January 10, 2006
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
          Theresa A. Bowe.................................. City Clerk

ABSENT: None

MAYOR Rodriguez called the City Council meeting to order. Councilmember Bowe 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 the following properties: Lot B in Block 1188 of the Jakubik Addition (312 Clark St.) and Lots 9-10 in Block 1263 of the Blakeman Addition (414 E. Morris St.).

MR. and Mrs. Mueller, representatives for the Adella I. Sawey Estate were present. The Mueller’s indicated that there was additional electrical work that would be completed by the end of January. Code Enforcement Officer, Derrick Smith informed the Council that the property has been brought up to the minimum standards required by the City and he is satisfied with the progress that has been made on the property.

THE property located at 414 E. Morris St. has been brought up to standards. The garage is still an issue and will be reviewed by the property owner in May when she is able to come to Yoakum. A new roof and other improvements have been made to the house to bring it up to the minimum standards required by the City. The property owner was not present at the meeting.

AFTER review of the presented information and allowing for citizen comments, the public hearing was closed. Mayor Pro-Tem Sitka made a motion to close the Building and Standards case on property described as Lot B in Block 1188 of the Jakubik Addition (312 Clark St.). Second was made by Councilmember Bowe. Motion carried unanimously and the Mayor expressed appreciation to the Mueller’s for working with the City to bring the home into compliance.

MOTION was made by Mayor Pro-Tem Sitka to close the Building and Standards case on property described as Lots 9-10 in Block 1263 of the Blakeman Addition (414 E. Morris St.). Councilmember Bowe seconded the motion. Motion carried unanimously.
COUNCILMEMBER Bowe made a motion to adopt the minutes of December 13 and 20, 2005 as presented. Second was made by Mayor Pro-Tem Sitka. Motion carried unanimously.

UNDER Old Business, motion was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1891) on first reading annexing property located on Carl Ramert Dr. (FM 3475) including the amended Annexation Service Plan. The Annexation Service Plan was amended to remove the electrical service portion since the property is located in the GVEC service area. Second was made by Councilmember McMullen and motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1890) on second and final reading granting a change in zoning from a 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 (802-808 Mathew St.). Second was made by Councilmember Bowe 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 Juan and Laura Oliva at 409 & 411 Armstrong 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 Oliva’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. 1892) on first reading granting a change in zoning from Residential (R-2) to Residential (R-4) for Juan and Laura Oliva on property described as Lots 5 and 6 of Block 17 (NCB 1147) in the Tucker Addition. Second was made by Councilmember Bowe and motion carried unanimously.

A request was received from the Yoakum Independent School District to place a stop sign on Koether Drive II at its intersection with Goldman Street. Police Chief Bill Formolo was asked to review the request and make a recommendation. The request is in compliance with the Texas Manual of Uniform Traffic Control Devices and Chief Formolo recommended granting the request. After review of the provided information, a motion was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1893) on first reading placing a stop sign at Koether Drive II at its intersection with Goldman Street. Second was made by Councilmember McMullen and carried unanimously.

THE Yoakum Area Chamber of Commerce submitted a request for the closure of certain streets and the use of certain City property for the Land of Leather Festival. After reviewing detailed information presented by City staff, Councilmember Bowe made a motion to approve the request from the Yoakum Area Chamber of Commerce for the use of City property, Lots 5, 6 and 7 of Block 1077 in the Yoakum Townsite Addition, and the closing of West Street from Irvine Street to Lowrance Street from 12:00 PM, Friday, February 24, 2006 to 6:00 PM, Saturday, February 25, 2006, and Lowrance Street from West Street to Culpepper Street from 8:00 AM, Monday, February 20, 2006 to 5:00 PM, Monday, February 27, 2006. Councilmember McMullen seconded the motion. Motion carried unanimously.

THE City of Yoakum has been offered an opportunity to apply for a regional solid waste program grant through the Golden Crescent Regional Planning Commission. Funding will come from the Texas Commission on Environmental Quality. Our application will be for fifty (50) % of the cost of a new chipper. Motion was made by Mayor Pro-Tem Sitka to adopt a resolution
(recorded as No. 2006-01) authorizing the filing of a grant application with the Golden Crescent Regional Planning Commission for a regional solid waste grant and authorizing the City Manager to act on behalf of the City on all matters relating to the grant application. Motion was seconded by Councilmember Bowe and carried unanimously.

THE Council received a recommendation from the Yoakum Economic Development Corporation Board of Directors in their designation as the scoring committee for administrative services for the Texas Department of Agriculture Texas Capital Fund Infrastructure Program for the Eddy Packing Co., Inc. project. After review of the recommendation, Mayor Pro-Tem Sitka made a motion to accept the recommendation and authorize the Mayor to enter into a contract with Community Development Management Co., Inc. for administrative services for the Texas Department of Agriculture Texas Capital Fund Infrastructure Program for the Eddy Packing Co., Inc. project. Second was made by Councilmember Bowe and motion carried unanimously.

THE Council received a recommendation from the Yoakum Economic Development Corporation Board of Directors in their designation as the scoring committee for engineering services for the Texas Department of Agriculture Texas Capital Fund Infrastructure Program for the Eddy Packing Co., Inc. project. After review of the recommendation, Councilmember Bowe made a motion to accept the recommendation and enter into a contract for engineering services with TRC Texas Infrastructure (TRC Hunter) for the Texas Department of Agriculture Texas Capital Fund Infrastructure Program for the Eddy Packing Co., Inc. project. Second was made by Mayor Pro-Tem Sitka and motion carried unanimously.

PATRICK J. Kennedy, Economic/Community Development Coordinator, reminded the Council of the actions taken over the last few months regarding the Texas Capital Fund Circle Y, Inc. project. The State has not responded to the requests made. Circle Y sent a letter to the Mayor requesting another 60 days to get the required information to the City. Kennedy suggested sending a letter to the State to keep them informed on our progress along with a copy of the letter received from Circle Y. Motion was made by Mayor Pro-Tem Sitka to authorize the Mayor to send a letter to the Texas Department of Agriculture Texas Capital Fund informing them of the status of the Circle Y project, requesting a 60-day extension on the contract and attaching the letter received from Circle Y, Inc. dated January 5, 2006. Second was made by Councilmember Bowe. Motion carried unanimously.

INFORMATION was reviewed on the Texas Yes! Hometown STARS Program supporting the 78th Annual Tom Tom Festival to be held in June. The Yoakum Area Chamber of Commerce will be responsible for the matching funds required to participate in this program. Motion was made by Mayor Pro-Tem Sitka to adopt a resolution (recorded as No. 2006-02) authorizing the filing of a grant application for the Texas Yes! Hometown STARS Program and authorizing the City Manager to act on behalf of the City on all matters relating to the Program application. Second was made by Councilmember Bowe and motion carried unanimously.

TOM Chilek, P/T Director of Community Services, was present to provide information on the Partnership In Parks restroom project at the Yoakum Municipal Park. Staff suggested that the City purchase the fixtures for the facilities and bring in local specialized contractors for the different aspects of the project. Constructing the facilities in this manner should reduce the City's cost substantially. Motion was made by Mayor Pro-Tem Sitka authorizing the City Manager to enter into agreements with contractors and proceed with construction of the restroom facilities at the Yoakum Municipal Park. Motion was seconded by Councilmember Bowe and carried unanimously.
UNDER City Manager's report, the City will be hosting the Guadalupe Valley Water Association meeting on Thursday, January 13, 2006 at the Yoakum Community Center. Council was invited to attend. Phase I of the Pershing Square Project has been completed. Phase II will include the removal of the old street surfacing material and installing new storm sewer and water lines. The Water Department continues to have problems with the aerator at Park Well #5. Additional testing will be done and the supplier will be sending a report to the engineer.

THERE being no further business, the meeting closed at 6:50 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 led by visiting Boy Scout Troop 228 and recited by all attending. Visitors were acknowledged.

Councilmember Bowe made a motion to adopt the minutes of January 10, 2006 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

Under Old Business, motion was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1891) on second and final reading annexing property located on Carl Ramert Dr. (FM 3475) including the amended Annexation Service Plan. Second was made by Councilmember Bowe and motion carried unanimously.

Motion was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1892) on second and final reading granting a change in zoning from Residential (R-2) to Residential (R-4) for Juan and Laura Oliva on property described as Lots 5 and 6 of Block 17 (NCB 1147) in the Tucker Addition (409 & 411 Armstrong St.). 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. 1893) on second and final reading placing a stop sign at Koether Drive II at its intersection with Goldman Street. Second was made by Councilmember Bowe and carried unanimously.

Under New Business, Councilmember Bowe made a motion to proclaim the week of March 6th through March 10th, 2006 as “Texas Public School Week.” Second was made by Councilmember McMullen and carried unanimously.

CITY Staff presented a Utility Meter Testing Policy for Council consideration. The Policy establishes guidelines and fees regarding customer requests for testing the accuracy of their utility meter. After discussion, a motion was made by Mayor Pro-Tem Sitka with a second by Councilmember Bowe to adopt the Utility Meter Testing Policy (recorded as No. 54) as presented. Motion carried unanimously.

Information was presented to the Council on the Partnerships In Parks Project. Bids were received for roof and plumbing work on the restroom facilities in the Yoakum Municipal
Park. Low bid for the plumbing work was submitted by James Plumbing, Shiner, Texas in the amount of $3,500.00. Bids for the roofs were submitted by Mraz Lumber, $7,810.45; Orr & Zinke, $12,842.00 and Travis McKee, 9,676.00. Mraz Lumber and Orr & Zinke submitted bids for wood framed roofs; Travis McKee submitted a bid for a metal framed roof. It was the Council's conclusion that a metal framed roof would last longer, need less maintenance over the years, and be the better choice even at the higher cost. The project will still be well within budget with the metal roof. Mayor Pro-Tem Sitka made a motion to authorize the City Manager to execute agreements for the completion of the Partnerships In Parks Restroom Project and award the plumbing installation bid to James Plumbing, Shiner, Texas in the amount of $3,500.00 and award the roof framing bid to Travis McKee, Yoakum, Texas in the amount of $9,676.00 for a metal frame roof. Second was made by Councilmember Bowe. Motion carried unanimously.

BIDS were received for the curb and gutter portion of the Partnerships In Parks Parking Lot Project. City Manager Cook recommended utilizing a portion of the funds contributed by Time Warner Cable to complete this project. Motion was made by Councilmember Bowe to authorize the City Manager to enter into an agreement for the curb and gutter portion of the Partnerships In Parks Parking Lot Project with J&P Paving of Flatonia, Texas in the amount of $11.50 per linear foot and authorize funds received from Time Warner Cable's contribution to be utilized for this project. Motion was seconded by Councilmember McMullen and carried unanimously.

INFORMATION was presented by Patrick J. Kennedy, Economic/Community Development Coordinator for a Texas Department of Agriculture Texas Capital Fund application sponsoring Tex Tan Western Leather Co. to assist them with the loss they sustained in the February 4th factory fire. The application must be submitted by March 3rd to be included in the next cycle. Jay Cassell was present representing Tex Tan. He informed the Council of the steps that Tex Tan has taken to begin the rebuilding process and indicated their desire to stay in Yoakum. Motion was made by Mayor Pro-Tem Sitka authorizing City staff to proceed with sponsoring a Texas Department of Agriculture Texas Capital Fund application in support of Tex Tan Western Leather Co. Second was made by Councilmember Bowe and motion carried unanimously.

MR. Kennedy also provided information regarding a proposed arrangement for Texas Workforce Solutions to utilize the Harbus Building in an effort to bring their services to Yoakum citizens on a more local level. Discussion was held on the request for installation of a high-speed internet service to the building for the Workforce's use. MAYOR Pro-Tem Sitka made a motion to authorize Texas Workforce Solutions to utilize the Mitchel W. Harbus, Jr. Building for services they provide. Second was made by Councilmember Bowe. Motion carried unanimously.

