



CITY OF KEMPNER

NOTICE OF REGULAR MEETING & AGENDA

Tuesday, April 8th, 2025, 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.

***note Monday before, Friday off agenda day, and Monday before meeting make social post**

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. Workshops

- a. Gun committee
 - Presentation by ad hoc committee
 - Council Discussion on findings

4. 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 March 25th, 2025.
 - ii. Approval of the March 2025 Financials.

- b. Direction to City Manager regarding proposed ordinance relating to the discharge of firearms ordinance.
- c. Discussion on Police units repairs and authorization of fund balance expenditure.

5. Council and Staff Announcements

- a. Staff Announcements
- b. Council Announcements
- c. Next Regular Meeting date is scheduled to occur on Tuesday, April 22nd, 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.

Rebecca D. Ramos

Signature of Certifying Official

Rebecca D. Ramos

Printed Name and Title of Certifying Official

April 4, 2025 4:04 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

MEETING MINUTES

FOR THE CITY COUNCIL MEETING HELD ON APRIL 8, 2025, 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 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. Place 5 (Debbie Hernandez) was not present. Judge led invocation.

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).

Mathew Singer- "For over eight years, a group of parents have taken our children to the intersection of Falcon Lane and 2808, where the Lampasas ISD Transportation Department has a county-designated bus stop. This bus stop is identified by signs placed on FM 2808 and serves as a pick up and drop off to more than a dozen children from elementary, middle, and high school. Recently, with the placement of the no parking or standing signs and enforcement of the city's no parking or standing ordinance, we've been told this long-held practice must stop. While I understand and respect the city's goal of reducing congestion and keeping roads clear, this shift has created a new and pressing concern, child safety. At 6:15 in the morning, when my middle schooler is picked up, it is still dark. There are no sidewalks, there are little to no streetlights, and there is no shelter from hazardous weather conditions. Asking young children to walk to the end of a poorly lit road in these conditions, especially without safe walking paths, puts them at risk. I've reached out to the city, the police department, and the school district. Everyone

expresses concern, but no one has an alternative course of action for our children. I'm not here to propose a change to the ordinance tonight, but to respectfully ask that we start a conversation about how to protect our kids while still honoring the spirit of the law. Whether it's a designated pickup zone, temporary parking allowance to one side of the road during specific hours, improved lighting, sidewalks, or a small shelter, I believe there are solutions that can serve both safety and order. Our kids are worth the effort and consideration. Thank you."

Emily Brown- "I have young kids, and I also live in the same neighborhood he was addressing. I have children that go to elementary school, two of which will be going to middle school next year. This is a concern for all of the parents in the neighborhood, some that could not be here tonight, and some that may not even be aware, as there are lots of middle and high school children specifically that walk home from the main bus stop on the very, busy roadway. I think we've all heard about several accidents that have happened on that road in the past couple of years. And all citizens' safety, whether pedestrians running on the side of that road or bus stop pickup and drop-off times, as well as motorists in their cars. The speed limit is a good one, but I know that people are going faster than that, and if we pick up our children on the side of that road, how much more dangerous might it be as we're on the actual main roadway? Now the bus stop is in the neighborhood, but still at the intersection. But by enforcing this city's ordinance during bus stop, drop off, and pickup times, we run the risk of keeping our kids in danger as well because of the reasons that Mathew mentioned. The darkness in the mornings, no sidewalks, streetlights, etc. I think all the parents in the neighborhood would be willing to address the transportation department of the school district if need be. We're all aware of this problem that has begun, even though we've been here for seven years. I've not really had any issue with the 10 to 15 minutes that we spend at the bus stop picking up and dropping off our children. So, again, I wanted to reiterate previous comments that we as parents are willing to do whatever we need to do to help keep our own children as well as the other children in our neighborhood safe and hope that we can come to a peaceful and positive decision about what we can do to pick up and drop off our children. Thank you so much."

The City Manager noted that two additional citizens have expressed similar concerns, in addition to a few related phone calls received. The City has considered potential adjustments, including alternative signage or revised timing on existing signs related to bus schedules. These suggestions have originated from community feedback and reflect the challenges the current set-up poses for younger children.

The Mayor reminded citizens that, under state law, dialogue is not permitted during the public comment period, and that he is only allowed to provide factual

information in response. He noted that a no-parking ordinance has been in effect for some time, and a recent complaint from a resident regarding U-turns on FM 2808 and congestion along the roadside brought renewed attention to the issue.

Additional concerns were also received regarding traffic on Pedernales.

In response, a workshop will be scheduled on the next meeting agenda to allow for further discussion. The Mayor encouraged residents to email the City Manager, who will compile a contact list of concerned individuals to keep them informed of future updates. He emphasized the city's intent to find a balanced solution that addresses the concerns of all parties involved.

