



# CITY OF KEMPNER

## NOTICE OF REGULAR MEETING & AGENDA Tuesday, September 10<sup>th</sup>, 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 (Update on city water situation and issuance of a proclamation)
- 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 August 27, 2024.
  - ii. Approval of the Financials for the month of August 2024.
  - iii. Adoption of City Policy Title 2, Chapter 2- Hours worked and Personal Time Off
  - iv. Approval of City Policy Title 2, Chapter 4 – Compensation and Benefits
- A. Approval of Eagle Scout Project - Flag Drop-Off Box at the Sylvia Tucker Memorial Park.
- B. Receive presentation and accept the Annual Financial Report for The City of Kempner, Texas ended September 30, 2022, commonly referred to as the FY 21-22 Audit.

C. Ratification of revisions to Mr. French's City Maintenance Agreement with or without the addition of mowing the Kempner Volunteer Fire Department main station grounds.

D. Approval of Resolution No. 2024-09-10-001, A RESOLUTION OF THE CITY OF KEMPNER, TEXAS, CREATING A TEMPORARY PROGRAM DESIGNED TO PROVIDE CONFIDENCE OF POTABLE WATER QUALITY TO ITS RESIDENTS.

E. Approval of Resolution No. 2024-09-10-002, AN ORDINANCE REGARDING THE CITY OF KEMPNER'S TEXAS MUNICIPAL RETIREMENT SYSTEM BENEFITS AUTHORIZING (1) AN INCREASE TO THE EMPLOYEE CONTRIBUTION RATE; AND (2) A CHANGE IN THE CITY'S MATCHING RATIO.

#### 4. Workshops

- a. Discussion and guidance to the City Manager relating to the city developing and adopting an ordinance on prohibiting the parking/standing of vehicles in the right of way along U.S. Highway 190.
- b. Discussion and guidance to City Manager relating to the trimming of trees on Pecos Lane and response to citizen concerns of the overgrown branches creating a safety concern while traveling along the roadway.

#### 5. Council and Staff Announcements

- a. Staff Announcements
- b. Council Announcements
- c. Next Regular Meeting date is scheduled to occur on Tuesday, September 22<sup>nd</sup>, 2024, 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](http://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

September 06, 2024 3:20 PM

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

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## MEETING MINUTES

FOR THE CITY COUNCIL MEETING HELD ON SEPTEMBER 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 Place 1 Richardson (place 1), Place 2 Place 2(place 2), Place 3 Place 3 (place 3), Place 4 Long (place 4), Place 5 Hernandez (place 5) and Mayor Wilkerson, whom will be referred to as place/title only throughout this document. Place 1 led the invocation.

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

- a. Citizen Comments
- b. City Manager Report- See attached
- c. Mayor's Report (Update on water situation and issuance of a proclamation) – The mayor presented a proclamation and a Texas flag in honor of a local active-duty service member home on leave. Additionally, the mayor and city manager are exploring grant opportunities to address the water situation. Mayor mentioned that the general manager of Kempner Water Supply has been in communication with us and is collaborating to find solutions, one of which will be discussed tonight.
- d. Police Chief's Report- See attached
- e. Fire Chief's Report- See attached

### **3. Action Items**

**Mayor sought and obtained approval to take up action item 3B first in the meeting.**

- 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 August 27, 2024.
  - ii. Approval of the Financials for the month of August 2024.
  - iii. Adoption of City Policy Title 2, Chapter 2- Hours worked and Personal Time Off
  - iv. Approval of City Policy Title 2, Chapter 4 – Compensation and Benefits

Place 2 made the following motion: to approve the consent agenda.

Place 4 seconded the motion

All in favor, Motion passed unanimously

A. Approval of Eagle Scout Project - Flag Drop-Off Box at the Sylvia Tucker Memorial Park.

*Solomon Storm presented the specifications for the flag drop-off box, which included a diagram of the box that would be placed at the Sylvia Tucker Memorial Park. Place 2 inquired about the paint, signage, and maintenance responsibilities. Solomon mentioned that the scouts would oversee its upkeep for the first year before it transitions to the city. Mayor advised the council there was still money remaining in the current years budget to cover the proposed expenses of this project and this money would be used to cover such, should the council approve the project.*

Place 3 made the following motion: to approved the Eagle Scout project- Flag Drop-Off Box.

