January 13, 2004  
Council Room – 6:00 P.M.  
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

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

ABSENT:  None

MAYOR Rodriguez called the meeting to order and the invocation was lead by Councilmember Fowler. All attending recited the Pledge of Allegiance. Councilmember Bowe made the motion to adopt the minutes of the December 9, 2003 meeting as presented. The motion was second by Councilmember Sitka. Motion carried unanimously.

ORDINANCE No. 1838 granting a zoning change from Residential (R-3) to Residential (R-4) on property described as Lots 14, 15 and 16 in Block 1216 of the Mahon Addition at 117 Crisswell Street was adopted on second and final reading on motion by Councilmember Sitka with a second by Councilmember Bowe. Motion carried unanimously.

ORDINANCE No. 1839 granting a zoning change from Commercial (C-2) to Residential (R-4) on property described as part of 1.580 acres of Abstract 584 in the G. T. Hagan Addition and part of 17.500 acres of Abstract 29 in the John May League at 409 Hwy. 77A North was adopted on second and final reading on motion by Councilmember Bowe with a second by Councilmember Sitka. Motion carried. Councilmember Fowler voted nay.

ORDINANCE No. 1840 granting a Specific Use Permit for an institution of a religious nature to the Austin Street Baptist Church on property described as Lot 3 of Block 6 in the Sandel Addition and .689 acres of Abstract 29 in the John May League at 1308 and 1316 East Gonzales Street was adopted on second and final reading on motion by Councilmember Sitka with a second by Councilmember McMullen. Motion carried unanimously.

STEVE Van Manen with the firm Harrison, Waldrop & Uherek, L.L.P. presented their findings for the City audit ending September 30, 2003, which was
that the City received an unqualified or clean opinion, which is the highest rated opinion possible. A brief review of the audit was given. Mr. Van Manen stated the auditors appreciate working with the City’s staff as they always do a terrific job. Councilmember Sitka made the motion to approve the audit. The motion was second by Councilmember Fowler. Motion carried unanimously.

GLEN Kusak thanked the City Council for their Proclamation to the YISD proclaiming January as School Board Recognition Month and for Mayor Pro-Tem Sitka’s presentation of the proclamation at their January meeting. He had asked to address the Council on the Yoakum Police Department’s policy for handling suspects especially as handled during the incident at his place of business. Because of that incident, he felt that perhaps policy needed to be revised especially in the handling of the elderly and the officers’ lack of respect to citizens while performing their duties. City Manager Cook assured Mr. Kusak that the incident has been reviewed and the City is doing some things as far as additional training to try to improve community relations. The Council thanked Mr. Kusak for bringing his concerns and those of others citizens to their attention.

CITY Manager Cook requested City Council’s authorization to offer for sell the surplus 1972 International fire truck to other fire departments first and if no interest from these departments, then proceed with advertising and the formal bid process. Councilmember Sitka with a second by Councilmember Bowe made the motion to authorize the sale of the fire truck as outlined by City Manager Cook. Motion carried unanimously.

AFTER going through the Sheriff’s Sale process, the Lavaca County Tax Assessor-Collector has received a bid in the amount of $1,500 for the sale of property located at 407 Moffitt Street and has requested Council approval to sell the property. Councilmember Bowe made the motion to accept the bid for the sale of Lot 3 and one-half of Lot 2 in Block 1143 of the Leo Tucker Addition. The motion was second by Councilmember McMullen. Motion carried unanimously.

COUNCILMEMBER Sitka made the motion to adopt a resolution (recorded as No. 2004-01) adopting an Annexation Plan which states that at this time the City does not intend to annex any territory that in order to be annexed is required to be in a Plan. The motion was second by Councilmember Bowe. Motion carried unanimously.

MAYOR Rodriguez called for an Executive Session at 6:45 P.M. to discuss electric utility-related matters (V.T.C.A., Gov. Code, Sec. 551.086). At 6:55 P.M., the meeting was re-opened to the public. Councilmember Sitka made the motion that the City continue to purchase its electricity requirements under its Wholesale Power Agreement with the Lower Colorado River Authority and the City Manager be authorized to notify the LCRA of the City’s decision. The motion was second by Councilmember Bowe. Motion carried unanimously.
UNDER City Manager's Report, Mr. Cook advised a progress report had been received from the Amason's on their 608 West Grand Avenue property. Very little progress has been made on the exterior. No report was received from Ruben Garcia on his 102 Arnold property, nor had any progress been made as indicated to the Council as the Second Panel of the Building and Standards Commission at the December 9th meeting. The Council directed Mr. Cook to schedule another hearing of the Second Panel for the February Council meeting. Mr. Cook reported that all three ongoing public works projects (Street Light Replacement, State Bank Sewer Line Replacement and Brushy Creek Ground Storage Tank Roof Projects) are progressing well and on schedule. The Council was reminded of the Master Parks Plan Public Meeting at the Community Center at 6:00 P.M. Mr. Cook also reminded the Council of Yoakum hosting the Guadalupe Valley Water Association Annual Meeting on Thursday, January 15th beginning at 6 PM.

THERE being no further business, the Council meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral
City Clerk
February 10, 2004
Council Room – 6:00 P.M.
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

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

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

MAYOR Rodriguez called the City Council meeting to order and led the invocation. All attending recited the Pledge of Allegiance. The Mayor called for a public hearing by the Second Panel of the Building and Standards Commission, which by ordinance is the City Council. The hearing was to: (1) review the construction schedule and assess compliance with previous directives to abate violation of the City’s Unsafe Building Abatement Ordinance on Lots 5 and part of 4 in Block 7 (NCB 1119) of the Park Heights Addition (102 Arnold St.) for Ruben Garcia, and (2) hear the decision or order of the Building and Standards Commission on property located in part of the John May League (1306 Dunn St.) for Curley Hodges.

NEITHER Ruben Garcia nor Curley Hodges was present for the hearing. City Manager Cook reviewed the history of both locations. The Second Panel received and heard the Garcia Case from the Building and Standards Commission for the first time on June 5, 2003. The Second Panel decided to stay the demolition order for six months as requested allowing for time to make repairs. The second hearing by the Second Panel was on December 12, 2003. Because of an injury and at the written and verbal request of Mr. Garcia, the Second Panel granted additional thirty days to complete the roof, electrical work and repair the plumbing. To date, no work has been done nor has Mr. Garcia contacted City staff about repairs.

ALFRED Hodges, representative for Curley Hodges, had previously removed junk vehicles and cleaned the property located at 1306 Dunn St., however, the mobile home is not habitable. The Building and Standards Commission ordered the securing of bids in February 2003 for the demolition of the mobile home. Mr. Hodges requested and was given time to produce a HUD certificate of habitability. A State Inspector did make an inspection, but in November 2003 the mobile home was still not certified as habitable. The Commission ordered to proceed with the demolition. Alfred Hodges filed the appeal of this decision to the Second Panel of the Building and Standards Commission in behalf of his brother Curley.
THE public hearing was closed to public comments. A motion was made by Councilmember Sitka with a second by Councilmember Bowe to secure bids and proceed with demolition of the Ruben Garcia property at 102 Arnold St. Motion carried. Councilmember Bowe made the motion to secure bids and proceed with the demolition of the Curley Hodges property at 1306 Dunn St. The motion was second by Councilmember Sitka. Motion carried. It was noted that both property owners have thirty days to appeal these decisions to District Court.

THE Second Panel’s hearing and meeting was closed and the regular City Council meeting commenced. Mayor Rodriguez called for acknowledgement of visitors followed by a motion by Councilmember Sitka to adopt the minutes of the January 13, 2004 meeting as presented. The motion was second by Councilmember Bowe. Motion carried.

THE following recommendations were received from the Planning and Zoning Commission: (1) approval of a change in zoning for Yoakum Grain, Inc. from Residential (R-3) to Commercial (C-2) for 202, 204, 206 and 208 Dayly St., and (2) denial of a change in zoning from Commercial (C-2) to Residential (R-4) and a Specific Use Permit for a Manufactured Home Park for Franklin Stary for 909 W. U. Hwy. 77a North.

A public hearing was opened by Mayor Rodriguez to receive public comments on the Commission’s recommendations. Representatives attending for Yoakum Grain, Inc. were Shannon Bucek and Denis Wauson. Mr. and Mrs. Franklin Stary were also in attendance for their issue. Discussion followed and the hearing was closed.

COUNCILMEMBER Sitka made the motion to adopt an ordinance on first reading (recorded as No. 1841) granting a zoning change from Residential (R-2) to Commercial (C-2) on property described as Lots 12 through 15 in Block 6 of the West End Addition 202, 204, 206 and 208 Dayly Street. The motion was second by Councilmember Bowe. Motion carried.

COUNCILMEMBER Bowe made the motion with a second by Councilmember Fowler to accept the Planning and Zoning Commission’s denial of the request for a zoning change to Residential (R-4) along with the Specific Use Permit for a Manufactured Home Park to Franklin Stary. Motion carried.

A resolution (recorded as No. 2004-02) recognizing the Yoakum Lions Club on their 75th Anniversary was adopted on motion by Councilmember Sitka with a second by Councilmember Bowe. Motion carried.

ROBERT Arlitt was present in behalf of his request to place a cattle guard across the graveled part of Hill Street and fence in the adjoining right-of-way. A sewer main is located in this street however, access will be available. If at some time, the cattle guard and fence needs to be removed, this will be done so immediately. The Arlitt’s have previously maintained this portion of the right-of-way and they are the only residents that use this portion for access to their residence. Vandalism and littering occurs
periodically in this area and hopes are that the cattle guard and fence for cattle usage will stop these occurrences. A motion was made by Councilmember Bowe to approve the request and authorize the City Manager to enter into a placement agreement with the Arlitt’s. The motion was second by Councilmember Sitka. Motion carried.

A public hearing was called by Mayor Rodriguez to receive information and public comments on the draft Hazard Mitigation Plan. The City and the Guadalupe Blanco River Authority entered into an agreement in June 2003 for the development of this Plan. The City’s Emergency Management Coordinator Phil Baker made comment and answered questions. Public entities are required to have a FEMA approved Hazard Mitigation Plan in order to be eligible for the full range of Federal disaster relief funding. Adoption of the plan by resolution will be at a special Council meeting to be held later this month after the required public comment period has passed. There being no further comments, the hearing was closed.

THE following bids were received on Wednesday, February 4, 2004 for the replacement of the Community Center Dance Floor:

- Victoria Floor Surfacing, Victoria $33,795
- Celt Construction, Gatesville 32,940
- Jellison Company, Austin 32,364
- Jellison Company, Austin 32,596 (optional bid)
- Jones Hardwood Floors, Inc., San Marcos 26,970

WITH excellent reference checks and based on the low bid, Councilmember Sitka made the motion to award the bid to Jones Hardwood Floors, Inc. in the amount of $26,970. The motion was second by Councilmember Fowler. Motion carried.

