

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the Fourth day of October, 2004, the City of Elkhart Council convened into a regular session as of 5:30 P.M. with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-Tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember
Wesley Taylor	*	Councilmember

A quorum being present, Mayor Burris recognized citizens in attendance of meeting. There being no citizens to be heard Mayor Burris proceeded by addressing the agenda items as follows:

Agenda Item No. One – Approve Minutes of September 13<sup>th</sup>, 2004.

On the Fourth day of October, 2004, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the minutes of September 13<sup>th</sup>, 2004 as presented. Motion Carried.

Agenda Item No. Two – Consider Request for Water Tap at Location on ACR 164; Jan Stuteville.

On the Fourth day of October, 2004, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Wesley Taylor to provide a water tap to Mr. and Mrs. Mitchell Stuteville at a location on ACR 164. Motion Carried.

Agenda Item No. Three – To Be Heard; Complaint on Water Service to Residence, Ralph Barnett.

On the Fourth day of October, 2004, a motion was made by Councilmember Garth Moran and seconded by Councilmember Wesley Taylor to take no action on Agenda Item No. Three. Motion Carried.

Agenda Item No. Four – Consider Renewal of Lease Agreements for Use of  
City Buildings; Elkhart Vol. Fire Department and South  
Anderson County Emergency Responders.

On the Fourth day of October, 2004, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran for the City of Elkhart to renew the lease agreements for one year with the Elkhart Vol. Fire Department and South Anderson County Emergency Responders. Motion Carried.

Agenda Item No. Five – Consider Renewal of Lease Agreement for the Civic  
Center Building (Log Cabin) and Increase of Rental Fee.

On the Fourth day of October, 2004, a motion was made by Councilmember Raymond Dunlap and seconded by Garth Moran to increase the rental fee on the Civic Center Bldg. (Log Cabin) to SIXTY DOLLARS AND NO CENTS (\$60.00) for a minimum of four (4) hours and any usage of building over the four hours to be a fee of ONE HUNDRED TWENTY-FIVE DOLLARS (\$125.00). Wesley Taylor and Marion Hortman recused from the vote; Raymond Dunlap, Aye; Garth Moran, Aye; Philip O'Neal, Aye. Motion Carried.

On the Fourth day of October, 2004, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Philip O'Neal to renew the lease agreement between the City of Elkhart and the Industrial Foundation for use of Log Cabin building known as the Civic Center and to implement the new rental fees. Wesley Taylor and Marion Hortman recused from the vote; Raymond Dunlap, Aye; Garth Moran, Aye; Philip O'Neal, Aye. Motion Carried.

Agenda Item No. Six – Consider Resolution No. 252-100404; A Resolution  
Designating the City of Elkhart's Official Newspaper  
For the City's Fiscal year of 2004/2005.

On the Fourth day of October, 2004, a motion was made by Councilmember Wesley Taylor and seconded by Councilmember Garth Moran to adopt Resolution No. 252-100404; a resolution designating the Palestine Herald Press as the City of Elkhart's official newspaper for Fiscal year of 2004/2005. Motion Carried.

Agenda Item No. Seven – Approve Financial Report.

On the Fourth day of October, 2004, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal to approve and accept the Financial Report as presented. Motion Carried.


Agenda Item No. Eight – Public Works Supervisor Report.

Virgil Simpson presented his report on Public Works outside activities and upon conclusion, a motion to adjourn was asked for by the mayor.

Agenda Item No. Nine – Adjournment.

On the Fourth day of October, 2004, a motion was made by Councilmember Garth Moran and seconded by Councilmember Wesley Taylor to adjourn the meeting. Motion Carried.

This regular session of the City of Elkhart Council Meeting adjourned as of 6:38 P.M.

  
JOE BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary

THE STATE OF TEXAS                   \*

COUNTY OF ANDERSON                \*

CITY OF ELKHART                    \*

On the First day of November, 2004, the City of Elkhart Council convened into a regular session as of 5:30 P.M. with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember
Wesley Taylor	*	Councilmember

A quorum was present to conduct business.

The invocation was given and the pledge of allegiance was said by all in attendance.

Mayor Burris recognized citizens in attendance of meeting and there being none to be heard the agenda items were addressed as follows:

Agenda Item No. One – Approve Minutes of October 4<sup>th</sup>, 2004.

On the First day of November, 2004, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal to approve the minutes as presented. Motion Carried.

Agenda Item No. Two – Consider Request to Place an Antenna on city of Elkhart's Elevated Storage Tank; Rick Nally of NalCom Wireless.

On the First day of November, 2004, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to take no action on Item No. Two. Motion Carried.

Agenda Item No. Three – Consider Rebuilding of Aerator at Waste Water Plant; Virgil Simpson.

On the First day of November, 2004, a motion was made by Councilmember Wesley Taylor and seconded by Councilmember Garth Moran approving the repair of the aerator located at the city's waste water treatment plant. Motion Carried

Agenda Item No. Four – Consider Inter-Connection with Slocum Water on Fm 1817; Virgil Simpson.

On the First day of November, 2004, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Wesley Taylor to table Item No. Four. Motion Carried.

Agenda Item No. Five – Consider Moving Mrs. Doolittle's Water Line Connection from Her Backyard to McWhirter's

2" Flush Valve; Virgil Simpson.

On the First day of November, 2004, a motion was made by Councilmember Wesley Taylor and seconded by Councilmember Philip O'Neal to table Item No. Five. Motion Carried.

Agenda Item No. Six – Consider Disconnect of Phone Service for Lift Station's Auto Dialers; Virgil Simpson.

On the First day of November, 2004, a motion was made by Councilmember Wesley Taylor and seconded by Councilmember Marion Hortman to disconnect the phone service to the city's Auto-Dialers at the Lift Stations. Motion Carried.

Agenda Item No. Seven – Approve Financial Report.


On the First day of November, 2004, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to approve and accept the Financial Report as presented. Motion Carried.

Agenda Item No. Eight –To Be Heard; Public Works Supervisor Report; Virgil Simpson.

Upon conclusion of the Public Works Supervisor's report the mayor asked for a motion to adjourn the meeting.

On the First day of November, 2004, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to adjourn the meeting. Motion Carried.

This regular council meeting adjourned as of 6:25 P.M.

  
JOE BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary

THE STATE OF TEXAS

\*

COUNTY OF ANDERSON

\*

CITY OF ELKHART

\*

On the Sixth day of December, 2004, the City of Elkhart Council convened into a regular session as of 5:30 P.M. with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Wesley Taylor	*	Councilmember

Councilmember absent was Philip O'Neal.

Financial Secretary Vicki Frederick took the minutes in City Secretary's stead.

Mayor Burris called the meeting to order and requested Councilmember Wesley Taylor to give the invocation which he did and the Pledge of Allegiance was said by all in attendance of the meeting.

Mayor Burris recognized citizens in attendance of the meeting and granted permission for Rich Murray and Jim Bob Parker to speak on the issue of proposed removal of speed bumps located on Gammage St. No action required by council as these persons were not on the agenda.

#### OLD BUSINESS:

Item No One – Consider Inter-Connection with Slocum Water System on FM 1817; Virgil Simpson.

On the Sixth day of December, 2004, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Garth Moran to remove Item No. One from the Tabled Item List and bring back at a later date as a new agenda item. Motion Carried.

Item No. Two – Consider Moving Mrs. Doolittle's Water Line Connection From Backyard to McWhirter's 2" Flush Valve; Virgil Simpson.

On the Sixth day of December, 2004, a motion was made by councilmember Wesley Taylor and seconded by Councilmember Marion Hortman for the City of Elkhart to lay 1700 ft. of pipe for re-routed distribution line with Mrs. Doolittle paying for 1100 ft. of pipe and the city paying for 600 ft. of pipe at \$ 0.38 pr. ft. and Public Works Dept. will do the labor for project. Motion Carried.

#### NEW BUSINESS:

Agenda Item No. One – Minutes of November, 2004.

On the Sixth day of December, 2004, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the minutes of November 01, 2004 as presented. Motion Carried.

Agenda Item No. Two – Consider Inter-Local Agreement between City of Elkhart and Anderson County.

On the Sixth day of December, 2004, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman for the City of Elkhart to enter into an Inter-local agreement with the county. Motion Carried.

Agenda Item No. Three – Consider Reduction of the City of Elkhart Municipal Judge's Monthly Fee.

On the Sixth day of December, 2004, a motion was made by Councilmember Garth Moran and seconded by Councilmember Wesley Taylor to amend Judge Linda Ray's compensation for being City of Elkhart's municipal judge from \$100.00 a month to \$1.00 a month. Motion Carried.

Agenda Item No. Four – Consider Establishing Residential and commercial Rates For Sewer Usage of the City of Elkhart Sewer Systems.

On the Sixth day of December, 2004, a motion was made by Councilmember Wesley Taylor and seconded by Councilmember Garth Moran to approve, pass, and adopt Ordinance No. 225-120604; an ordinance providing for the establishing of commercial and residential sewer rates to be charged by the City of Elkhart to its customers. Rates to be effective January 01, 2004 forward until such time as the City of Elkhart council deems it necessary to increase or decrease said sewer rates. Motion Carried.

Agenda Item No. Five – Consider Constructing a Rail Road Crossing Walkway.

On the Sixth day of December, 2004, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to table Item No. Five and contact Senator Todd Staples for advice or assistance in obtaining a walkway. Motion Carried.

Agenda Item No. Six – Consider Price Increase on Trash Bags.

On the Sixth day of December, 2004, a motion was made by Councilmember Wesley Taylor and seconded by Councilmember Marion Hortman to increase the retail price on garbage bags by \$1.00; cost to customer will be \$9.00 plus 7.75% tax, \$9.70 for 50 garbage bags. Motion Carried.

Agenda Item No. Seven – Consider to Lower or Remove Speed Bumps on Gammage Street.

On the Sixth day of December, 2004, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Wesley Taylor to table item No. Seven for further data pertaining to specifications for height of Speed Bumps. Motion Carried.

Agenda Item No. Seven A – Consider to Approve Proposal of Gold Mark Pump For Day Road Lift Station Quote of \$ 8856.00.

On the Sixth day of December, 2004, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Marion Hortman to purchase and install a new lift station unit for proposed cost by Mark Goldstein of \$8,856.00. Motion Carried.

Agenda Item No. Eight – Approve Financial Report.

On the Sixth day of December, 2004, a motion was made by Councilmember Wesley Taylor and seconded by Councilmember Garth Moran to approve and accept the Financial Report as presented. Motion Carried.

Agenda Item No. Nine – To Be Heard; Public Works Supervisor's Report; Virgil Simpson.

On the Sixth day of December, 2004, Virgil Simpson, Public Works Supervisor, presented his report and upon conclusion council addressed the following agenda items.

Agenda Item No. Ten – To Be Heard; City Secretary's Report, Margie Crawford.

On the Sixth day of December, 2004, City Secretary was absent due to attendance of Secretary of State Election Seminar and therefore, no report was given and no action was required.


Agenda Item No. 11 – Adjournment.

On the Sixth day of December, 2004, a motion was made by Councilmember Garth Moran and seconded by Councilmember Wesley Taylor to adjourn the meeting. Motion Carried.

