

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

**BE IT REMEMBERED** that on the 21<sup>st</sup> day of December, A.D., 2015 at 6:00 P.M. the City Council met in Regular Session at the City Hall in said City, there being present, to-wit:

Michael S. Wolfe, Sr., Mayor  
Patricia Chernosky, Mayor Pro-Tem  
Katherine Ragston, Councilmember  
Lonnie Garfield, Councilmember

Charles Tompkins, Jr., Councilmember  
Ben Tibbs, Councilmember  
Art Pertile, City Attorney  
Barbara Haffelfinger, City Secretary

Others present at the meeting included Sabrina Alvarez, Rooster Smith, David Hartley, Kollye Kilpatrick, Mary Ann Drawl, Francis Rodzen, Kelvin Neal, Cissy Neal, Amos Williams, George Smith, and Paris Kincade.

Mayor Wolfe called the meeting to order at 6:05 P.M. and Mayor Pro-Tem Chernosky gave the invocation.

The Pledge of Allegiance was given.

No Public Comments were made.

Councilmember Ragston made a motion to approve the minutes of the November 16, 2015; November 30, 2015; and December 7, 2015 meetings. The motion was seconded by Councilmember Tompkins and carried unanimously.

Mayor Wolfe opened a Public Hearing at 6:08 P.M. on a Zoning Map Amendment Request to officially adopt the zoning district on newly annexed property:

- 1) Hempstead Columbus Club, 5.0 Acres, Isaac Donoho Survey, Abstract A-121, Tract 27-1.
- 2) Elizabeth A. Brumley, West 5.0 Acres, Isaac Donoho Survey, Abstract A-121, Tract 27-2.
- 3) Julian & Christine Kuciemba, 46.18 Acres, Isaac Donoho Survey, Abstract A-121, Tract 27.
- 4) Willie R. Tompkins Estate, 40.0 Acres, Isaac Donoho Survey, Abstract A-121, Tract 29.
- 5) Larry Jacobs, 5.13 Acres, Justo Liendo Survey, Abstract A-41, Tract 11.

to be zoned as HC - Highway Commercial District. Attorney Pertile advised Council that the Planning and Zoning Commission has recommended that Council zone the area as HC - Highway Commercial District. There being no further comments, Mayor Wolfe adjourned the public hearing at 6:09 P.M.

An Ordinance was introduced by Councilmember Tibbs. The motion was seconded by Councilmember Ragston and carried the following vote, to-wit:

AYES: Mayor Pro-Tem Patricia Chernosky, Councilmember Katherine Ragston, Councilmember Lonnie Garfield, Councilmember Charles Tompkins, Councilmember Ben Tibbs

NOES: None

ABSENT: None

**ORDINANCE  
NO. 15-115**

**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 5.0 ACRES, ISAAC DONOHO SURVEY, ABSTRACT A-121, TRACT 27-1; WEST 5.0 ACRES, ISAAC DONOHO SURVEY, ABSTRACT A-121, TRACT 27-2; 46.18 ACRES, ISAAC DONOHO SURVEY, ABSTRACT A-121, TRACT 27; 40.0 ACRES, ISAAC DONOHO SURVEY, ABSTRACT A-121, TRACT 29; 5.13 ACRES, JUSTO LIENDO SURVEY, ABSTRACT A-41, TRACT 11, IN 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.**

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

**WHEREAS**, the Planning and Zoning Commission has conducted a Public Hearing on December 7, 2015 at 5:30 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 December 21, 2015, at 6:00 P.M. in the time and manner required by law and the Zoning Ordinance of the City.

**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 hereinafter described as:

- 1) 5.0 Acres, Isaac Donoho Survey, Abstract A-121, Tract 27-1
- 2) West 5.0 Acres, Isaac Donoho Survey, Abstract A-121, Tract 27-2
- 3) 46.18 Acres, Isaac Donoho Survey, Abstract A-121, Tract 27
- 4) 40.0 Acres, Isaac Donoho Survey, Abstract A-121, Tract 29
- 5) 5.13 Acres, Justo Liendo Survey, Abstract A-41, Tract 11

in Waller County, Texas 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 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 21<sup>st</sup> day of December, A.D., 2015.

