

AGENDA
NOTICE OF SPECIAL CITY COUNCIL MEETING
CITY OF KEMPNER, TEXAS
February 4, 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 special 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
 - Police Department
 - Any Additional City Hall Repairs and Costs– Mayor
 - Financials Jack Clark

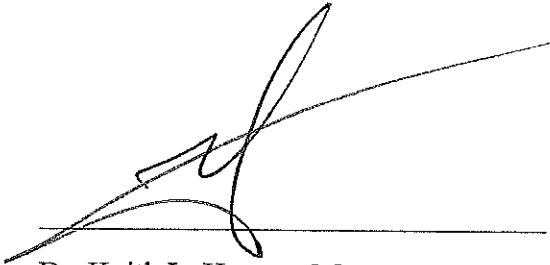
ACTION ITEMS

6. 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 January 14, 2020.
- b. Consider approval of the Accounts Payable for payment dated January 10, 2020.
- c. Consider approval of the Accounts Payable for payment dated January 23, 2020.
- d. Presentation of Proclamation Ordering a Special Election to be held on May 2, 2020 to determine whether the City of Kempner will adopt the city manager form of government.
- e. Discussion, consideration and take action deemed necessary regarding an Ordinance to call the May 2, 2020 General Officers Election for the City of Kempner for the election of City Council members for Place #1, Place #2 (for the remaining, unexpired term), and Place #5.

7. Staff Comments.
8. Date of the next regular meeting will be February 18, 2020.
9. Adjournment

A handwritten signature in black ink, appearing to read 'Dr. Keith L. Harvey', is written over a horizontal line. The signature is stylized and cursive.

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 23rd 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.

STATE OF TEXAS *

COUNTY OF LAMPASAS *

CITY OF KEMPNER *

BE IT REMEMBERED that on February 4, 2020, the City Council met in City hall with the following members present: Council Members David Richardson, Betty Parker, Mack Ruskiewicz, Melba Vandever.

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

1. Roll Call
2. Council Member Mrs. Betty Parker Led the Invocation
3. Pledge of Allegiance/Pledge to the Texas Flag

Non-Action Items

4. Citizens Comments

- Wayland Allen- Stated that the Official Facebook Page is ridiculous that no one knows who runs this page and some people are blocked from the page and it is one-way communication. Also stated that the council meetings are supposed to be the second and fourth Tuesday of each month at 7 PM and it is not happening and does not know why this meeting is a special meeting since none of the information on it is special.

5. Reports

- Police Department- Calls for service: Information 3, Animal at large 0, Reckless driver 0, Civil Matter 0, Disturbance 3, Other Park 4, Assistance, 0, Harassment 1, Welfare concern 3, Violation City Ordinance 2, Loud Music 1, Crash Report 1. Traffic Stops: Citations 32, Warnings 33. Offense Reports: DWLI 1, Theft 1.
- Any Additional City Hall Repairs and Costs- Mayor: The roof is still being repaired and the park is on the agenda to get repaired. Paris Kempner picture is getting restored since it was not done correctly for the first time and must be redone and re-frame it. Due to the weather, there will be a delay.
- Financials Jack Clark- Mr. Clark went over the November financials from Debt Service Fund, Street Fund, and the General Fund. The Debt Service Fund has two payments which are the interest payment and the principal. Street Fund the budget is \$21,000 and we have collected \$35 and right now we are sitting with \$35.42 and will be changed in December or January. There have been transfers due to the streets. General Fund, we are sitting with approximately \$507,000 in the bank account. We still have assigned fund balance for the infrastructure of \$109, operations \$156, parks \$55, unreserved fund balance \$50. Revenue over expenditures is \$25,000. The budget comparison beginning with the administrator department we have a surplus of \$106,000. A deficit of \$110,000 in the Police Department. Municipal Court surplus of \$16,000. Parks Department deficit \$12,000. It is early to make any determination due to being two months

into the fiscal year. There is a budget amendment that Mr. Clark is going to recommend which relates to the insurance due to receive an additional \$19,000 that was not budgeted for and we are over in repair maintenance by \$1,100. Mr. Clark addressed that on the agenda about the city receiving petition to approve or disapprove hire a City Manager and wanted to caution the city to be careful because it will have a large impact on the financial statements. He stated he has made research and it cost \$40,000 to \$50,000 for a city manager. A city manager of \$50,000 with your taxable value of \$44,492,000 is going to cost you .11 cents on your tax rate. For every \$4,500 you pay your City Manager, your tax rate goes up to .01 cent. Unless taxable value goes up or we cut expenses and services the tax will go up and it is important for everybody to know from a financial point of view before you vote for this. Kempner is not a big city for a \$50,000 City Manager without an impact on your tax rate. If this happens in next year's budget, be prepared to come up with additional revenue or cut in expenses.