MOTION was made by Councilmember Bowe to adopt a resolution (recorded as No. 2006-03) establishing the procedures and appointing election officials for the City's General Election to be held on May 13, 2006. Councilmember McMullen seconded the motion. Motion carried unanimously.

IN accordance with new voting stipulations, Mayor Pro-Tem Sitka made a motion to authorize the City Manager to enter into an agreement with the Lavaca County Clerk for use of two (2) electronic voting machines to be utilized during Early Voting and on Election Day contingent upon final review by the City Attorney. Second was made by Councilmember McMullen and motion carried unanimously.
CITY Manager Cook provided the Council with information on bids received for a new garbage truck. With prices continuing to rise, staff recommended the purchase of a smaller (11 cubic yard) refuge body in an attempt to hold our costs down and provide the same service to the community. Councilmember Bowe made a motion to authorize the City Manager to purchase a new garbage truck for the Solid Waste Department through the Texas Local Government Purchasing Cooperative (Cab and chassis from Grande Truck Center, San Antonio, Texas - $40,332, and an 11 cubic yard refuge body from Waste Systems, Inc., Houston, Texas - $38,837.63). Second was made by Councilmember McMullen and motion carried unanimously.

MOTION to authorize the purchase of a new dump truck through the Texas Local Government Purchasing Cooperative for the Street Department was made by Mayor Pro-Tem Sitka. The purchase would be from Grande Truck Center in San Antonio, Texas in the amount of $39,832 for the cab and chassis, and a 5.5 – 7.5 cubic yard dump truck body from Truckers Equipment in Corpus Christi, Texas in the amount of $9,008.67. Councilmember Bowe seconded the motion. Motion carried unanimously.

COUNCILMEMBER Bowe made a motion to authorize the City Manager to provide for temporary waiving of the penalty provision for late payment of utility bills for the months of February and March 2006 for Tex Tan Western Leather Co. and its employees affected by the February 4th manufacturing facility fire. Motion was seconded by Mayor Pro-Tem Sitka and carried unanimously.

MAYOR Rodriguez announced at 6:55 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, Section 551.072). The meeting was re-opened to the public at 7:25 PM.

ACTION resulting from Executive Session: Mayor Pro-Tem Sitka made a motion authorizing the City Attorney to negotiate the purchase of real property. Second was made by Councilmember McMullen and motion carried unanimously.

UNDER City Manager’s report, Phase II of the Pershing Square Project is in progress; contractor is removing the old street and will be installing new storm sewer, water, and sewer lines. Contractor is making progress on the storm sewer installation. Arrangements have been made to modify the sidewalk in front of Kathleen Musselman’s building. The modification will require a nine (9) to ten (10) inch increase in curb elevation, but her concerns have been addressed to her satisfaction and with little effect to the Project. The two (2) pickup trucks that Council authorized purchase of last month were received.

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

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

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

PRESENT:  Anita R. Rodriguez ................................. Mayor
          Elorine Sitka ........................................ Mayor Pro-Tem
          Don E. Bowe ............................................. Councilmember
          Margie McMullen ..................................... Councilmember
          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 opened a public hearing by the City Council to receive information and citizen comments on a Texas Community Development Program (TCDP) - Texas Capital Fund Project through the Texas Department of Agriculture.

AS part of this Community Development application process, the City requested assistance from citizens in identifying community, housing and economic development needs and selecting priorities. Patrick J. Kennedy, Economic/Community Development Coordinator, presented the necessary information to the Council which included the following: Locality/TCDP Citizen Participation Plan and Public Hearing Provisions; All eligible activities under the Texas Capital Fund Program; Estimated amount of funds for activities that will meet the National Objective of benefit to low/moderate income persons; Level of Texas Capital Fund funding available; Use of past Texas Capital Fund contract funds; Identification of housing, community development and/or economic development needs; Selection of priorities; Submission of reviews and proposals; and Plans of the locality to minimize displacement of persons and to assist persons actually displaced as a result of activities assisted with TCDP funds. The deadline for submission of the application for this project is March 3, 2006. There were no citizens in attendance at this meeting to offer comments.

AFTER review of the presented information and allowing for citizen comments, the public hearing was closed. A copy of the information submitted to the Texas Department of Agriculture on this project will be available for public review beginning on March 1, 2006 in City Hall at 900 Irvine Street, Yoakum, Texas.

THERE being no further business, the meeting closed at 5:35 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
February 28, 2006
Council Room – 5:15 P.M.
Public Works Building

SPECIAL MEETING OF THE CITY COUNCIL

PRESENT:             Anita R. Rodriguez ..................................... Mayor
                    Elorine Sitka ..................................................... Mayor Pro-Tem
                    Don E. Bowe ....................................................... Councilmember
                    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. Council received information from Economic/Community Development Coordinator Patrick J. Kennedy regarding the Texas Capital Fund Real Estate Development Program to assist Tex Tan Western Leather Co. The application will be for a total amount of $750,000; $710,000 for the building and $40,000 for administration of the project. After review of the information, Mayor Pro-Tem Sitka made a motion to adopt a resolution (recorded as No. 2006-04) approving a grant application to the Texas Department of Agriculture for funding through the Texas Capital Fund Real Estate Development Program to assist Tex Tan Western Leather Co. Second was made by Councilmember Bowe and motion carried unanimously.

MR. Kennedy presented the Council with Tex Tan's "But For" letter to the Texas Department of Agriculture. The company is attempting to maintain the 125 jobs that were lost after the fire destroyed the factory on February 4th. Don Motsenbocker, President of Tex Tan Western Leather Co., addressed the Council regarding the company's need and expressed appreciation to the Council for their assistance. A motion was made by Councilmember Bowe to approve and 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 Tex Tan Western Leather Co. Motion was seconded by Mayor Pro-Tem Sitka and carried unanimously.

MAYOR Rodriguez announced at 5:25 PM that the meeting would close to the public in order for the Council to enter into an Executive Session to discuss the purchase, exchange, lease, or value of real property (V.T.C.A. Gov. Code, Sec. 551.072). The meeting reopened to the public at 5:45 PM.

AS a result of Executive Session, Mayor Pro-Tem Sitka made a motion authorizing the City Attorney to complete negotiations and purchase real property. Second was made by Councilmember Bowe and motion carried unanimously.

THERE being no further business, the meeting closed at 5:46 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
March 14, 2006  
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  
Theresa A. Bowe ....................................... City Clerk

ABSENT:  
None

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. Visitors were acknowledged and John and Marguerite Quast were present. Mr. Quast asked to discuss the City's utility extension policy.

MR. Quast gave information regarding the hospital utility line extension completed in January of 1996. He believes that the City should offer the hospital a rebate for the cost of the extension because of the additional customers that have tied on to the lines. City Manager Cook addressed Mr. Quast's concerns. According to all of the documentation in the City's files, the City paid for oversizing the utility lines in anticipation of additional customers connecting. The hospital was only asked to pay for the minimum requirements to bring the lines to their facilities, as stated in City policy and ordinance. Hospital authorities agreed to these guidelines and a signed agreement was entered into prior to the line extension. The City is unable to offer any entity a rebate on line extensions. Mr. Quast thanked the Council for their time.

CITY Manager Cook informed the Council that they were invited to the Lions Club meeting to be held on March 21, 2006 at 12:00 PM. Congressman Hinojosa will be in attendance.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meetings of February 14, February 20 and February 28, 2006 as presented. Second was made by Mayor Pro-Tem Sitka. Motion carried unanimously.

UNDER New Business, Economic/Community Development Coordinator Patrick J. Kennedy presented the Council with an update on the Circle Y Saddles, Inc. Texas Capital Fund project. The owners of Circle Y have requested that the project be postponed at this time without losing any of the incentives originally agreed upon. Mr. Kennedy suggested that the Council inform the State of the status of the project. Motion was made by Mayor Pro-Tem Sitka authorizing the Mayor to send a letter to the Texas Department of Agriculture Texas Capital Fund to inform that office of the Circle Y Saddles, Inc. project status. Second was made by Councilmember Bowe and motion carried unanimously.

CITY Manager Cook provided Council with information on bids received on the Park Projects. Motion was made by Mayor Pro-Tem Sitka to award the bids as follows: the 40'x50'
pavilion to Bowe’s Custom Welding & Fabrication in the amount of $17,500.00; 20 picnic tables to Morrow Hardware in the amount of $4,100 ($205.00 per table); the masonry work on the barbecue pits to Adkins Construction Co. in the amount of $830.00; and the construction of the metal roof over the barbecue pits to Bowe’s Custom Welding & Fabrication in the amount of $2,875.00. Motion was seconded by Craig Carter. All Councilmembers voted in favor of the motion with the exception of Councilmember Bowe who abstained from voting. Motion carried.

AFTER discussion of the recommendation received from the Parks and Recreation Advisory Board, a motion was made by Councilmember Bowe to adopt the Parks and Recreation Facilities Use and Lighting Policy as presented. Second was made by Councilmember McMullen and motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1894) on first 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 and carried unanimously.

MOTION was made by Councilmember Bowe to appoint A. J. Veselka, Gladys Jiral and Mrs. Curtis Jamison to the review committee for the Texas Department of Housing and Community Affairs Owner Occupied Housing Program (HOME Program). Second was made by Councilmember McMullen and carried unanimously.

INFORMATION was received on a funding program for the second phase of the downtown revitalization project which includes Front Street. Mayor Pro-Tem Sitka made a motion authorizing the Mayor to enter into a contract with Langford Community Management Services to develop and complete a Safe, Accountable, Flexible and Efficient Transportation Equity Act – a Legacy for Users highway program (SAFETEA-LU) application. Motion was seconded by Councilmember Bowe and carried unanimously.

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

MAYOR Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1895) on first reading amending Annexation Ordinance No. 1891 to include adjacent right-of-ways. Second was made by Councilmember McMullen and motion carried unanimously.

A motion was made by Councilmember Bowe to accept the bid received by the Lavaca County Tax Assessor-Collector from Brian K. Mathis on property described as Lots 4-6 in Block 1138 of the Leo Tucker Addition (612 Fink Street.) in the amount of $200.00. Second was made by Mayor Pro-Tem Sitka and motion carried unanimously.

A resolution (recorded as No. 2006-05) establishing a property tax resale policy with Lavaca County Taxing Authority for tax foreclosure sales was adopted on motion by Councilmember Bowe with a second by Councilmember McMullen. Motion carried unanimously.
DISCUSSION was tabled regarding the contract for the Texas Yes! Hometown STARS Program since the contract has not been received as of this Council meeting.

EXECUTIVE Session was not entered into since the City Attorney has not completed negotiations regarding the real property.

UNDER City Manager's report, Mr. Cook informed Council that Phase II was proceeding much smoother than Phase I. Elevation variations between the plans and actual job site were addressed and modifications were made. These modifications resulted in $3,450.30 in the cost of the project. A letter has been sent to TxDOT requesting their approval of the change. The telephone company will move their cables this week in order to get the storm sewer installed. The City has been approached about providing additional electrical outlets in the downtown project area. Staff is looking into the prices. Once the project has been completed, the City Manager will bring a recommendation to the Council for the additional outlets. The waterline installation is to begin this week. Plans require that the north side of West Grand be completed before the south side construction can begin. The City Manager commended the downtown business owners for their patience. The project is scheduled to be completed by the end of June 2006. Park Well #5 continues to have problems. City Staff met with the engineer, the contractor, and the supplier to discuss options and address the issues. City staff will conduct additional field tests; the supplier has agreed to install a 7 ½ horse power motor on the blower to increase the air flow through the water being pumped; and the contractor will look into installing three-phase electricity to operate the motor. When more information is available, the City Manager will inform the Council. The slabs for the Partnerships In Parks Project restrooms have been poured and construction is ready to begin. Curb and Gutter installation will begin by the end of the week. City staff will begin building the pad for the Pavilion in the next few days.

