

THE STATE OF TEXAS

COUNTY OF ANDERSON

CITY OF ELKHART

On the Fourth day of March 2019, the City of Elkhart Council convened into a council meeting at 6:00 p.m.  
With the following members present:

Mike Gordon	*	Mayor
Lucia Butler	*	Councilmember
Raymond Dunlap	*	Councilmember
Chuck Conner	*	Councilmember
Taylor Bentley	*	Councilmember
Daryll Faulk	*	Councilmember
Blake Armstrong	*	City Attorney

Agenda Item One: Call to order, Prayer, Pledge, Citizen Recognition.

Meeting called to order at 6:00 p.m. Citizen Recognition; Billy Jack Wright addressed council in support of agenda item eleven of requesting the city attorney at all council meetings and discussed the breach of contract with TXU and the cost to the city. Mr. Wright spoke in support of having attorney present and said he supports whom ever placed item on agenda. He also stressed to council why the attorney should be at meetings. Chris Sheridan addressed council and said he also supports the idea of city attorney present at all meetings and also mentioned TXU breach of contract cost. Mr. Sheridan also expressed his appreciation to whom ever called to have law enforcement present at the meeting and thanked President Donald Trump.

Agenda Item Two: Discuss and take action hearing from Kevin Cashion with Gollob, Morgan and Peddy presenting Audit of 2016-2017.

The auditing firm Gollob Morgan and Peddy, Kevin Cashion presented audit findings of 2016-2017 during a conference call with council where an oral detailed report was given to follow along with the printed audit report council was provided. A brief explanation of the auditors physical absence provided. Councilman Conner arrived at 6:36 p.m. during the auditing report.

Councilman Daryll Faulk made the motion to approve the audit of 2016-2017. Council lady Lucia Butler seconded the motion. Councilman Raymond Dunlap abstained. The remainder of the council voting "Aye", the motion carried.

Agenda Item Three: Discuss and take action hearing from bookkeeper Tina Harper concerning all aspects of bookkeeping needs for the City of Elkhart.

The council heard from bookkeeper Tina Harper regarding updates that needed to be made to the bookkeeping needs of the city. The council heard from Tina Harper regarding proposals for online banking with QuickBooks and CBTX bank, the new version of QuickBooks, and new payroll system Gusto. The bookkeeper went in to detail over security offered by the online banking and the benefits that would offer the city and the time and money savings by having City Secretary Carla Sheridan and Bookkeeper Tina Harper added as view only users to monitor accounts for security, transactions, and reconciling. Auditor Kevin Cashion was also present via phone conference for the recommendations and spoke in support of the need for the city getting books further up to date.

Council lady Lucia Butler made the motion to accept the bookkeeper Tina Harper suggestions and allow the QuickBooks, Online and Gusto payroll system. Council lady Taylor Bentley seconded the motion. All voted "Aye", the motion carried.

Agenda Item Four: Discuss and take action hearing from Cenergy Technology concerning all aspects of internet security.

Council was provided a detailed report concerning security issues and vulnerabilities of the internet and computer system for the city. The council heard from Cenergy Technology representatives on the findings of a scan on the system and its settings. The company, dealing in governmental agencies reviewed changes proposed to secure the city in the IT department. The City Secretary reported to the council that this was another area where the city has been lacking to properly oversee the system, records, and security. I reported to the council that the company came highly recommended due to their knowledge and extensive background dealing with governmental agencies and further reported the need for an IT to oversee the city's security needs. The company also updated council on findings of the need to replace the server and update computers. The company recommended replacing the sever soon. The cost of the service was also discussed during the meeting. A report provided to council from City Secretary regarding TML insurance regarding preventative measures for internet security.

Council lady Taylor Bentley made the motion to table the item until the March 19th meeting. Councilman Raymond Dunlap seconded the motion. All voted "Aye", the motion carried.

Agenda Item Five: Discuss and consider pursuing a 2019 Texas Community Development Block Grant Program Fire, Ambulance, & Services Truck (FAST) Fund grant through the Texas Department of Agriculture and authorizing the procurement of related professional services.

