

**AGENDA**  
**NOTICE OF REGULAR CITY COUNCIL MEETING**  
**CITY OF KEMPNER, TEXAS**  
**February 9, 2021**  
**7:00 PM**  
**12288 E. Hwy 190 Kempner, Texas 76539**

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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:

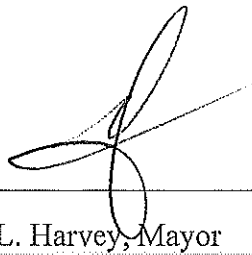
1. CALL TO ORDER, CALL OF ROLL/IDENTIFICATION OF A QUORUM
2. Invocation
3. Pledge of Allegiance/Pledge to the Texas Flag

**NON-ACTION ITEMS**

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

**ACTION ITEMS**

6. Consider approval of the minutes from the Council meeting held on January 26, 2021.
7. Consider approval of the Accounts Payable date February 1, 2021.
8. Convene into Executive Session pursuant to Section 551.074, Texas Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of TCOLE certified Peace Officer.
9. Reconvene from Executive Session with possible deliberation and actions on item discussed in the Executive Session.
10. Comments / Mayor final Comments.
11. Date of the next regular meeting will be February 23, 2021.
12. 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 5<sup>th</sup> day of February 2021 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.

**ACCOUNTS PAYABLE 1 February 2021**

<u>NAME OF COMPANY</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
BANK OF AMERICA	<b>City of Kempner- Chief Rodriguez</b> Shell Oil - \$28.25 Shell Oil - \$25.00	
	Shell Oil - \$27.00	
	Shell Oil - \$24.50	
	Shell Oil - \$22.00	
	Shell Oil - \$26.00	
	Shell Oil - \$29.50	
	Shell Oil - \$25.00	
	Shell Oil - \$25.50	
	Shell Oil - \$19.01	
	Shell Oil - \$17.99	
	Shell Oil - \$20.00	
	Shell Oil - \$28.00	
	Northloop - \$15.75	
	GT Dist - \$253.30	
	Texas Police Chief Assoc. - \$295.00	
		\$911.57
BANK OF AMERICA	<b>City of Kempner- Officer Sowder</b> Shell Oil - \$25.13	
		\$25.13
BANK OF AMERICA	<b>City of Kempner – Mayor</b> Intuit usage - \$16.00 ADOBE \$16.00	
		\$26.80
CENTURYLINK	City Services	\$381.80
DUEY'S PLUMBING	Service Call	\$500.00
WELLS FARGO	Services	\$85.00
KEMPNER WATER SUPPLY CO.	City Services	\$182.02
HAMILTON ELECTRIC	City Services	\$370.41
WELLS FARGO	Lease services	\$85.00
FIRSTNET	Telecomm/PD	\$165.64
KNIGHT LAW FIRM	City Attorneys	\$3120.00
DONALD L. ALLMAN, CPA,PC	Auditing Service	\$2000.00
<u>Total</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: February 4, 2021

Subject: Monthly Police Department Report – January 2021

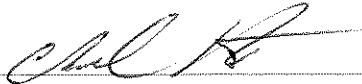
Kempner City Council,

Happy New Year Kempner Council members! Yes, it is finally 2021 and your police department continues to provide professional services and build a strong relationship with the citizens of Kempner. This month we received the following criminal cases and worked various department tasks:

1. Citizens reported, or officers were dispatched to, the following incidents that did not result in criminal cases:
  - a. Found property was located on the roadside.
2. There were no motor vehicle crashes.
3. Criminal case filed and their status:
  - a. Three fraud cases of credit card abuse. One was also submitted to the FBI IC3.
4. Calls for service:
  - a. Police responded to 37 calls for service.
  - b. Calls range from fraud, 911 hang up, city ordinance violations, welfare concerns, threats, to a citizen contact.
5. Traffic stops:
  - a. Total stops: 47
  - b. Traffic violations: 33
  - c. Warnings issued: 32
6. Patrol vehicle usage and maintenance:
  - a. The patrol vehicles were driven 2,454 miles.
  - b. The department used 159 gallons of fuel.
  - c. The patrol vehicles fuel cost was \$333.27.
  - d. Purchased two tires for the 2012 Dodge Charger.