CITY staff requested confirmation on the demolition/disposition of the old library building before proceeding. As previously discussed, the building on West Hugo Street was to be demolished once the various agencies using the old building were moved to the newly acquired Harbus Building, then use the vacant lots for additional downtown parking. Councilmember Fowler suggested that someone might be interested in the restoration of the building for office purposes and perhaps the City should go out for bids for sale of the building and property. The motion was made by Councilmember Fowler to have the property and building appraised and then Council would reconsider/discuss the issue of demolition. The motion was second by Councilmember Sitka. Motion carried.

RESOLUTIONS calling for the City’s General Election on May 15, 2004 for Places 4 and 5 were considered. A motion was made by Councilmember Sitka to adopt a resolution (recorded as No. 2004-03) establishing the procedures for the General Election. The motion was second by Councilmember Bowe. Motion carried. Councilmember Sitka with a second by Councilmember Bowe made the motion to adopt a resolution (recorded as No. 2004-04) appointing and providing for the election officers. Motion carried.
THE Mayor called for an Executive Session to consult with the City Attorney on pending litigation and deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sections 551.071 and 551.072) and closed the meeting to the public. 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 2004 Brush and Lumber Grinding Project had been awarded to L & M Wood Waste Recycling of Austin in the amount of $12,855 with project completion due by the end of the week. The State Bank Sewer Line Project had been completed and the Brushy Creek Roof Replacement Project was progressing. The monthly report from Jerry and Karen Amason was received and reviewed by the Council. Restoration of the home is going slow and continues to be monitored by City Inspector. The new police car was placed in service; the new Solid Waste Transfer truck was received and hydraulics are being installed. Tentatively a special Council meeting was set for February 24th to adopt a resolution for the Hazard Mitigation Plan. Councilmember Fowler advised that he would be making a presentation to the Yoakum Historical Preservation Society on February 18th at 5:15 PM.

THERE being no further business, the Council meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral
City Clerk
February 26, 2004  
Council Room – 6:00 P.M.  
Public Works Building

SPECIAL MEETING OF THE CITY COUNCIL

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

ABSENT:  
None

MAYOR Rodriguez called the City Council meeting to order. City Manager Cook reviewed the requirements to have a Hazard Mitigation Plan adopted and the City’s participation with the Guadalupe Blanco River Authority in the development of the Plan as outlined by Fire Chief/EMS Director Phil Baker at the February 10th meeting. Councilmember Sitka with a second by Councilmember Bowe made the motion to adopt a resolution (recorded as No. 2004-05) adopting the Hazard Mitigation Plan. Motion carried.

THE meeting was closed to the public as an Executive Session was called by Mayor Rodriguez at 6:05 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Section 551.072). The Mayor re-opened the meeting to the public at 6:35 PM. Councilmember Sitka made the motion to authorize the City Manager to advertise for sale the City’s 12.90 acre site “as is” including the buildings with the right to reserve ½ of the nonparticipating royalties at the appraised value of $53,800. Motion carried. The 12 acres are located on S. H. 111 East, the previous location of the Texas A & M Experimental Station offices and fields.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor  
City of Yoakum, Texas

ATTEST:  
Gladys M. Jiral, City Clerk
March 9, 2004
Council Room – 6:00 P.M.
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

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

ABSENT:     None

MAYOR Rodriguez called the City Council meeting to order followed by Councilmember McMullen with the invocation. All attending recited the Pledge of Allegiance. A motion was made by Councilmember Bowe to adopt the minutes of the meetings of February 10 and 26th, 2004. The motion was second by Councilmember McMullen. Motion carried.

UNDER old business, Ordinance No. 1841 was presented for adoption. Councilmember Sitka with a second by Councilmember Bowe made the motion to adopt Ordinance No. 1841 on second and final reading granting a change in zoning from Residential (R-3) to Commercial (C-2) for 202, 204, 206 and 208 Dayly St. Motion carried.

CITY Manager Cook reported that an appraisal of the City’s property (former library building) at 206 and 208 West Hugo St. was received showing a fair market value of $32,000. Councilmember McMullen made the motion to advertise for bids for the sale of the property “as is” setting the minimum bid at $32,000. The motion was second by Councilmember Sitka. Motion carried. Councilmember Fowler abstained from voting. Bids are to be received at the April Council meeting for award.

THE Planning and Zoning Commission recommendations for approval of zoning changes at 615 Armstrong St. and 920 Boyle Street were not presented for discussion since the letters of notice for the Council’s public hearing were inadvertently not sent out. The two items were tabled until the next meeting.

THE Planning and Zoning Commission recommended denial of the request from Daniel and Reyna Rosales for a zoning change at 111 Houston Street. The Rosales’ did not appeal the denial within the ten-day period to the City Council. Councilmember Bowe made the motion to accept the recommendation for denial of the Rosales’ request. The motion was second by Councilmember McMullen. Motion carried.

THE First Baptist Church of Yoakum requested authorization to make improvements to the alley, such as paving and curbing which runs between their existing church and the proposed new fellowship hall and gym. Mr. Tim Westphal, the Church’s representative, was present for discussion. Utilities are located in the alley. A partial closing of the alley was
discussed but the gas company has not determined as yet how much of the gas line may be under a part of the church building already. The request was tabled until the gas company representative can make a determination on their line.

COUNCILMEMBER McMullen motioned to approve the request from the Knights of Columbus for closure of Schrimscher Street from East Gonzales to Price Street on March 12th from 5 to 7:30 PM to provide for traffic control during their Lent Shrimp Fry. The motion was second by Councilmember Bowe. Motion carried.

DIRECTOR of Community Services Tom Chilek outlined the new State regulations on operation of the City’s kiddle pool at the park. Our present system of water quality management is not sufficient to meet the new standards. Upgrading the system would cost approximately $4,500 and on some days according to the pool manager the pool is not used at all. The proposed Master Parks Plan addresses swimming pool improvements in Phase II. A motion was made by Councilmember Sitka to close the kiddle pool; secure off from swimmers for this season and fill it in during the next off-season, and consider the need for a kiddle pool during the Master Parks Plan process. The motion was second by Councilmember Fowler. Motion carried.

IN order to clarify, better regulate and be consistent in reserving the parks pavilions and rodeo arena, new policies were presented. A motion was made by Councilmember Sitka to adopt an ordinance on first reading (recorded as No. 1842) amending the Manual of Fees and Service Charges, specifically the General Section, Section IV. Parks/Recreation Policies and Fees, Items D. Swimming Pool Fees, E. Pavilion Reservation Fees, and F. Rodeo Arena Usage Fees. The motion was second by Councilmember Bowe. Motion carried.

A resolution (recorded as No. 2004-06) opposing any school finance or tax system reforms that would negatively affect City revenues and economic development efforts was adopted on motion by Councilmember Fowler with a second by Councilmember Bowe. Motion carried.

ON motion by Councilmember Bowe, Mayor Rodriguez was appointed to the Yoakum Volunteer Fire Department Board of Trustees for another two-year term. The motion was second by Councilmember Sitka. Motion carried.

MAYOR Rodriguez announced at 6:45 PM that the Council would enter into an Executive Session to (1) deliberate the purchase, exchange, lease or value of real property, and (2) deliberate regarding economic development negotiations (V.T.C.A., Gov. Code, Sec. 551.072 and 551.087). The meeting was re-opened to the public at 7:15 PM. Councilmember Sitka made a motion to authorize the City Manager to proceed with deliberations regarding economic development negotiations. The motion was second by Councilmember Bowe. Motion carried.

UNDER the City Manager’s Report, Mr. Cook provided a copy of the Amason’s monthly restoration report. Very little progress is being made. Their six-month time limit will be up in May. The roof contractor has been slow in providing submittals on the Brushy Creek Storage Tank Roof Project to our engineers so the project has been delayed. Submittals were received and work should start up. Painting of the chlorine contact chamber and sealing of cracks in the floor and sides of the tank was awarded to National Works from New Braunfels for a total bid of $18,550. Project is still within budget.
THE Community Center Dance Floor Replacement Project is almost finished. The new oak flooring has been installed; it is curing, and should be ready for finishing perhaps this week. Due to inquiries for purchase of the old maple flooring, bids will be taken. Floor contractor recommended a minimum bid of $500. Staff is working on a method of repairing the commode in the men's restroom on the Banquet Room side. It appears that the sewer line may be broken inside of the concrete foundation.

WITH the receipt of the final draft of the Master Parks Plan, it was suggested that a joint meeting of the Council and Y.E.D.C. Board of Directors be held on April 13th at 5:30 PM in order that Paul Scallon from LCRA can make the presentation. Public notice will be placed in the paper and the Master Parks Plan Committee will be notified of the public hearing. The Council will consider adoption of the Plan during their 6 PM meeting. A Parks Advisory Committee should be named to make recommendations for implementation of the Plan to the Council.

THE required thirty-day time period for demolition of the Ruben Garcia (102 Arnold St.) and Curley Hodges (1306 Dunn St.) property will expire on March 11th. As of this date, demolitions will proceed. Bids for street construction materials for 2004 were received on March 3rd and awarded. Some of the material costs were lower than the 2003 bid. LCRA advised the relocation of the electric transmission line, which is located partially inside the high school baseball field, should be removed by August or September of this year. They are finalizing easement purchases. LCRA will be delivering fifty trees to the City on Thursday as part of their annual free tree distribution project. These will be planted throughout the City Park, Hub City RV Park, etc.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Urral, City Clerk
April 13, 2004 5:30 PM
Council Room – 8:00 P.M.
Public Works Building

JOINT PUBLIC HEARING/SPECIAL MEETING OF THE CITY COUNCIL
AND THE YOAKUM ECONOMIC DEVELOPMENT CORPORATION
BOARD OF DIRECTORS

PRESENT: Anita R. Rodriguez. . . . . . . . . . . . . . . Mayor and
         Y.E.D.C. Vice-President
         Elorine Sitka. . . . . . . . . . . . . . . . . . . . . . Mayor Pro-Tem
         Don E. Bowe. . . . . . . . . . . . . . . . . . . . . Councilmember
         Margie McMullen. . . . . . . . . . . . . . Councilmember and
         Y.E.D.C. President
         Daryl L. Fowler. . . . . . . . . . . . . . . . . . . Councilmember
         Charles J. Kvinta, Jr. . . . . . . . . . . . . . City Attorney
         Calvin Cook. . . . . . . . . . . . . . . . . . . . . City Manager
         Gladys M. Jiral. . . . . . . . . . . . . . . . . . . City Clerk

ABSENT: None

PRESENT: Allen Dieringer . . . . . . . . . . . . . . Secretary
         Louis Boening . . . . . . . . . . . . . . . . . . . . Director
         Arthur Hermann III . . . . . . . . . . . . . Director
         Tim Faulkner . . . . . . . . . . . . . . . . . . . . Director
         Tommy Barre . . . . . . . . . . . . . . . . . . . . Director

ABSENT: None

THE hearing/meeting was jointly called to order by Mayor Rodriguez and President McMullen. Mr. Paul Scallon, the LCRA planner on the Master Parks Plan, presented a detailed overview of the project from its inception. Mr. Scallon outlined the priorities established by the Planning Committee as well as the timeline for the preparation and submission of grants. Questions and discussion followed the presentation. The Committee and Mr. Scallon were thanked for their hard work and efforts.

