

**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 July 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, Billy Joe Slaughter and Chris Dennis

City Manager: Phil Patchett

1. **Call meeting to order.** -- Mayor Lyle Stubbs called the meeting to order at 7:04 p.m. and verified that a Quorum was present for the meeting.
2. **Approval of minutes for Regular Meeting June 11, 2009.** Councilman Neal Smith made the motion to approve. Councilman Clegg DeWalt 2nd. the motion. All remaining members voted yea. Motion was carried.
3. **Approve bills for payment.** – Councilman Neal Smith asked question concerning item #14 on weekly bills about AFLAC Insurance. Councilman Neal Smith was concerned where the money was coming from to pay the insurance. City Manager Phil Patchett stated the money comes out of the employees pay check. Councilman Neal Smith voiced concern about ETMC bill in reference to drug test for new employees on page 10 of the monthly bills. City Manager Phil Patchett stated it was a surprise to him also. When the clinic was located on Main St., the City was charged only \$60.00 for each drug test. Now that the clinic has moved to the new location, the test has gone up to \$324.00 per test. Councilman Neal Smith made the motion to pay the bills with the exception of the ETMC drug testing bill until City Manager Phil Patchett can speak with Mr. Robicheaux or someone at ETMC headquarters and see if something can be worked out. Councilman Neal Smith also stated he would also like to defer payment on a bill charged to the City by ETMC for a prisoner taken to the emergency room from the City Jail facility for \$462.00. Councilman Neal Smith stated he would like these items brought back before the council at next meeting. Mayor Pro-Tem Wayne Huffman second the motion. Councilman Clegg DeWalt brought to council attention that our weekly bills for June 2009 are down to \$93,959.00 and within the last 6 months is the lowest and down from last months high of \$171,000.00. Councilman Clegg DeWalt also stated the monthly are only up \$2,000.00 from the highest month which indicates the City is trying to reduce the weekly and monthly bills. Councilman Clegg DeWalt stated it was a job well done and the City needs to continue to practice good fiscal responsibility. All remaining council voted yea. None opposed. Motion was carried.
4. **City Manager's Report** -- Total funds as of July 9, 2009 is \$375,916.74. Our checking account balance is \$329,745.86. Accounts payable are \$98,453.41. Account receivables are \$113,998.89. The Municipal Court collected \$14,214.50 for the month of June 2009 with the OMNI Program collecting \$6,481.00 of that total. The sales tax collected for July 2009 is \$70,148.71. The Fire Department donations for the month of June 2009 were \$215.00. The water collections for the month of June 2009 were \$95,699.59. Total

Deposits for the month of June 2009 were \$239,639.22.

City Manager Phil Patchett stated water usage has gone down a little. For the month of June the City has averaged 787,000 gallons a day and peaked at 830,000 gallons. City Manager Phil Patchett stated the customers are really helping out. City Manager Phil Patchett stated the City is holding its own right now. City Manager Phil Patchett stated the City is using an average of about 319,000 gallons a day from TRA where the City is producing 468,000 gallons a day. Mayor Lyle Stubbs inquired about how much water the City is averaging in the tower. City Manager Phil Patchett stated we have been getting an average of 108 – 110 feet during the day and drops down to a low of 105 – 106 feet. The City is about 10 feet better than it was about 2 weeks ago.

City Manager Phil Patchett stated that the 4th of July went well. City Manager Phil Patchett also stated that Police Chief Steve Jones didn't have a lot of problems at the street dance. And that the fireworks were a nice display this year and that the grand finale was awesome.

5. Old Business

Discussion and action on any grant related business. – City Manager Phil Patchett reported that the home grant is about to be finalized. All that lacks is to get permanent power hooked up and the HVAC people come in and test everything and clean-up. City Manager Phil Patchett stated hopefully next week the keys will be able to be turned over to the homeowners. City Manager Phil Patchett stated the project is only 2 weeks behind schedule which isn't bad considering the project wasn't started until a couple of months ago. City Manager Phil Patchett stated he is going to ask for permission from City Council to consider reapplying for another housing grant at next months meeting.