This regular City of Elkhart Council meeting adjourned as of 6:45 P.M.

  
JOE BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary



THE STATE OF TEXAS

\*

ANDERSON COUNTY

\*

CITY OF ELKHART

\*

On the Third day of January, 2005, the City of Elkhart Council convened into a regular session with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember

Council member absent was Wesley Taylor.

Mayor Burris called the meeting to order at 5:30 P.M. and proceeded with the invocation being given by Mayor Pro-tem Garth Moran and the Pledge of Allegiance being said by all in attendance.

A quorum being present the following agenda items were addressed by council:

#### OLD BUSINESS:

Tabled Item No. One - Consider Constructing a Railroad Crossing Walkway.

On the Third day of January, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to have Tabled Item No. One remains tabled. Motion Carried.

Tabled Item No. Two - Consider to Lower or Remove Speed Bumps on Gammage Street and To Be Heard; Billy Jack Wright.

On the Third day of January, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Philip O'Neal to modify Speed Bumps to required height and have the bumps appropriately marked. Motion Carried

#### NEW BUSINESS:

Agenda Item No. One – Approve Minutes of December 6, 2004.

On the Third day of January, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to approve and accept the minutes of December 6, 2004 as presented. Motion Carried.

Agenda Item No. Two – Approve City of Elkhart Holidays for Calendar Year of 2005.

On the Third day of January, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve the presented list of holidays for the City of Elkhart Calendar year of 2005. Motion Carried.

Agenda Item No. Three – Call for City of Elkhart General Election by Resolution.

On the Third day of January, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal to approve and adopt Resolution No. 252-010305; a resolution calling the City of Elkhart's General Election for the electing of officers to the City of Elkhart Council. Motion Carried.

Agenda Item No. Four – Approve Financial Report.

On the Third day of January, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to approve and accept the Financial Report as presented. Motion Carried.

Agenda Item No. Five – To Be Heard; Public Works Supervisor Report.

Virgil Simpson gave his report and there was no action required by council; discussion only.

Agenda Item No. Six - To Be Heard; City Secretary Report.

Margie Crawford gave her report and there was no action required by council; discussion only.


Agenda Item No. Seven – Adjourn.

On the Third day of January 4, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to adjourn the meeting. Motion Carried.

This regular session of the City of Elkhart Council adjourned as of 6:09 P.M.

  
JOE BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary

THE STATE OF TEXAS \*

ANDERSON COUNTY \*

CITY OF ELKHART \*

On the Seventh day of February, 2005, the City of Elkhart Council convened into a regular session with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember

Council member absent was Wesley Taylor.

Mayor Burris called the meeting to order at 5:30 P.M. and proceeded with the invocation being given by Virgil Simpson. The Pledge of Allegiance was said by all in attendance of the meeting.

Citizens were recognized as being present and Brenda Walker of TXU Electric Delivery was recognized to address the council. There was no action to be taken by the council.

#### OLD BUSINESS:

1. Consider Constructing a Railroad Crossing Walkway.

On the Seventh day of February, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Marion Hortman for the Mayor and Public Works Supervisor to proceed with constructing the Railroad Crossing Walkway. Motion Carried.

#### NEW BUSINESS:

Agenda Item No. One – Approve Minutes of January 3, 2005.

On the Seventh day of February, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to accept and approve the minutes of January 3, 2005 as presented. Motion Carried.

Agenda Item No. Two – To Be Heard and Considered, Animal Control; Sheriff Taylor and Deputy Chapman, Animal Control Officer.

On the Seventh day of February, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Philip O'Neal to table Agenda Item No. Two. Motion Carried.

Agenda Item No. Three – Consider Request for Water Service at Location on ACR 137; Mark Tokarczyk.

On the Seventh day of February, 2005, a motion was made by Councilmember Marion Hortman and Councilmember Garth Moran to provide water service to Mr. Tokarczyk at a location on ACR 137. Motion Carried.

Agenda Item No. Four – Consider Request for Water Service at Location on St. Hwy 294 E; James Molandes.

On the Seventh day of February, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to provide water service to Mr. Molandes at a location on St. Hwy 294 E. Motion Carried.

Agenda Item No. Five – Approve May 7, 2005 Election Judges, Clerks, and Early Voting Clerk by Resolution.

On the Seventh day of February, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Philip O'Neal to pass, approve, and adopt Resolution No. 254-020705; a resolution for appointment of presiding judge, alternate judge and early voting clerk for May 7, 2005 City of Elkhart General Election. Motion Carried.

Agenda Item No. Six – Approve Financial Report.

On the Seventh day of February, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to approve and accept the financial report as presented. Motion Carried.

Agenda Item No. Seven – Consider Councilmember Wesley Taylor's Letter of Resignation.

On the Seventh day of February, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Philip O'Neal to accept Councilman Taylor's letter of resignation effective as of this meeting of February 7, 2005. Motion Carried.

Agenda Item No. Eight – Declare Council Place Two Vacant and Consider Appointment of Officer to Vacated Place Two by Resolution.

On the Seventh day of February, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Marion Hortman to pass, approve, and adopt Resolution No. 253-020705; a resolution declaring Place Two on the City of Elkhart Council vacant and the appointment of an officer to Place Two for an unexpired term thereof; appointee for Place Two on the City of Elkhart Council by this action is Jody Parker. Motion Carried.

Agenda Item No. Nine – Public Works Supervisor Report.

Virgil Simpson gave his report to council and there was no action to be taken as this item was for discussion only.

Agenda Item No. Ten – City Secretary Report.

Margie Crawford gave her report to council and there was no action to be taken as this item was for discussion only.

Agenda Item 11 – Adjournment.

On the Seventh day of February, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to adjourn the meeting. Motion Carried.

This regular session of the City of Elkhart Council meeting adjourned as of 6:35 P.M.

ATTEST:

  
MARGIE CRAWFORD, City Secretary

  
JOE BURRIS, Mayor

001218

THE STATE OF TEXAS

✱

COUNTY OF ELKHART

\*

CITY OF ELKHART

\*

On the Seventh day of March, 2005, the City of Elkhart Council convened into a regular session as of 5:30 P.M. with the following members present:

Joe Burris \* Mayor

\*

Mayor

Garth Moran                      \*                      Mayor Pro-tem

\*

## Mayor Pro-tem

Margie Crawford \* City Secretary

✱

City Secretary

Raymond Dunlap \* Councilmember

\*

**Councilmember**

Marion Hortman \* Councilmember

✱

**Councilmember**

Philip O'Neal \* Councilmember

✱

**Councilmember**

Place Two was vacant; Council member appointee Jody Parker was not in attendance of meeting.

Mayor Burris called the meeting to order and the meeting proceeded with the invocation being given by Mayor Pro-tem Garth Moran. Upon conclusion of the invocation the Pledge of Allegiance was said by all present.

Citizens in attendance of meeting were recognized by the mayor. Justice of the Peace Linda Ray and Wayne Frazier were recognized to address the council; no action was required by the council.

**OLD BUSINESS:**

**Tabled Item No. One – Animal Control Enforcement.**

On the Seventh day of March, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to have "Animal Control Enforcement" remain on the Tabled Item List. Motion Carried.

## NEW BUSINESS:

**Agenda Item No. One – Approve Minutes of February 7, 2005.**

On the Seventh day of March, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal to approve and accept the minutes of February 7, 2005 as presented. Motion Carried.

**Agenda Item No. Two – Presentation on Home Programs by Justin Epker of GrantWorks, Inc.**

Agenda Item No. Two was for discussion only; no action required by council.

**Agenda Item No. Three – Consider Sub-leasing the Civic Building (Log Cabin)  
To the Elkhart State Bank for a Back-up Processing  
Site in the Event of a Disaster or Emergency.**

On the Seventh day of March, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Philip O'Neal for the City of Elkhart to enter into a contract with the Elkhart State Bank for the bank to have an alternate back-up site in the event of a disaster or emergency by sub-leasing the Civic Center Building (Log Cabin). The vote is as follows: Raymond Dunlap, Aye; Marion Hortman, Aye; Philip

O'Neal, Aye; Garth Moran, Nay. Three Ayes and One Nay; majority having the vote motion carried.

Agenda Item No. Four – Approve Amendments to City of Elkhart 2004/2005 Budget.

On the Seventh day of March, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to approve amendments to the city's 2004/2005 budget as outlined. Motion Carried.

Agenda Item No. Five – Approve Financial Report.

On the Seventh day of March, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal to approve and accept the Financial Report as presented. Motion Carried.

Agenda Item No. Six – Consider Hiring of Personnel for Public Works Dept.

On the Seventh day of March, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal to hire Adolfo Alcorta as a full-time city employee for a wage of \$9.00 per hour. Motion Carried.

Agenda Item No. Seven – Public Works Supervisor Report.

Agenda Item No. Seven was for discussion only; no action required by council.

Agenda Item No. Eight – City Secretary Report.

Agenda Item No. Eight was for discussion only; no action required by council.


Agenda Item No. Nine – Adjournment.

On the Seventh day of March, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to adjourn the meeting. Motion Carried.

This regular session of the City of Elkhart Council meeting adjourned as of 7:35 P.M.

  
Joe Burris, Mayor

ATTEST:

  
Margie Crawford, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the 21<sup>st</sup> day of March, 2005, the City of Elkhart Council convened into a Special Called Meeting at 5:30 P.M. with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember

Place Two council seat remains vacant and council member Philip O'Neal was absent from the meeting.

A quorum being present, the mayor called the meeting to order.

Marion Hortman gave the invocation and the Pledge of Allegiance was said by all in attendance of the meeting.

Citizens were recognized and Sheriff Taylor was recognized to address the council on the issue of the creation of a municipal court. No action required.

Regular agenda items were addressed as follows:

Item No. One – Consider Rules and Regulations Governing Multiple Water Hook-ups and Water Taps and the Implementation Thereof.

On the 21<sup>st</sup> day of March, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Raymond Dunlap to table Item No. One until the next council meeting. Motion carried.

Item No. Two – Consider establishing a city of Elkhart Municipal Court.

On the 21<sup>st</sup> day of March, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to take no action and the mayor to set a workshop on this issue of a municipal court for the 3<sup>rd</sup> week in May; Monday, May 16, 2005. Motion Carried.

Item No. Three – Consider Advertising for Bids on City of Elkhart's Surplus Vehicles/Equipment.

On the 21<sup>st</sup> day of March, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to approve seeking sealed bids for five pieces of city property. Motion Carried.

Item No. Four – Accept Certification of Unopposed Candidates for the City of Elkhart General Election of May 7, 2005 and Adopt Order of Cancellation for Election.

On the 21<sup>st</sup> day of March, 2005, a motion was made by Councilmember Garth Moran and seconded by Marion Hortman to accept the City Secretary's Certification of Unopposed Candidates as presented. Motion Carried.

On the 21<sup>st</sup> day of March, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to pass, approve, and adopt the Order of Cancellation of the May 7, 2005 City of Elkhart Election and declare unopposed candidates as elected. Motion Carried.

There being no further business, Mayor Burris asked for a motion to adjourn the meeting.