7. Administration:

- a. TXDOT is reviewing the test data submitted. They have requested COPSYNC provide the excel spreadsheet data. TXDOT approval ensures the department is following state mandated submission of crash reports.
- b. Mobile Data Terminals upgrade for the patrol cars using CARE (Corona Aid, Relief, and Economic Security) Act federal stimulus package funding is still ongoing.
- c. Department is still waiting on the Lampasas County/District Attorney's office to provide case disposition.
- d. Department Policy manual is completed. Currently being proof read.



Charles E. Rodriguez

Chief of Police

Kempner Police Department

STATE OF TEXAS \*

COUNTY OF LAMPASAS \*

CITY OF KEMPNER \*

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BE IT REMEMBERED that on January 26, 2021, the City Council met in City hall with the following members present: Council Members Norm Parker, Jared Jones, Mack Ruskiewicz, and Melba Vandever.

The meeting was called to order at 7:15 P.M. and the following business was conducted:

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

### **Non-Action Items**

#### 4. Citizens Comments-

- Mayor and Council, My comments are regarding tonight's action item #7 referring to proposing an ordinance 2021-1-26 on discharging of guns within city limits. First I feel this should be the citizens decision and not the council alone. When was this even considered? If I hadn't read the agenda for tonight I wouldn't have even known and wouldn't have had this opportunity to dispute it. And Air Guns? Is someone joking. Doesn't that include BB guns and pellet guns? I can see ordinances needed for cities like Copperas Cove, Killeen and such. BUT we are mostly spread out and a large majority of the citizens live on acres of land, not 50x50ft lots. Many have firing blinds set up for target practicing and to date I don't think any major issues have ever come up because of citizens firing on their properties. Are we really going to become a democratic state once city at a time? First we can shoot them, then they take them. Everyone has their own reasons for using a gun on their own property. Be it for personal protection, Protection of live stock, or just to become proficient in using it. For the same reason we can't change the type of city we are ( city size ), I don't feel an ordinance is necessary at this time. Maybe one day when we have more growth. I don't currently see the need to take more of our rights away from us.

Thank you for your time and consideration.

A concerned city resident

Gisela Nena

- Good Evening,

In regards to Ordinance No. 2021-01-26, how does the city intend to enforce this? Most shots fired in my neighborhood occur at night, and case in point, on January 19, 2021, shots were fired at approximately 7:55 P.M. An individual then tried to gain access onto my property from behind and was arrested by the Lampasas County Sheriff's Office. The property he came from is not in the city limits. Therefore, there was no way to discern exactly which property the shots were being fired from, or if they were even being fired within the city limits. As I mentioned, Lampasas County received the call, as there was no Kempner Police officer on duty. Is officer E. Rodrigues going to be called in every time to investigate? How does the city intend to enforce the restrictions on air rifles, and bow and arrow? If I shoot a compound bow in my backyard, it is not possible to be viewed by anyone not present, nor is there any "threat to the public health, safety, and property." It is very difficult to discern where gun fire is exactly, especially at night, and with the limited city resources, I do not see this becoming an enforceable ordinance. If my memory serves me correct, I believe Mr. Ruskiewicz complained about the legal cost concerning writing ordinances, and since the governing body has failed to hire a City Manager in time, as required by law, I believe the City of Kempner should be more concerned in the areas that the voters expressed their intent. Let the council not forget that they work for the citizens, we do not work for them. The city should always prioritize work based on the demands of the citizens, and the current council has failed in this matter. How long before citizens petition to de-annex, and there is no incorporation for Kempner? What will Mrs. Vandaveer do then? She will have to find some other reason to put on make-up and leave the house. Get your act together and fulfill the work that you were ordered to do by the citizens before starting some frivolous ordinance that has not possibility of being enforced. What is next, an ordinance prohibiting driving since it poses a risk to the public health? There has been two vehicles crash through city hall, and another one that nearly did, just in the past eighteen months. I say, if you don't like my comment, "Just Eat it!" Right Keith?

