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 Councilmember Fowler. The Pledge of Allegiance to the Flag was recited by all attending. The Mayor recognized Scout Master Jeff Tuttle who introduced members of Scout Troop No. 228.

COUNCILMEMBER Bowe made the motion to adopt the minutes of December 14th and 27th, 2004 as presented. The motion was second by Mayor Pro-Tem Sitka. Motion carried unanimously.

CITY Manager Cook announced that a public hearing would be held to assess the past performance of Time Warner and to determine future cable-related community needs for Yoakum, such as channel availability, reception quality, internet service, customer service, local community programming and other issues of public interest. Mayor Rodriguez opened the public hearing by reading a statement prepared by the City’s consultant as to the purpose of the hearing and welcomed Susan Patten with Time Warner. Ms. Patten introduced Laura Trowbridge, General Manager of the South Central Texas Group, who presented a power point presentation on the Time Warner services provided to the Yoakum community, highlighting customer service, quality and dependability.

FOUR written requests were received prior to the hearing specifically requesting Time Warner to provide Houston channels locally. Citizens E. J. Blaschke and Howard Templin commented their request was also to provide a Houston channel again. Ms. Trowbridge and Ms. Patten both indicated that they would research the possibility, but their understanding was that the Houston channel was previously pulled because of bad reception and financial cost. Mr. Dryer from the Y.I.S.D. complimented the Time Warner representatives on their good services and for providing updates at no cost to the school district. Other questions pertaining to upgrades, maintenance and Road Runner High Speed Internet service were addressed by Ms. Trowbridge. With no further questions, the Mayor closed the hearing.

IN response to the concerns addressed by Ms. Lauer at last month’s meeting, the City staff presented a proposed ordinance regulating animals and fowl. The proposed ordinance updates the current ordinance adopted in 1939 and provides for setbacks and limits the number
of fowl or livestock permitted within the city limits. Councilmember Bowe with a second by
Councilmember McMullen made the motion to adopt an ordinance (recorded as No. 1863) on
first reading amending Chapter 4 Animals and Fowl of the Yoakum Code of Ordinances,
specifically Article I General. Motion carried unanimously.

A request for a sidewalk variance and use of City right of way was received from the
First Baptist Church. The request is to place the sidewalk next to the curb using the right of
way. The Code of Ordinances requires sidewalks to be placed eight feet from the curb. This
eight foot area, which is the right of way, is used for placement of utilities as needed. Mayor
Pro-Tem Sitka made the motion to grant the variance to the First Baptist Church along with use
of the right of way under the following conditions: the Church will be responsible for the repair or
replacement of the section of the sidewalk located in the City right of way should the City need
to remove the sidewalk for the installation or repair of utilities, or for street or drainage
improvements, and the area around the fire hydrant on the corner of Dunn/East May/East
Gonzales Streets will remain grass or natural turf to allow for repair and/or replacement of the
fire hydrant. The motion was second by Councilmember Bowe. Motion carried unanimously.

CITY staff asked for Council’s consideration in extending the December 31st electricians
license renewal period pending review of the City’s Electrical Code provisions. There appeared
to be some confusion as to the need for renewing the required City electrical license since the
State implemented a State required license this past year. Councilmember Bowe with a second
by Councilmember McMullen made the motion to grant a ninety (90) day extension for
renewals. Motion carried unanimously.

WITH City Manager Cook’s approval, Fire Chief/EMS Director Phil Baker recently
submitted an application for a grant through the Federal Emergency Management Agency
(FEMA) for a triple combination pumper truck with aerial ladder, which if awarded could lower
the property insurance rates. The total amount of the grant is up to $500,000 with the City’s
match being 10%. The City had been setting aside funds towards the purchase of a new truck
and has $80,000 in this reserve account. The application received favorable review from FEMA
and additional information was needed before final review. Mayor Pro-Sitka made the motion
that the City would accept the FEMA grant if awarded and designated matching funds towards
purchase of the truck. The motion was second by Councilmember Fowler. Motion carried
unanimously.

MAYOR Pro-Tem Sitka made the motion to appoint Melba Bucek and George Boecker
to the Yoakum Oak Grove Cemetery Association Board of Directors for three year terms. The
motion was second by Councilmember Bowe. Motion carried unanimously.

COUNCILMEMBER Bowe made the motion to adopt on first reading an ordinance
(recorded as No. 1864) amending Chapter 7 Finance and Taxation of the Code of Ordinances,
specifically Article I, Section 7-6 Purchasing Policy, to change the local purchasing limit from
10% to 3% to correspond with the State Purchasing requirements. The motion was second by
Mayor Pro-Tem Sitka. Motion carried unanimously.

UNDER the City Manager’s Report, Mr. Cook advised that the City is hosting the annual
Guadalupe Valley Water Association meeting on January 20th. TxDOT is holding an
Informational Meeting at the Community Center on January 26th. TxDOT heard from the Texas
Historical Commission on the Pershing Square Downtown Project. The discussed plan
revisions are to be made. If final plans are completed next week, bid letting may be in March.
The new street sweeper was received and training is being conducted.
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
         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: Elorine Sitka ........................................... Mayor Pro-Tem

MAYOR Rodriguez called the City Council meeting to order with the Invocation being offered by Councilmember McMullen. The Pledge of Allegiance to the Flag was recited by all attending. Councilmember Bowe made the motion to adopt the minutes of January 11, 2005 with a second by Councilmember McMullen. Motion carried.

MR. and Mrs. Earl N. Cretors were present in regards to the changes in the animal and fowl ordinance and questioned the number of fowl allowed within the city limits. City Manager Cook explained the numbers allowed and setback requirements. Ordinance No. 1868 (number corrected from 1863) amending Chapter 4 Animals and Fowl of the Yoakum Code of Ordinances was adopted on second and final reading on motion by Councilmember Bowe with a second by Councilmember McMullen. Motion carried.

ORDINANCE No. 1864 amending Chapter 7 Finance and Taxation of the Code of Ordinances was adopted on second and final reading on motion by Councilmember Fowler with a second by Councilmember Bowe. Motion carried.

CPA Steve Van Manen from Harrison, Waldrop & Uherek presented the financial audit report for year ending September 30, 2004. He advised that new requirements under the GASB 34 Rules have been implemented and advised that the year ended in good standing and conformed to accounting principles generally accepted in the United States. Councilmember Bowe made the motion to accept the audit report for Fiscal Year Ending September 30, 2004. The motion was second by Councilmember Fowler. Motion carried.

FIRE Chief/EMS Director Phillip Baker was present to request authorization to purchase the new ambulance as budgeted. The purchase would be made through the Local Government Purchasing Cooperative (BuyBoard). The $50,000 grant from the Johnson Foundation along with $40,375 from reserves will meet the purchase price of $90,375. Councilmember Bowe with a second by Councilmember McMullen made the motion to authorize the purchase of a new ambulance through the Local Government Purchasing Cooperative in the amount of $90,375. Motion carried.

DIRECTOR of Community Services Tom Chilek presented a request from Shiner St. Paul High School to utilize the golf course during the spring of 2005. The Yoakum School
District golf team pays $200 for use of the course during the week throughout the year. Records reflect over 25% of our current course membership is from Shiner. With the 25% Shiner membership, in promoting junior golf players, use of the course only during the spring 2005 season, and only during the week, Mr. Chilek and City Manager Cook recommended that Shiner St. Paul High School be allowed to use the course at an annual cost of $100. Council would re-evaluate this program for next year. Councilmember Fowler made the motion to authorize the use of the golf course by Shiner St. Paul High School students only for the spring of 2005 at a special fee of $100. The motion was second by Councilmember Bowe. Motion carried.

DUE to the State implementing an electricians license program and after review of the Yoakum Code of Ordinances for licensing of local electricians. City Manager Cook and staff proposed an ordinance which would no longer require a city electrical license if the electrician has a state license and if the local electrician did not have a state license, the city would continue to renew the local license. No new city electrician licenses would be issued. With no new licenses being issued, there is no need for the Examining and Supervising Board of Electricians. The requirement for the penal bond was also removed. Councilmember Bowe made the motion to adopt an ordinance (recorded as No. 1865) on first reading amending the Code of Ordinances specifically Chapter 5, Article II, Divisions 1 and 2 pertaining to Examination and Licensing of Electricians. The motion was second by Councilmember McMullen. Motion carried.

WITH revisions to electrical licensing, changes resulted in the fees as listed in the Manual of Fees and Service Charges. A motion was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1866) on first reading amending the Manual of Fees and Service Charges, Codes Section, Item V. Electric Code Charges and Fees, Subsections C. License Fees and D. Master Electrician Bond. Councilmember McMullen seconded the motion. Motion carried.

CHAPTER 22 of the Yoakum Code of Ordinances, which provides for the City's Backflow Prevention and Cross Connection Control Program, does not provide for penalties should someone be found in violation of the ordinance. An ordinance providing for penalty provisions was drafted by the City staff and presented for discussion. Councilmember Bowe with a second by Councilmember McMullen made the motion to adopt the ordinance (recorded as No. 1867) amending the Code of Ordinances specifically Chapter 22 Utilities, Article II Backflow Prevention and Cross-Connection Control by providing for a penalty provision. Motion carried.

THE tax abatement guidelines and criteria were reviewed by staff and legal to ascertain its conformance with current laws and provisions. The Yoakum Economic Development Corporation Board of Directors reviewed and unanimously recommended to the Council continuance of the Tax Abatement Program. On motion by Councilmember Bowe a resolution (recorded as No. 2005-01) was adopted re-affirming the City of Yoakum's Guidelines and Criteria for Tax Abatement as adopted on February 11, 1997. Councilmember Fowler seconded the motion. Motion carried.

COUNCILMEMBER Fowler inquired about applying the Abatement Program Guidelines to the downtown retailers during the construction of the Pershing Square Downtown Revitalization Project. Council asked the City Manager to research this possibility in order to assist the retailers any way possible during what may be a very difficult business period.
BASED on Hunter Associates recommendation and consultation with staff from the Texas Commission on Environmental Quality, City Manager Cook requested authorization to ask for bids for the construction of an aeration type equipment treatment facility to remove the hydrogen sulfide gas from Park Water Well No. 5. Councilmember Fowler made the motion to authorize the City Manager to proceed with the request for bids process. The motion was second by Councilmember Bowe. Motion carried.

COUNCILMEMBER Fowler made the motion authorizing the City Manager to enter into an engineering agreement with Hunter Associates for the Park Water Well Equipment Treatment Project. The motion was second by Councilmember Bowe. Motion carried.

CITY Manager Cook reviewed with the Council Time Warner’s lack of payment of “franchise fees on franchise fees”. The 5% franchise fee should have been paid to the City on all revenue collected by Time Warner including the franchise fee. Time Warner indicates that they owe the City $11,109.43 but if they are required to pay this amount, they may collect the fee from their customers over the next twelve months. Our Local Government Services consultant Greg Fenders recommended that the Council require Time Warner to comply with the franchise agreement. Councilmember Bowe made the motion to require Time Warner to comply with their existing agreement and pay the fees owed to the City. The motion was second by Councilmember McMullen. Motion carried.

COUNCILMEMBER Bowe made the motion to adopt a resolution (recorded as No. 2005-02) establishing the procedures and appointing election officials for the City’s General Election to be held on Saturday, May 7, 2005. The motion was second by Councilmember McMullen. Motion carried.

A motion was made by Councilmember Bowe to proclaim the week of March 7 thru 11th as “Texas Public School Week” in Yoakum. Councilmember McMullen seconded the motion. Motion carried.

MAYOR Rodriguez closed the meeting to the public at 7:10 P.M. to discuss electric utility-related matters and the purchase, exchange, lease, or value of real property (V.T.C.A., Gov. Code, Sec. 551.086 and Sec. 551.072 respectively). The meeting was re-opened to the public at 7:25 P.M. with no action resulting from either item.

UNDER the City Manager’s Report, Mr. Cook advised Time Warner had provided notice that they would start charging a $1.00 fee to customers who paid their bill in person at their office. City staff has been contacted by FEMA representatives about updating Yoakum’s flood plan map.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:
Gladys M. Jiral, City Clerk
March 8, 2005
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 with the Invocation being offered by Councilmember Bowe. The Pledge of Allegiance to the Flag was recited by all attending. Councilmember Bowe made the motion to adopt the minutes of February 8, 2005 with a second by Councilmember McMullen. Motion carried unanimously.

