

STATE OF TEXAS *
COUNTY OF LAMPASAS *
CITY OF KEMPNER *

BE IT REMEMBERED that on September 24, 2019, the City Council met in a Scheduled Meeting with the following members present; Council Members David Richardson, Bob Crane, John Wilkerson, Mack Ruskiewicz and Melba Vandever.

1. Called to order by Mayor Harvey, roll call was made. All present.
2. Invocation – Led by Mr. Ruskiewicz
3. Pledge of Allegiance/Pledge to the Texas Flag

Non-Action Items

4. Citizens Comments

- Erik Marquez (Non-Agenda) – Stated he has been a resident in Kempner since 2005. Spoke of when the park was created a rule was made in approximately 2010 that says, "There are no pets allowed in the park". Stated he works with a group of 45,000 members called Central Texas Lost and Found Pets. Stated he does microchips scanning for the group. I deal with pets in this town, stated Mr. Marquez. The question I have for the council is please revisit the policy and ordinance on the website that I found today that bans animals. I can provide as much details and information as you like as other cities are doing without incident in any form and it happens every day. To ban them from the park when residents are already legally responsible to control their animal on a leash to pick up after them. I got some ideas that might help such a pet waste station as you can see at various locations around Texas. They are reasonable price cost, could probably do a fundraiser so it could be no cost to the city hall. Also, we have 98% return rate with all animals that have updated microchip information that we have return their animals to the Texas residents. I would love if the city could help us sponsor microchip event for the city residents. I am the one who does microchip for Bell County, I just did chipping for bell county pet's extravaganza last weekend. Certified, it is low cost at \$10.00 for most animals \$12.00 for the rest. I would love for the city to provide a property site to do it and maybe the city could help sponsor people that cannot afford the \$10.00. I would settle for a place that we can come together and do it. I tried to do it the last low shop printer and unfortunately that vet was not interested in providing low cost microchips to our residents.
- Steven Vance Rodgers (Non-Agenda) – Thanked the council for letting him speak. I am sure everybody knows about the Mayor's Facebook post. I have been in contact with Texas state attorney office in regarding that and we discussed about the sexual harassment complaint that has filed against the city and Mayor Harvey did not inform you all and did not asked for an investigation. We came into an agreement that he is in

violation of several Texas local government codes including 2203a 22042. 2203a basically is a failure to call a meeting, in our case with 5 council members if 3 wants to call a special meeting they should notify the mayor that we want this meeting the mayor shall call the meeting. It is not his choice, not his recommendation. If the council wants that meeting, that meeting takes place. As far as chapter 22042 it states that the mayor shall give any information and shall recommend anything that improves the finances, police health, security. The attorney general office agrees with me that the sexual harassment point a complaint failed under this chapter. This recommendation to me was for you, the city council, and the citizens to persuade you to hold accountable and to call a special meeting and that provide the proper tools for all meetings going forward. This city has purchased those books with taxpayer money, and it does not make sense to not utilize them. If you refuse to call this meeting the Texas state attorney general wants to hear from you.

- William Allen (Non-Agenda) – Spoke regarding the last few weeks that comments have been deleted or blocked from Facebook posts. Elective officials cannot block on social media, to do so it is in violation of the first amendment right. Mr. Allen is requesting for anybody that has been blocked to be unblocked. Failure to do so might open to litigation and the city to be litigated as well. Stated it is not a threat but a simple warning this is from Mr. Lloyd Smith.

- Bryan Parker (Non-Agenda) – Thanked the Mayor for the fast repair of the courtroom and it looks grate. Stated he is glad to see what the mayor can accomplish in a small period and appreciates the hard work he has done. Mr. Parker stated “We wanted you in, it’s only been a few months and I am sad to see the pressure you have to go through and I am glad you are still sticking through and will want to see what you can build in the next couple of years”.

5. Public Hearing on the Budget and Tax Rate of 0.244900

Mrs. West - Stated she has been living in this city for 11 years in the outskirts, stated she knows she is not included in this community, but she does care. I want to invite the Kempner Police Department to join us on twitter and welcome them to the live police department nation and she is a big supporter and would like to help.

