

**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 13, 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

**Interim City Manager:** Buddy Drake

1. **Call meeting to order.** -- Mayor Lyle Stubbs called the meeting to order at 7:03 p.m. and verified that a Quorum was present for the meeting.
2. **Approval of minutes for Regular Meeting April 8, 2010.** – Mayor Pro-Tem Wayne Huffman made the motion to approve. Councilman Clegg DeWalt 2<sup>nd</sup>. the motion. All remaining members voted yea. Motion was carried.
3. **Approve bills for payment.** – Councilman Neal Smith made the motion to approve bills for payment. Councilman Billy Joe Slaughter 2<sup>nd</sup>. the motion. All remaining members voted yea. None opposed. Motion was carried.
4. **City Manager’s Report** - Our total funds as of May 13, 2010 are \$822,570.05. Our checking account balance is \$659,804.37. Accounts payable are \$82,009.54. Account receivables are \$111,907.20. The Municipal Court collected \$7472.00 for the month of April 2010 with the OMNI Program collecting \$4,224.00 of that total. The sales tax collected for May 2010 is \$116,947.71. The Fire Department donations for the month of April 2010 were \$220.00. The water collections for the month of April 2010 were \$95,474.17. Total Deposits for the month of April 2010 were \$161,722.20. Councilman Clegg DeWalt had one question: the \$822,570.05 includes the three hundred and fifty thousand dollars in time warrants? Interim City Manager Buddy Drake stated that yes it was.
5. **Old Business**
  - Discussion and action on any grant related business.** – Interim City Manager Buddy Drake stated he did not have anything at this time.
6. **New Business**
  - A. Discussion and action Canvass of May 8, 2010 City Election.** – Interim City Manager Buddy Drake addressed council and audience. Interim City Manager Buddy Drake presented the tally sheets to City Council. On Saturday May the 8<sup>th</sup>. 859 people voted total. 765 people voted in person, 93 mail ballots, 1 provisional ballot, 339 ballots left. In early voting 499 voted in person, 93 mail ballots, and 1 provisional. On Election Day, 266 voted in person, 1 ballot

defaced. 1200 ballots were purchased. In the yellow envelopes is a list of people that signed in to vote whether early voting or Election Day. Councilman Billy Joe Slaughter made the motion to canvass. Councilman Clegg DeWalt asked Interim City Manager Buddy Drake what a provisional ballot was. Interim City Manager Buddy Drake stated that is when a voter is not on the list of voters. Councilman Neal Smith 2<sup>nd</sup>. the motion. All remaining members voted yea. None opposed. Motion carried.

- B. Swearing in of Mayor and City Council Positions 1, 2 and 3.** – Interim City Manager Buddy Drake swore in the duly elected Mayor Lyle Stubbs, Councilman Chris Dennis, Councilman Clegg DeWalt and Councilman Wayne Huffman. The Mayor and Councilman elect took their oath.
- C. Comments from newly elected Mayor and Council members.** – Councilman Clegg DeWalt addressed the audience thanking everyone and looking forward to serving the City of Trinity for the next two years and thanked the Mayor and City Councilman in their ongoing effort to put their own personal agendas aside and do what’s best for the City. Councilman Chris Dennis addressed the audience stating that he would “like to thank everyone who voted for me and even those who did not, I am your councilman and it is my wish and has been since I was first elected up here to work with these guys, with the Chamber and everybody else involved with the business of the City for the best interest of the City.” “Thank you once again, God bless.” Mayor Lyle Stubbs stated “I would like to thank ya’ll for the ones who supported me and the ones who didn’t. I’m still your Mayor and I’ll do my best, as I’ve always tried to do and I appreciate it. Thank you council, Buddy, and do our best to do the job. Thank you.” Councilman Wayne Huffman stated “I just want to thank everybody. I’m going to serve everybody as well as I can. I appreciate the opportunity to serve Trinity. That’s what I am here for and I just want to thank everybody that helped me. Thank you.”
- D. Discussion and action concerning appointment of Mayor Pro-Tem.** – Mayor Lyle Stubbs stated “at this time I would like to appoint Councilman Wayne Huffman as Mayor Pro-Tem.” Councilman Neal Smith made the motion to accept Councilman Wayne Huffman as Mayor Pro-Tem. Councilman Billy Joe Slaughter 2<sup>nd</sup>. the motion. All remaining councilman voted yea. None opposed. Motion carried.
- E. Discussion and action regarding appointment of Municipal Judge.** - Mayor Lyle Stubbs stated “at this time I like to appoint Howard Kinsel, reappoint.” Mayor Pro-Tem Wayne Huffman made the motion to reappoint Howard Kinsel as Municipal Judge. Councilman Billy Joe Slaughter 2<sup>nd</sup> the motion. No other discussion. All remaining councilman voted yea. None opposed. Motion carried. Howard Kinsel was sworn in by Interim City Manager Buddy Drake as City of Trinity Municipal Judge.
- F. Discussion and action concerning appointment of elected official to serve on DETCOG Board of Directors** – Mayor Pro-Tem Wayne

Huffman made the motion that Councilman DeWalt accepts the position. Councilman Neal Smith 2<sup>nd</sup>. the motion. No other discussion. All in favor. None opposed. Motion carried. Councilman Clegg DeWalt thanked the council.

**G. Discussion and action regarding appointment of Linda Walker and James Hollingsworth to the Blanche K. Werner Public Library Commission.**

– Councilman Neal Smith made the motion to appoint. Councilman Clegg DeWalt 2<sup>nd</sup>. the motion. No other discussion. All in favor. None opposed. Motion carried.

**H. Discussion and action concerning construction contract award to Weisinger Water Wells for CDBG Contract #728680.**

– Martha Drake with Grantworks addressed council and audience. Ms. Drake stated she was here in place of Katherine Dewarte who is the contract manager on this project. Martha stated that there was a little bit of money left over for the water line project for the existing Community Development Grant in the sum of \$4900.00. That money is being used to do some work on the water well itself, to do some cleaning of the screens and repairs on the pump at the actual well. As soon as that activity is finished then your project will be closed and you will be ready to apply for the next round of money which is coming up with a deadline of September 30<sup>th</sup>. As long as it was a smaller amount below the bidding threshold which is now \$50,000.00, you can do small purchase procurement which was getting 3 verbal bids from local providers and then it was the lowest responsible bidder on those. Interim City Manager Buddy Drake stated that he wanted the City Council to apply in the next CDBG round to finish that line coming into town. Bring new lines in from the wells into the ground storage. Mayor Lyle Stubbs asked if it was 5800ft. Interim City Manager Buddy Drake stated it was 5800ft. or 5700ft. or something like that. Councilman Neal Smith informed Interim City Manager that the City had changed out some of that line in the past but did not know how much. Councilman Neal Smith wanted to know how much more line we are talking about at this time? Interim City Manager Buddy Drake stated that we were about half way in, I don't know about it. Probably close to 5000ft. left unless there is something new in there. Mayor Lyle Stubbs asked Delma Ellis if they got all the way to the Subdivision? Public Works Director Delma Ellis stated that they were about 700 or 800ft. short of the subdivision. Delma Ellis stated that he had asked James Flournoy to look into it and he was told that they would be bringing wheel to measure it. Delma Ellis stated that he had measured and the best he could come up with is 8 tenths of a mile. Councilman Neal Smith stated that if he understood right, he thought that line from the storage tank, shipped all the way into ground storage. Councilman Neal Smith also stated that he had talked to you before the meeting about the line being reduced down to a 4" or 6" or whatever. Interim City Manager Buddy Drake stated that was not the transmission line, it was the reduction around the wells. Public Works Director Delma Ellis stated that it

was reduced at the de-sander. Also, there are 10" lines coming out of the wells going into old aerator. When they come up with the new line they come down from the 10" line and reduce down into a 6", then down to a 4" to go into the de-sander. The engineer stated that there shouldn't be a problem with reducing the lines at the de-sander. Councilman Neal Smith asked when the lines leave the wells, and gets to the ground storage, it's going to be a 10" line all the way. Interim City Manager Buddy Drake stated "I think so." Councilman Neal Smith made the motion to go ahead and accept the contract. Mayor Pro-Tem Wayne Huffman 2<sup>nd</sup> the motion. All in favor. None opposed. Motion carried.

**I. Discussion and action regarding Resolution #10-0004 authorizing conditions exist within the designated Historic Commercial District of the City which is detrimental to the public health, safety and welfare of the community and, therefore, are declared to constitute a blighted area.** Martha Drake with Grantworks addressed City Council and the audience stating that this is the first step in the City's attempt to secure round two of down town sidewalk improvements money. As you may remember this is part of the Community Development Block Grant Global Program that has many different funds under. We had a public hearing earlier this evening to discuss briefly some of the other programs that are in the CDBG umbrella. This one tonight that you will consider is called the Texas Capital Fund Downtown Revitalization. It's the same grant program that did the Hwy. 19 sidewalk from Hwy. 97 to Main Street a couple of years ago. Yesterday we had the monitoring visit from the state agency, they came to insure that all the files were in order and the expenditures were all eligible and so that completes that project. It now makes you eligible to apply for the next round of money coming up. The deadline is June 8<sup>th</sup>. We will know by the end of June if you are within the funding range again. But as part of that overall CDBG program, typically your grants are aimed at what is called National Program Objective of low to moderate individuals. If you will recall for the water lines, at least 51 percent of the community had to be of low to moderate income for the City to qualify for that grant. This National Program Objective for the sidewalk grant is the elimination of slum or blighted conditions. There are a couple of conditions (1) if the area to be improved is within a census designated enterprise zone which has a poverty rate of 20 percent or more, it automatically qualifies as a blighted area. The second factor, to be considered a slum area, the public facilities, the public infrastructure facilities have to be of condition that are dangerous to pedestrians, employees of the businesses, things like that. While you're making a determination of the Public Infrastructure facility, this determination has no effect on the actually privately owned businesses. The money can only be spent within a designated historic commercial district. In order to be able to apply for the downtown money, you have to make this determination that there are slum and blighted conditions. Interim City Manager Buddy Drake stated what we are proposing to do on the next application is finish that one around the corner, finish that down to the alley and then come back and go down the

other side of the street and go towards the post office. Martha Drake stated that “right it would be the North side of Main Street from Hwy. 19 to the alley. We had one citizen during the public hearing suggest that perhaps the City could consider going all the way to Railroad St. That person will remain nameless. It has something to do with a rainy puddle in front of the business down there. It would be the North side from Hwy. 19 to the alley to connect to the post office to make that block in front of the pharmacy and drug store.” Interim City Manager Buddy Drake stated or wherever you guys want to do it, I just think that is where the business foot traffic is from Robb down towards post office. Martha Drake also stated “typically this \$150,000.00 grant plus \$45,000.00 match which is the next agenda item; there is \$175,000.00 of it that is for construction and engineering and that usually does only 1 block, on side of the street. So, in this case, it would basically be 2 half blocks on the North side of Main St.” Mayor Pro-Tem Wayne Huffman made the motion to approve resolution #10-0004 authorizing \$150,000.00 for sidewalk improvements. Councilman Billy Joe Slaughter 2<sup>nd</sup> the motion. No other discussion. All in favor. None opposed. Motion carried.

**J. Discussion and action concerning Resolution # 10-0005 authorizing submission of an application for funding through the Texas Department of Agriculture’s Texas Capital Fund – Downtown Revitalization Program and authorizing the Mayor to act as the City’s Executive Officer and Representative in all matters.** Mayor Pro-Tem Wayne Huffman made the motion to approve Resolution #10-0005. Councilman Billy Joe Slaughter 2<sup>nd</sup>. the motion. No other discussion. All in favor. None opposed. Motion carried.

**K. Discussion and action regarding Resolution # 10-0006 adopting a Public Access Plan for use during construction of public infrastructure projects funded through the Texas Capital Fund Downtown Revitalization Program.** Martha Drake addressed City Council and audience stating “once again this is basically a program requirement. In the early years of this program the state agency got many, many complaints from businesses who said they didn’t care that our frontage was being blocked, they basically, during our busy time of the year they continued to tear up the sidewalks, so the state came up with an idea that they would require the community to publish a local access plan so that you actually are aware that businesses can be impacted by the public infrastructure construction. And, basically what it says that when they did what they did last time with mostly good Success, they demolished and removed in sections so that access to the businesses was not impeded for any long period of time. This also says that the City will give notice to the businesses prior to the start of construction. So, that when the bid ad is in the newspaper it is appropriate that the City post something at the City Hall to let citizens know. It is an effort so that citizens and business owners have the opportunity to come to the pre-construction conference and express

their concerns. The other thing that the public access plan pledges is that you won't do construction during the heaviest shopping times. Councilman Neal Smith made the motion to approve Resolution #10-0006. Mayor Pro-Tem Wayne Huffman 2<sup>nd</sup>. the motion. No further discussion. All in favor. None opposed. Motion carried.

**L. Discussion and action concerning contract with Westwood Shores Property Owner's Association regarding solid waste collection. -**

Mayor Lyle Stubbs asked Councilman Clegg DeWalt if he had done the study on that. Councilman Clegg DeWalt stated that he had. Mayor Lyle Stubbs stated "Here is what I am going to suggest that we do since we never started picking up any garbage yet. We have already signed a contract with them. We are going to have to pick it up for a while to see if we are going to actually make any money or not. Councilman Clegg DeWalt addressed City Council and the audience. Councilman Clegg DeWalt stated that he was asked to work up a profit and loss statement and I have never worked up one before the activity is even begun. So, I asked my friend Phillip Morrison to assist me on this. I got his approval on everything before we went to print because I do not have the expertise to come up with these figures. Councilman Clegg DeWalt reported that he and Buddy Drake met with Mr. Morrison regarding the garbage pick-up at Westwood Shores. I requested Mr. Morrison then put into this matter. I am going to present this data in a bullet presentation. Bullet – The City of Trinity has agreed with Westwood Shores to pick up their garbage for \$1600.00 a month for 3 pick-ups a week. Bullet – Presently WWS is taking their garbage via 16 ft. trailer to Lake Area Trash disposal. WWS is averaging 50 yards of garbage a week. This does not include Marina Village who with the summer coming up will be taking their garbage to WWS. We used the City of Trinity March 31, 2010 receipt from Santek Environmental which is located in Leggett Tx. That's 100 miles round trip from Trinity and calculated that it cost the City of Trinity \$6.88 to dispose of a compressed cubic yard. That means it cost \$138.00 for our small garbage truck which holds 20 compressed yards and it cost \$172.00 for the large truck which is a 25 compressed yard garbage truck. However, it just makes more sense it would be more cost effective to use the large truck. Our most accurate estimates for the pick up disposal of WWS garbage per month is the following: it's going to cost \$688.00 for dump fees. It's going to cost \$168.00 for truck fuel. Diesel cost approximately \$3.00 a gallon. The trucks average from 6 to 7 miles per gallon and it's a 100 mile round trip for 4 weeks. I came up with a conservative figure for the depreciation of our garbage truck. Our new garbage truck, the large one cost \$124,459.66. It was purchased in May 2007. State property accounting normally dictates that garbage trucks are depreciated straight line for 10 years. That means that the acquisition cost is divided by 120 incremental months. The depreciation expense for the large garbage truck is a \$1037.16 per month. It's going to cost in personnel, \$120.00. That's one employee

driving the garbage truck at \$10.00 an hour, the 3 hour round trip. Total expenditures per month for WWS garbage pick up and disposal is \$1358.00. Councilman Clegg DeWalt stated that we could conceivably make \$242.00 a month. That is if we don't blow out a \$200.00 tire, if the price of diesel does not continue to rise, if the garbage disposal rate does not increase and the most important point if Westwood Shores does not produce any more than 50 yards of non - compacted garbage per week. The depreciation figure is very conservative. Phil and I based depreciation and fuel on a \$1.50 per mile and it's going to come into play due to the additional trips to the land fill for WWS garbage. For presentation purposes only I split out fuel and depreciation. The five garbage bins costing \$1050.00 a piece equals \$5250.00. At \$1600.00 a month it would take 22 months to recoup the cost of the garbage bins. If we got \$2000.00 a month it would take 8 months to recoup the cost of our garbage bins. Cindy Beasley stated at the last City Council meeting she would be open for discussion to increase the monthly charge. And I believe for the City of Trinity to realize a profit to cover the depreciation on City equipment and to provide a service to those individuals living at WWS I think that \$2000.00 a month would be fair. Councilman Clegg DeWalt asked Ms. Beasley if she would like to say anything. Ms. Beasley stated that yes she would like to say something. First and foremost, I am offended. Because we were stuck on the agenda and I was not notified. Councilman Clegg DeWalt stated on behalf of the City, I apologize if you were offended in any way. It was not meant to be. I got to believe it was a complete oversight. Mayor Lyle Stubbs stated, what I recommend that we table this for the time being. We are going to see once we start picking up; we'll see how we are going to come out. Then as we discussed it and agreed upon, if we need more money, you said you were flexible and I'm sorry we didn't call you. Mayor Pro-Tem Wayne Huffman addressed Mr. Morrison stating that when this deal came about, they weren't hauling garbage to ya'll. It came up after we voted to do the job. I probably never would have been for it if I knew ya'll was going to be doing local business. We done signed a contract with them. That's the point, we voted on it up here and Mr. DeWalt did too. Councilman Clegg DeWalt stated, when I voted for it I said emphatically stated I wanted a profit loss statement worked up. Mayor Pro-Tem Wayne Huffman stated "Mr. DeWalt, you have figured all the garbage truck on WWS. Is that correct, 120 months? We are using that truck everyday in Trinity. You cannot give all the depreciation to WWS. Councilman Clegg DeWalt stated, we only gave a third. Phillip Morrison stated all we gave is enough to just haul WWS garbage. We just depreciated to WWS garbage; we did not depreciate it to City's garbage. We based all of our numbers on an average of 50 loose yards a week where, in last week we got 61 this week we already got 75. Councilman Billy Joe Slaughter stated that as its hauling WWS garbage, it's hauling our garbage also. Mr. Morrison said that you still got to figure that you are still going to be picking up one full truck a week regardless of where else you're going. Councilman Clegg DeWalt stated, gentleman, I think the best approach here is to table this. Get into this operation and see if we can prove or disprove these figures. As far as straight line depreciation, as far as an accounting term, that truck is going to depreciate a \$1000.00 a month if you never turn it on. We just allocated \$300.00 for depreciation to WWS. It's just a third of its normal depreciation. I think the best approach is just start this operation and then prove or

disprove these figures. Again, I was tasked with the unenviable request to come up with this and this is our best presentation. Mayor Pro-Tem Wayne Huffman made the motion to table it. Councilman Clegg DeWalt 2<sup>nd</sup>. the motion. Councilman Neal Smith asked how long we are going to table it. Mayor Pro-Tem Wayne Huffman asked if Ms. Beasley had obtained her permits yet. Ms. Beasley stated that she had spoken to Mr. Drake earlier; I'm still waiting on TCEQ to give us our permits. Once we get our permits, then we can set the dumpsters. Ms. Beasley also stated that after 90 days, bring back to City Council, you should have a good idea of what the cost is going to be. Mr. Phillip Morrison stated that WWS is pretty much the main commercial customer we have, if the City is going to have one, we are closing the transfer station. It's not making us any money; there is no reason to keep it open. We are serving about a thousand homes a week. Councilman Neal Smith asked Ms. Beasley, did you consider going to him first before the City or is that an option? Ms. Beasley stated, we had actually spoken to the City about 2 years ago about providing dumpsters for us. But, had a contract with Pro-Star Waste and as soon as my contract came up, well 30 days prior to the contract coming up is when I contacted Mr. Patchett about the City providing us with dumpsters because honestly, we wanted away from Pro-Star Waste. We wanted to spend the money locally. Councilman Neal Smith stated as he understood it, the only money we got tied up in it at this time is the 5 dumpsters. If Ms. Beasley can carry back to her board and see if they would consider going with the Morrison's, save a business and we wouldn't be in this trap here anyway. That's just my thinking on it. Mayor Pro-Tem Wayne Huffman stated that their not willing to haul it. Councilman Neal Smith stated it's not a feasible deal from what I heard in this report for the City. I hate to lose a business and I realize they're in the business, in the garbage business and I wish there was some way that this could work out where we could save the business and accommodate Westwood Shores. Councilman Chris Dennis stated it was a 3 year contract with the option if one party or the other, if not satisfied, can get out of it. Councilman Clegg DeWalt stated to the Mayor that the City could make a little money on this and it would be helping our family out at Westwood Shores that spend their money locally and it's not going to hurt the Morrison's. I think we can make a little money on this, but I would like the 3 months to prove it. It might be good for everybody. Mayor Pro-Tem Wayne Huffman made the motion to table for the time being. Councilman Clegg DeWalt 2<sup>nd</sup> the motion. All were in favor. None opposed. Motion carried.

**M. Discussion and action on making the City Hall Complex a**

**nonsmoking building.** – Mayor Pro-Tem Wayne Huffman made the motion to make the City Hall Complex a non-smoking complex effective immediately. Councilman Clegg DeWalt 2<sup>nd</sup>. the motion. Councilman Neal Smith opposed. All remaining members were in favor. Motion carried.

**N. Discussion and action regarding medical expenses for Juan Guajardo totaling \$5,496.60 while in Trinity Police Department custody.**

– Police Chief Jones stated that when someone is in our custody, we are responsible for their medical bills. This gentleman had to be transferred to the hospital and had a legitimate medical problem and the

City is responsible for that bill. Councilman Neal Smith asked how long he was in our jail before he had to be carried to the hospital. Police Chief Steve Jones stated it was for that night. Councilman Neal Smith wanted to know if it was a County case or a City case. Police Chief Steve Jones stated it was a State case. Councilman Neal Smith asked if the prisoner should have been transferred to the county. Police Chief Jones stated no, the prisoner gets magistrate by our Judge in the morning and then the County has 3 days to pick them up. Police Chief Jones also stated that hospital management is to get together with the City and work out a deal instead of the City getting a sky rocketed hospital bill. Bill for indigent care to cut the cost. Mayor Pro-Tem Wayne Huffman made the motion to table. Councilman Neal Smith 2<sup>nd</sup> the motion. No further discussion. All remaining members were in favor. Motion carried.

**O. Discussion and action authorizing acceptance of sealed bids for the street rehabilitation project.** - Mayor Lyle Stubbs stated that council was going to skip this item because we are going to have to have a special meeting on the streets. We had some figures wrong so we will possibly have a special meeting on Monday. Interim City Manager Buddy Drake stated, let's make it for 6:00p.m. on Monday.

**P. Discussion and action with Kenneth Newton concerning the City paying Johnnie Parker for his services at Trinity Arms Apartments.** - Ordinance Officer Ken Newton stated that the repairs were conducted after the leak was discovered by the plumber and one of our City employees. The \$95.00 per hour service charge for the plumber hired by the apartments is the expense the apartment management feels like the City should pay. Had the management of the apartments conducted themselves in such a way that the investigation by the plumber would have been to satisfy the City that it was not their line, but our line, they wouldn't have investigated the apartment that was in question and spent 5 hours trying to find a leak there which wasn't there. Had they investigated their own lines and proved that it wasn't theirs than that would have left the City to address our lines in a different manner. The City has repaired the fault and during that time, the day it was repaired, the plumber spent 3 hours on the job. It took 2 hours to repair it so, in my opinion; the apartment is liable for everything except for 2 hours. The plumber has been short changed in a manner of speaking; he hasn't gotten a penny out of it to my knowledge. Interim City Manager Buddy Drake asked if we pay the plumber or pay the apartments. Ordinance Officer Ken Newton stated that we pay the apartments because we made a deal with the apartments. Councilman Billy Joe Slaughter asked what the total number of hours was. Ordinance Officer Ken Newton stated that he believed it was a total of 8 hours. Councilman Neal Smith stated that we had spoke about this the month before last and that Ordinance Officer Ken Newton stated that the City had no responsibility into that, of the hiring of him and you said that the City worker fixed the leak once it was found. Councilman Neal Smith asked who hired Mr. Parker. Ordinance Officer Ken Newton stated that the apartments did. The agreement was that the apartment management hire a plumber of their choice and find that leak if it's on your property. If it's not, it

