

**MINUTES OF THE
HENDERSON CITY COUNCIL
REGULAR COUNCIL MEETING**

October 19, 2021

The City Council met on this date at 6:00 P.M. with Mayor John (Buzz) Fullen presiding. Council Members present included Tommy Goode, Michael Searcy, Henry Pace, Melissa Morton and Steve Higginbotham.

INVOCATION AND PLEDGE OF ALLEGIANCE: Council Member Henry Pace gave the Invocation and Mayor Fullen led the Pledges.

Staff members that joined the Council Meeting were City Manager Jay Abercrombie, City Secretary Cheryl Jimerson, Police Chief Chad Taylor, Fire Chief Rusty Chote, Deputy Fire Chief Sonny Ybarra, Director of Public Services Davis Brown, Director of Finance Karen Arnall, Parks and Recreational Director Kirk Kimbrell, Community Development Manager Billy Hughes, Communications and Marketing Coordinator Phedra Johnson, Leadership and HR Specialist Hilary Faulkner, Director of Utilities Randy Boyd, HEDCO Director John Clary, Director of Animal Center Charissa Pool and Animal Center Employees.

CITIZENS' COMMENTS:

Ben Campbell resides at 1102 Timberline Drive would like the city to re-address the Dangerous dog law, deeming the Pit Bull breed as dangerous.

PRESENTATIONS/ANNOUNCEMENTS:

Mayor Buzz Fullen issued a Proclamation declaring October as Domestic Awareness Month to the Women's Center of East Texas.

Mayor Buzz Fullen presented a plaque and thanked Mrs. Era Thompson for 11 years of service on the Board of Adjustments.

Fire Chief Rusty Chote announced and congratulated Deputy Fire Chief Sonny Ybarra on completing the Texas Fire Chief's Academy.

CONSENT AGENDA

1. Consideration and possible action upon minutes of: **(Jimerson)**
 - August 9, 2021 – Special Council Meeting
 - August 17, 2021 – Regular Scheduled Council Meeting
 - September 7, 2021 – Special Council Meeting
 - September 14, 2021 – Regular Rescheduled Council Meeting
2. Consideration and possible action upon HEDCO Financials August 2021. **(Clary)**
3. Consideration and possible action upon street closure for Safety Fun Night October 30th. **(Chote/Taylor)**
4. Consideration and possible action upon street closure for Calvary Church Hallelujah Fest from 3p.m. to 8 p.m. On October 30th; closing part of Webster between N. Marshall and N. High Streets.
5. Consideration and possible action upon street closure for Syrup Festival November 13th.

Council Member Tommy Goode made a motion to approve the consent agenda; duly seconded by Council Member Henry Pace; vote was unanimous.

COUNCIL BUSINESS – REGULAR SESSION:

6. Consideration and possible action upon an agreement between the City of Henderson Police Department and Mt. Enterprise. **(Taylor)**

Police Chief Chad Taylor made a recommendation approving an agreement for the City of Henderson to provide Mt. Enterprise with an extra Police Officer for traffic enforcement and participating in future criminal interdiction affecting our area.

Council Member Tommy Goode made a motion to approve the agreement with Mt. Enterprise; duly seconded by Council Member Michael Searcy. Vote was unanimous.
7. Consideration and possible action upon an agreement between the City of Henderson Police Department and Kilgore. **(Taylor)**

Police Chief Chad Taylor made a recommendation to create a combined SWAT team to be utilized between both cities. The combined team will be better equipped due to both cities current inventory. Both departments believe that their perspective cities will be better served with a combined SWAT team.

Council Member Tommy Goode made a motion to approve the agreement with Mt. Enterprise; duly seconded by Council Member Michael Searcy. Vote was unanimous.
8. Consideration and possible action upon Resolution updating Rusk County Multi-Jurisdictional Hazard Mitigation Plan. **(Abercrombie)**

City Manager Jay Abercrombie made a recommendation Council approve the Resolution updating the Rusk County Multi-Jurisdictional Hazard Mitigation Plan. The Disaster Mitigation Act of 2000 requires state and local governments to develop and submit for approval a mitigation plan outlining processes that identify natural hazards, risks, and vulnerabilities. This plan must be approved and adopted for jurisdictions within the County to be eligible for pre- and post-disaster federal mitigation grant funding.

Council Member Melissa Morton made a motion to approve Resolution 2021-10-08 Hazard Mitigation Plan; duly seconded by Council Member Michael Searcy. Vote was unanimous.
9. Consideration and possible action upon Resolution 2021-10-05 for Opioid settlement. **(Abercrombie)**

City Manager Jay Abercrombie explained; Texas, along with many other states created a broad coalition and reached a final agreement with four companies to resolve legal claims for their role in the opioid crisis. One agreement is with opioid manufacturer Johnson and Johnson. The other is with three major pharmaceutical distributors: AmerisourceBergen, Cardinal Health, and McKesson.

Each State will receive an allotment that was agreed upon by each state's Attorneys General. The total settlement is in the amount of 26 billion in payments over the next 18 years. Each City within the State of Texas is eligible to receive an allotment of this money to be used to support of a wide variety of strategies to fight the opioid crisis.

To be eligible for the City of Henderson's allotment, the City must adopt this Resolution and sign and return a Settlement

Participation Form. By participating in this settlement agreement, the City of Henderson relinquishes any future right to file claims against these companies for the opioid crisis.

Council Member Tommy Goode made a motion to approve Opioid settlement Resolution 2021-10-05; duly seconded by Council Member Michael Searcy. Vote was unanimous.

