



THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS, WILL MEET ON TUESDAY, THE 21st DAY OF March 2023, AT 6:00 P.M. FOR A REGULAR COUNCIL MEETING, AT CITY HALL, 300 W. MAIN STREET, FOR THE FOLLOWING PURPOSES:

Mayor:

J.W. (Buzz) Fullen

Council Members:

Wes Breitenberg
Reginald Weatherton
Melissa Morton
Gina Juarez

City Manager:

Jay Abercrombie

Mayor Pro Tem

Henry Pace

City Secretary

Cheryl Jimerson

CALL TO ORDER: *The Mayor will call the meeting to order, declare a quorum if present, and declare notices legally posted pursuant to Open Meetings Act.*

INVOCATION AND PLEDGE OF ALLEGIANCE:

CITIZENS COMMENTS

PRESENTATIONS/ANNOUNCEMENTS

1. The Boy Scouts are making a presentation before Council members.
2. Annual Audit Presentation by Gollob Morgan Peddy, PC
3. Sexual Assault Awareness Month Proclamation.

CONSENT AGENDA

4. Consideration of possible action upon the minutes of February 21, 2023. (Jimerson)
5. Consideration and possible action on HEDCO financials from January 2023. (Clary)
6. Consideration and possible action upon the City's Discrimination Policy. (Faulkner)
7. Consideration and possible action upon the City's Antifraud Policy (Faulkner)

COUNCIL BUSINESS – REGULAR SESSION

8. Open a Public hearing upon the voluntary annexation application of 25.119 acres into the city limits located at 1702 Industrial Drive owned by HEDCO. (Jimerson)
9. Close Public Hearing.
10. Consideration and possible action upon Resolution 2023-03-01 for amendment #1 to the 2022-2023 budget.(Arnall)
11. Consideration and possible action upon Police Officer Salary adjustments. (Taylor)
12. Consideration and possible action upon a minor plat submitted by Lee Smart for the property located at 500 Cleaver Street. (Hughes/McElfresh)
13. Consideration and possible action upon a minor plat submitted by Bane Investment Holdings (BIH) for the property known as part of the Crimcrest Addition located between Whippoorwill and Mockingbird Streets . This property is located in Council District 3. (Hughes/McElfresh)

14. Consideration and possible action upon a minor plat submitted by Cory Brooks on behalf of BNW Ventures in conjunction with Brian and Kelle Marcott for the property located on the corner of HWY 259 and FM 782. This property is located in Council District 1.(Hughes/McElfresh)
15. Consideration and possible action upon the recommendation from the Planning and Zoning Commission to amend the City of Henderson's Zoning Map. The first reading of Ordinance 2023-03-01 changes the current zoning of a property from a Medium Density Multi-Family (M2) zone to a General Commercial (C2) zone. These properties are located on the corner of Kilgore Drive (HWY 259) and Millville Drive (FM 782). This property is in Council District 1. (Hughes/McElfresh)
16. Consideration and possible action upon the recommendation from the Planning and Zoning Commission to amend the City of Henderson's Zoning Map. Ordinance 2023-03-02 changes the current zoning of a property from a Planned Development (PD) to a General Commercial (C2) zone. This property is located at 100 Zied Blvd. (Huhges/McElfresh)
17. Consideration and action upon Resolution No 2023-03-02 authorizing and approving the filing of the Certificate of Formation for Henderosn Economic Development Corporation as a Type B economic development corporation and all the documents related thereto. (Clary)
18. Consideration and action on Resolution 2023-03-03 authorizing and approving a Plan of Conversion converting Henderson Economic Development Corporation to a Type B economic development corporation. (Clary)
19. Consideration and action on Resolution 2023-03-04 authorizing the execution and filing of a Certificate of Conversion of Henderson Economic Development Corporation changing the entity from a Type A to a Type B economic development corporation. (Clary)

DEPARTMENTAL REPORTS:

20. 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, Parks and Recreation Departments
 - G. Public Utilities
 - H. Finance Department
 - I. City Secretary
 - J. Communications and Marketing
 - K. HEDCO
 - L. Director of Operations
 - Civic Center
 - Main Street/Tourism (the March report will reflect the short time in Feb when Kaitlin had returned to work)
 - Municipal Court

BOARDS AND COMMISSIONS

Board of Adjustments Minutes. There was not a January meeting (no minutes).

Planning and Zoning Minutes

- A. Minutes of the January 10, 2023 meeting.

Cemetery Board Meeting Minutes of the next quarterly meeting will be April 19, 2023.

Main Street Meeting Minutes

Preservation Minutes. There was no meeting held in February.

ADJOURNMENT

21. Adjourn

The City Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.087 (Economic Development).

ACCESSIBILITY STATEMENT

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (903) 657-6551.

CERTIFICATE

I certify the foregoing notice was posted on the notice board in front of City Hall and on the notice board at the handicap accessible door of the City Hall, Henderson, Texas, on this the 15th day of March 2023.

Cheryl Jimerson, City Secretary

Sexual Assault Awareness Month Proclamation

Whereas, Sexual Assault Awareness Month calls attention to the fact that sexual harassment, assault, and abuse are widespread and impact every person in this community; and

Whereas, Rape, sexual assault, and sexual harassment harm our community, and statistics show one in five women and one in 71 men have been sexually assaulted at some point in their lives; and

Whereas, We must work together to educate our community about sexual assault prevention, supporting survivors, and speaking out against harmful attitudes and actions; and

Whereas, With leadership and dedication, we can be successful in preventing sexual assault in East Texas by increasing education, awareness, and community involvement; and

Whereas, The City of Henderson strongly supports the efforts of national, state, and local partners, and of every citizen, to actively engage in public and private efforts to prevent sexual assault. It’s time for all of us to take appropriate action and support one another to create a safer environment for all.

Now therefore, The City of Henderson joins advocates and communities across the nation in playing an active role to end sexual assault. Along with the United States Government and State of Texas, I do hereby proclaim the month of April as Sexual Assault Awareness Month in Henderson, Texas.

SIGNED AND SEALED this the 21st day of March 2023.

Mayor John (Buzz) Fullen

MINUTES OF THE
HENDERSON CITY COUNCIL
REGULAR SCHEDULED MEETING

February 21, 2023

CALL TO ORDER:

Mayor Fullen called the meeting to order at 6 p.m.

Council members present were Wes Breitenberg, Reggie Weatherton, Henry Pace, Melissa Morton, and Gina Juarez.

Staff members present were City Manager Jay Abercrombie, City Secretary Cheryl Jimerson, City Attorney Joe Shumate, Chief of Police Chad Taylor, Fire Chief Rusty Chote, Director of Operations Davis Brown, Director of Public Services Kirk Kimbrell, Director of Utilities Randy Boyd, Finance Director Karen Arnall, Animal Center Director Charissa Pool, Community Development Manager Cliff McElfresh, Zoning Coordinator Billy Hughes, Civic Center Manager Stephanie Kimbrell, Executive Leadership Assistant/HR Specialist Hillary Faulkner, Communications and Marketing Coordinator Phedra Johnson, and HEDCO Director John Clary.

INVOCATION AND PLEDGE OF ALLEGIANCE:

City Code Enforcement Officer Robert Leadon gave the invocation, Mayor Fullen led the Pledges.

CITIZENS COMMENTS

There were no citizen comments.

PRESENTATIONS/ANNOUNCEMENTS

There were no presentations.

CONSENT AGENDA

1. Consideration of possible action upon minutes of January 17, 2023.
2. Consideration and possible action upon HEDCO financials of December 2022.
3. Consideration and possible action upon the annual Statement of Compliance for (old bank building) 101 S. Marshall Street.
4. Consideration and possible action upon the annual Statement of Compliance for Gateway Travel Plaza located at 100 HWY 79 S.

Council Member Reggie Weatherton made a motion to approve the consent agenda, duly seconded by Council Member Henry Pace. The vote was unanimous.

COUNCIL BUSINESS – REGULAR SESSION

5. Consideration and possible action setting two public hearing dates upon annexing 25.119 acres into the city limits located at 1702 Industrial Drive owned by HEDCO.

Council Member Wes Breitenberg made a motion setting two Public Hearing dates of March 21 and April 18, 2023, duly seconded by Council Member Melissa Morton. The vote was unanimous.

6. Consideration and possible action upon the appointment of Micah Johnson to fill a Board Of Adjustments vacancy.

Council Member Wes Breitenberg made a motion to appoint Micah Johnson to fill a Board of Adjustments vacancy, duly seconded by Council Member Gina Juarez. The vote was unanimous.

DEPARTMENTAL REPORTS:

7. 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 with Racial Profiling Annual Report
- 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

Council Member Reggie Weatherton asked the Director of Operations, Davis Brown, where the Lewis Street reconstruction project is on the streets list? Davis stated it would be within the next budget, with Council approval. Council Member Melissa Morton asked what the last two streets on the contract for this budget were. Davis stated Cherokee and Belair and they are under construction now,

Civic Center

Main Street/Tourism Monthly Report

Municipal Court

BOARDS AND COMMISSIONS

Board of Adjustments Minutes

Planning and Zoning Minutes

Cemetery Board Meeting Minutes

Main Street Meeting Minutes

Preservation Minutes

The council had no questions or comments on the Board meeting minutes.

EXECUTIVE SESSION:

8. Executive Session to consult with an Attorney discussing real property located at 400, 402, 404, and 500 W. Main Street and on Fair Park Drive. Economic Development Agreement in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Sections 072 and 087.

Mayor Fullen convened into executive session at 6:15 p.m.

REGULAR SESSION:

9. Regular Session convene into Regular Session and take action necessary as a result of the Closed Session. Mayor Fullen reconvened into regular session at 6:56 p.m. asking the Council if there were items, they would like to take action on.

Council Member Gina Jaurez made a motion authorizing the Mayor or City Manager to execute the deed of donation of the City Hall Complex to HEDCO, when required to complete the financial package. Duly seconded by Council Member Wes Breitenberg. The vote was unanimous.

Council Member Gina Juarez made a motion authorizing the Mayor or City Manager to execute the necessary documents to exchange land on Fair Park Drive known as the old Southwood Nursing Home, including payment of three thousand thirty dollars and twenty-five cents (\$3030.25) to the city, making the exchange equal to fair market value.

ADJOURNMENT

10. Adjourn

Council Member Gina Juarez made a motion to adjourn at 6:58 p.m., duly seconded by Council Member Wes Breitenberg. The vote was unanimous.

ATTEST:

APPROVED:

Cheryl Jimerson, City Secretary

John Fullen, Mayor



City Council

Agenda Item # 5.

SUBJECT: Consideration and possible action on HEDCO financials from January 2023. (Clary)

MEETING DATE: March 21, 2023

DEPARTMENT: HEDCO

CONTACT: Karen Smith, John Clary, HEDCO Director

RECOMMENDED CITY COUNCIL ACTION: On behalf of the HEDCO Board, I respectfully request approval

ITEM SUMMARY: Sales Tax check January, 2023 - \$168,489.10
Interest Income January, 2023 - \$16,359.44

BACKGROUND INFORMATION: HEDCO Board approved these financials on Jan. 17, 2023.

SPECIAL CONSIDERATIONS:

SUPPORTING MATERIALS:

1. HEDCO FINANCIALS 2022-2023 (Updated Thru 2023-01-31)

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
1	Last Edit Date:		February 13, 2023								
2	Budget approved:		HEDCO - 8/11//2022	01/31/2023 Checking Account Balance				\$	1,932,462.71		
3	Budget approved:		City Council 8/23/2022	01/31/2023 Money Market Balance				\$	6,098,197.11		
4				Total Account Balances				\$	8,030,659.82		
5				Approved	Final	APPROVED		Y-T-D			
6				Budget	Budget	BUDGET	1-Month Ended	2022-2023	% Of		
7	Acct.#		Description	2021-2022	2021-2022	2022-2023	1/31/2023	1/31/2023	Budget	Notes	
8				12	12			4	33%	Percent of year completed	
9	REVENUE										
10	3010		Sales Tax Revenues	1,450,000.00	1,450,000.00	1,750,000.00	168,489.10	708,004.69	40%		
11	3025		Interest Income - Banks	40,000.00	40,000.00	25,000.00	16,359.44	53,111.09	212%	Reduced for Alford and Richardson purchases, spec building and amended investment contract	
12	3030		Land Sales -Old Industrial Park	106,780.00	106,780.00			123,246.60		7.6 acres to Tyler Pipe, Amendment needed	
13	3058		Lease Income - Oldcastle (Aggregates) 7.60 Ac.							Industrial Dr. (CR 203) 7.6 Acres being sold to Tyler Pipe	
14	3059		Lease Income - Texas Materials Group - 29.16 Ac.	12,800.00	12,800.00	19,200.00	1,600.00	6,400.00	33%	Mo.Lease - Industrial Dr. (CR 203) was Texas Bit/Oldcastle - Complete 9/2023 (to receive \$1600.00 per month 2/2022 thru 9/2023)	
15	3090		Other (Misc) Revenue	21,189.07	21,189.07			115,463.13		Winly Foods reimbursement on incentive	
16		TOTAL REVENUE		1,630,769.07	1,630,769.07	1,794,200.00	186,448.54	1,006,225.51	56%		
17											
18	* Footnote		Note Reciveable from Rusk County Rural Rail District - Not Included in Budget Totals	13,333.34	13,333.34					Notes receivable accrue on the balance sheet vs.the budget at. \$6,666.67 per month. Pmt. Deferred for 15 years until 2037.	
19											

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
5				Approved	Final		APPROVED		Y-T-D		
6				Budget	Budget		BUDGET	1-Month Ended	2022-2023	% Of	
7	Acct.#		Description	2021-2022	2021-2022		2022-2023	1/31/2023	1/31/2023	Budget	Notes
20	EXPENDITURES										
21	Economic Development Expenses										
22	6106		Project Winly Foods, LLC	103,000.00	103,000.00						Active - Incentive Agreement \$400,000 -100 jobs signed 9/5/2017, 5-years. Stopped sending payments.
23	6107		Project US Ind. Sourcing / PRO HYDRONIC								Incentive Agreement, \$175,000, 35 jobs, Feb 2019, 5-years. Completed 1st Qtr, 2021
24	6116		Henderson Canvas Products, Inc.								Job creation incentive, 6-jobs @ \$5,000 /job. Forgivable loan executed March 2021. \$30,000 forgivable Loan in A/R
25	6200		Business Incentives for new or existing businesses	500,000.00	500,000.00		350,000.00				Reserve for Incentive for New Businesses. \$5,000 per job x 100 jobs.
26	6190		Matching Grants for Business Retention -Ind. Park				150,000.00				
27											
28			Total Economic Development Expenses	603,000.00	603,000.00		500,000.00	-	-	0%	
29											
30	Supplies, Office Expenses and Professional Services										
31	6501		Accounting (Monthly Bookkeeping + Annual Audit)	12,000.00	12,000.00		12,000.00	465.00	1,590.00	13%	PB&J Accounting, Auditor Morgan LaGrone CPA
32	6502		Insurance - General Liability	1,500.00	1,500.00		1,500.00		1,500.00	100%	City of Henderson Liability premium to HEDCO. Lump sum annual payment.
33	6503		Legal (Attorney)	30,000.00	30,000.00		30,000.00	2,333.60	11,320.92	38%	Legal fees
34	6504		Office Expenses	1,500.00	1,500.00		1,500.00	354.40	843.12	56%	Office supplies, copy paper, printer cartridges, computers, printer, furniture, bookshelves, storage, etc.
35	6505		Postage & Shipping	100.00	100.00		100.00		100.20	100%	Stamps, Fed-Ex, UPS
36	6506		Property Tax								
37	6507		Telephone, Cell (Admin)	600.00	600.00		600.00	50.00	200.00	33%	Office Phone, Cell for Adm. Asst.
38	6508		Utilities - HEDCO Offices								Potential utilities in new building.
39	6509		Professional Services - Engineering, Design, Architectural (Part of Capital Expenses)	143,192.50	143,192.50		225,000.00	22,407.58	85,602.83	38%	New Business Park , Professional Services, Property Surveys, Engineering, Phase 1 Environmentals, Streets, Drainage, Sidewalks, Water, Sewer, Fiber, Natural Gas
40			Subtotal - Supplies, Office Expenses and Professional	188,892.50	188,892.50		270,700.00	25,610.58	101,157.07	54%	
41											

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
5				Approved	Final		APPROVED		Y-T-D		
6				Budget	Budget		BUDGET	1-Month Ended	2022-2023	% Of	
7	Acct.#		Description	2021-2022	2021-2022		2022-2023	1/31/2023	1/31/2023	Budget	Notes
42	Personnel Expenses										
43	7001		Contract Labor - Executive Director (with City)	144,420.00	144,420.00		161,539.00		47,687.14	30%	Salary, Insurance, Retirement, Cell Phone, Car Allowance, W/H invoiced by City of Henderson,
44	7002		Insurance Life - Adm. Asst.	1,200.00	1,200.00		1,200.00				Life Insurance - Adm. Asst. Karen Smith
45	7003		Insurance Health - Adm. Asst.	4,775.00	4,775.00		5,044.00	420.35	1,681.40	33%	Medical Insurance - Adm. Asst. Karen Smith
46	7004		Insurance Worker's Comp - Adm. Asst.	396.00	396.00		396.00	51.00	432.52	109%	Hartford Ins.
47	7007		Retirement - Adm. Asst.	3,300.00	3,300.00		4,000.00		932.78	23%	Admin Assistant- Kansas City Life
48	7008		Salary - Administrative Assistant	44,950.00	44,950.00		49,850.00	4,656.18	17,283.01	35%	Admin Assistant
49	7009		Payroll Taxes - Adm Asst.	4,200.00	4,200.00		4,950.00	430.49	1,492.95	30%	Admin Assistant
50	7010		Contract Labor - Dir. of Marketing/Business Dev.	108,280.00	108,280.00		108,280.00		13,767.34	13%	Salary, Insurance, Retirement, Cell Phone, Car Allowance, W/H invoiced by City of Henderson.
51	7011		Insurance - Dir. of Marketing								
52			Subtotal - Personnel Expenses	311,521.00	311,521.00		335,259.00	5,558.02	83,277.14	25%	
53											
54	Program Expenses										
55	7201		Website Annual License Fees	3,200.00	3,200.00		9,400.00		3,049.00	32%	Annual License Fee to ED Suite. Invoiced Nov 31 annually.
56	7202		Website Development, Maintenance, Upgrades, etc.	24,188.00	24,188.00		12,094.00				Website CMS technology update (back end), new photo gallery, better mapping, new business park pages, updated property search tool, incentives tool - New website design EDSuite
57	7203		Advertising and Marketing	55,100.00	55,100.00		70,100.00	3,659.96	15,291.47	22%	Print ads, Direct mail or email, Marketing travel, Trade shows, Sponsorships, Printed flyers & brochures, Marketing signage, Videos, Billboard, Site Location Partnership, Public Notices, + Business Park Coming Soon Signs
58	7204		Meetings and Entertainment	14,500.00	14,500.00		14,500.00	700.00	3,269.10	23%	Meeting refreshments, BREP meals, Prospect Hosting, Industry Appreciation Luncheon

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
5				Approved	Final		APPROVED		Y-T-D		
6				Budget	Budget		BUDGET	1-Month Ended	2022-2023	% Of	
7	Acct.#		Description	2021-2022	2021-2022		2022-2023	1/31/2023	1/31/2023	Budget	Notes
59	7205		Dues, Memberships & Subscriptions	17,285.00	17,285.00		17,250.00	82.96	3,539.04	21%	Chamber of Commerce, TEDC, Rotary, Team Texas, ICSC, NETEDR, Adobe AcrobatDC (2), Place Marketing, also Computer Programs & Subscriptions.
60	7206		Travel & Training - Non-Marketing Conferences, Webinars, Seminars and Training (Including Travel), Admin. Asst. Mileage	27,000.00	27,000.00		25,000.00	4,009.84	4,278.33	17%	TEDC Conferences, Training Workshops, Webinars, PFIA Training, Software Technical Assistance, Rusk County Days Austin Trip, Admin Assistant Mileage.
61	7207		Non Engineering Studies	4,250.00	4,250.00		2,000.00				ETCOG Broadband Study Match
62	7208		Special Projects								
63	7209		BREP Matching Grant Program (Type B Program) (Placeholder)	-							Business Retention - Matching grants for current or new businesses in current industrial parks.
64			Subtotal - Program Expenses	145,523.00	145,523.00		150,344.00	8,452.76	29,426.94	20%	
65											
66			Repairs and Maintenance (Non-Capital Expenses)								
67	7302		Property Maintenance - Frisco Street Parcel (29 acres)	4,000.00	4,000.00		4,000.00		1,365.00	34%	Maintenance (Mowing, Clearing, Trimming, water detention, etc)
68	7303		Property Maintenance - Taylor Street/Greenbelt	1,000.00	1,000.00		600.00		150.00	25%	Greenbelt Maintenance
69	7304		Property Maintenance - Old Industrial Park								
70	7305		Property Maintenance - East Texas Regional Business Park	20,000.00	20,000.00		20,000.00		1,050.00	5%	Mowing, trimming, repairs & maintenance
71	7306		Monument and Wayfinding Sign - Industrial Park								Sign at CR 203 & Loop 571 (TXDOT Won't Allow)
72	7307		Railroad Preventative Maintenance (Ties)								To facilitate NETRMA Grant for RR ties. \$240,000 reimbursement (Completed)
73	7308		Remodel CAC Bldg & Furnishings								Remodel cost, conference table & chairs, wiring, furnishings
74			Subtotal - Repairs and Maintenance (Non-Capital)	25,000.00	25,000.00		24,600.00	-	2,565.00	10%	
75											
76			TOTAL EXPENSES	1,273,936.50	1,273,936.50		1,280,903.00	39,621.36	216,426.15	17%	
77											

HEDCO - APPROVED BUDGET 2022-2023

	A	B	C	D	E	F	G	H	I	J	K
5				Approved	Final		APPROVED		Y-T-D		
6				Budget	Budget		BUDGET	1-Month Ended	2022-2023	% Of	
7	Acct.#		Description	2021-2022	2021-2022		2022-2023	1/31/2023	1/31/2023	Budget	Notes
78	CAPITAL OUTLAY										
79	7501		Purchase of Property for New Business Park	400,000.00	400,000.00		400,000.00				2019-20 Alford Parcel \$1,044,000, 2020-21 Richardson Parcel \$327,621.95. 2020-21 9.786 Acres \$39,144. Future: Jim Allen Estate.
80	7502		East Texas Reg. Business Park - Capital Expenditures - Utilities & Street Improvements, Land Clearing, Sidewalks, Pond improvements	2,500,000.00	2,500,000.00		3,800,000.00		306,266.14	8%	John Wright Construction, Few Land & Timber & Other Contractors \$4,900 moved to 7203 (Advertising)
81	7503		Grant Match for TCF Grant - Morris Street								TCF Program was Shelved by TX Ag Commission
82	7504		Speculative Building - Design and Construction								Engineer, design and construct a 20,000 sq ft building. On HOLD
83			Total Capital Outlay	2,900,000.00	2,900,000.00		4,200,000.00	-	306,266.14	7%	
84											
85	TOTAL EXPENDITURES (Expenses + Capital Outlay)			4,173,936.50	4,173,936.50		5,480,903.00	39,621.36	522,692.29	10%	
86											
87	Totals										
88			Total Revenues	1,630,769.07	1,630,769.07		1,794,200.00	186,448.54	1,006,225.51	56%	
89			(Less) Total Expenditures	4,173,936.50	4,173,936.50		5,480,903.00	39,621.36	522,692.29	10%	
90	Net Increase/Decrease In Unrestricted Net Assets			(2,543,167.43)	(2,543,167.43)		(3,686,703.00)	146,827.18	483,533.22	-13%	
91			Receivable for Loan - Rusk County Rural Rail District	-	13,333.34				-		(1-month) Receivables accrue on the Balance Sheet
92			Total Available to Contribute to Fund Balance	(2,543,167.43)	(2,529,834.09)		(3,686,703.00)	146,827.18	483,533.22	-13%	Operating income less operating expenses
93											
94	Potential Transfer From Fund Balance										Projected Expenditures In Excess of Annual Income
95											
96	FINAL BALANCE			-2,543,167.43	-2,529,834.09		-3,686,703.00	146,827.18	483,533.22		
97											



City Council

Agenda Item # 6.

