

THE STATE OF TEXAS \*  
COUNTY OF ANDERSON \*  
CITY OF ELKHART \*

On the 5th day of December 2016, the City of Elkhart Council convened into a Council Workshop and Regular Council Meeting at 5:30 p.m. with the following members present:

Mike Gordon	*	Mayor	
Billy Jack Wright	*	Mayor Pro Tem	
Chris Sheridan	*	Councilmember	*ABSENT
Beverly Anderson	*	Councilmember	
Chris Bice	*	Councilmember	
Rhonda Brewer	*	Councilmember	

A quorum being present, Mayor Mike Gordon called the Council Workshop meeting to order at 5:30p.m. Councilman Chris Sheridan was absent. Citizens present were Connie Davis and Scott Galloway.

Council reviewed items on agenda during the workshop session.

**Agenda Item One: Call regular session to Order, Pledge, and Citizen Recognition.** Regular Session of meeting called to order at 6:00 p.m. Citizens were asked to stand and recite the Pledge of Allegiance. No Citizens signed in to speak to Council this date.

**Agenda Item Two:** Discuss and take action hearing from Scott Galloway with TWDB (Texas Water Development Board) concerning future projects and funds preapproved for funding projects and financial options of future projects.

A presentation was given from Scott Golloway regarding possible low interest State funded loans from TWDB for improvements needed on the city’s infrastructure. Council reviewed with Mr. Golloway the outdated failing infrastructure needs and hopes for the city regarding low interest or forgivable loans.

Councilman Billy Jack Wright made a motion to apply for low interest state funded loan with TWDB to see what assistance the city qualifies for if any. Council Lady Rhonda Brewer seconded the motion. All voted “Aye” the motion carries.

**Agenda Item Three:** Discuss and take action on purposed pay out plan from TXU regarding the breach of contract signed by previous council.

Council was presented documents from City Attorney Blake Armstrong regarding the proposed pay out plan of the breach of contract with TXU.

Councilman Billy Jack Wright made a motion to accept the proposed payment plan effective December 25, 2016 for a 24-month period with payments of \$874.95. Council Lady Chris Bice seconded the motion. All voted “Aye” the motion carries.



**Agenda Item Four:** Discuss and take action on bids submitted for fire hydrants on Day Rd., behind City Hall and on Parker St. .

Discussion took place over the need to replace the fire hydrants that are not in service and hydrants without the proper connections.

Councilman Billy Jack Wright made a motion to request Albert Gallegos to contact Duplechain to request bids to replace broken fire hydrants on W. Parker, behind City Hall and Day Rd.

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

**Agenda Item Five:** Discuss and take action on bids submitted and options for flooring at City Hall.

Councilman Billy Jack Wright made a motion to take no action.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Six:** Discuss and take action approving Municipal Maintenance Agreement between the City of Elkhart and TXDOT (Texas Department of Transportation) .

Council was given documentation of attorney's review of agreement and copies were provided for council review.

Councilman Billy Jack Wright made a motion to approve the Municipal Maintenance Agreement between the City of Elkhart and TXDOT with population of 1,371 in Elkhart, Texas 75839.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Seven:** Discuss and take action on hearing from Albert Gallegos concerning employee's time during on call rotation routine rounds.

Council heard report from Albert Gallegos that some employees received two hours for a minimum weekend rotation minimum while other employees received three-hour minimum and setting a rotation schedule and policy would be helpful.

Councilman Billy Jack Wright made a motion to set the regular weekend round hours from 8:00 a.m. to 10:00 a.m. and to have Albert Gallegos present an on-call rotation policy to present at the next council meeting.

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

**Agenda Item Eight:** Discuss and take action on changing the council meeting dates from the first Monday of the month to middle of month meetings.

The council heard from City Secretary Carla Sheridan in regards to the reasoning changing the dates would be beneficial to the city in means of which would allow for the better timing and functionality of the city office. Carla Sheridan reported that water bills are coming in at the first of the month and also that the city's utility and vendor bills due during the same time frame that meetings are being planned and held make for a chaotic office environment and that simply changing the dates of the meeting would help alleviate the work load spreading the duties out on the calendar month.



Councilman Billy Jack Wright made a motion to change the meeting dates from the first Monday of the month to the third Tuesday of each month beginning January 17, 2017. Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Nine:** Discuss and take action hearing from Albert Gallegos Outside Supervisor concerning the lagoon at the wastewater treatment plant.

Council heard from Albert Gallegos concerning the two bids he and BJ Perry received dredging the lagoon.

Councilman Billy Jack Wright made a motion to take no action at this time. Council Lady Beverly Anderson seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Ten:** Discuss and take action hearing report concerning request for stop signs to be placed at second short crossing from Main St to Bridges St. on both sides of tracks.

Councilman Billy Jack Wright made a motion to have Mayor Mike Gordon contact Union Pacific to address crossing concerning stop sign request at the crossing. Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Eleven:** Discuss and take action if any on selection of bids submitted for the construction of a fence at Public Works Building located at 100 HWY 287 N. Elkhart, Texas 75839.

Council Lady Chris Bice made a motion to accept the bid from Crockett Fence Company to construct a fence located at 100 HWY 287 N. at the City Public Works building. Council Lady Rhonda Brewer seconded the motion. Council Lady Beverly Anderson opposed the motion. The remaining council voted in favor of the motion. The motion carries.

**Agenda Item Twelve:** Discuss and take action sending Albert Gallegos to TRWA Water Law seminar, January 10th through January 12, 2016 in Austin, Texas.

Council Lady Chris Bice made a motion to send Albert Gallegos to the TRWA Water Law Seminar January 10<sup>th</sup> through 12<sup>th</sup>, 2016 in Austin, Texas. Councilman Billy Jack Wright seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Thirteen:** Discuss and take action concerning employee insurance renewal of health care and options regarding employee health care coverage.

Councilman Billy Jack Wright made a motion to obtain information regarding the structure of a policy concerning employee insurance and the possibility of employee paying a portion of the insurance on the outcome of the information that is obtained from companies.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Fourteen:** Discuss and take action hearing reports from City Secretary, Code Enforcement, and Outside Supervisor.

Reports were heard, no action was taken.

**Agenda Item Fifteen:** Discuss and take action on approving the minutes from the October 3, November 7 and November 21, 2016 meetings.



Councilman Billy Jack Wright made a motion to approve the minutes from the meetings of October 3, November 7 and November 21, 2016 council meetings as presented. Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Sixteen:** Discuss and take action naming Yard of the Month of December 2016.

Council Lady Beverly Anderson made a motion to designate First Baptist Church of Elkhart on W. Parker as Yard of the Month for the month for December, 2016. Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Seventeen:** Adjournment.

Council Lady Rhonda Brewer made a motion to adjourn. Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries. The Council meeting adjourned at 8:50 p.m.

  
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MAYOR MIKE GORDON

ATTEST

  
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CARLA SHERIDAN – CITY SECRETARY



THE STATE OF TEXAS  
COUNTY OF ANDERSON  
CITY OF ELKHART

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On the seventeenth day of January 2017, the City of Elkhart Council convened into a Council Workshop and Regular Council Meeting at 5:30 p.m. with the following members present:

Mike Gordon	*	Mayor
Billy Jack Wright	*	Mayor Pro Tem
Chris Sheridan	*	Councilmember
Beverly Anderson	*	Councilmember
Chris Bice	*	Councilmember
Rhonda Brewer	*	Councilmember

A quorum being present, Mayor Mike Gordon called the Council Workshop meeting to order at 5:30 p.m.  
Citizens present were Connie Davis, BJ Perry and Randy McCoy. Citizens speaking were Randy McCoy.

Council reviewed items on agenda during the workshop session. Regular meeting was called to order at 6:00 p.m.

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

Regular session meeting called to order at 6:04 p.m. Citizens were asked to stand and recite the pledge. During the Citizen Recognition portion of meeting, Citizen and EVFD Fire Chief Randy McCoy presented a list of questions for council regarding the Early Warning Sirens and spoke to Council regarding siren system.

**Agenda Item Two:** Discuss and take action reviewing letter to be signed by Mayor updating information for the State of Texas and for Christina Crockett, Anderson County Emergency Management Coordinator.

Council was presented an email from Cristina Crockett, Anderson County Emergency Management Coordinator regarding the request of signature designating Anderson County Emergency Management for the City of Elkhart and to update the information for the State of Texas. Council stressed the need to speak with the coordinator during a council meeting. Mrs. Crockett was invited to meeting but could not attend. Council discussed the previous EMC Tammy Lightfoot no longer being with the County.

Councilman Billy Jack Wright made a motion to contact Christina Crockett to see if she could attend the next meeting to address council with detailed information.  
Council member Beverly Anderson seconded motion to: All voted "Aye" the motion carried.

**Agenda Item Three:** Discuss and take action approving the cost of fire hydrants to be paid for out of the reserve funds of EVFD account.

Councilman Billy Jack Wright made a motion to take no action, still waiting on bids for hydrants. Council Lady Chris Bice seconded motion to: All voted "Aye" the motion carries.

**Agenda Item Four:** Discuss and take action approving Bond payment to Regions Bank in the amount of \$114,772.34 due February 15, 2017.



Council was briefed concerning Bond payment of \$114,772.34 due February 15, 2017 and all funds for bond payment this year coming out of the Water Fund were allocated properly through the year.

Councilman Billy Jack Wright made a motion to pay the Bond Payment to Regions Bank in the amount of \$114,772.34.

Council Lady Beverly Anderson seconded motion to pay the Bond Payment to Regions Bank in the amount of \$114,772.34. All voted "Aye" the motion carries.

**Agenda Item Five:** Discuss and take action on approval of TRWA (Texas Rural Water Association) annual membership renewal fee of \$1966.25.

Councilman Billy Jack Wright made a motion to renew the annual membership with TRWA (Texas Rural Water Association) in the amount of \$1966.25.

Council Lady Chris Bice seconded motion to renew the annual membership with TRWA (Texas Rural Water Association) in the amount of \$1966.25. All voted "Aye", the motion carries.

**Agenda Item Six:** – Council will convene into Executive Session *Pursuant to Texas Government Code 551.074 (Personnel Matters)* ; to discuss

(A) Employee Michael Edwards evaluation.

(B) Employee Donna Albanese evaluation.

Council convened into closed executive session at 6:25 p.m.

**Agenda Item Seven: Reconvene:** Council will reconvene in regular session to discuss and take action, if any, on Agenda Item Six: A and B.

The council reconvened into Open Session at 6:44 p.m. No action was taken on Agenda Item Six (A) or (B). A certified Executive Session Agenda of council was sealed.

**Agenda Item Eight:** Discuss and take action on flush hydrant request by Donnie Fincher to be placed at CR 1345 at end of water line in Elkhart, Texas.

Discussion ensued over water quality concerns brought forth from Donnie Fincher at the end of the line on CR 1345 presented by City Secretary Carla Sheridan. Donnie stated to secretary that when the line was originally put in that there was never a flush valve installed at the location. Mr. Fincher requested a flush valve for better water quality at the end of the line.

Councilman Billy Jack Wright made a motion to have Albert Gallegos Outside Field Supervisor test water at the houses on CR 1345 in question immediately.

Council Lady Beverly Anderson seconded motion to have Albert Gallegos Outside Field Supervisor test water at the houses on CR 1345 in question immediately. All voted "Aye" the motion carries.

**Agenda Item Nine:** Discuss and take action on reviewing and approving bids submitted for purchasing tires for the New Holland backhoe.

Bids submitted verbally were as follows; Owens Tires \$2186, Bratz Tires \$2371, Mattern Tires \$2,200 and Oscar Tires \$1980.

Councilman Billy Jack Wright made a motion to take no action at this time. Council Lady Chris Bice seconded motion to take no action at this time: All voted "Aye" the motion carries.

**Agenda Item Ten:** Discuss and take action on the approval of Resolution 2-1172017, a Resolution of The City of Elkhart, Texas requiring council approval and city attorney review prior to the execution of the city contracts and agreements.

Discussion ensued over the need to have Resolution adopted in the best interest of the City of Elkhart.



Councilman Billy Jack Wright made a motion to adopt Resolution 2-1172017 Requiring council approval and city attorney review prior to the execution of the city contracts and agreements. Council Lady Chris Bice seconded motion to adopt Resolution 2-1172017 Requiring council approval and city attorney review prior to the execution of the city contracts and agreements. All voted "Aye" motion carries.

**Agenda Item Eleven:** Discuss and take action requesting city attorney to create an Ordinance for Resolution 2-1172017.

