

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

June 9, 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

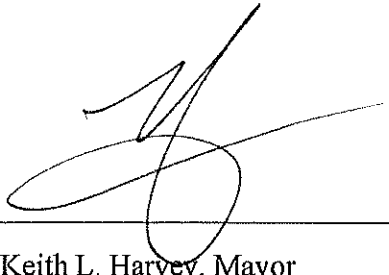
4. Citizens Comments – Must sign in and note whether Agenda or Non-Agenda items
5. Reports - Mayor

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 City Council meeting held on May 26, 2020.
 - b. Consider approval of the Accounts Payable for payment dated June 1, 2020.
7. 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 full time Peace Officer.
 8. Reconvene from Executive Sessions with possible deliberation and actions on items discussed in the Executive Sessions.
 9. Staff Comments/Councilmembers comments
 10. Date of the next regular meeting will be June 23, 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 1st day of June 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 May 26, 2020, the City Council met in City Hall with the following members present: Council Members Charlie Gipson, Betty Parker, John Wilkerson, Mack Ruskiewicz, Melba Vandever.

The meeting was called to order at 7:30 P.M. and the following business was conducted:

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

Non-Action Items

4. Citizens Comments-

- Mr. Gordon Long gets awarded for his selfless service with a Certification of Appreciation.
- Mr. Deputy John Rhoden's parents receive a plaque for his generous heart and the service he did for his community. The Mayor made the 26 of April John Andrew Rhoden Day.
- His father speaks that it has been an emotional trying month for them because their son died trying to help someone else from getting hurt and he has so many questions as to why this happened why no one called off the pursuit and we will never know the answer and he thanks the Mayor and the City of Kempner for recognizing their son.
- Fire chief Dan House asks to help provide funding for a new fire engine. With having an older engine you would have more costs paying to fix the old one instead of buying a new one. They need help funding since there are more houses and more need for a fire engine. It can be financed over some time. They also get grants and funding from the county and citizens but not enough for a new engine. Whatever the council would like to approve for them would be wonderful to have a new fire engine that won't break down for at least ten years. It would be reliable and more cost-effective. Employs the council to help them help protect the City of Kempner.
- Mr. Ruskiewicz confirms that it was over 40,000 dollars spent
- Chief House confirms.
- Mr. Ruskiewicz also confirms that it was out of service for about 200 days.
- Chief confirms it was out of service 243 days out of four years.

- Mr. Ruszkiewics asks if the city contributions and the citizens would still play a part in the funding?
- Chief states that yes a certain percentage does come from the taxes of the citizens but is not positive on what that percent is.
- Mr. Gipson asks some of the funding comes from the taxes of citizens does that come from the citizens of Kempner?
- He answers that no we get funding from the city but its for training.
- Mr. Gipson also asks the percentage that you're talking about is that from the county?
- Chief states that yes they do receive funding from the county. And it is whatever the county puts into the budget for them.
- Mr. Gipson asks what help exactly do you need from the city?
- Chief answers to purchase a new fire engine.
- Mr. Gipson says so your asking for the full cost of the vehicle? And how much would that be?
- Chief answers 263,500 dollars over ten years and does not know the interest rate.
- Mr. Gipson states that were about to be going over our budget soon if we could invite them to participate in the budget workshops.
- Mayor states a packet went out to the council member in April with all the information on it and that is why he is here today and he told the chief it would have to go to the council and before the people in the workshops. So that is in the plans.
- Mr. Wilkerson states if the council approves this there are policies in place that keep the primary focus here in the city.
- Chief answers yes policies are stating that, it is in the SOP's The City is the primary protection.
- Mr. Gipson asks do you service areas outside of the city limits?
- Chief answers yes sir the coverage area outside of Kempner is 180 miles.
- Mr. Gipson asks if he has requested financial assistance? Is It just in the Lampasas County area or inside of another city like Coppers Cove or Burnet?
- Chief answers that they do mutual aid to the surrounding cities.
- Mr. Gipson asks him if he has asked for assistance in purchasing a new truck in the city's that we give mutual aid?
- Chief states no we ask them for mutual aid but not for purchases because we are not there primary focus they each have their own departments.
- Mr. Ruszkiewics asks that the city would own the truck?
- Chief answers yes the city would have the title and they would use it and the maintenance would be provided by their funds.
- Mayor says thank you to the Fire chief and that he will be invited to the workshops.

5. Public Hearing- Roll Call presents their presentation over the placement of fiber optics lines, costs per customer, the quality of the upload and download, the service fee, what services they offer, also the time it would take to bring it into the city. The only thing they are asking of the city is any right of ways or easements that the city has control over that they abate any associated fees through the duration of the project. Also asking for assistance from the citizens or council for a real estate agent that could help identify a spot somewhere in the city for a hub for the fiber.

