January 9, 2007
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 Mayor Pro-Tem Sitka 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 December 12, 2006 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER Old Business, a motion was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1916) on second and final 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.) Second was made by Councilmember McMullen. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1917) on second and final reading amending the Manual of Fees and Service Charges specifically IV., Parks/Recreation Policies & Fees of the General Section. Motion was seconded by Councilmember Carter and carried unanimously.

UNDER New Business, information was reviewed and discussion was held regarding a request for permission to perform seismic surveys within the corporate city limits from Talon Development Corporation. Ricky Driskoll and Jimmy Rice with Talon Development Corporation along with Greg Brannon from Geophysical Explorer Services were present to submit the request, provide information and answer questions. Talon Development Corporation has agreed to hold the City harmless for any damage that may occur during the survey and property owned by citizens not wishing to participate in the program will not be crossed. After further discussion, Mayor Pro-Tem Sitka made a motion to approve the request from Talon Development Corporation to perform seismic surveys within the City of Yoakum and on City property contingent upon final negotiations and contract approval by the City Manager and City Attorney. Second was made by Councilmember Carter. Motion carried unanimously.

DISCUSSION was held regarding the engineering design contract for the sewer replacement project. The City Attorney has reviewed the contract submitted by TRC Engineers, Inc. and approved it as to legal. City staff will be responsible for the telephone surveys,
constructing staking, inspection, and contacting citizens regarding this project. A map was presented indicating the areas to be replaced. Two areas will require obtaining easements. Motion was made by Mayor Pro-Tem Sitka to authorizing the City Manager to execute a contract for the engineering design of the sewer replacement project. Second was made by Councilmember Bowe and motion carried unanimously.

THE contract for the Texas Department of Agriculture for Texas Yes! Hometown STARS Program funding was not available for review prior to the Council meeting. After discussion, Mayor Pro-Tem Sitka made a motion authorizing the Mayor to execute a contract with the Texas Department of Agriculture for Texas Yes! Hometown STAR Program funding in support of the Yoakum Area Chamber of Commerce contingent upon final review and approval by the City Manager and City Attorney. Motion was seconded by Councilmember Bowe and carried unanimously.

UNDER City Manager’s report, Mr. Cook provided information to the Council on the Pershing Square Downtown Revitalization Project. City Staff performed a walk-through inspection on December 19, 2006. Items found to be out of compliance in the initial inspection have been addressed. The handrail will be installed next week and the letter will be sent to the Texas Department of Licensing and Regulations (TDLR) informing them of the corrections and requesting final approval. The company responsible for the damage to the pavers on West Grand Avenue and Lott Street has hired a contractor to repair the pavers damaged by one of their vehicles. The final pay request will be considered after consultation with the Engineers on the project and once HC Construction files the affidavit stating that all sub-contractors have been paid. City Manager Cook also provided information and photographs on the Texas Department of Agriculture’s Texas Capital Fund for Eddy Packing Co., Inc. Infrastructure Program. Completion of this project has been delayed; however, construction is still ahead of schedule. Completion is now scheduled for the end of January, 2007. Revised specifications for the Airport Road re-alignment project were sent out and bids are scheduled to be opened on January 12, 2007. Council was reminded of the Special Council meeting scheduled for January 16, 2007 at 5:15 PM to consider bids received on the Airport Re-alignment Project. Bids will be opened on January 12, 2007. Council was invited to the annual Guadalupe Valley Water Association meeting hosted by the City of Yoakum to be held on January 18, 2007 at the Yoakum Community Center. An update on the cost for the Partnerships In Parks Program was distributed to the Council. The project is under budget at this time. The next items on the list of priorities are the sand volleyball courts, then the walking trail. City staff developed a new Parks Community Survey that will be distributed through bank statements (as agreed to by the local banks), via the YoakumUSA website and other sources as necessary. The 2005 HOME Program pre-construction conference has been scheduled to begin at 9:30 AM on January 10, 2007. The City Manager informed Council of negotiations with CodeRed Emergency Response System; a company that has provided a proposal for a first call emergency notification system that is less expensive than the company that we had originally decided to contract with. CodeRed has entered into a contract with the Texas Municipal League to provide their services for TML members. Council was also made aware of a notice from Time Warner Cable informing their customers of a price increase.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:52 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 7:19 PM. The following actions resulted from the Executive Session: 1) Motion was made by Mayor Pro-Tem Sitka to accept a bid from Tommy Barre for the purchase of the Old Landfill
Property. Second was made by Councilmember Bowe. Motion carried unanimously. 2) Mayor Pro-Tem Sitka moved that the non-fuel credit from the City's wholesale power supplier be designated to the infrastructure reserve account and the cost associated with wholesale electric contract discussions. Councilmember Carter seconded the motion. Motion carried unanimously.

THERE being no further business, the meeting closed at 7:20 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

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

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

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

THE meeting was called to order by Mayor Rodriguez for the purpose of receiving and reviewing bids and engineer recommendations for the realignment of Airport Road Project and take any necessary action. Due to inclement weather, Paul Boedecker, P.E. with TRC Engineers, Inc., the engineer on the project, was unable to attend the meeting. Mr. Boedecker submitted a recommendation to award the bid to Garner Paving and Construction, LTD based on their price for Proposal I in the amount of $236,447. City staff concurred with the engineer's recommendation.

AFTER review and discussion of the submitted proposals, a motion was made by Mayor Pro-Tem Sitka to award the bid for the Realignment of Airport Road Project to Garner Paving and Construction, LTD of Angleton, Texas. Second was made by Councilmember Bowe and motion carried unanimously.

THERE being no further business, the meeting closed at 5:18 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
Craig E. Carter .................................... Councilmember
Charles J. Kvinta, Jr. ............................. City Attorney
Calvin Cook ........................................ City Manager
Theresa A. Bowe ..................................... City Clerk

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

MAYOR Rodriguez called the City Council meeting to order and Councilmember Carter gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Visitors were acknowledged. A joint proclamation was presented by the City Council and the Housing Authority of the City of Yoakum to the families of Elwood Gaus and Ralph Rodriguez recognizing the tremendous commitment and service both men made during their lifetime to the Yoakum community. Mayor Rodriguez and Mr. Jack Turner, Chairperson of the Housing Authority of the City of Yoakum, expressed their appreciation and admiration to the gentlemen and their families.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meetings of January 9 and January 16, 2007 as presented. Second was made by Mayor Pro-Tem Sitka. Motion carried unanimously.

UNDER New Business, Mayor Pro-Tem Sitka made a motion to approve a request from the Yoakum Area Chamber of Commerce for the closing of certain streets for the Land of Leather Festival and for the use of certain City property as requested. Councilmember Carter seconded the motion; motion carried unanimously.

FIRE Chief Phil Baker was present to provide information on a Hazardous Material Trailer offered to the City by the City of Hallettsville. The Hallettsville Police Department had received the HazMat Trailer as part of a Homeland Security Grant several years ago and had not utilized it. The Trailer was provided for viewing prior to the meeting. After review and discussion of the responsibilities that accepting the Trailer would entail; Mayor Pro-Tem Sitka made a motion to accept the Hazardous Material Trailer on permanent loan from the City of Hallettsville. The motion was seconded by Councilmember Bowe and carried unanimously.

POLICE Chief Bill Formolo was present to provide information on impounded vehicles and bicycles. Included in the list of items to be sold were 21 vehicles, 32 bicycles, and a surplus shop built trailer. After discussion, Councilmember Bowe made a motion to authorize the City Manager to sell unclaimed impounded vehicles and bicycles, and surplus City equipment. Mayor Pro-Tem Sitka seconded the motion; motion carried unanimously.

BIDS for a backhoe for the Sewer Department were reviewed. After receiving recommendations from City staff, Mayor Pro-Tem Sitka made a motion to award the bid to Equipment Support Services of Houston, Texas in the amount of $47,221.70 after trade-in allowance. Second was made by Councilmember Bowe and motion carried unanimously.
BIDS for a recycling baler for the Solid Waste Department were reviewed and City staff provided Council with recommendations. After discussion, Councilmember Bowe made a motion to award the bid to Recycling and Waste Reduction of Fort Worth, Texas in the amount of $56,821.00. Councilmember Carter seconded the motion. Motion carried unanimously.

DISCUSSION was held regarding required survey work necessary for the Sanitary Sewer Replacement Project. Councilmember Bowe made a motion authorizing the City Manager to enter into an agreement with Thomas Barre Surveyors to perform the survey and topographic work on the Sanitary Sewer Rehabilitation Project. Motion was seconded by Mayor Pro-Tem Sitka and carried unanimously.

FURTHER options were discussed on the problem with Park Well #5. City staff suggested that the City attempt an additional treatment process of Carbon Dioxide and lease the recommended equipment in order to be sure that the new equipment will work sufficiently before purchasing. After review of options and cost analysis presented by City staff, Mayor Pro-Tem Sitka made a motion authorizing the City Manager to enter into a lease agreement for water treatment equipment as recommended. Second was made by Councilmember Bowe and motion carried unanimously.

IN late January, the Lower Colorado River Authority (LCRA) performed a maintenance review of the breakers at their substations and determined that the City has several breakers still in service that parts are no longer available for. After review of all options, Mayor Pro-Tem Sitka made a motion approving the use of Substation Reserve Funds to purchase up to two (2) circuit breakers for the LCRA Substation. Councilmember Carter seconded the motion. Motion carried unanimously.

