

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

**BE IT REMEMBERED** that on the 17<sup>th</sup> day of October A.D., 2022 at 6:00 P.M. the City Council met in a Regular 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, Rooster Smith, David Hartley, Kollye Kilpatrick, Tommy Davis, Cheryl Hardwick, Jimmy Ecomomu, Toi Livingston, Barbara Bezub, Kelly Savacool, Bax, Luther Jones, Sharon & Derrick Babiuo, Nora Hodges, Amanda Hudspeth, Wendy Williams, Cody Bartz, Katherine Ward.

Mayor Erica Gillum called the meeting to order at 6:02 P.M. and Charles Tompkins gave the invocation.

The Pledge of Allegiance was given.

In Public Comments, Tommy Davis with the ESD passed out to Council paperwork that clears any confusion that is going around about the ESD and the Waller County EMS. Nora Hodges stated that on November 4, 2022, from 12:00 to 4:00 P.M. at Grannies Homestyle for the Covid shot both shots are available. Jimmy Economu stated the agenda was not posted in the bulletin board when he came to City Hall earlier; City Secretary Sabrina Alvarez stated an employee had taken it down by mistake and quickly put back. The agenda was posted as of Friday both in the bulletin boards and on the city website. Attorney Bridgette Begle stated we were in compliance it has been posted online.

Mayor Pro-Tem Lonnie Garfield made a motion to approve the minutes of September 19, 2022, and September 26, 2022, and October 3, 2022. The motion was seconded by Councilmember Cindy Pearce and carried unanimously.

Mayor Erica Gillum opened the Public Hearing at 6:09 P.M. on a Specific Use Permit for Block 502 Lot's 1-9: 9-10 – 700 Block of McDade Street for the operation of a licensed Day Care in R-1 Single Family Residential District.

Jimmy Economu, Nora Hodges, Luther Jones, Ruby Williams and Leslye Gonzalez were all for Specific Use Permit to be approved for the licensed daycare. The owner Toi Livingston stated that there are several daycares all over the City of Hempstead that are in neighborhoods. She was told by Quail Ridge Property Owner that she had to leave two months ago by December 31,

2022. She has fifty kids that attend her daycare. She plans to build on only two lots for her daycare.

Public Hearing was closed by Mayor Erica Gillum at 6:14 P.M.

Mayor Pro-Tem Lonnie Garfield stated that affordable daycare is needed, and it helps the teachers and the parents as well. Councilmember Cindy Pearce spoke to the surrounding neighbors in that vicinity and said the citizens didn't want the extra noise or traffic. She also asked what the owner plans were to build or move a building in. Councilmember asked what the hours of operation for the daycare were.

An Ordinance was introduced by Mayor Pro-Tem Lonnie Garfield. The motion was seconded Councilmember Raul Villarreal and carried the following vote to wit:

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

NOES: Councilmember Cindy Pearce,

ABSENT: None

#### ORDINANCE

NO.22-119

**AN ORDINANCE OF THE CITY OF HEMPSTEAD, TEXAS, AMENDING THE CITY OF HEMPSTEAD CODE OF ORDINANCES BY GRANTING A SPECIAL USE PERMIT FOR A LICENSED DAY CARE FACILITY AT BLOCK 502, LOTS 1-6; 9 & 10 – 700 BLOCK OF MCDADE LOCATED IN THE R-1 SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR A PENALTY IN AN AMOUNT UP TO \$2,000 FOR EACH DAY THE VIOLATION EXISTS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY AND REPEAL OF ANY ORDINANCE IN CONFLICT HEREWITH.**

**WHEREAS**, the Owner of Block 502, Lots 1-6; 9 & 10 – 700 McDade Street has made application to the City to approve a Special Use Permit for operation of a Licensed Day Care Facility in the R-1 Single Family Residential District; and

**WHEREAS**, the Planning and Zoning Commission conducted a Public Hearing on October 3, 2022, at 5:00 P.M. that on said request, in the time and manner required by law and the Zoning Ordinance of the City; and

**WHEREAS**, the Planning and Zoning Commission recommended to City Council that it has determined it appropriate to grant such request and recommends approval of the amendment; and

**WHEREAS**, the City Council conducted a Public Hearing on such request on October 17, 2022, at 6:00 P.M. in the time and manner required by law and the Zoning Ordinance of the City;

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

**Section 1.** That the facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct and are incorporated herein for all purposes.

**Section 2.** That pursuant to the Code of Ordinances of the City of Hempstead, Texas, a Special Use Permit it is hereby approved to allow operation of a licensed day care facility at Block 502, Lots 1-6; 9 & 10 – 700 Block of McDade located in the R-1 Single Family Residential District.

