

THE STATE OF TEXAS

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COUNTY OF ANDERSON

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CITY OF ELKHART

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On the Twenty-sixth day of January 2018, the City of Elkhart Council convened into a Regular Council Meeting at 6:00 p.m. with the following members present:

Mike Gordon	*	Mayor
Billy Jack Wright	*	Councilmember
Chris Sheridan	*	Councilmember
Beverly Anderson	*	Councilmember
Carl Hallmark	*	Councilmember
Rhonda Brewer	*	Councilmember

Agenda Item One: Call regular session to Order, Pledge, Citizen Recognition.

The meeting was called to order at 6:02 p.m. Mayor Mike Gordon explained the agenda had been amended for the date of January 26, 2018. Members of the Elkhart Volunteer Fire Department were present at the meeting, William Patrick with the Palestine Herald Press on request to have council answer questions at the citizen recognition portion of meeting. Assistant Fire Chief Bobby Cernoch addressed council stating he had concerns on the \$100,000.00 contracts and why the item of the fire trucks was back on the agenda, he said he thought we had that settled. Fire Chief Randy McCoy spoke to council regarding agenda item on council vacancy and requesting this stay vacant until May, Chuck Conner announcing he is running for council, Raymond Dunlap stating he is running for council and that he went to all breaks in lines when he was Mayor, Wesley Veazey, Iva Hallmark, Helen Gordon, Tammy Baughman and Connie Davis were present also.

Agenda Item Two: Discuss and/or take action on council vacancy.

Mayor Gordon said he had person Chris Bice who resigned a few days ago, Mayor asked for the resignation letter from Chris Bice. City Secretary excused herself to retrieve letter. Councilman Chris Sheridan said, “ I strongly feel like that have to appoint somebody, because if we get in a situation where we cant hold a meeting due to the lack of a quorum and we have this issue with the school well down here and we cant make decisions there three months before the election, we are going to be in trouble. I think we do need to appoint someone.” Mayor Gordon said he agreed, Council lady Anderson said I agree. Councilman Wright said I agree. Council Lady Anderson said we have too many problems, we have to have enough people here to take care of it. Mayor Gordon read aloud letter of resignation from Council lady Chris Bice. “Elkhart City Council, Mayor and Council, I am resigning from my seat from the council, I guess my skin just isn’t thick enough. Sincerely, Chris Bice.” Dated January 20, 2018, received January 22, 2018. Councilman Sheridan said he wished Chris Bice could be there tonight, he would like to give a special thank you to Chris, she worked really hard , she was at all of the meetings and I think she did an excellent job as a City Council member and I know there were a lot of things that were bothering her and she felt like it was best for her to resign. I would like everybody to know in my opinion, she did an excellent job serving the city and she had nothing but the city’s best interest at heart when she made her decision and I would just like to say thank you. Councilman Chris Sheridan made the motion to accept the resignation of Chris Bice place one. Council Lady Beverly Anderson seconded the motion. All voted “Aye”, the motion carries. Councilman Billy Jack Wright said he has a person willing to take the vacancy for the duration of the term, Jennifer over in the corner. Councilman Sheridan said he would like to recommend Carl Hallmark. Council Lady Anderson asked for the last name of Jennifer. Jennifer spoke out, Wilson. Palestine Herald Press asked if citizens can make nominations. Councilman Sheridan exclaimed agenda has been posted 72 hours, Council Lady Rhonda Brewer said it had been posted 72 hours. Mr. Randy McCoy spoke out exclaiming you didn’t answer his question. Councilman Chris Sheridan stated, Mayor, I would like to move forward, this is the way this has been handled with this city for 20 years. Councilman Chris Sheridan made the motion to appoint Carl Hallmark to place one. Councilman Billy Jack Wright seconded the motion. All voted “Aye”, the motion carries. The Oath was given to Mr. Carl Hallmark who immediately took his seat after Oath.

Agenda Item Three: The city council will convene into Executive Session Pursuant to Texas Government Code section 551.074 (Personnel) for employee Ryan Gean evaluation.

Council convened into Executive Session at 6:24 p.m.

Agenda Item Four: Reconvene: Council will reconvene to discuss and take action as necessary regarding evaluation of field employee Ryan Gean.

Council reconvened into open session at 6:36 p.m. Councilman Chris Sheridan made the motion to take no action on the item. Councilman Billy Jack Wright seconded the motion. All voted "Aye", the motion carries.

Agenda Item Five: Discuss and take action concerning all aspects of the Elkhart Athletic Association and renewal of City Park Agreement with the association with the last renewal date of 2008 located.

Council was given copy of most current agreement located with the EYAA signed in 2001 and one amended agreement from 2008 showing amended but unsigned. Carla Sheridan suggested the agreement renew each year during the budget cycle where it would be easier to keep up with. "We should have an agreement with every entity out there, I would suggest it renew first of the budget cycle, it is easier to keep up with. There are a lot of things we have to do as a city and there are a lot of things that get overlooked and lost along the way. It is not necessarily one persons fault it is the abundance of things that go on in here. We need to all work together to put a system in order that is going to benefit the citizens we are all here for. I think it would be a good thing for those to renew each budget cycle so everybody knows what is going on. I can make a master list to hang on the wall of what needs to be done during the renewals." The council has placed meter at the park for the use of the EYAA specifically. Mayor Mike Gordon commented we were glad to work with the EYAA and that he would get with the City Secretary and EYAA President to work on the agreement.

Councilman Billy Jack Wright made the motion to table the item to the next meeting. Councilman Chris Sheridan seconded the motion. All voted, "Aye", the motion carries.

Agenda Item Six: Discussion of official minutes unable to locate from the months of February 1985 to September 1985 discovered during a public information request.

The item was for discussion only. Report to council documented missing minutes from February 1985 to September 1985. Carla Sheridan reported the Public Information Request came through and she has been unable to locate those minutes in the office where the other minutes are located. Carla Sheridan further reported that in place of providing the minutes which were missing, that copies of the agendas for the time period were provided in place of the minutes. City Secretary stated, someone had gone through the minutes and put those on paper, I don't know if that happened at that time. They have been gone through and taped to a book. I just wanted it documented those were missing. I am not saying they are not in here, I just wanted it documented they are not in the books they were marked as being in. Carla Sheridan responded to Carl Hallmark regarding records retention that the city council adopted the states record retention schedule in 2015. Carla Sheridan said, "I can open the safe for any of y'all, when you sit here at this council table and come in once or twice a month any nobody fully grasps how bad it is, I can open this safe and pull out the filing cabinets so you can see working 8 to 10 hours a day, I do not have time to pilfer through every one of those pieces of paper, some of them are just crammed in the filing cabinets. Charging fees of emails requesting public information came up, I responded those are the publics records I don't think we should if it is digital, it should be as simple as scanning and sending. It was reported to the city attorney regarding the missing minutes. Councilman Sheridan stressed the importance of saving digitally to maintain records.

No action was taken.

Agenda Item Seven: Discuss and take action to discontinue the use of petty cash due to the city having acquired both a water and general debit card and to place the petty cash in the general account.

Council was given brief that we now have a Water debit card and a General debit card and for transparency and record keeping purposes and there is really no need in petty cash. It is just something else to keep up with, that the debit cards are better for records.

Councilman Billy Jack Wright made the motion to discontinue the use of petty cash and to deposit the remainder of the funds in the general account. Council Lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eight: Discuss and take action regarding consideration of bookkeeper Tina Harper's pay rate and request to be paid at first of month.

Discussion of Tina Harper being hired for someone else's eyes to be on our books other than employees, it had been suggested by previous auditor for years.

Councilman Billy Jack Wright made the motion to table agenda item Eight. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Nine: Discussion regarding list of all vehicles finalized and signed over out of City of Elkhart's name and into the Elkhart Volunteer Fire Department name and record of signing documented titles over to the Elkhart Volunteer Fire Department;

City of Elkhart Name Alone;

1965 FORD

1974 CHEVY

1978 CHEVY

1981 CHEVY

Elkhart Volunteer Fire Department Name Alone;

2000 FORD F350 1T

1982 LADDER TRUCK

City of Elkhart and Elkhart Volunteer Fire Department Together;

2004 FORD F550

2006 FREIGHT TANKER

2007 #5166

1983 GMC

1990 GMC

Carla Sheridan, City Secretary reported, I put this on the agenda. I put it on the agenda just to document in the minutes that we transferred them over for good records for the city. That is the only reason this is on here. I do not feel comfortable moving that much of what was in the city's name and moving it to another name without documenting. Councilman Chris Sheridan asked if any council member requested this on the agenda and it was reported, "no, I put it on here for the documentation to clarify that it was done." No action was taken.

Agenda Item Ten: Discussion on pump problems at Jones Rd lift station.

Council was given a report on condition of Jones Rd lift station regarding pump problems. No action was taken on the item. Discussion over pump failing at Jones Rd. lift station. Storm came through and flooded pump causing failure.

No action was taken.

Agenda Item Eleven: Discuss and take action concerning failed pumps at School lift station and consider purchasing pumps for School lift station.

Report given by Supervisor BJ Perry. School pumps have failed. The city is having to pay to pump sewer from lift station.

Supervisor BJ Perry reported to council on the failed and costly pumps at the school lift station. Councilman Chris Sheridan made the motion to approve the repairs for \$30,000.00. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Twelve: Discuss and take action purchasing dual chlorinator and ejector from Johnson Lab and Supply.

Supervisor BJ Perry reported to council the mandatory chlorinator failed and had to order the replacement of the Chlorinator to maintain safe water quality. Councilman Billy Jack Wright made the motion to accept acknowledgment of the purchased chlorine unit on January 15, 2018 made by Executive Decision approved by Mayor Gordon. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Thirteen: Discuss and take action approving financials for the month of November and December 2017.

Councilman Chris Sheridan made the motion to approve the financials as presented for the months of November and December 2017. Councilman Billy Jack Wright seconded the motion. All voted "Aye", the motion carries.

Agenda Item Fourteen: Discuss and take action designating Anderson County as Emergency Management Coordinator for the City of Elkhart.

Councilman Billy Jack Wright made the motion to designate Anderson County as the City of Elkhart Emergency Management Coordinator. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Fifteen: Discuss and take action in consideration of approving minutes of June 2017 through November 2017.

Councilman Billy Jack Wright made the motion to approve the minutes from the June of 2017 to October 2017 council meetings. Council Lady Beverly Anderson seconded the motion. Councilman Carl Hallmark abstained. The remainder of council voted "Aye", the motion carries.

Agenda Item Sixteen: Discuss and take action regarding all aspects of Code Enforcement for the City of Elkhart.

Councilman Billy Jack Wright made the motion to contact Judge Robert Johnston, Justice of the Peace Gary Thomas, newspapers, Constable and Sheriff as well as adding employee Ryan Gean to the agenda and to call a special called meeting regarding Code Enforcement for the City of Elkhart. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Seventeen: Discuss and take action considering retaining Franklin publishing to update city ordinances for code enforcement.

