January 8, 2002  
Council Room – 7:00 P.M.  
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

PRESENT:  M. W. Harbus, Jr. .................................Mayor  
Anita R. Rodriguez................................................Councilmember  
Elorine Sitka..............................................................Councilmember  
Don E. Bowe.................................................................Councilmember  
Charles J. Kvinta, Jr. ..............................................City Attorney  
A. J. Veselka.................................................................City Manager  
Gladys M. Jiral .........................................................City Clerk

ABSENT:  Tim Faulkner, Councilmember

MAYOR Harbus called the meeting to order followed by Councilmember Bowe with the Invocation. All attending recited the Pledge of Allegiance.

COUNCILMEMBER Sitka motioned to adopt the minutes from the meeting of December 11th and 27th, 2001 as presented. The motion was second by Councilmember Rodriguez. Motion carried.

THE change in zoning for Dale Merkord was considered for second and final reading. Councilmember Bowe made the motion to adopt Ordinance No. 1792 on second and final reading granting the zoning change on property described as Lot 12 in Block 1055 of the Original Townsite Addition. The motion was second by Councilmember Rodriguez. Motion carried.

UNDER new business, a recommendation and proposed ordinance was presented by City Manager Veselka implementing the use of plastic garbage carts for all commercial customers in order to decrease the number of employee lifting injuries and to provide a true volume based level of service. The carts, which were budgeted and purchased at the end of the 2000-2001 Fiscal Year, are now ready for distribution. It was proposed that the larger carts would replace the individual garbage cans at the present customer commercial rate. Gerard Novosad, the Solid Waste/Street Superintendent, would visit each of the businesses to discuss this change and also review the level of service that each customer is currently receiving. Councilmember Sitka with a second by Councilmember Bowe made the motion to adopt an ordinance on first reading (recorded as No. 1793) amending the Manual of Fees and Service Charges, Utilities Section, Subsection VIII. Solid Waste Rates & Fees, Item B. Commercial Rate – Hand Pickup Service, specifically implementing the use of City owned plastic carts for commercial customers with no increase in cost. Motion carried.

AFTER review of the TxDOT application with attachments and agreement,
Councilmember Rodriguez made the motion to approve the TxDOT Landscape Cost Sharing Program Grant Application for the Chisholm Trail Memorial and authorized the City Manager to enter into said agreement. The motion was second by Councilmember Sitka. Motion carried.

A proclamation was presented by City Manager Veselka with a motion made by Councilmember Sitka proclaiming the month of January as School Board Recognition Month in Yoakum. The motion was second by Councilmember Rodriguez. Motion carried.

MAYOR Harbus announced that the meeting was closed to the public for the purpose of convening into an Executive Session to deliberate the purchase of real property (V.T.C.A., Gov. Code, Sec. 551.072) and discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086). The meeting was later re-opened to the public with no action resulting from either item.

UNDER the City Manager’s Report, Mr. Veselka advised that he had visited with Dan Romo from the law firm of Linebarger Goggan Blair Pena & Sampson pertaining to the collection of fees and fines for the City. The firm advised by letter that until their pilot projects for these types of collections were completed, they were not taking any new clients, but that they hoped to be able to get back with us in the next several months.

WITH rain delays the Street Department has been unable to begin construction on the Harwood Road extension to Airport Road. The crews should start work at that location this coming Monday.

MR. Veselka advised that effective January 1, 2002 before a City building permit can be issued for construction of a building costing $50,000 and over, which accommodates a group of people such as a church, restaurant, bank, civic center, etc., the plans and specifications have to be registered with the State for review of handicap accessibility. The State has required this registration for several years, but effective January 1st the cities are now required to verify that this process has been done.

MAYOR Harbus expressed his appreciation and that of the Council for the almost eight years of service that Mr. Veselka has given to Yoakum. Everyone wished Mr. Veselka well and all planned to attend his retirement reception the next day.

THERE being no further business, the meeting closed.

M. W. Harbus, Jr., Mayor  
City of Yoakum, Texas

ATTEST:  

Gladys M. Jiral, City Clerk
February 12, 2002
Council Room – 7:00 P.M.
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

PRESENT:  M. W. Harbus, Jr.  ..............Mayor
Anita R. Rodriguez  ......................Councilmember
Tim Faulkner  ..........................Councilmember
Elorine Sitka  ..........................Councilmember
Don E. Bowe  ............................Councilmember
Charles J. Kvinta, Jr.  ..................City Attorney
A. J. Veselka  .........................City Manager
Gladys M. Jiral  ......................City Clerk

ABSENT:  None

MAYOR Harbus called the meeting to order followed by Councilmember Bowe with the Invocation. All attending recited the Pledge of Allegiance.

COUNCILMEMBER Sitka motioned to adopt the minutes from the meeting of January 8, 2002 as presented. The motion was second by Councilmember Rodriguez. Motion carried.

ORDINANCE NO. 1793, which amends the Manual of Fees and Service Charges, provides for use by commercial customers city owned plastic solid waste carts at the same cost but with larger disposal capacity. The carts will provide a true volume based level of service while decreasing the number of employee lifting injuries. Councilmember Sitka with a second by Councilmember Bowe made the motion to adopt ordinance no. 1793 on second and final reading. Motion carried.

THE Yoakum Area Chamber of Commerce requested the closure of West Street from its intersection with Irvine and Lott Streets during the period of February 20 thru 25th for use by the carnival during the Land of Leather Festival. After discussion, Councilmember Rodriguez made the motion to grant the closure of West Street as presented. The motion was second by Councilmember Sitka. Motion carried. Councilmember Bowe voted against the motion.

THE Chamber also requested that the downtown streets used for the festival be closed. Councilmember Bowe made the motion to grant the closure of West Grand Avenue beginning at Irvine to Front, and Lott Street beginning at West May to West Hugo from 6 PM on Friday, February 22nd till 6 PM on Saturday, February 23rd, and Front Street beginning at West Hugo to approximately 100' passed its intersection with West Grand Avenue from 7 AM till 6 PM on Saturday, February 23rd. The motion was second by Councilmember Faulkner. Motion carried.
AN amendment to the Airport Lease Agreement with Texas Flying Colors was discussed. Patrick Vela, the lessee was present and requested that the current lease rate of $840.00 per month continue thru January 31, 2003 and at that time the 10% increase would become effective. This was requested due to a change in his partnership. After review, Councilmember Bowe made the motion to approve the amendment to the Airport Lease Agreement as it pertains to Section 3. Term, the ten percent increase on monthly lease rental, and authorized the Mayor to execute the amendment. The motion was second by Councilmember Sitka. Motion carried.

THE Council received a recommendation from the Planning and Zoning Commission for approval of a Specific Use Permit for the First Baptist Church to operate a religious institution. Mayor Harbus opened a public hearing to receive citizen comments on this requested Permit. Several church members were present on behalf of the request. No comments or objections were received and the hearing was closed. Councilmember Faulkner made the motion to adopt an ordinance (recorded as No. 1794) on first reading granting the Specific Use Permit for the First Baptist Church, specifically at 204 East Grand. The motion was second by Councilmember Rodriguez. Motion carried.

THE current Southern Union Gas franchise ordinance expires on September 1, 2002. Review and discussion of the proposed renewal ordinance was held with City Manager Cook outlining several pertinent items which he felt needed to be addressed in the proposed ordinance, such as: requiring a gas company office be maintained in Yoakum; term of renewal to be less than 30 years (perhaps 10 or 15 years); transfer of franchise to another company can not be done without prior Council approval; street cut permit fees and other fees to be paid irregardless of the amount of franchise fees; provide for gas line extensions to customers within city limits, etc. City Manager Cook advised that these items and others had been discussed with the Southern Union representatives the previous week and Southern Union would be sending a revised proposal within the next couple of weeks. The Council concurred with the City Manager's review and with the recommendation of staff and City Attorney Kvinta, that upon review of the second draft ordinance and depending on what the draft contains, a consultant familiar with this type of franchise renewal may be needed to provide additional assistance.

A resolution (recorded as No. 2002-01) was adopted as outlined on motion by Councilmember Faulkner with a second by Councilmember Bowe establishing procedures for the May 4, 2002 General Election for City Councilmembers. Motion carried. The election is for Places 4 (Elorine Sitka) and 5 (Tim Faulkner) on the Council. Councilmember Faulkner had announced that he would not be seeking re-election.

RESOLUTION No. 2002-02, appointing and providing for officials for the May election, was adopted as presented on motion by Councilmember Rodriguez with a second by Councilmember Faulkner. Motion carried.

THE sale of surplus vehicles and equipment, such as a 1993 police car, 1986 Chevrolet pickup, sewer cleaning machine, etc. was discussed. Councilmember Sitka made the motion to authorize the sale of surplus City vehicles and equipment. The motion
was second by Councilmember Bowe. Motion carried.

MAYOR Harbus announced that the meeting would be closed to the public for the purpose of convening into an Executive Session to deliberate the purchase of real property (V.T.C.A., Gov. Code, Sec. 551.072). The meeting was later re-opened to the public with no action resulting from the Executive Session.

CITY Manager Cook advised that in accordance with the City Charter and with the approval of the Council, he planned to designate City Clerk Gladys Jiral as Acting City Manager in his absence or disability. Councilmember Sitka with a second by Councilmember Rodriguez made the motion to approve this designation. Motion carried.

COUNCILMEMBER Faulkner made the motion to appoint Allen Dieringer to the Yoakum Economic Development Corporation Board of Directors. The motion was second by Councilmember Sitka. Motion carried.

UNDER the City Manager’s Report, Mr. Cook advised the Council that he had on discussed with the DeWitt and Lavaca County Judges H.B. 1445 and the mandating of agreements between the Counties and the City on regulating and permitting of subdivisions in the City’s extraterritorial jurisdiction. The judges wanted to review the bill in more detail and indicated they would get back to the City. The agreements should be in place by April 1st per Legislative requirements. There continues to be street and drainage concerns on Carroll Drive. City Manager Cook advised the Council that he had asked Pat Matushek to conduct an engineering study.

THERE being no further business, the meeting closed.

M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral, City Clerk
March 12, 2002
Council Room – 7:00 P.M.
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

PRESENT:  M. W. Harbus, Jr. .................................Mayor
          Anita R. Rodriguez.................................Councilmember
          Tim Faulkner.....................................Councilmember
          Elorine Sitka......................................Councilmember
          Don E. Bowe........................................Councilmember
          Charles J. Kvinta, Jr. ............................City Attorney
          Calvin Cook........................................City Manager
          Gladys M. Jiral ....................................City Clerk

ABSENT:  None

MAYOR Harbus called the meeting to order followed by Councilmember Sitka with the Invocation. All attending recited the Pledge of Allegiance. Chamber of Commerce President Larry Brandt was present to thank the Council and City employees for their efforts and hard work in making the 2002 Land of Leather Festival a success. He also advised that a Chamber representative would be attending the Hotel/Motel Occupancy seminar in Austin with City Finance Director Charlotte Morrow. Also recognized as a visitor was Tommy Linn, candidate for Place 5 of the City Council.

COUNCILMEMBER Faulkner motioned to adopt the minutes from the meeting of February 12, 2002 as presented. The motion was second by Councilmember Bowe. Motion carried.

UNDER old business, Ordinance No. 1794, providing for a Specific Use Permit for the First Baptist Church, was adopted on second and final reading on motion by Councilmember Rodriguez with a second by Councilmember Sitka. Motion carried.

