

**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 May 14, 2009 at 7:00 p.m. in the City Hall in Trinity, Texas. The following Council members were present:

Mayor:

Mayor Pro-Tem: Wayne Huffman

Councilman: Neal Smith, Clegg Dewalt, Chris Dennis

City Manager: Phil Patchett

- 1. Call meeting to order.** -- Mayor Pro-Tem Wayne Huffman called the meeting to order at 7:01 p.m. and verified that a Quorum was present for the meeting.
- 2. Approval of minutes from the Regular Meeting on April 9, 2009.** Councilman Neal Smith made the motion to approve. Councilman Clegg Dewalt 2nd the motion. All remaining members voted yay. Motion was carried.
- 3. Approve bills for payment.** – Councilman Neal Smith asked what kind of tool control we had. Supervisor Delma Ellis stated that the city needs to issue each individual a box of tools and hold them accountable for that box of tools and if they lose them they buy them. Councilman Clegg Dewalt stated he noticed some purchases for the ballpark and said that the general consensus is that it's the best the ballpark has looked in years. He thanked Councilman Smith for pushing for the ballpark to be manicured to the degree that it is. Councilman Clegg Dewalt made the motion to approve bills for payment. Councilman Neal Smith 2nd the motion. All remaining members voted yay. Motion was carried.
- 4. City Manager's Report --** Our total funds as of May 14, 2009 are \$448,885.00. Our checking account balance is \$365,155.40. Accounts payable are \$96,034.26. Account receivables are \$100,200.08. The Municipal Court collected \$16,442.50 for the month of April 2009 with the OMNI Program collecting \$9,816.50 of that total. The sales tax collected for May 2009 is \$109,982.78. The Fire Department donations for the month of April 2009 were \$200.00. The water collections for the month of April 2009 were \$94,263.01. The total deposits for April 2009 were \$229,367.67.
City Manager Phil Patchett stated that in the TRA report the first 5 months of their fiscal year, the city is \$95,000 in the black and he hopes to maintain that this year. Mr. Patchett also stated that Matthew Smith's last day will be May 15, 2009 so he will be out in the field a lot more than he has been mostly assisting Steve. Mayor Pro-Tem Wayne Huffman asked if he had someone in mind and Mr. Patchett said no that he just found out a couple days ago that Matthew would be leaving. Mr. Patchett said that TCEQ will be permitting the City of Trinity next month to transport sludge and it will be a tremendous savings to the city. Councilman Neal Smith asked where they would be hauling the sludge to and what truck they would use. Mr. Patchett stated they would haul it to Polk County (Landfill) in the dump truck. Councilman Clegg Dewalt asked Mr. Patchett if he knew off the top of his head how much it is going to save the city. Mr. Patchett said that generally we pay in about \$5,000 and the city could probably do it for \$2,000. Mr. Patchett discussed the fireworks with the Mayor and the Mayor has decided to do the Fireworks on Friday July 3, 2009. There is nobody left to shoot them on July 4, 2009 and they would want a minimum budget of \$15,000 and we generally do \$7,000 to \$7,500.

The rain day will be Sunday July 5, 2009.

