

**STATE OF TEXAS
COUNTY OF WALLER
CITY OF HEMPSTEAD**

BE IT REMEMBERED that on the 3rd of January A.D., 2023 at 6:00 P.M. the City Council met in a Special Meeting at the Hempstead City Hall, 1125 Austin Street, Hempstead, Texas, there being present, to-wit:

Erica Gillum, Mayor
Lonnie Garfield, Mayor Pro-Tem
Cindy Pearce, Councilmember
Raul Villarreal, Councilmember
Chase Murray, Councilmember
Mildred Jefferson, Councilmember

Bridgette Begle, City Attorney
Sabrina Alvarez, City Secretary

Others present at the meeting included Leslye Gonzalez, Kollye Kilpatrick, David Hartley, Rooster Smith, Kim Hargrave, Cheryl Hardwick, Paris Kincade, Gerald Saliens, Judith Richey, Phil Richey, Luther Jones, Clarence Landry, Jessica Holloman, Sherion Grant.

Mayor Erica Gillum called the meeting to order at 6:01 P.M. and Mayor Pro-Tem Lonnie Garfield gave the invocation.

In Public Comments, Kim Hargrave spoke to council and stated that she hears frequent gunshots in her neighborhood. She lives between Rice and 16th Street. She stated she hears six to nine gunshots daily. She wants the Police Department to get a handle on the situation. She stated it is very disturbing. She wants the police to make it safer. Jessica Holloman stated she lives on 14th & Washington and neighbor plays music very loud until the morning hours, they have called the police and once they get there, the neighbor just turns down the music. She wants the council to address the noise ordinance.

Councilmember Cindy Pearce introduced a Resolution. The motion was seconded by Councilmember Chase Murray and carried the following vote to wit:

AYES: Councilmember Cindy Pearce, Councilmember Raul Villarreal,
Councilmember Chase Murray, Councilmember Mildred Jefferson, Mayor
Pro-Tem Lonnie Garfield

NOES: None

ABSENT: None

**RESOLUTION
NO. 23-001**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HEMPSTEAD, TEXAS, ADOPTING THE 2022-2023 INVESTMENT
POLICY FOR THE CITY OF HEMPSTEAD.**

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

Section 1. The City Council of the City of Hempstead hereby adopts the 2022-2023 Investment Policy for the City of Hempstead attached hereto as Exhibit “A” and incorporated herein for all purposes.

Section 2. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given as required by law.

PASSED AND APPROVED this the 3rd day of January, A.D., 2023.

APPROVED:

**APPROVED:
/s/: Erica Gillum, Mayor**

ATTEST:

/s/: Sabrina Alvarez, City Secretary

Mayor Pro-Tem Lonnie Garfield made a motion to table the brick veneer with hardie plank for the Hempstead Recreation Center until a representative can come and answer any questions. Councilmember Chase Murray seconded the motion, and it was carried unanimously.

Councilmember Chase Murray made a motion to discuss an Ordinance of the City of Hempstead amending Article 11.05 “Parades of Chapter 11 “Traffic and Vehicles” to include regulations of motorcade and run and walk races, set an application fee, and establish the City Council as regulating authority. Councilmembers wanted to add the trail rides and set the application fee to \$100, and the organization will have to pull a permit.

Councilmember Cindy Pearce introduced a Resolution. The motion was seconded by Councilmember Chase Murray and carried the following vote to wit:

AYES: Councilmember Cindy Pearce, Councilmember Raul Villarreal,
Councilmember Chase Murray, Councilmember Mildred Jefferson, Mayor
Pro-Tem Lonnie Garfield

NOES: None

ABSENT: None

ORDINANCE NO. 22-101

AN ORDINANCE OF THE CITY OF HEMPSTEAD, TEXAS AMENDING ARTICLE 11.05 "PARADES" OF CHAPTER 11 "TRAFFIC AND VEHICLES" TO INCLUDE REGULATIONS OF MOTORCADES AND RUN AND WALK RACES, SET AN APPLICATION FEE, AND ESTABLISH THE CITY COUNCIL AS THE REGULATING AUTHORITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A FINE NOT TO EXCEED \$500; PROVIDING FOR SEVERABILITY AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEMPSTEAD, TEXAS:

Section 1. That Article 11.05 of Chapter 11 of the Code of Ordinances of the City of Hempstead, Texas is hereby amended to read as follows with additions being **bold and underlined** and deletions being ~~struck~~:

ARTICLE 11.05 PARADES, MOTORCADES AND RUNS

§ 11.05.001. Definitions.

