

AGENDA
NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF KEMPNER, TEXAS

January 14, 2020

6:00 PM

12288 E. Hwy 190 Kempner, Texas 76539

NOTICE IS HEREBY GIVEN that the City Council of the City of Kempner, Texas will hold its regular meeting at the above-named date, time and location for the consideration and action on all the items listed below:

1. CALL TO ORDER, CALL OF ROLL/IDENTIFICATION OF A QUORUM
2. Invocation
3. Pledge of Allegiance/Pledge to the Texas Flag

NON-ACTION ITEMS

4. Citizens Comments – Must sign in and note whether Agenda or Non-Agenda items
5. Reports
 - City Hall Repairs
 - Chief of Police Report (December)

ACTION ITEMS

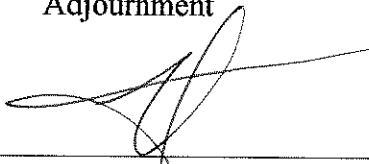
6. Discussion and possible action of City Council to approve the Mayor's selection of Mrs. Betty Parker for the following position, Alderwoman Place II.

7. Consent Items:

All items listed under the Consent Agenda are routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Council member in which event, the item will be removed from the consent agenda and considered separately

- a. Consider approval of the minutes from the Council meeting held on November 12, 2019.
- b. Consider approval of the Accounts Payable for payment dated November 14, 2019.
- c. Consider approval of the resignation of Bob Crane, Alderman Place II, as indicated in his own words and resignation letter immediately following the council meeting effective November 12, 2019.
- d. Consider approval of the Accounts Payable for payment dated December 13, 2019.
- e. Consider approval of Ordinance No. 2020-01-14-003. The City of Kempner, Texas, amending in their entirety, Ordinance No's 1999-09-21-005 and 2017-02-14-001, being the Municipal Court Building Security Fund and Municipal Court Technology Fund.

8. New Business Items:
 - a. Consider approval of Resolution 2020-01-14 -001 of The City of Kempner, Texas for the Acquisition of Certain Right of Way on US 190 at the intersection of US 190 and FM 2313 with the Texas Department of Transportation.
 - b. Consider approval of Resolution 2020-01-14 -002 of The City of Kempner, Texas for the Gateway Monument Program.
9. Staff Comments.
10. Date of next meeting:
11. Adjournment



Dr. Keith L. Harvey, Mayor

I, Keith Harvey, Mayor of the City of Kempner do hereby certify that the above notice of the REGULAR Meeting of the City of Kempner City Council was posted at City Hall, 12288 East Highway 190, Kempner, Texas on the 6th day of January 2020 before 3:30 p.m.

The City council may convene into executive session on any matter related to any of the above agenda items for a purpose, such closed session is allowed under Chapter 551, Texas Government Code.

This building is wheelchair accessible. Any requests for Interpretive Services must be made 48 hours in advance of the scheduled meeting.

* The Citizen Comments: This portion of the agenda is reserved to provide citizens an opportunity to address the City Council on issues affecting the City. Citizens must sign in with City Secretary prior to meeting. Each citizen's comments are limited to a total of three (3) minutes; a total of 30 minutes has been allotted. You may speak on Agenda and Non-Agenda Items. Non-Agenda Items portion of the agenda is the citizen's opportunity to be heard at the City Council meeting and will be reserved for comments concerning city related issues not otherwise appearing on the meeting agenda.

January 14, 2020 Council Meeting Notes

STATE OF TEXAS *
COUNTY OF LAMPASAS *
CITY OF KEMPNER *

BE IT REMEMBERED that on January 14, 2020, the City Council met in City hall with the following members present: Council Members David Richardson, John Wilkerson, Mack Ruskiewicz, Melba Vandever.

