

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

BE IT REMEMBERED that on the 15th day of September, A.D., 2021 at 6:00 P.M. the City Council met in Special Session at the Hempstead Recreation Center, 635 Business Highway 290 E, Second Floor, Hempstead, Texas, there being present, to-wit:

Dave Shelburne, Mayor
Lonnie Garfield, Mayor Pro-Tem
Erica Gillum, Councilmember
Cindy Pearce, Councilmember

Raul Villarreal, Councilmember
Chase Murray, Councilmember
Art Pertile, City Attorney
Barbara Haffelfinger, City Secretary

Others present at the meeting included Sabrina Alvarez, Rooster Smith, David Hartley, Kollye Kilpatrick, Leon Gillian, Katherine Ragston, and Jessica Holloman.

Mayor Shelburne called the meeting to order at 10:00 A.M. and Mayor Pro-Tem Garfield gave the invocation.

The Pledge of Allegiance was given.

No Public Comments were made.

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

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

NOES: None

ABSENT: None

**RESOLUTION
NO. 21-041**

**HEMPSTEAD ECONOMIC DEVELOPMENT CORPORATION
4A AND 4B 2021-2022 FISCAL BUDGET**

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

That the City Council approves and adopts the Hempstead Economic Development Corporation's 4A and 4B 2021-2022 Fiscal Budget attached as Exhibit "A".

PASSED AND APPROVED this the 15th day of September, A.D., 2021.

APPROVED:

/s/ Dave Shelburne, Mayor

ATTEST:

/s/ Barbara Haffelfinger, City Secretary

Mayor Shelburne called a Public Hearing to order at 10:02 A.M. on an Ordinance of the City of Hempstead, Texas, approving and adopting the City of Hempstead general budget for the year 2021-2022; making appropriations for the City for such year as reflected in said budget; establishing the procedure for intra-budget transfers; and containing other provisions relating to the subject. No public comments were made. The public hearing was closed at 10:03 A.M.

Consideration and action was taken on adopting an ad valorem tax at the rate of \$0.028577 on each \$100.00 of assessed valuation for debt service to support the budget, with the following vote, to-wit:

Mayor Pro-Tem Lonnie Garfield	AYE
Councilmember Erica Gillum	AYE
Councilmember Cindy Pearce	AYE
Councilmember Raul Villarreal	AYE
Councilmember Chase Murray	AYE

Consideration and action was taken on adopting an ad valorem tax at the rate of \$0.532328 on each \$100.00 of assessed valuation for maintenance and operations to support the budget, with the following vote, to-wit:

Mayor Pro-Tem Lonnie Garfield	AYE
Councilmember Erica Gillum	AYE
Councilmember Cindy Pearce	AYE
Councilmember Raul Villarreal	AYE
Councilmember Chase Murray	AYE

Consideration and action was taken on an Ordinance adopting the General Budget for the City of Hempstead for the year 2021-2022; making appropriations for the City for such year as reflected in said budget; and containing other provisions related to the subject, with the following vote, to-wit:

Mayor Pro-Tem Lonnie Garfield	AYE
Councilmember Erica Gillum	AYE
Councilmember Cindy Pearce	AYE
Councilmember Raul Villarreal	AYE
Councilmember Chase Murray	AYE

**ORDINANCE
NO. 21-106**

AN ORDINANCE APPROVING AND ADOPTING THE CITY OF HEMPSTEAD, TEXAS, GENERAL BUDGET FOR THE YEAR 2021-2022; MAKING APPROPRIATIONS FOR THE CITY FOR SUCH YEAR AS REFLECTED IN SAID BUDGET; ESTABLISHING THE PROCEDURE FOR INTRA-BUDGET TRANSFERS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, within the time and in the manner required by law, the Mayor presented to City Council a proposed general budget of expenditures of the City of Hempstead for the year 2021-2022, the same being the fiscal year of the City; and

WHEREAS, after notice required by law, a public hearing on such general budget was held at the regular meeting place of the City Council at the Hempstead Recreation Center, 635 Business Highway 290 E, Second Floor, Hempstead, Texas, on the 15th day of September, 2021, at which hearing all citizens and taxpayers of the City had the right to be present and to be heard and those who requested to be heard were heard; and

WHEREAS, the City Council has considered the proposed general budget and has made such changes therein as in its judgement were warranted by law and were in the best interest of the citizens and taxpayers of the City; and

WHEREAS, a copy of such general budget has been filed with the City Secretary and the City Council now desires to approve and adopt the same;

WHEREAS, the tax rate in the proposed general budget consists of two components, a tax rate of \$0.028577 on each \$100.00 of assessed valuation for debt service and a tax rate of \$0.532328 on each \$100.00 of assessed valuation to fund maintenance and operations expenditures; and

WHEREAS, by separate motions and roll call vote the City Council of the City of Hempstead, Texas, at a meeting held on the 15th day of September, 2021, said City Council approved separately the tax rate in support of the budget heretofore specified for each of said components;

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

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

Section 2. The City Council hereby adopts a tax rate of \$0.028577 on each \$100.00 of assessed valuation for debt service in support of the Budget described in the preamble a copy of

which is attached hereto and made a part of this Ordinance for all purposes. The City Council adopts a tax rate of \$0.532328 on each \$100.00 of assessed valuation for maintenance and operations in support of the Budget described in the preamble a copy of which is attached hereto and made part of this Ordinance for all purposes. The City Council adopts a total tax rate of \$0.560905 on each \$100.00 of assessed valuation in support of the Budget described in the preamble a copy of which is attached hereto and made a part of this Ordinance for all purposes.

