

**NOTICE OF A MEETING**  
**OF THE CITY COUNCIL OF THE CITY OF HEMPSTEAD**

Notice is hereby given that a Regular Meeting of the City Council of the City of Hempstead will be held on **Monday, the 19<sup>th</sup> day of September, A.D., 2022 at 6:00 P.M.** at the **Hempstead City Hall, 1125 Austin Street, Hempstead, Texas**, at which time the following subjects will be discussed, to-wit:

1. Call to order and invocation.
2. Pledge of Allegiance.
3. Public Comments.
4. Consideration and action on appointment of Sabrina Alvarez as City Secretary.
5. Administer the Oath to City Secretary.
6. **2022-2023 BUDGET**
  - A. Consideration and action on Resolution of the City Council of the City of Hempstead approving the Hempstead Economic Development Corporation 4-A and 4-B 2022-2023 Budget.
  - B. Public Hearing on an Ordinance of the City of Hempstead, Texas, approving and adopting the City of Hempstead General Budget for the year 2022-2023; 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.
    - 1) Consideration and action on adopting an ad valorem tax at the rate of \$0.086288 on each \$100.00 of assessed valuation for debt service to support the budget. **(Roll call vote needed).**
    - 2) Consideration and action on adopting an ad valorem tax at the rate of \$0.466285 on each 100.00 of assessed valuation for maintenance and operations to support the budget. **(Roll call vote needed).**
    - 3) Consideration and action 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 relating to the subject. **(Roll call vote needed).**
7. Consideration and action on an Ordinance adopting Electric Rates to be effective October 1, 2022; adopting Gas Rates to be effective October 1, 2022; adopting Water Rates to be effective October 1, 2022; adopting Sewer Rates to be effective October 1, 2022; adopting Solid Waste (Garbage) Rates to be effective October 1, 2022; repealing all Council actions, ordinances, or parts of ordinances in conflict herewith; providing for severability; and providing an effective date.
8. Consideration and action on Minutes from August 15, 2022, September 6, 2022, September 13, 2022 & September 16, 2022.
9. Consideration and action on appointing Chris Whetzel to the Planning and Zoning Commission.

10. Consideration and action on appointing Elizabeth Ayala to the Hempstead Economic 4B Board.
11. An Ordinance of the City of Hempstead, Texas amending Section 2.19 "Keeping Livestock Within City Limits" of Article 5 "Livestock" of Chapter 2 "Animal Control" to Regulate and Limit livestock and fowl within the City limits; providing for a fine not to exceed \$2,000 per day the violation exists and civil penalty in the amount up to \$1000 per day the violation exists; providing for severability and repealing all ordinances and parts of ordinances in conflict herewith.
12. AN ORDINANCE APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF HEMPSTEAD, TEXAS, AND THE POTTS LAW FIRM, L,L,P. FOR LITIGATION REPRESENTATION OF THE CITY AS A CO-PLAINTIFF IN A FEDERAL CLASS ACTION- TO WIT- CERTIFIED ROSES INC. V. SYMMETRY ENERGY SOLUTIONS LLC, NO. 2:21-CV-00133, FILED IN UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, MARSHALL DIVISION; MAKING CERTAIN FINDINGS; PROVIDING FOR, AND LEVYING AN AD VALOREM TAX AND ESTABLISHING A SINKING FUND TO PAY THE POTTS LAW FIRM, LLP TO PAY THE LEGAL FEES AND EXPENSES IN THE CONTINGENT EVENT OF CERTAIN RELIEF OBTAINED BY SUCH FIRM FOR THE CITY AS SET FORTH IN THE AGREEMENT, PROVIDING A MAXIMUM CONTRACT AMOUNT FOR THE RECOVERY OF FEES; PROVIDING A MAXIMUM CONTRACT AMOUNT; FINDING THAT PURSUANT TO TEXAS GOVERNMENT CODE SECTION 2254.1036, WRITTEN NOTICE WAS GIVEN TO THE PUBLIC BY THE POSTING OF THIS ORDINANCE AND CHAPTER 551, GOVERNMENT CODE

***Pursuant to Texas Government Code Section 2254.1036 Government Code, the following written notice to the public is given by the City of Hempstead of the adoption of an Ordinance to approve engagement of special legal counsel as follows:***

THE CITY OF HEMPSTEAD, TEXAS, DESIRES TO ENGAGE SPECIAL LEGAL COUNSEL TO REPRESENT THE CITY IN THE MATTER RELATED TO DECLARATORY AND OTHER RELIEF IN CONNECTION WITH THE CITY'S PARTICIPATION AS A CO-PLAINTIFF IN A FEDERAL CLASS ACTION *CERTIFIED ROSES INC. V. SYMMETRY ENERGY SOLUTIONS LLC, NO. 2:21-CV-00133*, FILED IN UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS, MARSHALL DIVISION, BY A UNIQUE GROUP OF PARTIES, LOCATED IN MULTIPLE STATES, CHALLENGING THE VALIDITY AND AMOUNT OF FEES AND CHARGES UNDER CONTRACTS WITH SYMMETRY ENERGY SOLUTIONS TO PROVIDE NATURAL GAS IN FEBRUARY 2021 (THE "LITIGATION"). THE CITY IS A MEMBER OF POTENTIAL PARTIES OF SUCH CLASS ACTION FOR FEES AND CHARGES FOR NATURAL GAS RECEIVED FROM SYMMETRY ENERGY SOLUTIONS FOR FEBRUARY 2021