THE City Clerk presented to the Council certified results of a petition presented by citizens of Yoakum for placement of an Initiative Ordinance prohibiting smoking in public buildings on the May 12, 2007 election ballot. The petition had 358 qualified voter signatures. The number of qualified registered voters in Yoakum is currently 2,786 (DeWitt County – 948/Lavaca County – 1,838). The number of qualified signatures represents 12.8% of the registered qualified voters. Signatures from ten (10%) percent of the qualified voters were required.

THE following three Charter provided options were considered by the Council: (1) Pass the initiated ordinance (first reading) without amendment within 30 days after the date certified; (2) Adopt a resolution calling an election to submit the initiated ordinance without amendment to the voters at the May 12th election, or (3) submit to the voters on May 12th the initiated ordinance without amendment and an alternative ordinance proposed by the City Council. Mayor Pro-Tem Sitka made a motion to submit the initiated ordinance without amendment to the voters at the May 12th election. Second was made by Councilmember Carter. Motion carried with Councilmember Bowe voting nay.

MAYOR Pro-Tem Sitka made a motion adopting a resolution (recorded as No. 2007-01) establishing the procedures and appointing election officials for the City's General Election to be held May 12, 2007. Second was made by Councilmember Bowe. Motion carried unanimously.

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

NEGOTIATIONS had been entered into between the City, the Yoakum Independent School District and the Yoakum Hospital District to maintain a joint election agreement for
upcoming elections. After review and recommendation by City staff, Mayor Pro-Tem Sitka made a motion authorizing the City Manager to enter into a joint election agreement with the Yoakum Independent School District and the Yoakum Hospital District as presented. Second was made by Councilmember Bowe and motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to proclaim the week of March 5th through March 9th as "Texas Public Schools Week". Councilmember Bowe seconded the motion. Motion carried unanimously.

COUNCILMEMBER Bowe made a motion to appoint Faustino Rodriguez to fill the un-expired term for the Yoakum Housing Authority Board of Commissioners. Second was made by Mayor Pro-Tem Sitka; motion carried unanimously.

A request was received from the Texas Municipal League Intergovernmental Employee Benefit Pool to revise Resolution No. 98-12 which provides continuation of health coverage for City retirees. After review of the provided information, Councilmember Bowe made a motion to adopt an ordinance (recorded as No. 1918) on first reading revising retiree benefits through the Texas Municipal League Intergovernmental Benefits Pool. 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 Pershing Square Downtown Revitalization Project. An affidavit certifying that all bills have been paid was received from the Contractor on this project. The final pay request has been sent to the Texas Department of Transportation for the 5% retainage. The project will be closed out contingent upon certification from the Texas Department of Licensing and Regulations. The Texas Capital Fund – Water System Project is in the final stages. A final inspection was held on February 13th and a punch list has been created for items not completed at this time. A monitoring visit is scheduled for the State to come to Yoakum to review the project and all documentation. A close-out public hearing is scheduled for March 13th at 5:45 PM. The volleyball courts will be completed in the next few weeks as a part of the Partnerships In Parks Program. Once the volleyball courts are complete, preparation will begin for the walking trail. A pre-construction meeting is scheduled for March 13th on the Airport Road Re-Alignment Project.

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 consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 7:18 PM. No action resulted from Executive Session.

THERE being no further business, the meeting closed at 7:19 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
March 13, 2007
Council Room – 6:00 PM
Public Works Building

REGULAR MEETING OF THE CITY COUNCIL

PRESENT: Anita R. Rodriguez ........................................ Mayor
Eilorine 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 gave 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 February 13, 2007 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER Old Business, Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1918) on second and final reading revising retiree benefits through the Texas Municipal League Intergovernmental Benefits Pool. Motion was seconded by Councilmember Bowe and carried unanimously.

UNDER New Business, Steve Van Mannen with Harrison, Waldrop & Uherek, L.L.P. was present to provide the audit report for Fiscal Year ending September 30, 2006 and a letter of assurance from the firm asserting that the information contained in the audit report is accurate. After review of the document, Councilmember Bowe made a motion to approve the audit for Fiscal Year ending September 30, 2006 as presented. Councilmember McMullen seconded the motion. Motion 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. Mayor Pro-Tem Sitka made a motion to appoint Harrison, Waldrop & Uherek, L.L.P. to audit City financial records for fiscal year ending September 30, 2007 and to authorize the City Manager to enter into a Letter of Understanding with the firm. The motion was seconded by Councilmember Carter and carried unanimously.

PROPERTY owners adjacent to the alley in Block 1117 of the A. May Addition presented a petition to close the alley. City Staff determined that the alley is free of any utilities. After review of the closure request, Councilmember Bowe made a motion to adopt a resolution (Recorded as No. 2007-02) closing the alley in Block 1117 of the A. May. Addition. Second was made by Councilmember McMullen. Motion carried unanimously.

DISCUSSION was held on the Chisholm Trail Topiary Park. Significant damage to the topiaries was contributed to age and weather. Staff contacted the company that built the topiaries, River Oaks Plant House of Houston, Texas, to discuss the problems. After reviewing the options and recommendations, Mayor Pro-Tem Sitka made a motion to authorize the City Manager to deliver one Steer Topiary to Houston for an estimate on repair and possible upgrade of material from River Oaks Plant House. Second was made by Councilmember Carter and motion carried unanimously.

COUNCIL reviewed a recommendation by City staff to request bids for an emergency generator and related equipment for the Emergency Operation Center that will be located in the new City Hall at 808...
South US Hwy 77A. After discussion, Mayor Pro-Tem Sitka made a motion authorizing the City Manager to request bids for an emergency generator and related equipment for the Emergency Operation Center. Motion was seconded by Councilmember Bowe and carried unanimously.

COUNCILMEMBER Bowe made a motion to proclaim the month of April as Fair Housing Month. Motion was seconded by Councilmember McMullen and carried unanimously.

UNDER City Manager's report, City Manager Cook provided the Council with results of the Street Material Bid opening. Prices continue to increase from year to year; bids were awarded to the low bidders in each category contingent upon receiving the signed Letters of Agreement from each contractor. City Manager Cook provided information on the Texas Department of Agriculture's Texas Capital Fund for Eddy Packing Co., Inc. Infrastructure Program. Final inspection on this project was held on February 13th. The Contractor has one final item to complete. An auditor from the Texas Department of Agriculture inspected in-house files and the facility. A close-out public hearing was held prior to the Council meeting at 5:45 PM to provide the public and the Council an opportunity to express any opinions or concerns regarding the project. Pictures of the project were presented for Council's review. The volleyball courts have been completed in the next few weeks as a part of the Partnerships In Parks Program. The volleyball courts are complete, material for the walking trail is ready for pickup; vents will be installed in the restrooms, and the large pavilion requires a grease trap and utilities to be installed. Upgrading of the restrooms around the baseball fields and pool is being considered. Staff is in the process of updating the Master Parks Plan for future consideration by the Economic Development Board and City Council. Four homes have been demolished in correlation with the HOME 2005 Program. Foundation work has begun and move in is planned for July 2007. A bid tabulation from the abandoned vehicle and surplus equipment sale authorized by Council at their February meeting was provided for the Council's review. Irvin Janak with the Texas Municipal League conducted a driving safety course for 28 Public Works Employees on February 22nd at the Harry O. Gibson Center. Mr. Cook provided the Council with a letter from Mr. Janak expressing his appreciation for the professionalism and participation exhibited by the attendees. Pictures were provided indicating the start of construction on the Airport Road Re-Alignment Project that began on March 5th. The CO₂ equipment has been installed on Park Well No. 5 and seems to be working well. Preliminary tests have been successful and with the anticipated arrival of one additional part to monitor the amount of CO₂ being distributed, staff will be able to determine the actual cost of operation. As an additional item, City Manager Cook provided Council with an email he received from Paul Ebner, President of the Yoakum Golf Association, congratulating the Parks & Recreation staff for having the Yoakum Municipal Golf Course ranked among the top 15 9-hole courses in the State of Texas by the Dallas Morning News.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 7:05 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071), and to deliberate regarding economic development negotiations (V.T.C.A., Gov. Code, Sec. 551.087). The meeting re-opened to the public at 8:00 PM. No action resulted from Executive Session.

THERE being no further business, the meeting closed at 8:00 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
         Eloise 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 gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Visitors were welcomed.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meeting of March 13, 2007 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER New Business, the following recommendation was received from the Planning and Zoning Commission: for the approval of a change in zoning request from Residential (R-3) to Residential (R-4) for Gilbert and Della Laredo on property described as Lot 3 of Block 1070 in the Yoakum Townsite Addition (305 E. Schleicher 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. 1919) on first reading granting a change in zoning from Residential (R-3) to Residential (R-4) for Gilbert and Della Laredo on property described as Lot 3 of Block 1070 in the Yoakum Townsite Addition (305 E. Schleicher St.). Second was made by Councilmember Carter; motion carried unanimously.