COUNCILMEMBER Rodriguez was appointed to the Yoakum Volunteer Fire Department Board of Trustees for a two year period on motion by Councilmember Sitka with a second by Councilmember Faulkner. Motion carried.

A vacancy existed on the Welhausen Library Board due to the resignation of Mrs. Joseph Jarmon. Mrs. Jessica Moehilman was appointed to fill this unexpired term (ending June 2003) on motion by Councilmember Bowe with a second by Councilmember Faulkner. Motion carried.

H.B. 197 amended the Local Government Code to require municipalities to receive competitive bids or proposals for contracts or projects that cost more than $25,000. The previous threshold was $15,000. For City ordinances and policy to coincide with the State changes, an ordinance amending Chapter 7 of the Code of Ordinances was considered. A
motion was made by Councilmember Sitka to adopt an ordinance (recorded as No. 1795) on first reading amending Chapter 7, Finance and Taxation, Article I specifically Sections 7-7, 7-8, 7-9 and 7-10 to increase the specified amount to $25,000. The motion was second by Councilmember Rodriguez. Motion carried.

MAYOR Harbus announced that the meeting would be closed to the public for the purpose of convening into an Executive Session to deliberate the purchase of real property (V.T.C.A., Gov. Code, Sec. 551.072). The meeting was later re-opened to the public.

COUNCILMEMBER Rodriguez made the motion to accept the donation of 2.64 acres of land from Petro-Corp. The motion was second by Councilmember Bowe. Motion carried. The property is located in part of Blocks 95 and 97 of the John May League as shown in the Original Townsite Addition.

UNDER the City Manager’s Report, Mr. Cook advised that bids had been awarded and he reviewed the bid tabulation sheet on the sale of surplus vehicles and equipment. Staff attended the Lavaca County Commissioner’s meeting to receive input on the Legislative required extraterritorial jurisdiction agreements between the County and cities. Lavaca County expressed interest in Options 1 (city regulates ETJ only) or 4 (joint regulation). Staff has not met with DeWitt County yet but plan to do so shortly. A meeting has been scheduled by Tom Chilek, Director of Community Services, with the Barbeque/Kitchen Facility Committee to discuss rental fees and rules. Victoria Machine Works from Victoria donated the firebox to the facility. Construction of the gas line by Southern Union Gas Company will cost approximately $1400 to $1600. R & N Construction Phases, Inc. from Austin was awarded the bid for brush/lumber grinding project in the amount of $9,234. City Manager Cook reported that Staff had not yet received the revised draft ordinance pertaining to the renewal franchise from Southern Union.

THERE being no further business, the meeting closed.

M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiril, City Clerk
April 9, 2002  
Council Room – 7:00 P.M.  
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

PRESENT: M. W. Harbus, Jr. ......................................Mayor  
Anita R. Rodriguez ...........................................Councilmember  
Tim Faulkner ..................................................Councilmember  
Elorine Sitka ..................................................Councilmember  
Don E. Bowe ..................................................Councilmember  
Charles J. Kvinta, Jr. .......................................City Attorney  
Calvin Cook ....................................................City Manager  
Gladys M. Jiral ...............................................City Clerk

ABSENT: None

MAYOR Harbus called the meeting to order followed by Councilmember Rodriguez with the Invocation. All attending recited the Pledge of Allegiance. Mayor Harbus presented a plaque to Councilmember Faulkner in appreciation for the eight years of dedicated service to the City of Yoakum. Councilmember Faulkner decided he would not seek re-election in May.

Councilmember Sitka motioned to adopt the minutes from the meetings of March 12th and April 1st, 2002 as presented. The motion was second by Councilmember Rodriguez. Motion carried.

ORDINANCE No. 1795 amending Sections of Chapter 7 of the Yoakum Code of Ordinances requiring competitive sealed bids on contracts/purchases that costs more than $25,000 to coincide with recent State law changes was adopted on second and final reading on motion by Councilmember Rodriguez with a motion by Councilmember Faulkner. Motion carried.

THE Bluebonnet Youth Ranch Administrator Janet Jaco requested closing Front Street on Saturday, April 20th from 12:30 PM to 5:00 PM for the Lawn Mower Drag Races, which is part of their annual benefit. Like last year, Front Street would be closed from West Hugo to Nelson; West Grand from Lott to Front and, West May to Front. A part of the alley between West Hugo and West May would also be closed to prevent traffic flow onto West Grand. Councilmember Sitka with a second by Councilmember Bowe made the motion to approve the closing of streets as requested. Motion carried.

AN ordinance was presented outlining the fees and rules for the new Yoakum Bar-B-Que/Kitchen Facility. The Facility Committee met and recommended the rates as presented. The rules were developed by City staff and sent to the Committee for review in
addition to being submitted to the Council for consideration with the ordinance. After
discussion, Councilmember Bowe made the motion to adopt an ordinance (recorded as
No. 1796) on first reading amending the Manual of Fees and Service Charges by
establishing and adopting charges and rules for the use of the Yoakum Bar-B-Que/Kitchen
Facility. The motion was second by Councilmember Sitka. Motion carried.

FOR safety precautions, the installation of a pedestrian crosswalk between the Bar-
B-Que/Kitchen Facility and the Community Center was discussed. Councilmember
Rodriguez made the motion to adopt an ordinance (recorded as No. 1797) on first reading
providing for installation of a marked pedestrian crosswalk on Lowrance Street. The
motion was second by Councilmember Faulkner. Motion carried.

CITY Manager Cook advised the Council that the Lavaca County Commissioners'
Court approved and signed the Extraterritorial Jurisdiction Interlocal Agreement as
submitted. Councilmember Sitka with a second by Councilmember Rodriguez made the
motion to authorize Mayor Harbus to enter into the agreement with Lavaca County for the
regulating and permitting of subdivisions in the City's Extraterritorial Jurisdiction. Motion
carried. The same agreement was presented to the DeWitt County Commissioners' Court
at their meeting on Tuesday, April 9th. The DeWitt County Commissioners expressed
concern over the specifications for building of streets that the County would have to
maintain in the ETJ. The proposed agreements from the City of Cuero and Yoakum were
similar except for providing copies of the regulations to the County and making provisions
for variances or exceptions to the regulations. The Commissioners asked that the cities
discuss the differences to see if one agreement could be utilized for the cities.

THE City is required to adopt building, residential, plumbing, electrical, gas,
mechanical, and fire codes. The Standard Codes previously adopted have been renamed
to the International Codes. These new codes either the 2000 or 2002 codes were
presented for adoption in the proposed ordinance. The designated fire district was
discussed as to the need to continue to make that designation with current building code
requirements and types of fire retardant materials that are now available. In talking with
staff from the International Code Council, they advised that this designation would depend
on the construction materials of the downtown buildings as well as their contents. The idea
is of course to prevent the spread of fire. Insurance coverage was another consideration
and staff visited with the Insurance Services Office, Inc. who advised that fire districts do
not add or subtract from insurance ratings. It is not necessary to have fire districts if a good
set of up to date Fire and Building Codes are adopted and implemented. With the
upcoming downtown revitalization project, less stringent requirements could mean property
owners might consider more extensive renovation of their property. Councilmember
Faulkner made the motion to adopt an ordinance (recorded as No. 1798) on first reading
amending Chapter 5 of the Code of Ordinances, which pertains to the adoption of the 2000

UPDATING of the Fire Code was discussed in addition to the required designation of a board to hear appeals to this Code. The Zoning Board of Construction and Appeals has already been appointed to hear appeals of decisions and interpretations of the code official and to consider variances of the technical codes. This same Board can hear appeals, which pertain to the Fire Code. Councilmember Sitka made the motion with a second by Councilmember Bowe to adopt an ordinance (recorded as No. 1799) on first reading amending and updating Chapter 8 of the Yoakum Code of Ordinances as it pertains to the adoption of the 2000 International Fire Code. Motion carried.

DUE to the new apartment complex parking and citizen complaints, City staff reviewed and recommended some changes in traffic signs at the East Gonzales, Lavaca, East Hugo and Edgar Streets intersection. Councilmember Bowe made the motion to adopt an ordinance (recorded as No. 1800) on first reading providing for the removal of yield signs to be replaced with stop signs on Lavaca Street at East Gonzales, and on Edgar Street at its intersection with East Hugo and East Gonzales Streets. The motion was second by Councilmember Faulkner. Motion carried.

THE 2002 Street Improvement Project list, covering 5.8 miles for an estimated cost of $128,078, was reviewed. Approximately $2,600 of this cost would be reimbursed to the City by the Yoakum Industrial Foundation for the completion of the new road through the industrial tract. A motion approving the street project was made by Councilmember Sitka with a second by Councilmember Rodriguez.

COUNCILMEMBER Faulkner made the motion to appoint Elwood Gaus and Ralph G. Rodriguez to the Yoakum Housing Authority Board of Commissioners and Zephela Mathis as the Yoakum Housing Authority Resident Commissioner for two year terms. The motion was second by Councilmember Bowe. Motion carried.

A motion was made by Councilmember Rodriguez to appoint Councilmembers Sitka and Bowe, and City Manager Cook to the City/School Summer Recreation Board. The motion was second by Councilmember Faulkner. Motion carried.

MAYOR Harbus announced that the meeting would be closed to the public for the purpose of convening into an Executive Session to deliberate the purchase of real property (V.T.C.A., Gov. Code, Sec. 551.072). The meeting was later re-opened to the public with no action resulting from the session.

UNDER the City Manager's Report, Mr. Cook advised that the new street through the Industrial Foundation property is open for traffic use and will be sealed during the 2002 Street Improvement Project. The street needs to be named and Mr. Cook asked Council for suggestions. While any name can be designated for the street, some of the long term
property owners were Godfrey Prokop, John Schott and J. J. Kutac.

THERE being no further business, the meeting closed.

M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral, City Clerk
SPECIAL MEETING OF THE CITY COUNCIL

PRESENT: M. W. Harbus, Jr. ....................... Mayor
        Anita R. Rodriguez ..................... Councilmember
        Elorine Sitka .............................. Councilmember
        Don E. Bowe ................................. Councilmember
        Calvin Cook ................................ City Manager
        Gladys M. Jiral ............................. City Clerk

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

MAYOR Harbus called the meeting to order for the purpose of canvassing the May 4, 2002 election returns, issuance of the election certificates and administering of the Oath of Office to the newly elected Councilmembers.

THE Mayor asked that Councilmembers Rodriguez and Bowe canvass the returns. A resolution (recorded as No. 2002-03) was adopted on motion by Councilmember Rodriguez declaring Elorine Sitka and Margie McMullen elected with the following results: Elorine Sitka – 339; Margie McMullen – 250; Thomas P. “Tommy” Linn – 140 and William “Wild Bill” Redding - 6. The motion was second by Councilmember Bowe. Motion carried.

CERTIFICATES of Election were presented to Councilmember Sitka and McMullen followed by City Clerk Jiral administering the Statement of Elected Officers and Oath of Offices.

THERE being no further business, the meeting closed.

