City Council Minutes
Regular Session
January 9, 2014 – 7:00 p.m.

Rhome City Hall
105 First Street
Rhome, TX 76078

Council Present: Mayor Chris Moore; Mayor Pro Tem Jo Ann Wilson; Council Members: Michelle Pittman, Charles Pennington and Ronnie Moore.

Absent: Louis Godfrey

Staff Present: Walt Leonard, City Attorney; Preston Gilliam, Public Works Director; James Rose, Police Chief; and Ramah Burns, City Secretary

Mayor Moore called the meeting to order and announce a quorum was present:

Mayor Moore led the assembly in the Pledge of Allegiance.

Citizen Presentation and Public Input:

None

Announcements from Mayor and Council Members

Jo Ann Wilson thanked everyone that made the annual Christmas event a success – Ronnie Moore, Louis Godfrey, Charles Pennington, Deborah BeCraft, Marie Moore, Lisa Wilson, Karen Sherwin, Chief Rose and Ramah Burns. She said the unknown Santa was awesome. The Rhome Women's Club helped and Pam Kemp read Christmas stories. She Acknowledged the fire and police for going the extra mile during the ice storm and both of the Chief's put that in their in their reports. She asked everyone to thank them. She said everyone really appreciated their help.

1. **New Business**

   A. **Peter Chaney, CPA – Approve audit for October 1, 2012 through September 30, 2013.**

   Peter Chaney told them the city is losing a lot of money in the Water/Sewer fund. He said the net loss is $423,386 in the W/S fund. He said that is the biggest that he has seen since he has been our CPA. He said in 2005 there was a deficit of $25,000. He said it has bounced up and down but in the last four years there has been a loss In 2010 of $261,249, 2011 of $265,008, 2012 of $265,008. He said if this deficit he may have to qualified opinion next year based on a growing concern because we may be approaching insolvency if we keep losing $400,000 plus every year. He said we have one (1) less employee and a small increase in the rates. For the first three (3) months in this fiscal year our revenues are $237,000 last year $234,000. He said if he projects out using the first three (3) months he gets a loss of $437,000. If everything keeps trending like it is that's what it will be. He said we have to do something. He said it's tough and no one likes a rate increase.

He said now you need a new jetter and those are things that you need. He said you are holding down the line on expenses. He said you watch your expenses in the GF and W/S funds. He said he can't see another alternative for us but to raise rates. He said we cannot continue to spend more money than we take in.

Charles Pennington said we started selling water to the City of Aurora.

Peter Chaney said the rate increase sheet has three (3) Options. He said Option #1 Said that would give them $28,000. He said that one would put a little dent in the $400,000 loss. He said we have a long way to go. He said it's not going to happen anytime soon. We have a little relief coming in a couple of years. He said we have a deal with NISD where they put in the water tower and water lines. The city has title and we are paying them back by discounting their water. We are discounting 75% of their water bills. He said that is a substantial amount of money. He said last year it was almost $51,000. We aren't going to get that cost paid off this year but will next year. The cities assets changed, we had a positive surplus in the GF but the W/S so we have a decrease in the net assets of $29,000. The W/S revenues decreased 9.9% and expenses decreased 11%. Most of the revenues in the GF are from taxes. Revenues over all decreased 16.73% for the prior year due to the decrease in grants. Expenses for the whole city were down 1.38%. Capital Assets – we have $11 million dollars of land, building, equipment, utility properties, and roads which represented a 1.63% over the prior year. We had park improvements which was great. We bought police cars and radios, a truck in the W/S and did street improvements. In Administration we met all of the debt payments on time, and reduced debt by $459,000 and $146,000 in interest. He said that's sums up the year. The big story is the debts in the W/S fund.

Motion was made by Jo Ann Wilson, seconded by Michelle Pittman to approve the audit for October 1, 2012 through September 30, 2013.

Motion carried unanimously.

B. Contract for assessment and collection services with Wise County Appraisal District and the City of Rhome beginning January 1, 2014 and ending December 31, 2014.

Motion was made by Jo Ann Wilson, seconded by Michelle Pittman to approve the contract for assessment and collection services with WCAD beginning January 1, 2014 and ending December 31, 2014.

Motion carried unanimously.

C. Proposed Ordinance 2014-01, ordering an election on May 10, 2014 to elect a Mayor and two (2) Council Members for a two (2) year term.

Motion was made by Jo Ann Wilson, seconded by Ronnie Moore to order an Election on May 10, 2014 to elect a Mayor and two (2) council members for a two (2) year term.