Section 3. The City Council hereby approves and adopts the budget described in the preamble of this Ordinance, a copy of which is attached hereto and made a part of this Ordinance for all purposes and a copy of which is on file with the City Secretary. The City Secretary is hereby directed to place on said budget a cover sheet with the language required by Section 102.007 of the Texas Local Government Code. Such budget, as thus endorsed, shall be kept on file in the office of the City Secretary as a public record.

Section 4. In support of said budget and by virtue of the adoption thereof, including any and all changes adopted thereto, the several amounts specified for the various purposes named in said budget are hereby appropriated to and for such purposes.

Section 5. The City Council takes cognizance of the fact that in order to facilitate the operations of the City and its various departments and activities and to make adjustments occasioned by events transpiring during the year, some transfers may be necessary to and from some accounts contained within the budget as originally adopted. Accordingly, should the Mayor from time to time determine that transfers are necessary from unexpected funds in one or more budget accounts to another budget account, and the same may be accomplished without creating a deficit in the requirements of any City Department or activity, he shall recommend such transfers to the City Council. Upon approval there by the City Council, an amendment sheet reflecting such transfer or transfers shall be attached to the budget as specifically adopted, whereupon the City Council shall treat such funds as if they had been thus budgeted in the first instance.

PASSED, APPROVED AND ADOPTED this the 15th day of September, A.D., 2021.

APPROVED:

/s/ Dave Shelburne, Mayor

ATTEST:

/s/ Barbara Haffelfinger, City Secretary

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

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

NOES: None

ABSENT: None

**ORDINANCE
NO. 21-107**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEMPSTEAD, TEXAS, ADOPTING ELECTRIC RATES TO BE EFFECTIVE OCTOBER 1, 2021; ADOPTING GAS RATES TO BE EFFECTIVE OCTOBER 1, 2021; ADOPTING WATER RATES TO BE EFFECTIVE OCTOBER 1 2021; ADOPTING SEWER RATES TO BE EFFECTIVE OCTOBER 1, 2021; ADOPTING SOLID WASTE (GARBAGE) RATES TO BE EFFECTIVE OCTOBER 1, 2021; REPEALING ALL COUNCIL ACTIONS, ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. The Electric utility rates effective October 1, 2021 are hereby adopted as set forth in exhibit “**I. Electric Utility Rates**” attached hereto and incorporated herein as though set forth in its entirety in this ordinance.

Section 2. The Gas utility rates effective October 1, 2021 are hereby adopted as set forth in exhibit “**II. Gas Utility Rates**” attached hereto and incorporated herein as though set forth in its entirety in this ordinance.

Section 3. The Water rates effective October 1, 2021 are hereby adopted as set forth in exhibit “**III. Water Rates**” attached hereto and incorporated herein as though set forth in its entirety in this ordinance.

Section 4. The Sewer rates effective October 1, 2021 are hereby adopted as set forth in exhibit “**IV. Sewer Rates**” attached and incorporated herein as though set forth in its entirety in this ordinance.

Section 5. The Solid Waste (Garbage) rates effective October 1, 2021 are hereby adopted as set forth in exhibit “**V. Solid Waste (Garbage) Rates**” attached hereto and incorporated herein as though set forth in its entirety in this ordinance.

Section 6. The rates and fees provided in this ordinance shall remain in place unless and until they are changed, in whole, or in part, by an ordinance passed and approved by the City Council.

Section 7. All City Council actions, ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, as hereby repealed.

Section 8. In the event any phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance 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 parts thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 9. This ordinance shall become effective upon reading and adoption of this ordinance.

APPROVED, PASSED AN ADOPTED this the 15th day of September, A.D., 2021.

APPROVED:

/s/ Dave Shelburne

ATTEST:

/s/ Barbara Haffelfinger, City Secretary

Mayor Shelburne opened a Public Hearing at 10:05 A.M. on a Specific Use Permit request for placement of a Radio Tower at 48695 U.S. Highway 290 located in the PS – Planned Shopping District. No Public Comments were made. Mayor Shelburne closed the public hearing at 10:06 A.M.