PRESIDENT McMullen addressed the Y.E.D.C. Board of Directors concerning their interest and support of the Plan. A motion was made by Tommy Barre with a second by Louis Boening to adopt the Plan. Motion carried. The Plan as adopted will be recommended to the City Council for their adoption and implementation.

THERE being no further business, the joint meeting was adjourned.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral, City Clerk
April 13, 2004
Council Room – 6:00 P.M.
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

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

ABSENT: None

MAYOR Rodriguez called the City Council meeting to order followed by Councilmember Bowe with the invocation. All attending recited the Pledge of Allegiance. A motion was made by Councilmember Bowe to adopt the minutes of the meetings of March 9, 2004. The motion was second by Councilmember Sitka. Motion carried unanimously.

UNDER old business, the request from the First Baptist Church of Yoakum to allow improvements in the alley of Block 1065 and to close part of the alley was discussed. Since the March Council meeting, Texas Gas Company had determined that the part of the gas line which is now under the church could be abandoned. Gas service and city utilities would be provided in the section of the alley not being closed. Councilmember Sitka with a second by Councilmember Fowler made the motion to allow improvements such as paving and curbing in that part of the alley abutting Lots 1, 2, 11 and 12, and adopted a resolution (recorded as No. 2004-09) closing the remaining part of the alley abutting Lots 3 thru 6 and 7 thru 10. Motion carried. The church would maintain the paved section of the alley. If utility repairs were required within the paved section, the expense to repair and re-pave the alley would be the cost of the utility provider.

DISPOSITION of the old library building was discussed. No activity resulted from the previous bid advertisements. City Manager Cook advised that an asbestos survey would need to be done on the building if the city demolished it. If asbestos was found, the disposal cost could be quite expensive. Before expending any additional funds, it was suggested to try selling the building again. Councilmember McMullen made the motion for the staff to continue to promote the sale of the building and property at the minimum bid of $32,000 for an additional 60 days. The motion was second by Councilmember Bowe. Motion carried unanimously.

ORDINANCE No. 1842 amending the Manual of Fees and Service Charges as it pertains to the General Section, specifically Item IV. Parks/Recreation Policies and Fees were adopted on second and final reading on motion by Councilmember Bowe with a second by Councilmember McMullen. Motion carried unanimously.

AS recommended by the Board of Directors of the Yoakum Economic Development Corporation, the Master Parks Plan was adopted by resolution (recorded as No. 2004-07) on motion by Councilmember McMullen with a second by Councilmember Sitka. Motion carried unanimously.
AN ordinance (recorded as No. 1843) creating a Parks/Recreation Advisory Board was adopted on first reading on motion by Councilmember Bowe with a second by Councilmember Sitka. Motion carried unanimously.

CITY Manager Cook distributed a list of eleven candidates to serve on the Parks/Recreation Board. Councilmembers were asked to select five and the five with the most votes would be contacted to see if they would serve on the Board if appointed. The list would be presented at the May Council meeting.

THE following recommendations were received from the Planning and Zoning Commission: (1) approval of a change in zoning for Jerardo Maturino from Residential (R-2) to Residential (R-4) for 613 and 615 Armstrong St., (2) Approval of a change in zoning for Betty Scott from Residential (R-3) to Residential (R-4) for 920 Boyle St., (3) Approval of a Specific Use Permit to Crossroads Cowboy Church, Inc. for an institute of a religious nature at 722 Front St., and (4) Approval of a Specific Use Permit to the First Baptist Church of Yoakum for an institute of a religious nature at 200 Dunn St.

A public hearing was opened by Mayor Rodriguez to receive public comments on the Commission's recommendations. Mr. Maturino, Ms. Scott and representatives for the Crossroads Cowboy Church were present. There were no representatives from the First Baptist Church. Discussion followed and the hearing was closed.

COUNCILMEMBER Sitka with a second by Councilmember McMullen made the motion to adopt an ordinance (recorded as No. 1844) on first reading granting a zoning change from Residential (R-2) to Residential (R-4) on property described as lots 7 and 8 of Block 1145 of the Leo Tucker Addition at 613 and 615 Armstrong Street. Motion carried unanimously.

COUNCILMEMBER Bowe made the motion to adopt an ordinance (recorded as No. 1845) on first reading granting a zoning change from Residential (R-3) to Residential (R-4) on property described as Lot 22 of Block 2 in the Sunset Addition at 920 Boyle Street. The motion was second by Councilmember McMullen. Motion carried unanimously.

A motion was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1846) on first reading granting a Specific Use Permit to the Crossroads Cowboy Church, Inc. on property described as Lots 1 thru 4 and part of 5 of Block 1002 in the Yoakum Townsite Addition at 722 Front St. The motion was second by Councilmember Sitka. Motion carried unanimously.

COUNCILMEMBER Sitka made the motion to adopt an ordinance (recorded as No. 1847) on first reading granting a Specific Use Permit to the First Baptist Church of Yoakum on property described as Lot 11 in Block 1065 of the Original Townsite Addition at 200 Dunn St. Councilmember Bowe seconded the motion. Motion carried unanimously.

CHRIS Sefton presented a request for the extension of city water and sewer services to his property on CR 402 abutting the Raska Subdivision. Councilmember Sitka made the motion to authorize the extension of utilities as requested with the Sefton's reimbursing the City for the actual cost of the extensions. The motion was second by Councilmember Bowe. Motion carried unanimously.

A motion was made by Councilmember Sitka to grant the request of the Yoakum Area Chamber of Commerce for closing of South Park Road at its intersection with Southwell Street north to the bridge; Center Drive from its intersection with South Park Road to the entrance to the pavilion parking lot, and the gravel drive from the pavilion to its intersection with South Park Road during the Annual Tom-Tom Festival being held in the park. The motion was second by Councilmember McMullen. Motion carried.
THE street improvement list for the 2004 project covering 5.73 miles was reviewed by Councilmembers. A motion was made by Councilmember Sitka with a second by Councilmember Bowe to approve the project list as presented. Motion carried.

RESOLUTION No. 2004-08 canceling the May 15th General Election for Council Places 4 and 5 was adopted on motion by Councilmember Bowe with a second by Mayor Rodriguez. Motion carried.

MR. Elwood Gaus and Ralph G. Rodriguez were appointed for two-year terms to the Yoakum Housing Authority Board of Commissioners and Charles Billeck was appointed as Resident Commissioner for one year on motion by Councilmember Sitka with a second by Councilmember Bowe. Motion carried.

ON motion by Councilmember McMullen, Councilmembers Sitka and Bowe, and City Manager Cook were appointed to the City/School Summer Recreation Board. Mayor Rodriguez seconded the motion. Motion carried.

COUNCILMEMBER McMullen and Economic/Community Development Director Gregory Lassman were nominated to the Golden Crescent Regional Planning Commission’s Regional Economic Development Advisory Committee on motion by Councilmember Sitka with a second by Councilmember Bowe. Motion carried.

MAYOR Rodriguez announced an Executive Session to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072). The meeting was re-opened to the public at 7:42 PM with no action resulting from the Executive Session.

UNDER the City Manager’s Report, Mr. Cook advised the Council that the six-month extension for the Amason property on West Grand would be up in May and that a hearing by the Second Panel of the Building and Standards Commission would be scheduled. The demolition of properties at 102 Arnold Street and 1306 Dunn Street had been started. The Brushy Creek Ground Storage Tank Roof Project is progressing. The Community Center Dance Floor Project is completed. The old wooden floor had been sold to the highest bidder for $1,010. Fire Chief Baker would apply for a grant for an aerial firefighting truck, which if awarded would lower our property insurance rates. Also, the telecommunications right-of-way access line rates are increasing in the amount of the consumer price index.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

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

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

ABSENT: None

MAYOR Rodriguez who also provided the Invocation called the City Council meeting to order. The Pledge of Allegiance to the Flag was recited by all attending.

MAYOR Rodriguez called for the opening of a public hearing by the City Council in their designation as the Second Panel of the Building and Standards Commission to review and assess compliance with previous directives to abate violations of the City’s Unsafe Building Abatement Ordinance on Lots 9, 10 and part of 8 in Block 1141 of the Yoakum Townsite Addition (608 West Grand Avenue) for owners Jerry and Karen Amason. It was noted by City Manager Cook that the Amason’s were no longer interested in remodeling the home and were in the process of selling the property to Michael Machalec. Mr. Machalec and Steve Holifield are renovating the home on the adjacent property. Mr. Machalec was present and confirmed that they were in the purchasing process. The public hearing was closed.

COUNCILMEMBER Sitka motioned to allow time for completion of the purchase, provide a timeline for renovation of the house at 608 West Grand with City staff monitoring progress. The motion was second by Councilmember McMullen. Motion carried unanimously.

MAYOR Rodriguez proceeded with recognition of visitors to the Council meeting. Mr. Roger Lee, present on behalf of the DeWitt Community Development Foundation, encouraged all to stop by, visit and utilize the DeWitt Technology Center as it is a state of the art center providing numerous and various types of information for economic development activities/ assistance, and available for use by all residents and cities within DeWitt County in addition to the immediately adjacent counties.
MINUTES of the April 13, 2004 Council meeting were approved and adopted on
motion by Councilmember McMullen with a second by Councilmember Sitka. Motion
carried unanimously.

UNDER old business, Ordinance No. 1843 creating a Parks and Recreation
Advisory Board was adopted on second and final reading on motion by Councilmember
Bowe with a second by Councilmember McMullen. Motion carried unanimously.

COUNCILMEMBER Sitka made a motion to appoint Don Blank, Blaise Dreitner,
Susan Machart for two-year terms, and Jim Pohl and Glen Renken for an initial one-
year term, to the Parks and Recreation Advisory Board. The motion was second by
Councilmember Bowe. Motion carried unanimously.

ORDINANCE No. 1844 granting a change in zoning from Residential (R-2) to
Residential (R-4) on property described as lots 7 and 8 of Block 1145 of the Leo Tucker
Addition was adopted on second and final reading by motion of Councilmember Bowe
with a second by Councilmember Sitka. Motion carried unanimously.

ORDINANCE No. 1845 granting a change in zoning from Residential (R-3) to
Residential (R-4) on property described as Lot 22 of Block 2 in the Sunset Addition was
adopted on second and final reading by motion of Councilmember Sitka with a second
by Councilmember Bowe. Motion carried unanimously.

A motion was made by Councilmember Sitka with a second by Councilmember
Fowler adopting Ordinance No. 1846 on second and final reading granting a Specific
Use Permit to the Crossroads Cowboy Church, Inc. on property described as Lots 1 thru
4 and part of 5 in Block 1002 of the Yoakum Townsite Addition. Motion carried
unanimously.

COUNCILMEMBER Bowe with a second by Councilmember McMullen made the
motion to adopt Ordinance No. 1847 on second and final reading granting a Specific
Use Permit to First Baptist Church of Yoakum on property described as Lot 11 in Block
1065 of the Original Townsite Addition. Motion carried unanimously.