M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral, City Clerk
REGULAR MEETING OF THE CITY COUNCIL

PRESENT: M. W. Harbus, Jr. .................................Mayor
          Anita R. Rodriguez.................................Councilmember
          Elorine Sitka........................................Councilmember
          Don E. Bowe...........................................Councilmember
          Margie McMuller........................................Councilmember
          Charles J. Kvinta, Jr..................................City Attorney
          Calvin Cook............................................City Manager
          Gladys M. Jiral .........................................City Clerk

ABSENT: None

MAYOR Harbus called the meeting to order followed by Councilmember McMullen with the Invocation. All attending recited the Pledge of Allegiance. The first order of business was the election of Mayor and Mayor Pro-Tem. A motion was made by Councilmember Rodriguez with a second by Councilmember Bowe to elect M. W. Harbus, Jr. as Mayor. Motion carried. Councilmember Sitka made a motion to elect Councilmember Rodriguez as Mayor Pro-Tem. The motion was second by Councilmember Bowe. Motion carried.

Councilmember Sitka motioned to adopt the minutes from the meetings of April 9th and May 7th, 2002 as presented. The motion was second by Councilmember Rodriguez. Motion carried.

ORDINANCE No. 1796, which amends the Manual of Fees and Service Charges by establishing and adopting charges and rules for the use of the Yoakum Bar-B-Que/Kitchen Facility, was adopted on second and final reading by motion of Councilmember Rodriguez with a second by Councilmember Sitka. Motion carried.

INSTALLATION of a pedestrian crosswalk to provide for safety between the Bar-B-Que/Kitchen Facility and the Community Center was provided for in Ordinance No. 1797. Councilmember Bowe made the motion to adopt Ordinance No. 1797 on second and final reading. The motion was second by Councilmember Rodriguez. Motion carried.

THE Fire Code was updated and Chapter 8 of the Code of Ordinances was amended by adoption of Ordinance No. 1799 on second and final reading on motion by Councilmember Rodriguez with a second by Councilmember Sitka. Motion carried.

ORDINANCE No. 1800 providing for the removal of yield signs to be replaced with stop signs on Lavaca and East Gonzales Streets and on Edgar Street at its intersection with East Hugo and East Gonzales, was adopted on second and final reading on motion by Councilmember Bowe with a second by Councilmember Rodriguez. Motion carried.

UNDER new business, a request was received from the Central Texas – Area 13 Special Olympics to waive the Yoakum Golf Course green fees for their May 18th tournament being sponsored by the TDCJ-ID Stevenson Unit. With the Council not wanting to set a precedent for any future requests, the Council determined since this request would benefit mentally impaired children, specifically those of our area with the proceeds remaining in our area, that the fees should be waived. Councilmember Bowe made the motion to waive the golf green fees for the May 18th Special Olympics Tournament. The motion was second by Councilmember McMullen. Motion carried.

THE contract from the Texas Department of Transportation (TxDOT) for the Statewide Transportation Enhancement Program Project, known as the Pershing Square Pedestrian Facility, along with the resolution authorizing execution of the contract by the Mayor was discussed. The City's share of the estimated $1,533,853 project is 36%, or $552,187, with funds being derived from 4B Sales Tax ($381,770) and other sources/contributions ($170,417). City Manager Cook reviewed specific details of the contract which could have added financial impact on the City, namely contract termination conditions, environmental costs for mitigation and remediation, any cost overruns on the project, and of course continued maintenance on the project for ten years. While reimbursable through the Project, the City is responsible for obtaining architectural and engineering services. Once the plans are developed and approved, TxDOT will let the bid and oversee the project construction.

COUNCILMEMBER McMullen, President of the Yoakum Economic Development Corporation, advised the Council that the YEDC Marketing Committee would be coordinating the various fundraisers in order to raise the $170,417. Contributions/private donations from various other sources would also be looked into. If the $170,417 is not raised, funds may be available through the Texas Leverage Fund, which is pledging the 4B sales tax funds over a period of years with the State.

WHILE the City is in support of the project, it was agreed that community support is vital. Because of the utility construction involved, there may be periods of time when access to the various businesses may be limited. Efforts should be made to coordinate and work with the businesses affected. It was suggested that a committee of one YEDC Board member, one City Councilmember and perhaps Tommy Barre, a downtown property owner, visit with the various businesses to re-affirm their commitment to this downtown revitalization project.
COUNCILMEMBER Sitka made the motion to adopt a resolution (recorded as No. 2002-04) authorizing the Mayor to execute all contracts and agreements necessary and appropriate for the implementation of the State Transportation Enhancement Program project, known as the Pershing Square Pedestrian Facility. The motion was second by Councilmember Rodriguez. Motion carried.

THE following recommendations were received from the Planning and Zoning Commission; (1) approval of a zoning change and a Specific Use Permit for James and Donna Johnson at 1112 Kenedy Street, and (2) approval of a zoning change for Julie Poe at 106 Rose Street. The property is in the name of Gene and Elizabeth Hudson.

MAYOR Harbus opened the public hearing to receive any questions or comments. City Manager Cook explained that Mr. Johnson might place a manufactured home at this location, however, since he recently retired and is traveling a lot, he wants to live in his travel trailer on this site when he is in Yoakum. He does not intend to rent out any spaces. No objections or comments were received on either recommendation and the hearing was closed.

COUNCILMEMBER Rodriguez with a second by Councilmember Sitka to adopt an ordinance on first reading (recorded as No. 1801 granting a zoning change from Commercial (C-2) to Residential (R-4) and a Specific Use Permit for a Recreational Vehicle Park on property described as part of Block 1075 of the Yoakum Townsite Addition (1112 Kenedy St.) for James C. and Donna Johnson. Motion carried.

COUNCILMEMBER Sitka made the motion to adopt an ordinance on first reading (recorded as No. 1802) granting a zoning change on property described as Lot 7 and part of 6 of Block 1191 of the Millington Addition (106 Rose St.) for Julie Poe. The motion was second by Councilmember Bowe. Motion carried.

A resolution (recorded as No. 2002-05) was adopted on motion by Councilmember Bowe with a second by Councilmember Rodriguez rescinding Resolution No. 89-06 and renaming a part of Harwood Road along with the newly constructed intersecting road to Schott Road. Motion carried.

A recommendation from Chief of Police Ronnie Leck and City Manager Cook regarding placement of stop signs on certain streets within the vicinity of Old Shiner Road was reviewed by the Council. A resident in this area, Bettye Powell, addressed the Council pertaining to the signs and the need for their placement. Mrs. Powell’s suggestion about the Old Shiner Road and Armstrong Street intersection was to be considered. The ordinance (recorded as No. 1803) providing for stop signs: (1) on Old Shiner Road at its intersection with Armstrong Street; (2) on Schott Road at its intersection with Old Shiner Road; (3) on Harwood Road at its intersection with Schott Road; (4) on Dulye Street at its intersection with Moffitt Street, and (5) on Airport Road at its intersection with Schott Road, was adopted on first reading on motion by Councilmember Bowe with a second by Councilmember Rodriguez. Motion carried.
AT the written request of Louis Pilat and adjacent property owners, the Council considered the placement of Road Closed to Thru Traffic signs in the alley between Davis Avenue and Rose Street. While not heavily traveled, the 12' alley intersects with a 10' alley and vehicles hit the fences when attempting to make the turn. Councilmember Rodriguez made the motion to adopt an ordinance on first reading providing for the placement of Road Closed to Thru Traffic signs within the alley in Block 1189 located between Davis Avenue and Rose Street. The motion was second by Councilmember McMullen. Motion carried.

COUNCILMEMBER Sitka made the motion to appoint Harrison, Waldrop & Uherek, L.L.P. to perform the City's audit for Fiscal Year ending September 30, 2002 and to authorize the City Manager to execute the proposal. The motion was second by Councilmember Bowe. Motion carried.

THE following bids for the 2002 Street Improvement Project were received on May 9, 2002:

- Newman & Keng Paving Co., Giddings, Texas $74,988.00
- J. Carroll Weaver, Inc., Sinton, Texas 71,640.00
- J. W. Faltisek Paving, El Campo, Texas 61,747.20
- H & C Construction Co., Inc., Shiner, Texas 59,911.20

BIDS submitted are based on unit prices and City Manager Cook recommended that the bid be awarded to H & C Construction. Councilmember Sitka made the motion to award the bid to H & C Construction based on the unit prices as submitted. The motion was second by Councilmember Rodriguez. Motion carried.

TWO Councilmembers are appointed as members of the Yoakum Economic Development Corporation Board of Directors. Since Tim Faulkner did not seek re-election, Councilmember Sitka made a motion to appointment Councilmember McMullen to the Yoakum Economic Development Corporation Board of Directors replacing and filling the unexpired term of Councilmember Faulkner. The motion was second by Councilmember Bowe. Motion carried.

CITY Manager Cook advised that he had received statements from Railroad Management Company as Agent for Strong Capital I covering fees for the utility line crossings which we have over railroad property. The crossing fees had increased considerably this year and execution of a Rental Payment Amendment Agreement is required. It was to the City's advantage to enter into a long term agreement until 2025 for a set rate of $17,600 covering Railroad Audit's No. S133600 and S128650 for a considerable savings to the City of $8,905 over the term of the Agreement. Since $17,600 is not budgeted, a budget amendment will be required. A motion was made by Councilmember Sitka with a second by Councilmember Bowe to authorize the City Manager to execute the Rental Payment Amendment Agreement. Motion carried.

MAYOR Harbus called for an Executive Session to deliberate the purchase of real
properties as permitted by V.T.C.A., Gov. Code, Sec. 551.072. The meeting was later re-opened to the public with no action resulting from the Executive Session.

UNDER the City Manager’s Report, Mr. Cook advised that City staff was still working with Southern Union Gas Company on the franchise ordinance. Progress was being made and when a final draft is completed, a copy will be sent to Jack Hopper for review and comments. Mr. Cook advised that Maverick Engineering had submitted a design proposal for the Carroll Drive drainage problems amounting to $1,365. The problems originated with the sub-divider’s design of the subdivision. If the residents involved in this project, agree to pay for the replacement curb and gutter, the City will have paid $2,182 in engineering fees on this project. If the residents decline to pay to have the drainage problem corrected, the City will not do any more drainage engineering work since this is the second time that the City incurred cost on this problem and the residents refused to participate in the correction.

A Bill Noles contacted the City Manager wanting to enter into an agreement with the City to provide airport facility services with Patrick Vela, who currently has an airport agreement with the City. Mr. Noles is to provide a written plan and request for consideration. Mayor Harbus advised that the Lavaca County Commissioners would consider placing the jail bond issue on their August 2002 agenda for possible placement of the issue on the November election ballot. In regards to the ETJ agreement with DeWitt County, the City Attorney is reviewing the proposed agreement with the DeWitt County Attorney. Mr. Cook advised that the Electric Cost of Service Report/Study has been completed and ready for presentation to the Council. It was decided to have a special Executive Session meeting on June 4, 2002 at 6:00 PM to review and discuss the findings of the report/study. It was also reported that the Yoakum Bar-be-Que/Kitchen Facility was nearly completed.

THERE being no further business, the meeting closed.

\[signature\]
M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:

\[signature\]
Gladys M. Jiral, City Clerk
June 4, 2002
Council Room – 6:00 P.M.
Public Works Building

SPECIAL MEETING OF THE CITY COUNCIL

PRESENT:  M. W. Harbus, Jr. ..............................Mayor
          Anita R. Rodriguez...............................Councilmember
          Elorine Sitka.......................................Councilmember
          Don E. Bowe...........................................Councilmember
          Margie McMullen........................................Councilmember
          Calvin Cook...........................................City Manager
          Gladys M. Jiral .......................................City Clerk

ABSENT:  Charles Kvinta, Jr., City Attorney

MAYOR Harbus opened the meeting to the public with those in attendance being Steve Moffitt and Ryan Aldridge from McCord Engineers, and City Finance Director Charlotte Morrow and Director of Technical Services Jack Maloney. The meeting was closed to the public with the Mayor opening an Executive Session to discuss electric utility-related matters as covered by V.T.C.A., Gov. Code, Sec. 551.086.

