MINUTES OF THE
HENDERSON CITY COUNCIL
REGULAR SCHEDULED MEETING

October 18, 2022

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, and Melissa Morton. Gina Juarez was not able to attend.

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

Staff Members present for the meeting were City Manager Jay Abercrombie, City Secretary Cheryl Jimerson, City Attorney Joe Shumate, Deputy Chief of Police Randall Hudman, Fire Chief Rusty Chote, Director of Operations Davis Brown, Director of Utilities Randy Boyd, Director of Public Services Kirk Kimbrell, Animal Center Director Charissa Pool, Finance Director Karen Arnall, Community Development Manager Cliff McElfresh, Zoning Coordinator Billy Hughes, Executive Leadership Assistant/HR Specialist Hillary Faulkner, Communications and Marketing Coordinator Phedra Johnson, HEDCO Director John Clary, Police Officer Brian Graham, and Tourism/Main Street Coordinator Kaitlin Smith.

CITIZEN COMMENTS:
There were none.

PRESENTATIONS/ANNOUNCEMENTS:
Don Gage (Volunteer Coordinator for the Syrup Festival) asked Council Members to join the volunteer program to greet and direct visitors in the Information Station at the Festival; Kaitlin Smith answered questions from Council about the event and vendors that have signed up to be there.

CONSENT AGENDA:

1. Consideration and possible action upon minutes of: **(Jimerson)**
   September 13, 2022 – Regular Rescheduled Council Meeting

2. Consideration and possible action upon HEDCO financials of August 2022. **(Clary)**

3. Consideration and possible action upon street closure for Safety Fun Night October 31st. **(Chote/Taylor)**

4. Consideration and possible action upon street closure for Calvary Church Hallelujah Fest from 4 p.m. to 9 p.m. October 31st; closing part of Webster between N. Marshall and N. High Streets. **(Chote/Taylor)**

5. Consideration and possible action upon street closure for Syrup Festival November 12th. **(Chote/Taylor)**

6. Consideration and possible action upon route for Ebenezer Baptist Church 10K, 5K, and 1K Resurrection run/walk scheduled for April 1, 2023, starting at 7 a.m. **(Chote/Taylor)**

   Council Member Wes Breitenberg made a motion to approve the consent agenda, duly seconded by Council Member Henry Pace. Vote was unanimous.

REGULAR SESSION:

7. Consideration and possible action upon Pay Request No.1 (final) payment to Reneau Roofing & Sheet Metal, INC and set warrantee date for workmanship of five years on the Central Fire Station Roof repair of $98,500. **(Holland/Chote)**
   Fire Chief Rusty Chote recommended Council approve the payment to Reneau Roofing and setting a workmanship warrantee date on the new roof.
   Council Member Melissa Morton made a motion to make the final payment and set a 5-year warrantee date effective immediately; duly seconded by Council Member Michael Searcy. Vote was unanimous.

8. Consideration and possible action upon Pay Request No. 3 to Rayford Truck and Tractor on the 2022 Master Street Improvements Program of $197, 108.85. **(Holland/Brown)**

City Manager Jay Abercrombie asked this item to be dropped from the agenda, Council approved payments on the street program when they awarded the bid.
Mayor Fullen dropped this item from the agenda.

9. Consideration and possible action upon authorizing the City Manager to enter into a lease agreement with Sparklight for a 75'x75' parcel located in Fairpark. The parcel will house the hub/substation to provide small businesses and residential internet service throughout the city. **(Abercrombie)**
City Manager Jay Abercrombie introduced Matthew Superior with Sparklight. Residents, business owners and visitors have asked for other options for internet service. They have also asked for faster and more reliable service using fiber. This need was magnified during the pandemic showing the need for connectivity for remote working and learning. Sparklight was the first company to come to Henderson wanting to connect EVERY address in the city limits of Henderson to fiber.
Sparklight needs a HUB building location. After searching and visiting many other locations, it was decided that the Fair Park location would be perfect for their need.
This lease of a small parcel between the current cell towers will not change the look of the park and is not a parcel that the City would ever develop. The City would also receive annual revenue for the lease just as it does for both of the cell towers in this location.
Council Member Melissa Morton made a motion authorizing the City Manager to enter into a lease agreement with Sparklight, duly seconded by Council Member Michael Searcy. Vote was unanimous.

10. Consideration and possible action upon Resolution 2022-10-01 on budget amendment #1 for the 2021-2022 budget. **(Arnall)** *(Correction budget amendment #2)*
Finance Director Karen Arnall went over the reason for this budget amendment; purchase of land, a one time salary adjustment, there were 27 paydays for the 2022 calendar year instead of the normal 26, remodel of new City Hall, gasoline price increase, and other unexpected projects shown on attachment 'A' of the resolution.
Council Member Michael Searcy made a motion approving budget amendment #2, duly seconded by Council Member Henry Pace. Vote was unanimous.