ORDINANCE No. 1867 was presented for second and final reading. This ordinance provides for a penalty provision in conjunction with the City’s Backflow Prevention and Cross Connection Control Program. Mayor Pro-Tem Sitka with a second by Councilmember Bowe made the motion to adopt the ordinance on second and final reading amending the Code of Ordinances specifically Chapter 22 Utilities, Article II Backflow Prevention and Cross-Connection Control by providing for a penalty provision. Motion carried unanimously.

ORDINANCES No. 1865 and 1866 were presented for second and final readings. However City staff become aware of House Bill No. 1317 being considered by the State Legislators, which would revise the present law for electricians holding only local licenses so by adoption of the changes in Ordinances No. 1865 and 1866, the new ordinances could hurt the local electrical contractors. City Manager Cook recommended both ordinances not be adopted at this time and revisited if and when H.B. 1317 is passed. Mayor Pro-Tem Sitka made the motion to not adopt Ordinance No. 1865 which would have amended the Code of Ordinances specifically Chapter 5, Article II, Divisions 1 and 2 pertaining to Examination and Licensing of Electricians. The motion was second by Councilmember McMullen. Motion carried unanimously. Councilmember Bowe made the motion to not adopt Ordinance No. 1866 which amended the Manual of Fees and Service Charges, Codes Section, Item V. Electric Code Charges and Fees, Subsection C. License and D. Master Electrician Bond. The motion was second by Councilmember McMullen. Motion carried unanimously.

UNDER new business, an ordinance was proposed to allow for electrical contractors
with only a State license to perform electrical work within the City's electrical service area without a local license. Councilmember Bowe made the motion with a second by Councilmember McMullen to adopt an ordinance on emergency reading (recorded as No. 1869) amending the Code of Ordinances specifically Chapter 5, Article II Electrical, Division 2 pertaining to Examination and Licensing of Electricians. Motion carried unanimously.

HOSPICE representative Tracy Yeates requested closure of West Hugo Street for a fundraising event. Hospice of South Texas is a charitable, 501(c)3 organization. Mayor Pro-Tem Sitka motioned to honor the request from Hospice of South Texas for closure of the 200 block of West Hugo Street during the fundraiser on Friday, April 22, 2005 from 6 to 11 PM. The motion was second by Councilmember Bowe. Motion carried unanimously.

INTERACT Club Advisor Sherry Hutchison requested closure of Airport Road and part of Schott Road for a fundraiser benefiting the Jamison Youth Center. The Interact Club is a school sponsored organization. Ms. Hutchison contacted businesses in the area and received no objections to the closures. Councilmember Bowe with a second by Councilmember McMullen motioned to grant the request for closure of Airport Road from FM 3475 to North South Street and Schott Road from its intersection with Harwood Road and Airport Road for a bike-a-thon on Saturday, April 16, 2005 from 8 AM to 12 Noon. Motion carried unanimously.

NO appeal was received from Lauro and Sandra Ramirez in the denial of their request for a zoning change. A motion was made by Councilmember McMullen to accept the recommendation from the Planning and Zoning Commission for denial of the Lauro and Sandra Ramirez zoning change from Residential (R-3) to Commercial (C-2) at 206 Houston St. The motion was second by Mayor Pro-Tem Sitka. Motion carried unanimously.

CITY Manager Cook advised that the Austin Texas Department of Transportation office had this date opened the bid for the Pershing Square Downtown Revitalization Project. The bid is well over the budgeted amount for construction of the project. Mr. Cook suggested to the Council that they may wish to meet jointly with the Yoakum Economic Development Corporation Board of Directors to discuss possible options and that the Directors have scheduled their regular meeting for Monday, March 14th at 5:30 PM. The consensus of the Council was to meet jointly.

A resolution (recorded as No. 2005-03) was adopted on motion by Mayor Pro-Tem Sitka with a second by Councilmember Fowler to enter into an Interlocal Purchasing Agreement with Region IV Education Service Center which sponsors The Cooperative Purchasing Network (TCPN). Motion carried unanimously.

COUNCILMEMBER Fowler made the motion to appoint Harrison, Waldrop & Uherek L.L.P. as auditors for the City's fiscal year ending September 30, 2005 and to authorize the City Manager to enter into the Letter of Understanding. The motion was second by Councilmember McMullen. Motion carried unanimously.

UNDER the City Manager's Report, Mr. Cook informed the Council that bids for street maintenance materials had been received and transportation costs increased the bids which will impact the amount of work that can be done this year. A contract for replacement of five electrical poles was awarded to Proline Construction Company in the amount of $19,500. Since these poles will be replaced while the electrical line is energized, City forces are not equipped to
make these change outs. Charlie Hall was awarded the demolition bid for 104 Burt St. in the amount of $1,075. However after Mr. Hall went by the property, he advised staff that the property owner had started demolition.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral, City Clerk
March 14, 2005
Council Room – 5:30 P.M.
Public Works Building

JOINT 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
Calvin Cook ................................. City Manager
Gladys M. Jiral ............................... City Clerk

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

PRESENT:
Louis Boening ............................... Director
Arthur Hermann III ........................ Director
Tim Faulkner ............................... Director

ABSENT: Allen Dieringer, Director
Tommy Barre, Director

THE meeting was jointly called to order by Mayor Rodriguez and President McMullen for
the purpose of discussing and considering the award of the Pershing Square Downtown
Revitalization Project. City Manager Cook advised the attendees that the Texas Department of
Transportation staff in Austin received one bid on the project in the amount of $1,759,930.50
from Brannan Paving Company in Victoria. Estimated project construction cost was
$1,185,930.50.

AFTER review of the bid with the engineer, local TxDOT staff and City staff, five options
are available for consideration by the Council and Board – 1) request TxDOT to award the bid to
Brannan and find the additional funds needed; 2) request TxDOT not to award the bid and get
out of the program returning the funds to TxDOT; 3) request TxDOT to re-bid anticipating more
bidders; 4) request TxDOT to not award the bid and scale down the project, or 5) request
TxDOT not to award the bid and the City would bid the project taking on project administration
and inspection. Discussion followed with Billy Goodrich, TxDOT District Design Engineer
Supervisor, and Mr. Cook providing what information was available.

ECONOMIC Development Corporation President McMullen asked for a vote of the
Board of Directors. Arthur Hermann III made the motion to recommend to the City Council
option 5 requesting TxDOT not to award the bid and that the City bid the project taking on
project administration and inspection. The motion was seconded by Louis Boening. Motion carried.

MAYOR Rodriguez acknowledged the recommendation and asked for a vote of the City Council. Mayor Pro-Tem Sitka made the motion to accept the recommendation and approve the request asking TxDOT not to award the bid and for the City to bid the project taking on project administration and inspection. Councilmember Bowe seconded the motion. Motion carried unanimously.

PRESIDENT McMullen expressed sincere appreciation to Billy Goodrich and the TxDOT representatives for all the assistance that they have provided on this project.

THE joint meeting of the Council and Board ended and President McMullen proceeded with the meeting of the Corporation Board of Directors.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral
City Clerk
April 12, 2005
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 March 8, and March 14, 2005 with a second by
    Councilmember McMullen. Motion carried unanimously.

    UNDER new business, Judy Langford addressed the Council on a resolution to submit a
    grant application for the “Home Program” through the Texas Department of Housing and
    Community Affairs. The maximum amount of the grant per community is $500,000. If awarded,
    these funds would be utilized to build up to nine 850 sq. ft. homes for approximately $55,000 per
    home for local families. Ms. Langford’s firm will provide the screening and selection for each
    local applicant and be compensated by the State for fees. The deadline for the grant application
    is April 29, 2005, however, there will be no expenditures on the City’s part until after October 1,
    2005. Councilmember Bowe made a motion to adopt a resolution (recorded as No. 2005-04) to
    submit a grant application to the Texas Department of Housing and Community Affairs. Second
    was made by Mayor Pro-Term Sitka. Motion carried unanimously.

    MOTION was made by Mayor Pro-Term Sitka to adopt an ordinance (recorded as No.
    1870) on first reading amending the Code of Ordinances specifically Chapter 6 1/2, Discrimination as applicable to Fair Housing within the City of Yoakum. Councilmember Bowe
    seconded the motion. Motion carried unanimously.

    COUNCILMEMBER Bowe made the motion to approve the 2005 Street Improvement
    Project list, which consists of 6.9 miles of city street repair. The motion was seconded by
    Councilmember McMullen and carried unanimously. City Manager informed Council that bid
    packets would be sent out the following week.

    A motion was made by Mayor Pro-Term Sitka to approve a request from the Yoakum
    Area Chamber of Commerce for street closures during the Tom Tom Festival. The request
    specified closing West Street at its intersection with Irvine and Lott Streets from Monday, May
30th through Monday, June 6, 2005 for the carnival. The request also included an area within the Yoakum Municipal Park located at South Park Road at its intersection with Southwell Street north to the dip/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 from Friday, June 3rd at 5:00 P.M. through Saturday, June 4th at 11:30 P.M. Councilmember Bowe seconded the motion. Motion carried unanimously.

MOTION was made by Councilmember Fowler to proceed with sponsoring a Texas Capital Fund application on behalf of Eddy Packing Company, Inc. The funding will assist in development of roads, water and sewer utilities for Eddy Packing Company's expansion. The City of Yoakum will be responsible for any engineering costs that result from the project. The application is due by June 3rd. Second was made by Mayor Pro-Tem Sitka. Motion carried unanimously.

COUNCIL considered a request for approval of an agreement with Community Development Management Co., Inc. to submit a Texas Capital Fund application for the Eddy Packing Company, Inc. project. Rudy Ruiz was present as a representative of Community Development Management Co., Inc. They will handle the administration of the project. Motion was made by Mayor Pro-Tem Sitka to approve an agreement with Community Development Management Co., Inc. to submit a Texas Capital Fund Application for Eddy Packing Company, Inc. Second was made by Councilmember Bowe. Motion carried unanimously.

COUNCILMEMBER Bowe made a motion to purchase a new trencher through the Texas Local Government Purchasing Cooperative (Buyboard) in the amount of $34,998.48 received from Vermeer Equipment of Texas, Inc. Councilmember McMullen seconded the motion; motion carried unanimously.

COUNCILMEMBER Fowler made a presentation encouraging the approval of a resolution supporting the development and adoption of a local historic preservation ordinance for the City of Yoakum. Questions from visitors Craig Carter and Gary Cooper were addressed. City Manager Cook informed Council that he had contacted the Texas Department of Transportation (TxDOT) concerning the possible impact of a historic designation of the downtown area on the Pershing Square TEA-21 Project. TxDOT personnel stated that adopting a historic preservation ordinance prior to the completion of the Project could have a negative effect on the construction planned for the downtown area. Discussion was held by the Council. Council indicated interest in the ordinance, but were not ready to make a commitment for its development. Councilmember Fowler made a motion to adopt a resolution supporting the development and adoption of a local Historic Preservation Ordinance for the City of Yoakum. Motion died for lack of a second.

MOTION was made by Mayor Pro-Tem Sitka to re-appoint Jack Turner and Paula Houston for two-year terms to the Yoakum Housing Authority Board of Commissioners, and appoint Delores Richardson as the Resident Commissioner for a one-year term. Second was made by Councilmember Bowe. Motion carried unanimously.

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

UNDER City Manager's report, Hospice of Yoakum has decided to postpone the street closure request for W. Hugo St. that was made last month for a street dance. Hospice
expressed appreciation to the Council for approving the request and will make another request when a new date for the street dance has been determined. The Interact Club also informed staff that the street closure request made for the Bike-a-thon planned for April 16, 2005 had been cancelled. Members extended thanks to the Council for approving their request. Council was informed that bids for the aerator for Park Well #5 will be opened on May 4, 2005. The State has authorized the City to be the project administrator for the Pershing Square Project; however, all TxDOT projects have been put on hold due to a cash flow issue. Staff hopes to have information in two to three weeks. Pat Kennedy, Economic/Community Development Coordinator, will be attending a seminar this week on historical preservation.

THERE being no further business, the meeting closed at 7:30 P.M.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

Gladys M. Jiral, City Clerk

ATTEST:
May 10, 2005
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
          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 and Mayor Pro-Tem Sitka
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 April 12, 2005 as presented
with a second by Mayor Pro-Tem Sitka. Motion carried unanimously.