Council discussed the need to have Codification of Ordinances and for Ordinances to be updated and put in order to be more functional. City Secretary reported she has seen several years pass with the same desire to put Code Enforcement in place and it has to start with this. None of us are attorneys to decide what is actually needed. The company will update annually and put the Ordinances online. When councils pass Ordinances, they will only need to send to him to upload online and update. This will keep everything in order for Code Enforcement.

Councilman Billy Jack Wright made the motion to employee Franklin Publishing of Lubbock, Texas 79411 for the fee of \$7,450.00 to update city ordinances for the City of Elkhart 75839 and code enforcement. Council Lady Rhonda Brewer seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eighteen: Discuss and take action on approval of Bond Payment due February 2018.

Councilman Sheridan said when he came on the council, he noticed something had happened previously concerning the bond, the city was taking out \$10,000.00 a month for the bond and around 2014 those funds quit being set aside. The bond came up and we had a change of staff, it wasn't the secretary's fault so to speak but by the time she caught it, it was too late and they had \$4,000.00 in the account to pay the \$120,000.00 bond payment. So, they only had about \$50,000.00 in water account so they had to rob peter to pay Paul so to speak. City Secretary said to give you a better picture of finances, when they only had the \$50,000.00 in the water account, nearly \$100,000.00 of that was meter deposits, so you have to take that away from the \$50,000.00 that was in the water account, that is how bad of a deficit that water account was in.

Councilman Billy Jack Wright made the motion to pay the bond payment from the allocated funds out of the Water Sewer Garbage account. Council Lady Rhonda Brewer seconded the motion. All voted "Aye", the motion carried.

Agenda Item Nineteen: Discussion of RVS (Water Billing Software) Past Due Balances from 2011 to 2018 for review/comparison of Meter Deposit amount that was raised in 2015.

Report given by Secretary concerning the improvement of raising the meter deposit rate. The raising of meter deposit rates has improved the loss the city had been absorbing. The effects of raising the meter deposits is protecting the loss the city was absorbing from unpaid water bills. Councilman Carl Hallmark asked concerning renters being charged more of a deposit. I reported to council to lose \$32,000.00 in a 5 year period, that is a lot of money. I hate it for them I do, but we cannot keep going the way we were going either. It is legal to charge a higher deposit to renter, they can be considered as a liability. The city was losing too much money on unpaid bills.

No action was taken. Council reviewed improvements from the raise of deposits.

Agenda Item Twenty: Discussion to update council on the requested motion to turn off the 3 TXU metered electric accounts with no consumption since 1990 as officially closed as of January 2018.

During trying to hook up our trees and outlets this year, I found we had been paying three accounts with zero consumption for 27 years. Report by Carla Sheridan City Secretary, Councilman Chris Sheridan and Andrew Chavirilla had me to audit all utilities in 2015 when we discovered the city had been paying the fire departments electric had been being paid out of that deficit water account. It was over \$8,000 some odd dollars, it did not come from their budgeted funds to pay. Chris asked me if that was messed up, what else could be messed up and has had me auditing the utilities. It has taken a lot of time pulling it apart piece by piece. During the discovery of the hook up of the replacement of downtown outlets to plug in Christmas lights, I discovered the city had been paying for 27 years for seasonal lights with zero consumption. All documentation was presented to council. 27 years ago, they hooked up seasonal lights, unmetered seasonal lights. They just give a guesstimate on what those tress would cost. Those are meant to turn on and off. They were never turned off. There has been a lot of stuff that has been overlooked in here. That's bad. Just off the top of my head, it is an estimate of about \$18,000 loss to the citizens. Councilman Chris Sheridan said he would like to commend the staff, it has obviously been hidden really well to go unnoticed 28 years. It was hidden pretty good for all those people to miss it. He also said he would like to apologize to the staff that you have had to deal with attacks on Facebook and social media about these outlets when actually you have saved them money and had they gone another 28 years, would have saved probably \$30,000.00. Councilman Sheridan said, I don't really understand why anyone would want to attack city staff over this when in my opinion is about as professional as you can get. Carla Sheridan said and presented all documentation which included the Oncor letter regarding the zero consumption for 27 years on the three accounts and said, "Hopefully when I am not here anymore, they can refer to this color coded print out of breakdown of utilities so this doesn't happen again." All accounts are with Constellation and color coded to their departments of water, general, streets. I will laminate and hang on the wall. The 3 TXU accounts have been now been closed.

Agenda Item Twenty One: Discussion to update council on the unmetered seasonal lights that were turned on in December 2017 and off in January 2018 as officially off since the season has passed.

Council given brief concerning the seasonal lights are now off. I put in the minutes so hopefully we can keep up with it and I wanted to let you know I had turned them off. The cost was approximately \$40.00 to hook up and use the Christmas lights. That is how much money we should have paid instead of the failure to disconnect seasonal lights those 27 years.

Agenda Item Twenty Two: Discussion regarding the TML (Texas Municipal League) city insurance contribution reimbursement of \$4,087.00 for Workers' Compensation Audit.

The city paid Kenneth White out of the Water Department instead of Streets and that has saved \$4,087.00. TML considers the Street Department a higher risk. Since Kenneth Whites job primarily consists of Water and Sewer and actually having enough money to pay the employee out of the growing water fund, the city saved the \$4,087.00. TML considers the Street Department higher risk. We do not have a specific person assigned specifically to the street department. Council was briefed on the refund/deposit.

Agenda Item Twenty Three: Reports to be heard by Mayor, City Secretary and Public Works Supervisor.

Report by City Secretary reported that if Councilman Sheridan decides to run in the upcoming election, the city would have to appoint Donna Albanese as the Early Voting Clerk. By law the city secretary is the EVC. If a candidate is opposed that is related, you must appoint another EVC. If Chris Sheridan runs and is unopposed, I can then be the EVC.

BJ Perry reported on water sampling, TCEQ requirements of boil water notices, TCEQ updates, Hydrant at 103 E. Parker being an asbestos line and issues of line collapsing if overloaded at 103 E. Parker and the potential catastrophic repercussions to the city if line collapses. Fire Department notification of line problems was discussed, Report over line at Moore Street needing repaired, the line causing trouble over 10 years and road repair resurfacing needs after line replaced. Leak discovered on Hatten St. Mini excavator used and doing well. Potential hire of more field employees and sign to hire being cost effective and can be used over and over. KSA wanting to meet to discuss some items, asbestos lines needing to be replaced. Lagoon doing much better with new aerator, tank inspection on USB drive to show council for a future agenda.

Agenda Item Twenty Four: Discuss and take action, as necessary, concerning the passage of an ordinance regulating sexually oriented businesses.

Councilman Billy Jack Wright made the motion adopt Ordinance No. 18-126, an Ordinance regulating sexually oriented businesses for the City of Elkhart and to strike out on page 8 Section A that included language authorizing inspection of such by the Elkhart Volunteer Fire Department. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Twenty Five: Discuss and take action on bids submitted for the repair of ditch on Jones Rd.

Council Lady Rhonda Brewer had to leave the meeting at 9:50 p.m. Council extended well wishes to her time served on council and for doing a good job. Council continued discussion on item five.

Councilman Chris Sheridan made the motion to accept the bid from London Concrete for \$3750.00 to repair the ditch bulk head on Jones Road. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Twenty Six: Discuss and take action to purchase a load of asphalt for repairing pot holes on Bridges St, Day Rd, Ridgecrest St and Moore St. Councilman Billy Jack Wright made a motion to purchase the asphalt or oil sand needed to do the job needed. Council Lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Twenty Seven: Councilman Billy Jack Wright made the motion that Agenda Item Twenty Four supercedes agenda Item Twenty Seven previously taken care of. Council Lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries. The item was in error– duplicated Agenda Item Twenty Four. Council motioned for clarification purposes only.

Agenda Item Twenty Eight: Discuss and take action approving Resolution 01262018 changing the meeting dates for the Elkhart City Council meetings.

Mayor clarified the item Resolution wording was a typo and this was meant to actually state Ordinance 01262018.

Council discussed the amount of business and problems city is facing and discussed weekly meetings and to encourage more transparency in more frequent meetings.

Councilman Chris Sheridan made the motion to approve Ordinance No. 01262018 for Elkhart City Council meetings effective immediately to hold Elkhart City Council meetings each Tuesday. Council Lady Beverly Anderson seconded.

Agenda Item Twenty Nine: Adjournment.

Council Lady Beverly Anderson made the motion to adjourn at 10: 16 p.m. Councilman Billy Jack Wright seconded the motion. All voted "Aye", the motion carries.



Mike Gordon

Mayor

ATTEST:



Carla Sheridan– City Secretary

THE STATE OF TEXAS

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COUNTY OF ANDERSON

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CITY OF ELKHART

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On the Sixth day of February 2018, the City of Elkhart Council convened into a Regular Council Meeting at 6:00 p.m. with the following members present:

Mike Gordon	*	Mayor
Billy Jack Wright	*	Councilmember
Chris Sheridan	*	Councilmember
Beverly Anderson	*	Councilmember
Carl Hallmark	*	Councilmember

Agenda Item One: Call regular session to Order, Pledge, Citizen Recognition.

Meeting called to order at 6:00 p.m.

Agenda Item Two: The city council will convene in executive session to discuss the following;

(A) Pursuant to Texas Government Code section 551.074 (Personnel) to discuss applicants for outside field help and/or Code Enforcement help for the City of Elkhart.

Council convened to executive session at 6:06 p.m.

Agenda Item Three: Reconvene: Council will reconvene to open session to discuss and take action on agenda item two.

Council reconvened to open session at 6:47 p.m.

Councilman Billy Jack wright made the motion to place on the February 13, 2018 agenda to interview applicants out of the 13 and have the city secretary to notify if they can come in on that meeting to interview for the outside field position. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Four: Council will discuss and take action concerning all aspects of bids and notices for the sale of the city owned building located at 103 E. Parker by records, to be specific, the old Elkhart Volunteer Fire Department building.

The official notice put in Palestine Herald Press, Grapeland Messenger, Tyler Newspaper and Dallas Newspaper was read in it's entirety.

PUBLIC NOTICE

REQUEST FOR SEALED BIDS TO PURCHASE REAL PROPERTY

Any questions concerning bids for the building should be directed to:

Elkhart City Office- City Secretary
110 W. Parker Elkhart, Texas

The City of Elkhart is accepting SEALED BIDS for the purchase of city-owned real property described below and located at 103 E Parker, Elkhart, Texas and to be sold for commercial use only. Receipt of bids does not require the City to accept any bid, enter into contract or to complete the sale or exchange. The City of Elkhart reserves the right to reject any and all bids. Sealed Bids should be returned to the City of Elkhart at 110 W. Parker, Elkhart, Texas by February 28, 2018 at 3:00 p.m. Bids will close at 3:00 p.m. February 28, 2018. Bids will be opened February 28, 2018 at 5:00 p.m. and the Council will meet at a following date for award of bid.

