

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

**September 8, 2020**

**6:00 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
  - Public Hearing on the 2020-2021 Budget
  - Public Hearing on the Tax Rate of 0.244900

**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 Accounts Payable for payment dated September 1, 2020.
- b. Consider approval of the Minutes of the Council meeting held on August 25, 2020.
- c. Consider approval of final amendment for fiscal year 2019-2020.
- d. Consider approval on the 2020-2021 Annual Budget, - Must be a record vote.
- e. Ratify the Ad Valorem Property Tax Revenue Increase reflected in the adopted 2020-2021 Annual Budget.
- f. Consider approval of the City of Kempner's tax rate of 0.244900, - Must be record vote.

7. a. 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 regarding pending litigation, specifically Cause No. 318,581-B, *Jesus Cerda v. City of Kempner, Texas* pending in the 146<sup>th</sup> Judicial District Court of Bell County, Texas.

b. Reconvene from Executive Session with possible deliberation and Council action on items discussed in Executive Session.

8. Comments / Mayor's final comments.
9. Date of the next regular meeting will be September 22, 2020.
10. Adjournment



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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 4<sup>th</sup> day of August 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.

# CITY OF KEMPNER

12288 US HWY 190  
P.O. BOX 660  
KEMPNER, TEXAS 76539  
[www.cityofkempner.org](http://www.cityofkempner.org)

Dr. Keith L. Harvey, Mayor  
[mayorharvey@embarqmail.com](mailto:mayorharvey@embarqmail.com)

TEL: 512-932-2180  
FAX: 512-932-3124

September 4, 2020

City Council Meeting:

The September 8, 2020, 6pm City Council Meeting will proceed as follows: All council members will arrive at least 10 minutes prior to the scheduled posted meeting. The meeting will continue the social distancing until further notice.

Citizens communication on agenda/non agenda are suggested to be emailed to the city secretary prior to the council meeting before the close of business of City Hall on September 8, 2020, to ensure their communication is read and recorded.

The Dial -in number: 978-990-5000

Access Code: 682735

Please dial in beginning at 5:50pm. This will cut down on potential interruptions, being most calls are executed on the hour. Thank you for being diligent, steadfast and vigilant during this trying time. Together we will get through this pandemic as we continue to mitigate the spread of COVID-19.

v/r



Dr. Keith L. Harvey  
Mayor, City of Kempner

ACCOUNTS PAYABLE 1 September 2020

<u>NAME OF COMPANY</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
BANK OF AMERICA	City of Kempner- Chief Rodriguez FANS Automotive - \$10.00 USPS - \$6.70 Office Depot - \$28.17 Watchguard Video - \$150.00 Mister Carwash - \$18.00 Shell Oil - \$31.00 Shell Oil - \$28.50 Shell Oil - \$27.50 Shell Oil - \$29.41 Shell Oil - \$29.00 Shell Oil - \$33.00 Shell Oil - \$28.00 Shell Oil - \$29.85 Shell Oil - \$20.53	\$469.66
BANK OF AMERICA	City of Kempner- Officer Sowder Shell Oil - \$29.00 Shell Oil - \$32.15 Shell Oil - \$32.00 Mister Car Wash - \$18.00	\$111.15
BANK OF AMERICA	City of Kempner – Mayor Intuit usage - \$12.96 Finance charge - \$2.55	\$15.51
CENTURYLINK	City Services	\$309.70
KNIGHTS LAW FIRM	Attorney Fees	\$12089.00
KEMPNER WATER SUPPLY CO.	City Services	\$208.16
BACKFLOW REPAIR & TEST	City Services	\$335.00
HAMILTON ELECTRIC	City Services	\$327.32
WELLS FARGO	Lease services	\$85.00
FIRSTNET	Telecomm/PD	\$165.64
<u>Total</u>		<u>\$14116.14</u>

APPROVED:

Dr. Keith L. Harvey-Mayor

ATTESTED:

