



CITY OF KEMPNER

NOTICE OF REGULAR MEETING & AGENDA Tuesday, December 10th, 2024, at 6:00pm

Notice is hereby given that the City Council will convene in a regular meeting in Council Chambers, located at 12288 E. HWY 190 Kempner Texas 76539. The items listed on this notice may be taken up by the Council.

1. Call to Order, Invocation and Pledges to Flags

2. Reports & Presentations to Council by City Staff and Invited Guests

- a. Citizen Comments (please see Additional Notices and Information at the end of this agenda).
- b. City Manager Report
- c. Judge's Presentation to Council
- d. Police Chief's Report
- e. Fire Chief's Report
- f. Mayor's Report

3. Action Items

- a. Consent Agenda (all items on the consent agenda are considered routine and may be approved by a single motion to approve the consent agenda, or each item listed below may be acted upon independently should a council member make such motion)
 - i. Approval of the meeting minutes from the meeting held on November 12th, 2024
 - ii. Approval of the November 2024 Financials.
- b. Consider approval of the Interlocal Cooperation Agreement between the City of Lampasas and the City of Kempner.
- c. Consider approval of the Information and Technology upgrade project for City Council Members, council chambers and community members attending the meetings.

- d. Consider potential amendments to Ordinance No. 2006-11-14-001 AN ORDINANCE REGULATING PARKING AND STANDING ON U.S. HIGHWAY 190, FM 2313, AND ANY CITY STREET RIGHT OF WAY (ROW), PROVIDING EXCEPTIONS AND PENALTIES; REPEALING CONFLICTING ORDINANCES; PROVIDING AN OPEN MEETINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS, AND DIRECTING THE CITY MANAGER TO HAVE SIGNS ERECTED AND MAINTAINED.
- e. Consider amending or repealing ordinance No. 2006-06-13-001, AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, TO AMEND IN ITS ENTIRETY, ORDINANCE NO. 2005-10-25-002, PROHIBITING THE MANUFACTURE, ASSEMBLY, STORAGE, TRANSPORT AND IGNITION OF FIREWORKS WITHIN THE CITY; DECLARING A PUBLIC NUISANCE; PROVIDING EXCEPTIONS; PROVIDING A PENALTY; PROVIDING FOR RELATED MATTERS; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

4. Workshop (non-action items)

- a. Council to hear from concerned citizens regarding complaints regarding the discharge of firearms and potentially provide guidance to the City Manager pertaining to abating the nuisance.

5. Council and Staff Announcements

- a. Staff Announcements
- b. Council Announcements
- c. Next Regular Meeting date is scheduled to occur on Tuesday, January 14th, 2025, at 6:00 PM in council chambers.

6. Adjournment.

Certification Of Legal Posting:

I hereby certify that this agenda has been posted on the City message board affixed to the exterior wall of the Eisenhower / Clark Municipal Building AND has been posted on the City of Kempner official website (kempnertx.gov) at least 72 hours prior to the start of the meeting.

Hayleigh Talasek

Signature of Certifying Official

Hayleigh Talasek, City Secretary

Printed Name and Title of Certifying Official

12/5/2024 at 2:58 P

Date and Time signed:

Additional Notices and Information

General Statement of Mayor Wilkerson:

Hello neighbors,

Below is some information you should find useful when reading the agenda and what to expect while in attendance at our meetings. I have the responsibility to ensure the meeting is being held in a lawful and organized manner. I have the obligation to each of you to ensure:

- Each council member is afforded the opportunity to express their opinions on matters brought before them;
- Each citizen is treated with respect and afforded the opportunity to be heard;
- Each council member and staff member is treated with respect by the general public and other staff and council members

The Council may discuss and/or act on the items listed on this agenda. Legally, the Council may take official action only on the items listed under #3 "Action Items". All other items listed on the agenda afford the council opportunity to hear information on the related matter and provide direction to City Staff on items or additional information needed for the issue to be placed on a future agenda for action by the council.

Citizen Comments: Any person may bring an issue to the attention of the City council during this time on matters **NOT ON THE AGENDA**. State law prohibits the Council from discussing issues or matters that are not on the agenda. Bringing an issue (not on the agenda) before the council during this time makes the council aware of the information and may lead to the matter being placed on a future meeting agenda. The Council has adopted a policy granting 3 minutes for each person to talk. Although you do not have to legally give your name and address, there is a sign-in sheet at the back of the room. Signing in on the sign-up sheet will afford your representatives to contact you for follow up on your concerns.

Citizens' input on City Matters: The City Council wants to hear from those we represent. When a matter is being taken up by the Council, a member of the public in attendance at the meeting who desires to be heard on the matter may be called upon when that issue is being discussed.

Closed (Executive) Sessions: The council reserves the right to adjourn into executive session at any time during a meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), .072 (Deliberation about Real Property), .073 (Personnel Matters), .076 (Deliberation about Security Devices), and .086 (Economic Development).