SUBJECT: Consideration and possible action upon the City's Discrimination Policy. (Faulkner)

MEETING DATE: March 21, 2023

DEPARTMENT: Administration

CONTACT: Cheryl Jimerson

RECOMMENDED CITY COUNCIL ACTION: Recommend approval without any changes

ITEM SUMMARY: The City's Discrimination Policy has no updates to it this year.

BACKGROUND INFORMATION: none

SPECIAL CONSIDERATIONS: none

SUPPORTING MATERIALS:

1. Discrimination Policy (1)



The City of Henderson, Texas

Discrimination Policy

It is the policy of the City of Henderson to provide an inclusive and equal environment to any and all members of the community and ensure that no person is excluded from participation in, or subjected to discrimination, under any program, activity, or service that the city provides. This includes but is not limited to, employees, program participants, customers, clients, consumers, and members of the public. The City of Henderson will not tolerate discrimination, retaliation, threats, or coercion against any individual or group.

In accordance with Title VI of the Federal Civil Rights Law, the city prohibits unlawful discrimination, including harassment, on the basis of race, color, religion, national origin (including language), sex, pregnancy, age, disability, citizenship, veteran status, and genetic information. The City of Henderson also prohibits discrimination on the basis of, sexual orientation, gender identity, and gender expression. In this policy, the terms sex and gender are interchangeable. Title VI specifically ensures that “No person in the United States, on the ground of race, color, or national origin, be excluded from participation in, denied benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.”

It is important to the City of Henderson for our constituents to be aware of our nondiscrimination policy and understand the proper steps to take in the event an issue arises. Copies of our Discrimination Policy can be found in our employee handbook, the city website, as well as our Facebook page.

References

Title VI of the Civil Rights Act of 1964, as amended, protects citizens from discrimination on the basis of race, color, religion, sex (including pregnancy), or national origin.

U.S. department of Homeland Security Regulation 6 C.F.R. part 19, prohibits religious discrimination in social service programs.

Section 504 of the Rehabilitation Act of 1973, prohibits discrimination based on disability. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an individual.

Age Discrimination act of 1975, prohibits discrimination based on age.

Title IX of the Education Amendments act of 1972, prohibits discrimination based on sex in all federally funded education programs.

Retaliation: The above Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful practice. It is impermissible for a recipient or other person to intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by title VI, or because the individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the DHS regulation implementing Title VI (6 C.F.R. § 21.11(e))

What do I do if I feel I have been Discriminated against?

If you feel you have been subjected to discrimination, immediately contact designated Nondiscrimination Program Coordinators. City employees may contact their supervisors for discrimination complaints. In the event where the complaint is against a supervisor, contact the City Manager. If the complaint is against the City Manager, you may file a complaint with the City Council. Human Resource personnel are the designated Nondiscrimination Program Coordinators.

The complaint must be in writing

Clearly identify who the sender is; include his/hers signature and contact information.

- **The complaint should identify the entity which allegedly committed the discrimination**

The U. S. Environmental Protection Agency's External Civil Rights Compliance Office (ERCO) can only investigate complaints filed against an entity which receives financial assistance from EPA.

- **The complaint must allege discrimination prohibited by one of the laws ECRCO enforces**

Describe in detail why you feel the entity discriminated against you or others on the basis of race, color, national origin, sex, disability, age, or has engaged in intimidation prohibited by EPA's nondiscrimination regulation.

- **The complaint must be filed within 180 calendar days of the date of the last act of alleged discrimination**

Under certain circumstances, ECRCO may consider extending the 180-day time-frame if good cause is shown.

Nondiscrimination Program Coordinators:

Glenda Villanueva / HR Coordinator – (903) 392-0644

Hillary Faulkner / HR Specialist – (903) 392-0440 To

be connected to a translator – (903) 657 - 6551

The City of Henderson, Texas

Complaint Process

Preliminary Inquiry:

Once contacted, The City of Henderson, or the Nondiscrimination Program Coordinators, will conduct a preliminary inquiry to determine the need for further investigation. If the inquiry determines a complaint is warranted, the complainant will be notified in writing and an interview will be scheduled to begin the investigation process. If the preliminary inquiry indicates an investigation is not warranted, the complainant will be notified in writing with an explanation of why such decision was made and the factors leading to said decision.

Complaint Investigation:

Complaints that warrant investigation will be fairly processed by the City of Henderson's Nondiscrimination Program Coordinator and the results of said investigation will be given to the City Manager for review. The complainant will then be notified in writing of the results of the investigation and what actions have been or will be taking place in response to the complaint.

The City of Henderson, Texas

Complaint Process

You can also mail all Civil Right complaints to:

U.S. EPA External Civil Rights

Compliance Office (2310A)

1200 Pennsylvania Ave., NW

Washington, D.C. 20460

e-mail: Title_VI_Complaints@epa.gov

Other Inquiries?

For any other inquiries, please write to ECRCO at the above address or call ECRCO at:

(202) 564-3316 or, by fax to: (202) 564-0196.

Individuals also have the option to file a complaint directly to Homeland Security Office

for Civil Rights and Civil Liberties:

E-mail: CRCLCompliance@hq.dhs.gov (fastest method to submit your complaint)

Fax: 202-401-4708

U.S. Mail: U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Compliance Branch

245 Murray Lane, SW

Building 410, Mail Stop #0190

Washington, D.C. 20528

Website for additional information: <https://www.dhs.gov/file-civil-rights-complaint>



City Council

Agenda Item # 7.

SUBJECT: Consideration and possible action upon the City's Antifraud Policy (Faulkner)

MEETING DATE: March 21, 2023

DEPARTMENT: Administration

CONTACT:

RECOMMENDED CITY COUNCIL ACTION: Approve the Cities Antifraud Policy

ITEM SUMMARY: There have been no changes to the policy adopted in 2022.

BACKGROUND INFORMATION: None

SPECIAL CONSIDERATIONS: None

SUPPORTING MATERIALS:

1. Henderson's comprehensive fraud policy

City of Henderson , Texas Anti-Fraud Policy



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City of Henderson Anti-Fraud Policy

Applicability:

City of Henderson staff, officials, and external parties

Purpose:

The aim of the City of Henderson's Anti-Fraud Policy is to safeguard the reputation and financial viability of the City of Henderson by improved management of fraud risk. It sets out explicit steps to be taken in response to reported or suspected fraud, as well as measures that will be taken to prevent or minimize the risk of fraud.

Conforms to:

Texas Code Annotated/Henderson Municipal Charter; Texas Comptroller of the Treasury Regulations

Related Documents:

City of Henderson Personnel Policy, Purchasing Policy, and established internal control procedures and guidelines.

I. Introduction

The City of Henderson has become increasingly aware of the levels and types of risks that the City must manage if it is to retain and enhance its reputation, financial viability and stewardship of City resources. Management's analysis of External and Internal Audits have highlighted the challenges, risks and opportunities that the City of Henderson faces in effectively managing City resources while providing the maximum value to City residents in terms of efficiency and effectiveness.

Recognizing that addressing fraud risk is a normal requirement for the conduct of business by all organizations, the Henderson City Manager conducted a risk assessment by a private consulting firm, and the City's annual External Audit to strengthen the City of Henderson's risk management practices, internal controls and standards.

Measures include the implementation of updated internal controls, an Anti-Fraud Policy (this Policy), and wide ranging revision of City policies and procedures for personnel, inventory, purchasing, cash verification, and other critical areas of risk that provide guidance for City staff and transparency of City operations. Through these measures, the City of Henderson seeks to be an organization that is accountable, transparent and ethical in its management and governance, and that retains the confidence and trust of its residents, staff, businesses and other outside parties.

The aim of this Anti-Fraud Policy is to safeguard the reputation and financial viability of the City of Henderson through improved management of fraud risk. It sets out explicit steps to be taken in response to reported or suspected fraud, as well as measures that will be taken to prevent or minimize the risk of fraud. The Policy has been developed based on good practice examples of fraud risk control strategies.

This Policy applies to all City of Henderson officials and staff¹ as well as external parties. It is an integral part of the City of Lakeland's internal control policy framework and should be read and applied in conjunction with the City of *Henderson's Purchasing Policy*, and the City of *Henderson's Personnel Policy*. In addition, the definitions that appear in the Glossary are to be interpreted within the context of this Policy.

¹ This policy applies to all City staff, exempt and non-exempt, full- and part-time and temporary, regardless of terms of employment. Additionally, this policy applies to all of the City's vendors, customers, and partners or any other interested parties to the extent that any the City's resources are involved or impacted.

II. Definitions

The definitions in this Policy are to be interpreted within the context of this policy and other internal controls within the City's internal control policy framework.

<u>Allegation:</u>	A statement or accusation by a person that an act of fraud has or may have been committed. This does not require evidence of the offence or identification of suspects, but there is usually some stated basis for the accusation.
<u>Conflict of interest:</u>	A situation in which the impartiality of an employee in discharging his/her duties could be called into question because of the potential, perceived or actual improper and impermissible influence of personal considerations, financial or other.
<u>External fraud:</u>	Fraud committed against the City of Henderson by an external party, for example the employees of a partner or supplier.
<u>External party:</u>	Any legal entity or individual other than the staff members of the City of Henderson
<u>Fraud:</u>	The use of deception by an individual with the intention of obtaining an advantage for himself or herself or for a third party or parties, avoiding an obligation, or causing loss to another party. Fraud includes offenses such as, but not limited to, deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts, and collusion.
<u>Fraud Prevention:</u>	Strategies designed to proactively reduce or eliminate internal and external fraud.
<u>Internal control:</u>	A process, affected by the governing body, management and other employees, designed to provide reasonable assurance that risks are managed so as to ensure the achievement of the organization's objectives.
<u>Internal fraud:</u>	Fraud committed directly against the City of Henderson by a staff member of the City of Henderson
<u>Investigation:</u>	A search for or collation of evidence connecting or tending to connect a person or body with conduct that infringes the law or the City of Henderson's policies, procedures and guidelines.
<u>Partner:</u>	Any organization or corporations that are involved in funding or delivering services to the City of Henderson are included in this policy.
<u>Risk assessment:</u>	A process that analyses the risks, including fraud risks, that may prejudice or prevent achievement of organizational objectives, and that determines whether those risks are to be prevented, mitigated, transferred or accepted.
<u>City Staff:</u>	For purposes of this policy, any individual who is employed by the City of Henderson including exempt and non-exempt staff regardless of full-time/part-time/temporary or other status, e.g., interns and volunteers working for the City.

III. What is Fraud?

For purposes of this Policy, fraud is defined as the use of deception by an individual with the intention of obtaining an advantage for himself or herself or for a third party or parties, avoiding an obligation, or causing loss to another party.

The term fraud is used to describe offenses such as, but not limited to, deception, bribery, forgery, extortion, corruption, theft, conspiracy, embezzlement, misappropriation, false representation, concealment of material facts, and collusion.

This Policy is intended to apply to both internal and external fraud as defined in the Glossary.

Examples of Fraudulent Behavior

- Obtaining property, financial advantage or any other benefit by deception or abuse of authority granted by virtue of official position or duty.
- Charging the City of Henderson for goods and services that have not been delivered.
- Development or application of local policies or practices that are knowingly inconsistent with the objectives of City of Henderson's practices or objectives.
- Seeking to obtain confidential information about a colleague or others, with intent to use it for unauthorized purposes.
- Knowingly providing false, misleading or incomplete information to the City of Henderson its donors, partners, or other business relations, or deliberately failing to provide information where there is an obligation to do so.
- Non-permitted use of the City of Henderson's computers, vehicles, telephones or any other property or services outside of professional duties or without specific authorization.
- Hacking into, or interfering with the City of Henderson's server or computer system.

IV. How Fraud Occurs

Some frauds arise because of lack of proper internal control policies and procedures. Other frauds may be the result of failures to follow proper control procedures, carelessness in carrying out checks, inadequate separation of duties of staff or management override of internal controls.

Four basic elements are usually present when fraud occurs:

- Individual(s) to carry out the fraud – inside or outside of the organization
- Assets to be acquired, used or disposed of fraudulently
- Intent to commit the fraud
- Opportunity to do so

Managers must ensure that the opportunities for fraud are minimized. A high probability of being caught will deter those who might otherwise engage in fraud.

Opportunities to commit fraud may be reduced by ensuring that a sound system of internal control, proportional to risk, has been designed and implemented and is functioning as intended.

V. Fraud Prevention

City of Henderson officials and personnel have a responsibility as well as obligation to contribute to the management of fraud risk.

The City Manager and City Department Heads all set the tone and lead in the promotion of risk management, internal controls and an anti-fraud culture throughout the City.

Management and operational staff design, implement and operate the control actions, recruit the right people, and ensure that physical and IT services promote computer and data security.

City staff shall conduct themselves with integrity and demonstrate awareness of the importance of ethical practices in their day to day work.

The City of Henderson expresses a *zero tolerance policy* regarding fraud and will not tolerate any level of fraud or corruption under any circumstances. The City of Henderson expects all people and organizations associated with it to be honest and fair in their dealings with the City, its members and its partners.

Any detected case will be thoroughly investigated, with disciplinary or criminal sanctions pursued where appropriate and possible, and losses recovered by any lawful means. The City of Henderson is also committed to ensuring that opportunities for fraud are reduced to the lowest possible level of risk; that effective controls are maintained to prevent fraud, and systems and procedures are reviewed and improved following detected cases of fraud.

There are four major facets to the City of Henderson's strategy for effective fraud prevention:

CULTURE OF HONESTY AND ETHICS

The most persuasive and effective method of preventing fraud is the promotion of an ethical and transparent environment that encourages City staff at all levels to actively participate in protecting the City's reputation and resources.

This involves:

- Having a clear statement of ethical values in the City of Henderson's *Personnel Policy* which organization applies and enforces consistently.
staff has an obligation to comply with and to promote with third parties, and which the
- Establishing, disseminating and enforcing a clear anti-fraud policy, including sanctions for wrongdoing.
- Clarifying and addressing conflict of interest cases.
- Promoting staff awareness of fraud and training staff in anti-fraud and corruption strategies.
- Ongoing application of personnel policies that focus on the honesty and integrity of employment candidates and require background checks sufficient to the level and sensitivity of the position.
- Maintaining staff morale, reasonable working hours, and common basic standards in working conditions.

RISK MANAGEMENT AND INTERNAL CONTROL

Risk management is at the heart of effective fraud control, especially through the development of risk criteria and implementation of effective controls. The City of Henderson will periodically undertake a comprehensive evaluation of its overall vulnerability to fraud as well as the scope and magnitude of fraud risk in specific areas, and more frequently as part of an ongoing rolling risk assessment process.

The City of Henderson City Manager will:

- Exercise proactively his/her responsibility for the overall management of fraud risk and for the management of specific fraud risks.
- Will monitor the implementation of actions designed to reduce fraud risk.

- Establish internal controls to detect report and deter fraud that are cost effective and ensure that City staff is comfortable to report fraud without fear of reprisal.
- Initiate and facilitate fraud detection and reporting.
- Determine whether each risk, judged according to its probability and severity, should be prevented, mitigated, transferred², or accepted.
- Report on the implementation of actions designed to reduce fraud risk.

Further roles and responsibilities are set out in Section VII.

AWARENESS RAISING AND TRAINING

Fraud awareness raising and training underpins fraud prevention and detection. The City of Henderson will ensure that all employees are aware of their responsibilities for fraud control and ethical behavior. Targeted training will be provided for new staff and refresher training for current staff.

Training will include the following subject areas:

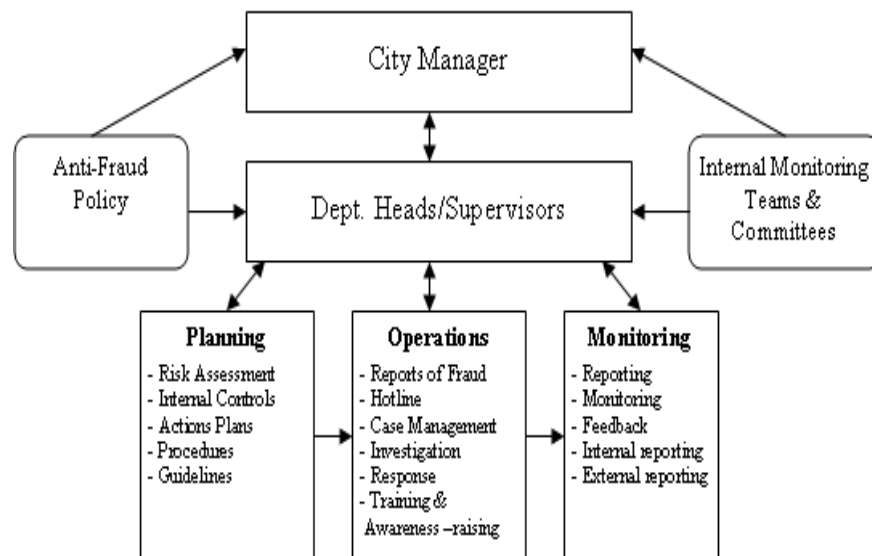
- Definition of fraud – with the City of Henderson's examples to illustrate the breadth of fraud and the fact that it can involve the pursuit of tangible and intangible benefits.
- The need for ethical behavior and the fact that fraud avoidance is everyone's responsibility.
- The details of the City of Henderson's *Anti-Fraud Policy*.
- Things to look for that could indicate that fraud may have been committed.
- Steps to take if fraud is reasonably suspected.
- Responsibilities for handling allegations and inquiries into cases of fraud in the Henderson.
- Relationship of the *Anti-Fraud Policy* with the *Personnel Policy*, *Purchasing Policy* and internal control procedures and guidelines.
- Available remedies and measures to be applied when fraud is established.
- Measures to ensure that third parties are aware of the City of Henderson's *Anti-Fraud Policy*.

² "Transferred" means that the exposure is covered by a third party, usually through insurance.

OVERSIGHT PROCESS

Independent reviews by internal monitoring teams or committees established by the City Manager and External Auditors will examine the effectiveness of internal controls and review operations for evidence of fraud. The results of such reviews will be reported directly to the City Manager, and will be followed-up the City Manager.

Figure 1: Internal Fraud Prevention Responsibilities



VI. Fraud Response

DELEGATION STRUCTURE

The City Manager has overall responsibility for the organizational response in the case of a reported or suspected fraud. Authority for the response can be delegated to City staff, as appropriate, though overall management of the response to suspected fraud will be maintained by the City Manager.

REPORTING ALLEGATIONS OF FRAUD

The City of Henderson City Staffs' Responsibility:

City of Henderson City staff should be aware of the potential for fraud, and should report any reasonably suspected fraud.

Concerns which should be reported include, but are not limited to, staff committing or attempting to commit:

- Any dishonest or fraudulent act
- Forgery or alteration of documents or accounts
- Misappropriation of funds, supplies or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Profiting personally from an official position or enabling family members or others to do so
- Disclosure of official activities or information for advantage
- Accepting or seeking value from third parties by virtue of official position or authority
- Theft or misuse of property, facilities or services

External party actions which should be reported include:

- Being offered a bribe or inducement by a partner or supplier
- Receiving fraudulent (i.e., intentionally inaccurate, rather than erroneous) invoices from a supplier
- Known instances of corruption, deception or misuse by a supplier or partner

- Any of the concerns listed in reference to the City of Lakeland staff

If staff become aware of a suspected fraud they should take note in writing of any pertinent details, including what was said or done by whom, the date, the time, the location and the names of the individual(s) involved.

Staff ***should not***:

- Contact the suspected perpetrator to get facts or demand restitution
- Discuss the case facts or allegations with anyone other than the persons investigating the incident.
- Attempt to personally conduct investigations or interviews

REPORTING PROCESS

Depending on the circumstances of who is thought to be involved in the suspected fraud, the City of Henderson staff members should report the suspected fraud to one of the following, in order of preference:

- The City Manager
- The City Attorney
- The Department head(s) or Supervisor(s) of the individual(s) suspected of committing fraud.
- The line manager(s) is required to report the concern to the City Manager.

If the Department head(s) or Supervisor(s) are potential suspect(s), then City staff should report the concern directly to the City Manager.

If staff prefer to report anonymously they can do so through the confidential Fraud Hotlines.

The Hotline is a shared hotline for concerns related to both the Code of Conduct and Professional Ethics and the Anti-Fraud Policy.

Reports of fraud should include all known details, including all individuals alleged to be involved, the location, the time, and any relevant actions or statements.

All information provided to the City Manager or Fraud Hotline will be treated confidentially when possible. All reasonable allegations will be treated seriously and systematically, and will be properly investigated. Confidentiality, in so far as possible, will be maintained for all reports

made in good faith, and where reports are made anonymously, such anonymity will be respected. However, if criminal activity is to be reported to the police, the identity of the person reporting may eventually have to be disclosed to enable external investigators or the police to pursue criminal investigation effectively.

If an allegation is determined to have been made frivolously, in bad faith, maliciously, for personal gain or for revenge, disciplinary action may be taken against the person making such an allegation.

DEPARTMENT HEADS' AND SUPERVISORS' RESPONSIBILITY:

If informed of a fraud, Department Heads and Supervisors (hereafter referred to as “managers”) should listen carefully and with respect to staff, ensure that every report is treated seriously and sensitively, and give every allegation a fair hearing.

Managers should obtain as much documentation and information as possible regarding the alleged fraud, including any notes or evidence, and they should reassure staff members that they will be protected and will not suffer any reprisal for having reported allegations made in good faith.

Managers are required to prepare a written report of the details of any suspected fraud that has been reported to them, and provide it to the City Manager. If a manager suspect alleged fraud on the part of the City Manager, then a written report should be submitted to the City Attorney.

Managers ***should not*** confront the alleged perpetrator or carry out an investigation themselves. Instead, the matter should be reported immediately to the City Manager. If the City Manager is not available, then the manager should report to the City Manager’s designee or the City Attorney in the absence of the City Manager.

DETERMINING THE APPROPRIATE COURSE OF ACTION BY THE CITY MANAGER

As a matter of principle, once an alleged fraud is reported to the City Manager, reports will be made to the City Attorney or Texas Comptroller as required.

If the City Manager is thought to be involved, then the report should bypass the person at issue, and be sent directly to the City Attorney, who will take appropriate action in the spirit of this Policy and under State law.

The City Manager will determine, in consultation with the City Attorney whether the case can be dealt with internally or whether and to what involvement by external parties is necessary. The City Attorney will advise the City Manager on the involvement of Law Enforcement in the given case.

INITIAL REACTION TO ALLEGATIONS OF FRAUD

The City Manager will determine a course of action appropriate to the seriousness of the alleged offense. Appropriate actions will include any action necessary to expedite the investigation.

The City Manager will inform the individual(s) concerned of the allegations against him or her, and the course of action to be taken. Simultaneously, the City Manager will ensure that all information in the possession of the individual suspected is secured for investigation.

The City Manager, in consultation with the City Attorney, will mitigate the risk of future losses by immediately adjusting procedures and taking personnel actions in order to protect assets and to preserve evidence using any legal means deemed appropriate given the circumstances.

Relevant insurers will be notified immediately of any loss or damage to the City of Henderson's insured property.

Depending on the applicable Texas Comptroller regulations, the City Manager will report the case to the State Comptroller's Office in compliance with Comptroller regulations regarding fraud.

The City of Henderson may have a legal obligation to provide early notification to parties such as donors and partners who may potentially suffer losses that a concern is under investigation.

INVESTIGATION PROCEDURE

Depending on the magnitude and the complexity of the fraud, investigations will be carried out either in-house by the City Manager or by external parties such as External Audit firms with specialized forensic accounting expertise and access to criminal law expertise, or where deemed appropriate, by the police. The decision whether to use internal or external investigation services, or a combination of both, will be made by the City Manager.

Investigations will be conducted without regard to any person's relationship to the organization, position or length of service. The City Manager and City Recorder will keep records of all actions in the investigation, to ensure success in any future criminal, civil or disciplinary action. The City Manager will determine who should not be involved in the investigation to avoid a conflict of interest situation for staff members and managers with close working relationships with the individual(s) in question, and may consult with the City Attorney as appropriate.

The City Manager will ensure cooperation to an external body requested to assist in the investigation. All searches are to be conducted in a lawful manner, to ensure that evidence is admissible in court, if required.

The City Manager will issue a report detailing the findings and conclusions of every concluded investigation, including recommendations for future action. Results of investigations will not be disclosed to or discussed with any person except as deemed necessary and appropriate.

