



**CITY OF ELKHART  
CITY COUNCIL  
REGULAR MEETING MINUTES**

---

**Monday, July 01, 2019**

**6:00 pm**

**City Hall  
Outdoor Meeting Area**

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**CALL TO ORDER**

With a quorum present, the regular session meeting of the City of Elkhart City Council was called to order by Mayor McCoy at 6:00 p.m., Monday, July 01, 2019, at the outdoor meeting area of City Hall, 110 W. Parker St, Elkhart, Texas 75839.

**Present:** Mayor Jennifer McCoy, Mayor Pro Tem Raymond Dunlap, Councilmember Lucia Butler, Councilmember Taylor Bentley, Councilmember Darryl Faulk, Councilmember Chuck Conner, City Administrator Judith Cantrell, Interim City Secretary Ami Ashworth, Attorney Bettye Lynn (in attendance of executive session via telephone), Mr. Biff Knight, and Mr. Ryan Cantrell for invocation.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Pledge of Allegiance followed by Invocation given by Ryan Cantrell.

**EXECUTIVE SESSION**

At 6:01 p.m., Mayor McCoy announced that Council will go into closed session pursuant to Section 551.071(1)(A) and (2) to consult with legal counsel, Bettye Lynn, via telephone to receive legal advice concerning contemplated litigation and status thereof.

**RECONVENE IN REGULAR SESSION**

Mayor McCoy reconvened Council into regular session at 6:50 p.m. wherein a Motion was made by Councilmember Chuck Conner, seconded by Councilmember Darryl Faulk, to rescind the action taken at the special meeting of the Elkhart City Council on June 4, 2019, *only* with regard to the Council's agreement to honor the former City Secretary's alleged severance clause in Section 7.1 of the alleged Employment Agreement between the City of Elkhart and Carla Sheridan, and instead move that the alleged severance clause in Section 7.1 of the alleged Employment Agreement between the City of Elkhart and Carla Sheridan not be honored *and* that no severance be paid to Ms. Sheridan. Councilmember Conner further moved that the City Council's action on June 4, 2019, terminating Carla Sheridan's on June 4, 2019, was not affected by his Motion made with regard only to the change in status of the alleged severance clause, and that Ms. Sheridan remains terminated, effective June 4, 2019. Upon vote, the Motion carried unanimously 5-0.

**REGULAR AGENDA ITEMS**

1. Council discussion and action, if any, on Ordinance presented by City Administrator establishing a Code of Decorum during all City Council meetings, which Council previously requested be drafted during the meeting of April 15, 2019.



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City Administrator Judith Cantrell addressed the Council, stating previous administration was tasked with drafting an Ordinance following the Council Meeting of April 15, 2019, but failed to do so. She had numerous discussions with various City Managers throughout the state, who gave guidance on rules that have worked for their respective cities. Ms. Cantrell gathered examples and drafted the attached Ordinance, presenting said Ordinance to Council, thereby establishing Rules of Decorum for all future Council Meeting.

Motion was made by Councilmember Raymond Dunlap, seconded by Councilmember Lucia Butler to approve **Ordinance NO. O-07012019-1** as presented. Upon vote, the Motion carried unanimously 5-0.

2. Council discussion and action, if any, on establishing a "Utilities Supervisor" position, which would create a next in command in the absence of the Public Works Supervisor, with the position to be posted internally for applications and interviewing during the next regularly scheduled Council meeting of July 15, 2019.

City Administrator Judith Cantrell addressed the Council, discussing the need to establish a second in command to the Public Works Supervisor. The position of "Utilities Supervisor" was presented with the suggestion to open for applications internally, with interviews to be hosted at the next Council meeting of July 15, 2019. Also discussed was the need to discuss raises during the upcoming budget cycle.

Motion was made by Councilmember Chuck Conner, seconded by Councilmember Raymond Dunlap to approve the creation of the "Utilities Supervisor" with the job to be posted internally, and with interviews to be conducted on July 15, 2019. Upon vote, the Motion carried unanimously 5-0.

3. Council discussion and action, if any on changing access to safety deposit box located at Commercial Bank of Texas.

City Administrator Judith Cantrell addressed the Council concerning access to the safety deposit box located at Commercial Bank of Texas, owned by the City. During a meeting with the bank to sign necessary paperwork removing old administration from the City's various accounts, it was brought to the attention of the City Administrator and the Mayor that the City had a safety deposit box with access being granted to Mike Gordon, former Mayor, and Beverly Anderson, former Councilmember. In order to remove their names from the roster, and access the box, the City simply needs to have minutes of the Council revoking access by Mr. Gordon and Ms. Anderson and granting current administration access. It was also discussed that once access was gained, a complete and thorough inventory would be made of the contents of the box and reported back to Council.

Motion made by Councilmember Lucia Butler, seconded by Councilmember Chuck Conner to change access to the safety deposit box from Mike Gordon and Beverly Anderson to Mayor Jennifer McCoy



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and City Administrator Judith Cantrell, with a reporting of the inventory back to Council once access has been gained. Upon vote, the Motion carried unanimously 5-0.

4. Council discussion and action, if any, on issuing cell phones to City Staff, Council and Mayor for use while conducting official City business.