THE meeting was later re-opened to the public with no action resulting from the Executive Session.

THERE being no further discussion, the meeting closed.

M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral
City Clerk
REGULAR MEETING OF THE CITY COUNCIL

PRESENT: M. W. Harbus, Jr. ......................Mayor
Anita R. Rodriguez..........................Councilmember
Elorine Sitka..................................Councilmember
Don E. Bowe..................................Councilmember
Charles J. Kvinta, Jr. .......................City Attorney
Calvin Cook..................................City Manager
Gladys M. Jiral .............................City Clerk

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

MAYOR Harbus called the meeting to order followed by Councilmember Bowe with the Invocation. All attending recited the Pledge of Allegiance. Mayor Harbus recognized the new Fire Chief/EMS Director Phillip Baker and welcomed him to Yoakum.

COUNCILMEMBER Rodriguez made the motion to adopt the minutes from the meetings of May 14th and June 4th, 2002 as presented. The motion was second by Councilmember Sitka. Motion carried.

ORDINANCE No. 1801 was adopted as amended on second and final reading on motion by Councilmember Sitka with a second by Councilmember Rodriguez. The ordinance provided for a change in zoning to Residential R-4 and a Specific Use Permit for a Single Space Recreational Vehicle Park at 1112 Kenedy St. for James and Donna Johnson. Motion carried. The ordinance was initially presented without the wording "Single" Space Recreational Vehicle Park.

ORDINANCE No. 1802 was adopted on second and final reading on motion by Councilmember Bowe with a second by Councilmember Rodriguez providing for a change in zoning from Residential (R-3) to Business (B-1) for Julie Poe at 106 Rose St. Motion carried.

BASED on citizen input and review, a recommended change to Ordinance No. 1803 was presented in that a stop sign be placed on Armstrong Street at its intersection with Old Shiner Road instead of on Old Shiner Road as originally presented. The intersection will be reconstructed into a true "T" intersection. A motion was made by Councilmember Rodriguez adopting Ordinance No. 1803 on second and final reading as amended. The motion was second by Councilmember Sitka. Motion carried.

COUNCILMEMBER Sitka with a second by Councilmember Bowe adopted Ordinance No. 1804 on second and final reading providing for a "Road Closed to Thru
Traffic' sign to be placed within the alley in Block 1189 located between Davis Avenue and Rose Street. Motion carried.

THE following recommendations were received from the Planning and Zoning Commission: (1) approval of a zoning change from Residential (R-3) to Commercial (C-2) for Veronica Resendiz at 114 Xavier Street, and (2) approval of a zoning change from Residential (R-3) to Residential (R-4) for Janet Hall at 818 Simpson St.

MAYOR Harbus opened the public hearing to receive any questions or comments. Written letters of objections were received from Myrtle McGrew and Floyd Dickinson. Mr. Dickinson was also present. While they did not object to Ms. Resendiz's restaurant, they were concerned that once changed to Commercial (C-2) any other type of business could be located at 114 Xavier. It was noted by City Manager Cook that this location is adjacent to property already zoned as Commercial (C-2). Only 2 out of 19 of the property owners within the 200 feet were objecting. There being no more discussion. The hearing was closed.

COUNCILMEMBER Sitka with a second by Councilmember Rodriguez made the motion to adopt an ordinance on first reading (recorded as No. 1805) granting a change in zoning from Residential (R-3) to Commercial (C-2) for property described as Lots 10 and 11 of Block 1117 of the A. May Addition for Veronica Resendiz. Motion carried.

COUNCILMEMBER Bowe made the motion to adopt an ordinance on first reading (recorded as No. 1806) granting a change in zoning from Residential (R-3) to Residential (R-4) on property described as Lots 4 and 5 of Block 2 (NCB 1259) of the Caldwell Addition for Janet Hall. The motion was second by Councilmember Rodriguez. Motion carried.

A motion was made by Councilmember Rodriguez with a second by Councilmember Bowe appointing Councilmember Sitka to the Yoakum Heritage Museum Board of Directors for a period of one year. Motion carried.

BOB Arlitt, Nyles Steinmann and James Leist were appointed to the Planning and Zoning Commission for three-year terms on motion by Councilmember Sitka with a motion by Councilmember Bowe. Motion carried.

Lindsey Lacina, Howard Templin, Tony Perez, Marlin Kuenstler, and Fred Siecko were appointed to the Building and Standards Commission for two-year terms on motion by Councilmember Bowe with a second by Councilmember Sitka. Motion carried.

JOYCE Manning, Margie Kvinta and Delores Senglemen were appointed to the Library Board for two-year terms on motion by Councilmember Sitka with a second by Councilmember Rodriguez. Motion carried.

E.L. Moore, Glen Rudolph and Bill Natho were appointed to the Construction Board of Adjustment and Appeals for three-year terms on motion by Councilmember Rodriguez with a second by Councilmember Sitka. Motion carried.
MAYOR Harbus called for an Executive Session to deliberate the purchase of real properties as permitted by V.T.C.A., Gov. Code, Sec. 551.072 and to discuss electric utility-related matters as permitted by V.T.C.A., Gov. Code, Sec. 551.086. The meeting was later re-opened to the public with no action resulting from the Executive Session.

UNDER the City Manager's Report, Mr. Cook advised that one of the air conditioners at the Community Center had developed a hole in the coil. Because of the age of the unit and other problems, it was decided to replace the unit. Belcik's Refrigeration got the low bid in the amount of $16,425. Funds for payment of the unit are available in the Community Center Capital Equipment Fund. The airport proposal from Mr. Noles is being reviewed. The bids for the TxDOT Runway Revitalization Program came in at $47,729. which was considerably lower than anticipated. The City will receive a refund from the Sponsor's Share of $12,000 paid earlier on the project. One visitor, Carol Jean Lantiegne, requested what could be done to remove the red dump truck on the railroad property off of Front Street. City Manager Cook advised that it would be checked out to see if the truck could be removed.

THERE being no further business, the meeting closed.

M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral, City Clerk
REGULAR MEETING OF THE CITY COUNCIL

PRESENT:  M. W. Harbus, Jr. .................................Mayor
          Anita R. Rodriguez ................................Councilmember
          Elorine Sitka ...........................................Councilmember
          Don E. Bowe ...........................................Councilmember
          Margie McMullen .................................Councilmember
          Charles J. Kvinta, Jr. ...............................City Attorney
          Calvin Cook ...........................................City Manager
          Gladys M. Jiral ........................................City Clerk

ABSENT:  None

MAYOR Harbus called the meeting to order followed by Councilmember Sitka with the Invocation. All attending recited the Pledge of Allegiance. Councilmember Sitka made the motion to adopt the minutes of June 11, 2002 as presented. The motion was second by Councilmember Rodriguez. Motion carried.

COUNCILMEMBER Bowe made the motion to adopt Ordinance No. 1805 on second and final reading granting a change in zoning from Residential (R-3) to Commercial (C-2) for Veronica Resendiz on property described as Lots 10 and 11 of Block 1117 of the A. May Addition. The motion was second by Councilmember Rodriguez. Motion carried.

COUNCILMEMBER Sitka made the motion to adopt Ordinance No. 1806 on second and final reading granting a change in zoning from Residential (R-3) to Residential (R-4) for Janet Hall on property described as Lots 4 and 5 of Block 2 (NCB 1259) of the Caldwell Addition. The motion was second by Councilmember Bowe. Motion carried.

LYNNIE and Gabe Jalufka, prospective owners of a new pharmacy, were present to ask that the alley in Block 1009 of the Original Townsite Addition be made into a one-way alley for traffic in order that a drive-thru window might be installed for convenient customer service. The alley runs parallel to Nelson and West May Streets with entrances from Irvine and Lott Streets. Traffic would be directed one-way when entering off of Irvine Street going east to Lott Street. The Jalufka's presented three letters of support from adjacent property owners. City Manager Cook commented that because of the building being one foot off of the property line, there is no space for the addition of an awning over the window. Also, the pavement covers only the 20' alley so base improvements and paving would have to be made next to the side of the building in the alley at the Jalufka's expense.
IT was noted by Councilmember Rodriguez that she had received verbal objections to this request from property owners. One would be out of town and unable to attend the meeting. It was suggested that no action be taken until all adjacent property owners were contacted either by the Jalufka's or the City staff. Discussion ensued followed by Councilmember Sitka making the motion to adopt an ordinance (recorded as No. 1807) on first reading designating the alley in Block 1009 of the Original Townsite Addition, which runs parallel to Nelson and West May Streets with entrances from Irvine and Lott Streets, as one-way with traffic entering off of Irvine Street going east to Lott Street. The motion was second by Councilmember Bowe. Motion carried. Councilmember Rodriguez voted nay.

LOWELL and Charlene Morris were present asking the Council to reconsider the renaming of a portion of Harwood Road to Schott Road. In June, City Council had renamed a portion of Harwood Road to Schott Road due to extending Harwood Road from its turning radius all the way to Airport Road. The Morris' explained that the name Harwood Road is shown in their property deed and they also addressed safety issues on the new extension and its intersection with the renamed Harwood Road. After their presentation and Council discussion, the City Manager was directed to review and consider the comments/issues made by the Morris'.

FIRE Chief/EMS Director Phillip Baker was present to discuss a policy change in the out of town transfers by the Yoakum EMS. This recommended change stems from the fact that Medicare and/or Medicaid does not reimburse the full cost of most long distance transfers, such as to Houston, San Antonio, Galveston, etc. Additionally, personnel have to be called in to work for those making the trip and often those employees are the ones scheduled to work the following shift or, are scheduled for call back duty the following day. Chief Baker stated that Victoria has at least three transfer services available.

THE proposed Policy No. 49 states that the Yoakum EMS shall no longer make out of town transfers to destinations other than those within a fifty mile radius of Yoakum. The exception to this includes those transfers that require immediate response and do not allow for delay in response time for transfer services. The Yoakum EMS would continue to make emergency transfers to Victoria, Gonzales, Cuero and Hallettsville. Yoakum EMS would also continue to accept inter-facility transfers for test procedures when the transfer initiates at Yoakum Community Hospital and the patient is to be returned to YCH provided that there will be a waiting period not to exceed one hour. After discussion, Councilmember Sitka made the motion to adopt Policy Statement No. 49 as presented. The motion was second by Councilmember Rodriguez. Motion carried.

WITH the Medicare changes of April 1, 2002, rural EMS providers could charge $8.21 per mile for the first fifteen miles. A recommendation was made to incorporate this charge into the City’s current charges. Councilmember Bowe made the motion second by Councilmember Sitka to adopt an ordinance (recorded as No. 1808) on first reading by adding to the Manual of Fees and Services Charges, specifically the Emergency Medical Services Charges Section, to cover Medicare Ambulance Fee Schedule changes as
established by the Medicate Negotiated Rulemaking Committee through the negotiated rulemaking process of the Negotiated Rulemaking Act of 1990. Motion carried. The current $5.00 per mile rate would remain in effect for the number of miles in excess of 15.

