

**CITY OF TEMPLE MINUTES
TEMPLE CITY COUNCIL
MONDAY, JANUARY 7, 2013 @ 6:30 PM
TEMPLE CITY HALL**

CALL TO ORDER:

Mayor Rick Ford called the regular scheduled Council Meeting to order at 6:40pm with the following members present constituting a quorum: Council Member Hiley Miller; Council Member Jay Mann; Council Member Terron Bivins; Council Member Richard Bracknell

Council Member William Simmons was not in attendance

INVOCATION: The invocation was given by Mayor Rick Ford

Mayor Ford wanted to take a moment and recognize Tommy Lee, District 3-Commission and Dustin Hightower, State Representative for being at the Council Meeting and if we can ever do anything to assist them to let us know.

Mayor Ford asked for prayers for Council Member William Simmons who is out sick. We do not know the length of time he will be out. Mr. Simmons has served Temple for over 20-years.

CITIZENS COMMENTS:

Mayor Rick Ford opened the floor for citizen’s comments:

There were none

COMMITTEE MEETING REPORTS:

Public Safety: No Report

Community Development: No Report

Recreation: No Report

Personnel: No Report

Senior Center: No Report

Financial: Agenda Item

Public Works: Agenda Item

CONSENT AGENDA:

Council Member Hiley Miller motioned to approve the consent agenda; seconded by Council Member Richard Simmons. Motion carried 4-0

NEW BUSINESS:

1.) Elect Mayor Pro-tem for 2013:

Council Member Hiley Miller asked City Attorney Cynthia Daley if she could nominate Mr. Simmons to be Mayor Pro-tem with an alternate until he returns. Mrs. Daley said yes, that the council could do this. Council Member Terron Bivins asked City Attorney Cynthia Daley if Mr. Simmons is not able to return would we do another vote later on and the answer to this was yes. Council Member Hiley Miller motioned to nominate Council Member William Simmons as Mayor Pro-tem and Council Member Richard Bracknell as his fill-in until Mr. Simmons is able to return. Motion tied 2-2 with Bivins and Mann voting against. Council Member Jay Mann motioned to nominate Terron Bivins as the alternate; seconded by Council Member Terron Bivins. Motion tied 2-2 with Council Member Hiley Miller and Council Member Richard Bracknell voting against. Therefore Mayor Ford will need to break the tie. Mayor Ford explained that they are both excellent candidates and they have both served the city well. With all due respect to Council Member William Simmons who can't be with us Mayor Ford abstained from voting therefore not breaking the tie.

City Attorney Cynthia Daley asked to put this item and item #2 off while she looks at the City Charter.

After reviewing the City Charter City Attorney Cynthia Daley made the suggestion that Council Member William Simmons stay Mayor Pro-tem and that the Council add Council Member Richard Bracknell and Council Member Terron Bivins on the signature cards at the bank in the absence of Council Member William Simmons.

After much discussion Council Miller Hiley Miller motioned to leave Council Member William Simmons as Mayor Pro-tem and add Council Member Richard Bracknell and Council Member Terron Bivins to signature cards; seconded by Council Member Terron Bivins. Motion carried 4-0

2.) New Signature Cards for the Bank (this only has to be done if a new Mayor Pro-tem is elected):

Council Member Hiley Miller motioned to add Council Member Richard Bracknell and Council Member Terron Bivins to the signature cards at the bank in case there is an emergency while Mr. Simmons is out; seconded by Council Member Terron Bivins. Motion carried 4-0

3.) Approval of the FY 2013 Local Maintenance & Improvement Grant (LMIG) Program:

Council Member Hiley Miller motioned to approve the annual FY 2013 LMIG Grant; seconded by Council Member Terron Bivins. Motion carried 4-0

4.) Recommendation to award the lowest bid of \$17,000 to RJO Consultants Inc. for asbestos abatement project at the Sewell Building:

Council Member Hiley Miller stated that we only received one bid, Mr. Crussel did submit the project to several of our vendors, and we placed it in the paper as well as on the website. Council Member Hiley Miller motioned to award the lowest bid to RJO Consultants; seconded by Council Member Terron Bivins. Motion carried 4-0

5.) Discussion of days off for City Employees: Council Member Terron Bivins states that she brought this out for discussion and she is beyond done that there was a vote to give the city employees New Years Eve off. She states there was a phone vote and obviously the situation was not important enough to meet on, it was not in the budget and not in the handbook but it was agreed to do it anyway. When she asked how it was going to be paid for no one had any idea and she just did not realize that the Charter gave that kind of authority. She is looking for clarification on how we did this? Per City Attorney there was not vote on this issue, there was a phone consultation with each council member. There would be a ratification of the City Administrators decision at the council meeting. City Administrator Kim Pope states that the money will actually come from the 2013 budget because of the day it fell on. Council Member Terron Bivins wants to know how this will happen when the day was taken off in 2012; it was not a holiday in 2012? City Administrator Kim Pope says we can pull it out of reserve if we need to do that. Council Member Hiley Miller states that if the employee has this day off for 2013 that they will take it from their annual time off that is why she was ok with the employees having New Year's Eve off this year. Council Member Terron Bivins tries to clarify that employees can pull it from their vacation time this year? If will not be a paid holiday, asks Council Member Terron Bivins? Council Member Terron Bivins did not feel it was legal the way the holiday was handled and personally felt as though it was something that should have been discussed it has been out there for 364 days it has never been mentioned before. The City employee's has asked for Veteran's Day off and the council voted that down but we allow them to have New Year's Eve off. However, Council Member Terron Bivins does not have an issue with the employee's having this day off she wishes the city could afford to give the employees all of the holidays off this is not her issue. The issue is how this was handled and no one thought it was important enough to meet on it so they could be on the same page before that holiday came up.