On the 21<sup>st</sup> ay of March, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to adjourn the meeting. Motion Carried.

This Special Called Meeting of March 21, 2005 adjourned at 6:51 P.M.

  
\_\_\_\_\_  
Joe Burris, Mayor

ATTEST:

  
\_\_\_\_\_  
Margie Crawford, City Secretary



THE STATE TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the 11<sup>th</sup> day of April, 2005, a Sealed Bid Opening for the sale of the City of Elkhart's Surplus Items convened as of 4:30 P.M. with Mayor Burris officiating the bid opening.

Mayor Pro-tem Garth Moran and Councilmember Marion Hortman were in attendance of bid opening as well as staff personnel; Margie Crawford, City Secretary, Vicki Frederick, Financial Secretary, and Virgil Simpson, Public Works Supervisor.

Citizens present were Jaynie Burris and Bill Cargill.

Bidders present were Eddie Hollingsworth and Chuck Wallace.

Bids were opened and recorded for the following items:

Item No. One: 1972 Ford 1 Ton Flat Bed Truck

Item No. Two: 1983 Chev. ½ Ton PU

Item No. Three: 1975 Ford Dump Truck

Item No. Four: 1985 1710 Ford Tractor

Item No. Five: Kelly Loader and Back-Hoe

Bid for Ford 1 Ton Flat Bed Truck was awarded to Eddie Hollingsworth for a bid of \$400.00.

Bid for 83' Chev. ½ Ton PU was awarded to Morris Equipment for a bid of \$257.00.

Bid for 75' Ford Dump Truck was awarded to Tom Luce for a bid of \$805.00.

Bid for 85' 1710 Ford Tractor with Loader and Back-hoe was awarded to Don Bolton for a bid total of \$2,150.00.

All Sealed Bids having been opened and recorded Mayor Burris closed the Bid Opening at 4:45 P.M.

  
Joe Burris, Mayor

Attest:

  
Margie Crawford, City Secretary

THE STATE OF TEXAS

\*

COUNTY OF ANDERSON

\*

CITY OF ELKHART

\*

On the 11<sup>th</sup> day of April, 2005, the City of Elkhart Council convened into a meeting with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember

Council member Philip O'Neal was absent and Council member appointee Jody Parker was not in attendance of meeting; Place Two was vacant.

Mayor Burris called the meeting to order at 5:30 P.M. and called upon Virgil Simpson to give the invocation. Upon conclusion of the invocation, the Pledge of Allegiance was said by all in attendance of the meeting.

There were no citizens recognized to speak to the council.

#### Old Business:

##### Item No. One – Animal Control Enforcement.

On the 11<sup>th</sup> day of April, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to take no action on the issue of Animal Control Enforcement and to remove it from the agenda. Motion Carried.

##### Item No. Two – Consider Rules and Regulations Governing Multiple Water Hook-ups and Water Taps and the Implementation Thereof.

On the 11<sup>th</sup> day of April, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to have the city's attorney write a letter to the parties involved with double hook-ups on ACR 130 and state in the letter they have 30 days to arrange for water taps or their water service will be disconnected. Motion Carried.

#### New Business:

##### Item No. One – Approve Minutes of March 7<sup>th</sup> and 21<sup>st</sup>, 2005.

On the 11<sup>th</sup> day of April, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Raymond Dunlap to approve and accept the minutes of March 7<sup>th</sup> and 21<sup>st</sup>, 2005 as presented. Motion Carried.

##### Item No. Two – To Be Heard and Considered, Willie Simmons; Request for Reimbursement for Damages to Vehicle.

On the 11<sup>th</sup> day of April, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman that Mr. Simmons' damage to his vehicle was no fault to the City of Elkhart. Motion Carried.

##### Item No. Three – Consider Acceptance of Municipal Judge's Letter of

CO1224

Resignation.

C225

On the 11<sup>th</sup> day of April, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to accept Judge Linda Ray's letter of resignation effective as of May 1, 2005. Motion Carried.

Item No. Four – Approve Award of Bid for Sale of City of Elkhart Surplus Equipment.

On the 11<sup>th</sup> day of April, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Raymond Dunlap to approve the award of bids as presented. Motion Carried.

Item No. Five – Consider Reimbursement from Engineer for Cost on All Proportionate Parts in the Installation of a In-line Booster Pump on Six Inch Water Line Located St. Hwy 294 W.

On the 11<sup>th</sup> day of April, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Marion Hortman to ask for a reimbursement to the City of Elkhart from the Engineering Firm of Wisenbaker, Fix, & Associates, engineer Walter F. Hicks III, in the amount of \$ 21,104.46. Motion Carried.

Item No. Six – Consider Establishing a Date For A Budget Workshop.

On the 11<sup>th</sup> day of April, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Garth Moran to schedule the City of Elkhart's Budget Workshops for May 23, 2005 and July 11, 2005 at 5:30 P.M. Motion Carried.

Item No. Seven – Approve Financial Report.

On the 11<sup>th</sup> day of April, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to approve and accept the Financial Report as presented. Motion Carried.

Item No. Eight – Public Works Supervisor Report.

Public Works Supervisor Virgil Simpson gave his report to council and there was no action required by the council.

Item No. Nine – City Secretary Report.

City Secretary Margie Crawford gave her report to council and there was no action required by the council.

Item No. Ten – Adjourn Meeting.

On the 11<sup>th</sup> day of April, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to adjourn the meeting. Motion Carried.

This City of Elkhart Council meeting adjourned as of 6:50 P.M.

  
Joe Burris, Mayor

Attest:

  
Margie Crawford, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the Second day of May, 2005, the City of Elkhart Council convened into a regular session with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember

Mayor Burris called the meeting to order at 5:30 P.M. and a quorum being present proceeded with the meeting.

Mayor Pro-tem Garth Moran was called upon to give the invocation and the Pledge of Allegiance was said by all in attendance of the meeting.

Citizens were recognized and there were none to be heard as of this time in the meeting.

#### OLD BUSINESS:

Item No. One - Consider Rules & Regulations Governing Multiple Water Hook-Up and Water Taps and the Implementation Thereof.

On the Second day of May, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to have Item No. One remain on the Tabled Item List under old business until the deadline for water customers in violation to bring their water taps into compliance with city's regulations and TCEQ rules.. Motion Carried.

#### NEW BUSINESS:

Item No. One – Approve Minutes of March 11, 2005; Bid Opening and City Council Meeting.

On the Second day of May, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the minutes as presented. Motion Carried.

Item No. Two – To Be Heard and Considered Jo Woody; Complaint Regarding Overgrowth of Ditch Line on Day Road.

On the Second day of May, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Raymond Dunlap for the Public Works Dept. to maintain the ditch on Day Road. Motion Carried.

Item No. Three – Approve Financial Report.

On the Second day of May, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the Financial Report as presented. Motion Carried.

Item No. Four – Public Works Supervisor Report, Virgil Simpson.

Agenda Item No. Four required no action as this item was for discussion only.

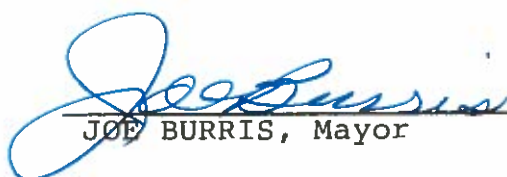
Item No. Five – City Secretary Report, Margie Crawford.

Agenda Item No. Five required no action as this item was for discussion only.

Item No. Six – Adjournment.

On the Second day of May, 2005, a motion was made by Councilmember Marion Hortman and seconded Councilmember Garth Moran to adjourn the meeting. Motion Carried.

This council meeting of May 2, 2005 adjourned as of 6:07 P.M.

  
JOE BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the 16<sup>th</sup> day of May, 2005, the City of Elkhart Council convened into a workshop for the consideration of a Municipal Court with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember
Bill Cargill	*	Councilmember

Mayor Burris called the meeting to order at 5:30 P.M. and recognized Mr. Jim Dismuke who was present as a consultant on Municipal Court procedures.

Vicki Frederick, Financial Secretary and Virgil Simpson, Public Works Supervisor attended the workshop.

Agenda Item No. One – Workshop for the Consideration of Creating a Municipal Court for the City of Elkhart.

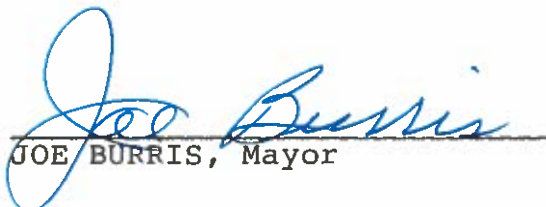
Upon conclusion of the discussion on the creation of a municipal court, the council's consensus was for staff to contact Constable Larry Bennett to ask if he could issue citations and warrants on behalf of the city and would he be willing to serve in that capacity.

Councilmember Garth Moran made a motion to postpone any action on the issue until more data could be obtained and schedule another workshop at a later time; motion was seconded by Councilmember Raymond Dunlap. Motion Carried.

Mayor Burris suggested that another workshop be held thirty (30) days from this workshop.

There being no further items to discuss Councilmember Marion Hortman made a motion to adjourn the workshop and this motion was seconded by Councilmember Garth Moran. Motion Carried.

This Municipal Court Workshop adjourned at 6:25 p.m.

  
JOE BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the 23<sup>rd</sup> day of May, 2005, the City of Elkhart Council convened into a Budget Workshop with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
William Cargill	*	Councilmember
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember


Vicki Frederick, Financial Secretary and Virgil Simpson, Public Works Supervisor was in attendance of Budget Workshop.

The Budget Workshop convened at 5:30 p.m. and the mayor proceeded by addressing the issue of creating a budget for the city's fiscal year of 2005/2006.

Budget line items were reviewed and action taken in the following funds; General, Fire, and Streets.

Upon completion of the review and action on the above referenced funds, the council's consensus was to adjourn this Budget Workshop and continue with the review of the remaining funds in a workshop scheduled for June 13<sup>th</sup>, 2005 at 5:30 p.m.

There being no further business, the Budget Workshop adjourned at 7:59 p.m.

  
JOE BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the Sixth day of June, 2005, the City of Elkhart Council convened into a regular session with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember
Bill Cargill	*	Councilmember

Mayor Burris called the meeting to order at 5:32 p.m. and opened the meeting with calling on Virgil Simpson to give the invocation and following the invocation the Pledge of Allegiance was said by all in attendance of meeting.

Citizens were recognized and there were none to be heard as of this time in the meeting.

#### OLD BUSINESS:

Item No. One – Consider Rules & Regulations Governing Multiple Water Hook-ups and Water Taps and the Implementation Thereof.

On the Sixth day of June, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal to remove Item No. One under Old Business from the Tabled Item List. Motion Carried.

#### NEW BUSINESS:

Item No. One – Approve Minutes of May 2<sup>nd</sup>, May 16<sup>th</sup>, and May 23<sup>rd</sup>, 2005.

On the Sixth day of June, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Raymond Dunlap to approve and accept minutes as presented. Motion Carried.

Item No. Two – Consider Wisenbaker, Fix, & Associates Offer to Reimburse Half of Cost for City's Purchase and Installation of In-line Booster Pump on a Six Inch Water Line.