THERE being no further business, the meeting closed at 7:21 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 Councilmember Carter offered the Invocation. The Pledge of Allegiance to the Flag was recited by all attending. Visitors were acknowledged and Emily Kahanek was present and asked to speak before the Council.

MS. Kahanek expressed her concern regarding the litter that continually accumulates along Ellen May Road and the utility trailer parked on the improved shoulder in the 400 Block of East Morris Street that she believes is a traffic hazard. Mayor Rodriguez asked City Manager Cook to look into Ms. Kahanek’s concerns and inform her of his findings.

MAYOR Pro-Tem Sitka made a motion to adopt the minutes from the meetings of March 14, 2006 as presented. Second was made by Councilmember Bowe. Motion carried unanimously.

UNDER Old Business, Councilmember Bowe made a motion to adopt an ordinance (recorded as No. 1894) 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 Carter and carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1895) on second and final reading amending annexation Ordinance No. 1891 to include adjacent right-of-ways. Councilmember Bowe seconded the motion. Motion carried unanimously.

UNDER New Business, the following recommendations were received from the Planning and Zoning Commission: 1) for the approval of a change in zoning from Residential (R-2) to Residential (R-4) for Frank Rosales at the 400 Block of Armstrong and Moffitt Streets; 2) for the approval of a change in zoning from Residential (R-2) to Residential (R-3) for William Moehlman at 208 Walnut Street; 3) for the approval of a change in zoning from Residential (R-1) to Commercial (C-2) for the Theile-Cooper Funeral Home, LTD. at 1477 Carl Ramert Drive; and 4) the approval of a change in zoning from Residential (R-2) to Commercial (C-2) for Yoakum Grain Co., Inc. at Dayly and McGee Streets. Mayor Rodriguez opened a public hearing to receive comments on the Planning and Zoning Commission's recommendations. Shannon Bucek was present representing Yoakum Grain Co., Inc. and Gary Cooper was present.
advertisement of the 78th Annual Tom Tom Festival. Motion was seconded by Councilmember Carter and carried unanimously.

Discussion was held regarding the municipal telecommunications right-of-way access line rates. Mayor Pro-Tem Sitka made a motion to authorize the City Manager not to respond to Public Utility Commission and allow the rate increase to take affect. Second was made by Councilmember Carter and motion carried unanimously.

FINANCE Director Charlotte Morrow addressed the Council regarding a proposal to allow the DeWitt County Tax office to provide tax collection services for the City. Motion was made by Mayor Pro-Tem Sitka to authorize the City Manager to submit a request to the Dewitt County Commissioner’s Court to provide billing and collection of City taxes by the DeWitt County Tax Office. Motion was seconded by Councilmember Bowe and carried unanimously.

ECONOMIC/Community Development Coordinator Patrick J. Kennedy presented information regarding the Circle Y Saddles, Inc. Texas Capital Fund project. The State will not allow for any further extension of time. Mayor Pro-Tem Sitka made a motion authorizing the Mayor to submit a letter notifying the State that the City of Yoakum has rescinded the contract for the Circle Y Saddles, Inc. Texas Capital Fund project and ask the State to hold the City harmless in regard to this contract. Second was made by Councilmember Bowe. Motion carried unanimously.

CITY Manager Calvin Cook informed the Council of a grant received from the Golden Crescent Regional Planning Commission for the purchase of a brush chipper for the Solid Waste Department. Funds had been allocated for the chipper in this fiscal year’s budget. With the grant funds covering $34,694.79 of the chipper cost, budgeted funds in the amount of 32,500 may be distributed to other projects with Council approval. A motion was made by Councilmember Bowe authorizing the purchase of a brush chipper for the Solid Waste Department through the Houston-Galveston Area Council (HGAC) and to approve a budget amendment authorizing the City Manager to utilize excess funds for other Public Works projects as outlined (an additional $19,000 toward the 2006 Street Improvement Project; $8,400 toward the purchase of one 30 cubic yard and one 40 cubic yard roll off container; and an additional $5,000 toward the purchase of scales for the Solid Waste Transfer Station). Second was made by Councilmember McMullen and motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to approve the 2006 Street Improvement Project list, which consists of 82,028 square yards (5.10 miles) of city street repair and authorize the City Manager to advertise for bids. The motion was seconded by Councilmember Bowe and carried unanimously. City Manager informed Council that bid packets would be sent out the following week and the bid opening would be held on May 4th.

MOTION was made by Mayor Pro-Tem Sitka to approve recommendations received from the Parks and Recreation Advisory Committee on expenditures for the Partnerships In Parks Project which included the following: the purchase of masonite reinforced doors with anti-graffiti finish and stainless steel hardware from Service Supply of Victoria, Texas in the amount of $4,397.74; and the improvement of the barbecue facilities at the Municipal Park by Bowe’s Custom Welding & Fabrication of
representing Thiele-Cooper Funeral Home, LTD. There were no comments received from the public on the requests. 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. 1896) on first reading granting a change in zoning for Frank Rosales from Residential (R-2) to Residential (R-4) on property described as Lots 1-12 of Block 22 (NCB 1142) in the Leo Tucker Addition (400 Block of Armstrong and Moffitt Streets). Second was made by Councilmember Bowe and motion carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1897) on first reading granting a change in zoning for William Moehlman from Residential (R-2) to Residential (R-3) on property described as the Southeast half of Block 1249 in the Svoboda Addition (208 Walnut Street). Motion was seconded by Councilmember Carter and carried unanimously.

MAYOR Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1898) on first reading granting a change in zoning for the Thiele-Cooper Funeral Home, LTD. from Residential (R-1) to Commercial (C-2) on property described as 2.000 acres situated in the Patrick Ryan League (Abstract No. 44) (1477 Carl Ramert Dr.) Councilmember McMullen seconded the motion. Motion carried unanimously.

A motion was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1899) on first reading granting a change in zoning for Yoakum Grain Co., Inc. from Residential (R-2) to Commercial (C-2) on property described as Part of Lots B and D of Block 1103 in the West End Addition (Dayly and McGee Streets). Motion was seconded by Councilmember Bowe and carried unanimously.

ROBIN Sisco with Langford Community Management presented information to the Council on the Scoring Plan and Applicant Rating. Scoring was completed based on household income and special needs assessment. Income limits are published by the Department of Housing and Urban Development (HUD). Councilmember Bowe made a motion to approve the HOME Grant Scoring Plan and Applicant Rating received from the review committee for the Texas Department of Housing and Community Affairs Owner Occupied Housing Program. Second was made by Councilmember McMullen and carried unanimously.

INFORMATION was received on a funding program to be utilized for Phase II of the Downtown Revitalization project. Mayor Pro-Tem Sitka made a motion to adopt a resolution authorizing the submission of a Safe, Accountable, Flexible and Efficient Transportation Equity Act – a Legacy for Users highway program (SAFETEA-LU) application. Councilmember Bowe seconded the motion. Motion carried unanimously.

MOTION was made by Councilmember Bowe to proclaim the month of April as Fair Housing Month. Second was made by Mayor Pro-Tem Sitka. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to authorize the City Manager to enter into a contract for the Texas Yes! Hometown STARS Program to assist with the
Yoakum, Texas in the amount of $9,000.00. Second was made by Councilmember Carter. All Councilmembers voted in favor of the motion with the exception of Councilmember Bowe who abstained due to personal interest. Motion carried.

ACTION was not required on the withdrawal of the Partnerships In Parks curb and gutter project since the contractor arrived on site to begin the project.

COUNCILMEMBER Bowe made a motion to accept the Certificate of Unopposed Candidates submitted by the City Clerk and adopt a resolution (recorded as No. 2006-07) cancelling the May 13, 2006 General Election for Council Places 4 and 5. Councilmember Carter seconded the motion. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to re-appoint Elwood Gaus and Ralph G. Rodriguez for two-year terms to the Yoakum Housing Authority Board of Commissioners, and Delores Richardson as the Resident Commissioner for a one-year term. Second was made by Councilmember Bowe and carried unanimously.

A motion was made by Councilmember McMullen to appoint Mayor Pro-Tem Sitka, Councilmember Bowe and the City Manager to the City/School Summer Recreation Board for a one-year term. Councilmember Carter seconded the motion. Motion carried unanimously.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 7:16 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072) and to discuss electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086). The meeting re-opened to the public at 8:00 PM. No action resulted from Executive Session.

UNDER City Manager’s report, Mr. Cook informed Council that the Contractor is finalizing the water, sewer and electric installation on the Downtown Project. City staff ran the electric lines to the planter boxes as requested by citizens. The project is slightly behind schedule at this time. Completion is currently scheduled for mid-summer 2006. The Park Well #5 Aerator is still not removing enough of the hydrogen-chloride to allow the well to be utilized. Enviroydne Laboratories, Inc. will be submitting a proposal for testing of the well. The curb around the new parking lot at the park has been poured. Roofs are the next step in the project. There has been a delay in receiving the fixtures for the restrooms; it is possible that those items will not be received for another 90 days.

THERE being no further business, the meeting closed at 8:10 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
SPECIAL 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
          Calvin Cook ......................................... City Manager
          Theresa A. Bowe .................................. City Clerk

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

MAYOR Rodriguez called the City Council meeting to order at 7:31 AM. Staff provided Council with information regarding the arrangement proposed between the City of Yoakum and DeWitt County for tax collection services. After review of the document, Mayor Pro-Tem Sitka made a motion to authorize the Mayor to enter into an Interlocal Agreement with DeWitt County for the collection of City property taxes. Second was made by Councilmember Bowe and motion carried unanimously.

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

Anita R. Rodríguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
May 9, 2006
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
            Theresa A. Bowe .................................. City Clerk

ABSENT:     None

MAYOR Rodriguez called the City Council meeting to order and Councilmember McMullen 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 from the meetings of April 11, 2006 and May 1, 2006 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER Old Business, Mayor Pro-Tem Sitka made a motion to adopt an ordinance on second and final reading (recorded as No. 1896) granting a change in zoning for Frank Rosales from Residential (R-2) to Residential (R-4) on property described as Lots 1-12 of Block 22 (NCB 1142) in the Leo Tucker Addition (400 Block of Armstrong and Moffitt Streets). Councilmember Bowe seconded the motion. Motion carried unanimously.

MOTION was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1897) on second and final reading granting a change in zoning for William Moehlman from Residential (R-2) to Residential (R-3) on property described as the Southeast half of Block 1249 in the Svoboda Addition (208 Walnut St.) Councilmember McMullen seconded the motion. Motion carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1898) on second and final reading granting a change in zoning for the Thiele-Cooper Funeral Home, LTD. from Residential (R-1) to Commercial (C-2) on property described as 2.000 acres situated in the Patrick Ryan League (Abstract No. 44) (1477 Carl Ramert Dr.). Second was made by Mayor Pro-Tem Sitka and motion carried unanimously.

A motion was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1899) on second and final reading granting a change in zoning for Yoakum Grain Co., Inc. from Residential (R-2) to Commercial (C-2) on property described as Part of Lots B and D of Block 1103 in the West End Addition (Dayly and McGee Streets). Motion was seconded by Councilmember Bowe and carried unanimously.

UNDER New Business, the following recommendations were received from the Planning and Zoning Commission: 1) for the denial of a change in zoning from Commercial (C-2) to Residential (R-4) for Cynthia Arredondo at 309 N. South Street; and 2) for the approval of a change in zoning from Commercial (C-2) to Residential (R-4) for Evelio and Berth Diaz at 109 Jakubik Street. Mayor Rodriguez opened a public
hearing to receive comments on the Planning and Zoning Commission's recommendation on the Diaz request. Mr. Diaz was present to answer questions. There were no comments received from the public. The request is in compliance with the Future Land Use Plan. The public hearing closed.