MANAGING EXTERNAL RELATIONS

In the case of substantiated fraud, the City of Henderson will take immediate steps to mitigate potential loss of the City of Henderson's reputation and credibility with residents, donors and partners especially when involved in funding or delivering work in the particular context in question.

In cases of fraud, the City Manager or designee shall manage and monitor any media response. City staff may only release information when it is approved by the City Manager, in consultation with the City Attorney.

RECOVERING ASSETS

Where the City of Henderson has suffered pecuniary loss or loss of other material assets, efforts will be made to seek restitution from the individual(s) responsible for the fraud by any possible method after consulting with the City Attorney, insurance company and law enforcement as applicable.

DISCIPLINARY ACTION

Where the City Manager's investigation reveals that a City staff member has committed a fraud, the City Manager will pursue disciplinary or legal action as is determined appropriate by the City Manager after consulting with the City Attorney and law enforcement as applicable.

FOLLOW-UP ACTION

Following a case of fraud, the City Manager will ensure that all managers and City staff in the affected area are debriefed on the process and outcome of the investigation once pending legal action allows for disclosure of the fraudulent act.

There should also be a follow-up with the individual(s) who reported the initial suspicion of fraud, to provide assurance that their claims have been taken seriously.

Depending on the circumstances, the City Manager will consider the need for communication with City staff, the media, donors and partners on a larger scale.

The City Manager will ensure that the organization conducts a thorough review of operating procedures in the areas affected by the fraud and that improvements are made where necessary. Lessons learned will be disseminated throughout the organization, where applicable, to strengthen the system of internal control and to foster an anti-fraud culture.

VII. Roles and Responsibilities in Fraud Response and Control

In summary, the specific roles and responsibilities for preventing and responding to fraud in the City of Henderson are the following:

THE CITY MANAGER

- Set the overall tone to reinforce the message that fraud will not be tolerated in the City of Henderson.
- Establish and maintain an internal control system designed to eliminate or mitigate the risks faced by the City of Henderson, including:
- Development of an organizational risk profile, including consideration of fraud risks, and regular review of the risks associated with organizational objectives.
- Contracting with risk management consultants to provide independent and professional expertise, if necessary.
- Establishment and review of internal controls, including an appropriate control environment and a fraud response plan.
- Provide strong support for the External Auditors, either annually or under special circumstances.
- Establish mechanisms for reporting suspected fraud and issues with fraud risk management.
- Ensure that staff knowledge of anti-fraud policies is sufficient and that appropriate training is provided.
- Ensure that swift action is taken to respond to allegations and substantiated cases of fraud.
- Make arrangements for investigating allegations of fraud, and ensure that vigorous and prompt investigations are carried out without delay.
- Upon receiving an investigation report, determine the appropriate disciplinary and/or legal action to be taken against perpetrators of fraud and supervisors whose failures have contributed to the commission of fraud, and ensure that appropriate action is taken to recover assets.
- If necessary, communicate with external parties affected by the fraud to reassure them that all necessary steps are being taken.

- Ensure timely follow-up and strengthening of preventive measures.
- Take appropriate measures in case of frivolous or bad faith allegations.
- Take appropriate measures if a City staff member is cleared of allegations made in good faith.

DEPARTMENT HEADS AND SUPERVISORS

- Assess the risks, including but not limited to fraud risks, involved in their area of responsibility and ensure that an adequate system of internal control exists and functions to address these risks.
- Ensure that controls are properly operated and complied with. Managers should regularly review the control system in their area of work to satisfy themselves that it continues to operate effectively.
- Encourage staff to report reasonable suspicions of fraud, treating all allegations seriously, and promptly reporting allegations to the City Manager.
- Keep records of any allegations as well as any subsequent actions taken.

CITY ATTORNEY

- Provide guidance to the City Manager on the course of action to be taken, the involvement of external experts or legal authorities, and the conduct of investigations.
- Provide guidance to the City Manager regarding the potential legal avenues or consequences once a fraud has been established through investigation, and the means available to recover assets and to restore the City of Henderson's reputation and goodwill.
- Communicate with and manage relations with external criminal lawyer in circumstances where criminal cases of fraud arise.

ALL CITY STAFF

- Conduct themselves lawfully and properly in the use of the City's resources.
- Remain alert to the possibility of fraud and report suspicious behavior to their direct manager or supervisor or the City Manager.
- If staff prefer to report anonymously they can do so through the confidential fraud Hotlines.

- Attend in-house training courses on Risk Management and Fraud Prevention.
- Sign and accept the Anti-Fraud Policy as an integral condition of employment with the City of Henderson.

VII. Contact Details

Contact details for the City of Henderson are found on the City of Henderson's website_____

In addition, the following contact details are provided.

The City of Henderson City Manager:

City Manager
Henderson City Hall
400 W. Main Street
Henderson, TX 75652
Office: (903) 657-6551

Ethics and Fraud Reporting

For online reporting: _____

Reporting hotline: _____



City Council

Agenda Item # 8.

SUBJECT: Open a Public hearing upon the voluntary annexation application of 25.119 acres into the city limits located at 1702 Industrial Drive owned by HEDCO. (Jimerson)

MEETING DATE: March 21, 2023

DEPARTMENT: City Secretary

CONTACT: Cheryl Jimerson

RECOMMENDED CITY COUNCIL ACTION: Need to open and close first Public Hearing on this annexation

ITEM SUMMARY: HEDCO owned property, annexing into the city limits

BACKGROUND INFORMATION: None

SPECIAL CONSIDERATIONS: None

SUPPORTING MATERIALS:

1. Annexation Application Completed for HEDCO-Brady Subdivision Unit 2
2. Field Notes and Survey of HEDCO-Brady Subdivision Unit 2
3. Service Plan for HEDCO Morris Street Property



Planning and Development

City of Henderson 300 W. Main Henderson, Texas 75652
Phone: 903.657.6551 ext. 102 Fax: 903.657.7327

VOLUNTARY ANNEXATION PROCEDURE

Requests for voluntary annexation (with owner consent) will be considered by the City of Henderson upon receipt of a complete application. The estimated length of time from submission to final approval is 90 to 120 days. Voluntary annexation requests require the following steps:

1. Submit complete application including all required attachments.
2. Application review by City Departments which would be responsible for providing service or enforcing any applicable codes.
3. City of Henderson City Council initiates the annexation process and calls two public hearings, to be held no later than 60 days from initiation meeting.
4. Notice of public hearings will be posted in the newspaper at least 10 days, but no more than 20 days, prior to each public hearing.
5. After the second public hearing, City Council will hold the first reading to pass/reject the annexation ordinance. The second reading will be at the Council Meeting the following month.
6. If approved by the City Council a copy of the ordinance, map and legal description is filed with the:
 - US Department of Justice
 - Texas Secretary of State
 - State Comptroller's Office
 - Texas Department of Transportation
 - Rusk County Clerk
 - Rusk County Appraisal district
 - Henderson ISD
 - Each Affected Utility Company
7. The annexation is complete upon acknowledgement by the Texas Secretary of State that the ordinance, map and legal description have been received.

The following items must be submitted with the completed application:

- Written request for annexation of identified property signed and dated by all owners of record or their authorized representatives. Attach a separate signature page for each owner.
- Complete legal description of property to be annexed sealed by licensed surveyor.
- Map of property to be annexed.



Planning and Development

City of Henderson 300 W. Main Henderson, Texas 75652
Phone: 903.657.6551 ext. 102 Fax: 903.657.7327

VOLUNTARY ANNEXATION APPLICATION

Project Information:

Project Type (Place "X" on one) _____ Residential X Commercial Total Acres 25.119
Project Address (Location) 1702 Industrial Drive
Legal Description Lot 3 Block 558, HEDCO-BRADY Sub Unt NO 2
Project Name _____
Purpose of Annexation To have city services and protection at inside city rates
Existing Use Industrial # Existing Lots 1 # Existing Units 1
Proposed Use Industrial # Proposed Lots 1 # Proposed Units 1

Applicant Information:

Applicant/Company HEDCO
Address 300 W. Main Street
City Henderson State Texas 75652
Phone 903-392-0447 Fax N/A Email john@hendersonedc.com
Property Owner HEDCO
Address same as above
City _____ State _____
Phone _____ Fax _____ Email _____
Key Contact/Agent _____
Address _____
City _____ State _____
Phone _____ Fax _____ Email _____

1. Is petition being initiated by owner(s) or majority of registered voters in area of request? Yes If No, what is the status of the applicant? _____
2. Estimated population of the area in request: 0, Adults: _____, Children: _____
3. Number of registered voters in area in request: 0
4. What zoning district is being requested, if any, under separate application? _____
5. What is the purpose of the annexation? to have city services and protection at inside city rates



Planning and Development

City of Henderson 300 W. Main Henderson, Texas 75652
Phone: 903.657.6551 ext. 102 Fax: 903.657.7327

VOLUNTARY ANNEXATION APPLICATION

(page 2)

TO: THE MAYOR AND GOVERNING BODY OF THE CITY OF HENDERSON, TEXAS:

The undersigned does hereby petition for annexation of 25.119 acres located at in the extraterritorial jurisdiction of the City of Henderson, Texas. The property is more particularly described in the attached survey description and shown on the attached map. The undersigned also certifies that the required information concerning the land and its inhabitants is reasonably accurate and assumes responsibility for the completion of said information prior to scheduled action on the request of the City of Henderson.

Signature of Owner:

John W. Clary

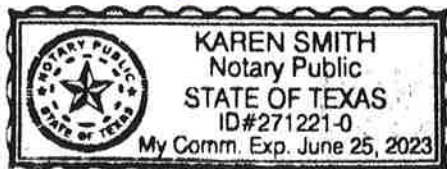
Before me, the undersigned authority, on this day personally appeared John W. Clary, known to me by the person whose name is subscribed to the above and foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration expressed and, in the capacity, therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the

21st day of February, 20 23.

Notary Public:

Karen Smith



For Departmental Use Only

Project #: 2023-01

Total Fees: 0

Payment Method: N/A

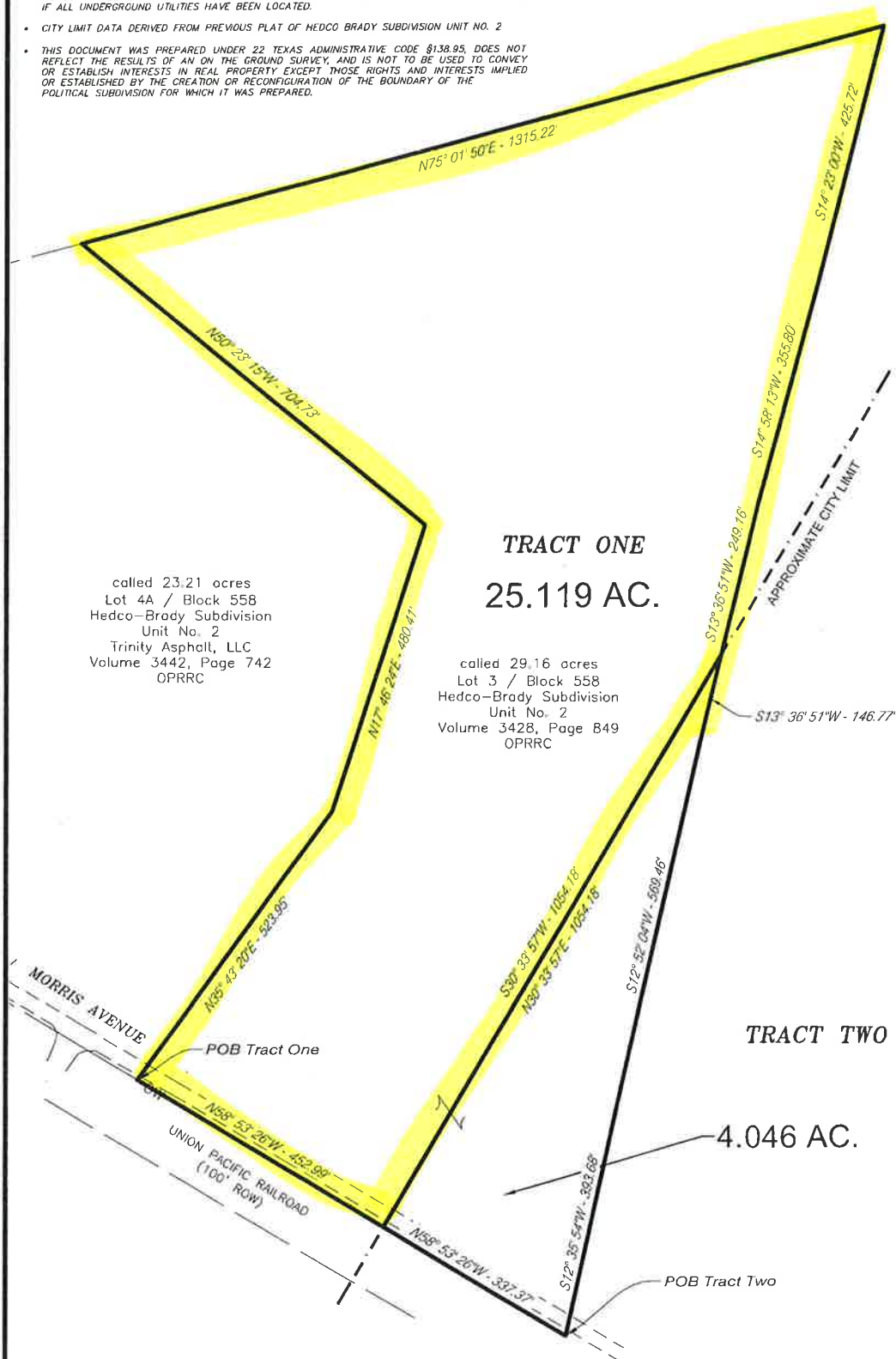
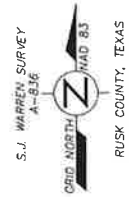
Submittal Date: Feb 21, 2023

Accepted By: Cheryl J. Jenson

City Council Date: March 21 Public Hearing
April 18 1st Reading Dates
May 16, 2023 2nd Reading

NOTES

- VOLUME AND PAGE REFERENCES SHOWN HEREON ARE TO THE DEED RECORDS OF RUSK COUNTY, TEXAS (DPRC), THE LAND RECORDS OF RUSK COUNTY, TEXAS (LPRC), OR THE OFFICIAL PUBLIC RECORDS OF RUSK COUNTY, TEXAS (OPRRC).
- DIRECTIONAL CONTROL BASED UPON GPS DATA CONVERTED TO THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE.
- LINEAR DIMENSIONS ARE IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
- EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED THE SURVEYOR. NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED THE SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT WOULD AFFECT THESE PARCELS.
- NO GUARANTEE IS GIVEN OR IMPLIED BY DDM SURVEYING INC. AS TO THE EXACT LOCATION OR IF ALL UNDERGROUND UTILITIES HAVE BEEN LOCATED.
- CITY LIMIT DATA DERIVED FROM PREVIOUS PLAT OF HEDCO BRADY SUBDIVISION UNIT NO. 2
- THIS DOCUMENT WAS PREPARED UNDER 22 TEXAS ADMINISTRATIVE CODE §138.95, DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY, AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF THE POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED.





DDM Surveying, Inc.

Tract One – 25.119 Acres

BEGINNING at the Southwest corner of Lot 3 / Block 558 of Unit No. 2, Hedco-Brady Subdivision as it appears in Volume 3428, Page 849 of the Official Public Records of Rusk County, Texas (OPRRC);

THENCE with the West line of said Lot 3 as follows:

North 35° 43' 20" East a distance of 523.95 feet, and

North 17° 46' 24" East a distance of 480.41 feet, and

North 50° 23' 15" West a distance of 704.73 feet to the Northwest corner of same;

THENCE North 75° 01' 50" East with the North line of said Lot 3 a distance of 1315.22 feet to the Northeast corner of same;

THENCE with the East line of said Lot 3 as follows:

South 14° 23' 00" West a distance of 425.72 feet, and

South 14° 58' 13" West a distance of 355.80 feet, and

South 13° 36' 51" West a distance of 249.16 feet to a point in same, being at the Northernmost corner of a 4.046 acres (Tract Two) described this date;

THENCE South 30° 33' 57" West across said Lot 3, with the West line of said Tract Two a distance of 1054.18 feet to a point in the South line of said Lot 3, being at the Southwest corner of said Tract Two;

THENCE North 58° 53' 26" West with the South line of said Lot 3 a distance of 452.99 feet to the BEGINNING and CONTAINING 25.119 acres.

Tract Two – 4.046 Acres

BEGINNING at the Southeast corner of Lot 3 / Block 558 of Unit No. 2, Hedco-Brady Subdivision as it appears in Volume 3428, Page 849 of the Official Public Records of Rusk County, Texas (OPRRC);

THENCE North 58° 53' 26" West with the South line of said Lot 3 a distance of 337.37 feet to point in same, being at the Southeast corner of a 25.119 acres (Tract One) described this date;

THENCE North 30° 33' 57" East across said Lot 3, with the East line of said Tract One a distance of 1054.18 feet to a point in the East line of said Lot 3, being the Northernmost corner of this tract;

THENCE with the East line of said Lot 3 as follows:

South 13° 36' 51" West a distance of 146.77 feet, and

South 12° 52' 04" West a distance of 569.46 feet, and

South 12° 35' 54" West a distance of 393.68 feet to the BEGINNING and CONTAINING 4.046 acres.

This document was prepared under 22 Texas Administrative Code §138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.



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South 14° 58' 13" West a distance of 355.80 feet, and

South 13° 36' 51" West a distance of 249.16 feet to a point in same, being at the Northernmost corner of a 4.046 acres (Tract Two) described this date;

THENCE South 30° 33' 57" West across said Lot 3, with the West line of said Tract Two a distance of 1054.18 feet to a point in the South line of said Lot 3, being at the Southwest corner of said Tract Two;

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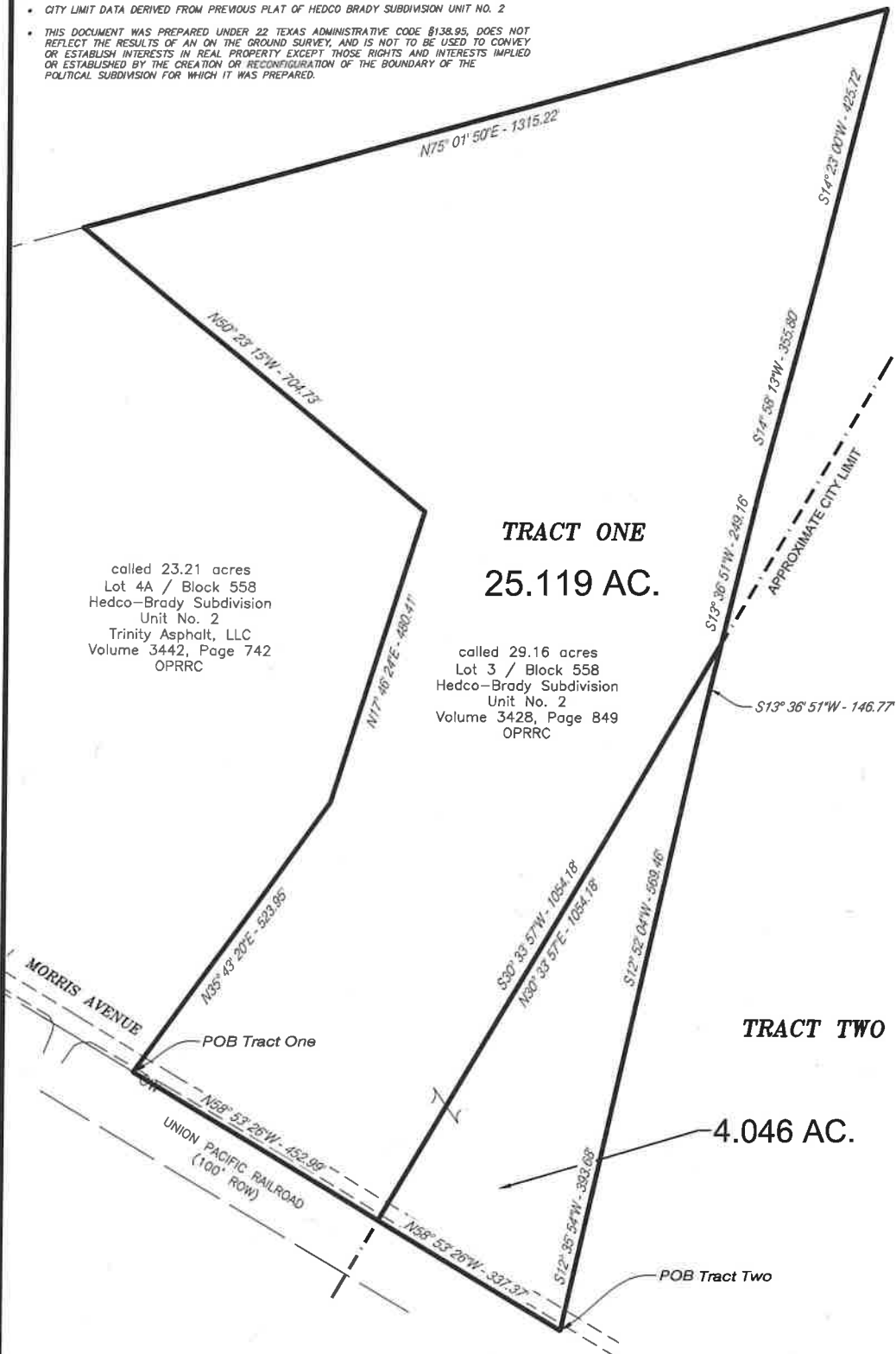
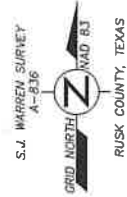


EXHIBIT “B”

CITY OF HENDERSON ANNEXATION SERVICE PLAN HEDCO 25.119 ACRE TRACT

INTRODUCTION

This service plan has been prepared in accordance with V.T.C.A., Local Government Code, Section 43.056 and 43.0561 for the **HEDCO, 25.119 acre tract**, as described in the field notes attached to the **HEDCO, 25.119 acre tract Annexing Ordinance _____** as **Exhibit “A”**. The Council finds that the property is annexed pursuant to Section 43.0671 Local Government Code on application of property owner (**Exhibit “1”**). Municipal facilities and services to the annexed area described Municipal Water, Solid Waste, Fire and Police Services will be provided or made available on behalf of the City at the following levels and in accordance with the following schedule:

POLICE PROTECTION

Patrolling, responses to calls, and other police services will be provided on the effective date of the annexation at the same level as provided throughout the city by the Henderson Police Department. The City of Henderson has a Municipal Court that is a Municipal Court of Record and of competent jurisdiction to handle Class C Misdemeanors.

FIRE PROTECTION AND FIRE PREVENTION

Fire protection and fire prevention services will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the City. The Henderson Fire Department is in Henderson, Texas.

UT HEALTH EMERGENCY MEDICAL SERVICES

Emergency medical services will be provided on the effective date of the annexation on the same basis and at the same level as provided throughout the City by the UT HEALTH EMERGENCY MEDICAL SERVICES (EMS). The EMS station is located at 500 W. Main Street Henderson, Texas 75652.

SOLID WASTE COLLECTION AND DISPOSAL

Solid waste collection and disposal services will be provided at the same level as provided throughout the city by the contracted company as specified by the City of Henderson Code of Ordinances.

WATER SERVICE

Operation and maintenance of water facilities that are contiguous to the city of Henderson's CCN and within this Annexation Service Plan will be provided by the Henderson Utility Department on the effective date of the annexation on the same basis and at the same level as provided throughout the City with comparable topography, land use and population density in accordance with existing Ordinances, including Ordinances governing subdivisions in effect on the date of annexation which require a developer to install water lines.

MAINTENANCE OF ROADS AND STREETS

The City of Henderson maintains the city streets within the city. Existing State highways within the city are maintained by the State of Texas.

PARKS PLAYGROUNDS AND RECREATION

The City of Henderson owns several City Park's that is free to all residents and that can be used for picnics, recreation and so forth. The City rents the park facility for special events upon proper application made at the Civic Center Offices located at 1500 Lake Forest Parkway. A golf course (privately owned), disc golf and tennis courts are located within the city and are free to use.

