

**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 January 14, 2010 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, Chris Dennis - Absent

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 December 10, 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.** – Mayor Pro-Tem Wayne Huffman made the motion to approve bills for payment. Councilman Billy Joe Slaughter 2nd. the motion. All remaining members voted yea. Motion was carried. Councilman Clegg DeWalt questioned page 3 of the monthly bills as to what the initials BTD was. City Manager Phil Patchett stated that was Brazos Transport. Mayor Lyle Stubbs said that was the bus that takes people in town to their doctors appointments and such.
4. **City Manager's Report** - Our total funds as of January 14, 2010 are \$860,836.51. Our checking account balance is \$810,009.78. Accounts payable are \$221,246.38. Account receivables are \$98,218.29. The Municipal Court collected \$6931.97 for the month of December 2009 with the OMNI Program collecting \$3471.00 of that total. The sales tax collected for January 2010 is \$37,128.76. The Fire Department donations for the month of December 2009 were \$209.00. The water collections for the month of December 2009 were \$95,591.46. Total Deposits for the month of December 2009 were \$244,699.07. City Manager Phil Patchett stated his report is to include the water situation this past week and to bring everybody up to date. The City had a tough 4 days and these things are what East Texas doesn't see and just not equipped for. City Manager Phil Patchett stated that there were a lot of circumstances that went into this and the freeze was number one. Number two the city had a storage tank being rehabilitated behind the Community Center. City Manager Phil Patchett stated that the water usage was up over a million gallons a day and we have never been equipped for that. The City was getting water from TRA up until Sunday when we put our tank back in service. City Manager Phil Patchett stated that he could not do it Saturday because he needed one more day for the tank floor to cure. City Manager Phil Patchett said he got in touch with the tank people and TCEQ and did an emergency fill up. We filled it up approximately a third of the way and had to drain it out. We super chlorinated it and refilled it and by the time the processed was completed it was about another 6 or 7 hours. City Manager Phil Patchett stated that at that point with our water and TRA water we were still not making any headway. When we were finally starting to gain, the problem of getting water to the north there has to be

enough head in this tank in town to push to the north. City Manager Phil Patchett stated that we were never able to get to that point. We were making a lot of headway when TRA ran out of water. We were not alone, the City of Groveton ran out of water, TRWSC, City of Lovelady. Many communities in East Texas were without water. We were not alone. City Manager Phil Patchett stated we did all we could and wanted to thank all the guys that worked so many hours. It's been a tiring situation and we will learn from this. One reason we are so set on putting this SCADA system in is so we can start gauging all our tanks and I think its going to be a big plus that we are going to get out of this Hurricane Ike recovery money. Councilman Clegg DeWalt asked what the City's normal usage was. City Manager Phil Patchett stated our normal usage is 525,000 gallons. Councilman Clegg DeWalt also asked where the other 425,000 gallons came in. City Manager Phil Patchett stated that our wells were able to produce 500 gallons per minute once we got up and going. Councilman Clegg DeWalt also stated that with everybody running their facets, did that have an impact on the shortage. City Manager Phil Patchett stated that had all the impact. What a lot of people don't understand that if you have a stream of water running to keep your pipes from freezing and you multiply it by 2000 facets and all the sudden you are putting out approximately 300,000 gallons a night and a lot of people just don't realize that. Councilman Clegg DeWalt asked the City Manager Phil Patchett about the old lift station by the old Ainsworth Ford, will that help us when it gets on line? City Manager Phil Patchett stated that in this case no. Pressure wise north of town, absolutely.