John "JW" Wilkerson



CITY OF KEMPNER

MEETING MINUTES

FOR THE CITY COUNCIL MEETING HELD ON DECEMBER 10, 2024, AT 6:00 PM

THE CITY COUNCIL CONVENED IN A REGULAR MEETING IN COUNCIL CHAMBERS, LOCATED AT 12288 E. HWY 190, KEMPNER TX 76539.

1. Call to Order, Invocation and Pledges to Flags

The meeting started at 6:00 PM. The quorum consisted of David Richardson (place 1), Tom Combs (place 2), Rob Green (place 3), Debbie Hernandez (place 5), and Mayor Wilkerson. Also in attendance was Gene Isenhour (Municipal Court Judge "Judge"), Rebecca Ramos (City Manager), Heriberto Rodriguez (Police Chief) and Hayleigh Talasek (City Secretary). Each person notated in these minutes will be referred to as place/title only throughout this document. Dan Long (place 4) was not present. Judge led the invocation.

2. Reports & Presentations to Council by City Staff and Invited Guests

- a. Citizen Comments- None
- b. City Manager Report- See attached
- c. Judge's Presentation to Council- Presentation of the Juvenile Diversion Program that will be effective January 1, 2025. Judge signed the order to implement this program December 9, 2024.
- d. Police Chief's Report- See attached
- e. Fire Chief's Report- See attached
- f. Mayor's Report- Acknowledged and commended city staff for their exceptional efforts in executing two flawlessly organized events. Presented two *Impression Awards* to Erick French and Paul Miceli in recognition of their outstanding contributions.

3. Action Items

Mayor advised the council he would like to change the order of the agenda due to their being citizens present and wanting to speak on matters. No council members objected, and the order of business was changed to the following: 3e., 4a., 3a, 3b, 3c, 3d, and 5.

- a. Consent Agenda (all items on the consent agenda are considered routine and may be approved by a single motion to approve the consent agenda, or each item listed below may be acted upon independently should a council member make such motion)
 - i. Approval of the meeting minutes from the meeting held on November 12th, 2024.
 - ii. Approval of the November 2024 Financials.

Place 3 made the following motion: To approve the consent agenda.

Seconded by place 2

Motion passed by all present.

- b. Consider approval of the Interlocal Cooperation Agreement between the City of Lampasas and the City of Kempner.

Alan Mainville, Kempner Fire Chief, addressed the council regarding the need for an agreement with the City of Lampasas to allow the Lampasas Fire Marshal to assist in fire investigations within Kempner city limits. Chief Mainville explained that currently, there is no such agreement, and without it, the Lampasas Fire Marshal would violate his city ordinance if he were to assist. Establishing this agreement would enable the fire department to seek immediate local assistance, particularly in suspected arson cases, before calling the State Fire Marshal's Office.

Place 3 inquired whether the City of Kempner would incur costs for the Lampasas Fire Marshal's assistance. Chief Mainville confirmed that there is a fee schedule, and he hoped the city would cover those costs for the Volunteer Fire Department. He clarified that the Lampasas Fire Marshal would only be called in situations beyond his investigative scope, particularly in cases of suspected arson.

The Mayor expressed concerns about entering into an agreement with Lampasas due to the associated costs when the State Fire Marshal's Office provides services funded through state taxes. He noted that utilizing state resources would avoid additional expenses for the city. Chief Mainville countered that response times from the state office could vary significantly, ranging from a few hours to several days, whereas the Lampasas Fire Marshal could respond promptly.

The Mayor suggested that, in suspected arson cases, the Kempner Police Department could secure the scene in cooperation with the Volunteer Fire Department until the State Fire Marshal's arrival. The council requested

further clarification on the timing differences between the Lampasas Fire Marshal and the State Fire Marshal's Office.

The Fire Chief reiterated that the Lampasas Fire Marshal could respond immediately upon receiving a call, whereas the state office's response times are less predictable. The Mayor read the attached fee schedule, known as Exhibit A, and further deliberation ensued:

Place 2 acknowledged the potential need for this service but emphasized the importance of gathering more data on response times and frequency of use before incorporating such costs into future budgets.

Place 3 requested specific data, including:

The frequency of fire marshal calls in the past three years.

Average response times from the State Fire Marshal's Office, based on actual data.

The Mayor highlighted that Kempner already has a Memorandum of Understanding (MOU) with Bell County, which should include access to the Bell County Fire Marshal at no additional cost. He commended the council's efforts to maintain financial responsibility and stated his opposition to the agreement with Lampasas, citing the availability of state and county resources.

Chief Mainville acknowledged the Mayor's point and committed to researching the existing MOU with Bell County. The Mayor also agreed to follow up with Bell County to confirm the details of the interlocal agreement and ensure fire investigation assistance is adequately covered.