LIBRARY SERVICE

The City of Henderson has a public library located within the city known as the Rusk County Library. The library is a separate independent entity and is not operated by City but provides Library services throughout the City located at 106 E. Main Street, Henderson, Texas 75654.

STREET LIGHTING

Street lighting is available within the city and is available through AEP Electric. The City of Henderson does not provide street lighting.

ELECTRICAL SERVICES

Electrical power service is available in the city and is provided within the City by AEP Electric.

NATURAL GAS SERVICES

Natural gas service is available in the city and is provided by Center Point Energy Company.

OTHER SERVICES

Other services that may be provided by the City such as planning and zoning, code enforcement, animal control, library, park and recreation, court, and general administration will be made available on the effective date of the annexation on the same basis and at the same level as provided throughout the City. Construction permits are issued by the City. Costs are determined by a Master Fee Schedule. The city uses the most recently adopted international building code for mechanical, fire, building, plumbing and miscellaneous other items. The city uses the International Electric Code for electrical work. Wastewater rules are the version of those published by the Texas commission on Environmental Quality. Site plan recommendation is performed by the Henderson the Planning and Zoning Commission final approval/disapproval by City Council.

CAPITAL IMPROVEMENTS

Construction of other capital improvements shall be considered by the City in the future as the need dictates on the same basis as such capital improvements are considered throughout the City in accordance with existing Ordinances of the City of Henderson, including Ordinances governing subdivisions in effect on the date of annexation which require a developer to install or construct such capital improvements

including but not limited to roads, streets, water, and sewer lines.

UNIFORM LEVEL OF SERVICES MAY NOT BE REQUIRED

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service. Funding capital improvement and infrastructure necessary to provide municipal services to the property shall be subject to and in accordance with the existing Ordinances of the City of Henderson in effect on the date of annexation including those which require that a developer install or construct such capital improvements to the property.

TERM

This service plan shall be valid for a term of ten (10) years.

AMENDMENTS

The plan shall not be amended unless public hearings are held in accordance with the applicable sections of the Local Government Code.

Adopted by City Council on the _____ day of _____, 2023.

John (Buzz) Fullen, Mayor

Attest:

Cheryl Jimerson, City Secretary

Read and Accepted: _____ **Date:** _____

HEDCO

_____, **President**



City Council

Agenda Item # 9.

SUBJECT: Close Public Hearing.

MEETING DATE: March 21, 2023

DEPARTMENT: City Secretary

CONTACT:

RECOMMENDED CITY COUNCIL ACTION:
ITEM SUMMARY:

BACKGROUND INFORMATION:

SPECIAL CONSIDERATIONS:

SUPPORTING MATERIALS: None



City Council

Agenda Item # 10.

SUBJECT: Consideration and possible action upon Resolution 2023-03-01 for amendment #1 to the 2022-2023 budget.(Arnall)

MEETING DATE: March 21, 2023

DEPARTMENT: Finance

CONTACT: Karen Arnall, Finance Director

RECOMMENDED CITY COUNCIL ACTION: Staff recommends Council approve amendment as presented.

ITEM SUMMARY: This is to amend the 2022-2023 budget for items ordered but not yet received or projects started but not yet completed in 2022. These items or projects will be received and most likely completed in 2023. Exceptions could be the Eastside Sewermain Project and projects funded with the American Rescue Plan Funds. The budget amendment recommended to the Council addresses needed changes to the 2022-2023 budget affecting the following funds: General Fund, Street/Drainage Fund, General Construction Fund, Water/Sewer Construction Fund and 2018 Bond Series Fund.

BACKGROUND INFORMATION: The total budget amendment request is \$3,445,269.34.

SPECIAL CONSIDERATIONS:

SUPPORTING MATERIALS: None

2022-2023 Budget Amendment #1

REVENUES			EXPENSES		
Account	DESCRIPTION	Amend	Account	Description	Amount to Amend
General Fund					
Public Services Department					
01-5999	Beginning Balance	\$ 284,145.00	01-6730-14	Transfer to Street/Drainage Fund	\$ 284,145.00
	TOTAL Public Services	<u>\$ 284,145.00</u>			<u>\$ 284,145.00</u>
Fire Department					
01-5999	Beginning Balance	\$ 38,000.00	01-6750-15	Capital	\$ 38,000.00
	TOTAL Fire Department	<u>\$ 38,000.00</u>			<u>\$ 38,000.00</u>
Police Department					
01-5999	Beginning Balance	\$ 200,000.00	01-6750-16	Capital	\$ 200,000.00
	TOTAL Police Department	<u>\$ 200,000.00</u>			<u>\$ 200,000.00</u>
Miscellaneous Department					
01-5999	Beginning Balance	\$ 33,678.00	01-6710-25	Comprehensive Plan	\$ 33,678.00
01-5999	Beginning Balance	\$ 1,302,773.57	01-6920-25	American Rescue Plan	\$ 1,302,773.57
	TOTAL Miscellaneous	<u>\$ 1,336,451.57</u>			<u>\$ 1,336,451.57</u>
	TOTAL General Fund	<u>\$ 1,858,596.57</u>			<u>\$ 1,858,596.57</u>
Street & Drainage Fund					
04-5405	10% Sales Tax Transfer In	\$ 284,145.00	04-6783	Phase 2 #23 Engineering	\$ 4,660.00
04-5999	Beginning Balance	\$ 186,777.50	04-6784	Phase 2 #23 Construction	\$ 466,262.50
	TOTAL Street & Drainage	<u>\$ 470,922.50</u>			<u>\$ 470,922.50</u>
General Construction Fund					
05-5999	Beginning Balance	\$ 36,090.00	05-6757	Fire Station	\$ 36,090.00
05-5999	Beginning Balance	\$ 100,000.00	05-6832	Public Services-Warehouse Roof	\$ 100,000.00
	TOTAL General Construction	<u>\$ 136,090.00</u>			<u>\$ 136,090.00</u>
Water/Sewer Construction Fund					
32-5999	Beginning Balance	\$ 124,500.00	32-6842	Backhoe	\$ 124,500.00
	TOTAL Water/Sewer Construction	<u>\$ 124,500.00</u>			<u>\$ 124,500.00</u>
2018 Bond Series					
33-5999	Beginning Balance	\$ 107,885.03	33-6784	Eastside Sewer Main Proj-Engineer	\$ 107,885.03
33-5999	Beginning Balance	\$ 747,275.24	33-6785	Eastside Sewer Main Proj-Const	\$ 747,275.24
	TOTAL 2018 Bond Series	<u>\$ 855,160.27</u>			<u>\$ 855,160.27</u>
TOTAL REVENUES		\$ 3,445,269.34	TOTAL EXPENDITURES		\$ 3,445,269.34



City Council

Agenda Item # 11.

SUBJECT: Consideration and possible action upon Police Officer Salary adjustments. (Taylor)

MEETING DATE: March 21, 2023

DEPARTMENT: Police Department

CONTACT: Chad Taylor

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of the salary adjustments

ITEM SUMMARY: This adjustment and pay scale will better align the Henderson Police Department with other regional agencies. This action is meant to assist the department in recruitment and retention.

BACKGROUND INFORMATION:

SPECIAL CONSIDERATIONS:

SUPPORTING MATERIALS:

1. Council info



City Council

Agenda Item # 12.

SUBJECT: Consideration and possible action upon a minor plat submitted by Lee Smart for the property located at 500 Cleaver Street. (Hughes/McElfresh)

MEETING DATE: March 21, 2023

DEPARTMENT: Community Development

CONTACT: Billy Hughes, P & Z Coordinator

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of this minor plat that will change the property lines on two adjoining lots located in Council District 3.

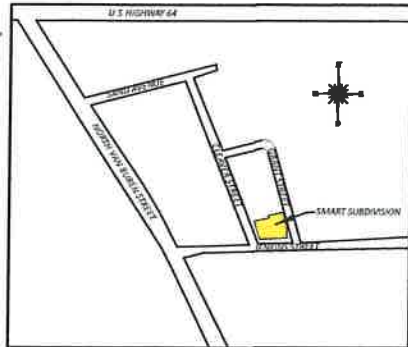
ITEM SUMMARY: Consider and approve a minor plat submitted by Lee Smart.

BACKGROUND INFORMATION: Mr. Smart recently purchased a narrow strip of land from Mrs. Ethyl Gray on the back of the adjoining property. Mr. Smart had started construction on a garage on his property when it was discovered that he had unknowingly crossed over the property line by a few feet. Mr. Smart hired Roy Lemley, a registered land surveyor, to survey and prepare a new plat after he purchased enough property from Mrs. Gray to meet the setback standards for his proposed garage.

SPECIAL CONSIDERATIONS: None

SUPPORTING MATERIALS:

1. 0297_001



CITY OF HENDERSON
LOCATER MAP
NTS
GENERAL NOTES

"All buildings to be constructed in this subdivision shall be placed at an elevation that is a minimum of six (6) inches above the top of the curb fronting the lot to prohibit storm waters from entering the building.

Subject Property is not located in a FEMA Flood Area as per FEMA INSURANCE RATE MAP PANEL 480993 0180 B effective date September 27,1991.

This subdivision Zone: R2
Minimum Setback Lines: Front 30' Rear: 20'
Side Interior: 7.5'

NOTE: Selling a portion of this subdivision by metes and bounds is a violation of City Ordinance and State law and is subject to fines and withholding of utilities and building permits.

KNOW ALL MEN BY THESE PRESENTS, that we, Ethyl Raye Phillips Gray am the owner of Part of Lot 8, Block 216 (Distribution Deed Vol.2307, Pg.611 (OPRRCT) and Lot 7, Block 216 was conveyed to Lee Smart and Melba Smart (now deceased) from Ethyl Raye Phillips Gray (WD Vol.3562, Pg.190) (OPRRCT) on which the SMART SUBDIVISION lies, and we do adopt this plan for subdivision, said property hereon to be called SMART SUBDIVISION.

All taxes are paid and no delinquent taxes exist on this property.

SUBSCRIBED AND SWORN BEFORE ME THIS

THE 15th DAY OF August, 2023.

Ethyl Raye Phillips Gray
Ethyl Raye Phillips Gray

Notary Public in and for Henderson County, California.
THE 15th DAY OF August, 2023.

SUBSCRIBED AND SWORN BEFORE ME THIS

THE 15th DAY OF August, 2023

Lee Smart
Lee Smart

Notary Public in and for Rusk County, Texas.
THE 15th DAY OF August, 2023.

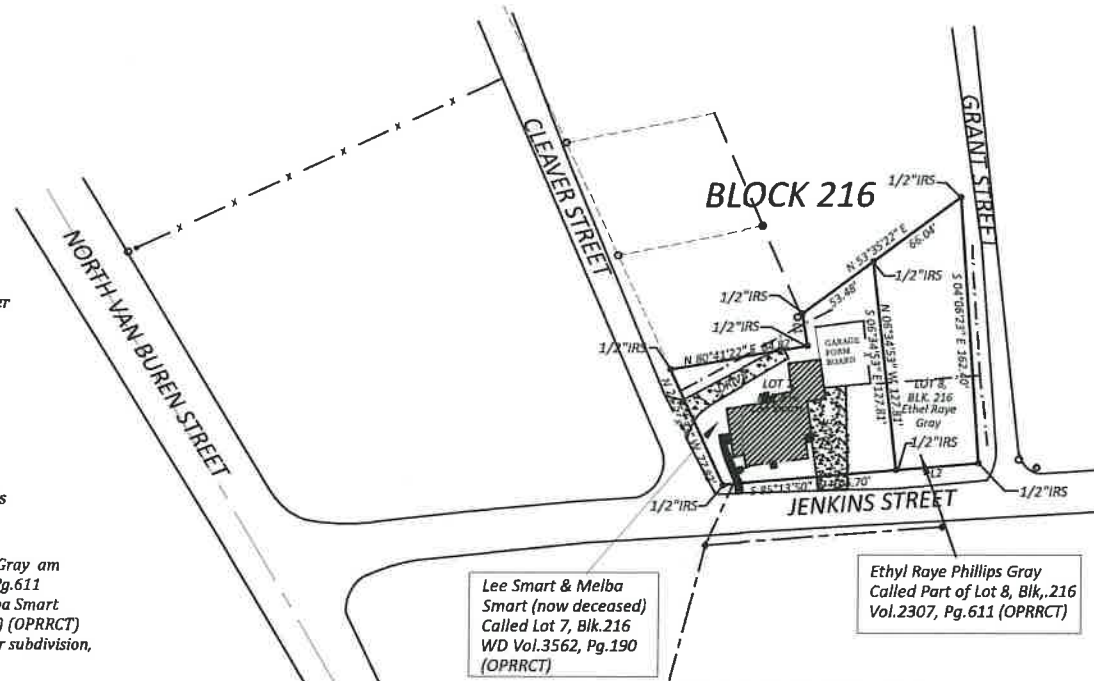
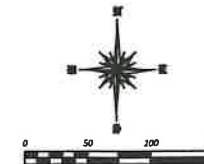
W.JOHNSON SURVEY, A-454

NOTE: Bearing Orientation Based on Ave. RTK GPS Coordinantes (NAD83, (TSPCS), NCZ(4202).
NOTE: This Map is Page 1 of 2.

JOB NO. 082220
SMARTLOT.crd
SMARTSUB.dwg

CALL TABLE

LINE	BEARING	DISTANCE
L1	N 09°17'08" W	20.00'
L2	S 85°13'50" W	50.30'



SMART SUBDIVISION

CERTIFICATE OF CITY MANAGER

I hereby certify that all requirements of the "SUBDIVISION ORDINANCE and ZONING ORDINANCE" concerning submission and approval of Final Plat approval have been complied with for the of information and date to the City Manager required for Final Plat have been complied with for the hereon referenced subdivision

City Manager

Date

APPROVED AND ACCEPTED BY THE CITY COUNCIL OF
HENDERSON, TEXAS on this the 15 day of August, 2023.

Mayor

Date

ATTEST: City Secretary

CERTIFICATE:
I, Roy L. Lemley, Registered Professional Land Surveyor no.3677, hereby certify that the above plat correctly represents the results of a survey on the ground by me and is true and correct to the best of my knowledge and belief.
Witness my hand and seal this the 15th day of August, 2023.

Roy L. Lemley - Registered Professional Land Surveyor No.3677
2510 Ramblewood, Henderson, Texas 75652
Phone: 903-657-9314 Cell: 903-722-4149 FIRM No.101103-00

MINOR PLAT FOR
SMART SUBDIVISION
W.JOHNSON SURVEY, A-454
CITY OF HENDERSON, RUSK COUNTY, TEXAS
Scale: 1"=50' 15, 2023

JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of

Los Angeles

Subscribed and sworn to (or affirmed) before me on this 25 day of Feb.

20 23 by

Ethyl Kaye Phillips Gray

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Sheryl Hein-Boydin
Signature (Seal)



OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

W. Johnson Burvey
(Title or description of attached document)

4-454

(Title or description of attached document continued)

Number of Pages _____ Document Date _____

Additional information _____

INSTRUCTIONS

The wording of all Jurats completed in California after January 1, 2015 must be in the form as set forth within this Jurat. There are no exceptions. If a Jurat to be completed does not follow this form, the notary must correct the verbiage by using a jurat stamp containing the correct wording or attaching a separate jurat form such as this one with does contain the proper wording. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

- State and county information must be the state and county where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of the document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
- ❖ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
- ❖ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document with a staple.



City Council

Agenda Item # 13.

SUBJECT: Consideration and possible action upon a minor plat submitted by Bane Investment Holdings (BIH) for the property known as part of the Crimcrest Addition located between Whippoorwill and Mockingbird Streets . This property is located in Council District 3. (Hughes/McElfresh)

MEETING DATE: March 21, 2023

DEPARTMENT: Community Development

CONTACT: Billy Hughes, P & Z Coordinator

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of this minor plat application.

ITEM SUMMARY: BIH submitted a minor plat application for a large piece of land in the Crimcrest Addition off N. Evenside. The re-plat consists of 209 small undeveloped lots to be combined into two lots. Lot 1 will consist of 9.611 acres and Lot 2 will be 36.525 acres, which will be named BIH Addition if approved.

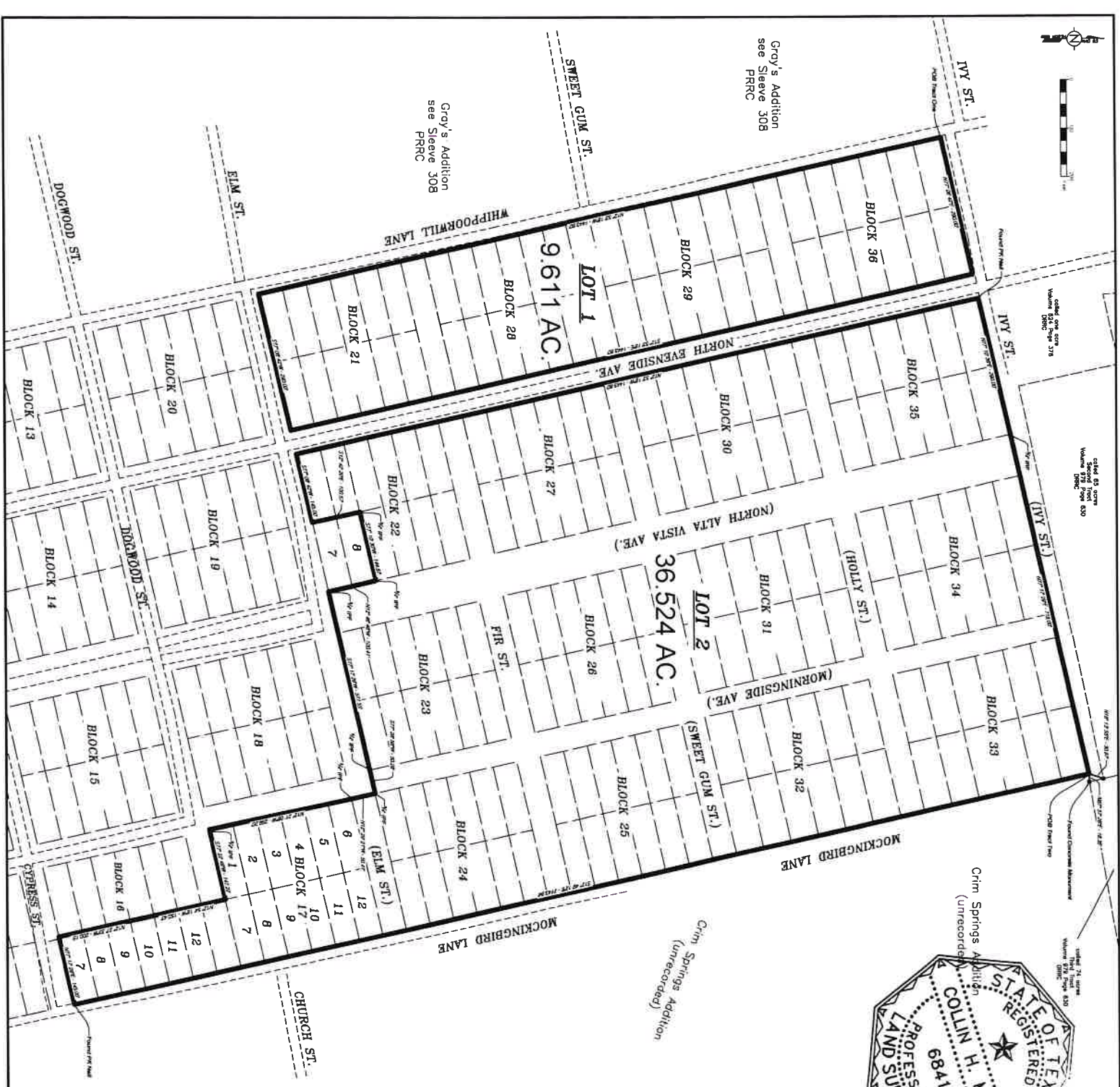
BACKGROUND INFORMATION: Mr. Bane purchased the property in October of 2022. The property is undeveloped but was platted many years ago into 50' and 60' lots with varying depths. Most of these lots do not meet the current minimum lot size that is defined in the Development Standards for the R3 zone found in article 2 section 2.12 of the Zoning Ordinance. Mr. Bane plans to develop the lots as residential use, requiring a major plat when that time comes.

SPECIAL CONSIDERATIONS: None

SUPPORTING MATERIALS:

1. BIH Addition

2. Legal description
3. Lot 1 legal description
4. Lot 2 legal description



SURVEYOR'S STATEMENT

I, Collin H. Miley, Registered Professional Land Surveyor No. 6841, do hereby certify that this plat was prepared from an actual survey made under my direction and supervision on the ground during February, 2023.

GIVEN UNDER MY HAND AND SEAL this the 14 day of Feb. 2023.



(Signature)

SUBSCRIBED AND SWORN BEFORE ME, a Notary Public in and for the State of Texas, this the 14 day of Feb. 2023.



OWNER'S STATEMENT

I, Brent Bone, am the OWNER of the tracts of land described in a Warranty Deed dated November 17, 2022, and recorded in Volume 3899, Page 379, ORRC #3899-379, and do accept this as its Plan for subdividing into lots, and do dedicate to the public (except the streets, alleys and easements as shown).

Brent Bone
(Signature)

SUBSCRIBED AND SWORN BEFORE ME, a Notary Public, in and for the



CERTIFICATE OF CITY MANAGER

I hereby certify that all requirements of the "Subdivision Ordinance and Zoning Ordinance" concerning submission and approval of information and data to the City Manager as required for Final Plat approval have been complied with for the herein referenced subdivision.

City Manager

Date

APPROVED AND ACCEPTED BY THE CITY COUNCIL OF HENDERSON, TEXAS on this ___ day of ___, 2023.

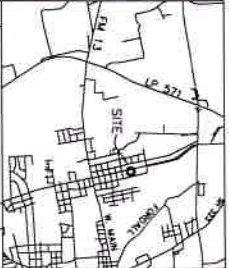
Mayor
City Secretary

Notes:

- 1. This plat was prepared from an actual survey made under my direction and supervision on the ground during February, 2023.
- 2. The survey was made in accordance with the provisions of the Texas Surveying Act, Chapter 131, Texas Government Code, and the Rules and Regulations of the State Board of Professional Land Surveyors.
- 3. The survey was made in accordance with the provisions of the Texas Surveying Act, Chapter 131, Texas Government Code, and the Rules and Regulations of the State Board of Professional Land Surveyors.
- 4. The survey was made in accordance with the provisions of the Texas Surveying Act, Chapter 131, Texas Government Code, and the Rules and Regulations of the State Board of Professional Land Surveyors.
- 5. The survey was made in accordance with the provisions of the Texas Surveying Act, Chapter 131, Texas Government Code, and the Rules and Regulations of the State Board of Professional Land Surveyors.

**Final Plat of
BIH ADDITION**

F.N. Brooks Survey A-101
City of Henderson
Fusk County, Texas



DDM Surveying, Inc.
12111 Highway 101
Henderson, TX 75653
903.657.8117 F
www.ddmsurveying.com
TXC#14 0005050

DDM
Brent Bone
Surveyor

DDM Surveying, Inc.
12111 Highway 101
Henderson, TX 75653
903.657.8117 F
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TXC#14 0005050



DDM Surveying, Inc.

March 15, 2023

Brant Bane

9.611 Acres

Tract One

Being a 9.611 acre parcel of land located on North Evenside Avenue within the corporate limits of the City of Henderson, Texas, and being situated in the F.N. Brooks Survey, Abstract No. 101, Rusk County, Texas, and being all of Blocks 21, 28, 29, and 36 of Crimcrest, an addition to the City of Henderson, as shown on the plat of same as it appears in Volume 155, Page 555 of the Deed Records of Rusk County, Texas (DRRC), and being all of a called 9.611 acres (Tract One) as described in the deed from Mary Frances Engle Alford et al to Bane Investment Holdings, LLC, recorded in Volume 3890, Page 379, of the Official Public Records of Rusk County, Texas (OPRRC), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod found marking the Northwest corner of said Block 36, being in the South margin of Ivy Street, common with the East margin of Whippoorwill Lane;

THENCE North 77° 06' 42" East with the North line of said Block 36, common with said South margin a distance of 290.00 feet to a 1/2" iron rod found marking the Northeast corner of said Block 36, being in the West margin of said North Evenside Avenue;

THENCE South 12° 53' 18" East with the East lines of said Block 36, 29, 28, and 21, common with said West margin a distance of 1443.60 feet to a 1/2" iron rod found marking the Southeast corner of said Block 21, being in the North margin of Elm Street;

THENCE South 77° 06' 42" West with the South line of said Block 21, common with said North margin a distance of 290.00 feet to a 1/2" iron rod found marking the Southwest corner of said Block 21, being in the East margin of said Whippoorwill Lane;

THENCE North 12° 53' 18" West with the West lines of said Block 21, 28, 29, and 36, common with said East margin a distance of 1443.60 feet to the BEGINNING and CONTAINING 9.611 acres.