Hayleigh Robello – City Secretary

**ORDINANCE NO. 2020-09-08-001**

**AN ORDINANCE AMENDING THE ANNUAL BUDGET OF THE CITY OF KEMPNER, TEXAS FOR THE 2019-2020 FISCAL YEAR.**

Whereas, a Budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020, for the City of Kempner, Texas was duly filed with the City Secretary and was duly presented to the City Council by Keith Harvey, Mayor: and

Whereas, the budget was passed, approved and adopted on September 24, 2019, and filed at the Lampasas County Clerk's office on September 27, 2019.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS:**

**SECTION 1. Amendment.**

The City of Kempner hereby amends its 2019/2020 annual budget as listed below:

**EXPENSES**

**1. MUNICIPAL COURT DEPARTMENT**

- a. Salaries – Increase from \$0 to \$18000

**REVENUE**

**2. ADMINISTRATIVE**

- a. Donations - Increase amount from \$0 to \$200
- b. Insurance Revenue – Increase amount from \$0 to \$19400

**SECTION 2. Open Meetings.**

It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, Chapter 551, Texas Government Code.

**SECTION 3. Effective Date.**

This Ordinance shall be in force and in effect from and after its passage on the date shown below.

**PASSED, APPROVED AND ADOPTED THIS 8<sup>th</sup> DAY OF SEPTEMBER, 2020.**

Dr. Keith L. Harvey, Mayor

**Attest**

Hayleigh Robello, City Secretary

STATE OF TEXAS \*

COUNTY OF LAMPASAS \*

CITY OF KEMPNER \*

BE IT REMEMBERED that on August 25, 2020, the City Council met in City Hall with the following members present: Council Members Charlie Gipson, 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- Mrs. Vandever was not present.
2. Council Member Mayor Harvey Led the Invocation
3. Pledge of Allegiance/Pledge to the Texas Flag

### **Non-Action Items**

4. Citizens Comments –

- Wayland Allen  
Good evening Council,  
I would like to know when the meetings are going to be opened back up to the public. The cities around Kempner are already open! As it is right now the video feed only works about a quarter of the time and when it does no one can hear a word that you all say.  
Wayland Allen  
515 County Road 3350  
Kempner, Tx 76539  
254-394-4508  
Wayland Allen  
Sergeant First Class (Ret)  
US ARMY  
Purple Heart and Bronze Star Recipient (Iraq)
- Lloyd Smith  
Both Agenda and Non-agenda

Good evening Council. I wanted to take this opportunity to voice what many in the community think about the additional funding for the Fire Department. I fully support the funds and hope that you will approve of the item on the agenda this evening. They provide unbelievable service to the community at large, and any support that can be provided, no matter the size, is something we all should



endeavor to do. I know it isn't much, but as soon as I heard of their addition to the Amazon Smile program, I have switched all of my purchasing through that program to give back to the community.

I wanted to pose two questions to the council, and I hope someone speaks to these in the closing comments, as I am sure many citizens have spoken to you all on these—the first deals with the meeting restrictions. We are sending our children to in-person classes, and yet our council meetings are closed to the public. How can it be perfectly acceptable for children to go to school, but our elected leaders seem to hide from the public? We are asking for anything that other local governments are not already doing.

The second item has to deal with open records requests. I applaud Hayleigh for her efforts in trying to deal with these requests, and she has been extremely easy to work with on these requests. However, I have a real issue, as should all of you, with the fact information requests, are delayed in their return to the citizens. For example, I have submitted several requests in June of this year, and I have only received a few of them back. When I ask about the status, I am told they are with the mayor and the city attorney. I have been extremely patient in this process, and I again cannot fault Hayleigh as she has no control over when the information is given to her, but over two months is absurd. In that period, I have been able to request and receive all open record requests submitted to the AG's office by the city for exemption. A total of 481 pages returned to me. While I have not finished going through them all, there is a disturbing trend with exemption requests. Then a withdrawal of that request being submitted or additional information requested for the AG's office to make a ruling is never provided. This appears on the surface to fall under the category most former military recognize as Fraud, Waste, and Abuse. There might not be any fraud happening; there is a waste of taxpayer funds on sending all requests to the city attorney and an abuse of the system with virtually all requests being submitted for exemption. Please remember each request is submitted for exemption, there is a legal charge incurred by the city.

## 5. Reports

- City (Mayor)- no reports.
- Presentations given out due to hard work and donating time and effort to helping the city.

Ken Shirley

Marcus Stintson

Hayleigh Robello

Austin Talasek  
Brian Parker

## 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 August 11, 2020.
  - Mrs. Parker moves to approve the minutes.
  - Mr. Ruskiewicz seconds that motion.
  - Three in favor (Gipson, Parker, Ruskiewicz), one abstained (Wilkerson), motion carries.

### 7. a. Consider approval of the additional \$2000.00 to the Kempner Volunteer Fire Department.

- Mr. Wilkerson moves to make a motion to approve item 7a.
- No second, motion dies. The floor is open for discussion.
- Mr. Wilkerson asked to have Chief House step forward with his concerns and needs.
- Mayor answers we are currently in discussion from the council at this current time, are there any questions?
- Mr. Wilkerson stated I understand that we give the fire department money every year and that we help them out with fundraisers but I think everybody has been witnessed to what the fire department does and the equipment that they need for certain things are having failure issues and they have reached out to myself and the fellow council members for additional help and I would hope the rest of the council would see this as a public safety matter and address it accordingly.
- Mrs. Parker states I think most of us here recognize how important this is and don't have any problems knowing that they have a great need. I just have a question concerning where the \$2,000.00 is going to be taken out of for this. I just want to know for the sake of the people where this \$2,000.00 is coming from. Are any of the other agencies involved and helping out beyond what is asked of them? I hope that is a fair question to be answered.
- Mayor states the question of where the money is going to come from the money is going to come out of the General Fund. There is no such thing as we have money in savings so let's take it out of savings that is not how the city operates. So if this was to be approved it would come out of the general fund. What was your next question, Mrs. Parker?

- Mrs. Parker states I was going to ask Chief House if he has approached the local businesses in the area if they would also help to sponsor or make donations what way does he have for the families in the local community to help support the fire department.
- Mayor states for Chief House to come to the podium and address the council.
- Chief House states the question you asked is where do we get our funding from? Well, this past year we received 89,327 from the county. We have a bbq auction that is where we approach all the local businesses and when we do control burns is also a way to raise money and we also go on the street corners with signs to raise money. During this year we have done a multitude of things for the City of Kempner like fires, accidents, and medical assist calls. 41 calls we made in the city 235 in the county. 30% of calls are coming to this City.
- Mayor asks what the number was again?
- Chief house answers with 235 responses.
- Mayor says okay so 41 in the City of Kempner. So how many call in Lampasas, Copperas Cove, and Coryell County.
- Chief House states I do not have that breakdown with me but if you would like it I can send it to you. The majority of calls are in the county but we do have mutual aids in Coryell and Bell. They do mutual aides to help us as well.
- Mayor states I would like to know what you did for Kempner not how many responses but what do you do for the city. We understand what the Kempner Volunteer Fire Department means to the City of Kempner we want to see the Fire department flourish. With that being said I have another question concerning a truck off 2808 the foam truck and that truck technically operates with 7 to 10 times more power than the regular engine. If you were to use that truck are we using the non-canserous foam? Also how often does this truck deploy considering it so powerful?
- Chief House states about 50% of the time not everyone lives in that direction. Most of our population of volunteers is the other direction. It just depends on where the call is at.
- Mayor asks the engine holds about how much water?
- Chief House states about 500 gallons.
- Mayor states okay I know you've been in here several times about needing to get more water and fire hydrants not being there. Versus the foam truck which is 7 to 10 times more powerful.
- Chief states yes, we use both so whatever truck gets there first initiates putting the fire out then when the other truck gets there we use both to put a structure fire out. Depending on where depends on what truck we take.
- Mayor asks what is the difference in distance between the fire stations?
- Chief House states 5 miles.
- Mayor asks so the firefighters dispatch and goes to the closest station to dispatch a truck?
- Chief House answers yes with the exception of the cadets so until they become a firefighter they cannot pull a truck out.

