

**AGENDA**  
**NOTICE OF SPECIAL CITY COUNCIL MEETING**  
**CITY OF KEMPNER, TEXAS**  
**February 18, 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
  - Any Additional City Hall Repairs and Costs– Mayor

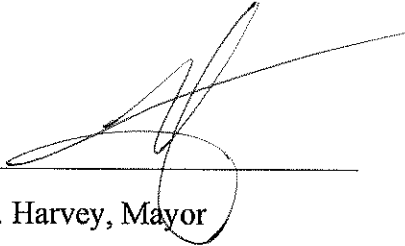
**ACTION ITEMS**

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 February 4, 2020.
- b. Consider approval of the Amended City of Kempner Burn Ordinance and Burn Permit 2020-02-18-001.
- c. Consider approval of the Agreement for Tax Abatement and Incentives for The Shoppes At Kempner and Rock River Homes, Inc.
- d. Consider approval of the \$2,500 to the Volunteer Fire Department for Wall Lockers presented to the council on February 4, 2020.

7. Staff Comments.
8. Date of the next regular meeting will be February 25, 2020.
9. 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 14<sup>th</sup> day of February 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 18, 2020, the City Council met in City Hall with the following members present: David Richardson, Betty Parker, John Wilkerson, Mack Ruskiewicz and Melba Vandever.

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

1. Roll Call - All Present
2. Council Member Mr. David Richardson Led the Invocation
3. Pledge of Allegiance/Pledge to the Texas Flag

### **Non-Action Items**

#### 4. Citizens Comments

- Mr. Lloyd Smith-
  - Last meeting was a heated exchange about when the next meeting was going to be and in the end the Mayor apologized to Mr. Richardson. Stated the next regular meeting would be on the 25th.
  - Understands that the Mayor can call a special meeting but looked at the agenda and did not see anything time sensitive that could not wait until the next regular meeting.
  - Meetings should be consistent for the citizens and council members to attend
  - Official Facebook page for the city could be a positive thing but found a couple of concerns.
    - Not approved by council
    - Citizens are not happy about the deletion of the comments.
    - Good things have been posted: frost warning and Kempner VFD.
    - More clarification on the posts on the Facebook page.
    - Disturbed that the petition was posted with personal information
      - Texas Law requires certain individuals are to be exempt from information being shared.
      - Information about the candidates running for council was not posted due to not wanting the information to be exposed.
- Mr. Wayland Allen-
  - Be careful on 3300 since due to the weather, the road can be slippery.
  - Thanks to Mr. Maupin and his wife for what they will be doing in Kempner.

#### 5. Reports

##### Any Additional City Hall Repairs and Costs

##### Mayor Harvey:

- Transformer blew, originally missed by adjuster from TML. Has been identified and will taken care of.
- Official Communication Page is for the official communication page of the Mayor to put out factual information to the city.

- The former page was taken down due to threats to the Mayor of some expressing to come to City Hall and harm the Mayor, racial disparaging remarks, cyber bullying and language being posted.
- Everything the Mayor does is ran through the attorneys.
- To be considered exempt from personal information being shared, it is the individual's responsibility to ensure they are exempt.
- Picture of Mr. Harris Kempner has been restored and has been hung.

## ACTION ITEMS

### 6. Consent Items

- a. Consider approval of the minutes from the Council meeting held on February 4, 2020.
- b. Consider approval of the Amended City of Kempner Burn Ordinance and Burn Permit 2020-02-18-001.
- c. Consider approval of the Agreement for Tax Abatement and Incentives for The Shoppes At Kempner and Rock River Homes, Inc.
- d. Consider approval of the \$2,500 to the Volunteer Fire Department for Wall Lockers presented to the council on February 4, 2020.

Mr. Wilkerson made a motion to approve the consent items but pull consent item c to discuss separately.

Mr. Richardson second.

All in favor Mr. Richardson, Mrs. Parker, Mr. Wilkerson, and Mrs. Vandever.

All opposed Mr. Ruskiewicz.

Mr. Wilkerson made a motion to approve consent item c but with the correction on section 5 the spelling be changed from counsel to council.

Mrs. Parker second.

All in favor, motion carried.

### 7. Staff Comments

Mr. Wilkerson:

- His job takes him out of town. He had advised his work that on the 2nd and 4th of each month he cannot have meetings.
- Spoke with the developer of the property and the property does not close until April.
- Asked for consideration to be given, if he (Mayor) asked Mr. Allen to compose himself and not make facial expressions to also ask Judge Mahoney the same thing.

Mayor Harvey

- There are things that must be taken care of due to letters needing to be sent.

- Mr. Wilkerson has been in the city all week between the hours of 8:00 and 12:00 noon. Why is it impossible for Mr. Wilkerson to come to City Hall and retrieve his council packet?
- Does not believe that Mr. Wilkerson is too busy to pick up council packet or make meetings due to his ability to take pictures of Hickory Street, meet with residents and hang around the Brick Oven Restaurant.
- Will take into consideration the 2nd and 4th Tuesday of each month for the meetings but will call for a special meeting as needed.
- Addressed Mr. Lowe about the calls he has made to the City Hall regarding the election. We wanted to get it right the first time. Was in constant communication with Mr. Bishop to ensure the city did just that.

Mr. Richardson

- Regarding the council meetings, to be held at 7 PM to allow citizens time to eat dinner and attend.
- Mr. Richardson made a request for the meetings to be held at 7 PM. Mrs. Vandever agreed.

Mrs. Parker

- Would like the minutes to be proofread.

Mayor Harvey

- Attorney advised council members are not allowed to advocate for or against the election on adopting a city manager.
- Council members are only allowed to put out facts and let the citizens decide.

Mr. Wilkerson

- Asked for written documentation from the attorney that council members cannot advocate for or against. He spoke to TML, advised him they cannot expand or utilize the city resources, but a council member can obtain the right to either speak out for or against.
- Mayor Harvey addressed Mr. Wilkerson, if he does not believe him to call the city attorney.
- Mr. Richardson asked if the information could be provided in an email from the city attorney to avoid fee's from calling.

Mayor Harvey

- Emails have been communicated to council members in the past yet council members called the City Attorney's to verify.
- Stated it is the right of every councilmember, and they allowed to contact the City Attorney's.

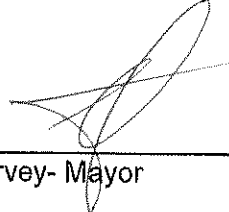
Mr. Ruszkiewicz

- He did not see a time frame on the Burn Ordinance.
- Judge Mahoney stated it is listed on the Ordinance and it indicates 1 hour after sunrise and one hour prior to sunset.
- Mrs. Parker stated she did not see anything about a burn barrel.

8. Date of the next regular meeting will be February 25, 2020 at 7:00 PM.

9. Adjournment - Mr. Ruskiewicz made a motion to adjourn and Mr. Richardson second. All in favor, motion carried.

ATTEST:   
Monica Pena - City Secretary

APPROVED:   
Dr. Keith L. Harvey- Mayor