Mayor Rick Ford ask for direction from City Attorney Cynthia Daley and she states that she just asked the City Administrator Kim Pope was there some kind of vote that she was not aware of and the answer was no she called each council member and had a phone consensus from the board, since she runs the day to day operations to give the employee's this day off as a holiday and the decision would be ratified tonight. Mayor Rick Ford asks if it is not ratified then each employee with have to use their vacation/sick time or the time would be deductible from the individual's paycheck? City attorney Cynthia Dales states that is correct.

Mayor Ford then asks the Council Members if everyone is clear on that. Council Member Terron Bivins then ask if the employees go to City Administrator Kim Pope and ask for Veteran's Day off then it is just a phone call? City Attorney Cynthia Daley states that the process was, and she was not a part of it so she wants to make sure she is understanding, a Council Member ask City Administrator Kim Pope about the day off for employees City Administrator calls the other Council Members and they was a consensus with the

understanding the decision would be ratified at the council meeting. Council Member Terron Bivins then states that ratifying the decision gives the employees a paid holiday? City Attorney Cynthia Daley says that is correct. Council Member Terron Bivins ask is the holiday for that one year or when it comes up this year are we going to give the employee off then too. City Attorney Cynthia Daley states that is the council's decision at that time. So, we can just come up with a vote to give employee's paid holidays whether they are in the Employee handbook or not, ask Council Member Terron Bivins? City Attorney Cynthia Daley says yes it is the Council member's prerogative. Council Member Terron Bivins just ask why we have an employee handbook when we can just make up rules as we go. City Attorney Cynthia Daley says you have to have a handbook, but you always have the option to make a change. So, per Council Member Terron Bivins this is a onetime deal, employees do not have New Year's Eve 2013 off? That is correct per City Attorney Cynthia Daley unless council decides to give it to them. Council Member Terron Bivins states that they thought having New Year's Eve off was more important than having Veteran's Day when employees approached her about having Veteran's Day off? Council Member Terron Bivins states she did not have one city employee call her and ask for New Year Eve off. Council Member Hiley Miller states if this is the issue then let's give them both holidays off. Council Member Terron Bivins says it is not an issue and she is not trying to fuss just trying to clarify why we did what we did and why no one felt it was not important enough to have a meeting and go over it. We went thru the budget she did not remember the budget having an extra holiday, maybe she missed it. At this point City Attorney Cynthia Dales states that as she understood agenda item #5 was for the ratification of the day off, if it is not going to be ratified then we will vote to have the employees deduct it from their paychecks. Mayor Ford interjected that as per the Charter it takes three council members to ask for a special meeting or the Mayor could and he was out of town and was not going to ask for a meeting. Council Member Hiley Miller states that the employees should not be penalized therefore Council Miller Hiley Miller makes a motion to ratify the decision of the City Administrator Kim Pope for the employees to have New Year's Eve off with holiday pay; seconded by Council Member Richard Bracknell. Motion carried 3-1 with Council Member Terron Bivins opposing.

MAYOR AND COUNCIL CLOSING COMMENTS:

Mayor Ford: Read a thank you letter from the Red Haute Mama's regarding the help they received from a couple of city employees.

Bivins: Took this time to say a special thank you to Tommy Lee and Dustin Hightower for the support they gave to the Angel tree donations as well as Shop with a Cop. The faces of the children are priceless.

Miller: Thank you all for your backpack donations and please keep them coming. We are helping 20-children at this time and would love to take on more; we just need more support to be able to do this.

Mann: No Comment

Bracknell: Happy New Year everyone!

EXECUTIVE SESSION: Councilmember Richard Bracknell motioned to adjourn at 6:58pm in order to go into executive session for the purpose of discussing personnel, real estate and legal; seconded by Councilmember Terron Bivins. The motion carried 4-0.

RETURN TO REGULAR SESSION: Councilmember Richard Bracknell motioned to return to regular session at 7:43p.m.; seconded by Councilmember Terron Bivins. The motion carried 4-0.

ADJOURNMENT: With no further business to discuss; Councilmember Richard Bracknell motioned to adjourn at 7:431pm; seconded by Councilmember Terron Bivins. The motion carries 4-0

Rick Ford - Mayor

Attest:

Angie Costner – City Clerk