The Mayor urged citizens to help spread the word about the upcoming workshop, underscoring that public safety, especially the safety of children is a shared priority. He concluded by thanking those in attendance for presenting their concerns in a respectful and constructive manner.

- b. City Manager Report- See attached.
- c. Mayor's Report- None
- d. Police Chief's Report- See attached. The Mayor announced that the Police Chief traveled to the state capital, where Devarjaye "DJ" Daniel was formally recognized as an Honorary Police Officer for the Kempner Police Department.
- e. Fire Chief's Report- None, not present.

3. Workshops

- a. Gun committee
 - Presentation by ad hoc committee

The Ad Hoc Committee held several meetings, none of which included citizen participation. Committee Chair Paul Miceli presented the committee's findings to the council, recommending a focus on education rather than the implementation of a firearm ordinance. He explained that drafting such an ordinance is challenging due to the wide range of skill levels, shooting distances, and safety standards involved. While the NRA provides safety guidelines, it does not inspect ranges due to liability concerns and shares a similar perspective—advising that the council adopt an educational approach. As a result, the committee has developed a safety plan that includes fundamental gun safety rules and legal information, which they recommend making available at City Hall.

Place 3 commends the committee for doing this.

Committee member Erik Marquez stated that if an ordinance is established, it should require individuals to pick up and sign for the informational packet

in person, using a sign-in sheet that includes their name, address, and the date their live range operation begins. This approach ensures citizens are not obligated to build ranges according to rigid specifications that cannot be universally regulated. While there is no one-size-fits-all design, the city can establish required performance standards, leaving the specific construction details to the individual. Additionally, he emphasized the importance of educating citizens on state laws and gun safety

Mayor stated in accordance with the resolution adopted the ad hoc committee is resolved once the presentation was given. The Mayor presents the committee with awards and asked if they all agree to the accuracy of the minutes from their last meeting, they all agreed.

- Council Discussion on findings

No discussion

4. 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 March 25th, 2025.
 - ii. Approval of the March 2025 Financials.

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

Seconded by: Place 4

All in favor, motion passed by all present

- b. Direction to City Manager regarding proposed ordinance relating to the discharge of firearms ordinance.

The Mayor expressed his appreciation for the committee's recommendation, noting that it was both thoughtful and appropriately presented. He reminded the Council that the matter originated from complaints regarding gunfire during nighttime hours. To address this concern, he suggested amending the noise ordinance to prohibit shooting outside of designated hunting hours. He emphasized that this approach would effectively resolve the issue without contradicting the committee's recommendation, thereby aligning with both public concerns and the committee's guidance.

Place 3 made the following motion: To direct the City Manager to amend the noise ordinance to adhere to legal shooting hours to parks and wildlife definition.

Seconded by Place 1

All in favor, motion passed by all present.

Councilmember Place 2 expressed concern regarding the allowance of firearm discharge within city limits, citing potential public safety risks and a general lack of public understanding of applicable state laws—even with the provision of an educational packet. He referenced the public reaction to past open carry legislation as a cautionary example, suggesting that a similar response could result in excessive and uncontrolled firearm use. He voiced clear opposition to any ordinance permitting recreational shooting within the city, instead advocating for firearm discharge to be limited strictly to instances of self-defense. While he acknowledged that existing commercial shooting ranges should be grandfathered in, he emphasized strong concerns about permitting public discharge of firearms in residential areas.

Robert Cox, speaking on behalf of his family, addressed concerns regarding the proposed ordinance. He stated they own approximately eight acres within city limits and an additional 240 acres outside the city. He sought clarification on whether the ordinance would prohibit shooting from within city limits onto their property located outside the city, specifically within the ETJ (Extra-Territorial Jurisdiction). Mr. Cox noted that his family has responsibly maintained deer stands on the property for years and ensures that all shooting remains within their property boundaries. He emphasized that the primary issue with firearm use stems from a lack of training and understanding among some gun owners. When asked if he supported or opposed the ordinance, Mr. Cox stated it would depend on how the ordinance is written. While his family needs to protect livestock from predators, he acknowledged the need for measures to prevent reckless or excessive gunfire, particularly after dark.

Matthew Singer expressed appreciation for the focus on safety, stating that while he generally opposes restrictions on firearm use, safety and the protection of people and property should remain the top priorities. He noted that he and his neighbors live on acreage and manage animal enterprises and expressed concern about the ability to respond to predators such as coyotes. While he employs livestock guard dogs, he emphasized the need to retain the ability to act if an imminent threat arises.

Place 3 made the following motion: to direct the City Manager to create a firearms ordinance to make shooting less than five acres illegal within the Kempner City Limits.