Beth Eddings with Traylor and Associates gave a presentation of the FAST Grant for Ambulance, Fire and Medical rescue equipment and reviewed qualifications of the grant with the council. The grant has funding available of \$500,000.00 and the city match would be minimum \$5,000.00. The qualifications are, " Does the Elkhart Volunteer Fire Department need the equipment and does the Elkhart Volunteer Fire Department service mostly the citizens in the city ?" Beth reported that the 2016 stats show Elkhart went from 54.5 percent for low to moderate income to 45.5 percent low to moderate income. HUD number of 51 percent discussed for qualifying for grants and suggestion on surveying was also discussed in regards to the stats provided by census. Council discussed having the Emergency Management Coordinator present at next meeting to see what equipment was needed in consideration of the proposed grant.

Council lady Lucia Butler made the motion to table until the 18th of March 2019 to have Chief McCoy come tell what equipment was needed. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carried.

Agenda Item Six: Discuss and take action , if any, hearing from Chris Sheridan and Billy Jack Wright concerning request to hire security for council meetings.

Council lady Lucia Butler asked if they could move Agenda Item Fifteen to Item Six. Councilman Chuck Conner seconded the motion to move item six to fifteen. All voted "Aye", the motion carried. Council went to Agenda Item Fifteen to handle executive session items.

Chris Sheridan stressed his concern over a prior meeting conduct by a council spouse and a report given by Herald Press. Ms. Butler interjected and said she did not give that statement and corrected through reporter. Chris Sheridan said false statements were made concerning complaints. Chris Sheridan said it is a good idea to have security here at meetings. Councilman Conner said he did not feel we needed security here if everyone would be mature. Discussion ended abruptly when Councilman Conner made the motion to take no action. Councilman Dunlap seconded the motion. Council lady Taylor Bentley abstained. The remaining members voting "Aye", the motion carried.

**Agenda Item Seven:** Discuss and take action concerning all aspects of funding for the City Of Elkhart regarding the TCEQ violation and compliance requirements.

Council discussed options of funding for the projects with the city attorney. Financing options is in its beginning stages and options were being explored. The city secretary reported that the council would need to seek guidance from him regarding the substantial amount of funding needed. No action was taken on the item. The TCEQ timeline is 2021 to have the item completed to avoid fines.

Council lady Lucia Butler made the motion to take no action. Councilman Daryll Faulk seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Eight:** Discuss and take action, if any, requesting the city attorney to draft an Ordinance requiring fiscal year audit to be completed by April 30th annually.

Council lady Taylor Bentley made the motion that we request the city attorney to draft the Ordinance requiring fiscal year audit to be completed by April 30 starting with 2019 audit. Councilman Raymond Dunlap seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Nine:** Discuss and take action, if any, regarding pot hole complaints, code complaints and options for the position of code enforcement for the City of Elkhart.

Council was provided a brief report on complaint made by Mr. Parker concerning pot holes and the holes not being able to be filled from rain and staff has been issued work orders to complete as soon as weather permits. Council provided an update on customers complaining about various code concerns within the city and the need for Code Enforcement. The item was to discuss with council on updates.

Council lady Lucia Butler made the motion to take no action. Council lady Taylor Bentley seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Ten:** Discuss and take action, if any, adopting policy number 03042019-1, a policy for procedures for handling complaints.

City Secretary discussed with the council and attorney regarding handling of complaints and suggested a form to file for complaints. Discussion ensued over various options.

Councilman Chuck Conner made the motion to take no action. Council lady Taylor Bentley seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Eleven:** Discuss and take action, if any, to request the city attorney construct an Ordinance requiring his presence at all city council meetings that would include executive sessions.

**Agenda Item Twelve:** Discuss and take action, if any, in consideration of setting the next meeting agenda during an open meeting.

City Secretary discussed with the council on the possibility of setting the meeting agendas in open session.

Councilman Chuck Conner made the motion to take no action. Council lady Lucia Butler seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Thirteen:** Discuss and take action, if any, regarding city council duties and all aspects of council code of ethics adoption.