Councilman Chris Sheridan spoke to say, he asked for the item to be on the agenda. It was not necessary to add the item of the notice on the agenda but added the item to discuss putting the add in an Anderson County Newspaper. Councilman Wright spoke to say as of tonight, bids are open on the building. I feel we should go through with what has been set. City Attorney Blake Armstrong responded to council question regarding a motion and stated no motion was needed on the notice.

Agenda Item Five: Discuss and take action on all aspects of moving tornado siren to gain compliance with the state.

Council discussed siren being on the private property of homeowner and the request by the state to move the siren to gain compliance.

Councilman Billy Jack Wright said he found a local company that would move the siren at no cost. Councilman Billy Jack Wright made the motion to allow the company to make the necessary move from Watkins and Hawthorne to 410 Hwy 19/287 S as soon as the company can move the pole. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Six: Discuss and take action concerning all aspects of code enforcement for the City of Elkhart.

Mayor Gordon spoke to council concerning addressing the code issues. Mayor Gordon wanting all to participate so we can clean town up. Mayor Gordon also discussed with the City Attorney Blake Armstrong on sending out letter's concerning code enforcement violations. Council discussed the condition of the city over many years and getting worse. Discussed the need for putting a system in place. Councilman Billy Jack Wright made the motion to ask the Mayor to call the JP Gary Thomas, Sheriff, Constable, Attorney and County Judge and anyone who may have been left out of the needed individuals to a meeting on February 20 to move forward for Elkhart, Texas 75839. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Seven: Discuss and take action on approval of sending Seth Hollingsworth to TCEQ in Tyler to take his D water test on February 8, 2018.

Councilman Billy Jack Wright made the motion to send Seth Hollingsworth to TCEQ in Tyler to take his D water test on February 8, 2018. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eight: Discuss and take action sending Ryan Gean to Lufkin to take his basic water class February 20-22, 2018.

Councilman Billy Jack Wright made the motion to send Ryan Gean to Lufkin to take his basic water class February 20-22, 2018 at the cost of \$200.00 for class and allow him to car pool with consolidated for transportation as suggested. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Nine: Discuss and take action refurbishing pumps with 5J services.

Public Works Supervisor BJ Perry spoke to the council and suggested making a portable pump out of two refurbished pumps. BJ Perry spoke in detail of the need for portable pump and provided council information regarding his suggestion. Mayor Gordon commended BJ on his research and for the savings this could be to use the refurbished pumps as a portable pump that the city needs.

Councilman Chris Sheridan made the motion to pay 5J to refurbish the Gorman Rup pumps for \$1850.00. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda item Ten: Discuss and take action on letter submitted by City Secretary regarding public information request.

Council reviewed letter from City Secretary Carla Sheridan regarding the amount of public information request that is being requested being hard to keep up with and still perform regular duties. It was reported that the amount of request are taking long hours to process and overloading the position with only two full time employees causing long hours and weekend being used to do meeting minutes. It was suggested to hire another person to help process records to stay in compliance on deadlines to process the records request that are being submitted.

Councilman Billy Jack Wright made the motion to hire office staff to begin application process. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eleven: Discuss and take action on opening a separate bank account for holding funds for Capital Improvements to the City of Elkhart's infrastructure.

Councilman Chris Sheridan made the motion to open a separate bank account called Capital Improvements to hold the 2017-2018 budgeted funds in the General account for Capital Improvements to the City of Elkhart's infrastructure. Councilman Billy Jack Wright seconded the motion. All voted "Aye", the motion carries.

Agenda Item Twelve: Discuss and take action concerning all aspects of litter control options for the City of Elkhart.

Councilman Chris Sheridan stated he requested this item to be on the agenda to see what other options the city may have or resources to pick up litter within the city and spoke of the litter problems. Councilman Sheridan requested BJ Perry to call and see if we could get more community service workers than the city has currently to assist in litter control and asked if field workers on slow days could possibly assist in the picking up of litter.

No action taken on the discussion.

Agenda Item Thirteen: Adjournment.

Council lady Beverly Anderson made the motion to adjourn at 7:43 p.m. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.



Mike Gordon

Mayor

ATTEST:



Carla Sheridan— City Secretary



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Agenda Item Four: Discuss and take action on approval of renewal fee for annual TRWA membership for the City of Elkhart.

Councilman Billy Jack Wright made the motion to approve TRWA year subscription for the calendar year 2018. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Five: Discuss and take action concerning setting fee schedule for Public Information documents for the City of Elkhart.

Councilman Billy Jack Wright made the motion to table until more information is gathered and presented to the council. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Six: Discuss and take action on approval of annual renewal fee for Carbonite backup storage for city records for \$1,300.00 for the year.

Councilman Chris Sheridan made the motion to approve fee for renewal of Carbonite backup storage for city records for \$1,300.00 for the year. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Seven: Adjournment.

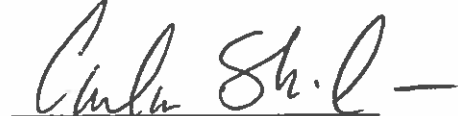
Council lady Beverly Anderson made the motion to adjourn at 6:37 p.m. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.



Mike Gordon

Mayor

ATTEST:



Carla Sheridan— City Secretary

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Agenda Item Six: Discuss and take action, if any, in consideration of relocating tornado siren controls outside in a weather proof cabinet.

Councilman Wright made the motion to table the item until after next weeks meeting. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Seven: Discuss and take action concerning all aspects of code enforcement for the City of Elkhart.

Mayor Gordon reported the Judge was invited but he is in a conference and could not attend. Mayor Gordon apologized the officials could not be here and thanked citizens present for being at meeting. Mayor Gordon stated he has lived here all his life and the town use to be a nice town. The condition has been overlooked long enough and we are working on hiring a code enforcement employee to help us with this. Mayor reported he has spoken to Judge Thomas and he is ready to have the city move forward as well. Mrs. Pinkston was present and stressed concern on local Judges not seeming concerned on issues we have in our city. Constable Franklin said the Judge is willing to come to meeting as long as his schedule allows and they happen to be in mandatory training at the time. Constable Franklin said the Judge will be glad to help the city move forward in code enforcement. Council stressed the need to hire non local citizen to keep from picking and choosing who is cited for violations and to help encourage everyone to clean up their city. Mayor Gordon said he did appreciate the citizens coming forward and attending the meeting on the issue.

No action was taken

Agenda Item Eight: Discuss and take action on purchasing a 2 inch trash pump for public works.

Councilman Chris Sheridan made the motion to purchase pump from Northern Tool for \$549.99. Councilman Billy Jack Wright seconded the motion. All voted "Aye", the motion carries.

Agenda Item Nine: Discuss and take action concerning unclaimed property, specifically refund checks for customer deposits unclaimed for the City of Elkhart and setting up the proper procedures for compliance and record purposes not addressed since at least 2012 forward.

Council was given a brief on Comptroller requested and required documents of Unclaimed Property report. The City Secretary reported to council that she called the comptroller and it was reported to her by the state office that the City of Elkhart had never turned in unclaimed property as in meter deposits unclaimed as far back as he could search. Carla Sheridan reported that she was working on a report with Tina Harper and the billing clerk Donna Albanese on a system to maintain to properly report each year. The city is required to hold on to deposits three years before turning over to the state when left unclaimed.

Councilman Billy Jack Wright made the motion to table the item. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Ten: The city council will convene into Executive Session to discuss the following;

- (A) Pursuant to Texas Government Code section 551.074 (Personnel) to discuss applicants for outside field help and/or code enforcement help for the City of Elkhart.

Councilman Billy Jack Wright made the motion to table the item. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eleven: Reconvene: Council will reconvene to discuss and take action on agenda item ten.

Councilman Billy Jack Wright made the motion to table the item. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Twelve: Discuss and take action on amending ordinance 02132018 to name to polling place from 424 W Parker First Baptist Church to First Congregational located at 510 HWY 287 N. amending a detail with- in the Election Order.

Councilman Billy Jack Wright made the motion to amend ordinance 02132018 to name to polling place from 424 W Parker First Baptist Church to First Congregational located at 510 HWY 287 N. amending a detail with- in the Election Order.

Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Thirteen: Discuss and take action on naming streets to repair.

Councilman Billy Jack Wright made the motion to table the item. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Fourteen: Discuss and take action on adopting Resolution No. 02202018-2, A Resolution authorizing the creation of Piney Woods 9-1-1 district with East Texas Council of Governments.

Councilman Billy Jack Wright made the motion to table the item. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Fifteen: Discuss and take action on signing maintenance agreement with Oncor for street lights within the city limits of Elkhart.

Councilman Billy Jack Wright made the motion to approve and have Blake Armstrong the City Attorney to review before signing the maintenance agreement. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Sixteen: Adjournment.

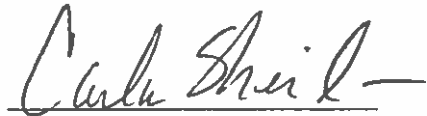
Council lady Beverly Anderson made the motion to adjourn at 8:32 p.m. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.



Mike Gordon

Mayor

ATTEST:



Carla Sheridan– City Secretary



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City of Elkhart
OPENING OF SEALED BIDS FOR 103 E. PARKER
February 27, 2018
City Hall 5:00 p.m.

Opening of the sealed bids for the City owned building located at 103 E. Parker, Elkhart, Texas 75839.

Mayor Mike Gordon present with BJ Perry, Carla Sheridan and Donna Albanese to unseal bid on building at 103 E. Parker at 5:00 p.m. and announced a \$70,000.00 bid from David and Geneva Rice from Laporte, Texas. Mayor recognized Mr. and Mrs. Rice as being the only bid submitted that was advertised in accordance with the laws and published in the Palestine Herald Press, Grapeland Messenger and Tyler Morning News as well as Dallas Morning News.


Mike Gordon
Mayor

ATTEST:


Carla Sheridan— City Secretary



THE STATE OF TEXAS

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COUNTY OF ANDERSON

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CITY OF ELKHART

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On the Sixth of March 2018, the City of Elkhart Council convened into a Regular Council Meeting at 6:00 p.m. with the following members present:

Mike Gordon	*	Mayor
Billy Jack Wright	*	Councilmember
Chris Sheridan	*	Councilmember
Beverly Anderson	*	Councilmember
Carl Hallmark	*	Councilmember
Rhonda Brewer	*	Councilmember

Agenda Item One: Call regular session to Order, Pledge, Citizen Recognition.

Meeting called to order at 6:01 p.m. City Attorney Blake Armstrong present.

Agenda Item Two: Council will discuss and take action concerning all aspects of the tornado sirens and system controls of sirens.