COUNCIL considered a request from Alan Smith for the abandonment of an easement. Mr. and Mrs. Smith were present to discuss the request. Staff provided a sketch showing the unused easement and the 6" sewer line that is in place. All companies that utilize City easements were contacted to insure that the easement was not being used and would not need to be used in the future. Questions received from J.C. Hermes were addressed by City Manager Cook. Mayor Pro-Tem Sitka made a motion to adopt a resolution (recorded as No. 2007-03) abandoning an easement in property described as 2.213 acres in the Sandel Addition contingent upon the property owners providing an easement for the existing 6" sewer line and agreeing to refrain from building within the closed easement.

MAYOR Rodriguez moved to Item M. to provide a convenience for J.C. Hermes, Chairperson of the Temporary Advisory Board for the proposed county-wide Ground Water Conservation District in Lavaca County. The proposed bill that would create the new Conservation District will implement a $.05 tax levy; however, a proposed tax levy of less than $.02 may be implemented instead. Mr. Hermes asked that the Council consider providing a letter of support for the Groundwater District in order to protect the valuable water resources in Lavaca County. After discussion, Councilmember Bowe made a motion to adopt a resolution (recorded as No. 2007-04) supporting the creation of a county-wide Groundwater Conservation District in Lavaca County. Mayor Pro-Tem Sitka seconded the motion; motion carried unanimously.
PROPERTY owners adjacent to the alley between Lots 11-18 and Lots 19-24 in Block 7 (NCB 1112) of the M. A. May Addition presented a petition to close the alley with the exception of one property owner who was unable to be contacted. City Staff determined that the alley is free of any utilities; however, shortly before this meeting, the City received information that one of the Lots had been sold and the new owner has not been contacted. With two property owners adjacent to the alley that have not been contacted, staff recommended that the request be tabled at this time until the new property owner has been contacted. Council tabled the request to a later meeting.

INFORMATION regarding the Yoakum Area Chamber of Commerce’s request to include a fee for the use of the marquee in front of the Community Center was reviewed. Chamber representatives requested that a fee of $25.00 for a three (3) day display be implemented. After discussion, Councilmember Bowe made a motion to adopt an ordinance (recorded as No. 1920) on first reading amending the General Section of the Manual of Fees and Service Charges specifically Subsection II. Yoakum Community Center Rates and Fees. Motion was seconded by Councilmember McMullen and carried unanimously.

REVIEW of the streets recommended for inclusion in the 2007 Street Improvement Project was held. Motion was made by Mayor Pro-Tem Sitka to approve the 2007 Street Improvement Project list, which consists of 78,565 square yards of city street repair, and authorize the City Manager to advertise for bids. The motion was seconded by Councilmember Carter and carried unanimously.

MAYOR Pro-Tem Sitka made a motion to adopt on ordinance (recorded as No. 1921) on first reading amending the Yoakum Code of Ordinances as it pertains to Chapter 22, Article II, Industrial Sewer Use (referred to as the Industrial Waste Ordinance). Councilmember Bowe seconded the motion; motion carried unanimously.

DISCUSSION was held on the municipal telecommunications right-of-way access line rates. Council was informed that a rate increase could be implemented to allow for additional funding for right-of-way maintenance as recommended by the Public Utility Commission. If Council wishes to decline the PUC’s rate increase, they would instruct the City Manager to send a letter to the PUC informing them of the City’s decision. Should the Council wish to accept the inflation rate increase, no action is necessary. Council instructed Mr. Cook not to respond to the PUC and to allow the inflation rate to increase.

STAFF provided Council with a proposed updated Official Zoning Map for review. After discussion, Councilmember Bowe made a motion to adopt a resolution (recorded as No. 2007-05) adopting a new Official Zoning Map as presented, which shall supersede the prior Official Zoning Map. Motion was seconded by Councilmember McMullen and carried unanimously.

AFTER review of submitted bids, Mayor Pro-Tem Sitka made a motion to award the bid for an emergency generator and related equipment for the Emergency Operations Center to the low bidder, Holt Cat Power Systems of San Antonio, Texas in the amount of $25,448. Motion was seconded by Councilmember Carter and carried unanimously. City Manager Cook informed Council that the bid for installation of the equipment will be awarded to the low bidder, Mikulenko Electric of Yoakum, Texas in the amount of $2,270.

LEASED equipment for Park Well #5 was successful in removing the Hydrogen Dioxide from the water. Staff will continue testing to determine a cost effective dosage that will make the water potable. Councilmember Bowe made a motion to authorize the City Manager to request bids for treatment equipment for the treatment of Park Well #5. Second was made by Mayor Pro-Tem Sitka; motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to appoint Paula Houston and Jack Turner as Commissioners for two-year terms and Gerline Ellis as Resident Commissioner for a one-year term to the Housing Authority of the City of Yoakum Board of Commissioners. Motion was seconded by Councilmember Carter and carried unanimously.
COUNCILMEMBER McMullen made a motion to appoint Mayor Pro-Tem Sitka, Councilmember Bowe and City Manager Cook to the City/School Summer Recreation Board. Councilmember Carter seconded the motion; motion carried unanimously.

COUNCIL received a request from the Association of Rural Communities of Texas (ARCT) to submit a letter of support to Lt. Governor Dewhurst in an effort to increase funding for the Texas Housing Trust Fund. After review and discussion, Mayor Pro-Tem Sitka made a motion to authorize the Mayor to submit a letter of support for additional funding for the Texas Housing Trust Fund. Motion was seconded by Councilmember Carter and carried unanimously.

UNDER City Manager's report, Mr. Cook provided the final report on the Pershing Square Pedestrian Enhancement Project. The City received a final approval letter from the Texas Department of Licensing and Regulations. The approval letter was sent to the Texas Department of Transportation for finalization of the project. The Economic Development Corporation will be receiving a refund from TxDOT on this project. EDC has instructed City staff to research the improvement to the Star Icon, and use the refund to fund the improvements. One of the Topiaries from the Chisholm Trail Memorial Park was taken to the River Oaks Plant House in Houston for inspection of the damage and a recommendation. Mr. Cook will inform Council when information is received. The bottom ash from LCRA was delivered for the walking trail. A letter of agreement has been sent to the contractor, and City staff hopes to have the project underway within the next two weeks and completed by the end of June. Staff is also researching lighting and will take the information to the Parks and Recreation Advisory Board for recommendation. Bowe's Custom Welding & Fabrication received the bid for the ten (10) additional picnic covers and barbecue pits. Six (6) of the seven (7) homes included in the 2005 HOME Program have been demolished, and four (4) of the new homes are currently under construction. The limestone base has been installed and tested on the Airport Road Re-Alignment Project. Weather permitting, the contractor plans to lay the hotmix down within the next week. Bids were received for the Electric Pole Replacement Project for treating and reinforcing electric poles. The bid was awarded to the low bidder, Quality Pole and Maintenance at a rate of $625 per pole for a total project cost of $5,625. On the evening of March 31st, lightening damaged the electronic components at the Park Water Plant. Replacement equipment is on order through Hydro-Con Systems, Inc. and is not to exceed $25,000.

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), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071), and to deliberate regarding security devices (V.T.C.A., Gov. Code, Sec. 551.076). The meeting re-opened to the public at 7:25 PM.

Action resulting from Executive Session was a motion by Mayor Pro-Tem Sitka to authorize the City Manager to enter into a Mutual Aid Agreement with surrounding law enforcement agencies. Motion was seconded by Councilmember Bowe and carried unanimously.

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

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
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 gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Visitors were welcomed.

MAYOR Pro-Tem Sitka made a motion to adopt the minutes from the meeting of April 10, 2007 as presented. Second was made by Councilmember Carter. Motion carried unanimously.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:02 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 7:35 PM. No action resulted from Executive Session.

UNDER Old Business, Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1919) on second and final reading granting a change in zoning from Residential (R-3) to Residential (R-4) for Gilbert and Delia Laredo on property described as Lot 3 of Block 1070 in the Yoakum Townsite Addition (305 E. Schleicher St.). Second was made by Councilmember Bowe; motion carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1920) on second and final reading amending the General Section of the Manual of Fees and Service Charges specifically Subsection II. Yoakum Community Center Rates and Fees. Motion was seconded by Councilmember McMullen and carried unanimously.

MAYOR Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1921) as amended on second and final reading amending the Yoakum Code of Ordinances as it pertains to Chapter 22, Article II, Industrial Sewer Use (referred to as the Industrial Waste Ordinance). Councilmember Bowe seconded the motion; motion carried unanimously.

UNDER New Business, the Yoakum Area Chamber of Commerce submitted a request to close certain streets for the 79th Annual Tom Tom Festival to be held on June 1 through June 3, 2007. Staff provided a map indicating the parade routes as requested by the Chamber representative. Councilmember Bowe made a motion to approve the request from the Yoakum Area Chamber of Commerce for the closure of certain streets for the 79th Annual Tom Tom Festival as presented. Mayor Pro-Tem Sitka seconded the motion. Motion carried unanimously.

BIDS received May 3, 2007 for the 2007 Street Improvement Project were reviewed. H&C Construction Co., Inc. was the only contractor to submit a bid for the project. Letters of reference were provided from three engineering firms indicating complete confidence and approval of H&C Construction. Questions from local resident, Ken Ehlers were received concerning certain streets where gravel had shed
over the last few years. Mr. Cook provided information requested. Council expressed their gratitude to Mr. Ehlers for bringing the questions to Council’s attention and prompting research of the affected area. After discussion, Mayor Pro-Tem Sitka made a motion to award the 2007 Street Improvement Project to H&C Construction Co., Inc. of Shiner, Texas for the unit bid prices of $2.28 per gallon for AC 5 asphalt and $59.83 per cubic yard for Grade 4 aggregate as provided for in the submitted bid proposal. Second was made by Councilmember Bowe and motion carried unanimously.