Council discussed the need for the protection of the tax payers due to recent costly contract mistakes and the need to have entire council and city attorney review both agreements and contracts before signing and the need for the Ordinance.

Councilman Billy Jack Wright made a motion to have city attorney to draft an Ordinance for Resolution 2-1172017, Requiring council approval and city attorney review prior to the execution of the city contracts and agreements.

Council Lady Chris Bice seconded motion. All voted "Aye" the motion carries.

**Agenda Item Twelve:** Discuss and take action approving the financials for the months of November and December 2016.

Councilman Billy Jack Wright made a motion to approve the financial reports for the months of November and December 2016 as presented with notes that the petty cash balance is entered incorrectly in quick books.

Council Lady Chris Bice seconded motion to approve the financial reports for the months of November and December 2017 as presented with notes that the petty cash balance is entered incorrectly in quick books. All voted "Aye" the motion carries.

**Agenda Item Thirteen:** Discuss and take action requesting a council member to do research for health insurance reimbursement for employees and setting a policy to present at a future council meeting.

Councilman Billy Jack Wright made a motion to disallow employees and future councils to reimburse employees for city paid insurance by amending the Administrative Policy Handbook and placing said update in the handbook.

Council Lady Chris Bice seconded motion to disallow employees and future councils to reimburse employees for city paid insurance by amending the Administrative Policy Handbook and placing said update in the handbook.

All voted "Aye" the motion carries.

**Agenda Item Fourteen:** : Discuss and take action hearing from Albert Gallegos concerning work done on Lily St.

Discussion ensued over description of previous work done by city workers approved by council. Albert Gallegos reported the work the crew completed did not correct the problem and noted problems in grade.

Councilman Billy Jack Wright made a motion to have Albert Gallegos request 3 bids from contractors to reconstruct sewer line on Lily St. and for Outside Field Supervisor Albert Gallegos to continue flushing the sewer line until council can proceed forward with the project.

Council Lady Chris Bice seconded motion to: All voted "Aye" the motion carries.



**Agenda Item Fifteen:** Discuss and take action on sending Michael Edwards to take “D” water class February 14th through 16th, 2017.

Council Lady Beverly Anderson made a motion to send Michael Edwards to take the “D” Water Class February 14th through 16th, 2017. Council Lady Chris Bice seconded the motion. All voted “Aye” the motion carries.

**Agenda Item Sixteen:** Discuss and take action on approval of Resolution 1-1172017. A Resolution regarding a residential brick home at 413 Hwy 287 S previously deemed a substation to EVFD and disavowing said home a substation to EVFD with Resolution No. 1-1172017.

Councilman Billy Jack Wright made a motion to adopt Resolution 1-1172017 regarding a residential brick home at 413 Hwy 287 S previously deemed a substation to EVFD and disavowing said home a substation to EVFD with Resolution 1-1172017.

Councilman Chris Sheridan seconded motion to adopt Resolution 1-1172017 regarding a residential brick home at 413 Hwy 287 S previously deemed a substation to EVFD and disavowing said home a substation to EVFD with Resolution 1-1172017. All voted “Aye” the motion carries.

**Agenda Item Seventeen:** Discuss and take action reviewing and signing letter from Grantworks regarding a previous grant CDBG # 7124054, Civil Rights requirements missing from the previous grant that was approved and closed.

Councilman Billy Jack Wright made a motion to have Mayor Mike Gordon to sign the documents requested by Grantworks in regards to CDBG Grant # 7124054 a Civil Rights requirement.

Council Lady Chris Bice seconded the motion. All voted “Aye” the motion carries.

**Agenda Item Eighteen:** Discuss and take action on the approval of presented policy for on call rotation guidelines.

Councilman Chris Sheridan made a motion to approve and adopt guideline policy presented with an amendment to be made requiring Mayor and Supervisor approval on item nine of the On Call Policy Guidelines presented.

Council Lady Chris Bice seconded the motion. All voted “Aye” the motion carries.

**Agenda Item Nineteen:** Discuss and take action hearing from City Secretary regarding request to clean area behind Medical Center Office at 313 W. Parker belonging to South Anderson County Medical Association.

Councilman Billy Jack Wright made a motion to take no action.

Council Lady Chris Bice seconded the motion. All voted “Aye” the motion carries.

**Agenda Item Twenty:** Discuss and take action on updates for dredging lagoon and review with council regarding funds to pay for dredging lagoon.

Councilman Billy Jack Wright made a motion to review bids for dredging lagoon at the next council meeting.

Council Lady Chris Bice seconded the motion. All voted “Aye” the motion carries.

**Agenda Item Twenty-One:** Discuss and take action to proclaim a date in honor of local celebrity Tye Sheridan.

Councilman Billy Jack Wright made a motion to table the item until more information is gathered.



Council Lady Chris Bice seconded the motion.: All voted "Aye" the motion was tabled.

**Agenda Item Twenty-Two:** Reports to be heard by City Secretary, Outside Supervisor and Code Enforcement.

No action was taken on reports.

**Agenda Item Twenty-Three:** Discuss and take action naming Yard of the Month of January 2017.

Council Lady made a motion to acknowledge Elkhart Methodist Church on Parker St. as Yard of the Month for January 2017.

Council Lady Chris Bice seconded the motion to: All voted "Aye" the motion carries.

**Agenda Item Twenty-Four:** Discuss and take action approving Ordinance No. 01172017, an Ordinance Ordering the General Election for the City of Elkhart Council May 6, 2017.

Councilman Billy Jack Wright made a motion to table the item. Council Lady Chris Bice seconded the motion. All voted "Aye" the motion was tabled.

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

Council Lady Rhonda Brewer made a motion to adjourn. Council Lady Beverly Anderson seconded the motion. All voted "Aye" the motion carries. The meeting adjourned at 9:50 p.m.

  
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MAYOR MIKE GORDON

ATTEST

  
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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 Twenty-First day of February 2017, the City of Elkhart Council convened into a Workshop and Regular Council Meeting at 5:30 p.m. with the following members present:

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

A quorum being present, Councilman Mike Gordon called the Workshop portion of the meeting to order at 5:30 p.m. no action was taken on the agenda items. The session was meant to allow council to review items on agenda only.

Citizens present were Mr. and Mrs. Pierce, Connie Davis, KSA Tracy Hicks and Sigi West and BJ Perry. Citizens speaking were Mr. Pierce.

**Agenda Item One: Call regular session to Order, Pledge, Citizen Recognition.** The Regular council meeting was called to order at 6:00 p.m. Citizens present were see Exhibit "A". Citizens speaking were see Exhibit "B". All were asked to stand and recite the Pledge of Allegiance.

Mr. Pierce spoke of concerns of sewer issues located at his residence on FM 1817.

**Agenda Item Two:** Discuss and take action hearing from the city’s engineer Tracy Hicks with KSA on a proposal of a requested 5 to 10-year plan for needed updates and repairs to the city’s infrastructure.

Councilman Billy Jack Wright made a motion to approve Work Order # 30 “The Project” to allow Tracy Hicks with KSA to do the work to submit a plan for the city to work on over a 5 to 10 year span for improvements for present and future councils to use to assist decisions and to add Work Order # 31 to the next agenda to discuss.

Council Lady Chris Bice seconded the motion. All voted “Aye” the motion carries.



**Agenda Item Three:** Discuss and take action regarding bids submitted by Tracy Hicks for quick connects to be installed at the lift stations to include generator quotes.

Council heard from Tracy Hicks regarding an estimated cost of \$102,000.00, to have a generator and quick connects installed at the lift stations.

Councilman Billy Jack Wright made a motion to take no action on the item at this time.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Four:** Discuss and take action concerning a building or location site for Code Enforcement for the City of Elkhart.

Councilman Billy Jack Wright made a motion to designate the Public Works Building on Hwy 19/287 at the red light as the official location for Code Enforcement future office for use of Code Enforcement Office.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Five:** Discuss and take action to consider adopting Ordinance No. 258-04051002212017 to repeal Ordinance No. 258-040510 passed by council on April 5, 2010, that allowed for the Elkhart Volunteer Fire Department to charge the citizens of Elkhart, Texas for certain emergency and rescue services.

Councilman Billy Jack Wright made a motion to adopt Ordinance No. 04051002212017 to repeal the Ordinance No. 258-040510 that passed on 4-05-2010 that allowed the EVFD to charge customers for certain emergency and rescue services to the citizens in Elkhart, being hereby repealed in Ordinance No. 04051002212017 to not allow to charge customers.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Six:** Discuss and take action on bids submitted from Duplichain Contractors, for fire hydrants to be replaced behind City Hall, Day Rd. and W. Parker.

Council stressed concern over the length of time the hydrants have not been in service and the need to be able to access in case of a fire, stressing the need to replace the hydrants.

Councilman Billy Jack Wright made a motion to approve the Fire Hydrant replacements at City Hall, Day Rd and W Parker to be installed by Duplichain for the bid price of \$11,100.00 plus the cost of a 6-inch gate valve for \$900.00 to be installed at elevated tank hydrant valve with the funds to be paid for out of the reserves from the Elkhart Volunteer Fire Department bank account.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

  
**Agenda Item Seven: ~~Agenda Item Eight:~~** Discuss and take action on consideration of bid submitted by Duplichain Contractor's to repair the Sewer Line near Lily Drive and Montgomery St.



Council discussed how long the problem had caused sewer issues at least a ten-year problem of sewer backups.

Councilman Billy Jack Wright made a motion to accept the bid of \$3,000.00 to have Duplichain Contractor's to install 160 feet 4 inch SDR 26 sewer line at the existing 4 or 6-inch sewer line that connects two houses to new lines and clean outs on Lilly Drive and Montgomery Street as soon as job can be completed to relieve the customers of sewer issues.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Eight:** Discuss and take action regarding request for repayment of plumbing bill from Francis Steubing.

Council Lady Beverly Anderson made a motion to contact Mr. Steubing by certified letter to notify him that after hearing the problems on his sewer back-up that the city had no obligation or responsibility due to the fact the sewer problem was on the customer side and to add that if he felt the need to discuss further, he could request to be added to a future agenda for discussion in a civilized manner.

Councilman Billy Jack Wright seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Nine: Executive Session**— Council will convene into Executive Session *Pursuant to Texas Government Code 551.074 (Personnel Matters)* ; to discuss employment of William BJ Perry.

Council convened into Executive Session at 7:39 p.m.

**Agenda Item Ten:** Discuss and take action, if any, on Agenda Item Nine:

Council reconvened into Open Session at 8:12 p.m.

Councilman Billy Jack Wright made the motion that, we, as Elkhart City Council end our Consulting Service with BJ Perry and to give him a two week notice as of February 22, 2017, ending the service/agreement we had with BJ Perry and further thanked Mr. Perry for his service.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Eleven:** Discuss and take action on the consideration on Renewal Agreement for the Xerox copy machine located at City Hall.

Councilman Billy Jack Wright made a motion to approve the renewal agreement with Xerox for the City Hall copy machine at Elkhart, Texas 75839 for a proposed price of \$289.75 a month with a suggested savings of \$71.50 month.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Twelve:** Discussion of digital off site storage of city records suggested by auditor.

City Secretary briefed council that approval was okayed by Mayor as recommended by auditor to secure the city by using Carbonite Cloud Back-Up Service as the off-site storage for backing up of the city records.

No Action was taken, discussion only.



**Agenda Item Thirteen:** Discuss and take action in consideration to employ Koran Lee as contract labor on an as needed basis for a CDL licensed person hauling material for the City of Elkhart.

Councilman Billy Jack Wright made a motion to Councilman Billy Jack Wright to employee Koren Lee as contract labor on as needed basis with a CDL license to haul dirt and material for the City of Elkhart, with our equipment of dump truck and backhoe driver for \$15.00 per hour with no benefits.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Fourteen:** Discuss and take action hearing reports from City Secretary, Code Enforcement, and Outside Supervisor.

No action was taken on reports.

**Agenda Item Fifteen:** Discuss and take action on approving the minutes from the December 5th 2016 and January 17, 2017 meetings.

Councilman Billy Jack Wright made a motion to approve the minutes from the December 5, 2016 and January 17, 2017 as presented.

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

**Agenda Item Sixteen:** Discuss and take action regarding bids submitted for tires on the New Holland Backhoe.

Councilman Billy Jack Wright made a motion to award Oscar Tires in Elkhart the bid of \$2,350.00 to replace the tires on the New Holland Backhoe.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Seventeen:** Discuss and take action on consideration of approving the Financial Report for the month of January, 2017.

