



CITY OF KEMPNER

REVISED

NOTICE OF REGULAR MEETING & AGENDA

Tuesday, November 12th, 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. Mayor's Report
- d. Police Chief's Report
- e. Fire Chief'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 October 8th, 2024.
 - ii. Approval of the Financials for the month of October.
 - iii. Approval of the Quarterly Investment Report
 - iv. Approval of Title 3, Chapter 2. Access and Use of building.

v. Approval of Resolution No. 2024-11-12-003 A RESOLUTION REGARDING A CONTRACT FOR THE PURPOSE OF FINANCING "POLICE PURSUIT VEHICLES AND UPFITTING COSTS".

- b. Council to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; To wit: Reserve Peace Officer Jonathan Fernandez
- c. Acceptance of Federal COPS Grant.
- d. Approval of Frase Place Phase 1 subdivision plat.
- e. Approval of Resolution No. 2024-11-12-001, A RESOLUTION OF THE CITY OF KEMPNER, TEXAS, RELATING TO THE FUND BALANCE ACCOUNT; PROVIDING DIRECTIVE TO THE MAYOR, CITY MANAGER AND STAFF
- f. Approval of Sylvia Tucker Memorial Park improvement project.
- g. Approval of Resolution No. 2024-11-12-002, A RESOLUTION FOR CITY OF KEMPNER APPROVAL OF HAZARD MITIGATION ACTION PLAN UPDATE

4. Council and Staff Announcements

- a. Staff Announcements
- b. Council Announcements
- c. Next Regular Meeting date is scheduled to occur on Tuesday, December 10th, 2024, at 6:00 PM in council chambers.

5. 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.

Rebecca D. Ramos

Signature of Certifying Official

Rebecca D. Ramos

Printed Name and Title of Certifying Official

November 8, 2024 09:30 AM

Date and Time signed:



CITY OF KEMPNER

MEETING MINUTES

FOR THE CITY COUNCIL MEETING HELD ON NOVEMBER 12, 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), Dan Long (place 4), and Mayor Wilkerson. Also in attendance was the Gene Isenhour (Municipal Court 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. Debbie Hernandez (place 5) was not present. Judge Isenhour led the invocation.

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

- a. Citizen Comments: no citizen comments were made.
- b. City Manager Report- Attached
- c. Mayor's Report- None
- d. Police Chief's Report- Attached
- e. Fire Chief's Report- None

3. Action Items: The mayor advised the council there were visitors at the meeting and advised the agenda will be taken out of its scheduled order, in an effort to accommodate our visitors unless otherwise objected to by the council. No council members objected; therefore, the below items were discussed in the order indicated as such above the motions made.

- 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 October 8th, 2024.
 - ii. Approval of the Financials for the month of October.

- iii. Approval of the Quarterly Investment Report
- iv. Approval of Title 3, Chapter 2. Access and Use of building.
- v. Approval of Resolution No. 2024-11-12-003 A RESOLUTION REGARDING A CONTRACT FOR THE PURPOSE OF FINANCING "POLICE PURSUIT VEHICLES AND UPFITTING COSTS".

This was discussed third in the meeting.

Mayor advised the consent agenda consists of the normal consent agenda items along with the final version of the building use policy the council had discussed during prior meetings and the document needed to obtain the police vehicle previously authorized in the budget adoption.

Place 3 made the following motion: to approve the consent agenda.
Seconded by Place 1
Motion passed by all present

- b. Council to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; To wit: Reserve Peace Officer Jonathan Fernandez

This was discussed sixth in the meeting.

Entering Executive session at 6:49 PM under authority of Chapter 551.073 Government Code.

Reconvened into open session at 6:55PM

Place 3 made a motion to table this item until a later time during the meeting.
Seconded by Place 2
All in favor, item tabled.

After taking up other action items, place 3 made a motion to return this action item from table
Seconded by Place 4
All in favor, item returned from table for further discussion and or motion.