Councilman Billy Jack Wright made the motion to move item three up to agenda item two. Council lady Beverly Anderson seconded the motion. All voted “Aye”, the motion carries.

Mayor Gordon reported he had contacted Judge Johnston and let him know the sirens were ready to be activated and controlled by the county when they were. Mayor Gordon said we are ready to move forward on sirens. City Secretary reported she spoke to the Judge also and reported to Judge Johnston in an email sent to the state to Dave Jackson and Judge Johnston letting them know the siren had been relocated as requested and ready to be controlled when county was. Council discussed waiting to hear back from Judge Johnson from the state.

Agenda Item Three: Discuss and take action concerning all aspects of Code Enforcement for the City of Elkhart.

Due to Judge Thomas needing to leave to attend elections, council discussed moving item up on the agenda. Councilman Billy Jack Wright made the motion to move item three up to agenda item two. Council lady Beverly Anderson seconded the motion. All voted “Aye”, the motion carries.

All aspects of the Code Enforcement was discussed. Judge Thomas reviewed with council and attorney what steps need to take place in order to continue with the department of Code Enforcement for the clean up within the city and animal control.

Councilman Billy Jack Wright made the motion to take no action. Councilman Chris Sheridan seconded the motion. All voted “Aye”, the motion carries.

Agenda Item Four: Discuss, consider and take action, as necessary, to award a bid for the sale of real property located at 103 E. Parker and authorizing the execution of all documents necessary to effectuate the sale.

Council discussed with city attorney regarding the opened bid and the awarding of the sale of the property located at 103 E Parker in Elkhart, Texas. The council requested the city attorney to handle all paper work pertaining to the final sale of the building.

Councilman Billy Jack Wright made the motion to accept the bid offer of \$70,000.00 from David and Geneava Rice from Laporte, Texas sold for commercial use at the address of 103 E. Parker to be used for commercial use bringing in revenue for the city and authorize the city attorney to handle the deed and contract for the completion of the sale. Councilman Chris Sheridan seconded the motion. All voted “Aye”, the motion carries.

Agenda Item Five: Discuss and take action on a single sealed bid submitted for the 1981 Chevy and 1994 Ford vehicles not in running condition located behind city hall.

Councilman Billy Jack Wright made the motion to accept the bids for the 1981 Chevy and 1994 Ford vehicles as a total of \$200.00 for vehicles and any titles transfer fees to be paid by Paul Hester. Council lady Beverly Anderson seconded the motion. All voted “Aye”, the motion carries.

Agenda Item Six: Discuss and take action on adoption of Ordinance No. 03062018, an Ordinance amending Ordinance No. 02132018. Amending only a detail within the election order, not the substance of the order itself, to change the location site of the election from 424 W. Parker to First Congregational Methodist Church at 510 Highway 287 N. Elkhart, Texas for Election Day on May 5, 2018.

Councilman Billy Jack Wright made the motion to adopt Ordinance No. 03062018, an Ordinance amending Ordinance No. 02132018. Amending only a detail within the election order, not the substance of the order itself, to change the location site of the election from 424 W. Parker to First Congregational Methodist Church at 510 Highway 287 N. Elkhart, Texas for Election Day on May 5, 2018.

Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Seven: Discuss and take action adopting a policy to receive request in writing from council members/staff for items to be placed on next meeting agenda and to list on each agenda moving forward for documentation of request for items to be placed on the agenda.

Council reviewed the need to have requested agenda items in writing for record purposes and order for the city by being able to properly record who is requesting items for the agenda. Councilman Billy Jack Wright made the motion to adopt the policy for request of items to be placed on the agenda. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eight: The city council will convene into Executive Session Pursuant to Texas Government Code section 551.074 (Personnel Matters) to interview for hiring of outside filed help and/or Code Enforcement position.

Council convened in executive session at 6:58 p.m.

Agenda Item Nine: Reconvene: Council will reconvene to discuss and/or take action, as necessary, regarding agenda item eight.

Council reconvened to open session at 9:29 p.m.

Councilman Billy Jack Wright made the motion to take no action. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Ten: Discuss and take action setting a clean up day for the Spring 2018 clean up day.

Councilman Billy Jack Wright made the motion to set the Spring Clean Up Day for April 14, 2018. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eleven: Discuss and take action approving financials for the month of January 2018.

Councilman Chris Sheridan made the motion to approve financials for the month of January 2018. Councilman Billy Jack Wright seconded the motion. All voted "Aye", the motion carries.

Agenda Item Twelve: Discuss and take action approving the minutes from November and December 2017.

Councilman Billy Jack Wright made the motion to table the item until the next meeting. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Thirteen: Discuss and take action on naming streets to repair for 2018.

Councilman Billy Jack Wright made the motion to approve N. Main from Parker to curve, Oakwood St., N. Church St. from Sheridan St. to Parker St. and Moore St. and measure and submit a request the Anderson County Commissioner Court Precinct 1 for an interlocal agreement. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Fourteen: Discuss and take action on employee handbook and administrative guidelines.

Councilman Chris Sheridan made the motion to set a workshop for March 20, 2018 at 5:30 to review employee handbook and guidelines for potential amendments.

Agenda Item Fifteen: Adjournment.

Council lady Beverly Anderson made the motion to adjourn the meeting at 10:06 p.m. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries. The meeting adjourned.



Mike Gordon
Mayor

ATTEST:



Carla Sheridan— City Secretary



THE STATE OF TEXAS

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COUNTY OF ANDERSON

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CITY OF ELKHART

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On the Thirteenth day of March the City of Elkhart Council convened into a Regular Council Meeting at 6:03 p.m. with the following members present::

Mike Gordon	*	Mayor
Billy Jack Wright	*	Councilmember
Chris Sheridan	*	Councilmember
Beverly Anderson	*	Councilmember
Carl Hallmark	*	Councilmember

Agenda Item One: Call regular session to Order, Pledge, Citizen Recognition.

Mayor Gordon called the meeting to order at 6:03 p.m.

Agenda Item Two: Discuss and take action hearing from KSA, city engineer regarding all aspects of the City of Elkhart, reporting and infrastructure plans.

Council heard from Tracy Hicks and Sigi West with KSA. Council was provided documents from engineer. Sigi West explained that the Capital Improvement Plan has been developed. The CIP addresses deficiencies in the system. The existing plan assumes construction of a new elevated tank that is needed to increase pressure in water system to meet the minimum TCEQ standards. It is possible that this could be accomplished through pressure tanks at a lesser cost to the city. These options should be reviewed as planning for project funding as we move forward. Booster station at high school will be taken off line when this is addressed so the mark the city has against it for that booster pump station will go away when this is addressed. The city has been selected by the TWDB to participate in a piolet program that offers assistance to smaller water and waste water system to aid them in better management practices. This is only to assist the city with better management practices. The management skills that comes with the program will help the city with management skills for the proper budgeting guidance concerning the city infrastructure repairs. It was suggested the city retain a financial adviser to assist the city for the funding of the state mandated repairs.

Councilman Billy Jack Wright made the motion to take no action on agenda item 2, hearing from the KSA Engineer Tracy Hicks regarding all aspects of the City of Elkhart, reporting and infrastructure plans. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Three: Discuss and take action on Northern Tool trash pump price difference submitted at a previous meeting and approval for purchase of trash pump.

BJ Perry reported the last meeting when the item was addressed, he had to leave on a leak. The item went off sale of the \$549.00 originally approved and the pump went off sale and the cost went to \$703.60.

Councilman Billy Jack Wright made the motion to approve \$703.60 that includes a 3 year warranty for the purchase of the trash pump from Northern Tool. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Four: Discuss and take action in consideration of sending BJ Perry to Gladewater April 2, 2018 through April 4, 2018 for Customer Service Inspection class.

Councilman Chris Sheridan made the motion to send BJ Perry to Gladewater April 2, 2018 through April 4, 2018 for Customer Service Inspection class. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Five: Discuss and take action approving the minutes from November and December 2017.

Councilman Hallmark reported he would like to abstain from a vote due to not having been at previous meetings.

Councilman Billy Jack Wright made the motion to approve the minutes of November and December 2017 as presented. Councilman Chris Sheridan seconded the motion. Councilman Carl Hallmark abstained. The motion carries.

Agenda Item Six: Discuss and take action concerning 307 N. Main sewer connection and problems concerning the sewer line.

Council lady Beverly Anderson reported on Mrs. McKinney's sewer line having caused issues for years. She reported the sewer does not flow in the proper direction at the location. BJ Perry reported the line was never installed at the correct grade and the sewer runs uphill instead of at its natural grade. BJ Perry reported the tap was installed to the sewer at Mrs. Anderson's and was not properly installed and the sewer backing up at several homes on Main St. from the problem.

Councilman Billy Jack Wright made the motion to start the necessary process concerning 307 N. Main on the sewer connection and to give BJ Perry the authority to get the necessary contractor to run a camera and start the process. Councilman Carl Hallmark seconded the motion. Council lady Beverly Anderson abstained. The remaining member's voted "Aye", the motion carries.

Agenda Item Seven: Discuss and take action on employee handbook and administrative guidelines.

Councilman Billy Jack Wright made the motion to review handbook and return to review at a future meeting. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eight: The city council will convene into Executive Session Pursuant to Texas Government Code section 551.074 (Personnel Matters) to interview for hiring of outside field help and/or Code Enforcement position.

Council convened to a closed session at 7:23 p.m.

Agenda Item Nine: Reconvene: Council will reconvene to discuss and/or take action, as necessary, regarding agenda item eight.

Council reconvened at 9:48 p.m. Councilman Billy Jack Wright made the motion to hire a code enforcement position part-time to be extended to candidate interviewed and hire outside field help interviewed not to exceed 32 hours per week, at \$10.00 per hour. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

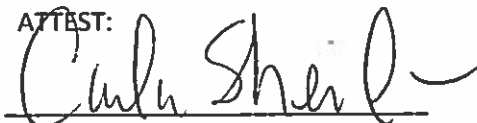
Agenda Item Ten: Discuss and take action approving financials for the month of February 2018.

Councilman Billy Jack Wright made the motion to approve the financials for the month of February 2018. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eleven: Adjournment.

Council lady Beverly Anderson made the motion to adjourn at 9:58 pm. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

ATTEST:



Carla Sheridan— City Secretary



Mayor, Mike Gordon

THE STATE OF TEXAS

COUNTY OF ANDERSON

CITY OF ELKHART

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On the Twenty-seventh day of March 2018, the City of Elkhart Council convened into a Regular Council Meeting at 6:00 p.m. with the following members present:

Mike Gordon

Billy Jack Wright

Chris Sheridan

Beverly Anderson

Carl Hallmark

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Mayor

Councilmember

Councilmember

Councilmember

Councilmember

Agenda Item One: Call regular session to Order, Pledge, Citizen Recognition.