**APPROVED:**

**/s/ Michael S. Wolfe, Sr., Mayor**

**ATTEST:**

**/s/ Barbara Haffelfinger, City Secretary**

Discussion was held on the Ordinance to amend Section 2.19 "Keeping Livestock Within City Limits" of Chapter 2 "Animal Control". Council was unanimous in leaving large livestock such as horses, cows, and swine as regulated in the October 19, 2015 Ordinance No. 15-114. It was also noted that the proposed Ordinance would need to be corrected to leave out No. 3 - Distance from Neighbor because the distance was too restrictive for almost the entire City. An Ordinance was introduced by Councilmember Tibbs, as amended. The motion was seconded by Councilmember Tompkins and carried the following vote, to-wit:

AYES: Mayor Pro-Tem Patricia Chernosky, Councilmember Katherine Ragston, Councilmember Lonnie Garfield, Councilmember Charles Tompkins, Councilmember Ben Tibbs

NOES: None

ABSENT: None

**ORDINANCE  
NO. 15-116**

**AN ORDINANCE OF THE CITY OF HEMPSTEAD, TEXAS, PROVIDING THAT THE CODE OF ORDINANCES BE AMENDED BY AMENDING SECTION 2.19 "KEEPING LIVESTOCK WITHIN CITY LIMITS" OF CHAPTER 2 "ANIMAL CONTROL" TO REGULATE THE KEEPING OF FOWL WITHIN THE CITY LIMITS; PROVIDING FOR A PENALTY IN AN AMOUNT UP TO \$2,000 A DAY AND CIVIL PENALTIES**

**UP TO \$1,000 A DAY FOR A VIOLATION; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE.**

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

**Section 1.** That section 2.19 “Keeping Livestock within City limits” of Chapter 2 “Animal Control” of the Code of Ordinances of the City of Hempstead, Texas, is amended to read as follows:

~~DELETIONS~~ ADDITIONS

**Section 2.19            Keeping Livestock and Fowl Within the City Limits**

**~~B.    Keeping of Livestock and Fowl Prohibited~~**

~~No person or other entity shall raise, keep, breed or maintain any livestock and/or fowl within the City of Hempstead.~~

**B.    Keeping of Livestock and Fowl.**

No person or other entity shall raise, keep, breed or maintain any livestock within the City of Hempstead. No person or other entity shall raise, keep, breed or maintain any fowl within the City of Hempstead without first having complied with this section.

**(1) Restricted to Personal Noncommercial Use.** No person or other entity shall raise, keep, breed or maintain any fowl on a tract of land within the city except for personal non-commercial use.

**(2) Number of Fowl and Containment.** The number of fowl that will be permitted on a tract of land within the City is ten (10) chickens or other fowl. All chickens and other fowl shall be

maintained in closed pens and shall not be allowed to wander about the premises.

**Section 3.** That a violation of this ordinance shall be a Class C misdemeanor and may be fined up to \$2,000 for each day of violation as each day a violation exists is a separate offense or the city may bring a civil action for the enforcement of this article as provided by the Local Government Code, Chapter 54, Subchapter B, and seek a civil penalty not to exceed one thousand dollars \$1,000 per day or both.

**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 this ordinance shall take effect January 1, 2016.

**PASSED AND APPROVED** this the 21<sup>st</sup> day of December, A.D., 2015.

**APPROVED:**

**/s/ Michael S. Wolfe, Sr., Mayor**

**ATTEST:**

**/s/ Barbara Haffelfinger, City Secretary**

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

AYES: Mayor Pro-Tem Patricia Chernosky, Councilmember Katherine Ragston, Councilmember Lonnie Garfield, Councilmember Charles Tompkins, Councilmember Ben Tibbs

NOES: None

ABSENT: None

**RESOLUTION  
NO. 15-034**

**APPROVING THE CITY OF HEMPSTEAD'S  
2016 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  
2016 City Holidays:

Friday	January 1	News Years Day
Monday	January 18	M. L. King, Jr. Day
Friday	March 25	Good Friday
Monday	May 30	Memorial Day
Monday	June 20	Juneteenth
Monday	July 4	Independence Day
Monday	September 5	Labor Day
Friday	November 11	Veterans Day
Thursday	November 24	Thanksgiving Day
Friday	November 25	Additional Thanksgiving Day
Friday	December 23	Christmas Eve
Monday	December 26	Christmas Day