~~*Parade* means any parade, march or procession of any kind, or any similar display, consisting of ten (10) or more persons or ten (10) or more vehicles or ten (10) beasts of burden in or upon any public roadway in the city.~~

~~*Parade permit* means a permit as required by this article.~~

The terms used below shall have the meanings indicated when used in this article:

Motorcade shall mean any organized procession containing ten (10) or more motor vehicles, except funeral processions and authorized governmental processions, upon any public street, sidewalk, or alley.

A parade shall mean any march or procession consisting of people, animals, or vehicles, or a combination thereof, except funeral processions, upon any public street, sidewalk, alley, park, or other outdoor places owned or under the control of the city.

Run shall mean any event that is considered a walk, run, or race consisting of people upon any public street, sidewalk, or alley.

§ 11.05.002. Small marches or processions.

This article shall not be construed to authorize the use of the public street, sidewalk, or alley for a parade, motorcade or run ~~roadways by marches or processions~~ of less than ten (10) persons or ~~less than ten (10) vehicles or less than ten (10) beasts of burden~~ except in compliance with the laws of the state and other ordinances of the city applicable thereto, and persons who violate such other laws and ordinances shall be punished according to the provisions of the other applicable laws and ordinances.

§ 11.05.003. Exceptions.

This article shall not apply to:

- (a) Funeral processions.
- (b) A governmental agency, including the City of Hempstead, acting within the scope of its functions; or
- (c) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities.

§ 11.05.004. Permit required.

No person shall engage in, participate in, aid, form or start any parade, motorcade, or run unless a ~~parade~~ permit shall have been obtained from the City ~~chief of police~~.

§ 11.05.005. Application and fee for permit.

- ~~(a)~~ A person or group seeking a parade, motorcade or run permit shall file an application with the City Secretary ~~chief of police on forms provided by the City chief of police~~.
- (b) An application for a ~~parade~~ permit shall be filed not less than ~~five (5) days nor more than~~ sixty (60) days before the date on which it is proposed to conduct the parade, motorcade, or run; provided, however, the City Council ~~chief of police~~, where good cause is shown, shall have the authority to accept any application hereunder which is submitted ~~less more~~ less than sixty (60) days before the date of the proposed parade, motorcade or run.
- (c) The application for a permit shall set forth the following information concerning the proposed parade:
 - (1) The name, address and telephone number of the person seeking to conduct such parade, motorcade or run (herein after, "event").
 - (2) The name, address and telephone number of the person who will be the ~~parade~~ event chairman and who will be responsible for its conduct.
 - (3) The date when the event ~~parade~~ is to be conducted.
 - (4) The route to be traveled, the starting point and the termination point.
 - (5) A description, including number, of the persons, animals, or vehicles to be

- used or included for such an event.** ~~The number of persons who, and the animals and vehicles which, will constitute such parade, the type of animals and a description of the vehicles.~~
- (6) The time of day when such **an event parade** will start and terminate.
 - (7) A statement as to whether the **event parade** will occupy all or only a portion of the width of the streets proposed to be traversed.
 - (8) The location by streets of any assembly areas for such **events parade**.
 - (9) The time at which units of the **event parade** will begin assembly at any such assembly area or areas and their locations.
 - (10) The interval of space to be maintained between units of such parade **or motorcade**.
 - (11) ~~If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall also file a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.~~
 - (12) The name and mailing address of the person, if different from the applicant, to whom notice should be provided if the City Council chief of police denies the event parade permit.
 - (13) The name and mailing address of the person, if different from the applicant, to whom notice should be addressed in the event an appeal is filed pursuant to the applicable provisions of this code.
 - (14) Any additional information which the **City Council** ~~chief of police~~ will find necessary to make a fair determination as to whether a permit should be issued.
- (d) **Application fees for events under this article shall be used for the purpose of defraying the expenses of the City in regulating and inspecting the event and cleaning any public facilities used by the permittee. The fees prescribed are in addition to any other fees, taxes or other charges imposed by law.**

§ 11.05.006. Indemnification of city.

