

AGENDA
NOTICE OF REGULAR CITY COUNCIL MEETING
CITY OF KEMPNER, TEXAS
October 13, 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:

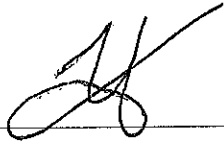
1. CALL TO ORDER, CALL OF ROLL/IDENTIFICATION OF A QUORUM
2. Invocation
3. Pledge of Allegiance/Pledge to the Texas Flag

NON-ACTION ITEMS

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

ACTION ITEMS

6. a. Consider approval of the Minutes of the Council meeting held on September 22, 2020.
7. a. Consider approval of the Accounts Payable for payment dated October 5, 2020
8. a. Consider approval of Auditing Firm for the City of Kempner.
9. Comments / Mayor's final comments.
10. Date of the next regular meeting will be October 27, 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 9th day of October 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 September 22, 2020, the City Council met in City Hall with the following members present: Council Members Charlie Gipson, Betty Parker, Mack Ruskiewicz, Melba Vandever.

The meeting was called to order at 6:15 P.M. and the following business was conducted:

1. Roll Call- Mr. Wilkerson was not present.
2. Council Member Mack Ruskiewicz Led the Invocation
3. Pledge of Allegiance/Pledge to the Texas Flag

Non-Action Items

4. Citizens Comments –

- Ken Mahoney
Non-Agenda

On 8 Sept 2020, I penned a letter to the council to report the actions of the court on a quarterly basis. This report identified some areas of concern, items of training, status of the court, funds received and current path forward. This report was provided to the city secretary to be posted on the official city website under the Municipal Court/Judges Report, this has not been done as of today. In the letter I voiced my opinion regarding the financial contract between the judge and the city council and the need for a vote by the council to change the financial agreement, outside of the budget debates. The issue that the budget has been approved is a moot point because my tenure started with a published budget in place. Failure to hold a vote on this contractual issue places a breach in the contract recorded in open session of the council, the letter also provided an option for the council to remedy this issue. It is important to note that a judge's term runs the same timeline as the mayors, so my term is not up until May 2021. I also noted that the Municipal Court should not be referred to as a revenue stream in the budget. This is my opinion after hours of training and research on the issue not a legal opinion. The court is not a revenue generating activity according to all judicial guidance published, it is a separate self-sustaining activity of the city. Funds received by the court are general funds to the city after all required fees have been moved to the multiple funding areas under the law. If the court did not function or adjudicate citations issued, including city ordinances, there is no funds received by the city or fees due to the state. The staffing of the court is mandated by law and is part of the budget however fees and fines are not. There have been many comments and questions as to why I did not publish my letter through other sources and the internet personas had a field day, it is my

opinion that doing so would be improper. It is a report to the city council and has a proper posting site without interference or editing, not on unofficial sites that are not covered by the retention of information requirements. Finally, I want to thank the council for the opportunity to serve the city in a fair and impartial manner as the municipal court judge. Currently, despite rumors, I have no intention of resigning or ceasing my duties as judge for the city before May 2021 and will remain in place if the city council permits after that date. Thank you for your time in advance and hope that the initial letter will be published to provide information to the city residents and that a recorded vote is taken on the contract issue before the end of the current operational year.

5. Reports

- City (Mayor)- no reports.

ACTION ITEMS

6. a. Consider approval of the minutes of the Council meeting held on September 8, 2020.

- Mrs. Parker moves to approve the minutes.
- Mr. Ruskiewicz seconds the motion.
- All in favor, motion carries.

7. a. Consider approval of the City of Kempner's tax rate of 0.244900, - must be a record vote.

- Mr. Ruskiewicz makes a motion for discussion.
- Mrs. Vandever seconds the motion.
- Mr. Ruskiewicz states that at the last meeting this item was in the consent items and Mr. Wilkerson made a motion to remove it for discussion so that it would be withheld from the consent items, but no one had anything to say about that which is an unusual move to remove it from consent items then not say anything about it I did approve it. I have also spoken to Melissa about these items and it is coming from the county and the appraisal of the area has increased so this is a modest amount considering the area has significantly increased. I have talked to citizens from other counties we should count our blessings on that because some counties have really gone up on their tax base it's a slight increase it boils down to a \$1.50 to \$1.60 increase not really a great increase and I feel it is such a small amount it covers some of the inflation e will face this year we just approved \$2000 for the fire department so it will cover something like that.
- Mayor states I would just like to correct the numbers and it is roughly \$1.19 to \$1.26 per household an increase of \$2000 that's it. Nothing more nothing less we went from 44 million to 45. The increase of the appraisal was a million dollars she

went through it with you all sheet to sheet line to line and I believe you still have those packets. I just wanted to clarify the amounts.

