

AGENDA
NOTICE OF SPECIAL CITY COUNCIL MEETING
CITY OF KEMPNER, TEXAS
April 22, 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

ACTION ITEMS

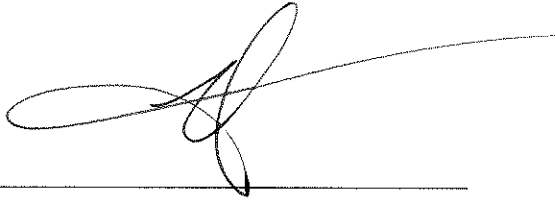
5. Consent Items:

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 April 14, 2020.
 - b. Consider approval of the Accounts Payable for payment dated April 6, 2020.
6. 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 TCOLE certified peace officers.

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 the City's TCOLE certified peace officers.

7. Staff Comments.
8. Date of the next regular meeting will be April 28, 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 19th day of April 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 6 April 2020

<u>NAME OF COMPANY</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
KEMPNER WATER	Usage	\$211.31
LAMPASAS BOOKKEEPING	Monthly Retainer	\$450.00
PERSONNEL CONCEPTS	COVID-19 Required Posters	\$39.95
HAMILTON COUNTY ELECTRIC	Electric Service-City Park, City Hall, Stage	\$264.60
TEXAS MUNICIPAL LEAGUE	Insurance	\$1,803.75
OMNIBASE SERVICES	Texas Department of Public Safety	\$90.00
SINGLETON, CLARK & COMPANY	Professional Auditing Services	\$4,250.00
CENTURYLINK	Current Charge Summary	\$233.97
<u>Total</u>		<u>\$7,343.58</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 April 14, 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 7:00 P.M. and the following business was conducted:

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

Non-Action Items

4. Citizens Comments –

- Lloyd Smith (Non-Agenda Item) –
 - Mr. Smith asked who the park supervisor and events coordinator for the park are. He stated these individuals are not widely known and getting ahold of them is not something that is quickly done. Resources are being wasted on an investigation of theft based on what many are perceiving as a personal issue. The flag was given to a council member who relayed it to the Mayor Pro-Tem. The veteran who replaced the flag from the park is not identified to the public but would like to thank him for his action.
 - The City of Kempner signs are placed in a way that they are virtually impossible to read until you are right upon them. He stated he recognized the council approved the replacement of the previous Boy Scout built sign. Citizens have asked the question of why the Boy Scouts were not allowed to restore the sign. The local scouts stated they offered to do so and were denied. The result of the signs is that they look good but placed in a way on the side of the highway that almost no one can read them and is something that has to be corrected and will cost more money. He also stated that the current signs are in a current situation as bad if not worse than the previous signs.
 - Mr. Smith stated it is understood that there are restrictions on gatherings, and will continue to be so. Mr. Smith recommended to the city to put an order stating what was posted yesterday about how to attend the meeting, who is allowed in person, etc. or putting that information in the agenda. He stated it ensures everyone is

informed and well in advance and minimizes any perception of not adhering to the Open Meetings.

5. Reports

- Police Department
 - Calls for Service: Information 7, Shots Fired 1, Civil Matter 2, Threats 2, Other Park 1, Welfare Concern 1, Violation Executive Order 1, Motorist Assist 1, Reckless Driver 1, Assist Other Agency 1, Animal at Large 1, Suspicious Vehicle 1, Criminal Trespass 1, Crash Report 1.
 - Traffic Stops: Citations 18, Warnings 35.
 - Offense Reports: Fraud 1.
- Any Additional City Hall Repairs and Costs- Mayor
 - At this current time, there are inside ceiling tiles that are being repaired. Repairs are going to continue as needed.

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 24, 2020.
- b. Consider approval of the Accounts Payable for payment dated March 27, 2020.
- c. Consider approval of the Destruction of Court Documents to include citations, court records, ledgers, and documents in accordance with the State of Texas Library and Archives Commission and Kempner Ordinance #2007-11-13-001.
 - Mr. Richardson made a motion to approve all consent items, Mrs. Parker second.
 - Mr. Ruskiewicz made a comment on action 6c asked if the court documents are old files. The mayor directed the question to Judge Mahoney. Judge Mahoney stated all documents that are being destroyed are cases that are no longer valid due to the statute of limitations and warrants that had been dismissed because they have expired the limitations.
 - All in favor, motion carries.

7. Mayor will update the Council and City of ongoing 2018-2019 external audit.

- At this current time, the external auditors for the city are finalizing the audit and a packet will be received once the audit is completed. All council members will receive a copy of

the finalized audit packet. A representative from the agency will come on April 28th to brief the city of where the city stands with the 2018-2019 Audit.