Place 1 seconded the motion

All in favor, motion passed unanimously

B. Receive presentation and accept the Annual Financial Report for The City of Kempner, Texas ended September 30, 2022, commonly referred to as the FY 21-22 Audit.

*Jon Watson (CPA with Brooks, Watson & Co.) presented the findings of the financial report for the fiscal year 2021-2022 Audit for the City of Kempner. Mr. Watson explained our audit opinion out of 4 possible outcomes (Unmodified, modified, disclaimed, and adverse) the city received an Unmodified opinion. This is the highest level of assurance a CPA can provide.*

Place 3 made the following motion: To approve the FY 21-22 Annual Financial Report.

Place 1 seconded the motion

All in favor, motion passed unanimously

C. Ratification of revisions to Mr. French's City Maintenance Agreement with or without the addition of mowing the Kempner Volunteer Fire Department main station grounds.

*Mayor stated that Mr. French's contract must be ratified each year, regardless of the situation. Mayor advised there was an ask from the Kempner Volunteer Fire Department Chief, which Mayor asked the Fire Chief to make such request to the City. The Fire Chief advised the council that it was getting harder and harder to find*

*people to volunteer for the fire department, and those few who do are also having to do all the maintenance around the building. The Fire Chief asked the City to consider adding the main fire station (on Pecan Street) to the contract for maintenance.*

*Mayor advised he had talked to Mr. French, who was willing to take on the responsibilities. Additionally, if the Council approved this, Mr. French would mow once a month, but be paid for the year in full in September of each year so long as there is available money in the budget to do so at the end of the year. Mayor advised the Council if they wished to include this service with the contract the city maintains with Mr. French, the motion will need to be made to approve the proposed contract between he and the City, with the addition of mowing the KVFD grounds.*

Place 3 made the following motion: to ratify Mr. French's City Maintenance Agreement with the addition of mowing the Kempner Volunteer Fire Department.  
Place 5 seconded the motion  
All in favor, Motion passed unanimously.

**D. Approval of Resolution No. 2024-09-10-001, A RESOLUTION OF THE CITY OF KEMPNER, TEXAS, CREATING A TEMPORARY PROGRAM DESIGNED TO PROVIDE CONFIDENCE OF POTABLE WATER QUALITY TO ITS RESIDENTS.**

*Mayor proposed forming an ad hoc committee to provide recommendations to the council on engagement with testing, including costs, testing parameters, and locations. The goal is to gather factual information to guide the council's final decision. If approved, the committee chair would report the findings, ensuring the integrity of participating homeowners is upheld.*

*Place 1 asked about Kempner Water's involvement. Mayor clarified that their role would be minimal, as they cannot disclose details about critical infrastructure. The testing process should be conducted separately for transparency.*

*Place 3 expressed concerns about handling test results and potential legal implications for the city if issues arise. He recommended consulting city attorneys before proceeding. Place 2 highlighted the importance of selecting a suitable agency for water sampling, emphasizing that Kempner Water is a separate entity. Place 3 acknowledged the need for residents to possibly find answers regarding health concerns but questioned the necessity of city involvement.*

*Place 5 suggested that immediate action may not be needed. Place 3 reiterated the importance of legal counsel, which the mayor agreed to seek. Judge Isenhour inquired about funding for the tests, and the mayor noted this could come from the fund balance since it is not budgeted.*

*Judge Isenhour also suggested that TCEQ may be the best option for testing, while City Manager Ramos pointed out that citizens are confusing Kempner Water and TCEQ in their concerns. Place 3 mentioned that TCEQ has a limited testing scope, while residents are seeking broader parameters. Place 2 raised questions about the motivations of testing companies that test and sell water filters. City Manager Ramos stated that they are only looking into laboratories.*

