

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

BE IT REMEMBERED that on the 23rd day of October 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
Karon Neal, Councilmember
Nora Hodges, Councilmember
Mildred Jefferson, Councilmember

Charles Williams, City Attorney
Sabrina Alvarez, City Secretary

1. Call to order and invocation.

Mayor Erica Gillum called the meeting to order at 6:00 P.M. and Pastor Charles Tompkins gave the invocation.

2. Pledge of Allegiance.

The Pledge of Allegiance was given.

3. Public Comments.

Anthony Kennedy, a resident of Hempstead gave credit to the Mayor and Council, he stated the housing growth, cooperative city council, economic development function, hospital district, infrastructure improvements and a true vision of leadership. Kimberly Glover a church clerk for Progressive Missionary Baptist Church stated to council, mayor, and the attendees that the church has a program to assist the citizens of Hempstead with utilities. Ms. Glover stated it is important for the utility department to get the application request form to them before the utility's disconnection date and not on the day they will be turned off. There are limited funds but there is a council member who gives her monthly salary in support of the program.

4. Consideration and action on minutes from September 15, 2023, September 18, 2023, September 25, 2023, October 2, 2023, and October 9, 2023.

Councilmember Mildred Jefferson made a motion to approve the minutes. Councilmember Karon Neal seconded the motion and carried unanimously.

5. Presentation and discussion on results and findings of Forensic Utility Audit conducted by Belt, Harris & Pechacek.

Ben Cohen with Belt, Harris & Pechacek made a presentation to the mayor, council and attendees on the utility findings of the forensic audit. Ben stated that the city has a total of 7 books, they

randomly selected a total of 70 customers for the month of June 2022 billing. Out of those 70 accounts, one account was found incorrect. They were being charged commercial rates versus residential rates. City management reviewed all the utility billing customer rate classifications for September 2023. City management discovered that there were 11 additional customers that were not charged the correct rates based on prior months' utility billing registers. City management corrected these customers for the September 2023 utility billings. The following procedures were performed on customer accounts and on the 11 additional customer accounts that were not charged the correct rates. Customer accounts were corrected.

6. Consideration and action on a Resolution of the City Council of the City of Hempstead to appoint new members to the Hempstead Economic Development Corporation Type A and Type B Boards and re-appoint a member of the Type B Board.

Councilmember Mildred Jefferson made a motion to approve the Resolution. Councilmember Nora Hodges seconded the motion and carried it unanimously.

7. Consideration and action on a Resolution of the City Council of the City of Hempstead, Texas appointing persons and term limits to the Parks and Recreation Board of the City of Hempstead.

Mayor Pro-Tem Lonnie Garfield stated that he would like to add more activities at the city park. City Secretary Sabrina Alvarez stated that one board member of the Parks and Recreation stepped down. Jazlynn Lewis is the young lady that came highly recommended. Jazlynn introduced herself. She is a junior at Prairie View A & M University majoring in Kinesiology, she works at the Parks and Recreation department as well for the city.

Councilmember Nora Hodges made a motion to approve the Resolution. Councilmember Mildred Jefferson seconded the motion, and it was carried unanimously.

8. Consideration and action on awarding the Construction Contract for the Harvey MIT Grant from the Texas General Land Office, contract #22-085-034-D278 to provide drainage system improvements throughout the City.

Jared Engelke the city engineer stated that the city received three bids and they were opened on October 10, 2023. The Apparent Low Bidder is Environmental Allies, LLC of Houston, Texas. Their Base Bid of \$7,493,758.28 was 3.9 percent less than the Engineer's opinion of probable construction cost (Base Bid). The project award amount for construction activities is \$7,664,000.00, which is \$170,241.72 more than the Base Bid amount. The city engineer recommends awarding Bid Alternative No. 1 in the amount of \$64,401.00 and Bid Alternative No. 4 in the amount of \$86,771.64, making the total Contract Award \$7,644,930.92. This is \$19,069.08 less than the total contract award but would provide a 'cushion' for unknowns that are discovered during construction.