UNDER old business, Ordinance No. 1870 was presented for second and final reading.
This ordinance amends the Code of Ordinances specifically Chapter 6 ½, Discrimination
as applicable to Fair Housing within the City of Yoakum. Mayor Pro-Tem Sitka made the motion
to adopt the ordinance on second and final reading with a second by Councilmember Bowe.
Motion carried unanimously.

UNDER new business, bids were received and opened for the construction of an aerator
for Park Well #5. Three (3) bids were received: Mercer Construction Company $171,100.00; M-
W-D Construction Co. Inc. - $284,920.00 and Brazos Valley Utilities, Inc. - $289,575.00. The
Council received a letter from Engineering Consultant Craig Bell with Hunter Associates Texas,
LTD. recommending the bid be awarded to the low bidder, Mercer Construction Company, with
the stipulation that Bid Item P3 – piping insulation, in the amount of $3,500.00 be deleted from
the project and that the City be credited for the materials to be used from the City’s inventory in
the amount of $4,008.10. After the recommended credits, the total bid amount will be
$163,591.90. Motion was made by Mayor Pro-Tem Sitka to concur with the engineer’s
recommendation and award the bid for construction of an aerator for Park Well #5 to Mercer
Construction Company in the amount of $163,591.90. Second was made by Councilmember
McMullen. Motion carried unanimously.

A letter from Wayne Ogburn of the Yoakum Community Hospital was received
requesting that the City reduce the charge for ambulance billing to the level of the Medicare
allowable charge for the hospital. Fire Chief/EMS Director Phil Baker and Finance Director
Charlotte Morrow were present with information from surrounding emergency medical providers
and current Medicare allowable billing information. Council directed City Manager to research
the situation further and prepare a contract for Council’s consideration.
A recommendation was received from the Planning and Zoning Commission for the approval of a change in zoning from Residential (R-1) to Residential (R-4) for Debra Simper for 107 B Street. Mayor Rodriguez opened the public hearing to receive citizen comments on the Commission's recommendation. There were no comments made for this zoning change and no one was present to represent Ms. Simper. The recommended change complies with the Future Land Use Plan. The public hearing closed. Councilmember Bowe made the motion to adopt an ordinance (recorded as No. 1871) granting a change in zoning from Residential (R-1) to Residential (R-4) on property described as Lots 13-18 in Block 1 of the Burns Addition at 107 B Street. Second was made by Councilmember McMullen. Motion carried unanimously.

The Council received a recommendation from the Planning and Zoning Commission for approval of the re-subdivision of Lot 6 of Block 2 in the Mraz Addition for Mraz Lumber Co. Inc. Discussion was held regarding the size of the lot. Although the width and depth of the lots do not comply with the Zoning Ordinance, it was determined by the Planning and Zoning Commission that the depth of the lots had been approved when the subdivision was developed and the depth of the lots will not change. Since the lot is being split and purchased by property owners on either side, the width of the lot will not be a factor. Motion was made by Councilmember Bowe to approve the final plat presented with a second by Mayor Pro-Tem Sitka. Motion carried unanimously.

BIDS were opened on May 5, 2005 at 1:30 P.M. for the 2005 Street Improvement Project. One bid was received from H & C Construction Co. from Shiner, Texas. City Manager Cook stated that staff has had a good working relationship with H & C in the past. Motion was made by Mayor Pro-Tem Sitka to award the bid to H & C Construction Co. based on the unit prices submitted. Second was made by Councilmember Bowe. Motion carried unanimously.

Mayor Pro-Tem Sitka made the motion to adopt a resolution (Resolution No. 2005-05) submitting a grant application to the Texas Department of Agriculture for funding through the Texas Capital Fund Infrastructure Development Program in support of Eddy Packing Co., Inc. The motion was seconded by Councilmember Bowe and unanimously approved.

MOTION was made by Mayor Pro-Tem Sitka to authorize the Mayor to enter into a contract with the Texas Department of Agriculture through the Texas Capital Fund Real Estate Program in support of Circle Y Saddles, Inc. Second was made by Councilmember Bowe. Motion carried unanimously.

COUNCILMEMBER Bowe made a motion to approve the sale of certain City surplus equipment and Yoakum Police Department impounded vehicles and other items. Motion was seconded by Councilmember McMullen. Motion carried unanimously.

COUNCIL received a recommendation from the Yoakum Economic Development Corporation Board of Directors to adopt an ordinance approving changes to the Y.E.D.C. By-Laws. The changes were unanimously approved by the Y.E.D.C. Board and submitted respectfully to the City Council for acceptance. Motion was made by Mayor Pro-Tem Sitka with a second by Councilmember Bowe to adopt an ordinance (recorded as No. 1872) approving the changes to the Y.E.D.C. By-Laws on first reading. Motion carried unanimously.

MOTION was made by Councilmember Bowe to re-appoint Jim Pohl and Glen Renken to the Parks and Recreation Advisory Board for a two-year term. Second was made by Councilmember McMullen and approved unanimously.
EXECUTIVE Session was not conducted. According to City Manager Cook, information that had been expected for the Executive Session was not received and therefore it would be postponed.

UNDER City Manager's report, Council was informed that a special meeting would need to be held between May 15 and May 18, 2005 in order to canvass the election returns from the May 7th City Council Election. Council agreed to schedule the meeting for Monday, May 16, 2005 at 4:30 P.M. The City Manager also reported to Council that the Sweet Home Heritage Parade would be Sunday, May 15, 2005 at 10:30 A.M. and Council was invited to ride in the parade.

THERE being no further business, the meeting closed at 6:45 P.M.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral, City Clerk
May 16, 2005  
Council Room – 4:30 P.M.  
Public Works Building

SPECIAL MEETING OF THE CITY COUNCIL

PRESENT:  
Anita R. Rodriguez .................................................. Mayor  
Elorine Sitka ............................................................. Mayor Pro-Tom  
Don E. Bowe .............................................................. Councilmember  
Margie McMullen ....................................................... Councilmember  
Craig E. Carter .......................................................... Councilmember  
Calvin Cook ................................................................ City Manager  
Gladys M. Jiral ............................................................. City Clerk

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

MAYOR Rodriguez called the meeting to order for the purpose of canvassing the May 7, 2005 election returns, issuance of the election certificates, administering of the Oath of Office to the newly elected Councilmembers and other business.

THE Mayor asked that Councilmembers McMullen and Sitka canvass the returns. A resolution (recorded as No. 2005-06) was adopted on motion by Councilmember Sitka declaring Craig E. Carter, Don E. Bowe and Annie Rodriguez elected with the following results: Craig E. Carter – 162; Daryl Fowler – 94; Don E. Bowe – 184 and Annie Rodriguez - 195. The motion was seconded by Councilmember McMullen. Motion carried unanimously.

CERTIFICATES of Election were presented to Councilmembers Carter, Bowe and Rodriguez followed by Deputy City Clerk Bowe administering the Statement of Elected Officers and Oath of Offices.

THE Yoakum Economic Development Corporation Board of Directors served as the scoring committee and submitted a recommendation to the Council for the hire of a grant administrator for the Texas Department of Agriculture Texas Capital Fund Real Estate Program for Circle Y Saddles, Inc. Three companies were to be considered: Capital Certified Development Corporation, Langford Community Services and Community Development Management. Based on the scoring and recommendation of the Y.E.D.C. Board of Directors, Councilmember Bowe made the motion to hire Capital Certified Development Corporation to serve as the grant administrator for the project and authorize the City Manager to negotiate a contract with a second by Councilmember Sitka. Motion carried unanimously. City Manager Cook informed Council that the goal is to have the contract completed by the Council Meeting of June 14, 2005.
MAYOR Rodriguez announced at 4:45 PM that the Council would enter into an Executive Session to deliberate regarding economic development negotiations (V.T.C.A., Gov. Code, Sec. 551.087). The meeting was re-opened to the public at 5:04 PM. No action resulted from the Executive Session.

There being no further business, the meeting adjourned at 5:05 P.M.

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

ATTEST:

[Signature]
Gladys M. Jifal, City Clerk
June 14, 2005
Council Room – 6:00 P.M.
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

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

ABSENT: None

MAYOR Rodríguez called the City Council meeting to order and Councilmember Carter offered the Invocation. The Pledge of Allegiance to the Flag was recited by all attending.

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. Second was made by Councilmember McMullen. Motion carried unanimously.

MAYOR Rodríguez 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 Lot B in Block 1188 of the Jakubik Addition (312 Clark St.) for representatives John and Ruth Mueller of the Adella I. Sawey Estate. Mr. and Mrs. Mueller appealed the decision of the First Panel of the Building and Standards Commission to have the house demolished and were present for the Public Hearing. City Inspector Derrick Smith informed the Council that the property is secure but is not livable at this time.

THE Public hearing was closed. After discussion Councilmember Carter moved to allow the Mueller's thirty (30) days to submit a written plan of action to the City Inspector for presentation to the Council at the next Council meeting. Second was made by Councilmember McMullen. Motion carried unanimously.

MAYOR Pro-Tem Sitka made the motion to adopt the minutes of May 10 and 16, 2005 as presented with a second by Councilmember Bowe. Motion carried unanimously.

UNDER old business, motion was made by Councilmember Bowe to adopt an ordinance on second and final reading granting a zoning change for Debra Simper from Residential (R-1) to Residential (R-4) on property described as Lots 13-18 in Block 1 of the Burns Addition at 107 B Street. Second was made by Councilmember McMullen and carried unanimously.

MAYOR Pro-Tem Sitka made the motion to adopt Ordinance No. 1872 on second and final reading approving recommended changes to the Yoakum Economic Development
Corporation By-Laws. Councilmember Carter seconded the motion. Motion carried unanimously.

UNDER new business, recommendations were received from the Planning and Zoning Commission for the approval of a change in zoning from Residential (R-3) to Residential (R-4) for Carrie Sanchez at 510 Flato and for Clev Murphy at 212 Concrete. Mayor Rodriguez opened the public hearing to receive citizen comments on the Commission's recommendation. No comments were received on this zoning change and no one was present representing Ms. Sanchez or Mr. Murphy. The recommended changes comply with the Future Land Use Plan. The public hearing closed.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1873) granting a change in zoning for Carrie Sanchez from Residential (R-3) to Residential (R-4) on property described as Lot 1 of Block 22 in the Plaza Addition (510 Flato). Second was made by Councilmember Bowe and motion carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1874) granting a change in zoning for Clev Murphy from Residential (R-3) to Residential (R-4) on property described as Lot 7 of Block 59 (NCB 1059) in the Yoakum Townsite Addition (212 Concrete). Councilmember McMullen seconded the motion. Motion carried unanimously.

COUNCIL received a recommendation from the Planning and Zoning Commission to deny a request for a change in zoning from Ramon B. Cruz. The requested change did not comply with the Future Land Use Plan and could be considered spot zoning should it be approved. A motion was made by Councilmember Bowe to accept the recommendation from the Planning and Zoning Commission to deny a change in zoning from Residential (R-3) to Residential (R-4) for Ramon B. Cruz for property described as Lots 6-8 of Block 1221 in the J.S. Ryan Addition (408 Henrietta). (Property is owned by Ricky R. and Sara Nunez). Second was made by Mayor Pro-Tem Sitka and motion carried unanimously.

CITY Manager Cook presented the Council with information on the Pershing Square Project Bid Opening held on June 7, 2005. HC Equipment Co. of Edna, Texas submitted the only bid in the amount of $1,396,555.84. With the re-allocation of designated and budgeted funds by the Yoakum Economic Development Corporation, the TxDOT administration cost being less than estimated, and inspection of the project being done by City employees, funding is available for the project. Motion was made by Mayor Pro-Tem Sitka to award the bid to HC Equipment Co. of Edna, Texas in the amount of $1,396,555.84. Second was made by Councilmember Bowe. Motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka with a second by Councilmember McMullen to authorize the purchase of an E-One 75 ft. Sidestacker Ladder Truck and various loose equipment through the Houston Galveston Area Council in the amount of $500,000. Funds are provided through the Federal Emergency Management Agency (FEMA) grant with a match of 10% by the City. Motion carried unanimously.

COUNCIL considered the approval of a Performance Agreement between Circle Y Saddles, Inc. and the Yoakum Economic Development Corporation, and authorization to the Y.E.D.C. to expend the funds required in the agreement. The Y.E.D.C. has agreed to provide assistance to Circle Y Saddles, Inc. in the amount of up to $100,000 for site improvements at the proposed new facility on Schott Road. State law allows an Economic Development Corporation to provide financial incentives for a qualified project, but it must enter into a
performance agreement before providing the incentives. The Performance Agreement between Circle Y Saddles, Inc. and the Y.E.D.C. is tied to job retention and creation and includes a clawback provision that specifies the terms under which repayment must be made if the business fails to meet the performance requirements. Motion to approve the Performance agreement and authorize the Y.E.D.C. to expend the funds required in the agreement was made by Councilmember Bowe with a second by Councilmember Carter. Motion carried unanimously.

THE 6.84 acres previously conveyed by the City to the Yoakum Economic Development Corporation for use in the Performance Agreement with Circle Y Saddles, Inc. must be re-conveyed back to the City per State guidelines. Motion was made by Mayor Pro-Tem Sitka to accept the re-conveyance of the 6.84 acres from the Yoakum Economic Development Corporation to the City of Yoakum and convey that acreage to Circle Y Saddles, Inc. at the time of full compliance of the Performance Agreement. Second was made by Councilmember Carter and motion carried unanimously.

AS per the previously submitted recommendation from the Yoakum Economic Development Corporation and approval by the Council at the May 10, 2005 Council Meeting, a motion was made by Mayor Pro-Tem Sitka to enter into a Texas Capital Fund Administration Contract with Capital Certified Development Corporation. Motion was seconded by Councilmember Bowe and carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to authorize the Mayor to act as, or designate as needed a City representative to act, in all Texas Capital Fund Real Estate Program matters pertaining to the City's implementation, administration, or participation in fulfilling the requirements of the Texas Capital Fund Real Estate Program contractual documents for the Circle Y Saddles, Inc. Project and adopt all appropriate resolutions (recorded as Nos. 2005-07, 2005-08, 2005-09, 2005-10) to complete the contract per State guidelines. Second was made by Councilmember Bowe. Motion carried unanimously.

COUNCILMEMBER Bowe made a motion to authorize the Yoakum Economic Development Corporation to expend budgeted and pledged funds in the amount of $150,000 to the City to be used for the Master Parks Plan as a match for the LCRA Partnerships in Parks grant. Mayor Pro-Tem Sitka seconded the motion. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion directing the Economic/Community Development Coordinator Patrick J. Kennedy to approach surrounding entities for participation in the Texas Yes! Rural Travel Guide Program and provide Council with further details at the next scheduled meeting. Motion was seconded by Councilmember McMullen and carried unanimously.

MOTION was made by Councilmember Carter to authorize the Mayor to enter into an Interlocal Cooperation Contract with LCRA for the Partnerships In Parks grant awarded in the amount of $150,000. Motion was seconded by Mayor Pro-Tem Sitka and carried unanimously.

COUNCILMEMBER Bowe made the motion to re-appoint Mayor Pro-Tem Sitka as the Council Representative for the Yoakum Heritage Museum Board of Directors. Second was made by Councilmember Carter. Motion carried unanimously.

MAYOR Pro-Tem Sitka moved to re-appoint Bob Arlitt, Nyles Steinmann and James Leist for two-year terms to the Planning and Zoning Commission; Jessica Moehlman, Betty Borchers, Bob Putnam and Mark Turk to the Library Board for two-year terms; and E.L. Moore,
Glen Rudolph, and Bill Natho for three-year terms to the Construction Board of Adjustment and Appeals. Motion was seconded by Councilmember Bowe and carried unanimously.

PATRICK Kennedy announced he received verbal notification that the Texas Capital Fund Project for Eddy Packing Company qualified for funding and additional information would be forthcoming.

MAYOR Rodriguez mentioned that H.E.B. is having a Centennial Celebration on June 24th at 1:30 P.M. at which time a proclamation will be presented to H.E.B. on behalf of the Council. All councilmembers are invited.

MAYOR Rodriguez announced at 6:55 PM that the Council would enter into an Executive Session to deliberate regarding economic development negotiations (V.T.C.A., Gov. Code, Sec. 551.087), discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to deliberate the appointment, employment, evaluation, etc. of the Economic/Community Development Coordinator (V.T.C.A., Gov. Code, Sec. 551.074). The meeting was re-opened to the public at 7:33 PM. No action resulted from the Executive Session.

CITY Manager Cook announced that the TML Region 11 Meeting will be held on June 30th in Rockport, Texas and asked that the Council let the City Clerk know prior to June 27th in order to send in the R.S.V.P. if they would like to attend. Mr. Cook further informed the Council that the bids for the pickup truck for the Parks Department were received and the low bidder was Houston Galveston Area Council in the amount of $13,865. Local bidders did not come within the 3% margin that is allowed by State Law so the bid would be awarded to HGAC.

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

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral, City Clerk
July 12, 2005
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
Craig E. Carter ............................................................... 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 Councilmember Bowe offered the Invocation. 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 Lot B in Block 1188 of the Jakubik Addition (312 Clark St.) for representatives John and Ruth Mueller of the Adella I. Sawey Estate. Mr. and Mrs. Mueller were present for the Public Hearing and provided a written timeline stating that work on the home could be completed within 90 days. City Inspector Derrick Smith informed the Council that there is still frame work to be completed and the Mueller’s have been making progress in replacing sheet rock on the inside of the structure. Mr. and Mrs. Mueller stated that they would continue to work on the sheet rocking project during the 90 day period if it is approved.

THE public hearing was closed. After discussion Mayor Pro-Tem Sitka moved to allow the Mueller’s ninety (90) days to make progress on bringing the structure into compliance with the City of Yoakum Building Code. Second was made by Councilmember Bowe. Motion carried unanimously.

MAYOR Pro-Tem Sitka made the motion to adopt the minutes from the meeting of June 14, 2005 as presented with a second by Councilmember Carter. Motion carried unanimously.

UNDER old business, a motion was made by Councilmember Bowe to adopt an ordinance (Recorded as No. 1873) on second and final reading granting a zoning change for Carrie Sanchez from Residential (R-3) to Residential (R-4) on property described as Lot 1 of Block 22 in the Plaza Addition (510 Plato St.). Mayor Pro-Tem Sitka seconded the motion. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to adopt an ordinance (Recorded as No. 1874) on second and final reading granting a zoning change for Cleve Murphy from Residential (R-3) to Residential (R-4) on property described as Lot 7 of Block 59 (NCB 1059) in the Yoakum Townsite Addition (212 Concrete St.) Second was made by Councilmember Bowe and carried unanimously.
UNDER new business, a recommendation was received from the Planning and Zoning Commission for the approval of a change in zoning from Residential (R-4) to Commercial (C-2) for Cleo Cooper at 205-214 Bennett St. Mayor Rodriguez opened the public hearing to receive citizen comments on the Commission's recommendation. No comments were received on this zoning change and no one was present to represent Mr. Cooper. The recommended changes comply with the Future Land Use Plan. The public hearing closed.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance on first reading (Recorded as No. 1875) granting a change in zoning from Residential (R-4) to Commercial (C-2) for Cleo Cooper on property described as Lots 15-18 of Block 8 in the West End Addition (208-214 Bennett St.). The motion was seconded by Councilmember Bowe and carried unanimously.

SANDRA Steinmann, Executive Director of the Yoakum Housing Authority submitted a letter to the City Council asking them to consider allowing improvements to the alley adjacent to the North part of Lots 5 and 6 in Block 16 (NCB 1016) of the Original Townsite. The Housing Authority recently purchased the property to create additional parking for their residents and visitors. The alley will serve as ingress and egress to the new parking area. City Manager Cook expressed the need for the improvements to allow for safer parking. Patrons needing additional parking currently are parking on the street. There are existing City utilities in the alley including a sanitary sewer line that will need to be maintained. The Texas Gas Company has abandoned their line serving the house that is to be demolished.

MOTION was made by Councilmember Bowe authorizing the Yoakum Housing Authority to pave and maintain the section of alley adjacent to Lots 5 and 6 in Block 16 (NCB 1016) with the understanding that should the City need to make excavations to maintain existing utilities or to install new utilities the City will restore the improvements to the alley. It is also understood that any other utility repairs or new installations and re-surfacing of the pavement due to the repairs or installations will be at the expense of the owner of the utilities. Improvements and maintenance to the paving in the alley is at the expense of the Yoakum Housing Authority. Second was made by Councilmember Carter. Motion carried unanimously.

COUNCIL was asked to consider a contract with the Texas Landfill Management, L.L.C. for transportation and disposal services from the Yoakum Transfer Station. After detailed information was received from City Manager Cook, a motion was made by Mayor Pro-Tem Sitka authorizing the Mayor to enter into a contract with Texas Landfill Management, L.L.C. for transporting and disposal of solid waste from the Yoakum Transfer Station. Second was made by Councilmember Bowe. Motion carried unanimously.

A recommendation was made to modify our Solid Waste Program to allow for other entities to use the Yoakum Transfer Station. The Regional Solid Waste Management Plan and the State of Texas suggest that Solid Waste Management Programs be approached using a regional concept. With that the Council was asked to consider a contract with the City of Cuero allowing them to deliver their solid waste to the Yoakum Transfer Station. This contract will mark the first step in creating what could become a sub-regional approach to solid waste management in our area. Mayor Pro-Tem Sitka made a motion to authorize the Mayor to enter into a contract with the City of Cuero for the use of the Yoakum Transfer Station for solid waste disposal. The motion was seconded by Councilmember Bowe and carried unanimously.

ECONOMIC/Community Development Coordinator Pat Kennedy presented information to the Council regarding the Texas Yes! Rural Travel Guide Program. Motion was made by Councilmember Carter to adopt a Resolution (recorded as 2005-11) designating the City of Yoakum as a sponsor for the Texas Yes! Travel Rural Guide Program funded by the Economic
Development Corporation in the amount of $1,000 as the City's portion for the required match. Second was made by Councilmember Bowe and motion carried unanimously.

THE Yoakum Economic Development Corporation Annual Work Plan and Budget for FY 2005-2006 was presented to the Council by Economic/Community Development Coordinator Pat Kennedy. Councilmember Bowe made a motion to approve the Yoakum Economic Development Corporation Annual Work Plan and Budget for FY 2005-2006 as presented. Motion was seconded by Mayor Pro-Tem Sitka and carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to appoint Karen Jamison to the Carl & Mary Welhausen Library Board for a two-year term with a second by Councilmember Bowe. Motion carried unanimously.

MAYOR Pro-Tem Sitka made the motion to appointment Councilmembers Bowe and Carter to the Golden Crescent Regional Planning Commission's General Assembly for a one-year term. Second was made by Mayor Rodriguez. Motion carried unanimously.

MOTION by Mayor Pro-Tem Sitka to nominate City of Cuero Councilmember Shirley Reimschneider to the Golden Crescent Regional Planning Commission's Board of Directors for DeWitt County. Second was made by Councilmember Bowe and carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to nominate the following individuals to the Golden Crescent Regional Planning Commission for the designated Advisory Committees:

**Regional Economic Development Advisory Committee**
(DeWitt County) (Lavaca County)
Tim Faulkner Margie McMullen

**Regional Health & Human Services Advisory Committee**
(DeWitt County) (Lavaca County)
Zennith Stevens Vivian Wright
Janice Stevens

**Regional Environmental Communications Advisory Committee**
(DeWitt County) (Lavaca County)
William Formolo Phillip Baker
Yvonne Rodriguez

**Regional Environmental Resources Advisory Committee**
(DeWitt County) (Lavaca County)
Jack Maloney Gerard Novosad

**Regional Homeland Security Advisory Committee**
(Lavaca County)
Phillip Baker

**Regional Public Protection Advisory Committee**
(DeWitt County)
William Formolo

Motion was seconded by Councilmember Bowe and carried unanimously.
MAYOR Rodriguez announced at 6:33 P.M. that the Council would enter into an Executive Session to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), to deliberate the purchase, exchange, lease, or value of real property (V.T.C.A. Gov. Code, Sec. 551.072) and to deliberate the appointment, employment, evaluation, etc. of the City Manager (V.T.C.A, Gov. Code, Sec. 551.074). The meeting was re-opened to the public at 7:50 P.M.

MOTION was made by Mayor Pro-Tem Sitka to increase the City Manager's annual salary by $4,500 with a second by Councilmember Bowe. Motion carried unanimously. Mayor Rodriguez expressed a great appreciation to Mr. Cook for the hard work, dedication and conscientious leadership he provides to the City of Yoakum. Mr. Cook extended his thanks to the Council and indicated his gratitude for the Council's support and commitment to the City.