The applicant and any other person, organization, firm or corporation on whose behalf the application is made, by filing such application, does represent, stipulate, contract and agree that they jointly and severally indemnify and hold the city harmless against liability for any and all claims for damage to property or injury to or death of persons arising out of or resulting from the issuance of the permit or the conduct of the parade per its participants.

§ 11.05.007. Insurance required.

In addition, no ~~parade~~ permit shall be issued unless the applicant shall obtain a comprehensive general liability insurance policy, issued by an insurance company authorized to do business in the State of Texas, with coverage that includes the assembly area, the **event parade** route, the disbanding area of the **event parade**, and any other areas used by the participants of the **event parade**. The city shall be named as an additional insured on the policy. The policy limits of said insurance shall not be less than:

- (1) Property damage: \$5,000.00 for each occurrence.

(2) Bodily injury or death: \$25,000.00 each person; \$50,000.00 each occurrence.

§ 11.05.008. Proof of insurance.

At the time of the application for the ~~parade~~ permit, satisfactory proof that the required insurance has been obtained must be presented to the City Secretary before the request may be heard by the City Council ~~chief of police~~. The requirement for satisfactory proof may be complied with either by depositing the insurance policy itself with the City Secretary ~~chief of police~~ or by furnishing a certificate of insurance, meeting the following specifications, to the City Secretary ~~chief of police~~:

- (1) The insurance policies issued should be listed and for each policy the type of insurance, policy number, expiration date and limits of liability should be shown.
- (2) The certificate should designate the city as a certificate holder and as additional insured, and should contain a statement to the effect that the policies listed are in force and that, in the event of cancellation or any material change in a policy affecting the certificate holder, at least ten (10) days' prior written notice will be given to the certificate holder.
- (3) Below the schedule of insurance in force, the certificate should include a statement substantially as follows: "The comprehensive general liability policy listed above includes coverage of designated premises and coverage for contractual liability in compliance with the provisions of article 11.05 of the City Code of Hempstead, Texas, for a parade to be held on the _____ day of _____, **20**."
- (4) The certificate should be signed by an authorized agent of the issuing company or companies and should have attached a copy of a power of attorney evidencing the agent's authority.

(5) The City of Hempstead, its employees, officers, and officials must be named as additional insureds.

§ 11.05.009. Modification of route, time, etc., by the City Council or its designee ~~chief of police~~.

- (a) The City Council or its designee ~~city chief of police~~ shall be authorized to modify the route, time, and manner of a proposed event ~~parade~~ as may be deemed necessary to protect the safety and welfare of the public, including preservation of access to public buildings and maintenance of vehicular and pedestrian traffic flow, provided that the applicant's right of free speech is not denied thereby.
- (b) The following specific factors may be considered by the City Council ~~city chief of police~~ in making such modifications as are necessary for the accommodation of the competing public interests of free expression and public safety:
 - (1) The conduct of the event ~~parade~~ will or is likely to substantially interrupt the safe and orderly movement of other traffic, both vehicular and pedestrian.
 - (2) The conduct of the event ~~parade~~ will or is likely to require the diversion of so great a number of police officers of the city to properly police the line of movement and to prevent normal police protection to the city.
 - (3) The concentration of persons, animals, or vehicles at assembly points of the parade will or is likely to unduly interfere with proper fire and police protection or ambulance

service.

§ 11.05.010. Notice of action on permit.

The city by and through its City Secretary ~~chief of police~~ shall, within ~~five (5)~~ **ten (10) business** days of the receipt of the application, notify the applicant **of the date and time of the next regular City Council meeting at which time City Council shall hear the application. It is recommended, though not required, that the applicant attend the regular City Council meeting at which his or her application is being heard.** ~~that a permit has either been approved or denied.~~

The City Council shall approve or deny the application at an open City Council meeting. ~~Any such~~ Notice of denial shall be made in writing and sent by certified mail, with return receipt requested, to the applicant or other specially designated person, and shall indicate the reason(s) for such denial.