THE LEGAL SERVICES REQUIRED TO REPRESENT THE CITY REQUIRES SPECIALIZED EXPERIENCE IN ENERGY AND CLASS ACTION LITIGATION AND

THEREFORE CANNOT BE ADEQUATELY PERFORMED BY THE ATTORNEYS AND SUPPORTING PERSONNEL OF THE CITY. THE ENGAGEMENT OF SPECIAL LEGAL COUNSEL CONSTITUTES A UNIQUE CIRCUMSTANCE AND IS AUTHORIZED BY THE CONSTITUTION AND LAWS OF THE STATE OF TEXAS.

THE PROPOSED SPECIAL LITIGATION COUNSEL, THE POTTS LAW FIRM, LLP (THE "FIRM") IS A LAW FIRM THAT INCLUDES A NATIONAL COMPLEX LITIGATION PRACTICE AND HAS THE NECESSARY COMPETENCE, QUALIFICATION AND EXPERIENCE TO SERVE AS SPECIAL COMPLEX LITIGATION COUNSEL FOR AN CLASS ACTION ENERGY CONTRACTUAL DISPUTE ON BEHALF OF THE CITY.

THE ENGAGEMENT OF THE FIRM IS IN THE BEST INTEREST OF THE CITY, SINCE THE LEGAL SERVICES REQUESTED REQUIRE SPECIALIZED EXPERIENCE IN FEDERAL CLASS ACTION ENERGY LITIGATION LAW AND THEREFORE CANNOT BE ADEQUATELY PERFORMED BY THE ATTORNEYS AND SUPPORTING PERSONNEL OF THE CITY. FURTHERMORE, SUCH LEGAL SERVICES CANNOT BE REASONABLY OBTAINED FROM ATTORNEYS IN PRIVATE PRACTICE FOR THE PAYMENT OF HOURLY FEES WITHOUT CONTINGENCY BECAUSE THE CITY WILL NOT BE OBLIGATED TO PAY ANY LEGAL FEES UNLESS THE CLASS ACTION IS SUCCESSFULLY RESOLVED BY A REDUCTION OF THE UTILITY FEES AND CHARGES AND/OR DAMAGES FOR THE FEBRUARY 2021 NATURAL GAS PROVIDED BY SYMMETRY ENERGY SOLUTIONS.

13. Consideration and action on payment of current bills.
14. Mayor's Report
  - a. Sales Tax
  - b. Code Enforcement Reporting
15. Adjourn City Council Meeting.

The City Council of the City of Hempstead reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed below authorized by Texas Government Code, Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.087 (Economic Development), and 551.086 (Certain Public Power Utilities: Competitive Matters). Council may act in Open Session on any item listed for Executive Session.

Dated this the 16<sup>th</sup> day of September, A.D., 2022.

By:

  
Barbara Haffelfinger, City Secretary

I, the undersigned authority, do hereby certify that the above Notice of a Special Meeting of the governing body of the City of Hempstead is a true and correct copy of said Notice, and

that a true and correct copy of said Notice was posted on the City Hall bulletin board and entrances to City Hall, in the City Hall of said City of Hempstead, Texas, a place convenient and readily accessible to the general public at all times, and that said Notice was posted on September 16, 2022 at 3:00 P.M. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Dated this the 16<sup>th</sup> day of September, A.D., 2022.

By:   
Barbara Haffelinger, City Secretary

## **PUBLIC PARTICIPATION BY TELEPHONE**

The City of Hempstead City Council will conduct the meeting scheduled at **6:00 P.M. on Monday the 19<sup>th</sup> day of September at the Hempstead City Hall, 1125 Austin Street, Hempstead, Texas.** The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. A recording of the telephonic meeting will be made and will be available to the public upon written request.

The toll-free dial-in number to participate in the meeting telephonically is:

**1-346-248-7799; Access Code 989-478-2100**

IF CITY COUNCIL MEMBERS ARE GOING TO APPPEAR BY VIDEO WE NEED A QUORUM PRESENT

## **NOTICE OF MEETING BY VIDEO CONFERENCE**

The City of Hempstead City Council **may** conduct the meeting scheduled at **6:00 P.M. on Monday, the 19<sup>th</sup> day of September at the Hempstead City Hall, 1125 Austin Street, Hempstead, Texas** by videoconference in addition to allowing in person attendance. A quorum of the City Council will be physically present at the Hempstead Recreation Center, 635 Business Highway 290 E, Second Floor, Hempstead. The public may participate in the City Council Meeting by using the following information:

**1-346-248-7799, Access Code 979-478-2100**