Councilman Chuck Conner made the motion to take no action. Councilman Raymond Dunlap seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Fourteen:** Discuss and take action presenting Mayor with employee contracts, Ordinance No. attorney letter, Employee Handbook, and emails concerning Agenda Item Thirteen.

City Secretary reported that the items listed in agenda item fourteen, being given to the Mayor for review of items thirteen and fifteen. Council lady Lucia Butler made the motion to take no action. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Fifteen:** Executive Session. Council will convene in Executive Session pursuant to Texas Government Code Section 551.074 Personnel Matter's to discuss the following;

(A.) Pursuant to Texas Government Code section 551.074 (a)(2), the City Council will convene in Executive Session to discuss the following: Complaint against Council Member Lucia Butler.

(B.) Pursuant to Texas Government Code section 551.074 (personnel), the City Council will convene in Executive Session to discuss the following: Employment of a City Administrator.

The City Secretary Carla Sheridan requested the item of City Administrator be held in open session due to the position being assigned to and listed in contract as Chief Administrative Officer (CAO) of the city and that said item pertains to her job description by a contract. With items being discussed that are assigned to her under contract as Chief Administrative Officer of the city.

Council lady Lucia Butler also requested the agenda item fifteen (A.) be held in open session also.

**Agenda Item Sixteen: Reconvene:** In accordance with the law, no closed executive session took place. The meeting continued in open session to the public.

(A.) Discuss and take action, if any, concerning the complaint against Council Member Lucia Butler.

City Secretary Carla Sheridan reported to the council in regards to the complaint. Various concerns were discussed. The items discussed were ethics concerns on how employees are spoken and directed. The ordinance adopted to cause order for how council interacts with employees. The etiquette during meetings was also discussed with various complaints regarding concerns of liability issues to the city for actions and EEOC complaint with past complaints of work environment. Council lady Butler categorically denied the complaints.

Councilman Raymond Dunlap made the motion to take no action. Councilman Chuck Conner seconded the motion. Council Lady Taylor Bentley and Council lady Lucia Butler abstained. The remaining council voting "Aye", the motion carried.

(B.) Discuss and take action, if any, concerning the employment of a city administrator.

Council discussed the position of city administrator and reviewed current job description in the current contract. An emailed letter was read aloud that requested Council lady Butler to contact the city attorney regarding her requested agenda item on behalf of the city of Elkhart for how to proceed in the request submitted. An email from the city attorney was read aloud that reported the city could hire a city administrator but the jobs listed by contract could not overlap the duties of which contract already assigned and items designated to the position of Carla Sheridan. Duties that could be assigned to the city administrator position were discussed. Council lady Taylor Bentley asked the attorney several questions concerning City Secretary's contract during the session. Council lady Bentley asked why a contract was constructed without offering a termination clause. Councilman Dunlap said City Administrator works in the field. Council lady Butler asked about the duties that could be assigned to a City Administrator and asked if the City Administrator could handle complaints? Oversee all departments mentioning Carla or BJ could not oversee each other since we are equal and Council lady Butler asked about personnel files. Council lady Bentley mentioned personnel files being confidential in nature. Auditing personnel records were discussed. Reviewing all contracts and seeking legal advice was also discussed as a duty of a City Administrator. Meeting with auditors discussed by Council lady as a duty for a City Administrator. Council lady Butler asked who would run the city if Carla was sick. Discussion into all aspects of what positions could be given and assigned to a City Administrator. The city attorney requested to review a specific list of duties proposed if this were the direction the council wanted to go. Council lady Butler said the Code Enforcer we might hire has the credentials if they are allowed to do City Administrator classes while doing code enforcement. Councilman Raymond Dunlap said, "I think we should look for a City Administrator to take over and run the city like it should be ran." The city attorney advised the council on setting a meeting under seek legal advice from city attorney in closed session of hiring a city administrator.

A permanent audio of the council meeting will remain on file as an archive for city record purposes due to the nature of the items discussed on Agenda Item Fifteen (A.) and (B.)

