

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

BE IT REMEMBERED that on the 19th day of December 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

Charles Williams, City Attorney
Sabrina Alvarez, City Secretary

Others present at the meeting included Diane Kilpatrick, Rooster Smith, David Hartley, Kollye Kilpatrick, Trevor Barry, Hayden Barry, Jimmy Economou, Kelly Savacool, Mary Ann Drawl, Frank Rodriguez, Hzel Preciado, David Liebel, Larry Wilson, Paris Kincade, Bill Roman.

Mayor Erica Gillum called the meeting to order at 6:04 P.M. and Mayor Pro-Tem gave the invocation.

The Pledge of Allegiance was given.

No Public Comments.

Councilmember Chase Murray made a motion to approve the minutes of November 21, 2022, and December 5, 2022. The motion was seconded by Councilmember Cindy Pearce and carried unanimously.

Mayor Erica Gillum opened the Public Hearing at 6:11 P.M. on a on Specific Use Permit for Kelly Savacool Block 36, Lots 1 & 2 and N ½ of 3 – 224 10th Street, for the storage of 1-5 RV's until sold.

Kelly Savacool stated that she own's the old Swans' building and has a lessee who want to rent space and they are wanting to store 1-5 RV's until they are sold in Houston. Jimmy Economou was against the specific use permit.

Mayor Erica Gillum closed the Public Hearing at 6:15 P.M.

Mayor Pro-Tem Lonnie Garfield made a motion to discuss the specific use permit for Kelly Savacool and Councilmember Chase Murray seconded the motion. Councilmember Cindy Pearce stated that it is not in the matrix. Mayor Erica Gillum stated that the council can decide on a case-by-case basis for each person asking for the same request. The council member asked if the Planning and Zoning Commission did not have any issues with their decision.

Councilmember Chase Murray introduced an Ordinance. 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

N0. 22- 121

AN ORDINANCE OF THE CITY OF HEMPSTEAD, TEXAS, AMENDING THE CITY OF HEMPSTEAD CODE OF ORDINANCES BY GRANTING A SPECIFIC USE PERMIT FOR A RECREATION VEHICLE STORAGE FACILITY AT BLOCK 36, LOTS 1-2; N ½ OF 3 – 224 10TH STREET LOCATED IN THE CBD-CENTRAL BUSINESS 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 36, Lots 1 & 2; N ½ of 3 – 224 10th Street has made application to the city to approve a Specific Use Permit for the storage of 1-5 RVs in the CBD-Central Business District; and

WHEREAS, the Planning and Zoning Commission conducted a Public Hearing on December 5, 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 December 19, 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 36 Lots 1 & 2 and N ½ of 3 located in the CBD-Central Business 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 19th day of December 2022.

APPROVED:

/s/: Erica Gillum, Mayor

ATTEST:

/s/: Sabrina Alvarez, City Secretary

Mayor Erica Gillum opened the Public Hearing at 6:18 P.M of the City Council of the City of Hempstead, Texas, amending Chapter 5 “Business Regulations” of the Code of Ordinances by adding Article 5.08 “Tire Business” to provide regulation of the tire business.

Hayden Barry with Barry Fleet Services stated that he is 100% satisfied with cleaning up the city. He stated that the tire organizations that do the pickup for the scrap tires have been shut down or behind because of Covid and they cannot get anyone to work. He stated that he had 2, 000 scrap tires picked up last week. He agrees with the Ordinance but there needs to be minor changes to the sizes of the trailers and tires. Also, he stated that to have scrap tires under a roof is impossible. Mayor Pro-Tem Lonnie Garfield asked Mr. Barry how long it would take for the local businesses to come into compliance with the Ordinance. Mr. Barry stated that they can comply in 6 months. Councilmember Raul Villarreal asked about how many scrap tires one business accrues monthly, and Mr. Barry answered with 600 tires a month. He also stated that the tire business must charge a disposal fee. Bill Roman with Amigo’s tires stated that he is agreement if the Ordinance. Hzel Preciado with Gomez Tires asked if this Ordinance also meant the tires they display on the outside of the building. Mayor Erica Gillum answered and said only scrap tires.

Mayor Erica Gillum closed the Public Hearing at 6:30 P.M.

Mayor Pro-Tem made a motion to table the Ordinance until the first meeting of February 2023. Councilmember Chase Murray seconded the motion, and it was carried without the vote of Councilmember Cindy Pearce.

Councilmember Chase Murray made a motion to approve the Budget Amendment for Change Order No. 1 to amend the SH 6 -Phase 1 Utility Extension. Mayor Pro-Tem seconded the motion, and it was carried unanimously.