Best Regards,

Steven Vance Rodgers

Pot Stirrer Extraordinaire

- Dear Mayor Harvey and City Council members Hope yall are doing well,

My name is Daniel Grahn and I am a citizen of this fine city. I would like to voice my concern for city ordinance 2021-01-26. First of all, I believe this ordinance is not in the best interest of the people of this fine city. As you may know, many of our neighborhoods



and land plots throughout Kempner have private ranges for personal use. Based on my personal experience with my neighbors and people through town, I'm confident to say that most of our citizens are in fact gun owners. A good portion of these people currently have private gun ranges on their properties that they use for personal recreation with the utmost care and respect for safety in mind. I understand that your intentions are in the right place and that yall see this as a safety issue but according to information found on areavibes.com, bestplaces.net and homefacts.com Kempner is already a very safe community that rates 50% to 60% safer than Texas and America as a whole. Currently, graphs on those websites show that every category of crime is currently going down. It is my belief that the vast majority of the people in this town just do not want this to be put into place. I believe that many people will also refuse to follow this rule and tie up our police officers so they cant do their actual job. I also understand that this was most likely brought up by concerned citizens of our fine city and that you are following proper channels to make sure that they feel as if their voices are heard. I respect that, but I also feel that these people are in the minority. If this ordinance is put in place I can all but guarantee that many of my neighbors, friends, family, and I will definitely never vote for anyone that votes to approve it.

Best Regards,

D. Grahn

- I'm Philip mort at 392 cr4711 kempner and I do not support the discussion or statute to ban the discharge of a firearm inside city limits. Those that live in town already abide by an unspoken rule against discharging firearms of rifle velocity and excessive noise. Air rifles and low power ammo are a tool that citizens use to train and practice responsibly with. Air rifles are important for teaching children gun safety in a low stacks way. Making it less convenient for parents to teach and spend time with there children isn't the business of this body. Will this law also inhibit citizens from discharging firearms in a self defense situation or cause individuals doing so to be in violation of this statute? Forcing the citizenry to attend ranges indoor and outdoor infringes on personal property and disenfranchise those who can't afford to attend. If this statute passes there should be will issue permits to discharge firearms on personal property at no cost. Clear guidelines for permits should be established. Permitting should be passed before law regarding discharge of firearms is established. Transparency and distribution of information about the business of our community is essential and shouldn't be conducted behind closed doors at anytime.

- Dear City Council and Mayor Harvey;

I am a resident and voter of Kempner, Texas and wish to express my concerns about the

proposed city ordinance #2021-01-26 prohibiting the discharge of firearms; Prohibiting the discharge of air guns and similar devices. I am a licensed and trained firearm owner and have livestock on my property. If they should be attacked by free roaming predators i.e. wolves, foxes, coyotes, dogs in packs; I should have the lawful right to protect them and my human family if threatened by what ever firearm needed.

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Thank you for your consideration on this issue,

Jeffrey A. May

- Please vote NO to City Ordinance 2021-01-26 Prohibiting the Discharge of Firearms. I didn't buy acreage in Kempner 18 years ago to be treated like I live in Killeen. This Ordinance is as absurd as the skewed lines of the city limits boundaries. I have taken great care and numerous days constructing a safe backstop to keep proficient with my firearms. Nothing fired on my property leaves my property. How about we treat careless, unsafe individuals as such and keep Kempner what people moved there for.

Thank You,

Brian Parker

- I oppose the Kempner City Ordinance 2021-01-26 Prohibiting the discharge of firearms. After I retired from the military in 2000 I wanted 'space', away from the restrictions of living in a residential neighborhood. In 2002 I finally found it in Kempner, 5.99 acres with no HOA's, can have animals, able to target practice and more. We moved dirt from a hill on one side of our property to the other to make a pad for the house slab. This left a 10' - 12' high 'wall' that provides an area for safe target practice. I have enjoyed practicing with my personal carry weapon on my property for over 15 years. I would like to maintain my shooting expertise on my property. I do not want to go to a range where there are lots of people and I have to pay to shoot. I am retired, on fixed income and then there is the COVID pandemic. For your consideration; Instead of prohibiting the discharge of firearms, possibly a permit could be required for those that would like to keep their shooting skills sharp on their property. Kempner could provide a list of safety requirements and have the resident sign to acknowledge the rules. Issue citations / fines to those who do not abide by the rules.

Thank you.

