

AGENDA
NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF KEMPNER, TEXAS
June 23, 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

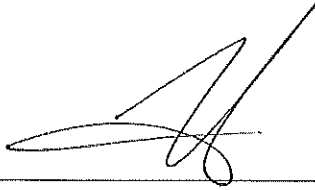
- a. Consider approval of the minutes from the City Council meeting held on June 9, 2020.

7. Convene into Executive Session pursuant to Sections 551.074 and 551.074, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding the following:

- a. City financial professionals and auditors;
- b. Social media usage
- c. Appointment of reserve peace officer;
- d. Update of the former Chief of Police; and
- e. Interim Chief of Police update;

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 July 14, 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 19th 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 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 Vandevveer.

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

LAMPASAS BOOKKEEPING & TAX SERVICE
PO BOX 1997
LAMPASAS, TX 76550
512-556-4460

DATE	INVOICE #
05/01/20	2227

RECEIVED MAY 8 4 2020

Approved by _____
Date Approved 5/5/20
Date Paid 5/5/20
Check No. _____

CITY OF KEMPNER
PO BOX 660
KEMPNER, TX 76539

DESCRIPTION	AMOUNT
MONTHLY RETAINER FEE	450.00
Total	450.00

Thank You For Your Business

STATE OF TEXAS *

COUNTY OF LAMPASAS *

CITY OF KEMPNER *

BE IT REMEMBERED that on June 23, 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 7:15 P.M. and the following business was conducted:

1. Roll Call- All Present
2. Invocation by Mayor Harvey
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
 - The current maintenance on the Memorial Wall is almost complete as of right we did have some that did not adhere to the safety tape please be advised that we are doing it as fast as we can and progress is going faster then expected.

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 June 9, 2020.
 - Mr. Wilkerson moves to make a motion to approve the minutes with the addition of clarification on if multiple people want to talk about different items on the consent agenda.
 - Mrs. Parker seconds that motion.
 - All in favor, Motion Carries

7. Convene into Executive Session pursuant to Sections 551.074 and 551.074, Texas Government Code, and Section 1.05, Texas Disciplinary Rules of Professional Conduct to consult with legal counsel regarding the following:

- a. City financial professionals and auditors
- b. Social media usage
- c. Appointment of a reserve peace officer;
- d. Update of the former Chief of Police; and
- e. Interim Chief of Police update;

8. Reconvene into Executive Sessions with possible deliberation and actions on items discussed in the Executive Sessions.

- 7a. Mr. Ruskiewicz asks if Mr. Clark is present?
- Mayor answer that he is present but did not want to come inside.
- Mr. Ruskiewicz moves to make a motion to discuss item 7a.
- Mr. Wilkerson Seconds that motion.
- Mr. Ruskiewicz says that he thinks it is time to make a change for the city. With our auditor's letter of resignation, we have to definitely look for another auditor. As far as the CPA I think there has been a conflict with our former financial professionals I think the problem is to the point that it is irreconcilable I don't see the city working together with the financial professional. The reason I say that is because at this point what was expressed to me by Mr. Clark he feels that he doesn't work for you the Mayor he only works for the city council and I don't see how he can be impartial with that attitude. He doesn't want to recognize you as the Chief Executer only the council and that is where I feel at this point it's not that I want to do this I just think we're at a point in the city to implore and consider the economic cost of the other candidates which all three have agreed to do the exact job that is being done now. If we choose not to keep them we can go to someone else its not a lasting relationship. We have to see what we're spending and is this relationship worth it anymore we need to consider that tonight.
- The Mayor comments, you commented in reference to something that was vocalized by Mr. Clark and a conversation in reference to "I don't work for the mayor" I know this all too well. But he does not just work for a particular council member he is an advisor for the city, not just the council not just the mayor, the city. Anyone that is contracted out or voted on by the council is for the city not for an individual, its for the benefit of the city.
- Mr. Wilkerson asks if Mr. Clark has been asked to come into the council chambers and talk?
- Mayor responds that he has sent chief two times to get him an just a third and he refused.
- Mr. Wilkerson says to my understanding he has been asked to stand in the hallway but does he know he can come in here and have a conversation with us?
- Mayor says he has been invited in.