THE following recommendations were received from the Planning and Zoning
Commission: (1) approval of a change in zoning from Residential (R-3) to Residential
(R-4) for Joe R. Rivera at 203 Concrete St.; (2) denial of a change in zoning from
Residential (R-2) to Residential (R-3) at 302 Yoakum St. and subsequent appeal by
Jancito Banegas, and (3) approval of a change in zoning from Residential (R-2) to
Residential (R-4) for David and Maria Gonzales at 214 Davidson St.

A public hearing was opened by Mayor Rodriguez to receive public comments on
the Commission's recommendations. No one was present for the Rivera request. The
Gonzales' were present. The Banegas' and Bob James with Harbors Homes were
present on their request. Two adjacent property owners objecting to their request were
present. Seven written letters of objections were received earlier by City staff. The
Banegas' would be purchasing the property from Emmitt Caldwell. Both pro and con comments were heard by the Council. The public hearing was closed.

COUNCILMEMBER Sitka made the motion to adopt an ordinance (recorded as No. 1848) on first reading granting the zoning change from Residential (R-3) to Residential (R-4) on property described as Lot 2 in Block 60 (NCB 1060) of the Yoakum Townsite Addition for Joe R. Rivera. The motion was second by Councilmember Bowe. Motion carried unanimously.

COUNCILMEMBER Bowe made the motion to accept the recommendation of the Planning and Zoning Commission and deny the change in zoning from Residential (R-2) to Residential (R-3) on property described as part of Lot E in Block 1110 of the West End Addition for Jancito Banegas. The motion was second by Councilmember Sitka. Motion carried unanimously.

ON motion by Councilmember Sitka, an ordinance (recorded as No. 1849) was adopted on first reading granting a zoning change on property described as Lots 3 and 4 in Block 1158 of the J. X. May Addition for David and Maria Gonzalez. The motion was second by Councilmember Bowe. Motion carried unanimously.

DISCUSSION was held on the sale of the 12.9 acres (A&M Experiment Station property). No bids were received for sale of this property. It was suggested that the Yoakum Economic Development Corporation might want to reconsider the purchase of this acreage at their next meeting. The City Council took no action on this item.

THE following bids were received for the 2004 Street Improvement Project:

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Asphalt Unit Price</th>
<th>Aggregate Unit Price</th>
<th>Total Base Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Carroll Weaver, Sinton, Texas</td>
<td>1.50</td>
<td>66.00</td>
<td>$104,275.50</td>
</tr>
<tr>
<td>F. N. Ploch Constr. Co., New Braunfels, Texas</td>
<td>1.55</td>
<td>47.50</td>
<td>89,059.25</td>
</tr>
<tr>
<td>J. W. Faltisek Paving, El Campo, Texas</td>
<td>1.14</td>
<td>57.80</td>
<td>86,148.30</td>
</tr>
<tr>
<td>H &amp; C Constr. Co., Inc., Shiner, Texas</td>
<td>1.32</td>
<td>43.00</td>
<td>78,145.20</td>
</tr>
</tbody>
</table>

BASED on staff recommendation, Councilmember Sitka made the motion to award the 2004 Street Improvements Project to H & C Construction based on unit prices of $1.32 for asphalt and $43.00 for aggregate. The motion was second by Councilmember Bowe. Motion carried unanimously.
COUNCILMEMBER Bowe made the motion to adopt a resolution (recorded as No. 2004-10) requesting the State’s Transition Legislative Oversight Committee to re-evaluate H. B. 2292 due to its impact on rural communities and the provision of human services to local residents. The motion was second by Councilmember McMullen. Motion carried unanimously.

THE Council did not enter into an Executive Session to deliberate, exchange, lease or value of real property as posted.

UNDER the City Manager’s Report, Mr. Cook advised that the Brushy Creek Ground Storage Tank Roof Project was complete with the tank being filled to be disinfected and hopefully online by Friday. Mr. Cook announced that the Economic/Community Development Coordinator Gregory Lassman had resigned effective May 14th. Position advertisement would begin shortly. A special Council meeting was set for May 24th at 6:00 PM to present Certificates of Election and administer Oath of Offices to Elorine Sitka and Margie McMullen. Vandals had destroyed commodes at the restroom located across from the park swimming pool again. This is the fourth time this has happened since January 2004. Cost per commode is $195. More police patrols are being done. An Open House will be held at the Mitchel W. Harbus, Jr. Municipal Building on Tuesday, May 25th from 9:30 to 11:00 AM. The Council is invited to the VFW Memorial Services at the Fire Station on Monday, May 31st at 11:00 AM. The Community Center dance floor edging is to be replaced on Wednesday since the one recently replaced is not sturdy enough to withstand day-to-day activity.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral
City Clerk
May 25, 2004
Council Room – 12:00 P.M.
Public Works Building

SPECIAL MEETING OF THE CITY COUNCIL

PRESENT:  Anita R. Rodriguez. ......................... Mayor and
Elorine Sitka. ........................................ Mayor Pro-Tem
Don E. Bowe. .......................... Councilmember
Margie McMullen. ....................... Councilmember
Daryl L. Fowler. ......................... Councilmember
Calvin Cook. .......................... City Manager
Gladys M. Jiral. ......................... City Clerk

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

THE meeting was called to order by Mayor Rodriguez for the purpose of
presenting election certificates and administering the oaths of office to newly elected
Councilmembers.

BASED on the laws and procedures of the Texas Election Code and the Yoakum
City Charter, Certificates of Election were presented by Mayor Rodriguez to Elorine
Sitka for Place 4 and Margie McMullen for Place 5. City Clerk Jiral administered the
Statement of Elected Officer and Oath of Office to the newly elected Councilmembers.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

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

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

ABSENT: None

MAYOR Rodriguez called the City Council meeting to order followed by Mayor Pro-Tem Sitka with the Invocation. The Pledge of Allegiance to the Flag was recited by all attending. The Mayor recognized and welcomed visitor Willie Shropshire to the meeting.

THE first order of business was the election of Mayor and Mayor Pro-Tem by the Council. Councilmember Bowe made the motion to elect Annie Rodriguez as Mayor and Elorine Sitka as Mayor Pro-Tem. The motion was second by Councilmember McMullen. Motion carried unanimously.

MINUTES of the May 11th and 24th Council meetings were approved as presented on motion by Mayor Pro-Tem Sitka with a second by Councilmember Bowe. Motion carried unanimously.

UNDER old business, Councilmember Bowe made the motion to adopt Ordinance No. 1848 on second and final reading granting the zoning change from Residential (R-3) to Residential (R-4) on property described as Lot 2 in Block 60 (NCB 1060) of the Yoakum Townsite Addition for Joe R. Rivera. The motion was second by Councilmember Sitka. Motion carried unanimously.

ON motion by Mayor Pro-Tem Sitka, Ordinance No. 1849 was adopted on second and final reading granting a zoning change on property described as Lots 3 and 4 in Block 1158 of the J. X. May Addition for David and Maria Gonzales. The motion was second by Councilmember Bowe. Motion carried unanimously.
THE following recommendation was received from the Planning and Zoning Commission: (1) approval of a change in zoning from Residential (R-3) to Residential (R-4) for Roxanne Johnson at 910 Cammie St.

A public hearing was opened by Mayor Rodriguez to receive public comments on the Commission’s recommendation. No one was present for the request. No objections were received. The recommended change complied with the Future Land Use Plan.

MAYOR PRO-TEM Sitka made the motion to adopt an ordinance (recorded as No. 1850) granting a zoning change from Residential (R-3) to Residential (R-4) on property described as Lot 2 of Block 1279 in the Lander Addition at 910 Cammie Street. The motion was second by Councilmember Bowe.

LOSS of production and appearance of a silt-clay material in water from Park Well No. 3 prompted City staff to review the well records and video tape the piping. The current TV video shows severe incrustation and corrosion as well as missing pieces of screen pipe base at numerous locations. There is a hole in the pump column pipe of the pumping equipment. The production records reflect a drop from 900 and 1,000 gpm to 700 gpm. With consultation from Paul Boedeker of Hunter Associates, repair of the well did not appear to be an option as loss of production would result and drillers would not guarantee production rates in a repair job besides being difficult to eliminate the severe bacterial growth. Repair costs would be costly and not resolve the main issue, which is to bring production up so that the City can maintain its peak water demands of 2.5 mgd. Replacement of this well is the best long-term solution. The staff and engineer’s recommendation was to ask the Council to declare this an emergency well replacement so that immediate negotiations could begin with drilling companies for the drilling of a new well. A motion was made by Mayor Pro-Tem Sitka to authorize the city manager to work with Hunter Associates to start negotiations for the drilling of a new emergency water well. The motion was second by Councilmember Bowe. Motion carried unanimously.

AN ordinance (recorded as No. 1851) was adopted on first reading on motion by Councilmember Bowe to allow for food storage in the Yoakum Bar-B-Que/Kitchen Facility cooler prior to a scheduled rental and to provide for cooler rental charges. The motion was second by Councilmember McMullen. Motion carried unanimously.

ALTERNATIVES for bringing the dilapidated Yoakum Memorial Nursing Home up to building standards were discussed as the Building and Standards Commission wished to have some directives from the Council as to how to proceed with this property. In addition to structural problems, the property needs to be cleaned and the water wells used when the facility was a nursing home need to be plugged. The owner Dale Merkord did clean the visible part of the property previously at the request of the Building and Standards Commission, but no additional work as requested has been done to date. Estimates received by the City for removing the structure and foundation, and cleaning of the property ranges from $33,500 to a high of $115,000. Plugging of
the wells is estimated to cost $1,300. The question of asbestos within the facility and its disposal has not as yet been addressed. Budgeted demolition funds would not cover this demolition and the value of the property is such that the City would not receive payment on the filed lien. The owner purchased the property at a Sheriff’s Sale as an investment to re-sell and does not want to spend any more money on it. Since the property owner (not the taxpayers) is ultimately the one responsible for the condition of the property and buildings, it was suggested that filing a complaint in Municipal Court might be the direction in which to proceed. Councilmember Bowe made the motion directing the Code Enforcement Officer to file a complaint(s) in Municipal Court against the owner of the Yoakum Memorial Nursing Home property. The motion was second by Councilmember McMullen. Motion carried unanimously.

NO bids were received on the sale of the 1972 International fire truck from area volunteer fire departments. It was found that the City could donate the truck to the Texas Forest Service Helping Hands Program who would in turn give the truck to a needed department. Donation to the Forest Service relieves the City of liability for the use of the equipment. Over several previous years, the Forest Service has provided grants to the Yoakum Volunteer Department in excess of $100,000. Mayor Pro-Tem Sitka made the motion to authorize the donation of the 1972 Simms International pumper to the Texas Forest Service Helping Hands Program. The motion was second by Councilmember Fowler. Motion carried unanimously.

COUNCILMEMBER Fowler made a motion to adopt a resolution (recorded as No. 2004-11) authorizing the filing of a Regional Solid Waste Grant Program application with the Golden Crescent Regional Planning Commission. The motion was second by Councilmember Bowe. Motion carried unanimously. The grant application will be for the purchase of a truck scale at the Transfer Station allowing us to accurately determine the weight of our transfer trucks before going on the road; allow us to accurately charge our “pay at the gate” customers, and quantify our recycled materials leaving for sale. The computer software will provide receipts, weight tickets and generate reports.