THE change in zoning request received from Ms. Arredondo is not in compliance with the Future Land Use Plan and the applicant did not appeal the decision. Motion was made by Mayor Pro-Tem Sitka to accept the recommendation from the Planning and Zoning Commission for denial of the change in zoning request for Cynthia Arredondo from Residential (R-3) to Commercial (C-2) on property described as Lots 3 and 4 of Block 202 (NCB 1168) in the Nelson Addition. Second was made by Councilmember McMullen. Motion carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1900) on first reading granting a change in zoning for Evelio Diaz from Commercial (C-2) to Residential (R-4) on property described as Lot 11 of Block 1056 in the Yoakum Townsite Addition (109 Jakubik Street). Second was made by Councilmember Carter and motion carried unanimously.

DISCUSSION was held on the need for the replacement of computers and operating system software for the SCADA system. The SCADA system allows the water system to be monitored without having an onsite operator. Both computers have malfunctioned; however, with the assistance of Hydro-Con Systems, staff was able to temporarily repair one of the computers in order to manually monitor the system. Hydro-Con Systems prepared a quote for the purchase of two (2) new computers and restoration of the monitoring system that is not to exceed $40,000. Due to the equipment being a specialized technology purchase, competitive bids are not required. Upon staff recommendation, Mayor Pro-Tem Sitka made a motion authorizing the City Manager to proceed with the purchase of equipment and services from Hydro-Con Systems not to exceed $40,000. Second was made by Councilmember Bowe and motion carried unanimously.

BIDS were received for the 2006 Street Improvement Project. Staff informed Council that the bids were higher than estimated and in order to bring the project within budget a revised street list was recommended. Mayor Pro-Tem Sitka made a motion to award the 2006 Street Improvement Project to H & C Construction Co., Inc. of Shiner, Texas for the unit bid prices of $2.40 per gallon for AC 5 asphalt and $62.42 per cubic yard for Grade 4 aggregate and approve the revised street list as recommended by staff. Second was made by Councilmember Bowe and carried unanimously.

MAYOR Pro-Tem Sitka made a motion to grant an easement within the Hickey Street right-of-way, contingent upon the review and approval by City staff and the City Attorney, to Hancor, Inc. for the installation of a storm sewer. Councilmember Carter seconded the motion. Motion carried unanimously.

MOTION was made by Councilmember Bowe to adopt a resolution renaming Center Drive to Kvinta Drive in honor of Charles J. Kvinta, Sr. Second was made by Mayor Pro-Tem Sitka and motion carried unanimously. City Attorney Charles Kvinta, Jr. was present and thanked the Council on behalf of his father.
A request was received from the Yoakum Area Chamber of Commerce for the closing of certain streets for the 78th Annual Tom Tom Festival to be held June 2 through June 4, 2006. Mayor Pro-Tem Sitka made a motion to close streets as follows:

1) W. May Street from Front Street to Lott Street; Lott Street from W. May Street to Nelson Street; Nelson Street from Lott Street to Irvine Street; Front Street from Nelson to W. May Street and the inbound lane on Front Street from W. Hugo Street to W. May Street from 5:00 PM to 7:30 PM on Friday, June 2, 2006.

2) W. Grand Avenue from State Hwy 77A to Irvine Street; Irvine Street from W. Grand Avenue to W. Hugo Street; W. Hugo Street from Irvine Street to Lott Street; Lott Street from W. Hugo Street to W. Schleicher on Saturday, June 3, 2006 from 7:30 AM until the Grand Parade is concluded.

3) Lowrance Street from West Street to Culpepper Street from 5:00 PM Friday, June 2nd to 2:00 AM on Sunday, June 4, 2006; and W. Schleicher Street from Lott Street to West Street, West Street from Irvine Street past Lowrance Street and Huck Street from Irvine Street to West Street from 8:00 AM Saturday, June 3rd to 2:00 AM Sunday, June 4, 2006.

Motion was seconded by Councilmember Bowe and carried unanimously.

SELECTION ballots were received by the City Clerk from the Council for appointments to the Parks and Recreation Advisory Board for three expired terms. After reviewing the tabulations, Mayor Rodriguez informed Council that Ken Kvinta, Blaise Drietner and Donald Blank had received the greatest number of votes. Councilmember Bowe made a motion to appoint Ken Kvinta, Blaise Drietner and Donald Blank to the Parks and Recreation Advisory Board for two-year terms. Second was made by Councilmember McMullen and carried unanimously.

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

DISCUSSION was held regarding a proposal from Councilmember Carter for a no-smoking ordinance. Councilmember Carter asked for Council’s opinion on what type of action would be appropriate on this subject. Councilmember Bowe stated that he felt it should be left up to the business owners to decide whether their facility should be designated as “no-smoking” and that if an ordinance was proposed, it should be taken to the public for the voters to decide and should not be decided on solely by the City Council. Mayor Pro-Tem Sitka and Councilmember McMullen agreed that the public would be best served if an ordinance such as this were taken before the voters of Yoakum. Mayor Rodriguez also stated that the businesses need to be allowed retain the prerogative to decide if smoking should be allowed in their building. The City Clerk was asked to provide information on the number of signatures that would be needed on a petition to bring an initiative to a vote. Council was informed that City Charter states that an initiated ordinance may be submitted to the Council by a petition signed by at least 10% of qualified voters within the City limits and that there are roughly 3,700 registered voters in Yoakum. Councilmember Carter asked the Council if they would be
willing to act on such an ordinance if the appropriate number of signatures were acquired. The general consensus of the other Councilmembers was that the ordinance would need to go to a vote of the people.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:45 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072) and to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086). The meeting re-opened to the public at 7:30 PM. As a result of the Executive Session, Mayor Pro-Tem Sitka made a motion to authorize the City Manager and City Attorney to proceed with the sale of real property. Second was made by Councilmember Bowe; motion carried unanimously.

UNDER City Manager's report, 1) Mr. Cook informed the Council that all of the utility lines (water, electric, irrigation and storm sewer) have been installed. Bases for the over-head sign and light poles have been poured. The limestone base has been installed on Lott Street and passed the density test. The Contractor has begun installation of the islands on Grand Avenue and Lott Street. The telephone company completed their work near Eddy Pack; 2) There is a need for a Special City Council meeting on May 16, 2006 in order to present Certificates of Election and perform Oaths of Office to the Councilmembers who were up for election. The meeting was scheduled for 7:30 AM on May 16th; 3) There is also a need to schedule a date for the Open Meeting Training for Council and other City boards affected by the new Open Meeting Act requirements. The City Clerk was asked to determine a date and inform the Council; 4) Council is invited to the Memorial Day Service to be held at the Fire Station on Monday, May 29, 2006; and 5) Park Well #5 test results were received. Mr. Cook has called the laboratory that performed the tests for clarification.

THERE being no further business, the meeting closed at 7:50 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

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

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

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

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

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

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
SPECIAL 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
Theresa A. Bowe .................................................... City Clerk

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

THE meeting was called to order by Mayor Rodriguez for the purpose of receiving and reviewing information on various capital improvement projects and to consider funding options regarding those projects.

CITY Manager Calvin Cook presented information for the Council's review regarding the extent of the problems with the City's sewer system and other City infrastructure. The exact age of most of the current lines are unknown, however, records indicate that the lines were installed prior to 1928. A study performed by TRC indicated necessary work estimated to cost nine million seven hundred and ninety-five thousand dollars ($9,795,000). Of that estimate, seven million five hundred thousand dollars ($7,500,000) will need to be utilized for sewer replacement.

PAUL Boedecker with TRC presented additional information regarding the breakdown of costs for infrastructure improvements and furnished a map of the City sewer system. Mr. Boedecker gave detailed information on the condition of the system and various problems related to the system and answered Council's questions.

COUNCIL also received information from Mark McLiney with Southwest Securities. Mr. McLiney explained to the Council that the Water Development Board received Federal funds which allowed them to provide interest free funds to qualified municipalities. The City of Yoakum qualified as a disadvantaged community and is eligible for eleven million dollars ($11,000,000) in interest free funding. Three options were presented to the Council showing different amounts of funding and timeframes for repayment of the funds. Motion was made by Councilmember Bowe to authorize the City Manager to proceed with Option C applying for seven million five hundred thousand dollars ($7,500,000) in funding from the Water Development Board. Second was made by Councilmember Carter and carried unanimously.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

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

PRESENT: Anita R. Rodriguez ......................... Mayor
          Elorine Sitka .......................... Mayor Pro-Tem
          Don E. Bowe ............................. Councilmember
          Margie McMullen ......................... Councilmember
          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 Councilmember Bowe
offered the Invocation. The Pledge of Allegiance to the Flag was recited by all attending.

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

MAYOR Rodriguez acknowledged the visitors. Downtown business owner, Carol Pugh
was present and asked to address the Council. Mrs. Pugh expressed her concerns regarding
the delays with the Pershing Square Project, hardships caused to the business owners and
damage done to her building during the course of the Project. Mayor Rodriguez assured Mrs.
Pugh that everything possible is being done to move the construction forward as efficiently as
possible. Council thanked Mrs. Pugh for voicing her concerns.

MAYOR Pro-Tem Sitka made a motion to adopt the minutes from the meetings of May 9,
2006, May 16, 2006 and June 8, 2006 as presented. Second was made by Councilmember
Bowe. Motion carried unanimously.

UNDER Old Business, Councilmember Bowe made a motion to adopt an ordinance on
second and final reading (recorded as No. 1900) granting a change in zoning for Evelio and
Bertha Diaz from Commercial (C-2) to Residential (R-4) on property described as Lot 11 of
Block 1056 in the Yoakum Townsite Addition (109 Jakubik). Second was made by Mayor Pro-
Tem Sitka. Motion carried unanimously.

UNDER New Business, Craig Bell and Paul S. Boedeker with TRC Engineers, Inc.
presented information on the bids received for the Texas Capital Fund Project in
support of Eddy Packing, Inc. for the construction of a concrete 250,000 gallon ground
storage reservoir and a 12" water line on Airport Road. A motion was made by Mayor
Pro-Tem Sitka to award the bid for the 250,000 gallon ground storage reservoir to the
low bidder, L.L. & F. Construction Management, Inc. of El Paso, Texas in the amount of
$355,000 with a deduction of $7,500 bringing the adjusted bid amount to $347,500.
Second was made by Councilmember Bowe. Motion carried unanimously.
a total bid amount of $12,500 for the Partnerships In Parks Program as recommended by the Parks & Recreation Advisory Board. Motion was seconded by Councilmember Bowe and carried unanimously.

CITY Manager Cook provided the Council with information regarding a Golden Crescent Regional Planning Commission cost sharing grant program for solid waste management projects through the Texas Commission on Environmental Quality for the purchase of equipment to bale recyclable material. After review and discussion, Councilmember Bowe made a motion to adopt a resolution authorizing the filing of a grant application with the Golden Crescent Regional Planning Commission for a regional solid waste program grant and to authorize the City Manager to act on behalf of the City on all matters relating to the grant application. Second was made by Mayor Pro-Tem Sitka. Motion carried unanimously.

MAYOR Pro-Tem Sitka moved to appoint the following: 1) Eloine Sitka as Council Representative for a one-year term to the Yoakum Heritage Museum Board; 2) Gary Cooper and Patricia Parr for three-year terms and Gladys Jiral to fill an unexpired three-year term to the Planning and Zoning Commission; 3) Margie Kvinta, Virginia Smith, Bill Haas, Reginald Simek, Beth Campbell and Jeffrey Burton for two-year terms to the Library Board; 4) Howard Templin, E. J. Blaschke, Tony Perez, Fay Coldewey and Bert Kenna as Members and Gayle East as an Alternate Member for two-year terms to the Building and Standards Commission; 5) Charles Pate and Norman Kaiser for three-year terms to the Construction Board of Adjustment and Appeals; and 6) Esther Turner, Mark Jahn, Darlene Renken, Scott Moehlman and Christine Zimmerman for three-year terms to the Zoning Board of Adjustments. Motion was seconded by Councilmember Bowe and carried unanimously.

