

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

BE IT REMEMBERED that on the 5th day of April, A.D., 2021 at 6:00 P.M. the City Council met in Regular Session at the City Hall in said City, there being present, to-wit:

Dave Shelburne, Mayor
Erica Gillum, Councilmember
Lonnie Garfield, Councilmember
Raul Villarreal, Councilmember

Ben Tibbs, Councilmember
Art Pertile, City Attorney
Barbara Haffelfinger, City Secretary

Others present at the meeting included Sabrina Alvarez, Rooster Smith, Kollye Kilpatrick, Cheryl Hardwick, Joe Ayala, Alan Younts, Cindy Pearce, and Annette Baker

Via Telephone:

Celina Cereceres – WhitleyPenn, Dan Hernandez – WhitleyPenn, Brooke Fuller – WhitleyPenn, Andrew Gray – Lewis Brisbois, and LinMarie Garsee.

Mayor Shelburne called the meeting to order at 6:00 P.M. and Councilmember Garfield gave the invocation.

The Pledge of Allegiance was given.

No Public Comments were given.

Celine Cereceres reviewed the Audit for the period ending 09-30-19 with Councilmembers. A Resolution was introduced by Councilmember Tibbs. The motion was seconded by Councilmember Garfield and carried the following vote, to-wit:

AYES: Councilmember Erica Gillum, Councilmember Lonnie Garfield,
Councilmember Raul Villarreal, Councilmember Ben Tibbs

NOES: None

ABSENT: Mayor Pro-Tem Katherine Ragston

**RESOLUTION
NO. 21-007**

**CITY OF HEMPSTEAD AUDIT
2018-2019**

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

A Resolution accepting the City Audit conducted by WhitleyPenn; Certified Public Accountants for fiscal year ending September 30, 2019.

PASSED AND APPROVED this the 5th day of April, A.D., 2021.

APPROVED:

/s/ Dave Shelburne, Mayor

ATTEST:

/s/ Barbara Haffelfinger, City Secretary

Councilmember Garfield made a motion to approve a contract with Spartan Utility Services LLC for a Pole Attachment Audit. The motion was seconded by Councilmember Villarreal and carried unanimously.

A Resolution was introduced by Councilmember Tibbs. The motion was seconded by Councilmember Villarreal and carried the following vote, to-wit:

AYES: Councilmember Erica Gillum, Councilmember Lonnie Garfield
Councilmember Raul Villarreal, Councilmember Ben Tibbs

NOES: None

ABSENT: Mayor Pro-Tem Katherine Ragston

**RESOLUTION
NO. 21-008**

**APPOINTMENTS TO THE
HEMPSTEAD PLANNING AND ZONING COMMISSION**

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

That Barbara Bezub and Joe Ayala be appointed to the Hempstead Planning and Zoning Commission with a term of office from April 5, 2021 through April 5, 2024.

PASSED AND APPROVED this the 5th day of April, A.D., 2021.

APPROVED:

/s/ Dave Shelburne, Mayor

ATTEST:

/s/ Barbara Haffelfinger, City Secretary

Mayor Shelburne administered the Oath of Office to Planning and Zoning Commission Board Member Joe Ayala.

Discussion was held on the 2020 CDBG Program Contract 7220034 (Planning Grant):

- a) Resolution to Designate Authorized Signatories
- b) Resolution Regarding Civil Rights
- c) Citizen Participation Plan
- d) Section 3 Policy
- e) Excessive Force Policy
- f) Section 504 Policy Against Discrimination Based on Handicap and Grievance Procedures
- g) Over 5% Limited English Proficiency Plan – 7220034
- h) Code of Conduct Policy of the City of Hempstead
- i) Proclamation of April as Fair Housing Month
- j) Fair Housing Policy

Councilmember Garfield made a motion to approve the 2020 CDBG Program Contract 7220034 (Planning Grant) Documents. The motion was seconded by Councilmember Gillum and carried the following vote, to-wit:

AYES: Councilmember Erica Gillum, Councilmember Lonnie Garfield,
Councilmember Raul Villarreal, Councilmember Ben Tibbs

NOES: None

ABSENT: Mayor Pro-Tem Katherine Ragston

**RESOLUTION
NO. 21-009**

RESOLUTION AUTHORIZING SIGNATORIES

**A RESOLUTION BY THE CITY COUNCIL OF CITY OF HEMPSTEAD
DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL
DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS
PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK
GRANT PROGRAM (TXCDBG) CONTRACT NUMBER 7220034.**

WHEREAS, the City of Hempstead has received a 2020 Texas Community Development Block Grant award to provide Planning Studies; and