WHILE interest was expressed, no bids were received for the sale of the old library/city hall property on West Hugo Street, which has been on the market for three months. The question whether the building contains asbestos remains unanswered if the building were to be demolished to allow for parking space. Councilmember Bowe made the motion to have the asbestos survey completed with the cost not to exceed $1,000. Mayor Pro-Tem Sitka seconded the motion. Motion carried unanimously.

SALE of used surplus equipment, such as a tractor, mower, shredder, etc. was considered by the Council. Councilmember Bowe with a second by Councilmember McMullen made the motion to advertise for bids for the sale of the used surplus equipment. Motion carried unanimously.

THE following appointments were unanimously made on motion by Councilmember Bowe with a second by Councilmember McMullen:
Yoakum Heritage Museum Board Representative – Mayor Pro-Tem Sitka
Planning and Zoning Commission – Tommy Barre and Bettye Powell
Building and Standards Commission - Howard Templin, Fred Siecko,
Tony Perez, Marlin Kuenstler and E. J. Blaschke
Welhausen Library Board – Margie Kvinta, Delores Senglemen,
Jeanette Boecker, Virginia Smith and Viola Rogers to fill
an expired term.
Construction Board of Adjustment and Appeals – Rodney Jahn and
Dr. Sandra Bergey

MAYOR Rodriguez announced that the Council would go into an Executive
Session to deliberate the purchase, exchange, lease, or value of real property
(V.T.C.A., Gov. Code, Sec. 551.072). The meeting was later re-opened to the public.
Mayor Pro-Tem Sitka made the motion to re-advertise the sale of the 12.9 acres of land
on Hwy. 111 without specifying a minimum bid. The motion was second by
Councilmember Bowe. Motion carried unanimously.

UNDER the City Manager’s Report, Mr. Cook advised the Council that staff had
tentatively selected July 6th to have a budget workshop and if the date meets the
Council’s schedule needed to know what time. The time was set for 5:30 P.M. Mr.
Cook also advised that Union Pacific crews would be doing routine maintenance on the
railroad crossings within the next week. As soon as specific dates were made known,
public notices would be made by way of the Victoria Advocate, KYKM radio station, and
the Yoakum Herald-Times if scheduling allows.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral
City Clerk
July 6, 2004
Council Room – 5:30 P.M.
Public Works Building

BUDGET WORKSHOP/MEETING OF THE CITY COUNCIL

PRESENT:   Anita R. Rodriguez. . . . . . . . . . . . . . . . . . . . . . . . . Mayor and
           Elorine Sitka. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Mayor Pro-Tem
           Don E. Bowe. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Councilmember
           Daryl L. Fowler. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . Councilmember
           Calvin Cook. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . City Manager
           Gladys M. Jiral. . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . City Clerk

ABSENT:    Margie McMullen. . . . . . . . . . . . . . . . . . . . . . . . . . . . . Councilmember
           Charles Kvinta, Jr. . . . . . . . . . . . . . . . . . . . . . . . . . . . . City Attorney

THE budget workshop meeting was called to order by Mayor Rodriguez with all
department heads in attendance for presentation of the 2004-2005 Fiscal Year Budget.
All revenues and expenditures were reviewed on individual department basis. A 3% ad
valorem tax increase was presented in the balanced budget.

COUNCIL directives were to proceed with the budget as presented and to
include the 5% rate increases for both the water and sewer services as discussed.

THERE being no further business, the meeting/workshop closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral
City Clerk
July 13, 2004
Council Room – 6:00 P.M.
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

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

ABSENT: Don E. Bowe. ....................... Councilmember

MAYOR Rodriguez called the City Council meeting to order followed by Councilmember Fowler with the Invocation. The Pledge of Allegiance to the Flag was recited by all attending.

A public hearing by the City Council in their designation as the Second Panel of the Building and Standards Commission was convened to review and assess compliance with previous directives to abate violations of the City’s Unsafe Building and Abatement Ordinance at 1306 Dunn St. owned by Curley Hodges, Jr. Alfred Hodges, representing Curley Hodges, questioned the demolition of the storage building and requested that the building be allowed to remain on the property. Mr. Hodges had repaired and enclosed the building using it to store some of the items taken from the mobile home prior to demolition. The demolition debris was removed and the property cleaned. City Code Enforcement Officer Derrick Smith advised the Commission that the intent of the previous demolition directive was to include all structures located on this property, but discussion focused primarily on the mobile home and not this building even though the building, as previously shown in the photos, was in a dilapidated state and not entirely enclosed.

THE public hearing was closed. After discussion, Mayor Pro-Tem Sitka motioned that the improved building could remain with it being used for storage and the property is to continue to be kept cleaned. The motion was second by Councilmember McMullen. Motion carried. The case will be closed at this time.

MAYOR Rodriguez resumed the Council meeting at this time calling for a motion to adopt the previous Council minutes. Mayor Pro-Tem Sitka made the motion to adopt the minutes from the meetings of June 8th and July 6th, 2004 as presented. The motion was second by Councilmember Fowler. Motion carried.

UNDER old business, Ordinance No. 1850 granting a zoning change on property described as Lot 2 of Block 1279 of the Lander Addition was adopted on second and
final reading on motion by Mayor Pro-Tem Sitka with a second by Councilmember McMullen. Motion carried.

ORDINANCE No. 1851 amending the Manual of Fees and Service Charges to add a fee for the rental of the cooler at the Yoakum Bar-B-Que/Kitchen Facility was adopted on second and final reading on motion by Mayor Pro-Tem Sitka with a second by Councilmember McMullen. Motion carried.

DISCUSSION ensued on the disposition of the old library building and property located at 206 and 208 West Hugo Street. City Manager Cook advised that the asbestos survey had been completed with some asbestos found. Abatement may have to be done depending on how the building is renovated. The options discussed were to remove the asbestos; demolish the building and use the space for parking, or sell the property “as is”. Mayor Pro-Tem Sitka made the motion to re-advertise the sale of the building without a minimum bid amount and in an “as is” condition for one month. The motion was second by Councilmember McMullen. Motion carried.

SIX bids were received for the sale of the 12.9 acres known as the “Experiment Station Property”:

Albert Kutac - $38,700  
Dwayne & Theresa Bowe - $30,050.00  
O. R. Borchers - $27,300.00  
Donald McLain - $31,524.00  
C & J Partners - $29,037.90  
John E. Trott, Jr. - $20,000.00

COUNCILMEMBER Fowler made the motion to accept the high bid from Albert Kutac in the amount of $38,700 with the proceeds being placed in the City’s Operation Reserves Account as designated by City Manager Cook. The motion was second by Councilmember McMullen. Motion carried.

UNDER new business, the following recommendation was received from the Planning and Zoning Commission: approval of a change in zoning from Residential (R-3) to Residential (R-4) for Guadalupe and Alvira Gonzales in the three hundred block of Plaza St. Mayor Rodriguez opened a public hearing to receive citizen comments on the Commission’s recommendation. The daughter of Mr. and Mrs. Gonzales was present on their behalf. No objections were received. The recommended change complies with the Future Land Use Plan. The public hearing was closed. Mayor Pro-Tem Sitka with a second by Councilmember McMullen made the motion to adopt an ordinance (recorded as No. 1852) granting a zoning change from Residential (R-3) to Residential (R-4) on property described as Lot 4 of Block 13 (NCB 1096) in the Plaza Addition. Motion carried.

THE Planning and Zoning Commission also recommended an amendment to Zoning Ordinance No. 1500 to list “light production and manufacturing of goods” as an additional category requiring a Specific Use Permit applicable only to the Commercial-2 District. The business applying for this Permit would also be required to have storefront displays and retail sales of products being produced. As with other Specific Use Permits, property owners would be notified of the Permit request allowing for public comments and the Commission could consider parking issues, lighting, and etc. based
on each specific application. Mayor Pro-Tem Sitka made the motion to adopt an ordinance (recorded as No. 1853) amending Zoning Ordinance No. 1500 to list "light production and manufacturing of goods" as a category requiring a Specific Use Permit. The motion was second by Councilmember McMullen. Motion carried.

ROGER Holtz with the Golden Crescent Regional Planning Commission updated the Council on efforts involving homeland security. The GCRPC Advisory Committees are working with cities and counties to develop a regional homeland security plan from which a State Plan will be established. Grants received will enhance local security capabilities.

MAYOR Pro-Tem Sitka motioned to adopt a resolution (recorded as No. 2004-12) accepting a grant in the amount of $20,000 through the Texas Engineering Extension Service in conjunction with the GCRPC to purchase hazardous materials response equipment to improve the City's ability to respond to potential terrorist use of a weapon of mass destruction, and authorized the Mayor to enter into the agreement. The motion was second by Councilmember McMullen. Motion carried.

RESOLUTION No. 2004-13 was adopted on motion by Councilmember McMullen with a second by Mayor Pro-Tem Sitka accepting a grant in the amount of $15,000 through the Texas State Law Enforcement Terrorism Prevention Program to purchase computer equipment for access to the Joint Regional Information Exchange System Project and the Homeland Security Information Network, and authorized the Mayor to enter into the agreement. Motion carried.

MAYOR Pro-Tem Sitka made the motion to authorize Mayor Rodriguez to enter into an agreement with the Texas Department of Health and Lavaca County for the use of the Yoakum Community Center as an emergency dispensing location during the time of a public health emergency. The motion was second by Councilmember McMullen. Motion carried.

THE Council considered a request from Ganell Thompson for the extension of city water service to their property on East Gonzales Street abutting the city limits. Mayor Pro-Tem Sitka made the motion to approve the request with the stipulation that service would be provided based on the actual cost of the extension with payment of the estimated cost made prior to installation. The difference between the actual cost and the estimated cost will be either refunded or billed. All plumbing installations must comply with the City ordinances and codes. The motion was second by Councilmember Fowler. Motion carried.

CITY Manager Cook outlined a letter from President McMullen regarding the Yoakum Economic Development Corporation Annual Work Plan and Budget for Fiscal Year 2004-2005. Mayor Pro-Tem Sitka complimented the YEDC Board on their efforts and accomplishments to date. A motion was made by Councilmember Fowler with a second by Councilmember McMullen to approve the Work Plan and Budget as presented. Motion carried.
RESOLUTION No. 2004-14 recognizing Dr. A. E. Mgebroff for his fifty years of service in Yoakum and the surround communities was adopted on motion by Mayor Pro-Tem Sitka with a second by Councilmember McMullen. Motion carried.

BILL Haas was appointed to the Library Board, filling the unexpired term of Alicia Padilla, on motion by Councilmember McMullen with a second by Councilmember Fowler. Motion carried.

BOTH Bert Kenna and Fay Coldewey were appointed to the Building and Standards Commission as Alternate Members on motion by Mayor Pro-Tem Sitka with a second by Councilmember McMullen. Motion carried.