PROPOSALS were received and opened on June 1, 2006 for scales at the Solid Waste Transfer Station. Proposal prices were over the estimated budget amount. Staff reviewed the proposals received and made a recommendation to the Council. After discussion, Mayor Pro-Tem Sitka made a motion to award the bid to Bastrop Scale Company of Bastrop, Texas in the amount of $31,682 without accessories as recommended by staff. Second was made by Councilmember Bowe and motion carried unanimously.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 7:16 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072) and to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086). The meeting re-opened to the public at 7:55 PM. No action resulted from Executive Session.

UNDER City Manager's report, Mr. Cook informed the Council on the Pershing Square Project. The storm gutters on the north side of West Grand have been completed. Additional sub-contractors have been onsite working on planter boxes, islands and other areas. Progress had slowed due to illnesses; however, the street should be ready to prime in the next week. The project is well past 50% completion and plans indicate completion in late summer 2006.
MOTION was made by Councilmember Bowe to award the bid for the 12" water line on Airport Road in connection with the Texas Capital Fund Project in support of Eddy Packing, Inc. to the low bidder, Supak Construction, Inc. of Orchard, Texas in the amount of $127,797.50. Second was made by Councilmember McMullen and motion carried unanimously. Phillip Ruiz with Community Development Management Corporation was present and informed the Council that both contractors are approved through the State.

STEPHEN W. Van Manen, CPA with Harrison, Waldrop & Uherek, L.L.P. was present to provide the audit report for Fiscal Year ending September 30, 2005 and a letter of assurance from the firm asserting that the information contained in the audit report is accurate. A motion was made by Mayor Pro-Tem Sitka to approve the audit report for Fiscal Year ending September 30, 2005 as presented. Motion was seconded by Councilmember Bowe and carried unanimously.

AN estimate was received from Harrison, Waldrop & Uherek, L.L.P. for auditing services for the current fiscal year in the amount of $16,950. Councilmember Bowe made a motion to appoint Harrison, Waldrop & Uherek, L.L.P. to audit City financial records for fiscal year ending September 30, 2006 and to authorize the City Manager to enter into a letter of understanding with the firm. Second was made by Councilmember McMullen and motion carried unanimously.

FIRE/EMS Director Phillip Baker made a recommendation to the Council to donate a surplus vehicle to the Texas Forest Service. Allowing the retired 1987 Ford Fire Truck to be donated to the Forest Service will relieve the City of any liability connected with other entities acquiring the used equipment. The Texas Forest Service also allows the donating city to recommend a local fire department as recipient. Mayor Pro-Tem Sitka made a motion to donate the 1987 Ford Fire Truck to the Texas Forest Service. Motion was seconded by Councilmember Bowe and carried unanimously.

CHIEF Baker also recommended a free thirty-day trial of the First Call Emergency Notification System—Reverse 9-1-1 Program. The trial will include full access to the system with 5,000 thirty-second calls to use for testing. A motion was made by Councilmember Bowe to approve a thirty-day trial use of the First Call Emergency Notification System. Second was made by Councilmember McMullen. Motion carried unanimously.

CITY Clerk Theresa Bowe presented information from the Library Board regarding new and revised policies. After discussion, Mayor Pro-Tem Sitka made a motion to adopt the revised Library Policy Manual, the revised Technology Plan and the new Interlibrary Loan Policy for the Carl & Mary Welhausen Library as recommended by the Library Board. Councilmember Bowe seconded the motion. Motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to award the bid for ten (10) 8' x 10' picnic table covers to McKey Construction Company in the amount of $1,250 per unit for
Sealed bids were opened June 1, 2006 for surplus equipment. Martin Rivera, Jr. was high bidder on the 1987 Ford F-150 pickup in the amount of $354 and the 1993 Ford F-150 pickup in the amount of $758. Jimmy Newman was high bidder on the 6' x 9' shop built trailer in the amount of $125. Inserts will be mailed out with the June utility bills. A Consumer Confidence Report, a Water Conservation pamphlet from Texas Commission on Environmental Quality, and a Hurricane Preparedness flyer will be sent to all utility customers. Mayor Pro-Tem Sitka inquired about the new well. Mr. Cook informed the Council that test results received from the two labs indicated conflicting information and a third independent lab has been consulted to determine the exact cause of the problems with the well. Council received an invitation from Preston Kocian to attend a Flag Retirement Ceremony on June 14th at 7:00 PM. The final report given by Mr. Cook was on the HOME Program. Currently the project is one month behind the initial schedule; however, the previous timeline was scheduled to be completed nine months before the contract guidelines stipulated.

THERE being no further business, the meeting closed at 8:09 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
July 11, 2006
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
          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.

MAYOR Rodriguez acknowledged the visitors. Cuero resident Vollie Griffin was present to extend an invitation to the Council and Yoakum residents to the First Annual Youthfest to be held in Cuero on August 11th through 13th. The event will promote activities to bring the youth and their families together. The Council thanked Ms. Griffin for the invitation.

MAYOR Pro-Tem Sitka made a motion to adopt the minutes from the meeting of June 13, 2006 as presented. Second was made by Councilmember Bowe. Motion carried unanimously.

UNDER New Business, Councilmember Bowe made a motion to adopt a resolution (recorded as 2006-10) requesting financial assistance from the Texas Water Development Board for constructing various public improvements; authorizing the City's financial advisors, bond counsel, and engineers to coordinate the submission of the application to the Texas Water Development Board; and other matters in connection therewith. Second was made by Councilmember McMullen. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to appoint Southwest Securities, Inc. as financial advisors and Fulbright & Jaworski L.L.P. as bond counsel in connection with the issuance of obligations to the Texas Water Development Board; delegating the authority to the City Manager to execute certain documents relating to the engagement of Southwest Securities, Inc. and Fulbright & Jaworski L.L.P; and other matters in connection therewith. Councilmember Bowe seconded the motion. Motion carried unanimously. Ryan Cunningham with Southwest Securities was present to answer questions and provide documents for execution.

AFTER receiving a request from the Yoakum Rodeo Club, the Parks and Recreation Advisory Board reviewed the Rodeo Arena Use and Lighting Policy and recommended changes to promote the use of the facility. Councilmember Bowe made
a motion to adopt an Amended Lighting and Use of Parks and Recreation Facilities Policy (recorded as Policy No. 55) amending Policy No. 53 as recommended by the Parks and Recreation Advisory Board. The motion was seconded by Councilmember McMullen and carried unanimously.

FIRE/EMS Director Phillip Baker was present to provide the Council with information on recommended mutual aid agreements between the City of Yoakum and DeWitt and Lavaca Counties. These mutual aid agreements will supersede all other mutual aid agreements in place and will give a broader spectrum to provide and receive assistance from entities around the state. Motion was made by Mayor Pro-Tem Sitka to authorize the City Manager to enter into Mutual Aid Agreements with DeWitt and Lavaca Counties. Second was made by Councilmember Carter and motion carried unanimously.

POLICE Chief Bill Formolo was present to provide information to Council regarding an agreement with the Texas Department of Public Safety to provide interoperable radios for use during emergency situations. After review of the information, Councilmember Bowe made a motion authorizing the City Manager to enter into a Memorandum of Understanding with the Texas Department of Public Safety for use of interoperability or mutual-aid radio channels. Second was made by Councilmember Carter. Motion carried unanimously.

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

MAYOR Pro-Tem Sitka made a motion to nominate Cuero City Councilmember Shirley Riemenschneider as Council representative to serve as a member of the Golden Crescent Regional Planning Commission’s Board of Directors for DeWitt County. Motion was seconded by Councilmember Bowe and carried unanimously.

ECONOMIC/Community Development Coordinator Patrick J. Kennedy presented a letter from the Economic Development Corporation Board asking for approval of the Annual Budget and Work Plan. After reviewing the information, Councilmember Bowe made a motion to approve the Yoakum Economic Development Corporation Annual Work Plan and Budget for Fiscal Year 2006-2007. Second was made by Mayor Pro-Tem Sitka and motion carried unanimously.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:33 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086) and to discuss the annual performance evaluation of the City Manager (V.T.C.A., Gov. Code, Sec. 551.074). The meeting re-opened to the public at 6:55 PM. No action was taken regarding the purchase exchange, lease or value of real property or the electric utility
matter. Motion was made by Mayor Pro-Tem Sitka to give City Manager Calvin Cook a favorable evaluation and increase his annual salary by $2,400. Second was made by Councilmember Bowe. Motion carried unanimously.

UNDER City Manager’s report, Mr. Cook informed the Council that the seal coat had been laid on the north side of West Grand Ave and 2 1/2 inches of asphalt would be put down this week as part of the Pershing Square Project. Once that process was complete, that side of the street would be opened for parking and the contractor would begin street work on the south side of West Grand. An email was received from Robin Sisco with Langford Community Development regarding the HOME Program. The administrator is making plans to advertise for bids for the construction of the new homes. The bid opening will be held at City Hall in August or September. Home owners will be informed to move out of the homes for demolition of the properties and the construction should be complete between September and November 2006. Pre-construction meetings were held with Supak Construction, Inc. and L.L. & F Construction for the Texas Capital Fund-Water System Project in support of Eddy Packing, Inc. Supak Construction indicated that the 12 inch waterline will take about six weeks for completion. Once that portion is complete, L.L. & F. Construction plans to begin construction of the water storage tank on August 1st and should be complete in 150 days. Bids were received for the fence that will be required. N&N Fence was the low bidder and was awarded the project in the amount of $1,477.00. Mr. Cook is considering installing a new buster pump for the ground water storage tank instead of used buster pump depending on the amount of the bids received. The TML Annual Conference will be held in Austin on October 25th through 27th. A budget workshop has been scheduled for July 18, 2006 at 5:30 PM to review staff proposals for the 2006-2007 Budget.

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

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
July 18, 2006
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
Charles J. Kvinta, Jr. ....................................................... City Attorney
Calvin Cook ................................................................. City Manager
Theresa A. Bowe ......................................................... City Clerk

ABSENT: None

THE budget workshop meeting was called to order by Mayor Rodriguez with all department heads in attendance for presentation of the 2006-2007 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. City Manager Cook informed Council that the budget was not balanced at this time. In order to balance, an additional $322,410 in revenue will need to be generated in addition to the recommended increase in the property tax rate.

After discussion, Mayor Pro-Tem Sitka made a motion to authorize the City Manager to increase utility rates to increase revenues by 3%. Second was made by Councilmember McMullen and carried unanimously.

THERE being no further business, the meeting closed.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
August 8, 2006  
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
Theresa A. Bowe....................................................... City Clerk

ABSENT:  None

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.

MAYOR Rodriguez acknowledged the visitors. Police Chief Bill Formolo was present to brief the Council on a five agency collaboration between Yoakum, Cuero and Yorktown Police Departments as well as DeWitt and Lavaca County Sheriffs Departments known as “Operation Cooperation”. The operation began in September of 2005 and was initially scheduled to be a four month program; however, the success of the investigation encouraged extending the time frame. On August 4, 2006 twenty-three arrests were made on drug related charges as a result of the operation, nine of which were Yoakum residents. Gonzales County and Hallettsville Police Department are hoping to join the program in the near future. Council commended the Yoakum Police Department on their efforts and thanked them for the hard work.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meetings of July 11 and July 18, 2006 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER New Business, Robin Sisco with Langford Community Development was present to provide information to the Council regarding the submission of a grant application for a Community Development Block Grant. Deadline for the submission is September 30, 2006. After discussion, a motion was made by Mayor Pro-Tem Sitka to adopt a resolution (recorded as No. 2006-11) authorizing the submission of a grant application to the Office of Rural Community Affairs for a Community Development Block Grant Sewer Main Replacement Project. Second was made by Councilmember Carter and motion carried unanimously.