Councilmember Nora Hodges made a motion to approve awarding Environmental Allies, LLC with the two alternative and the base bid. Mayor Pro-Tem Lonnie Garfield seconded the motion and carried unanimously.

9. Consideration and action on amendments to the Employee Guide (personnel policy).

Mayor Erica Gillum stated City Secretary, Assistant City Secretary and Managing Director of Operations have been working along with city attorneys to get our employee guide up to date on various topics concerning the city. Councilmember Nora Hodges asked if we were members of TMRS, City Secretary answered yes.

Councilmember Mildred Jefferson made a motion to approve the changes to the Employee Guide. Councilmember Nora Hodges seconded the motion and it carried.

10. Consideration and action on the salary of the Interim Municipal Court Judge.

The council asked about her schedule, Chief of Police David Hartley stated that she works as the dispatcher from 6 pm to 6 am and works at the Municipal Court on Tuesdays, and Thursdays. Councilmember Mildred Jefferson asked why she couldn't be an hourly employee. Attorney Charles Williams stated that judges are paid a salary and not an hourly rate. The council asked for the former judge's salary. Councilmember Nora Hodges made a motion to take 40% of the former judge's salary, which is \$1,028.00 every two weeks, including back pay. Mayor Pro-Tem Lonnie Garfield seconded the motion, and it was carried unanimously.

11. Consideration and action on the lease from HEDC Building located at 745 12th Street.

Mayor Erica Gillum stated due to the advice of the Building Inspector, the city relinquishes the duty as an occupant. Councilmember Nora Hodges made a motion to not renew and terminate the lease at 745 12th Street. Councilmember Mildred Jefferson seconded the motion and carried unanimously.

12. Consideration and action on payment of current bills.

Councilmember Mildred Jefferson made a motion to approve the bills. Mayor Pro-Tem Lonnie Garfield seconded the motion and carried except for Councilmember Cindy Pearce voted not to approve the bills.

13. Mayor's Reports-

- a. Sales Tax-Mayor Pro-Tem Lonnie Garfield stated sales tax is up for the month of October. As businesses come in it will get better. Keep moving forward.

Councilmember's Report-

- b. Cindy Pearce – Hempstead Lions Club Food Drive. - Councilmember Cindy Pearce stated that the Lions Club is partnering with the House of Help for a food drive.

They need all kinds of canned goods, dry pasta and rice. The items can be dropped off at Howard Insurance by November 10, 2023.

- c. Nora Hodges- Update from TML Conference. - Councilmember Nora Hodges stated she visited various booths and brought back information from TML in case anyone would like to read. It was an awesome conference.

CLOSED MEETING

14. Council will convene in closed session pursuant to Section 551.071 of the Texas Government Code for consultation with its attorney on a matter on which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the open meeting requirement.

Executive Session closed at 6:57 P.M.

Executive Session opened at 7:25 P.M.

15. **Consideration and action on citizen Petition submitted Monday, October 2, 2023, and for direction on May 2024 Special Election for Charter Amendment.**

Kimberly Hargrave spoke and stated that the city received a petition for a Charter Amendment and 9% of the registered voters signed it. Only 5% was required. She stated the city has no consideration for what the citizens need. Appraisal values are up, and the city raised their taxes by 5.45%. There are unwise decisions, corruption, and not in the financial situation the city needs to be in. She stated the council works for the citizens.

Mayor Pro-Tem Lonnie Garfield made a motion to deny the petition for being procedurally deficient based on Election Code Section 27.002 Validity of Petition Signatures. Councilmember Mildred Jefferson seconded the motion and carried unanimously.

16. **Adjourn City Council Meeting.**

Mayor Pro-Tem3 Lonnie Garfield made a motion to adjourn the meeting at 7:31 P.M. Councilmember Mildred Jefferson seconded the motion and carried out unanimously.

PASSED AND APPROVED this the 20th day of November, A.D., 2023.

APPROVED:

/s/: Erica Gillum, Mayor

ATTEST:

/s/ Sabrina Alvarez, City Secretary