

AGENDA
NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF KEMPNER, TEXAS
March 10, 2020
7:00 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
 - Police Department
 - 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

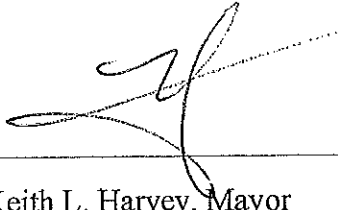
- a. Consider approval of the minutes from the Council meeting held on February 25, 2020.
- b. Consider approval of the Accounts Payable for payment dated February 28, 2020.

7. Consider approval of the City of Kempner Citizens Communication Policy March 10, 2020.

8. a. Convene into executive session pursuant to Section 551.074, Texas Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City's certified public accountant.

b. Reconvene into open session to take action as determined appropriate in the City Council's discretion regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City's certified public accountant.

9. Staff Comments.
10. Date of the next regular meeting will be March 24, 2020.
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 2nd day of March 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.

ACCOUNTS PAYABLE 28 February 2020

<u>NAME OF COMPANY</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
WELLS FARGO	Leasing	\$85.00
LAMPASAS COUNTY	Reimbursement for material per inter- Local agreement for CR 3300 (Paid from Street Fund)	\$2,313.74
LONESTAR PAVING	Paving of CR 3300 (Paid from Street Fund)	\$16,011.65
<u>Total</u>		<u>\$18,410.39</u>

APPROVED:
Dr. Keith L. Harvey-Mayor

ATTESTED:
Monica Pena – City Secretary

**CITY OF KEMPNER
CITIZENS
COMMUNICATION
POLICY**

MARCH 10, 2020

Citizens Comments:

a.

Citizens and other visitors are welcome to attend all public meetings of the city council and will be admitted to the city council chamber or other room in which the city council is meeting, up to the fire safety capacity of the room.

b.

Members of the public shall not engage in any of the following in the meeting room during a council or board or commission meeting:

- (1) Shouting, unruly behavior, distracting side conversations, or speaking out when another person is talking.
- (2) Intimidation, profanity, or threats of violence.
- (3) Audible use of phones, pagers, radios, computers or other electronic equipment.
- (4) Booing, hissing, foot stomping, parading, singing or other similar behavior that impedes or disrupts the orderly conduct of the meeting.

c.

Exhibits, displays, and visual aids used in connection with presentations to the city council are permitted.

d.

Only city council members and city staff may step onto the dais.

e.

In compliance with the Open Meetings Act, all people wishing to address the city council shall first be recognized by the Mayor and shall limit their remarks to three minutes (or six minutes if a translator is required to assist) on the matter under discussion.

f.

A person shall fill out the comment card indicating whether they desire to speak on an agenda topic or on something not on the agenda. Those desiring to speak on items not on the agenda, shall address the city council during citizen comments; those who desire to speak on a specific item shall be called upon during that item only.

g.

Any person addressing the city council in the city council chamber shall do so from the lectern unless physically unable to do so. People addressing the city council shall not be permitted to approach the dais. If they wish to hand out papers or other materials to the city council, they should express that desire to the presiding officer, and the presiding officer shall direct a staff member to hand out the materials.

h.

When the time has expired for a presentation to the city council, the presiding officer shall direct the person speaking to cease. A second request from the presiding officer to cease speaking shall be cause of the removal of the speaker if that person continues to speak.

i.

As set out in Section 551.023, Government Code,

- (a) person in attendance may record all or any part of an open meeting of a governmental body by means of a recorder, video camera, or other means of aural or visual reproduction.
- (b) A governmental body may adopt reasonable rules to maintain order at a meeting, including rules relating to:
 - (1) the location of recording equipment; and
 - (2) the manner in which the recording is conducted.

To that end, equipment, apparatus, or paraphernalia such as camera tripods, easels, shall not obstruct, block, or otherwise be located in the doorway, entranceway, or walkways of the city council chambers or of any other room in which the city council may choose to meet but shall only be located in an area marked specifically for the media. Representatives of the electronic media may set up cameras and other equipment only in designated area.

j.

There will be a uniformed police officer present at all regular meetings of the city council. This police officer shall enforce the meeting rules and act upon the direction of the presiding officer.

k.

Any person making personal, impertinent, profane, or slanderous remarks, or who becomes boisterous while addressing the city council or who otherwise violates any of the above-mentioned rules while attending a city council meeting shall be removed from the room at the direction of the presiding officer, and the person shall be barred from further audience before the city council during that session of the city council.

l.