BIDS for the equipment and chemicals for the treatment of Park Well #5 were reviewed and discussed. One sealed bid was received and opened at 3:00 PM on May 3, 2007. Two proposals were received from Conroe Welding Supply, Inc. for furnishing and installing a carbon dioxide feed system for pH control on the park well. Proposal I for a new carbon dioxide storage tank in the amount of $112,745 and Proposal II for a refurbished carbon dioxide storage tank in the amount of $73,745. After reviewing staff and engineer recommendations, Mayor Pro-Tem Sitka made a motion to award the bid to Conroe Welding Supply, Inc. of Conroe, Texas for Proposal II in the amount of $73,745. Motion was seconded by Councilmember Bowe and carried unanimously.

APPOINTMENTS to the Parks and Recreation Advisory Board for two-year terms were considered. Councilmember Bowe made a motion to appoint Cynthia Morris and Thomas Linn, Jr. for two-year terms to the Parks and Recreation Advisory Board. Second was made by Councilmember McMullen and motion carried unanimously.

UNDER City Manager’s report, Mr. Cook provided information on the Helping Hands and Hearts Downtown Cleanup Day to be held on Saturday, May 19th to prepare for the Yoakum Tom Tom Festival. Mr. Cook agreed to provide garbage pickup for that project. An update was provided on the Partnerships In Parks Program. Rain delayed the start date for the construction of the walking trail. A ribbon cutting was held at the Kuester Pavilion on May 18th. All seven homes in the HOME Program have been demolished and construction continues as weather permits. The Airport Road Re-Alignment Project has been completed. After inspection, the engineers recommended that the City accept the project. City staff agreed and the project was accepted. New equipment deliveries were reviewed: the recycling baler, a police car, a ¾ truck for the Water Department, and a ½ ton truck for the Warehouse have been received. An agreement has been entered into for replacement of the STAR Icon pavers with Schindler Landscaping of Victoria, Texas for a cost of $3,718. Damage from the April 30th storm was reviewed. Council received an invitation to attend the Hub City Post 2456 Veterans of Foreign Wars Memorial Day Service. Councilmembers will attend and present a wreath at the ceremony. Mr. Cook consulted the Council regarding a date for the canvassing of the May 12th election. May 22nd at 6:00 PM was selected as the date for the Special Council meeting. The Council also received an invitation to participate in the 79th Annual Tom Tom Parade to be held on June 3rd. Information was provided regarding the resignation of Steven Fikac from the Building and Standards Commission and Council was asked to provide staff with suggestions for a replacement on that Board.

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
May 22, 2007
Council Room – 6:00 P.M.
Public Works Building

SPECIAL MEETING OF THE CITY COUNCIL

PRESENT: Anita R. Rodriguez ........................................ Mayor
           Elorine Sitka ............................................... Mayor Pro-Tem
           Don E. Bowie ................................................ 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 meeting to order for the purpose of canvassing the May 12, 2007 election returns, issuance of the election certificates, administering of the Oath of Office to the newly elected Councilmembers and other business.

THE Mayor asked that Councilmember McMullen and Mayor Pro-Tem Sitka canvass the returns. A resolution (recorded as No. 2007-06) was adopted on motion by Mayor Pro-Tem Sitka declaring Craig E. Carter, Don E. Bowe and Annie Rodriguez elected and the Initiated Smoking Ordinance passed, approved and adopted with the following results: Craig E. Carter – 204; Abel Rosales – 112; Don E. Bowe – 240; Annie Rodriguez – 252; and Initiated Smoking Ordinance For – 201; Against – 116. The motion was seconded by Councilmember McMullen. Motion carried unanimously.

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

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:20 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), 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 6:30 PM. No action resulted from Executive Session.

THERE being no further business, the meeting closed at 6:30 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
          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 gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. No visitors were present.

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 Pro-Tem Sitka made a motion to adopt the minutes from the meetings of May 8 and May 22, 2007 as presented. Second was made by Councilmember Carter. Motion carried unanimously.

UNDER New Business, Police Chief Bill Formolo was present to provide information to Council regarding a proposed ordinance that would restrict the use of engine brakes used by large trucks to assist in slowing the vehicle before applying disc brakes. These devices are generally loud and heard for a great distance. Councilmember Bowe made a motion to adopt an ordinance (recorded as No. 1923) on first reading amending Chapter 21 of the Yoakum Code of Ordinance prohibiting the use of engine brakes. Second was made by Councilmember McMullen and motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka made a motion to adopt a resolution (recorded as No. 2007-07) re-affirming the City of Yoakum's Guidelines and Criteria for Tax Abatement originally adopted February 11, 1997. Second was made by Councilmember Bowe and motion carried unanimously.

APPOINTMENTS to various boards were considered. Councilmember Bowe moved to appoint the following: 1) Elorine Sitka as Council Representative for a one-year term to the Yoakum Heritage Museum Board; 2) Tommy Barre and Bettye Powell for three-year terms to the Planning and Zoning Commission; 3) Betty Borchers, Bob Putnam, Mark Turk, Karen Jamison and Melissa Williams for two-year terms to the Library Board; 4) Harvey Pekar as an Alternate Member for an un-expired two-year term to the Building and Standards Commission; and 5) Rodney Jahn and Dr. Sandra Bergey for three-year terms to the Construction Board of Adjustment and Appeals. Motion was seconded by Councilmember Carter and carried unanimously.

DISCUSSION was held on the request from Pioneer Natural Resources for a permit to utilize certain City owned property for seismic testing. After review of the request and recommendations from City staff and City Attorney, Mayor Pro-Tem Sitka made a motion to
approve a seismic permit to include an addendum provided by the City Attorney for Pioneer Natural Resources. Motion was seconded by Councilmember Carter and carried unanimously.

INFORMATION was provided by City Manager on the progress of the renovation of the future city hall building. After discussion of additional projects for the completion of the renovations, Councilmember Bowe made a motion to authorize the City Manager to expend funds in the amount of $175,000 from the Reserve Infrastructure Account for work on the future City Hall facility. Second was made by Councilmember McMullen; motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to authorize the City Manager to enter into a Master Service Agreement with TRC Engineers, Inc. for miscellaneous engineering services. The agreement is for a one-year term and would automatically renew for subsequent one-year terms. Councilmember Carter seconded the motion. Motion carried unanimously.

ELLIS & Associates, the City’s Aquatic Safety & Risk Management consultant for the swimming pool, recommended the adoption and implementation of a City Pool Crisis Management Plan. After review of the proposed document, a motion was made by Councilmember Bowe to adopt the Crisis Management Plan for the Yoakum Municipal Swimming Pool as presented. Second was made by Councilmember McMullen and motion carried unanimously.

TML Intergovernmental Employee Benefits Pool presented a Proclamation of Appreciation to the City and was read into public record as follows:

Whereas, TML Intergovernmental Employee Benefits Pool appreciates the continued support of the City of Yoakum who continues to participate in open communication concerning products and services, supports TML IEBP Board decisions through ongoing education of its employees, encourages the appropriate use of all TML IEBP products by employees, and encourages healthy lifestyles among employees in support of the TML IEBP Healthy Initiatives program.

Whereas, TML Intergovernmental Employee Benefits Pool appreciates the continued loyalty of the City of Yoakum through the serious consideration of health care options, timely submission of contributions to the Pool on a monthly basis, involvement in yearly Regional Meetings, and participation in TML IEBP partnerships in reducing & managing health care costs.

Proclaimed by the TML Intergovernmental Employee Benefits Pool Board of Trustees this 27th day of April, 2007.

REVISED Inter-jurisdictional Mutual Aid Agreements between DeWitt and Lavaca Counties and surrounding incorporated cities within the counties were considered. The revised mutual aid agreements allow cities to directly contact other cities listed in the agreement as an alternative to making contact through the county. Agreements were provided and recommended by the Golden Crescent Regional Planning Commission. Lavaca County had submitted the Agreement and City staff anticipates contact from DeWitt County. After review and discussion, Councilmember Bowe made a motion to authorize the Mayor to enter into revised Inter-jurisdictional Mutual Aid Agreements with Lavaca County, DeWitt County, and surrounding incorporated cities. Second was made by Councilmember McMullen and motion carried unanimously.
COUNCIL reviewed a recommendation from the Library Board to install a security system at the Carl & Mary Welhausen Library that will provide adequate protection to the increased technical equipment that has been purchased over the past few years. The Friends of the Library have offered to pay for the installation of the system. After discussion, Mayor Pro-Tem Sitka made a motion to authorize the installation of a security system at the Carl & Mary Welhausen Library. Motion was seconded by Councilmember Carter and carried unanimously.