**Section 3.** That a violation of this ordinance shall be a Class C misdemeanor and the penalty for violating this ordinance shall be a maximum fine of \$2,000.00 for each day the violation exists.

**Section 4.** That if any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

**Section 5.** That all ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 6.** That it is hereby officially found and determined that the meeting at which this ordinance is passed was 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.

**PASSED AND APPROVED** this the 17<sup>th</sup> day of October, 2022.

**APPROVED:**

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

**ATTEST:**

**/s/: Sabrina Alvarez, City Secretary**

Mayor Erica Gillum opened the Public Hearing at 6:20 P.M. on a Zoning Text Amendment for Article 3 Section 3.13 Page 3-33 to change from storage auto and boat to “storage, auto, boat and recreational vehicle (motor home)” as permitted by right in the Central Business District, Highway Commercial District, and Planned Shopping.

The owner of the building Kelly Savacool, spoke and says she owns five lots on 10<sup>th</sup> Street (the old Swan’s Building) She wants to bring in a business where the company only stores the RV’s, they will not be occupied to live in, they will only be used to fix them, store them and to be able to send them to another facility. Derrick the owner of the company stated they will be no selling of the RV’s, just storage. It will only be models of 2017 and newer, there will be no more than 5 to 6 and no construction. Board Member of the Planning and Zoning Commission Barbara Bezub wanted to explain why the Commission didn’t approve it. She explained if we change the Zoning Matrix for her business, we will be changing it for everyone and that will open the doors for anyone to put junky RV’s in their yards. Attorney Bridgette Begle stated they reason the property didn’t qualify for a Specific Use Permit is because we do not have a City Ordinance allowing RV’s. Jimmy Economu stated that 18 wheelers are still permitted, and that Code Enforcement and the Building Inspectors do not do their job and do not follow the rules. Inspector Kollye Kilpatrick stated we do not have an Ordinance to specify RV’s are allowed. Mayor Gillum asked Kelly Savacool how much revenue. Mrs. Savacool stated she is losing about \$1,500.00 a month since September. Nora Hodges stated that the City needed to grow and broaden our horizon. Meet the needs of our City and think outside the box. Luther Jones also stated there is too much resistance from the citizens.

Mayor Erica Gillum closed the Public Hearing at 7:01 P.M.

Mayor Pro-Tem Lonnie Garfield made a motion to deny the request a Zoning Text Amendment for Article 3 Section 3.13 Page 3-33 to change from storage auto and boat to “storage, auto, boat and recreational vehicle (motor home)” as permitted by right in the Central Business District, Highway Commercial District, and Planned Shopping. Councilmember Cindy Pearce seconded the motion. Councilmember Cindy Pearce, Councilmember Chase Murray, Councilmember Raul Villarreal, and Mayor Pro-Tem Lonnie Garfield all voted to deny, with Councilmember Mildred Jefferson approving the request. Motion carried to deny.

A Resolution was introduced by Mayor Pro-Tem Lonnie Garfield. The motion was seconded Councilmember Raul Villarreal and carried the following vote to wit:

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

NOES: Councilmember Cindy Pearce,

ABSENT: None

**RESOLUTION NO. 22-039**

**IN RECOGNITION OF MUNICIPAL COURT WEEK**

**November 7-11, 2022**

**A RESOLUTION RECOGNIZING THE IMPORTANCE OF  
MUNICIPAL COURTS, THE RULE OF LAW, AND THE FAIR AND  
IMPARTIAL ADMINISTRATION OF JUSTICE**

WHEREAS, municipal courts play a significant role in preserving public safety and promoting quality of life in Texas;

WHEREAS, more people come in contact with municipal courts than all other Texas courts combined and public impression of the Texas judicial system is largely dependent upon the public's experience in municipal court;

WHEREAS, the City of Hempstead has hosted the Hempstead Municipal Court since 1985;

WHEREAS, state law authorizes a municipality to either appoint or elect a municipal judge for a term of office, the Hempstead Municipal Court is a state court and its judges are members of the state judiciary;

WHEREAS, the procedures for the Hempstead Municipal Court operations are set forth in the Texas Code of Criminal Procedure and other laws of the State of Texas;

WHEREAS, the City of Hempstead is committed to the notion that our legal system is based on the principle that an independent, fair, and competent judiciary will interpret and apply the laws that govern us and that judges and court personnel should comply with the law and act in a manner that promotes public confidence in the integrity and impartiality of the judiciary;

WHEREAS, Hempstead Municipal Judges are not policy makers for the City of Hempstead but are bound by the law and the Canons of Judicial Conduct and are required to make decisions independent of the governing body of the City Council, city officials, and employees;

WHEREAS, the City Council recognizes that the Constitution and laws of the State of Texas contain procedural safeguards in criminal cases for all defendants, including indigent defendants, and supports the Hempstead Municipal Court in complying with such legal requirements.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEMPSTEAD, TEXAS THAT THE WEEK OF NOVEMBER 7-11, 2023, IS HEREBY RECOGNIZED AS MUNICIPAL COURT WEEK IN RECOGNITION OF THE FAIR AND IMPARTIAL JUSTICE OFFERED TO OUR CITIZENS BY THE MUNICIPAL COURT OF HEMPSTEAD.