Enforcement: The rules in this section shall be enforced in the following manner:

(1) The presiding officer will request that a person who is violating a rule cease the violation. The presiding officer will warn the person that he or she will be required to leave the meeting room if the violation continues.

(2) If the violation continues, the presiding officer may cause decorum to be preserved and enforce compliance with this section, including recessing the meeting and requesting any peace officer at the meeting to address the disturbance.

ATTEST: _____

MONICA PENA – CITY SECRETARY

APPROVED: _____

DR. KEITH L. HARVEY - MAYOR

KEMPNER POLICE DEPARTMENT

FEBRUARY 2020 REPORT

Calls for service

Information	2
Animal at large	1
Threats	1
Civil Matter	3
Disturbance	0
Other Park	4
Assistance	1
Harassment	0
Welfare concern	1
Violation City Ordinance	1
Motorist Assist	1
Fire	1

Traffic Stops

Citations	14
Warnings	29

Offense reports

DWLI	0
Theft	0

JESUS CERDA
CHIEF OF POLICE



OFFICE OF
COUNTY AUDITOR



409 S. PECAN STREET, SUITE 207
LAMPASAS, TX 76860

February 27, 2020

City of Kempner
12288 US 190
Kempner, TX 76539

Mayor Keith Harvey,

INVOICE:

Reimbursement for material per inter-local agreement for County Road 3300.

358.72 Tons of Non Spec Base @ \$ 6.45 per Ton- Precinct 1 Commissioner Carroll

15 Loads tickets attached

Total Amount: \$2,313.74

Sincerely,

Mr. Bobby Carroll
Lampasas County Commissioner Pct. 1

WEIGHED ON A FAIRBANKS SCALE

CUSTOMER'S NAME Lampasas Co #1
ADDRESS _____
COMMODITY Base
CARRIER #

Ticket Number 67344
Weigh-Out:
INBOUND DATE Recalled ID#: 74 TIME
12:24 PM 02/11/20 TIME
OUTBOUND DATE 8100 lb TRGross
3370 lb TRWare
4730 lb TRNet

DRIVER ON _____ OFF 23.65

SHIPPER C. Wright
WEIGHER _____

FAIRBANKS SCALE CAT. 16288

WEIGHED ON A FAIRBANKS SCALE

FEB 18 2020

COUNTY AUDITOR

CUSTOMER'S NAME Lampasas Co #1
ADDRESS _____
COMMODITY Base
CARRIER #

Ticket Number 67324
Weigh-Out:
INBOUND DATE Recalled ID#: 74 TIME
02:03 PM 02/10/20 TIME
OUTBOUND DATE 80340 lb TRGross
33160 lb TRWare
47180 lb TRNet

DRIVER ON _____ OFF 23.59

SHIPPER Mike Stein
WEIGHER _____

FAIRBANKS SCALE CAT. 16288

WEIGHED ON A FAIRBANKS SCALE

CUSTOMER'S NAME Lampasas Co #1
ADDRESS _____
COMMODITY Base
CARRIER #

Ticket Number 67346
Weigh-Out:
INBOUND DATE Recalled ID#: 74 TIME
01:39 PM 02/11/20 TIME
OUTBOUND DATE 81200 lb TRGross
33760 lb TRWare
47440 lb TRNet

DRIVER ON _____ OFF 23.12

SHIPPER C. Wright
WEIGHER _____

FAIRBANKS SCALE CAT. 16288

WEIGHED ON A FAIRBANKS SCALE

Wash-In:
Wash-Out ID#: 74
10:57 am 02/10/20
33760 lb

CUSTOMER'S NAME Lampasas Co # 1

ADDRESS _____

COMMODITY Base

CARRIER # 1

Ticket Number 67313

Wash-Out:

Recalled ID#: 74 TIME

INBOUND DATE 11:05 am 02/10/20

OUTBOUND DATE 02/10 lb TRIME

33760 lb TRIME

47560 lb TRIME

23.74

DRIVER ON _____ OFF _____

Carthage

SHIPPER _____

WEIGHER _____

FAIRBANKS SCALE CAT. 16288

copy driver

WEIGHED ON A FAIRBANKS SCALE

CUSTOMER'S NAME Lampasas Co # 1

ADDRESS _____

COMMODITY Base

CARRIER # 1

Ticket Number 67329

Wash-Out:

Recalled ID#: 73

INBOUND DATE 03:20 pm 02/10/20 TIME

OUTBOUND DATE 00720 lb TRIME

33160 lb TRIME

47560 lb TRIME

23.78

DRIVER ON _____ OFF _____

SHIPPER *Mike*

WEIGHER _____

FAIRBANKS SCALE CAT. 16288

WEIGHED ON A FAIRBANKS SCALE

CUSTOMER'S NAME Lampasas Co # 1

ADDRESS _____

COMMODITY Base

CARRIER # 1

Ticket Number 67338

Wash-Out:

Recalled ID#: 74

INBOUND DATE 05:50 pm 02/10/20 TIME

OUTBOUND DATE 01120 lb TRIME

33760 lb TRIME

47360 lb TRIME

23.68

DRIVER ON _____ OFF _____

Carthage

SHIPPER _____

WEIGHER _____

FAIRBANKS SCALE CAT. 16288

WEIGHED ON A FAIRBANKS SCALE

CUSTOMER'S NAME Lampasas Co#1
ADDRESS _____
COMMODITY Base
CARRIER # 1

Ticket Number 67332
Weigh-Out:
INBOUND DATE Recalled ID# TIME
04:17 PM 02/10/20 TIME
OUTBOUND DATE 0200 lb TRGross
0300 lb TRTare
4500 lb TRNet

DRIVER ON _____ OFF 24.14

SHIPPER [Signature]
WEIGHER _____

FAIRBANKS SCALE CAT. 16288

WEIGHED ON A FAIRBANKS SCALE

CUSTOMER'S NAME Lampasas Co#1
ADDRESS _____
COMMODITY Base
CARRIER # 1

Ticket Number 67320
Weigh-Out:

INBOUND DATE Recalled ID# TIME
12:35 PM 02/10/20 TIME
OUTBOUND DATE 81200 lb TRGross
33760 lb TRTare
47520 lb TRNet

DRIVER ON _____ OFF 23.76

SHIPPER [Signature]
WEIGHER _____

FAIRBANKS SCALE CAT. 16288

WEIGHED ON A FAIRBANKS SCALE

CUSTOMER'S NAME Lampasas Co#1
ADDRESS _____
COMMODITY Base
CARRIER # 1

Ticket Number 67328
Weigh-Out:

INBOUND DATE Recalled ID# TIME
03:05 PM 02/10/20 TIME
OUTBOUND DATE 82840 lb TRGross
33760 lb TRTare
49080 lb TRNet

DRIVER ON _____ OFF 24.54

SHIPPER [Signature]
WEIGHER _____

FAIRBANKS SCALE CAT. 16288

WEIGHED ON A FAIRBANKS SCALE

Weight-In
Net Wt ID#: 73
11:58 am 02/10/20
33160 lb

CUSTOMER'S NAME Lampasas Co #
ADDRESS Yard
COMMODITY Base
CARRIER #

Ticket Number 67314
Weigh-Out:
Recalled ID#: 73 TIME
INBOUND DATE 11:23 am 02/10/20
OUTBOUND DATE 0100 lb TRUCKS
33160 lb TRUCKS
40000 lb TRUCK

DRIVER ON 23.94 OFF

SHIPPER Mike Mon
WEIGHER

FAIRBANKS SCALE CAT. 16288

WEIGHED ON A FAIRBANKS SCALE

CUSTOMER'S NAME Lampasas Co # /
ADDRESS
COMMODITY Base
CARRIER # /

Ticket Number 67341
Weigh-Out:
INBOUND DATE Recalled ID#: 73 TIME
OUTBOUND DATE 16:15 pm 02/10/20
81220 lb TRUCKS
33160 lb TRUCKS
40000 lb TRUCK

DRIVER ON 24.09 OFF

SHIPPER Mike Mon
WEIGHER

FAIRBANKS SCALE CAT. 16288

WEIGHED ON A FAIRBANKS SCALE

CUSTOMER'S NAME Lampasas Co # /
ADDRESS
COMMODITY Base
CARRIER # /

Ticket Number 67336
Weigh-Out:
INBOUND DATE Recalled ID#: 73
OUTBOUND DATE 05:06 pm 02/10/20
81220 lb TRUCKS
33160 lb TRUCKS
40000 lb TRUCK

DRIVER ON 24.03 OFF

SHIPPER Mike Mon
WEIGHER

FAIRBANKS SCALE CAT. 16288

WEIGHED ON A FAIRBANKS SCALE

FEB 18 2020

COUNTY AUDITOR

CUSTOMER'S NAME Lampasas Co # /

ADDRESS _____

COMMODITY Base

CARRIER # /

Ticket Number 67345

Weigh-Out:

INBOUND DATE 12:29 PM 02/11/20 TIME

OUTBOUND DATE 01:40 PM 02/11/20 TIME

03:00 PM 02/11/20 TIME

04:00 PM 02/11/20 TIME

05:00 PM 02/11/20 TIME

DRIVER ON _____ OFF 23.99

SHIPPER Mike P... /

WEIGHER _____

FAIRBANKS SCALE CAT. 16288

WEIGHED ON A FAIRBANKS SCALE

CUSTOMER'S NAME Lampasas Co # /

ADDRESS _____

COMMODITY Base

CARRIER # /

Ticket Number 67321

Weigh-Out:

Recalled ID#: 73

INBOUND DATE 12:47 PM 02/10/20 TIME

OUTBOUND DATE 02:00 PM 02/10/20 TIME

33160 lb TIME

47040 lb TIME

23.52

DRIVER ON _____ OFF _____

SHIPPER Mike P... /

WEIGHER _____

FAIRBANKS SCALE CAT. 16288

WEIGHED ON A FAIRBANKS SCALE

CUSTOMER'S NAME Lampasas Co # /

ADDRESS _____

COMMODITY Base

CARRIER # /

Ticket Number 67349

Weigh-Out:

Recalled ID#: 73

INBOUND DATE 03:02 PM 02/11/20 TIME

OUTBOUND DATE 02:60 PM 02/11/20 TIME

33160 lb TIME

49100 lb TIME

27.55

DRIVER ON _____ OFF _____

SHIPPER Mike P... /

WEIGHER _____

FAIRBANKS SCALE CAT. 16288

STATE OF TEXAS *

COUNTY OF LAMPASAS *

CITY OF KEMPNER *

BE IT REMEMBERED that on March 10, 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 7:00 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

Mayor Harvey: Reminded citizens no food or drink in council chambers.

Call to order: all present

Invocation: Mr. Richardson

Pledge

Non-Action Items

4. Citizens Comments:

- Cord Donker-
 - Non agenda, parking within city limits. Vehicles marked for parking on street. Neighbor contacted that car was tagged and to be towed, works late hours would not have known without neighbor letting him know. Killeen population of 128,000 vehicles can park 48hours, trailers, boats. Cove 32,000 population, can park on street: 72 Hrs. Kempner population 1,000 no parking on street, no gray area. Police have something better to do than looking at streets for cars parked. If it impedes emergency services or school buses parking should be illegal. Lived here 10 years to get away from city. July 4th officer reminded no parking on street during family BBQ. Do you prefer we park in the yards to devalue property? Propose rewriting ordinance to allow for parking in street.

5. Reports:

- Call for service PD
 - Information 2
 - Animals at large 1
 - Threats 1
 - Civil matter 3
 - Disturbance 0
 - Other Park 4
 - Assistance 1

- Harassment 0
 - Welfare concern 1
 - Violation City Ordinance 1
 - Motorist Assist 1
 - Fire 1
 - Traffic Stops: Citations 14, Warnings 29
- Additional repairs of building: gutters are going up now, then down spouts and will complete that area of repair.

Two-minute recess @ 19:09 for Mr. Clark to prepare to go over financials.

- Mr. Clark, City Certified Public Accountant explained current financial situation. Requested to pass out copies to citizens, no objections from council.
 - Reviewed three funds city has: Debt Services Fund, Street Fund and General Fund.
 - Mr. Clark: Street fund – did not exist when city started. In beginning tried to save reserve fund in General Fund. Passed sales tax for street fund, ½ of 1%. Each fund is its own business. It has assets and liabilities, revenues and expenditures. Revenue from sales tax. Other source is from General fund.
 - No budget amendment until after tax season. \$22,000 in Street fund, no liabilities, beginning \$64,000 has spent \$119,000 for street. Has only taken in \$8,000 in sales tax. \$70,000 in the hole and came from General Fund. Revenue and expenditures received 70k but no amendment. General fund was set up to pay for overages in Street Fund. Budget amendment to pick up revenue and repairs and maintenance. Questions?
 - Mr. Donker: When we move money from one fund to another does it require council approval?
 - Mr. Clark: Yes, they approved it. The mayor and this council pay attention to this budget. They call with questions. Budget amendments happen towards end of year. Adopts budget on department level. Police, municipal court, parks. You can go over budget per line item if you aren't over on department. Negative in line item don't panic, look at dept level.
 - General Fund- operating fund of city. 4 parts: admin, police, municipal court, parks. Each dept has a budget.
 - Cash \$420,000
 - Very good financial condition for a population of 1000.