The meeting was called to order at 6:00 P.M. and the following business was conducted:

1. Called to order by Mayor Harvey, roll call made, all present.
2. Invocation – Led by Mr. Ruskiewicz
3. Pledge of Allegiance/Pledge to the Texas Flag

NON-ACTION ITEMS

4. Citizens Comments

- Vance Rodgers- Stated that the Texas Open Meeting Act states that 72-hour notice is giving before the meeting city a final website. For the meetings of November and December Mr. Rodgers stated this was not done. Mr. Rodgers stated Mayor Harvey lied about it stating in November it was other people's cell phones, internet, and computer were incompetent. In December a citizen contacted the City Hall on Monday prior to the meeting on Tuesday and asked why it is not posted. Mr. Rodgers stated the City Secretary apologized for it and stated it was forgotten and not done. Then when inquired by the city councilman Wilkerson, then there was an email sent out that it has been posted all along. Now the Mayor is facing other criticism from someone within the City Council "Mr. Wilkerson" and he is criticizing these people as pot stirrers. City Council has the duty to hold the Mayor accountable in referring to pot stirrers in just a no logical offense and in his statement, he did not have a logical statement. Several months back he made a statement regarding the park that there was someone taking care of the park and is being closed at night. The citizens warned the council and the mayor that the park is not being closed can lead to criminal activities and now the city has been destroyed after being warned. Stated that all the mayor does is lie.

- Anelicia Cheney-Campbell- Addressed the council the implication that one of the reasons the city attorney fees in November's meeting was over \$8,000 because of open records. Stated that it is upsetting because it seems that citizens of this town need to pick to be either budget-friendly or well informed and that is not a choice we have to make. She stated she has requested a lot of open records and prior to September 10th all were fulfilled within the 10 days and not one of them had to be turned in to the attorney for exemption. On September 16th I was contacted for the first time by Knight Law Firm regarding an open record request since I am unfamiliar with this process, I contacted them to ask why it has been done. They informed me that the city only must act with 10 days and submit it to the attorney general was acting and will take the city more time to fill the request. Since that date, 14 open records that I have made have been sent to the attorney general for exemption. In coming back with a redaction with the full record, since

September 10th I have not received one open records from the City Secretary or the Mayor, they all have been sent to the city attorney. The city asked for a document that was released by the author to the press for an exemption, how much taxpayer money would've been saved money if the city would do it instead of the attorney. The Texas State Constitution states 'government is the servant, not the master of the people it's the policy that each person is entitled to of government affairs.' She stated she shares the open records with the citizens.

- Wayland Allen- Asked if the flying debris was from the roof or from the ground? Stated a piece of the roof came flying and almost landed on a small car. It also stated that the roof is another color and the park should be closed at night to avoid getting destroyed. Mayor stated that the piece was from the ground it did not come from the roof.

- Judge Mahoney- Stated that the court costs the state gets are \$62 and \$14 is what the Municipal Court of any court cost. The state added another \$50 to any State traffic offense and the court cost went up from \$109 to \$129 and if it involves passing a school bus it is \$154. No matter what the amount is the city only gets \$14 of court costs. From the fine, we only get 10% and the other 90% goes to the state. All these changes came up in September 2019. Stated on December 31st he was approached by the city prosecutor stated they went through all the warrants that were issued since 2007 until now. On misdemeanor warrants, they have a statute of limitations of 2 years, from 2007 to 2015 we have had to dismiss 261 warrants that were never acted on that were just sitting on a shelf. No collections or enforcement have been acted on which is a total of approximately \$68,000 of uncollected funds that was abandoned. Stated from 2015-2020 they are using a different system such as OMNI that people's licenses are being placed on hold to where they cannot renew their license and are placed in a collection agency. 19 were not included that were due to administrative errors because of warrants not signed and paperwork not completed correctly which makes it a total of 272 cases on December 31st. Stated one of the things the court will be working on is increasing court security through a grant which will include metal detectors.

5. Reports

- City Hall Repairs

Mayor stated the doors came in from New York. The three doors are steel, fireproof, and metal wood and that is why it took so long, and the structure of the building has improved.