- Mrs. Parker asked if the City Manager goes through, what type of benefits will the city be responsible for due to be a salaried employee, will they come insurance, but the budget will be increased as well? Mr. Clark responded he does not know what you expect this person to do. Stated the last two to three month there has been a significant improvement in our data collection for us to do our financial statements. We are really beginning to function as well or better than we were before the change of staffing. Stated the city is not prepared for a City Manager based on his duties and does not know a city this small that has a City Manager.

- Mr. Richardson asked how we are going to pay for the City Manager? Mr. Clark stated Property taxes, Franchise taxes, and Sales taxes are the only sources of revenue. Stated we don't have those sources of revenue in the city. If you pass something when we have a balanced budget and the tax rate and taxable value does not go up significantly, the only way you will be able to pay will be with property taxes. You can't raise the sales taxes since they are fixed. Stated if the property taxes, those 700 register voters will be a lot more interested in this next election because .11 cents will double your tax rate and a lot of homeowners will not be happy. Stated we have an option to inform the citizens what this means. Stated that the citizens of this city have the right to know what a City Manager will cost.

- Mr. Richardson asked what are the procedures for this City Manager? The Mayor stated getting the petition wanted, then turn it in, then certified that we have it, then we have 10 days to put out the proclamation for the city which will be put out now. He stated he has had more than 20 people that have come to talk to him about why he is raising their taxes. Stated he is not raising their taxes because he has not voted once since he has been in this seat. Everything that has come into this city comes from the council, not the Mayor, but the Mayor carries all the weight. Mayor stated he has told the people that this election will take effect and will be a forced measure on this city and the people in this city. The council has 60 days to hire a City Manager if this goes through.

- Mrs. Parker asked if that vote goes through and a City Manager is hired and if we do not have the money to pay, does it have to go back to the ballot for a raise? Mayor stated if it passes, then it will happen. Mr. Clark stated we will have to be advertising for a City Manager.

- Mrs. Ruskiewicz asked if we will hire a City Manager that we do not know what will be their duty, why does the Mayor not get paid and the council because it will be fair? We are paying someone who we do not know the duties and not pay the mayor that is always working. Mayor addressed that the petition got the appropriate signatures and the job of the city is to put it on the petition. The Mayor does not get paid came back from 2009 from former Mayor Mr. Isenhour decided to leave the Mayor's salary out and it is done on an Ordinance. Stated that ordinance can be redone but it will have to be redone in December to go into the following election and that salary is \$600 a month. They have not laid out the duties that they want this person to do. From historical data says just about every Mayor that has sat here has managed the city. Stated the problem is this Mayor managing the city and what we do not like we end up hating and start doing things out of emotions. Stated people come to the Mayor's office with tears on his eyes saying they cannot afford to pay not even \$5. The Mayor is not doing this and to go to the source doing the petition and ask what the plan is to see if you are attacked since many people say they've been attacked.

- Mrs. Campbell stated local Texas Government Code Section 25 outlines the minimum duties and the council can give them additional duties. Mr. Clark stated ultimately the city council makes the decision of the city duties followed by the minimum duties but whatever those duties are they cost and that is my concern as a financial advisor and it is his job that this will have an effect on the citizens in an increase on their taxes.

- Mr. Ruskiewicz stated the election is for this coming May 2nd and what he understands is that we will have to hire the City Manager with this fiscal year that the fund will have to come from. Mr. Clark stated we will have to be paying the City Manager out of fund balance because we can go up on taxes at that time. When the 2021 budget is passed is when we must do the tax increase. Mrs. Ruskiewicz stated he was talking to the chief appraiser Melissa and said there was some new tax law effective January 2020 and you are not leaving much tax space. Mr. Clark stated he is basing his assumptions on his old calculations based on taxable values and that has changed and is now based on revenues. Stated Melissa is still working through these things to get ready for the next property rate season. It is not based on .01 cent of value now; it is based on some percentage of your revenues. Mr. Ruskiewicz stated Melissa said that based on the city limits there is a 377 dwelling that is taxable, and it is not a great amount. Out of 377 structures on the city limits that are taxable, if it went up to \$20 it will only be \$7,000 for example and if it went \$100 a year per building it will only be \$37,000 and we are still below raising enough revenue to hire a City Manager. Mr. Clark said he does not know any city that the city council member that gets paid and the higher amount that is in Lampasas is \$1.00. Mr. Ruskiewicz said City Manager just sounds good and why do hire a City Manager and adopt that form of government which it usually takes place because of natural population growth, greater job opportunities, and inflect of immigration. Stated City of Kempner population has decreased and none of these areas exist in this city. This adoption of a City Manager is a great out of pocket expense to the citizens and thought that the citizens and council were concerned about expenses.