- Information was brought to the Mayor's attention. All council members, the city staff and himself received a questionnaire from the auditor and on the bottom of that questionnaire asked if you suspect any fraud in the city. The Mayor reminded the council members and the city that as Mayor, CEO of the city, he's in charge of the budget and the liaison between the City and the auditor. Everyone else unless specifically requested by the auditor are to stay in their lanes. A council member called the auditor several times and advised them he suspected fraud by the Mayor regarding the insurance check of \$45,610. The Mayor sent invoices to the auditing company from the initial start of repairs to the present ongoing repairs concerning the car crashing into City Hall. No council member has the right to attempt to sway an audit in any direction or compromise the integrity of it.
- Council members should have received the Memorial Program. Mayor stated he will find out more information from the conference call from the Governor to see if this memorial will go forward and will put out updates.
- The City of Kempner Official Communications of the Mayor is to relay information and update the city as necessary. Information changes constantly and will do his best to keep the city updated.

8. Staff Comments - None

9. The date of the next regular meeting will be held on April 28, 2020.

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

ATTEST: _____

Monica Pena – City Secretary

APPROVED: _____

Dr. Keith L. Harvey- Mayor

STATE OF TEXAS *

COUNTY OF LAMPASAS *

CITY OF KEMPNER *

BE IT REMEMBERED that on April 22, 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. Mayor Keith Harvey Led the Invocation
3. Pledge of Allegiance/Pledge to the Texas Flag

Call to order: all present

Invocation: Mayor Keith Harvey

Pledge

Non-Action Items

4. Citizens Comments:

- Angie Carswell: I am deeply embarrassed, once again, by your choice to treat the veteran who replaced the tattered American flag as a criminal rather than a valued, contributing member of our community. Your lack of cooperation and repeatedly refusing to work alongside members of the Kempner community continue to cause division rather than unity. Your new city sign is an embarrassment to our community. It cannot even be easily read by those passing through town. You wasted \$5,000 of city money rather than working with the Boy Scouts to refurbish the proud existing sign.

As for the flag, you should have apologized for the torn flag left to fly at the park. Then thanked those who took initiative to replace it. That would have been the right thing to do. That would have created good public relations. It would have shown a genuine desire to serve Kempner citizens. Instead you have chosen to escalate this event into some sort of personal vendetta against Alderman Wilkerson. Again, creating even more division and embarrassment for the City of Kempner. Please, save the city further embarrassment and money, resign immediately.

- Vance Rodgers: Citizens and Council Members,

Sec. 22.005., Local Government Code states: "A person who is elected or appointed to a municipal office under this code must take and sign the official oath of office before beginning to perform the duties of the office. Furthermore, The Texas Constitution requires that all appointed and elected officers in the state must take an oath of office. TEX. CONST. Art. XVI, §1. This includes elected officials, such as city council members and mayors. This oath contains the requirement that the officer "... will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this

State, so help me God." I do not think some of you realize the responsibilities that come with this oath.

Texas Penal Code (Sec. 39.02.) states a criminal violation has occurred involving ABUSE OF OFFICIAL CAPACITY when "A public servant commits an offense if, with intent to obtain a benefit or with intent to harm or defraud another, he intentionally or knowingly:(1)violates a law relating to the public servant's office or employment.

The key phrase I want you all to pay attention to is to "harm or defraud another." I want you all to realize that it is in fact a criminal offense and I will do whatever is possible to hold these types of officials accountable. This includes interference from a group of officials working together to formulate a plan on how to "harm or defraud another."

- Paul Miceli: I am sending this email do to not being able to attend meetings in person and would appreciate my comments being read during the citizen comments section of the meeting. As you can see it has been sent to the Secretary, the Mayor and the News.

my Although I am not a voter within the city limits of Kempner, I still feel the need to voice opinion. I am tired of watching this saga unfold and instead of getting realistic answers from the Mayor in meetings we are subjected to hearing you, Mayor Harvey get on a soap box and preach your defensive logic from your self-proclaimed platform.

The issue with the current legal actions involving the American Flag are despicable. You should be ashamed of yourself. Drop it and say thank you to BOTH parties concerned.

Now the latest is a police officer seems to have been put in the middle of something and has resigned due to ethics and morals. There seems to be a re-occurring theme of people NOT being able to work with you or deal with your belittlement and condescending treatment of employees as well as citizens.

I feel the best action to remedy this would be for you the Mayor to resign. This you undoubtedly will not do so the next best thing is to ask the council to stand up to you. Please do what you should do as elected officials. Council members please, stop allowing Kempner to be the laughingstock of Texas because of the Mayors actions.