The meeting was called to order at 6:00 p.m.. Present at meeting Connie Davis, Sigi West, Brek Clendenin, Iva Hallmark, Lucia Butler, Jennifer McCoy, BJ Perry, Chuck Conner, Tammy Baughman, Tracey Hicks, Carmen Rickel, Travis Atchley. Tammy Baughman spoke to council regarding vacant seat.

Agenda Item Two: Discuss and take action as necessary hearing from Brek Clendenin with Tradition Energy concerning all aspects of extending electrical contract with Constellation Energy and reviewing regional market outlook.

Council reviewed contract extension with current constellation energy contract that was signed by Lucia Butler, Billy Jack Wright and Jan Stuteville approved by previous council that will be ending in 2020. Council discussion on possibly extending the contract ending 2020 to through 2025.

Councilman Chris Sheridan made the motion to move forward with the contract and have attorney review and approve and to represent to discuss at next meeting. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Three: Discuss and take action concerning all aspects of the program offered by Texas Water Development Board , Asset Management for Small Systems (AMPSS) and hearing from engineers related to the project.

Councilman Carl Hallmark made the motion to enter agreement with the AMPSS program with the following three preferences in order as : KSA, HR Green, Schaumburg & Polk. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Four: Discuss and take action concerning all aspects of the proposed EYAA agreement between the City of a Elkhart and the Elkhart Youth and Athletic Association.

Councilman Carl Hallmark made the motion to amend the proposed new agreement between the City of Elkhart and the EYAA to a 5 year agreement and amend to request financials each August leaving a 30 day notice as it stands. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Five: Consider, discuss and take action, as necessary, concerning the adoption of Ordinance No. 03272018-1 establishing City Council Policies and Procedures and authorizing the City Secretary to seek the advice of the City Attorney when necessary.

Councilman Billy Jack wright made the motion to adopt Ordinance No. 03272018-1 establishing City Council Policies and Procedures and authorizing the City Secretary to seek the advice of the City Attorney when necessary. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Six: Discuss and take action hearing from Kevin Cashion, the city auditor concerning audit report and consideration to retain Kevin Cashion with Gollob Morgan and Peddy for the Fiscal Year 2017 audit.

Councilman Chris Sheridan made the motion to table item six until the next meeting. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Seven: Discuss and take action concerning Texas Municipal League (TML) rerate consideration and approval for employee health insurance premium increase through TML.

Councilman Chris Sheridan made the motion to select option 2 on the rerate for employee insurance with TMLIEBP effective July 1, 2018. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eight: The city council will convene into Executive Session Pursuant to Texas Government Code section 551.074 (Personnel Matters) to interview for hiring of outside filed help and/or Code Enforcement position.

Council convened to executive session at 7:49 p.m.

Agenda Item Nine: Reconvene: Council will reconvene to discuss and/or take action, as necessary, regarding agenda item eight.

Council reconvened to open session at 8:16 p.m.

Councilman Billy Jack Wright made the motion to hire Tyler Trahan as field employee and Jimmy Yates as Code Enforcement employee for 30 hours a week and \$10.00 an hour. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Ten: Discuss and take action purchasing chainsaw from Collins Tractor and weed eater from Foster Saw and Lawn.

BJ Perry spoke to council and reported the weed eater was on sale and under the \$500.00 limit so that was purchased and requested this item on agenda to report the purchase to council to promote transparency. BJ Perry also is requesting a new saw for the street department.

Councilman Billy Jack Wright made the motion to purchase a chain saw from Collins in Crockett for \$519.95 and allow to add chain to be purchased at \$550.00 or less. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eleven: Consider, discuss and take action, as necessary, concerning the adoption of Ordinance No. 03272018-2 an Ordinance regarding Substandard Buildings for the City of Elkhart, and repealing Ordinance No. 110.

Councilman Billy Jack Wright made the motion to adopt Ordinance No. 03272018-2 an Ordinance regarding Substandard Buildings for the City of Elkhart, and repealing Ordinance No. 110.

Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Twelve: Discussion regarding vehicles and titles signed over out of the name of the City of Elkhart and to Paul Hester for the 1981 Red Chevy truck not running, Vin 184254 And the 1994 White Ford truck not running, Vin A38342 after accepting sealed bid offer.

Discussion regarding vehicles signed over for record purposes only. The two vehicles have been stored on city property years and not running. Mr. Paul Hester submitted a bid rejected in past but has been awarded current bid and vehicles now out of the name of the City of Elkhart officially.

Agenda Item Thirteen: Discuss and take action, if any, concerning request of a leak adjustment from Floyd Blake.

Council reviewed leak information of customer. Customer has had two leaks within the 18 month allowed time and the item was added to the agenda for consideration since an adjustment occurred during the 18 months already. Council discussed staying within the agreed terms and allowing Mr. Blake to pay out leak with no late fees.

Councilman Chris Sheridan made the motion to take no action. Councilman Billy Jack Wright seconded the motion. All voted "Aye", the motion carries.

Agenda Item Fourteen: Discuss and take action concerning 307 N. Main sewer connection and problems concerning the sewer line.

Council discussed problem in the way the sewer line was put in and the issue causing sewer not to drain from Mrs. McKinney's home causing sewer back ups for many years.

Councilman Billy Jack Wright made the motion to take no action. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Fifteen: Discuss and take action, if any, in consideration of information concerning the Meet me at the Park Grant.

Council reviewed information for a park grant. Council discussed trying to reach the number on the print out to inquire for further details regarding the grant. There was not enough information for council to review concerning the grant at the meeting. Councilman Carl Hallmark reported he tried calling Michele Cahal from ETCOG to ask questions on grant but has not been able to reach her.

Councilman Chris Sheridan made the motion to table to a later meeting with more information. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries

Agenda Item Sixteen: Discuss matters related to hiring legal counsel for city officials regarding investigation ordered by Anderson County District Attorney Alison Mitchel.

Councilman Chris Sheridan reported to council information from TML regarding attorney fees for allegations of investigation ordered by Anderson County District Attorney Alison Mitchel. No action was taken on the item.

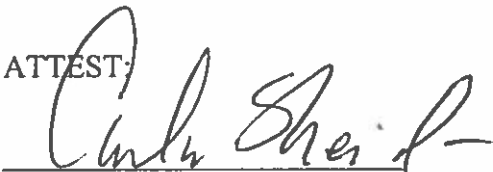
Agenda Item Seventeen: Discuss and take action on accepting the resignation of City Councilman Billy Jack Wright Place # 3 on the Elkhart City Council and appoint vacated position formally held by Rhonda Brewer Place # 2 on the Elkhart City Council.

Councilman Chris Sheridan made the motion to accept the resignation of Billy Jack Wright on Place #3. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Councilman Chris Sheridan made the motion to appoint Billy Jack Wright to the vacant council seat of Rhonda Brewer. Council lady Beverly Anderson seconded the motion. Councilman Carl Hallmark opposed. The motion carries.

Agenda Item Eighteen : Adjournment was mistakenly left off of the agenda. Council adjourned at 9:27 p.m.


Mike Gordon
Mayor

ATTEST:

Carla Sheridan– City Secretary



THE STATE OF TEXAS

COUNTY OF ANDERSON

CITY OF ELKHART

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On Tenth day of April 2018, the City of Elkhart Council convened into a Regular Council Meeting at 6:00 p.m. with the following members present:

Mike Gordon	*	Mayor
Billy Jack Wright	*	Councilmember
Chris Sheridan	*	Councilmember
Beverly Anderson	*	Councilmember
Carl Hallmark	*	Councilmember
Rhonda Brewer	*	Councilmember

Agenda Item One: Call regular session to Order, Pledge, Citizen Recognition.

Meeting called to order at 6:00 p.m.

Agenda Item Two: Discuss, consider and take action, as desired, to rescind the appointment of Billy Jack Wright to Rhonda Brewers council place, Place Two (2).

Councilman Chris Sheridan made the motion to rescind the motion of appointing Billy Jack Wright to Place Two seat of Rhonda Brewer. Council lady Beverly Anderson seconded the motion. All voted “Aye”, the motion carries.

Agenda Item Three: Discuss, consider and take action as desired, declaring Place Two (2) of the Elkhart City Council to be vacant and order a Special Election to fill the vacancy.

Councilman Chris Sheridan made the motion to declare place 2 vacant and order a special election to fill the vacancy. Councilman Carl Hallmark seconded the motion. All voted “Aye”, the motion carries.

Agenda Item Four: Discuss, consider and take action as desired, on adoption of Resolution No. 04102018, a Resolution authorizing creation of the Piney Woods 9-1-1 District for Regional Emergency Communications.

Councilman Billy Jack Wright made the motion to table the item until after the election. Councilman Chris Sheridan seconded the motion. All voted “Aye”, the motion carries.

Agenda Item Five: Discuss and take action, if any, hearing from Mr. Felipe with Felipe’s Yard & Tree Services on tree trimming services.

Councilman Billy Jack Wright spoke to council and reported on work he seen Mr. Felipe had completed and wanted the council to consider his company if the city ever needed to use the services. Mr. Felipe could not attend meeting. Council discussed a tree that a citizen had recently removed after a storm on Lewis St that used Felipe Tree Services and Councilman Wright said he did a great job and wanted the council to consider if we ever needed a tree trimming service. Councilman Billy Jack Wright and Councilman Chris Sheridan told BJ to thank the Fire Department for offering to volunteer to remove tree before citizen removed. Councilman Billy Jack Wright made the motion to take no action. Councilman Carl Hallmark seconded the motion. All voted “Aye”, the motion carries.

Agenda Item Six: Discuss and take action, if any, on fire hydrants located at Parker St., Gammage St. and Bridges St. as well as the distribution lines in the area with solutions or precautions to prevent damage to the distribution line and discuss with council the repercussions of line collapsing.

Council lady Beverly Anderson spoke to council and stated she requested to discuss the item due to concerns from questions on the hydrant that had arose and asked BJ Perry if he could review what the problem is at the hydrant located at 103 E. Parker. BJ Perry reported that the line at that location being an old A/C line and a water main and that if too much pressure was put on the hydrant, it could cause the line to break and that would be a catastrophic event of failure of all water supply possibly for weeks and it has been suggested to prevent such an occurrence for the Fire Department to use a location to fill up tanker trucks on Cimarron Street instead of at that particular location, unless for emergencies. Council discussed the Capital Improvement funds needing to be in a separate account just for such water line repairs, replacements and improvements.

Council recessed 20 minutes from disturbance reported that was distracting council members from hearing. Fire Chief, Palestine paper reporter and Mr. Dunlap were walking around talking during meeting when council requested a recess

Agenda Item Seven: Discuss and take action hearing from Kevin Cashion, the city auditor concerning audit report and consideration to retain Kevin Cashion with Gollob Morgan and Peddy for the Fiscal Year 2017 audit.