Place 3 made a motion to approve the appointment and commission of Jonathon Fernandez as a Peace Officer with an effective date of December 13th, 2024.
Seconded by Place 1

All in favor, motion passed by all present.

The mayor asked the council to provide guidance to the City Manager on which option they wanted, and the council unanimously agreed to the City Manager needed to develop a budget each year with a slight increase in ad valorem taxes, if needed, rather than increase the tax rate to fully fund the position in one singular year.

c. Acceptance of Federal COPS Grant.

This was discussed Seventh in the Meeting.

The Mayor provided an overview of the grant, explaining its terms and implications. The grant would require the city to maintain the funded officer position for five years, with program funding covering the first 2 years and 10 months. The timing of implementing this position is critical, as accepting the grant commits the city to one of two fiscal outcomes:

Option 1: *Defer the tax increase until the end of the 2 years and 10 months, resulting in a one-time tax rate adjustment to cover the costs.*

Option 2: *Gradually increase the tax rate over three years, distributing the financial impact. This approach would involve annual increments of \$0.0301 per \$100 valuation, translating to an average annual cost of \$53.72 per homeowner over three years.*

If Option 2 is chosen, the increased tax rate would also contribute to the fund balance, adding an estimated \$24,000–\$25,000 in FY25-26 and \$48,000 in FY26-27. These contributions could help offset the cost of a new patrol vehicle in the future, minimizing the financial burden on the city.

The Mayor emphasized that the council had previously tasked him and the city manager with creating a multi-year financial plan to bring on a new officer, which this proposal reflects.

Place 2 raised concerns about the patrol car assigned to the new officer. He recalled prior discussions about vehicle grants and noted the challenges in sourcing a vehicle, with a typical lead time of about six months. The Police Chief confirmed the next vehicle grant cycle opens next month. If a grant is awarded, the city can reserve a vehicle to align with the funding timeline.

The Police Chief also clarified that a new vehicle for the current budget year had already been approved, which Officer Gallegos will receive. The new officer would then have the choice between a Ford Explorer and a Dodge Charger from the existing fleet.

Place 2 made the following motion: to accept the Federal Cops Grant.

Seconded by place 3

All in favor, motion passed by all present

d. Approval of Frase Place Phase 1 subdivision plat.

This item was taken up second in the meeting.

Marshall Brewer presented the proposed subdivision plan, dividing the property into half-acre lots.

Discussion Points:

- *Place 3 raised concerns about Kempner Water Supply's ability to support additional construction, given ongoing issues with current residents.*
- *Place 2 inquired about the surrounding land use (primarily single-family homes) and expressed concerns over increased traffic and the size of the proposed houses.*
 - *Derrick Dewald, the property owner, explained they have not finalized house sizes but intend to offer smaller, affordable homes priced in the high \$200,000 to low \$300,000 range. He clarified they would be speculative homes rather than custom builds.*
 - *Place 4 confirmed most nearby homes are manufactured or older, with few custom-built properties.*

Water Supply Issues:

- *Dewald acknowledged the development is contingent on Kempner Water Supply's approval, which has not yet been granted. He noted Kempner Water proposed a plan to loop its line through the property to address existing dead-end line issues.*
- *The Mayor confirmed prior discussions with Kempner Water about similar solutions during grant planning efforts, which supported Dewald's claims of Kempner Water Supply Corporation being interested in running a line through properties in that area.*

Traffic and Tax Concerns:

- *Dewald highlighted that County Road 4818 is a wide, paved road capable of handling increased traffic.*
- *Place 2 expressed concerns about higher home prices and increasing property taxes for local residents. While growth may bring more tax revenue, they emphasized potential strain on already limited utilities.*

Potential Approval:

Brewer suggested conditional approval, contingent upon Kempner Water's confirmation of service availability. Place 4 supported this approach, noting growth is inevitable, and without water approval, the project would not proceed.