UNDER City Manager's report, the Walking Trail surface has been completed. Minor damage occurred from the Tom Tom Festival activities. City staff is reviewing options for the lighting of the trail. Completion is scheduled for Summer of 2007. Pictures were presented for review of the HOME 2005 Program. Construction has begun on all seven homes. The project is scheduled for close out by September 2007. The 1978 greens mower used at the Golf Course is no longer operational. The Golf Association agreed to pay for half of a reconditioned 2002 model. Total cost of the mower is $10,500. City Manager approved the expenditure and the mower has been purchased. The Electric Pole Re-Enforcement Project has been completed. Pictures were provided. Re-enforcement of the poles will extend the life of each pole treated anywhere from seven to ten years. Council was provided with a schedule for budget appropriation workshops and meetings.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:35 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 7:38 PM. Action resulting from Executive Session: Mayor Pro-Tem Sitka made a motion that the City of Yoakum will be a joinder and support action of WPA and PEC regarding an electric related issue. Motion was seconded by Councilmember Bowe and carried unanimously. No other action resulted from Executive Session.

THERE being no further business, the meeting closed at 7:40 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 gave 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 June 12, 2007 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER Old Business, Mayor Pro-Tem Sitka made a motion to adopt an ordinance (Recorded as No. 1923) on second and final reading amending Chapter 21 of the Yoakum Code of Ordinances prohibiting the use of engine brakes. Motion was seconded by Councilmember Bowe and carried unanimously.

UNDER New Business, 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. Mr. Kennedy provided a brief explanation of the 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 2007-2008. Second was made by Mayor Pro-Tem Sitka and 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.

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

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

Regional Environmental Resources Advisory Committee
(DeWitt County)
Jack Maloney
Gerard Novosad
Regional Health & Human Services Advisory Committee  
(DeWitt County)  (Lavaca County)  
Zennith Stevens  Vivian Wright

Regional Homeland Security Advisory Committee  
(Lavaca County)  
Phillip Baker

Regional Public Protection Advisory Committee  
(DeWitt County)  
William Formolo

Motion was seconded by Councilmember Bowe and carried unanimously.

DISCUSSION was held regarding damage that has occurred in the downtown area since the revitalization project completion. Staff presented Council with a proposed ordinance prohibiting certain vehicles from turning at the intersection of Lott Street and West Grand Avenue. Another option presented was the installation of bollards at the curbs to discourage vehicles from maneuvering tires onto the sidewalk area. After discussion, Councilmember Bowe made a motion to adopt an ordinance (recorded as No. 1924) on first reading prohibiting certain vehicles from turning at the intersection of Lott Street and West Grand Avenue as presented. Motion was seconded by Councilmember McMullen and carried unanimously.

INFORMATION was provided on the requested alley closure that had been tabled from the April 10, 2007 meeting. Agreements with property owners were reached and after review Mayor Pro-Tem Sitka made a motion to adopt a resolution (recorded as No. 2007-08) closing the alley between Lots 11-18 and Lots 19-24 in Block 7 (NCB 1112) of the A. May Addition as requested by adjacent property owners. Councilmember Carter seconded the motion; motion carried unanimously.

COUNCILMEMBER Carter requested that Council review the truck traffic and possible annexation within the City’s Extra Territorial Jurisdiction in order to accommodate truck route changes and growth to the City. After discussion, Council directed the City Manager to research options and provide possible options at the next regular meeting with an agenda item to discuss and possibly consider appointing a committee to study the needs of the community.

UNDER City Manager’s report, the lights for the Walking Trail have been ordered. Broadcast lights were chosen that will work with the existing power poles and serve to light the playground and surrounding areas of the park. Keys were presented to four of the seven homeowners participating in the 2005 HOME Program. Progress on the remaining three homes is going well. Close out of this project is scheduled for September 2007. Treatment equipment delivery for the Park Well has been delayed due to inclement weather. Weather permitting, delivery and completion are scheduled for next week. The Sewer Replacement Project is not on schedule at this time. A preliminary review of the lines indicates that the re-routing of certain lines may decrease the amount of funds expended on this project. Additional research is being done. Plans are to open bids in October 2007. A Special Council meeting will be scheduled for early August in order to certify the 2007 tax roll and to establish the amount of debt service. Once the tax roll is received from DeWitt County, staff will contact the Council to schedule the meeting. City Manager Cook also reminded the Council of the TML Region 11 Quarterly meeting to be held in Cuero on July 12, 2007.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 7:20 PM to deliberate the purchase, exchange, lease
or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071) and, to perform the annual evaluation of the City Manager (V.T.C.A. Gov. Code, Sec. 551-074). The meeting re-opened to the public at 8:15 PM. Action resulting from Executive Session: Mayor Pro-Tem Sitka made a motion to award the City Manager an annual increase of $4,000. Motion was seconded by Councilmember Bowe and carried unanimously. No other action resulted from Executive Session.

THERE being no further business, the meeting closed at 8:16 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

Theresa A. Bowe, City Clerk
July 17, 2007
Council Room – 6:00 PM
Public Works Building

BUDGET WORKSHOP MEETING OF THE CITY COUNCIL

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

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

THE budget workshop meeting was called to order by Mayor Rodriguez with Fire/EMS Director Phil Baker, Police Chief Bill Formolo, Finance Director Charlotte Morrow, and City Clerk Theresa Bowe in attendance for presentation of the 2007-2008 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. All revenues and expenditures were reviewed on an individual department basis. City Manager outlined the increase in the cost of certain items, needed purchases, along with requests from the Yoakum Oak Grove Cemetery Board and the Yoakum Heritage Museum for increased contributions from the City to their organizations. Mr. Cook informed Council that the budget was balanced at this time.

AFTER review and discussion, Mayor Pro-Tem Sitka commended City Staff on presenting a balanced budget. Mr. Cook also expressed Staff’s appreciation to the Council for their support and assistance during the process.

THERE being no further business, the meeting closed at 7:34 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 Special City Council meeting to order for the purpose of considering the adoption of the 2007 tax roll as certified by the DeWitt County Chief Appraiser and to establish the amount of debt service to be supported by the ad valorem tax levy and the amount to be supported by utility revenue for Fiscal Year 2007-2008 for payment of principal, interest and administrative fees, the 2005 General Obligation Bond Issue debt.

THE tax role certified by DeWitt County Tax Assessor/Collector Susie Dreyer shows a taxable value of $169,332,410 for 2007, which is an increase of $5,199,419 from 2006. Mayor Pro-Tem Sitka made the motion to approve the 2007 tax roll as certified and presented by the City's Finance Director at a total taxable value of $169,332,410. The motion was second by Councilmember Bowe. Motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to establish the amount of debt service to be supported by the ad valorem tax at $85,000 and the amount to be supported by utility revenue at $181,130 for Fiscal Year 2007-2008 for the payment of principal, interest and administrative fees and the 2005 General Obligation Bond Issue debt for a total debt service of $266,160. The motion was second by Councilmember Carter. Motion carried.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 5:35 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 6:38 PM. No action resulted from Executive Session.

MAYOR Rodriguez was joined by the Council in congratulating City Attorney Charles Kvinta, Jr. and his wife Leigh Ann on 25 years of marriage.

THERE being no further business, the meeting closed at 6:38 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

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

PRESENT:  Anita R. Rodriguez ........................................ Mayor
          Elorine Sitka ........................................ Mayor Pro-Tem
          Don E. Bowe ........................................ Councilmember
          Margie McMullen .................................... Councilmember
          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 gave
the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Visitors were
acknowledged. Mayor Rodriguez presented certificates of appreciation to the 2007 City of Yoakum
Pool Lifeguards that painted murals at the City Pool as a beautification project. Present were Lauren
Adamek and Morgan Machacek. Certificates would also be presented to Danielle Gaitan, Sara
Thurmond, and Ariel Machacek who were unable to attend the meeting.

MAYOR Pro-Tem Sitka made a motion to adopt the minutes from the meetings of July 10, July
17, and August 7, 2007 as presented. Second was made by Councilmember McMullen. Motion carried
unanimously.

UNDER Old Business, Councilmember Bowe made a motion to adopt an ordinance (recorded
as No. 1924) on second and final reading prohibiting certain vehicles from turning in the downtown
area. Motion was seconded by Councilmember Carter and carried unanimously.

LONNIE Gregorczyk, Carl O’Neil, and Marla Jasek with the Texas Department of Transportation
(TxDOT) were present to provide information to the Council regarding transportation issues and truck
routes. Mayor Rodriguez expressed the City’s gratitude to TxDOT for the work that has been
performed in Yoakum, and to Glen Rudolph and Wayne Rudolph for donating the property for right-of-
way at the corner of W. Morris and Irvine Streets. Economic/Community Development Coordinator
Patrick J. Kennedy was present to answering questions from a development standpoint. After
discussing the issues presented, Council gave direction to the City Manager to study options and
requirement for expanding City services to various areas in the Extra Territorial Jurisdiction including
the area of the truck routes as discussed.

UNDER New Business, Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded
as No. 1925) on first reading placing stop signs at Kenedy Street at its intersection with E. Morris
Street. Second was made by Councilmember Bowe and motion carried unanimously.

INFORMATION was provided to the Council and motion was made by Mayor Pro-Tem Sitka to
approve a seismic permit request from Pioneer Natural Resource contingent upon an addendum to be
included by the City Attorney. Councilmember McMullen seconded the motion; 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.
COUNCILMEMBER Bowe made a motion to nominate Margie McMullen to the Golden Crescent Regional Planning Commission's Regional Economic Development Advisory Committee. Motion was seconded by Mayor Pro-Tem Sitka and carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1926) on first reading adopting the 2007-2008 City Budget. Second was made by Councilmember McMullen; motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion that property taxes be increased by adoption an ordinance (recorded as No. 1927) on first reading that will levy the 2007 City Tax Rate at $0.09264 per one hundred dollar valuation allowing $0.04245 for maintenance and operation and $0.05019 for the debt service. Second was made by Councilmember Bowe and motion carried unanimously.