The roof is being done and the issue for completion is the weather. One of the things that you can see is the discoloration of the roof where the darker part is the new part, as they take the existing roof off, they put the new sheets on. The metal that was on the ground in the back of the building had a heavy stone on top, but the wind was that strong that it moved the stone and allowed one sheet to be blown into the road. We thank Mr. Crane Mrs. Martin who moved that out of the road. Once I received a text from our court clerk and Mr. Allen, the gentlemen completing the repairs came to city hall immediately putting the sheets onto the trailer. If you have any questions come to the city hall to have your questions answered.

We have had some glitches things were posted and I don't know if it is android or iPhone, but all those things were remedied. As far as the misinformation I did speak with the staff and the City Secretary did not apologize because the City Secretary is not the one that took the call. If there is an effort and the agendas are posted outside it is a legal meeting. If the site does not work it is an error, it's posted outside, and we send emails that the packets are ready.

- Chief of Police Report (December)

Civil matters 2, Deer 1, Medical 1, 911 Hang Up 1, Traffic control 1, Other 9, Offense report for burglary 1, Incident report civil matter 1, citations 17, warnings 22.

Mayor stated he gets phone calls stating we are trying to set a speed trap and it is not the case.

The peace officer is not here to write tickets. We have been giving more warnings than citations.

Mrs. Campbell stated that the mayor cannot be blaming iPhone or androids if it is multiple

people about the agenda being online. Tracie said we forgot. Mayor stated she was misinformed.

Mr. Allen stated he gives thanks to the police officers for their service but would like for 24-hour service.

6. Discussion and possible action of the City Council to approve the Mayor's selection of Mrs. Betty Parker or the following position, Alderwoman Place II.

Mr. Ruskiewicz made a motion to bring this up for discussion, Mr. Richardson second.

Mr. Ruskiewicz stated Mrs. Parker has been in the council meetings and is a citizen. Stated he has nothing to do with her wanting to be part of the council members since she knows her, and it was her decision. Stated he brought it up due to on social media it was said that he had something to do with it.

Mr. Wilkerson said he has nothing against Mrs. Parker, but what information was put out there about the position. Mayor stated as for the policy for recommendation of vacancy, the Mayor recommends, and the Council appoints.

Mr. Ruskiewicz made a motion to vote for Mrs. Parker for the position, Mrs. Vandever second.

All in favor: Mr. Ruskiewicz, Mrs. Vandever, Mr. Richardson

Abstained: Mr. Wilkerson

Motion Carried.

Mrs. Campbell asked if anyone put in for the position and submitted resumes. Mayor said he is the one who asks for them.

Mr. Allen asked why the mayor is having an attitude. Mayor stated he does not have an attitude. Mayor asked Mr. Allen several times to stay in order.

Mr. Wilkerson stated he is not voting against Mrs. Parker, but he believes a better process should be used.

7. Consent Items:

a. Consider approval of the minutes from the Council meeting held on November 12, 2019.

b. Consider approval of the Accounts Payable for payment dated November 14, 2019.

c. Consider approval of the resignation letter of Bob Crane, Alderman Place II, as indicated in his own words and resignation letter immediately following the council meeting effective November 12, 2019.

d. Consider approval of the Accounts Payable for payment dated December 13, 2019.

e. Consider approval of Ordinance No. 2020-01-14-003. The City of Kempner, Texas, amending in their entirety, Ordinance No's 1999-09-21-005 and 2017-02-14-001, being the Municipal Court Building Security Fund and Municipal Court Technology Fund.

Mr. Wilkerson made a motion to approve the consent items. Mr. Richardson second. All in favor.

Motion carried.

Mrs. Parker took the Oath of office.

8. New Business Items:

a. Consider approval of Resolution 2020-01-14-001 of The City of Kempner, Texas for the Acquisition of Certain Right of Way on US 190 at the intersection of US 190 and FM 2313 with the Texas Department of Transportation.

Mr. Wilkerson made a motion to bring this up for discussion, Mrs. Vandever second. Asked if it will be widened out or if it will not change. Mayor stated that the resolution has been made by the previous leadership. FM 2313 will cost 10% and 2808 will not cost a thing.

Mr. Ruskiewicz stated that the expenses had been explained when Mr. Clark was there.