Councilman Billy Jack Wright made a motion to approve the financials as presented for the month of January 2017 with the mention of Petty Cash balance in QuickBooks reported in error, Keep Elkhart Beautiful being taken out of reports when account is closed that was previously approved and the Municipal Court checks written to Gary Thomas to be checked into for accuracy.

Council Lady Rhonda Brewer seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Eighteen:** Discuss and take action awarding Yard of the Month for the month of February, 2017.



Councilman Wright made a suggestion to consider designating Yard of the Month during the Spring months instead of year-round.

Council Lady Beverly Anderson made a motion to award the Church of Christ on Hwy 287/19 in Elkhart as Yard of the Month for the month of February, 2017.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Nineteen: Adjournment.**

Council Lady Rhonda Brewer made a motion to adjourn at 9:11 p.m.

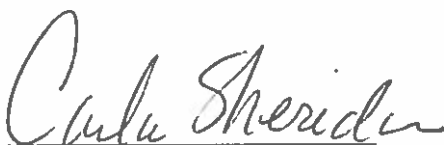
Council Lady Chris Bice seconded the motion. All voted 'aye'. The motion carried, adjourning the meeting at 9:11 p.m. with no further business.



Mike Gordon

Mayor

ATTEST:



Carla Sheridan

City Secretary



THE STATE OF TEXAS \*  
COUNTY OF ANDERSON \*  
CITY OF ELKHART \*

On the Twenty-First day of March 2017, the City of Elkhart Council convened into a Workshop and Regular Council Meeting at 5:30 p.m. with the following members present:

Mike Gordon	*	Mayor
Billy Jack Wright	*	Councilmember
Chris Sheridan	*	Councilmember * ABSENT
Beverly Anderson	*	Councilmember
Rhonda Brewer	*	Councilmember
Chris Bice	*	Councilmember
Blake Armstrong	*	City Attorney

Council Workshop from 5:30 to 6:00. No action was taken. The Workshop portion of meeting is meant to give Council a time to review agenda.

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

A quorum being present Mayor Mike Gordon called the meeting to order at 6:01 p.m. Councilman Chris Sheridan was absent. Citizens were asked to stand and recite the Pledge of Allegiance. Citizens present were Mr. Pierce, Connie Davis. Citizens speaking were Mr. Pierce concerning a sewer problem at his home due to what he believes is from a sewer system his neighbor was allowed to put in many, many years ago and upset that Supervisor Albert Gallegos did not show up when he said he would to inspect the problem.

**Agenda Item Two:** Discuss and take action hearing from Tracy Hicks with KSA concerning Work Order No.30, Project No. Elk-050 to apply for a Water Capacity Variance from the TCEQ (Texas Commission on Environmental Quality), discussed at last council meeting with no action.

Sigi West with KSA reported to council that the variance is an exception to the standard rule that 0.6 gallons per person using data collected during a three-year period consecutively. The variance is in hopes of reducing the trouble we are in right now with TCEQ regarding the well issue of needing a new well. There was an error on agenda as Work Order 30 and the correct work order number is 31. Attorney Blake Armstrong instructed council that they would simply clarify the correction in the motion. The cost of having KSA (City Engineer) to apply for the variance is \$4,000.00. There is no guarantee that the variance will get the city out of trouble but there is a chance it could. The variance is just to buy the city time without getting fined by TCEQ.

Councilman Billy Jack Wright made a motion to approve Work Order No. 31 and change the agenda item to show work order 31, which will allow KSA to apply for a Water Capacity Variance from the TCEQ (Texas Commission on Environmental Quality).

Council Lady Beverly Anderson seconded the motion. All voted “Aye” the motion carries.

**Agenda Item Three:** Discuss, consider and take action as necessary regarding all aspects of the City’s relationship with the Elkhart Volunteer Fire Department.

Discussion ensued over the relationship strain between the EVFD and the City of Elkhart. Mayor Gordon reported to the council that this has been an ongoing issue for a long time. I think it would be best for the city if we completely separate ourselves from the EVFD. There has been controversy over the last few years and a lot of money has been spent over the last 5 years and records to show it. Mayor Gordon opened the item for discussion. Councilman Billy Jack Wright stated for him it meant to sever all ties of insurance we have paid, all of the rolling stock, we have titles that reflect co ownership and the easy out on our part would be to donate them. Mr. Wright stated he wanted the EVFD to release the building giving a certain amount of time, 30 to



60 days. Councilman Wright mentioned what the Fire Chief had stated in previous meeting of wanting to separate. The EVFD receives money from county and other funds. There have been statements made of not putting out fires in the city without contract. The volunteer department and the way it used to function long gone and has lost confidence. Council Lady asked to listen to prior meeting. Attorney Blake Armstrong spoke to council regarding agenda wording to discuss all aspects of relationship. Tape recording played from meeting of February 18, 2017. Attorney Blake Armstrong the city attorney spoke to the council. Financial savings to the city, liability savings to the city with not as much rolling around that could potentially be a liability to the city and that if you had questions about it, it was a cleaner thing to do. There are financial reasons to do it, there are liability reasons to do it. Carla Sheridan reported speaking to TML Richard Dorsey and reported to council that many VFD cover their own insurance and that many cities have stopped covering VFD because of liability issues. Carla Sheridan City Secretary mentioned titles being intertwined between entities and scattered. Attorney Blake Armstrong was asked by Mayor Gordon what other cities in comparison to ours do with their volunteer fire departments? Blake Armstrong stated, "I have seen a mixed bag, some provide no financial assistance to the volunteer fire department, others provide some, like you all have done. A lot of cities have a policy across the board they are not going to donate to 501C3's, the feel like if we do for one, we have to do for all. It really is a mixed bag. The question was asked by Council Lady Chris Bice mentioned the fact that the city had also covered First Responder's vehicles. Council discussed with attorney on the sending of a letter to EVFD. Council decided to have Blake Armstrong send the letter to the EVFD depending council action. Mayor Mike Gordon and Council Lady Beverly Anderson discussed and said, they thought we should donate to the EVFD. Mayor Gordon said, maybe we could donate the building to them, Council Lady asked if we could sell them the building. Councilman Wright said it would have to be discussed after all this has either not or has taken place. Concerns from council over no proper storage of vehicles belonging to the city. City Secretary mentioned concerns over titles being mixed up and vehicles scattered out. Comparing vin numbers to vehicles was also discussed to make sure we account for all vehicles in the City of Elkhart's name.

Councilman Billy Jack Wright made a motion to disconnect all city relations with the EVFD as of this meeting on the 21st of March and require the fire department vacate the city owned building no later than 60 days from this date and to notify that the City of Elkhart will remove all fire department insurance from policy, all rolling stock owned solely by the City of Elkhart or jointly with the EVFD will be donated after titles are reviewed and inspection and inventory of the building within 10 days of notification will be necessary and all utilities concerning building will cease no later than 60 days from this date.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Four:** Executive Session: Pursuant to Texas Government Code section 551.074, the City Council will convene into Executive Session regarding the job responsibilities, duties and performance of the City's Code Enforcement Officer.

Council convened into Executive session at 7:37 p.m.

**Agenda Item Five:** Discuss and take action, if any, on Agenda Item Four.

Council reconvened into Open Session at 8:14 p.m.

Council Lady Beverly Anderson made a motion Pursuant to Texas Government Code section 551.074, to take no action on agenda item four.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Six:** Discussion from City Secretary to update council on Franchise revenue from Cable Franchise fees that have not been collected since 2012 and approval of a payment plan from Zito Media to pay the city the fees.

City Secretary Carla Sheridan discussed with Council that she had been doing QuickBooks about two years now and has never seen a franchise fee from Zito Media in the past. Carla reported that the city started using QuickBooks in 2011 and as far back as she could see, no franchise fees were collected in QuickBooks from Zito Media or any cable franchise payments. Carla Sheridan reported that after seeing the payment she reviewed past deposits and did see where Margie Crawford did receive payments for the city for cable franchise but the city has not since then collected the franchise from cable. The City Secretary reported that when the current auditor asked



about franchise fees for the city, it was not ever clear on what all the city collects in franchise fees due to the way it was put in QuickBooks, just under Franchise and not grouped into individual franchise fees the city collects. It was also told council the changeover in cable names with the changeover in staff, this was lost. Councilman Billy Jack Wright stressed concern that the franchise fees have been overlooked.

No action was taken on the item to update the Council on franchise fees from Zito Media.

**Agenda Item Seven:** Discuss and take action on opening a separate bank account for customer's water meter deposits for separation and transparency.

Council Lady Beverly Anderson made a motion to take action on opening a separate banking account for the Customer Water Meter Deposits for separation and transparency and take \$50,000.00 to open this account and wait until the end of the year to decide how much more to pull from one account to the other.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Eight:** Discuss and take action, if any regarding selling items listed and setting guidelines for the process concerning the office smooth top cooking stove, the 1994 Ford and 1981 Chevrolet located behind City Hall.

Councilman Billy Jack Wright made a motion to take sealed bids with the time of each bid submitted and the date and identify the person on the envelope for a cooktop stove, 1994 Ford and 1981 Chevrolet to be submitted at front desk at City Office, the close on the bid to be April 14, 2017 at 4:30 and for bids to be awarded April 17, 2017 by Mayor at the next regular meeting. Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Nine:** Discuss and take action on Certification certifying the unopposed Candidates for the May 6, 2017 General Election.

Councilman Billy Jack Wright made a motion to certify the unopposed Candidates for the May 6, 2017 General Election as, Mayor -Mike Gordon unopposed, Place Four-Beverly Anderson unopposed Place Two- Rhonda Brewer unopposed.

Council Lady Chris Bice seconded. All voted "Aye", the motion carries.

**Agenda Item Ten:** Consider approval of Ordinance No. 206-03212017, an Ordinance declaring all unopposed candidates for the May 6, 2017 City of Elkhart General Election as being duly elected and the declaration of cancelation of said election. Mayor -Mike Gordon (2) Year Term, Place Four-Beverly Anderson (2) Year Term and Place Two- Rhonda Brewer (2) Year Term.

Councilman Billy Jack Wright made a motion to approve Ordinance No. 206-03212017, an Ordinance declaring all unopposed candidates for the May 6, 2017 City of Elkhart General Election as being duly elected and the declaration of cancelation of said election concerning, Mayor -Mike Gordon (2) Year Term, Place Four-Beverly Anderson (2) Year Term and Place Two- Rhonda Brewer (2) Year Term.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Eleven:** Discuss and take action on approval of Annual fee for East Texas Council of Governments GIS maintenance for web services, invoice # 2017-4 in the amount of \$1,200.00.

Council Lady Chris Bice made a motion to approve made a motion to approve the annual fee for East Texas Council of Governments GIS maintenance for web services, invoice # 2017-4 in the amount of \$1,200.00.

Council Lady Rhonda Brewer seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Twelve:** Discuss and take action on purchasing two fire hydrants meter's for the hydrants behind City Hall and at the EVFD to account for state mandated water loss purposes only.



City Secretary Carla Sheridan reported to council the importance to account for water loss within the system and this should include on flushing, water use by fire department and the water used in selling bulk water. TCEQ does require you to report your water loss in the system. Council made a phone call to William BJ Perry to inquire on cost and the possibility of moving meter from place to place or secure the meter at locations.

Councilman Billy Jack Wright made a motion to purchase a hydrant master meter for a fire hydrant HM3 from Johnson Lab and Supply from Palestine, Texas for the price of \$738.10. Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Thirteen:** Discuss and take action on installing a flush hydrant on the main line at the end point on Anderson County Road 1345.

City Secretary reported to Council that Donnie Fincher had concern over water quality at the end of the line on CR 1345 and that Donnie Fincher had been in asking for relief. City Secretary Carla Sheridan reported that she asked Donnie Fincher why a flush valve was not put in at the time the line was installed many years ago and that Mr. Fincher stated he did not know.

Councilman Billy Jack Wright made a motion to install a water meter in a box with a lid that will be locked and unlocked by city employees when the flushing is necessary at the end point on ACR 1345.

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

**Agenda Item Fourteen:** Discuss and take action hearing reports from City Secretary, Code Enforcement, and Outside Supervisor.