Seconded by Place 2

Discussion:

Place 3 clarified his stance that the ordinance would not impact those with larger properties, such as eight acres, within city limits. The concern originated from incidents in more densely populated areas of the city, where lots are typically half an acre to one acre. Reported issues included trespassing by projectiles near children and late-night gunfire associated with alcohol use. The primary goal of the ordinance is to enhance safety and reduce noise disturbances within the city, ultimately aiming to restore a sense of peace for residents.

Place 4 stated he would like to know how often the trespassing by projectiles happens and if it has been reported to our police department since it is already state law.

Place 3 shared a personal account, noting that this marked the third instance in approximately 14 months where firearm discharge had occurred near his residence. He described two specific incidents that took place within city limits. In one instance, a nearby resident discharged a firearm on two occasions while children were present in adjacent yards. Both Place 3 and a neighbor approached the individual in a civil manner, informing him that trespass by projectile constitutes a criminal offense. Although the activity temporarily ceased, the individual resumed firing the weapon during nighttime hours. In a separate incident, another individual placed a target on property that did not belong to him and discharged a rimfire rifle until the property owner intervened. Place 3 emphasized that these repeated occurrences reflect an escalating public safety concern within the community.

Place 2 voiced concern specifically about recreational shooting on small properties within city limits. While he expressed support for responsible firearm use in cases of self-preservation or protection of livestock such as addressing a coyote threat, he opposed allowing individuals to establish personal shooting ranges for recreational use in residential areas. Place 2 emphasized that while businesses with established ranges accept liability and enforce safety standards, most individuals lack the training and oversight necessary to ensure safe practices. He stressed that city limits are not the appropriate setting for recreational shooting and expressed concern about the potential for unsafe behavior, particularly involving alcohol. Place 2 clarified he is not opposed to lawful, necessary firearm use, but strongly object to casual or unregulated recreational shooting in the city.

Mr. Whitton inquired whether law enforcement was contacted in the incidents previously discussed. He noted that such actions are already illegal under existing state laws and questioned the necessity of implementing additional local ordinances when enforcement of current laws should address the concerns. He suggested if

they do go forward with an ordinance to not make the minimum acreage five acres but to maybe lower it to three.

Paul Miceli added a possible reconsideration of the proposed 5-acre minimum for firearm discharge, stating that distance—rather than acreage—is a more practical safety measure. They noted that even a small-caliber round, such as a .22, can travel over a mile, making the 5-acre threshold insufficient on its own. The member suggested implementing a 300-foot buffer requirement, allowing discharge only if a shooter is at least 300 feet from neighboring properties, unless written permission is obtained from those neighbors.

Place 2 raised concerns regarding both the effectiveness and potential liability implications of the proposed ordinance. He noted that many of the issues under consideration are already addressed by existing state laws and questioned the rationale behind setting arbitrary distance requirements—such as a minimum of 5 acres or a 300-foot buffer—without supporting data to validate their effectiveness. He highlighted that even minor changes in elevation can result in projectiles traveling well beyond those specified limits. Additionally, he emphasized the importance of seeking input from legal counsel and law enforcement to ensure the city is not exposed to liability should an incident occur under the proposed guidelines, particularly given the implied permission to discharge firearms in any direction within the stated boundaries.

The Mayor clarified that any ordinance considered by the Council would be subject to review by the City Attorney prior to adoption. He expressed appreciation for the range of perspectives shared during the meeting and noted that, while he only casts a vote in the event of a tie, he felt it important for both the Council and the community to understand his position. The Mayor emphasized that numerous state laws already govern firearm use, including regulations prohibiting discharge across property lines and requiring neighbor consent in certain circumstances. He further noted that if law enforcement can establish beyond a reasonable doubt that an individual acted recklessly and caused harm, existing state statutes provide sufficient grounds for prosecution—typically at a higher level than a municipal ordinance would allow. He stated that he does not support adopting a city ordinance that restricts the discharge of firearms on private property, asserting that those intent on acting irresponsibly are unlikely to be deterred by additional local regulations. Drawing on over 20 years of experience, the Mayor concluded that additional ordinances would not effectively prevent such behavior and reaffirmed his personal opposition to imposing local restrictions on lawful firearm use.

Place 3 withdraws his current motion

Place 2 made the following motion: To direct the City Manager to create a firearms ordinance to make shooting less than five acres illegal within the Kempner City Limits.

Seconded by Place 3

Discussion:

Erik Marquez addressed the Council, acknowledging the concerns expressed by others while respectfully stating his opposition to the proposed ordinance. He noted that, in the absence of substantial background research or data supporting the specific five-acre requirement, he would consider pursuing legal action if such an ordinance were adopted—even though his property lies outside city limits. Marquez explained that his land comprises two separate four-acre parcels, which would not meet the proposed threshold, and affirmed his intent to protect his rights to use his property, including engaging in shooting activities with his grandson. He offered to share his technical expertise with the Council and expressed a willingness to participate in further discussions. Marquez also emphasized that existing state laws governing firearms and property boundaries may already provide more effective solutions to the concerns raised. He noted that, under current statutes, legal action such as charges for deadly conduct—could be pursued if a projectile were to cross a property line and cause harm. He concluded by stressing the importance of public education on these laws as a means to discourage irresponsible behavior.