On the Sixth day of June, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Bill Cargill to reject Wisenbaker, Fix, & Associates offer to reimburse the city half of the cost for the purchase and installation of an In-line Booster Pump on city's six inch water line west of the city. Motion Carried.

Item No. Three – To Be Heard and Approved; City of Elkhart Financial Statement Presented by Accounting Firm of Staples, Larkin, & Associates.

On the Sixth day of June, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to approve and accept the City of



Elkhart's Annual Financial Statement prepared and presented by the accounting firm of Staples, Larkin, & Associates. Motion Carried.

Item No. Four – To Be Heard and Considered; Walter Engstrand Regarding Insufficient Water Pressure on ACR 161 (Fincher Rd.).

On the Sixth day of June, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Marion Hortman for the Public Works Dept. to do a crossover (loop) of water line on ACR 161 & 163 in order to provide better water pressure to water customers on the referenced county roads. Motion Carried.

Item No. Five – To Be Heard and Considered; Debra LaMaster Regarding Repair of Street (s).

On the Sixth day of June, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Philip O'Neal for Public Works Supervisor to repair Oakdale Street with road base material. Motion Carried.

Item No. Six – Consider Options for Purchase of Fuel for City of Elkhart Public Works Vehicles.

On the Sixth day of June, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran for the City of Elkhart to obtain the Voyager Plan for the purchase of fuel for city vehicles and equipment. Motion Carried.

Item No. Seven – Consider Procedure(s) for Implementation of Supplemental Environmental Project (SEP) or Payment of Penalty to TCEQ.

On the Sixth day of June, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Philip O'Neal for the City to proceed with the Supplemental Environmental Project for two first time sewer customers if the engineer's fees are included as a part of the \$33,325 imposed penalty on the city by TCEQ. Motion Carried.

Item No. Eight – Approve Financial Statement.

On the Sixth day of June, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to approve and accept the minutes as presented. Motion Carried.

Item No. Nine – Adjournment.

On the Sixth day of June, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to adjourn the meeting. Motion Carried.

This regular session of the City of Elkhart Council adjourned as of 8:00 p.m.

  
JOE BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the Thirteenth day of June, 2005, the City of Elkhart Council convened into a Budget Workshop as of 5:47 p.m. with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember
Bill Cargill	*	Councilmember


Financial Secretary Vicki Frederick and Public Works Supervisor Virgil Simpson were present for the Budget Workshop.

The mayor and council begin this workshop by reviewing the Fire Department budget and Street budget. They then proceeded with the budget creation process for the Water, Sewer, and Garbage Funds on the expense side of Budget.

Having addressed all budget funds and accounts Mayor Burris gave directives to administrative staff to obtain information regarding the refinancing of Revenue Bonds and Certificates of Obligation Bonds; transfer of funds from one fund to another; placing personnel salary in the Garbage Fund; and obtaining an estimate of cost for up-coming annual audit.

There being no further items to be addressed, a motion was made by Councilmember Garth Moran and seconded by Councilmember Philip O'Neal to adjourn the Budget Workshop.

Budget Workshop adjourned as of 8:30 p.m.

  
\_\_\_\_\_  
JOE BURRIS, mayor

ATTEST:

  
\_\_\_\_\_  
MARGIE CRAWFORD, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the 11<sup>th</sup> day of July, 2005, the City of Elkhart Council convened into a regular session with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember
Bill Cargill	*	Councilmember

Mayor Burris called the meeting to order at 5:30 P.M...

The invocation was given by Garth Moran and the Pledge of Allegiance was said by all in attendance of the meeting.

Citizens were recognized by Mayor Burris and citizen Mr. Bobby Brame was recognized to address the council regarding a complaint about the Elkhart Water Works water. Since this was not an agenda item, no action could be taken by the council.

A quorum being present the council addressed the following agenda items:

Agenda Item No. One – Approve Minutes of June 6<sup>th</sup> and June 13<sup>th</sup>, 2005.

On the 11<sup>th</sup> day of July, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the minutes of June 6<sup>th</sup> and June 13<sup>th</sup>, of 2005 as presented. Motion Carried.

Agenda Item No. Two – Consider Agreement Between TXU Electric Delivery  
And the City of Elkhart.

On the 11<sup>th</sup> day of July, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal to approve the agreement and for Mayor Burris to execute the agreement between the City of Elkhart and TXU Electric Delivery. Motion Carried.

Agenda Item No. Three – Consider Authorization to Repair Bridges and Lewis  
Streets.

On the 11<sup>th</sup> day of July, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman authorizing the repair of Bridges and Lewis Streets. Motion Carried.

Agenda Item No. Four – Consider Renewal of Employee's Group Health  
Insurance.

On the 11<sup>th</sup> day of July, 2005, a motion was made by Councilmember Garth Moran and seconded by Philip O'Neal to renew the employee's group health insurance with Principal Financial Group for one year. Motion Carried.

Agenda Item No. Five – Consider Reappointment of City of Elkhart Local Health Authority.

On the 11<sup>th</sup> day of July, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to reappoint Dr. Larry Burch as the City of Elkhart Local Health Authority. Motion Carried.

Agenda Item No. Six – Consider Street Maintenance Sales Tax.

On the 11<sup>th</sup> day of July, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Philip O'Neal to call for an election at the earliest possible date for a Street Maintenance Sales Tax of  $\frac{1}{4}$  of one cent. Motion Carried.

Agenda Item No. Seven – Presentation on Refinancing of Bonds.

There was no action taken by council as this item was for discussion only.

Agenda Item No. Eight – City of Elkhart Rate Study.

There was no action taken by council as this item was for discussion only.

Agenda Item No. Nine – Approve Financial Report.

On the 11<sup>th</sup> day of July, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the Financial Report as presented. Motion Carried.

Agenda Item No. Ten – Consider Purchasing a Utility Tractor.

There was no action taken by the council as this item was for discussion only.

Agenda Item No. 11 – Public Works Supervisor Report.

Report was given by Virgil Simpson and there was no action to be taken by council as this was discussion only.

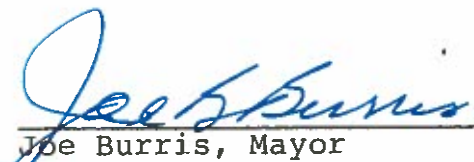
Agenda Item No. 12 – City Secretary Report.

Report was given by Margie Crawford and there was no action to be taken by council as this was discussion only.


Agenda Item No. 13 – Adjournment.

On the 11<sup>th</sup> day of July, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Philip O'Neal to adjourn the meeting. Motion Carried.

This council meeting adjourned as of 7:25 P.M.

  
Joe Burris, Mayor

ATTEST:

  
Margie Crawford, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the 18<sup>th</sup> day of July, 2005, the City of Elkhart Council convened into a Special Called Meeting with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember
Bill Cargill	*	Councilmember

Mayor Burris called the meeting to order at 5:30 P.M. A quorum being present, the meeting proceeded with Marion Hortman giving the invocation and then the Pledge of Allegiance was said by all in attendance.

There were no citizens to be heard.

Agenda items were addressed by council as follows:

Agenda Item No. One – Consider Refinancing of Bonds; Presentation by Mike Byrd of First Southwest.

On the 18<sup>th</sup> day of July, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Marion Hortman to table Item No. One; Refinancing of Bonds. Motion Carried.

Agenda Item No. Two – Consider Ordinance Calling an Election for A Street Maintenance Sales Tax.

On the 18<sup>th</sup> day of July, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Bill Cargill to approve, pass, and adopt Ordinance No. 226-071805; an ordinance calling for an election to be held for an additional sales tax for the purpose of maintenance and repair of municipal streets located within the City of Elkhart, Texas; "Street Maintenance Sales Tax". Motion Carried.

Agenda Item No. Three – Consider Water, Sewer, and Garbage Rate Increases.

On the 18<sup>th</sup> day of July, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Marion Hortman to approve new rates for water, sewer, and garbage as well as commercial rates for water and sewer and garbage. Rates are as follows: Residential Water 0 – 2,000 gals. is \$15.00 and thereafter \$3.50 per thousand; Residential Sewer 0 – 2,000 gals. is \$14.00 and thereafter \$3.20 per thousand; Commercial Water Rate will be based on the American Water Works Association commercial rate schedules; Commercial Sewer 0-2,000 gals is \$22.50 and thereafter \$3.85 per thousand and that all water and sewer customers outside the city limits of Elkhart shall be charged 1 ½ times the inside rates; Garbage rate for residential is \$12.15 plus tax to equal \$ 13.09 and any commercial customer without a cart or dumpster shall be charged a rate of 1 ½ times the residential rate and out of garbage rate \$1.00 is for street maintenance and \$1.00 is for water maintenance and \$1.00 for sewer maintenance.

The vote is as follows: Raymond Dunlap, Aye; Marion Hortman, Aye; Philip O'Neal, Aye; Bill Cargill, Aye; Garth Moran, Nay. Majority having the vote, motion carried.

On the 18<sup>th</sup> day of July, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Bill Cargill to approve, pass, and adopt Ordinance No. 227-071805; an ordinance providing for the establishing of commercial and residential water, sewer, and garbage rates to be charged for services rendered until such time as the City of Elkhart Council deems it necessary to increase or decrease said rates. Motion Carried

On the 18<sup>th</sup> day of July, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal to set the start-up date for the new rates to be September 01, 2005. Motion Carried.

Agenda Item No. Four – Consider Purchase of Utility Tractor.

On the 18<sup>th</sup> day of July, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal for the city to purchase a utility tractor for a cost of \$13,900 and to make a loan with the Elkhart State Bank for a term of one year. Motion Carried.

Agenda Item No. Five – Consider Cable Franchise Fee.

On the 18<sup>th</sup> day of July, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal to take no action on agenda Item No. Five. Motion Carried.


Agenda Item No. Six - Adjournment.

On the 18<sup>th</sup> day of July, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal to adjourn the meeting. Motion Carried.

This Special Called Meeting adjourned as of 6:45 p.m.

  
Joe Burris, Mayor

ATTEST:

  
Margie Crawford, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the 18<sup>th</sup> day of July, 2005, the City of Elkhart Council convened into a Budget Workshop for the purpose of creating a budget for the city's fiscal year of 2005/2006 with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember
Bill Cargill	*	Councilmember

Financial Secretary Vicki Frederick and Public Works Supervisor Virgil Simpson were present for the budget workshop.

The Budget Workshop was called to order by Mayor Burris at 6:50 P.M. and he proceeded with the review of previous projected numbers in revenue and expense.

Revenue in water and sewer funds was discussed in-depth. For budget purpose, the water fund revenue was projected to be \$300,000 per year and the sewer fund revenue was projected to be \$200,000 per year.

In the review process, there were no changes to the expense side of the proposed budget.

With no changes to expenses and an increase on the revenue side of budget, the proposed budget was considered balanced with \$189.28 on the plus side of budget.

There being no further business, a motion to adjourn was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran. Motion Carried.

This Budget Workshop adjourned as of 7:25 P.M.

  
Joe Burris, Mayor

ATTEST:

  
Margie Crawford, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the First day of August, 2005, the City of Elkhart Council convened into a regular session with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Bill Cargill	*	Councilmember

Councilmember Philip O'Neal was absent from meeting.