City Secretary reported that maps in closet were not in any order and hard for any of the previous or current supervisors and water staff to find. Carla Sheridan reported that Shelby has pulled out and labeled all maps and is currently working on laminating an index with map information on it and bragged on Shelby for doing a wonderful job and the job she has done will be a great contribution and help for the city and thanked her. Carla Sheridan also reported that ETCOG would copy the maps for the city and for the maps that were frail we could copy and have those laminated. The maps themselves are costly and have been neglected. Reported on substandard structures and hoping council could eventually lead us to clean up some of the areas in the city. Carla Sheridan did also brag on the good job the outside field workers were doing and the moral in the work department has improved greatly.

**Agenda Item Fifteen:** Discuss and take action on approving the minutes from the meetings of February 16, 2016, May 2, 2016, September 6, 2016 and February 21, 2017.

Councilman Billy Jack Wright made a motion to approve the minutes of February 16, 2016, May 2, 2016, September 6, 2016 and February 21, 2017 as presented.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Sixteen:** Discuss and take action on sending Michael Edwards to take Basic Water Class in Corsicana, Texas March 28, 2017 through March 30, 2017.

Council Lady Beverly Anderson made a motion to send Michael Edwards to take his basic D water class in Corsicana, Texas March 28, 2017 through March 30, 2017 and supply a company truck furnishing, breakfast and lunch.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Seventeen:** Discuss and take action in consideration of approving the Financial Report for the month of February 2017.

City Secretary reported that all the accounts had increased and doubled over the last almost two years' council has been in place and were looking much better. The TTI Verizon long distance the city has always used was much higher than the Windstream so the long distance was



switched to save money, there is no long or short term contract on either. That will save the city money.

Council Lady Chris Bice made a motion to approve the financials for the month of February 2017 as presented.

Council Lady Rhonda Brewer seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Eighteen:** Discuss and take action on awarding Yard of the Month for March 2017.

Council Lady Beverly Anderson nominated Family of Faith Church.

Council Lady Beverly Anderson made a motion that the Yard of the Month for March of 2017 be awarded to Family of Faith Church next to the school on Hwy 287.

Council Lady Rhonda Brewer seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Nineteen:** Discuss and consider purchasing a phone for Code Enforcement for the City of Elkhart for the Code Enforcement Officer.

Council Lady Beverly Anderson made a motion to table the item until further notice.

Council Lady Chris Bice seconded the motion. All voted "Aye" the item was tabled, the motion carried.

**Agenda Item Twenty:** Discuss and take action on placing a no parking sign on Main St. near stop sign and fire hydrant.

Councilman Billy Jack Wright made a motion to repaint hydrant at location on N. Main and purchase a sign to indicate no parking within legal footage of hydrant.

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

**Agenda Item Twenty-One:** Discuss and take action to Proclaim Clean-up Day in April, 2017.

Councilman Billy Jack Wright made a motion to proclaim clean-up Day on April 8, 2017 from 7:00 a.m. to 5:00. p.m. and for customers to bring proof of residency to event.

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

**Agenda Item Twenty-Two:** Consider payment from remainder of funds allocated to Elkhart Youth Athletics' Association on an invoice submitted by Elkhart Youth and Athletic Association for Huff's Metal Building's for a roof on batting cages.

Councilman Billy Jack Wright questioned what would happen to the equipment at the park should the association cease to exist. City Secretary reported the baseball association is just like the other non profit 501C3's. There is a need for an agreement and that it has been many years overdue. In the past there had been an agreement between the city and baseball association that had not been renewed in many years but that it was like the rest of the 501 non profits tying their self within the city, you must have agreements for protection to the tax payers.

Councilman Billy Jack Wright made a motion to pay the invoice to Huff Welding in the description of a medal roofing and trim on batting cage at the Elkhart City owned park, land to be paid to Huff Welding directly that is part of the Union Pacific grant money the city has given and allocated to the baseball association and the remainder of grant money after this payment is \$800.00 after this 3,000.00 dollar payment.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.



**Agenda Item Twenty-Three:** Discuss and take action on adjustment for Elkhart Oaks adjustment on garbage billed incorrectly.

City Secretary reported that during the training of new city employees one of the new workers had mistakenly charged Elkhart Oaks the wrong account for garbage billing, even though the main garbage account for Elkhart Oaks was additionally being charged the reports were provided and reviewed. The mistake was caught during an extensive audit. The monthly garbage audit only provided for the one account that had accurately and legitimately been being charged. Elkhart Oaks only has one account that is billed garbage each month out of their three accounts. When Progressive sends their statement through, it also only has one charge, so when the audit was performed, the only items checked were, did the city get billed for the charge and was the charge added to the customer. It was indeed, but the new employee had added the garbage to one of their other accounts mistakenly. The funds belong to the customer. They were overbilled.

Councilman Billy Jack Wright made a motion to credit Elkhart Oaks Account the overcharge in garbage for the 10 months of garbage overbilled fee.

Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.


**Agenda Item Twenty-Four:** Discuss and take action on streets to repair, a previously approved motion.

Councilman Billy Jack Wright made a motion to repair the portion of Hortman street from Watkins to Norm Griffith's gate, the portion of Church that is parallel with elementary school where it intersects Sheridan and Parker, and the total length of Cinnamon Street and the other half of Jones Road and to redo streets and get footage and width and turned over to the Commission of Anderson County.

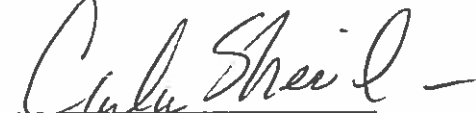
Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

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

Council Lady Rhonda Brewer made a motion to adjourn at 10:31 p.m. Council Lady Beverly Anderson seconded the motion. All voted 'aye'. The motion carried, adjourning the meeting at 10:31 p.m. with no further business.

  
\_\_\_\_\_  
Mike Gordon  
Mayor

ATTEST:

  
\_\_\_\_\_  
Carla Sheridan  
City Secretary



THE STATE OF TEXAS

\*

COUNTY OF ANDERSON

\*

CITY OF ELKHART

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On the Eighteenth day of April 2017, the City of Elkhart Council convened into a Called 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
Rhonda Brewer	*	Councilmember
Chris Bice	*	Councilmember

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

Mr. Greg Chapin said prayer. Citizens speaking were Cody Young stating he had a petition of 137 names inside the city limits and 134 names outside city limits regarding EVFD. Mr. Young spoke of and read a proposal consisting of an annual contract between the city and EVFD . Proposal included an annual payment from the city for \$10,000.00, in exchange financial reports will be provided when requested, City of Elkhart shall place all rolling stock in the name of EVFD and to sale the building to the EVFD for \$1.00 (One Dollar) EVFD to pay all utilities and insurance. BJ Perry spoke in regards to building at wastewater plant with shower and old building torn down being in very poor condition. Mr. Perry spoke of taking showers due to working conditions workers are exposed to and the need of building and shower to city employees. Claims of hearing social media post and wanted to give clarification of the shower cost and reported the shower was not \$6,500, that the building included a shower and that it was a necessity stating the building also being an office for outside staff. Mrs. Doyle Campbell spoke in regards to EVFD and wanted to ask questions but understood now that questions could not be answered during the citizen recognition portion of meeting but wanted to speak acknowledging she knew questions couldn't be answered then reported, not knowing how monies had been spent but that the EVFD has improved the property. Mrs. Campbell voiced concerns over vacant buildings in the city and concerns of insurance cost if there is no EVFD. Mrs. Campbell stated the EVFD had paid for things at the EVFD and asked if city will reimburse firemen for improving city property with mowing, painting and that the city fire department was the only thing in Elkhart that looks worth anything. Mrs. Bennet stated she was here on behalf of her friends concerning the EVFD and nobody liking what is going on, Mrs. Bennet spoke of firemen being more important than city council or anyone else and the council needs to show citizens they are valuable and dwell together in unity.

**Agenda Item Two: Discussion with previous council members and or staff concerning all aspects in relation to the water line in reference to 2107 HWY 294 W. Elkhart, Texas.**

Councilman Chris Sheridan stated he had requested this item to be on the agenda. He mentioned requesting through the city secretary to contact the previous council and staff to ask them to come to this council meeting and all declined to come, except a brief statement by one. Councilman Sheridan stated he wanted it on the agenda to discuss because he finds it troubling that no one seems concerned over the loss of \$10,000.00 over a water line put in without permission. "It has been a big concern to me." This is \$10,000.00 that could have gone to the fire department but no one seems to be concerned over loses and mistakes of city councils. Attorney Blake Armstrong stated if no desire to take action that council could let the item die from lack of motion. Further discussion ensued. Councilman Wright stated, "When this was discovered the outside supervisor gave his resignation and that the Sheriffs department was contacted and given statements then turned over to an investigator and also stated that he and two other employees that he knows of were never questioned regarding the line, if there are no consequences it seems we are open to this again as a city, if no one is paying attention to what's going on in their city and mentioned that the District Attorney reported to the council the incident regarding the water line was no billed." Mr. Wright stated, "On the theft of the city of \$10,00.00 and noting was done about it!" Mr. Wright said, we had pictures and statements and there was nothing done with the loss and none of city councilman he spoke to knew anything about it. Mr. Wright stated, "This concerns me as well. "

No action was taken on the item.

**Agenda Item Three:** Discuss and take action on sending Michael Edwards to take test for basic D class water license.

Councilman Chris Sheridan made a motion to send Michael Edwards to take his basic D water class test.

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

**Agenda Item Four:** Discuss and take action sending Seth Hollingsworth to test for his basic D class wastewater exam.

Councilman Chris Sheridan made a motion to send Seth Hollingsworth to test for basic D wastewater exam on June 8, 2017. Council Lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

**Agenda Item Five:** Discuss, consider and take action, as necessary, concerning the City's ongoing relationship with the Elkhart Volunteer Fire Department, prior action by the Council concerning the Elkhart Volunteer Fire Department and all facts relevant thereto.

Mayor Gordon stated to the Council, "Yesterday I got together with some civic leaders and I submitted a proposal, it was my proposal and I am pulling the proposal until we see what our budget is. We are going to have to look at our budget before we decide anything and the same goes for the EVFD they proposed to give to us. There is a lot of money to be spent in this city and spoke of the need for a portable generator to buy to service all of our 8 lift stations that have never been installed, its been years. I sat out until 3:00 in the morning with electricity out, to pump 18 loads sewer so it wouldn't flood neighborhoods, with our outside supervisor because we didn't have a generator that we should have had years ago." Mayor Gordon asked for a motion for the council to extend the 60 days until after the budget was completed and in the meantime maybe me and Randy can work out a deal that is preferable with everyone. The floor was opened for discussion beginning with Councilman Wright who read the Oath of Office he took when taking office in its entirety. Councilman Wright spoke in regards to council doing a superb job handling the city's business. When council was addressed by Mr. McCoy during a meeting to protest 413 Hwy 287 S as a substation and that the city was not going to recognize Mr. McCoy's house, it is not the building but his house as a substation. During the meeting we passed a Resolution disavowing the residence a substation that is recognized by the city. During the meeting Mr. McCoy made a statement that he did not have to put out fires within the city limits without a contract. Mr. McCoy sat on this council without enforcing a contract since 2009 and contract hasn't been enforced since 2009. All the tax payers have the right to know what's going on here, Mr. McCoy made it really clear he did not have to put out fires and that tells me that there is animosity toward the City Council and if he chose he could put out no fires if it had to do with the wrong or right people and that was very alarming to me and this council. Mr. Wright read aloud, "Mr. McCoy along with Mayor Dunlap and four other City Council members created a training facility at a closed city landfill and the site was closed by TCEQ (the state) and for several years Mr. McCoy pocketed money from the training on the city owned property while sitting on the City Council of Elkhart, Mr. McCoy abstained from voting on all aspects involving this and members knew why he abstained from voting, due to the fact he was charging for this training even though the city was furnishing the condemned property the city council would turn their heads and allow Mr. McCoy to proceed in this illegal practice. The tax payers are the ones who are liable for any accidents by any events held at this condemned property. Even though Mr. McCoy, Mr. Dunlap and 4 other council members turned there heads and none seemed to care how much liability the City of Elkhart had, as long as Mr. McCoy was allowed to put money in his pocket. Mr. McCoy also as a councilman and Mr. Dunlap while on the city council created an Ordinance to enable the Fire Chief or Assistant Fire Chief which was at the time Jim Bob Parker and Randy McCoy, the EVFD was going to charge anybody who called in for their services or bill you if you had to call for their assistance. How does City Councilman McCoy, Dunlap or other 4 council members sit on a council and have the audacity to create a City Ordinance to let the EVFD which is already funded by donations from the property owners, Elkhart City tax payers, Anderson County tax dollars, State of Texas tax dollars and United States Federal grant monies send the property owners a bill after their house is burned to the ground or any other fire loss just because you can call for their assistance. As a tax payer you should also be aware the EVFD substation located on Mr. McCoy's homestead private property at 413 Hwy 287 S City of Elkhart, Mr. Dunlap and four other council members approved a Resolution adopting that as a substation and you the tax payers may want to ask what monies are put in Mr. McCoy's pocket. At the time Mr. McCoy was sitting on the city council and Volunteer Fire Department as Assistant Fire Chief under Jim Bob Parker did not furnish the needed financial statements required to receive annual donations from Anderson County. These funds amounted to 13,000.00 a year. This shows the arrogance of Mr. Parker, Mr. McCoy and board of directors of the EVFD and makes it evident that the EVFD either had something to hide or could care less on the funds from Anderson County. Randy McCoy along with 4 other city council members allowed an out of control outside supervisor Greg Lewis to construct a 1,200 foot illegal 2 inch water line on Mr. Lewis's private property across property owned by someone else without an easement, all at the tax payers expense to an estimate of \$10,000.00.