Councilmember Cindy Pearce asked about the Street Superintendent Salary for the Budget Amendment. Mayor Erica Gillum stated the information to Councilmember Cindy Pearce on the yearly salary. Mayor Pro-Tem Lonnie Garfield made a motion to approve the Budget Amendment for the Street Superintendent Salary. Councilmember Mildred Jefferson seconded the motion, and it was carried unanimously.

On the rebid of the Gas Regulator Station Improvements and Gas Line Bore, we only had one bid and the others did not meet expectations, so the engineering firm chose a company and since Covid the prices fluctuate because of material changes. Councilmember Mildred Jefferson made a motion to approve the Rebid of the Gas Regulator Station Improvements and Gas Line Bore. Mayor Pro-Tem seconded the motion and it passed unanimously.

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

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

NOES: None

ABSENT: None

**RESOLUTION
NO. 22-050**

**APPROVING THE CITY OF HEMPSTEAD'S
2023 CITY HOLIDAYS**

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

That the following dates be approved by the City Council to be the
2023 City Holidays:

Monday	January 2	New Year's Day
Monday	January 16	M. L. King, Jr. Day
Monday	February 20	Presidents Day
Friday	April 7	Good Friday
Monday	May 29	Memorial Day
Monday	June 19	Juneteenth
Tuesday	July 4	Independence Day
Monday	September 4	Labor Day
Friday	November 10	Veterans Day
Thursday	November 23	Thanksgiving Day
Friday	November 24	Additional Thanksgiving Day
Monday	December 25	Christmas Day
Tuesday	December 26	Additional Christmas Day

PASSED AND APPROVED this the 19th day of December, A.D., 2022.

APPROVED:

/s/: Erica Gillum, Mayor

ATTEST:

/s/: Sabrina Alvarez, City Secretary

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

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

NOES: None

ABSENT: None

RESOLUTION 22-051

A RESOLUTION REDESIGNATING RECORDS MANAGEMENT OFFICER, PER LOCAL GOVERNMENT RECORDS ACT

BE IT RESOLVED BY THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF HEMPSTEAD, TEXAS:

A Resolution designating Sabrina Alvarez as Records Management Officer, per Local Government Records Act, Ordinance No. 91-101, Records Management Program, Section 5.

PASSED AND APPROVED this the 19th day of December, A.D., 2022.

APPROVED:

/s/: Erica Gillum, Mayor

ATTEST:

/s/: Sabrina Alvarez, City Secretary

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

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

NOES: None

ABSENT: None

ORDINANCE

22-122

AN ORDINANCE APPROVING AN AGREEMENT WITH SYMMETRY ENERGY SOLUTIONS, LLC FOR THE SETTLEMENT OF CERTAIN INVOICES FOLLOWING WINTER STORM URI IN 2021; APPROVING AND PROVIDING FOR THE PAYMENT OF A REDUCED AMOUNT IN SETTLEMENT OF ALL CLAIMS ARISING OUT OF SUCH INVOICES; AUTHORIZING THE MAYOR AND CITY ATTORNEY TO NEGOTIATE THE FINAL TERMS ON BEHALF OF THE CITY; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, in 2021, the City of Hempstead received invoices from SYMMETRY ENERGY SOLUTIONS LLC in excess of One million dollars for gas delivered to the City of Hempstead during Winter storm URI.

WHEREAS, the City of Hempstead has contested such invoices.

WHEREAS, Symmetry Energy Solutions LLC has offered to settle the invoices for the payment of a reduced payment not to exceed \$506,461.63.

NOW, THEREFORE,

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

Section 1. That the City Council approves and authorizes the Mayor to execute, and the City Secretary to attest, on behalf of the City of Hempstead, Texas, the acceptance of the attached Settlement Offer arising out of the *Certified Roses, Inc., et al. v. Symmetry Energy Solutions, LLC*, Cause No. 2:21-cv-133, United States District Court of the Eastern District of Texas. A copy of the Settlement Offer is attached hereto, labeled as Exhibit 1, and made a part hereof for all purposes.

Section 2. That the Mayor is authorized, together with the City Attorney, to negotiate such additional terms and conditions of this Settlement Offer, provided that the City's obligation to Symmetry Energy Solutions LLC does not exceed \$506,461.63.

Section 3. The City Council finds and declares that the written notice of the meeting of the City Council of the City of Hempstead, Texas required by Section 551.041, Government Code, for an open meeting of the City Council has been posted in a place readily accessible to the general public at all times for at least 72 hours before the scheduled time of the meeting as required by Chapter 551, Government Code.

PASSED AND APPROVED in Hempstead, Texas this 19th day of December 2022.