All bearings and coordinates are based on the Texas Coordinate System of 1983, North Central Zone.

I hereby certify that this legal description and the accompanying plat of even date represents the facts found during the course of an actual survey made on the ground under my supervision in February, 2023.

Collin H. Miley, R.P.L.S.#6841

DDM Surveying, Inc. - Firm# 10045900 - P.O. Box 895 - Henderson, Texas 75653-0895 - 903-657-6229

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DDM Surveying, Inc.

March 15, 2023

Brant Bane

36.524 Acres

Tract Two

Being a 36.526 acre parcel of land located on North Evenside Avenue within the corporate limits of the City of Henderson, Texas, and being situated in the F.N. Brooks Survey, Abstract No. 101, Rusk County, Texas, and being all of: Blocks 23-27, Blocks 30-35, Block 17, and being Lots 7-12, Block 16, and Lots 1-6, 9-12, Block 22 of Crimcrest, an addition to the City of Henderson, as it appears in Volume 155 Page 555 of the Deed Records of Rusk County, Texas (DRRC), and being all of a called 36.858 acres (Tract Two) as described in the deed from Mary Frances Engle Alford et al to Bane Investment Holdings, LLC, recorded in Volume 3890, Page 379, of the Official Public Records of Rusk County, Texas (OPRRC), and being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ " iron rod found at the Northeast corner of said Block 33, from whence a $\frac{1}{2}$ " iron rod found bears North $18^{\circ} 13' 55''$ East a distance of 30.97 feet, and a concrete monument found bears North $87^{\circ} 57' 26''$ East a distance of 16.35 feet;

THENCE South $12^{\circ} 49' 12''$ East with the East lines of said Blocks 33, 32, 25, 24, 17, and 16 a distance of 2143.84 feet to a PK nail found in the North margin of Cypress Street, marking the Southeast corner of said Lot 7, Block 16;

THENCE South $77^{\circ} 17' 29''$ West with the South line of said Lot 7 a distance of 145.00 feet to a $\frac{1}{2}$ " iron rod found marking the Southwest corner of same;

THENCE North $12^{\circ} 27' 33''$ West with the West lines of said Lots 7-10, Block 16, a distance of 200.15 feet to a $\frac{1}{2}$ " iron rod found marking the Southwest corner of said Lot 11, Block 16;

THENCE North $12^{\circ} 54' 18''$ West with the West lines of said Lots 11 and 12, Block 16, and continuing across Dogwood Street (unimproved) a distance of 150.43 feet to a $\frac{1}{2}$ " iron rod found marking the Southwest corner of Lot 7, Block 17, of said addition;

THENCE South $77^{\circ} 22' 49''$ West with the South line of said Block 17 a distance of 147.22 feet to a $\frac{3}{4}$ " iron pipe found marking the Southwest corner of same;

THENCE North $12^{\circ} 21' 08''$ West with the West line of said Block 17 a distance of 299.20 feet to a $\frac{3}{4}$ " iron pipe found marking the Northwest corner of same;

THENCE North $12^{\circ} 29' 21''$ West across Elm Street (unimproved) a distance of 50.41 feet to a $\frac{3}{4}$ " iron pipe found marking the Southwest corner of said Block 24;

THENCE South $77^{\circ} 28' 58''$ West across Morningside Avenue (unimproved) a distance of 50.28 feet to a $\frac{3}{4}$ " iron pipe found marking the Southeast corner of said Block 23;

THENCE South 77° 17' 29" West with the South line of said Block 23, and continuing with the North margin of said Elm Street a distance of 377.55 feet to a ¾" iron pipe found marking the Southeast corner of Lot 7, Block 22 of said addition;

THENCE North 12° 46' 48" West with the East line of said Block 22, a distance of 100.41 feet to a ¾" iron pipe found at the Northeast corner of Lot 8, Block 22, of said addition, and the Southeast corner of said Lot 9, Block 22;

THENCE South 77° 10' 30" West with the North line of said Lot 8, Block 22, and the South line of said Lot 9, Block 22, a distance of 144.87 feet to a ¾" iron pipe found at the Northwest corner of said Lot 8, Block 22;

THENCE South 12° 42' 20" East with the West lines of said Lots 8 and 7, Block 22, a distance of 100.57 feet to a ⅝" iron rod set to mark the Southwest corner of said Lot 7, Block 22, and the Southeast corner of said Lot 1, Block 22, being in the North margin of said Elm Street;

THENCE South 77° 06' 42" West with the South line of said Lot 1, Block 22, common with the North margin of said Elm Street a distance of 145.00 feet to a ½" iron rod found marking the Southwest corner of said Block 22, being in the East margin of said North Evenside Avenue;

THENCE North 12° 53' 18" West with the West lines of said Blocks 22, 27, 30, and 35, all being along the East margin of said North Evenside Avenue a distance of 1443.60 feet to a pk nail found marking the Northwest corner of said Block 35, being in the South margin of Ivy Street;

THENCE North 77° 10' 38" East with the North line of said Block 35 a distance of 290.00 feet to a ¾" iron rod found marking the Northeast corner of same;

THENCE North 77° 17' 29" East across North Alta Vista Avenue (unimproved) and continuing with the North lines of said Blocks 34 and 33 a distance of 718.00 feet to the BEGINNING and CONTAINING 36.526 acres.

All bearings and coordinates are based on the Texas Coordinate System of 1983, North Central Zone.

I hereby certify that this legal description and the accompanying plat of even date represents the facts found during the course of an actual survey made on the ground under my supervision in February, 2023.



Collin H. Miley, R.P.L.S.#6841

DDM Surveying, Inc. - Firm# 10045900 - P.O. Box 895 - Henderson, Texas 75653-0895 - 903-657-6229

20230106

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DDM Surveying, Inc.

March 16, 2023

Brant Bane

9.611 Acres

Tract One

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DDM Surveying, Inc.

March 16, 2023

Brant Bane

36.524 Acres

Tract Two

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THENCE South 77° 17' 29" West with the South line of said Lot 7 a distance of 145.00 feet to a ½" iron rod found marking the Southwest corner of same;

THENCE North 12° 27' 33" West with the West lines of said Lots 7-10, Block 16, a distance of 200.15 feet to a ½" iron rod found marking the Southwest corner of said Lot 11, Block 16;

THENCE North 12° 54' 18" West with the West lines of said Lots 11 and 12, Block 16, and continuing across Dogwood Street (unimproved) a distance of 150.43 feet to a ½" iron rod found marking the Southwest corner of Lot 7, Block 17, of said addition;

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THENCE South 77° 17' 29" West with the South line of said Block 23, and continuing with the North margin of said Elm Street a distance of 377.55 feet to a ¾" iron pipe found marking the Southeast corner of Lot 7, Block 22 of said addition;

THENCE North 12° 46' 48" West with the East line of said Block 22, a distance of 100.41 feet to a ¾" iron pipe found at the Northeast corner of Lot 8, Block 22, of said addition, and the Southeast corner of said Lot 9, Block 22;

THENCE South 77° 10' 30" West with the North line of said Lot 8, Block 22, and the South line of said Lot 9, Block 22, a distance of 144.87 feet to a ¾" iron pipe found at the Northwest corner of said Lot 8, Block 22;

THENCE South 12° 42' 20" East with the West lines of said Lots 8 and 7, Block 22, a distance of 100.57 feet to a ⅝" iron rod set to mark the Southwest corner of said Lot 7, Block 22, and the Southeast corner of said Lot 1, Block 22, being in the North margin of said Elm Street;

THENCE South 77° 06' 42" West with the South line of said Lot 1, Block 22, common with the North margin of said Elm Street a distance of 145.00 feet to a ½" iron rod found marking the Southwest corner of said Block 22, being in the East margin of said North Evenside Avenue;

THENCE North 12° 53' 18" West with the West lines of said Blocks 22, 27, 30, and 35, all being along the East margin of said North Evenside Avenue a distance of 1443.60 feet to a pk nail found marking the Northwest corner of said Block 35, being in the South margin of Ivy Street;

THENCE North 77° 10' 38" East with the North line of said Block 35 a distance of 290.00 feet to a ¾" iron rod found marking the Northeast corner of same;

THENCE North 77° 17' 29" East across North Alta Vista Avenue (unimproved) and continuing with the North lines of said Blocks 34 and 33 a distance of 718.00 feet to the BEGINNING and CONTAINING 36.526 acres.

All bearings and coordinates are based on the Texas Coordinate System of 1983, North Central Zone.

I hereby certify that this legal description and the accompanying plat of even date represents the facts found during the course of an actual survey made on the ground under my supervision in February, 2023.

Collin H. Miley, R.P.L.S.#6841

DDM Surveying, Inc. - Firm# 10045900 - P.O. Box 895 - Henderson, Texas 75653-0895 - 903-657-6229

20230106

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City Council

Agenda Item # 14.

SUBJECT: Consideration and possible action upon a minor plat submitted by Cory Brooks on behalf of BNW Ventures in conjunction with Brian and Kelle Marcott for the property located on the corner of HWY 259 and FM 782. This property is located in Council District 1.(Hughes/McElfresh)

MEETING DATE: March 21, 2023

DEPARTMENT: Community Development

CONTACT: Billy Hughes, P & Z Coordinator

RECOMMENDED CITY COUNCIL ACTION: Staff recommends approval of this minor plat application.

ITEM SUMMARY: The property is located on the corner of HWY 259 and FM 782 consisting of 52.96 acres to be named BNW Subdivision if approved.

BACKGROUND INFORMATION: Brian and Kelly Marcott sold this property to BNW Ventures in November 2022 without the property being re-platted. Section 4.B.1 of the City of Henderson's Subdivision Ordinances requires anytime that 4 or fewer lots are created by replatting, and no streets or utilities are extended, a Minor Plat must be considered by the City Council for approval before being filed.

SPECIAL CONSIDERATIONS: If approved, BNW Ventures plans to develop a portion of the property immediately for commercial purposes.

SUPPORTING MATERIALS:

1. BNW Subdivision

NOTES

1. THE LAND SHOWN HEREON IS THE LAND OF THE COUNTY OF HENDERSON, TEXAS, AND IS NOT THE LAND OF ANY OTHER COUNTY, STATE OR FEDERAL GOVERNMENT.
2. THE LAND SHOWN HEREON IS THE LAND OF THE COUNTY OF HENDERSON, TEXAS, AND IS NOT THE LAND OF ANY OTHER COUNTY, STATE OR FEDERAL GOVERNMENT.
3. THE LAND SHOWN HEREON IS THE LAND OF THE COUNTY OF HENDERSON, TEXAS, AND IS NOT THE LAND OF ANY OTHER COUNTY, STATE OR FEDERAL GOVERNMENT.
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9. THE LAND SHOWN HEREON IS THE LAND OF THE COUNTY OF HENDERSON, TEXAS, AND IS NOT THE LAND OF ANY OTHER COUNTY, STATE OR FEDERAL GOVERNMENT.
10. THE LAND SHOWN HEREON IS THE LAND OF THE COUNTY OF HENDERSON, TEXAS, AND IS NOT THE LAND OF ANY OTHER COUNTY, STATE OR FEDERAL GOVERNMENT.

SUBSCRIBER'S STATEMENT

I, the undersigned, being a duly qualified and sworn Notary Public for the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original record of the same as the same appears in the public records of the County of Henderson, Texas, and that the same is a true and correct copy of the original record of the same as the same appears in the public records of the County of Henderson, Texas.

OWNER'S STATEMENT

I, the undersigned, being the owner of the land shown above and do hereby certify that the foregoing is a true and correct copy of the original record of the same as the same appears in the public records of the County of Henderson, Texas, and that the same is a true and correct copy of the original record of the same as the same appears in the public records of the County of Henderson, Texas.

OWNER'S STATEMENT

I, the undersigned, being the owner of the land shown above and do hereby certify that the foregoing is a true and correct copy of the original record of the same as the same appears in the public records of the County of Henderson, Texas, and that the same is a true and correct copy of the original record of the same as the same appears in the public records of the County of Henderson, Texas.

CERTIFICATE

I, the undersigned, being a duly qualified and sworn Notary Public for the State of Texas, do hereby certify that the foregoing is a true and correct copy of the original record of the same as the same appears in the public records of the County of Henderson, Texas, and that the same is a true and correct copy of the original record of the same as the same appears in the public records of the County of Henderson, Texas.

Page 67 of 70



SUBSCRIBED AND SWORN BEFORE ME, a Notary Public, in and for the State of Texas, this the _____ day of _____, 2025.

Notary Public, State of Texas

SUBSCRIBED AND SWORN BEFORE ME, a Notary Public, in and for the State of Texas, this the _____ day of _____, 2025.

Notary Public, State of Texas

A PROVED A HENDERSON

MADE



Lot 2A / Block 694

1,000 AC
Easement 32.982 acres
Easement 32.982 acres
Volume 3218, Page 678
OPREC

FARM-TO-MARKET ROAD NO. 782
(FM 782 / MILLVILLE DRIVE / 60' ROW)

See Volume 321, Page 633 DIRC

ZONED "R1"
LOW DENSITY
SINGLE FAM. RES.
Minimum yard setback lines:
Front = 35', Rear = 20', Side = 10'

Lot 2B / Block 694

42,120 AC
Easement 42.12 acres
Easement 42.12 acres
Volume 3218, Page 678
OPREC

ceded 32.982 acres
Easement 32.982 acres
Volume 1346, Page 782
OPREC

T.T. GAMAGE SURVEY
A-340

T.K. BENNETT SURVEY
A-110

ceded 32.987 acres
Easement 32.987 acres
Volume 3218, Page 678
OPREC

A.P. VAUGHAN SURVEY
A-802

ceded 10,128 acres
Easement 10,128 acres
Volume 3211, Page 780
OPREC

ceded 3 acres
Easement 3 acres
Volume 1355, Page 46
OPREC

Lot 2C / Block 694

7,506 AC
Easement 7,506 acres
Volume 3218, Page 678
OPREC

ZONED "M2"
MED. DENSITY
MULTI. FAM. RES.
Minimum yard setback lines:
Front = 35', Rear = 20', Side = 10'

(US 259 / WILSON DRIVE / 180' ROW)

Lot 2A, Block 694
The Surveyor's Office
See PRC 450

Lot 2A, Block 782
The Surveyor's Office
See PRC 214
OPREC

ZONE A

ZONE X

A Final Plat of
BNW Subdivision
Surveys As Shown
City of Henderson
Rusk County, Texas



Date: 2/22/2023
Drawn by: CHW
DWG: 20230109
SHEET 1 of 1

LEGEND
DEED LINE
FENCE
ROADWAY
SETBACK LINE
FEMA SHARPENED
BUILDINGS



City Council

Agenda Item # 15.

SUBJECT: Consideration and possible action upon the recommendation from the Planning and Zoning Commission to amend the City of Henderson's Zoning Map. The first reading of Ordinance 2023-03-01 changes the current zoning of a property from a Medium Density Multi-Family (M2) zone to a General Commercial (C2) zone. These properties are located on the corner of Kilgore Drive (HWY 259) and Millville Drive (FM 782). This property is in Council District 1. (Hughes/McElfresh)

MEETING DATE: March 21, 2023

DEPARTMENT: Community Development

CONTACT: Billy Hughes, P & Z Coordinator

RECOMMENDED CITY COUNCIL ACTION: The Planning and Zoning Commission and our staff recommend Council consider the first reading of an ordinance, if approved would amend the City of Henderson's Official Zoning Map.

ITEM SUMMARY: The subject properties are described as a 1 acre tract called Lot 2A, a 7.51 acre tract called Lot 2C, both of which are owned by Eric B. & Kelle Marcott and a portion of a 42.12 acre tract called Lot 2B that is owned by BNW Ventures LLC.

BACKGROUND INFORMATION: The properties included in this request were previously zoned Medium Density Multi-Family Residential (MF2) in 2001 by Ordinance #01-04-10 from Residential Estates (RE) and General Commercial. the current owners of these lots have plans to develop this property for commercial use and have requested that the portion of the property currently zoned MF2 be re-zoned to C2.

SPECIAL CONSIDERATIONS: If the proposed re-zoning of this property is approved by Council, the property owners will have the opportunity for commercial development.

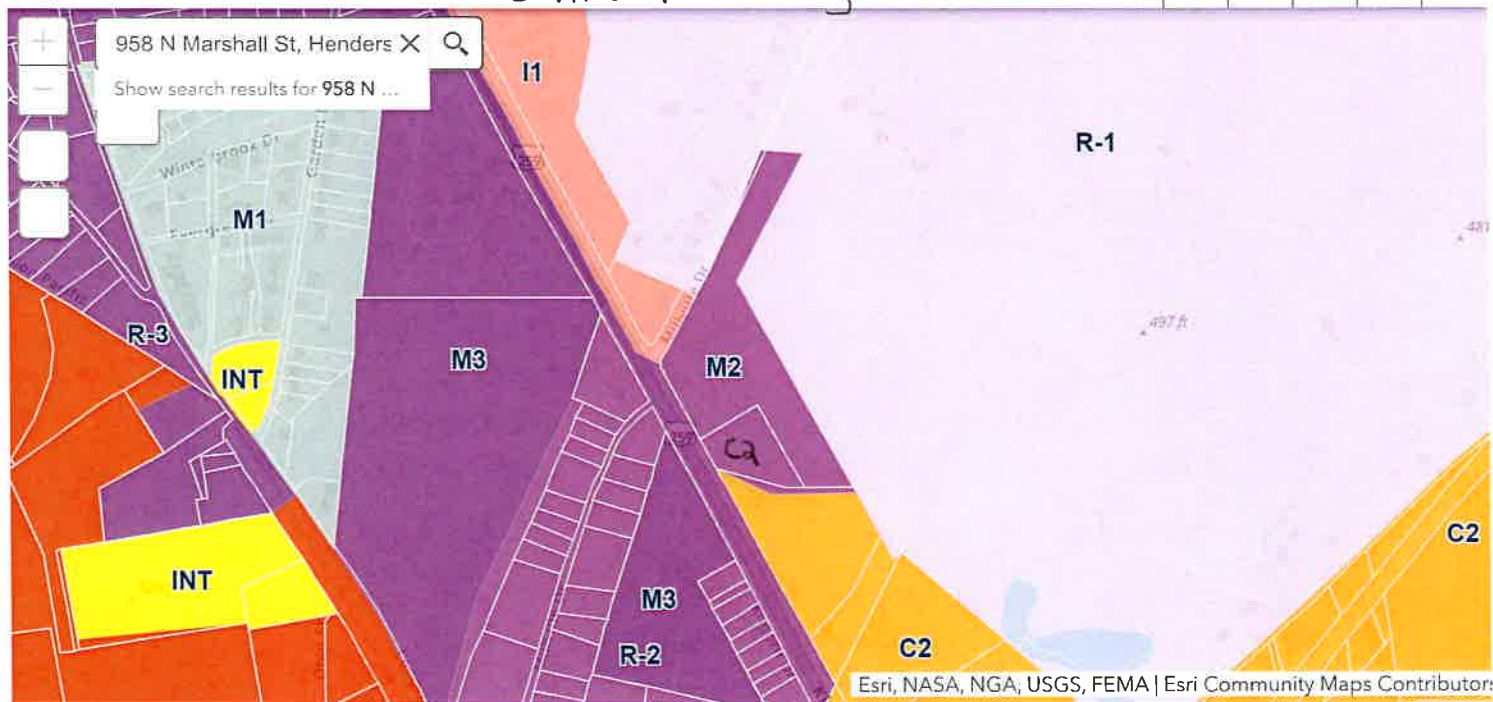
SUPPORTING MATERIALS:

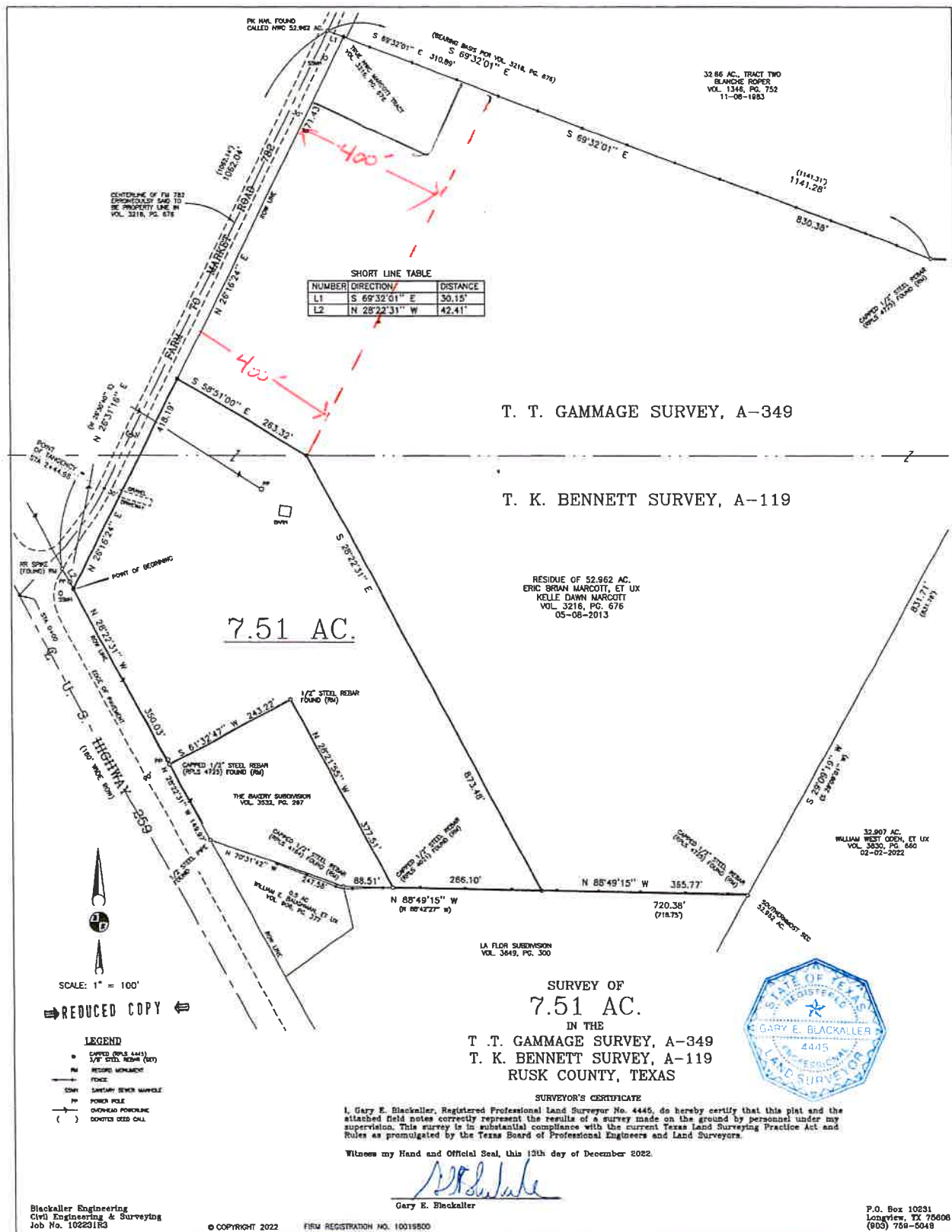
1. BNW-Marcot supporting documents



Zoning Areas

Current Zoning





COPY

ORDINANCE NO. 01-04-10

AN ORDINANCE PROVIDING FOR THE REZONING OF A PORTION OF THE RE and C-3 ZONE OF THE CITY OF HENDERSON TO MF-2 and R-2 ZONES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON FINAL ADOPTION.