Of course Mr. McCoy claims he has no knowledge of this but in my opinion if he could remember this theft he probably would have abstained anyway. Randy McCoy sitting on the city council with Raymond Dunlap and 4 other council members moved the First Responder's out the city owned building that houses the EVFD and to property they moved to owned by Jennifer Nix and now Jennifer McCoy, at the time the city of Elkhart had budgeted \$27,000.00 a year to the EVFD that pays all insurance on rolling stock, utility's, water, sewer, gas, electricity that includes all insurance on all rolling stock on fire trucks and First Responder's. This location joins Mr. McCoy's residence and was being called a substation of EVFD and now it is being called South Anderson County First Responder's so Ms. Nix can have a property tax break on her personal property. It is time for the Elkhart city tax payers to pay more attention to what is going on. No one on the previous council would stand up to the deception and wrong doing which makes them all guilty of the same deception. Myself, the current Mayor and City Council have spent a considerable amount of time researching these matters and in our opinion we are wanting the citizens and tax payers to know what is going on. I don't mind being entertained or having a good time but when Mr. McCoy and Ms. Nix are the only ones laughing it is time all you tax payers pay more attention to what is going on in their deception, think about who's crying the loudest and longest. It is time you understand what is really happening to you and your tax dollars. Once again, this is my opinion and I have as a present city councilman done years of research on all these matters and it is your chance now to prove me wrong. Mr. McCoy will tell you that the building at 411 287 S Elkhart is being paid for by Anderson County First Responder's money but it sits on private property. Tax exempt on Ms. Nix property which is now Mrs. McCoy. He and she have a 501C3 tax exempt status but in the event the Anderson County First Responder's cease to exist, Mr. McCoy said the building could or would be torn down. He fails to tell you what the many thousand of dollars in concrete that sits on Ms. Nix, McCoy property will be done with, I will tell you what will be done. All of you will forget about it and Ms. Nix McCoy will gain private property value. Thank you again donators and tax payers. In my opinion he and she are no better than the dude standing at the exit point at Walmart who want you to give them money. If any council member or Mayor disagrees with any of these points they have a chance to add or take away from what I have said, it is time you do so now. Mr. McCoy stated out loud, if he was aloud to speak. Attorney Blake Armstrong stated it was up to the Mayor he controlled the meeting. The Mayor stated he did not sign up for the speaking portion and was not allowed to speak. Council Lady Beverly Anderson stated she would like to speak to all. I made the same vows and promises to try to take care of the city and not over spend and to help you to not have to pay a lot of extra taxes. The fire department in the past has been wonderful and this was not personal but I do have things I am concerned about. Randy was on board when these questions I have and these are my opinions and questions and I want you to know there are a lot of concerns I have. Some have been answered and some have not. In 2010 I started coming to meetings and listening. I heard about the landfill and I heard the fire department put the vehicles out there and cars out there on city insurance as well as the landfill being contaminated and well dug for training purposes and I was concerned a child might fall in the well. I am sure that is not Mr. McCoy's intention but it concerns me. I was concerned with my grandchild or yours for safety and the gate was broken. Things like this concern me, who would we call, if and when we found this child in this hole, we would have to call the fire department but how long would it have been before somebody knew about the child down there? I am not saying it wasn't filled in, it was but it took me a while to get it taken care of. I am not saying it was deliberate but you have to stop and think about these things, you can't leave things like that. I am sure there are wells on other peoples property, they should be filled in. I was told there was some sort of gas that can build up in those holes and that alarms me. I am not that qualified to answer but it concerns me, I think other people should be concerned about it. I don't want a child to be overcome with gas. A lot of times we asked Randy to provide us with a statement of finances and Randy said we had to go through Jim Bob to get those. I don't know how that works but if you were getting money from the city, we should have been provided quarterly finance reports. I am not complaining about the money you get I just want to know what you did with it. I think that's something that should be provided and should have been regardless of who had the paperwork because I still want to know. Its my tax money too. I am here trying to save you money, I don't mind giving it if its needed but I want to know where it went. If you don't wonder where its going in any department then your not really concerned about your town. I don't know why we weren't told about the money and how it was decided who got how much or who paid how much for fire training and where the money went and I think a lot of people need to be asking questions. Mrs. Anderson thanked everyone for her time. Mr. McCoy wanted the recording again to know that I am requesting again to answer and respond to questions she has. The Mayor replied no. Council Lady Rhonda Brewer stated her only concern was as a new council member when I came in I learned about lagoon needing dredged and generators needed and all the things the city needs to buy and I see the budgets from the past and I see the money wasn't used well, I should say and I have no problem donating to the fire department either but I think there should be a set fee and the fire department should provide financial statements. It is a separate entity from the City and First Responder's is a separate entity from the EVFD. Council Lady Rhonda Brewer further asked if Randy was over the First Responder's. Randy McCoy stated he would answer all questions but we were not going to pick and

Council Lady Chris Bice introduced herself and stated, "I am not kin to anyone in this town, I moved here because I liked the town and thought I could help. I am very honest and would not do anything to take away your money for something I did not think was important. The councils before us have taken your money. What we are trying to do as a council and honest people are trying to straighten it out." Mr. McCoy talked out stating, "then don't whisper on the recorder." Council Lady Bice continued, "I just want to let you all know I am not related to anyone in this town, I am not trying to hurt anybody. If you would start calling, you would see, other fire department's have broken away from city, the city has broken away from them. We have got water pipes that need to be replaced, roads that need to be repaired, a lagoon that needs to be dredged. Councilman Chris Sheridan said, "I could be here two hours covering what the rest of the council discussed and another two hours trying to offer solutions but it basically comes down to the fact that we've got to do the best job we can the citizens in regards to the fire department, sewer system, water system, roads, everything. I just ask that the citizens have a little trust in us to do the right thing. I honestly think if we can draw some clear lines between the city and the fire department and rebuild a little trust between the two that we will make things a lot better and that if we don't draw those lines, we will continue the next thirty years just like we have the last thirty years and I took an Oath just as well and I am going to do what I think is best for the city. I will talk to anybody, I came down and spoke to a couple for two hours along with the Mayor. I will sit down and discuss, we have until the end of September, if we get an extension tonight and try to explain my position to the citizens. In the end I am going to do what I think is the best thing to do and I think the fire department will be okay and I think we will rebuild the trust between the city and the fire department and rebuild the trust of the citizens. It is not just the city that's lost the trust of the citizens, it's the previous fire department chief, the bank, and the city and until we rebuild that trust we are not going anywhere. But there are going to have to be clear lines, If I am going to put my name on these financial documents every month there's going to have to be clear lines between the two entities. All I ask is that the citizens trust us to do the right thing and give us time to do the best we can do. Next May will be here before you know it, if you don't like what we do, get us out of here. That is all I have." Council Lady Beverly Anderson spoke up and stated to citizens present, "you folks have gotten all upset just here recently, this hasn't just happened recently all these things have been going on years. If you're that concerned with what we are doing your money, come speak out, come to the meetings, we have the same people that always come, that way you can ask to approach council at next meeting." Mrs. Doyle Campbell spoke out saying she was ashamed of the council. Council Lady Rhonda Brewer spoke of social media post and stressed it was to stir trouble or the people just plain didn't know better. Council Lady Brewer stated there were three places open in May and not one person signed up for running. Randy McCoy spoke out stating all was allowed to speak but him. Mayor Gordon asked for a motion.

Councilman Chris Sheridan made the motion to rescind the prior motion by city council on the meeting of March 21, 2017 concerning all items regarding the EVFD vacating building and housing of fire department in 60 days and turning over all rolling stock over to the EVFD and the discontinuance of utilities and liability insurance. Council Lady Rhonda Brewer seconded the motion. Councilman Billy Jack Wright opposed. The motion carries.

Councilman Chris Sheridan made a motion to allow the EVFD to stay in the city's building and for the city to continue it's 2016/2017 fiscal year budget expenses and the buildings utilities and vehicle liability insurance on fire protection vehicles until September 30, 2017. Council Lady Beverly Anderson seconded the motion. Councilman Billy Jack Wright opposed. The motion carries.

**Agenda Item Six:** Discuss and take action on previous item and motion on the March 21, 2017 agenda regarding sealed bids for the 1994 Ford and 1981 Chevrolet vehicles behind City Hall and the Smooth Top Cooking Stove and the opening of said bids.

City Secretary reported to council that no one has put in for any items. Attorney Blake Armstrong reported that we do not have to go through a bidding process because it was considered personal property. We just need to get fair market value for items or a non profit can be given items as long as it serves a public purpose.

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

**Agenda Item Seven:** Discuss and take action concerning email submitted by Zito Media for unpaid franchise taxes unpaid since 2012 and present council with the proposal from Zito Media for the repayment to the City of Elkhart in the amount of two payments totaling \$21,018.29.

City Secretary Carla Sheridan briefed council on the proposal from Zito Media. The payments would arrive in two separate checks. Zito Media went ahead and sent the payment since it was going to be in only two separate payments. City Secretary thanked the auditor for helping in taking the time for helping our city in finding these uncollected/lost franchise fees and that the franchise fees are now listed in such a way that they will not be lost anymore and added to budget. A list would be made to keep in the office and on budget lines so that when council or staff changes the franchise fees will hopefully not be lost. Councilman Wright spoke out saying it was a shame they ever got lost. City Secretary Carla Sheridan reported that was two franchise fees the city had not been collecting for years that would now collect.

No action was taken.

**Agenda Item Eight:** Open discussion on who signs checks for the City of Elkhart, reviews financials, bookkeepers and reconciles finances for the City of Elkhart.