Mr. Richardson stated that everything comes goes through the city council and we should make the decisions. Stated the way he understands about the City Manager they have nothing to say about it right now. Mayor stated to look under the consent items on number 6 under D and E we are still having a discussion and the council can do now is educate the people. Stated we cannot vote on it since it is happening. Mr. Richardson asked what their responsibility as a city is as far as giving them an understanding of what this means and what is going to cost them. Mayor stated Mr. Clark gave us an education on the financial part. Mr. Richardson asked if we have the plan to get the information out to the citizens? The Mayor stated to give the citizens the right information and to talk with the citizens and if they want to meet in the council chambers to educate citizens they can. Mr. Clark stated they can have someone represents both sides as a public forum and invite the citizens to listen and ask questions but don't let the citizens go out there and decide blind.

Mr. Mahoney stated they can do an open town hall meeting with both representative's sides. Stated his recommendation is for the city council to set a couple of dates for the town hall meeting. Mr. Richardson stated a lot of people will come and the more ways to put the information out the better. Mr. Clark stated town hall meetings are the best way to do it.

Mrs. Gisela Nena asked if there is anything that says that we can't have a part-time City Manager? She stated she is asking because she is a paying tax citizen and she is willing to pay \$20 a year more in taxes. Mayor stated everything will be based on the Statute of Government Code, stated he does not know of any City Manager that wants to work part-time.

Mrs. Ruszkiewicz asked why do we need a City Manager? Mayor stated based on 15 citizens that felt the need to make a petition that felt that the Mayor was doing a bad job they felt the need for one. Mayor stated we cannot get a City Manager and then say they do not want him due to be the same way as the Mayor.

Mr. Jeff Golemba stated since there is a campaign for the City Manager asked if there are any rules covering a campaign against the City Manager since Mr. Clark is saying it is not going to work. Stated a lot of people cannot afford a tax rate increase and that is why we live in this city. Asked what is the deal that the Mayor, or the city clerk, or anybody else can't handle that the City Manager can. Stated we do not need a City Manager. Mayor stated there are people that have told him to do that, but he will not, and truth will take care of that. Stated the council will have the town hall meeting. Mr. Golemba stated it is a waste of money for a City Manager when we do not have the money.

Mr. Richardson addressed Mrs. Gisela Nena that it will take more than \$20 a year.

Mr. Ruszkiewicz stated if he gets to the point of needing of hiring a City Manager in 60 days the salary will be determined and that price can be anything and can be top dollars. Mayor stated that the council members will have 60 days and no matter who comes forward and they will give an amount they are willing to do it for.

Mr. Brooks stated is a retired Fire Department Chief from Chicago and he just got the education and to him, the city council and the Mayor manages the City of Kempner and why are we talking about a City Manager. Stated it us up to the people in the room to get that the information out.

Action Items

6. Consent Items:

- a) Consider approval of the minutes from the Council meeting held on January 14, 2020.
- b) Consider approval of the Accounts Payable for payment dated January 10, 2020.
- c) Consider approval of the Accounts Payable for payment dated January 23, 2020.
- d) Presentation of Proclamation Ordering a Special Election to be held on May 2, 2020, to determine whether the City of Kempner will adopt the City Manager form of government.
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- Mr. Richardson made a motion to approve all the Consent Items, Mr. Ruskiewicz second. All in favor, motion carried.

7. Staff Comments- None

8. The date of the next regular meeting will be February 18, 2020. Stated that if there is anything else that the council needs to do there will be a special called meeting.

Mr. Richardson asked if February 18, 2020, is a special meeting. Mayor stated it is not a special meeting. Mr. Richardson stated he thought the meetings are supposed to be every 2nd and 4th Tuesday of each month. Mayor stated things may change and if a special meeting is needed one will be called.

Mayor read the Proclamation that will be posted in five locations.

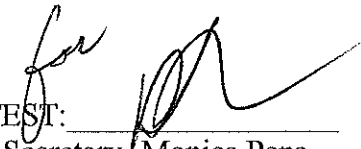
Mr. Richardson stated they had voted to have a meeting every 2nd and 4th Tuesday of every month, asked if the Mayor is changing the meetings.

Mrs. Parker stated the 4th week is February 25th. Mayor stated the next meeting will be on February 25th.

Mayor stated there are pictures of lockers for the Fire Department that is needed, and it is up to the council, but his desire is the city to donate \$2,500 to the Volunteer Fire Department for the lockers. Stated Mr. Clark would like to team up doing this so we can make this happen and this will be on the agenda and will be voted on.

Mr. Richardson made a motion to Adjourn, Mrs. Parker second. All in favor, motion carried.

ATTEST:


City Secretary- Monica Pena

APPROVED:


Mayor- Dr. Keith L. Harvey