COUNCILMEMBER Bowe made a motion to appoint Louis Boening, Annie Rodriguez, Arthur G. Hermann III, and Tim Faulkner to the Yoakum Economic Development Corporation Board of Directors for two-year terms. Second was made by Margie McMullen and motion carried unanimously.

UNDER City Manager's report, Mr. Cook provided information on the Partnerships In Parks Program. The project is in its final stages: lighting has been completed, a bridge is being constructed to improve the area of the walking trail that continues to be eroded due to rain, the sanitary sewer line is scheduled for completion which will allow for the renovation of the third restroom to be completed, the acknowledgement sign is ready for installation, and LCRA is scheduled for a final inspection on August 30th. The HOME 2005 Program is also in the final stages: the remaining three homes are being completed. A representative from the administrator, Langford Community Development, will be in Yoakum next week to present the keys to the homeowners and finalize paperwork. The installation of the Park Well treatment equipment has been completed and it is now operating automatically. Information was provided on the Sewer Replacement Project, plans have been made for a possible bid opening in October. City Manager Cook made Council aware of the Texas Municipal League 95th Annual Conference to be held in Dallas, Texas, the Golden Crescent Regional Planning Commission's 40th Annual General Assembly meeting to be held in Edna, Texas, and the Texas Municipal League Region 11 meeting to be held in Sinton, Texas. Information was provided on the City's request for a Specific Use Permit for the building at 808 S. Hwy 77A to be used as the City Hall and Emergency Operation Center.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 7:15 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 7:35 PM. No action resulted from Executive Session.

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

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 gave 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 meeting of August 14, 2007 as presented. Second was made by Councilmember Bowe. Motion carried unanimously.

UNDER Old Business, a Public Hearing was opened to receive citizen comments on the proposed 2007-2008 City Budget. City Manager Cook provided information to the Council regarding the balanced budget. There being no citizen comments received, the public hearing closed. Councilmember Bowe made a motion to adopt an ordinance (recorded as No. 1926) on second and final reading adopting the 2007-2008 City Budget. Second was made by Councilmember McMullen; motion carried unanimously.

Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1925) on second and final reading placing stop signs at Kenedy Street at its intersection with E. Morris Street. Second was made by Councilmember Carter and motion carried unanimously.

UNDER New Business, the following recommendation was received from the Planning and Zoning Commission: for the approval of a Specific Use Permit for the City of Yoakum for a public building to be used by the City as a City Hall on property described as 2.180 acres of Block 34 in the John May Addition (808 Hwy 77-A South). 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. There were no comments received from the public on the request. The recommended permit is in compliance with the Future Land Use Plan. After discussion, the public hearing closed.

MOTION was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1928) on first reading granting a Specific Use Permit to the City of Yoakum for a public building to be used as a City Hall on property described as 2.180 acres of Block 34 in the John May Addition (808 Hwy 77-A South). Motion was seconded by Councilmember McMullen and carried unanimously.

MAYOR Rodriguez opened a public hearing to receive citizen comments regarding the continuation of the Juvenile Curfew Ordinance. Police Chief Bill Formolo was present to provide information and answer questions. Letters of support were reviewed from various local entities. There being no citizen comments, the public hearing closed.
After review and discussion, Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1929) on first reading providing for continuance and amendment of Juvenile Curfew Ordinance No. 1578. Second was made by Councilmember Bowe; motion carried unanimously.

POLICE Chief Bill Formolo provided information to Council regarding the purpose of a proposed Interlocal Cooperation Contract with the Texas Department of Public Safety. After discussion, Councilmember Bowe made a motion authorizing the City Manager to enter into an Interlocal Cooperation Contract with the Texas Department of Public Safety. Second was made by Councilmember McMullen and motion carried unanimously.

CITY Manager Cook provided Council with information regarding a request from Texas Gas Service to increase rates. Official notification has not been received and a meeting of area City Managers has been scheduled. Mr. Cook will provide information to the Council at the October Council meeting.

MOTION was made by Mayor Pro-Tem Sitka to authorize the charge-off of listed ambulance and utility account receivables as presented and gave direction the City Manager and Finance Director to contact firms regarding the collection of bad debt accounts. Motion was seconded by Councilmember Bowe and carried unanimously.

UNDER City Manager's report, a representative from the Lower Colorado River Authority (LCRA) performed an inspection of the Park facilities on August 30, 2007. The remaining projects include the two restrooms. Fixtures have been ordered; delivery could be 60 to 90 days from date of order. The HOME 2005 Program is 99% complete; all homeowners have moved into the new homes and close out is scheduled for October. Staff met with engineers from TRC to finalize locations of mains for the Sewer Replacement Project. The Water Development Board has not received final approval from the Corp of Engineers due to a backlog in that office. The Water Development Board has sent information to the Corp informing them that the project is a rehabilitation and replacement project in an effort to expedite the approval process. Staff anticipates bidding the project out in November. City Manager Cook provided Council with a copy of the recently adopted House Bill 1411 concerning reasonable restraint of dogs. A Special Council meeting is scheduled for September 19, 2007 at 5:15 PM to set the 2007 tax rate. Council was reminded of an invitation to meet Senator Glen Hagar, Jr. at Kloesel's Steakhouse in Moulton, Texas. The street contractor is scheduled to begin the seal coat project on Monday, September 17.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:35 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 6:45 PM. No action resulted from Executive Session.

THERE being no further business, the meeting closed at 6:45 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
          Calvin Cook ......................................... City Manager
          Theresa A. Bowe .................................... City Clerk

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

MAYOR Rodriguez called the Special City Council meeting to order and opened a public hearing to receive citizen comments on the proposed 2007 Tax Rate. There being no citizen comments received, the public hearing closed.

MOTION was made by Mayor Pro-Tem Sitka to adopt an ordinance (recorded as No. 1927) on second reading adopting the 2007 City Tax Rate set at .09264 per one hundred dollar valuation, allowing $.04245 for maintenance and operation and $.05019 for the debt service. Motion was seconded by Councilmember Bowe and carried unanimously.

THERE being no further business, the meeting closed at 5:32 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
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 and Mayor Rodriguez gave the invocation. The Pledge of Allegiance to the Flag was led by Preston Kocijan and recited by all attending. Visitors were acknowledged.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meetings of September 11, 2007 and September 19, 2007 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER Old Business, City Manager Cook read the 2007 Tax Rate Ordinance (recorded as No. 1927) for final reading. No action was necessary.

MAYOR Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1928) on second and final reading granting a Specific Use Permit to the City of Yoakum for a public building to be used as a City Hall on property described as 2.180 acres of Block 34 in the John May Addition (608 Hwy 77-A South). Motion was seconded by Councilmember Carter and carried unanimously.

MAYOR Rodriguez opened a public hearing to receive citizen comments regarding the continuation of the Juvenile Curfew Ordinance. City Manager Cook provided information and answered citizen questions. After review, the public hearing was closed. Councilmember Bowe made a motion to adopt an ordinance (recorded as No. 1929) on second and final reading providing for continuance and amendment of Juvenile Curfew Ordinance No. 1578. Second was made by Councilmember McMullen; motion carried unanimously.

UNDER New Business, the following recommendation was received from the Planning and Zoning Commission: for the approval of a change in zoning from Residential (R-2) to Residential (R-3) on property described as 0.245 acres of Abstract 29 in the John May Addition (322 Mathew 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. 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. 1930) on first reading granting a change in zoning from Residential (R-2) to Residential (R-3) on property described as 0.245 acres of Abstract 29 in the John May Addition (322 Mathew St.). Second was made by Councilmember Carter and motion carried unanimously.

CITY Manager Cook provided information to the Council regarding a request from Texas Gas Service Company for a rate increase. The request had been filed on September 28th with four options for the cities serviced by Texas Gas to consider. Charles Tounley with Texas Gas Service Company was present to answer questions from the Council. The four options were as follows: Action A – Take
no action and allow rates to go into effect 35 days after the filing; Action B – Approve rates or set different rates and rates would become effective upon approval; Action C – Vote to suspend implementation of rates which would allow 90 days past the original 35 day period, giving cities until January 31, 2008 to take action on the request and allow cities to negotiate and reach an agreement on new rates; or Action D – Deny the increase or set different rates within the 35 days. Texas Gas Service would then appeal the decision to the Railroad Commission and the Commission would decide if the increase was justified and rule on the new rates. If denied, Texas Gas Service may pass on any cost incurred from the appeal to its customers. After questions and discussion, Mayor Pro-Tem Sitka made a motion to deny the rate increase request from Texas Gas Service Company. Second was made by Councilmember Carter; motion carried unanimously.

A revised Parks, Recreation and Open Space Master Plan Update was presented to the Council for review and discussion. Patrick J. Kennedy, Economic/Community Development Coordinator was present to provide information and answer questions. Priorities and recommendations were discussed and citizen questions were received and addressed. Mr. Kennedy reiterated that the document presented at this Council meeting is a basic plan and is being recommended to the Council by the Parks & Recreation Advisory Committee and the Yoakum Economic Development Corporation Board of Directors. Mayor Pro-Tem Sitka complimented the Yoakum Rodeo Club on the improvements that they have made to the Rodeo Arena. After discussion, Councilmember Bowe made a motion to adopt a resolution (recorded as No. 2007-09) adopting the Parks, Recreation and Open Space Master Plan Update – 2007 as recommended. Second was made by Councilmember McMullen and motion carried unanimously.