UNDER City Manager's Report, Mr. Cook presented the 2005-2006 FY Budget draft to the Council for their review. A Budget Workshop meeting was scheduled for July 19, 2005 at 5:30 P.M. in the Council Chambers. City Manager Cook also indicated that a Special Meeting needed to be scheduled for August 2nd in order to certify the 2005 tax roll and to establish the amount of debt service. The Special Meeting was scheduled for 7:30 A.M. on August 2nd.

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

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral, City Clerk
July 19, 2005
Council Room – 5:30 P.M.
Public Works Building

BUDGET WORKSHOP MEETING OF THE CITY COUNCIL

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

ABSENT: Charles J. 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 2005-2006 Fiscal Year Budget. Mayor
Rodriguez expressed the gratitude of the Council to the City Manager and the Department
Heads for the hard work that went into the development of the budget. Mr. Cook commended
the staff on their dedication to submitting reasonable and well planned budgets for their
departments. All revenues and expenditures were reviewed on an individual department basis.
City Manager outlined the increase in cost of many regularly purchased products due to the
continually escalating oil prices.

AT the conclusion of the review, the City Manager Cook noted that the budget as
presented is balanced without increases to the utility rates and a slight increase of 3% to the Ad
Valorem tax rate.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral, City Clerk
August 2, 2005
Council Room – 7:30 A.M.
Public Works Building

SPECIAL MEETING OF THE CITY COUNCIL

PRESENT: Anita R. Rodriguez ......................... Mayor
Don E. Bowe ................................................. Councilmember
Craig E. Carter ........................................ Councilmember
Calvin Cook ............................................. City Manager
Gladys M. Jiral ........................................ City Clerk

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

MAYOR Rodriguez called the Special City Council meeting to order for the purpose of considering the adoption of the 2005 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 2005-2006 for payment of principal, interest and administrative fees and the 1995 General Obligation Bond Issue debt.

CITY Manager Cook advised the Council that the State Comptroller has not released the information needed for the Finance Officer to establish the amount of debt service to be supported by the ad valorem tax levy. If information is received in time, this may be considered at the August 9th Council meeting.

COUNCIL received the 2005 tax roll as certified by the DeWitt County Chief Appraiser in the amount of $161,324,540. Motion was made by Councilmember Bowe to approve the 2005 tax roll as presented. Second was made by Councilmember Carter and approved unanimously.

THERE being no further business, the meeting closed.

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

ATTEST:

[Signature]
Gladys M. Jiral, City Clerk
August 9, 2005
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
Craig E. Carter ...................................................... 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 Councilmember Bowe offered the Invocation. The Pledge of Allegiance to the Flag was recited by all attending. Visitors were acknowledged.

MOTION was made by Councilmember Bowe to adopt the minutes from the meetings of July 12, July 19 and August 2, 2005 as presented. Second was made by Mayor Pro-Tem Sitka and motion carried unanimously.

UNDER Old Business, Mayor Pro-Tem Sitka made a motion to adopt Ordinance No. 1875 on second and final reading granting a zoning change for Cleo Cooper from Residential (R-4) to Commercial (C-2) on property described as Lots 15-18 of Block 8 in the West End Addition. Second was made by Councilmember Carter. Motion carried unanimously.

UNDER New Business, Patrick J. Kennedy, Economic/Community Development Coordinator presented information to the Council regarding the Texas Capital Fund Project for Eddy Packing Project. The State was unable to award the grant for the Eddy Packing Project for the total amount requested. An offer of $550,000 was made by the State. After a review of the project and recommendation by City staff a motion was made by Councilmember Bowe to accept the $550,000 offer. Motion was seconded by Mayor Pro-Tem Sitka and carried unanimously. Ronald Beeman of Eddy Packing, Inc. will submit a letter to the State acknowledging the terms of the grant.

MAYOR Rodriguez opened the floor to citizen comments regarding the changes being considered to Chapter 5 of the Yoakum Code of Ordinances specifically Electrician Examination and Licensing, Fees, and Standards of Construction and Inspections. E. L. Moore, Bill Sandolovic and Jesse Cuellar, local electricians, were present and expressed their concerns. The local electricians felt that maintaining municipal control would be of more benefit to area electricians than allowing the State to control the licensing. After considering these comments and information provided by City staff, the Council decided not to take action to eliminate the City’s licensing program.

MOTION was made by Mayor Pro-Tem Sitka to establish the amount of debt service to be supported by the ad valorem tax at $78,500 and the amount to be supported by utility revenue at $73,483 for Fiscal Year 2005-2006 for the payment of principal, interest and
matter (V.T.C.A. Gov. Code, Sec. 551.072) and 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 7:25 PM. No action resulted from the Executive Session.

UNDER City Manager’s Report, Mr. Cook informed Council that bids were opened on July 28, 2005 for the Annual Sewer Main Cleaning Project. National Works, Inc. was the low bidder and will begin the project on August 10, 2005.

A Pre-Construction Conference on the Pershing Square Downtown Project was held at 9:00 AM today with the Contractor, sub-contractors, Texas Department of Transportation, Maverick Engineering, Inc. and City Staff. A meeting is to be held on Monday, August 15, 2005 for the business owners and property owners in the downtown area to give them an opportunity to have their questions and concerns addressed. The Contractor will be moving signage into place possibly next week and begin work on August 22, 2005.

CITY Manager reminded the Council of the Golden Crescent Regional Planning Commission General Assembly Meeting on Wednesday, August 24, 2005 in Edna and the reception planned for Texas Department of Agriculture Commissioner Susan Combs at the Welhausen Library on August 18, 2005. Mr. Cook also informed Council of the progress of the new aerator construction and reminded Council that this is City Clerk Gladys Jiral’s final meeting before retirement. He wished her well and expressed gratitude to her for thirty (30) years of dedicated service to the City.

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

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Gladys M. Jiral, City Clerk
administrative fees and the 1995 General Obligation Bond Issue debt. Second was made by Councilmember Bowe and motion carried unanimously.

AN ordinance adopting the 2005-2006 City Budget was presented to the Council. City Manager Cook commented that the budget is balanced without any increase to utility rates. Motion was made by Councilmember Bowe to adopt the budget ordinance (recorded as No. 1876) on first reading with a second by Councilmember Carter. Motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1877) on first reading levying the 2005 tax rate of $.09421 per one hundred dollar valuation (includes a 3% increase), allowing $.04555 for maintenance and operation and $.04866 for the debt service. Motion was seconded by Councilmember Bowe and carried unanimously.

FIRE Chief Baker was present to inform the Council of the President's order to establish a Homeland Security Directive for all levels of governments across the nation. This directive, known as the NIMS/ICS, should establish how we are to respond to all incidents that may occur within our service area, no matter the severity. A motion was made by Councilmember Bowe with a second by Councilmember McMullen to adopt an ordinance on first reading (recorded as No. 1878) accepting the National Incident Management System/Incident Command System (NIMS/ICS) as the standard for incident management for the City of Yoakum. Motion carried unanimously.

A recommendation was received from the Parks and Recreation Advisory Board to purchase playground equipment as part of the Master Parks Plan. Motion was made by Councilmember Carter to authorize the City Manager to enter into a purchase agreement for new playground equipment through the Texas Local Government Purchasing Cooperative for the Parks and Recreation Department. Second was made by Councilmember McMullen. Motion carried unanimously.

THE revised City of Yoakum Personnel Manual was presented to the Council. Mayor Rodriguez expressed appreciation to City Clerk Gladys Jiral for the very professional and well-thought-out assembly of the Manual. Motion was made by Councilmember Bowe with a second by Mayor Pro-Tem Sitka to adopt the revised City of Yoakum Personnel Manual. Motion carried unanimously.

RECOMMENDATIONS were received to appoint Margie McMullen, Annie Rodriguez, Louis Boening, Arthur G. Hermann, III and Tim Faulkner to the Yoakum Economic Development Corporation Board of Directors. It was suggested that Councilmember McMullen be appointed for a one-year term to re-establish the staggered City Council representation. Motion was made by Mayor Pro-Tem Sitka to appoint Annie Rodriguez, Louis Boening, Arthur G. Hermann, III and Tim Faulkner for two-year terms (to expire September 2007) and Margie McMullen for a one-year term (to expire September 2006) to the Yoakum Economic Development Corporation Board of Directors. Second was made by Councilmember Bowe. Motion carried unanimously.

TEXAS Municipal League Intergovernmental Employee Benefits Pool requested nominations to serve on the Board of Trustees for Region 11. The City of Edna sent a letter of support for their Mayor Pro-Tem Richard E. Browning along with a list of his credentials. Mayor Pro-Tem Sitka made a motion to nominate Edna's Mayor Pro-Tem Richard E. Browning to the Texas Municipal League Intergovernmental Employee Benefits Pool Board of Trustees for Region 11. Motion was seconded by Councilmember McMullen and carried unanimously.

MAYOR Rodriguez announced at 6:48 PM that the meeting would close to the public in order for the Council to enter into an Executive Session to discuss an electric utility-related
REGULAR MEETING OF THE CITY COUNCIL

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

ABSENT: None

MAYOR Rodriguez called the City Council meeting to order and offered the Invocation. The Pledge of Allegiance to the Flag was recited by all attending. Visitors were acknowledged.

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 property described as Lots 9-10 in Block 1263 of the Blakeman Addition (414 E. Morris) and on property described as Lot E in Block 1215 of the Mahon #2 Addition (409 E. Gonzales). Property owners were not present for either property. Code Enforcement Officer Derrick Smith presented photos and information on both properties to the Council.

AFTER review of the information submitted by the Code Enforcement Officer and the letters sent by the property owners, the Public Hearing was closed.

COUNCIL noted that the property at 414 E. Morris still had a very strong foundation according to the photos presented and the property owners have received and accepted a bid from a contractor to complete the work on the property. Mayor Rodriguez indicated for the record that the Council truly appreciates the time and effort put forth by the Code Enforcement Officer and the Building and Standards Commission on these properties. Motion was made by Mayor Pro-Tem Sitka to allow the property owners 90 days to complete the repair to the roof on the home and to bring a more definite plan of action for repair of the porch and repair or demolition of the garage and report to the Council at the next Council meeting. Second was made by Councilmember McMullen and carried unanimously.

THE foundation on the property located at 409 E. Gonzales had deteriorated past the point of repair and there has appeared to be no effort by the property owner to follow the directives of the Building and Standards Commission. Motion was made by Mayor Pro-Tem Sitka to concur with the Building and Standards Commission's recommendation and direct the Code Enforcement Officer to seek bids for the demolition of the property. Second was made by Councilmember McMullen. Motion carried unanimously.
Motion was made by Councilmember Bowe to adopt the minutes of the August 9, 2005 minutes as presented. Motion was seconded by Councilmember McMullen and carried unanimously.

UNDER Old Business, a public hearing was opened to the public for citizen comments on the proposed 2005-2006 City Budget. No comments were received from the public. The hearing was closed.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1876) on second and final reading approving the 2005-2006 City Budget as presented. Second was made by Councilmember Bowe and carried unanimously.

MOTION was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1877) on second and final reading levying the 2005 tax rate of $.09421 per one hundred dollar valuation (includes a 3% increase), allowing $.04555 for maintenance and operation and $.04866 for the debt service. Motion was seconded by Councilmember McMullen and carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1878) on second and final reading accepting the National Incident Management System/Incident Command System (NIMS/ICS) as the standard for incident management for the City of Yoakum. Motion was seconded by Councilmember Bowe and carried unanimously.

UNDER New Business, representatives for the Yoakum Area Chamber of Commerce were present to request rate changes for the Yoakum Community Center. Dori Wyatt, Chamber President was present to make the request. Information was presented to the Council indicating the loss the Chamber has incurred over 2004 and 2005 and a proposed rate structure to alleviate those losses in the future. Discussion was held and a suggestion was made to increase the deposit rates for alcohol related events to $250 and for non-alcohol related events to $100. A suggestion was also made to allow the Lions Club and Rotary Club that use the Community Center on a monthly basis for luncheon meetings to remain at the current hourly rate. The Chamber also requested that the Community Center be made a tobacco free facility. City Attorney Kvinta was asked to address this issue. In order for it to be enforceable, the Council will need to pass an ordinance stating that the Community Center is tobacco free facility and stipulate penalties. Motion was made by Mayor Pro-Tem Sitka to approve the proposed changes to the Yoakum Community Center Rental rates as presented; add a security deposit for alcohol related events at $250 and for non-alcohol related events at $100; revise the contract as directed and grandfather the Lions and Rotary Clubs rental agreements. Second was made by Councilmember Bowe and carried unanimously.