Council called Mr. Kevin Cashion with Gollob Morgan and Peddy over a teleconference to hear report over the phone on the audit. Mr. Cashion went over each page of the audit with the council and answered questions, concerns for audit. The council discussed retaining Kevin Cashion for audit for 2016, 2017 for the City of Elkhart. Council also discussed having the City Secretary contact Kevin Cashion regarding contact numbers for someone to discuss helping bring in more revenue for the city.

Councilman Chris Sheridan made the motion to accept the 2015 audit report and to retain Gollob Morgan and Peddy for the 2016, 2017 auditing needs for the city. Councilman Billy Jack Wright seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eight: Discuss and take action in consideration of purchasing a tablet or laptop computer and printer for the Code Enforcement Department personnel.

Councilman Chris Sheridan made the motion to table to a later meeting. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Nine: Discuss and take action, if any, to adopt Ordinance No. 04102018, an Ordinance establishing guidelines for Property Nuisance, Cleanliness and Sanitation of Property.

Councilman Billy Jack Wright made a motion to adopt Ordinance No. 04102018, an Ordinance establishing guidelines for Property Nuisance, Cleanliness and Sanitation of Property with the exception of striking C. page two first sentence and all of E to be stricken off as well with city attorney blessing to adopt. Councilman Carl Hallmark seconded. All voted "Aye", the motion carries.

Agenda Item Ten: Discuss and take action, if any, on purchasing two belly dump loads of rock.


Councilman Billy Jack Wright made the motion to table. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eleven: Discuss and take action, if any, approving the minutes for January and February 2018.

Councilman Chris Sheridan made the motion to table the item. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Twelve: Adjournment.

Council lady Beverly Anderson made a motion to adjourn at 8:27 p.m. All voted "Aye", the motion carries. Meeting adjourned.


Mike Gordon
Mayor

ATTEST:

Carla Sheridan— City Secretary

THE STATE OF TEXAS *

COUNTY OF ANDERSON *

CITY OF ELKHART *

On the Seventeenth day of April 2018, the City of Elkhart Council convened into a Regular Council Meeting at 6:00 p.m. with the following members present:

Mike Gordon	*	Mayor
Billy Jack Wright	*	Councilmember
Chris Sheridan	*	Councilmember
Beverly Anderson	*	Councilmember
Carl Hallmark	*	Councilmember

Mr. Raymond Dunlap spoke to council regarding Councilman Wright serving as a holdover position to his seat. Raymond Dunlap said Councilman Wright was not able to vote and if he could vote than so could he and said he resigned and his vote does not count.

Agenda Item One: Call regular session to Order, Pledge, Citizen Recognition.

Agenda Item Two: Discuss and take action purchase of two siren boards needed for the county to control the tornado sirens.

Council discussed the boards that Judge Johnston reported we would need for the county to activate the tornado sirens. Council briefed on email sent to Dave Jackson and Judge Johnston on council being ready to move forward on sirens.

Councilman Billy Jack wright made the motion to table purchasing until a later meeting after more information is obtained. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Three: Discuss, consider and take action, if any, on payroll study from 2011 at the beginning of QuickBooks software to current 2017.

Council was given a breakdown report on payroll and overtime to compare from the start of QuickBooks records to current so the city would know where payroll had been and where it stands today to try and maintain a record to review for payroll in an attempt to observe overtime better and see how the payroll of salary compared to hourly has helped save tax payers money on employment . The study is meant to compare and be transparent on pay to employees. Councilman Wright and Councilman Sheridan thanked secretary for spending the time to break down report to present. Councilman Billy Jack Wright motioned to furnish copies to all regular and special called meetings for councils to review in all future meetings and to place a stack of reports for the public out front. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Four: Discussion on personal mail that was sent to the City of Elkhart recently by a former official.

Council was given a brief on mail sent to city office from a book company by a former official, Mr. Dunlap. I reported to council the mail was returned to the company and the item is to record the mail was returned.

No action was taken on the item.

Agenda Item Five: Discuss and take action, if any, approving financials for the month of March 2018.

Councilman Chris Sheridan made the motion to approve financials for the month of March 2018. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Six: Discuss and take action, if any, on approving two new hydrants within the city.

Council discussed areas of hydrants throughout the city and the recently placed hydrants within the city.

Councilman Chris Sheridan made the motion to take no action. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Seven: Discuss and take action, if any, on extending the water line and adding fire hydrant between El Dorado and Eagle Railcar.

Council reviewed with BJ Perry that the Fire Chief reported that if a hydrant was placed here, they most likely wouldn't be able to access in case of fire. Council discussed different areas a hydrant could be placed. BJ Perry reported to council we could invite safety reps from companies to come to a city meeting to review concerns and ideas for fire suppression within those areas.

Councilman Chris Sheridan made the motion to take no action. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eight: Discuss and take action on purchasing a laptop computer and printer for the Code Enforcement Department personnel.

Councilman Carl Hallmark made the motion to approve a \$500.00 or under purchase of computer and printer. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Nine: Discuss and take action, if any, on purchasing aerator for the aeration ditch at the wastewater treatment plant from S&N aeroflo replacing Luft Works paddlewheel due to recent failure in the hydraulic system of that aerator.

Council heard from BJ Perry regarding the failure of the old Luft Works paddlewheel hydraulic system and oil pouring in racetrack from failure.

Council also heard from Public Works Supervisor BJ Perry on the drastic improvements to the wastewater plant and area doing much better.

Councilman Billy Jack Wright made the motion to approve the purchase of the aerator from S&N Aeroflo for \$34,000. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Ten: Discuss and take action if any, concerning city repeater struck by lightning and consideration of approval of quote to repair

Lightning struck city repeater. Council requested to start claim process on repeater and to see if surge protector would cover any of the loss.

Councilman Billy Jack wright made the motion to allow \$650.00 for the repair of the repeater and to start process of claim on repeater. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eleven: Discuss and take action approving minutes for the months of January and February 2018.

Councilman Billy Jack Wright made the motion to table the item to the next meeting. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Twelve: Discuss and take action concerning clean out of ditches and culverts for the city.

BJ Perry discussed ditches and culverts in the city and the ditches that have been cleaned out. Council discussed using the excavator to dig ditches and the ditch on Hemby St being cleaned out by field workers.

No action was taken on the item.

Agenda Item Thirteen: Discuss and take action water line replacement for a section of problem area on Hwy 294 W. and Moore St.

Councilman Chris Sheridan made the motion to replace Moore St problem area the full length of the problem area and to discuss with city engineer on the 294 W water line. Councilman Carl Hallmark seconded the motion. All voted "Aye" the motion carries.


Agenda Item Fourteen: Discuss and take action, if any, concerning all aspects of paying extra bond payment of \$120,000.00.

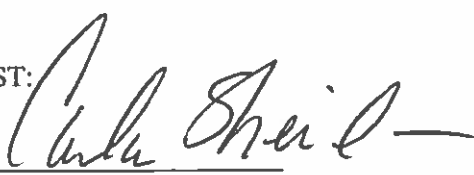
Council discussed in detail concerning the bond payment for the city. The council discussed paying this would leave the city debt free instead of two more years of paying bond out. Council reviewed totals sent in from 2015 to date on bond payments.

Councilman Billy Jack Wright made the motion to pay, out of the reserves in the General fund the total bill of up to \$250,000.00 on bond to leave the city debt free. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carried to pay the remaining balance of the Bond off.

Agenda Item Fifteen: Adjournment.

Council lady Beverly Anderson made the motion to adjourn at 9:06 p.m. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.


Mike Gordon
Mayor

ATTEST: 
Carla Sheridan- City Secretary

THE STATE OF TEXAS

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COUNTY OF ANDERSON

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CITY OF ELKHART

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On the First day of May 2018, the City of Elkhart Council convened into a Regular Council Meeting at 6:00 p.m. with the following members present:

Mike Gordon	*	Mayor
Billy Jack Wright	*	Councilmember
Chris Sheridan	*	Councilmember * ABSENT
Beverly Anderson	*	Councilmember
Carl Hallmark	*	Councilmember

Agenda Item One: Call regular session to Order, Prayer, Pledge, Citizen Recognition.

Meeting called to order at 6:00 p.m.

Agenda Item Two: Discuss and take action purchasing two handheld radios for the outside field staff.

Councilman Billy Jack Wright made the motion to purchase (3) new radios for the City of Elkhart from Crosspoint Communications for the quote of 3 VHF 128 5 watts for \$902.00. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Three: Discuss, consider and take action, if any, on payroll study from 2011 at the beginning of QuickBooks software to current 2017.

Council discussed the payroll report being an asset and useful tool for records and councils in the future to maintain eyes on payroll. Council expressed gratitude in the report that was generated for proper records that allows councils to review spending in hopes of getting better each year. No action was taken on the report.

Agenda Item Four: Discuss and take action on ordering of street signs and requesting report of signs that need to be replaced and updated.

Councilman Carl Hallmark spoke to council regarding the signs and purchasing signs through TDCJ-ID for savings to the taxpayers. Councilman Hallmark reported he could pick up the signs when completed to save on shipping. Council asked BJ Perry to get a list together on signs needing to be replaced within the city.

Councilman Carl Hallmark made the motion to get a count of street signs that needs to be replaced. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Five: Discuss and take action if any concerning sewer line at 307 N. Main street to repair.

Council discussed the sewer at the location that has been backing up many years causing backflow to residents of the area.

Councilman Billy Jack Wright made the motion to hire Duplichain from Alto, Texas to install the sewer line at the correct gravity and grade to prevent future problem in the area for the quoted price of \$3,300.00. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Six: Discussion with council of all aspects on TXU and Constellation Energy breach of contract from previous administration and update council on balance left owed and pay out date.

Councilman Billy Jack Wright made the motion to table to the next meeting. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Seven: Discuss and take action, if any, to review contract to sign with Constellation Energy extending the electrical contract date through to 2025.

Council discussed the contract and reviewed documents approving the extension from 2020 to 2025 for the continuation of Constellation Energy contract through to 2025. Council discussed the importance of having City Attorney to review all contracts in the future to make sure the city is protected by the signing of contracts.

Councilman Billy Jack Wright made the motion to extend the Constellation Energy contract through to the year 2025. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eight: Discuss and take action on request of adjustment on Nancy or Rickey Oster.

Councilman Billy Jack Wright made the motion to grant the adjustment of \$189.59 to Nancy Oster from the address of 121 Hwy 287 N. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Nine: Discussion with council on the stop payment of lost refund check for customer Destinee Sebastian, check #1090 for \$124.53 out of the meter deposit account and the reissuance of check to replace the lost check.

City Secretary reported to council the sent refund check that was originally sent out to customer never made it to the customer and from the amount of time that it had been sent out that it looked to be lost. The City Secretary reviewed with the Mayor and stopped payment on the check to reissue a new check for the customers deposit refund. The lost refund check number was 1020 from the Meter Deposit account. No action was taken on the item of discussion.

Agenda Item Ten: Discuss and take action, if any, concerning placing a code complaint box to be placed in front waiting room with lock.