APPROVED:

/s/: Erica Gillum, Mayor

ATTEST:

/s/: Sabrina Alvarez, City Secretary

Councilmember Cindy Pearce asked if the the previous Mayor Dave Shelburne had done a pole count and Public Works Director stated yes it was done about a year ago. He stated that it's always good to have a pole count to plan for growth. Mayor Erica Gillum stated a study is always needed for future growth, it's also good to be preventive and reactive. Councilmember Chase Murray asked how long the study is good for. Mayor Erica Gillum answered five years. Building Inspector Kollye Kilpatrick stated that it is needed for future growth. Councilmember Mildred Jefferson made a motion to approve a 5-year Engineering System Study from LCRA with ESVI and Pole Count. Councilmember Raul Villarreal seconded the motion, and it was carried unanimously.

Councilmember Chase Murray made a motion to table until the January 3rd, 2023, meeting for the replacement of brick veneer with Hardi- Siding for the Hempstead Recreation Center. Mayor Pro-Tem Lonnie Garfield seconded the motion, and it was carried unanimously.

Police Chief David Hartley stated that the police department needed to move to a more secure server because what they are on now is a remote server. IT Director Gerald Saliens stated that the police department is on a virtual cloud base. The ransomware is not covered under insurance. IT Director Gerald Saliens stated that we have Carbon Black which gives the city more control to tie down. He stated if we move to Cloud base it will give the city more flexibility. Chief David Hartley stated that if we do agree to go cloud base with Encode, we should not have the same ransomware attack again. Councilmember Cindy Pearce asked about the cost and the maintenance costs. Mayor Erica Gillum asked if it would be compatible with future technology. Chief David Hartley answered yes it would be compatible. Mayor Pro-Tem Lonnie Garfield made a motion to approve the Hempstead Police Department to have all their files switched to the Cloud by Tyler Technologies. Councilmember Chase Murray seconded the motion, and it was carried unanimously.

The city only received two bids, one from C & C Sports Apparel and J & K Graphics, with C & C being the lower bidder.

Mayor Pro-Tem Lonnie Garfield made a motion to approve C & C Sports Apparel to print the City's Newsletters. Councilmember Mildred Jefferson seconded the motion, and it was carried unanimously.

Mayor Pro-Tem Lonnie Garfield made a motion to approve payment of the C & C Sports Apparel invoice. Councilmember Mildred Jefferson seconded the motion 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 19th day of December 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 19th day of December 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 made a motion to approve payment of current bills. The motion was seconded by Councilmember Chase Murray and carried unanimously.

Under Mayor's Reports, Mayor Erica Gillum stated Sales Tax is up 13.51% for the month of December.

IT Director Report- Gerald Saliens our IT Director stated that he along with Charles Tompkins help rebuild the PD back up. They moved our emails from .com to .gov to have more secure emails, rewired the Police Department, the Economic Department is up and running, and most files have been digitized.

Public Works Director Report-Hwy 6 contracting pipe to finish gas line, manholes on Red River those bids will be in January. ARPA east feeder out for bids in January. Working on TXDOT Grant that will be used for sidewalks. CDBG 23-24 Grant is \$500,000, plan to use for sewer. HGAC Grant in conjunction with the county is \$300,000 and the city wants to use it for two generators.

Police Department Report-From October 16 through December 15 they had 35 individuals they have stopped, gave citations, etc. Still no applicants for job openings. Body cams are working great.

Street/Grounds Dept Report-Grounds Department are on rotation, certain areas on certain days, no issues. The Street Department are identifying road hazards. They are picking up limbs, they have picked up 9 dump truck loads, full of limbs. Seven culvert placements; Six cut out and patch replacements; Potholes they are addressing Bus. 290 to Donoho from 1st Street to 11th Street. Councilmember Cindy Pearce stated on St. Mary's Street & 15th there is standing water.

Budget Report-Diane Kilpatrick in Accounts Payable said she can run a budget analysis to compare what funds have been used in each department for Council.

Councilmember Cindy Pearce talked about the strategic plan with HISD to improve academic needs of the students. Councilmember Mildred Jefferson wanted to express her condolences to the family of Sandra Mosley and Annette Baker on the loss of their sister Deborah Deese.

The council went into Executive Session at 7:43 P.M. pursuant to Section 551.071 of the Government Code to have deliberations with the City Attorney, to discuss Ransomware attack and Winter Storm URI Gas Invoice Litigation

Executive Session closed at 8:07 P.M.

No action taken in Executive Session.

There being no further business, Mayor Pro-Tem Lonnie Garfield made a motion to adjourn the meeting at 8:07 P.M

PASSED AND APPROVED this the 17th day of January, A.D., 2022.

APPROVED:

/s/: Erica Gillum, Mayor

ATTEST:

/s/: Sabrina Alvarez, City Secretary