- Lonny and Sherry Cartwright: This email is being sent to express our dissatisfaction and anger at how the City of Kempner's business is being conducted since you, Mayor Keith Harvey, have taken office.

As long-term residents of Kempner, we are upset at the very visible upheaval and disarray since you have attained the Office of Mayor. It is very evident that your tenure has been both a failure in leadership and civility.

From our personal observations of how you have conducted yourself and the business of our town, it is our strongly held belief that your continued presence in the Mayor's Office should cease. IT IS TIME FOR YOU TO RESIGN.

- Tammy Carroll Martin: The Lampasas City Council voted unanimously April 20 to adopt an order stating that city rules related to COVID-19 will match orders by Governor Greg Abbott. I strongly suggest the Kempner City council do the same, to vote ensures

consistency with state requirements. I believe that this will keep the Kempner City Council from having to vote for a new order each time the governor updates state rules related to COVID-19.

I also recommend that the Sylvia Tucker Memorial Park remain open if other Public parks within Lampasas County are open. I believe this is in the best interest of local citizens to promote health and well-being, consistently throughout Lampasas County.

- Shelly Harp: Who are the following city officials?

Park Supervisor?
Park Events Coordinator?
Police Chief?

Thank you in advance for the information.

- Anelicia Cheney-Campbell: I would like to address the members of the council. We have had three city employees that resigned recently, now we have three more than have been fired or resigned. At this point, almost every position in city hall has had to be replaced, some more than once since Keith Harvey was put in as Mayor.

When the last round of resignations happened not one of you stood up to address the hostile work environment that Harvey has created. Now we have another round of employees gone and I wonder if you are going to stand up for the city you represent and hold Harvey accountable.

You have let Harvey do whatever he wants regardless of rules, policies, and what you tell the public outside of the council meetings. But then you come to the meetings and sit there and take whatever Harvey wants to dish out. All of you on the council, elected or appointed have taken an oath to serve this community. How is sitting back and letting our city be destroyed following that oath? It comes to a point where you are just as responsible for the destruction of our city as Harvey is because you idly sit back and let everything happen.

If you are not going to use the voice the citizens are entrusting you to have, then you serve no point on this council and should turn in your resignations immediately.

Thank you.

- Wayland Allen: I am sending this email due to not being able to speak in person at this SPECIAL called meeting. I expect my comment to be read. It is being sent to the City Secretary, Mayor and the News.

Mr Harvey the first thing I would like to know is why you continue to use city council meetings as your personal time to lecture the entire council and citizens of Kempner? Second this Flag situation is an absolute disgrace to our Community! I cannot figure out why you are doing this! A VETERAN for Goodness Sake saw a flag in distress and replaced the US flag and took them both down. The VETERAN asked an Alderman who is part of the governing body! Flags were given to the Alderman and then to the mayor Pro-Tem who turned them into city hall. Sir this is nothing but a vendetta against this alderman and this city sees it!

Third I am appalled that our police force has been put in the middle of your actions! You fired our Chief, and officer Pena has resigned over your corrupt actions! Sir why are you still here when most citizens of this community have absolutely no trust in you?

- Lloyd Smith: What is the cost to the taxpayers that the mayor is willing to spend in the pursuit of this malicious prosecution of a city ordinance violation?

I highly recommend that the council demand the city attorney to separate all billing related to this prosecution. It is extremely important for the council and the citizens to see what is being spent on this action.

Action Items

5. Consent Items:

- a. Consider approval of the minutes form the Council Meeting held on April 6, 2020
- b. Consider approval of the Accounts Payable for payment dated April 6, 2020.
- Mr. Wilkerson made a motion to approve consent items. Mr. Richardson second. Motion passed all in favor.

6. 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 TCOLE certified peace officers. Convened at 7:20pm.

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 the City's TCOLE certified peace officers. Reconvened 7:34pm.

- Mr. Wilkerson made a motion to approve candidate for interim police chief. Mrs. Parker second. All in favor, none opposed. Motion passed.

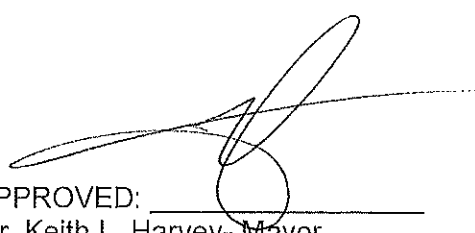
7. Staff Comments

- No staff comments.

10. Date of next regular meeting will be April 28, 2020 @ 7:00pm

11. Adjournment – Mr. Wilkerson made a motion to adjourn and Mrs. Parker second. All in favor, motion carried.

ATTEST: 
Tracie Martin -Assistant City Secretary

APPROVED: 
Dr. Keith L. Harvey- Mayor