THE following recommendations were received from the Planning and Zoning Commission: 1) for the approval of a change in zoning request from Residential (R-2) to Residential (R-4) for Jose Luis Gomez (property owned by George E. Scott); 2) for the denial of a change in zoning request from Residential (R-2) to Residential (R-4) for David and Maria Gonzales; 3) for the approval of a specific use permit to operate a nursing home for Yoakum RP, LTD., and 4) for the approval of a request for a re-subdivision for James W. and Judy Leist. Mayor Rodriguez opened a public hearing to receive comments on the recommendations from
the Planning and Zoning Commission submitted for approval. Jose Gomez and George Scott were present to provide information to the Council regarding their request for a change in zoning. Jim Von Dohlen was present representing Yoakum RP, LTD. and James Leist was present to provide information regarding his request for a re-subdivision. There were no comments received from the public on the requests. The recommended changes are in compliance with the Future Land Use Plan. The public hearing closed.

AFTER discussion, Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1901) on first reading granting a change in zoning for Jose Luis Gomez from Residential (R-2) to Residential (R-4) on property described as Lots 4 & 5 of Block 1143 in the Leo Tucker Addition (411 Moffitt Street). (Property is owned by George E. Scott.) Motion was seconded by Councilmember Bowe and carried unanimously.

MOTION was made by Councilmember Bowe to accept the Planning and Zoning Commission’s recommendation to deny the request from David and Maria Gonzales for a change in zoning from Residential (R-2) to Residential (R-4) on property described as Lots 1 and 2 of Block 1158 in the J. X. May Addition (206 Martin). Second was made by Mayor Pro-Tem Sitka and motion carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1902) on first reading granting a specific use permit to operate a nursing home for Yoakum RP, LTD. on property described as 6.030 acres in Abstract 44 of the Pat Ryan League (1300 Carl Ramert Dr.). Councilmember McMullen seconded the motion. Motion carried unanimously.

MOTION by Mayor Pro-Tem Sitka to approve the re-subdivision for James W. and Judy Leist on property described as Lots 9, 10, 21 and 22 of block 6 in the Oak Ridge Addition. Second was made by Councilmember Carter and carried unanimously.

STAFF presented recommendations of changes to the Manual of Fees. After review, Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1903) on first reading approving a revised Manual of Fees and Service Charges as presented in Exhibit A. Motion was seconded by Councilmember Bowe and carried unanimously.

CITY Manager provided information to the Council regarding a new Security Light Policy, including providing sodium vapor lights as standard for all new security lights and replacement lights. After review, Councilmember Bowe made a motion to adopt the revised Security Light Policy (recorded as Policy No. 56) as recommended by City staff. Second was made by Councilmember McMullen and motion carried unanimously.

AFTER review of the proposed 2006-2007 budget, Mayor Rodriguez thanked City staff for their hard work. Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1904) on first reading adopting the 2006-2007 City Budget. Councilmember Bowe seconded the motion. Motion carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1905) on first reading adopting the 2006 City Tax Rate set at .09354. Second was made by Councilmember McMullen and carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to appoint Allen Dieringer, Tommy Barre and Margie McMullen to the Yoakum Economic Development Corporation Board of Directors for two-year terms. Councilmember Bowe seconded the motion. Motion carried unanimously.
MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 7:07 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 8:10 PM. No action was taken as a result of Executive Session.

UNDER City Manager’s report, Mr. Cook provided information to the Council on the progress on various projects. Progress on the Pershing Square Project has improved. Two contractors are now on site; all of the storm sewer has been installed and only in need of finishing touches; the concrete entrance in front of Rudolph’s Tire Service in the 100 Block of W. Grand has been opened and is being utilized by traffic; progress indicates that Lott Street will be open by the end of the week; benches, light poles and other supplies have been delivered including the entrance arch and are ready to be installed. The engineer’s estimate on the square footage of the retaining wall was under estimated. Plans indicated that the retaining wall would be 374 square feet and the actual footage is 840 square feet. City Manager is researching the avenues to correct the problem. The 12-inch water line for the Texas Capital Fund water system project for Eddy Packing Co. has been completed and is being utilized. Road repair and clean up is underway. The ground storage tank contractor is scheduled to be in on August 14th to start that phase of the project. Bids were received for a vertical turbine pump. The low bid was received from Friedel Drilling Company in the amount of $10,900. Park Well #5 is still undergoing tests and is unable to be utilized at this time. The biennial bank depository proposals will be requested this month for the Council’s consideration at the September Council meeting. An application has been submitted for the Water Development Board for the sanitary sewer system. In conclusion, Mr. Cook provide information to the Council regarding the upcoming Annual Golden Crescent Regional Planning Commission meeting to be held in Goliad on August 23rd and the Texas Municipal League Region 11 meeting scheduled for August 24th.

THERE being no further business, the meeting closed at 8:30 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
Calvin Cook ............................................................ City Manager
Theresa A. Bowe ......................................................... City Clerk

ABSENT: Craig E. Carter ................................................. Councilmember
Charles J. Kvinta, Jr. .................................................. City Attorney

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 acknowledged the visitors.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meetings of August 8, 2006 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER Old Business, a public hearing was opened to receive citizen comments on the proposed 2006-2007 City Budget. The City Manager provided information to the Council. No citizen comments were received. Mayor Rodriguez again commended City staff on their efforts in preparing and balancing the budget. The public hearing was closed.

MAYOR Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1904) on second and final reading adopting the 2006-2007 City of Yoakum Budget. Second was made by Councilmember Bowe and motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1905) on second and final reading adopting the 2006 City Tax Rate set at .09354. Motion was seconded by Councilmember McMullen and carried unanimously.

INFORMATION was presented to the Council regarding the revised Manual of Fees and Service charges. Councilmember Bowe made a motion to adopt an ordinance (recorded as No. 1903) on second and final reading adopting a revised Manual of Fees and Service Charges as presented in Exhibit A. Second was made by Councilmember McMullen and motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1901) on second and final reading granting a change in zoning for Jose Luis Gomez from Residential (R-2) to Residential (R-4) on property described as Lots 4 & 5 of Block 1143 in the Leo Tucker Addition (411 Moffitt Street). (Property is owned by George E. Scott.) Motion was seconded by Councilmember Bowe and carried unanimously.
COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1902) on second and final reading granting a specific use permit to operate a nursing home for Yoakum RP, LTD. on property described as 6.030 acres in Abstract 44 of the Pat Ryan League (1300 Carl Ramert Dr.). Mayor Pro-Tem Sitka seconded the motion. Motion carried unanimously.

UNDER New Business, the following recommendations were received from the Planning and Zoning Commission: 1) for the approval of a change in zoning request from Residential (R-3) to Residential (R-4) for Sergio Randy Sanchez; 2) for the approval of a Specific Use Permit for the placing one recreational vehicle; and, 3) for the approval of a change in zoning request from Residential (R-3) to Commercial (C-1) for Layne Brandt (Property in the name of Hairrell-Brandt, Inc.). Mayor Rodriguez opened a public hearing to receive comments on the recommendations from the Planning and Zoning Commission. Mr. and Mrs. Sanchez were present to answer questions and provide information for their request. Walt Hairrell was present and provided the Council with a sketch of the property and the proposed changes. One objection was received from a property owner within the 200-foot radius of the Hairrell-Brandt, Inc. property. There were no comments received from the public on the requests. The recommended changes are in compliance with the Future Land Use Plan. The public hearing closed.

AFTER discussion, Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1906) on first reading granting a change in zoning for Sergio Randy Sanchez from Residential (R-2) to Residential (R-4) on property described as Lots 12-15 of Block 1086 in the Plaza Addition (502 Migr St.). Motion was seconded by Councilmember Bowe and carried unanimously.

MOTION by Councilmember Bowe to adopt an ordinance (recorded as No. 1907) on first reading granting a specific use permit for Sergio Randy Sanchez for the placing of one recreational vehicle on property described as Lots 12-15 of Block 1086 in the Plaza Addition (502 Migr St.). Second was made by Councilmember McMullen and motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as NO. 1908) on first reading granting a change in zoning for Layne Brandt on property described as Lot 3 of Block 1263 in the Blakeman Addition (505 Simpson St.) (Property is owned by Hairrell-Brandt, Inc.). Second was made by Councilmember Bowe. Motion carried unanimously.

A request was received from Jacque Schumaker of DeWitt Poth to close a portion of an alley behind a building her company had recently purchased and is in the process of renovating. The building actually protrudes into the alley and Mrs. Schumaker has agreed to give the City an easement through her property in order to provide access for utilities. Motion was made by Councilmember Bowe to adopt a resolution (recorded as No. 2006-12) closing a part of the alley between Lots 5, 6, and 7, and Lots 11, 12 and 13 (as shown on official City Map as Lots 1, 2 and 3, and Lots 8, 9 and 10) in Block 1077 of the Jakubik Addition. Motion was seconded by Mayor Pro-Tem Sitka and carried unanimously.
DISCUSSION was held on the use of Centennial Park on September 16, 2006 by Huellas de fe (Footprints of Faith) of the St. Joseph Catholic Church. The group determined that the time frame will be too close to have the celebration this year and will plan to have details for next year. Staff was instructed by Council to develop a policy for the use of Centennial Park.

A request was received from Carol Barre and Scarlett O'Neil to utilize the Centennial Park on December 2nd for a Christmas Music Jubilee. Mrs. Barre and Mrs. O'Neil were present to answer questions, and request additional garbage receptacles and electrical outlets. After discussion, Mayor Pro-Tem Sitka made a motion to authorize the use of Centennial Park on December 2nd for a Christmas Music Jubilee. Second was made by Councilmember Bowe. Motion carried unanimously.

COUNCIL reviewed the ballot received for the Texas Municipal League Intergovernmental Risk Pool Board of Trustees. Mayor Pro-Tem Sitka made a motion to authorize the Mayor to sign the certification submitting the City of Yoakum's choices as follows: Place 11 – Greg Ingram, Place 12 – Harold Dominguez, Place 13 – Byron Black, and Place 14 – Pat Norriss. Motion was seconded by Councilmember McMullen and carried unanimously.

MAYOR Pro-Tem Sitka made a motion authorizing the City Manager to enter into an agreement with the Texas Department of Public Safety to access employee driving records in electronic format. Second was made by Councilmember Bowe and motion carried unanimously.

AFTER review of applications for the City depository, Councilmember Bowe made a motion to award the depository contract to Yoakum National Bank for a two-year period. Second was made by Councilmember McMullen and motion carried. Mayor Pro-Tem Sitka abstained from voting.

COUNCILMEMBER Bowe made a motion to authorize the Mayor to enter into an extension of the Management and Concessionaire Agreement for the Yoakum Community Center with the Yoakum Area Chamber of Commerce for a three-year period. Mayor Pro-Tem Sitka seconded the motion. Motion carried unanimously.

MOTION was made by Councilmember Bowe to authorize the charge-off of listed ambulance and utility account receivables as presented. Motion was seconded by Mayor Pro-Tem Sitka and carried unanimously.