BIDS were received for the development of the Texas Yes! Rural Travel Guide. The City received bids from five companies. Economic/Community Development Coordinator Patrick J. Kennedy was present and made the recommendation to award the bid to Outburst Advertising of Victoria, Texas. Although Outburst Advertising did not submit the lowest bid, the quality of work presented and experience the company displayed offsets the difference in bid amounts. Motion was made by Councilmember Bowe with a second by Mayor Pro-Tem Sitka to award the bid for the development of the Texas Yes! Rural Travel Guide to Outburst Advertising of Victoria, Texas in the amount of $27,962 for 15,000 copies of the magazine. Motion carried unanimously.
A motion was made by Mayor Pro-Tem Sitka to cast the City's vote for Richard Browning from the City of Edna for the Board of Trustees of the Texas Municipal League Intergovernmental Employee Benefits Pool. The motion was second by Councilmember Carter. Motion carried unanimously.

A request was received from the DeWitt County Appraisal District for nominations to their Board of Directors. Prior to the Council meeting, Mr. Elwood Gaus had indicated an interest in continuing on the Board. City Manager Cook received a call from Mr. Gaus this week indicating that he would not be able to accept the nomination. Mr. Cook asked the Council to table the resolution until he and staff had an opportunity to visit with the Yoakum Independent School District Board on potential nominees. Motion was made by Mayor Pro-Tem Sitka to table the nomination to the DeWitt County Appraisal District Board of Directors and directed the City Manager to contact the Yoakum Independent School District to discuss nominees. Motion was seconded by Councilmember Bowe and carried unanimously.

FINANCE Director Charlotte Morrow provided a list of ambulance and utility account receivables to be reviewed by the Council for charge-off. The ambulance collection rate is at 87% leaving $51,387 to be charged-off and the utility collection rate is 99.9% leaving $29,812 to be charged-off. The Hospital District contributes $24,000 per year for indigent patients to assist with the loss the City incurs. Motion was made by Mayor Pro-Tem Sitka to authorize the charge-off of listed ambulance and utility account receivables as presented. Second was made by Councilmember Bowe and motion carried unanimously.

A request was received from Municipal Court Judge Daniel W. Pelech to increase court fees to include a municipal court technology fee of $4.00 and a municipal court building security fee of $3.00. After discussion, Councilmember Bowe made a motion to authorize the increase to the Municipal Court fees as recommended by Judge Pelech. Motion was seconded by Councilmember McMullen and carried unanimously.

COUNCIL received a request from the Texas Department of Criminal Justice Correctional Institutions Division – Stevenson Unit from Cuero to waive the Yoakum Golf Course green fees for a tournament to be held on October 21st to benefit the Special Olympics Texas Charity. Motion was made by Mayor Pro-Tem Sitka to waive the Yoakum Golf Course green fees for the October 21st tournament benefiting the Special Olympics Texas Charity. Councilmember McMullen seconded the motion. Motion carried unanimously.

CITY staff requested authorization to advertise for the sale of two solid waste transfer trailers. These trailers will no longer be needed since the agreement with Texas Landfill Management requires that they provide the trailers needed to transport the waste. Motion was made by Councilmember Bowe authorizing City staff to advertise for the sale of two 120 cubic yard solid waste transfer trailers. Second was made by Councilmember McMullen and motion carried unanimously.

MAYOR Rodriguez announced at 7:23 PM that the meeting would close to the public in order for the Council to enter into an Executive Session to discuss an electric utility-related matter (V.T.C.A. Gov. Code, Sec. 551.086), to deliberate the purchase, exchange, lease, or value of real property (V.T.C.A. Gov. Code, Sec. 551.072) and to deliberate regarding economic development negotiations (V.T.C.A., Gov. Code Sec. 551.087). The meeting was re-opened to the public at 7:58 PM. No action resulted from the Executive Session.
UNDER City Manager's Report, 1) Mr. Cook informed Council of a meeting to be held on September 21, 2005 at 11:00 AM concerning coordinated regional public transportation hosted by the Golden Crescent Regional Planning Commission. 2) The LCRA will hold their 25th Anniversary Celebration of the Fayette Power Project Sam K. Seymour, Jr. Generating Station on September 23, 2005 beginning at 9:30 AM. 3) Mr. Cook gave the Council an update on the Pershing Square Project. The Project's progress has been slow due to the Contractor experiencing problems with the control points. Those problems were rectified and the Contractor will have additional employees to assist him in the next few weeks which will speed the progression of the Project. 4) Susan Ivins, General Manager with Time-Warner Cable contacted Mr. Cook to inform him that the Yoakum Time-Warner office will be closing October 14th. She was informed that closing the Yoakum office will be in conflict with the franchise agreement between the City and Time-Warner. Mr. Cook made the Council aware of the new law passed that removes franchise negotiation powers from cities and the State will now issue State franchises for cable TV companies. Our consultant has drafted a letter for the City and recommends that we send it to Time-Warner asking them to outline a plan showing how Time-Warner will serve the needs of the citizens of Yoakum. The letter will be mailed September 14th and Time-Warner will be asked to respond by October 11th. 5) Yoakum has been recognized in Category 2 (cities with a population of 5,000 to 15,000) by the Texas Economic Development Council and will hold an awards ceremony on October 6, 2005. More information will be provided prior to the ceremony. 6) Mr. William Runyon with the National Weather Service contacted the City Manager and asked for assistance in locating a place to install a small weather station. A location was agreed on and by the end of September the Wastewater Treatment Plant will be home to the official weather station in Yoakum. 7) Finally, Mr. Cook reminded the Council of the 2005 Employee Service Awards Barbecue to be held on September 22, 2005 at 6:00 PM.

THERE being no further business, the meeting closed at 8:13 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

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

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

ABSENT: None

MAYOR Rodriguez called the City Council meeting to order and offered the Invocation. The Pledge of Allegiance to the Flag was recited by all attending. Visitors were acknowledged. Yoakum Police Officer Christopher Rosales was introduced by Police Chief Bill Formolo as Yoakum's newest officer.

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 property described as Lot B in Block 1188 of the Jakubik Addition (312 Clark St.). Representatives for the Adella I. Sawey Estate were present. Mr. and Mrs. Mueller stated that they will possibly be replacing the plumbing in the home and still have additional work to do on the electrical throughout the house. Mr. Mueller asked for an additional ninety (90) days to complete the work. Code Enforcement Officer Derrick Smith presented photos and information to the Council and confirmed that progress has been made to bring the home up to standards.

AFTER review of the request by the property representatives and information submitted by the Code Enforcement Officer the Public Hearing was closed.

MOTION was made by Mayor Pro-Tem Sitka to allow another ninety (90) day period for the completion of the repairs to the property described as Lot B in Block 1188 of the Jakubik Addition (312 Clark St.). Second was made by Councilmember Bowe and carried unanimously.

INFORMATION was submitted by Code Enforcement Officer Derrick Smith on the property described as Lots 9-10 in Block 1263 of the Blakeman Addition (414 E. Morris St.). Property owner informed Mr. Smith that a contractor will begin work on the roof in the next sixty (60) days. She also informed Mr. Smith that she is still discussing the design of the garage with the contractor. The roof will be completed in the ninety (90) day period allotted at the last Council meeting.

Motion was made by Mayor Pro-Tem Sitka to adopt the minutes of the September 13, 2005 as presented. Motion was seconded by Councilmember McMullen and carried unanimously.
UNDER Old Business, Council considered a resolution tabled at the last Council meeting nominating a candidate for the DeWitt County Appraisal District's Board of Directors. Staff reviewed options with the Yoakum Independent School District. Mr. Elwood Gaus, previously nominated by the Council, declined the nomination this year. Mr. Gaus recommended that Conyetta Gaus Swaney be nominated to the Board. It was determined that her association with the Yoakum Hospital District would not be construed as a conflict of interest. After discussion, a motion was made by Councilmember Bowe to approve a resolution (recorded as No. 2005-12) nominating Conyetta Gaus Swaney for the DeWitt County Appraisal District's Board of Directors. Motion was seconded by Councilmember Carter and carried unanimously.

UNDER New Business. Primary Annex Principal Tom Kelly sent a request on behalf of the Yoakum Independent School District to make Bovine Street between W. May Street and W. Grand Avenue one-way, create a no parking zone on the east side of Bovine Street in the same block between the hours of 7:30 AM and 4:00 PM on days school is in session and place a cross walk at the south end of Bovine Street at its intersection with W. Grand Avenue. Mr. Kelly asked that the Council consider these changes to address the safety of the children arriving at and dismissing from the Primary Annex Campus. After review of information provided by school officials and City staff, a motion was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1879) on first reading providing that Bovine Street beginning at its intersection with W. May Street proceeding South to its intersection with W. Grand Avenue be designated a one-way street and create a no parking zone on the east side of Bovine Street in the same block between the hours of 7:30 AM and 4:00 PM on days school is in session. Second was made by Councilmember Carter and carried unanimously. A public hearing is scheduled to be held at the next regular Council meeting to allow for citizen comments prior to second and final reading of the ordinance.

INFORMATION was received from Time-Warner Cable regarding the closing of their Yoakum office which is in violation of Time-Warner's franchise agreement with the City. Ms. Susan Ivins, General Manager of the Central Texas Region for Time-Warner was present to discuss the reasons for closing the office. Ms. Ivins indicated that the Yoakum office has very little traffic and that employees of Time-Warner that live in Yoakum would be available for Yoakum customers. Time-Warner is also looking into contracting with other businesses in town to assist customers with payments and equipment needs, as well as making arrangements for customers to make automatic payments. Council asked if Time-Warner would consider making a donation to the community from the savings they will receive by closing the Yoakum office to show good faith between the City of Yoakum and Time-Warner. Ms. Ivins will take the suggestion to her superiors and get the information to the City Manager. No action was taken.

RECOMMENDATIONS were received from the Planning and Zoning Commission for the approval of a change in zoning from Residential (R-3) to Residential (R-4) for Barbara Sheffield at 307 Niemann (Property is owned by John A., Jr. and E. Horkey Est.), for approval of a specific use permit for the light manufacturing of leather goods for Lazy L Saddles at 401 and 405 Lott St. and a change in zoning from Residential (R-1) to Residential (R-3) for Alvin Rogers at 209 Harwood St. Mayor Rodriguez opened the public hearing to receive citizen comments on the Commission's recommendations. Ms. Sheffield was present and assured the Council that the placing of the mobile home on the property would be a definite improvement to the area. Comments were received in opposition and in favor of the Lazy L specific use permit. No comments were received on the zoning change for Mr. Rogers and no one was present to represent him. The recommended changes are in compliance with the Future Land Use Plan. The public hearing closed.
MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1880) on first reading granting a zoning change for Barbara Sheffield from Residential (R-3) to Residential (R-4) on property described as Lots 3, 4, and \( \frac{1}{2} \) of 2 of Block 1091 in the Plaza Addition (307 Niemann St.) with a special provision to allow the applicant to place the mobile home on the property after first reading. Second was made by Councilmember Bowe and motion carried unanimously.

MOTION by Councilmember Bowe to adopt an ordinance (recorded as No. 1881) on first reading granting a specific use permit for the light manufacturing of leather goods on property described as Part of Lots 7-9 of Block 1005 in the Yoakum Townsite Addition (401 and 405 Lott St.) with the stipulations that Lazy L Saddles provide off-street parking for their employees and provide that the permit be valid for eighteen (18) months. Second was made by Mayor Pro-Tem Sitka. Motion carried with Councilmember Carter voting nay.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1882) on first reading granting a change in zoning for Alvin R. Rogers from Residential (R-1) to Residential (R-3) on property described as Part of Abstract 44 in the Pat Ryan Addition with a special provision to allow the applicant to place the mobile home on the property after first reading. Councilmember Bowe seconded the motion. Motion carried unanimously.

MOTION was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1883) on first reading amending the Manual of Fees and Service Charges, General Section, Item II., Community Center Rental Rates and Fees. Second was made by Councilmember McMullen and motion carried unanimously.