Council lady Butler made the motion to continue to explore the possibility of hiring a City Administrator/Code Enforcement Officer and review job duties and responsibilities of the position. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Seventeen:** : Discuss and take action, if any, adopting Ordinance No. 03042019-2 an Ordinance for Manufactured Homes for the City of Elkhart.

Council lady Taylor Bentley made the motion to table item seventeen and eighteen until the March 18, 2019 meeting. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Eighteen:** Discuss and take action, if any, adopting Ordinance No. 03042019-1, an Ordinance for Subdivisions for the City of Elkhart.

Council heard report by the city attorney that the proposed Ordinance was still under review and could not be provided at the time of the meeting. The attorney also commented on the condition of the prior Subdivision Ordinance being out of date and needing to be completely reconstructed.

Council lady Taylor Bentley made the motion to table item seventeen and eighteen until the March 18, 2019 meeting. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Nineteen:** Discuss and take action, if any, on nominations for the Citizen Recognition Award to present at the March 18, 2019 meeting.

Council discussed the nomination of Brother Barney Walker made by Jennifer McCoy.

Council lady Lucia Butler made the motion to nominate Brother Barney Walker for the Citizen Recognition Award. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Twenty:** Discuss and take action, if any, on purchasing kalechi rock for repairs.

Council lady Lucia Butler made the motion to purchase kalechi rock for repairs. Council lady Butler amended the motion to state, approve four (4) loads of kalechi rock for repairs. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Twenty-one:** Discuss and take action concerning all aspects of Eagle Railcar meter.

Council was provide a report that the meter at the location of Eagle Railcar being read incorrectly over the years. BJ Perry reported that the readers that have read this meter have not reported accurately and the error being discovered by the Public Works Supervisor when he went to read that meter. BJ Perry also reported on the loss to the city due to the error and the significant increase in revenue after finding and correcting the error. BJ Perry also reported that due to the meter being read wrong that the monthly water loss being higher than it should be.

Councilman Chuck Conner made the motion to take no action. Councilman Daryll Faulk seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Twenty-two:** Discuss and take action concerning all aspects of the Mayor's report of the executive decision to contact the County Commissioner on 2.26.19 concerning Day Road damage and railroad crossing area of Main and Bridges to seek the county's assistance repairing the areas.

Council was provided a report by the Mayor concerning his executive decision to ask for help from the county on two areas of the city that were a safety hazard on Day Road and the Railroad crossing off of Bridges Street. The area of Day Road damaged was not passable by buses due to the hazard and the area of the railroad tracks needing immediate attention also. The item was to discuss with the council on the emergency repairs.

Council lady Lucia Butler made the motion to take no action. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Twenty-three:** Present documents of deposit to the Capital Improvement account previously approved to move in the amount of \$78,698.00 from General and \$9,549.00 from Water.

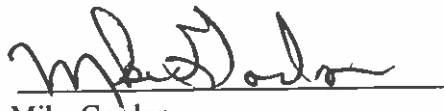
Council was provided deposit documents concerning the deposit made to the previously approved budget item of the Capital Improvement Fund from the Water account \$9,549.00 and the General account \$78,698.00. The council budgeted a total of \$88,247.00 for the Capital Improvement account during the budget cycle for the fiscal year 2018-2019. No action was taken. The item was for discussion only.

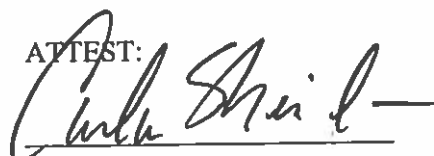
**Agenda Item Twenty-four:** Discussion regarding BJ Perry, Public Works Supervisor's application for B ground water license.

Public Works Supervisor reported to the council that he has applied for a B ground water license. No action was taken. The item was for discussion only.

**Agenda Item Twenty-five:** Adjournment.

Councilman Chuck Conner made the motion to adjourn. Council lady Taylor Bentley seconded the motion. All voted "Aye", the council meeting of March 4, 2019 adjourned at 10:43 p.m.

  
Mike Gordon  
Mayor

ATTEST:  
  
Carla Sheridan— City Secretary