6. New Business

A. Discussion and action concerning proposal by Klotz Associates Inc. for the development of a water model for the City of Trinity. City Manager Phil Patchett stated that his discussion with TCEQ is to get a variance or an exception from the point 6 rule in which TCEQ is trying to enforce. City Manager Phil Patchett stated that the water model will be a big help for the City in achieving this goal. City Manager Phil Patchett informed City Council that TCEQ call the City Engineer James Flournoy of Klotz Associates and this is when Mr. Flournoy came up with the proposal. City Manager Phil Patchett stated it would be a wise decision for the City to pursue the proposal which would take from 6 to 8 weeks. City Manager Phil Patchett stated that the cost for the water model would be topped out at \$10,000.00 and could be dropped down to \$8,000.00 but you would only get \$8,000.00 worth of work done. Mayor Lyle Stubbs brought to the City Councils attention that Martha Drake with Grant Works was going to try to get the City an emergency grant to drill a new well because of the situation. City Manager Phil Patchett stated that so far ORCA has refused us and the request from the Texas Water Development board was an automatic refusal, then you go back to ORCA again. City

Manager Phil Patchett stated he is still working on it. Mayor Pro-Tem Wayne Huffman wanted to know why City Manager Phil Patchett hadn't explored putting the water tank that holds 65,000 gallons back in service on the North side of town which would add more pressure. City Manager Phil Patchett stated that another thing that would put the pressure back on the North side is when Trinity Rural gets off our system the City will not be filling up their tank anymore which brings up the water pressure. Councilman Neal Smith stated he didn't understand one thing about the Water Model, stating that all the data will be coming from City Manager and employees as to where everything is. City Manager Phil Patchett stated that the City would get all the data and the engineers will do all the calculations and put the engineers stamp on it and that is what TCEQ is looking for. Mayor Pro-Tem Wayne Huffman stated he had a problem with the \$10,000.00 fee for the engineers and he would go with the \$8,000.00 price. Councilman Neal Smith asked if the model would tell us how much cast iron line, what size it is and other types of lines there are all over town. City Manager Phil Patchett stated yes and correct pressure readings also. Councilman Neal Smith made the motion to approve at the \$8,000.00 price. Councilman Clegg DeWalt 2nd. the motion. Councilman Clegg DeWalt asked City Manager Phil Patchett if this was a comprehensive water model which the City does not have at this time. City Manager Phil Patchett stated that this was correct and also stated that we are bringing in the S.C.A.D.A. system in which is nothing the City has seen before and would be a fantastic improvement for the City. Councilman Neal Smith asked how long it would take to get the map made. City Manager Phil Patchett stated that the engineers' proposal shows 8 to 12 weeks for completion of the entire project. Councilman Neal Smith also asked what percentage of the City's lines is cast iron vs. PVC. City Manager Phil Patchett stated much of everything in the main part of town is cast iron and everything in Mill Town is AC and needs to be removed eventually due to asbestos. City Manager Phil Patchett also stated that we are not required to replace but do have to report how much AC pipe we have and there has been very little problems with the AC pipe lines. No other discussion. None opposed. Motion carried.

- B. Discussion and action regarding water line relocations.** City Manager Phil Patchett reported that Councilman Neal Smith requested to put together some numbers on what it would cost to pave some of the roads that have currently cast iron lines under them. City Manager Phil Patchett stated what Council had in front of them now is for Church St. and the material alone will be \$16,155.08 and would be his recommendation if Council approves this to rent a back hoe for 2 weeks with a 3 man crew and that if we put our back hoe on the job as soon as we get a call the one back hoe the City has will have to go to another location it could take a long time to lay one line just like what happened on Railroad St. City Manager Phil Patchett made the recommendation to the Council to rent a back hoe or contractor. Mayor Pro-Tem Wayne Huffman stated that at this time Council has not decided on what streets to repair when the deal goes through. Mayor Pro-Tem Wayne Huffman suggested tabling the discussion until Council makes the final decision on what streets are to be re-done. Councilman Neal Smith stated that any road that has cast iron lines under

