

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

November 16, 2021

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

INVOCATION AND PLEDGE OF ALLEGIANCE: Bar None Cowboy Church Pastor Jason Taylor 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, 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 Hillary Faulkner, HEDCO Director John Clary, and Director of Animal Center Charissa Pool.

CITIZENS' COMMENTS:

There were none.

PRESENTATIONS/ANNOUNCEMENTS:

Canvass of Municipal Election by City Secretary Cheryl Jimerson: Council Member District One David Chenault 65 votes, Wes Breitenberg 106 votes.

Measure: A vote to dissolve the Henderson Economic Development Corporation Type A structure and replace it with the Henderson Economic Development Corporation Type B structure with no change in the current tax rate, pursuant to Texas Local Government Code § 505.257. Votes FOR 515 and AGAINST 126.

On November 12, 2021 Council Members for District One Wes Breitenberg, District Four Melissa Morton and District Five Steve Higginbotham were officially sworn in.

City Secretary Cheryl Jimerson asked newly elected Council Member Wes Breitenberg to take his seat at Council Member District One place.

Mayor Fullen honored previous District One Council Member Tommy Goode with a plaque and a special send off.

Appointment of Council Member Henry Pace as Mayor Pro tem.

Sparklight Fiber Optic Internet Presentation made by Matt DeMuro; broadband service for residential and business customers.

CONSENT AGENDA

1. Consideration and possible action upon minutes of: **(Jimerson)**
 - October 19, 2021 – Regular Council Meeting
2. Consideration and possible action upon HEDCO Financials September 2021. **(Clary)**
3. Consideration and possible action upon street closure for Christmas Parade December 2, 2021. **(Chote/Taylor)**
4. Consideration and possible action upon a contract with MPA Fireworks for the July 4th Fireworks display for 2022. **(Chote)**

Council Member Melissa Morton made a motion to approve the consent agenda; duly seconded by Council Member Michael Searcy; vote was unanimous.

COUNCIL BUSINESS – REGULAR SESSION:

5. Consideration and possible action upon an agreement between the City of Henderson and Jacobs Water Supply. This agreement will allow the City of Henderson to provide utility services to the new East Texas Regional Business Park located off Loop 571 between HWY 323 and FM 2276. **(Abercrombie/Boyd)**

Staff recommends council approval of an agreement with Jacob's Water Supply. City Manager Jay Abercrombie stated the Henderson Economic Development Corporation has purchased land and is designing the new business park (East Texas Business Park). Most of this area is in the CCN (Certificates of Necessity) of Jacobs Water Supply Corporation. Jacobs Water Supply is not in the position to provide the necessary volume needed for fire protection and possible consumption of the business park.

Council Member Michael Searcy made a motion to approve Resolution 2021-11-10 providing public utility services to East Texas Business Park; duly seconded by Council Member Henry Pace. Vote was unanimous.
6. Consideration and possible action to furnish Engineering Services for the Street Contract. **(Brown/Holland)**

Staff recommends council approval of an engineering service agreement with Stokes and Associates on the 2022 Street Improvement contract.

Council Member Melissa Morton made a motion to approve an agreement with Stokes and Associates on the 2022 Street Contract; duly seconded by Council Member Michael Searcy. Vote was unanimous.
7. Consideration and possible action to furnish Engineering Services for the pedestrian bridge located at the Sports Complex on HWY 259. **(Brown/Holland)**

Staff recommends council approval of an engineering contract with Stokes and Associates on the pedestrian bridge at the Sports Complex. The current wooden pedestrian bridge located at the sports complex is past its life expectancy and is in need of a complete replacement.

Council Member Michael Searcy made a motion to approve an engineering contract with Stokes and Associates on the pedestrian bridge at the Sports Complex; duly seconded by Council Member Henry Pace. Vote was unanimous.
8. First reading upon Ordinance 2021-11-01 making Martin Luther King Drive the official name of what was known as Webster Drive. **(Abercrombie)**

City Manager Jay Abercrombie explained; to follow the City Charter Section 8 discussion and readings of ordinances there is no action on ordinances until after the second reading of an ordinance has been in a public meeting. At a Council Meeting held December 8, 2020 the second reading and adoption of ordinance 2020-11-49 was approved and adopted making Webster Drive

a secondary street name with Martin Luther King Jr. (MLK) Drive the primary name. Council agreed to reevaluate permanently changing the name of Webster Drive to Martin Luther King Drive after one year. There has been an application submitted and waiting for the official plaque from the Texas Historical Commission for a marker acknowledging and honoring Webster Flanagan to be strategically placed in Henderson Texas.