Looking through the different proposals that you have with 3 different companies. One is clearly outlined what is not included in the price in their estimate and the other ones don't. Before you choose one, I would ask for you to please specify with the other companies what it is not included and not to be committed to something and then the price goes up.

Erik Marquez - Stated one of the estimates are 30 days past due.

Paul Henion - Stated he is not seeing on the David Brown Construction and Lone Star Payment estimates proposals compact testing. Stated if we spend the money it should be done right the first time since the road will crack again.

7. Reports

- Financial Report and Accounts Payable – Mayor

Stated a couple of days ago we discovered bills not being paid and we had to rush and get these bills paid due to being on final notices. These bills were at the bottom of the safe, I am not making it up due to having a second signature. Those bills have been paid already and been caught up but that was an injustice to the city. When we asked council to approve the accounts payable then we should be paying the bills that have been approved, not storing them at the bottom of the safe. The citizens need to know that, had we not gotten to the safe when we did lights would've been off, water would have been disconnected, the internet was already out. All of this is factual, if anyone wants to see a final notice, I will show you. This is unacceptable and therefore I am doing checks and balances.

- Police Department

There are several things going on. Everybody knows there has been a tragedy going on in Kempner the Lampasas sheriff department has that investigation. We also have an investigation going on in the city hall for those who do not know, and it is ongoing, and many things have been discovered. When the outcome is out you will get those from me.

- Any Additional City Hall Repairs and Costs

As you can see, we are waiting on the doors to come in and install 3 doors and the room will be 92-93% done with a couple of things that needs to be repaired other than that this room is almost completed. There are two other more rooms that were damaged and are 60% completed due to things are still hanging from the ceiling. The doors are already paid for and the rest we still must get, and it is not costly. We already have what has already been spent as far from the insurance check of \$45,610 and you will see deductions from there once all that is done, I will be submitting that to the adjuster not including the roof. Advised the adjuster that we are not going to repair half of the roof it must be fixed completely. We already have a claim from the EF2 tornado, his advice was to get the people out get an estimate and get it to him and we can get it all done in one time. This includes the police shed parkway and this building, the only problem is to get them to come out, everyone says we will be there this day, and no one has made it. They were so backed up and that's where we are at this junction.

Action Items

- a. Consider approval of the minutes from the Special Called meeting held on September 12, 2019
- b. Consider approval of the minutes from the Special Called meeting held on September 13, 2019
- c. Consider approval of the minutes of the Accounts Payable for payment dates September 17, 2019

Councilman Wilkerson, the question I have is that it says all items listed under the Consent Agenda are considered a routine by the city council and will be enacted by one motion. My question from the point of information is when did the council considered this to be consent items.

- Mr. Mayor responded consent items in this agenda the Council can chose 1. To vote all at this at one time or 2 to vote each one individually.

Councilman Wilkerson requested to be changed to all items listed under the Consent Agenda are considered a routine by the mayor and will be enacted by one motion. Stated he would like to vote separately.

- a. Consider approval of the minutes from the Special Called meeting held on September 12, 2019
 - Councilman Wilkerson made a motion to accept the minutes
 - Councilman Crane second
 - All in favor, motion carries
- b. Consider approval of the minutes from the Special Called meeting held on September 13, 2019
 - Councilman Mack made a motion to accept the minutes with the correction
 - Councilwoman Vandever second

Councilman Wilkerson had a discussion stated he can only approve the minutes he was in the meeting for. Stated that in page two states Councilman Wilkerson began to speak out after being warned several times previously and was asked to excuse himself from the panel. The thing with that is I was not warned several times and I was escorted out by a police officer.

Mayor Harvey responded that he was warned 3 times and the COK video can prove that. I asked you, you will answer the question with the answer that was asked, and you said (I cannot do this, and I can't do that) and that is not what we are here for. We are here to keep order and discipline, you are out of order, which you know too well from the Robert Rules Book, you were out of order 3 times, one too many. You were asked not to do that, or you will be asked to

leave the panel and asked if you understood and you said yes. You broke the rule again and you were escorted by Officer Pena breaking the rule a 4th time.

