (R-4) for property located at the corner of Kenedy and Cooper Streets requested by
Juan Garcia. Information regarding the request was provided for Council's review and
consideration. The recommended change is in compliance with the Future Land Use Plan. Mayor
Rodriguez opened a public hearing to receive comments on the recommendation from
the Planning and Zoning Commission. The property owner was not present. There being no comments received from the public, Mayor Rodriguez closed the public hearing. Councilmember Faulkner made a motion to adopt an ordinance (recorded as No. 1947) on first reading granting a change in zoning from Commercial (C-2) to Residential (R-4) on property described as Part of Place 1078 in the Yoakum Townsite Addition (Kenedy St.). Second was made by Councilmember Bowe. Motion carried unanimously.

COUNCIL was provided a bid tabulation and information regarding bid received for one cab and chassis and one sixteen cubic yard rear loading refuse collection body for the Solid Waste Department. Staff sent bid specifications to HGAC, the Buyboard, and the State of Texas Purchasing Cooperative for both items. Sealed bids were also received from vendors that wished to bid outside the cooperative purchasing agencies. Bids were opened on December 2, 2008. Grande Truck Center of San Antonio, Texas submitted the low bid meeting specifications in the amount of $100,065. After review, Mayor Pro-Tem Sitka made a motion to award the bid for a 2008 Ford F750 with a sixteen cubic yard New Way Viper Rear Loader to Grande Truck Center of San Antonio, Texas in the amount of $100,065. Second was made by Councilmember Faulkner; motion carried unanimously.

BIDS were requested for a cab and chassis, and a dump bed for the Street Department. Specifications were sent to HGAC, the Buyboard, and the State of Texas Purchasing Cooperative for both items. Sealed bids were also received from vendors that wished to bid outside the cooperative purchasing agencies. Bid tabulation was provided for Council's review. Staff recommended that the bid not be awarded to the low bidder for the dump bed, but be awarded instead to Warren Truck & Trailer of Talco, Texas which provides a one-piece floor using 3/16" metal, which will require less maintenance. Total for the cab and chassis, and dump bed does not exceed budgeted funds. After discussion, Councilmember Faulkner made a motion to award the bid for a 2009 Ford F 750 to Grande Ford Center of San Antonio, Texas in the amount of $44,366, and the bid for a 7-8 cubic yard Warren Dump Bed to Warren Truck & Trailer of Talco, Texas in the amount of $9,270. Motion was seconded by Councilmember Bowe and carried unanimously.

BIDS were reviewed for the Electric Distribution System Improvement Project. Two bids were received. After discussion, Councilmember Bowe made a motion to award the project to Techline Construction, LLC of Austin, Texas submitting the low bid in the amount of $25,305. Second was made by Councilmember Bowe. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to proclaim the month of January as School Board Recognition Month. Councilmember Faulkner seconded the motion; motion carried unanimously.

UNDER City Manager's Report, Mr. Cook provided a report/update on the Sanitary Sewer Project – Phase I. In November, the contractor concentrated on installing the sewer services along the lines that had been completed and tested. Manholes were raised to match the street evaluation, and the paving contractor has been repairing and paving the streets. As of November 30th, 12,872 linear feet of sewer main has been installed (41.5% included in the project), and 75 sewer services have been connected on to the new mains (20% of the sewer services on the project). Due to soil problems, the contractor has implemented the use of a semi-trenchless technology to install the lines that has increased the rate of installation. The paving contractor has completed 4,985 linear feet of street repair. Staff and project engineers will meet tomorrow to inspect the project and, to discuss Phase I options and concerns. The contractor will be providing information regarding the requested change order; the information
will be reviewed by both City staff and engineers prior to bringing the request to the Council at the January meeting. A letter was received from the Texas Commission on Environmental Quality congratulating the City of Yoakum on achieving the 2007 Recognition Award for Coliform. According to TCEQ, the City’s water system has provided “exceptional compliance with the ‘Total Coliform Rule (TCR)’ requirements.” The program recognizes the effort, dedication, and contribution our public water system makes to the state and to protecting the public health of our citizens. To receive a TCR award, a public water system must have no TCR violations for a five year period. The City Manager and Council expressed their appreciation to our Water System staff for maintaining a very high level of service and performance. On the Downtown Christmas Lighting project, the Electric Department has installed lighting on the public right-of-ways and public facilities. The City will be providing power to the lights located on public right-of-ways, the Library, City Hall, Police Department, Fire Department, and Community Center, as well as the Downtown Christmas Tree. Mr. Cook reminded Council that the City will not be maintaining or providing electric power for the roof top lighting for any businesses. Council was provided information regarding the renewal of the lease agreement with Texas A&M University for the 25 acre experiment station located on State Highway 111. The current contract will expire at the end of 2009 and the agreement may be re-negotiated at that time.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:32 PM to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071), and to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086). The meeting re-opened to the public at 7:10 PM. No action resulted from Executive Session.

THERE being no further business, the meeting closed at 7:10 PM.

[Signature]
Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

[Signature]
Theresa A. Bowe, City Clerk