5. Old Business

A. Discussion and action on any grant related business. City Manager Phil Patchett stated that on the sidewalk grant they have a little money left over which is unusual. They are going to go 44 linear feet back to the east from where they put the new pole in. We are in the middle of doing the change order now so Mr. Patchett expects the construction will be done in July by the time all the paperwork is done. Mr. Patchett stated we should get our environmental assessment in a few weeks and we are going to try to get with the AG teacher and send him out to see if there are any wild hibiscus growing where the project is at which is holding the \$250,000 project up. Wild hibiscus bloom in the middle of June so we have to wait till then to start the project. Mayor Pro-Tem Wayne Huffman asked where we were with the Home Grant. Mr. Patchett stated we have done the pads and assumes the plumbers will be out tomorrow to start roughing it in and they'll probably be pouring the concrete next week. Mr. Patchett said they have 6 weeks to build these 4 houses and they will get it done believe it or not. Councilman Neal Smith asked if we were done with our part as far as the land, tearing the houses down & removing them. Mr. Patchett stated yes except for tying in the plumbing and whatever else they will need. Councilman Clegg Dewalt said people were asking about the grant money for the ballpark. Mr. Patchett stated we won't know until August 30, 2009 on that. Councilman Clegg Dewalt asked if that was for the new lighting system and Mr. Patchett said yes and improvements to the concession stand. Councilman Chris Dennis asked if the end of June was the deadline for building the houses. Mr. Patchett said they extended our time to June 30, 2009 and that is when it will be completed and they don't have a choice it is our deadline. They bring their crews in and do all 4 houses at the same time. Councilman Chris Dennis asked about the house that was built on the wrong property years ago. He stated someone has been going in there and getting the 2 x 4's out of there and it is going to fall on someone. Ken Newton said that is one of the issues he has been working on. He stated that the property belongs to Mrs. Ethel Sims and she said she wanted to finish the house and until she can get financing for it, it will remain like it is.

6. New Business

A. Discussion and action with Stan Foley of Entergy regarding Franchise Agreement with the City of Trinity. Stan Foley stated that this is a renewal of some discussion they had last year regarding the renewal of the Franchise Agreement. There were some events that delayed the agreement such as a rate case, dealing with 2 hurricanes again and there were a group of about 6 or 7 larger cities that were working in negotiation with the franchise agreement. After the first of the year all parties came to terms with the document you have before you tonight. It is being presented to all cities whose franchises are currently ready for renewal. There are 5 key different points from the document you have before you tonight and the one you were given previously. First, the original document was a straight rollover which everything was the same including the term of 50 years. This document sets forth a franchise agreement for half of that for a period of 25 years. Secondly, there is a part in there regarding relocation of facilities. Part of

that is if the City of Trinity does any public works improvement such as, expansion of a street, widening of a street, new sewer lines, new water lines, etc., anything for the betterment of the city in a proactive manner. Any relocation that is done regarding this will be paid at Entergy's expense. Therefore there will be no expense to the City of Trinity. Thirdly, which is a large portion of this agreement which probably does not affect the city and that is what a lot of the negotiation was over is Section 11 where it talks about the incremental franchise fee. Each city now has the ability if they so choose to collect additional fees above and beyond what state law requires. You would decide what that amount would be and they would calculate that based on the sales of kilowatt hours within the city limits. Each customer in the city limits would be billed in that incremental amount to get to the amount that you wanted. The city never expressed a desire for that but that's a part in this agreement. Fourth, it sets forth a clear path of some auditing practices if a city chooses to audit the franchise payment they can do so for a period up to 2 years. Finally, there is a part in there regarding annexation. If the city annexes anything, the city gives 30 days notice so Entergy will know exactly how to change the codes so the city will get the proper taxing amounts given to the city. Councilman Neal Smith asked what the shortest term that any city has agreed on and Mr. Foley stated 25 years. Councilman Neal Smith asked if that was it and if there were any other options. Mr. Foley stated that he is sure there is another option, but said that all the cities that have been presented with this document passed it so far. Mayor Pro-Tem Wayne Huffman stated if another town you served got a shorter term you could go to it. Mr. Foley stated there is a clause called most favored nations. If for some reason another city would get a shorter term you could always come back to that. He also stated if you go with a shorter term there is probably something else that would be less. The entire document is a favored nation's agreement which was not included in the prior document. Councilman Clegg Dewalt asked if 6 or 7 of the largest metropolitan areas in the state of Texas got together as a coalition and that's what prompted Entergy to reduce a 50 year term to a 25 year term. Mr. Foley said yes that is what was negotiated and that's what is being presented all across the service area. Councilman Clegg Dewalt asked if this is as good as it is going to get? Mr. Foley said exactly. Mr. Patchett stated that he and Mr. Foley have had some lengthy conversations concerning this and the biggest concern is if the council does not go with the 25 years, he is almost certain that the biggest thing the city would lose would be the relocation fee. Mr. Foley said that would be possible and that the 25 years is not only for this but in the bigger picture financial stability and things like that. Mr. Foley said Entergy is serving a community and placing plans in the ground that is easily going to last 25 years plus. Councilman Chris Dennis asked what does the city lose for a lesser term? Mr. Foley stated he can't answer that, if the city chooses to try to negotiate a lesser term that would be something the attorneys would work out. Mayor Pro-Tem Wayne Huffman stated he thinks it's a fair deal, he said we have to furnish electricity to the people of this community, it's our job, we know who this company is and he's for it. Councilman Neal Smith stated he has a problem with granting a franchise for longer than any of them on the council will probably live and doesn't like the clause that city council could add additional fees. Councilman Clegg Dewalt made the motion to approve. Councilman Chris Dennis 2nd the motion. Councilman Neal Smith opposed. All others voted yay.

