

**REGULAR MEETING**

**February 9, 2016**

**7:00 p.m.**

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There being a quorum present, Mayor Saunders called the meeting to order at 7:00 p.m.

Council members present: Rick Neumayer, Brandon Blue, Greg Allen, and Ann Fessenden.

Absent: None

Neumayer made a motion to approve the Consent Agenda to include the Minutes to the last meeting and budget review and payment of bills. Fessenden seconded the motion. Votes:

**For** – Neumayer, Allen, Blue, and Fessenden

**Against** – None

**Passed** – 4-0

Public Comment:

- The new KISD Superintendent, Jason Adams wanted to introduce himself to the council. He and Brad Atkeisson also wanted to thank the City for the help with the major water leak at the football field during the holidays.

The following Resolution was read for consideration:

**RESOLUTION NO. 20160209**

**A RESOLUTION OF THE CITY OF KERENS, TEXAS, DESIGNATING THE [ROOM(S), PORTION(S) OF A BUILDING, BUILDING] AS THE PREMISES OF A GOVERNMENT COURT OR OFFICES UTILIZED BY THE COURT FOR PURPOSES OF FIREARMS POSSESSION, INCLUDING BY A PERSON WHO HOLDS A LICENSE TO CARRY A HANDGUN.**

**WHEREAS**, Texas Penal Code Section 46.03(a)(3) makes it an offense for a person to carry any firearm “on the premises of any government court or offices utilized by the court, unless pursuant to written regulations or written authorization of the court;” and

**WHEREAS**, Texas Penal Code Sections 46.03(c)(1) and 46.035(f)(3) provide that “‘premises’ means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area;” and

**WHEREAS**, Texas Attorney Gen. Op. No. KP-0047 (2015) calls into question the common understanding that a person is prohibited from carrying a firearm into the *entire building or portion of a building* that houses a court or court office; and

**WHEREAS**, KP-0047 concludes that “the Legislature has not clearly demarcated, or established, a precise boundary in a building or portion of a building at which handguns are prohibited or permitted;” and

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**WHEREAS**, KP-0047 also concludes that, “while the outside limits of subsection 46.03(a)(3) may be unclear, at the very least it can be said that the Legislature intended to prohibit concealed handguns from the rooms that house government courts and offices central to the business of the courts;” and

**WHEREAS**, KP-0047 further concludes that the office of the attorney general “routinely acknowledges that decisions such as what constitutes the premises of any government court or offices utilized by the court are for the governmental entity in the first instance, subject to the applicable review;” and

**WHEREAS**, the ambiguity in KP-0047 puts handgun license holders at risk of inadvertently committing a third degree felony; and

**WHEREAS**, it may be difficult for a license holder, without notice provided by a sign, to definitively know where he or she can lawfully carry a firearm; and

**WHEREAS**, the city council of the City of Kerens finds that the most appropriate way to assist license holders to avoid an offense under Section 46.03(a)(3) is by determining where that carry is appropriate and providing notice by a sign.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KERENS, TEXAS**, that:

1. Texas Penal Code Section 46.03(a)(3) as interpreted by Texas Attorney Gen. Op. No. KP-0047 (2015) is ambiguous.
2. A handgun license holder may have difficulty determining which [room(s), portion(s) of the building, building] comprise(s) the premises of a government court or offices utilized by the court.
3. The following [room(s), portion(s) of the building, building] of the City of Kerens is/are hereby designated as the premises of a government court or offices utilized by the court: the court clerk’s office at all times and the entire building while court is in session.
4. City staff is hereby directed to post signs at the entrance to the [room(s), portion(s) of the building, that comprise(s) the premises of a government court or offices utilized by the court as designated by 3, above, identifying them as such.
5. The signs posted under 4, above, should be conspicuously posted and contain the following language:
6. *This [room(s), portion of the building, building] houses courts and offices utilized by the court.*

*All weapons are prohibited pursuant to Penal Code Section 46.03(a)(3).*

*An offense under that section is a third degree felony.*

The possession of any firearm in the [room(s), portion(s) of the building, building] can subject any person, including a person who

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holds a license to carry a handgun, to prosecution of a third degree felony pursuant to Penal Code Section 46.03(g).