PASSED AND APPROVED ON THIS THE 17TH DAY OF OCTOBER, 2022.

Councilmember Chase Murray made a motion to remove CobbFendley and hire Strand and Associates for the Impact Fee Study. Councilmember Cindy Pearce seconded the motion and it carried unanimously.

Mayor Pro-Tem Lonnie Garfield made a motion to for the City of Hempstead to go out for RFQ for a Grant Administrator and RFQ for an Engineering Firm for the CBDG Grant 2023-2024. Councilmember Raul Villarreal seconded the motion and it carried unanimously.

Mayor Pro-Tem Lonnie Garfield made a motion to approve payment of the C & C Sports Apparel invoice. The motion was seconded by Councilmember Raul Villarreal and carried the following vote, to-wit:

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

NOES: None

ABSENT: None

ABSTAIN: Councilmember Chase Murray

**AFFIDAVIT TO ABSTAIN  
HEMPSTEAD CITY COUNCIL**

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

I, **CHASE MURRAY**, as a member of the Hempstead City Council make this affidavit and hereby on oath state the following:

I have a substantial interest in a business entity or real property that may receive a special economic effect that is distinguishable from the effect on the public by a vote or decision of the Hempstead City Council as those terms are defined in Chapter 171 of the Local Government Code. The business entity or real property is:

Owner of the C & C SPORTS APPAREL

I, Chase Murray, have a substantial interest in this business entity or real property for the following reason:

The interest is ownership of 10% or 5,000 or more of the fair market  
Value of the business entity;

Upon the filing of this affidavit with the official record keeper for the City of Hempstead, I affirm that I shall abstain from any discussion, vote, or decision involving this business entity or real property and from any further participation in this matter whatsoever.

Signed this the 17<sup>th</sup> day of October 2022.

/s/ Chase Murray  
Signature of Public Official

Councilmember  
Title

**THE STATE OF TEXAS**

**COUNTY OF WALLER**

**BEFORE ME**, the undersigned authority, on this the 15<sup>th</sup> day of August 2022, personally appeared Chase Murray, Councilmember, and by oath stated that the facts hereinabove stated are true and correct to the best of her knowledge.

/s/ Sabrina Alvarez  
Notary Public in and for the State of Texas

My commission expires: 04-3-24

Councilmember Cindy Pearce had questions before the bills were approved. 2 Tahoe's bought from Parkway Chevrolet were for the Police Department. The Payment for Palomares was for payment of the draw. Strand and GrantWorks invoices were the invoices we were holding until we got the Grant MIT money. Prosperity Bank check was to pay for our credit cards.

Councilmember Cindy Pearce made a motion to approve payment of current bills. The motion was seconded by Councilmember Raul Villarreal and carried unanimously.

Under Mayor's Reports, Mayor Erica Gillum stated Sales Tax is up 15.57% for the month of September.



Councilmember Cindy Pearce wanted to thank Olson & Olson and Republic for their hospitality at the TML Conference held in San Antonio. She also mentioned a Dr. Rick Rigsby was an inspirational speaker at the Conference. Councilmember Mildred Jefferson agreed and wanted to thank everyone. We all had a great time!

Council went into Executive Session at 7:16 P.M. pursuant to Section 551.074 of the Government Code to hear a complaint or charge against an officer or employee (Mayor).

Executive Session closed at 7:44 P.M.

Councilmember Raul Villarreal made a motion to amend the 2022-2023 Budget. Councilmember Chase Murray seconded the motion. Councilmember Cindy Pearce, Councilmember Chase Murray, Councilmember Raul Villarreal, and Mayor Pro-Tem Lonnie Garfield all voted to amend the 2022-2023 Budget, with Councilmember Mildred Jefferson denying the request. Motion carried to amend the 2022-2023 Budget.

There being no further business, Mayor Pro-Tem Lonnie Garfield made a motion to adjourn the meeting at 7:45 P.M

**PASSED AND APPROVED** this the 21<sup>st</sup> day of November, A.D., 2022.

**APPROVED:**

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

**ATTEST:**

**/s/:Barbara Haffelfinger, City Secretary**