Regards, Ms Heike Knispel

- Esteemed Council Members,

I am writing in reference to the City Ordinance being discussed today (2021-01-26) which prohibits the Discharge of Firearms on my land. I am a Veteran and a long time member of this community. Myself and my family are responsible and licensed firearms owners and we feel that this ordinance infringes on our very basic of rights. I personally have spent upwards of four thousand on building a safe burm that was approved by several sheriff's officers who came out to supervise it's build. My neighbors and I all use this burm responsibly and have abided by all city ordinances pertaining to its use. If this ordinance were to pass this would render my range useless and would be a waste of a lot of hard earned money as well as time. I humbly ask you to reconsider voting to pass this ordinance as it will negatively affect everyone in my neighborhood.

Regards,

Vincent P Diaz

## 5. Reports

- Mayor- The city received several documents and they have been passed out to the council members one is the NDA infringement document and the other one is someone who cam to help the city move forward. She was harassed by a council member. You have it, read it, I wont go into it is real. The other thing is that he was contacting Mrs. Roberts via phone, email etc. to have her go against the Mayor. Miss. Robello was contacted on her personal facebook via dm on what she does here at work. There were also accusations that I monitor her email and I do not. SO if any of you have any question Miss Robello is here if not I would like to bring In our first candidate.
- Both candidates Mr. Williams and Mr. Rodriguez spoke to the council regarding the City Manager position.

## ACTION ITEMS

### 6. Consider approval of the minutes from the Council meeting held on January 12, 2021.

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

### 7. Consider the approval of City Ordinance 2021-01-26 Prohibiting the Discharge of Firearms; Prohibiting the Discharge of Air Guns and Similar Devices.

- Mayor states that he would like for Chief Rodriguez to come forward so if anyone has any questions he can answer them. With that being said we are not taking your guns we are not

taking away your second amendment rights. You can protect your family and your livestock we are not taking that away. It's about citizen safety.

- Chief Rodriguez states I have been asked by several citizens why we don't have an ordinance and I don't know why it has never been done in the past. There are concerns from both sides of the spectrum and it's up to us as the protectors of all people to make this educated decision you can't please everyone we just have to do what is necessary. I will enforce whatever the city council wants me to enforce. A soldier that has PTSD here in the city someone shot off a high-powered rifle right near his house and he had to get out of his house and started walking down the street trying to calm himself down. That is why I ask you to look at it from everybody's perspective.
- Mr. Parker states at first I saw the title and I started thinking oh no way they're not taking my guns, but then I started to actually read it and thought about my neighbors nearby that are constantly shooting guns at all times. There is a neighbor down where Councilman Ruszkiewicz lives that shoots their guns all during the day and it's very annoying and freighting I would be in favor of the ordinance just because of those people. But how would we enforce it?
- Chief States, it would be just like enforcing any other ordinance, and the way I do it is I usually educate them first because some people don't know we have ordinances so that is why I say to inform and educate them first. Then if I have to go back a second time we may take further action by giving them a citation. It can be enforced. We just have to make sure we do it correctly.
- Mayor states we went off of the Texas Law this is where we get the ten acres and the mentions and information of what can and can't be done and citizens safety is our number one priority.
- Mr. Parker states based on what I'm hearing on what people have written about having a berm and have lived here for years and I suggest they get their berms permitted.
- Chief states that the county can do that with a certain amount of acreage you can have a certified berm and get a range certification. It's yalls decision on how you want that to occur ad you can hunt on your property as long as meets the criteria. You have to take into consideration the carless that shoot into the air that bullet has to come down somewhere.
- My. Parker asks about the castle doctrine and we have these cats that fight at our house and I have tried to take him far out of town but he always finds his way back and I want to protect the cats I got does taking care of that animal go under the castle doctrine and I call animal control and they never make it out there.
- Chief states there is a city ordinance with the Lampasas animal control to take care of things like that.
- Mr. Jones states I have thoughts on the ordinance itself and idiots will always be idiots no matter if there is an ordinance or not people will shoot in the air regardless and the people hurt but these are the law-abiding citizens and the ones that have a good berm are

situationally aware. An ordinance stating that you can shoot is not going to keep the stupid people from doing stupid things and that's my view on the matter.