- Liabilities/fund balance: CIP capital improvements 190K is where 70K comes from. Operations: Auditors recommend 3 months operating balance. Parks: Capital
- Mr. Wilkerson: we authorized it for 6 months
- Mr. Clark: Adjusts annually, audit report in May. Will adjust when audit report comes in. Fund balance is undesignated can spend at will
- Mr. Wilkerson: What is suspense?
- Mr. Clark: Suspense is an unknown expense. Will investigate and put in right area.
- Revenue can be over or under, no prohibition to collect more than spend. Cannot spend more than collect. Violation of law, management comment. (see recording)
- Other revenue: Insurance \$19,407 collected, but not budgeted. Voted to pay judge 18k that was not budgeted.
- Mayor Harvey: There is money from the insurance for building repairs that did not carry over into the new budget. Repairs have continued into new budget. This will be done when budget is amended.
- Mr. Clark:
- Maintenance: over budget line item \$15,000, \$70,000 in General Fund is transferred out, \$70,000 in street fund is transferred in.
- Total expenditures: neg administrative dept of \$29,000. Budget amendment to pick up \$70,000 and \$19,000 in August. General Fund has 2 sources revenue, sales/property tax. Limited source through Municipal Court and some through franchise tax. No utility fund locked into those sources. You can do a negative budget. Fund balance and reserve fund balance will cover deficit fund balance.
- Police dept never makes any money, budget \$900, expenditures \$111,000. Police do all the work, but Municipal Court gets all the glory. Police will never have a positive budget.
- Municipal Court: budget cost \$16,000, judges \$18,000 but judge taking \$15,000 instead of \$18,000
- Parks: No revenue from parks. Budgeted \$120. Expenditures \$12,000.

- You can't spend anything if you don't have anything in the bank. Wants everyone to understand the city is in good condition. Historically budget amendments in August. Any time you have a question on financials Mr. Clark indicated the citizens can contact him. It's all public information, the citizens have a right to know what is going on. Will sit down with anyone in city to go over financials.
- Mr. Wilkerson: What is cash TexPool?
- Mr. Clark: investment in government insured funds. Questions?
- Press: Mr. Lowe asked which page shows street fund?
- Mr. Clark: It has its own packet.

Action Items

6. Consent Items:

- a. Consider approval of the minutes from the Council Meeting held on February 25, 2020
- b. Consider approval of the Accounts Payable for payment dated February 28, 2020.
- Mr. Wilkerson: made a motion to approve consent items with the noted corrections for the meeting minutes. Correction: CR330 typo. 8th bullet point, and wording.
- Motion place 3, second place 4, all in favor, motion carries

7. Consider approval of the City of Kempner Citizens Communication Policy March 10, 2020

- Motion place 4 approve, second place 2
- Motion place 3 to discuss.
- Mr. Wilkerson: agree we need a policy, this policy has ambiguous language, citizens are concerned, and desire this be put in workshop to discuss.
- Mr. Ruskewicz: There is a necessity for a policy.
- Mayor Harvey: Policy in packet and placed in agenda packet on website, reflects upon House Bill No. 2840, it was reviewed by the city attorney. In the best interest of our council.
- All in favor: Place 1, Place 2, Place 4, and Place 5
- Opposed: Place 3
- Motion carries.

8. a. Convene into executive session pursuant to Section 551.074, Texas Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the City's certified public accountant.

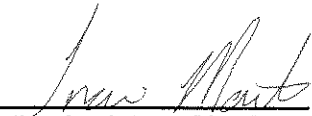
b. Reconvene into open session to take action as determined appropriate in the City Council's discretion regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Cities certified public accountant.
No action taken.

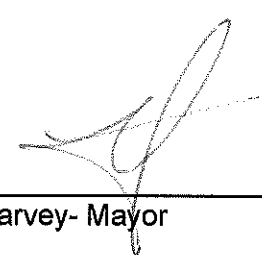
9. Staff Comments

Mayor Harvey introduced Tracie Martin as City Court Clerk and Assistant City Secretary.

10. Date of next regular meeting will be March 24, 2020

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

ATTEST: 
Tracie Martin -Assistant City Secretary

APPROVED: 
Dr. Keith L. Harvey- Mayor