5. Old Business

Discussion and action on any grant related business. – City Manager Phil Patchett gave an update on the project out at the water wells. City Manager Phil Patchett stated that apparently Siemens dropped the ball on the aerator. It was to be delivered in December and now will not be here until February. They will be here in a couple of weeks and start putting in some of the liquid level controllers and the desander and start putting in pipe. Councilman Billy Joe Slaughter asked if Mr. Patchett had already stopped pumping from out the river. City Council Phil Patchett stated no, not until he can get TRA to start pumping 440 gallons a minute we have to hold off on this project. City Manager Phil Patchett stated that hopefully Monday we can start doing what we have to do. City Manger Phil Patchett also stated that he was planning on flushing most of the day tomorrow. Until TRA gives us 440 gallons, we will not be able to shut down because anything less than that, we won't be able to get by. Councilman Neal Smith asked City Manager Phil Patchett if he believed that getting the ground storage tank going a day early, did he think that was going to hurt the inside of the tank? City Manager Phil Patchett stated that he had talked to the tank people since then and if there is anything wrong, they were going to fix it anyway. Mayor Lyle Stubbs asked if we were going to have to empty it again. City Manager Phil Patchett said yes, we are going to have to empty it again and also stated that work cannot be done on the outside of the tank because the tank will sweat on the outside with water in it.

6. New Business

A. Discussion and action with Neal Smith concerning TEIDC recommendation to repair 150,000 gallon elevated tank on West Pine Valley.

- Councilman Neal Smith stated that City Manager Phil Patchett checked on and found out that it is legal to spend Economic Development money on the project. Councilman Neal Smith took it before the Economic Development Board and the Board had approved to go forward with the project. City Manager Phil Patchett stated that the north elevated tank on Pine Valley, the tank people had looked at it and informed that the interior and exterior of that tank is in serious need of work. City Manager Phil Patchett stated that TCEQ had written the City up on the exterior of that tank. Mayor Pro-Tem Wayne Huffman asked if the tank would have to be shut down due to the repairs. City Manager Phil Patchett stated that yes but, the water would be re-routed. Councilman Billy Joe Slaughter asked if the tank feed the hospital. City Manager Phil Patchett stated yes, but we will have all that set up before we ever shut the tank down. We will put in a pressure reducing valve and pump straight out of the Rockdale pump into the system. City Manager Phil Patchett informed the Council that the cost for the repairs is \$70,000.00. We can do this in support of the hospital with the 4 million dollars in renovations they have done. This is the main selling point to the President of Economic Development Board in Austin. Mayor Pro-Tem Wayne Huffman made the motion to go forward with project. Councilman Clegg DeWalt 2nd. the motion. All remaining members voted yea. Motion was carried.

B. Discussion and action regarding the 60,000 gallon storage tank on Crestway Street.

- City Manager Phil Patchett stated that Mayor Pro-Tem had requested that the City Manager get prices from the contractors while they were here to see what it would cost to put this tank back in service. City Manager Phil Patchett stated the price would be about \$30,000.00. The tank looks good, will have to redo interior and replace the pressure tank. Mayor Pro-Tem Wayne Huffman asked what it would cost to replace the pressure tank. City Manager Phil Patchett stated the pressure tank would cost about \$10,000.00. \$5,000.00 to purchase the tank and another \$5,000.00 to rehabilitate. Mayor Pro-Tem Wayne Huffman asked the City Manager if he had figured a way to get the water to it. City Manager Phil Patchett stated that he wanted to look at the water model and see elevation between the Pine Valley storage tank as far as feeding into that tank. City Manager Phil Patchett stated that we are low on our total storage capacity and putting the 60,000 gallon tank back in service would be a big plus for the City. Councilman Neal Smith stated our biggest question is not fixing the tank but getting the water to it. City Manager Phil Patchett stated the problem of feeding it off Rockdale, there is no way of feeding the elevated tank and this tank off the little 16,000 gallon storage tank at the same time. We need to see if we can feed it off the distribution system like we do the Rockdale tank. City Manager Phil Patchett stated that is where the water model comes in and that's why it's so important. Councilman Neal Smith made a motion to pursue project and bring back to council for final approval when all the final figures are together and thinks that the tank needs to be put back in service. Mayor Pro-Tem Wayne Huffman 2nd. the motion. All remaining members voted yea. Motion was carried.