it need to be replaced. Councilman Chris Dennis asked how the grant was looking for Isrel Otis St. City Manager Phil Patchett stated he has no more news. City Manager Phil Patchett also stated normally these things would have already been scored and the information already sent to us and thinks that ORCA is so tied up in the Hurricane Ike recovery money right now and putting some of the other programs on the back burner. Councilman Billy Joe Slaughter asked City Manager Phil Patchett what kind of lines is under Isrel Otis. City Manager Phil Patchett stated that Isrel Otis has plastic water lines and is in the road. Councilman Clegg DeWalt 2nd. the motion. Mayor Lyle Stubbs suggests waiting a couple of weeks and letting City Manager Phil Patchett get some figures together and call a special meeting. Councilman Neal Smith asks Council if they all agree in getting rid of all the cast iron water lines. Councilman Clegg DeWalt agreed. Mayor Lyle Stubbs suggests replacing water lines one road at a time and then repaving the street. Mayor Pro-Tem Wayne Huffman suggests putting the money in the budget to relocate water lines because we are not going to be able to pave every road that is on the list. Councilman Neal Smith believes water lines should be relocated before any roads are repaved. All in favor. None opposed. Motion carried.

C. Discussion and action concerning street repair project. City Manager Phil Patchett stated that all he has basically the widths of some of the streets and at the special meeting he will have all the numbers put together for Council. Councilman Neal Smith asked why on Rankin St. we are going 14ft. City Manager Phil Patchett stated that is what is there now. All he was doing is measuring what exist now. Councilman Neal Smith stated that all the streets should be 16ft. across. Mayor Lyle Stubbs stated that he and Councilman Wayne Huffman had looked at San Jacinto from Hwy. 19 to the 4 way stop by the school by Betty Tidwell is horrible and a lot of traffic on that street. Mayor Lyle Stubbs wished the Council would consider repaving San Jacinto from Hwy. 19 down to maple due to traffic. City Manager Phil Patchett suggests doing Jefferson, that same block. Mayor Lyle Stubbs stated we couldn't do anything about this tonight but when City Manager Phil Patchett gets some figures together we will call a special meeting and then Council can pick the streets when we know how much it is going to cost for each one. Councilman Neal Smith brought up discussion in reference to Cemetery Street. Councilman Neal Smith would like to barricade this street off at the end of Cemetery and barricade it off at Church St. This street serves no purpose to anyone. This street is lower than the land on both sides. Councilman Chris Dennis asks if the City can legally barricade this street off. Councilman Neal Smith replied yes. Councilman Neal Smith stated that we need to take the money that was to be spent on Cemetery Street and fix Smith Street. Councilman Neal Smith suggests adding Cemetery Street issue on next agenda.

D. Discussion and action regarding setting budget workshop for 2009 – 2010 Budget. Mayor Lyle Stubbs suggests the first budget meeting be held on Monday, August 10th at 6:00 p.m. Councilman Chris Dennis stated he would

have to check his schedule. Councilman Neal Smith made the motion to hold first budget meeting on August 10th. Councilman Clegg DeWalt 2nd the motion. All in favor none opposed. Motion carried.

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

Councilman Neal Smith asked about tires being moved to Mill Town. Ordinance Officer Ken Newton stated that someone is moving tires around. Mayor Lyle Stubbs stated that it has been reported that tires were moved to Pine Valley and then the tires were moved to Third Street. City Manager Phil Patchett stated that the Police Chief is working the case right now. Councilman Neal Smith asked if Council took a vote to do something about the trailer at a past Council Meeting. Councilman Clegg DeWalt responded "of course we did". Mayor Lyle Stubbs requested that Chief Jones tell about the tires. Police Chief Jones stated that it's in the county, but there was a guy that came in and let Chief Jones know that the guy was illegally dumping and that the guy that reported the illegal dumping has been involved in drugs, theft and everything else. Chief Jones stated he went and ran him down and said that he had a load of tires in back of his truck and video taped all that. Chief Jones stated he questioned him and he denied it. Chief Jones was told where he had got the tires from. The guy told where he got them from, who, why and what and said he took them out to West Pine Valley. Chief Jones stated he went to the place where he got them from and asked them about it and was given the deer in the headlight look. Chief Jones stated that today he was able to go out and find all the tires. Chief Jones stated if you go down West Pine Valley, go all the way down past Clemons, keep on going, and go out there, hook 2 or 3 left and rights, there is a huge illegal dump site out there. Chief Jones stated the video taped all that today and talked to a guy and believes it belongs to some of the Jackson's. Chief Jones stated he will be issuing a warrant for the guy that had the tires because he caught him with a load of tires and then he went over a took them to a crack house over on Third St. and had nothing but trouble out of that house and he took them over there and Chief Jones thinks the tires are all stuffed in a storage building out back. Chief Jones stated it could be a problem when all the people move out. Councilman Clegg DeWalt asked where all the tires came from. Chief Jones stated that they came from a tire store in town. Mayor Pro-Tem Wayne Huffman asked if Chief Jones thought that they hired someone to get rid of the tires. Chief Jones stated that these old boys are those kinds of people and that if you get rid of them I will give you \$20.00 and I don't care what you do with them and then that puts the burden on us. City Manager Phil Patchett asked Chief Jones if he had called the environmentalist. Chief Jones stated no because all they do is come up here and ride around for a couple of days and tell you what they are going to do and get you to thinking they are going to do something and never come back. Chief Jones said that's why we are going to follow up on it ourselves, even though it's the county, I've already done the work and put everything together and I will get with somebody or pass it on or get it to the Grand Jury. Chief Jones stated it is Pine Valley, it's still county, but it is still us too. Councilman Neal Smith asked what about the trailer. Ordinance Officer Ken Newton stated that it was the meeting before last that the Judge decided to issue a letter stipulating a fine on a daily basis until it is cleaned up, tires and trailer are moved out of the City and

