

THE STATE OF TEXAS

COUNTY OF ANDERSON

CITY OF ELKHART

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

Mike Gordon	*	Mayor
Lucia Butler	*	Councilmember
Raymond Dunlap	*	Councilmember
Chuck Conner	*	Councilmember

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

Meeting called to order at 6:00 p.m. Citizens present were Tracy Hicks and Sigi Hicks with KSA, Kim Cole and Jason Cole with Kim's Travel Center, BJ Perry, Connie Davis, Chris Sheridan, Billy Jack Wright. Citizen Billy Jack Wright addressed the council to request the council bring forth any findings by the District Attorney and Texas Ranger investigation on previous council prior to the May 5, 2018 election and requesting the sitting council to invite the District Attorney to the meeting to disclose the findings of the investigation. Citizen Chris Sheridan addressed the council to discuss that Raymond Dunlap filed the complaints before taking his seat that Mr. Wright spoke of and wondered why he hasn't followed through with the findings. He also spoke of concerns over city project with KSA, EK 37 and EK 38 study being covered up and not disclosed in minutes, free tap at Jennifer Nix McCoy's property, TXU contract error over \$20,000.00, unused TXU accounts paying for monthly for 20 years and a sign that cost tax payer's \$8,000.00 with no advertisement income on the sign, an illegal water line running to previous employee, but citizen's being told by Council lady Butler there was no money for water repairs. He spoke of concerns of sewer line being diverted to home of Mr. Dunlap. Mayor interrupted Mr. Sheridan of time expired.

**Agenda Item Two:** Discuss and take action, if any, concerning as aspects of final approval for the Civil and Architectural plans for Kim's Travel Center that were submitted to KSA for review.

Council was provided report concerning plans being reviewed by KSA at councils request. Tracy Hicks offered to answer any questions the council has on plans. The Mayor questioned the drainage issues and BJ Perry interjected in the conversation. His concern was when you take away ground to replace with concrete, where the water was going to go. BJ reported the project at high school being costly to the city from errors so what we want to see that there is not going to be a problem with the drainage in this area. Mr. Perry said the trash in the area of store washes down and needs to be maintained. Tracy Hicks and Kim's engineer, Chad Ignagni reported the drainage issue has been addressed and is up to TXDOT guidelines. The Mayor asked if the plans looked okay to the engineer who reviewed. Mr. Hicks only concern was the drainage that has been addressed.

Councilman Raymond Dunlap made the motion to approve the Civil and Architectural plans submitted by Kim's Travel Center. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Three:** Discuss and take action, if any, in consideration of request by Kim's Travel Center for the City of Elkhart to reimburse the cost for extending 6" water line from the proposed Kim's property, to an existing 6" water line in Montgomery St.

Discussion ensued regarding several aspects concerning the travel center. BJ Perry reported to the council that he dug the line and after careful review and inspection that the line is a 4 inch A/C line. The nearest 6 " C900 pipe is near Montgomery St. BJ said he did not know if the city had the funds to pay the cost to lay the line and supplies needed. Kim's engineer reported that they consider this a public main. Kim's Travel center submitted a proposal to the council for consideration of the cost of the line and supplies needed. Council lady Butler asked Mr. Perry if any of the money would go toward paying for anything on Kim's property. It was reported and discussed that TXDOT did not want in their right of way. Council lady Butler asked if they could present the easements before they approved the money. Chad Ignatti said they could do that. In what ever order of operations you deem necessary. Councilman Dunlap agreed we need to have that. Chad asked if a letter of agreement between Kim's and homeowner would be sufficient. Council asked for a copy of the easement itself. Mayor Gordon spoke of concerns of funding and the city fixing to have to pay over \$30,000.00 for the paddle wheel. Chris Sheridan spoke out after the Mayor opened citizens to speak. He asked why we haven't had public hearings. Mayor asked for any other citizens to comment. Citizens Heath Bridges asked questions concerning the line. BJ reported back concerning encroachment being needed if concrete will be laid over the line. The Mayor invited any input from citizen's. Kim Cole stated, "Are we just requesting the price of the materials? Let's don't let that be an issue. I 'll pay for the material so

we can keep moving forward.” Council lady Butler said we will still need the easements first. Council lady Butler explained as the Mayor said, it is the end of the fiscal year and expressed concerns of funding available.

Council lady Lucia Butler made the motion go forward with the plans with Kim’s paying the \$2,600 contingent upon as long as we have approval of easements in our hands. Councilman Chuck Conner seconded the motion. All voted “Aye”, the motion carries.

**Agenda Item Four:** Discuss and take action hearing from Ron Greiner, a Representative with TIPS, an inter-local purchasing program, to be considered as a new vendor to the City of Elkhart.

Council heard from Ron Greiner with TIPS concerning an agreement between TIPS and the City of Elkhart . Mr. Greiner spoke of the potential savings to the city on some purchases. Councilman Raymond Dunlap made the motion to approve with the city attorney Blake Armstrong’s approval. Councilman Chuck Conner seconded the motion. All voted “Aye”, the motion carries.

**Agenda Item Five:** Discuss and take action, if any, hearing from Mary Kay Thomas with Grantworks in regards to grant possibilities for the City of Elkhart.

Council heard from Mary Kay with Grantworks regarding TDA for the TCBG small city grant of \$275,000.00 and the match being based upon population. Our match would be a 5% match of \$13,750.00. Applications are due in February to apply for the grant. The cost to the city would be 3 adds to meet requirements. The council discussed the grant opportunity that could involve our sewer system, a community center possibility and various ways the city could benefit from the grants. Mary Kay reviewed process for starting the application. The first step is selection of a committee. When the committee receives proposals they will rank them then review with council. Mary Kay spoke of the grant, the process and benefits to the city. Council discussed the need for funding for the water system repairs.