Councilman Wilkerson said I was calling for a point of order and you ordered the officer to escort me out of the council meeting

Mr. Mayor said It will not be discussed why he was escorted out.

- All In favor only Councilmen Mr. Ruskiewicz and Councilwoman Vandever
- All opposed Councilmen Mr. Richardson, Mr. Crane, and Mr. Wilkerson
- Motion denied

9. Discussion and possible action of City Council to appoint the individual recommended by the Mayor for the following office, pursuant to the Personnel Policy adopted May 23, 2019:

a. Municipal Court Judge – Kenneth J. Mahoney

Councilman Wilkerson wants to discuss stated he looked over Mr. Mahoney resume which is impressive but does not see a pay rate in the package for Mr. Mahoney asked if he will be getting paid. Asked if the money will come out of the municipal court budget, wants to clarify where that money will be coming from.

The Mayor stated funds from the 2019-2020 it is still there for the entire year or they were shifted or unassigned, though they were not unassigned. Mr. Mayor called Mr. Mahoney to the stand and asked him what he will choose, if he were to get paid or not.

Mr. Mahoney stated he would request \$18,000 a year which is less what a judge gets paid to do the job.

There is no line item called salary and there is a \$6,500 spent unknown where.

Mr. Mahoney stated he is not requesting to be getting paid when he cannot do the job.

Mr. Mayor stated he is the presiding judge right now.

Councilman Wilkerson made a motion setting October 1, 2019 for the approval appointment of Mr. Mahoney. Mr. Crane second. All in favor, motion carries.

10. New Business Items:

a. Discussion and possible action of City Council on the 2019-2020 Annual Budget

- Must be a record vote.
- Mr. Ruskiewicz made a motion
- Melba Vandever second
- All in favor, motion carries.

11. New Business Items:

a. Discussion and possible action of City Council on the 2019-2020 Annual Budget

- Must be a record vote.
- Mr. Ruskiewicz made a motion
- Mr. Wilkerson second
- All in motion, motion carries

b. Ratify the Ad Valorem Property Tax Revenue Increase reflected in the adopted 2019-2020 Annual Budget

- Must be a record vote
- Mr. Ruskiewicz made a motion
- Mr. Wilkerson second
- All in motion, motion carries

c. Discussion and possible action of the City Council on the City of Kempner's tax rate of 0.244900

- Must be a record vote
- Mr. Crane motioned
- Mr. Wilkerson second
- All in motion, motion carries

Councilman Wilkerson stated he would like for the Council to look at the Robert Rules of Order. One of the big things on the Robert Rules of Order is that the voice of the minority be heard while the voice of the majority stands. For that reason, I will be introducing ideas to the council such as ordinance that will prohibit for the Mayor to get any council member out of the meeting. If you feel that I was out of order just for trying to speak up, then let's have that discussion but I will not stand and let anyone be kicked out. I was on the phone with TML on the way over here and TML told me that this council can do just about all from the mayor with the exception what he is required specifically by law to do.

Councilman Ruskiewicz stated he agree with the Mayor of how the meetings have been ran in the past not in order and I believe the Mayor today made the correction and I believe it is good. Stated we need to stick closer to Robert Rules. Stated Councilman Wilkerson was warned 4 times on tape that he was violating. As a councilman everyone should be following the rules.

Stated that there are some things that was said and did and checked with TML also and things were said that were incorrect and poor judgement on your behalf Councilman Wilkerson. Anybody can play this game on calling the TML about everything. This city needs to be going forward and I have my complaints about the council.

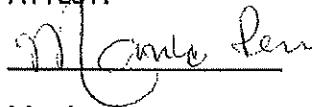
Mr. Mayor went over Robert Rules.

Date of next regular meeting on October 8, 2017 at 7 pm.

The City Accountant requested a special budget meeting before September 30, 2019 to add the insurance check of \$45,610.00 as revenue that was not added

- Mr. Wilkerson motion
- Mr. Crane second
- All in favor, motion carries.

ATTEST:



Monica Pena

APPROVED:



Dr. Keith L. Harvey, Mayor