that is where everything stands right now. Councilman Neal Smith stated, so it's the Judge that is the hold up on all of this. Ordinance Officer Ken Newton stated that that is the way I see it because I've done everything I can do. Mayor Pro-Tem Wayne Huffman asked if the tires you are talking about coming from the same place. Councilman Neal Smith replied yes. Mayor Pro-Tem Wayne Huffman asked so he paid a legal company to get rid of 500 tires and now he is paying someone else to get rid of them illegally. City Manager Phil Patchett stated that it is still under investigation. Councilman Neal Smith stated that we have been going over and over this and it continues to come up and the main problem with this old trailer in the alley. Mayor Pro-Tem Wayne Huffman asked Ordinance Officer Ken Newton if he had called the company that picked up the 500 tires and confirmed that they had picked them up. Ordinance Officer Ken Newton stated that Mr. Greer is the one that had given him the phone number to call and that he had called the company and confirmed that the company had picked up 500 tires. Councilman Clegg DeWalt inquired what the name of the vendor that had moved the tires. Ordinance Officer Ken Newton stated the company name was Able Oil Company. Councilman Neal Smith stated that now what he is hearing is that the council had acted and hearing now that the Judge isn't doing his job.

Ordinance Officer Ken Newton stated that the Judge would support it if the Council would support him. Councilman Neal Smith stated he thought the councilmen supported him by raising their hands and saying let the law be the law. Go ahead and do what you need to do. Councilman Neal Smith told Mayor Pro-Tem Wayne Huffman that a vote was taken the night he was acting Mayor. Councilman Clegg DeWalt stated that is what we did. Councilman Neal Smith stated that time has already run out and the issue keeps coming up and coming up. City Manager Phil Patchett stated that he thought that the Council had voted to give him some time last month after discussion because of the business as I recollect. Councilman Billy Joe Slaughter stated I don't remember a vote but thought it was a mutual agreement that we would give him a little time. Councilman Neal Smith stated that the month before (May) that the Council was going to give Mr. Greer more time because of heart problems. Councilman Clegg DeWalt stated we were going to give him more time. Councilman Neal Smith asked what we are going to do. Councilman Clegg DeWalt stated we are going to support the Judge again. Councilman Clegg DeWalt stated from last months minutes we said that the old property at 409 N. Elm (the meeting on June 11th.) we said we were going to put a notice in the paper for two weeks and the notice in the newspaper would have expired around June 25th. Ordinance Officer Ken Newton stated that the first notice the newspaper had fouled up and if you read the notice it says we have commended instead of condemned. So, it came out the next two weeks. The final week was the 2nd of July and we have 30 days from there and we can start tearing it down. Councilman Clegg DeWalt stated the final week is the 2nd of July. Councilman Neal Smith stated that there is some of these people that have been doing this forever and their not gun shy. Right now you can pull your gun all you want to, they are not going to run because they know you aren't going to use it. City Manager Phil Patchett stated we got the door boarded up.