*Citizen Elliot Whitten was recognized for comment and emphasized concerns regarding TCEQ's testing locations and parameters, advocating for oversight to ensure transparency. Mayor reiterated that the committee aims to find answers.*

*Place 3 stressed the importance of obtaining a legal opinion regarding the use of testing results and limiting testing to Kempner city limits. Place 2 emphasized the need to avoid wasting taxpayer resources and noted that Kempner Water is responsible for providing state-regulated water.*

*Citizen Micheal Butts stated he believes the city is already involved as we are responsible for the residents he agrees that we should postpone for legal consult he thinks it's very smart but for the water company to put you in that position to even have to consult legal paints a picture. Mayor reminded Mr. Butts that the council will maintain decorum and he should not burst out with comments. Mayor further reminded Mr. Butts the council has a solid history of ensuring citizens are heard, and asked that he seek recognition from the chair before beginning to speak. Mr. Butts acknowledges and apologized to the Council for the infraction.*

Place 3 Place 3 (place 3) made the following motion: to postpone resolution no. 2024-09-10-001, until we have had a legal review of the city liability. No second, motion dies

No further motion was made; therefore no action was taken on this item.

- E. Approval of Resolution No. 2024-09-10-002, **AN ORDINANCE REGARDING THE CITY OF KEMPNER'S TEXAS MUNICIPAL RETIREMENT SYSTEM BENEFITS AUTHORIZING (1) AN INCREASE TO THE EMPLOYEE CONTRIBUTION RATE; AND (2) A CHANGE IN THE CITY'S MATCHING RATIO.**

*Mayor announced that this item will be added to the agenda for the next meeting, as it needs to be an ordinance rather than a resolution. This information was not discovered until after the agenda had already been posted.*

#### **4. Workshops**

- a. Discussion and guidance to the City Manager relating to the city developing and adopting an ordinance on prohibiting the parking/standing of vehicles in the right of way along U.S. Highway 190.

*Mayor stated we do have an ordinance on this, and the council needs to consider potentially revising that ordinance as of right now it states there absolutely no parking from city limits to city limits. Gene noted that there were signs posted at one time. Chief explained that the issue arose because rock haulers, 18-wheelers, and large trucks frequently park near the taqueria, creating visibility place 3 for drivers.*

*A citizen noted there is this issue by log cabin as well. And maybe putting a no parking time zone on the sign.*

*Mayor stated based of council discussion we can make a couple of proposals all areas couple different points and different points with time slots*

- b. Discussion and guidance to City Manager relating to the trimming of trees on Pecos Lane and response to citizen concerns of the overgrown branches creating a safety concern while traveling along the roadway.

*Mayor stated that there is currently an ordinance in place regarding tree overhangs onto the right-of-way. It is the responsibility of the property owner to trim any overhanging branches. If they fail to do so and it creates a hazard, the city will send a letter to the homeowner. If the issue is not addressed, the council may need to take action to authorize an abatement, after which the city will use public funds to resolve the issue and seek reimbursement from the homeowner.*

*A citizen from Pecos expressed agreement, noting that this problem has persisted for years. They emphasized the need for city ordinances to be enforced, suggesting that homeowners should be given a chance to rectify the situation, followed by a 30-day follow-up period. If no action is taken, a citation should be issued. The citizen argued that without enforcement, there is little point in having ordinances, and called for action.*

*The mayor assured everyone that the city is committed to addressing these issues going forward.*

## **5. Council and Staff Announcements**

- a. Staff Announcements- none were made
- b. Council Announcements- Place 2 thanks the citizens for attending.
- c. Next Regular Meeting date is scheduled to occur on Tuesday, September 24th, 2024, at 6:00 PM in council chambers.



## 6. Adjournment

Place 1 made the following motion: To adjourn.

Place 2 seconded the motion

All in favor, the meeting adjourned at: 7:08

APPROVED:   
John (JW) Mayor- Mayor

ATTEST:   
Hayleigh Talasek- City Secretary