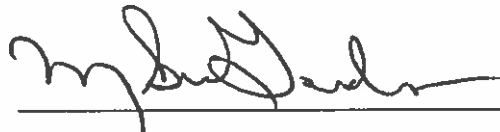
City Secretary Carla Sheridan reported to citizens and council, "I put this item on the agenda to reassure the citizens and to talk about it during this meeting so if anyone wanted to ask me anything about it they could. I took the position of City Secretary January 4, 2016 shortly after that on January 24, 2016 the next council meeting this council hired Tina Harper to look over the books as a bookkeeper. This was something the previous councils had been told by the previous city auditor that they needed to do, "to have an independent set of eyes on the books for the city." City Secretary, Carla Sheridan said, "I don't know why it was never done, but this council moved on it and hired Tina Harper. Tina switched over the old QuickBooks to the new version of QuickBooks separating the funds and making them easier to work with. I do not sign checks for the City of Elkhart yet. The only two people that can and do sign checks are Beverly Anderson and Mike Gordon. The bookkeeper comes in since she has from January 24, 2016 to reconcile bank accounts. The financial records are reviewed each month by the council. The council looks over the financials, the bookkeeper reconciles. Is there any questions anyone wants to ask me regarding financials or accounts for the City of Elkhart." Margie Crawford spoke up and said when she retired December 31, 2010 we had money in the bank in several accounts and we did not have a problem with the money and I would like it clear that I was not on or in this last council because when I retired here things were in pretty good shape. City Secretary Carla Sheridan responded to Margie Crawford, when I took this position, I looked back over the records and that Margie's records were good records. The Secretary further reported that previous employee Gloria had told me that the accounts were dropping and I started looking at the books. Carla Sheridan stated she started using QuickBooks in or right around 2015, It came to the point at one time that I did notify a sitting councilman over concerns with the amount in the water account and the shape it was in. Carla Sheridan read regarding financials, during the process of trying to separate each entity on paper and come up with an accurate number on what the tax payers spend on the EVFD with utilities and insurance, we noticed back here between 2010 to 2015 money was mistakenly misappropriated out of the water account to pay the Fire Department's electric bill. The oversight of no matter who was here or what position they were in, in 2010 the Fire Department's electric bill started being taken out of the water fund. The council wanted me to go through the electric bill and find out the total and what had happened. The balance was \$8,248.00. The problem was because of the confusion and turn over in staff and lack of separation it was not transparent that the money was being paid out of water for another account that had budgeted monies for it. Further reported that on several occasions the water account had been around \$30,000 \$40,000 or \$50,000 dollars and on several occasions had been lower and that is what a lot of you all don't know. I am on everybody's side, but I am especially on the side of looking over the financials of the city. I have seen where they were when you were here, and I have seen where the accounts went to when you left. Margie stated out loud "we had money in the hundreds of thousands of dollars when I was here." City Secretary Carla Sheridan stated that the water account was at \$60,000.00 and the deposits that customers pay for meter deposits were in that amount and to be exact on April, 2013 when Donna Surber was City Secretary the water fund balance \$74,868.65 and when you take away the customer meter deposits of on that date, \$93,000.00 then you reduce that customer meter deposit from your water fund balance, you all do the math, take away the water meter deposits from the balance, that's what your balance was. If your water balance was \$50,000 and deposits are at \$93,000.00, you take away that from the total and that is your total in the water account. It doesn't matter how you look at it, there is a history between 2013 and 2015 when those accounts dipped down so low that our Water Fund was actually in the negative balance, and I am on the side of everybody and I like both sides but when we have a Water Fund with a negative amount in reality without the customer meter deposits and then we also have to have a \$500,00.00 well that is state mandated, a \$500,000.00 elevated storage tank, water line replacement, sewer line replacement, we have to all pull together somewhere because we care about both entities. Margie Crawford stated not to interrupt you, but when I left we had a totally different accounting system and asked what changed. Carla Sheridan explained when she left, the whole system changed accounting wise. It should be alarming for every citizen just as much as any other entity that's essential to a city to what your funds are, because how are we ever going to build well, or an elevated tank or replace a storage tank or dredge lagoon that hasn't been dredged in 16 years when you've got a deficit? Margie Crawford stated, you can't. A citizen asked does anyone know where the money went? City Secretary Carla Sheridan continued speaking, it has been oversight, I am not an auditor or blaming any one person. I report the financials to the council, I like everyone here, everybody needs to come to these meeting all the time, that we all know what is going on in our city. The lack of seeing what is really going on, that is what your water account was, yall's, ours, mine. Margie stated, "You inherited it." Several amens were spoken out loud. Carla Sheridan said, "Inherited, but it is trying to be straightened out. Just like Randy may have inherited a mess at the Fire Department, we have inherited a mess here and separation is needed for transparency. When Keep Elkhart Beautiful was tied to the city and with Keep Elkhart Beautiful tying itself to the city, we were paying out of your financials and with a deficit water account, we were paying employees to work overtime for a non profit Keep Elkhart Beautiful event. That should have never been paid. It doesn't matter if the employees were told to work it, it was still a non profit event that we should have never been using funds to pay for." Councilman Chris Sheridan stated, "we ought to pay firefighters before we pay Keep Elkhart Beautiful events." "Everybody needs their eyes on financials in here but I wanted to reassure you. I have read some of the post in social

Mrs. Doyle Campbell asked if all the financial problems will be solved if the fire department is asked to leave the city property. I can't understand how fixing a sewer plant because you don't let the fire department stay in building. Carla Sheridan stated it wasn't up to her but I was pointing out some of the things this council has seen, but, does a Fire Department need water, yes. Greg Chapin said in the open discussion on financials that we must consider the part that your property investments here that are so important to you, if those folks can't flush their toilets or can't draw water, you've got a major problem with or without a fire department it doesn't matter, so they are trying to come up with a solution to meet in the middle so that they can accommodate the needs of everything but there are some things that priority plays a roll in and our necessity to be able to consume water and use facilities and what it does should be number one or its going to cause problems with everybody. But I agree with the fire department and the fire department needs to be here 100 percent but they have to meet in the middle. Citizen Mrs. Doyle Campbell said, it seems that the council is saying it is the fault of the fire department. Greg Chapin responded, no ma'am, its not, it's the confidence in the past council that's been here, not going back to Margie Crawford, its going back from Margie to now's time. That's the problem, a lot of this money has been gone, they don't have the faith in the person that was sitting here that is now managing your fire department, that is the part the councils, you've got to feel their hearts and understand, and say is this a person that can manage this entity, that we are going to surrender to? Is he going to be faithful to because there has been so much steam and I think that is the animosity between them right now. Citizen Sean Mahon spoke and asked his financial question, in 2014 financials in regards to a profit and loss statement from the city, he believes we budgeted \$27,00.00 to the FD. There is an expense on the report for 54,000.00, what is the explanation for that? City Secretary reported she was not over financials at that time, she would have to look. Councilman Sheridan stated he did not have that report in front of him. Looking at report stated to Mr. Mahon, it looks like it is a transfer and a clerical error was possibly made, he didn't know. Councilman Chris Sheridan stated, if any of you want to discuss anything with council, I encourage anyone to do that and thanked everyone for being here.

No action was taken on the open discussion on financials for and of the city.

**Agenda Item Nine: Adjournment.**

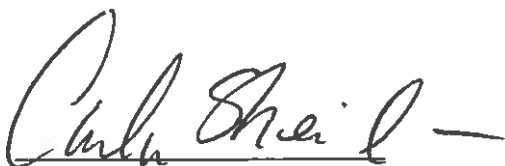
Council Lady Rhonda Brewer made a motion to adjourn. Council Lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries. The meeting of April 18, 2017 adjourned at 7:35 p.m.



Mike Gordon

Mayor

ATTEST:



Carla Sheridan

City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the Twenty-Fifth day of April 2017, the City of Elkhart Council convened into a Called Council Meeting at 7:00 p.m. with the following members present:

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

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

On April 25,2017 Mayor Mike Gordon called the meeting to order at 7:00 p.m. All council present. All were asked to stand and recite the Pledge of Allegiance. Present were Bob and Allison Neal, Sean Mahon, William BJ Perry, David Malone.

**Agenda Item One:** Executive Session: Pursuant to Texas Government Code, section 551.074 (personnel), the City will convene in executive session to discuss the following:

- 1. Public Works supervisor’s resignation and filling of position;
- 2. Hiring of City Administrator/Manager.

Council convened into Executive Session at 7:01 p.m.

**Agenda Item Two:** Take action necessary, regarding items discussed in executive session.

Council reconvened into Open Session at 10:09 p.m.

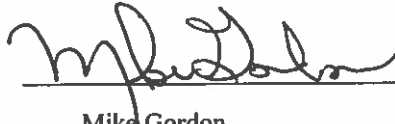
Councilman Billy Jack Wright made the motion to hire David Malone as City Administrator/ Manager at the rate of 55,000 yearly salary, effective May 10,2017. Councilman Chris Sheridan seconded the motion. All voted “Aye”, the motion carries.

Councilman Billy Jack Wright made a motion to hire William BJ Perry as Operator Consultant for the City of Elkhart for \$20,000.00 yearly salary effective immediately. Council Lady Chris Bice seconded the motion. All voted “Aye”, the motion carries.



**Agenda Item Three: Adjournment.**

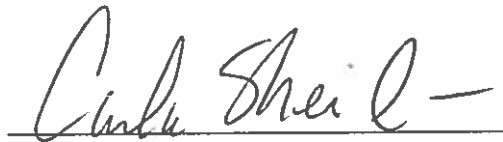
Council Lady Rhonda Brewer made the motion to adjourn the April 25, 2017 meeting at 10:13 p.m.. Council Lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

A handwritten signature in black ink, appearing to read "Mike Gordon", written over a horizontal line.

Mike Gordon

Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Carla Sheridan", written over a horizontal line.

Carla Sheridan

City Secretary



THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the Sixteenth day of May 2017, the City of Elkhart Council convened for a Council Meeting at 6:00 p.m. with the following members present:

Mike Gordon	*	Mayor
Billy Jack Wright	*	Mayor Pro Tem
Chris Sheridan	*	Councilmember *ABSENT*
Beverly Anderson	*	Councilmember
Christine Bice	*	Councilmember
Rhonda Brewer	*	Councilmember

On the Sixteenth day of May 2017, Mayor Gordon called the meeting to order at 6:00 p.m. Citizens present were BJ Perry, Mr. and Mrs. Bill Cargill, Connie Davis, Tammy Baughman, Deb Wimberg and Carl Hallmark.

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

**Agenda Item Two:** Discussion from City Secretary regarding all aspects, concerns and updates to the new City Manager over condition of infrastructure, records of the city, policies, financials, past and current projects, TCEQ letters 2002-2017, council terms, problem areas, non profit donations, water quality, TXU/ Constellation Energy, and the city needs, to brief the new City Manager.

City Secretary spoke to council stating she had added the item to the agenda to discuss with David and the things that had been observed by herself since she had been employed with the city and also asked BJ Perry if he would address some of the concerns we are facing on the outside infrastructure concerns to let David know and to have on the record. Mr. BJ Perry spoke as far as the infrastructure goes, you have some existing violations on the one for pumping capacity and one for the booster station located at high school as well as the coating on the tank behind city hall that has been going on several years , it started with capacity about four years, well meters calibrated last year, we are in the clear there, KSA had filed for a variance to see if we can get a variance on the 0.6 on connections. The booster station at the high school- when they built the high school, the engineer for the school was over that job, they did not send to TCEQ for approval and after a year it became ownership of the city so the city took ownership of that mistake. Engineer office filed paperwork and TCEQ did not accept it. We are in the process of trying to do something else, hydrostatic tanks (pressure tanks) at wells which would do away with the booster station at that point. Also, if the storage capacity met regulations we may could do away with water tower as well, maybe another pressure tank and booster station here. We may not have to do that if the booster station at the school well does what it is supposed to do. We may just have to put another storage tank online. The coatings of the water tower that was erected in 1936, unsure of what the paint is, there is a possibility there is lead paint on the exterior, quiet possibly on the legs, not likely on the tank itself and some decay on the inside-rust. When we got grants to redo coatings we had enough to do Newsome Well but not both, Newsome being 200 thousand gallon capacity, the other had 50 thousand gallon capacity making Newsome more critical. New violation on lead and copper, you need to address, be vigilant and do samples.