UNDER City Manager's report, Mr. Cook provided information to the Council on the progress on various projects. Progress on the Pershing Square Project continues; the contractor plans to have the south side of West Grand primed and seal coated by the end of this week; all concrete work has been completed with the exception of some touch up work; pavers have been installed on most of the project; the light poles have been installed and panels should be installed on those this week; the overhead sign should be installed this week, as well. An email was received from Langford Community Development regarding the HOME Program
status. A set back has occurred regarding the approved homeowners list which will delay construction. The new timeline indicates that the new homes will be built between November and January with a move-in date of February 2007. The 12-inch water line for the Texas Capital Fund water system project for Eddy Packing Co. has received its final inspection and the final pay request has been received. L.L. & F. Construction, the contractor for the ground Storage Tank came in on August 31st and progress has been good. The bid tabulation for the Sewer Main Cleaning Project was presented to the Council. Clean Pipe of Texas was the low bidder. Work on that project began on September 5th and was completed on September 7th. Problems were identified between Irvine and Mathew Streets. City crews will maintain the lines until we determine if we qualify for the Water Development Board funding. The contractor for the 2006 Street Improvement Project brought equipment in on September 11th, plan to begin on September 13th and complete the project by September 15th.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 7:00 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), and to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086). The meeting re-opened to the public at 8:06 PM. Motion was made by Mayor Pro-Tem Sitka to authorize the Mayor to sign the memorandum of understanding with attorneys with the Wholesale Power Alliance in its final form. Second was made by Councilmember Bowe and motion carried unanimously.

THERE being no further business, the meeting closed at 8:07 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

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

PRESENT: Anita R. Rodriguez ........................................Mayor
Elorine Sitka .........................................................Mayor Pro-Tem
Don E. Bowe .........................................................Councilmember
Margie McMullen ..................................................Councilmember
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 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 from the meetings of September 12, 2006 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER Old Business, Robin Sisco with Langford Community Development was present to provide information to the Council regarding the Texas Department of Housing and Community Affairs HOME Program. Substitute homeowners have replaced the original homeowners that chose not to proceed. Bids will be requested once all participating homeowners have qualified.

MOTION was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1906) on second and final reading granting a change in zoning for Sergio Randy Sanchez from Residential (R-2) to Residential (R-4) on property described as Lots 12-15 of Block 1086 in the Plaza Addition (502 Migl St.). Second was made by Councilmember McMullen. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1907) on second and final reading granting a specific use permit for a mobile home park for the placement of one recreational vehicle for Sergio Randy Sanchez on property described as Lots 12-15 of Block 1086 in the Plaza Addition (502 Migl St.). Motion was seconded by Councilmember Bowe and carried unanimously.

MOTION was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1908) on second and final reading granting a change in zoning from Residential (R-3) to Commercial (C-1) for Layne Brandt on property described as Lot 3 of Block 1263 in the Blakeman Addition (505 Simpson St.) (Property is owned by Hairell-Brandt, Inc.) Motion was seconded by Councilmember McMullen and carried unanimously.

UNDER New Business, Mark McLiney with Southwest Securities, Inc. was present to provide information to the Council regarding the procedures for the proposed certificates of obligation for the replacement and improvement of the sanitary sewer system. After discussion,
Councilmember Bowe made a motion to adopt a resolution (recorded as No. 2006-13) authorizing and approving publication of notice of intention to issue certificates of obligation to the Texas Water Development Board and providing an effective date. Second was made by Councilmember Carter and motion carried unanimously.

PAUL Boedecker with TRC Engineers, Inc. was present to provide information to the Council regarding the updated Water Conservation and Drought Contingency Plan that is required by the Texas Water Development Board to be adopted prior to closing on the loan for the improvements to the sanitary sewer system. After discussion, Mayor Pro-Tem Sitka made a motion to approve the Water Conservation and Drought Contingency Plan as presented contingent upon approval from the Texas Water Development Board. Second was made by Councilmember Bowe. Motion carried unanimously.

COUNCIL was presented with a Statement of Intent to Change Tariffs received by the City Manager from Texas Gas Service. The letter provided revisions to the Company's Utility Service Regulations as a pilot program adding two additional options for a limited number of their commercial customers. Texas Gas Service assured City Manager Cook that the pilot programs would not affect the cost of gas to other customers. Council had no objections; action was not necessary.

INFORMATION was received from the State of Texas Division of Emergency Management. Along with the notification of the receipt of a sub-recipient grant for a Homeland Security Grant, the City received an election form regarding the State of Texas' use of the Homeland Security Grant Program funding. After discussion, Mayor Pro-Tem Sitka made a motion authorizing the City Manager to sign the Sub-Recipient Agreement for the Homeland Security Grant Program and the Election form contingent upon final consideration and discussion with the Golden Crescent Regional Planning Commission at a meeting to be held on October 11, 2006.

THE Yoakum Area Chamber of Commerce submitted a request to the Council for the closing of certain streets on November 17, 2006 for the Cowboys on the Grand celebration. Carroll Sharp and Brenda Westmoreland were present to provide information to the Council. After discussion, Councilmember Bowe made a motion to grant the request from the Yoakum Area Chamber of Commerce for the closing of West Grand Avenue from Slayden to Irvine Streets from 5:30 PM until 8:00 PM and on West Grand Avenue from Irvine to Front Streets from 3:30 PM until 10:00 PM on Friday, November 17, 2006.

MOTION was made by Mayor Pro-Tem Sitka to adopt a Temporary Utility Service Policy (recorded as Policy No. 57) as presented. Councilmember Bowe seconded the motion. Motion carried unanimously.

COUNCIL reviewed an ordinance amending the Fiscal Year 2005-2006 Budget Ordinance No. 1876. After all outstanding bills are paid from that fiscal year, additional changes will be presented for final reading. Councilmember Bowe made a motion to adopt an ordinance (recorded as No. 1909) on first reading amending the Fiscal Year 2005-2006 Budget Ordinance No. 1876. Second was made by Councilmember McMullen. Motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to appoint Gail East to fill an unexpired two-year term as a member and appoint Wilbern Hairrell and Steven Fikac for two-year terms as alternate members to the of the Building and Standards Commission. Motion was seconded by Councilmember Bowe and carried unanimously.
CITY Manager Cook provided information to the Council regarding the Yoakum Economic Development Corporation Board or Directors resolution designating certain Board officers as bank signatories. No action was necessary.

MAYOR Pro-Tem Sitka made a motion to approve the 2006 tax roll as certified by the DeWitt County Chief Appraiser. Second was made by Councilmember Bowe and motion carried unanimously.

UNDER City Manager’s report, Mr. Cook provided information to the Council on the Airport Road realignment project. An agreement has been entered into with TRC Engineers, Inc. for the project. The Pershing Square Project is very close to the completion of the major components. Power to the light poles will be installed and signs will be placed soon. The final inspection by the Texas Department of Licensing and Regulations will be scheduled once those items are finished. The YEDC received a recommendation and approved the recognition plaque for the Pershing Square Project. City Manager Cook presented pictures to the Council on the Texas Capital Fund – Water System Project. Steel is in place for the last section of the side wall. The project is slightly ahead of schedule at this time and the quality of work has been good. Council was informed of the 4B Sales Tax Training seminar that will be held in Austin on December 8, 2006 that staff will be attending and that Council is invited to attend. Council was reminded of the appreciation dinner for Jack Hough to be held at the Community Center on October 17, 2006. Councilmembers were reminded that the TML Conference will be held October 25 through 27, 2006 in Austin. Staff received information from LCRA of routine maintenance on power lines that will be performed in October through December in Yoakum.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 7:06 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), and to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086). The meeting re-opened to the public at 7:40 PM.

As a result of the Executive Session, Mayor Pro-Tem Sitka made a motion to award the bid for the Old Landfill Property to Jeff Boswell in the amount of $23,000 and that the funds be placed in the infrastructure account. Second was made by Councilmember Carter and motion carried unanimously.

Also resulting from Executive Session, a motion was made by Mayor Pro-Tem Sitka to authorize the execution of a contract for the purchase of 2.18 acres in the John May League Abstract 34. Second was made by Councilmember McMullen. Motion carried unanimously.

THERE being no further business, the meeting closed at 7:41 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
November 7, 2006
Council Room – 6:15 PM
Public Works Building

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
Theresa A. Bowe ..................................................... City Clerk

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

THE workshop meeting was called to order by Mayor Rodriguez with Police Chief Bill Formolo and Director of Community Services Director Derrick Smith in attendance for review and discussion of parking regulations within the City limits. City Manager Cook provided Council with a proposed ordinance and a map indicating staff’s recommendations.

AFTER review of the information provided, Council instructed staff to include restrictions for all trailers parked on City streets and right-of-ways in the ordinance and also include wording to restrict parking as marked on the north side of the 300 block of West Grand Avenue.

THERE being no further business, the meeting closed at 7:04 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 Councilmember Bowe 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 from the meetings of October 10 and November 7, 2006 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER Old Business, a motion was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1909) on second and final reading amending the Fiscal Year 2005-2006 Budget Ordinance No. 1876. Second was made by Councilmember Bowe. Motion carried unanimously.

UNDER New Business, the following recommendations were received from the Planning and Zoning Commission: 1) for the approval of a change in zoning request from Residential (R-3) to Residential (R-4) for Malcolm Gaus; 2) for the approval of a specific use permit for the placing of one recreational vehicle for Malcolm Gaus; and 3) for the approval of a change in zoning from Residential (R-2) to Residential (R-4) for Gloria Hernandez. Mayor Rodriguez opened a public hearing to receive comments on the recommendations from the Planning and Zoning Commission. Mr. Malcolm Gaus and Mrs. Deloris Gaus were present to answer questions and explain the request. Mr. Gaus wishes to place a recreational vehicle on the property to utilize in order to assist with the care of his mother and assured the Council that once the need for the recreational vehicle had passed, he would make a request to revert the property back to an R-3 zoning. Ms. Gloria Hernandez was present to provide information on her request. Mayor Rodriguez translated for Ms. Hernandez. There were no comments received from the public on the requests. The recommended changes are in compliance with the Future Land Use Plan. After discussion, the public hearing closed.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1910) on first reading granting a change in zoning for Malcolm Gaus from Residential (R-3) to Residential (R-4) on property described as Lots 7-10 of Block 2 (NCB 1278) in the Yoakum Improvement Company’s Addition (Edgar St.) Motion was seconded by Councilmember Carter and carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1911) on first reading granting a specific use permit for Malcolm Gaus for a mobile home park for the placement of one recreational vehicle on property described as Lots 7-10 of Block 2 (NCB 1278) in the Yoakum Improvement Company’s Addition (Edgar St.) Motion was seconded by Councilmember McMullen and carried unanimously.
MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1912) on first reading granting a change in zoning for Gloria Hernandez on property described as Lot 6 of Block 14 in the Tucker Addition (911 Mathew St.). (The property is owned by Evello Diaz and David Torres.) Second was made by Councilmember Carter. Motion carried unanimously.

RYAN Cunningham with Southwest Securities was introduced to provide information to the Council on the steps that would need to be taken in order to proceed with the issuances of bonds through the Texas Water Development Board. After review of the City’s options, it was recommended that the City utilize only five (5) million dollars of the seven million five hundred thousand that the City of Yoakum had been approved for. After discussion, Mayor Pro-Tem Sitka made a motion to adopt and approve an ordinance (recorded as No. 1913) authorizing the issuance of “City of Yoakum, Texas Combination Tax and Subordinate Lien Revenue Certificates of Obligation, Series 2006”; provide for the payment of said certificates, by the levy of an ad valorem tax upon all taxable property within the City and further securing said certificates by a subordinate and inferior lien on and pledge of the net revenues of the system; providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates, including the approval of an application to the Texas Water Development Board; authorizing the execution of a paying agent/registrar agreement, an escrow agreement, and the letter of representations with the depository trust company; complying with the regulations promulgated by the Texas Water Development Board; and providing an effective date of November 14, 2006. Second was made by Councilmember Bowe and motion carried unanimously.