- Mr. Ruszkiewics asks how large of land does he need? About the size of the room or what?
- Roll Call answers with the room would even be to big a small piece of land would do.
- Mrs. Parker asks what the lowest rate would be for a home and if there are any discounts?
- He answers with 69 dollars would be the lowest and they give discounts to military veterans, senior citizens, gold star families, active police, and fire.
- Mr. Wilkerson asks what other cities do you currently provide service to?
- Roll Call answers with Burnet, Lampasas, from Interstate 45 all the way to Lincoln Texas.

6. Public Hearing- Hyperfusion presents that they have been here for two years they already are in service here so there not asking for anything just letting know that they are available.

- Mrs. Parker asks the basic costs?
- Hyperfusion answers that it is on the internet.
www.hyperfusiontech.com/fiber/kempner
- Mr. Wilkerson asks do you currently have an agreement with Hamilton to attach lines to those poles?
- Hyperfusion answers with they do have certain agreements with them right now.
- Mr. Wilkerson asks what other cities or areas do they currently have service?
- Hyperfusion states that they start in Burnet, Lampasas, marble falls across lake Buchanon. They also have 5g on he square free to students and people that work from home.
- Mrs. Parker asks looking for a central place in case the power goes out that people can come in from the community and use it do you want to explain that?
- Hyperfusion answers that they are wanting to open up resource centers and that they just opened up their first one in Burnet. Looking at different properties centralized for people in the city.

ACTION ITEMS

7. 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 May 12, 2020.

b. Consider approval of the Accounts Payable for payment dated May 6, 2020. Mr. Gipson would like to make a motion to pull item A for discussion, Mr. Wilkerson seconds.

- All in favor, motion carries.
- Mr. Gipson states that his last name is spelled with a “P” and not a “B”.
- Mr. Wilkerson makes a motion to approve items 7A and 7B with the corrections.

Mr. Gipson Seconds.

- All in favor, motion carries.

8. Consider Approval of the individual recommended by the Mayor for the following office, pursuant to the Personnel Policy adopted May 23, 2019.

a. city secretary – Hayleigh Robello

9. Consider approval of Professional service agreement with Traci Taubert, CPA Firm for bookkeeping and accounting services.

10. Discussion and possible action of City Council naming the City Secretary if approved, Hayleigh Robello on the financial accounts.

- Mr. Ruskiewicz makes a motion to approve sections 8 and 10 and bypass 9 to come back.
- Mr. Wilkerson seconds that motion
- All in favor, motion carries.
- Mr. Ruskiewicz makes a motion to discuss item 9
- Mrs. Parker Seconds
- They discuss the services, meeting of the CPA, and the cost of a new Financial Advisor. They also discuss the resignation of the former Financial advisor.
- Mr. Wilkerson makes a motion to postpone until they have more information and bring in the city attorneys.
- Mr. Wilkerson made a motion to amend his current motion to postpone this item until a representative from Lampasas bookkeeping, Jack Clark, and legal was present.
- Mr. Gipson seconds the motion

- Three in favor, Mrs. Parker place two abstained, and place four Mr. Ruskiewicz did not vote.

11. 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 full-time Peace Officer.

12. Convene into Executive Session pursuant to Section 551.071, Texas Government Code and section 1.05, Texas Disciplinary Rules of Professional Conduct, for consultation with legal counsel on personnel matters involving former employee J. Cerda and former volunteer reserve officer M. Cantu.

13. Convene into Executive Session pursuant to Section 551.071, Texas Government Code and section 1.05, Texas Disciplinary Rules of Professional Conduct, consultation with legal counsel regarding responding to requests for records from the City.

14. Reconvene from Executive Sessions with possible deliberation and actions on items discussed in the Executive Sessions.

- Mr. Gipson moves to approve item 11.
- Mrs. Parker seconds the motion
- Three in favor, none oppose motion carries.

15. Staff Comments.

16. Date of the next regular meeting will be June 9th, 2020.

17. Adjournment

ATTEST: _____

Hayleigh Robello –City Secretary

APPROVED: _____

Dr. Keith L. Harvey- Mayor

ACCOUNTS PAYABLE 1 June 2020

<u>NAME OF COMPANY</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
BANK OF AMERICA	City of Kempner- Rodriguez Shell Oil - \$29.65	\$22.00
BANK OF AMERICA	City of Kempner – Gabriela Pena Shell Oil - \$26.38 Shell Oil - \$23.51	\$49.89
BANK OF AMERICA	City of Kempner – Mayor USPS - \$26.35 Amazon.com – \$110.88 Personnel Concepts - \$42.65 Walmart.com - \$304.21 Shell Oil - \$22.60 Office Max/Depot – 1959.55	\$2466.24
C & R	Emergency exit signs - City Hall/Municipal	\$358.58
STERICYCLE-SHRED IT	Containers	\$84.00
TEXAS WASTE SOLUTIONS	Two haul offs City Hall	\$100.00
CENTURYLINK	Service	\$234.06
SINGLETON, CLARK & COMPANY	Audit Fee	\$1700.00
Total		<u>\$5,014.77</u>

APPROVED:
Dr. Keith L. Harvey-Mayor

ATTESTED:
Interim – City Secretary

STATE OF TEXAS *

COUNTY OF LAMPASAS *

CITY OF KEMPNER *

BE IT REMEMBERED that on June 9, 2020, the City Council met in City Hall with the following members present: Council Members Charlie Gipson, Betty Parker, John Wilkerson, Mack Ruskiewicz, Melba Vandever.