WHEREAS, on August 1, 1984, the City Council of the City of Henderson, Texas adopted the Zoning Ordinance of the City of Henderson establishing a portion of the City of Henderson as Residential Estates (RE) and a portion as General Commercial (C-3); and

WHEREAS, the owner of certain property has applied the Planning and Zoning Commission to rezone a portion of property originally zoned Residential Estates (RE) and General Commercial (C-3) designation; and

WHEREAS, the Planning and Zoning Commission has recommended that application to rezone the property be approved and the property be rezoned to the Multi-Family Medium Density (MF-2) and Single Family Residential (R-2) designations; and

WHEREAS, the City Council of the City of Henderson, Texas, has determined that it would be in the best interest of the citizens to approve the recommendation of the Planning and Zoning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS:

SECTION 1: That the following described portion of the T. T. Gammage survey of the City of Henderson shall be and it hereby is designated and declared to be Multi-Family Residential (MF-2):

All that certain 12.00 acre tract or parcel of land situated in the T. K. Bennett Survey, A-119, Rusk County, Texas and being a part of a called 53-6/10 acre tract described in deed from Richard D. Davis to Imogene L. Davis dated January 24, 1995 and recorded in Volume 1898, Page 0591 of the Deed Records of Rusk County, Texas; said 12.00 acre tract more particularly described as follows:

BEGINNING at a railroad spike set at the intersection of the east right-of-way (ROW) line U.S. Hwy 259 and the center of Farm-to-Market (FM) 782;

THENCE N 26 degrees 30' 40" E, along the center of FM 782, 151.53 feet to corner from which a ½ inch iron rod (set) bears S 69 degrees 28' 59" E 40.22 feet and the NWC of said 53-6/10 acre tract bears N 26 degrees 30' 40" E 910.61 feet, from said NWC a 5/8 inch iron rod (found) bears S 69 degrees 32' 01" E 37.81 feet;

THENCE across said 53-6/10 acre tract as follows:

S 69 degrees 28' 59" E 328.10 feet to a ½ inch iron rod (set); and

N 83 degrees 11' 38" E 449.14 feet to a ½ inch iron rod set in the center of a branch;

THENCE along the meanders of said branch as follows:

S 27 degrees 02' 12" E 26.48 feet; S 84 degrees 16' 03" E 28.37 feet;
S 30 degrees 45' 56" E 36.59 feet; S 13 degrees 20' 39" W 18.25 feet;
S 40 degrees 09' 33" E 69.49 feet; S 43 degrees 48' 51" E 42.78 feet;
S 44 degrees 43' 00" E 3.28 feet; S 67 degrees 32' 42" E 21.84 feet;
S 32 degrees 39' 46" E 10.59 feet; S 46 degrees 58' 45" E 29.44 feet;
S 10 degrees 18' 50" W 17.57 feet; S 10 degrees 28' 18" E 8.60 feet;
S 28 degrees 31' 24" E 14.13 feet; S 32 degrees 10' 13" W 21.58 feet;
S 01 degrees 12' 52" W 19.92 feet; S 52 degrees 54' 44" W 11.08 feet;
N 79 degrees 42' 29" W 20.02 feet; S 31 degrees 18' 29" W 18.13 feet;
S 06 degrees 31' 19" E 31.21 feet; S 06 degrees 32' 24" W 25.16 feet;
S 26 degrees 38' 29" E 22.98 feet; S 82 degrees 36' 52" E 15.55 feet;
S 58 degrees 37' 13" E 35.62 feet; S 37 degrees 54' 42" E 14.78 feet;
S 48 degrees 59' 59" E 12.84 feet; S 01 degrees 53' 07" E 18.48 feet;
S 26 degrees 19' 08" E 25.39 feet; S 10 degrees 51' 49" E 14.42 feet;
S 14 degrees 56' 57" E 43.61 feet; and S 30 degrees 26' 56" E 8.12 feet to
a ½ inch iron rod (set);

THENCE S 01 degrees 01' 51" W 139.45 feet to a ½ inch iron rod set on the SBL of said 53-6/10 acre tract;

THENCE N 88 degrees 58' 09" W, along the SBL of said 53-6/10 acre tract and NBL of a called 30 acre tract described in deed from Elmer McCorkle to Joe W. Montag, et ux and recorded in Volume 398, Page 605 of said Deed Records, 561.84 feet to a 30 inch Pine snag found at fence break;

THENCE N 70 degrees 08' 18" W 248.41 feet to a ½ inch iron pipe found on the east ROW line of U.S. Hwy 259;

THENCE N 28 degrees 23' 03" W, along the east ROW line of U.S. Hwy 259, 542.40 feet to the place of beginning containing 12.00 acres of land.

SECTION 2: That the following described property of the T. T. Gammage survey of the City of Henderson shall be and it hereby is designated and declared to be Medium Density Residential (R-2):

The remaining property out of the following described tracts:

Part of lot 2, block 694, 5 acres; part of lot 2, block 694, 16.40 acres; lots 3 & 4, block 694, 30.50 acres, T. T. Gammage survey, being further described in a deed from Richard Davis to Imogene Davis dated January 24, 1995 and recorded in Volume 1898, Page 0591 of the Deed Records of Rusk County, Texas.

SECTION 3: That the provisions of this Ordinance shall be severable. If any provision of this ordinance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

SECTION 4: That all Ordinances or parts of Ordinances in conflict herewith are hereby expressly repealed.

SECTION 5: That this Ordinance shall take full effect and force upon the passage by the City Council of the City of Henderson, Texas and publication as required by law.

PASSED AND APPROVED upon the first reading on this the 27th day of March, 2001.

PASSED, APPROVED AND ADOPTED on the second and final reading on this the 10th day of April, 2001.



Kelly Poovey
KELLY POOVEY, ASST. CITY SECRETARY

Wallace Read
WALLACE READ, MAYOR

ORDINANCE NO. 2023 - 03-01

AN ORDINANCE PROVIDING FOR THE REZONING OF A PORTION OF THE M2 ZONE OF THE CITY OF HENDERSON TO C2 ZONES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON FINAL ADOPTION.

WHEREAS, on April 10, 2001, the City Council of the City of Henderson, Texas adopted the Zoning Ordinance of the City of Henderson establishing a portion of the City of Henderson as Multi-Family Residential (M2); and

WHEREAS, the owner of certain property has applied to the Planning and Zoning Commission to rezone a portion of property originally zoned Multi-Family Residential (M2) designation; and

WHEREAS, the Planning and Zoning Commission has recommended that application to rezone the property be approved and the property be rezoned to the General Commercial (C2) designation; and

WHEREAS, the City Council of the City of Henderson, Texas, has determined that it would be in the best interest of the citizens to approve the recommendation of the Planning and Zoning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS:

SECTION 1: That the following described portion of the T. T. Gammage Survey of the City of Henderson shall be and it hereby is designated and declared to be General Commercial (C-2):

All that certain 12.00 acre tract or parcel of land situated in the T. K. Bennett Survey, A-119, Rusk County, Texas and being a part of a called 53-6/10 acre tract described in deed from Richard D. Davis to Imogene L. Davis dated January 24, 1995 and recorded in Volume 1898, Page 0591 of the Deed Records of Rusk County, Texas; said 12.00 acre tract more particularly described as follows:

BEGINNING at a railroad spike set at the intersection of the east right-of-way (ROW) line U.S. Hwy 259 and the center of Farm-to-Market (FM) 782;

THENCE N 26 degrees 30' 40" E, along the center of FM 782, 151.53 feet to corner from which a ½ inch iron rod (set) bears S 69 degrees 28' 59" E 40.22 feet and the NWC of said 53-6/10 acre tract bears N 26 degrees 30' 40" E 910.61 feet, from said NWC a 5/8 inch iron rod (found) bears S 69 degrees 32' 01" E 37.81 feet;

THENCE across said 53-6/10 acre tract as follows:

City of Henderson

Ordinance No. _____

Page 1

S 69 degrees 28' 59" E 328.10 feet to a ½ inch iron rod (set); and
N 83 degrees 11' 38" E 449.14 feet to a ½ inch iron rod set in the center of a branch;

THENCE along the meanders of said branch as follows:

S 27 degrees 02' 12" E 26.48 feet; S 84 degrees 16' 03" E 28.37 feet;
S 30 degrees 45' 56" E 36.59 feet; S 13 degrees 20' 39" W 18.25 feet;
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S 58 degrees 37' 13" E 35.62 feet S 37 degrees 54' 42" E 14.78 feet;
S 48 degrees 59' 59" E 12.84 feet S 01 degrees 53' 07" E 18.48 feet;
S 26 degrees 19' 08" E 25.39 feet S 10 degrees 51' 49" E 14.42 feet;
S 14 degrees 56' 57" E 43.61 feet; and S 30 degrees 26' 56" E 8.12 feet to a ½ inch iron rod (set);

THENCE S 01 degrees 01' 51" W 139.45 feet to a ½ inch iron rod set on the SBL of said 53-6/10 acre tract;

THENCE N 88 degrees 58' 09" W, along the SBL of said 53-6/10 acre tract and NBL of a called 30 acre tract described in deed from Elmer McCorkle to Joe W. Montag, et ux and recorded in Volume 398, Page 605 of said Deed Records, 561.84 feet to a 30 inch Pine snag found at fence break;

THENCE N 70 degrees 08' 18" W 248.41 feet to a ½ inch iron pipe found on the east ROW line of U.S. Hwy 259;

THENCE N 28 degrees 23' 03" W, along the east ROW line of U.S. Hwy 259, 542.40 feet to the place of beginning containing 12.00 acres of land.

SECTION 2: That the following described property of the T. T. Gammage survey of the City of Henderson shall be and it hereby is designated and declared to be General Commercial (C2);

The remaining property out of the following described tracts:

Part of lot 2, block 694, 5 acres; part of lot 2, block 694, 16.40 acres; lots 3 & 4, block 694, 30.50 acres, T. T. Gammage survey, being further described in a deed from Richard Davis to Imogene Davis dated January 24, 1995 and recorded in Volume 1898, Page 0591 of the Deed Records of Rusk County, Texas.

City of Henderson
Ordinance No. _____

Page 2

SECTION 3: That the provisions of this Ordinance shall be severable. If any provision of this ordinance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

SECTION 4: That all Ordinances or parts of Ordinances in conflict herewith are hereby expressly repealed.

SECTION 5: That this Ordinance shall take full effect and force upon the passage by the City Council of the City of Henderson, Texas and publication as required by law.

PASSED AND APPROVED upon the first reading on this the _____ day of March, 2023.

PASS, APPROVED AND ADOPTED on the second and final reading on this the ____ day of April, 2023.

John W. Fullen,
Mayor, City of Henderson

ATTEST:

Cheryl Jimerson



City Council

Agenda Item # 16.

SUBJECT: Consideration and possible action upon the recommendation from the Planning and Zoning Commission to amend the City of Henderson's Zoning Map. Ordinance 2023-03-02 changes the current zoning of a property from a Planned Development (PD) to a General Commercial (C2) zone. This property is located at 100 Zied Blvd. (Huhges/McElfresh)

MEETING DATE: March 21, 2023

DEPARTMENT: Community Development

CONTACT: Billy Hughes, P & Z Coordinator

RECOMMENDED CITY COUNCIL ACTION: Our staff recommends that Council consider a recommendation from the Planning and Zoning Commission to amend the Zoning Map for the City of Henderson. This property is in Council District 2, represented by Reggie Weatherston.

ITEM SUMMARY: The subject property is located at 100 Zeid Blvd. and is currently zoned as Planned Development (PD). Our staff request that Council consider the first reading of an ordinance would re-zone this property to General Commercial (C2).

BACKGROUND INFORMATION: At a meeting held March 14, 2023 the Planning and Zoning Commission voted to make a recommendation to Council to change the zoning of this property from Planned Development to General Commercial. This property is part of the Brookridge subdivision that was zoned Planned Development in 2012 when Dr. Yasser Zeid bought and developed several parcels into a mixed use subdivision. Bane Investment Holdings recently purchased the property located at 100 Zeid Blvd.. Mr. Bane is requesting that this property be removed from the Planned Development zoned district and be re-zoned to General Commercial. Mr. Bane has approval from TxDot to create

an entrance from US Hwy 79 E. into his property. This street will be built to city and state specifications, then dedicated back to the City.

SPECIAL CONSIDERATIONS: The building on this lot is currently empty and has been for several years. If approved, Mr. Bane has plans to rehabilitate the building and move his company's offices in as soon as possible.

SUPPORTING MATERIALS:

1. BIH 100 Zeid Blvd. supporting documents
2. BIH 100 Zeid Blvd. current zoning map
3. Zeid Blvd ordinance to rezone PD to C2

EXHIBIT "A"

0.85 acres being all of a called Lot 1 Block A as shown on plat of Brookridge Property recorded in sleeve 360 of the Plat Records of Rusk County, situated in the A.P. Vaughn Survey A-802, located at 100 Zeid Blvd., Henderson, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a ½" iron rod set in the North right-of-way line of U.S. Highway No. 79 (Hwy 79) and being at the Southeast corner of said Lot 1 Block A, whence bears an existing concrete monument found South 71° 55' East a distance of 365.8 feet;

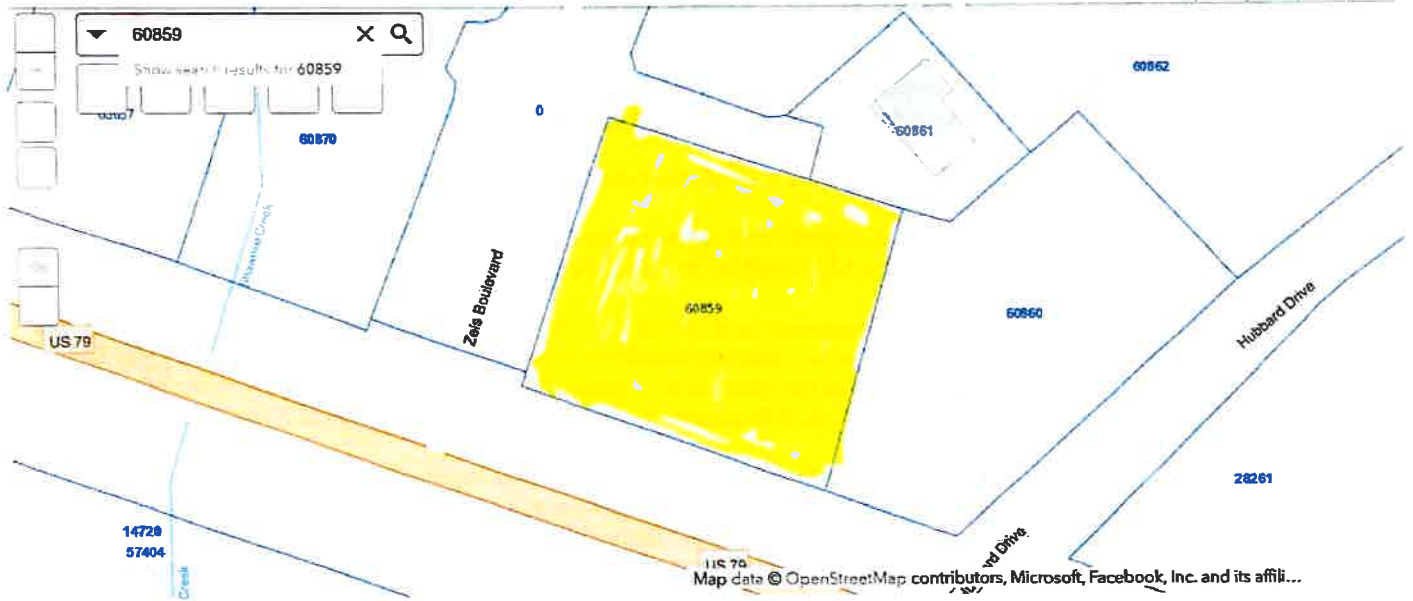
THENCE with the South boundary line of said Lot 1 Block A common with the North right-of-way line of said HWY 79 North 72° 03' 42" West a distance of 209.56 feet to a ½" iron rod set in the East margin of said Zeid Blvd, whence bears an existing ½" iron rod found North 72° 04' West a distance of 603.6 feet;

THENCE with the West boundary line of said Lot 1 Block A common with the East margin of said Zeid Blvd as follows:

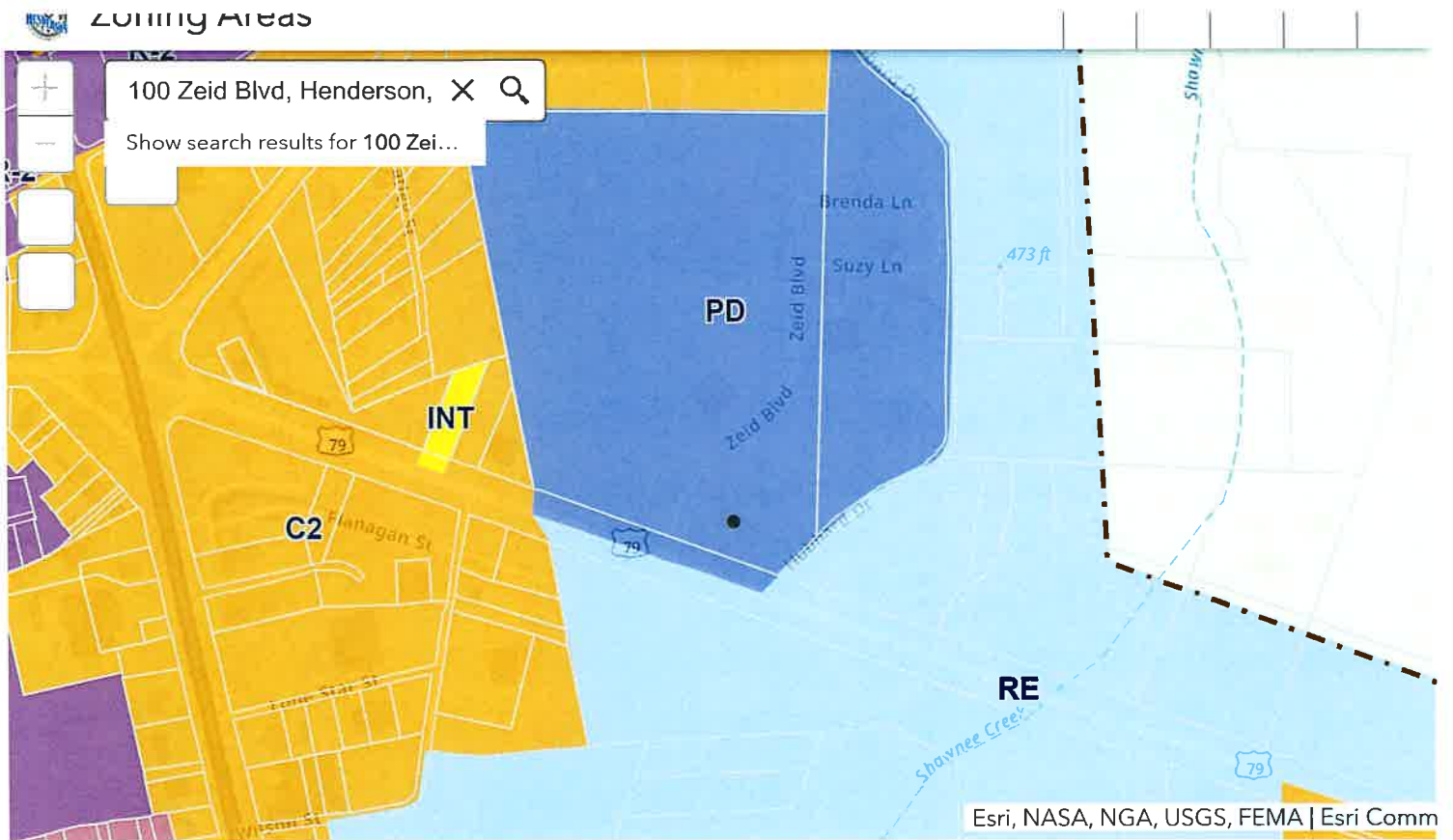
North 20° 06' 59" East a distance of 153.32 feet to a PK Nail set, and
North 24° 03' 50" East a distance of 27.48 feet to a PK Nail set in the centerline of an asphalt drive;

THENCE with the North boundary line of said Lot 1 Block A South 72° 14' 10" East a distance of 198.28 feet to a PK Nail set to mark the Northeast corner of same;

THENCE with the East boundary line of said Lot 1 Block A South 17° 08' 23" West a distance of 181.15 feet to the BEGINNING and containing 0.85 acres.



Henderson Texas



0.2km
600ft

32.166876 Degrees

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE REZONING OF THE PROPERTY LOCATED AT 100 ZEID BLVD. FROM PLANNED DEVELOPMENT (PD) OF THE CITY OF HENDERSON TO GENERAL COMMERCIAL ZONE (C2); PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON FINAL ADOPTION.

WHEREAS, a certain lot located on Zeid Blvd is now zoned Planned Development (PD); and

WHEREAS, the owner of certain property has applied to the Planning and Zoning Commission to rezone the property originally zoned Planned Development (PD) designation to General Commercial zone (C2); and

WHEREAS, the Planning and Zoning Commission has recommended that application to rezone the property be approved and the property be rezoned to the General Commercial (C2) designation; and

WHEREAS, the City Council of the City of Henderson, Texas, has determined that it would be in the best interest of the citizens to approve the recommendation of the Planning and Zoning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS:

SECTION 1: Zoning Change

The Zoning Ordinance of the City of Henderson, Texas, and the Zoning Map of the City of Henderson, Texas, are amended to remove the following lot, as described and shown on the abstract of the City of Henderson, Texas, tax roll and the City of Henderson, Texas, official zoning map, from Planned Development (PD) to be replaced and rezoned as General Commercial (C2). The property herein is more fully described in Exhibit "A" attached hereto and made a part hereof.

SECTION 2: Repealer

All ordinance or parts of ordinances inconsistent with the terms of the Ordinance are hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and, in all other respects, the subject matter covered by this Ordinance shall continue to be in effect.

SECTION 3: Severability

That the provisions of this Ordinance shall be severable. If any provision of this ordinance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application.

City of Henderson
Ordinance No. _____

Page 1

SECTION 4: Open Meeting

It is hereby found that this Ordinance was adopted at an Open Meeting as required by law.

That all Ordinances or parts of Ordinances in conflict herewith are hereby expressly repealed.

SECTION 5: Effective Date

That this Ordinance shall take full effect and force upon the passage by the City Council of the City of Henderson, Texas and publication as required by law.

PASSED AND APPROVED upon the first reading on this the _____ day of March, 2023.

PASSED, APPROVED AND ADOPTED on the second and final reading on this the ____ day of April, 2023.