Fessenden made a motion to pass and approve the Resolution as read. Neumayer seconded the motion. Votes:

**For** – Neumayer, Allen, Blue, and Fessenden

**Against** – None

**Passed** – 4-0

The following Ordinance was read for Consideration:

**ORDINANCE NUMBER 2016-0209**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF KERENS, TEXAS, AMENDING CHAPTER 5 SECTION 4 OF THE CODE OF ORDINANCES OF THE CITY OF KERENS**

BE IT ORDAINED by the City Council of the City of Kerens, Texas that Chapter 5 Section 4 of the City Code of Ordinances is hereby amended to read as follows:

SECTION 4: Junked Vehicles

**PART 1: Definitions**

C. Junked vehicle means any vehicle as defined in V.T.C.A., Transportation Code § 683.071, that:

1. is self-propelled; and:
2. is :
  - a. wrecked, dismantled or partially dismantled, stored, or discarded; or
  - b. inoperable for more than:  
thirty (30) consecutive days if the vehicle is on private property, or  
seventy-two (72) consecutive hours if the vehicle is on public property; or
3. Displays an expired license plate or does not display a license plate.
4. Junked vehicle also includes self-propelled vehicles not subject to state motor vehicle inspection, including but not limited to off-road vehicles designed and intended to be operated in places other than on public streets, racecars, dirt track vehicles, all-terrain vehicles, lawn mowers, and golf carts. For these self-propelled vehicles not subject to state motor vehicle inspection, "inoperable: means not usable for the vehicle's designed and intended purpose.

Neumayer made a motion to pass and approve the Ordinance as read. Fessenden seconded the motion. Votes:

**For** – Neumayer, Allen, Blue, and Fessenden

**Against** – None

**Passed** – 4-0

Mayor Saunders read the following Order of Election:

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**ORDER OF ELECTION FOR MUNICIPALITIES**

**An election is hereby ordered to be held on May 7, 2016 for the purpose of:**

Election of three (3) aldermen to serve two-year terms

**Early voting by personal appearance will be conducted each weekday at**

Navarro County Courthouse Annex – 601 N 13<sup>th</sup>, Suite 3 Corsicana, Texas

**between the hours of 8:00 a.m. and 5:00 p.m. beginning on April 25, 2016 and ending on May 3, 2016 and between the hours of 8:00 a.m. and 7:00 p.m. on April 25, 2016 and on May 2, 2016.**

**Applications for ballot by mail shall be mailed to:**

Danda Parker  
P. O. Box 1018  
Corsicana, TX 75151

**Applications for ballots by mail must be received no later than the close of business on April 26, 2016**

All Council members signed the order.

Neumayer made a motion to approve a Joint Contract for Election Services with the Navarro County Elections Administrator. Allen seconded the motion. Votes:

**For** – Neumayer, Allen, Blue, and Fessenden

**Against** – None

**Passed** – 4-0

**Operations**

- **Code Enforcement** – Officer Covey's report shows 1 vehicle abated, 5 yards cleaned and several animal at large citations issued this month.
- **Water Dept.** – working with City of Corsicana on calibration of our meter.
- **Sewer Dept.** – No major problems.
- **Street Dept.** – No problems.
- **Police Dept.** – Chief Miers stated that the department has been very busy. They have 25 – 30 open cases at present.
- **Animal Control** – No new problems.
- **Tax Dept.** – 49.07% of current taxes collected as of December 31, 2015.
- **Office** – Auditors will begin field work tomorrow.
- **Grants** – Sewer line replacement is complete.
- **Economic Development** – No quorum.
- **Long Range Planning** – No new information.

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Neumayer made a motion to adjourn the meeting. Fessenden seconded the motion.  
Votes:

**For** – Neumayer, Allen, Blue, and Fessenden

**Against** – None

**Passed** – 4-0

With no further business to transact, Mayor Saunders adjourned the meeting at 7:31 p.m.

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**Jeffrey Saunders, Mayor**

**Attest:**

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**Cindy Scott, City Secretary**