Mayor Burris called the meeting to order at 5:30 p.m. and a quorum being present proceeded by calling on Marion Hortman to give the invocation. The Pledge of Allegiance was said by all in attendance of the meeting.

There being no citizens to be heard as of this time, the agenda items were addressed as follows by the council:

#### OLD BUSINESS:

Tabled Item No. One – Consider Refinancing of Bonds; Presentation by Mike Byrd of First Southwest Co.

Mayor Burris asked the council to go to New Business as Mr. Mike Byrd was not in attendance as of this time in the meeting.

#### NEW BUSINESS:

Agenda Item No. One – Approve Minutes of July 11<sup>th</sup> and 18<sup>th</sup>, 2005.

On the First day of August, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the minutes of July 11<sup>th</sup> and 18<sup>th</sup>, 2005 as presented. Motion Carried.

Agenda Item No. Two – Consider Request for Water Tap by Graham Jackson.

On the First day of August, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to approve for Mr. Jackson to have a water tap. Motion Carried.

Agenda Item No. Three – Consider Request for Placement of an Antenna on City's Elevated Storage Tank; Keith Lively of East Texas Broadband.

On the First day of August, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to enter into an agreement with East Texas Broadband to place antennas on the city's elevated storage tank and pay a rental fee of \$150.00 per month to the city plus provide internet service to the city free of charge. Motion Carried.



Mike Byrd of First Southwest arrived at 5:47 P.M. and the mayor brought the council back to Old Business; Tabled Item No. One, Consider Refinancing of Bonds.

On the First day of August, 2005, a motion was made by Councilmember Bill Cargill and seconded by Councilmember Marion Hortman for Mike Byrd, Placement Agent, to proceed with the refinancing of the revenue bonds with General Obligations on the short term payoff to be paid from water and sewer revenues. Motion Carried.

New Business agenda items continue as follows:

Agenda Item No. Four – Re-Consider Supplemental Environmental Project.

On the First day of August, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Garth Moran to pay the penalty imposed on the City of Elkhart by TCEQ by the deadline. Motion Carried.

Agenda Item No. Five – Consider Refinancing of Utility Tractor.

On the First day of August, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to pay off the note at the Elkhart State Bank from the Elkhart Water Works Money Market Account and then to make payments to the money market account. Motion Carried.

Agenda Item No. Six – Data on Franchise Fees.

This item was for discussion only; no action required.

Agenda Item No. Seven – Approve Financial Report.

On the First day of August, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Marion Hortman to approve and accept the Financial Report as presented. Motion Carried.

Agenda Item No. Eight – Public Works Supervisor Report.

No action taken.

Agenda Item No. Nine – City Secretary Report.

Discussion only, no action required.

Agenda Item No. Ten – Adjournment.

On the First day of August, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to adjourn the meeting. Motion Carried.

This meeting adjourned as of 6:55 p.m.

  
JOE B. BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the 12<sup>th</sup> day of September, 2005, the City of Elkhart Council convened into a Public Budget Hearing at 5:30 p.m. for the consideration of the proposed budget for fiscal year of 2005/2006.

Item No. One – City of Elkhart Review of Proposed Budget for Fiscal Year of 2005/2006.

There being no citizens present the City Council and Staff proceeded with the review of the proposed budget.

Item No. Two – Question and Answer on Proposed Budget.

There being no citizens in attendance, there were no questions.

Item No. Three – Adjournment.

Mayor Burris Closed the Public Budget Hearing for the proposed budget for fiscal year of 2005/2006.

This Public Budget Hearing closed at 5:35 p.m.

  
Joe Burris, Mayor

ATTEST:

  
Margie Crawford, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the 12<sup>th</sup> day of September, 2005, the City of Elkhart Council convened into a regular session as of 5:45 p.m. with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Bill Cargill	*	Councilmember

Council member absent was Philip O'Neal.

Mayor Burris called the meeting to order and then called upon Virgil Simpson to give the invocation. Invocation having been given the Pledge of Allegiance was said by all in attendance.

There were no citizens present to be recognized.

The agenda items were addressed by the council as follows:

Agenda Item No. One – Approve Minutes of August 01, 2005.

On the 12<sup>th</sup> day of September, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Raymond Dunlap to approve and accept the minutes of August 01, 2005 as presented. Motion Carried.

Agenda Item No. Two – Consider Ordinance for Adoption of City of Elkhart Budget for Fiscal Year of 2005/2006.

On the 12<sup>th</sup> day of September, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Garth Moran to approve, pass, and adopt Ordinance No. 228-091205; an ordinance of the City of Elkhart, Texas adopting the budget for the fiscal year beginning October 01, 2005 and ending September 30, 2006; providing for the intra and inter department and fund transfers; and declaring an effective date. Motion Carried.

Agenda Item No. Three – Consider Ordinance Setting City of Elkhart Tax Rate For the Purpose of Property Taxation.

On the 12<sup>th</sup> day of September, 2005, Councilmember Marion Hortman so moved that property taxes be increased by the adoption of a tax rate of 0.2853 per 100 value and this was seconded by Councilmember Garth Moran. Ordinance No. 229-091205; an ordinance providing for the levy of Ad Valorem Taxes on all real and personal property situated within the corporate limits of the City of Elkhart, Texas for the year of 2005; providing a penalty and interest for failure to pay the taxes levied within the time provided by law; and fixing a lien on real and personal property to secure the payment of taxes and repealing all ordinances or parts of ordinances, was so approved, passed, and adopted by the following vote. Councilmember Marion Hortman, Aye; Councilmember Raymond Dunlap, Aye; Councilmember Garth Moran, Aye; Councilmember Bill Cargill, Aye. Ayes being the majority vote, motion carried.

Agenda Item No. Four – Consider Selection of Auditing Firm for City of Elkhart Annual Audit.

On the 12<sup>th</sup> day of September, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to select the accounting firm of Smith, Lambright & Associates to do the City of Elkhart annual audit. Motion Carried.

Agenda Item No. Five – Consider Ordinance Adopting the National Incident Management System (NIMS).

On the 12<sup>th</sup> day of September, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to approve, pass, and adopt Ordinance No. 230-091205; an ordinance adopting the National Incident Management System (NIMS) as the standard for incident management by the City of Elkhart. Motion Carried.

Agenda Item No. Six – Consider Previously Approved Modification and Repair Of Speed Bumps on Gammage Street.

On the 12<sup>th</sup> day of September, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Garth Moran to table Agenda Item No. Six. Motion Carried.

Agenda Item No. Seven – Approve Financial Report.

On the 12<sup>th</sup> day of September, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Bill Cargill to approve the financial report as presented. Motion Carried.

Agenda Item No. Eight – City Secretary Report.

No Action; discussion only.

Agenda Item No. Nine – Public Works Supervisor Report.

No action; discussion only.

Agenda Item No. Ten – Consider Purchase of Truck for Public Works Department.

On the 12<sup>th</sup> day of September, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Raymond Dunlap to table Agenda Item no. Ten. Motion Carried.

Agenda Item No. 11 – Adjournment.

On the 12<sup>th</sup> day of September, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to adjourn the meeting. Motion Carried.

This meeting of September 12<sup>th</sup>, 2005 adjourned at 7:00 p.m.

  
Joe Burris, Mayor

ATTEST:

  
Margie Crawford, City Secretary

THE STATE OF TEXAS

\*

COUNTY OF ANDERSON

\*

CITY OF ELKHART

\*

On the Third day of October, 2005, the City of Elkhart Council convened into a regular session as of 5:30 p.m. with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember
William Cargill	*	Councilmember

A quorum being present, Mayor Burris proceeded with calling on Mayor Pro-tem Garth Moran to give the invocation.

Invocation having been given, the Pledge of Allegiance was said by all in attendance of the meeting.

There being no citizens to be recognized, the agenda items were addressed as follows:

**OLD BUSINESS; TABLED ITEMS:**

Item No. One - Consider Previously Approved Modification and Repair of Speed Bumps on Gammage Street.

On the Third day of October, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to have Tabled Item No. One, Repair and Modification of Speed Bumps on Gammage Street, remain on the Tabled Item List and while in the interim for repairs of Lewis Street the Public Works Dept paint the Speed Bumps on Gammage Street. Motion Carried.

Item No. Two - Consider Purchase of Truck for Public Works Dept.

On the Third day of October, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Garth Moran to remove Tabled Item No. Two, Purchase of Truck for Public Works Dept., from the Tabled Item List. Motion Carried.

**NEW BUSINESS:**

Agenda Item No. One – Approve Minutes of September 12, 2005; Public Budget Hearing and Regular Council Meeting.

On the Third day of October, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve the minutes of September 12<sup>th</sup>, 2005 as presented. Motion Carried.

Agenda Item No. Two – To Be Heard; Renee Christmas Regarding Elkhart Water Service.

On the Third day of October, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Philip O'Neal that Ms. Christmas's water line be moved to the six inch water line. Motion Carried

Agenda Item No. Three – Consider All Matters Incident and Related to the Issuance and Sale of "City of Elkhart, Texas, General Obligation Refunding Bonds, Series 2005", Including The Adoption of an Ordinance Authorizing the Issuance of such Bonds and Providing for the Redemption of the Bonds Being Refunded.

Mr. Mike Byrd, Bond Agent, was not present for the meeting as of Agenda Item No. Three. Council passed on this item until later in the meeting when Mr. Byrd could be present.

Agenda Item No. Four – Consider Renewing of Agreements; Elkhart Volunteer Department, First Responders and Lease of Civic Center Building (Log Cabin).

On the Third day of October, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to renew the Rental Agreements with the Elkhart Volunteer Fire Dept. and the First Responders for a term of One year. Motion Carried.

On the Third day of October, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap for Item No. Four, renewing of the Lease of the Civic Center (Log Cabin), be placed on the Tabled Item List for further study. The vote was as follows: Garth Moran, Aye; Raymond Dunlap, Aye; Philip O'Neal, Aye; Bill Cargill, Aye, Marion Hortman, Refrained. Majority having the vote, motion carried.

Mike Byrd arrived at 5:50 p.m. and the council's attention was directed back to Agenda Item No. Three – Consider All Matters Incident and Related to the Issuance and Sale of "City of Elkhart, Texas, General Obligation Refunding Bonds, Series 2005", Including the Adoption of an Ordinance Authorizing the issuance of Such Bonds and Providing for the Redemption of the Bonds Being Refunded.

On the Third day of October, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Philip O'Neal to approve, pass, and adopt Ordinance No. 230-100305; an ordinance authorizing the issuance of "City of Elkhart, Texas, General Obligation Refunding Bonds, Series 2005"; specifying the terms and features of said bonds; levying a continuing direct annual ad valorem tax for the payment of said bonds; and resolving other matters incident and related to the issuance, sale, payment and delivery of said bonds, including the approval and execution of a paying Agent/Register Agreement, a Purchase Agreement and an Escrow Agreement; providing for the redemption of certain outstanding obligations of the City; and providing an effective date. Motion Carried.

Agenda Item No. Five – Consider Selecting City of Elkhart Official Newspaper For Fiscal Year of 2005/2006.