10. Consideration and possible action upon Ordinance 2021-10-01 Providing exclusivity of dumpsters with the company under contract with the City of Henderson. **(Abercrombie)**
There were three citizens that submitted public participation forms to speak on this item. Participants were Wes Breitenberg, Rodney Wooten, and Brant Bain. Discussions were about the definition of dumpsters. They would like to see the definition NOT include roll off containers.
City Manager Jay Abercrombie stated this is the first reading of this ordinance and it can be updated if needed before the second reading. City Attorney Joe Shumate agreed. Council Member Michael Searcy stated he was concerned that Republic could not keep up with the demand of roll off containers needed.
Michael Searcy made a motion to table the first reading of Ordinance 2021-10-01 Providing Exclusive Rights for Dumpsters; duly seconded by Melissa Morton, vote was unanimous.
11. Consideration and possible action upon Resolution 2021-10-06 on budget amendment #2 for the 2020-2021 budget. **(Arnall)**
Finance Director Karen Arnall recommended Council approve Budget Amendment #2 Resolution 2021-10-06 addressing needed changes to the 2020-2021 budget affecting the General Fund. Purchase of a new Fire Truck, Police Department DEA task force overtime reimbursement, grant funds received for capital purchases of K9 equipment, tactical equipment, and communications repeater. Funds were also received from the American Rescue Plan.
Melissa Morton made a motion approving budget amendment #2; duly seconded by Michael Searcy, vote was unanimous.
12. Consideration and possible action upon City of Henderson's Investment policy. **(Arnall)**
Finance Director Karen Arnall recommended Council approve the City of Henderson's Investment Policy for fiscal year 2021-2022. This is required annually by the Texas Government Code.
Michael Searcy made a motion to approve the Investment Policy Resolution 2021-10-07; duly seconded by Henry Pace, vote was unanimous.
13. Consideration and possible action appointing Place 3 an unexpired term and two new members to the HEDCO Board for Place 5 and 6; this will complete the (7) seven-member Board. **(Clary)**
HEDCO Director John Clary recommended Council approve a reappointment and two new appointments for a seven-member Board. Place 3 HEDCO board position is open due to the resignation of Ben Welch, and two other positions (5 & 6) are open due to the bylaws change moving our board from 5-members to 7-members. Therefore, the council needs to appoint three people to the HEDCO board.
The Council will be filling Place 3 which expires in 2023, and Places 5 & 6 which expire in 2024. While it is up to Council to make any appointment they wish, we understand the Council may wish to appoint Brian Ballard in Place 3, Dylan Culp in Place 5 and Michael Bell in Place 6, all of whom have made application through the city to serve on the HEDCO Board.
Steve Higginbotham made a motion to approve all the HEDCO Board places as stated above; duly seconded by Michael Searcy, vote was unanimous.
14. Consideration and possible action appointing Board of Adjustments Members.
Community Development Manager Billy Hughes recommended Council approve the re-appointment of 2 Board of Adjustments (BOA) members and the appointment of 1 new member.
The interview committee (Mayor, Mayor Pro tem, City Manager and Department Manager) met on October 14 interviewing 3 applicants for the BOA.
The Board of Adjustments has three members whose terms expire September 1, 2021. Those members are Cecilia Koch who has been on the board since 2003; Era Thompson who has been on the board since 2010; and Reggie Weatherton who has served on the board since 2019. These members have been contacted with Cecilia Koch and Reggie Weatherton having a desire to continue their service on the board. The new Board Member recommendation by the application Committee was Alan Stanley.
Michael Searcy made a motion to approve all the Board of Adjustments members with the reappointment of Cecilia Koch, Reggie Weatherton and new appointment of Alan Stanley; duly seconded by Henry Pace, vote was unanimous.

DEPARTMENTAL REPORTS

1. The City Council may deliberate and make inquiry into any item listed in the Departmental Reports.
 - A. City Manager
 - B. Fire Department
 - C. Police Department
 - D. Animal Center
 - E. Community Development
 - F. Public Services Department
 - G. Parks and Recreation Department Council Member Steve Higginbotham thanked Kirk Kimbrell for placing the swing set at Montgomery Park.
 - H. Public Utilities
 - I. Finance Department
 - J. City Secretary
 - K. Communications and Marketing
 - L. HEDCO

BOARDS AND COMMISSIONS:

- Board of Adjustments Minutes of August 10, 2021
- Planning and Zoning Minutes of July 13
- Cemetery Board Meeting Minutes from May 19
- Main Street Minutes from July 27 cancelled no quorum
- Preservation Minutes from August 2

EXECUTIVE SESSION:

2. Executive Session to Consult with City Attorney discussing litigations, real property located on W. Fordall in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 072.
Mayor Fullen convened to executive session at 7:02 p.m.

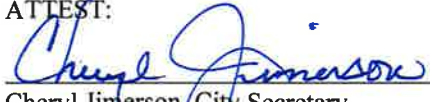
REGULAR SESSION:

3. Mayor Fullen Reconvene into Regular Session at 7:58 p.m. stating there is action to take from executive session.
Council Member Michael Searcy made a motion approving Resolution 2021-10-09 authorizing the City Manager to purchase the property known as the Jack Gray Estate located between W. Fordall and N. Evenside streets, Consisting of 121.720 acres; duly seconded by Council Member Steve Higginbotham, vote was unanimous.

ADJOURNMENT:

4. Adjourn.
There being no further business to come before Council at this time, upon a motion by Council Member Melissa Morton, duly seconded by Council Member Michael Searcy; with a unanimous vote of the Council, the meeting was adjourned at 7:59 p.m.

ATTEST:


Cheryl Jimerson, City Secretary

APPROVED:


John (Buzz) Fullen, Mayor