ECONOMIC/Community Development Coordinator Patrick Kennedy was present to provide information to the Council regarding the Texas Yes! Hometown STARS Program which could provide for 50% reimbursement for advertisement expenses for the Land of Leather Festival scheduled for February 2007. The maximum amount for reimbursement is $10,000. The City would be applying for the grant on behalf of the Yoakum Area Chamber of Commerce. After discussion, Mayor Pro-Tem Sitka made a motion to adopt a resolution (recorded as No. 2006-14) authorizing the City Manager to act on behalf of the City on all matters relating to the Texas Yes! Hometown STARS Program application. Second was made by Councilmember Carter. Motion carried unanimously.

MR. Kennedy also provided information to the Council regarding the Fighting Obesity Program being sponsored by Game Time Playground Equipment Company. Funds from a donation received from Mrs. Charlotte Kuester would be utilized for the purchase of additional equipment for placement near the Little League Baseball Fields and the newly built pavilion. After review of several playscape options and flooring options, a motion was made by Mayor Pro-Tem Sitka to authorize the City Manager to purchase additional playground equipment from Miracle Recreation Equipment Company of San Antonio, Texas in an amount not to exceed $19,000. Motion was seconded by Councilmember McMullen and carried unanimously.

MOTION was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1914) on first reading providing that two blocks of West Grand Avenue be designated as a one-way street for vehicular traffic. Second was made by Councilmember Carter. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1915) on first reading establishing parking regulations. Motion was seconded by Councilmember Bowe and carried unanimously.

DISCUSSION was held on the possibility of placing a "No Smoking Ordinance" on the May 2007 ballot. Councilmember Carter requested that the Council present an ordinance to the voters prohibiting smoking in all public buildings. Mayor Pro-Tem Sitka and Councilmember Bowe stated that they would prefer that the decision to restrict smoking in a public building be left up to the business or building owner and that citizens have the right of initiative to present a petition to the Council requesting an ordinance be placed on a ballot; the Council would consider action if such a petition was presented.
Citizen comments were heard. Councilmember Carter made a motion to place a No Smoking Ordinance on the May 12, 2007 ballot. Motion died for lack of a second. Further discussion was held; Councilmember Carter made the motion once more to place a No Smoking Ordinance on the May 12, 2007 ballot. Motion died for lack of a second.

UNDER City Manager’s report, Mr. Cook provided information to the Council on the Airport Road realignment project. Bid specifications will be going out and the bid opening will be held on December 7, 2006 at 2:00 PM. The recognition plaques for the Pershing Square Project have been delivered and will be installed; another walk-through inspection has been scheduled followed by an inspection by the Texas Department of Licensing and Regulations. A ribbon cutting ceremony has been planned for November 17th at 3:30 PM at the intersection of West Grand Avenue and Irvine Street. An update was provided on the Texas Capital Fund Water System Project. Bids for the 2006/2007 Brush Grinding Project were opened on November 13th. Two bids were received: Eggemeyer Land Clearing, LLC of Yoakum, Texas in the amount of $17,962.50 and Austin Wood Recycling of Cedar Park, Texas in the amount of $19,418.00. Eggemeyer Land Clearing, LLC being the low bidder, was awarded the project and will begin on November 18th. The City received proposals on the two major distribution feeder line power poles and the replacement of one air switch which were included in the Electric Department budget for capital improvements. Two bids were received: Proline Electric of Edna, Texas in the amount of $15,000 and SenderoPower Line Construction, Inc. of Victoria, Texas in the amount of $21,500. The contract was awarded to the low bidder, Proline Electric. Demolition and construction bids will be opened for the HOME Program on November 30th. Results from the bid openings will be provided to the Council at the December meeting. The Texas Department of Transportation will host an information sharing meeting on December 11th from 9:00 AM to 2:00 PM at the Yoakum Community Center to provide an overview of the TxDOT departments; Council is invited to attend. The Centennial Park Christmas Lighting Program will begin at 5:30 PM on November 17th.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 7:25 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086) and to deliberate the appointment, employment, evaluation, etc. of the Economic/Community Development Coordinator (V.T.C.A. Gov. Code, Sec. 551.074). The meeting reopened to the public at 8:12 PM.

As a result of the Executive Session, Mayor Pro-Tem Sitka made a motion to authorize the City Manager to submit the LCRA Price Select for 2007 using the option recommended by LCRA. Second was made by Councilmember Bowe and motion carried unanimously. No action was taken on the other Executive Session items.

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
December 12, 2006
Council Room – 6:00 PM
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
          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.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meeting of November
14, 2006 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER Old Business, a motion was made by Mayor Pro-Tem Sitka to adopt an ordinance
(recorded as No. 1910) on second and final reading granting a change in zoning for Malcolm Gaus from
Residential (R-3) to Residential (R-4) on property described as Lots 7-10 of Block 2 (NCB 1278) in the
Yoakum Improvement Company’s Addition (Edgar St.). Second was made by Councilmember Bowe.
Motion carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1911) on
second and final reading granting a specific use permit for Malcolm Gaus for a mobile home park for
the placement of one recreational vehicle on property described as Lots 7-10 of Block 2 (NCB 1278) in the
Yoakum Improvement Company’s Addition (Edgar St.) Motion was seconded by Mayor Pro-Tem
Sitka and carried unanimously.

A motion was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1912) on
second and final reading granting a change in zoning for Gloria Hernandez on property described as
Lot 6 of Block 14 in the Tucker Addition (911 Mathew St.). (The property is owned by Evelio Diaz and
David Torres.) Second was made by Councilmember Bowe. Motion carried unanimously.

MOTION was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1914) on
second and final reading providing that two blocks of West Grand Avenue be designated as a one-way
street for vehicular traffic. Second was made by Councilmember McMullen. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1915) on
second and final reading establishing parking regulations. Motion was seconded by Councilmember
Bowe and carried unanimously.

UNDER New Business, the following recommendation was received from the Planning and
Zoning Commission: 1) for the approval of a change in zoning request from Residential (R-3) to
Residential (R-4) for Angeline Dorsey on property described as Lots 7, 8, 19, and 20 of Block 22 in the
Plaza Addition (Boyle St.). Mayor Rodriguez opened a public hearing to receive comments on the
recommendation from the Planning and Zoning Commission. Council was presented with the
documentation from the Planning and Zoning Commission, letters to the property owners, and a map indicating the area subject to the request. The property owner was not present. There were no comments received from the public on the request. The recommended change is in compliance with the Future Land Use Plan. After discussion, the public hearing closed.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1916) on first reading granting a change in zoning for Angeline Dorsey from Residential (R-3) to Residential (R-4) on property described as Lots 7, 8, 19, and 20 of Block 22 in the Plaza Addition (Boyle St.). Motion was seconded by Councilmember Bowe and carried unanimously.

BIDS were reviewed for the Airport Road Realignment Project. Bids for the project were opened on December 7, 2006. City Manager Cook provided Council with a letter of recommendation from TRC Engineers, Inc., a bid tabulation sheet, and the specifications for the road construction. The bids were much higher than estimated and budgeted for. TRC Engineers and City staff recommended rejecting all bids and re-bidding the project with modified specifications. Councilmember Bowe made a motion to reject all bids and authorize the City Manager to re-bid the project with revised specifications. Second was made by Councilmember McMullen and motion carried unanimously. The bid opening date was set for January 12, 2007.

ROBIN Sisco with Langford Community Development was present to provide a report to the Council on bids received for the construction of homes in conjunction with the Texas Department of Housing and Community Affairs 2005 HOME Program. J. W. Turner Construction provided the low bid. Langford Community Development awarded the bid as part of their administrative contract. Pre-construction conferences are planned for January 2007. Economic/Community Development Coordinator Patrick J. Kennedy thanked the Council for their commitment to this program.

BIDS were received for the demolition of homes in conjunction with the Texas Department of Housing and Community Affairs 2005 HOME Program. Bids were opened on November 30, 2006 and the low bid was submitted by Charles Hall of Yoakum, Texas. After discussion, a motion was made by Councilmember Bowe to award the bid for the demolition of the homes included in this program to Charles Hall in the amount of $13,050. Motion was seconded by Councilmember McMullen and carried unanimously.

INFORMATION was provided to the Council regarding the reduction in funding for Texas parks. After discussion was concluded, Mayor Pro-Tem Sitka made a motion to adopt a resolution (recorded as No. 2006-15) requesting the 80th Legislative Session to increase funding for the Texas Recreation and Parks Account Local Park Grant Program. Second was made by Councilmember Bowe and motion carried unanimously.

CITY Manager Cook provided information to the Council regarding the bids for the rehabilitation of an aerial unit for the Electric Department. A new aerial unit had been planned for in the 2006-2007 budget; however, it was determined that if the aerial unit could be rehabilitated to last another seven years, the City could purchase a truck and aerial unit as a complete package when needed. After review of staff recommendations, Mayor Pro-Tem Sitka made a motion to award the bid for the rehabilitation of the aerial unit for the Electric Department to Terex Utilities South of San Antonio, Texas based on the unit prices listed in their proposal dated December 1, 2006. Second was made by Councilmember Carter. Motion carried unanimously.

AT Council’s request, City staff developed a policy to regulate the use of Centennial Park. After review of the policy, motion was made by Mayor Pro-Tem Sitka to adopt a policy (recorded as Policy No. 58) regulating the use of the Centennial Park as presented. Motion was seconded by Councilmember Bowe and carried unanimously.
MOTION was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1917) on first reading amending the Manual of Fees and Service Charges specifically IV., Parks/Recreation Policies & Fees of the General Section. Councilmember McMullen seconded the motion. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to appoint Marlin Kuenstler to the Yoakum Oak Grove Cemetery Association Board of Directors to replace Mrs. Elsie Hoffman who had declined re-appointment. Second was made by Councilmember Bowe and motion carried unanimously.

COUNCILMEMBER Bowe made a motion to proclaim January as School Board Recognition Month. Motion was seconded by Councilmember McMullen and carried unanimously.

UNDER City Manager’s report, Mr. Cook provided information to the Council on the Pershing Square Downtown Revitalization Project. An inspector from the Texas Department of Licensing and Regulations (TDLR) arrived on November 30th to inspect the Project. The inspector identified four (4) minor non-compliance issues that are being addressed. Once all of the items have been corrected, City staff will respond in writing to the TDLR inspector who will in turn approve the Project. Minor lighting issues are also being addressed. Damage was sustained to the pavers at West Grand Avenue and Lott Street from the wheels of a large truck attempting to navigate the corner. A bid has been requested from the contractor to determine the amount of damage. The final payment request has been submitted to TxDOT. An update was provided on the Texas Capital Fund Water System Project. Pictures were provided indicating the progress. The roof has been poured and the contractor began removing the forms ten (10) days after the pour. Completion of the entire project is scheduled for mid-January. Mr. Cook informed the Council that the Safe, Accountable, Flexible and Efficient Transportation Equity Act – a Legacy for Users Highway Program (SAFETEA-LU) has been discontinued and therefore, funds are no longer available for Phase II of the Downtown Revitalization Project through the State. Council was informed of the award of bids for one (1) ¾ ton cab and chassis for the Water Department and one (1) new 2007 4-door full size rear wheel drive automobile with police package for the Police Department. HGAC/Philpott Motors of Nederland, Texas was the only bidder for the ¾ ton cab and chassis in the amount of $18,740.99 after trade-in. Wendel Motor Company of Yoakum, Texas was awarded the bid for the 2007 police package in the amount of $19,932.00 after trade-in. Council was informed that the Annual Street Sweeping Project should be complete before the Christmas holidays. The closing for the Certificates of Obligation was held on Thursday, December 4th and the five million dollars will be held in Wells Fargo Bank in Austin, Texas per the requirements of the Texas Water Development Board program.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 7:00 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086) and to deliberate regarding economic development negotiations (V.T.C.A. Gov. Code, Sec. 551.087). The meeting re-opened to the public at 7:36 PM. No action was taken as a result of Executive Session.

THERE being no further business, the meeting closed at 7:36 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk