

**THE STATE OF TEXAS
COUNTY OF TRINITY
CITY OF TRINITY**

The Regular Meeting of the City Council of the City of Trinity was held on April 9, 2009 at 7:00 p.m. in the City Hall in Trinity, Texas. The following Council members were present:

Mayor: Lyle Stubbs

Mayor Pro-Tem: Wayne Huffman

Councilman: Neal Smith, Clegg DeWalt

City Manager: Phil Patchett

1. **Call meeting to order.** -- Mayor Lyle Stubbs called the meeting to order at 7:05 p.m. and verified that a Quorum was present for the meeting.
2. **Approval of minutes for Regular Meeting March 12, 2009.** Mayor Pro-Tem Wayne Huffman made the motion to approve. Councilman Clegg DeWalt 2nd. the motion. All remaining members voted yea. Motion was carried.
3. **Approve bills for payment.** – Mayor Pro-Tem Wayne Huffman made the motion to approve bills for payment. Councilman Clegg DeWalt 2nd. the motion. Councilman Neal Smith had a question concerning 1st item on weekly bills. City Manager Phil Patchett stated that the item had been taken out of the weekly payables. This is money that has never been used. This check was voided. Councilman Clegg DeWalt inquired about (page 12) weekly bills. This is in reference to the tractor that was purchased from Herbert Perkins. Councilman Clegg DeWalt also stated that it was very admirable for the City to donate to Friends of Avalon. All remaining council voted yea. None opposed. Motion was carried.
4. **City Manager's Report** -- Our total funds as of April 9, 2009 is \$400,614.35. Our checking account balance is \$319,662.92. Accounts payable are \$91,043.32. Account receivables are \$97,949.14. The Municipal Court collected \$15,517.00 for the month of March 2009 with the OMNI Program collecting \$9,142.00 of that total. The sales tax collected for April 2009 is \$48,142.39. The Fire Department donations for the month of March 2009 were \$200.00. The water collections for the month of March 2009 were \$86,121.95. Total Deposits for the month of March 2009 were \$173,047.35.

City Manager Phil Patchett stated that there will be a monthly water status report and that the report is still being tweaked. This report will be more in depth in the future.

City Manager Phil Patchett also wanted to introduce new police unit 310 but was unavailable. The new Drug dog.

City Manager Phil Patchett also informed City Council that he had received a phone call from the Fireworks people that we have been using for many years. He suggested that the City Council should think about the 4th. of July being on a Saturday and the Fireworks people do not normally go anywhere with less than a \$15,000.00 budget. In the past only \$7,000.00 was budgeted. This is a subject that can be discussed but not voted on due to

not being on the agenda. The Fireworks Co. has so many requests that they could not accommodate any one on less than a \$15,000.00 budget. Money is available in the Hotel/Motel account. This would be a more extravagant show.

5. Old Business

Discussion and action on any grant related business. – City Manager Phil Patchett reported that basically sidewalk project is completed with the exception of the handrail.

The Home Grant – Otis Barnes has been approved and will go to closing on Monday. The other 3 houses have all been demolished and hauled off with the exception of one house where the concrete was about 2 feet thick. Mike Johnson was called in to demolish the concrete foundation. City Manager informed City Council that the contractors are on a strict time line. These houses are to be completed by the end of June. Contractor for houses is out of Center.

6. New Business

A. Discussion and action with representative of Faust Distributing Co. concerning alley behind their business. There was no representative from Faust Distributing Co. present. City Manager Phil Patchett stated that he talked to Bobby with Faust and basically told him what could happen and Bobby talked to his General Manager. Mr. Patchett stated he called Bobby back today. Faust owns the business but Kelly still owns the buildings. Mr. Patchett also stated the Kelly has all the information and still has yet to contact him. Councilman Neal Smith wanted to discuss further. There is an alleyway there and they want to buy the alley. The alley is 16' to 20' wide and 100' long. Mayor Lyle Stubbs stated there are two of them. One runs North and South and one runs East and West. City Manager stated that Faust and Kelly would have to notify all other property owners and to provide all surveys and that the City would not be out a penny if City Council decides to approve. City Manager Phil Patchett stated that George Gallagher is the only other property owner. Mayor Pro-Tem Wayne Huffman stated that the City Manager should inform Mr. George Gallagher. City Manager Phil Patchett stated that he would inform Mr. Gallagher. Councilman Neal Smith asked if the City sells the property to them, Entergy has a easement to put the lights there, the City is not going to be responsible for re-routing any lines? City Manager has not spoken to Entergy to date. Mr. Patchett stated he is still trying to get in touch with distributor. Councilman Neal Smith made the motion to table the discussion until all facts can be gathered. Mayor Pro-Tem Wayne Huffman 2nd. the motion. No other discussion. None opposed. Motion carried.

B. Discussion and action concerning renewal of agreement with Trinity County for lease of Auto Mark voting machine. City Manager Phil Patchett stated that according to the HAVA Act “Help American Voters Act” the City is

required to use the Auto Mark voting machine in the election which includes early voting. The cost to lease from county is \$300.00. Councilman Neal Smith made the motion to lease the Auto Mark voting machine. Mayor Pro-Tem Wayne Huffman 2nd. the motion. All in favor. None opposed. Motion carried.

C. Discussion and action concerning fiscal year 2007 – 2008 audit with representative from Ken Davis’ office. City Manager Phil Patchett introduced Dianne Sollock with Ken Davis’ office. Ms. Sollock spoke in reference to the balance sheet for the governmental funds which is the general fund, hotel/motel fund and the debt service funds. At the end of the fiscal year, total assets for the general fund were a little over \$460,000.00 of that \$180,000.00 in cash. Total liabilities at the end of the fiscal year are over \$330,000.00 and majority of that was the deferred revenue that is recorded which is to off set the taxes receivable. A total fund balance at the end of the fiscal year of almost \$129,000.00. The statement of revenues: Total revenues for the fiscal year of a little over 1.5 million. Total expenditures for the fiscal year a little over 1.6 million. The largest expenditures being the general government and law enforcement. City is showing more expenditure over revenues of almost \$87,000.00. There is a net decrease in the fund balance for the fiscal year of almost \$35,000.00. Statement of Net Assets: The Enterprise Fund which includes water and sewer fund and Solid Waste fund. This fund shows total assets of the water and sewer fund at the end of the fiscal year at a little over 1.8 million and also includes all the capital assets with depreciation. Current liabilities are almost \$88,000.00. Time Warrants: \$60,000.00 at end of fiscal year. Total net assets for fiscal year 2007-2008 almost 1.7 million in water and sewer. A solid Waste net asset for the fiscal year 2007-2008 is almost \$120,000.00. The Enterprise Fund is doing a little better than the General Fund for the fiscal year. The Water and Sewer fund almost broke even. This fund had almost \$8,000.00 more in expenditures than revenues. The Solid Waste Fund increased net assets for fiscal year 2007-2008. Cash flow statements: There is only a cash increase in the Solid Waste Fund of \$142,000.00. Councilman Clegg DeWalt asked Ms. Sollock the question: Does the \$142,000.00 debit end of year cash include the \$86,000.00 profit? Ms. Sollock replied that yes it does. Councilman Clegg DeWalt also wanted to know what makes up the remainder. Ms. Sollock stated the City had an increase in the accounts receivable and you have to add the depreciation. Total expenditures: over budget by \$168,000.00. Total expenditures for the City exceeded budget. Budget to actual. The Police Chiefs’ vehicle was bought in September 2007 and paid for after October 1. The budget must be amended when there are unexpected expenses. Mayor Pro-Tem Wayne Huffman asked City Manager Phil Patchett when the service truck was paid for. City Manager Phil Patchett stated that particular truck was paid for before September 30th. Internal control and compliance: this is a required report. There were 3 findings: Finding 2008-1 Expenditures exceed appropriations in the General Fund. Finding 2008-2 The City’s deposits were not fully collateralized during fiscal year. Finding 2008-3 Interfund transactions do not reconcile at any time

during the year. City Manager Phil Patchett stated that there is to be a meeting with Dianne, Jennifer and the software company to solve accounting software issues. Councilman Clegg DeWalt stated that he would like to see the report provided by funds that show the increases and decreases that occurred in the past year. The net is \$142,000.00 increase but would like to see what made up the figure. Councilman Neal Smith would like to see a departmental detail. Mayor Lyle Stubbs asked that she and City Manager Phil Patchett have a good understanding on what he needs to do. Ms. Sollock replied yes. Mayor Pro-Tem Wayne Huffman made the motion to except the budget. Councilman Clegg DeWalt 2nd. the motion. All in favor. None opposed. Motion carried.

D. Discussion and action concerning clean-up with Kenneth Newton.

Councilman Neal Smith stated that the owner Ms.Masterson has really changed the looks of the front. It has been an eye sore for a long time. Ordinance Officer Ken Newton stated that there were citizens in the audience that would like to speak in reference to Mr. Stratton's property. There is activity taken place on Mr. Stratton's property and as of last weekend, it is getting done but is a long time coming. Loads were hauled out today and followed out to the county line to ensure it wasn't dumped illegally. City Manager Phil Patchett asked Ordinance Officer Ken Newton to share some good news about Elm St. Ordinance Officer Ken Newton stated in reference to 409 Elm. this belongs to Cheri Goates, her significant other Mr. Martinez came in this morning and committed to tearing the place down. Councilman Neal Smith asked Ordinance Officer Ken Newton if he is sending letters of introduction. Ordinance Officer Ken Newton stated that is the only way he contacts anyone now. Councilman Neal Smith asked Ordinance Officer Ken Newton how that is working compared to the certified letters. Ordinance Officer Ken Newton stated the letter of introduction got results and then he sent a thank you letter. A couple of people have responded and said that they would like the city to do more. Councilman Clegg DeWalt asked more of what? Ordinance Officer Ken Newton stated that the citizens would like the City to do more in the effort to clean the City up. Ordinance Officer Ken Newton stated that most citizens are not taking advantage of the first Friday of the month, heavy trash pick-up day and that he is handing out a little notice to those that he can see could use the service. Councilman Clegg DeWalt asked the Ordinance Officer Ken Newton what was picked up on the first Friday. Ordinance Officer Ken Newton stated any old appliances, 10 bags of trash or leafs etc...City Manager Phil Patchett stated that the City keeps a 30 yard dumpster at the yard for this purpose. Councilman Neal Smith stated that everything seems to be working pretty good. Ordinance Officer Ken Newton said it has slowed him down.

E. Citizens Forum. Mr. Sadler who resides at 402 West Madison passed around picture of what the property looks like next to him. Mr. Sadler stated it looks like the city dump. Mr. Sadler stated that Mr. Stratton has received numerous letters from the city and it has been 8 months and nothing has been done. Mr. Sadler stated he had taken Mike Knight to small claims court and won a judgment for \$2,000.00. The owner of the trailer is Helen Page and is located

on Daniel Stratton's property. Mr. Stratton contracted Mike Knight to demolish 2 buildings. Mr. Knight sold all the lumber in the buildings to another contractor and left the mess. Mr. Knight was to clean up what was left. Councilman Neal Smith asked Mr. Sadler if the stuff was in his yard and he stepped on the nail. Mr. Sadler stated that some of the stuff is in his yard and some is in his back yard. Mayor Lyle Stubbs asked if Helen Page rented the space from Mr. Stratton. Mayor Lyle Stubbs stated that Helen Page should be the one to take care of the space. Mr. Sadler stated that Ms. Page did not want to get involved because she didn't want Mr. Stratton to tell her to move her mobile home off the property. Councilman Neal Smith stated when the City started the clean-up the City has gone after the property owner. It didn't matter if the property was being rented, or who's living on the property. As far as the City's concerned, it is the property owner's responsibility. Councilman Neal Smith asked Ordinance Officer Ken Newton what he would suggest in reference to Mr. Sadlers' issue. Ordinance Officer Ken Newton suggested reinstating fines. Councilman Clegg DeWalt asked why the City couldn't go in and do the clean-up and if the material was hazardous. City Manager Phil Patchett stated that TCEQ tested for asbestos and was to contact him if there was any hazardous material at the location. Councilman Neal Smith stated that it is his opinion that the Judge set up a hearing with Ordinance Officer Ken Newton, Daniel Stratton and get it settled once and for all. If you have to put the fine on them, it has to be done. Mayor Lyle Stubbs asked Ordinance Officer Ken Newton to get with Judge Kinsel and come up with something and to do it quickly. Mayor Lyle Stubbs also stated to reinstate fine if nothing is done in a reasonable time. Business owner A.J. Brown addressed the Council. Mr. Brown stated the City tore up his driveway at the corner of Dillard and South Robb. City Manager Phil Patchett stated the City fixed a water leak at that location. City Manager Phil Patchett asked Mr. Brown if there was another leak at that location and Mr. Brown stated that there is another leak. Mayor Lyle Stubbs asked Delma Ellis if there was another leak there. Mr. Ellis stated that the issue was discussed the other day and that there is another leak there.

Resident Lois Saldana addressed the City Council. Ms. Saldana wanted to express her appreciation to City Council and to the Police Department for services provided for her friend Rosie Franklin's funeral.

Police Chief Steven Jones addressed City Council. Chief Jones stated that with the City Councils permission the Police Department was able to obtain a long haired German Shepard. It's a true dog with training. The dog was flown over from Germany. The dog has been raised with training. It's a year and 8 months old. Travis Bryan has been state certified. Chief Jones stated that the dog is not an attack dog. The dog is trained to protect Officer Bryan. The guys that did the dog training fixed up the car to accommodate the dog at no charge. Chief Jones stated that the whole project is from donated money from business owners and individuals. Chief Jones stated that the Police Department will be submitting a thank you to all that donated in the Newspaper. Chief Jones also stated that at the next City Council Meeting, he will have a demonstration. Councilman Neal Smith asked if the car that was modified, is the only car that the dog will be hauled in. Chief Jones stated that was the only car he would be in. The seat in back of the car

had to be taken out and a flat surface had to be put in due to possible injury to the animals' hips.

7. Executive Session:

A. Discussion concerning personnel under Gov.Code 551.074.

8. Reconvene in open session:

A. Action necessary as a result of Executive Session regarding personnel under Gov.Code 551.074.

9. Adjourn. –Mayor Lyle Stubbs adjourned the meeting at 9:55 p.m. There was no other discussion.

**Wayne Huffman
Mayor Pro-Tem**

**Phil Patchett
City Manager**