- B. Discussion and action with Bobby Crowson concerning KVAR results and quote for maximizing motor efficiency.** Bobby Crowson stated that KVAR basically helps reduce the electricity costs in a couple of different ways. KVAR is a capacitor bank box. Capacitors simply store and release electricity. Inductive mode represents any load that you may have in the household such as appliances and a wastewater treatment plant would be 20, 30 or 40 horsepower motors, anything that has windings that heats up is an inductive load. Typically in a commercial setting that is where a majority of your electricity costs are going to come from is the inductive loads. What this does is as your electricity comes through and you are charged on the price per kilowatt hour, KVAR actually controls and regulates your electricity coming in, it doesn't generate anything, it just stores and releases energy. It does 3 things, one, it takes your amps and reduces your amp load, which has a couple of benefits. When it comes to motors and inductive loads it is going to reduce the heat on the windings and the motors, therefore your motors are going to last longer. The other benefit is that you are going to be using less amps and less watts or less kilowatts which is actually what you are paying for. So your kilowatt hour usage is going to go down. The next thing that it does is increase your power factor. For example, when you pay for a dollars worth of electricity as it comes through the meter, after that it is up to your appliances, your equipment and things to that nature as to how well you are using that electricity. If you have inefficient motors or old equipment you may be getting \$0.60 or \$0.70 for every dollars worth of electricity that you are buying. What KVAR does is help increase that efficiency or that power factor typically to 95% or better. City Manager Phil Patchett stated we are not actually billed on power factor and Mr. Crowson said we were billed on demand charge. Mr. Patchett asked the council to try KVAR on one of the booster pumps at the wells. Councilman Neal Smith stated he would like Phil to contact the places that have KVAR and see how their results are. Councilman Neal Smith made the motion to table. Councilman Clegg Dewalt 2nd the motion. All remaining members voted yay. Motion carried.
- C. Discussion and action concerning appointment of Polly Works, Shelley Madeley, and James Prentice to the Blanche K. Werner Public Library Commission.** Councilman Neal Smith made the motion to approve. Councilman Clegg Dewalt 2nd the motion. All remaining members voted yay. Motion carried.
- D. Discussion and action concerning appointment of elected official to serve on DETCOG Board of Directors.** Councilman Neal Smith made the motion to appoint Councilman Clegg Dewalt again. Councilman Chris Dennis 2nd the motion. All remaining members voted yay. Motion carried.
- E. Discussion and Action with Sean Slattery of Safety Vision concerning mobile video solutions.** Chief Jones stated that some of the specs with the camera system is the metal box will fit up front where the radios and light switches are. It has a sony digital camera, it also has a night vision camera that is mounted in the back where the prisoners sit which covers from the knees to the head from door to door. The officer has the ability to push a button and the prisoner does not know the camera is there and does not know they are being recorded which is ok by law. The camera will start recording when the officer turns on the lights, sirens or exceeds over 75 mph which allows the crime to be caught on tape with the 90, 60 or 30

second recording feature that allows the camera to go back and grab what happened 90, 60 or 30 seconds ago. All systems come with GPS and you should be able to pick up audio with the mics up to 1000 ft. The system with a 2 year warranty is \$3,600 and the installation is \$300 and the sale price is \$3,295. Councilman Neal Smith made the motion to table. Councilman Clegg Dewalt 2nd the motion. All remaining members voted yay. Motion carried.

