

**MINUTES OF REGULAR BUSINESS MEETING**  
City of Stephenville - City Council  
**TUESDAY, MAY 3, 2005– 5:30 P.M.**

The City Council of the City of Stephenville, Texas, convened on May 3, 2005, at 5:30 p.m., in the Council Chambers at City Hall, 298 West Washington Street, for the purpose of a Regular Business Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

Mayor	:	Rusty Jergins
Mayor Pro-Tem	:	Joe E. Cude
Council members	:	Ed Horton Malcolm L. Cross Andrew Johnson Bill Corbin Todd McEvoy Robert W. Burns Barry Ratliff
Others Attending	:	Mark A. Kaiser, City Administrator Randy Thomas, City Attorney Cindy L. Stafford, City Secretary

**I. CALL TO ORDER**

The meeting of the Stephenville City Council was called to order at 5:31 p.m. on Tuesday, May 3, 2005, by Mayor Rusty Jergins, who declared a quorum present.

**II. CITIZENS' GENERAL DISCUSSION**

Bill Crist was introduced as the interim publisher for the *Stephenville Empire-Tribune*. Mayor Jergins welcomed him to the community. Crist said that he had worked at the *Empire-Tribune* from 1991 to 1993, that it is good to be back and that he looks forward to working with the city council and citizens of Stephenville.

Clay Walker, Youth Minister of First United Methodist Church, Lufkin, Texas. Walker said that on June 26 through July 2, he will be directing a UMARMY (United Methodist Action Reach-out Mission by Youth) camp in Stephenville. Approximately 100 students and adults will be in Stephenville to help the elderly, disabled, and economically disadvantaged make repairs to their homes. Referrals will be handled through the city secretary's office.

### **III. REPORT FROM STREET DEPARTMENT**

Drew Wells, Director of Community Services, gave an update about the street department and maintenance operation. He pointed out the following facts concerning the program:

- 92 miles of street—asphalt, concrete, and brick
- 5 miles of street added within the past three years
- 41 miles of curbed streets, which receive two street sweepings per year
- 1013 street lights
- 1200 plus street signs

Services provided by the street department on a regular basis include vegetation control, crack sealing (approximately 10 miles per year), tree trimming in the city rights of way, patching street cuts and potholes, pull ditches (drainage control—twice a year for streets without curb and gutter), street crossings and curb markings, and grade alleys. In 2004 in the area of Long, Fifth, Sixth, and Swan Streets and the Clifton Heights Addition, city crews used the lay-down machine to install 1 ½ inch of asphalt overlay materials at a significantly low cost. Approximately 2,000 tons of material was used at a cost of \$60,000. Wells reported that in 13 years, 25 miles of street have been reconstructed.

Criteria for street reconstruction includes the condition of the street; amount of traffic using the street; condition of the utilities; proximity of other streets in the proposed project; and coordination with storm water master plan. The methods used are cement stabilization (pulverizing existing asphalt and base material then mixing 25 lbs of Portland cement per yard) or an overlay with 1 ½ inches of hot mix asphalt concrete. The proposed street reconstruction area for 2005 is as follows:

Sloan Street from Donna to Belknap;  
Collins Street from Race to Belknap;  
Shirley Street from Race to Belknap;  
Race Street from Frey to Collins;  
Barton Street from Frey to Collins;  
Belknap Street from Frey to Collins;  
Donna Street from Collins to Sloan;  
Columbia Street from Frey to Tarleton.

### **IV. CONSIDER ORDINANCE NO. 2005-06 PROVIDING BUDGET AMENDMENTS FOR THE REMAINDER OF THE FISCAL YEAR BEGINNING OCTOBER 1, 2004 AND ENDING SEPTEMBER 30, 2005**

MOTION by Bill Corbin, second by Todd McEvoy, to adopt Ordinance No. 2005-06.  
MOTION CARRIED by unanimous vote.

**V. PERSONNEL COMMITTEE REPORT—Consider Approval of Employee Handbook Revisions**

Joe Cude, Chairman of the Personnel Committee, introduced the proposed changes to the Employee Handbook.

**Section 10.34** MOTION by Barry Ratliff to approve adding vehicles to the policy prohibiting smoking, dipping, or chewing tobacco products. Motion died for lack of a second.

**Section 12.24** MOTION by Robert Burns, second by Andrew Johnson, to approve the following change to Section 12.24:

DELETE: “at a 25% rate for alcohol and a 50% rate for controlled substances or rates set by the US Department of Transportation.”

ADD: “Twenty-five percent (25%) of CDL drivers, or the rate set by the US Department of Transportation, will be tested annually for alcohol. Fifty percent (50%) of CDL drivers, or the rate set by the US Department of Transportation, will be tested annually for controlled substances.”

MOTION CARRIED by unanimous vote.

**Section 13.07A** MOTION by Joe Cude, second by Andrew Johnson, to change Section 13.07A as follows:

Employees shall use anti-virus software to scan for viruses on all files that are downloaded from the internet or any other outside source. MOTION CARRIED by unanimous vote.

**Section 13.07B** MOTION by Joe Cude, second by Barry Ratliff, to add Section 13.07B as follows:

Employees shall not load any personal software to any city-owned computer or a computer that is linked to the city’s network without prior approval of a Division Director. MOTION CARRIED by unanimous vote.