- Mayor states I agree with Mr, Jones you do have people doing things out of the ordinary. People still speed and break the law even though we have speed limit signs and the ones we do catch we give the citations but we have to have something in place that states that that is the speed limit. Every city has one and we are small but we are still a city.
- Mr. Ruskiewicz states well who can afford their ammo anyway. But anyway in my neck of the woods I always hear shooting going on and I do have PTSD and it sounds like it's in my backyard and what I'm hearing isn't target practice there shooting 40 – 50 rounds and my neighbors down the street get freaked out too and it's a tough spot since im strong 2<sup>nd</sup> amendment but I do see both sides. So for clarification, if there is a rattlesnake in my backyard legally can I shoot it? I just wanted to be clear on the matter.
- Chief states yes you are defending your property. Protecting livestock if you have any. There are always many elements to any situation and that's when we go to these calls we educate people.
- Mr. Ruskiewicz states I wanted to be clear if there was a threat in my backyard such as a snake that I could shoot it so thank you for clearing that up. But about the berm would it be reasonable for a citizen to have a diagram of a berm and bring it to the city and tell us this is what we got. So it falls under acreage you have to have 10 acres you can shoot but if it does not fall under the ten acres and they have a permitted berm can they shoot I want clarification.
- Mayor everyone that can see the ordinance and I went to the city attorney and said people are shooting off rounds and citizens are asking if we are doing anything about it and I asked him to do the research and draft an ordinance that is the law so we can have something in place. As far as the berms everything is in the ordinance. This is the state of Texas law where it is talking about Firing Ranges or Sport Shooting Ranges.
- Mr. Ruskiewicz states so the city in a sense is somewhat liable if an accident does happen and it would be putting the city in a lawsuit
- Mayor states if we get a call and a citizen says I have been informing you that they have been shooting off rounds and we have to tell them there's nothing we can do about it and someone gets shot yes the city will be liable if we knew it was happening and did nothing about yes we would be sued. We are trying to do everything we can to make the city safer. I would rather have a citizen mad at me than lose a child two doors down knowing we could of put something in place.
- Mrs. Vandever states I am against this I grew up with guns I grew up knowing not to touch them as a kid and I think that everyone should teach their kids. I think if people are taught the right way then it shouldn't be a problem. I just don't want gun control.
- Mayor states you are using the wrong term here. This is not gun control you can still defend your property you can still protect your family. We are not taking your rights away. It is about the city and citizen's safety.

- Mr. Jones states I try my best to educate myself looking at the cities history and It is a 1% mortality rate for stray bullets. Chief how many people have been injured from a random round since you have been here in Kempner?
  - Chief states none since I have been here considering I have only been here for about six months.
- 
- Mr. Jones asks Chief are you aware of any history of property damage or has anyone been hurt by a random bullet.
  - Chief states I would have to look in the archives. I don't know where all those are from the manual entries and cop sync. Since I have been here I have not heard of any property damage or injuries we just have some concerns about gunfire because it is alarming and you don't know where it came from or where it's going.
  - Mr. Jones states Kempner has one of the weirdest city limit shapes I have ever seen. Some peoples house is in city limits and their property is not. You're wanting to pass this ordinance because of the noise and because of a stray bullet but your still going to hear the same rounds being fired and the possibility of a stray bullet because I guarantee most people are in the county.
  - Mayor states the city's safety is what my concern is. This is a citizen safety ordinance. So you have all read it and expressed your opinions so does anyone have any more comments.
  - Mr. Ruskiewicz states it really is a divided emotional issue. We have some people who feel very strongly one way and someone that feels very strongly the other way. We have to have some sort of commonality and I don't think with this day and age that we should just completely through the ordinance out and let the gun owners have their guns and shoot whenever and then and that's fine and not consider the other side. I don't have any other solution other than an ordinance if we can modify it in some sort of way to answer the problem. We have two sides to it and we have to do what's best for the city.
  - Mayor states we can close discussion and move forward or if there is more which I think everyone has expressed how they have felt. This is not taking away gun rights. You have people doing the right thing and people doing the wrong thing and without an ordinance it just lets people do whatever. And the state will ask why we haven't done anything. We can not ignore the complaints.
  - Mr. Parker moves to make a motion to approve City Ordinance 2021-01-26.
  - Mr. Ruskiewicz seconds the motion.
  - Two in favor (Parker, Ruskiewicz), Two oppose (Jones, Vandever), Mayor break the tie and votes to approve the Ordinance 2021-01-26.
  - Motion carries.

8. Consider approval of the selected candidate for the City Manager position.

- Mr. Jones and Mrs. Vandever voted for Mr. Rodriguez.

- Mr. Parker and Mr. Ruszkiewicz voted for Mr. Williams.
- The Mayor broke the tie by Voting Mr. Williams as the new City Manager.
- Mayor states that Mr. Williams will give his job a two-week notice then he will be briefed and begin his duties here.