- Mayor states okay I'm just trying to get the full spectrum so our citizens can understand. With that being said where do most of your volunteers live?
- Chief House states most live off of 3300. Of course, volunteers come and go but the majority live in 3300. Also some on 2657 and 2808.
- My biggest thing is that you have older trucks here. People that live on 2808 closer to the other truck that can dispatch it. I just want to make sure we are maximizing the use of the equipment.
- Chief house states the reason the foam truck is there is because of population density and we do switch them out from time to time. My plan was if we do get a new engine then we will put it here in this station and we are in the process of building a new fire station five miles west. The older engine is here but the tenor and the brush truck and a booster truck are here.
- Mayor states I can understand that looking at historical data. I am mainly talking about the engine itself and the fact that we use the older engine more than the foam truck. The foam truck is a powerful truck and how many people are qualified to run that truck?
- Chief House states 18 out of 31 including cadets.
- Mayor restates so 18 out of 31 are qualified to run the truck and move the truck. My reason for the council on why I'm asking about the foam truck is because it's a powerful truck. I'm just saying personally you have a truck that breaks down a lot but you have a foam truck there that is more powerful and 13 years old? I just want to know why it's sitting? The county gives you your budget and you're saying you received \$89,000 from the county and they have a line item in their budget for your repairs and maintenance just like we have a line item for the police vehicles. So why is the county not answering?
- Mr. Gipson states I appreciate your questions and I agree with you but at the same time I look at we have two stations right now and a concern of mine is does that station sit in the City of Kempner?
- Chief house answers no.
- Mr. Gipson goes on to ask are those home within Copperas Cove response area and are they paying taxes to Copperas Cove and I know it's not far from the city limits to that station and I know it's not long until the Copperas Cove engulfs that station. I do support the Kempner Volunteer Fire Department completely. When this City first became a city it is because we didn't want Cove to engulf us or assist us in any way and now I see that our other station is in their bedroom. We have difficulty manning two stations right now and you want help from the city for another engine so how in the world can y'all look at building another station.
- Mayor states I totally support the fire department and all you're trying to do. But again my views and thoughts have nothing to do with the \$2,000.00 dollars. The equipment needs to be fully mission capable. What I don't understand is you have a line item on a budget and you are not getting assistance.

- Chief House states I am pulling money from other line items and I am pulling the money from fundraisers. I have approached the county in the past but I am negative in repairs and I would like to replace that old one right here. I was hoping the city would help replace that one with payments. We do grants we do all of that. We can't stop expansion. The one we are wanting to build is nothing fancy just a small two-bay station because whose to say what's going to happen in 5 to 10 years from now. If yall can afford to help then please do. If yall cannot I understand. We won't quit doing runs its not going to stop us. If yall can afford the 4200 annually that will help us protect yall better not just to sit in the bank I am also sending people to EMT school. When they show up they will show up with the knowledge and equipment. So we can help protect yall better. I won't ever stop and that is basically why I'm here today.
- Mayor asks so your saying 4200 annually?
- Chief House states I don't know what is in your budget for next year I'm saying for this year.
- Mayor sates this 2000 dollars is just a one-time thing.
- Mr. Wilkerson states from my understanding and conversations yes it is just a one time request.
- Mayor states yall service anyone I've been in the military and whenever someone needs assistance we help. Much like yall, you help where you need to assist. So it's not us that your just helping it's so yall can respond in a timely manner with the equipment you need. Your budget comes from the county correct? So your saying that the county where you get your operating budget from giving you the 89000 and we only give 2200. There suppose to take of you. At least we are doing everything we can. I just want us to have gratitude versus attitude. Those are the things that stuck out to me.
- Mr. Gipson states I think you and every one of your firefighters should receive certificates much like the ones given tonight because of the service yall give to the city. 30 years ago these people came out of the kindness of their hearts and if we didn't have that around here it would be a terrible place. I have been around enough of these individuals to know they want to be out there and help and want to do good and no one in here thinks that we want someone's house to burn down. Also, we know you need the right equipment to service these individuals. We have money in the general fund to help out and use from time to time and 2000 isn't much to give to such an important entity. With that being said I move to make a motion to give the 2000 to the fire station to help them.
- Mayor states you are correct there is money in the general fund I don't see an issue for a one-time payment.
- Mr. Ruszkiewicz states thank you chief for coming out again. I appreciate it once again. I know you called me about the need for funding to make it to May of next year.
- Chief House goes on to say he did say that under the impression that the city would be funding a new fire truck. If the city does not then yes it would go to repairs and I would

still be dealing with the truck and its repairs. We annually test our equipment and our hoses. We operate to the best of our ability.