AN ordinance amending the Fiscal Year 2004-2005 Budget Ordinance No. 1854 was adopted on first reading (recorded as No. 1884) on motion by Mayor Pro-Tem Sitka with a second by Councilmember Bowe. Motion carried unanimously.

MOTION was made by Councilmember Bowe to appoint Magdalene Jahn and Wayne Rudolph to the Yoakum Oak Grove Cemetery Association's Board of Directors for a three (3) year term. Second was made by Councilmember McMullen and carried unanimously.

MAYOR Rodriguez announced at 6:58 PM that the meeting would close to the public in order for the Council to enter into an Executive Session to discuss an electric utility-related matter (V.T.C.A. Gov. Code, Sec. 551.086) and 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 7:30 PM. No action resulted from the Executive Session.

UNDER City Manager's report, Mr. Cook informed the Council of the re-election of Mayor Pro-Tem Richard Browning of Edna to the TML Region 11 Board of Directors for a term to begin October 1, 2005 through October 1, 2008. The new playground equipment has been installed and is already being utilized by citizens. The playground equipment was the first component of the Parks Improvement Project. The next project will be two restrooms and one small pavilion. Other components will include a walking trail, barbecue pits and lighting. The City has made plans to close the section of Park Road running beside the playground equipment and make a parking area. This will assist the safety issue by limiting the traffic around the playground and creating off-street parking. The City received notice from the Water Development Board that the City of Yoakum Sewer Replacement Project has been included in the State's Clean Water State Revolving Funds Tier 3 Funding. Federal funds will be available
on a first come first serve basis. Those funds will be available at an interest rate of 1.95% below market. If the Federal funding deadline is missed, the State may have State funds through their Tier 2 program available early next year at 1% below market. Consultants were contacted and a pre-application conference will be held in Austin on October 24, 2005 with the Water Development Board. Priorities and cost estimates will be submitted to our financial consultant. A Council workshop will need to be scheduled prior to the November Council meeting to review and discuss the information to determine what the course of action will be. Mr. Cook will keep the Council informed of any developments.

THERE being no further business, the meeting closed at 7:40 PM.

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

ATTEST:

[Signature]
Theresa A. Bowe, City Clerk
November 8, 2005
Council Room – 6:00 P.M.
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

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

ABSENT:  None

MAYOR Rodriguez called the City Council meeting to order. Councilmember Carter offered the Invocation. The Pledge of Allegiance to the Flag was recited by all attending. Visitors were acknowledged.

COUNCILMEMBER Bowe made a motion to adopt the minutes of October 11, 2005 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER old business, Mayor Rodriguez called for the opening of a public hearing by the City Council to receive comments on a request by the Yoakum Independent School District to make Bovine Street between W. May Street and W. Grand Avenue one-way during school operation hours and create a no parking zone on the east side of Bovine Street. Tom Kelley, Principal of the Yoakum Primary School was present to explain the School District’s reasons for making this request. Parents attempt to drop their children off on the opposite side of the street where they have to cross in front of traffic to get to school. The faculty and staff have seen many near miss situations and ask that the Council approve the request as presented to ensure the safety of the children attending the school. No one else was present to comment on the designation. Public Hearing closed.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1879) on second and final reading to make Bovine Street between W. May Street and W. Grand Avenue one-way during school operation hours and create a no parking zone on the east side of Bovine Street during school operation hours. Second was made by Councilmember Bowe and carried unanimously.

SUSAN Ivins, General Manager of the Central Texas Region for Time Warner was present to offer a donation of $5,000 for this year and $5,000 in 2006 to the City of Yoakum in consideration for allowing Time Warner to close their Yoakum office. The funds may be utilized for any public works projects the City sees fit. Ms. Ivins provided more detailed information on how services would be provided to the Yoakum area. Motion was made by Mayor Pro-Tem Sitka to allow Time Warner to close the Yoakum office with the stipulation that they donate $5,000 in 2005 and another $5,000 in 2006 to be utilized for public works projects in Yoakum. Second was made by Councilmember Bowe. Motion carried unanimously.
INFORMATION was received on the planning and zoning request by Barbara Sheffield on property located at 307 Niemann. Adjacent property owners presented a letter of protest asking that the zoning request not be granted. A sufficient amount of property within the 200 foot radius was represented in the letter of protest. After discussion, it was determined that the request was in compliance with the Future Land Use Plan and that the condition of the manufactured home placed on the property was not the issue before Council. The manufactured home placed on the property would need to be brought up to City minimum standards or it could be referred to the Building and Standards Commission. MOTION was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1880) on second and final reading granting a change in zoning for Barbara Sheffield on property described as Lots 3, 4 and ½ of 2 of Block 1091 in the Plaza Addition (307 Niemann St.). Second was made by Councilmember McMullen. Motion carried with Councilmember Carter voting nay. Due to the petition, a vote of three-fourths (3/4) of the Council was required and received.

MOTION by Councilmember Bowe to adopt an ordinance (recorded as No. 1881) on second and final reading granting a specific use permit for the light manufacturing of leather goods on property described as Part of Lots 7-9 of Block 1005 in the Yoakum Townsite Addition (401 and 405 Lott St.) with the stipulations that Lazy L Saddles provide off-street parking for their employees and provide that the permit be valid for eighteen (18) months. Second was made by Mayor Pro-Tem Sitka. Motion carried with Councilmember Carter voting nay.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1882) on second and final reading granting a change in zoning for Alvin R. Rogers from Residential (R-1) to Residential (R-3) on property described as Part of Abstract 44 in the Pat Ryan Addition (209 Harwood Rd.). Councilmember Carter seconded the motion. Motion carried unanimously.

MOTION was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1883) on second and final reading amending the Manual of Fees and Service Charges, General Section, Item II., Community Center Rental Rates and Fees. Second was made by Mayor Pro-Tem Sitka and motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1884) amending the Fiscal Year 2004-2005 Budget Ordinance No. 1854 on second and final reading with a second by Councilmember Bowe. Motion carried unanimously.

UNDER New Business, recommendations were received from the Planning and Zoning Commission for the approval of a change in zoning from Residential (R-3) to Business (B-1) for Ryan and Lori Wagner at 506 W. Grand and for the approval of a change in zoning from Residential (R-3) to Commercial (C-2) for Robert C. Gardner, Sr. and Frances Gardner at 210 Baxter. Mayor Rodriguez opened a public hearing to receive comments on the Planning and zoning Commission's recommendations. Ryan Wagner was present to answer question regarding his request. The Wagners are planning to open a bed and breakfast by the end of this year. Robert Gardner was also present for his request. He plans to open a barbecue facility for take out only. The recommended changes are in compliance with the Future Land Use Plan. The public hearing closed.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1885) on first reading granting a change in zoning from Residential (R-3) to Business (B-1) for Ryan and Lori Wagner on property described as Part of Lots 10 and 11 of Block 1032 in the
Yoakum Townsite Addition. Second was made by Councilmember Bowe and motion carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1886) on first reading granting a change in zoning from Residential (R-3) to Commercial (C-2) for Robert C. Gardner, Sr. and Frances Gardner on property described as Lot 10 of Block 1225 in the J.S. Ryan Addition. Second was made by Mayor Pro-Tem Sitka. Motion carried unanimously.

A letter was received from the Texas Gas Service Company requesting a variance to the sidewalk standards established in Ordinance No. 1071 dated March 13, 1913. Plans had been submitted to the Code Enforcement Officer and reviewed by the City Manager. Proposed construction will replace the existing sidewalk directly in front of the Texas Gas Service Company building at 111 Nelson Street. After recommendations from City staff, Mayor Pro-Tem Sitka made a motion to grant a variance to Ordinance No. 1071 dated March 13, 1913 to Texas Gas Service Company contingent on the submitted plans meeting the Texas Accessibility Standards. Second was made by Councilmember Bowe and motion carried unanimously.

JASON Villareal of Capital Certified Development Corporation was present to provide a status report on the Texas Department of Agriculture Texas Capital Fund for Circle Y Saddles, Inc. A meeting was held between CCDC, Circle Y Saddles representatives and Patrick J. Kennedy, Economic/Community Development Coordinator. Mr. Villareal intends to set up a meeting with the Texas Department of Agriculture to get guidance on the outstanding issues with this project. ECDC Kennedy suggested the Council direct the City Manager to write a letter to the Texas Department of Agriculture requesting a plan of action in order meet our contractual obligations. Mayor Pro-Tem Sitka made a motion to authorize the City Manager to write a letter to the Texas Department of Agriculture in reference to the Circle Y Saddles, Inc. project. Second was made by Councilmember Bowe. Motion carried unanimously.

INFORMATION was received from Economic/Community Development Coordinator Patrick J. Kennedy on the Texas Department of Housing and Community Affairs Owner Occupied Housing Assistance Program. The original funding application was in the amount of $500,000 to include nine homes. The City committed $125,000 toward this project. Notification was received that the application was approved for a marginal amount of $378,061 to include seven homes. The City's matching funds will be $91,010 and can be met with in-kind services. Administrative costs in the amount of $14,000 are included in the base amount of the grant award. The term of the contract will extend through September 28, 2007. Motion was made by Mayor Pro-Tem Sitka to authorize the City Manager to enter into a contract with the Texas Department of Housing and Community Affairs on behalf of the City for the Owner Occupied Housing Assistance Program. Second was made by Councilmember Bowe. Motion carried unanimously.

IN accordance with the Owner Occupied Housing Assistance Program contract, staff informed the Council that requests for qualifications would need to be sent out and a committee would need to be appointed to receive and score the proposals. Motion was made by Mayor Pro-Tem Sitka authorizing City staff to advertise for request for qualifications and to appoint the Yoakum Economic Development Corporation Board of Directors to receive and score proposals and make a recommendation to the Council for the administration of the Texas Department of Housing and Community Affairs Owner Occupied Housing Assistance Program. Second was made by Councilmember McMullen. Motion carried unanimously.
MOTION was made by Councilmember Bowe to adopt a resolution (recorded as No. 2005-13) casting all 45 votes allotted to Yoakum for Conyetta Gaus Swaney for the DeWitt County Appraisal District Board of Directors. Councilmember McMullen seconded the motion. Motion carried unanimously.

COUNCIL received a request to close the alley in Block 1202 of the Emil Herder Addition. The requested was signed by all property owners within that block. City staff contacted all utility service providers and concluded that there are no utility lines located in the alley. MOTION was made by Councilmember Bowe to adopt a resolution (recorded as No. 2005-14) closing the alley in Block 1202 of the Emil Herder Addition. Second was made by Councilmember McMullen and motion carried unanimously.

A request was received from the Thiele-Cooper Funeral Home to annex the 2.0 acres of land located on Carl Ramert Drive (FM 3475) between the City Park and the Glen Blundell property in the Patrick Ryan League. Council received the letter of request, property survey, proposed calendar for annexation procedures and the cost estimates to extend utilities to the site. Motion was made by Mayor Pro-Tem Sitka to implement annexation procedures, accept the proposed annexation calendar and authorize the extension of utility services. Councilmember Bowe seconded the motion. Motion carried unanimously.

A request was received from Mrs. Curtis Jamison for placement of stop signs at certain streets intersecting South South Street. Police Chief Bill Formolo was asked to review the area and made a recommendation to place stop signs at certain streets intersecting with South South Street and Kenedy Street. Motion was made by Councilmember Bowe to adopt an ordinance placing stop signs at certain streets intersecting with South South Street and certain streets intersecting with Kenedy Street. Councilmember McMullen seconded the motion. Motion carried unanimously.

COUNCIL received a request from the Pilot Club of Yoakum for the closing of certain streets on Friday, December 2, 2005 from 5:00 PM to 8:00 PM for the tree lighting of the Centennial Park and Parade, specifically; the 1000 and 1100 blocks of West Grand Avenue, the 100 block of Walter Street, the 600 block of Phillips Street and the 900 block of West May Street. West Grand falls under the Texas Department of Transportation and upon request of the Pilot Club, Police Chief Bill Formolo contacted the TxDOT and received approval to close the portion of West Grand Avenue affected. Motion was made by Mayor Pro-Tem Sitka to approve the request. Second was made by Councilmember Carter and motion carried unanimously.