On the Third day of October, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to select the Palestine Herald Press to be the City of Elkhart's official newspaper for the fiscal year of 2005/2006. Motion Carried.

Agenda Item No. Six – Approve Financial Report.

On the Third day of October, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to approve and accept the Financial Report as presented. Motion Carried.

15

Agenda Item No. Seven – Consider Negotiations for Reimbursement of Funds  
For In-line Booster Pump Pertaining to Engineering  
Firm on Completed Project of the Construction of a  
Six Inch Water Line Running Parallel With State  
Hwy 294 West.

On the Third day of October, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Philip O'Neal to send a second letter to Mr. Hicks requesting full reimbursement of \$21,104.46 to the city and to inform Mr. Hicks that the city does not anticipate the need for an engineer as of this time, therefore, there will be no engineering fees. Motion Carried

Agenda Item No. Eight – City Secretary Report.

Item No. Eight was for discussion only, no action required by council.

Agenda Item No. Nine – Public Works Supervisor Report.

Item No. Nine was for discussion only, no action required by council.

Agenda Item No. Adjournment.

On the Third day of October, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to adjourn the meeting. Motion Carried.

This City of Elkhart Council meeting adjourned as of 7:20 p.m.

  
\_\_\_\_\_  
JOE B. BURRIS,

ATTEST:

  
\_\_\_\_\_  
MARGIE CRAWFORD, City Secretary

THE STATE OF TEXAS                   \*

COUNTY OF ANDERSON                \*

CITY OF ELKHART                    \*

On the 13<sup>th</sup> day of October, 2005, the City of Elkhart Council convened into a Special Called Meeting with the following members present:

Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Bill Cargill	*	Councilmember

Absent from this meeting was Mayor Joe Burris and Councilmember Philip O'Neal.

A quorum being present, Mayor Pro-tem Garth Moran called the meeting to order at 5:30 p.m. and proceeded with the agenda item.

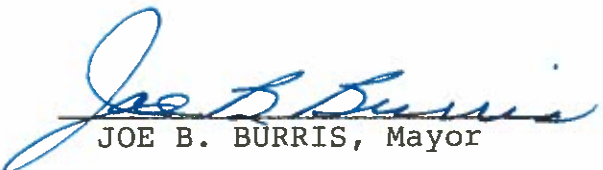
Agenda Item No. One – Consider Amending Ordinance No. 226-071805; An Ordinance Calling for an Election to be Held For An Additional Sales Tax for the Purpose of Maintenance And Repair of Existing Municipal Streets Located With the City of Elkhart, Texas; Rescinding Election Date of November 8<sup>th</sup>, 2005 and Re-establishing General Election Date of May 13<sup>th</sup>, 2006 for "Street Maintenance Sales Tax".

On the 13<sup>th</sup> day of October, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Marion Hortman to rescind the called order for an election to be held November 8, 2005 for an additional sales tax (1/4 of one percent) for the purpose of maintenance and repair of existing municipal streets located within the City of Elkhart and amend Ordinance No. 226-071805, Sections 4 and 5, rescinding the election date of November 8, 2005 and calling for the election for an additional sales tax of one-fourth of one percent to be held on May 13<sup>th</sup>, 2006 as a proposition on the ballot. Motion Carried.

There being no further agenda items to be addressed, Mayor Pro-tem Garth Moran called for a motion to adjourn.

On the 13<sup>th</sup> day of October, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Raymond Dunlap to adjourn the meeting. Motion Carried.

This Special Called Meeting adjourned as of 5:35 P.M.

  
JOE B. BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary

002246



THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the 14<sup>th</sup> day of November, 2005, the City of Elkhart Council convened into a regular session as of 5:30 p.m. with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Bill Cargill	*	Councilmember
Philip O'Neal	*	Councilmember

A quorum being present the meeting was called to order by Mayor Burris.

Councilmember Marion Hortman gave the invocation and the Pledge of Allegiance was said by all in attendance of the meeting.

Citizens present were recognized and there being none to be heard, the mayor proceeded with addressing the agenda items listed under Old Business and New Business.

#### OLD BUSINESS:

Tabled Item No. One - Consider Repair and Modification of Speed Bumps  
Located on Gammage Street.

On the 14<sup>th</sup> day of November, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to remove Tabled Item One from the Tabled Item List. Motion Carried.

Tabled Item No. Two - Consider Renewing Lease of the Civic Center Bldg. (Log Cabin).

On the 14<sup>th</sup> day of November, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap for the City of Elkhart to renew the lease on the Civic Center Bldg. (Log Cabin) for a term of one year.

**NEW BUSINESS:**

**Agenda Item No. One – Approve Minutes of Regular Meeting of October 3<sup>rd</sup> and Special Called Meeting of October 13, 2005.**

On the 14<sup>th</sup> day of November, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the minutes of October 3<sup>rd</sup> and 13<sup>th</sup>, 2005 as presented. Motion Carried.

**Agenda Item No. Two – Consider Request to Have Flag Pole That is Located on City Property on Watkins Street; John Miller.**

On the 14<sup>th</sup> day of November, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to allow John Miller to have the Flag Pole located on Watkins Street in front of what was the Justice of Peace Bldg. Motion Carried.

**Agenda Item No. Three – To Be Heard and Considered; Quentin Carman Regarding Elkhart Water System and a Proposal for Senior Citizen Activities.**

On the 14<sup>th</sup> day of November, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to table the issue on the water system and have Virgil Simpson, Public Works Supervisor, provide more information in the next city council meeting. Motion Carried.

On the 14<sup>th</sup> day of November, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to make available the Civic Center Bldg. for Senior Citizen events and activities coordinated by the Elkhart Oaks Care Center Administrator, Quentin Carman. Motion Carried.

**Agenda Item No. Four – Consider Resolution Appointing a Board of Director Representative for the City of Elkhart for Service to the Anderson County Appraisal District.**

On the 14<sup>th</sup> day of November, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to approve and adopt Resolution No. 254-111405 appointing Paul Barnett as city's representative to serve as a member of the ACAD Board. Motion Carried.

**Agenda Item No. Five – Approve Expenditure of \$2,000 for Clearing of Right-of-Way on Day Road.**

On the 14<sup>th</sup> day of November, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Garth Moran to approve expenditures for the Clearing of Right-of-way on Day Road. Motion Carried.

Agenda Item No. Six – Approve Amendments in All Funds Within the City Budget ending 09/30/05.

On the 14<sup>th</sup> day of November, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve the budget amendments for the city's fiscal year ending 09/30/05. Motion Carried.

Agenda Item No. Seven – Waste Water Bagging System Cost.

This item was for discussion only; no action required by council.

Agenda Item No. Eight – Approve Financial Report.

On the 14<sup>th</sup> day of November, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the Financial Report as presented. Motion Carried.

Agenda Item No. Nine – City Secretary Report.

This item was for discussion only; no action required by council.

Agenda Item No. Ten – Public Works Supervisor Report.

This item was for discussion only; no action required by council.

Agenda Item no 11 – Adjournment,

On the 14<sup>th</sup> day of November, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to adjourn the meeting. Motion Carried.

This City Council Meeting of November 14<sup>th</sup>, 2005 adjourned as of 6:47 p.m.

  
JOE B. BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the Fifth day of December, 2005, the City of Elkhart Council convened into a regular session as of 5:30 p.m. with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Bill Cargill	*	Councilmember

Council member Philip O'Neal was absent of the meeting.

A quorum being present, Mayor Burris called upon Virgil Simpson to give the invocation. Following the invocation the Pledge of Allegiance was said by all in attendance.

Mayor Burris recognized citizens in attendance of the meeting and there being none to be heard as of this time, he proceeded by addressing agenda items as follows:

**OLD BUSINESS:**

Tabled Item No. 1. Consider Renewing Lease of Civic Center Bldg. (Log Cabin).

On the Fifth day of December, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to take no action other than to remove Tabled Item No. One from the agenda. Motion Carried.

Tabled Item No. 2. Consider Elkhart Oaks Care Ctr. In Relation to Elkhart Water; Quentin Carman.

On the Fifth day of December, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to have Tabled Item No. Two remain on the Tabled Item List. Motion Carried.

**NEW BUSINESS:**

Agenda Item No. 1. Approve Minutes of November, 14, 2005.

On the Fifth day of December, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to approve and accept the minutes of November 14, 2005 as presented. Motion Carried.

Agenda Item No. 2. Approve City of Elkhart Official Holidays for Fiscal Year of 2005/2006.

On the Fifth day of December, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Bill Cargill to approve the list of presented holidays to be the official holidays for the City of Elkhart calendar year of 2005/2006. Motion Carried.

**Agenda Item No. 3. Consider Membership & Appointment of Representative for City of Elkhart to East Texas Council of Governments.**

On the Fifth day of December, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Bill Cargill to approve and enter into the ARTICLE OF AGREEMENT with East Texas Council of Governments and appoint Councilmember Raymond Dunlap to the ETCOG Board of Directors as the City's representative. Motion Carried.

**Agenda Item No. 4. Approve Procedure to Have Aerated Lagoon Pond In Compliance With the State Permit.**

On the Fifth day of December, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Bill Cargill to Table Agenda Item No. Four. Motion Carried.

**Agenda Item No. 5. Approve Utilizing Money Forth Coming From City Engineer To Purchase Material for Sewer Line on Day Road; Council Member Bill Cargill.**

On the Fifth day of December, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Bill Cargill to proceed with the Day Road Project. Motion Carried.

**Agenda Item No. 6. Consider Animal Control; Raymond Dunlap.**

On the Fifth day of December, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Marion Hortman to obtain an opinion from the Attorney General of the State of Texas on the existing Inter-Local Agreement between the City of Elkhart and the County of Anderson. Motion Carried.

**Agenda Item No. 7. Consider Appointment of Municipal Judge and/or Establish A Date for Workshop; Councilmember Raymond Dunlap.**

On the Fifth day of December, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Garth Moran to set a date of December 19, 2005 for a Municipal Court Workshop. Motion Carried.

**Agenda Item No. 8. Approve Financial Report.**

On the Fifth day of December, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the Financial Report as presented. Motion Carried.

**Agenda Item No. 9. City Secretary Report.**

Agenda Item No. Nine was for discussion only.

**Agenda Item No. 10. Public Works Supervisor Report.**

Agenda Item No. 10 was for discussion only.

**Agenda Item No. 11. Executive Session, Open Meetings Act, Section 551.074, Personnel; Policy and Guidelines.**

Open session closed and the council convened into closed session as of 7:16 P.M.

City of Elkhart Council exited the executive session and convened into open session as of 7:55 p.m.

**Agenda Item No. 12. Open Session, Personnel; Policy and Guidelines.**

On the Fifth day of December, 2005, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap for the council to be provided a Budget Comparison Report each month indicating moneys budgeted, revenues and expenses year-to-date totals and the amount of remaining budget for each fund and account within that particular fund. Motion Carried.

Agenda Item No. 13. Adjourn Meeting.

On the Fifth day of December, 2005, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to adjourn the meeting. Motion Carried.

This City of Elkhart Council Meeting adjourned as of 8:04 P.M.