WHEREAS, it is necessary to appoint persons to execute contractual documents and documents requesting funds from the Texas Department of Agriculture; and

WHEREAS, an original signed copy of the TxCDBG Depository/Authorized Signatories Designation Form (Form A202) is to be submitted with a copy of this Resolution; and

WHEREAS, the City of Hempstead acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.) the City must provide TxCDBG with the following:

- a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and
- a revised TxCDBG *Depository/Authorized Signatories Designation Form (Form A202)*.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF HEMPSTEAD, TEXAS, AS FOLLOWS:

The Mayor and City Secretary are authorized to execute contractual and environmental review documents between the Texas Department of Agriculture and the City for the 2020 Texas Community Development Block Grant Program.

The Mayor, Mayor Pro-Tem, and City Secretary are authorized to execute the *State of Texas Purchase Voucher* and *Request for Payment Form* documents required for requesting funds approved in the 2020 Texas Community Development Block Grant Program.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HEMPSTEAD, TEXAS, on April 5, 2021.

APPROVED:

/s/ Dave Shelburne, Mayor

ATTEST:

/s/ Barbara Haffelfinger, City Secretary

**RESOLUTION
NO. 21-010**

**RESOLUTION REGARDING CIVIL RIGHTS
THE CITY OF HEMPSTEAD, TEXAS**

WHEREAS, the City of Hempstead, Texas, (hereinafter referred to as “City of Hempstead”) has been awarded TxCDBG funding through a TxCDBG grant from the Texas Department of Agriculture (hereinafter referred to as “TDA”);

WHEREAS, the City of Hempstead, in accordance with Section 109 of the Title I of the Housing and Community Development Act. (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, must take actions to ensure that no person or group is

denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;

WHEREAS, the City of Hempstead, in consideration for the receipt and acceptance of federal funding for the Contract, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections;

WHEREAS, the City of Hempstead, in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 135, is required, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the TxCDBG project area;

WHEREAS, the City of Hempstead, in accordance with Section 104 (1) of the Housing and Community Development Act, as amended, and State's certification requirements at 24 CFR 91.325 (b)(6), must adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;

WHEREAS, the City of Hempstead, in accordance with Executive Order 13166, must take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;

WHEREAS, the City of Hempstead, in accordance with Section 504 of the Rehabilitation Act of 1973, does not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds.

WHEREAS, the City of Hempstead, in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, agrees to conduct at least one activity during the contact period to affirmatively further fair housing; and

WHEREAS, the City of Hempstead, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEMPSTEAD, TEXAS, THAT THE CITY OF HEMPSTEAD ADOPTS THE FOLLOWING:

1. Citizen Participation Plan and Grievance Procedures (Form A1013);
2. Section 3 Policy (Form A1002);
3. Excessive Force Policy (Form 1003);
4. Section 504 Policy and Grievance Procedures (Form A1004);
5. Limited English Proficiency (LEP) Standards (Form A1010);
6. Fair Housing Policy (Form 1015); and
7. Code of Conduct Policy.

PASSED AND APPROVED this the 5th day of April, A.D., 2021.

APPROVED:

/s/ Dave Shelburne, Mayo

ATTEST:

/s/ Barbara Haffelfinger, City Secretary

Councilmember Tibbs made a motion to approve the City of Hempstead to issue requests for proposals (RFPs) for administrative services and requests for qualifications (RFQ's) for professional services for the American Rescue Plan act of 2021.

Councilmember Villarreal made a motion to approve the amendment to the Digital Billboard Development Agreement with Clear Channel Outdoor, LLC. The motion was seconded by Councilmember Garfield and carried unanimously.

Councilmember Garfield made a motion to approve a contract with Alan Younts to provide Financial Consulting to the City of Hempstead. The motion was seconded by Councilmember Tibbs and carried unanimously.

At 6:35 P.M. Council convened into Executive Session pursuant to Texas Government Code, Section 551.076 Certain Public Power Utilities: Competitive Matters regarding natural gas and electricity; Section 551.071 Consultation with Attorney; Section 551.087 Economic Deliberations.

At 7:23 P.M. Council reconvened into Regular Session. No action was taken in the Executive Session.

There being no further business, Councilmember Garfield made a motion to adjourn the meeting at 7:24 P.M. The motion was seconded by Councilmember Gillum and carried unanimously.

PASSED AND APPROVED this the 19th day of April, A.D., 2021.

APPROVED:

/s/ Dave Shelburne, Mayor

ATTEST:

/s/ Barbara Haffelfinger, City Secretary