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

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

NOES: None

ABSENT: None

**ORDINANCE
NO. 21-108**

**AN ORDINANCE OF THE CITY OF HEMPSTEAD, TEXAS, PROVIDING
THAT CONSTRUCTION OF A RADIO TOWER BE APPROVED AT 48695
U.S. HIGHWAY 290 LOCATED IN THE PS – PLANNED SHOPPING**

DISTRICT WITH A SPECIFIC USE PERMIT; PROVIDING FOR PENALTIES; PROVIDING A SAVINGS CLAUSE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Owner of 48695 U.S. Highway 290 has made application to the City to approve a Specific Use Permit for construction of a radio tower in the PS – Planned Shopping District; and

WHEREAS, the Planning and Zoning Commission conducted a Public Hearing on September 7, 2021 at 5:00 P.M. on said request, in the time and manner required by law and the Zoning Ordinance of the City; and

WHEREAS, the City Council of the City conducted a Public Hearing on such request on September 15, 2021, at 10:00 A.M. in the time and manner required by law and the Zoning Ordinance of the City;

WHEREAS, Section 2.04.05 of the City of Hempstead Code of Ordinances provides that the Planning and Zoning Commission shall recommend denial of a specific use if it finds that the proposed use:

- A. Does not conform with applicable regulations and standards established by this Ordinance;
- B. Is not compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features;
- C. Potentially creates greater unfavorable effects or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a use permitted by right;
- D. Adversely affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area;
- E. Fails to reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, odors, and similar hazards or impacts;
- F. Adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs;
- G. Fails to provide adequate and convenient off-street parking and loading facilities;

- H. Fails to conform with the objectives and the purpose of the zoning district in which the development is located, and the goals, objectives, and policies, contained in the City’s long-range comprehensive planning activities;
- I. Will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity, for reasons specifically articulated by the Commission; or
- J. The premises or structure(s) are not suitable for the proposed specific use; and

WHEREAS, the Planning and Zoning Commission recommends approval of the Specific Use requested.

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

Section 1. 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, that it is hereby approved to allow construction of a radio tower at 48695 U.S. Highway 290 located in the PS – Planned Shopping District with a Specific Use Permit. The Specific Use Permit is restricted to Chris Richardson for construction of a radio tower and is not transferrable to another owner. The Tower shall be constructed in accordance it the plans approved by the City and must comply with all applicable ordinances. The design, color, shape, configuration and all aesthetic characteristics must be submitted to and approved by City Council.

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, and each day a violation exists, shall be a separate offense.

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 it is hereby officially found and determined that the meeting at which this ordinance 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.

PASSED AND APPROVED this the 15th day of September, A.D., 2021.

APPROVED:

/s/ Dave Shelburne, Mayor

ATTEST:

/s/ Barbara Haffelfinger, City Secretary

Mayor Shelburne opened a Public Hearing at 10:09 A.M. on a Zoning Map Amendment request to officially adopt the zoning district for newly annexed property – seven (7) acres in four (4) tracts of land located in the L. Abbott Survey, A-1, Waller County, Texas, as HC – Highway Commercial District. No Public Comments were made. Mayor Shelburne closed the public hearing at 10:10 A.M.

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

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

NOES: None

ABSENT: None

**ORDINANCE
NO. 21-109**

AN ORDINANCE OF THE CITY OF HEMPSTEAD, TEXAS PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF HEMPSTEAD BE AMENDED SO THAT PROPERTY DESCRIBED AS L. ABBOTT SURVEY, TRACT 18-4, 2 ACRES, P/O 12.9566 ACRE TRACT; AND L. ABBOTT SURVEY, TRACT 18-5, 5 ACRES, P/O 12.9566 ACRES, WALLER COUNTY, TEXAS SHALL BE ZONED HC – HIGHWAY COMMERCIAL DISTRICT CLASSIFICATION; PROVIDING FOR PENALTIES; PROVIDING A SAVINGS CLAUSE; AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the Planning and Zoning Commission has conducted a Public Hearing on September 7, 2021 at 5:00 P.M. on such request, in the time and manner required by law and the Zoning Ordinance of the City; and

WHEREAS, the City Council of the City conducted a Public Hearing on such request on September 15, 2021 at 10:00 A.M. in the time and manner required by law and the Zoning Ordinance of the City; and

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

Section 1. 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 the City of Hempstead Comprehensive Zoning Ordinance is amended as follows:

The Zoning Map is changed so that territory located in the City of Hempstead, Waller County, Texas as herein after described as L. Abbott Survey, Tract 18-4, 2 Acres, P/O 12.9566 Acres; and L. Abbott Survey, Tract 18-5, 5 Acres, P/O 12.9566 Acres depicted in Exhibit A, attached hereto and incorporated herein for all purposes, shall be zoned HC – Highway Commercial Zoning district and the Zoning Map shall be amended accordingly.

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, and each day a violation exists shall be a separate offense.

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 has never been a part hereof.

Section 5. That it is hereby officially found and determined that the meeting at which this Ordinance 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.

PASSED AND APPROVED this the 15th day of September, A.D., 2021.

APPROVED:

/s/ Dave Shelburne, Mayor

ATTEST:

/s/ Barbara Haffelfinger, City Secretary

Councilmember Pearce made a motion to approve the Planning and Zoning Commission Annual Report for September 1, 2020 through August 31, 2021. The motion was seconded by Councilmember Murray and carried unanimously.

There being no further business, Mayor Pro-Tem Garfield made a motion to adjourn the meeting at 10:11 A.M.

PASSED AND APPROVED this the 20th day of September, A.D., 2021.

APPROVED:

/s/ Dave Shelburne, Mayor

ATTEST:

/s/ Barbara Haffelfinger, City Secretary