Councilman Carl hallmark made the motion to place a code complaint box in front in the waiting room with a lock for customers to have a way to voice complaints concerning code concerns. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eleven: Discuss and lake action, If any, approving the minutes for January and February 2018.

Councilman Billy Jack Wright made the motion to approve the minutes for the months of January and February 2018. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Twelve: Discuss and take action, if any, concerning all aspects of funding for the EYAA and review of funds allocated to EYAA since 2010.

A report was given to council concerning EYAA and the City of Elkhart spending's for the association since 2010 and packets were available on desk for citizens to have a copy to review with council.

Councilman Billy Jack Wright made the motion to have the City Secretary furnish any and all people with report to any and all concerning EYAA 2010 to 2018 report of spending's on the association. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Thirteen: Discuss and take action, if any, concerning payment to ATS Construction dredging lagoon at the WWTP.

Council discussed the lagoon being dredged and completed and the importance of saving for the next time the lagoon needed to be dredged. The work has been completed that was mandated by the state to do immediately. Council discussed the lagoon needing to be dredged every 8 to 10 years and it had never been dredged to their knowledge according to the minutes and public works. Council discussed the required expenditure of the stae mandated dredging of the lagoon.

Councilman Billy Jack Wright made the motion to pay ATS Construction \$47,000.00 from the General fund and \$8,000.00 from the overage in Payroll fund and to pay out the remainder as agreed in the contract agreement for the amount of \$1,600.00 a month for 15 months until paid in full according to contract agreement with ATS Construction. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Fourteen: Discuss and take action, if any, concerning pay off of excavator.

Councilman Billy Jack Wright made the motion to pay off the remainder of the balance on the excavator our the street reserves for \$28,945.00 Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Fifteen: Discuss and take action hearing from Texas Communities Group, LLC, concerning all aspects of Code Enforcement Department for the City of Elkhart.

Councilman Billy Jack Wright made the motion to table the item. Councilman Chris Sheridan seconded the motion. All voted "Aye", the motion carries.

Agenda Item Sixteen: Discuss and take action, if any, on updating council concerning payment of bond paid in full and received by bank, present records of payment.

Councilman Billy Jack Wright made the motion to acknowledge that check number 1505 for \$21,750.00 and check number 6647 for \$210,277.52 to pay the bond in full has been sent and finalized leaving the bond paid in full. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Seventeen: Discuss and take action, if any, closing the bank accounts of bond fund and grant fund for the City of Elkhart.

Council discussed the proper procedures for putting money in grant accounts and that each grant should be maintained in its own separate account for transparency reasons and not putting all grant monies combined into one account.

Councilman Chris Sheridan made the motion to close the Ike and Dolly account and Grant account with CBTX Bank. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eighteen: Discuss and take action, if any, concerning CSI license for BJ Perry with renewal fee of \$111.00.

Councilman Billy Jack Wright made the motion to pay the CSI renewal fee of \$111.00. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

Agenda Item Nineteen: Discuss and take action, if any, concerning grant information from Homeland Security for assistance in a possible purchase of a metal detector for Elkhart City Office.

Councilman Billy Jack Wright made the motion to have the Mayor move forward to apply for grants concerning homeland security and the item of metal detector. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Twenty: Adjournment.

Council lady Beverly Anderson made the motion to adjourn at 8:51 p.m. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.



Mike Gordon

Mayor

ATTEST:



Carla Sheridan— City Secretary

During the council meeting of 6-5-18 the new seated councilmember's eligible to vote on minute approval decided to not approve minutes to the meetings which they were not in attendance of and by a previous council. The recorded audio of each May 2018 meeting will remain on file for public inspection as a permanent record of the City of Elkhart for the meeting's of May 2018.



THE STATE OF TEXAS *

COUNTY OF ANDERSON *

CITY OF ELKHART *

On the Eighth day of May 2018, the City of Elkhart Council convened into a Regular Council Meeting at 7:01 p.m. with the following members present:

Mike Gordon	*	Mayor
Billy Jack Wright	*	Councilmember
Chris Sheridan	*	Councilmember * ABSENT
Beverly Anderson	*	Councilmember
Carl Hallmark	*	Councilmember

Agenda Item One: Call regular session to Order, Prayer, Pledge, Citizen Recognition.

Citizen Lucia Butler addressed the council concerning she said, she has never seen so many unprofessional agendas as this council has put out in the last three years and spoke of the TXU breach of contract on Agenda Item Six. Ms. Butler spoke of Mr. Wright and said he and herself met with energy program, he signed the letter first, he brought it to the council, we all voted yes to save the city money on energy cost. We got off the council in 2015 and he stayed on the council. During the two years the contract went through, he stayed on the council.

Agenda Item Two: Discuss and take action on canvass of votes from the General Election May 5, 2018.

City Secretary said she posted in anticipation that provisional ballots would be ready and they are not. Canvassing of votes cannot be until May 10.

Councilman Billy Jack Wright made the motion to take no action on agenda item two. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carried.

Mayor requested a motion to move agenda items to the following order to accommodate KSA Engineer. Councilman Billy Jack Wright made the motion to move agenda item eight to three and three to eight, also moving agenda item four to six and six to four. The agenda items in minutes will remain in original agenda posting order for recording of the motions.

Agenda Item Three: Discuss and take action on approving financials for the month of April 2018.

Reported by City Secretary that Bond had been paid in full and excavator paid in full. The balance after the bond was paid in full is \$716,450.71 compared to when you came in here since you are exiting out in 2015 of a balance of \$464,458.83 with all paid down. Mayor reported this is basically leaving the city debt free to allow for the savings of the elevated tank needed.

Councilman Billy Jack Wright made the motion to accept the financials for the month of April 2018 as presented. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Four: Discuss and take action on ordering of street signs and requesting report of signs that need to be replaced and updated.

Councilman Carl Hallmark discussed with council on research he had been doing concerning the possibility of reaching out to TCDJ-ID for purchasing street signs for the city and the savings to the city regarding the institutions pricing on signs. Councilman Hallmark suggested a count of signs needed for a quote to present to the council.

Councilman Billy Jack Wright made the motion to table the item for further research. Council lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries to table the item.

Agenda Item Five: Discuss and take action, if any, concerning sewer line at 307 N. Main street to repair.

Councilman Billy Jack Wright made the motion to table the item. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Six: Discussion with council of all aspects on TXU and Constellation Energy breach of contract from previous administration and update council on balance left owed and pay out date.

Discussion ensued over time lines and crossing of the TXU Energy contracts and Constellation Energy contracts dates and time lines and occurrences leading up to the breach of contract. Mayor Gordon reported on the social media post concerning the breach of contracts and went over in detail with the secretary concerning time lines of the contracts. Mayor reported that all contracts now ordered by ordinance to have attorney review before approving. Mayor said, "my intention is not to upset anyone but to find out from the council present at the time what lead to the signing of two contracts." The following time lines were reported; The TXU contract signed by Raymond Dunlap in June was in effect from June 1, 2014 through May 31, 2017. The Constellation contract that was signed on April 8, 2015 was signed by Jan Stuteville, Billy Jack Wright and Lucia Butler who had been given permission by the council who signed to handle. The date the signed contract of Constellation took effect was April of 2016, when the contract was signed we were already in a contract with TXU until May 31, 2017. No action was taken on the item.

Agenda Item Seven: Discuss, consider and take action, if any, on payroll study from 2011 at the beginning of QuickBooks software to current 2017.

Discussion of payroll report was presented at the councils request to allow council to review payroll for the city for transparency and proper oversight. Councilman Wright mentioned the report being beneficial to the council and hopes the next councils to come keep the report going and hoped they do better than the last to keep improving. Mayor reported that it keeps the council aware on what we are spending on employees.

No action was taken on payroll report.

Agenda Item Eight: Discuss and take action hearing from KSA on enforcement of violation from 2013 on the water system and review possible fine information from 2013 violation.

KSA Engineer Tracy Hicks and Sigi West discussed with the council concerning the violation of the water system. Paper work was presented on 2013 violation. Council heard from Tracy Hicks, the city Engineer requesting to send letter to TCEQ that is mandated to do. Sigi West said that TCEQ told her that if not taken care of with the letter and sticking to a schedule that they would have the system taken over and that they will offer no more extensions on the violation that originally stems from 2010. We need authorization to submit to TCEQ the letter presented which obligates the incoming council at no choice to repair system within the next 18 to 24 months. City Secretary reported she requested the new council attend this meeting tonight because the exiting council is having to commit an incoming council at no choice to the commitment since the state is waiting on the letter. Sigi West said some of the original violations go back to 2010 for the violation in discussion.

Councilman Carl Hallmark made the motion to allow Tracy Hicks to send letter to TCEQ for violations and enforcement from 2010. Council lady Beverly Anderson seconded the motion. Councilman Billy Jack Wright opposed. The motion carries.

Agenda Item Nine: Discuss and take action, If any, approving the minutes for February 2018, March 2018 and April 2018.

Councilman Carl Hallmark made the motion to approve the minutes for February, March and April of 2018. Councilman Billy Jack Wright seconded the motion. All voted "Aye", the motion carries.

Agenda Item Ten: Discuss and take action, if any, concerning payment to ATS Construction dredging lagoon at the WWTP.

Councilman Billy Jack Wright made the motion for the clarification instead of the \$8,000.00 dollars taken from the payroll account for the remainder owed on the completion of dredging the lagoon, to pay for the remainder \$8,000.00 from the MMDA account for the state mandated dredging of lagoon. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

Agenda Item Eleven: Adjournment.

Council lady Beverly Anderson made the motion to adjourn at 7:59 p.m. Councilman Carl Hallmark seconded the motion. All voted "Aye", the motion carries.

ATTEST:


Carla Sheridan—City Secretary


Mayor Mike Gordon

During the council meeting of 6-5-18 the new seated councilmember's eligible to vote on minute approval decided to not approve minutes to the meetings which they were not in attendance of and by a previous council. The recorded audio of each May 2018 meeting will remain on file for public inspection as a permanent record of the City of Elkhart for the meeting's of May 2018.

THE STATE OF TEXAS

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COUNTY OF ANDERSON

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CITY OF ELKHART

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On the Fifteenth day of May 2018, the City of Elkhart Council convened into a Regular Council Meeting at 7:00 p.m. with the following members present:

Mike Gordon	*	Mayor
Billy Jack Wright	*	Councilmember * ABSENT
Chris Sheridan	*	Councilmember
Beverly Anderson	*	Councilmember
Carl Hallmark	*	Councilmember

Agenda Item One: Call to Order. No meeting called to order from lack of quorum. Member's present proceeded to canvass to votes of the election.

Agenda Item Two: Canvass votes for the General Election of May 5, 2018.