CITY Manager Cook informed the Council that Yoakum was once again awarded the Texas Yes! Hardworking Rural Community Award through the Texas Department of Agriculture. Council commended Mr. Kennedy for his hard work. After discussion, Mayor Pro-Tem Sitka made a motion to adopt a resolution (recorded as No. 2007-10) designating the City Manager as agent and authorizing the participation in the Texas Yes! Hardworking Rural Community Award Program through the Texas Department of Agriculture. Second was made by Councilmember Carter; motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to authorize the City Manager to sign task order No. 001 under the Master Service Agreement (MSA) No. AUSY0407 with TRC Engineers, Inc. for engineering service relating to the repair and painting of the Yoakum Street Elevated Water Storage Tank. Councilmember Carter seconded the motion; motion carried unanimously.

A motion was made by Councilmember Bowe authorizing the City Manager to advertise for bids for the repair and painting of the Yoakum Street Elevated Storage Tank. Second was made by Councilmember McMullen and motion carried unanimously.

CITY Manager Cook reviewed the previous plan for the installation of breakers at the substation approved by Council at the February 13, 2007 Council meeting. After discussion, Mayor Pro-Tem Sitka made a motion to authorize the City Manager to enter into an agreement with the Lower Colorado River Authority for the installation of breakers at the substation at a cost of $9,000 per breaker for a total amount of $18,000. Second was made by Councilmember Carter; motion carried unanimously.

COUNCILMEMBER Bowe made a motion to authorize the City Manager to execute an Interlocal Agreement for E9-1-1 service with the Golden Crescent Regional Planning Commission. Second was made by Councilmember McMullen. Motion carried unanimously. The plan has been reviewed by the City Attorney.

A motion was made by Mayor Pro-Tem Sitka to adopt a resolution (recorded as No. 2007-11) nominating Conyetta Guas Swaney as a candidate for the DeWitt County Appraisal District’s Board of Directors. Second was made by Councilmember Carter and motion carried unanimously.

CITY Manager Cook provided information to the Council regarding a Legislative change (HB 1010) which mandates that DeWitt and Lavaca County Appraisal Districts perform the appraisals for properties in their respective counties. This change dictates that the City nominate a candidate for the
Lavaca County Appraisal District as well as the DeWitt County Appraisal District. After discussion, Councilmember Bowe made a motion to adopt a resolution (recorded as No. 2007-12) nominating John Fling as a candidate for the Lavaca County Appraisal District’s Board of Directors. The motion was seconded by Councilmember McMullen and carried unanimously.

MAYOR Pro-Tem Sitka made a motion to appoint Tommy Linn, Jr. as a member of the Planning and Zoning Commission to fill an un-expired two-year term. Second was made by Councilmember Carter; motion carried unanimously.

A motion was made by Mayor Pro-Tem Sitka to appoint George Boecker and Melba Bucek to the Yoakum Oak Grove Cemetery Association Board of Directors for three-year terms. Second was made by Councilmember Carter and motion carried unanimously.

A request was received from Judge Ronald L. Leck with the Lavaca County Commissioners Court asking for letters of support for a grant application being submitted in November of this year for continued restoration of the County Courthouse. Mayor Rodriguez instructed the City Clerk to provide letters on City letterhead for any Councilmember who wished to sign a letter of support for Lavaca County’s grant application.

INFORMATION was provided regarding the locations of shot holes being utilized by Talon Development Corporation for the seismic survey being performed in and around Yoakum. Maps were reviewed and questions answered.

UNDER City Manager’s report, Mr. Cook provided information to the Council regarding the Sewer Rehabilitation Project. A meeting with the engineers has been scheduled for next week to review Phase I. When the plan has been finalized it will be forwarded to the Texas Water Development Board for review and approval. At this time, staff anticipates the bid letting to be scheduled for January 2008. Approval has been given for the decoration of the light poles and trees in the downtown area by the Chamber for the Christmas season. The Pilot Club has been in contact with City staff to schedule the Centennial Park decoration. The City will no longer be maintaining the roof top lighting in the downtown area. The City Clerk will be the Early Voting Clerk for the November 6, 2007 Yoakum Independent School District Bond Election. Early voting will be held in the City Clerk’s office between October 22 and November 2, 2007. The City received the results on the Lead and Copper testing performed each year by the Texas Commission on Environmental Quality (TCEQ). Most samples were collected by homeowners in various parts of the City and all of the results came back excellent.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:45 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 7:15 PM. The following action resulted from Executive Session: Mayor Pro-Tem Sitka made a motion to authorize the execution of a letter of agreement for the purchase of real property from Union Pacific Railroad. Second was made by Councilmember Bowe; motion carried unanimously.

THERE being no further business, the meeting closed at 7:16 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 Mayor Pro-Tem Sitka gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Visitors were acknowledged. A group of concerned citizens were present to provide information to the Council regarding their perceptions of the drug issues in Yoakum. Mrs. Cindy Martin addressed the Council with concerns and asked for suggestions on what the citizens can do to assist the City and the Police Department with the problems. A request was made to research the potential for a skate park and other recreational activities for children to help alleviate the drug abuse problem. Council thanked Mrs. Martin for bringing the concerns to the City's attention.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meeting of October 9, 2007 as presented. Second was made by Councilmember McMullen. Motion carried unanimously.

UNDER Old Business, Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1930) on second and final reading granting a change in zoning from Residential (R-2) to Residential (R-3) on property described as 0.245 acre of Abstract 29 in the John May Addition (322 Mathew St.) Second was made by Councilmember Bowe and motion carried unanimously.

UNDER New Business, the following recommendation was received from the Planning and Zoning Commission: for the approval of a change in zoning from Residential (R-3) to Commercial (C-2) on property described as all of Block 19 in the Plaza Addition (500 Block of Tozik 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. There were no comments received from the public on the request. Property owner, Jeremy Barnes was present to provide Information on the request and answer questions. The recommended change is in compliance with the Future Land Use Plan. Mayor Rodriguez commended Mr. Barnes for the work done to clean the area. After discussion, the public hearing closed.

MOTION was made by Councilmember Bowe to adopt an ordinance (recorded as No. 1931) on first reading granting a change in zoning from Residential (R-3) to Commercial (C-2) on property described as all of Block 19 in the Plaza Addition (500 Block of Tozik St.). Second was made by Councilmember McMullen and motion carried unanimously.
COUNCIL reviewed a request from Wayne Hollan to resubdivide three lots within the City limits. After review, Mayor Pro-Tem Sitka made a motion to approve the resubdivision of Lots 11, 12, and 13 of Block 4 (NCB 1279) of the Lander Addition as requested by Wayne Hollan in compliance with the City of Yoakum Subdivision Ordinance. Second was made by Councilmember Carter. Motion carried unanimously.

CRAIG Bell with TRC Engineers, Inc. was present to provide Council with information on the bids received for painting and rehabilitation of the Yoakum Street Elevated Water Tower. After review and discussion, Councilmember Bowe made a motion to award the bid for the painting and rehabilitation of the Yoakum Street Elevated Water Tower to the low bidder, Diversified Coatings, LTD in the amount of $155,280. Motion was seconded by Mayor Pro-Tem Sitka and carried unanimously.

BIDS were received for budgeted vehicles for three departments. A bid tabulation was provided for Council's review. After discussion, Councilmember Bowe made a motion to award the bid to the low bidder, Wendel Motor Company for a 2008 F350 Service Truck for the Fire Department in the amount of $20,220; a 2008 F250 Service Truck for the Garage in the amount of $16,430; and a 2008 F150 pickup in the amount of $15,100 for a total amount of $51,750. Second was made by Councilmember McMullen; motion carried unanimously.

MR. Paddy Burwell with Pioneer Natural Resources was present to provide information and answer questions on the company’s request to perform a seismic survey within the City limits. After review of the request and discussion, Mayor Pro-Tem Sitka made a motion to grant permission to Pioneer Natural Resources to perform a seismic within the City limits contingent upon final review of the permit by the City Manager and the City Attorney. Second was made by Councilmember Carter and motion carried unanimously.

COUNCILMEMBER Bowe made a motion to authorize the closure of West Grand from Irvine Street to Lott Street for a two hour period on November 28, 2007 beginning at 5:00 PM for Christmas activities as requested by the Downtown Christmas Decorating Committee. Second was made by Councilmember McMullen; motion carried unanimously.

A second request from the Texas Gas Service Company to increase rates was considered due to inaccurate information provided with the previous request. The request was consider with the correct information. Councilmember Bowe made a motion to adopt a resolution (recorded as No. 2007-13) denying the rate increase. Second was made by Councilmember McMullen. Motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to grant an electric distribution aerial line easement to Guadalupe Valley Electric Cooperative on property owned by the City located on Bootlegger Lane. Second was made by Councilmember Carter; motion carried unanimously.