There was a violation from April of last year, but that was rescinded due to a mistake TCEQ made, they rescinded that one. We have AC lines, iron, 1,2, 3,4,6,8 inch lines some of those outreaches are undersized and lines need to be upsized at some point. That will solve a lot of the pressure problems in outer areas. The wastewater collection system- a lot of undersize there. They wanted to do a lot of 4 inch lines because they were easier to lay and the 6 inch is a little more technical. There is a lot of that, several houses on a 4 inch line. Back then there was no regulation on how many houses you could have on the lines and as the town becomes more populated you get into the under sizing. The AC lines are the more critical at this point because they have lived their life. Trouble areas on 3 inch line are Bridges Street, Hwy 287 at Eagle Drive Way area, the 4 inch areas that gives a lot of trouble are Hwy 294 W and Oakdale area. We replaced fire hydrants in recent few months and believe all fire hydrants are in working order. Wastewater plant getting better, when I first came back I told the council it would take a few months to get back in order. Wells, Newsome Well due for warranty work from Williams Paint. If they show up in the summer peak season months we could lose 200 thousand gallons of storage for a week or two. The School Well -we have done some work to. We got the pump back on line and the leak out in the well yard fixed. The aerator on top does not have a blower, the chlorine got to it a few years back and it got pulled and never put back. We need to maybe get with Henderson Electric for plastic squirrel cage or reroute to save and prevent damage. Both tanks are in pretty good shape, the new down hole pump was put in at School Well October before last, brought us into compliance for pumping capacity at that point. Both wells meters as of a year ago, were 44 to 45 gallons slow and at some point that rolled over. They need new drop in's, the least expensive route would be drop in's. Booster station on 294 needs to be plumbed with hard pipe and modeled after Fincher Rd. booster station. Reliable lift station is the trouble spot with I&I ( Inflow and Infiltration) in that area. There are a few manholes in that area that need to be raised and possibly put a new manhole in by Church of Christ. Generators are needed at lift stations or a portable. We do have generators at the School Well and Newsome Well. There is a need for another well in the near future. The city is pushing the thousand connections, once we get there the city will need a B operator or two C operators. The City Secretary welcomed David Malone and reported the condition of records of the city are in poor condition, back to 30 years and improvement is needed in that area. We have tried to organize the map closet for the field. Ordinances are out dated, need to be better organized, backed up and put online. The city needs a website that gets the community more involved with what is going on in their city government and lets them know what is happening with their city government. There is a lot of miscommunication out there. They don't have all of the answers and if you have a website, you are required to publish those minutes. The city could see their history, where we have been, where we are going and where they think we can improve and maybe we could get more community involvement. I would hope that we would. There is pretty bad moral throughout the city. I would like to see that change and until we all work together and meet in the middle on some of the issues that we have I don't know if that will change. Some of my concerns are out dated policies that get the city in trouble and in the end it cost the tax payers. Policies are out dated both inside and outside from employees to council and all over the city. The financials have always been what I have focused on the most. We have came out of a deficit amount in our water account and we were deficit there several years but because of the lack of separation, no matter how you look at it, I am going to keep saying it, because the lack of separation and having everybody's eye's on what's going on back here we have been in a deficit in the water account with the need of costly things the city needs. KSA has been to talk to councils many times and I have those meetings recorded if anyone wants to hear them. We are looking at anywhere from 1 million to 3 million immediately in work that we need. When we run our water account in a deficit amount by not paying attention to it or over spending or careless spending of it, that is a bad thing on anybody's part. There were several times where that amount had reached down to \$30,000.00 , \$40,000.00 or \$50,000.00 thousand dollars and it was never considered that the customer water meter deposit's that they put up when they come in to open their account, were mixed in with that water account. The previous city secretary Margie Crawford, had her water and water meter deposit's separated but somewhere along the line they combined those and that is when the city got in trouble because when the water account was sitting at one time \$12,000.00 and more so than not it sat around \$30,000.00 \$40,000.00 or \$50,000.00 thousand dollars consecutively and when you take meter deposits away from that, which were anywhere in 2013, 2015 at \$93,000.00 to \$108,000.00 - you have to consider that water balance. That left us in a deficit, a bad deficit. They suggest a municipality have a three month reserve in each fund to properly function and we have never had that. I looked at the balances today and the water balance is with the credit cards at about \$212,000.00 then take meter deposit's away that are still currently in the water account today and meter deposits total is \$108,000.00 today, when you take those away you are back in the black with the account but you are still not at the suggested 3 month reserve and that has to be worked on and improved more.

This council recently motioned to take the meter deposits out of the water fund as well they should have as it was suggested by the auditor and the bookkeeper to do so. It hasn't been done as of today, I am waiting on Beverly and Mike to go to bank to do that. Right now you have two people who sign checks for the City of Elkhart, that is Beverly and the Mayor. Rhonda and I are both eligible to sign the checks as soon as we carry the paper work to the bank. We haven't done that yet. We need to do that so we can have a back up. The previous secretaries have always signed checks, but with Chris sitting on the council I have stayed back away from that even though the bookkeeper and auditor said it was legal and okay. In your other accounts some have doubled in the last two years. The General account is around \$317,000.00, it was around \$147,000.00 when this council took over. It is penny pinching. It doesn't matter who sits back here, we have to get the community involved so they will continue to penny pinch and watch the funds. We have got to. The only thing that is going to happen if we don't is we are going to lose our city and the state is going to take it over. We don't want that. I don't want that. I live here, I love my city. Elkhart is a good community. Some of the other problems I have seen are one concerning the social media post with the fire department and the problem I have seen in my opinion is that we have had several non profits tying their self to the city. It doesn't matter who's doing it, it's not a good thing, it's never a good thing. During that process when non profits were tied to the city, I worked here so I can tell you, we had city employees spending more time on Keep Elkhart Beautiful, painting nativity scenes, selling t-shirts and mixing up the fire departments electric bill, that's what's caused a lot of this. We were paying the EVFD electric bill out of an already deficit water account by oversight, not paying attention. You can't have city employees back here painting nativity scenes when we are overlooking ordinances that are out dated, when we are overlooking records that need to be caught up, when we are not collecting franchise fees, some of them since 2012 forward that we didn't collect franchise fees for over \$20,000.00. 2005 forward, we lost East Texas Broadband franchise fees. The city did lose money on it, but we did recoup a little bit of it. Their eyes haven't been focused on what they should be focused on. It is my opinion, that if we are ever going to separate and move forward, a lot of it could have been prevented in my opinion if we had started a non profit policy. It was something I had never thought of before until the attorney mentioned it. A non profit policy would be, you have a policy put in place that you either you do it or not. I think that everybody back here agrees with the need to have fire service, wants a clean city or wants to see the kids play ball and have a park but it is the funding and the amount of things that we are looking at back here that had been overlooked, neglected, put to the back burner while these other items were moving forward. You are going to have a challenge there because a lot of the citizens think that some of the moves that have been made are personal but, they are in the best interest of the city, no matter how you look at it, no matter what side you are on, it is in the best interest of the city to cause some separation, to cause some division to let transparency prevail so everybody can see. The council, the citizens, me, you, them, us, all of it. Before this council started pushing me to find we did not have a clear answer on titles. The tax payers paid for 4 years on vehicles that were dead that we were not even using, so we lost that money. We have 7 uninsured vehicles in the City of Elkhart name. I did run that by Lynn Hubert who is a DPS officer as well as the attorney and TML and that is a huge liability to the city. You are going to have a challenge trying to make people see that and try to bring everyone together and create some unity there with the citizens. I think if everybody opens up a little bit then they could see some of their concerns of what's been lost or what's been done. From poor policies, we had a TXU contract that came before council in 2012 and it came before council and passed. In 2014 that same contract came up for renewal which they do every two years but it never made it to the agenda, it was signed before closed doors by a previous Mayor and Secretary, therefore the council sitting at the time had no idea, none had any idea that when it came time for renewal, that they were brought a constellation energy agreement that they had just signed one with TXU that they were still in contract with TXU. That cost the tax payer's \$21,000.00. Not only did it cost the \$21,000.00 it cost legal fees to have to get the attorney to try and fight through it. It's money lost. I agree with what Chris Sheridan said. That was money that could have been donated to the fire department, that is money that could have been donated to the park to build a concrete drive way, its money that could have paid a records retention manager to come in and clean up the city records but it was thrown away because of out dated policy and no policy in place. This council did pass a policy that they have to come forward to council with contracts but the problem I see is enforcing that policy and to get the next people standing in line to get on the council to abide by that policy. Our administrative guidelines have been out dated a long time. I have seen three councils sit and work on them. The attorney has sent a draft and spoke to council briefly. I do work on them on the side and council is working on them when they can but they need to be updated. Financials are my big thing, they always have been, without your financials in order we are not going to be able to go anywhere as a city. I have seen this council pinch and pinch and pinch the pennies and I'd like to commend them at it, I think they have done a good job of it.

I think the staff has done a good job at cutting back. Bj telling everyone, we just can spend it right now. The non profit donations, I think if we adopted one that the council sitting or the next council or councils in the future can say its budget time we are going to donate this money to this account and we are going to write you a check for this amount and that's done. It takes a work load off girls in the office, it takes a work load off the councils, you write that check at budget time and it's done. Next year at budget time then bring financials and have them present financials and state what it is they need or cost to function and let them decide what they are going to donate. I think that would have prevented a lot of needless things, I really do. Everybody's got to come together at some point there. Good luck doing that, I wish you luck. I do commend this council, I think they have done a good job and I think they have been attacked for looking out for the tax dollars and that is my opinion. The water quality, Bj reviewed with you. TXU contract, I went over with you. Any contracts we sign must go through council first then to attorney for review. I gave you copies of minutes. My next big goal is working on standard operating procedures for each location in the office for City Secretary and Billing Clerk. When the City Secretary got up and walked out that was very costly to the tax payer's, it just cost the tax payer's. If we would have had standard operating procedures, something Beverly had asked for that I promised her I would work on that before I left my job. I know there are things I have left out but I wanted to cover a lot of that. Your council members sitting are Mike Gordon , Beverly Anderson and Rhonda Brewer were just duly elected and seated another two years. Billy Jack Wright, Chris Bice and Chris Sheridan have one more year until next May. One item before next election is street sales tax renewal that has to be called in a special election by next May and has to be voter approved. I have seen council do whatever they can to try and get as many roads done as they can for the money. They are working with the county right now on trying to save a little bit of money there with the inner local agreement. The county has been good in working with the city here. I would like to have a website started for the city for customer's to have ability to pay online and knowledge for what is happening within their city. I appreciate you BJ for briefing David on the infrastructure, thank you David for being here and I am glad to see you all here (speaking to citizen's present) I wish we could get more people to come to the council meetings and I wish you all could and I hope it stays that way for years to come. Thank you council.

**Agenda Item Three:** Discussion with BJ Perry regarding Tammy Baughman appeal over lemur case.

BJ Perry spoke to council and said, I was contacted a month and half ago by Josh Lyles about the exotic animal case going to court. I went to a briefing April 25 or 26th and the day before the court date I went to the attorney's office. I was told the case had been dismissed. I asked what the reasoning for dismissal and I was told the city lacked substantial evidence. I asked what we could have done differently. They said the fact that I did not see the animal at the location that day, the day before or a couple of days before, had I actually seen it or had a picture or testimony of seeing it. I asked if we had gotten a search warrant that day would that have assisted in the case and was told definitely. That was the reason I carried a deputy with me. I was in the last weeks of employment at that time. Had we called Judge Thomas and got a search warrant when she said we could not enter the home to look for the animal, we would have had a search warrant. We could have had the sheriff's department to come do a sweep of home and property and could have deemed if it was or was not there. It was my fault as well as the county for not getting the search warrant. I was told if animal was sighted there or in Tammy Baughman's presence in her vehicle it would be recommended to get a search warrant and investigation. We do have the animal ordinance. It was an oversight on my side and county. Billy Jack Wright asked BJ Perry if case had been dismissed and if any contact had been made with sheriffs department and BJ stated no that he had gotten his information from Mr. Lyles. Mr. Wright again asked if we had any communication with sheriff's department. Again BJ stated no. Mr. Wright asked the Mayor if Sheriff Greg Taylor could be asked to come to council meeting to brief the council on the case and asked if we could accommodate the Sheriff. Mayor stated yes. Beverly Anderson asked what the reasoning was of Judge throwing the case out when the State of Texas service animal states plainly a dog or horse only are listed as service animals. BJ reported to her that the citation was for possession of exotic animal it was not about that and it was dismissed for lack of evidence. No action was taken.

**Agenda Item Four:** Discuss with previous council members and former Mayor concerning all aspects in relation to water line at 2107 Hwy 294 West in Elkhart, Texas 75839.

Councilman Billy Jack Wright spoke stating he had asked for item to be back on agenda in hopes that the former members would be at the meeting and didn't see any here tonight. This was on the last agenda and I think they all elected not to address but for one member. Councilman Wright said the item was known and not sure of the year but a few years back, one of the city employees that was the outside supervisor installed a two inch water line on his private property. It went about 1500 feet across his private property. The material cost, labor and equipment was paid for by the City of Elkhart and it all amounted to approximately \$10,000.00. We had what we thought was an investigation going on by the Sheriff's Department about this, the former outside supervisor resigned because of this incident and this investigation that we thought was going forward didn't really go anywhere. It finally made it to the District Attorney's office and through the process of District Attorney and ended up being no billed at the court house, so the city of Elkhart had members still employed that were ready to testify about what had happened and nobody ever contacted these people. As many as three employees here and none of them were contacted. I find it hard to believe that a theft of this nature can go on with no consequences, except I guess a resignation of, in my opinion an out of control outside supervisor. The city came up really, really short in this encounter and it is very disturbing to me. At some point if we find that the former Mayor and city council wants to talk to us to address, I would love to talk with them. David Malone asked if water line was still active and Mr. Wright stated no. The water line is not still active, we have dismantled the connection and end of it which was a water meter at very end and a flush valve that had nothing to do with the meter, it flushed. I don't know why they even put a meter in actually. It was dismantled, the 1500 feet of pipe is still in the ground. What was told to employees that were still here by the outside supervisor that was that person was threatened to blow a hole in anybody's head who put a step on his property. So they were threatened to not put any foot on property. The city took the Sheriffs Department to dismantle the line so there is no water running through the line. David Malone stated, I find that hard to believe you couldn't get charges filed and not only theft of company property but you also have theft of water which is a separate offense verses the material itself. Carla Sheridan stated, that is where my confusion, aggravation and concerns come from. While that Water account was at that deficit amount, that's what was being done with the tax payer's funds, our funds. That's mine, yours, yalls and nothing, absolutely nothing done about it, nothing.