John W. Fullen, Mayor
City of Henderson

ATTEST:

Cheryl Jimerson, City Secretary
City of Henderson, Texas

EXHIBIT "A"

0.85 acres being all of a called Lot 1 Block A as shown on plat of Brookridge Property recorded in sleeve 360 of the Plat Records of Rusk County, situated in the A.P. Vaughn Survey A-802, located at 100 Zeid Blvd., Henderson, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a $\frac{1}{2}$ " iron rod set in the North right-of-way line of U.S. Highway No. 79 (Hwy 79) and being at the Southeast corner of said Lot 1 Block A, whence bears an existing concrete monument found South $71^{\circ} 55'$ East a distance of 365.8 feet;

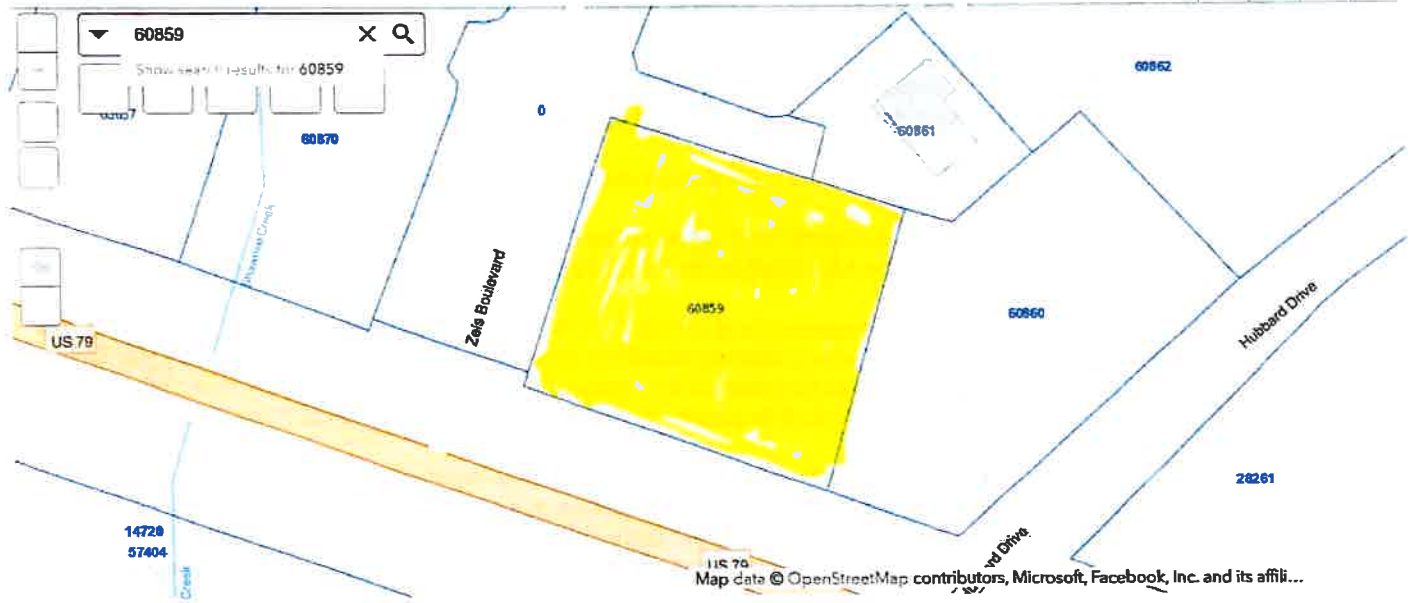
THENCE with the South boundary line of said Lot 1 Block A common with the North right-of-way line of said HWY 79 North $72^{\circ} 03' 42''$ West a distance of 209.56 feet to a $\frac{1}{2}$ " iron rod set in the East margin of said Zeid Blvd, whence bears an existing $\frac{1}{2}$ " iron rod found North $72^{\circ} 04'$ West a distance of 603.6 feet;

THENCE with the West boundary line of said Lot 1 Block A common with the East margin of said Zeid Blvd as follows:

North $20^{\circ} 06' 59''$ East a distance of 153.32 feet to a PK Nail set, and
North $24^{\circ} 03' 50''$ East a distance of 27.48 feet to a PK Nail set in the centerline of an asphalt drive;

THENCE with the North boundary line of said Lot 1 Block A South $72^{\circ} 14' 10''$ East a distance of 198.28 feet to a PK Nail set to mark the Northeast corner of same;

THENCE with the East boundary line of said Lot 1 Block A South $17^{\circ} 08' 23''$ West a distance of 181.15 feet to the BEGINNING and containing 0.85 acres.





City Council

Agenda Item # 17.

SUBJECT: Consideration and action upon Resolution No 2023-03-02 authorizing and approving the filing of the Certificate of Formation for Henderosn Economic Development Corporation as a Type B economic development corporation and all the documents related thereto. (Clary)

MEETING DATE: March 21, 2023

DEPARTMENT: HEDCO

CONTACT:

RECOMMENDED CITY COUNCIL ACTION:
ITEM SUMMARY:

BACKGROUND INFORMATION:

SPECIAL CONSIDERATIONS:

SUPPORTING MATERIALS:

1. Step 3 - Henderson City Council Reso - Certificate of Formation - HEDCO - jlm rev clean - 031123

CITY OF HENDERSON, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS, AUTHORIZING THE HENDERSON ECONOMIC DEVELOPMENT CORPORATION TO ACT ON ITS BEHALF TO FURTHER THE PUBLIC PURPOSES STATED IN THE CERTIFICATE OF FORMATION; APPROVING AND AUTHORIZING THE FILING OF THE CERTIFICATE OF FORMATION FOR THE HENDERSON ECONOMIC DEVELOPMENT CORPORATION; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, on Tuesday, November 2, 2021, the eligible voters of the City of Henderson, Texas, approved a ballot proposition terminating the Type A sales and use tax at the rate of one-half of one-percent, and adopting the Type B sales and use tax at the rate of one-half of one-percent; and

WHEREAS, the City Council of the City of Henderson, Texas, is authorized to form the Henderson Economic Development Corporation (hereinafter referred to as the "Corporation"), a Type B economic development corporation, formed pursuant to Chapter 505 of the Texas Local Government Code, also referred to as the Development Corporation Act (hereinafter referred to as the "Act"); and

WHEREAS, pursuant to Section 501.051 of the Texas Local Government Code the City Council of the City of Henderson, Texas, finds and determines the creation of the Corporation is advisable; and approves the Certificate of Formation proposed to be used in organizing the Corporation, which is attached hereto as **Exhibit A**, and is incorporated herein for all purposes; and

WHEREAS, pursuant to Section 501.056(10) of the Texas Local Government Code the City Council of the City of Henderson, Texas, by this Resolution has specifically authorized the Corporation to act on its behalf to further the public purpose stated in the Resolution and the Certificate of Formation, and consistent with the Act, and by this Resolution approves the Certificate of Formation, which is attached hereto as **Exhibit A**, and is incorporated herein for all purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS, THAT:

Section 1. FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

Section 2. AUTHORIZES CORPORATION TO ACT ON ITS BEHALF

The City Council of the City of Henderson, Texas, has specifically authorized the Henderson Economic Development Corporation to act on its behalf to further the public purposes stated in the Certificate of Formation, a copy of which is attached hereto as **Exhibit A**, and consistent with the Act.

Section 3. AUTHORIZES THE FILING OF THE CERTIFICATE OF FORMATION

The City Council of the City of Henderson, Texas, does hereby approve the form of the Henderson Economic Development Corporation's Certificate of Formation, a copy of which is attached hereto

as **Exhibit A**, and does hereby authorize the filing of this Certificate of Formation with the Texas Secretary of State's office, and any and all documents related thereto.

Section 4. EFFECTIVE DATE

This Resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Henderson, Texas, on this the ____ day of _____, 2023.

John Fullen, Mayor

ATTEST:

Cheryl Jimerson, City Secretary

Exhibit A

Henderson Economic Development Corporation

Certificate of Formation

**CERTIFICATE OF FORMATION
OF THE
HENDERSON ECONOMIC DEVELOPMENT CORPORATION**

**ARTICLE 1
Corporate Name**

The name of the Corporation is the **“Henderson Economic Development Corporation.”**

**ARTICLE 2
Nonprofit Corporation**

The Corporation is a nonprofit corporation and is an economic development corporation organized pursuant to the provisions contained in Chapter 505 of the Texas Local Government Code, as amended, the Development Corporation Act (hereinafter referred to as the “Act”). The Corporation is governed by Chapter 505 of the Act. In the event of any conflict between any provision of this Certificate of Formation and the Act, then the provisions of the Act shall control.

**ARTICLE 3
Registered Agent and Registered Office**

The street address of the initial registered office of the Corporation is 300 W. Main Street, Henderson, Texas 75652, and the name of its initial registered agent is, Cheryl Jimerson, City Secretary.

**ARTICLE 4
Management**

Management of the affairs of the Corporation is to be vested in its Board of Directors consisting of seven (7) directors appointed by the City Council of the City of Henderson, Texas, for staggered two (2) year terms of office. Not more than four (4) directors shall be persons who are employees, officers, or members of the governing body of the City. If a director shall cease to

be a City employee, officer, or member of the City Council, such event shall constitute an automatic resignation as a director and such vacancy shall be filled in the same manner as for other vacancies of the Board of Directors. The names and street addresses of the initial Board of Directors are as follows:

<u>Name and Address:</u>	<u>Initial Term Expiration Date:</u>
Adam Duey 500 Angela Lane Henderson, Texas 75654	September 30, 2024
Micah Howard 1405 S. Main Street Henderson, Texas 75652	September 30, 2024
Brian Ballard 1300 S. Evenside Henderson, Texas 75654	September 30, 2024
Nobel Welch 1603 Briarwood Trail Henderson, Texas 75654	September 30, 2023
Dylan Culp 1703 Timberline Henderson, Texas 75652	September 30, 2023
Michael Bell 1101 U.S. Hwy 259 S Henderson, Texas 75652	September 30, 2023
Johnny Foster 130 North Marshall Henderson, Texas 75652	September 30, 2023

Each Director must reside within the City of Henderson, Texas, or Rusk County, Texas, consistent with section 505.052 of the Act, as amended, and if such residency ceases it shall be deemed a resignation. Directors are removable by the City Council at any time without cause.

The Directors shall serve without compensation, except that the Directors shall be reimbursed for their actual expenses incurred in the performance of their duties as Directors. Any vacancy occurring on the Board of Directors through death, resignation or otherwise shall be filled by appointment by the City Council, and the appointee shall hold office until the expiration of the relinquished term.

ARTICLE 5

Membership/Stock

The Corporation shall have no members and shall be a nonstock corporation.

ARTICLE 6

Duration

The period of duration of the Corporation is perpetual.

ARTICLE 7

Public Purposes

The Corporation is organized exclusively for the purposes of benefiting and accomplishing public purposes of, and to act on behalf of, the City of Henderson, Texas, and the specific purposes for which the Corporation is organized, and may issue bonds on behalf of the City, and expend the proceeds of any sales and use tax levied for projects authorized by Chapter 505 of the Texas Local Government Code, as amended, including but not limited to: land, building, equipment, facilities, and improvements required or suitable for use for professional and amateur (including children's) sports, athletic, entertainment, tourist, convention, and public park purposes and events; land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements for the promotion of new or expanded business development; expenditures required or suitable for

infrastructure necessary for the promotion or development of new or expanded business enterprises; and the maintenance and operations expenses for any of the above described projects.

The Corporation is a constituted authority and a public instrumentality within the meaning of the United States Treasury Department and the rulings of the Internal Revenue Service prescribed and promulgated pursuant to Section 103 of the Internal Revenue Code of 1954, as amended, and the Corporation is authorized to act on behalf of the City as provided in these Certificate of Formation. However, the Corporation is not a political subdivision or political corporation of the State of Texas within the meaning of its constitution and laws, including without limitation Article III, section 52, of said constitution, and no agreements, bonds, debts or obligations of the Corporation are or shall ever be deemed to be the agreements, bonds, debts or obligations, or the lending of credit, or grant of public money or thing of value, of or by the City, or any other political corporation, subdivision or agency of the State of Texas, or a pledge of the faith and credit of any of them.

ARTICLE 8 Authorization

The City Council of the City of Henderson, Texas, has specifically authorized the formation of the Henderson Economic Development Corporation, a non-profit corporation, by resolution to act on its behalf to further the public purposes stated in the resolution and in the Certificate of Formation and has approved the form of these Certificate of Formation.

ARTICLE 9 Dissolution

If the Corporation ever should be dissolved when it has, or is entitled to, any interest in any funds or property of any kind, real, personal or mixed, such funds or property or rights thereto

shall not be transferred to private ownership, but shall be transferred and delivered to the City after satisfaction or provision for satisfaction of debts and claims.

ARTICLE 10
Incorporators

The name and street address of the incorporators are:

- Adam Duey, 500 Angela Lane, Henderson, Texas 75654;
- Micah Howard, 1405 S. Main Street, Henderson, Texas 75652;
- Brian Ballard, 1300 S. Evenside, Henderson, Texas 75654;
- Nobel Welch, 1603 Briarwood Trail, Henderson, Texas 75654;
- Dylan Culp, 1703 Timberline, Henderson, Texas 75652;
- Michael Bell, 1101 U.S. Hwy 259 S, Henderson, Texas 75652; and
- Johnny Foster, 130 North Marshall, Henderson, Texas 75652.

Each incorporator resides within the city limits of the City of Henderson, Texas.

Signed this the _____ day of _____, 2023.

Adam Duey

Micah Howard

Brian Ballard

Nobel Welch

Dylan Culp

Michael Bell

Johnny Foster



City Council

Agenda Item # 18.

SUBJECT: Consideration and action on Resolution 2023-03-03 authorizing and approving a Plan of Conversion converting Henderson Economic Development Corporation to a Type B economic development corporation. (Clary)

MEETING DATE: March 21, 2023

DEPARTMENT: HEDCO

CONTACT:

RECOMMENDED CITY COUNCIL ACTION:
ITEM SUMMARY:

BACKGROUND INFORMATION:

SPECIAL CONSIDERATIONS:

SUPPORTING MATERIALS:

1. Step 4 - Henderson City Council Reso - Plan of Conversion - HEDCO - jlm
rev clean - 031123

CITY OF HENDERSON, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS, AUTHORIZING AND APPROVING A PLAN OF CONVERSION FOR THE HENDERSON ECONOMIC DEVELOPMENT CORPORATION, CHANGING THE ENTITY FROM A TYPE A ECONOMIC DEVELOPMENT CORPORATION TO A TYPE B ECONOMIC DEVELOPMENT CORPORATION TO ACT ON ITS BEHALF; APPROVING AND AUTHORIZING THE EXECUTION OF ANY AND ALL DOCUMENTS TO ACCOMPLISH THE SAME; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, on Tuesday, November 2, 2021, the eligible voters of the City of Henderson, Texas, approved a ballot proposition terminating the Type A sales and use tax at the rate of one-half of one-percent, and adopting the Type B sales and use tax at the rate of one-half of one-percent; and

WHEREAS, pursuant to Section 10.101(a) of the Texas Business Organizations Code, the City Council of the City of Henderson, Texas, is required to approve a Plan of Conversion for the Henderson Economic Development Corporation (hereinafter referred to as the "HEDCO"), converting the HEDCO from a Type A economic development corporation, operating pursuant to Chapter 504 of the Texas Local Government Code, to a Type B economic development corporation, operating pursuant to Chapter 505 of the Texas Local Government Code, also referred to as the Development Corporation Act (hereinafter referred to as the "Act"); and

WHEREAS, Section 501.401(a)(1) of the Texas Local Government Code authorizes the City Council of the City of Henderson, Texas, in its sole discretion, to "alter the corporation's structure, organization, programs, or activities"; and

WHEREAS, the City Council of the City of Henderson, Texas, hereby authorizes and approves a Plan of Conversion for the HEDCO pursuant to Section 10.101(a) of the Texas Business Organizations Code, a copy of which is attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS, THAT:

Section 1. FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

Section 2. AUTHORIZING AND APPROVING A PLAN OF CONVERSION

The City Council of the City of Henderson, Texas, pursuant to Section 10.101(a) of the Texas Business Organizations Code does hereby approve a Plan of Conversion, attached hereto as **Exhibit A** for the HEDCO, converting the HEDCO from a Type A economic development corporation, operating pursuant to Chapter 504 of the Texas Local Government Code, to a Type B economic development corporation, operating pursuant to Chapter 505 of the Texas Local Government Code.

Section 3. EFFECTIVE DATE

This Resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Henderson, Texas, on this the ____ day of _____, 2023.

John Fullen, Mayor

ATTEST:

Cheryl Jimerson, City Secretary

Exhibit A

[Plan of Conversion]

**PLAN OF CONVERSION
OF THE
HENDERSON ECONOMIC DEVELOPMENT CORPORATION**

That the Board of Directors of the Henderson Economic Development Corporation, a Type A economic development corporation, operating pursuant to Chapter 504 of the Texas Local Government Code, as amended (hereinafter referred to the "HEDCO"), adopted and approved the following Plan of Conversion. The Plan of Conversion is as follows:

1. The name of the converting entity is the Henderson Economic Development Corporation, as Type A economic development corporation. TEX. BUS. ORGS. CODE ANN. § 10.103(a)(1).
2. The name of the converted entity is the Henderson Economic Development Corporation, as a Type B economic development corporation. TEX. BUS. ORGS. CODE ANN. § 10.103(a)(2).
3. The Henderson Economic Development Corporation (the converting entity) is continuing its existence in the organizational form of the Henderson Economic Development Corporation, as a Type B economic development corporation (the converted entity). TEX. BUS. ORGS. CODE ANN. § 10.103(a)(3).
4. Henderson Economic Development Corporation, as a Type B economic development corporation (the converted entity) is a Texas non-profit corporation and its jurisdiction of formation shall be the State of Texas. TEX. BUS. ORGS. CODE ANN. § 10.103(a)(4).
5. The Articles of Incorporation of the Henderson Economic Development Corporation, as Type A economic development corporation (the converting entity) has no members and is a non-stock corporation. TEX. BUS. ORGS. CODE ANN. § 10.103(a)(5).
6. The Certificate of Formation of the Henderson Economic Development Corporation, as Type B economic development corporation, is attached hereto as **Exhibit 1-A**. TEX. BUS. ORGS. CODE ANN. § 10.103(a)(6).

**HENDERSON ECONOMIC
DEVELOPMENT CORPORATION,**
A Texas non-profit corporation,

Dylan Culp, President
Date Signed: _____

Exhibit 1-A

[Certificate of Formation of the Henderson Economic Development Corporation,
as Type B Economic Development Corporation]

**CERTIFICATE OF FORMATION
OF THE
HENDERSON ECONOMIC DEVELOPMENT CORPORATION**

**ARTICLE 1
Corporate Name**

The name of the Corporation is the **“Henderson Economic Development Corporation.”**

**ARTICLE 2
Nonprofit Corporation**

The Corporation is a nonprofit corporation and is an economic development corporation organized pursuant to the provisions contained in Chapter 505 of the Texas Local Government Code, as amended, the Development Corporation Act (hereinafter referred to as the “Act”). The Corporation is governed by Chapter 505 of the Act. In the event of any conflict between any provision of this Certificate of Formation and the Act, then the provisions of the Act shall control.

**ARTICLE 3
Registered Agent and Registered Office**

The street address of the initial registered office of the Corporation is 300 W. Main Street, Henderson, Texas 75652, and the name of its initial registered agent is, Cheryl Jimerson, City Secretary.

**ARTICLE 4
Management**

Management of the affairs of the Corporation is to be vested in its Board of Directors consisting of seven (7) directors appointed by the City Council of the City of Henderson, Texas, for staggered two (2) year terms of office. Not more than four (4) directors shall be persons who are employees, officers, or members of the governing body of the City. If a director shall cease to

be a City employee, officer, or member of the City Council, such event shall constitute an automatic resignation as a director and such vacancy shall be filled in the same manner as for other vacancies of the Board of Directors. The names and street addresses of the initial Board of Directors are as follows:

<u>Name and Address:</u>	<u>Initial Term Expiration Date:</u>
Adam Duey 500 Angela Lane Henderson, Texas 75654	September 30, 2024
Micah Howard 1405 S. Main Street Henderson, Texas 75652	September 30, 2024
Brian Ballard 1300 S. Evenside Henderson, Texas 75654	September 30, 2024
Nobel Welch 1603 Briarwood Trail Henderson, Texas 75654	September 30, 2023
Dylan Culp 1703 Timberline Henderson, Texas 75652	September 30, 2023
Michael Bell 1101 U.S. Hwy 259 S Henderson, Texas 75652	September 30, 2023
Johnny Foster 130 North Marshall Henderson, Texas 75652	September 30, 2023

Each Director must reside within the City of Henderson, Texas, or Rusk County, Texas, consistent with section 505.052 of the Act, as amended, and if such residency ceases it shall be deemed a resignation. Directors are removable by the City Council at any time without cause.

The Directors shall serve without compensation, except that the Directors shall be reimbursed for their actual expenses incurred in the performance of their duties as Directors. Any vacancy occurring on the Board of Directors through death, resignation or otherwise shall be filled by appointment by the City Council, and the appointee shall hold office until the expiration of the relinquished term.

ARTICLE 5

Membership/Stock

The Corporation shall have no members and shall be a nonstock corporation.

ARTICLE 6

Duration

The period of duration of the Corporation is perpetual.

ARTICLE 7

Public Purposes

The Corporation is organized exclusively for the purposes of benefiting and accomplishing public purposes of, and to act on behalf of, the City of Henderson, Texas, and the specific purposes for which the Corporation is organized, and may issue bonds on behalf of the City, and expend the proceeds of any sales and use tax levied for projects authorized by Chapter 505 of the Texas Local Government Code, as amended, including but not limited to: land, building, equipment, facilities, and improvements required or suitable for use for professional and amateur (including children's) sports, athletic, entertainment, tourist, convention, and public park purposes and events; land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements for the promotion of new or expanded business development; expenditures required or suitable for

infrastructure necessary for the promotion or development of new or expanded business enterprises; and the maintenance and operations expenses for any of the above described projects.

The Corporation is a constituted authority and a public instrumentality within the meaning of the United States Treasury Department and the rulings of the Internal Revenue Service prescribed and promulgated pursuant to Section 103 of the Internal Revenue Code of 1954, as amended, and the Corporation is authorized to act on behalf of the City as provided in these Certificate of Formation. However, the Corporation is not a political subdivision or political corporation of the State of Texas within the meaning of its constitution and laws, including without limitation Article III, section 52, of said constitution, and no agreements, bonds, debts or obligations of the Corporation are or shall ever be deemed to be the agreements, bonds, debts or obligations, or the lending of credit, or grant of public money or thing of value, of or by the City, or any other political corporation, subdivision or agency of the State of Texas, or a pledge of the faith and credit of any of them.

ARTICLE 8

Authorization

The City Council of the City of Henderson, Texas, has specifically authorized the formation of the Henderson Economic Development Corporation, a non-profit corporation, by resolution to act on its behalf to further the public purposes stated in the resolution and in the Certificate of Formation and has approved the form of these Certificate of Formation.

ARTICLE 9

Dissolution

If the Corporation ever should be dissolved when it has, or is entitled to, any interest in any funds or property of any kind, real, personal or mixed, such funds or property or rights thereto

shall not be transferred to private ownership, but shall be transferred and delivered to the City after satisfaction or provision for satisfaction of debts and claims.

ARTICLE 10
Incorporators

The name and street address of the incorporators are:

Adam Duey, 500 Angela Lane, Henderson, Texas 75654;

Micah Howard, 1405 S. Main Street, Henderson, Texas 75652;

Brian Ballard, 1300 S. Evenside, Henderson, Texas 75654;

Nobel Welch, 1603 Briarwood Trail, Henderson, Texas 75654;

Dylan Culp, 1703 Timberline, Henderson, Texas 75652;

Michael Bell, 1101 U.S. Hwy 259 S, Henderson, Texas 75652; and

Johnny Foster, 130 North Marshall, Henderson, Texas 75652.

Each incorporator resides within the city limits of the City of Henderson, Texas.

Signed this the _____ day of _____, 2023.

Adam Duey

Micah Howard

Brian Ballard

Nobel Welch

Dylan Culp

Michael Bell

Johnny Foster



City Council

Agenda Item # 19.

SUBJECT: Consideration and action on Resolution 2023-03-04 authorizing the execution and filing of a Certificate of Conversion of Henderson Economic Development Corporation changing the entity from a Type A to a Type B economic development corporation. (Clary)

MEETING DATE: March 21, 2023

DEPARTMENT: HEDCO

CONTACT:

RECOMMENDED CITY COUNCIL ACTION:
ITEM SUMMARY:

BACKGROUND INFORMATION:

SPECIAL CONSIDERATIONS:

SUPPORTING MATERIALS:

1. Step 5 - Henderson City Council Reso - Certificate of Conversion - HEDCO
- jlm rev clean - 031123

CITY OF HENDERSON, TEXAS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS, AUTHORIZING THE EXECUTION AND FILING OF A CERTIFICATE OF CONVERSION OF THE HENDERSON ECONOMIC DEVELOPMENT CORPORATION, CHANGING THE ENTITY FROM A TYPE A ECONOMIC DEVELOPMENT CORPORATION TO A TYPE B ECONOMIC DEVELOPMENT CORPORATION TO ACT ON ITS BEHALF; APPROVING AND AUTHORIZING THE EXECUTION OF ANY AND ALL DOCUMENTS TO ACCOMPLISH THE SAME; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, on Tuesday, November 2, 2021, the eligible voters of the City of Henderson, Texas, approved a ballot proposition converting the Type A sales and use tax at the rate of one-half of one-percent, and adopting the Type B sales and use tax at the rate of one-half of one-percent; and

WHEREAS, pursuant to Chapter 10 of the Texas Business Organizations Code, the City Council of the City of Henderson, Texas, is authorized to convert the Henderson Economic Development Corporation (hereinafter referred to as the "HEDCO"), from a Type A economic development corporation, operating pursuant to Chapter 504 of the Texas Local Government Code, to a Type B economic development corporation, operating pursuant to Chapter 505 of the Texas Local Government Code, also referred to as the Development Corporation Act (hereinafter referred to as the "Act"); and

WHEREAS, the Board of Directors of the HEDCO authorized and approved a plan of conversion for the HEDCO pursuant to Section 10.154(a) of the Texas Business Organizations Code; and

WHEREAS, the City Council of the City of Henderson, Texas, authorized and approved a plan of conversion for the HEDCO pursuant to Section 10.154(a) of the Texas Business Organizations Code; and

WHEREAS, the City Council of the City of Henderson, Texas, finds and determines the conversion of the HEDCO is advisable; and approves the Certificate of Conversion proposed to be used in organizing the HEDCO, which is attached hereto as **Exhibit A**, and is incorporated herein for all purposes; and

WHEREAS, pursuant to Section 501.056(10) of the Texas Local Government Code the City Council of the City of Henderson, Texas, by this Resolution has specifically authorized the HEDCO to act on its behalf to further the public purpose stated in the Resolution and the Certificate of Conversion, and consistent with the Act, and by this Resolution approves the Certificate of Conversion, which is attached hereto as **Exhibit A**, and is incorporated herein for all purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS, THAT:

Section 1. FINDINGS INCORPORATED

The findings set forth above are incorporated into the body of this Resolution as if fully set forth herein.