- Mr. Gipson states I would like to add to what my fellow councilman's comments about the last meeting when we have several items that are for consent to sort them out doesn't necessarily mean it comes out for discussion it's a statement that we don't want to vote yes for everything on there when you put multiple items of different concern in one single vote few of us don't agree that it needs to be all in one vote and I was in agreement that we pull those out and vote on them separately.
- Mr. Ruskiewicz states for the record I didn't say there wasn't anything wrong I made a statement that there was no discussion when usually there is just to clarify that.
- Mr. Gipson states I'm going to explain my opinion as to why those were pulled out I believe there was a comment from last week as to why they were pulled out when there is no discussion and I was just simply adding from the discussion from last week we pulled it out to vote on the one particular item to vote on separately instead of doing a shotgun run and voting on it all at once.
- Mr. Ruskiewicz states the purpose of the consent items is to group them together and vote on them together we have the right to pull them out that's fine no one is arguing that at all the purpose of the consent items is to vote on them as one thing and move on.
- Mayor states thank you both just to touch base on the consent items they are grouped together for that purpose especially when there are serious issues that would take a lot of time and everything is out to every council member ahead of time to ask questions and seek answers and some people did call and ask questions and get the answers the same people who went on Facebook and said they didn't but that can be verified by the city secretary. We are not trying to push anything through we wanted it to be in a nice smooth flowy fashion and we don't want to spend too much time in a certain area because you all should be well versed because you already have the information and the tools and have access to the people to give you the answers to make a qualified decision and if you want to pull it out that's fine if you want to vote on it together that's fine just to clear that up were doing city business.
- Mrs. Parker states that she too has made calls on the tax rate and followed up on it because I was not able to be here last week and being a senior of course and the cost of seniors on limited incomes and this is such a tiny amount and this is the county with having the appraisal go up on the area it helps the people that are selling making the area a little bit more valuable and the price amount is so low even seniors like me on limited income don't see this as a problem.

- Mrs. Vandever states that maybe some people were confused with the numbers because I was at first.
- Mayor states what the county did again went from 44 million to 45 that's all that means we are staying at the same rate as last year and that is why we brought in Mrs. Gonzales and when we bring people do not let them leave without getting to ask questions and get your answers.
- Mr. Ruskiewicz states hopefully all hearts and minds are clear I move to make a motion to approve the tax rate of .244900.
- Mrs. Parker seconds that motion.
- Three in favor (Parker, Ruskiewicz, Vandever), one opposed (Gipson). Motion Carries

8. a. Ratify the Ad Valorem Property Tax Revenue Increase reflected in the adopted 2020-2021 Annual Budget.

- Mrs. Parker moves to make a motion to approve the Ad Valorem Property Tax.
- Mrs. Vandever seconds that motion.
- Three in favor (Parker, Ruskiewicz, Vandever), one opposed (Gipson). Motion carries.

9. Comments/ Mayor Final Comments

- I feel that the City has accomplished set goals and had a successful audit of its financial records and received a good standing this year. Also, the 2020-2021 budget has passed, and the city's funds are in particularly good shape until this present date. I would like to thank the past Mayor Crane and our Mayor Harvey for not overspending. In fact, as a small municipality Kempner remains a City of common-sense budgeting, securing the City's saving funds and investment funds. Kempner as a small community has a lot of self-ambition and strife is being stirred up. Every action is taken by the Mayor or city council requires legal advice, to the point that business for the city is consumed with legal matters and it is costing the city excess spending on professional fees. So for the new year hopefully we can diminish the cost of professional fees.
- Mrs. Vandever states that would be great if it actually happened.
- Mrs. Parker states that she wanted to comment the last meeting but wasn't able to attend but the comment is that it was put on Facebook that our Mayor has asked the fire chief to come in and beg for money again and to remind people Mr. Wilkerson was the one that asked for the fire chief to come back in and have more discussion and as he was very informative and he did a great job. It had nothing to do with the Mayor or the fire chief begging for money.
- Mayor states that he's glad he doesn't look anything up and no one comes to the city begging for money and definitely not the fire chief or the fire department. And no one

would put themselves in harm's way like The Chief and the firefighters do every day constantly. The bottom line is people are going to say what they want to say and ignorance runs rapid and no one looks at the facts and I'm okay with that we just need to progress with city business so let's look at the positive and see what the new budget year holds and do everything we can for the city as elected officials.