Motion carried unanimously.

D. Workshop date to discuss Parks.

Mayor Moore will notify the council of a date.

E. Ordinance 2012-10 – Membership on Fire Department.

Jo Ann Wilson said in August they visited this and the question is whether or not to repeal the ordinance and allow the Mayor and Council to also serve on the fire department as long as the Mayor can't be Fire Chief. She said that was a State Law itself.

Ronnie Moore said he sees a lot of problems between the city and the fire department. He said there is too much of conflict of interest to have people running the city and running that department. The reason why what say that is you've got two (2) departments. You can either make a good decision for the city and you're doing it for the people or you're going to make a decision for the fire department that's good for the fire department. He said he is here for the city. He said he is here for the fire department, too. He said he doesn't think you can make a good decision by being on the fire department. If you want to go fight fires, he has no problem with that. But you can't hold an office or make a decision for the fire department. He said they have had too many problems. He said Chris Moore was asked if they had to make a decision would they go with the fire department or for the city. You said you would go with the fire department.

Mayor Moore said he said he thought he said it depended on what it was.

Ronnie Moore said the last meeting they had here it was an embarrassing thing when we have a council person had to ask two (2) different people when you're talking to the same person – this is for the Mayor of the city, I'll ask you this question and then this is for the fire department. He said he thinks it's a conflict of interest.

Mayor Moore said it's been that way forever.

Ronnie Moore said he has no problem with them fighting fires. If you're going to be Mayor, you first obligation is to the city not the fire department. He said he didn't think that was the way it was going.

Mayor Moore said he didn't see it going that way.

Ronnie Moore said a lot of people have. He said they had a Christmas Party. There was stuff put out where people couldn't even park around that building because of the fire department. That was a city function. That should have been left open for people to use the handicap parking. As far as he was concerned that was wrong. That was because you all decided you wanted to stop people from parking in front of that building.

Michelle Pittman said they had a discussion about parking. The Community Center many many months ago and they agreed that marked for the fire department parking and they were going to enforce the tow away zone.

Jo Ann Wilson said what she would like to see is there are six (6) places. On the ordinance do they want to leave it alone or repeal it? If they repeal it does that say if – you don't affect the sitting council? In other words, Michelle Pittman and Chris Moore – if this should be repealed their still on the fire department as long as their term is in effect.

Walt Leonard said it would be for this term because they were elected under a different set of rules.

Ronnie Moore said on the Park Board you can't hold an office on the Park Board and be on the City Council. He asked what the difference here was. You have two (2) different departments that should be run the same way.

Michelle Pittman said the only one that is holding an office is the Mayor. The precedence has been set many years ago. She asked what was different now that makes it not ok.

Ronnie Moore said because of the conflict of interest in the hate and stuff that's been going around between the fire department and the people of Rhome. Is said he didn't see one of them helping with the Christmas thing.

Michelle Pittman said she didn't see any of them bringing food during the ice storm.

Charles Pennington said he asked a couple of times if they could get that fire truck moved. The story he got was the keys were in the office and the person he asked couldn't get into the office to get a key to the pickup.

Mayor Moore said that was true.

Michelle Pittman said she wondered way everything was different now when it's been this way for 20 years. She asked is it because they are up for re-election? She said it's like there is something driving this.

Jo Ann Wilson said herself and one other individual was parked in one of those parking spaces temporary to unload the truck. The Fire Chief came out and took pictures of it. Why would he need to document that they were parked there unloading?

Michelle Pittman said they had made a rule about it and if they can't obey their own rules then why would we expect everyone else to.

Jo Ann Wilson said let's call for a vote to see if they want to repeal this or not.

Mayor Moore said he would resign from the Fire Department.

Jo Ann Wilson said she voted for it before because they had such limited number of people on the Fire Department.

Mayor Moore said they still do.

Michelle Pittman asked if they wanted to limit it even further.

Ronnie Moore said he wants them to fight fires.

Michelle Pittman said so you just don't want us to be on the council. She said she is not an officer.

Ronnie Moore said he thinks they should hold an office here or there.

Charles Pennington asked wasn't there a city that just voted where none of their council could be on the fire department.

Mayor Moore said a lot of them their Mayor is the Fire Chief.

Michelle Pittman said until there is a workable plan they shouldn't get rid of anybody on the fire department.

Ronnie Moore said no body is trying to get rid of anybody. He said he is just sayings either run for council or Mayor and do that job or go to the fire department and be a Fireman, or Fire Chief or Lieutenant and do that job. He said they told him he had to resign from the Park Board if you're going to be on the council.