The mayor stated that the discussion seemed to be going in circles and moved to close the conversation. He then called for a vote on the motion, which had been made and seconded, proposing the creation of a firearms ordinance that would prohibit the discharge of firearms on property less than five acres.

Place 2 in favor

Places 1 and 4 oppose

Place 3 abstains

Motion fails

- c. Discussion on Police units repairs and authorization of fund balance expenditure.

The City Manager stated the city currently operates three police units, one of which is assigned to the Chief. The remaining two units need significant repairs, and I am requesting guidance from the council on how to proceed.

2015 Dodge Charger (103,000 miles):

This vehicle is currently inoperable. The estimated cost for necessary repairs is

\$6,509.82, with an additional \$590.29 required for four new tires, bringing the total to \$7,100.11.

2015 Ford Explorer (174,946 miles):

The estimated cost for repairs is \$8,418.98.

After evaluating both vehicles, I recommend proceeding with the repair of only one, with the Ford Explorer being the preferred option based on its overall condition and operational utility.

We anticipate the delivery of a newly purchased police unit by mid-May, which will bring our total to three operable vehicles. Additionally, a grant application has been submitted for the acquisition of an additional unit. If awarded, we expect to place the order in October 2025.

I respectfully request the Council's guidance on how to proceed with the recommended repairs.

The Mayor noted that although the Dodge Charger has lower mileage, concerns were raised regarding the non-professional installation of its wiring, which could pose reliability and safety issues in the future. It was recommended that, should the Charger be selected, additional funds be allocated for the removal and professional reinstallation of the wiring and emergency lighting—an expense that would significantly increase the total cost.

From a liability perspective, the Ford Explorer was identified as the safer option, as it is equipped with a safety cage designed to securely transport uncooperative or unruly individuals. Furthermore, the Explorer was noted to offer superior performance in adverse weather conditions, including ice and rain. The Council was encouraged to consider all of these factors carefully when making a final decision.

Place 2 inquired about the current value of the Dodge Charger. The City Manager responded that a formal valuation had not been conducted, citing a previous experience in which a similar Charger—despite having fewer mechanical issues—generated minimal return. She further noted that if the vehicle is not selected for repair, it will be removed from the active fleet due to its inoperable condition, with plans to proceed with its sale.

Place 2 made the following motion: To approve the repair of the Ford Explorer.

Seconded by Place 3

All in favor, motion passed by all present

5. Council and Staff Announcements

- a. Staff Announcements- None

- b. Council Announcements- The Mayor informed the council that he attended the recent CAD (Central Appraisal District) meeting and expressed strong concerns about what he observed. He stated his intention to bring a resolution to the next council meeting to reject the CAD's proposed budget amendment. The mayor emphasized the need for the city to send a firm message, citing frustration with repeated requests for funding increases, especially considering the discovery that 17 properties had been omitted from the tax roll. This omission has resulted in a disproportionate tax burden on current taxpayers. He noted that when asked about options for recovering lost revenue, the response was that property owners could contest valuations during the annual notification window—an impractical solution, as the city was unaware of the missing properties. The mayor concluded by stating that attempting to retroactively collect back taxes would be unreasonable and likely provoke backlash from residents. His recommendation was for the city to adjust and move forward based on current circumstances.
- c. Next Regular Meeting date is scheduled to occur on Tuesday, April 22nd, 2025, at 6:00 PM in council chambers.

6. Adjournment

Place 1 made the following motion: To adjourn.

Seconded by: Place 4

The meeting adjourned at: 7:03pm

APPROVED: _____

John (JW) Wilkerson- Mayor

ATTEST: _____

Hayleigh Talasek- City Secretary



CITY OF KEMPNER

CITY MANAGER REPORT REGULAR CALL MEETING TUESDAY April 8, 2025, at 6:00 PM

- ❖ **Isenhour/Clark Municipal Building Roof Repair Update:**
 - Following a conversation with our TML representative, it was confirmed that the roof damage is considered general wear and tear, as there were no missing sections or damaged panels. As such, the repairs are not covered under our current insurance policy. McDonald Construction has indicated that the roof repairs are expected to be completed by the end of next week.
- ❖ City Hall staff has begun it's planning of our annual Memorial Day program.
- ❖ Grant Updates
 - Chief Rodriguez is tentatively scheduled to give a presentation to CTCOG regarding our grant application for a police unit during the third week of April. We anticipate receiving notification by the end of April regarding the outcome of the application and the potential award amount.