- Mr. Ruskiewicz asks I have taken that we are putting the fire truck on the ballot.
- Chief House states that I believe was in one of yalls discussions in a meeting that you all had.
- Mr. Ruskiewicz states that he did bring up your request to the city and put to all the Kempner Fire Department the city has a municipal obligation that is our line items and we have to take care of them. The park is usually a budget loss but his year the park has brought in funds. We all support you and are grateful for what you do so I say if we have the fund in the General Fund then we should give it to them.
- Mr. Wilkerson states that we have a motion on the floor and when the time is available I would like to second the motion on the floor.
- Mr. Ruskiewicz makes amotion to approve the funding to the Kempner Volunteer Fire Department.
- Mr. Wilkerson seconds the motion.
- All in favor, Motion Carries.
- Mrs. Parker comments thank you so much for answering our questions we owe it to the people to ask them and I thank you.

#### 8. Staff Comments

- Mr. Wilkerson asks is there a way to have in-person council meetings? I know you are up to date on the COVID restrictions and I understand if we cannot meet the six feet restrictions but maybe we can wear a mask and if we all do wear masks then can we open the meetings back up?
- Mayor states I haven't been on my computer so is there any information that I need to know about?
- Mr. Wilkerson states that why can't we as council members wear our masks and not maintain a six-foot and people come in with a mask.
- Mr. Ruskiewicz states that the one concern is that a lot of our council members are at high risk because of age.
- Mayor states to answer your question I am following and will continue to follow what the Governor puts out, what Dr. Hay puts out, and what the county puts out regarding COVID regulations. Even with the events I had, I took their recommendations on how to proceed. It does zero in on the elderly and we cant put them at risk.
- Mr. Gipson states I appreciate the concerns about returning to an open meeting and I wish the community could return as soon as possible and we are looking forward to the community returning to the meetings and our biggest concern is the safety and wellbeing and of us and the citizens. The public hearing is coming up though and my thought is to maybe find a more suitable place in the community to hold it so the citizen can come and

we can still meet the COVID guidelines because I think the community deserves to hear it maybe we can use the fire station or the community center that's just something to think about.

- Mr. Ruskiewicz states I think that is a reasonable idea we also have to take into consideration anyway we look at using another facility it is a good idea because we will have part of our citizens in there but not everyone will be able to attend that either so we will still have to look at the sound.
- Mayor states I hear you and you can hear me but when it comes to devices your going to have some issues that's just that we are not a convention that has high power software and wants the people here but we have to understand that the world is complying so what makes Kempner think they don't have to comply. We have so many issues here that we did not have before. I mean no one wanted to come for 23 years when we weren't at risk unless it was time for the budget or the audit. So it's good to see people that are concerned about the city and I'm glad they're here now but we are going to comply they may not like it but we are going to comply.
- Mr. Gipson states when I look into the community and I see schools reopening, grocery stores opening as long as they're taking the certain measures and you can look at videos of festivals and there having fun with no masks so we can come together in large numbers as long as we are wearing masks no one is stopping them from doing essential things as long as we are taking the safety measures and being cautious that's why I recommend to us the fire station or the community center a bigger place then the space we have in here a public hearing is just that for the public and If we cannot maintain the six-foot distance then we take the certain necessary measures to maintain a safe environment.
- Mayor states I know what the public hearing is and I know what it means I will do everything I can to get the public involved and I don't care what Walmart, HEB, the schools are doing all I care about is what the county puts out and what the Govenor puts out. Everyone has challenges and this isn't normal what is normal now is we can allow ten people in hear and they will be spread out and we are going to do everything we are instructed to do and I'm glad people want to come in now whatever their reason may be.
- Mrs. Parker states that one thing that was said a lot on Facebook is when we had the blood drives people said not to come because it's not safe when they to extraordinary measures to make sure it was safe and sanitized. The school teachers cant go back because they can't keep up with sanitizing everything. I don't know how people are working it out and it would be good to find a way to get the people back in here and it will take time and us putting our heads together still comply and figure something out. What other cities and counties are doing is none of our business there was a lot of people at the park on Saturday and that was their choice when we have been getting complaints to not have anything because it's not safe but this is a planned event so will the comments

remain the same I know everything is a mess right now but we need to take into consideration what's best for our community and adhering to the government's guidelines.