Michelle Pittman said Ronnie Moore did Park duties while he has been on the council. She asked why it was okay for him to do two (2) duties and they can't.

Ronnie Moore said he just said Michelle Pittman can go help the fire department. He said that isn't what he said to stop. He said either be a fireman or be a council member.

Michelle Pittman said either be a council person or be a parks person.

Walt Leonard said State Law says you can serve on both unless you have a Resolution saying you may or may not. He said with the Ordinance in place you can be a member but not the Fire Chief.

Jo Ann Wilson said both Chris Moore and Michelle Pittman have served well. She said it wasn't personal but the situation they are looking at.

Michelle Pittman said even on the council she is only one (1) vote. She said she has no control on how fire department is spent. She said she isn't an officer. She can control what money goes to the fire department and she can't spend any. She asked how is that a conflict.

She said as far as incentive she had turned in her application but had not been accepted as a member of the fire department.

Ronnie Moore said he thinks if they are going to run the city they need to run the whole thing.

Mayor Moore said he would resign tonight from the Fire Department – end of story. He said he would be done with it and continue as Mayor.

Michelle Pittman said you better put fire response on the next agenda because they don't have enough people. She said, good plan good job!

Jo Ann Wilson asked if they wanted to Table this until the next meeting. She asked do they want to repeal the ordinance? Without the ordinance there can't be cross membership.

Walt Leonard said if they repeal the ordinance. It would be a clear cut act – you would say that no one could be a member – officer, member.

Ronnie Moore said he didn't want to take away from the fire department. He said that's not his goal. His goal is the decision making between running a city and running a fire department.

Charles Pennington asked if they could work on the wording.

Mayor Moore said Michelle Pittman could abstain.

Michelle Pittman asked they were going to address every issue that may come up. She asked could she not vote to change the color of the uniforms. At what point does this become ridicules. She said some of the things they vote on they all benefit from.

Walt Leonard said in Texas you have to benefit 10% - 15 % of your income. No one derives 10% - 15% of their income being a fireman. You could revise it no one that is a member or officer vote on anything to do with the fire department.

Charles Pennington asked if they could discuss this at the workshop.

Jo Ann Wilson made a motion, seconded by Charles Pennington to put Ordinance 2012-10 – Membership on the Fire Department on the Workshop agenda.

<u>Motion carried 3-1. Michelle Pittman voted against</u>

F. Ordinance 2013-03 – Section 5.03.001 – Volunteer fire department created; membership.

Jo AnnWilson said the says the Fire Department shall consist of a chief, etc. and their responsibilities.

She said they have been lacking in doing is the Fire Department members shall be selected and voted upon by the membership of the Fire Department with the consent and approval of the City Council. If the council rejects someone it shall be done upon reasonable cause. She said this is her sixth (6th) year on the council and she has never seen the membership up for approval.

Mayor Moore said it's in the consent agenda to be voted on.

Jo Ann Wilson said they had an election in December. She said Chief Pratt has it in his report. But nowhere in there does it say that Robert Pratt is Fire Chief.

Mayor Moore said they voted for Chief and Assistant Chief last year. He is not up again for another year.

Jo Ann Wilson asked if Chief Pratt was ever going to come to another council meeting. She also said they have never received a copy of a tape from their meetings.

Mayor Moore said Chief Pratt is working. He said he got a tape recorder a couple months ago.

Jo Ann Wilson said this should be an agenda item. She said we either need to change our ordinance or follow them.

Motion was made by Charles Pennington to put the report on agenda to be approved.

Jo Ann Wilson said the election of officers is in December. Is the person elected effective January 1st or do they have to wait until the City Council approves them?

Walt Leonard said that is something you might want to put in the ordinance to be clear about it or are whether they are effective until the council meets and votes no.

G. Community Center Parking

Charles Pennington said he was at the Community Center cleaning up the next morning. He said he asked a couple times that night for the pick up to be moved so they could create some parking for the residents close to the building instead of out front of the old school. He said he thought there were two (2) handicap spots around the front door.

Ramah Burns said Darren Williams did look at the parking. He said there are so many old buildings in Wise County. Around the red brick building there are only two (2) or three (3) spaces but 30 people go in there. He said around that building there are a lot of parking.

Jo Ann Wilson said ADA laws it depends on how many parking spaces there are. She said that would hard to count. She said she would like to see handicap parking designated for two (2) or three (3) space in front of the building.

Michelle Pittman said three (3) parking spaces sounds like a lot because your taking away fire department parking and your aren't talking about holding a lot of events at the Community Center.