C. Discussion and action regarding repaving the East side of City Hall. – City Manager Phil Patchett stated that he was asked to get some prices on the, behind the fire station and Councilman Slaughter and asked to get a price on the entire alley. The contractor gave two different proposals and that's why there were two different items on the agenda. Mayor Lyle Stubbs stated that there were two different bids and council will have to vote on one at a time. City Manager Phil Patchett stated that these are the prices for the council to look at and discuss. Councilman Neal Smith stated that the first one is \$9,996.25. Councilman Neal Smith stated that he was not against the project what-so-ever. Every street here needs to be paved. But before we borrowed this \$500,000.00 to pave these streets, we sent the City Manager and Public Works Director out to pick the streets and they brought us back a list and we are working off that list. This needs to be done but it's a luxury as far as I'm concerned and if we have money left when we get through with the paving, then I'm all for it 100%. Councilman Neal Smith stated that he doesn't think this ought to be done first before the streets on the list are done. Mayor Pro-Tem Wayne Huffman stated that his understanding is that we authorized \$151,000.00 for the Waters bid. Now, he gives back a little over \$16,000.00 and we actually thought we spent. Mayor Pro-Tem Wayne Huffman stated that his understanding was that City Council agreed to pave part of the Fire Department in front. Mayor Pro-Tem Wayne Huffman stated that you can get it all done for less than \$14,000.00 and you really haven't spent any money that we set aside for the rest of the streets because Mr. Waters gave it back. Councilman Clegg DeWalt asked Mayor Pro-Tem Wayne Huffman why Mr. Waters gave the money back. Mayor Pro-Tem Wayne Huffman said he didn't know. City Manager Phil Patchett stated that Mr. Water's footages were less and that Mr. Waters was honest. Mayor Pro-Tem Wayne Huffman stated as far as the public is concerned, we haven't taken a dime out of what we set aside for the streets. This money here you could say it's a gift. Councilman Clegg DeWalt asked if it way the East corner that was so bad? Councilman Billy Joe Slaughter stated he was asking about a bid in front of the Fire Department and was looking at the rest of it and asked for two different bids, one on each one of them. Councilman Billy Joe Slaughter stated that he agreed with Mayor Pro-Tem Wayne Huffman that it needs fixing. Councilman Billy Joe Slaughter stated you have a business behind us that is real busy and you got a church right there, you got a police station, fire department and a city hall and it would help everybody and that would be for all the citizens, not just one of the streets fixed, taxes went up for everybody. Councilman Neal Smith stated that I agree that it's a good project and I'm all for it but I don't think we should pave it before we pave the list of streets that we already have in order and it's got nothing to do with what Mr. Waters gave back or anything else, that is still tax payers money. Mayor Pro-Tem Wayne Huffman stated that is right and this is tax payer's property and everything here is. Now, if we were talking about paving something and taking the money out of the other, I would agree with you. But I do not agree with you on this. Mayor Pro-Tem Wayne Huffman made the motion to Waters Construction to go ahead with the project. Councilman Billy Joe Slaughter 2nd. the motion. Councilman Clegg DeWalt stated that Councilman Neal Smith

is saying that is coming out of borrowed money that we borrowed to pave the roads. Councilman Neal Smith stated he was exactly right. Councilman Clegg DeWalt asked, do we have that kind of money in a rainy day fund? City Manager Phil Patchett stated that the City has a \$75,000.00 budget aside from this \$500,000.00 in this physical budget. Councilman Clegg DeWalt asked, so we have \$75,000.00 in this budget, we can use this money and not use the borrowed money. Councilman Clegg DeWalt agrees that it has to be done. Councilman Billy Joe Slaughter stated it doesn't matter how it's paid for we just need to do it. Councilman Clegg DeWalt stated that as an accountant, it's a clean method to use monies other than the borrowed money. Remaining members voted yea. Councilman Neal Smith opposed. Motion was carried.

D. Discussion and action regarding repaving the Fire Station Drive on the East side of the building. - Mayor Pro-Tem Wayne Huffman made the motion that we do it. Councilman Billy Joe Slaughter 2nd. the motion. Remaining members voted yea. Councilman Neal Smith stated that he feels that this project should be done after all the list of streets is done. Councilman Clegg DeWalt stated that after the streets are done or comes out of our line item budget. Councilman Neal Smith stated yes. Remaining members voted yea. Councilman Neal Smith opposed. Motion carried. Councilman Billy Joe Slaughter asked when we could get started on this project. City Manager Phil Patchett stated he would call contractor tomorrow and will get an estimated time when they could begin.