~~§ 11.05.011. Contents of permit.~~

~~Any parade permit issued by the chief of police shall contain such information or limitations imposed pursuant to section 11.05.009 and may specify:~~

- ~~(1) The assembly area and time, therefore.~~
- ~~(2) The starting time.~~
- ~~(3) The minimum and maximum speed of the parade.~~
- ~~(4) The route of the parade.~~
- ~~(5) What portions of streets to be traversed may be occupied by such parade.~~
- ~~(6) The maximum number of platoons or units and the maximum and minimum intervals of space to be maintained between the units of such parade.~~
- ~~(7) The maximum length of such a parade in miles or fractions thereof.~~
- ~~(8) The materials used in the construction of floats used in any parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the city fire chief.~~
- ~~(9) The city chief of police finds such other requirements to be necessary for the protection of persons or property.~~

~~§ 11.05.012. Appeal of denial of permit.~~

~~In the event the chief of police denies or revokes a parade permit, this action shall be final unless the applicant or permittee shall, within two (2) days after the receipt of notice of such denial, file with the city council a written appeal. The City Council shall within twenty-four (24) hours after the appeal is filed, consider all the evidence in support of or against the action appealed, and render a decision either sustaining or reversing the denial. The decision of the City Council shall be final.~~

~~§ 11.05.013. Carrying of permit during parade.~~

~~The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.~~

§ 11.05.011. Compliance with permit conditions and applicable laws.

It shall be unlawful for any person participating in any parade for which a permit hereunder has been issued to fail to comply with all directions and conditions of such permit and all applicable laws and ordinances.

Section 2. All portions of the City of Hempstead Code of Ordinances not in conflict with this ordinance remain in effect.

Section 3. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Hempstead, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 4. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. A person convicted for a violation of a provision of this ordinance may be punished in an amount to exceed \$500.00.

Section 5. This Ordinance shall become effective on adoption by the City of Hempstead City Council.

PASSED AND APPROVED this the 3rd day of January, 2022.

APPROVED:

APPROVED:
/s/: Erica Gillum, Mayor

ATTEST:

/s/: Sabrina Alvarez, City Secretary

Mayor Pro-Tem Lonnie Garfield made a motion to discuss for the City of Hempstead to go out for RFQ for City Attorney Firms. Councilmember Mildred Jefferson seconded the motion. Councilmember Cindy Pearce stated Olson and Olson have served us for well over 25 years and they have great reviews. Councilmember Raul Villarreal agreed that we should keep Olson and Olson. Councilmember Mildred Jefferson asked what other attorneys are more experienced than Bridgette Begle. A representative from Olson and Olson Todd Stewart stated that Olson and Olson have been in practice since 1974, they have 30 attorneys that represent municipal cities. They counsel Brookshire, Dickinson, Waller, and surrounding areas. All their attorneys work together as a team. They have attorneys with 35 years' experience and as little as 5 years' experience. Mayor Erica Gillum stated that the reason for RFQ's is to have options, not to say that Olson and Olson are not for us. Councilmember Cindy Pearce made a motion not to take action on the City of Hempstead to go out for RFQ for City Attorney Firms. Councilmember Chase Murray seconded the motion, and it was carried unanimously.

Sherion Grant with Accatium LLC made a presentation on a vendor audit. Mr. Sherion Grant stated that he worked for the city previously under prior administration working on financial audits. He would get two years' worth of invoices and see if there were duplicate payments, over payments. He stated its cost recovery and internal control and benefits the city. He said is willing to work with what is best for the city.

Under Mayors Comments she stated on the Toy Drive all the donors were outside of Hempstead, nobody local donated. The children had an enjoyable time and over 1, 000 toys were given out. Turkey Drive 100 turkeys were donated. The city gave away 90 and we cooked 10 for the Christmas Dinner. Christmas Dinner, the city would like to thank Dilorio's and Chase Murray for the sweet potatoes, she thanked all the volunteers, who served and drove around the city to give plates. 50 plates were given out at Factory Outlet, 38 plates given at Rooms for Rent.

Under Councilmember Reports, Mildred Jefferson wanted to thank everyone for their support and volunteers.

There being no further business, Mayor Pro-Tem Lonnie Garfield made a motion to adjourn the meeting at 7:08 P.M.

PASSED AND APPROVED this the 17th day of January, A.D., 2023.

APPROVED:

/s/: Erica Gillum, Mayor

ATTEST:

/s/: Sabrina Alvarez, City Secretary