

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

March 24, 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
 - Any Additional City Hall Repairs and Costs– Mayor

ACTION ITEMS

6. Consent Items:

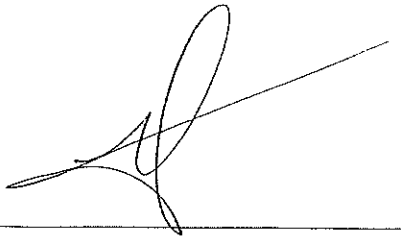
All items listed under the Consent Agenda are routine and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Council member in which event, the item will be removed from the consent agenda and considered separately

- a. Consider approval of the minutes from the Council meeting held on March 10, 2020.
- b. Consider approval of the Accounts Payable for payment dated March 5, 2020.
- c. Consider approval to postpone the general and special election to the November 3, 2020 uniform election date per the authorization of Governor Greg Abbott.

7. 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 TCOLE Certified Reserve Peace Officer.

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 TCOLE Certified Reserve Peace Officer.

8. Staff Comments.
9. Date of the next regular meeting will be April 14, 2020.
10. 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 13th 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 5 March 2020

<u>NAME OF COMPANY</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
LAMPASAS BOOKKEEPING	Retainer Fee	\$450.00
VERIZON	Monthly Service	\$75.98
KEMPNER WATER	Monthly Water Service City Park / City Hall	\$240.92
HAMILTON ELECTRIC	Monthly Service City Hall/City Park Bandstand	\$432.06
<u>Total</u>		<u>\$1,198.96</u>

APPROVED: _____
Dr. Keith L. Harvey-Mayor

ATTESTED: _____
Monica Pena – City Secretary

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.

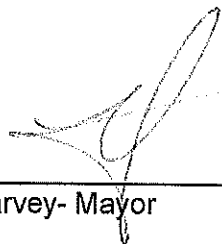
9. Staff Comments

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

STATE OF TEXAS *

COUNTY OF LAMPASAS *

CITY OF KEMPNER *

BE IT REMEMBERED that on March 24, 2020, the City Council met in City Hall with the following members present: Council Members David Richardson, Betty Parker, John Wilkerson, Mack Ruskiewicz.

The meeting was called to order at 7:00 P.M. and the following business was conducted:

1. Roll Call
2. Council Member Mr. Ruskiewicz Led the Invocation
3. Pledge of Allegiance/Pledge to the Texas Flag

Non-Action Items

4. Citizens Comments – None

5. Reports

- Any Additional City Hall Repairs and Costs- Mayor
 - All roof repairs are completed at this time. At this present time, there are no major repairs that are needed to be done as of right now.

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 March 10, 2020.
- b. Consider approval of the Accounts Payable for payment dated March 5, 2020.
- c. Consider approval to postpone the general and special election to the November 3, 2020 uniform election date per the authorization of Governor Greg Abbott.
 - Mr. Wilkerson made a motion to approve 6a and 6b and pull out 6c for discussion. Mr. Richardson second.
 - Mr. Ruskiewicz made a secondary motion to comment on section 6b. Mr. Wilkerson stated he is willing to amend his motion and second Mr. Ruskiewicz motion. Mayor stated the first motion has been amended.

- Mr. Ruskiewicz stated he appreciates Jack Clark the way he laid out all the financials last meeting.
- Mr. Wilkerson made a motion to approve 6a and 6b and pull out 6c for discussion. Mr. Richardson second. All in favor of approval of 6a and 6b, motion carries.
- Mr. Wilkerson addressed the council and stated he spoke with Mark Bishop in regarding TML putting out the guidelines saying that the Governor authorized for the elections to be postponed. He stated he spoke with Mr. Bishop asked for the election to be postponed due to not wanting his staff to be subjected to unnecessary exposures. Mr. Wilkerson stated he agrees for the May 2, 2020 election to be postponed at least until November and if TML stated the election can be sooner then that will be addressed.
- The Mayor stated Mr. Bishop has been in contact with the City Hall and has expressed his concern about postponing the election until November. Mr. Bishop contacted the City Hall today and advised the City of Lampasas postponed the election for November 3, 2020.
- Mr. Wilkerson stated based on the literature today by TML stated there is a great possibility for the City of Lampasas County to have issued a shelter in place and could cost for someone to contest the election and that should be taken into consideration.
- Mr. Ruskiewicz stated it all adds-up on why we should postpone the election.
- The Mayor stated if we do not postpone the election it will be the city's expense.
- Mr. Ruskiewicz made a motion if no one has a comment to approve 6c, Mr. Richardson second. All in favor, motion carries.

a. Convene into executive session according to Section 551.074, Texas Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of TCOLE Certified Reserve Peace Officer.

b. Reconvene into open session to act as determined appropriate in the City Council's discretion regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of TCOLE Certified Reserve Peace Officer.

- Mr. Wilkerson made a motion to approve the two candidates that were presented to them to become Reserve Unpaid Peace Officers for the City of Kempner, Mrs. Parker second. All in favor, motion carries.

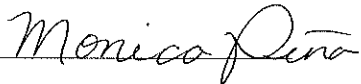
8. Staff Comments

- Mr. Wilkerson stated the last council meeting or the meeting before where the council was asked to help dispel inaccuracy throughout the community and stand up for what the truth is. He stated he would like to go over information without sounding abrasive and make solutions for the information he has been filled in with. The Mayor stated all the information he has been presented with to please provide the information to the City Secretary. Mr. Wilkerson stated he has sent emails to the City Secretary and has not received responses. The Mayor asked Mr. Wilkerson if he has not received any emails from the City Secretary and Mr. Wilkerson responded stating he has received some but had not received any emails asking for workshops and information to be placed on the agenda. The Mayor stated that email sent by Mr. Wilkerson had information regarding the executive session and he cannot discuss any of that information.

Mr. Wilkerson stated he was not wanting to discuss information from the executive session. The Mayor stated if he does not have a court order to discuss information from the executive session, no information will be discussed.

9. The date of the next regular meeting will be held on April 14, 2020.

10. Adjournment- Mr. Richardson made a motion to adjourn, Mr. Ruszkiewicz second. All in favor, motion carries.

ATTEST: 

Monica Pena – City Secretary

APPROVED: 

Dr. Keith L. Harvey- Mayor