MAYOR Rodriguez announced at 7:11 P.M. that the Council would go into an Executive Session to deliberate the purchase, exchange, lease, or value of real property; to discuss electric utility-related matters, and for the annual evaluation of City Manager Cook (V.T.C.A., Gov. Code, Sec. 551.072, Sec. 551.086 and Sec. 551.074).

The meeting was re-opened to the public at 8:00 P.M. Mayor Pro-Tem Sitka made the motion to adopt a Resolution (recorded as No. 2004-15) amending Exhibit A of the Lower Colorado River Authority Agreement. The motion was second by Councilmember Fowler. Motion carried. Mayor Pro-Tem Sitka made the motion with a second by Councilmember McMullen to increase Mr. Cook’s annual salary by $3,500. Motion carried.

UNDER the City Manager’s Report, Mr. Cook advised the final inspection had been completed on the Brushy Creek Ground Storage Tank Roof Project with only minor items to be corrected. Excellent water sands were found during the drilling of the new Park Well #5 with estimations of pumping 1,500 to 2,000 gallons per minute. The Council was provided with bid tabulations on the sale of the City’s surplus equipment. The Pershing Square Downtown Project plans are at 100% completion and being reviewed both by the City and local TxDOT engineers before submission to the TxDOT State Office. It appears that the bids may be let in October with the start of construction projected for December possibly January. The Council set a meeting time of 7:30 AM on August 2nd to certify the 2004 tax roll and establish the amount of debt service.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jifal
City Clerk
August 2, 2004
Council Room – 7:30 A.M.
Public Works Building

SPECIAL MEETING OF THE CITY COUNCIL

PRESENT: Anita R. Rodriguez ................................... Mayor and
          Don E. Bowe ........................................... Councilmember
          Margie McMullen ...................................... Councilmember
          Daryl L. Fowler ........................................ Councilmember
          Calvin Cook ........................................... City Manager
          Gladys M. Jiral ........................................ City Clerk

ABSENT: Elorine Sitka ......................................... Mayor Pro-Tem
         Charles J. Kvinta, Jr. ................................ City Attorney

MAYOR Rodriguez called the City Council meeting to order to receive and
consider the 2004 tax roll as certified by the DeWitt County Chief Appraiser, and to
establish the amount of debt service to be supported by the ad valorem tax levy and the
amount to be supported by utility revenue for Fiscal Year 2004-05 for the payment of
principal, interest and administrative fees and the 1995 General Obligation Bond issue
debt.

THE tax roll after review by City’s Tax Assessor/Collector Raquel Gomez shows
a taxable value of $151,741,960 for 2004, which is a decrease of $2,161,040 from 2003.
As indicated by the Chief Appraiser, the majority of the decrease is in the loss of
personal property or commercial inventory. Councilmember Fowler made the motion to
approve the 2004 tax roll as certified and presented by the City’s Finance Director at
$151,741,960. The motion was second by Councilmember Bowe. Motion carried.

COUNCILMEMBER Bowe made the motion to set the amount of $.04771
(includes a 3% increase) for maintenance and operation and the debt service rate at
$.05023 for a proposed 2004 tax rate of $.09794 per one hundred dollar valuation
providing $76,220 from property tax and $199,560 from utility funds to pay the $275,780
debt service requirement for the 2004-05 budget. The motion was second by
Councilmember McMullen. Motion carried.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral, City Clerk
August 10, 2004  
Council Room – 6:00 P.M.  
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

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

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

MAYOR Rodriguez called the City Council meeting to order offered the Invocation. The Pledge of Allegiance to the Flag was recited by all attending. Mayor Pro-Tem Sitka made the motion to adopt the minutes from the meetings of July 12th and August 2, 2004 as presented. The motion was second by Councilmember Bowe. Motion carried.

UNDER old business, Ordinance No. 1852, granting a zoning change on property described as Lot 4 of Block 13 (NCB 1096) of the Plaza Addition for Guadalupe and Alvira Gonzales, was adopted on second and final reading on motion by Mayor Pro-Tem Sitka with a second by Councilmember Bowe. Motion carried.

ON motion by Councilmember Bowe, Ordinance No. 1853 was adopted on second and final reading amending the Zoning Ordinance No. 1500 to list “light production and manufacturing of goods” as an additional category requiring a Specific Use Permit. The motion was second by Mayor Pro-Tem Sitka. Motion carried.

BIDS received on August 6th for the sale of the “old library building” located at 206/208 West Hugo Street were:

Cheryl Denise Loos, Yoakum, Texas - $11,100.00  
Double D Land and Cattle Co., Yoakum, Texas - $25,500.00

After discussion, Councilmember Fowler made the motion to award the bid to the Double D Land and Cattle Co. in the amount of $25,500 with the proceeds to be placed in the Building Reserve Account. The motion was second by Councilmember Bowe. Motion carried.

A recommendation from the Planning and Zoning Commission was received for the re-subdivision of property located at 622/624 Davis Avenue for Janet and Weyman Adamek. The plat as presented meets the requirements of the Zoning and Subdivision
Ordinances. A motion was made by Mayor Pro-Tem Sitka with a second by Councilmember Bowe to approve and accept the final plat as presented. Motion carried.

THE 2004-2005 Fiscal Year budget was presented with changes and additions made as a result of the budget workshop, including the proposed rate increases. The total proposed budget is $12,665,790. Mayor Pro-Tem Sitka made the motion to adopt the 2004-2005 City Budget Ordinance (recorded as No. 1854) on first reading as presented. The motion was second by Councilmember Fowler. Motion carried.

ALSO as discussed at the budget workshop, the 2004 tax rate of $0.09794 per one hundred dollar valuation was adopted on first reading as detailed in Ordinance No. 1855 on motion by Councilmember Bowe. The motion was second by Mayor Rodriguez. Motion carried. The rate reflects the allowable 3% increase.

THE water and sewer rate increases of 5%, as discussed and outlined in Ordinance No. 1856, was adopted on first reading on motion by Mayor Pro-Tem Sitka. Councilmember Bowe seconded the motion. Motion carried.

TIME Warner Cable has submitted a request for renewal of their Yoakum cable television franchise. The hiring of a consultant to assist in this lengthy renewal process was discussed. Mayor Pro-Tem Sitka made the motion to authorize the city manager to execute and enter into a cable television management agreement with Local Governmental Services, LLC. The motion was second by Councilmember Bowe. Motion carried.

COUNCILMEMBER Bowe made the motion to authorize the Mayor to enter into a revised Interlocal Agreement with the Texas Municipal League Intergovernmental Employee Benefits Pool for the provision of health benefits for city employees. The motion was seconded by Mayor Pro-Tem Sitka. Motion carried.

MAYOR Pro-Tem Sitka made the motion to appointment Tommy Barre and Allen Dieringer for two-year terms to the Board of Directors of the Yoakum Economic Development Corporation, and Margie McMullen to a one-year term. The motion was second by Councilmember Bowe. Motion carried.

COUNCILMEMBERS Bowe and Fowler were appointed to the Golden Crescent Regional Planning Commission's General Assembly on motion by Mayor Pro-Tem Sitka with a second by Mayor Rodriguez. Motion carried. Mayor Pro-Tem Sitka made the motion to nominate Cuero Councilmember Shirley Reimschneider to the GCRPC Board of Directors for DeWitt County. Councilmember Bowe seconded the motion. Motion carried.

MAYOR Rodriguez announced at 6:33 P.M. that the meeting was being closed to the public as the Council would go into Executive Session to discuss electric utility-related matters. The meeting was re-opened to the public with no action resulting.
UNDER the City Manager's Report, Mr. Cook advised that City depository proposals would be requested and presented to the Council in September. An article is to be placed in the Herald-Times requesting voluntary compliance with the trimming of tree limbs over city streets. City vehicles along with others are getting damaged due to low hanging limbs. Pat Kennedy is working with the Ministerial Alliance to coordinate a Habitat for Humanity Project in Yoakum.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

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

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

ABSENT: None

MAYOR Rodriguez called the City Council meeting to order with Councilmember McMullen offering the Invocation. The Pledge of Allegiance to the Flag was recited by all attending. Councilmember Bowe made the motion to adopt the minutes from the meeting of August 10, 2004 as presented with a second by Mayor Pro-Tem Sitka. Motion carried unanimously.

AT the request of Frances Ford, the Council moved this new business item up on the agenda and received the recommendation from the Planning and Zoning Commission to approve her request for a zoning change from Residential (R-3) to Residential (R-4) on property located at 710 Baldwin Street. Mayor Rodriguez opened a public hearing to receive citizen comments. Ms. Savannah Johnson Eldridge, Elisha Johnson, Jr., and Emma Jackson presented a letter in opposition of the request as they questioned the ownership and use of the property. It was determined that the estate of Elisha and Pearl Johnson, and Frances Ford, each own a part of Lots 7 and 8. Ms. Ford wishes to place a manufactured home on her property. It was questioned if there would be enough room for the home without removal of the wood framed house. City Manager Cook advised Ms. Eldridge that he would verify setback requirements for placement of the manufactured home on this property and let her know. Mr. Cook also stated that the ordinance for approval of this zoning request is being read on first reading only and would be presented for second reading in October. Any discrepancies could be addressed by the Council in October. Mayor Rodriguez closed the public hearing.

MAYOR Pro-Tem Sitka made the motion to adopt an ordinance on first reading (recorded as No. 1857) granting a change in zoning from Residential (R-3) to Residential (R-4) on property described as part of Lots 7 and 8 in Block 1095 of the Plaza Addition. The motion was second by Councilmember Bowe. Motion carried.

A public hearing to receive citizen comments on the proposed 2004-2005 City Budget was opened by Mayor Rodriguez. City Manager Cook advised that the purchase of an ambulance for the Fire/EMS Department had been inadvertently omitted. As in the past years, a grant application to the Johnson Foundation will be submitted and the ambulance will be purchased only if the grant is received. Inclusion of the ambulance brings the total proposed budget amount to $12,756,240. The budget as presented also includes the five percent water and sewer increases. Mayor Rodriguez closed the public hearing. Mayor Pro-Tem Sitka made
the motion to adopt the 2004-2005 Budget Ordinance No. 1854 in the amount of $12,756,240 on second and final reading. The motion was second by Councilmember Fowler. Motion carried unanimously.

COUNCILMEMBER Bowe made the motion to adopt the 2004 Tax Rate Ordinance No. 1855 on second and final reading. The motion was second by Councilmember McMullen. Motion carried unanimously.

ORDINANCE No. 1856 increasing the water and sewer rates by five percent was adopted on second and final reading on motion by Councilmember Bowe with a second by Mayor Pro-Tem Sitka. Motion carried unanimously.

HUNTER Associates engineer Paul Boedeker presented a very detailed and informative Sanitary Sewer System Study. The approximate 50.26 miles of sewer lines, some of which dates back to the 1928 – 1930's, is in various states of disrepair. The Study prioritizes six possible projects based on age and proximity for a total overall estimated cost of $10,856,898. Also outlined were methods of financing options including annual budgeting, various grants, and bond issues. City staff will be utilizing this Study to plan towards repair and/or replacement of the system needs.