The discussion concluded with the council emphasizing the need for comprehensive data before making a decision.

Place 3 made the following motion: to postpone this action item until the second scheduled meeting in January.

Place 1 Seconded the motion

Place 1, Place 3, and Place 5 For, Place 2 against.

Motion is postponed to the second meeting of January

- c. Consider approval of the Information and Technology upgrade project for City Council Members, council chambers, and community members attending the meetings.

Place 2 Councilman, Tom Combs, has requested an estimate for laptops or tablets for all council members to use for viewing council packets during

council meetings. Your City Manager has researched 3 different options for the council to consider:

Breakdown of costs for this project:

Option 1- iPad's

- 5 iPad's
- 2 Yr Warranty on each iPad
- 5 iPad cases with keyboards
- 5 screen protectors
- Upgrade of council member emails from basic to pro
- Total cost for 3-year lifespan: \$11,839
- Total cost for 5-year lifespan: \$14,315

Option 2 - Computers

- HP 15.6-inch touchscreen laptop with Windows 11 Pro
- Carry cases
- Wireless Mouse
- Upgrade of council members' emails from basic to pro
- IT initial set up & annual IT support
- Total Cost for 3-year lifespan - \$11,084
- Total Cost for 5-year lifespan - \$14,560

Option 3 - Ceiling-mounted monitors facing council members

- 4 50in Televisions
- 2 ceiling mounts
- 1 HDMI 4 port splitter
- 1 30-foot HDMI cable
- 1 50-foot HDMI Cable
- The cost to run the electrical outlet box to ceiling (inside wall) and run external tracks along the wall and ceiling to run HDMI cables through.
- Total cost for option 3: \$5,647.00

Considerations of Option 3:

- Council members can see supporting information as we move along the items in a council meeting by simply looking up, while those in attendance can follow along with the TV already installed on the wall.
- Judge could use the system to view videos in court
- When Law Enforcement training is held here, the monitors used in conjunction with the TV mounted on the wall.
- Cheapest option

Place 2 expressed a desire for the city to "move into the 21st century" with its approach to technology. The Mayor explained an option to streamline processes related to cybersecurity training. He noted that the state statute

mandates cybersecurity training for individuals who use city-owned computers or devices. However, if council members choose not to use city-owned devices, they would not be required to complete the training. The Mayor proposed an alternative: if the council opts for dropdown monitors for real-time meeting presentations, members who forgo city-owned device access would not need to complete cybersecurity training. He added that, in such cases, he would issue a directive prohibiting access to city devices for those individuals, as required by statute. This approach would minimize administrative tasks for both council members and the city secretary.

Packets would continue to be emailed to council members on the Friday before meetings, but during meetings, the information would be presented in real time on the monitors.

The Judge suggested that the court technology fund could contribute to financing the monitors. He also noted that this upgrade would facilitate the review of body camera footage for court proceedings, which can be challenging with current technology.

All in agreement with the monitor (TV) system

Place 2 made the following motion: to approve the Technology upgrade with the monitor system option.

Place 3 seconded the motion.

All in favor, motion passed by all present

- d. Consider potential amendments to Ordinance No. 2006-11-14-001 **AN ORDINANCE REGULATING PARKING AND STANDING ON U.S. HIGHWAY 190, FM 2313, AND ANY CITY STREET RIGHT OF WAY (ROW), PROVIDING EXCEPTIONS AND PENALTIES; REPEALING CONFLICTING ORDINANCES; PROVIDING AN OPEN MEETINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS, AND DIRECTING THE CITY MANAGER TO HAVE SIGNS ERECTED AND MAINTAINED.**

The City Manager reviewed sign quotes and installation costs with the council. The total for the first quote, which was the less expensive option, amounted to \$1,727.70. The current ordinance related to signage was sent to the city attorney for review to ensure the language is accurate and enforceable in the event of a citation. A minor adjustment was made to the ordinance, expanding the definition of the right-of-way (ROW) from the "paved" portion of the road to also include the grassy area. The Mayor clarified that the cost would not be taken from the restricted street fund but instead from the city's fund balance.

Place 3 made the following motion: to approve Ordinance No. 2006-11-14-001 with revisions and authorizing the installation of the signs.

Place 1 Seconded the motion.

All in favor, motion passed by all present.

- e. Consider amending or repealing ordinance No. 2006-06-13-001, **AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS, TO AMEND IN ITS ENTIRETY, ORDINANCE NO. 2005-10-25-002, PROHIBITING THE MANUFACTURE, ASSEMBLY, STORAGE, TRANSPORT AND IGNITION OF FIREWORKS WITHIN THE CITY; DECLARING A PUBLIC NUISANCE; PROVIDING EXCEPTIONS; PROVIDING A PENALTY; PROVIDING FOR RELATED MATTERS; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

The Mayor shared on social media that citizens unable to attend the meeting in person were encouraged to email their comments. During the meeting, he read three emails from concerned residents regarding the firework ordinance.