10. The date of the next regularly scheduled meeting will be October 13, 2020.

11. Adjournment. Melba moves to adjourn. Mrs. Parker seconds. Everyone in favor, the meeting is adjourned.

ATTEST: _____

Hayleigh Robello –City Secretary

APPROVED: _____

Dr. Keith L. Harvey- Mayor

ACCOUNTS PAYABLE 5 October 2020

<u>NAME OF COMPANY</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
BANK OF AMERICA	City of Kempner- Chief Rodriguez FANS Automotive - \$577.00 FANS Automotive - \$129.00 GOVGROUP - \$51.52 GT Distributors - \$119.98 Walmart - \$24.27 Shell Oil - \$31.50 Shell Oil - \$26.50 Shell Oil - \$31.50 Shell Oil - \$31.00 Shell Oil - \$31.00 Shell Oil - \$27.00 Shell Oil - \$18.00 Shell Oil - \$19.00 Shell Oil - \$23.00 Shell Oil - \$16.00 Shell Oil - \$27.60	\$1184.07
BANK OF AMERICA	City of Kempner- Officer Sowder Shell Oil - \$33.00 Shell Oil - \$32.87 Shell Oil - \$33.24 Shell Oil - \$31.89 Shell Oil - \$32.88 Shell Oil - \$34.42 Lone Oak - \$33.16 USA Vend at Air Serv - \$1.75 Autozone - \$27.26 GT Distributors - \$12.00 Walmart - \$30.37 Walmart - \$34.88 7-Eleven - \$30.36	\$368.08
BANK OF AMERICA	City of Kempner – Mayor Intuit usage - \$12.96 Adobe -\$16.00 Law Enforcement System \$161.00 Squarespace Inc. \$155.88	\$345.84
CENTURYLINK	City Services	\$309.70
KNIGHTS LAW FIRM	Attorney Fees	\$5,569.04
KEMPNER WATER SUPPLY CO.	City Services	\$171.87
LAMPASAS DISPATCH	Classified Ad	\$20.15
HAMILTON ELECTRIC	City Services	\$368.13
WELLS FARGO	Lease services	\$85.00
FIRSTNET	Telecomm/PD	\$166.02
<u>Total</u>		<u>\$8587.90</u>

APPROVED: _____
Dr. Keith L. Harvey-Mayor

ATTESTED: _____
Hayleigh Robello – City Secretary

Kempner Police

Memorandum



To: Kempner City Council
Thru: Dr. Keith L. Harvey, Mayor
From: Charles E. Rodriguez, Chief of Police
Date: October 8, 2020
Subject: Monthly Police Department Report – September 2020

Kempner City Council,

Your police department has been and continues to work on the following criminal cases and department tasks:

1. Citizens reported, or officers were dispatched to, the following incidents that did not result in criminal cases:
 - a. A disturbance at a residence was reported where a verbal dispute occurred between family members.
 - b. A subject was suicidal and was transported to MetroPlex for medical evaluation and care.
 - c. A criminal trespass warning was issued.
2. Two motor vehicle crashes occurred. Both had minor damage and were without injuries.
3. Criminal case filed and their status:
 - a. Manufacture or delivery of over 800g of an illegal substance in Penalty Group 1, identified as Methamphetamine. Case is closed.
 - b. Possession of an illegal substance in Penalty Group 1 identified as Methamphetamine. Case is closed.
 - c. Theft of a Firearm. Case is pending additional information from the handgun owner.
 - d. Two simple assault cases were filed. Cases are closed.
 - e. Possession of marijuana under 2 ounces was filed. Case is closed.
4. Calls for service:
 - a. Police responded to 56 calls for service.
 - b. Calls range from suicidal individuals, shots fired, family violence, burglary, theft of property to a citizen contact.
5. Traffic stops:
 - a. Total stops: 146
 - b. Traffic violations: 76
 - c. Warnings issued: 80
6. Patrol vehicle usage and maintenance:
 - a. The patrol vehicles were driven 2,965 miles

- b. The department used 253 gallons of fuel
- c. The patrol vehicles fuel cost was \$496.85

7. Administration:

- a. Kempner National Night Out: It is scheduled for the 6th of October 2020 from 6pm to 9 pm at the City Park. It is open to the public. This is an opportunity for the citizens of Kempner to meet and get to know their police officers.
 - b. Working the Chapter 59 Asset Forfeiture reporting for 2020.
 - c. Scheduled an evidence room inventory for next month.
 - d. The department is working with COPSYNC to replace all outdated Mobile Data Terminals in the patrol cars using CARE (Corona Aid, Relief, and Economic Security) Act federal stimulus package funding at no cost to the City of Kempner.
 - e. Coordinating with COPSYNC and TXDOT to ensure the department is following state mandated submission of crash reports. Waiting for TXDOT certification.
 - f. Continuing to work with the Lampasas County/District Attorney's office on criminal case disposition.
 - g. Department Policy manual is approximately 75% completed.
8. Continuing to update webpage for accuracy and provide information to the citizens and visitors of our community.