A letter was received from the United States Postal Service requesting the free rental and use of the Yoakum Community Center for their Main Entrance Exam for City Carriers and Clerks. The Center is leased to the Chamber of Commerce and President Larry Brandt was present for this discussion. These scheduled exams could possibly bring about 500 people to Yoakum over a two-day period. After discussion, Councilmember Sitka made the motion to allow the free rental and use of the Center on August 1st and September 18th and/or alternate dates if either date has to be rescheduled with the City reimbursing the Chamber for the expenses incurred by the Postal Service use and the Chamber paying for the rentals. The motion was second by Councilmember McMullen. Motion carried.

THE followings bids were received for the 2002 Electric System Capital Improvement Project on June 28, 2002 at 11:00 A.M.:

Henkels & McCoy
Bryan, Texas
$69,285.17 Total Base Bid

Texas Electric Util. Const., Inc.
Sherman, Texas
$38,387.46 Total Base Bid

Lower Colorado River Authority
Austin, Texas
$26,059.17 Total Base Bid

THE LCRA has contracted with Red Simpson, who will be performing the electric work. Councilmember Rodriguez made the motion to award the bid to the Lower Colorado River Authority based on the unit price basis as submitted in their total base bid. The motion was second by Councilmember Bowe. Motion carried. The bid is for labor and equipment only. The City will supply the materials.

THE placement of one of the stop signs in Ordinance No. 1803 was located inadvertently on Airport Road instead of Schott Road as needed. Councilmember Sitka made the motion to adopt an ordinance (recorded as No. 1809) amending Ordinance No. 1803 to locate the stop sign on Schott Road at its intersection with Airport Road. The motion was second by Councilmember McMullen. Motion carried.

A recommendation was received from the City staff proposing to annually increase the City's Pay Plan by the Consumer Price Index average. For 2002 the proposed increase was for 2.5%. The motion was made by Councilmember Sitka to annually increase the City's Pay Plan by the Consumer Price Index Average. The motion was second by Councilmember Bowe. Motion carried.
COUNCILMEMBER Rodriguez made the motion to appoint Jeanette Boecker to the Library Board. The motion was second by Councilmember McMullen. Motion carried.

COUNCILMEMBER Sitka made the motion to appoint Councilmember Annie Rodriguez and Don Bowe to the Golden Crescent Regional Planning Commission General Assembly. The motion was second by Councilmember McMullen. Motion carried.

A motion was made by Councilmember Rodriguez to nominate Cuero's Councilmember Jo Ann Renteria to the Golden Crescent Regional Planning Commission's Board of Director's for DeWitt County. The motion was second by Councilmember Bowe. Motion carried.

The following were appointed to the Advisory Committees of the Golden Crescent Regional Planning Commission on motion by Councilmember Sitka with a second by Councilmember Rodriguez:

Regional Health & Human Services for Lavaca County – Vivian Wright
Regional Emergency Communications for Lavaca County – Phillip Baker and for DeWitt County – Ronald Leck and Yvonne Rodriguez
Regional Public Protection for DeWitt County – Ronald Leck
Regional Environmental Resources for DeWitt County – Jack Maloney and Gerard Novosad

COUNCILMEMBER Rodriguez made the motion to appoint Pat Hull, Marie Jo Knippa and E. J. Blaschke as Alternates to the Building and Standards Commission. The motion was second by Councilmember Sitka. Motion carried.

MAYOR Harbus called for an Executive Session to deliberate the purchase of real properties as permitted by V.T.C.A., Gov. Code, Sec. 551.072; to discuss electric utility related matters as permitted by V.T.C.A., Gov. Code, Sec. 551.086, and to perform the six-month evaluation of the City Manager as permitted by V.T.C.A., Gov. Code, Sec. 551.074. The meeting was later reopened to the public.

There was no action for the first item under Executive Session. For Executive Session item two, Councilmember Sitka made the motion to adopt Resolution No. 2002-06 authorizing the Mayor and City Clerk to execute the necessary instrument to make an amendment to Exhibit A of the Wholesale Power Agreement with the Lower Colorado River Authority. The motion was second by Councilmember Bowe. Motion carried. And for the third Executive Session item, Councilmember Rodriguez made the motion, seconded by Councilmember McMullen, that the City Manager's salary be increased by $3,000 per year effective with the next pay period. On behalf of the Council, Councilmember Rodriguez stated that the Council was very pleased with Mr. Cook's performance and thought he was doing an excellent job.
UNDER the City Manager’s Report, Mr. Cook advised that the proposed 2002-2003 Fiscal Budget would be completed and delivered to the Council on Friday, July 12th. The budget workshop was scheduled for July 16th at 6:00 PM. Carol Jean Lantiegne thanked the Council and Mr. Cook for getting the red truck moved off of the railroad property located on Front Street.

THERE being no further business, the meeting closed.

M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral, City Clerk
SPECIAL BUDGET WORKSHOP MEETING OF THE CITY COUNCIL

PRESENT:  M. W. Harbus, Jr. .................................Mayor  
          Anita R. Rodriguez...............................Councilmember  
          Elorine Sitka......................................Councilmember  
          Don E. Bowe........................................Councilmember  
          Margie McMullen...................................Councilmember  
          Calvin Cook........................................City Manager  
          Gladys M. Jiral .....................................City Clerk  

ABSENT:  Charles Kvinta, Jr., City Attorney

THE Mayor opened the meeting for the purpose of reviewing and discussing the proposed 2002-2003 City Budget. City Manager Cook reviewed a listing of all City owned properties/facilities in addition to an equipment list with projections for five years. Since the budget as presented was not balanced, a list of proposed rate increases was also discussed. All department heads were present.

ANOTHER budget workshop was set for July 30th with the Council requesting that City staff review the proposed budget to see what cuts could be made.

THERE being no further business, the meeting closed.

\[Signature\]
M. W. Harbus, Jr., Mayor  
City of Yoakum, Texas

ATTEST:

\[Signature\]
Gladys M. Jiral  
City Clerk
SPECIAL JOINT MEETING OF THE CITY COUNCIL AND
BOARD OF DIRECTORS OF THE
YOAKUM ECONOMIC DEVELOPMENT CORPORATION

COUNCIL
PRESENT: M. W. Harbus, Jr. .................. Mayor
Anita R. Rodriguez .................. Councilmember and Board Vice-President
Elorine Sitka .................. Councilmember
Don E. Bowe .................. Councilmember
Margie McMullen .................. Councilmember and Board President
Charles Kvinta, Jr. .................. City Attorney
Calvin Cook .................. City Manager
Gladys M. Jiral .................. City Clerk

ABSENT: None

BOARD
PRESENT: Bruce Bayless .................. Secretary/Treasurer
Dr. Louis Boening .................. Director
Bill Natho .................. Director
Allen Dieringer .................. Director

ABSENT: None

MAYOR Harbus opened the meeting to the public; thanked all for attending, and welcomed
Nathan Block with TRC. The Mayor closed the meeting to the public by calling for an Executive
Session to deliberate the purchase of real property (V.T.C.A. Gov. Code, Sec. 551.072).

THE meeting was later re-opened to the public. Councilmember Sitka made the motion that
the City continue investigating the purchase of the real property and allow TRC to continue with
their drilling and testing at an additional cost of $15,000 to see what the liability of the City might be.
The motion was second by Councilmember Bowe. Motion carried.

THERE being no further business, the Mayor closed the meeting.

M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:
Gladys M. Jiral
City Clerk
SPECIAL BUDGET WORKSHOP MEETING OF THE CITY COUNCIL

PRESENT: M. W. Harbus, Jr. ........................................ Mayor
Elorine Sitka.......................................................Councilmember
Don E. Bowe.........................................................Councilmember
Margie McMullen..................................................Councilmember
Calvin Cook..........................................................City Manager
Gladys M. Jiral ......................................................City Clerk

ABSENT: Anita R. Rodriguez........................................Councilmember
Charles Kvinta, Jr. ..................................................City Attorney

MAYOR Harbus called the meeting to order for the purpose of discussing and reviewing the proposed 2002-2003 City Budget. City Manager Cook reviewed the areas in which adjustments had been made from almost all departments since the first budget workshop. Staff reviewed the employee health insurance benefits and an estimated $39,000 may be saved by utilizing a network type insurance coverage through the Texas Municipal League. Actual figures have not been received to date. The City Manager was contacted by DeWitt County Judge Prause about Yoakum's contribution to the Health Department for services provided within the city. Because of loss of revenue, Yoakum is being asked to contribute $25,000 instead of the $11,000 previously contributed.

TWO proposed budgets were presented - one without any rate and fee increases but with the department adjustments as discussed, and the other budget with the proposed rate increases and department adjustments. A 3% property tax increase was also included. Without the rate and fee increases, the proposed budget would have a short fall of approximately $229,340. The only other alternative to the increases would be to use reserve funds, as was done last fiscal year. The disbursement of hotel/motel tax funds to the Chamber of Commerce and how it may affect the City's proposed budget was discussed. The Chamber plans to attend the August 13th Council meeting to address this disbursement.

AFTER discussion, the Council indicated to City Manager Cook to proceed in the preparation of the proposed budget, including the rate and property tax increases and department adjustments, for submission to the Council for first reading at their August 13th meeting.

THERE being no further business, the meeting closed.

M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:
Gladys M. Jiral, City Clerk
August 13, 2002
Council Room – 7:00 P.M.
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

PRESENT: M. W. Harbus, Jr. .......................................Mayor
Anita R. Rodriguez.............................................Councilmember
Elorine Sitka....................................................Councilmember
Don E. Bowe.....................................................Councilmember
Margie McMullen .............................................Councilmember
Charles J. Kvinta, Jr. ........................................City Attorney
Calvin Cook.....................................................City Manager
Gladys M. Jiral .................................................City Clerk

ABSENT: None

MAYOR Harbus called the meeting to order followed by Councilmember Rodriguez with the Invocation. All attending recited the Pledge of Allegiance. City Manager Cook introduced the City’s new Police Officer James Poe to the Council and all attending. Councilmember Sitka made the motion to adopt the minutes of July 9th, 16th, 23rd and 30th, 2002 as presented. The motion was second by Councilmember Bowe. Motion carried.

ORDINANCE NO. 1807 designating the alley in Block 1009 as one-way to traffic at the request of Lynnie and Gabe Jalufka, prospective owners of a new pharmacy requesting a drive-thru window in the alley, was presented for second reading. Several business and property owners, whose businesses abut this alley, were present objecting to the request due to the alley and the turning radius on Lott Street being so narrow that their delivery trucks have to enter and exit off of Irvine Street. It was also pointed out that the location of the window does not allow for more than perhaps two cars to be in line for pickup before being out in Irvine Street.

THE Jalufka’s reiterated that according to their research, a drive-thru window was a major consideration for people wanting to use a particular drug store. However, the lack of having the window would not deter them from opening their business here in Yoakum. They understood and appreciated the opportunity to hear the objections and agreed that the objections were valid. A possibility exists in utilizing the window facing Irvine Street for the drive-thru window, however, more extensive modifications would have to be made to the property and review by TxDOT would be needed since the driveway may be encroaching on State right-of-way.

COUNCILMEMBER Sitka thanked the Jalufka’s for their understanding and professionalism in considering the input from the other businesses. Everyone attending the meeting agreed that it would be great to have a new business in town and welcomed
the Jalufka’s to Yoakum. Ordinance No. 1807 died for lack of a motion.