CITY Manager Cook requested authorization from the Council to proceed with an application for a Community Development Block Grant in the amount of $250,000 which if received would start to address some of the sewer issues. The area being considered for this grant is part of one of the prioritized projects from the Sewer Study. Mayor Pro-Tem Sitka made the motion with a second by Councilmember Bowe to authorize the City Manager to proceed with the submission of the application using Langford Community Management Services along with City staff to complete the process. Motion carried unanimously.

THE City's Economic/Community Development Coordinator Pat Kennedy reported to the Council that the Yoakum Economic Development Corporation is working with Circle Y, a local manufacturing company, in the development and retention of the company in Yoakum. In addition to options discussed between the Y.E.D.C. Board of Directors and Circle Y, the Board is requesting that the City start the application process for a Texas Capital Fund Real Estate Development Program through the Texas Department of Agriculture for assistance to Circle Y. Councilmember Fowler made the motion to authorize City staff and consultant to proceed with the development of this fund application for Circle Y. Mayor Pro-Tem Sitka seconded the motion. Motion carried unanimously.

A Commercial Bulk Service Agreement with Texas Cable Partners, dba a Time Warner Cable, supplying cable service to the Hub City RV Park was discussed. Cable service has been supplied to the park since its opening, however a formal agreement was never signed. Mayor Pro-Tem Sitka made the motion to authorize the City Manager to enter into this agreement with Texas Cable Partners for cable service to the Hub City RV Park. The motion was second by Councilmember Bowe. Motion carried unanimously.

DEPOSITORY bids were received on September 9th and reviewed by Finance Director Charlotte Morrow. Bids received were from First State Bank and Yoakum National Bank. Her recommendation to City Manager Cook was to award the bid to the Yoakum National Bank. Based on the recommendation and Council's review, Councilmember Bowe made the motion to award the City depository to Yoakum National Bank for a two-year period beginning October 1,
2004. The motion was second by Councilmember McMullen. Motion carried. Mayor Pro-Term Sitka abstained from voting due to personal interests.

MAYOR Rodriguez opened a public hearing to receive comments on the continuation of the Juvenile Curfew Ordinance. Police Chief Formolo provided statistical information showing that locally as well as state and nationwide juvenile crime is better controlled by the implementation and continuation of the curfew ordinance. Letters of continued support from the school district, probation departments, etc. were also provided by Chief Formolo. The public hearing was closed. Mayor Pro-Term Sitka with a second by Councilmember Bowe made the motion to consider an ordinance (recorded as No. 1858) on first reading continuing Juvenile Curfew Ordinance No. 1578. Motion carried unanimously.

AFTER discussion, Councilmember Bowe made the motion to vote for the following candidates in the Texas Municipal League Intergovernmental Risk Pool Board of Trustees election: Place 6 – Mary Gauer; Place 7 – Larry Dovalina; Place 8 – Leo Montalvo, and Place 9 – Andres Garza. The motion was second by Councilmember McMullen. Motion carried unanimously.

CHARGE-OFF of listed ambulance and utility account receivables were reviewed by the Council. The ambulance collection rate is 71% of allowable charges while the utility collection rate is 99.8%. Councilmember Bowe made the motion to charge-off $37,615 in ambulance bad debt and $43,123 in utility bad debts. The motion was second by Councilmember McMullen. Motion carried unanimously.

THE Lower Colorado River Authority announced to its 42 wholesale customers that approximately $37 million in over-recovered fuel and purchased power cost was collected since July 2003. It is estimated that Yoakum's refund could be around $240,000. Historically, the Council elected to set aside these funds for major capital projects, which was the recommendation from the City Manager for this year as well. Councilmember Bowe made the motion to designate the funds received from the LCRA to the Capital Infrastructure Fund for the Yoakum Street Water Tower Project. The motion was second by Councilmember McMullen. Motion carried unanimously.

UNDER the City Manager's Report, Mr. Cook advised that H&C Construction would start the Street Improvement Project either on September 20th or the 23rd with the project lasting approximately two to three days. The Fire/EMS Department will have Open House on October 2nd from 10 AM to 2 PM. Lott Street will be closed from Nelson to West Gonzales during this time. Texas Gas Service Company will be making system improvements in and around the Ross Street area.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

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

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

ABSENT:  Daryl L. Fowler .................................. Councilmember

MAYOR Rodriguez called the City Council meeting to order with Councilmember Bowe offering the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Government student Crystal Blakeney was recognized as a visitor. Councilmember Bowe made the motion to adopt the minutes of September 14, 2004 as presented. The motion was second by Councilmember McMullen. Motion carried.

A public hearing was opened by Mayor Rodriguez to receive citizen comments on the continuation of the Juvenile Curfew Ordinance. Questions were answered and the hearing was closed. Councilmember Bowe made the motion to adopt an ordinance on second and final reading providing for continuance of Juvenile Curfew Ordinance No. 1578. The motion was second by Mayor Pro-Term Sitka. Motion carried unanimously.

RE-ZONING of the property at 710 Baldwin St. for Frances Ford was considered on second reading. Ownership and property setback questions had been resolved with Ms. Ford and the adjacent property owners. Mayor Pro-Term Sitka made the motion to adopt the ordinance on second and final reading granting a zoning change from Residential (R-3) to Residential (R-4) on property described as part of Lots 7 and 8 of Block 1095 in the Plaza Addition. The motion was second by Councilmember Bowe. Motion carried unanimously.

MARK McLiney with Southwest Securities addressed the Council on refinancing of the City’s 1995 General Obligation Bonds. After discussion, Mayor Pro-Term Sitka made the motion to authorize refinancing the 1995 General Obligation Bonds with the targeted benchmark savings amount being $100,000. Councilmember McMullen seconded the motion. Motion carried unanimously.

BARBARA Curry with Langford Community Management Services outlined the proposed project. Mayor Pro-Term Sitka made the motion to adopt a resolution (recorded as No. 2004-17) authorizing the submission of a grant application to the Office of Rural Community Affairs for a Community Development Block Grant Sewer Main Replacement Project in the amount of $250,000 with the City’s matching funds of $50,000. The motion was seconded by Councilmember Bowe. Motion carried unanimously.

BARBARA Curry, Mark Jernelka with Circle Y Saddles, Inc. and Pat Kennedy, City’s Economic/Community Development Coordinator were present to address a funding application
for assistance to Circle Y Saddles, Inc. If received, funding through the Texas Capital Fund would enable Circle Y to remain in Yoakum retaining jobs for 130 employees. Councilmember Bowe made the motion with a second by Mayor Pro-Tem Sitka to adopt a resolution (recorded as No. 2004-18) to submit an application to the Texas Department of Agriculture for funding through the Texas Capital Fund Real Estate Development Program to assist Circle Y Saddles, Inc. in the amount of $700,000 with an administration grant of $50,000. Motion carried unanimously.

A Citizen Complaint Procedure for compliance with the Texas Community Development Program was adopted on motion by Mayor Pro-Tem Sitka with a second by Councilmember Bowe. Motion carried unanimously.

USE of city's park lights was discussed as park usage has increased and more groups are requesting lights after dark. The Council was pleased with the increase in activities but the additional electrical cost should be addressed making it fair to all who utilize the lights. The Council asked that the issue be referred to the Parks and Recreation Advisory Board for review and recommendations.

AN ordinance amending the Fiscal Year 2003-04 Budget Ordinance No. 1830 was adopted on first reading (recorded as No. 1859) on motion by Councilmember Bowe with a second by Councilmember McMullen. Motion carried unanimously.

COUNCILMEMBER Bowe made the motion to proceed with the purchase of a street sweeper through the City's Interlocal Purchasing Agreement with the Houston-Galveston Area Council in the amount of $124,540.50. The motion was second by Councilmember McMullen. Motion carried unanimously.

A motion made by Mayor Pro-Tem Sitka authorized the beginning of the purchasing process for the automated meter reading system. Councilmember Bowe seconded the motion. Motion carried unanimously.

AN ordinance (recorded as No. 1860) was adopted on first reading on motion of Mayor Pro-Tem Sitka with a second by Councilmember McMullen amending the Manual of Fees and Service Charges, especially Item I, A of the General Section pertaining to ambulance mileage rates. Motion carried unanimously.

ON motion by Mayor Pro-Tem Sitka, the City Manager was authorized to advertise for sale to the general public the old street light heads/fixtures for $10 on the 175 watt and $15 for the 400 watt fixtures, and upon receipt of the new street sweeper, authorized the sale of the old sweeper through the usual bid process. The motion was second by Councilmember McMullen. Motion carried unanimously.

MAYOR Pro-Tem Sitka motioned to authorize the City Manager to negotiate and enter into a contract for rental of the airport hangar. The motion was second by Councilmember Bowe. Motion carried unanimously. The contract with Crosswind Aviation was terminated September 30, 2004.

UNDER the City Manager's Report, Mr. Cook advised that Paula Raney and Carl O'Neill submitted their resignation to the Oak Grove Cemetery Association's Board of Directors and there also exists a vacancy on the Library Board. Names were to be submitted to fill these vacancies. The Texas Commission on Environmental Quality notified the City that the lead and
copper analysis of city water from twenty different locations meets the State requirements. Bids for the Pershing Square Downtown Project were not let as anticipated on October 15th since the Texas Historical Commission expressed concerns about the design and components of the plan. Minor revisions as agreed are to be made and if approval is received from the Texas Historical Commission, bids may be let in December. Notices were handed out inviting the Council and public to attend the Trans-Texas Corridor Public Meeting. The closest meeting is scheduled for November 16th in Shiner.

THERE being no further business, the meeting adjourned.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Giral
City Clerk
November 9, 2004
Council Room – 6:00 P.M.
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

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

ABSENT:  None

MAYOR Rodriguez called the City Council meeting to order and offered the Invocation. The Pledge of Allegiance to the Flag was recited by all attending. Councilmember Bowe made the motion to adopt the minutes of October 12, 2004 as presented. The motion was second by Councilmember McMullen. Motion carried.

A revised Exhibit A for Ordinance No. 1859 was reviewed by the Council and staff. Mayor Pro-Tem Sitka made the motion to adopt Ordinance No. 1859 on second and final reading amending Fiscal Year 2003-2004 Budget Ordinance No. 1830. The motion was second by Councilmember Bowe. Motion carried unanimously.

COUNCILMEMBER Bowe made the motion with a second by Mayor Pro-Tem Sitka to adopt Ordinance No. 1860 on second and final reading amending the Manual of Fees and Service Charges, especially Item 1, A of the General Section pertaining to the ambulance mileage rates. Motion carried unanimously.

THE public hearing held prior to the Council meeting informed Council and citizen participants that the City was preparing to apply to the Lower Colorado River Authority for a Partnership in Parks Grant to implement the first seven priorities of the Master Parks Plan. The grant application is to be in the amount of $150,000 with the City providing $33,000 in Force Account activities and $150,000 budgeted and pledged from the Yoakum Economic Development Corporation for a total proposed grant project of $333,000. Councilmember Bowe made the motion to adopt a resolution (recorded as No. 2004-19) authorizing the submission of the grant application to the L.C.R.A. Partnership in Parks Program. The motion was second by Councilmember McMullen. Motion carried unanimously.
A request was received from the Yoakum Area Chamber of Commerce for the closure of certain streets during the Winter Wonderland Celebration and Parade. Mayor Pro-Tem Sitka with a second by Councilmember Bowe made the motion to close West May Street from its intersection with Lott Street to Front Street for staging purposes, and Lott Street from its intersection with West May Street to the entrance of the Community Center parking lot on West Street from 5 PM to 8:30 PM on Friday, December 3, 2004. Motion carried unanimously.