Charles Pennington said he would like to see one (1) or two (2) designated spaces right by the front door. That would leave spaces for the fire department to get it and get the doors open for the other members. Then back area could be cleaned up for additional fire department parking.

Michelle Pittman the problem with parking in the back is your going to have emergency vehicles coming around from the back while fire department personnel are trying to park.

Charles Pennington you have six (6) or seven (7) fire fighters that's not going to be a traffic jam.

Jo Ann Wilson said the old school could be parking. It would be close to the front door.

Michelle Pittman you don't want to have them way out from the building and they have to run to the building.

Charles Pennington said we could have two (2) spaces for the Fire Department and two (2) handicap spaces.

Mayor Moore said they can put in the two (2) handicap parking spaces, two (2) for the Fire Department and the others will be open for whatever is going on.

Charles Pennington said they aren't going to rope off the front of it again.

Ronnie Moore said the cone at Christmas was uncalled for.

Jo Ann Wilson said it was an embarrassment for the city.

Michelle Pittman said they shouldn't make rules and not follow them.

Jo Ann Wilson said the rules didn't say anything about cones. She said she talked with Chief Rose to monitor the parking so no one would park in the reserved parking spaces. She said then all of the cones were put up and after they left more cones showed up. She said it was an embarrassment. She said she has driving by and other people during the day – not on a call blocking fire doors - their families or police cars stopping by for a minute.

Charles Pennington said so they are going to work on the handicap parking. If somebody wants to park on there in front of the building that's fine and we're not going to cone it off.

H. Pavilion

Michelle Pittman said she put this on the agenda because they haven't had an update and they haven't made a plan.

Mayor Moore will notify the council of a date.

I. First Responder Position

Walt Leonard said it was tabled until budget time.

Jo Ann Wilson said budget time in July or August.

Walt Leonard said the budget can start as early as April but it is more or less to discuss what they want to put on there.

J. Term limits for elected officials

Michelle Pittman said she put this on the agenda.

Walt Leonard said State Law does not allow us to have "Term Limits". The law allows us to do one (1) of three (3) systems. The city has "At Large" election. This could be changed to "Places" where candidates sign up to run again a person in that "Place" or "Districts" where the city is divided up into "Districts" have the same amount of residents in each "District".

Mayor Moore said "Places" maybe something to look at in the future.

2. Consent Agenda: The items will be enacted with one motion. Any Council Member may remove any item from the Consent Agenda.

A. Approval of Minutes:

1. November 14, 2013 - Regular Session

B. Approval of Check Registers:

November 9, 2013 through January 6, 2014

A Department Reports: Staff Reports (No action needed.)

1. Police Department - Jo Ann Wilson asked to discuss this.
2. Fire Department - Jo Ann Wilson asked to discuss this.
3. Public Works – Mayor Moore asked to discuss this.
4. Administration –

Police Department

Jo Ann Wilson asked Walt Leonard where we were on warrants.

Walt Leonard said the County does not do Class C warrants for Municipal Court. He said he talked with the City of Decatur. He said they sent a proposed contract charging $10 a warrant. He said that looks like a good possibility.

Chief Rose said the whole purpose of doing this the way he proposed not to have them entered anyway. He said if you have warrants in that system you have to have a list you can depend on. Somebody has to be on duty 24 hours a day so if someone is stopped the list can be checked to verify that they are on the warrant list. He said they want to see if it's going to work before they enter a lot of warrants into the system. He said they can use that as a tool to call people that didn't show up for court and tell them they have to take care of it or a warrant will be issued.

Charles Pennington asked if he was planning on doing this with the manpower the Chief has.

Chief Rose said if it works out well he would like to hire a part time warrant Officer to work two (2) days a week. He said you can put a warrant fee of $50 per warrant. He said there are certain steps you have to follow.

Walt Leonard said he has met with the Judge and he is on board with this. He asked at what level do you want to enter the warrants. He said Chief Rose is correct if we can process the warrants ourselves then there is no drag at all or financial cost. If an officer calls somebody and tells them since they didn't come to court warrant has been issued and a Failure to Appear. If you don't come in and take care of it in a week then we are going to process the warrant. The $50 warrant fee can be the means of paying someone to work the warrants.

Public Works

Mayor Moore said Preston Gilliam put costs of a jetter. There are also some pictures of a Vacon Truck.