- Mr. Gipson says that he agrees with most of the comments other than the irreconcilable differences with Lampasas Bookkeeping and Mr. Clark I don't think it's irreconcilable I believe we could reconcile the issue at hand. I want to say that I appreciate Lampasas Bookkeeping and Mr. Clark service to the City of Kempner for all these years they performed a valuable service for the city. After deliberating I don't want it to seem that we are not appreciative of Lampasas Bookkeeping's services after all these years and the work that Mr. Clark has done I just want to say thank you to them and they did a lot for us but at the same time, we talked about how a lot of entities turn over their services to make sure there is not just one company that has a long-standing relationship with the city and becomes comfortable in the position I think maybe it is time to look for another company. We have before us a couple of resumes of prospective bookkeepers and I would be open to inviting these individuals to come and talk to us. We see the fees I don't know If we would want to hire somebody before they come and talk to us. I would be in favor of searching for new bookkeeping services. More than anything it's time for a change that is going to make the city better and operate better.
- Mrs. Parker says I would also want to say we need to make sure regardless as to who we have come before us that we have an agreement in writing so that needs to be established as well for whoever comes in. I think we have run our course with this particular company and our relationship with them. The city could use a change and it would get some different minds in our city it would be a healthy thing for our city so there is not as much of a close personnel relationship and more of a business relationship.
- Mr. Gipson agrees with Mrs. Parker about there being a business relationship instead of more of a personal relationship. And again I want to thank Lampasas Bookkeeping company and Mr. Clark for their years of wonderful service to our community. The city at its beginning did not have a PSA like your talking about and I think that will be great to add in the future.
- Mayor thanks Mr. Ruszkiewicz, Mr. Gipson, and Mrs. Parker, He also echos a few things from Mr. Gipson to take a town and incorporate it into a city was nothing that was taken lightly. So as far as the professional expertise of Mr. Clark the city leaned heavily on his expertise for the city. The professionalism of Mr. Clark and Lampasas Bookkeeping goes without saying Thank you. However I do echo Mr. Gipson, Mr. Ruszkiewicz and, Mrs. Parker in reference to it is time to move forward. If you want the applicants before you we can make that happen since there is much at hand for the city. So with that being said is there a motion?
- Mr. Wilkerson Makes a motion to give Mr. Clark the floor and address the council.
- Mrs. Parker seconds that.
- Mr. Clark addresses the council by saying I am confused as to why I am standing here other than the fact that I had a disagreement with you the mayor. I have performed the consulting job with this city since its inception and I have never had a problem with it and have done everything that is requested up until the last six months there has never been a problem. The

problem started when the Mayor made his decision to yell and cuss at me and I do not think that is fair and professional. He did the same thing to the outside auditors and that is why the outside auditors are resigning. I have enjoyed doing consulting work for governments I have done it for 45 years and I wish to continue that relationship with the City of Kempner regardless of what the mayor may say or think. There is coming a point in the city in which you will have to make decisions and your getting ready for budget and you have issues right now with your financial statements over certain line items and I can't do that until I know for sure that the city wants me to continue working in my capacity as an outside consultant. There is no doubt about my relationship with the city. I have looked at the agenda items on the applications and none of them have governmental accounting. This is not the same there are certain debts and credits and there are consequences if not done right. So whoever does this job needs to have a background in governmental accounting. We do wish to retain our relationship of 30 years my only request is that we have a professional services agreement that lays out my duties, the duties of the city council, my relationship with this mayor, what he can and cannot do. Same with Lampasas Bookkeeping. Mr. Clark indicated he did not adamantly demand city financials to be emailed out.

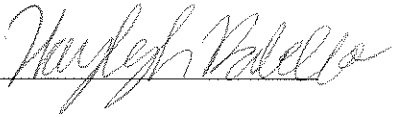
- The Mayor stopped Mr. Clark and noted that he will not stand before the council and lie on the court clerk, city secretary, and the witness to that event. Mr. Clark refused to remain in order and was warned twice before being asked to remove himself.
- Mayor makes his final comments I did get a request to have them come in and speak to the council and that will be honored. Number two to dispel the rumors every one of those individuals are capable of doing the city financials they have handled cities bigger than this so that is untrue and advisors to come with that. So with that being said is there a motion?
- Mr. Ruskiewicz moves to make a motion to postpone and to have the candidates here before us as soon as possible.
- Mr. Gipson asks to clarify what we are postponing.
- Mayor states he is postponing the decision of City financial professionals and auditors until they can come before the council and the council will have the opportunity to ask questions. As soon as possible
- Mrs. Vandaveer seconds that motion.
- All in favor, motion carries
- 7 C. Mr. Wilkerson Moves to approve.
- Mr. Gipson seconds that motion.
- All in favor, motion carries

9. Staff Comments/Council members Comments.

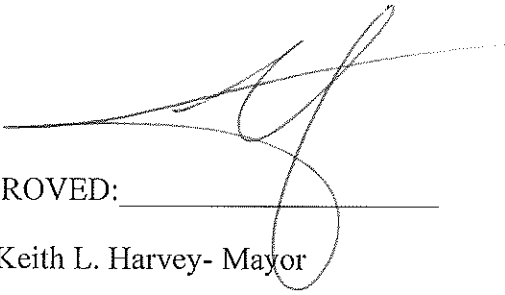
- Mr. Wilkerson adds that while he was outside the light shining on the flagpole was making a weird noise.

10. The date of the next regular meeting will be July 14, 2020.

11. Adjournment

ATTEST: 

Hayleigh Robello –City Secretary


APPROVED: _____
Dr. Keith L. Harvey- Mayor