

**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 June 10, 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, Billy Joe Slaughter, Chris Dennis and Clegg DeWalt

**Interim City Manager:** Buddy Drake

1. **Call meeting to order.** -- Mayor Lyle Stubbs called the meeting to order at 7:00 p.m. and verified that a Quorum was present for the meeting.
2. **Approval of minutes for the Regular Meeting on February 11, 2010 and Special Meeting May 17, 2010.** Mayor Pro-Tem Wayne Huffman made the motion to approve the minutes. Councilman Neal Smith 2<sup>nd</sup> the motion. All remaining members voted yea. Motion carried.
3. **Approve bills for payment.** – Councilman Neal Smith made the motion to approve bills for payment. Councilman Clegg DeWalt 2<sup>nd</sup> the motion. All remaining members voted yea. Motion carried.
4. **City Manager's Report** -- Our total funds as of June 10, 2010 is \$798,526.86. Our checking account balance is \$668,450.18. Accounts payable are \$78,294.58. Account receivables are \$101,877.70. The Municipal Court collected \$7428.50 for the month of May 2010 with the OMNI Program collecting \$4253.00 of that total. The sales tax collected for June 2010 is \$41,944.81. The Fire Department donations for the month of May 2010 were \$212.00. The water collections for the month of May 2010 were \$99,179.93. Total deposits for the month of May 2010 were \$293,196.60. Interim City Manager Buddy Drake presented the first book of minutes to the council from January 11, 1911.
5. **Old Business**
  - A. **Discussion and action on any grant related business.** Interim City Manager Buddy Drake said we will be getting a letter from the Texas Department of Agriculture regarding the sidewalk grant. A difference of \$36,690.00 increased the cumulative construction contract between the City and Absolute Industries by 32.4%. Municipalities cannot increase the original construction award amount more than 25%, therefore, the City will have to pay \$8,396.25 to the Department of Agriculture, which is the difference between the allowable increase of \$28,293.75 (25%) and the cumulative increase of \$36,690.00 (32.4%). Grantworks will reimburse the City for half of that amount.

## 6. New Business

- A. Discussion and Action concerning 2008-2009 Audit with a representative from Ken Davis's office.** Diane Sollick with Kenneth Davis' office summarized the audit report from September 30, 2009. The report reflected an increase in the general fund, Fund Balance by almost \$63,000.00. The Enterprise Fund increased net assets by \$23,000.00.
- B. Discussion and Action with a representative with CenterPoint Energy regarding franchise agreement.** John Seals with CenterPoint Energy said our existing contract expires on June 12, 2010. The franchise is the same. Right now, we are collecting 2% of the gross receipts and would like to increase it to 5% of sales with another 30 year contract. Mr. Seals asked to give residential jurisdiction and is trying to get a blanket rate for all cities. For the transportation customers, for every 1000 ft., the city would make 7¢. The 5% would go into effect 30 days after approval. The city has budgeted \$8500.00 for this fiscal year. Mayor Pro-Tem Wayne Huffman made the motion to accept the franchise agreement for 30 years. Billy Joe Slaughter 2<sup>nd</sup> the motion. All remaining members voted yea. Motion carried.
- C. Discussion and Action concerning agreed settlement with TCEQ.** TCEQ fined the City of Trinity \$12,688.00 for failure to perform its obligation to the Supplemental Environmental Project for the Abandoned Tire Clean-Up. We can pay \$6344.00 in fines and the other half in tire pick-up or pay the fine in full. The violation will be settled if the fine is paid in full. Councilman Billy Joe Slaughter made the motion to pay the fine in full. Councilman Chris Dennis 2<sup>nd</sup> the motion. All remaining members voted yea. Motion carried.
- D. Discussion and Action with Buddy Johnson regarding the Fair Association building a shed at the fairgrounds.** Buddy Johnson stated that he owns the fair barn at the Community Center and would like to add 20' to the existing south side of the structure keeping it the same length. He would like to get approval to start building the extension for the upcoming Fair in September. Councilman Neal Smith made the motion to approve the building extension. Councilman Billy Joe Slaughter 2<sup>nd</sup> the motion. All remaining members voted yea. Motion carried.
- E. Discussion and Action amending Ordinance #97-0108 Section XI Inhumane Treatment to add staking of animals.** Animal control officer Ricky Harrelson requested an amendment to prevent the staking of livestock between the hours of 8 PM to 8 AM. Horses have been getting loose fro their stakes at night. Councilman Clegg DeWalt made the motion to approve the amendment. Mayor Pro-Tem Wayne Huffman 2<sup>nd</sup> the motion. All remaining members voted yea. Motion carried.
- F. Discussion and Action concerning the removal, reappointment or appointment of TEDC Board Members.** Mayor Lyle Stubbs requested to have a motion to declare all Board of Directors of the TEDC Corporation vacant and appoint new members as follows: One year terms- Neal Smith, Wayne Huffman, Clegg DeWalt & Billy Joe Slaughter. Two year terms- Sharon Dennis, Art Walker & Keith Johnson. Councilman Chris Dennis made the motion to approve. Councilman Billy Joe Slaughter 2<sup>nd</sup> the motion. Councilman Neal Smith opposed the motion. All remaining members voted yea. Motion carried.

- G. Discussion and Action regarding Assembly of God Church connecting to sewer at their expense.** The Assembly of God Church had requested to get sewer hook-up at their expense as the Parsonage is. The church is located outside of the city limits and has city water, but not sewage. Councilman Neal Smith thinks the City shouldn't have anything to do with this and thinks the church should install the sewage. If we do it, we would run it to their property line which is still a long way from their church. Interim City Manager Buddy Drake says they should install an aerobic system. Councilman Neal Smith said he approve it if the church would do the job. Councilman Billy Joe Slaughter said he didn't have any problem helping the church, but didn't want the City to be liable for it. Councilman Neal Smith suggested that Delma and Buddy should check it out first. Mayor Pro-Tem Wayne Huffman made the motion to table it until the next meeting. Councilman Billy Joe Slaughter 2<sup>nd</sup> the motion. All remaining members voted yea. Motion carried.
- H. Discussion and Action with Michael Lewis concerning his water bill.** Mr. Lewis has a water bill in the amount of \$469.25 and an old bill from a car wash he operated in the amount of \$469.25. There haven't been any payments made towards the car wash account. Councilman Neal Smith said his water account should have ever got this high. Mr. Lewis asked if the Council would consider cutting his bill in half. Mayor Pro-Tem Wayne Huffman said Mr. Lewis should pay his current monthly bill plus \$25.00 toward his delinquent amount. Mayor Lyle Stubbs said we could not go any lower than the \$25.00 extra a month. Councilman Clegg DeWalt made the motion that Mr. Lewis pays his monthly bill plus \$25.00 a month. Councilman Billy Joe Slaughter 2<sup>nd</sup> the motion. All remaining members voted yea. Motion carried.
- I. Discussion and Action concerning clean-up with Ken Newton.** City Inspector Ken Newton said there have been no major changes since the last meeting. Concerning the issue regarding the doublewide trailer by the old Masonic Lodge on Israel Otis. He has 2 bids on tearing it down and we provide the dumpster. Mr. Bostic bid \$1000.00 and he is a one man project. Mr. Fransaw has 3 men and bid \$1800.00. The bids include tearing down the mobile home and clearing the lot. Precious Gibson owns the property. Councilman Neal Smith said that since Mr. Gibson owns the property, he should be liable for the costs of tearing it down. Councilman Chris Dennis said the trailer needs to go. Delma Ellis said it would take about ½ day to tear it down and haul the metal for scrap metal. Councilman Neal Smith made the motion that the city bulldozes it down and the Fire Dept. burn it. Mayor Pro-Tem Wayne Huffman 2<sup>nd</sup> the motion. All remaining members voted yea. Motion carried. Johnnie Cunningham is in the process of tearing down his Aunt's house on Israel Otis and asked if the council would approve putting a roll-off dumpster there at the city's expense. Mayor Pro-Tem Wayne Huffman made the motion to cover the cost of the dumpster. Councilman Billy Joe Slaughter 2<sup>nd</sup> the motion. All remaining members voted yea. Motion carried.

- J. Citizens' Forum** Jerry Russell asked the Council about changing the name of Lakefield Dr. to Martin Luther King Blvd. Mayor Lyle Stubbs said he didn't see a problem with it if the street sign was placed above the current street sign. Mayor Pro-Tem Wayne Huffman said if all the residents agreed to actually change the name of the street and change the 911 addresses, he would need to get a petition from all of the people living Lakefield. Interim City Manager Buddy Drake told Mr. Russell to bring the petition to him before the next council meeting in July. Mr. Russell agreed and asked if he could be put on the July council meeting agenda.

**Executive Session:** Council went into Executive session at 8:40 PM

**A. Discussion concerning personnel under Gov.Code 551.074.**

**7. Reconvene in open session:**

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

- 8. Adjourn.** Councilman Neal Smith made the motion to adjourn the meeting. Councilman Clegg DeWalt 2<sup>nd</sup> the motion. All remaining members voted yea. Motion carried. The meeting was adjourned at 9:40 PM.

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**Lyle Stubbs**  
Mayor

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**Buddy Drake**  
Interim City Manager