- Mr. Ruskiewicz states that the coronavirus is a mutation and it does hit the young and the old but the reason I bring it up I because 80% of the deaths are in ages 65 and older and that's a very serious concern of mine and it should be to everyone over the age of 65.
- Mayor states thank you for the stats but no one should lose there life. I have a job to do and I will comply and I will seek ways we can have the members of this city in the public hearing so with that being said I have heard your concerns and my final comments will simply be our office hours 9-3:30 so please do not send the city secretary and email after closing time to tell us you are not going to be here. We wrap everything up at 3:30and she will not checker email till the following day so preferably if you're not going to be hear tell her before noon and you don't have to give us an excuse I don't care about your integrity or charaker but don't give us a reason and you're somewhere else not where you said.

9. The date of the next regularly scheduled meeting will be September 8, 2020.

10. Adjournment. Mr. Wilkerson moves to make a motion to adjourn, Mrs. Parker seconds. Three in favor (Parker, Wilkerson, Ruskiewicz) one opposed (Gipson). Meeting Adjourned.



ATTEST: \_\_\_\_\_

Hayleigh Robello –City Secretary

APPROVED: \_\_\_\_\_

Dr. Keith L. Harvey- Mayor

STATE OF TEXAS \*

COUNTY OF LAMPASAS \*

CITY OF KEMPNER \*

BE IT REMEMBERED that on September 8, 2020, the City Council met in City Hall with the following members present: Council Members Charlie Gipson, John Wilkerson, Mack Ruskiewicz, Melba Vandaveer.

The meeting was called to order at 6:00 P.M. and the following business was conducted:

1. Roll Call- Mrs. Parker was not present.
2. Mayor Harvey Led the Invocation
3. Pledge of Allegiance/Pledge to the Texas Flag

### **Non-Action Items**

#### 4. Citizens Comments.

- When will the City Council meetings return to being open to the public? Many of the surrounding areas have returned to open meetings. It is often very hard to hear what the mayor is saying at the meetings and the video (Facebook Live) of the last meeting cut off before the meeting was adjourned.

Thank you for your time.

Shelley Arp

- When will city council meetings be opened to the public?

It is difficult to "attend" a meeting when citizens are not allowed in council chambers, you cannot hear on the conference calls and comments cannot be made on the livestreamed video from the "official" city page. The city purchased new microphones so council members could be heard. Turn them on and use them, speak up or perhaps move the recording device closer to those speaking. If meetings are to be physically closed to the public, the least you can do is ensure that the video of the meeting is still "open", meaning that all persons speaking can be heard and all citizens can comment. Citizens have the right to hear what is being said during the council meeting.

Thank you.

Sherry Cartwright

#### 5. Reports

- Police Department

- Public Hearing on the 2020-2021 Budget
- Public Hearing on the Tax Rate of 0.244900
- Melissa Gonzalas came and spoke to the council and city on the many questions concerning the ad saying an increase of 3.61%. She gave all the council members a handout of the calculations. We have no new tax rate. The rate is not increasing but we will generate more tax dollars due to the taxable rate value.
- Mr. Gipson asks in all of our time working on the budget I didn't know we had a purposed tax increase so how will this increase be initiated.
- Melissa Gonzales refers to the estimate she did for them for the no new revenue rate. This is how you decide what rate you needed to adopt for your 2020-2021 budget.
- Mayor states the tax rate was put out at all the workshops that it will remain the same. The tax rate was put out in the workshops, we will keep the same rate as last year,
- Mr. Gipson states that maybe you didn't understand what I was asking I want to know what initiates the increase.
- Melissa Gonzalas I don't participate in that process just calculate the highest and lowest rate so you see what you need to adopt for your budget.
- Mr. Gipson states you take the rate we propose then what?
- Melissa Gonzalas states that she doesn't participate in that she just calculates the highest rate before an election and the no new tax rate generates about the same as the previous year then The City lets her know what has been proposed and she posts the ad in the paper for us.
- Mr. Wilkerson states to answer my colleagues' question the reason it is 3.6% because the property value increased keeping us at the same tax rate as last year.