Gene Isenhour, a citizen and former member of the fire department with 23 years of service, addressed the council. He shared his experiences dealing with fire-related incidents and injuries caused by fireworks during the Fourth of July and New Year's celebrations. Mr. Isenhour emphasized that such incidents disrupt livestock and pets and stressed the importance of prioritizing safety. He highlighted the governing body's legislative mandate to establish rules, policies, procedures, and ordinances to protect citizens, stating that the current ordinance was implemented primarily for safety reasons. He urged the council to maintain the ordinance as is.

Suzette Whitton spoke to provide an opposing viewpoint. She noted that fireworks are used regardless of the ordinance and are commonly heard throughout New Year's Eve and the Fourth of July. Ms. Whitton suggested legalizing fireworks with certain limitations, such as specific usage times, permits, and penalties for violations. She proposed that allowing regulated firework use could generate revenue, particularly by permitting firework stands within city limits, and fostering community events, such as a safe, locally organized firework show.

The Mayor thanked Ms. Whitton for attending and sharing her perspective, emphasizing his appreciation for citizens participating in council meetings. He asked if she had any specific ideas for rules or regulations. Ms. Whitton suggested restrictions such as prohibiting use during burn bans, adhering to the city's noise ordinance, and leaving additional regulations to the council's discretion.

Place 2 made the following motion: To amend Ordinance No. 2006-06-13-001.
No second
Motion dies

NO ACTION TAKEN.

4. Workshop (non-action items)

- a. Council to hear from concerned citizens regarding complaints regarding the discharge of firearms and potentially provide guidance to the City Manager pertaining to abating the nuisance.

The Mayor brought to the council's attention a concern raised by a resident in the Indian Valley area regarding late-night gunfire. City Hall also received a similar complaint from another part of the city.

Joan Siebert addressed the council, stating that discharging firearms after dark is unnecessary. She argued that if hunting after dark is prohibited, shooting firearms should also be restricted. Ms. Siebert emphasized the impracticality of sighting a weapon in darkness and urged the council to either amend the noise ordinance to include firearms or introduce a new ordinance prohibiting shooting after dark.

Sammy Cude spoke to the council, recalling instances where citizens discharged firearms inappropriately in terms of both location and timing. He mentioned that the city had previously had a gun ordinance that was repealed by the prior administration.

Judge confirmed the existence of a former ordinance, noting that it was repealed under a mayor with unilateral authority. He explained that the ordinance had allowed regulated use, with some citizens having constructed private ranges inspected by the police chief. He emphasized that firearm use could be regulated effectively.

The Mayor proposed having the city manager draft an ordinance to address the issue. He asked the council whether they preferred a standalone ordinance with specific regulations or an amendment to the noise ordinance.

Place 2 expressed support for restrictions with limits, favoring a standalone ordinance.

Place 3 suggested a comprehensive standalone ordinance addressing both safety and noise concerns with different regulations.

Places 1 and 5 agreed with the idea of a standalone ordinance.

The Mayor stated that the goal is to have a rough draft ordinance ready for council review by the second meeting in January.

During the discussion, Citizen Elliot Whitton questioned the council's intent to restrict firearms to daylight hours while maintaining stricter regulations on fireworks. Place 3 responded, asking whether fireworks are primarily used during the day or night. Mr. Whitton acknowledged that they are typically used at night but left the decision to the council.

Erik, a citizen with 28 years of experience as a military-certified range master, offered his expertise to assist in drafting regulations for firearm ranges. He volunteered to help create a range requirement outline, should the council consider permitting inspected private ranges.

Place 3 inquired about the number of residential ranges in the city. The Chief of Police reported awareness of four such ranges, with the Mayor adding that he was aware of one specifically in the Indian Valley subdivision.

Sammy Cude recommended implementing standards for range backstops and requiring individuals who build private ranges to carry insurance.

Place 3 emphasized that the ordinance should exclude commercial ranges.

The Mayor concluded the discussion by thanking the citizens for their input, highlighting the council's appreciation for public participation.

5. Council and Staff Announcements

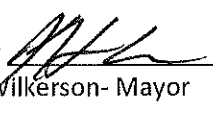
- a. Staff Announcements
- b. Council Announcements
- c. The next Regular Meeting date is scheduled to occur on Tuesday, January 14, 2025, at 6:00 PM in council chambers.

6. Adjournment

Place 1 made the following motion: To adjourn.

Seconded by: Place 5

The meeting adjourned at: 7:14 PM

APPROVED: 
John (JW) Wilkerson- Mayor

ATTEST: 
Hayleigh Talasek- City Secretary