**Section 14.14** MOTION by Joe Cude, second by Andrew Johnson, to delete the last paragraph of Section 14.14, which is “Vacation will be awarded and eligible for use after satisfactory completion of the probationary period, and as it accrues thereafter.” MOTION CARRIED by unanimous vote.

**Section 14.30 #6** MOTION by Joe Cude, second by Robert Burns, to change Section 14.30 #6 to read as follows: “Bereavement—Up to five (5) days paid sick leave may be authorized by a Division Director [ADD: or by the City Administrator if requested by a Division Director] in case of a death in the employee’s immediate family.” MOTION CARRIED by unanimous vote.

**Section 14.32** MOTION by Joe Cude, second by Bill Corbin, to approve Section 14.32 as follows: “Employees on sick leave for four consecutive days must produce a doctor’s certificate indicating treatment for a legitimate illness or injury to receive sick leave with pay.

“Fire Department shift personnel on sick leave for two consecutive shifts and Police Department shift personnel (officers and dispatch) on sick leave for three consecutive shifts must produce a doctor’s certificate indicating treatment for a legitimate illness or injury in order to receive sick leave with pay.” MOTION CARRIED by unanimous vote.

**Section 15.02** MOTION by Joe Cude, second by Robert Burns, to add to Section 15.02 the following paragraph:

“The City Administrator shall notify the Human Resources Manager when a Division Director announces his/her intent to resign.” MOTION CARRIED by unanimous vote.

**Section 17.09** MOTION by Joe Cude, second by Barry Ratliff, to change Section 17.09, Step E, #1 as follows: “Any grievance against the City Administrator shall be presented to the [ADD: City Council and DELETE: Personnel Committee of the Council].” MOTION CARRIED by unanimous vote.

## **VI. CONSENT AGENDA**

Todd McEvoy requested that Item A be removed from the Consent Agenda. Joe Cude requested Item E be removed from the Consent Agenda.

MOTION by Todd McEvoy, second by Bill Corbin, to approve Items B, C, and D of the Consent Agenda. MOTION CARRIED by unanimous roll call vote.

### **A. Approval of Minutes of Regular Council Meeting on April 5, 2005**

Todd McEvoy asked that his name be removed from the vote tallies on Agenda Items V.E. and VII.A. of the April 5, 2005 minutes as he was absent from that meeting.

MOTION by Todd McEvoy, second by Robert Burns, to approve Item A. of the Consent Agenda as corrected. MOTION CARRIED by unanimous roll call vote.

### **B. Appointment of Replacement Election Judge and Alternate Judge for the May 7, 2005 City General Election**

### **C. Approval of Stephenville Public Library Interlibrary Loan Policy**

### **D. Approval of Lay Representative to the North Texas Regional Library System**

**E. Approval of Bid Award for 2005 Street Reconstruction Program**

MOTION by Barry Ratliff, second by Robert Burns, to accept the bid award for the street reconstruction program as well as extending the scope of work to include the alternate bid, not to exceed \$250,000. MOTION CARRIED by unanimous roll call vote.

**VII. COMMENTS BY CITY ADMINISTRATOR**

Mark Kaiser distributed the preliminary budget calendar to council members.

**VIII. COMMENTS BY COUNCIL MEMBERS**

**Mayor's announcement concerning drought contingency plan**

Mayor Jergins announced that citizens are asked to voluntarily conserve water and to use water wisely. He stated that under current situations, there was no need to engage in mandatory water restrictions.

**IX. EXECUTIVE SESSION . At 6:37 p.m., Mayor Jergins recessed the open portion of the meeting, and council went into executive session in In compliance with the provisions of the Texas Open Meetings Law, Subchapter D, Government Code, Vernon's Texas Codes, Annotated, in accordance with Sec. 551.072 Deliberations about Real Property and Sec. 551.074 Personnel Matters (a)(1) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.**

**A. Consider Purchase of Lot 2B, Block 129, City Addition, Stephenville, located at 1101 West Washington Street**

**B. Consider Purchase of Lot 1 (Sub 1), Block 135, City Addition, Stephenville, located at 1131 West McNeill Street**

**C. Consider Purchase of Lots 17 and 18, Block 10, Park Place Addition, Stephenville, located in the 900 block of Green Street**

**D. City Administrator's Evaluation**

The council reconvened in open session at 7:46 p.m.

**X. ACTION TAKEN ON MATTERS DISCUSSED IN EXECUTIVE SESSION**

MOTION by Bill Corbin, second by Joe Cude, to authorize the purchase Lot 2B, Block 129, City Addition. MOTION CARRIED by unanimous vote.

MOTION by Bill Corbin, second by Ed Horton, to authorize the Mayor to execute the sales contract for the purchase of Lot 1 (Sub 1), Block 135, City Addition. MOTION CARRIED by unanimous vote.

MOTION by Joe Cude, second by Todd McEvoy, to authorize staff to proceed with the Purchase of this property. MOTION CARRIED by unanimous vote.

**XI. ADJOURN**

MOTION by Bill Corbin, second by Joe Cude, to adjourn the meeting. MOTION CARRIED by unanimous vote at 7:49 p.m.

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Russell E. Jergins, Mayor

ATTEST:

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Cindy L. Stafford, City Secretary