CITY Manager Cook advised the Council that he had reviewed the information presented by Mr. and Mrs. Lowell Morris at the July Council meeting about changing the name of a portion of Schott Road back to Harwood Road. Mr. Cook noted that his recommendation remains the same in that the road should remain named Schott Road based on ease of location for 9-1-1 purposes as well as for location by residents or visitors, least disruptive to residents in the area for address changes, and most logical for a straight stretch of road. As initially presented by Mr. Cook, those safety issues mentioned by the Morris’ will be addressed once the road is paved in September; those being, installation of guardrails at the intersection where the offset in Schott Road begins in addition to installing reflector posts. Based on Mr. Cook’s recommendation, no Council action was taken and the road remains named Schott Road as designated by Resolution No. 2002-05, adopted on May 14, 2002.

ORDINANCE No. 1808 adds to the Manual of Fees and Service Charges, specifically the Emergency Medical Services Charges Section, a provision for current allowable Medicare mileage rates as applicable to the first 15 miles. On motion by Councilmember Rodriguez with a second by Councilmember Sitka, the ordinance was adopted on second and final reading. Motion carried.

ORDINANCE No. 1809 providing for a stop sign on Schott Road at its intersection with Airport Road was adopted on second and final reading on motion by Councilmember Sitka with a second by Councilmember Bowe. Motion carried.

A request from Daryl Fowler for additional traffic control of Nelson Street was placed on the agenda for consideration. Prior to the meeting, Mr. Fowler notified the City Clerk that he would be unable to attend since he was in Lubbock for a funeral. There were questions from the Council pertaining to the request. Chief Leck explained that with Nelson Street being a direct route from Irvine Street to Hwy. 77a, there is a lot of traffic on this street and periodically over the years complaints come into the Police Department about speeding cars. Officers addressed those complaints by patrolling the street with radar as frequently as possible. However, in reviewing the files only a very small number of tickets were issued for speeding with a number of those being written warnings since the speed was only slightly over the posted limit of 30. The most recent ticket issued in 2002 was for 40 mph - prior to that 42 mph, and 47 mph within the last 5 years. Most of the accidents on Nelson were related to failing to yield the right of way. Speeding is not a factor in the accidents occurring on this street. Most of the accidents occur at the intersection of Cecilia and Nelson Street. Sometimes to pedestrians, vehicles appear to be traveling at a higher rate of speed than they actually are. There is no doubt that there may be speeders on this street as well as on other streets similar to this one such as East Gonzales or North South Street. No action was taken on this agenda item.

SOUTHERN Union Gas Company representatives Charles Tounley and Larry Graham were present to discuss the recommended gas franchise ordinance and thanked City staff for going through the review process with them. City Manager Cook noted
various highlights of the ordinance, such as the term of the franchise, requirement to maintain an office in Yoakum and if closed, that the City would have the first option to serve as a collection site for the gas bills, right to regulate gas rates, etc. There being no questions from the Council, Councilmember Bowe made the motion to adopt the ordinance (recorded as No. 1810) on first reading granting Southern Union Gas Company the right, privilege and franchise to operate and maintain the natural gas distribution system within the city. Councilmember Rodriguez seconded the motion. Motion carried.

DISCUSSION of the Hotel/Motel Occupancy Tax Budget and the related agreement was held between the Council and Chamber of Commerce President Larry Brandt. The current agreement provides for the Chamber to administer the tax proceeds. The Chamber wished for Council direction since they had been given the Yoakum Heritage Museum $1,600 of these proceeds over the years. There is no written agreement for this distribution to the museum and the current agreement with the City needs to be updated. There is the option for the City to begin administering the tax proceeds with distribution being made by the City. Mr. Brandt presented a proposed budget.

AFTER discussion and with the agreement of the Chamber, the Council directed City Manager Cook to make the Hotel/Motel tax a part of the regular City budget with the City administering the proceeds. This would be included with the proposed budget for final adoption at the September Council meeting. The administration by the City would become effective October 1, 2002.

THE Council received the Yoakum Community Center audit. The Chamber of Commerce has the Center leased from the City and the contract requires a certified audit. While the audit presented is not certified, Mr. Brandt indicated that the next audit would be certified as required. A local company, Data-Wright, is now handling the accounting for the Chamber.

THE Chamber request for replacement of the carpeting in the Chamber’s office at the Community Center was considered. City Manager Cook made the recommendation that while funds are not budgeted in the new proposed budget, if there are funds remaining towards the end of Fiscal Year 2002-2003, a budget amendment could be made at that time allowing for the replacement of the carpeting or some other type of floor cover. The Council agreed with this recommendation and the item will be addressed later.

YOAKUM Economic Development Corporation President Margie McMullen submitted the Corporation’s Annual Work Plan and Budget for fiscal year 2002-2003. Councilmember Sitka commented on the well presented Plan and made the motion, second by Councilmember Bowe, to approve the Y.E.D.C. Annual Work Plan and Budget for FY 2002-2003. Motion carried.

CITY Manager Cook presented the City’s proposed $11,244,540 Fiscal Year Budget. The budget as presented is approximately $65,000 lower than the previous year budget with some of the decrease stemming from a different health insurance plan and very conservative department heads. Councilmember Rodriguez made the motion to
adopt an ordinance on first reading (recorded as No. 1811) adopting the 2002-2003 City Budget in the amount of $11,244,540. The motion was second by Councilmember McMullen. Motion carried.

THE 2002 City tax rate was considered. The rate as proposed is 3% higher than last year. Councilmember Bowe made the motion to adopt an ordinance (recorded as No. 1812) on first reading adopting the 2002-2003 tax rate of $.09637 per $100 valuation. The motion was second by Councilmember McMullen. Motion carried.

AN increase in water, sewer, solid waste rates along with water and sewer service fees and the addition of a sewer surcharge for maintenance of sewer services was considered. These increases were presented and discussed during the budget workshop sessions. The motion to adopt an ordinance (recorded as No. 1813) amending the Manual of Fees and Service Charges as it pertains to increasing water, sewer, and solid waste rates along with water and sewer service fees and the addition of a sewer surcharge for maintenance of sewer services was made by Councilmember Sitka with a second by Councilmember Rodriguez. Motion carried.

COUNCILMEMBER McMullen made a motion to adopt an ordinance (recorded as No. 1814) on first reading providing for the location of a stop sign on Dulye Street at its intersection with Armstrong Street. The motion was second by Councilmember Bowe. Motion carried.

THE exceptional bid on the 2002 Sewer Main Cleaning Project resulted with approximately $12,500 remaining in that particular budget line item. During budget proceedings, City Manager Cook recommended that the remaining funds be used to purchase a boring machine for the Wastewater Department instead of waiting until the new fiscal year. Councilmember Sitka made the motion, second by Councilmember Rodriguez, to authorize the purchase of the boring machine for the Wastewater Department utilizing the remaining funds. Motion carried.

DISCUSSION ensued regarding the selection process for prospective appointees to the Yoakum Economic Development Corporation Board of Directors, and the appointment of Arthur G. Hermann III to fill an unexpired term ending September 2003 for this Board. Councilmember Rodriguez made the motion to appoint Arthur G. Hermann III to the Board of Directors of the Y.E.D.C. with a second by Councilmember Bowe. Motion carried. Councilmember McMullen opposed the motion.

COUNCILMEMBER Rodriguez made the motion to appoint Councilmember Margie McMullen and Allen Dieringer to the Y.E.D.C. Board of Directors for two-year terms expiring in September 2004. The motion was second by Councilmember Sitka. Motion carried. The new Yoakum Community Hospital Administrator, Mr. Wayne Ogburn, was considered as an appointee but a decision was not made on his appointment.

MAYOR Harbus called for an Executive Session to deliberate the purchase of real properties as permitted by V.T.C.A., Gov. Code, Sec. 551.072 and to discuss electric utility
related matters as permitted by V.T.C.A., Gov. Code, Sec. 551.086. The meeting was later re-opened to the public with no action resulting from the Executive Session.

UNDER City Manager's Report, Mr. Cook advised that the City would be receiving sealed application proposals for the depository of municipal funds for Council award in September. Regarding the mosquito spraying issue, Mr. Cook advised that while the City is concerned about the health of our citizens, he felt that we need to continue to monitor calls – to date only two calls had been received. Since the City does not have spraying equipment we would have to go outside the City to get the spraying done. To have an effective spraying program, the spraying would have to be done more than just one time and outside sources of spraying could be costly. Other concerns were expressed about health hazards that could arise from spraying and that some communities have stopped spraying because of these concerns. Finally, Mr. Cook advised that the contractor would begin the sewer cleaning project the next day.

THERE being no further business, the meeting closed.

M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jimal
City Clerk
REGULAR MEETING OF THE CITY COUNCIL

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

ABSENT:  Mayor M. W. Harbus, Jr.

MAYOR Pro-Tem Rodriguez called the meeting to order followed by Councilmember McMullen with the Invocation. All attending recited the Pledge of Allegiance. Councilmember Sitka made the motion to adopt the minutes of August 13, 2002 as presented. The motion was second by Councilmember Bowe. Motion carried. Mayor Pro-Tem reminded and invited everyone to the September 11th Observance Program being held at the Community Center on Wednesday beginning at 6:30 P.M.

ORDINANCE No. 1810 granting the Southern Union Gas Company a gas franchise for the City of Yoakum was reviewed for second and final reading. Councilmember Bowe made the motion to grant Southern Union the right, privilege and franchise to operate and maintain the natural gas distribution system within the city. The motion was second by Councilmember Sitka. Motion carried.

DARYL Fowler was present to state his request to the Council for additional traffic control on Nelson Street. He addressed specifically the apparent speeders using Nelson Street as a direct route to Highway 77a and requested that stop signs be placed at least at the corner of Nelson and Forest Streets, and Nelson and Cecilia Streets in order to attempt to control the speeders. Chief Leck reviewed the Police Department’s statistical information as discussed at last month’s meeting. Chief Leck noted the TxDOT Manual on Uniform Traffic Control Devices states that stop signs should be used only as warranted and not as an attempt for traffic control. The following recommendations were presented in an attempt to address this issue: review the number of accidents at Cecilia and Nelson Streets to see if stop signs are warranted at that intersection; traffic counts would be conducted on Nelson, and a portable radar unit (which is to be purchased in the new fiscal year by the Police Department) could be utilized by an officer in an unmarked vehicle to ticket speeders. No action was taken on this agenda item.

THE Mayor Pro-Tem opened a public hearing to receive citizen comments on the
proposed 2002-2003 City budget. City Manager Cook explained that the only change to the budget as presented to the Council in August was the inclusion of the $16,000 hotel/motel occupancy tax proceeds (as directed by the Council in August) as a line item for administration by the City, which brought the total budget amount to $11,260,540. There being no further questions or discussion, Mayor Pro-Tem Rodriguez closed the public hearing. Councilmember Sitka made the motion to adopt Fiscal Year Budget 2002-2003 Ordinance No. 1811 on second and final reading in the amount of $11,260,540. The motion was second by Councilmember McMullen. Motion carried. Councilmember Sitka expressed the Council's appreciation to City Manager Cook and the department heads for a job well done in the preparation of the budget.

COUNCILMEMBER Bowe made the motion to adopt Ordinance No. 1812 on second and final reading setting the City's 2002 tax rate at $0.09637 per one hundred dollar valuation. The motion was second by Councilmember McMullen. Motion carried.

ORDINANCE No. 1813 amending the Manual of Fees and Service Charges as it pertains to increasing water, sewer, and solid waste rates along with water and sewer service fees and the addition of a sewer surcharge for maintenance of sewer services, was adopted on second and final reading on motion by Councilmember McMullen with a second by Councilmember Bowe. Motion carried.