Place 4 made the following motion: To approve the Frase Place Phase 1 Subdivision Plat pending Kempner Water Supply approves water distribution to the subdivision.

Seconded by Place 2

The motion passed with the following votes:

Place 2 and Place 4: **For**
Place 1: **Against**
Place 3: **Abstained**

Mayor Wilkerson stated to the gentlemen that once they have written approval from Kempner Water Supply then he will sign the plat.

- e. Approval of Resolution No. 2024-11-12-001, A RESOLUTION OF THE CITY OF KEMPNER, TEXAS, RELATING TO THE FUND BALANCE ACCOUNT; PROVIDING DIRECTIVE TO THE MAYOR, CITY MANAGER AND STAFF

This item was taken up first in the meeting.

City Manager outlined plans for moving forward with projects following budget adoption, highlighting five fund balance designations for council consideration:

1. **Six-Month Reserve:** Adjusted to reflect the newly adopted budget, ensuring sufficient reserves for total budgeted expenditures.
2. **Personnel:** Funding for the judge's salary, allocated to a designated account as outlined in the budget.
3. **Restricted Stabilization Fund:** Set at 20% of annual budgeted expenditures, this fund ensures financial stability in emergencies or catastrophic events.
4. **Park Improvements:** Proposed projects to be discussed individually during the meeting.
5. **Building and Technology Upgrades:** Future projects for council consideration.

The City Manager noted that certain projects would require additional council approval before proceeding.

The Mayor asked financial advisor Jack Clark for feedback on the proposed plans.

Clark confirmed he had reviewed the September numbers and projected a \$250,000 undesignated fund balance, deeming the city to be in sound financial condition. He clarified the distinction between the restricted fund balance for the six-month reserve and the unrestricted fund balance for projects.

The Mayor emphasized these project designations are council-controlled and can only be altered or undesignated through council action in an open session.

Place 3 made the following motion: To approve Resolution No. 2024-11-12-001

Seconded by: Place 2

Passed by all present

- f. Approval of Sylvia Tucker Memorial Park improvement project.

This was discussed fourth in the meeting.

The City Manager highlighted proposed improvements to the city park, emphasizing its importance as a source of community pride. The proposed enhancements include:

1. **Electrical Upgrades:** Installation of additional electrical outlets to support events such as Trunk or Treat and Christmas in the Park. The current outlets, limited to the restroom building, frequently trip breakers, making it challenging to accommodate vendors. The new outlets would also facilitate potential future additions, such as Christmas lights for families to enjoy.
2. **Perimeter Enhancements:** Construction of a rail-style fence to enclose the grassy area, designed to match existing park rails, along with a widened and upgraded vehicle gate to improve access.
3. **Storage Solution:** Placement of a Connex box near the bandstand for secure storage of street signs, event décor, and other equipment. This would alleviate storage issues at City Hall and reduce reliance on personal vehicles for transport.

The Mayor noted that project costs, estimated at approximately \$15,000, would be drawn from the assigned fund balance previously approved by resolution.

Discussion Highlights:

- **Electrical Outlet Installation:**
 - Outlets will be trench-laid underground near the flood berm, with 3-foot steel pipes housing the wiring every 20 feet.
 - Each outlet will have a dedicated breaker in the existing breaker box, which may require upgrades for durability.
 - The breaker panel will be secured, accessible only by the city, and powered on only during events.
 - Outlets will be designed to accommodate high-demand devices, such as RV connections.
- **Fence Material:** The fence will be constructed from steel pipes to match existing park structures.

Judge Isenhour expressed support for the proposed improvements, and the Mayor suggested considering locks and metal covers for the electrical outlets as part of future projects.

Place 3 made the following motion: To approve the improvement project for the Sylvia Tucker Memorial Park.