  
JOE B. BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD City Secretary

THE STATE OF TEXAS

COUNTY OF ANDERSON

CITY OF ELKHART

On the 19<sup>th</sup> day of December, 2005, the City of Elkhart Council convened into a Municipal Court Workshop with the following members present:

Joe B. Burris	*	Mayor
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember
Bill Cargill	*	Councilmember

Mayor Pro-tem Garth Moran was absent from the workshop.

Mayor Burris called the workshop into session as of 5:45 p.m.

Mr. Jim Bob Parker, Fire Chief of the Elkhart Volunteer Fire Department was recognized to speak to the council and there was no action to be taken as Mr. Parker was not on the agenda.

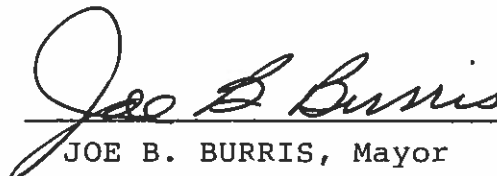
The Municipal Court Workshop progressed with in-depth discussion of procedures and cost of establishing a Municipal Court for the City of Elkhart.

Upon conclusion of discussion about a municipal court system, Mayor Burris stated that this issue would be on the agenda as Item No. Two in the next regular council meeting.


There being no further business to be discussed, the mayor asked for a motion to adjourn.

On this 19<sup>th</sup> day of December, 2005, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Philip O'Neal to adjourn the Municipal Court Workshop. Motion Carried.

Municipal Court Workshop adjourned as of 6:25 p.m.

  
JOE B. BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the Ninth day of January, 2006, the City of Elkhart Council convened into a regular council meeting at 5:35 p.m. with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember
Bill Cargill	*	Councilmember

Mayor Burris called the meeting to order and proceeded by calling upon Mayor Pro-tem Garth Moran to give the invocation. The Pledge of Allegiance was said by all in attendance of meeting.

There were no citizens to be recognized as of this time in the meeting.

A quorum being present the agenda items were addressed as follows:

**OLD BUSINESS:**

Tabled Item No. One – Approve Procedure to Have Aerated Lagoon Pond in Compliance with the State Permit.

On the Ninth day of January, 2006, a motion was made by Councilmember Garth Moran and seconded by Councilmember Philip O'Neal for the Public Works Department to proceed with bringing the lagoon pond into compliance and to remove Tabled Item No. One from the list. Motion Carried.

**NEW BUSINESS:**

Agenda Item No. One – Approve Minutes of December 05 and 19<sup>th</sup>, 2005.

001254



On the Ninth day of January, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the minutes of December 05 and 19, 2005 as presented. Motion Carried.

Agenda Item No. Two – Consider Creating a City of Elkhart Municipal Court.

On the Ninth day of January, 2006, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Bill Cargill to proceed to establish a municipal court. Motion Carried.

On the Ninth day of January, 2006, a motion was made by Councilmember Raymond Dunlap and seconded by Philip O'Neal to approve, pass, and adopt Ordinance No. 232-010906; An ordinance establishing a City of Elkhart Municipal Court for the purpose of enforcing city ordinances and as an instrument for the implementation of penalties for violation of city ordinances. Motion Carried.

Agenda Item No. Three – Consider Establishing "No Parking" by Fire Hydrant  
Located at the West end of Elkhart ISD Fronting on  
East Parker Street.

On the Ninth day of January, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to establish a no parking area on the West end of Elkhart ISD fronting on East Parker Street and the implementation thereof by the approving, passing, and adopting of Ordinance No. 231-010906; An ordinance establishing a no parking area and the posting of a "No Parking" sign on the West end of the Elkhart ISD Fronting East Parker Street by Fire Hydrant and the implementation of penalties for the violation herein stated. Motion Carried.

Agenda Item No. Four – Consider Demolition of City Owned Sub-standard Bldg.  
Located on Watkins Street.

On the Ninth day of January, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal to have the old Justice of Peace Building, city owned, torn down for materials in the building with a surety deposit of \$400.00 refundable within 60 days or upon completion of demolition and clean up of property. Motion Carried.

Agenda Item No. Five – Call for City of Elkhart May 13<sup>th</sup>, 2006 General Election.

On the Ninth day of January, 2006, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to call for the City of Elkhart General Election of May 13<sup>th</sup>, 2006 by the approval, passing, and adoption of Ordinance No. 233-010906; An ordinance calling the City of Elkhart's General Election for the electing of officers to the City of Elkhart Council and calling for "A Street Maintenance Sales Tax". Motion Carried.

Agenda Item No. Six – Approve Financial Report.

On the Ninth day of January, 2006, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman to approve and accept the Financial Report as presented. Motion Carried.

Agenda Item No. Seven – Mayor's Report.

No action required; discussion only.

Agenda Item No. Eight – City Secretary Report.

No action required; discussion only.

Agenda Item No. Nine – Public Works supervisor Report.

No action required; discussion only.

Agenda Item No. Ten – Adjournment.

On the Ninth day of January, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to adjourn the meeting. Motion Carried.

This council meeting of January 09, 2006 adjourned as of 6:35 P.M.

  
JOE B. BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the Sixth day of February, 2006, the City of Elkhart Council convened into a regular session as of 5:30 p.m. with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Bill Cargill	*	Councilmember
Philip O'Neal	*	Councilmember

A quorum being present the meeting proceeded with council member Marion Hortman giving the invocation and then the Pledge of Allegiance was said by all in attendance of the meeting.

Citizens were recognized and citizen Michele Riddle Reed was allowed to address the council regarding a water connection and the repair thereof.

Mayor Burris then addressed the agenda items as follows:

Agenda Item No. 1 – Approve Minutes of January 09, 2006.

On the Sixth day of February, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the minutes of January 09, 2006 as presented. Motion Carried.

Agenda Item No. 2. - Consider Resolution No. 257; Appointment of Election Judges and Early Voting Clerk for City of Elkhart General Election of May 13, 2006.

On the Sixth day of February, 2006, a motion was made by Councilmember Garth Moran and seconded by Councilmember Philip O'Neal to approve, pass, and adopt Resolution No. 257-020606; A RESOLUTION FOR THE APPOINTMENT OF PRESIDING JUDGE, ALTERNATE JUDGE, AND EARLY VOTING CLERK. Motion Carried.

Agenda Item No. 3. – Approve Financial Report.

On the Sixth day of February, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the Financial Report as presented. Motion Carried.

Agenda Item No. 4. – Mayor Report

There was no report given by Mayor Burris.

Agenda Item No. 5. – City Secretary Report.

Report was given by the City Secretary; no action required; discussion only.

Agenda Item No. 6. – Public Works Supervisor Report.

Report was given by Public Works Supervisor, no action required; discussion only.

Agenda Item No. 7. - Adjournment.

On the Sixth day of February, 2006, a motion was made by Councilmember Garth Moran and seconded by Philip O'Neal to adjourn the meeting. Motion Carried.

This City of Elkhart Council meeting of February 06, 2006 adjourned at 6:00 p.m.

  
JOE B. BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the 13<sup>th</sup> day of March, 2006 the City of Elkhart Council convened into a regular session as of 5:30 p.m. with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember
Bill Cargill	*	Councilmember

A quorum being present, the meeting was called to order and Virgil Simpson gave the invocation at the request of Mayor Burris. Invocation having been given the Pledge of Allegiance was said by all in attendance.

Citizens in attendance were recognized by Mayor Burris and Randy McCoy was recognized to speak to the council. There was no action to be taken by council.

As of this time in the meeting agenda items were addressed as follows:

Agenda Item No. One – Approve Minutes of February 06, 2006.

On the 13<sup>th</sup> day of March, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the minutes of February 06, 2006 as presented. Motion Carried.

Agenda Item No. Two – To Be Heard; Complaint Regarding Ditch Located on Hatten Street and Dogs Running at Large.

On the 13<sup>th</sup> day of March, 2006, a motion was made by Councilmember Philip O'Neal and seconded by Councilmember Marion Hortman for the city to send letters to persons who are named to be in violation of unkempt property and give them 30 days to clean up property. Motion Carried.

Agenda Item No. Three – To Be Heard; Presentation on Flo-Trend Dewatering Equipment.

On the 13<sup>th</sup> day of March, 2006, Rick Hicks gave a presentation on Flo-Trend Dewatering equipment. There was no action to be taken as this item was for discussion only.

Agenda Item No. Four – Consider Repair of Front Wall at Fire Station, Fire chief Jim Bob Parker and Public Works Supervisor Virgil Simpson.

On the 13<sup>th</sup> day of March, 2006, a motion was made by Councilmember Philip O'Neal and seconded by Councilmember Raymond Dunlap for Fire Chief Parker to bring back to council the cost of doors to be installed in front of Fire Station Building and the city will call a special meeting to consider repairs to the Fire Station Building. Motion Carried.

**Agenda Item No. Five – To Be Heard and Considered; Randy Bell on Offer of Free Equipment and Service for 800 Systems in Return For Erection of Antenna on City's Day Well Storage Tank.**

On the 13<sup>th</sup> day of March, 2006, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Philip O'Neal to enter into an agreement with Nal-Com for the purpose of allowing Nal-Com to install an antenna on city's Day Well storage tank for the purpose of providing a wire-less internet service to the area in return Nal-Com will provide the City of Elkhart with the 800 Communication System and radios for city trucks; maintenance and service will be provided free of charge to city on radios and base station. Motion Carried.

**Agenda Item No. Six – Consider Re-locating City Owned Portable Building From Watkins Street to City's Wastewater Plant.**

On the 13<sup>th</sup> day of March, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Bill Cargill to move Portable Building from Watkins Street to City's Wastewater Plant for the purpose of providing a home base for Public Works Supervisor and making this location the base of operations for the Public Works Department. The vote is as follows; Garth Moran, Abstained; Bill Cargill, Aye; Marion Hortman, Aye; Philip O'Neal Nay; Raymond Dunlap, Nay. There being a tie vote Mayor Joe Burris cast the deciding vote of Aye. Vote is now 3 to 2 in favor of the Ayes. Motion Carried.

**Agenda Item No. Seven – Consider Purchase of Aerators for Wastewater Plant From City of Crockett.**

On the 13<sup>th</sup> day of March, 2006, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap for the City of Elkhart to purchase and install three aerators from the City of Crockett. Motion Carried.

**Agenda Item No. Eight – Consider Re-paving Ridgedale and Woodcrest Streets.**

On the 13<sup>th</sup> day of March, 2006, a motion was made by Councilmember Garth Moran and seconded by Councilmember Marion Hortman for the City to re-pave Ridgedale and Woodcrest Streets. Motion Carried.

**Agenda Item No. Nine – Consider Establishing a Meeting with East Texas Council of Government's Representative Linda Morton Regarding Proposal for a Self-funded Insurance Program and Medical Insurance.**

On the 13<sup>th</sup> day of March, 2006, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Garth Moran to establish a meeting with ETCOG's representative Linda Morton regarding self-funded and medical insurance. Motion Carried.

**Agenda Item No. Ten – Approve Financial Report.**

On the 13<sup>th</sup> day of March, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the Financial Report as presented. Motion Carried.