ORDINANCE No. 1814 which provides for the location of a stop sign on Dullye Street at its intersection with Armstrong Street was adopted on second and final reading on motion by Councilmember Sitka with a second by Councilmember Bowe. Motion carried.

THE following recommendation was received from the Planning and Zoning Commission – approval of a zoning change for the Yoakum Hospital District from Residential (R-3) to Commercial (C-2) for 303 Hubbard Street. Mayor Pro-Tem Rodriguez opened the public hearing to receive citizen comments on the Planning and Zoning Commission's recommendation. Mrs. Lise Naegle, an adjacent property owner, expressed concern about truck traffic if the facility is to be used as a warehouse, office space and possibly a distribution center. Hospital board member Weymon Adamek responded that initially to move merchandise into the facility, large 18-wheeled trucks would most likely be used but after that, the trucks being used would more than likely be UPS, Fed-Ex, etc. Mr. Adamek stated that he felt the traffic flow would be less than when the hospital was located within the building. In response to the question of spot zoning, the city attorney stated that the Council could adopt the ordinance approving the zoning change and if it became an issue, a court of law would determine if the Council action was spot zoning.

COUNCILMEMBER Sitka with a second by Councilmember McMullen made the motion to adopt an ordinance on first reading (recorded as No. 1815) granting a zoning change from Residential (R-3) to Commercial (C-2) on property described as Lots 1, 2, 9, 10, and 26.4 feet of the northwesterly side of Lots 3 and 8 of Block 5 (NCB 1231) of the Lewis May Addition, and part of Lots 6 and 7 (lots 1 and part of 2 on the Bartlett and Raney Map of the City of Yoakum dated May 1930) in Block 6 (NCB 1215) of the Mahon Addition. Motion carried.
THE City received two depository bids on September 5, 2002 at 10:00 A.M. – one from First State Bank and the other from Yoakum National Bank. The bids were reviewed and a recommendation made by Finance Director Charlotte Morrow with concurrence by City Manager Cook that the bid be awarded to the Yoakum National Bank. Councilmember Bowe made the motion to award the two-year depository bid for public funds and component unit to the Yoakum National Bank. The motion was second by Councilmember McMullen. Motion carried. Councilmember Sitka abstained from voting due to business interests.

THE list of ambulance and utility account receivables was reviewed and discussed. The City’s utility office has a very good collection rate, approximately 90% of the ambulance bills and 99.5% of the utility bills. Councilmember McMullen made the motion to authorize the charge-offs as presented. The motion was second by Councilmember Sitka. Motion carried.

COUNCILMEMBER McMullen with a second by Councilmember Bowe made the motion to appoint Magdalene Jahn and Wayne Rudolph to the Yoakum Oak Grove Cemetery Association Board of Directors for three-year terms. Motion carried.

A motion was made by Councilmember McMullen to cast the City’s vote for Richard Browning from the City of Edna for the Board of Trustees of the Texas Municipal League Intergovernmental Employee Benefits Pool. The motion was second by Councilmember Bowe. Motion carried.

MAYOR Pro-Tem Rodriguez called for an Executive Session to deliberate the purchase of real properties as permitted by V.T.C.A., Gov. Code, Sec. 551.072 and to discuss electric utility related matters as permitted by V.T.C.A., Gov. Code, Sec. 551.086. The meeting was later re-opened to the public. No action was taken on the deliberation of the purchase of real property. For the utility related matters, Councilmember Sitka made the motion to authorize the City Manager to execute the necessary document to select Choice One to purchase 100% of power from LCRA. This motion was second by Councilmember Bowe. Motion carried. Councilmember Bowe with a second by Councilmember McMullen made the motion to execute the necessary document to select the Traditional Fuel Factor Option from LCRA. Motion carried.

BASED on budget workshop discussions, an ordinance was presented providing for a one percent increase in revenue from the electric utility rates and fees. Councilmember Sitka made the motion to adopt an ordinance (recorded as No. 1816) amending the Manual of Fees and Service Charges as it pertains to increasing electric utility rates and fees. The motion was second by Councilmember McMullen. Motion carried.

UNDER the City Manager’s Report, Mr. Cook stated that the electric system improvement project contractor is progressing and should be finished before the end of September. A six-inch portable emergency pump for the Wastewater Department was ordered at a cost of $21,548 from Godwin Pumps of America, Inc. Two other bids were
received after the bid deadline and were returned unopened. H & C Construction Company is scheduled to start the street paving project on September 23rd. Mr. Cook reported he had met with the airport lessee about additional hangars and review of the current contract.

THE appointment process for the Economic Development Corporation Board of Directors was discussed. After discussion, the consensus was that for a vacancy on the E.D.C. Board, whomever from the Council wanted to submit a name, should also submit a bio/resume on the prospective appointee stating as to why that person is qualified, or may be interested, in the appointment.

MR. Cook advised that the Helping Hands and Hearts for Yoakum would be utilizing the Transfer Station at no charge for disposal of garbage during their Clean Sweep Project. The Pershing Square Pedestrian Facility RFP’s would be received on Thursday, September 12th. Mr. Cook reminded all Councilmembers about the City’s Service Awards Barbeque to be held on September 26th. Also on the drive-thru window for the new pharmacy, there doesn’t appear to be adequate space to construct a driveway next to the window facing Irvine Street without encroaching on State right-of-way.

THERE being no further business, the meeting closed.

M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Guiral
City Clerk
REGULAR MEETING OF THE CITY COUNCIL

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

ABSENT:  None

MAYOR Harbus called the meeting to order followed by Councilmember Bowe with the Invocation. All attending recited the Pledge of Allegiance. Councilmember Sitka made the motion to adopt the minutes of September 10, 2002 as presented. The motion was second by Councilmember Bowe. Motion carried unanimously.

ORDINANCE No. 1815 was presented for second reading. Councilmember Rodriguez made the motion with a second from Councilmember Sitka to adopt Ordinance No. 1815 on second and final reading granting a change in zoning from Residential (R-3) to Commercial (C-2) on the property as previously described for the Yoakum Hospital District. Motion carried unanimously.

ORDINANCE No. 1816 which provides an amendment to the Manual of Fees and Service Charges for a one percent increase in revenue from the electric utility rates and fees was adopted on second and final reading on motion by Councilmember Bowe with a second by Councilmember Rodriguez. Motion carried unanimously.

CITY Manager Cook presented to the Council the option to refinance or retire the 1988 Utility Revenue Bonds in December 2002. Refinancing would save $85,247.50 over the five-year life of the bonds while retiring the bonds would be an interest savings of $234,700. In 1998 when the General Obligation Bonds were eligible for refinancing, the City chose to pay the balance due on the bonds in full instead of refinancing and a debt reduction reserve fund was established to be used in the future to pay on or off the 1988 Utility Revenue Bonds when they became eligible. Funds from Debt Reduction Reserves, 1988 Utility Bond Reserves, 1988 Interest and Sinking, the 2003 budgeted interest payment, and utility operating reserve could be used to accomplish the retirement.
Councilmember Rodriguez made the motion to authorize the retirement of the 1988 bonds in the amount of $1,025,000 as recommended. The motion was second by Councilmember Bowe. Motion carried unanimously.

A request to close the unused and undeveloped Delphina Street was received from abutting property owners. The street is located between Christiana and Theresa Streets running parallel to Coke and Walnut Streets. There are no utilities within the 50 by 200 foot street right of way. A motion was made by Councilmember Sitka with a second by Councilmember Rodriguez to adopt an ordinance (recorded as No. 1817) on first reading closing and abandoning Delphina Street. Motion carried unanimously.

AMENDMENTS to Fiscal Year Budget 2001-2002 were reviewed. There may be additional items added to the Exhibit A before final adoption in November since the City’s fiscal year has not been closed out. Councilmember Rodriguez made the motion to adopt an ordinance (recorded as No. 1818) on first reading amending the FY 2001-2002 Budget Ordinance No. 1781 as presented. Councilmember McMullen seconded the motion. Motion carried unanimously.

A request to close the twenty-foot alley which runs parallel to Park and Southwell Streets with entrances from Turner and Pat Cleburne Streets was considered. The petition was signed by all abutting property owners. No utilities are located within the right of way. Councilmember Bowe with a second by Councilmember Sitka made the motion to adopt a resolution (recorded as No. 2002-07) closing, vacating and removing this alley from public use. Motion carried unanimously.

MAYOR Harbus called for an Executive Session to deliberate the purchase of real properties as permitted by V.T.C.A., Gov. Code, Sec. 551.072. The meeting was later re-opened to the public. Councilmember Sitka made a motion authorizing the City Manager to proceed with the purchase of the Southern Union Gas Company property on Crittenden Street. The motion was second by Councilmember Bowe. Motion carried unanimously.

UNDER the City Manager’s Report, Mr. Cook advised that Request for Proposals for Architect/Engineering Services for the Pershing Square Pedestrian Facility Project (TEA-21) had been received and the four very qualified proposals were reviewed. The Review Committee (Economic Development President Margie McMullen, Calvin Cook, Leonard Bucsanyi, Charlotte Morrow and Gladys Jiral) held interviews with each firm and based on the scoring criteria, rated the firms in the following order: Maverick Engineering, Hunter Associates, Alexander Boedy Associates and TSG Architects, Inc. Once a scope of work is developed, Mr. Cook will be in contact with Maverick Engineering to negotiate fees for the project. If fees cannot be negotiated within budget, the next firm would be contacted. Mr. Cook hopes to have the scope of work and negotiations completed within the next six to eight weeks.

MR. Cook advised that he would be contracting with Nathan Block from the TRC Environmental Corporation at a cost of $4,000 to prepare a Storm Water General Permit Notice of Intent and Storm Water Pollution Prevention Plan for the Yoakum Municipal
Airport as required by the Texas Commission On Environmental Quality (TCEQ). A Storm Water Prevention Team, consisting of Director of Community Services Tom Chilek, Director of Technical Services Jack Maloney and Assistant Water/Wastewater Superintendent Richard Clark, has been appointed. The Team will be required to attend training sessions in the proper handling of specific chemicals, fluids, spill prevention methods, clean up techniques, etc. TCEQ requires that the Plan be in compliance by March 10, 2003.

THERE being no further business, the meeting closed.

M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral
City Clerk
November 12, 2002
Council Room – 7:00 P.M.
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

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

ABSENT:  M. W. Harbus, Jr. ………………………………………Mayor

MAYOR Pro-Tem Rodriguez called the meeting to order followed by Councilmember Sitka with the Invocation. All attending recited the Pledge of Allegiance. Visitors acknowledged were Tomas Rojas and Larry Brandt. Councilmember Sitka made the motion to adopt the minutes of October 8, 2002 as presented. The motion was second by Councilmember Bowe. Motion carried unanimously.

ORDINANCE NO. 1817 closing the unused and undeveloped Delphina Street was considered on second reading. A motion was made by Councilmember Bowe with a second by Councilmember McMullen to adopt the ordinance on second and final reading closing and abandoning Delphina Street. Motion carried.

ORDINANCE No. 1818 amending Fiscal Year Budget 2001-2002 was reviewed. Additional items had been added to the Exhibit A since the November meeting with the close out of the City’s fiscal year. Councilmember McMullen made the motion to adopt Ordinance No. 1818 on second and final reading amending the FY 2001-2002 Budget Ordinance No. 1781 as presented. Councilmember Sitka seconded the motion. Motion carried.