11. Consideration and possible action upon City of Henderson's Investment Policy. **(Arnall)**
Finance Director Karen Arnall recommended Council Approve the annual Investment Policy for 2023; there were no changes made to the policy.
Council Member Melissa Morton made a motion approving the 2023 Investment Policy, duly seconded by Council Member Wes Breitenberg. Vote was unanimous.

12. Consideration and possible action upon a recommendation reappointing Board of Adjustments Members Kenneth Orr, Alton Pryor, and Freddie Polk; and moving Yuli Elizondo from an alternate to a Board Member with all of them serving a two-year term. **(Abercrombie/Hughes)**
The Planning and Zoning Coordinator Billy Hughes reached out to all members with each of them wanting to serve another two-year term. The interview Board was satisfied with the re-appointment of the current members.
Council Member Michael Searcy made a motion approving the reappointment and new appointment to the BOA, duly seconded by Council Member Henry Pace. Vote was unanimous.

13. Consideration and possible action upon a minor plat application located at the dead end of Sundown Trail in a Medium Density Single Family District (R2). **(Hughes/McElfresh)**
Zoning Coordinator Billy Hughes recommended Council approve the minor plat application submitted by Mr. Clark. Mr. Clark recently purchased a 1.17-acre lot on the dead end of Sundown Trail. Mr. Clark plans on building two homes on this property if the Minor Plat application is approved. This piece of property has some topographical issues associated with it, but Mr. Clark and his team have taken that into consideration and laid the two lots out and designed the homes to make the best use of the property.
Council Member Henry Pace made a motion approving Mr. Clark's minor plat, duly seconded by Council Member Michael Searcy. Vote was unanimous.

14. Consideration and possible action upon a minor plat located at 908 S. High Street combining two lots. **(Hughes/McElfresh)**
Zoning Coordinator Billy Hughes recommended Council approve the minor plat application submitted by Mr. & Mrs. Pinkerton. They have lived at 908 South High St. since 1996 and purchased the adjoining lot that faces South Marshall in August of 2021. They are planning to build an accessory structure in their back yard that will cross the property line into the adjoining lot. The setback standards found in the city's zoning ordinances would prohibit this structure from complying.
Council Member Henry made a motion approving the Pinkerton's minor plat, duly seconded by Council Member Melissa Morton. Vote was unanimous.

15. Consideration and possible action upon a minor plat located at 413 Cherokee Trail combining a previously abandoned street. **(Hughes/McElfresh)**
    Zoning Coordinator Billy Hughes recommended Council approve the minor plat application submitted by Christie Stephens. At a City Council meeting held on February 11, 2022, council approved the second reading of Ordinance #2020-01-40 abandoning an un-named street/alley located in the North Woodlake Subdivision between two properties owned by Mrs. Stephens. Mrs. Stephens has since sold one of the properties and has the other under contract to be sold and realized that the abandoned street had never been re-platted to join it to her adjacent property. She has had it surveyed by WWJ Surveying and submitted a preliminary plat, that our staff approved, and is now requesting that the final plat be approved by council so she may complete the sale of her property.
    Council Member Wes Breitenberg made a motion approving Mrs. Stephen's minor plat, duly seconded by Council Member Michael Searcy. Vote was unanimous.

16. Consideration upon a recommendation from the Planning and Zoning Commission and first reading of Ordinance 2022-10-13 amending the Zoning Map. There are 5 properties on Jacksonville Drive to be changed from a Low-Density Single Family Residential Zone (R1) to General Commercial Zone (C2). **(Hughes/McElfresh)**
    Zoning Coordinator Billy Hughes stated this is a map correction. Council members had no questions or comments on this item.

DEPARTMENTAL REPORTS:

17. 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
    M. Director of Operations
        1) Civic Center
        2) Main Street/Tourism
        3) Municipal Court

    There were no questions or comments from Council on the monthly reports.

BOARDS AND COMMISSIONS

Board of Adjustments Minutes of September 13 (not available)
Planning and Zoning Minutes of September 13 (not available)
Cemetery Quarterly Board Meeting scheduled October 26
Main Street Minutes of September 26 (in packet)
Preservation Committee Minutes of September 26 and September 12 (in packet)

There were no questions or comments from Council on the Board meeting minutes.

EXECUTIVE SESSION:

18. Executive Session to Consult with City Attorney discussing real property located at 400, 402 and 404 W. Main Street. Economic Development Agreement in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 072.
    Mayor Fullen convened into executive session at 6:32 p.m.

REGULAR SESSION:

19. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.
    Mayor Fullen Reconvened into regular session at 6:46 p.m. stating there was no action to take from executive session.

ADJOURNMENT

20. Motion to adjourn.

Council Member Melissa Morton made a motion to adjourn at 6:47 p.m., duly seconded by Council Member Henry Pace. Vote was unanimous.

ATTEST: Cheryl Jimerson

Cheryl Jimerson, City Secretary

APPROVED: John Fullen

John Fullen, Mayor