9. Convene into Executive Session pursuant to Section 551.074, Texas Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of TCOLE certified Peace Officer.

10. Reconvene from Executive Session with possible deliberation and actions on item discussed in the Executive Session.

- No deliberation was necessary.

11. Comments/ Mayor Final comments

- Mr. Parker asks where are we with Peacemakers? Have they installed them yet?
- Mayor states I'm glad you asked I forgot to bring that up in my reports. We have been refunded the money and we are now waiting for the parts to come in so they can come to install the equipment.
- Mr. Jones asks when a time frame if possible could the citizens start coming into the council meetings?
- Mayor states I cannot see into the future. I go with the guidance that is given to me by the state and with the influx in Texas I don't have an answer on when they will start opening back up to full capacity. I would love it if we could open our doors back up to the public those days were fun but we are taking preventative measures to ensure the safety of our citizens and I don't know when the day will come when we can open our doors back up sorry I do not have an answer for you.

12. Date of next Regular Scheduled Meeting will be held February 9, 2021.

13. Adjournment.

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

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

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

Hayleigh Robello - City Secretary

Dr. Keith L. Harvey- Mayor



STATE OF TEXAS \*

COUNTY OF LAMPASAS \*

CITY OF KEMPNER \*

BE IT REMEMBERED that on February 9, 2021, the City Council met in City Hall with the following members present: Council Members Norm Parker, Jared Jones, John Wilkerson, Mack Ruskiewicz.

The meeting was called to order at 7:00 P.M. and the following business was conducted:

1. Roll Call- Melba Vandever - absent
2. Mack Ruskiewicz led the Invocation
3. Pledge of Allegiance/Pledge to the Texas Flag

### **Non-Action Items**

4. Citizens Comments.

5. Reports

- Mayor's Report
- Mayor Presents Chief Rodriguez with the Cities participation in the annual Tri-County Toy Run.
- Mayor presents Sargent Major Charles Chappelle with his service to The City of Kempner by always going above and beyond at all the events we have at the Silvia Tucker Memorial Park.
- Presentation of the Purpleheart to become a Purpleheart City.
- Brian Parker presents a project for the Kempner Family Community Development Center to do at the Silvia Tucker Memorial Park.

### **ACTION ITEMS**

6. Consider approval of the minutes for the Council Meeting held on January 26, 2021.

- Mr. Wilkerson moves to make a motion to approve the Minutes of January 26, 2021.
- Mr. Jones seconds that motion.
- Mr. Wilkerson amends his previous motion to approve the minutes with the addition that he was out due to a medical condition and that is why I missed the meeting.
- Mr. Jones seconds the amended motion.
- Three in favor of motion (Wilkerson, Jones, Parker), one against (Ruskiewicz)
- Motion Carries with the approved corrections.

7. Consider approval of accounts payable dated February 1, 2021.

- Mr. Wilkerson moves to bring it up for discussion.
- Mr. Jones seconds the discussion.
- Mr. Wilkerson states that looking at the numbers under the Bank of America- Mayor the numbers don't seem to total. So either the total is wrong or one of the bills is wrong.
- Mayor states that it was obviously a typo and will be fixed. You can still approve the Accounts Payable with the corrections and the corrections will be made and sent to all the council members.
- Mr. Ruskiewicz asks I see our audit service has been included. What is the charge on that?
- Mayor states that it was the initial payment of the thread of payments. They came out and pulled files and took interviews.
- Mr. Jones moves to approve the accounts payable with the corrections of Intuit usage and Adobe.
- Mr. Parker seconds the motion.
- Mr. Parker asks what the \$500 to Duey's Plumbing was for?
- Mayor states we had a flood at the park in the men's bathroom. The toilet broke and needed to be fixed properly.
- Mr. Wilkerson states I see we don't have the Knights Law Firm bill.
- Mayor states you will receive that tonight.
- Three in favor (Parker, Jones, Ruskiewicz), one opposed (Wilkerson)
- Motion Carries.

8. Convene into Executive Session pursuant to Section 551.074, Texas Government Code, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of TCOLE certified Peace Officer.