Preston Gilliam said it has a sewer jetter on the front, vacuum and high pressure water for digging leaks. It can shoot the high pressure water through rock to repair leaks. When we have to call someone it cost $2,200 - $2,400 for 8 eight hours. This truck could be used to jet a sewer line, if a manhole starts to over flow you can get it before it gets on the ground. He said a new one is over $400,000. Preston said they could bring them to the city for them to look at.

Charles Pennington asked how quick he needed one. He said we need to look at financing. He said they can call a Special meeting to get this done.

Preston Gilliam said yesterday. He said he could call Sam Dorrsett in the City of Boyd and use their jetter if he need one.

Mayor Moore said we could look at Government Capital. They financed police cars and fire trucks.

Motion by Charles Pennington, seconded by Ronnie Moore to authorize Preston Gilliam to start exploring financing for a Vacon Truck.

Motion carried unanimously.

Fire Department

Jo Ann Wilson said on Chief Pratt's report he says while he was the EMT he had time to work on Rescue Revenue. She said she is reading into this that now there is no time to work on it. She said several months ago they offered for Ramah and Dana to take over Revenue Rescue. She said they need to let them take over an go with it. Then it won't be hanging over the Fire Departments head.

Charles Pennington asked Ramah if they would have time.

Ramah Burns said yes they could handle it.

Charles Pennington said then you all would just need the Fire Department to give you the information.

Mayor Moore said they would need a good sit down training session. The system is more difficult than before. He said the only concern would be to do it where the information is kept somewhat private. There is information on the reports like Social Security Numbers, HPAA type things that might be on a report that confidential. There could be an accident report from the Police Department and the Fire Department report. He said they are still be done but not worked on every day.

Jo Ann Wilson said as a council they won't be seeing Chief Pratt for the most part. She asked if they have questions do they go to Chris Moore.

Mayor Moore said unless Chief Pratt is off work.

Charles Pennington said so we are moving Rescue Revenue to City Hall. They would like it moved ASAP.

Mayor Moore said as soon as they have time to sit down and do it. They will have to get permission for Ramah and Dana to get on line with Rescue Revenue.

Motion was made by Jo Ann Wilson, seconded by Charles Pennington to approve the consent agenda.

Motion carried unanimously

3. **Old Business**

A. **Carports**

Mayor Moore said they were asked to send him what they thought was accepted and he hasn't received anything for any one. They had issued about building materials. The Planning & Zoning discussed like materials on brick, roof and set backs.

Charles Pennington said anywhere between 5 and 10 foot. He said whatever your lot allows. Do they work with Walt Leonard to write this up.

Walt Leonard said to send the information to Ramah and they will get it together.

B. **Moveable Storage Units**

Walt Leonard said he sent a memo last week basically asking what they want to do. Do you want to permit them for a short period of time – 5 or 10 days? Do you want to have them there for a period of time? Do you want to have limitation? You can rent these POD's. He asked how they want to regulate them. He said usually people rent them to move or have spare furniture to move. He said if someone leaves it there for any length of time and use it as a do it yourself storage on their property what do they want to do about that?

Jo Ann Wilson said they have accessory buildings in the ordinance. She said she thinks we need a permit. She doesn't think we need to charge them for five (5) days or so. The ordinance from Haslet says they are a self contained pre assembled moveable storage container or unit that is originally pacifically designed used in the packing shipping movement or transportation freight, articles of goods or commodities and are designed for or capable of being mounted or moved on a truck. Moveable storage units specifically include but limited to POD's and U-Box.

Mayor Moore said they may do it on size wise regarding size of lot. He said the city has two (2) of them. He said maybe right now they should just consider the POD's. They are a lot easier to move and get in and out. He said people with acreage should be able to put one in. He said right now let's start with the small portable units and get that in place. Then work on lot size.

Ronnie Moore said he would say not to put them in their front yard. He said they could put it in your drive way.

Mayor Moore said lets work on just POD's for five (5) days.

Walt Leonard said he would say five (5) days that can be renewed for five (5) additional days. He said he would work on the ordinance for the next agenda.

4. **Recess to Executive Session: 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 551.072 - Deliberation Regarding Real property.

5. **No action in open session at 9:45 pm on item 4a.**

6. **Future agenda items: January – Workshop date for Parks & Recreation, Pavilion and Fire Department Ordinances.**

7. **Motion was made by Ronnie Moore and seconded by Charles Pennington to adjourn at 9:45 p.m.**

   Motion carried unanimously.

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

CERTIFICATION:

Passed and approved on this the 13th of February, 2014.

Chris Moore

Chris Moore
Mayor

Ramah Burns

Ramah Burns
City Secretary