City Administrator Judith Cantrell presented the issue of cell phones for Staff and Council, which was previously on the agenda of June 3, 2019, but tabled to allow staff to request additional vendor quotes to ensure City was receiving the most fiscally responsible plan available. Ms. Cantrell presented several options to Council including a quote from AT&T, Firstnet. Discussion was had on contact made with Verizon with a similarly situated deal; however, a quote was still being processed and not available at the time of the meeting. Therefore, Ms. Cantrell recommended that the matter be tabled to July 15, 2019 for further discussion and action, if any.

Motion made by Councilmember Chuck Conner, seconded by Councilmember Darryl Faulk to table issue of cell phones until the next regular Council meeting of July 15, 2019, to enable staff to obtain more quotes. Upon vote, the Motion carried unanimously 5-0.

5. Council discussion of Notice of Termination of Contract for Solid Waste Collection and Disposal presented on June 26, 2019 by Waste Connections and request by Waste Connections to address the Council at July 15, 2019 meeting concerning renegotiation of contract for waste services.

City Administrator advised Council of a letter received from Waste Connections stating they do not wish to renew their current contract, but instead would like to renegotiate their contract. They intend to present their offer to Council at the next scheduled meeting of July 15, 2019. Ms. Cantrell encouraged Council to be thinking about any questions they may want to ask at the next meeting.

Motion made by Councilmember Chuck Conner, seconded by Councilmember Darryl Faulk to table the item until the regular Council meeting of July 15, 2019. Upon vote, the Motion carried unanimously 5-0.

6. Council discussion and action, if any, on matter discussed on June 3, 2019 concerning delegation of authority to contact City Attorney.

Mayor McCoy briefly addressed Council stating that the process established at the June 3, 2019 meeting was effective and there was no need to modify at this time.

Motion was made by Councilmember Chuck Conner, seconded by Councilmember Darryl Faulk to take no action. Upon vote, the Motion carried unanimously 5-0.

7. Council discussion and action, if any, on request of City Administrator to engage with the Elkhart Independent School District to institute a working internship program between the EISD and the City,



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engaging Elkhart students in civic activity and government, as well as future community projects within the City.

City Administrator Judith Cantrell discussed with Council her request to engage with the EISD for various community initiatives she wishes to begin in the near future. A meeting is scheduled with the Superintendent on July 17, 2019. Mayor McCoy brought up the issue of sensitive information associated with government. The City Administrator will work with the school to come up with an agreement that is agreeable to all parties.

Motion was made by Councilmember Lucia Butler, seconded by Councilmember Raymond Dunlap to take allow the City Administrator to engage with the Elkhart Independent School District for community initiatives and a work internship with the City. Upon vote, the Motion carried unanimously 5-0.

8. Council discussion and action, if any, concerning ongoing contract issue with Windstream as pertains to City Hall phones and internet.

City Administrator Judith Cantrell informed Council of her discoveries regarding the City's monthly charges with Windstream for internet services and phones, which included over \$200 in taxes per month. As with the cell phone issue, more time was requested to find additional providers for quotes prior to signing the contract with Windstream.

Motion was made by Councilmember Chuck Conner, seconded by Councilmember Darryl Faulk to table the item until July 15, 2019 meeting. Upon vote, the Motion carried unanimously 5-0.

9. Council discussion and action, if any, concerning Oncor Franchise Payment Agreement received on June 28, 2019.

City Administrator Judith Cantrell provided Council with a copy of the Payment Agreement received from Ms. Walker with Oncor and requested she be allowed to sign the document.

Motion was made by Councilmember Lucia Butler, seconded by Councilmember Taylor Bentley, to allow the City Administrator to sign the Franchise Payment Agreement with Oncor. Upon vote, the Motion carried unanimously 5-0.

10. Council discussion and action, if any, concerning Resolution of Intent to Issue Certificates of obligation related to ongoing TCEQ-mandated infrastructure repair project. (Hilltop Securities.)

***This item was inadvertently passed over. However, this item was to be tabled until July 15, 2019 meeting due to conflict of calendar with Hilltop Securities representative.***



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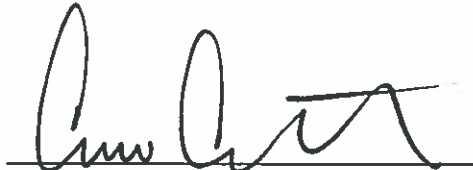
11. Council discussion and action, if any, on information gathered by Code Enforcement Officer Biff Knight on reinstituting the Elkhart Police Department and consider Marshal position. (Council may convene into Closed Session regarding this, or any other items on the agenda, if necessary, as permitted by Texas Government Code Chapter 551, Subsection D).

Mr. Biff Knight gave a presentation on information he has collection concerning the reinstatement of the Elkhart City Police Department versus the institution of a City Marshal position, including the initial cost, pros and cons of each option and future meetings scheduled with the State to ascertain the steps the City would need to take to begin planning.

Motion made by Councilmember Lucia Butler, seconded by Councilmember Darryl Faulk to take no action. Upon vote, the Motion carried unanimously 5-0.

**ADJOURN**

A Motion to adjourn the regular meeting of the City of Elkhart City Council was made by Councilmember Chuck Conner, seconded by Councilmember Darryl Faulk. Upon vote, the Motion carried unanimously 5-0. Mayor McCoy announced adjournment at 8:02 p.m.

  
Ami Ashworth,  
Interim City Secretary  
Jennifer McCoy  
Mayor of the City of Elkhart