9. Reconvene from Executive Session with possible deliberation and actions on item discussed in the Executive Session.

- Mr. Ruskiewicz moves to make a motion to approve Officer Rodriguez for the part-time temporary position of a Peace Officer.
- Mr. Parker seconds the motion.
- Mr. Wilkerson states I understand the need and what I would challenge the council to think about is cities all across the state have different categories of Peace Officers. In looking at the expenses that have come before the city, like having a city manager and having to put that in the budget, I think the more prudent thing to do is go ahead to pay him for his time but not as a full or part-time but pay all reserves that come in a comparable hourly rate decided by the council and get maximum participation from the

reserves and attract more reserves. We need to put that on the agenda item and approach it before we take any other action.

- Mr. Ruszkiewicz states the understanding was the budget for our full-time officer is no longer with us and that has already been allocated in the budget and therefore we are talking about taking a small part of that and making it temporarily filled until we get a full-time officer. We are in a sense leaving Chief by himself and we need someone here to help him out. I hear what you're saying and I think that is something we could consider paying our reserves hourly. I'm looking at a solution that wouldn't hurt our budget at this point since we are taking a full-time position and turning it into a part-time one.
- Mr. Parker agrees with Mr. Ruszkiewicz's statement.
- Mayor states like Mr. Ruszkiewicz has already stated that the position is already allocated in the budget. You knew there would be challenges with hiring a city manager. The city manager has nothing to do with this position. Has nothing to do with the funds allocated. The reserves have a separate fund and we don't take it away from the full time to the reserves. The reserves have a line item and the full-time officers have a line item. We must understand how this city operates. Only two forms of revenue, sales tax and property tax. In reference to this position the funds are there and allocated as a part-time temporary position until a full-time officer has been evaluated.
- Mr. Wilkerson states that these are great comments and questions and I wanted to address a few concerns that I'm hearing. Mr. Ruszkiewicz one thing you said was that we would be leaving Chief by himself and how that is unfair and what I'm challenging yall to think about is to face reality, we are not Copperas Cove or Lampasas, we do not have a big police force. I'm really concerned with us bringing on a city manager with the overages we have already seen over the past months I'm concerned where we will find ourselves in a situation where yes we have the money now it was allocated in the budget when we didn't have a city manager in the budget and now we are looking at overages and I would hate to bring in an employee and then in a couple of months tell them we have to lay them off. I think we need to utilize the reserves we already have and use the funds we have leftover to encourage the reserves to come in and work more. We have to think for the future the best we can.
- Mayor states our law enforcement is constantly running back and forth and working long hours and answer every call they get so please don't do that to our police officers. You being law enforcement I don't like that. Secondly, you knew there were going to be challenges when you voted for the city manager for the election. No one was looking into the future. No one had a plan and they still don't. There are still only two forms of revenue. Policing is a part of this city. They wanted it so now they are going to have to pay. I don't agree with looking into the future of the budget. The budget has always been tight in Kempner. When we make a decision we don't understand it is going to be challenging and don't throw any position and officer out of the way before you put your best foot forward. Let's be better.

- Mr. Ruszkiewicz states I know we did have a meeting, I believe you, Mr. Wilkerson were not at that meeting but unanimously four of the council members said we do not want to touch our police department regarding funding. The issue with the city manager isn't really an issue. The council has voted on a city manager and it has been allocated in the budget into the next budget year. That issue in a since has been resolved until the next budget year. Right now the Chief needs support he has lost a full-time employee and we have the funds for the full-time employee already. We are trying to hire a part-time employee to help with that situation. We are talking about a fix right now to help Chief.
- Three in Favor ( Parker, Ruszkiewicz, Jones), One opposed ( Wilkerson)
- Motion Carries.

10. Comments/ Mayor final comments.

- I want to thank the council for coming tonight and doing their due diligence. When there is no malice and only love for the city then and only then are you serving the city.

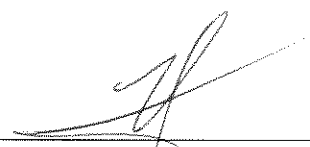
10. The date of the next regularly scheduled meeting will be February 23, 2021.

11. Adjournment. Mr. Jones moves to make a motion to adjourn, Mr. Ruszkiewicz seconds the motion.

All in Favor, Meeting adjourned.

ATTEST: 

Hayleigh Robello –City Secretary

APPROVED: 

Dr. Keith L. Harvey- Mayor