The meeting was called to order at 7:10 P.M. and the following business was conducted:

1. Roll Call- All Present
2. Council Member Mr. Ruskiewicz Led the 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- Mayor
 - Vandalism of the park restrooms are now fixed and there is now surveillance.
 - The Veterans Stones are being redone and remodeled.

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 May 26, 2020.
- b. Consider approval of the Accounts Payable for payment dated June 1, 2020.
 - Mr. Ruskiewicz makes a motion to approve items A & B but wants Roll Call to come back and clarify the location and answer a couple more questions.
 - The Mayor states that they don't necessarily have to come back before the council he did send out packages for Roll Call and Hyperfusion, also you can always contact them with any questions you may have or if you would like for them to come back we could bring them in however it would be the easiest.
 - Mrs. Parker Seconds Mr. Ruskiewicz's motion
 - Mayor opens the floor for discussion

- Mr. Gipson would like to discuss items A & B
- Mr. Gipson states that the time on the previous minutes and the cost amount for the fire truck are both wrong and need corrections.
- Mr. Gipson makes a motion to approve Item A with the corrections.
- All in favor, motion carries.
- Mr. Gipson now talks about item B and asks how on the accounts payable Gaby Pena still has expenses on the Bank of America statement even though she is unemployed. Also, the second thing you have a couple of expenses, one for shell oil for \$22 and office max that is almost \$2000 is there any way we can view the invoice for these transactions.
- Mayor states that yes he will email the invoice to every council member and the \$22 shell oil was to fill up Chief Rodriguez's car because his card hadn't come in yet and the Office Max charge was when the council voted to get rid of all the old desks and file cabinets that were not serviceable and did not lock so we voted to dispose of it and that is what this charge is. If you would all like to take a walk through and see where the city's money went feel free following the meeting. With Ms. Pena, we are still getting the cycle of her charges through her card that still needs to be paid.
- Mrs. Vandever asks what the Walmart charge of \$304 was?
- Mayor states that was for the Judge's computer out of the fund for the judge.
- Mr. Wilkerson makes a motion to approve item B.
- Mrs. Vandever seconds the motion.
- All in favor, motion carries.

7. Postponed until the next council meeting when the attorneys are present.

8. Postponed until the next council meeting when the attorneys are present.

9. Staff Comments/Council members Comments.

- Mr. Wilkerson Comments is there any advice he can give to the council for the future
- Mayor states the biggest thing is to pull out items if you want to have a discussion and vote on them separately. Because under consent items if you don't pull out an item then they are voted on together in one motion.
- Mr. Ruskiewicz states that council members are allowed to make a secondary motion for discussion.
- Mr. Gipson refers everyone to the Roberts Rule Book and the procedure to make a motion. It states instead of I make a motion it is I move to make a motion. Secondly, If there is a second there is a repeat of the motion and then he asks is there is any discussion and that is a part of the motion, then if there is not the motion is then repeated again and the vote is made.
- Mr. Gipson also comments on the motion to postpone from the last meeting and how that would either be postponed later in the last meeting or until this meeting.

- Mayor states that the motion included postponing until A representative from Lampasas Bookkeeping, Jack Clark, and city attorneys are present. Which is not until the next meeting on the 23rd. A postponement can be indefinite, which kills the motion until later in the council meeting or certain time. But they will be here on the 23rd.
- Mr. Gipson states that he sees visitors in the back and that it makes him think that city councils in the area that are allowing citizens back into the meetings so do you have a time frame of when the public is allowed back in the meeting.
- Mayor states when the regulations fully lift and there will not be a spike since we can't put everyone in the room six feet apart. So we can keep everyone safe and follow the mandate.
- Mr. Gipson states for his last comment is that our voice is for the citizens of the City of Kempner and he doesn't think the citizens of the city want to see us act in an unprofessional, immoral, unethical fashion if we as representatives of the people and we talked previously about one of us not showing up for an event that we had and that is their choice, and we need to keep in mind the way we talk and present ourselves to each other in the community, in person, in a letter, and on social media is that we are representing the citizens, not the personal agenda to lash out and we need to watch our words and tone of voice.
- Mayor thanks Mr. Gipson for the comments.

10. The date of the next regular meeting will be June 23, 2020.

11. Adjournment

ATTEST: _____

Hayleigh Robello –City Secretary

APPROVED: _____

Dr. Keith L. Harvey- Mayor