Charles E. Rodriguez

Chief of Police

Kempner Police Department

STATE OF TEXAS *

COUNTY OF LAMPASAS *

CITY OF KEMPNER *

BE IT REMEMBERED that on October 13, 2020, the City Council met in City Hall with the following members present: Council Members Betty Parker, John Wilkerson, Mack Ruskiewicz, Melba Vandever.

The meeting was called to order at 7:05 P.M. and the following business was conducted:

1. Roll Call- Place I was absent, Place II, Place III, Place IV, Place V
2. Mayor Harvey 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
 - National Night Out was a huge success. Everyone followed the CDC guidelines and everyone enjoyed themselves. My concern is that nothing made the newspaper. My correction, I just found out we did make the paper and I have not seen it, my apologies, thank you Lampasas Dispatch. I hope the National Night Out will be a tradition we continue to carry on for years to come. Neighbors got a chance to see people they haven't seen in years. Officer Sowder did a wonderful job under Chief Rodriguez's leadership and put on a great night so thank you, Officer Sowder.
 - Police Report

ACTION ITEMS

6. a. Consider approval of the Minutes of the Council Meeting held on September 22, 2020.
 - Mr. Ruskiewicz moves to make a motion to approve the Minutes.
 - Mrs. Parker seconds the motion.
 - Three in favor (Parker, Ruskiewicz, Vandever), One abstained (Wilkerson), Motion carries.
7. a. Consider approval of the Accounts Payable for payment dated October 5, 2020.
 - Mr. Wilkerson moves to make a motion to approve the Accounts Payable.
 - Mrs. Vandever seconds the motion.

- All in favor, motion carries.

8. a. Consider approval of Auditing Firm for the City of Kempner.

- Mr. Wilkerson states that looking at all the documents you sent us and reaching out to some of their references I make a motion to approve Donald Allman as the new audit firm.
- Mrs. Parker seconds the motion. The floor is open for discussion
- Mr. Ruskiewicz states I can't recall which one that was. Was it the first company you sent? Also, my next question is, will that go under professional fees?
- Mayor answers with yes, it was the first company, and yes it will go under professional fees.
- All in favor, motion carries.

9. Staff Comments/Mayor's final comments.

- Mrs. Parker states when she was going through the firms we had for the audit it was such a wide variety in price, she came across Haynie and Co. and they audit her home town in Colorado. She thought that was pretty neat then looked at the price and saw that it was double what the price was for the firm we picked. But all three presented great paperwork and she appreciates all of them for their time and sending in their paperwork so we could review it.
- Mayor states keep advised that there will be only one meeting in the months of November and December because of the holidays and travel. It will be the second Tuesday of each month.

10. The date of the next budget workshop meeting will be October 27, 2020.

11. Adjournment.

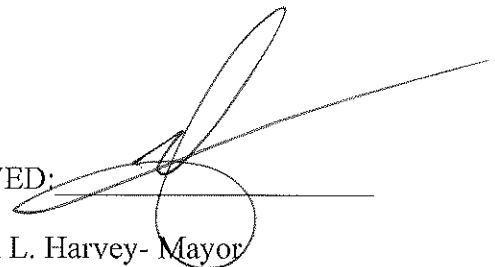
- Mr. Wilkerson moves to make a motion to adjourn.
- Mrs. Vandevier seconds the motion.
- All in favor, the meeting is adjourned.

ATTEST:



Hayleigh Robello –City Secretary

APPROVED:



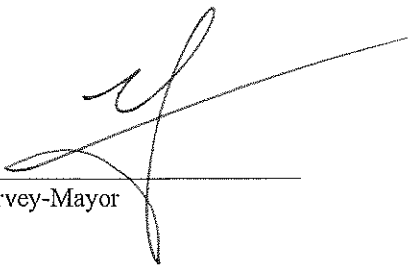
Dr. Keith L. Harvey- Mayor

ACCOUNTS PAYABLE 5 November 2020

<u>NAME OF COMPANY</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
BANK OF AMERICA	City of Kempner- Chief Rodriguez Shell Oil - \$22.00 Shell Oil - \$17.50 Shell Oil - \$19.50 Shell Oil - \$23.00 Shell Oil - \$19.00 Shell Oil - \$24.50 Shell Oil - \$21.00 Shell Oil - \$24.00 Shell Oil - \$23.00 Shell Oil - \$22.00 Shell Oil - \$29.00 Shell Oil - \$22.50	\$267.00
BANK OF AMERICA	City of Kempner- Officer Sowder Shell Oil - \$33.39 Shell Oil - \$33.40 Shell Oil - \$34.00 Shell Oil - \$36.60 Shell Oil - \$34.44 Shell Oil - \$34.14 Shell Oil - \$32.99 Shell Oil - \$33.37 Home Depot - \$59.94 Walmart \$15.72 Shell Oil - \$33.73 Shell Oil - \$33.64	\$415.36
BANK OF AMERICA	City of Kempner -- Mayor Intuit usage - \$12.96 Sirchie Finger Print - \$192.85 BMW Window Tint \$120.00 Sirchie Finger Print \$179.63 ADOBE \$16.00	\$521.44
CENTURYLINK	City Services	\$430.05
QUICKBOOKS	Reorder Checks	\$137.14
PERSONNEL CONCEPTS	Compliance Posters	\$205.90
KEMPNER WATER SUPPLY CO.	City Services	\$171.45
AIRHEADS	Service Call	\$228.90
DUEYS PLUMBING	Service Call	\$85.00
HAMILTON ELECTRIC	City Services	\$281.24
WELLS FARGO	Lease services	\$85.00
FIRSTNET	Telecomm/PD	\$165.64
	<u>Total</u>	<u>\$2994.12</u>

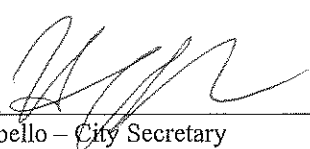
APPROVED:

Dr. Keith L. Harvey-Mayor

A handwritten signature in black ink, appearing to be 'K. Harvey-Mayor', written over a horizontal line.

ATTESTED:

Hayleigh Robello – City Secretary

A handwritten signature in black ink, appearing to be 'Hayleigh Robello', written over a horizontal line.

Kempner Police

Memorandum



To: Kempner City Council

Thru: Dr. Keith L. Harvey, Mayor

From: Charles E. Rodriguez, Chief of Police

Date: November 6, 2020

Subject: Monthly Police Department Report – October 2020

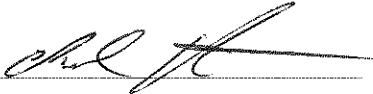
Kempner City Council,

Your police department has been and continues to work on the following criminal cases and department tasks:

1. Citizens reported, or officers were dispatched to, the following incidents that did not result in criminal cases:
 - a. A subject was reported to be suicidal.
2. Two motor vehicle crashes occurred. Both had minor damage and were without injuries.
3. Criminal case filed and their status:
 - a. Recovered a stolen vehicle from Killeen. Case is closed.
 - b. Sexual Assault. Case is active and pending additional information medical information.
 - c. Warrant arrest for immigration violation. Case is closed.
 - d. Warrant arrest for credit card fraud. Cases are closed.
 - e. Criminal Mischief to a motor vehicle. Case is active.
4. Calls for service:
 - a. Police responded to 80 calls for service.
 - b. Calls range from alarms, civil matters, suicidal individuals, shots fired, family violence, burglary, theft of property to a citizen contact.
5. Traffic stops:
 - a. Total stops: 118
 - b. Traffic violations: 64
 - c. Warnings issued: 67
6. Patrol vehicle usage and maintenance:
 - a. The patrol vehicles were driven 3,808 miles
 - b. The department used 469 gallons of fuel
 - c. The patrol vehicles fuel cost was \$653.92

7. Administration:

- a. Officer Sowder handed out water bottles filled with candy to kids on Halloween night. It was a full moon and good to see some remembering this spooky night.
 - b. Working the Chapter 59 Asset Forfeiture reporting for 2020.
 - c. Conducted an inventory of the evidence room.
 - d. The department is working with COPSYNC to replace all outdated Mobile Data Terminals in the patrol cars using CARE (Corona Aid, Relief, and Economic Security) Act federal stimulus package funding at no cost to the City of Kempner. Presentation to the city council was attempted on the 27th day of October 2020.
 - e. Coordinating with COPSYNC and TXDOT to ensure the department is following state mandated submission of crash reports. Waiting for TXDOT certification.
 - f. Continuing to work with the Lampasas County/District Attorney's office on criminal case disposition.
 - g. Department Policy manual is approximately 80% completed.
8. Continuing to update webpage for accuracy and provide information to the citizens and visitors of our community.



Charles E. Rodriguez

Chief of Police

Kempner Police Department