Council lady Beverly Anderson voiced concern over elected official Chuck Conner's residency at the time of filing for a place on the Elkhart City Council. Council lady Beverly Anderson asked Mr. Conner how long he had lived at his residence and Mr. Conner stated he moved into his home by Reliable in June or July. Councilman Chris Sheridan asked if he lived at the location without water. The conversation debated back and forth between the legitimacy and concern of eligibility requirements. The number of votes for each candidate were read allowed.

Citizen's and elected officials present: Lucia Butler, Jennifer McCoy, Chuck Conner, Raymond Dunlap, Connie Davis

Place One: Lucia Butler 102 votes, 8 provisional votes- total 110 votes
Carl Hallmark 78 votes, 0 provisional votes- total 78 votes

Place Three: Chuck Conner 99 votes, 7 provisional votes- total 106
Chris Sheridan 79 votes, 1 provisional vote- total 80 votes
Daryll Faulk (Write in candidate) 0 votes, 0 provisional votes

Place Five: Raymond Dunlap (Unopposed) 130 votes, 7 provisional votes- total 137 votes

Mayor asked members if anyone had a comment, Mayor Gordon asked the members present if they accepted the votes the way they were and each stated they had no comment.

Mayor Gordon stated the swearing in will be May 22, 2018 at 6:00 p.m. Mayor Gordon said canvassing completed with objections noted.

Agenda Item Two: Discuss and take action on approval of minutes for May 1, 2018.

No action was taken on the item from lack of meeting being called to order with quorum requirements.

Agenda Item Three: Adjournment.

No adjournment from lack of meeting being called to order with quorum requirements.


Mike Gordon
Mayor

ATTEST:


Carla Sheridan- City Secretary

THE STATE OF TEXAS *

COUNTY OF ANDERSON *

CITY OF ELKHART *

On the Twenty Second day of May 2018, the City of Elkhart Council convened into a Regular Council Meeting at 6:00 p.m.
with the following members present:

Mike Gordon	*	Mayor
Lucia Butler	*	Councilmember
Raymond Dunlap	*	Councilmember
Beverly Anderson	*	Councilmember
Chuck Conner	*	Councilmember
Blake Armstrong	*	City Attorney

Citizen’s present; Randy McCoy, Jennifer McCoy, Bobby Cernouch, Jimmy Yates, Judge Gary Thomas
Allen Majeski, BJ Perry.

Agenda Item One: Call regular session to Order, Prayer, Pledge, Citizen Recognition.

Mayor called meeting to order at 6:00 p.m. BJ Perry prayed before meeting, pledge, during the citizen recognition portion of the meeting, Beverly Anderson spoke to the council with concerns over Mr. Conner running for the position of city council, the residency time frame being in question and spoke of a hand-written letter provided by Mr. Conner concerning residency issues at a previous meeting.

Agenda Item Two: Discuss and take action administering Oaths of Office and the swearing in of the newly elected officials of the Election conducted on May 5, 2018.

Judge Gary Thomas was present at the meeting to read the oaths of office to the newly elected officials; Lucia Butler, Chuck Conner and Raymond Dunlap.

Agenda Item Three: Discuss and take action sending BJ Perry to water distribution class in Ennis, Texas June 13, 2018 through June 15, 2018 for a cost of \$165.00 and hotel stay for 2 nights at \$158.00.

Council discussed per diem and funds in budget to send employee. \$35.00 a day per diem and acknowledgment by Mayor Gordon on funds being available within budget to send BJ Perry to the class.

Council lady Beverly Anderson made the motion to send BJ Perry to Ennis, Texas to the water distribution class June 13-June 15.

Council lady Lucia Butler seconded the motion. All voted “Aye”, the motion carries.

Agenda Item Four: Discuss and take action, if any, hearing from Texas Communities Group, LLC concerning all aspects of Code Enforcement for the City of Elkhart and consider retaining services to train, assist and advise code enforcement employee.

Council heard from the City Secretary and Public Works Supervisor as well as Mayor Gordon regarding code enforcement for the City of Elkhart and the company Texas Communities Group, LLC benefits to the city. Discussion ensued over the company working with Mr. Yates to help clean up the city in the needed areas of dilapidated homes and structures, the company having the resources to expedite the handling of code issues to catch the city up on code violations and clean-up of the city. Funding concerns also were discussed amongst council members.

Agenda Item Five: Discuss and take action, if any, on exploring funding opportunities for the state mandated repairs for the elevated tank to be completed within 18 to 24 months according to KSA Engineer Tracy Hicks to avoid fine for violation that the city has been in violation of since 2010.

Council discussed the violation from 2010 to date and heard from the Mayor regarding fine that TCEQ may impose if repairs are not addressed within 18 to 24 months. BJ Perry, Public Works Supervisor discussed the video of the inspection that the city did a few months ago and reported to council on the age of the tank being from 1936 and the tank being a bottom fed, bottom drained tank. The same pipe coming in is the same pipe that goes out and the only time the tank is drained is when there is a leak at the Baptist Church and the whole tank drains and that is a problem. BJ Perry reported that the only rehab to his knowledge has only been done on the outside of tank. You can't take it off line to coat the inside because there is no way for this side of town to get water otherwise. We are looking at a quarter of a million dollars to rehab the tank that will cover the coating of the paint-the interior and exterior. The violation is for the coating of the paint both interior and exterior and that cost only covering the repair to the tank. According to the KSA Capital Improvement plans the cost of a new 125,000 elevated tank would cost approx. \$1,278,550.00. That is two and a half times larger than the current tank. That will only take care of one of the violations. We have two violations. The booster station at the high school being the second violation. When high school was built, the school engineer constructed to pressure requirements but neglected to send to TCEQ for approval and because it was never approved by the state, in 2012 TCEQ said that would not work due to no paper work on it. We are in the situation where we have to provide adequate pressure to the school without that booster station. If it had been sent to TCEQ for approval prior to being built we probably wouldn't be in this position. Councilman Dunlap reported it was Tracy Hicks responsibility to oversee that and BJ Perry reported Tracy Hicks had nothing to do with that. BJ Perry also reported that line rehab will be needed to prevent blow out of lines from pressure if we do not replace these AC lines. City Secretary reported that KSA reported to her the state was threatening to take over the system if repairs are not made and a fine that can date back to 2010. City Secretary reported that she spoke with Steve Poole with Regions Bank who will attend a future meeting to discuss possible funding as well as discuss Financial Advisers. The City Secretary spoke to council concerning TWDB funding that will help but that other sources of funding will be needed to fund the project cost.

Council lady Lucia Butler made the motion to table the agenda item five until May 29th to hopefully have some Financial Advisers at meeting and TWDB. Councilman Raymond Dunlap seconded the motion. All voted "Aye, the motion carries.

Agenda Item Six: Council will convene in Executive Session to discuss the following;

(A.) Pursuant to Texas Government Code section 551.074 (Personnel Matters) to discuss all aspects of the position of the City Secretary, Carla Sheridan.

(B.) Pursuant to Texas Government Code section 551.074 (Personnel Matters) to discuss all aspects of the position of the Public Works Supervisor BJ Perry.

(C.) Pursuant to Texas Government Code section 551.074 (Personnel Matters) evaluation and position of Code Enforcement employee James Yates.

(D.) Pursuant to Texas Government Code section 551.074 (Personnel Matters) evaluation and position of field employee Martin Tyler Trahan.

Council convened to closed session at 6:53 p.m.

Agenda Item Seven: Council will reconvene to open session to discuss and take action, if any, on Agenda Item Six (A.), (B.), (C.) and (D.)

Council reconvened to open session at 8:51 p.m.

Agenda Item Eight: Discuss and take action, if any, concerning ROW fees and access fees within the City of Elkhart.

City Secretary Carla Sheridan reported that a cell phone company had requested the city to mark water lines within city for the company to utilize our right of ways. City Attorney Blake Armstrong spoke to the council on the need for the city to adopt a fee to charge for utilizing the use of right of ways. We need an Ordinance. Council lady Lucia Butler stated when she re-did the Ordinances she recalled seeing Franchise Ordinances. City Secretary reported on the few Ordinances located. Blake Armstrong spoke- Franchise fees are similar to Right of Way fees but they are different in the sense that for example, cable providers now-franchise fees have been taken out of local, we cannot have a local franchise fee for a cable operator, that is a state mandated fee. Blake Armstrong spoke to council regarding the city having exclusive jurisdiction of our right of ways and the need of an Ordinance on the books for utilizing our right of ways. Blake Armstrong mentioned there only being so many revenue sources we have as a city and this is one we want to make sure we are utilizing. The attorney spoke in regards to the lack of an Ordinance for ROW fees, the attorney said, "No cities are doing that, we do not need to be doing that. The city is losing money." The use of city streets and franchise fees were also discussed. Blake reported it may cost some to construct ordinances but you will make your money back in the fees.

Council lady Lucia Butler made the motion to allow Blake Armstrong to draft a ROW and Franchise Fee Ordinance's for the City of Elkhart to present to council. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carries.

Agenda Item Nine: Discuss, consider and take action, if any, on payroll study from 2011 at the beginning of Quick-Books software to current.

Report was given by City Secretary on payroll study and it was reported the item was motioned to stay on the agenda to keep council informed on payroll spending as well as copies of report to be made available for public inspection in the front lobby. A review of study of savings in overtime was reported and number of employees in comparison being more employees than previous years. Report of having bookkeeper to provide additional oversight as requested by auditor in the past being included in the payroll. No action was taken on the report.

Agenda Item Ten: Discuss and take action on removing and adding bank signatories for the City of Elkhart banking accounts with CBTX Bank.

Council lady requested Mayor to read aloud a letter requesting the removal of her on all banking accounts and resigning her council seat immediately. City Secretary also requested to be removed. City Secretary reported a brand new council is sitting here and in my opinion the council needs to sign checks. All secretaries before me have signed checks but again, it is just someone else seeing what's being done with accounts. Council lady Beverly Anderson left the meeting.

Council lady Lucia Butler made the motion to remove Rhonda Brewer, Carla Sheridan and Beverly Anderson from all CBTX banking accounts for the city and to add Lucia Butler and Raymond Dunlap to all CBTX banking accounts for the city. Councilman Raymond Dunlap seconded the motion. All voted "Aye", the motion carries.

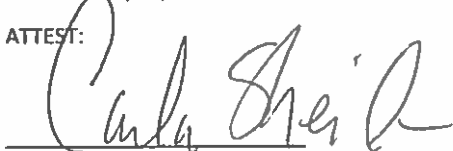
Agenda Item Eleven: Discuss and take action on the appointment of a Mayor Pro Tern for the City of Elkhart through Resolution No. 265-05222018.

Council lady Lucia Butler made the motion to appoint Raymond Dunlap as Mayor Prop Tern through Resolution No. 265-05222018. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carries.

Agenda Item Twelve: Adjournment.

Council lady Lucia Butler made the motion to adjourn at 9:23 p.m. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carries.

ATTEST:



Carla Sheridan- City Secretary



Mike Gordon, Mayor