**Agenda Item No. 11 – Mayor's Report. No report.**

**Agenda Item No. 12 – City Secretary Report**

City Secretary report having been given there was no action to be taken; discussion only.

**Agenda Item No. 13 – Public Works Supervisor Report.**

Public Works Supervisor report having been given there was no action to be taken; discussion only.

Agenda Item No. 14 – Adjournment.

On the 13<sup>th</sup> day of March, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to adjourn the meeting. Motion Carried.

This regular council meeting of March 13<sup>th</sup>, 2006 adjourned as of 7:44 p.m.

  
\_\_\_\_\_  
JOE B. BURRIS, MAYOR

ATTEST:

  
\_\_\_\_\_  
Margie Crawford, City Secretary

THE STATE OF TEXAS \*

001261

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the 20<sup>th</sup> day of March, 2006, the City of Elkhart Council convened into a Special Called Meeting with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember
Bill Cargill	*	Councilmember
Raymond Dunlap	*	Councilmember

Mayor Burris called the meeting to order at 5:28 p.m. and recognized a citizen in attendance of the meeting.

A quorum being present the agenda item was addressed as follows:

Agenda Item No. One – Consider Purchase and Installation of Doors and Repair Of Wall at Building Housing Fire Department.

On the 20<sup>th</sup> day of March, 2006, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to approve and accept the bid from Billy Shipp of Overhead Doors to provide two new doors and take down and re-hang two existing doors for a cost of \$2,500; to approve and accept the bid from Rodney Richbourg to furnish material and labor for rebuilding wall with four framed openings, Red Iron, Insulation and White R Panels with Red Trim for a cost of \$4,282; sum total approved is \$6,782. Fire Department is to proceed with the project. Motion Carried.

Agenda Item No. Two – Adjournment.

On the 20<sup>th</sup> day of March, 2006, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Garth Moran to adjourn the special called meeting. Motion Carried.

This Special Called Meeting of March 20, 2006 adjourned as of 5:45 P.M.

  
JOE B. BURRIS, MAYOR

ATTEST:

  
MARGIE CRAWFORD, CITY SECRETARY



THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On April 03, 2006, the City of Elkhart Council convened into a regular session as of 5:30 p.m. with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Bill Cargill	*	Councilmember
Marion Hortman	*	Councilmember
Philip O'Neal	*	Councilmember

A quorum being present Mayor Burris called the meeting to order and following was the invocation given by Mayor Pro-tem Garth Moran. The Pledge of Allegiance was said by all in attendance of the meeting.

There being no citizens to be recognized the meeting proceeded by addressing the agenda items as follows:

Agenda Item No. One – Approve Minutes of March 13<sup>th</sup> and 20<sup>th</sup>, 2006.

On April 03, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal to approve and accept the minutes of March 13<sup>th</sup> and 20<sup>th</sup>, 2006 as presented. Motion Carried.

Agenda Item No. Two – Presentation on City of Elkhart Annual Audit Report, Marlin Smith of Smith, Lambright & Associates, C.P.A.'s.

On April 03, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to approve and accept the City of Elkhart Annual Financial Report for year ended September 30, 2005. Motion Carried.

Agenda Item No. Three – Consider Engineer Work Order for Wastewater Permit Renewal Application.

On April 03, 2006, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to enter into a work order for professional services authorizing the engineering firm of Wisenbaker, Fix & Associates to proceed with project of Wastewater Treatment Plant Permit Renewal. Motion Carried.

Agenda Item No. Four – Consider Appointment of a Municipal Judge for City of Elkhart Municipal Court.

Mayor Burris asked for nominations from the council for persons to be considered for appointment of municipal judge.

Councilmember Bill Cargill nominated Jim Dismuke and Councilmember Raymond Dunlap nominated Sue Harris.

Mayor Burris asked for a motion to cease nominations.

001262

On April 03, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Philip O'Neal to cease nominations for municipal judge. Motion Carried.

A vote is asked for by the mayor on each nominee being considered for municipal judge and the vote is as follows:

Nominee Jim Dismuke:

Councilmember Bill Cargill, Aye; Councilmember Garth Moran, Aye; Councilmember Philip O'Neal, Aye; Councilmember Raymond Dunlap, Nay; Councilmember Marion Hortman, Aye. 4-1; Ayes having the majority vote.

Nominee Sue Harris:

Councilmember Bill Cargill, Nay; Councilmember Garth Moran, Nay; Councilmember Philip O'Neal, Nay; Councilmember Raymond Dunlap, Aye; Councilmember Marion Hortman, Nay. 4-1; Nays having the majority vote.

On April 03, 2006, a motion was made by Councilmember Garth Moran and seconded by Councilmember Philip O'Neal to approve, pass, and adopt Ordinance No. 234-040306; AN ORDINANCE FOR THE APPOINTMENT OF A CITY OF ELKHART MUNICIPAL JUDGE TO SERVE IN THE CITY OF ELKHART MUNICIPAL COURT ESTABLISHED JANUARY 09, 2006 BY ORDINANCE NO. 232-010906; By council vote and this ordinance Jim Dismuke is appointed Municipal Judge for the City of Elkhart Municipal Court. Motion Carried.

Agenda Item No. Five – Consider Disposing of the Old Court House Building.

On April 03, 2006, a motion was made by Councilmember Philip O'Neal and seconded by Councilmember Marion Hortman to enter into a written agreement with Willie O'Bannon to do the demolition on the old court house for a fee of TWO HUNDRED DOLLARS (\$200) with a 60 day limit to complete the demolition of building. Motion Carried.

Agenda Item No. Six – To Be Heard; Report by Councilmember Raymond Dunlap on East Texas Council of Governments Meeting.

Councilmember Raymond Dunlap and representative for the City of Elkhart to the ETCOG Board gave a report on the annual Board of Directors meeting he attended recently. There was no action required as this item was discussion only.

Agenda Item No. Seven – Approve Financial Report.

On April 03, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Raymond Dunlap to approve and accept the Financial Report as presented. Motion Carried.

Agenda Item No. Eight – Mayor's Report.

Mayor Burris gave a report referencing the annual audit report and he called for a special financial meeting two weeks from this meeting of April 03, 2006. A status report was given on the Day Road project. No action required as this item was discussion only.

Agenda Item No. Nine – City Secretary Report.

There was no action taken as this item was for discussion only.

Agenda Item No. Ten – Public Works Supervisor Report.

There was no action taken as this item was for discussion only.

Agenda Item No. 11 – Adjournment.

On April 03, 2006, a motion was made by Councilmember Philip O'Neal and seconded by Councilmember Raymond Dunlap to adjourn the meeting. Motion Carried.

This meeting of April 03, 2006 adjourned as of 6:54 p.m.

  
\_\_\_\_\_  
Joe B. Burris, Mayor

ATTEST:

  
\_\_\_\_\_  
Margie Crawford, City Secretary

THE STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the 17<sup>th</sup> day of April, 2006, the City of Elkhart Council convened into a Special Called Meeting with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Bill Cargill	*	Councilmember
Philip O'Neal	*	Councilmember

Mayor Burris called the meeting to order at 5:30 p.m. and a quorum being present proceeded by having the invocation given by Councilmember Marion Hortman. The Pledge of Allegiance was said by all in attendance.

City of Elkhart Municipal Judge Appointee Jim Dismuke and wife Joyce were in attendance of meeting.

There being no citizens to be heard as of this time, the meeting proceeded by the agenda items being addressed as follows:

**Agenda Item No. One – Administering Statement of Appointed Officer (Municipal Judge) and the Oath of Office.**

On the 17<sup>th</sup> day of April, 2006, the Statement of Appointed Officer and Oath of Office were administered to Jim Dismuke, appointee to Judgeship for City of Elkhart's Municipal Court, by City Secretary Margie Crawford. No action was required by city council.

**Agenda Item No. Two – Review of Financial Data.**

On the 17<sup>th</sup> day of April, 2006, a review of presented financial data was completed and no action was taken by city council.

**Agenda Item No. Three – Mayor's Report.**

No report was given and no action was required by city council.

**Agenda Item No. Four – City Secretary Report.**

No report was given and no action was required by city council.

**Agenda Item No. Five – Public Works Supervisor Report.**

No report was given and no action was required by city council.

**Agenda Item No. Six – Adjournment.**

On the 17<sup>th</sup> day of April, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Garth Moran to adjourn the Special Called Meeting. Motion Carried.

This Special Called Meeting of April 17, 2006 adjourned as of 7:00 p.m.

  
\_\_\_\_\_  
Joe B. Burris, Mayor

ATTEST:

  
\_\_\_\_\_  
Margie Crawford, City Secretary

004266

STATE OF TEXAS \*

COUNTY OF ANDERSON \*

CITY OF ELKHART \*

On the First day of May, 2006, the City of Elkhart Council convened into a regular session as of 5:30 p.m. with the following members present:

Joe Burris	*	Mayor
Garth Moran	*	Mayor Pro-tem
Margie Crawford	*	City Secretary
Raymond Dunlap	*	Councilmember
Marion Hortman	*	Councilmember
Bill Cargill	*	Councilmember

Councilmember Philip O'Neal was absent from meeting.

Mayor Burris called the meeting to order and a quorum being present the meeting proceeded with the invocation being given by Mayor Pro-tem Garth Moran. The Pledge of Allegiance was said by all in attendance of the meeting and following was the recognition of citizens. There being no citizens to be heard the agenda items were addressed by council.

Agenda Item No. One – Approve Minutes of April 3<sup>rd</sup> and April 17<sup>th</sup>, 2006.

On the First day of May, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Bill Cargill to approve minutes of April 3 and April 17, 2006 as presented. Motion Carried.

Agenda Item No. Two – Consider Request to Designate the Log Cabin Bldg. as a Red Cross Shelter in the Event of a Disaster; Randy McCoy.

On the First day of May, 2006, a motion was made by Councilmember Raymond Dunlap and seconded by Councilmember Marion Hortman to establish the Log Cabin Bldg. as a Red Cross Shelter in the event of a disaster or hazardous mitigation. Motion Carried.

Agenda Item No. Three – Consider Repair of Drainage Ditch Located US Hwy 287 S and Gammage Street; Virgil Simpson.

On the First day of May, 2006, a motion was made by Councilmember Garth Moran and seconded by Councilmember Raymond Dunlap to table Item No. Three. Motion Carried.

Agenda Item No. Four – Approve Financial Report.

On the First day of May, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Raymond Dunlap to approve the Financial Report as presented. Motion Carried.

Agenda Item No. Five – Mayor's Report.

Mayor's Report was given and no action was required; discussion only.

Agenda Item No. Six – City Secretary Report.

City Secretary Report was given and no action was required; discussion only.

Agenda Item No. Seven – Public Works Supervisor Report.

Public Works Supervisor Report was given and no action was required; discussion only.

Agenda Item No. Eight – Adjournment.

On the First day of May, 2006, a motion was made by Councilmember Marion Hortman and seconded by Councilmember Raymond Dunlap to adjourn the meeting. Motion Carried.

This City of Elkhart Council Meeting of May 01, 2006 adjourned as of 6:43 p.m.

  
JOE B. BURRIS, Mayor

ATTEST:

  
MARGIE CRAWFORD, City Secretary