ATTORNEY Rashay Chapa discussed with the Council the adoption of a resolution setting and accepting a certain percentage of the total amount collected for a property sold as result of a tax sale, which has a municipal lien attached to the property. Mayor Pro-Tem made the motion to adopt the resolution (recorded as No. 2004-20). The motion was second by Councilmember Bowe. Motion carried unanimously.

A revision to Chapter 10 of the Yoakum Code of Ordinances was discussed, addressing Article II Nuisances and the procedures involved in the collection of costs involved in the abatement process. Councilmember Bowe made the motion to adopt an ordinance (recorded as No. 1861) on first reading amending the Code of Ordinances, specifically Chapter 10, Article II Nuisances, Section 10-30 Collection of Cost. The motion was second by Mayor Pro-Tem Sitka. Motion carried unanimously.

DISCUSSION was held on the changing the administrative fee for nuisance abatement from annual to applying the fee per abatement. A motion was made by Councilmember Bowe with a second by Councilmember McMullen to adopt an ordinance on first reading (recorded as No. 1862) for a Nuisance Abatement Administrative Fee of $75.00 to be applied per abatement of the property. Motion carried unanimously.

ONLY one proposal was received on the purchase of an automated meter reading system. Datamatic's system is the only system that allows the City to use most of the existing water and electric meters. Mayor Pro-Tem Sitka made the motion to purchase the automated meter reading system from Datamatic in the amount of $494,097.50 and to authorize the city manager to enter into the purchase, and licensing/maintenance agreement. Councilmember Fowler seconded the motion. Motion carried unanimously.

COUNCILMEMBER Fowler made a motion setting December 14, 2004 at 6:00 PM during the City Council meeting as the date and time for a public hearing to receive citizen input on the past performances of Time Warner and to determine any future cable-related community needs. The motion was second by Councilmember McMullen. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to appoint Mark Turk to the Library Board filling the unexpired term of Charles Schneider. The motion was second by Councilmember Bowe. Motion carried unanimously.
MAYOR Rodriguez closed the meeting to the public at 6:40 P.M. and called for an executive session to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086). The meeting was re-opened to the public at 6:50 P.M. with Mayor Pro-Tem Sitka making the motion to authorize the city manager to submit the Price Select option and the fuel price recovery cost as directed. The motion was second by Councilmember Bowe. Motion carried unanimously.

THE City Manager reported that the Fire/EMS Department has received a $50,000 grant from the Johnson Foundation, which will be used towards the purchase of a new ambulance as budgeted. Mr. Cook advised that a two percent increase in the tipping fee for solid waste disposal went into effect on October 1st. The city had not received the notice, which had been mailed out sometimes in July. This will increase the budget by approximately $2,232 requiring a budget amendment.

THERE being no further business, the meeting adjourned.

[Signature]

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

[Signature]

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

PRESENT: Anita R. Rodriguez .................................................. Mayor
Elorine Sitka ................................................................. Mayor Pro-Tem
Margie McMullen .......................................................... Councilmember
Daryl L. Fowler ............................................................... Councilmember
Calvin Cook ................................................................. City Manager
Gladys M. Jiral ............................................................... City Clerk

ABSENT: Councilmember Don Bowe
City Attorney Charles J. Kvinta, Jr.

MAYOR Rodriguez opened the meeting to the public at 5:30 P.M. to consider the refinancing of the 1995 General Obligation Bonds and adoption of an ordinance authorizing the issuance of refunding bonds. The City's Financial Consultant Mark McLney with Southwest Securities had called prior to the start of the meeting to advise that he would be perhaps fifteen minutes late so the meeting adjourned until his arrival. Mr. McLney arrived at 5:46 P.M. and the Mayor reconvened the meeting.

MR. McLney's presentation informed the Council that a savings of $131,012 could be achieved with this refinancing. Lengthy discussion followed. Mayor Pro-Tem Sitka made the motion to adopt an ordinance (recorded as No. 1863) authorizing the issuance of “City of Yoakum, Texas General Obligation Refunding Bonds, Series 2004” to the Bank of America in the amount of $2,265,000 at a rate of 3.34%, levying an annual ad valorem tax, within the limitations prescribed by law, for the payment of the bonds; prescribing the form, terms, conditions, and resolving other matters incident and related to the issuance, sale, and delivery of the bonds; authorizing the execution of a paying agent/registrar agreement, a purchase and investment letter, and escrow and trust agreement, and the blanket letter of representations with the depository trust company; and providing for an effective date of November 26, 2004. The motion was second by Councilmember Fowler. Motion carried unanimously. (Councilmember Bowe was present for part of the discussion but left early due to an emergency.)

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

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

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

ABSENT: None

MAYOR Rodriguez called the City Council meeting to order with the Invocation being offered by Mayor Pro-Tem Sitka. The Pledge of Allegiance to the Flag was recited by all attending. Councilmember Bowe made the motion to adopt the minutes of November 9 and 29th, 2004 as presented. The motion was second by Councilmember McMullen. Motion carried.

ORDINANCE No. 1861 amending the Yoakum code of Ordinances, specifically Chapter 10, Article II Nuisances, Section 10-30 Collection of Cost, was adopted on second and final reading on motion by Mayor Pro-Tem Sitka with a second by Councilmember Bowe. Motion carried unanimously.

ORDINANCE No. 1862 amending the Manual of Fees and Service Charges, specifically Section V. Miscellaneous of the General Section, Item Y. Weedy Lot Abatement Fee was adopted on second and final reading on motion by Councilmember Bowe with a second by Mayor Pro-tem Sitka. Motion carried unanimously.

CIRCLE Y Saddles, Inc. President Steve Tucker presented and read a letter addressed to the City Council stating that consolidation of their facilities into one location is the key factor in their decision to remain in operation in Yoakum. They investigated their options in moving to neighboring cities or even out of state to their home state of Tennessee. If funds are not available through the Texas Capital Fund Real Estate Development Program, Circle Y would move operations to Tennessee. This funding would enable their consolidation thereby retaining the 127 jobs in Yoakum and adding 10 additional positions. Mayor Rodriguez and the Councilmembers expressed appreciation to Mr. Tucker for the decision to remain in Yoakum and offered continued assistance to Circle Y through the Texas Capital Fund application in conjunction with the Yoakum Economic Development Corporation.

CITY Manager Cook advised that a grant administrator would need to be hired through the competitive process if funding was received through the Texas Capital Fund Program. Mayor Pro-Tem Sitka made the motion to authorize advertisement and acceptance of Requests for Qualifications for the Texas Capital Fund Grant Administrator contingent upon award of the Grant. The motion was second by Councilmember McMullen. Motion carried unanimously.
COUNCILMEMBER Bowe made the motion to authorize the closing of certain streets during the Land of Leather Celebration, specifically the 100 and 200 blocks of West Grand Avenue, and the 400 and 500 blocks of Lott from 6 PM, Friday, Feb. 25th thru 6 PM, Saturday, Feb. 26th; the 400 block of Front St., starting at Faulkner’s Cleaners, and all of the 500 block from 7 AM to 6 PM on Saturday, Feb. 26th; and the 100 block of West Street from 8 AM, Monday, Feb. 21st thru 5 PM, Monday, Feb. 28th. The motion was second by Councilmember McMullen. Motion carried unanimously.

MS. Phyllis Lauer addressed the Council concerning the number of poultry (chickens) allowed to be raised or possessed inside the City limits. The chickens being raised next door to her pre-school come through the fence onto her property, which is a violation of State requirements for her pre-school. When the owners are fined in municipal court for having an excess number of chickens, the fines are paid without hesitation with no decrease in the number of chickens being kept on the property. City Manager Cook was directed to review the ordinance and return to the Council with a recommendation.

COUNCILMEMBER Fowler made the motion to authorize the purchase of a garbage truck through the City’s Interlocal Purchasing Agreement with the Houston-Galveston Area Council (HGAC). The motion was second by Councilmember McMullen. Motion carried unanimously.

BECOMING members of the Texas Local Government Purchasing Cooperative, known as the BuyBoard, would provide another means for comparative purchasing as that of the HGAC. Councilmember Bowe made the motion to adopt a resolution (recorded as No. 2004-21) authorizing the Mayor to enter into an Interlocal Participation Agreement with the Texas Local Government Purchasing Cooperative and appointing the city manager as the Program Coordinator. The motion was second by Mayor Pro-Tem Sitka. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion proclaiming January as School Board Recognition Month. The motion was second by Councilmember Bowe. Motion carried unanimously.

UNDER the City Manager’s Report, Mr. Cook advised that the public hearing for citizen input on the past performances of Time Warner and to determine future cable-related community needs had been rescheduled for January 11th during the regular City Council meeting. The annual brush grinding project was awarded to L & M Wood Waste Recycling in the amount of $11,904. The old antenna tower was sold to Ernest Smith for $187.

MAYOR Rodriguez announced that the new cell tower was operating and providing good reception. She also wished everyone a safe and happy holiday season.

THERE being no further business, the meeting closed.

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

ATTEST:
\[Signature\]
Gladys M. Jiral, City Clerk
December 27, 2004
Council Room – 12:00 P.M.
Public Works Building

SPECIAL MEETING OF THE CITY COUNCIL

PRESENT: Anita R. Rodriguez ......................... Mayor

Elorine Sitka ....................................... Mayor Pro-Tem

Don E. Bowe ......................................... Councilmember

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

Calvin Cook ........................................ City Manager

Gladys M. Jiral ..................................... City Clerk

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

Daryl L. Fowler ................................. Councilmember

THE meeting was called to order by Mayor Rodriguez to discuss waiving the thirty day
requirement in the agreement with Textel Tower Development Company for assignment or
sublicensing of the tower; amending the June 29, 2004 agreement and authorizing the Mayor to
execute documents for assignment to TowerCo, Inc.

CITY Manager Cook and City Attorney Kvinta outlined the proposed changes. Textel
would like to sell the tower prior to the end of this year thereby requesting the thirty day waiver.
The purchasing company, TowerCo, Inc., requested that the agreement to be changed to state
that they would provide ten days written notice to the City prior to sub-licensing tower space
instead of the City having to give consent prior to the sub-licensing. Following discuss, Mayor
Pro-Tem Sitka made the motion to waive the thirty day written notice as required in the Tower
Site Lease Agreement; to authorize the Mayor to execute the amendment to the Textel Tower
Development Company Agreement dated June 29, 2004 revising Paragraph 12 Assignments
and Sublicensing, and authorized the Mayor to execute the necessary documents providing for
the assignment of the Agreement from Textel to TowerCo, Inc. The motion was seconded by
Councilmember Bowe. Motion carried.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral, City Clerk