E. Discussion and action regarding Resolution #10-0001 authorizing submission of an application to the Texas Park's & Wildlife Department for 2010 Local Park Grand Program's Small Community Program funds. – City Manager Phil Patchett stated that this was basically a resubmission of the application that was submitted last year to the Parks and Wildlife down at the ball field. Mayor Pro-Tem Wayne Huffman asked if the City had been turned down on the grant. City Manager Phil Patchett stated that yes the City did get turned down but had down some tweaking and saw where we missed a few points. Mayor Pro-Tem Wayne Huffman asked if this was the same project as before. City Manager Phil Patchett stated that it was the same project. City Manager Phil Patchett stated that he knows what the criteria is and that we will meet it. Mayor Pro-Tem Wayne Huffman asked if this was a matching grant and how much it is. City Manager Phil Patchett stated yes it is a matching grant. The match is \$75,000.00 and is the same as last year. City Manager Phil Patchett stated the grant is to replace all the lights at the bigger ball field, rock climbing in the play areas and a walkway from the elementary school to the play area, and the culvert. Mayor Pro-Tem Wayne Huffman asked when the deadline was to apply. City Manager Phil Patchett stated that the deadline to apply was the 31st. and we won't know anything until August. Mayor Pro-Tem Wayne Huffman made the motion to apply for the grant. Councilman Clegg DeWalt 2nd. the motion. All remaining members voted yea. None opposed. Motion carried.

F. Discussion and action regarding Ordinance #10-0001 declining to approve a rate change requested in Entergy Texas Inc. statement of

intent filed with the City of Trinity on December 30, 2009 - Stan Foley spoke with City Council in reference of intent to raise rates for all Entergy customers. When the intent was filed with the Public Utility Commission, as the City has original jurisdiction that is filed with all 65 cities within the service territory. The utilities commission has up to one year to approve. The hearing will not start until mid-year.

Therefore you are looking until 2011 before any changes will happen.

When a case is filed with the City, it has 35 day to take some form of action. The City has 3 options available. Option 1, City could approve rates. Option 2, City could suspend the rates up to 90 days. Option 3; deny rates, until the Public Utility hearing. Mayor Pro-Tem Wayne Huffman made the motion to deny rates. Councilman Clegg DeWalt 2nd. the motion. No other discussion. All remaining members voted yea. None opposed. Motion carried.

G. Discussion and action with Ken Newton regarding cleanup. –

Ordinance Officer Ken Newton spoke in front of City Council and reported that Mr. Durdins property on Clegg St. has been cleaned up. Mr. Newton also report on the property at 3rd. and Thompson St. that belongs to Margaret Miller. Mr. Newton spoke to Ms. Miller who said she has issued an eviction notice to the renters because they are not paying the rent. Mr. Newton said that Ms. Miller has given the City permission to put a condemned notice on the residence until someone takes action on it. Mr. Newton also informed City Council of the house on Railroad St., Randall Parker out of Austin was hired to refurbish the inside and outside of the house by the property owner.

Citizens Forum. City Manager Phil Patchett wanted to take the time to thank Waters Construction and Delma Ellis on a job well done. Councilman Neal Smith stated that it was the best paving job that has ever been done since he has been on Council. Councilman Neal Smith also stated that by having Delma Lee's knowledge and being out on the streets has made a difference. Councilman Neal Smith stated that the City crew needs to be commended for the job that they have done through this water deal. Councilman Billy Joe Slaughter stated that we have hired an honest company now, they gave us back \$16,000.00 that they had over bid.

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. Billy Joe Slaughter 2nd. the motion. All remaining members voted yea. None opposed. Motion carried. Mayor Lyle Stubbs adjourned the meeting at 7:48 p.m. There was no other discussion.

Lyle Stubbs
Mayor

Phil Patchett
City Manager