## 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 Accounts Payable for payment dated September 1, 2020.
- b. Consider approval of the minutes of the council meeting held on August 25, 2020
- c. Consider approval of the final amendment for the fiscal year 2019-2020.
- d. Consider approval on the 2020-2021 Annual Budget – Must be a record vote.
- e. Ratify the Ad Valorem Property Tax Revenue Increase reflected in the adopted 2020-2021 Annual Budget.
- f. Consider approval of the City of Kempner's tax rate of 0.244900 – Must be a record vote.
  - Mr. Wilkerson moves that we remove 6 .d through 6 .f.

- Gipson seconds
- Mr. Wilkerson moves to approve the rest of the consent items
- Mrs. Vandever seconds
- Three in favor (Wilkerson, Ruszkiewicz, Vandever), One abstained (Gipson)
- Item 6. D was taken out for discussion. No discussion.
- Mr. Ruszkiewicz states since there seems to be no discussion I move to approve item 6 D.
- Mrs. Vandever seconds the motion
- Two in favor (Vandever, Ruszkiewicz), Two oppose (Wilkerson, Gipson) Mayor did a tiebreaker by approving item 6 D. Motion Carries.
- Item 6 E is taken out for discussion. No discussion.
- Mr. Ruszkiewicz states that to my understanding we are under time constraints for our budget and since there seems to be no discussion and that our county appraisal district has explained the tax rate, I move to approve item 6 E.
- No second, motion dies.
- Item 6 F is taken out for discussion. No discussion.
- Mr. Ruszkiewicz states once again I would like to remind the council that we are under time constraints on the budget so we can move properly. These items were pulled out for discussion and there seems to be no discussion so I will follow our time constraints and move to approve item 6 F.
- Mayor states there are time constraints for everything I see it as an issue to take care of the city and we had Mrs. Gonzalas come down and explain the Tax rate and answering the questions to bring clarity and you as council member are not going to vote and due diligence and vote whether it be approved, or disapprove, or abstain then you do not need to be council members. Do your due diligence.
- No second, Motion dies.

7. a. 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 regarding pending litigation, specifically Cause No. 318,581-B, *Jesus Cerda V. City of Kempner, Texas* pending in the 146<sup>th</sup> Judicial District Court of Bell County, Texas.

b. Reconvene from Executive session with possible deliberation and Council action on items discussed in Executive Session.

- Move to give the Assistant City Attorney, Roxana I. Perez Stevens, the authority to negotiate and execute a settlement agreement to resolve the lawsuit Cause Number 318,581-B, *Jesus Cerda v. City of Kempner, Texas* pending in the 146<sup>th</sup> Judicial District Court of Bell County, Texas.

8. Comments/ Mayor's Final Comments.

- Mayor states understand that we have passed the budget so we need to pass the Tax Rate and Ad Valorem and we will be seeing it next meeting.

9. The date of the next regularly scheduled meeting will be September 22, 2020.

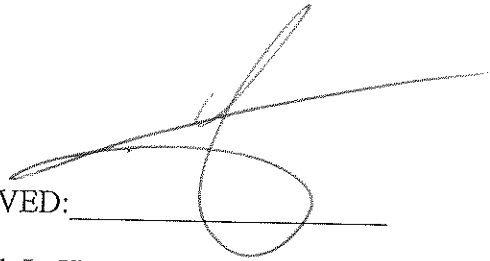
10. Adjournment. Mr. Wilkerson makes a motion to adjourn. Gipson Seconds. All in favor Meeting Adjourned.

ATTEST:



Hayleigh Robello –City Secretary

APPROVED:



Dr. Keith L. Harvey- Mayor