**Agenda Item Five:** Discuss and take action in all aspects on wastewater treatment plant lagoon, paddle wheel and race track.

Mayor Gordon stated to council this needed to be taken care of, that it had been going on long enough. Mayor Gordon stated he had been talking to BJ about getting the lagoon dredged out. BJ said David talked to an engineer about possibility of bugs for lagoon. David said last week a lady came in with an idea that might work. David said he had an engineer friend who is knowledgeable about this and warned to be leery of those. David Malone did mention the engineer he knew mentioned blue frog. He asked him to come and visit with him and the mayor regarding blue frog. It's basically without knowing all the in and outs of it, it's basically a type of aeration/bug system that eats away the sludge and turns it into a gas form. David said it beats having to dredge every 5 to 10 years if it worked and mentioned possible funding. David Malone mentioned that he was still very heavily relying on BJ for the wastewater right now. Billy Jack Wright mentioned the hydraulic paddle wheel needing to be replaced. BJ Perry stated regarding stainless steel paddle wheels, it is a stainless steel aluminum, it wont rust and is electronic. My suggestion was to get one this year and the other one next year due to the price. We have already had two failures where about 70,000 gallons of hydraulic oil went into race track and we had to get it out. It needs to be replaced.

Councilman Billy Jack Wright made a motion to contact company regarding the stainless steel paddle wheel for race track and come back to the council with cost and terms and to contact Schlumberg & Polk to come visit with Mayor and David regarding blue frog for lagoon's sludge. Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Six:** Reports to be heard by City Manager, City Secretary, Code Enforcement and Mayor.

**Agenda Item Seven:** Discuss and take action on approval of employee insurance through TMLIRP insurance.

City Secretary reported. The insurance as you know has gone through the roof everywhere and it has hit this city also. The cost of insurance is too much. We are either going to have to look at passing some of that cost on to employees even if it is just a percentage, ten percent, five percent anything will help. The insurance was about \$700 a month and now it is \$1,000. Its too much for the tax payers, especially when there is so much the city needs. The rates submitted by TMLIRP are at least \$300.00 a month cheaper than any other quotes I have seen. The longer we take to move on insurance the more it is costing with current coverage. The cost for six employees through TMLIRP would be a choice of coverage on three separate plans of \$4,343.00, \$4,093.00, \$4,045.00 a month for six employees. The sooner you act on it the better off we are. The insurance is only for full time employees. I would like you to consider later and discuss it to have employees contribute toward insurance even if its hurting my own self to have employee contribute a \$50.00 contribution a month. I am seeking approval to move forward and work with TMLIRP. This is the second proposal I have received and those proposals are only good a short time. Councilman Wright and Council Lady Chris Bice spoke back and forth regarding bringing the item to a future agenda for consideration of employee paying toward insurance coverage.

Councilman Billy Jack Wright made a motion to approve going through TMLIRP for employee insurance and moving from BlueCross BlueShield. Council Lady Rhonda Brewer seconded the motion. All voted "Aye", the motion carries.

**Agenda Item Eight:** Discuss and take action approving financials for the month of April 2017.

Council Lady Beverly Anderson asked if paper work was ready to be signed for bank in adding Carla and Rhonda as signatories at CBTX bank for the City of Elkhart. City Secretary reported all paperwork ready for Rhonda to sign and they will be completed and ready to deliver to bank.

Councilman Billy Jack Wright made the motion to approve the financials as presented for the month of April 2017. Council Lady Chris Bice seconded the motion. All voted "Aye", the motion carries.

**Agenda Item Nine:** Discuss and take action approving minutes of January 2016-April 2017.

Councilman Billy Jack Wright made the motion to approve the minutes as presented with the corrections of January 25, 2016 item #7 correction of only one motion and April 4, 2016 #9 Councilman Wrights name was misspelled. Council Lady Chris Bice seconded the motion. All voted "Aye", the motion carries.

**Agenda Item Ten:** Executive Session: Council will convene into Executive Session pursuant to Texas government Code Section 551.074 to discuss with;

(A) City Secretary, job duties.

(B) City Manager, job duties.

Council convened into Executive Session at 8:44 p.m.

**Agenda Item Eleven:** Reconvene, Discuss and take action, if any, on agenda item ten both (A) and (B).

Council reconvened into Open Session at 10:07 p.m.

Councilman Billy Jack Wright made a motion to take no action on agenda item (A) and (B) Council Lady Chris Bice seconded the motion. All voted "Aye" the motion carries.

**Agenda Item Twelve:** Discuss and take action approving Yard of the Month for the month of May 2017.

Councilman Billy Jack Wright made a motion to award the First United Methodist Church on Highway 19/287 for Yard of the Month for the month of May 2017. Council Lady Chris Bice seconded the motion. All voted "Aye", the motion carries.

**Agenda Item Thirteen:** Discuss and take action sending Carla Sheridan or Donna Albanese to the TRWA Office Professional Seminar in San Antonio May 30, 2017 through June 1, 2017.

Councilman Billy Jack Wright made a motion to send Carla Sheridan to the TRWA Office Professional Seminar May 30, 2017 through June 1, 2017. Council Lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

**Agenda Item Fourteen:** Discuss and take action regarding all aspects of the Tornado Sirens in the City of Elkhart.

Council Lady Beverly Anderson said she and Chris Sheridan went through the documents and decided the sirens were given to the city because of the fertilizer plant. City Secretary reported that the City applied for the grant and was never allowed to apply for the grant for sirens so the county took over the grant. We have two separate documents showing who controls sirens. Council lady Beverly Anderson stated she and Councilman Chris Sheridan had gone over the books and that the reason the City of Elkhart got the Sirens is from the fertilizer plant, Phillips and the train tracks because of chemicals. Discussion continued amongst the councilmembers. The city secretary stated that the city was never allowed to apply for the grant. The tornado siren was applied for back in 2013 before the sitting council was here. When it was applied for it was applied for wrong. The city was never supposed to be able to apply for that grant. The county took over the grant for the city. When the previous Council walked out during the budget process the councilmembers that stepped into their position had not budgeted for their grant that they had applied for and it put this council in a bind with the budget of 2015. There are several different forms and emails that I've been going through. One of them shows the control to go to the county and its the sheriff and the emergency management coordinator that sets the sirens off. I have called Anderson County and the emergency management officer Christina Crockett. They said they are not going to come down here and set that off, the sheriff's not to come down there and set that off. I said can we bump onto Anderson County's Code Red and have it set off automatically and they said they can't do that either because they would have to make changes through Code Red. Our citizens pay county tax dollars that support Code Red. I don't know why we couldn't do that. Then I found another set of papers that showed the Mayor controls the sirens here in the county so you have two conflicting documents. One of them says the Sheriff and Anderson County Emergency Management and the other one that says the Mayor of Elkhart would set it off. At the time the paperwork was done the assistant Fire Chief was the Mayor Pro Tem. I think it was probably done in thinking that I'm the Fire Chief and I'm going to set it off. Most of the sirens are set off through the fire department. According to the grant siren the equipment has to be at City Hall. You can set it to test itself automatically, it was part of the grant and it really should be being tested right now. Randy has asked and asked about the sirens but he has yet one time asked to be put on the agenda to discuss the sirens with the council to answer their questions they have regarding the sirens. The Mayor stated it was the intention of Mr. McCoy running it, he applied for the grant and they took it away from him but he's the one that initially wanted to run it. Council lady Beverly Anderson stated, didn't he make the statement that he wasn't qualified to run it? City secretary stated that's what he had told her. The mayor said there's not anybody that is really qualified around here to run the sirens. The secretary stated, we have a problem here, we have a tornado siren that could benefit the citizens. I don't care who you are how you look at it, it could benefit and it could save somebody's life. No matter how it was done. We are stuck with it and we don't have anybody to control it. There again those nonprofits tying their self to the city office and doing things we shouldn't of been doing has caused a backlash of problems.

Now who's going to be responsible for them? The taxpayers are. You can't just give it away. Councilman Wright stated you can give it away. City secretary ask we can give it away? Councilman Wright stated yes you can. City Secretary ask who are we going to give it to? Councilman Wright stated he has talked to Meacham Field in Dallas, he had talked to Waco and everybody I have talked to has asked how the city of Elkhart got the sirens and that we didn't have anybody around here to control the sirens. Discussion over the testing over sirens continued. The secretary reported that the locations of the sirens were selected by Randy McCoy back in 2014. The guy from the tornado siren company came down and gave locations where the sirens would be most beneficial to the area. Randy selected those two locations where they currently are. The city right now is getting some backlash on it because you have citizens saying you could not put that there without an easement, you've got that in my yard nobody asked for that to be in my yard. The mayor stated it was not us. It is now, the City Secretary stated. It is now because we are the city. Council Lady Chris Bice stated, it is nice and it will probably be beneficial to us, had it worked out and there was somebody to run it but there's not. David Malone stated it still goes back to the fact that if you have them, who is qualified? If the Fire Chief isn't qualified in my opinion, nobody in this town is. The City Secretary asked, what do we do with the sirens? I emailed Randy because he asked for public information regarding the sirens. I sent him the public information he requested and let him know that this item would be on the agenda. It's 10:30 at night the meeting has been going on here a while it was at the bottom of the agenda, he knew it was going to be on the agenda and still no questions at all. I only see the attacks from the outside, no solutions on how to handle the sirens that are here in front of me and who is qualified to run it. Council Lady Beverly Anderson stated, she thought they couldn't be sold. Discussion continued with consideration to possibly take steps to disband the sirens.

Councilman Billy Jack Wright made a motion to start the proceedings to disband and relinquish ownership of the two tornado sirens that are in the possession of the City of Elkhart. Council Lady Chris Bice seconded the motion. Council Lady Beverly Anderson abstained. Votes were three "Aye" and one "abstain." The motion carries.

**Agenda Item Fifteen:** Discuss and take action on the possible repair of the 1997 Chevy truck.

Councilman Billy Jack Wright made a motion to have Whitley and Sons look at the vehicle for possible repair. Council Lady Chris Bice seconded the motion. All voted "Aye", the motion carries.

**Agenda Item Sixteen:** Discuss and take action on purchasing base material for wastewater treatment plant road.

Councilman Billy Jack Wright made a motion to purchase from Chris Landes, road base material for the wastewater treatment plant road with city employees doing the work and for the price not to exceed \$1,200.00. Council Lady Chris Bice seconded the motion. All voted "Aye", the motion carries.

**Agenda Item Seventeen:** Install newly unopposed, duly elected Council Members and Mayor to assume duty of office, effective immediately, pursuant to Texas Local Government Code Section 22.006 and 22.036.

The item was moved to the top of the agenda. Judge Gary Thomas was present to read the Oaths of Office to the council. Council read aloud oaths of office.

**Agenda Item Eighteen:** Consideration and appointment of Mayor Pro Tem, pursuant to Texas Local Government Code Section 22.037.

The item was moved to the top of the agenda.

Council Lady Chris Bice nominated Beverly Anderson. Council Lady Beverly Anderson nominated Councilman Billy Jack Wright. Nominations ceased. Council Lady Beverly Anderson made a motion to appoint Billy Jack Wright as Mayor Pro Tem. Council Lady Chris Bice seconded the motion. Councilman Billy Jack Wright abstained from voting. Motion carries.

**Agenda Item Nineteen:** Discuss and approve Resolution No. 265-05162017, appointment of Mayor Pro Tem.

The item was moved to the top of the agenda after oaths were read.

Council Lady Rhonda Brewer made the motion to adopt Resolution No 265-05162017 appointing Billy Jack Wright as Mayor Pro Tem. Council Lady Beverly Anderson seconded the motion. Councilman Billy Jack Wright abstained from voting. Motion carries.

**Agenda Item Twenty:** Discuss and take action donating the cooktop stove to non-profit athletic association.

Council Lady Chris Bice made a motion to donate the office cook top stove to Elkhart Athletics Association. Council Lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries.

**Agenda Item Twenty One:** Adjournment.

Council Lady Rhonda Brewer made a motion to adjourn. Council Lady Beverly Anderson seconded the motion. All voted "Aye", the motion carries. Adjournment at 10:53 p.m.



Mike Gordon

Mayor

ATTEST:



Carla Sheridan– City Secretary