Seconded by Place 4

All in favor, motion passed by all present

- g. Approval of Resolution No. 2024-11-12-002, A RESOLUTION FOR CITY OF KEMPNER APPROVAL OF HAZARD MITIGATION ACTION PLAN UPDATE

Discussed fifth in the meeting

The City Manager explained that FEMA requires the approval of Hazard Mitigation Plans every five years to maintain eligibility for the full range of pre-disaster and

post-disaster federal funding. After reviewing Kempner's existing mitigation plan from five years ago, it was determined that no new infrastructure had been added. As a result, the plan was resubmitted without changes.

Place 2 made the following motion: To approve Resolution 2024-11-12-002.
Seconded by: Place 3
All in favor, motion passed by all present

4. Council and Staff Announcements

- a. Staff Announcements
- b. Council Announcements
- c. Next Regular Meeting date is scheduled to occur on Tuesday, December 10th, 2024, at 6:00 PM in council chambers.

5. Adjournment.

Place 1 made the following motion: To adjourn.
Seconded by: Place 4
The meeting adjourned at: 7:12PM

APPROVED: 
John (JW) Wilkerson- Mayor

ATTEST: 
Hayleigh Talasek- City Secretary



City Council Report

For the Month of November 2024

Honorable Council Members,

During this reporting period, your police department has continued to provide law enforcement services for this City. A snapshot of the activities in which your officers have engaged in are as follows:

Routine items:

- Continued open criminal investigations: 2
- Opened 2 new criminal investigations for various crimes. Several Cases have been opened and shut.
- Traffic Enforcement: 57 resulted in being addressed by either citation or warnings.
- 4 arrests resulting from traffic stops.
- Calls for Service: Answered 13 calls for service.
- Assist other agencies: Assisted other agencies 4 times.
- 96 security checks on local businesses.

Special Items:

- Equipment acquisition: Grant season is starting soon, I will be applying for grants for a new patrol unit, mental health for the cities officers, a faraday box, mobile data terminals, and I will look at the possibility of a new Records management system.
- Training. The department strives to be highly educated in the areas of law enforcement, while maintaining a balance between being available to the community for service and the fiscal impact of training. We seek out opportunities for training that permit us to learn online. While there is much training that is not available online, we seek out opportunities to obtain the training close to home, as to limit the fiscal impact to the City. During this reporting period, the Police Department has received (40) hours of training in various areas of the job.
- Personnel Changes: There are no changes to report.



CITY OF KEMPNER

**CITY MANAGER REPORT
REGULAR CALL MEETING
TUESDAY November 12, 2024, at 6:00 PM**

❖ **City Events**

- **Trunk or Treat-** Our annual Halloween Trunk or Treat event was a tremendous success, drawing approximately 100 attendees. The event featured 14 vendors, including local businesses, community members, and city staff, creating a vibrant and engaging experience for everyone involved. Attendees enjoyed complimentary hotdogs, popcorn, punch, and a wide array of candy for our enthusiastic trick-or-treaters. We are grateful for the support of our vendors and attendees, who made this event memorable and enjoyable for all.
- **Veterans Day Ceremony-** The City of Kempner proudly honored our veterans with the annual ceremony held at Sylvia Tucker Memorial Park, attended by approximately 50 community members. We extend our sincere appreciation to ISG Daniel J. Escobedo and the 62nd Engineer Battalion, Kempner Church of Christ, Kempner Cub Scouts Pack 100, and City staff for their meaningful contributions, which made this ceremony a truly memorable occasion.

❖ **Upcoming City Events-** Christmas in the Park



City Council Report

For the Month of October 2024

Honorable Council Members,

During this reporting period, your police department has continued to provide law enforcement services for this City. A snapshot of the activities in which your officers have engaged in are as follows:

Routine items:

- Traffic Enforcement: 8 violator contacts.
- 2 arrest resulting from traffic stops.
- 7 arrests in total
- Calls for Service:
- Assist other agencies: Assisted other agencies 3 times.
- 48 security checks on local businesses.

Special Items:

- Training: None to report
- Personnel Changes: No changes to report.

As always, I am always available to answer any questions you may have.