Also, as soon as I get the go ahead from City Ordinance Officer Ken Newton, Delma will get it done. Councilman Clegg DeWalt asked if we have to wait the 30 days after July 2nd. Ordinance Officer Ken Newton said you have to give them a

time span. Councilman Clegg DeWalt said you have to give them another 30 days and now we have to give them until August 2nd. Councilman Neal Smith stated he wants to make sure we put liens on that property. Councilman Neal Smith asked Ordinance Officer Ken Newton if he was still getting good responses from citizens. Ordinance Officer Ken Newton said yes and to look at the second page of his report and it will give you an example of some of the changes from last month. Councilman Clegg DeWalt asked Ordinance Officer Ken Newton what we were going to do on the trailer of Mr. Greer's that is in the fire zone. Ordinance Officer Ken Newton stated we were going to move it out of the city. Councilman Clegg DeWalt stated that at 409 North Elm by August 2nd we can start tearing down. Councilman Clegg DeWalt also wanted to know from Ordinance Officer Ken Newton what the time frame is on the trailer. Ordinance Officer Ken Newton said he would get with the Judge tomorrow in reference to the trailer. City Manager Phil Patchett asked Ordinance Officer Ken Newton about one on Delacerda concerning this \$50.00 mowing that had been discussed. Ordinance Officer Ken Newton stated the City will be charging Ms. Delacerda \$50.00 a month. Councilman Neal Smith asked what the deal on it was, is the yard just grown up? Ordinance Officer Ken Newton stated yes and that she doesn't have the means to mow it. City Manager Phil Patchett also inquired about the Ruby Regulus on Smith Street on the Taylor property and wanted to know if they had discussed a propane tank. Ordinance Officer Ken Newton said no that that was the one on Hwy. 1617. Councilman Chris Dennis asked for status of the Double Wide on Isrel Otis. Ordinance Officer Ken Newton stated he was trying to follow a legal trail to get everything done so we can go in and tear it down. Councilman Chris Dennis asked who owns it. Ordinance Officer Ken Newton said he knows who owns the property. City Manager Phil Patchett said they would talk about it tomorrow because he doesn't see it here. Supervisor Delma Ellis requested that if the City was going to get into the house demolition business if City Council could come up with a little bit of money to buy a thumb for that old grade all. Something we could load this stuff without tearing up everything we got. City Councilman Clegg DeWalt said we ought to be able to. Councilman Neal Smith said we ought to be able to buy a thumb.

F. Citizens Forum. Mayor Lyle Stubbs asked audience if anyone had anything for the Citizens Forum. A.J. Brown came to the front to speak to City Council and asked when he could get his sewer tap. Mayor Pro-Tem Wayne Huffman asked Mr. Brown where he lived. Mr. Brown stated it was the Bar-B-Q place on Dillard Street. City Manager asked Ginger Armbruster if Mr. Brown had paid the sewer tap. Ginger Armbruster replied that Mr. Brown had paid the Sewer tap but not the water tap and deposit. Mr. Brown also stated that he had already paid the sewer tap. City Manager Phil Patchett asked Mr. Brown if he just wanted a sewer tap and no water. City Manager Phil Patchett stated that the taps go hand in hand, you can't have sewer without water. Mr. Brown said he understood that. But now you are telling me you can't get a sewer tap without water. Mr. Brown said that the City did not tell him that at first. Mr. Brown said he had been trying to get this water, sewer tap set up since 2007. Councilman Clegg DeWalt asked Mr. Brown to explain to him what he needed.

Mr. Brown explained that he wanted to get the sewer tap done. Councilman Clegg DeWalt and City Manager Phil Patchett stated we would get it done next week. Councilman Wayne Huffman asked Chief Jones about Millard's car unit 2 tire purchases. Chief Jones stated that he didn't send anyone to purchase any tires. Councilman Neal Smith asked about hospital bill for an inmate that had to be taken to hospital. Chief Jones stated he had sent the bills to the county attorney to file for restitution.

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. Councilman Neal Smith made the motion to adjourn. Councilman Clegg DeWalt 2nd the motion. Mayor Lyle Stubbs adjourned the meeting at 8:30 p.m. There was no other discussion.

Lyle Stubbs
Mayor

Phil Patchett
City Manager