**PASSED AND APPROVED** this the 21<sup>st</sup> day of December, A.D., 2015.

**APPROVED:**

/s/ Michael S. Wolfe, Sr., Mayor

**ATTEST:**

/s/ Barbara Haffelfinger, City Secretary

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

AYES: Mayor Pro-Tem Patricia Chernosky, Councilmember Katherine Ragston, Councilmember Lonnie Garfield, Councilmember Charles Tompkins, Councilmember Ben Tibbs

NOES: None

ABSENT: None

**RESOLUTION  
NO. 15-035**

**AUTHORIZATION FOR STREET CONSTRUCTION  
25TH STREET AND GROCE STREET TO  
25TH STREET AND LAFAYETTE STREET**

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

That Council hereby authorizes the construction of the following Streets:

1. 25th Street and Groce Street to 25th and Lafayette Street.

**PASSED AND APPROVED** this the 21<sup>st</sup> day of December, A.D., 2015.

**APPROVED:**

**/s/ Michael S. Wolfe, Sr., Mayor**

**ATTEST:**

**/s/ Barbara Haffelfinger, City Secretary**

Councilmember Garfield made a motion to accept the Planning and Zoning Commission Annual Report for September 1, 2014 through August 30, 2015. The motion was seconded by Councilmember Tompkins and carried unanimously.

Discussion was held on Change Order No. 2 to extend the Siemens Contract for installation of meters. After discussion, Councilmember Tibbs made a motion that Mayor Wolfe submit a letter to Siemens to only allow an extension until the January 19, 2016 City Council Meeting at which time Siemens must present a status update along with what is needed to complete the project. The motion was seconded by Mayor Pro-Tem Chernosky and carried unanimously.

Councilmember Garfield made a motion to approve the Hotline Press invoice. The motion was seconded by Councilmember Ragston and carried the following vote, to-wit:

AYES: Councilmember Katherine Ragston, Councilmember Lonnie Garfield, Councilmember Charles Tompkins, Councilmember Ben Tibbs

NOES: None

ABSENT: None

ABSTAIN: Mayor Pro-Tem Patricia Chernosky

**AFFIDAVIT TO ABSTAIN  
HEMPSTEAD CITY COUNCIL**

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

**I, PATRICIA CHERNOSKY**, 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 Hotline Press

I, Patricia Chernosky, 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 21<sup>st</sup> day of December, 2015.

/s/ Patricia Chernosky  
Signature of Public Official

Councilmember  
Title

**THE STATE OF TEXAS  
COUNTY OF WALLER**

**BEFORE ME**, the undersigned authority, on this the 21<sup>st</sup> day of December, 2015, personally appeared Patricia Chernosky, Councilmember, and by oath stated that the facts hereinabove stated are true and correct to the best of her knowledge.

/s/ Barbara Haffelfinger  
Notary Public in and for the State of Texas

My commission expires: 09-13-17

Councilmember Tompkins made a motion to approve payment of the current bills. The motion was seconded by Councilmember Tibbs and carried unanimously.

Under the Mayor's Report, Mayor Wolfe updated Council on:

A. Sales Tax - Positive for the month of December 2015 at 15.34%.

At 6:46 P.M. Council adjourned into Executive Session pursuant to the provisions of Chapter 551, Texas Government Code, in accordance with the authority contained in Section 551.072 (Deliberations about Real Property) regarding Repka's Hardware, 719 12th Street.

At 7:25 P.M. Council reconvened into open session. No action was taken during Executive Session.

There being no further business, Mayor Pro-Tem Chernosky made a motion to adjourn the meeting at 7:26 P.M. The motion was seconded by Councilmember Garfield and carried unanimously.

**PASSED AND APPROVED** this the 19<sup>th</sup> day of January, A.D., 2016.

**APPROVED:**

/s/ Michael S. Wolfe, Sr., Mayor

**ATTEST:**

/s/ Barbara Haffelfinger, City Secretary