AN ordinance amending the Manual of Fees and Service Charges was presented allowing for the inclusion of fees for the Shiner St. Paul Golf Team to utilize the Yoakum Municipal Golf Course during the Spring season. Motion was made by Councilmember Bowe to adopt an ordinance on first reading (recorded as No. 1888) amending the Manual of Fees and Service Charges, specifically Item IV. Parks/Recreation Policies & Fees of the General Section. Motion was seconded by Councilmember McMullen and carried unanimously.

INFORMATION was received on changes to the birth and death record fees mandated by the Texas Health and Safety Code that must be charged by local registrars. Motion by Councilmember Bowe to adopt an ordinance (recorded as No. 1889) on first reading amending the Manual of Fees and Service Charges, specifically Item V., Miscellaneous, Subsection X. Vital Statistics of the General Section. Second was made by Mayor Pro-Tem Sitka and motion carried unanimously.
MAYOR Rodriguez announced at 7:34 PM that the meeting would close to the public in order for the Council to enter into an Executive Session to discuss an electric utility-related matter (V.T.C.A. Gov. Code, Sec. 551.086) and 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 9:05 PM.

AS a result of the Executive Session, motion was made by Mayor Pro-Tem Sitka to authorize the City Manager to sign the 2005 Price Select Forms and the 2005 Fuel and Power Cost Recovery Factor Forms. Second was made by Councilmember Bowe and motion carried unanimously.

UNDER City Manager’s report, Mr. Cook informed the Council that the work completed on the Pershing Square Project had been inspected and concerns were addressed with the contractor. The problems with elevations and roof drains that were not shown on the initial plans may affect the amount of the bid. At the suggestion of City staff and City engineer the Contractor agreed to pour the curb and sidewalk monolithically. Property owner questions regarding sidewalk specifications have been submitted to the City engineer. Some of the suggested changes by property owners would require going back to the State for approval. The more practical route is to complete the sidewalk as approved and possibly address the other issues at a later date. The estimated completion date for the sidewalks is December 31, 2005. Councilmember McMullen expressed her concern regarding the clutter left by the Contractor on the railroad property. Mr. Cook informed the Council that the Contractor utilizes that property for discarded concrete until they have a dump truck available to load and remove it from the area. Mr. Cook provided a handout to Council regarding the energy conservation information to distribute to our utility customers. With the increase in fuel prices, Mr. Cook asked the Council’s opinion on educational information to help our utility customers cut utility costs. Council was in favor of the assistance to the customers. Other suggestions included placing notices in the newspaper and flyers to distribute at the utility office window.

THERE being no further business, the meeting closed at 9:05 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

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

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

ABSENT: None

MAYOR Rodriguez called the City Council meeting to order. Councilmember McMullen offered the Invocation. The Pledge of Allegiance to the Flag was recited by all attending. Visitors were acknowledged.

MAYOR PRO-TEM Sitka made a motion to adopt the minutes of November 8, 2005 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER Old Business, Mayor Rodriguez called for the opening of a public hearing by the City Council to receive comments on a request for the annexation of 2.00 acres of land located on Carl Ramert Dr. (FM 3475) and review the Annexation Service Plan. Mr. Gary Cooper was present representing the Thiele-Cooper Funeral Home making the request. No one else was present to comment on the annexation. Public Hearing closed. The second required public hearing is scheduled for Tuesday, December 20, 2005 at 6:00 PM.

MOTION was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1885) on second and final reading granting a request for a change in zoning from Residential (R-3) to Business (B-1) for Ryan and Lori Wagner at 506 W. Grand. Second was made by Mayor Pro-Tem Sitka and carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1886) on second and final reading granting a request for a change in zoning from Residential (R-3) to Commercial (C-2) for Robert C. Gardner, Sr. and Frances Gardner at 210 Baxter. Second was made by Councilmember Bowe and carried unanimously.

MOTION was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1887) on second and final reading placing stop signs at certain streets intersecting South South Street and placing stop signs at certain streets intersecting Kenedy Street. Councilmember McMullen seconded the motion. Motion carried unanimously.

MAYOR Pro-Tem Sitka made motion to adopt an ordinance (recorded as No. 1888) on second and final reading amending the Manual of Fees and Service Charges, specifically Item IV., Parks/Recreation Policies & Fees of the General Section. Second was made by Councilmember Bowe. Motion carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1889) on second and final reading amending the Manual of Fees and Service Charges, specifically Item V., Miscellaneous, Subsection X. Vital Statistics of the General Section. Second was made by Councilmember McMullen and motion carried unanimously.
UNDER New Business, a recommendation was received from the Planning and Zoning Commission for the approval of a change in zoning from Residential (R-2) to Residential (R-4) for Thomas P. and Emily Linn at 802-808 Mathew Street. Mayor Rodriguez opened a public hearing to receive comments on the Planning and zoning Commission's recommendation. No one was present to represent the Linn's. There were no comments received from the public on the request. The recommended changes are in compliance with the Future Land Use Plan. The public hearing closed.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1890) on first reading granting a change in zoning from Residential (R-2) to Residential (R-4) for Thomas P. and Emily Linn on property described as Lots 9, 10, 11 and 12 of Block 16 (NCB 1146) in the Leo Tucker Addition. Second was made by Councilmember Bowe and motion carried unanimously.

BIDS were received for the purchase of one (1) police package vehicle and two (2) half ton compact pick-up trucks. The low bid on the police package vehicle was received from HGAC in the amount of $21,610.54. The bid received from Wendel Motor Co. of Yoakum was $21,820. City purchasing policy allows the City Council to award the bid to local bidders if the bid is within 3% of the low bid. Councilmember Bowe made a motion to award the bid for the police package automobile to Wendel Motor Co. for $21,820 and award the bid for the two (2) half ton compact pick-up trucks to the low bidder, Cooper Chevrolet of Yoakum, in the amount of $27,580. Second was made by Mayor Pro-Tem Sitka. Motion carried unanimously.

INFORMATION was not received regarding the Texas Department of Agriculture Texas Capital Fund Infrastructure Program for the Eddy Packing Co., Inc. project. This item along with the advertisement for procurement of professional services and appointing the committee to make recommendation to the City Council were tabled until the Special Council Meeting scheduled for December 20, 2005.

COUNCIL received a recommendation from the Yoakum Economic Development Corporation Board of Directors in their capacity as scoring committee for the administrator of the Texas Department of Housing and Community Affairs for the Owner Occupied Housing Assistance Program. Langford Community Management Services was recommended by the scoring committee to perform administrative services for this program. Motion was made by Mayor Pro-Tem Sitka to approve the recommendation. Second was made by Councilmember Bowe and motion carried unanimously.

COUNCILMEMBER Bowe made a motion to authorize the City Manager to enter into a contract on behalf of the City of Yoakum with Langford Community Management Services for administrative services for the Texas Department of Housing and Community Affairs Owner Occupied Housing Assistance Program. Motion was seconded by Mayor Pro-Tem Sitka and carried unanimously.

INFORMATION was presented to the Council by Economic/Community Development Coordinator Patrick J. Kennedy regarding the Circle Y Texas Capital Fund Project. A letter has been sent to the State requesting guidance on this situation. Circle Y has informed City staff that changes have been made to their building plans; however, final information has not been received to go forward with the project. Motion was made by Mayor Pro-Tem Sitka to authorize the Mayor to send a letter to Circle Y Saddles, Inc. representatives requesting the necessary information be presented to the City by January 9, 2006 in order to proceed with the Texas Capital Fund Project. Second was made by Councilmember Bowe. Motion carried unanimously.

THE Texas Yes! Hometown STARS program is offering a grant program for up to $15,000 for the June program. Economic/Community Development Coordinator Patrick J. Kennedy will be talking with the Chamber of Commerce Board of Directors at their meeting next week regarding this program. This project will need to be sponsored by the City; however, the Chamber of Commerce will be required to fund the project. More information will be presented to the Council at their January 10, 2006 meeting.
MOTION was made by Councilmember Bowe to adopt the new Privacy/Disclosure Policy (recorded as Policy No. 52) to be presented to new utility customers that is in accordance with the new State guidelines. Councilmember McMullen seconded the motion. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion with a second by Councilmember Bowe to proclaim January as School Board Recognition Month. Motion carried unanimously.

MAYOR Rodriguez announced at 6:40 PM that the meeting would close to the public in order for the Council to enter into an Executive Session to discuss an electric utility-related matter (V.T.C.A. Gov. Code, Sec. 551.086), to deliberate the purchase, exchange, lease, or value of real property (V.T.C.A. Gov. Code, Sec. 551.072) and deliberate the appointment, employment, evaluation, reassignment, duties, etc of the Director of Community Services position (V.T.C.A., Gov. Code, Sec. 551.074). The meeting was re-opened to the public at 7:10 PM.

NO action resulted from Executive Session.

UNDER City Manager's report, Mr. Cook reported that bids for the Annual Brush/Lumber Grinding Project were opened on Monday, November 28, 2005 at 1:30 PM. Eggemeyer Land Clearing submitted the low bid in the amount of $13,762.55. The Contractor began the project on December 2nd and finished on December 6th and did a very good job. The Park Well Aerator was placed in operation on December 2nd; however, there are still problems with the water being pumped from the well. The aerator supplier and the engineer will be doing more studies and checking the chemistry of the water to try to determine the source of the problem. The remaining funds will not be submitted to the supplier until the aerator is producing the promised results. On the Pershing Square Project, the Contractor began work in areas included in Phases II & III instead of concentrating on the completion of Phase I. The Contractor has promised to have a superintendent on the job December 14th to ensure that this type of oversight does not occur again. There has been vandalism occurring at the Chisholm Trail Memorial Park over the last few weeks. Many of the lights have been broken off at the base, repaired and broken again. Damage is now estimated at $1,225. There has also been vandalism at the Centennial Park to some of the Christmas displays. Mr. Cook informed the Council that steps are being taken to prevent further damages. Fire Chief Phil Baker went to Florida two weeks ago to inspect the new ladder truck we were able to purchase with grant funds. The truck met his approval and he went to Houston today to check on the final delivery. The truck should be in Yoakum next week. Council was informed that Time Warner did sign and return the Letter of Agreement pledging $5,000 this year and $5,000 next year in consideration for Council agreeing to allow Time Warner to close their Yoakum office. YEDC President/Councilmember McMullen presented the Annual Yoakum Economic Development Corporation report to the Council. A question was raised regarding the new restroom facilities planned for this year. Mr. Cook informed the Council that it appears that we will be within budget. An expression of appreciation was made to President McMullen and E/CDC Patrick J. Kennedy for their leadership. President McMullen spoke highly of the EDC Board and their dedication. Mr. Cook reminded the Council of the Special Council meeting scheduled for December 20, 2005 at 6:00 PM.

THERE being no further business, the meeting closed at 7:26 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

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

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

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

Mayor Rodriguez called the City Council meeting to order and opened a public hearing by the City Council to receive comments on a request for the annexation of 2.00 acres of land located on Carl Ramert Dr. (FM 3475) and review the Annexation Service Plan. The service plan stipulates that all services will be provided within existing City policy. No one was present representing the Thiele-Cooper Funeral Home making the request. No one else was present to comment on the annexation. The public hearing closed.

INFORMATION was received on the Texas Capital Fund Infrastructure Program for the Eddy Packing Co., Inc. project. Rudy Ruiz was present as a representative of Community Development Management Co., Inc. to answer questions and provide information. Motion was made by Councilmember Bowe to authorize the Mayor to enter into a contract with the Texas Department of Agriculture through the Texas Capital Fund Infrastructure Program in support of the Eddy Packing Co., Inc. project in the amount of $516,800. Second was made by Mayor Pro-Tem Sitka. Motion carried unanimously.

Mayor Pro-Tem Sitka made a motion to authorize the City Manager to advertise for procurement for professional services (administration and engineering) and appoint the Yoakum Economic Development Corporation Board of Directors as the committee to receive and score proposals and make a recommendation to the Council regarding professional services for the Texas Department of Agriculture Texas Capital Fund contract associated with the Eddy Packing Co., Inc. project. Motion was seconded by Councilmember Carter and carried unanimously.

Mayor Rodriguez announced at 6:10 PM that the meeting would close to the public in order for the Council to enter into 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 6:40 PM.

ACTION resulting from Executive Session: Mayor Pro-Tem Sitka made a motion authorizing the City Manager to execute agreements and documents and to act on the City's behalf in matters relating to the City's wholesale power. Motion was seconded by Councilmember Bowe and carried unanimously.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk