



**City Council Meeting  
Minutes  
Regular Session  
January 13, 2011 - 7:00 p.m.**

Rhome City Hall  
105 W. First Street  
Rhome, TX

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**Council Present:** Mayor Evelyn L. Obenour; Mayor Pro Tem Chris Moore;  
**Council Members:** David E. Wilson, Jo Ann Wilson, and Gerry McBride.

**Absent:** Council Member Charles Pennington

**Staff Present:** Walt Leonard, City Attorney; Ramah Burns, City Secretary;  
Preston Gilliam, Public Works Director; Robert Pratt, Fire Chief, James Rose,  
Police Chief.

**Invocation:** Bishop Brian Sears – Church of Latter Day Saints

Mayor Obenour led the assembly in the Pledge of Allegiance.

**Citizen Presentations and Public Input for Future Agenda Items:**  
None

Chris Graves spoke. He said there are a lot of things going on with the city – bring in money into the city, safety issues and a lot of things unofficially being talked about. He said he just passed out material on dilapidated and unsecured structures. There is one that the city happens to own on a beautiful corner lot at Old Mill and Morris. It's run down and torn up and the house next door is tied into it. It has been brought to his attention that some members of our city council have proposed this area as a skate park. He said he didn't know the total facts on whom or where or how this was proposed. If you go by there tomorrow and look at it is an asinine thought that a skate park where kids would be around that and to spend tax payer's money to overhaul a facility like this. He said any other use except demolition or using the lot for something for the city or sell the lot to a future business hopefully the city council coming up can bring in. He said a town in Oklahoma actually passed an ordinance on dilapidated and unsecured buildings and none of them that he has seen pictures of are as half as bad as what we've got that we want to actually use. He asked the council to entertain themselves to read up on definitions to declare that building dilapidated and insecure and unfit for any other use but to knock it down. He said the skate park idea was pretty evidence that it was someone's idea because there are actually drawings inside the building on the walls where ramps would go. He said it is ridiculous that anyone would even go in there and draw on the thing much less want to spend tax payer's monies to overhaul it. He said he encouraged everyone to go look at it tomorrow. It's crazy. Thank you.

**Announcement from Mayor and Council Members**

Mayor Obenour said she wanted welcome Wise County Messenger Reporter Brandon Evans back to our Council meetings. She said we have Mark Lorance, former Mayor. We are so glad to have you. She said there is work going on at the Love's lot. She said everyone should be excited about that. She said its cold and she hopes everyone is keeping warm and safe.

1. **Consent Agenda:** The items will be enacted with one motion. Any Council Members may remove any item form the Consent Agenda.

Gerry Mc Bride asked that the Police Department be pulled off.

Police Chief James Rose said they hired a person from Experienced Works to work a ½ day answering the telephone. Police Officer Alisa Scheps arrested someone the other night. It started with a speeding stop. She walked up to the car and smell marijuana. They took off and she chased them into Saginaw. The suspects had a lot of stolen items in their car.

**A. Approval of Minutes:**

1. **December 9, 2010 Regular Session**

**B. Acceptance of Report**

1. **Police Department**
2. **Fire Department**
3. **Public Works**
4. **Administration**
5. **Parks and Recreation**

**C. Approval of Check Registers**

1. **December 7, 2010 through January 10, 2011**

Motion was made by Chris Moore to approve the consent agenda. Gerry Mc Bride seconded the motion.

**Motion carried unanimously**

Discussion and necessary action concerning the following agenda items:

2. Old Business

A. Codification of city ordinances.

Mayor Obenour said Gerry Mc Bride has done extensive research on this. She asked Gerry to elaborate on this.

Gerry Mc Bride said tried to simplify this on the three (3) bids – American Legal, Franklin Legal and Lee Lawrence. On the spread sheet you can see the comparison, cost, time frame, etc. They make sure they go by state law, put on CD, host ordinance on web site.

Jo Ann Wilson said Gerry did a good job. She asked if they could go back and clarify things or is this a solid bid.

Gerry Mc Bride said 2 of the 3 are based on 400 pages of data. He said he doesn't know if we have all of the ordinances in the zoning book. American Legal and Franklin Legal have come back and said this is the price with what they are seeing. If it's more than the 400 pages it's more than that if it's less it would be less. He wants each ordinance to be looked at and screened by a team of attorneys. He said to feel free to call anyone of these three (3). He said what he saw is one of the bids didn't incorporate a lot. There are no lawyers involved which could be an added cost to us.

Jo Ann Wilson said they sat in a meeting with one individual. As she recalls he said he would be consulting with an attorney. She said she didn't know if he failed to put that in. She said the price point is so wide and we have seen what this man can do in the past. She didn't know if this was a solid bid or an offer.

Gerry Mc Bride said he looks at what the person's expertise is. There is one person here where his expertise is not codification. The other two (2) bids is what they do. He said that was his only concern.

Mayor Obenour said it is very important that it is done right.

Walt Leonard, City Attorney said what we want to be sure is the existing book all 400 pages is 12 years old and they have passed a lot of ordinances since that. He said what we have in front of us in the ordinance book in itself we know is somewhat obsolete because there are a lot of ordinances that may have been changed or modified. Also there are some sections of the existing ordinance that everyone has said over the years needs to be looked at – personnel, zoning classifications that were originally from the City of Keller and don't match us at all.

January 13, 2011

There are some things they do that we have never done. We need to make sure they match up with our policies. He said these guys may also have to assist in the rewrite or we can say we want to do x, y, z, and let them fit it in. Or we can come up with the exact language we want and it should affect the prices.

Gerry Mc Bride said he was surprised at the price gap. He thought it would be wise for the council to put questions together and things we need or we think we want and get it back to them to see if it will affect the price.

Jo Ann Wilson said she thought that would be good to get them quoting on the same product.

Gerry Mc Bride asked everyone to get their questions and comments back to him.

Motion was made by Gerry Mc Bride to proceed with this at the next council meeting. David Wilson seconded.

Motion carried unanimously.

**B. Repair floor in city hall bathroom**

Mayor Obenour said this has become quite a problem because December 9<sup>th</sup> the council meeting it was agreed that TML would be called to see if they would cover the claim. Ramah did call and the answer was no. Ramah did secure estimates and under her direction she was instructed that the bathroom be repaired and the flooring be replaced and also in the Public Works Department if there was anything that needed to be repaired that it should be done. Then she has a problem where a couple of council members came in and they ordered that the repairs be stopped and they wanted the flooring to be upgraded to ceramic tile.

Jo Ann Wilson said she didn't think it was ordered to be stopped.

Mayor Obenour said this was just before Christmas it was stopped at an additional cost. She said she didn't believe that council members should have stopped that. There wasn't anyway to call for a meeting of the entire council and they were ordered to fix it. Now we have sewer gas problem. She said when she came in on Tuesday it was the most sickening sewer smell.

She said she can't believe that the employees were able to work with that sewer smell. She said she talked with Preston and they checked to see what they could do. He took steps to make sure that something was stuck down the sewer drain so the employees wouldn't be asphyxiated by the sewer gas. The problem is when you only have one (1) bathroom and that toilet is flushed it forces gas back up the other one because they are connected. She said it was a mistake to try to stop what was supposed to be done. She would like for this to be discussed.

Chris Graves asked what the reason for repairs were stopped.

Jo Ann Wilson said as far as she knows no one said to stop it. The question was water has seeped under the floor. The bathroom is on the other side. The W/S Office and bathroom share the same area. The concern was is the floor under the W/S also affected by the water. As far as she knows, no one said stop. It was asked if there was a problem with this floor. She said she talked with the contractor informally, she didn't ask him to stop anything up here. She said he said it would probably have water damage also. He said the framing around the back door is around 12" to 18". If they put cement board down which will be a water barrier from now on and put vinyl or cement tile on top of it – it should take care of that problem. She knows of nothing that stopped the work. In fact she really thought the potty was going to be reset the next day when all of that stuff dried.

Mayor Obenour said she had a discussion this afternoon with the people that were in the process of doing the work and they were told that they should stop. It's a he said she said. She said she wants it fixed and she doesn't think there should be anymore money put into it than what is necessary. She doesn't believe ceramic or fancy stone should be put in the Public Works section because they come in with heavy equipment and if they drop it and crack it – it will cost twice as much to fix it. She said there is vinyl tile that can be put down at a lot cheaper cost and it would be functional and look well. It will clean up the area that she calls for the staff of the Public Works and office staff.

David Wilson asked what bid is correct.

Mayor Obenour said the \$2,600 is for ceramic tile.



January 13, 2011

Jo Ann Wilson said what she was concerned about was a water proof barrier. She said the potty can sit on the floor like it is now.

Mayor Obenour said that's not the way to treat the employees.

David Wilson said put the sub flooring back in and some type of vinyl on it and set the toilet and get it operational. He said to take the low bid and do it.

Gerry Mc Bride thanked David and said that is the common sense approach. He said this should have already been done. This is what this council said to do.

Ramah Burns said as far as they know water is not coming in. That only happened about 6 months ago and Tammy Yarbrough put membrane on the back of the building. We haven't had any more problems.

Chris Graves said did you have to have this back on the agenda? Isn't the Mayor's job to run the daily operations of the city hall and make the decisions that need to be made so the employees can have a rest room they can use. Did our council members have an information conversation with contractors and inadvertently make them stop working on a simple bathroom project. That is the simply question he has. Why are they interrupting the Mayor's daily job duties?

David Wilson said he didn't think there was any intent of stopping the deal.

Joseph Markgraf said that would be the first contractor to stop a job if they weren't told to stop. Contractors are there to get paid and they are going to work until they are told to stop.

### 3. New Business

#### A. Audit for fiscal year October 1, 2009 and ending September 30, 2010.

Pete Chaney, CPA said they received their audited financial statement and management letter about a month ago. He wants to hit the highlights. His opinion letter is the only thing of his that is in the audit. You always want and unqualified opinion. You have always had an unqualified opinion

January 13, 2011

One of signs of good health for the city is that the net assets keep increasing each year. The net assets did increase. The revenues stayed about the same and expenses decreased. The net loss in the W/S was due to depreciation. The W/S fund had a modest increase in cash and didn't require funds from the General Fund. The city revenues came from property taxes, fines and miscellaneous. The city had a decrease from the prior year of 14.83 and the city took in overall \$218,000 less. On Capital assets the city borrowed a lot of money and spent a lot on the community. There were \$350,000 improvements to the community. The city paid down \$309,000 in debt.

To summarize the year under tough economic conditions we had a decrease in revenues, increased the assets, added \$350,000 improvements to the city, paid down debt \$309,000. Mr. Chaney said they deserve a pat on the back. There are a couple of comments under economic factors. He said the city has a "A" bond rating. The city borrowed \$550,000 to complete the infrastructure at the Love's Travel Center and the city has a "A" rating. He said that was exceptional.

Mr. Chaney said he wanted to talk about the management letter. They are recommending the following:

1. City Council should review actual expenditures vs. budget on a monthly basis. This will project over spending before it gets out of hand. He said I believe you are doing that now.
2. City Council member should review all bank reconciliations on a monthly basis. He said now we have two (2) council members doing that.
3. Proceeds from fire department fund raisers should be deposited the first banking day after the fund raiser. He said a representative from the fire department and city staff should jointly count the cash and initial the deposit slip.
4. A listing of outstanding accounts payable should be provided to the city council. He said Gerry McBride when he ran his business he liked to have a list of outstanding bills that needed to be paid. He said this is already being done.
5. City Council should consider a purchase order system for all expenditures in excess of \$500.00.

6. Sometime department heads spend their budget because they think they will lose it next year if they don't spend it. He is recommending a purchase order system. This is being worked on.
7. City council should review overall police department performance and establish or refine policies where necessary. He said he has been watching the revenues of traffic enforcement going down year after year. This year fines were \$206,000, last year \$295,635, the year before \$354,029 and those were not Nestor years. It seems a decision has been made to de-emphasize traffic enforcement. His concern is, is that's what the city council wants. What also was brought to his attention is occasionally they will make calls out side the city limits. He said that's good but do the citizens of Rhome want to pay for Newark's Police Department.

Police Chief James Rose said the reason they do that is the county doesn't charge us for dispatching or a daily charge for someone to be in jail which is common in other counties.

Pete Chaney said he wasn't saying that was bad but is that what the city council wants. He said the figures speak as far as the fines and traffic. He said the decline started in 2007 and now it's less than half. In 2007 it was \$475,073 in 2010 it was \$206,114.

Motion was made by Gerry Mc Bride to approve the audit for fiscal year October 1, 2009 and ending September 30, 2010. Chris Moore seconded the motion.

Motion carried unanimously.

- B. Public Hearing opened at 7:58 p.m. on a variance request from Love's Travel Center on site lighting.

Chris Graves asked how many lights are there and where will they be placed.

Ramah Burns went to get the ordinance on site lighting.

Public Hearing closed at 8:15 p.m.



**C. Action on the variance request from Love's Travel Center on site lighting.**

Motion was made by David Wilson to table this to get more information and proper documents. Motion was seconded Gerry Mc Bride.

Jo Ann Wilson said she thinks the Planning & Zoning Committee needs to be more involved.

Gerry Mc Bride said a variance request comes to the council.

Walt Leonard said this comes directly to the council because at this time you are sitting as the Zoning Board of Adjustments. He said they can send it to the P & Z for their recommendation. Their recommendation is not binding.

David Wilson said since this has landed on their table he doesn't see a need to go back to them.

Motion was amended by David Wilson to Table this until the next meeting in the interim time they have our building department, our building inspector, engineers get them the documentation they need to have what they originally proposed. Gerry Mc Bride seconded the amended motion.

Motion carried unanimously.

**D. Consider bid made on property located on Lot 81, Block 4, Phase 2, Crown Point on Kensington Court by Jeremy & Tiffany Watson.**

David Wilson said what he reads in this is it went to the court house steps for sale and no one bid on it. Wise County said they would accept the bid of \$500.

Walt Leonard said we are just one of the parties that have a tax claim. If eventually everyone says yes it can sell.

Motion by David Wilson will defer our taxes like Wise County and send it on the Northwest School District. Chris Moore seconded the motion.

Tiffany Watson spoke. They made the offer on the lot. They live next door to it and have paid to have it mowed or mowed it themselves for the last six (6) years. If they don't want to accept it at NWISD they aren't going to mow it anymore.

Motion carried unanimously.

- E. Consider Park Board Chairman Ronnie Moore's resignation from Council meeting December 9, 2010.

Motion was made by Jo Ann Wilson to accept Ronnie Moore's resignation from the Park Board. David Wilson seconded the motion.

Motion carried unanimously.

- F. Repair floor in W/S office.  
Action was already taken under Old Business.

- G. Awning for the Community Center

Gerry Mc Bride said we really need to be careful with dollars. He said this needs to be a budgeted item. He said that building has been down there for a number of years and utilized without an awning.

Jo Ann Wilson said a citizen came to her about putting a cover over the porch for the seniors where they walk up. She thinks they need to not take any action at this time. She has talked with the seniors and they would like some non slip tape on the ramp.

No Action was taken.

- H. Welding generator for \$4,000 for W/S/ department

Motion was made by David Wilson to Table this and talk about it for the next budgeted year. Chris Moore seconded the motion.

Motion carried unanimously.

January 13, 2011

- I. 40' overseas container for \$3,750 for Administration records being kept in Old School.

Motion was made by David Wilson to purchase a 40' overseas container for \$3,750, paying from whatever fund we have and to move the records that are in the Old Rhome School as quickly as possible to it. Gerry Mc Bride seconded the motion.

Motion carried unanimously

- J. Drug Free Zone

Police Chief James Rose said Drug Free Zones enforced by the State enhances penalties for convictions of a felony within 1,000 feet from schools and parks. There is a city ordinance the city can pass which would cover 1,000 feet from a church. It will cost them nothing they just need to agree. It would also cover any school affiliated with a church. He said you use the same sign for each location.

Jo Ann Wilson said the Rhome Church of Christ asked for this some time ago. The Pastor said he would contact the other churches if we like. She asked what they needed to do to make it happen.

James Rose said the State law is already in place. You would have to pass a city ordinance for a "Drug Free Church Zone".

Chris Moore said he would like to move forward with the "Drug Free Church Zone" because State Law already covers Schools and Parks.

Motion was made by David Wilson to go ahead and place the signs on all State instituted "Drug Free" areas and to contact our churches to see if they are willing for us to pass and ordinance to include the churches in "Drug Free Zones" as well. Until we do that go ahead and take all of the State recommended areas in the Texas Health and Safety Code and post signs and for Chief Rose to contact the churches to answer any questions. Motion was seconded by Gerry Mc Bride.

Motion carried unanimously.

- K. Proposed Resolution 2011-01R, to suspend the February 14, 2011 effective date of Oncor Electric's request rate change and approving cooperation with the Steering Committee to negotiate with Oncor prior to setting reasonable rates.

January 13, 2011

Motion was made by Jo Ann Wilson to approve Resolution 2011-01R suspending the February 14, 2011 effective date of Oncor Electric's requested rate change and approving cooperation with the Steering Committee to negotiate with Oncor prior to setting reasonable rates. Chris Moore seconded the motion.

Motion carried unanimously.

- L. Proposed Ordinance 2011-01 ordering an election on the 14<sup>th</sup> day of May, 2011 for the purpose of electing three (3) council members for a two (2) year term.

Motion was made by Chris Moore to approve Ordinance 2011-01 ordering an election on the 14<sup>th</sup> day of May, 2011 for the purpose of electing three (3) council members for a two (2) year term. Jo Ann Wilson seconded the motion.

Motion carried unanimously.

4. Recess to Executive Session at 7:30 p.m.: The Rhome City Council will Convene Into Executive Session In Compliance With Chapter 551 Of The Texas Government Code (Open Meeting Act) Vernon's Texas Code Annotated, As Follows:
- a. Section 551.074 – Personnel – Police Chief
  - b. Section 551.071 – Potential litigation – Easement – Sewer Plant
5. Discuss, Consider, and Act Regarding Taking Any Appropriate Action – Executive Session Item 4a or 4b.

No Action was taken at 9:45 p.m.

There being no further business the meeting adjourned at 9:45 p.m.

**CERTIFICATION:**

Passed and approved on this 10<sup>th</sup> day of February 2011

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Evelyn L. Obenour  
Mayor

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Ramah Burns  
City Secretary