Council lady Lucia Butler made the motion to start the process for grant. Councilman Chuck Conner seconded the motion. All voted “Aye”, the motion carried.

**Agenda Item Six:** Discuss and take action hearing from Billy Jack Wright requesting the city provide a 2” water line to be placed on common fence line between himself and the property owner connecting to his property from FM 319 to 1200’ at the end of the line where the water meter and 2” flush valve to also be placed in addition to the line and for Billy Jack Wright to pay only the portion of standard tap fee.

Council heard from Citizen Billy Jack Wright requesting the city provide a 2” water line on the common fence line between himself and the property owner connecting to his property from FM 319 to 1200’ at the end of the line where he would like the water meter and a 2’ flush valve to be placed in addition to the line. Mr. Wright stated to the council that he only wanted to pay the standard tap fee for the project proposed. The council discussed the proposal and said that this was not allowed. Council lady Butler stated we did not having the funding to do that. BJ Perry mentioned the cost being upward to \$1852.00 for pipe. Councilman Conner stated that it would be private property and if he wanted he could lock the city out.

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

**Agenda Item Seven:** Discuss and take action hearing from Keep Elkhart Beautiful representative regarding all aspects of grants for the city for park playground equipment.

Council heard from Kristi McWright regarding Keep Elkhart Beautiful picking up litter and mowing yards in the city. Kristi also spoke to the council regarding a petition of 100 signer’s for the park and playground equipment. She stated the entity is not requesting funding at the time. Council lady Lucia Butler made the motion to take no action. Councilman Chuck Conner seconded the motion. All voted “Aye”, the motion carried.

**Agenda Item Eight:** Discuss and take action, if any, concerning all aspects of code enforcement for the City of Elkhart.

Council discussed the condition of the city and the Code Enforcement position. Councilman Raymond Dunlap made the motion to hire Field Help/Code Enforcement employee with a licenses that can work both jobs. All voted “Aye”, the motion carried.

**Agenda Item Nine:** Discussion on presenting council with the Texas Commission on Environmental Quality letter dated June 8, 2018 for City of Elkhart; RN101400877 Enforcement Case No. 50405 compliance provisions and dates for interim progress reports.

Council was provided a brief concerning time lines the city is required to report in to TCEQ for updates on the enforcement case to avoid any penalties. The Secretary reported the letter being placed on the wall to help remind everyone on the time line due dates. Due dates of September 1, 2018, January 1, 2019, May 1, 2019, September 1, 2019, January 1 2020, May 1, 2020 , September 1, 2020, January 1, 2021 and April 1, 2021. Order compliance deadline June 21, 2021. No action was taken on the item of discussion.

**Agenda Item Ten:** Discuss and take action, if any, on purchasing Regal Smart Valve and Remote Panel Assembly and installation of said components.

Councilman Raymond Dunlap made the motion to approve the expenditure of the quotes submitted for the repairs to Henderson Electric, Johnson Lab and Hickman. Councilman Chuck Conner seconded the motion. All voted “Aye”, the motion carried.

**Agenda Item Eleven:** Discuss and take action, if any, on the adoption of Ordinance No. 06292018, a Cellular Network Node Ordinance establishing standards for the construction and installation of cellular network nodes in the City of Elkhart.

Council discussed the Ordinance and the actual Ordinance No. as 07162018. The Ordinance number listed on the agenda was a typo and the correct number of the cellular network node being 07162018. Councilman Chuck Conner made the motion to acknowledge typo and adopt Ordinance No. 07162018 Cellular Node Ordinance. Council lady Lucia Butler seconded the motion. All voted "Aye", the motion carries.

**Agenda Item Twelve:** Discuss and take action in review of emails from TRWA legal concerning all aspects of disconnects and to request the City Attorney to review and consult with the city in regard to disconnect request.

Councilman Raymond Dunlap made the motion to consult with city attorney regarding legalities of disconnects for renter's and PUC policy requirement. Councilman Raymond Dunlap made the motion to call city attorney to consult with the City Secretary regarding policy for PUC. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Thirteen: Executive Session:** Council will convene into Executive Session Pursuant to Texas Government Code section 551.074 (Personnel Matters) to discuss the following;

(A.) Field employee Seth Hollingsworth on employment status with the City of Elkhart.

(B.) Resignation letter of Code Enforcement Employee Jimmy Yates.

Council convened to closed session at 8:45 p.m. and reconvened to open session at 9:14 p.m.

(A.) Council lady Lucia Butler made the motion to accept Seth Hollingsworth as part time with current rate of pay. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carried.

(B.) Council lady Lucia Butler made the motion to accept the resignation letter of Jimmy Yates. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Fourteen:** Discuss and take action approving financials for the months of May and June 2018.

Councilman Chuck Conner made the motion to approve the financials for the months of May and June 2018. Council lady Lucia Butler seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Fifteen:** Discuss and take action, if any, approving council meeting minutes for the month of June 2018.


Councilman Raymond Dunlap made the motion to approve the minutes as presented for the month of June 2018. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carried.

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

Council lady Lucia Butler made the motion to move the report to first of month to present with financials. Councilman Raymond Dunlap seconded the motion. All voted "Aye", the motion carried.

**Agenda Item Seventeen:** Adjournment.

Council lady Lucia Butler made the motion to adjourn at 9:48 p.m. Councilman Chuck Conner seconded the motion. All voted "Aye", the motion carries. The council meeting of July 16, 2018 adjourned at 9:48 p.m.

  
Mike Gordon

Mayor

ATTEST:  


Carla Sheridan- City Secretary