Mr. Ruskiewicz made a motion to approve, Mr. Richardson second. All in favor.

b. Consider approval of Resolution 2020-01-14-002 of The City of Kempner, Texas for the Gateway Monument Program.

Mr. Wilkerson made a motion to bring this up for discussion, Mr. Richardson second.

Mr. Wilkerson stated that the resolution will authorize two things. One using the land and support the idea of having new signs and not having them located on someone's personal property. Second is to approve the expenditures of \$5,000 and his question is if it will approve the expenditures or if it will be brought up to the council. Mr. Ruskiewicz asked that the \$5,000 has been previously approved by the council and half is already used for the sign. Asked what if they can bring them close to the highway to avoid someone does not want it on their property. Mayor stated the \$5,000 is not new (money) funds and the only thing that the city is doing is taking the sign off of the property belonging to Mr. Carroll and bringing it on the opposite side of the fence and we will have to take care of it.

Mr. Wilkerson made a motion to approve, Mr. Ruskiewicz second. All in favor.

9. Staff Comments:

Mr. Ruskiewicz stated we had a discussion of the expenditures and there have been conflicts. Stated it was brought to his attention since he does not do social media about Mr. Wilkerson's social media statements. Stated everyone has the right to legal consult. Stated on Mr. Wilkerson statement that facts speak for themselves stated on his post he said there were over 212 hours billed to the city and it was only 43 hours. Stated if he will post on social media to help the city then it should be accurate. Stated Mr. Wilkerson used 21.8 hours of that time which he used half of the time of the usage of the city attorney. He stated he hopes it was helpful since it was a lot of hours and expenses. Stated the website was knocked out with the city council approval which was illegal as well as the 90-day moratorium of the expense of the city. He stated he called and was advised that it was very poor judgment. Asked Mr. Wilkerson what is his goal.

Mr. Wilkerson responded that the hours on the billing stated he will have to look over the hours again. Stated with TML, he said if he wants another answer to call different lawyers. Stated with the moratorium he failed to mention is that he got that idea from him, but he expanded the days from 45 days to 90 days. Stated if another council member comments on his posts then it becomes an open meeting that is why he does not allow other council members to comment. Mayor stated 30-45 days is still legal and anything beyond it's illegal. Mayor stated to move the city forward and for everyone to consider working together as a council to aid the city in the progression.

Mrs. Campbell addressed Mr. Ruskiewicz saying to not only address Mr. Wilkerson on his posts and she will print all the posts.

Judge Mahoney stated it is the first time that he applauded the council was able to have discussions that were civilized, and the city is moving forward.

Mr. Allen stated that we communicated without fighting and he loves the city. Stated that he loves the community even if the mayor said he is not a citizen.

Mayor apologized to Mr. Allen for saying he does not matter, and that everyone matters even though they live outside of the city limits.

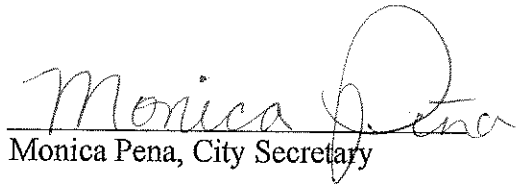
Mrs. Ruskiewicz stated that the population is small, and we should not be fighting with each other but working together. She stated we are neighbors, yet we do not talk to each other. Her final comment was that tomorrow is not promised to anyone.

10. Date of next meeting: 1/21/2020

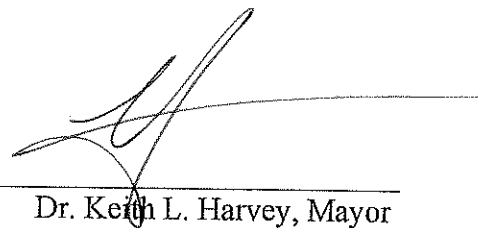
11. Adjournment

Mr. Ruskiewicz motioned, Mrs. Vandever second. All in favor.

Attest:


Monica Pena, City Secretary

Approved:


Dr. Keith L. Harvey, Mayor