F. Discussion and Action concerning clean-up with Kenneth Newton. Ken Newton stated that he had a long conversation with Mr. Greer today. He has been getting the same response as the council has heard over a period of time. Mr. Greer does not have the money to remove the 2 vehicles on Windstream's property or to remove the tires. The council gave him to the middle of May 2009 in the last council meeting so his time is now up. Mr. Newton talked to Judge Kinsel and he is in support with the council's support to levy a fine against him which has to include the owner, Mr. Oates. Mr. Patchett stated the way to solve this is to keep the money here locally, and propose \$100 a day, give him x amount of time and instead of fining him \$100 a day he can use that money to move the tires. Mr. Newton said they went through this exercise about 4 or 5 months ago threatening him a fine of \$100 for each day the violation continued and it has never been enforced and that was against the owner Mr. Oates. Mr. Oates showed up and said if he gets fined that it is going on Mr. Greer's bill. Councilman Clegg Dewalt stated he does not see any other course of action but to implement the fine. Councilman Chris Dennis stated we have the law we just need to enforce it. Councilman Clegg Dewalt made the motion to move on it. Mr. Newton was told to get with the Judge and do what he has to do to move forward on it. Councilman Chris Dennis 2nd the motion. Councilman Neal Smith asked if the clean up on 405 Madison Street has been materialized. Mr. Newton stated the eviction notice has to be supported by Judge Bobby Nichols Court. He said today was the day it was suppose to be implemented so he wasn't for sure if it had been done.

G. Citizens Forum. Lois Saldana said they are having the 19th of June on June 20 because the 19th of June is on a Friday. She is expecting the council's participation. She said when Dr. Barnes lived and they had to sit out in the sunshine and serve their food from the concession stand from the little league field, he told them they would never have to do that again and that they would always use the community center. So she would like the council to consider that and in 2010 the community center needs to be left the 19th of June. Councilman Neal Smith asked if she was asking if she was asking to not be charged and she said that was correct. Carolyn Wilber stated that there is piece of property on Parker Street at the county line. A business man purchased the property a few years ago, he has moved 2-3 mobile homes on it and as of Monday he has moved a travel trailer in. She asked if he is getting city water, sewer, garbage pick-up and city police is he held to standards. Councilman Neal Smith asked if we were sure if the property was in the city. Mr. Newton said according to the tax office it is not considered in the city. Carolyn Wilber also said according to the Appraisal District it is in the county. Councilman Neal Smith asked with it being outside the city limits and we furnish the water and sewer to that area, do they follow the same guidelines with every house having its own meter? Mr. Patchett said yes to having its own meter but as far as inspection of the place no. Carolyn Wilber asked if she needed to go to the County Judge or County Attorney since it was in the county. Councilman Neal Smith asked if the

trailer on Eighth Street was approved and met HUD regulations. Mr. Newton stated yes it has been approved for city water and sewer and does meet HUD regulations. Councilman Neal Smith stated we have had a lot of drainage problems and road problems and everyone on the council wants to do something about the roads. In order for the city to do any paving he asked Supervisor Delma Ellis to get some prices on what we would have to have. Delma stated that these are just average prices from equipment magazines but it's something to go by. A caterpillar 12 Motor Grader that has a 12ft blade and was a city owned machine is \$27,000. A Bobcat with a trailer would be about \$21,000, a roller would be \$25,000 and an asphalt paver would be around \$25,000. The asphalt a ton would be \$51.49 if the city picked it up and if it was delivered it would be \$62.99. If LD Janes was to do the paving after the city does the prep work it would be \$1.50 sq ft. and \$30.00 running foot. Councilman Clegg Dewalt asked if we were going to be looking at this at budget time and Councilman Neal Smith said yes.

Executive Session:

A. Discussion concerning personnel under Gov. Code 551.074.

7. Reconvene in open session:

A. Action necessary as a result of Executive Session pending Gov. Code 551.074.

8. Adjourn: Meeting was adjourned at 9:10 PM.

Lyle Stubbs
Mayor

Phil Patchett
City Manager