RECOMMENDATIONS from the Planning and Zoning Commission were received:
1) approval of a zoning change for Tomas P. and Manuela R. Rojas from Residential (R-2) to Residential (R-4) for 501 and 503 Armstrong Street, and 2) approval of an amendment to the Zoning Ordinance pertaining to Sections 4.3.A., 1. Uses Permitted within the R-1 Residential District and Section 10. Specific Use Permits. Mayor Pro-Tem Rodriguez opened the public hearing for comments. Mr. Rojas was present but did not address the Council. There being no comments Mayor Pro-Tem closed the hearing.

COUNCILMEMBER Sitka made the motion to adopt an ordinance (recorded as No.
1819) on first reading granting a change in zoning from Residential (R-2) to Residential (R-4) on property described as Lots 1 and 2 in Block 1146 of the Leo Tucker Addition at 501 and 503 Armstrong Street. The motion was second by Councilmember Bowe. Motion carried. Motion carried.

A motion made by Councilmember Bowe adopted an ordinance (recorded as No. 1820) on first reading amending Zoning Ordinance No. 1500, specifically Section 4.3.A., 1. Uses Permitted Within the R-1 Residential District, and Section 10. Specific Use Permits, Item E. The motion was second by Councilmember McMullen. Motion carried. The amendments were to consolidate, clarify and make grammatical corrections.

THE Yoakum Area Chamber of Commerce presented a request for street closures for the December 5th Winter Wonderland Celebration. Instead of utilizing the Community Center as in previous years for Santa and the various other booths, all events including Santa’s arrival would be in the downtown area near the Christmas tree. Councilmember McMullen made the motion to close the following: (1) West Grand from its intersection with Lott and Irvine from 5:30 PM to 10:00 PM on December 5th, and (2) during the staging, the parade and dispersal of the parade, the 100 block of West May and West Hugo, and Lott Street from West May to West Hugo. The motion was second by Councilmember Sitka. Motion carried. The Chamber will provide their certificate of liability insurance showing the City as additional insured.

A request from the Chamber for closure of streets for the February 2003 Land of Leather Festival was discussed. The closures as requested are the same as last year, which worked very well especially on the location of the carnival. Councilmember Sitka made the motion to close the following for the Land of Leather Festival: (1) One block of West Street from its intersection with Lott and Irvine from February 20th to February 23rd for use by the carnival, and (2) West Grand beginning at Irvine to Front, and Lott beginning at West May to West Hugo from 6 PM, February 21st to 6 PM on February 22nd, and Front Street from West Hugo to West May from 7 AM to 6 PM on February 22nd. The motion was second by Councilmember Bowe. Motion carried. The Chamber will provide their insurance certificate for this event as well. The carnival will also have to provide proof of liability insurance as well as a $1,000 street damage deposit.

WHEN implementing the new utility rates adopted by Ordinance No. 1813, City staff discovered a mathematical error. The Maximum Charge (per living unit) for sewer service was miscalculated. Based on the fact that this rate was a miscalculation; the 2002-03 City budget was adopted based on a 10% increase in sewer service, and Ordinance No. 1813 was adopted on two readings at regular monthly Council meetings as well as the caption being published in the Yoakum Herald Times, the correcting ordinance was presented on emergency reading in order that the correct rate could be implemented along with the other approved increases. Councilmember Sitka with a second by Councilmember Bowe made the motion to adopt the ordinance on emergency reading (recorded as No. 1821) amending Ordinance No. 1813, Section 2. Sewer Rates and Fees, Subsection A. Monthly Residential Charge, specifically Items 1 and 2, Maximum Charges per living unit, to $19.09 instead of $1859. Motion carried.
MAYOR Pro Tem Rodriguez called for an Executive Session to discuss electric utility-related matters as permitted by V.T.C.A., Gov. Code, Sec. 551.086. The meeting was later re-opened to the public. Councilmember McMullen made the motion authorizing the City Manager to sign the 2003 Price Select Option form which will chose the City's option based on the staff and City consultant's recommendation. The motion was second by Councilmember Sitka. Motion carried. Councilmember Sitka made the motion to authorize the City Manager to select and sign the Price Select 2003 Fuel and Power Cost Recovery Factor selection form. Motion carried. Councilmember McMullen made a motion to authorize the City Manager to follow the recommendation of the City Attorney and consultant in regards to the Confidentially Agreement with LCRA. The motion was second by Councilmember Bowe. Motion carried.

UNDER the City Manager's Report, Mr. Cook advised that bids were let and received on November 1st at 10:00 AM to purchase a car for the Police Department. One bid was received from Wendel Ford Motor Company in the amount of $21,407.57 with delivery in 75 days. A purchase order has been processed. Documents are being prepared and advertisement for bids sent to the paper for the Laredo Street Water Tower Maintenance Project. Bids are to be received by 2 PM on Wednesday, December 4, 2002. Carl O'Neill from the Yoakum TxDOT office advised that the Chisholm Trail Topiary Project bid was awarded to Nalles Landscaping of Elgin, Texas in the amount of $35,864.40, which is over the budgeted amount of $30,000. Mr. O'Neill explained that TxDOT would pay for the overage.

THERE being no further business, the meeting closed.

M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral
City Clerk
December 10, 2002
Council Room – 7:00 P.M.
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

PRESENT: M. W. Harbus, Jr. ........................................Mayor
Anita R. Rodriguez ..............................................Councilmember
Elorino Sitka ..................................................Councilmember
Don E. Bowe ..................................................Councilmember
Charles J. Kvinta, Jr. ........................................City Attorney
Calvin Cook ..................................................City Manager
Gladys M. Jiral ..................................................City Clerk

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

MAYOR Harbus called the meeting to order followed by Councilmember Rodriguez with the Invocation. All attending recited the Pledge of Allegiance. Visitors acknowledged were Chief Ronnie Leck, who thanked the City Council and staff for the support and cooperation that he received throughout his tenure as Chief of Police and looks forward to working with the Council and staff in his capacity as Lavaca County Judge. Chief Leck also introduced Patrolman Sam Jones, who fills the newly created COPS Grant position.

COUNCILMEMBER Rodriguez made the motion to adopt the minutes of November 12, 2002 as presented. The motion was second by Councilmember Sitka. Motion carried.

ORDINANCE No. 1819, granting a change in zoning from Residential (R-2) to Residential (R-4) on property described as Lots 1 and 2 in Block 1146 of the Leo Tucker Addition at 501 and 503 Armstrong Street, was adopted on second and final reading on motion by Councilmember Sitka with a second by Councilmember Rodriguez. Motion carried.

ORDINANCE No. 1820, amending Zoning Ordinance No. 1500, specifically Section 4.3.A., 1. Uses Permitted Within the R-1 Residential District, and Section 10. Specific Use Permits, Item E, was adopted on second and final reading on motion by Councilmember Bowe. The motion was second by Councilmember Rodriguez. Motion carried. The amendments were to consolidate, clarify and make grammatical corrections.

A recommendation from the Planning and Zoning Commission was received: Approval of a zoning change for Robert Ramirez from Residential (R-3) to Residential (R-4) for 907 Boyle Street. Mayor Harbus opened the public hearing for comments. Mr. Ramirez was present. There being no comments, the hearing was closed.
COUNCILMEMBER Rodriguez made the motion to adopt an ordinance (recorded as No. 1822) on first reading granting a change in zoning from Residential (R-3) to Residential (R-4) on property described as Lot 9 in Block 3 of the Sunset Addition at 907 Boyle Street. The motion was second by Councilmember Bowe. Motion carried.

BIDS for repair of the Laredo Street Elevated Water Tank were received on Wednesday, December 4, 2002 at 2 PM. Bids were from N. G. Painting of Kerrville, Texas and Phoenix Fabricators of Avon, Indiana with both exceeding the budgeted projection. Paul Boedeker with Hunter Associates evaluated the bids and provided a written recommendation to reject the bids received and re-bid. The revised specifications would call for accomplishing the same interior work and to encapsulate the exterior paint system instead of sandblasting and painting the outside. Bids would be received in time for consideration and possible award by the Council at the January meeting. Councilmember Sitka with a second by Councilmember Bowe made the motion to reject the bids received from N. G. Painting and Phoenix Fabricators. Motion carried.

CITY Manager Cook advised he and the City Attorney had reviewed the proposed ordinance to assign and transfer the gas franchise from Southern Union Gas Company to ONEOK, Inc. and that he had researched the background of ONEOK, Inc. hearing favorable reports from the City's financial consultants. Indications are that ONEOK is committed to continued employment for the existing employees. Councilmember Rodriguez made the motion to adopt an ordinance (recorded as No. 1823) as presented on first reading assigning and transferring the current gas franchise from Southern Union Gas Company to ONEOK, Inc. The motion was second by Councilmember Sitka. Motion carried.

A request from DeWitt County Judge Ben Praise for the City to participate with the County in a Mutual Aid Agreement for police protection and law enforcement services was considered. The Judge wished to establish an agreement with all the cities within DeWitt County. Councilmember Sitka made the motion to authorize Mayor Harbus to enter into a Mutual Aid Agreement with DeWitt County for police protection and law enforcement services. The motion was second by Councilmember Bowe. Motion carried.

STAFF has been negotiating with Maverick Engineering for the Scope of Services and cost for engineering/architectural services on the Pershing Square Pedestrian Enhancement Project (TEA-21). If Maverick agrees to the latest suggestions, the cost will be at the budgeted cost for engineering work and paid in a lump sum less retainage to cover any last minute revisions to the plans and specifications. To avoid delaying the contract execution until after the Council's January meeting, City Manager Cook requested the Council to authorize the Mayor to sign the contract for services when the cost negotiations and scope of services are completed, and after review and approval of the contract by the City Attorney. Councilmember Rodriguez made the motion to authorize the Mayor to enter into an engineering/architectural contract with Maverick Engineering, Inc. for the Pershing Square Revitalization (TEA-21) Project to be paid in a lump sum not to exceed $109,560. The motion was second by Councilmember Bowe. Motion carried.
MAYOR Harbus called for an Executive Session to deliberate the purchase of real property (V.T.C.A., Gov. Code, Sec. 551.072) and to discuss electric utility-related matters (V.T.C.A., Gov. Code, Sec. 551.086). The meeting was later re-opened to the public. No action was taken pertaining to the purchase of property. Councilmember Sitka made the motion to authorize the City Manager to sign the LCRA letter concurring that the proposed transformation and wholesale metering rates are acceptable; that we do not wish to contest their adoption in this docket, and agree that this matter can be settled without necessity of the hearing. The motion was second by Councilmember Rodriguez. Motion carried.

COUNCILMEMBER Bowe with a second by Councilmember Sitka proclaimed January as School Board Recognition Month. Motion carried.

UNDER the City Manager’s Report, Mr. Cook advised that bids were received on December 4, 2002 for the purchase of one ¾ ton cab and chassis for the Electric Department as budgeted. Bids received were from Wendel Ford Motor Company in the amount of $17,995.00 and Cooper Chev Olds Buick Pontiac in the amount of $19,995. A purchase order had been issued to Wendel Ford Motor Company, the low bidder. Specifications for the utility bed are being prepared. Staff asked for direction on filing the vacancy on the Board of Directors of the Yoakum Economic Development Corporation. Names would continue to be suggested by the Council and staff would contact to see if nominees were interested in serving if appointed. At this time, staff was directed to contact Larry Brandt to see if he would be interested in serving.

THERE being no further business, the meeting closed.

M. W. Harbus, Jr., Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral
City Clerk