There were no comments from Council or citizens on this the first reading of ordinance 2021-11-01 changing street name from Webster to MLK Drive.

9. First reading upon Ordinance 2021-10-01 Providing exclusivity of dumpsters with the company under contract with the City of Henderson. **(Abercrombie)**
City Manager Jay Abercrombie stated that “dumpsters” need to be replaced with “detached containers”, so the verbiage is the same as the solid waste collections contract. City Attorney Joe Shumate agreed and will make the changes before the second reading of the ordinance at the December meeting.
10. Consideration and possible action upon Resolution 2021-11-11 nominating Board Members to serve Rusk County Appraisal District (RCAD) Board of Directors for the 2021-2022 term. **(Abercrombie)**
City manager Jay Abercrombie turned this item over to City Secretary Cheryl Jimerson. She stated each year the City receives a ballot from RCAD with a list of nominees and how many votes the city is entitled to use, this year the city has 283 votes. Recommendation by Mayor was to use 141 votes designed to Nesha Partin and the other 142 votes to Drew Butler. Council Member Melissa Morton agreed to the recommendation with confirmation both Nesha Partin and Drew Butler both resides in the city limits of Henderson; duly seconded by Council Member Michael Searcy. Vote was unanimous.
11. Consideration and possible action upon Resolution 2021-11-12 approval for Code of Ethics and Conduct for Elected and Appointed Officials. **(Abercrombie)**
City Manager Jay Abercrombie recommended council approve the Code of Ethics Resolution. He stated in reviewing our orientation process for newly elected officials, we discovered there were no written or adopted policies and procedures for our Elected and Appointed Officials. These policies are imperative to the City’s success as they will help govern and protect officials and staff from improper activities. This policy will not only be for Mayor and Council but will also be for those that Council appoints to serve on all other Boards, Committees and Commissions.
Council Member Melissa Morton made a motion to approve Resolution 2021-11-12; duly seconded by Henry Pace, vote was unanimous.

DEPARTMENTAL REPORTS

12. 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
- H. Public Utilities
- I. Finance Department
- J. City Secretary
- K. Communications and Marketing
- L. HEDCO

BOARDS AND COMMISSIONS:

- Board of Adjustments Minutes of November 9, 2021
- Planning and Zoning no meeting since July 13, 2021
- Cemetery Board Meeting no meeting since May 19, 2021
- Main Street Minutes from October 26, 2021 cancelled no quorum
- Preservation Minutes no meeting since September 7, 2021

EXECUTIVE SESSION:

13. Executive Session to Consult with City Attorney discussing, real property located at 300 W. Main, 113 E. Main, 622 N. Mill, and 608 S. Van Buren in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 072.
Mayor Fullen convened to executive session at 7:03 p.m.

REGULAR SESSION:

14. Mayor Fullen Reconvened into Regular Session at 8:03 p.m. asking Council to act on items from executive session.
Council Member Michael Searcy made a motion authorizing the City Manager Jay Abercrombie to execute the sale of 622 N. Mill Street property; duly seconded by Council Member Henry Pace. Vote was unanimous.
Council Member Michael Searcy made a motion Authorizing the City Manager Jay Abercrombie to execute the donation of 608 S. Van Buren lot consisting of 2.5 acres to Rusk County Emergency Services District #1; duly seconded by Council Member Melissa Morton. Vote was unanimous.

ADJOURNMENT:

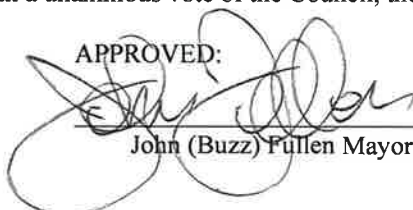
15. Adjourn.

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 Henry Pace; with a unanimous vote of the Council, the meeting was adjourned at 8:04 p.m.

ATTEST:


Cheryl Jimerson, City Secretary

APPROVED:


John (Buzz) Fullen Mayor