must be on our property and you find it and then we will address the repairs of it using your plumbers' decision of where that leak is. They spent the first 5 hours the first day of the job under the management of the apartments searching inside the apartment trying to find a leak. Councilman Chris Dennis asked how many letters were drafted. Ordinance Officer Ken Newton stated that he believes he has written three. Councilman Chris Dennis stated that he had read one letter that had said if the plumber that she hired found a leak to be the City's responsibility, or not theirs, the City would absorb all of the cost. Ordinance Officer Ken Newton stated that yes if they would have followed the letter of that letter. If they had searched the property, find the leak. Councilman Billy Joe Slaughter asked Ken Newton if the City had a water leak. Ordinance Officer Ken Newton stated that it was proved that the leak was on the apartment side of the meter. But, what it was, there was one line going towards the apartments going to two different meters. They join at a junction. Right at the apartment foundation, and when we went out there to look at that, we dug that hole in there, it looked like grey water. Councilman Chris Dennis asked Ordinance Officer Ken Newton, at the final determination, was it our leak? Ordinance Officer Ken Newton stated that it was determined that was the City's leak. Mayor Pro-Tem Wayne Huffman stated that the best he could remember between you and her, they didn't follow instructions. Ordinance Officer Ken Newton stated that they didn't follow instructions as it was supposed to be done. Councilman Clegg DeWalt asked how much money we are talking about. Ordinance Officer Ken Newton stated that we are talking about \$190.00. I believe \$95.00 an hour and he was there, the repairs took 2 hours. Councilman Clegg DeWalt asked in your opinion we owe for two hours. How much is the total bill that is being submitted to the City? Councilman Chris Dennis stated that maybe he needs to read the letter again, but the letter he read in his limited understanding, that's our bill. If she is so insistent that is not her leak, go get a plumber and find it. If it's not your leak, then we will absorb the cost. Ordinance Officer Ken Newton stated she sent the plumber inside the apartment which is their property, not ours and spent 5 hours looking for a leak that wasn't going to change anything. Councilman Neal Smith said, so what you are saying is the time that the plumber was out there, with the City employee and fixed it was the two hours on the outside of the building? Ordinance Officer Ken Newton stated yes. The first day, he didn't have an eye witness of the City, for the City to be present, to witness the search for the leak. The first day the City wasn't there. We didn't even know he was there. Mayor Pro-Tem Wayne Huffman stated that was what he was referring to, they didn't follow the guidelines. Councilman Neal Smith stated that our employee did tell them to go hire a plumber and then it comes down to like it is, we do owe those two hours. Councilman Neal Smith made the motion that the City pays the \$195.00. Councilman Clegg DeWalt asked Mayor Lyle Stubbs, procedurally, is it possible that Johnny tell his side of the story? Johnny Parker stated with all due respect, that is incorrect, you wrote Ms. Lucille a letter stating that she had a leak which she did. For two years ya'll tried to find the leak and could not find it. So, if I come out to your place and you got a

leak, first I got to find it. But, you told her it wasn't on ya'll. I propose you find a qualified man to fix that leak and if our line meaning the City, you will absorb all cost, which is what you, said. So, I didn't know where the leak was just like you. I had to search to find it, and I had to make sure it wasn't coming from underneath that concrete slab. So, what happened was that in the process of finding the line, the line was in an angle, it had went and was 45 causing that water to get up under that slab and ya'll swore up and down, no its not the City. Then, when ya'll found it ya'll say oh, who would have thought it. You told that woman if she didn't fix the leak, those people would have to move out, that's what you told her. So, my process was trouble shooting. Councilman Clegg DeWalt asks Mr. Parker, so, you were using process of elimination sir? Mr. Parker stated, absolutely sir. Councilman Billy Joe Slaughter asked Mr. Parker how much his bill was. Mr. Parker stated that the bill was \$795.00. I took me two days and 8 hours to find it. Councilman Clegg DeWalt made the motion to pay the whole bill. Councilman Chris Dennis 2<sup>nd</sup> the motion. No other discussion. Not all remaining members were in favor. Councilman Billy Joe Slaughter and Mayor Pro-Tem Wayne Huffman were opposed. Mayor Pro-Tem Wayne Huffman made the motion that the City pay half and let the complex pay half of it. Councilman Billy Joe Slaughter stated that it sounds fair. Councilman Chris Dennis stated that the problem that he had with the whole deal is what I had from the beginning. Mayor Pro-Tem Wayne Huffman stated that one of the letters stated that they would have a City employee with that man down there checking it and there wasn't. Councilman Chris Dennis stated that he understood what he was saying. "I didn't read that, so I don't know about that." "What I read said that since you are so adamant or insistent that it is not your problem, you hire a plumber. It didn't say at \$10.00 an hour at \$1.50 an hour, it said you hire a plumber." "Affordable will charge a \$110.00 an hour." Mayor Pro-Tem Wayne Huffman stated "I'm not paying it, I'll tell ya." Councilman Chris Dennis stated, "If it is our leak, we will absorb all cost, now that was cut and dry to me." Mayor Pro-Tem Wayne Huffman said he didn't understand it that way. "If I thought it was like that, I would be for it, but I'm not." Mayor Pro-Tem Wayne Huffman stated that Ordinance Officer Ken Newton had a letter stating that there would be a City employee on site." Councilman Chris Dennis stated "as far as I'm concerned, let's put it behind us and let's pay him." Councilman Neal Smith asked "did you tell them specifically, to hire the plumber of their choice, and if it was our fault we would pay the whole bill?" Ordinance Officer Ken Newton said yea. It was based on an employee of the City being there to oversee the inspection and make a decision on how it was going to be repaired. Councilman Neal Smith asked was our City employee there for the 8 hours that Johnny spent down there. Ordinance Officer Ken Newton stated that the City employee was there only the second day and that was the day it was discovered. The first day was the 5 hours and there wasn't a City employee out there. Councilman Neal Smith asked, so that's the procedure that you said they didn't follow? You told Ms. Carlson that? Ordinance Officer Ken

Newton said it was in the letter. Mayor Pro-Tem Wayne Huffman stated that was what he was basing his opinion on. Councilman Clegg DeWalt read the letter that stated; it was a City of Trinity letter dated January 19, 2010. It says in the 6<sup>th</sup>. Paragraph it says, during the process of locating the problem and repairing it the City would provide a witness on site to confirm your findings and approve the methods of repairs. If you should find that the problem is the responsibility and leys with the City, the City would absorb the cost in full. Councilman Clegg DeWalt made the motion to pay the full bill. Councilman Chris Dennis 2<sup>nd</sup>. the motion. No further discussion. Four remaining members voted yea. Mayor Pro-Tem Wayne Huffman voted against. Motion carried.

**Q. Discussion and action with Kenneth Newton regarding expenses with demolishing houses the City has received authorization on. –** Ordinance Officer Ken Newton stated that the City has a couple of houses to be demolished but can't be unless the City spends some money on it. One of them is the double-wide trailer on Isrel Otis. Councilman Chris Dennis stated that what we are going to have to do is use some of the money that is budgeted to clean up these properties and get that trash hauled off from over there. Interim City Manager Buddy Drake asked, why we don't bring some figures to City Council for them to consider. Councilman Neal Smith stated that when it is brought back to the Council, he wants to know who owns that property and if the taxes is paid on it. Ordinance Officer Ken Newton stated that the taxes have not been paid on it. I have the name of the person who was last listed as the owner. I have not got a response from all the communications. I have gone through all the channels it takes to make it legal for us to do something and do it without any repercussions. Mayor Lyle Stubbs asked did we put a lean on it. Ordinance Officer Ken Newton stated yep. The taxes haven't been paid in 10 to 15 years. Councilman Neal Smith made the motion to table it until we can get some figures together. Councilman Clegg DeWalt 2<sup>nd</sup> the motion. No other discussion. All remaining members voted yea. Motion carried.

**R. Discussion and action concerning clean-up with Kenneth Newton. -** Ordinance Officer Ken Newton stated 100% complete.

**S. Citizens Forum. –** Ms. Hodge voiced her concern about Yarborough St. being in bad condition and the second house on the right and the one next to it. Mayor Lyle Stubbs asked Ken Newton to check into the houses and to see if anything can be done. Ordinance Officer Ken Newton stated that he had put a condemned sign on it twice and each time it had been ripped off. If we catch them doing that, it's a \$250.00 fine. John Dosier has been working out of the country and now that he is home, he would like to get to know City Council and for City Council to get to know him. Johnny Parker stated that he would like to congratulate City Council and also "I would like to congratulate Mr. DeWalt on the streets, North Lakefield, the ditches and all things are

looking good, got a culvert in and everything and kudos to him, he is one of the councilmen that came out and saw the deplorable conditions it was in.

**7. Executive Session:**

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

City Council went into Executive Session at 8:40 p.m.

**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 Billy Joe Slaughter 2<sup>nd</sup>. the motion. All remaining members voted yea. None opposed. Motion carried. Mayor Lyle Stubbs adjourned the meeting at 9:20 p.m. There was no other discussion.

---

**Lyle Stubbs**  
**Mayor**

---

**Buddy Drake**  
**Interim City Manager**