AN ordinance to amend the Fiscal Year 2006-2007 Budget was presented and Finance Director Charlotte Morrow was present to answer questions. After review, Councilmember Bowe made a motion to adopt an ordinance (recorded as No. 1932) on first reading amending the Fiscal Year 2006-2007 Budget Ordinance No. 1904. Second was made by Councilmember McMullen; motion carried unanimously.

MOTION was made by Mayor Pro-Tem Sitka to adopt a resolution (recorded as No. 2007-14) casting Yoakum’s 16 votes to elect Conyetta Gaus Swaney to the DeWitt County Appraisal District’s Board of Directors. Second was made by Councilmember Carter and motion carried unanimously.
MOTION was made by Councilmember Bowe to adopt a resolution (recorded as No. 2007-15) Casting Yoakum's 21 votes to elect John Fling to the Lavaca County Appraisal District's Board of Directors. Second was made by Councilmember McMullen and motion carried unanimously.

DISCUSSION was held regarding the potential dangers of skateboards, bicycles and other devices being utilized in the downtown business district. After receiving comments from visitors and reviewing the concerns of business owners and City staff, Council directed City staff to research and develop an ordinance regulating skateboards, bicycles and other such devices.

UNDER City Manager's report, Mr. Cook provided information to the Council regarding the Sewer Rehabilitation Project. The plans have been received from the Engineers. Staff will review the plans and make any necessary changes prior to sending to the Texas Water Development Board. The City Hall located at 808 Hwy 77A South should be ready around mid-December and the move date has been scheduled for January 28, 2008. Notices will be posted in the newspaper and around City facilities. The Brush/Lumber Grinding Project is complete. Austin Wood Recycling reduced 11,000 cubic yards of brush and lumber down to 3,400 cubic yards of mulch that may be utilized by the City around the facilities as well as by residents. The Police Department conducted a warrant round-up. Of the thirty-eight warrants served, 20 people were arrested and more than $7,000 in fines was collected. A second round-up is scheduled for December. City staff will be advertising for bids for the relocation of the electric line on Airport Road as approved in the 2007-2008 Budget. This relocation project will allow for expansion in the area and improvements to the airport. The installation of an upgraded Police Department radio base station has been completed; a repeater is scheduled for installation within the next week. Both items were received through a grant from the Governor's Division of Emergency Management. A grant was received from the Golden Crescent Regional Planning Commission for an emergency generator to serve the 9-1-1 system for the Police Department. Installation is scheduled for December.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:55 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 7:30 PM. The following action resulted from Executive Session: Mayor Pro-Tem Sitka made a motion to authorize the City Manager to select WP4 annualized price option on LCRA's 2008 Price Select. Second was made by Councilmember Bowe; motion carried unanimously.

THERE being no further business, the meeting closed at 7:31 PM.

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:

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

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

ABSENT: Craig E. Carter ........................................ Councilmember

MAYOR Rodriguez called the City Council meeting to order and Councilmember McMullen gave the invocation. The Pledge of Allegiance to the Flag was recited by all attending. Visitors were acknowledged. Councilmember Carter was acknowledged and respectfully submitted his resignation due to no longer meeting the qualifications of residency. Council expressed their pleasure with working with Mr. Carter and wished him well. Mr. Carter also expressed his regret for being unable to continue to serve and his pleasure while working with the other Councilmembers and City staff.

Arthur Rogers was introduced as the new Police Chief and was welcomed by all. Chief Rogers extended an invitation to the public to visit his office at any time and expressed his aspiration to continue to build a partnership between the police department and Yoakum’s citizens.

COUNCILMEMBER Bowe made a motion to adopt the minutes from the meeting of November 13, 2007 as presented. Second was made by Mayor Pro-Tem Sitka. Motion carried unanimously.

UNDER Old Business, Mr. J. C. Hermes and Mr. David Myer were present to provide Council with an update regarding the Lavaca County Water District. An election will be held in May 2008 to determine the development of the Lavaca County Water District. LCRA and SAWS are in the process of developing plans for a pipeline through Lavaca County which may begin depleting the water resources available in our area. The temporary Water District Board has been working on the development of a reasonable plan that would benefit Lavaca County and protect the water resources within the county. Mr. Hermes and Mr. Myer extended their appreciation to the Council for supporting the proposed Water District. Council thanked both gentlemen for providing the information.

MAYOR Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1931) on second and final reading granting a change in zoning from Residential (R-3) to Commercial (C-2) on property described as all of Block 19 in the Plaza Addition (500 Block of Tozik St.) Second was made by Councilmember Bowe; motion carried unanimously.

COUNCILMEMBER Bowe made a motion to adopt an ordinance (recorded as No. 1932) as amended on second and final reading amending the Fiscal Year 2006-2007 Budget Ordinance No. 1904. Second was made by Councilmember McMullen and motion carried unanimously.
UNDER New Business, Council considered a request from the property owner for the closure of all alleys in Block 19 of the Plaza Addition. After reviewing the information provided, Mayor Pro-Tem Sitka made a motion to adopt a resolution (recorded as No. 2007-16) closing the alleys located in Block 19 of the Plaza Addition as requested by the adjacent property owner. Motion was seconded by Councilmember Bowe and carried unanimously.

CITY Manager Cook reviewed the proposed ordinance regulating skateboarding and bicycling developed by City staff at Council's direction. Mr. Cook requested input from the Council and informed them that any suggested changes could be made prior to second reading. No changes were suggested and Mayor Pro-Tem Sitka made a motion to adopt an ordinance (recorded as No. 1933) on first reading regulating skateboarding and bicycles on certain City streets and sidewalks. Second was made by Councilmember Bowe and motion carried unanimously.

Discussion was held regarding certain parks and recreation facilities and information was provided on other park improvements. The City Manager informed the Council that during their consideration, staff had reviewed the Master Parks & Recreation and Open Space Plan. The Plan calls for greater utilization of the Mack Jamison Park. Staff told the Council that mixing different types of activities can and is causing problems in certain areas of the Park system. Based on the recommendations in the Master Parks Plan and to address the problems with mixing different types of activities, staff was recommending that all of the soccer fields be moved to Mack Jamison Park. The Adult and Youth Soccer Leagues were contacted and both agreed to use a common area if better soccer facilities were built in the Jamison Park. Staff also recommended that, if funds can be raised, the skate park should also be constructed at the Mack Jamison Park to provide for better and more utilization of the Park. The Yoakum Little League Association wants to make improvements to the Little League facilities. The League has pledged $7,000 toward the project. The City will participate with in-kind services and funds available through the Partnership In Parks improvement account.

ECONOMIC/Community Development Coordinator Patrick J. Kennedy was present to provide information on the Partnerships In Parks Program. Mr. Kennedy informed the Council that the Parks Advisory Board had recommended the City apply for a Partnership in Parks Grant for improvements to the swimming pool. At their meeting on December 10th the Yoakum Economic Development Corporation Board of Directors amended their budget to include $125,000 as matching funds toward the project. The City would provide $50,000 in in-kind services. The grant application would be for $125,000 making a total project of $300,000. The grant application must be submitted by January 15, 2008, therefore the Council would be asked to authorize and approve the application at the January Council meeting.

MOTION was made by Councilmember Bowe to authorize the City Manager to purchase a used roll-off truck for the Solid Waste Department for an amount not to exceed the budgeted amount of $64,000. Second was made by Councilmember McMullen; motion carried unanimously.

MAYOR Pro-Tem Sitka made a motion to proclaim the month of January as School Board Recognition month. Motion was seconded by Councilmember Bowe and carried unanimously.

UNDER City Manager’s report, plans have been completed and will be submitted to the Water Development Board for their review. Construction is scheduled to begin in the Spring of 2008. The City Manager informed the Council that Texas Gas Service Co. has appealed Yoakum's denial of the rate increase to the Railroad Commission of Texas. According to the documentation received, Texas Gas Service is requesting the same increase as submitted to the cities during the initial request. Council will be kept informed as information becomes
available. The #2 booster pump at the Pak Water Plant has experienced a problem. The pump has been pulled and sent to a repair shop for repairs. The drive way for the proposed City Hall has been seal coated. Staff anticipates the building to be ready for occupation by mid-January. The official move in date has been established as January 28, 2008. Bids for the Airport Road electric line relocation project were opened on December 6, 2007. The bid has been awarded to the low bidder, Techline Construction in the amount of $14,950. The other bid received was from Powerline Construction, Inc. in the amount of $28,750. The awarded amount is within the approved budget estimate. The contracts have been received for the Yoakum Street Elevated Storage Tank rehabilitation and painting project. The documents are scheduled to be signed by the Mayor after the City Attorney’s review. Work is scheduled to begin the first part of January 2008. Blue Santa deliveries are scheduled to be made on December 22nd. To-date, 144 families and 346 children have signed up for the program.

MAYOR Rodriguez announced that the meeting would be closed to the public and Council entered into Executive Session at 6:55 PM to deliberate the purchase, exchange, lease or value of real property (V.T.C.A., Gov. Code, Sec. 551.072), to discuss an electric utility-related matter (V.T.C.A., Gov. Code, Sec. 551.086), and to consult with the City Attorney on pending litigation (V.T.C.A., Gov. Code, Sec. 551.071). The meeting re-opened to the public at 7:30 PM. No action resulted from Executive Session.

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

Anita R. Rodriguez, Mayor
City of Yoakum, Texas

ATTEST:
Theresa A. Bowe
Theresa A. Bowe, City Clerk