Section 2. AUTHORIZES CORPORATION TO ACT ON ITS BEHALF

The City Council of the City of Henderson, Texas, has specifically authorized the Henderson Economic Development Corporation, as a Type B economic development corporation, operating pursuant to Chapter 505 of the Texas Local Government Code, to act on its behalf to further the public purposes stated in the Certificate of Conversion, a copy of which is attached hereto as ***Exhibit A***, and consistent with the Act.

Section 3. AUTHORIZES THE FILING OF THE CERTIFICATE OF CONVERSION

The City Council of the City of Henderson, Texas, does hereby approve the form of the Henderson Economic Development Corporation's Certificate of Conversion, a copy of which is attached hereto as ***Exhibit A***, and does hereby authorize the filing of this Certificate of Conversion with the Texas Secretary of State's office. Further, the City Council of the City of Henderson, Texas, authorizes the City Attorney, City Manager, and City staff to take any and all action necessary to convert the Henderson Economic Development Corporation from a Type A economic development corporation, operating pursuant to Chapter 504 of the Texas Local Government Code, to a Type B economic development corporation, operating pursuant to Chapter 505 of the Texas Local Government Code.

Section 4. EFFECTIVE DATE

This Resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Henderson, Texas, on this the ____ day of _____, 2023.

John Fullen, Mayor

ATTEST:

Cheryl Jimerson, City Secretary

Exhibit A

[Henderson Economic Development Corporation
Certificate of Conversion]

**CERTIFICATE OF CONVERSION
OF THE
HENDERSON ECONOMIC DEVELOPMENT CORPORATION**

Converting Entity Information:

The name of the converting non-profit corporation is: Henderson Economic Development Corporation, a Type A economic development corporation, operating pursuant to Chapter 504 of the Texas Local Government Code, as amended.

The jurisdiction of formation of the non-profit corporation: State of Texas.

The date of formation of the Henderson Economic Development Corporation, as a Type A economic development corporation: August 21, 1992.

The file number, if any, issued to the Henderson Economic Development Corporation, as a Type A economic development corporation by the secretary of state is: 0124205701.

Converted Entity Information:

The non-profit corporation named above is: converting to a Type B economic development corporation, operating pursuant to Chapter 505 of the Texas Local Government Code, as amended.

The name of the corporation is: Henderson Economic Development Corporation

Plan of Conversion:

The plan of conversion is attached hereto as *Exhibit A*.

Approval of the Plan of Conversion:

The plan of conversion has been approved as required by the laws of the jurisdiction of formation and the governing documents of the converting entity.

Effectiveness of Filing:

This document becomes effective when the document is accepted and filed by the Secretary of State.

Tax Certificate:

Attached hereto as *Exhibit B* is a certificate from the Comptroller of Public Accounts that certifies that the converting entity is in good standing for purposes of conversion.

Public Purposes:

The Henderson Economic Development Corporation (the "Corporation") is a nonprofit corporation and is an economic development corporation organized pursuant to the provisions contained in Chapter 505 of the Texas Local Government Code, as amended, the Development Corporation Act (hereinafter referred to as the "Act"). The Corporation is governed by Chapter 505 of the Act. In the event of any conflict between any provision of this Certificate of Conversion and the Act, then the provisions of the Act shall control.

The Corporation is organized exclusively for the purposes of benefiting and accomplishing public purposes of, and to act on behalf of, the City of Henderson, Texas, and the specific purposes for which the Corporation is organized, and may issue bonds on behalf of the City, and expend the proceeds of any sales and use tax levied for projects authorized by Chapter 505 of the Texas Local Government Code, as amended, including but not limited to: land, building, equipment, facilities, and improvements required or suitable for use for professional and amateur (including children's) sports, athletic, entertainment, tourist, convention, and public park purposes and events; land, buildings, equipment, facilities, expenditures, targeted infrastructure, and improvements for the promotion of new or expanded business development; expenditures required or suitable for infrastructure necessary for the promotion or development of new or expanded business enterprises; and the maintenance and operations expenses for any of the above described projects.

The Corporation is a constituted authority and a public instrumentality within the meaning of the United States Treasury Department and the rulings of the Internal Revenue Service prescribed and promulgated pursuant to Section 103 of the Internal Revenue Code of 1954, as amended, and the Corporation is authorized to act on behalf of the City as provided in these Certificate of Formation. However, the Corporation is not a political subdivision or political corporation of the State of Texas within the meaning of its constitution and laws, including without limitation Article III, section 52, of said constitution, and no agreements, bonds, debts or obligations of the Corporation are or shall ever be deemed to be the agreements, bonds, debts or obligations, or the lending of credit, or grant of public money or thing of value, of or by the City, or any other political corporation, subdivision or agency of the State of Texas, or a pledge of the faith and credit of any of them.

Board of Directors:

Management of the affairs of the Corporation is to be vested in its Board of Directors consisting of seven (7) directors appointed by the City Council of the City of Henderson, Texas, for staggered two (2) year terms of office. In accordance with Section 505.052(c) of the Texas Local Government Code, not more than four (4) directors shall be persons who are employees, officers, or members of the governing body of the City. If a director shall cease to be a City employee, officer, or member of the City Council, such event shall constitute an automatic resignation as a director and such vacancy shall be filled in the same manner as for other vacancies of the Board of Directors.

Each Director must reside within the City of Henderson, Texas, or Rusk County, Texas, consistent with section 505.052 of the Act, as amended, and if such residency ceases it shall be deemed a resignation. Directors are removable by the City Council at any time without cause. The Directors shall serve without compensation, except that the Directors shall be reimbursed for their actual expenses incurred in the performance of their duties as Directors. Any vacancy occurring on the Board of Directors through death, resignation or otherwise shall be filled by appointment by the City Council, and the appointee shall hold office until the expiration of the relinquished term.

Execution:

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument. The undersigned certifies that the statements contained herein are true and correct, and that the person signing is authorized under the provisions of the Business Organizations Code, or other law applicable to and governing the converting entity, to execute the filing instrument.

**HENDERSON ECONOMIC
DEVELOPMENT CORPORATION,**
A Texas non-profit corporation,

Dylan Culp, President

Exhibit A

[Plan of Conversion]

Exhibit B

[Tax Certificate]

TEXAS COMPTROLLER *of* PUBLIC ACCOUNTS

WWW.COMPTROLLER.TEXAS.GOV



March 10, 2023

HENDERSON ECONOMIC DEVELOPMENT CORPORATION
400 W MAIN ST
Henderson ,TX 75652

CERTIFICATE OF ACCOUNT STATUS

THE STATE OF TEXAS
COUNTY OF TRAVIS

I, Glenn Hegar, Comptroller of Public Accounts of the State of Texas, DO HEREBY CERTIFY
that according to the records of this office

HENDERSON ECONOMIC DEVELOPMENT CORPORATION

is, as of this date, in good standing with this office for the purpose of conversion, having filed the
required franchise tax reports and having paid the franchise tax computed to be due through May
15th 2023

GIVEN UNDER MY HAND AND
SEAL OF OFFICE in the City of
Austin, this 10 day of
March, 2023 A.D.


Glenn Hegar
Texas Comptroller

Taxpayer number: 30115960673
File number: 0124205701

NOTE: Failure by Texas corporations to legally dissolve, merge, or convert with the Texas Secretary of State on or before the
expiration of this certificate, will result in additional franchise tax responsibilities. Out of state corporations are responsible for
franchise tax through the last date of business in this state.



City of Henderson

Monthly Report

To: Mayor and City Council Members

From: Jay Abercrombie, City Manager

February 2023

February continued to be a strong and busy month for the City. We are on pace to have record years in many phases of work for the City. Development and building permits continue to be in the rise with inspections of work completed keeping Cliff and crew extremely busy in our Community Development Department.

We had a record month of sales tax revenue in February. This would be from sales that occurred in the month of December.

We are still having to watch illness among our staff and their families. It's been wintertime so Flu and Covid are the biggest culprits. Spring is coming so we are looking forward to allergy season! (Says no one)

We are anticipating setting a date in May to do a Grand Opening event for the new Municipal Services Building. Things are slowly moving forward with the audio and video in the Council Chamber/Courtroom. We are working to confirm dates of installation related to external and internal signage for the building before we set anything in stone. We also would like to have it before the construction of the elevator starts.

The elevator project is ready to go out to bid. The bid opening date will be Thursday, April 13 at 10:00 a.m., in time for presentation at your April 18th Council meeting.

This advertisement will need to be published in the local newspaper on the following dates:

Sunday March 19th; Sunday March 26th.

Our coaching and mentoring have begun throughout all departments. Our Directors are starting this focused one-on-one time with each person they supervise to give positive encouragement and to be available for questions. This time is used to set goals individually and set a path that is favorable for them to reach said goal. Training continues to be a focus this year and we kicked it off with customer service training for 38 of our team members. This training took place

on February 27th and was done by an outside source. We invited on those team members that interact directly the most with our community members, customers, and visitors. There will be follow up training soon and coaching time with directors will focus on this topic as well. We have many resources available for low cost and free for us to take advantage of through TML such as short online webinars for safety, ethics, customer service and more.

Comprehensive Plan – Kimley-Horn was on site at our Main Street Mardi Gras Event at the Civic Center on February 18th. They presented updated material related to land use for future growth and continued to gather thoughts and desires from our community. We have adjusted the calendar a little to make room for more feedback opportunities.

We have scheduled Kimley Horn to help us do a focus group that can be attended in person or virtually scheduled for March 23rd. The meeting will be held in the War Room or the Council Chambers depending on technology availability at that point. Please encourage people you know in the community to respond to the invitation on social media and let us know they want to participate.

There will be a Joint Meeting between Council, P&Z and CPAC on April 18th. This meeting will be held immediately after the Regular Council meeting on that date. We will have both meetings at the Community Center which will allow for better roundtable type discussion between all groups.

We have been engaged with the Sports Facilities Company who is doing our feasibility study on our current sports and recreation facilities. They will be on site on March 7th & 8th to do Stakeholder meetings and to tour our current facilities. Again, this study will take 10-12 weeks to complete as they look at our market and give us recommendations for our future.

Our commercial activity and growth continue. We are having good conversations with potential developers of all types. More businesses are on the horizon which is great news for our economy as it continues to see the upward trend.

Chic Fil A is now open and doing well. I know most of you have seen or heard about the residential neighbors next to the driveway. We have been in conversation with them to hear their complaints and totally understand their point of view. The developer of the Chic Fil A property is currently designing and will construct a privacy fence along that drive thru lane that will protect the residential properties and their privacy.

Nothing new here, but just leaving on report for information: Fiber internet is now being provided by Frontier Communications and Sparklight. Both providers are still working on finishing the construction of their infrastructure, however, both are signing up new customers and installing currently. This is a huge opportunity for our citizens and business owners who have been wanting other options. Now multiple options are available which will create a healthy competition for better rates and customer service.

I attended the first ever TML Mid-Year Conference held in San Antonio on March 2nd & 3rd. This is set up with everyone together in the same room for large presentations. It was attended by approximately 250 elected officials and municipal staff from across the state. The conference

lasted all day Thursday and half a day on Friday. If any of you would be interested in attending this conference next year, please let me know.

Legislative Update - TML does an outstanding job of watching bills as they are filed every day. Our Texas City Management Association has a public Policy Committee that work side by side with TML staff to discuss and breakdown legislation related to cities. The bill filing deadline is March 10th. We know that there are pages of bills that concern Texas Cities and we are following all of them. I continuously stay in touch with our legislative staff and TML for update weekly. Please know that it is imperative that we stay informed and educated on these bills as they affect us in a variety of ways. For more details and updates, you can follow TML's Legislative Update page on their website. I will keep you updated each month or even more frequent if needed.

Again, thank you to Council for your progressive leadership that is allowing things to happen in Henderson that some thought never possible!

Below is a list of the highlights from my January schedule that may be of interest:

- Feb 1 - Attended our OAD Coaching training
- Feb 2 - Attended update meeting on elevator project for City Hall
Attended an update call from Sports Facilities Companies
- Feb 3 - Attended the Rusk County Ducks Unlimited Banquet
- Feb 6-8 - Coaching individual meetings with each Director
- Feb 8 - Met with auditor regarding annual audit
- Feb 9- Mid-morning Coffee at the Boys & Girls Club
- Feb 10 - Met with Mayor and City Marshall from Mt. Enterprise along with Mayor Fullen
- Feb 13 - Attended a meeting of the Rusk County Go Texan Committee
- Feb 15 - Attended a new PD Officer swearing in ceremony at City Hall
- Feb 16 - Attended the ETCMA Luncheon in Gilmer
- Feb 18 - Attended the Mardi Gras event at Civic Center
- Feb 18 - Attended the Whitehouse Ducks Unlimited Banquet
- Feb 20 - Provalus meeting on site in Henderson
- Feb 21 - Attended the Chamber of Commerce Board meeting and gave update.
Led a Pre-Customer Service Training expectations meeting.
Regular Council Meeting

Feb 22-24 - Attended the TCMA City Management Clinic in Granbury

Feb 23-25 - Attended the HLSR Barbeque contest with Rusk County Go Texan in Houston

Feb 27- Organized and attended 2 Customer Service Trainings for staff

Feb 28 - Led Leadership Meeting with Department Heads

Update call with Kimley-Horn regarding Comprehensive Plan

I also had many other meetings with Citizens, potential developers, business owners, etc. throughout the month as always. Please feel free to contact me at any time if you have a question regarding any department or concern within the City.

Cell – 903-571-2917 Email: jabercrombie@hendersontx.us

Respectfully Submitted, Jay Abercrombie, City Manager

City of Henderson
300 W. Main Street
Henderson, TX 75652



Phone # 903.657.6551
Email: jabercrombie@henderson.tx.us
Website: <http://henderson.tx.us/>

MEMO

To: Mayor & City Council
From: Jay Abercrombie
Re: Texas City Management Association
Date: March 16, 2023

.....

The Texas City Management Association and the International City Management Association have been instrumental in my professional success as a City manager of the last eight years. I have been a member of both organizations throughout my career as City Manager and have made lasting personal and professional relationships. These relationships have allowed me to search for answers regarding issues that our City or community may face. I've learned a great deal related to priorities, budgeting, team leadership, public process, ethics, communication and more through my involvement and participation in these entities.

With that being said, it's time for me to give back to these organizations and help lead the profession over the next few years. I was honored back in February of 2022 to be elected by the membership of TCMA to serve as the Vice President for 2022-2023. This past month, I was again honored to be elected into the President Elect position for 2023-2024. I currently serve as Vice President until June and then will make the change to resident -Elect. In June of 2024 I will make the move automatically to President of the Texas City Management Association for 2024-2025 followed by Immediate Past President the following year.

With this new post comes tremendous responsibility that I cherish and don't take lightly. I would not be able to accept this position without the support of the Mayor and City Council of the City of Henderson and the great Leadership Team that is in place on staff. I want to thank you for your tremendous support and continued consideration as I work my way through these next three and a half years in this state leadership position. My position as the City Manager for the City of Henderson will always be my priority and I will enjoy promoting our City as I travel around the State of Texas. Serving in this role will be a benefit to me personally, professionally, and also a great benefit to the City of Henderson as a whole.

Thank you again for your continued support of me and the profession of City Management across our State and Country. Please let me know if you have any questions regarding this process. I look forward to representing the City of Henderson on this much larger stage.

ja



HENDERSON FIRE DEPARTMENT

401 West Main St.
Henderson, Texas 75654
903-657-6551

Rusty Chote, Fire Chief
Sonny Ybarra, Deputy Fire Chief

MONTHLY REPORT FOR FEB 2023

<u>TYPE OF CALL</u>	<u>CITY</u>	<u>COUNTY</u>
<i>OTHER FIRES (Industrial/other)</i>	0	0
<i>STRUCTURE FIRES</i>	0	0
<i>VEHICLE FIRES</i>	0	2
<i>GRASS FIRES</i>	0	3
<i>ELECTRICAL FIRES</i>	1	0
<i>COOKING FIRES (KITCHEN)</i>	0	0
<i>POWER LINES</i>	0	0
<i>SMOKE CHECKS</i>	1	0
<i>ACCIDENTS (JAWS)</i>	0	1
<i>MVC'S (No Extrication)</i>	4	5
<i>AIRCRAFT STAND-BY</i>	1	1
<i>FUEL SPILLS/GAS LEAKS</i>	2	3
<i>RESCUE</i>	0	0
<i>MEDICAL CALLS</i>	21	5
<i>ALARM MALFUNCTIONS</i>	4	0
<i>FALSE ALARMS</i>	8	1
<i>DISPATCHED AND CANCELED ENROUTE</i>	3	2
<i>UNAUTHORIZED BURNING</i>	3	1
<i>CONTROL BURN (COUNTY ONLY)</i>	1	1
<i>ASSIST OTHER DEPARTMENTS</i>	0	0
<i>MISCELLANEOUS CALLS/PUBLIC SERVICE</i>	2	0
TOTAL	51	25
MILEAGE	114.80	184.80
MANHOURS	99.50	49.00
TOTAL CALLS		76
TOTAL MILEAGE		299.60
TOTAL MANHOURS		148.50
TRAINING	Paid 73 Vol 32	Total 105
INSPECTIONS		15
FIRE PREVENTION PROGRAMS		0
PUBLIC RELATIONS EVENTS		0
HYDRANT MAINTENANCE		0
WATER USAGE		1,200

HENDERSON FIRE DEPARTMENT



Fire Prevention and Public Relations

February 18th, C-shift attended the annual Mardi Gras Festival at the Civic Center. Firefighters provided coolers of ice and medical standby for the event. The event was a success and firefighters made positive contact with the community during the event.



February 2023

Call Log

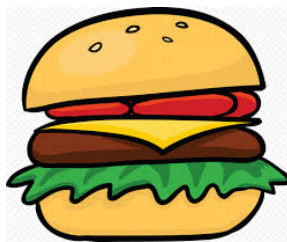
- Fire Calls: 50
- Medical Calls: 26
- Total Calls: 76
- Inspections: 15
- Hydrants: 0

February 22, C-shift was invited to a pancake supper at First Christian Church located at 306 N. Main St.. Firefighters enjoyed the pancakes and the company and appreciated being invited.



February 15th, Henderson Fire Departments A-shift took part in the Kindness Tunnel at the HISD Northside Campus. A-shift firefighters, HPD Officers and other members of the community greeted the Northside students as they entered the campus to start the school day. Positive contact was made with the students and faculty.

February 17th, B-shift attended a hamburger lunch at Henderson Health and Rehab. Positive contact was made between the firefighters, staff and the residents.



TEEX Instructor and HVFD Firefighter, Alan Russell, instructed a Hazardous Material Class February 21-23. The class was on hazards of ammonium nitrate fertilizer. Alan went over the West Fertilizer fire and explosion at the ammonium nitrate fertilizer plant. The firefighters also went out to the Blackland Railroad engine and railroad cars. Blackland railroad has indicated they would have a joint training class with HFD on railroad safety.





UTHealth

East Texas

City of Henderson

February 2023

Emergency Calls Compliance

Compliance
98.27%

Calls
116

Late
2

Run# - 16423 – Priority 1 – Unconscious
Total Response Time – 09m 52s

Delay due to Post-to-Post moves. 970 was on scene an emergency. 971 was enroute back from Longview. 838 was enroute to post 400.

Run# - 13043 – Priority 2 – Fall
Total Response Time – 15 minutes 14 seconds

Delay due to the crew passed the facility because it sits behind the Child Advocacy Center and there is no signage



Henderson Police Department

800 Lake Forest Parkway

Henderson, Texas 75652

Phone: 903-657-3512 Fax: 903-657-3345

Integrity • Respect • Accountability • Courage • Professionalism • Dedication • Service

03/03/2023

To: City Council
From: Chad Taylor, Chief
Ref: Training Report

Training report for the month of February

Total number of officers with license certification **3**

Total number of officers moved from basic to intermediate – **2**

Total number of officers moved to advanced – 0

Total number of officers moved to master- 0

Total number of Telecommunicators with a temporary license – **1**

Total number of Telecommunicators moved from temporary license to basic-0

Total number of Telecommunicators moved from basic to intermediate-0

Total number of Telecommunicators moved from advance to master-0

Total Proficiency level moves - **2**

Approximate hours of training hours for the month of February-**219.30**

Information provided by Lt. Charles Helton – Training/Community Outreach Coordinator

Memo



To: Jay Abercrombie, City Manager

From: Chad Taylor, Chief of Police

cc: Cheryl Jimerson, City Secretary

Date: March 1, 2023

Re: Henderson Police Department Monthly Report



Attached to this memo please find the monthly activity report from the Police Department for February.

For the month of February, the staff was busy with getting acquainted with New Businesses, swearing in a new officer, and working on improvements within our department. We are excited that we finally got a few ticket writers installed in some of our cars and are slowly working on the rest of our vehicles. We are also working with our vendors to workout any bugs that we have with our new programs. Our department is working on recruitment of new officers, (there is currently a national shortage of Law Enforcement officers) so we are working on new possible marketing strategies and targeting officers from larger cities and from out of state.

February 9, 2023- Chief Taylor, Sgt. Charles Helton, and Det. Randolph at the Boys and Girls Club.



February 11, 2023 – Detective Dooley having fun with the kids at the Valentine’s Dance.



February 16, 2023 – Chief Taylor and Sgt. Charles Helton having the “First Bite” at Chick-Fil-A



February 16, 2023 – New Patrolman Marshall Cochran getting sworn in.



February 23, 2023 – Chief Taylor and Sgt. Charles Helton at the Pine Lodge Chili Cook Off



February 24, 2023 – Charles Helton at Ribbon Cutting for Lake Striker café.



	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
												2022						
CALLS FOR SERVICE	779	908	856	824	945	925	813	770	819	764	802	738	671	753	878	1176	1160	1139
OFFICER INITIATED CFS	65	100	129	73	118	95	77	98	92	96	86	66	53	105	209	486	484	414
DISPATCHED CFS	714	808	727	751	827	830	736	672	727	668	716	672	618	648	669	690	676	725
TRAFFIC CITATIONS	52	88	118	81	156	107	113	9	90	84	71	87	59	124	90	59	53	58
WRITTEN WARNINGS	178	303	306	167	379	239	251	331	267	323	327	338	275	490	425	286	274	182
ARREST	45	85	84	64	79	75	59	58	98	62	59	42	47	62	33	23	31	35
ACCIDENTS	19	40	33	19	31	27	29	33	15	24	22	23	14	24	17	21	28	29
DWI ARREST	0	3	6	2	6	2	2	1	5	3	0	1	3	1	1	4	3	0
(included above)																		
INCIDENT REPORTS																		
SENT TO CID	223	290	315	315	325	339	286	264	299	264	290	265	256	258	191	226	230	181
ASSIGNED	207	274	290	270	299	299	269	241	240	235	216	240	228	201	191	226	230	181
SUSPENDED	124	137	162	159	158	91	146	156	137	117	98	143	118	105	70	75	86	98
CLEARED	42	73	55	64	84	166	54	90	77	55	96	63	85	95	112	95	109	56
BURGLARY	17	14	19	12	23	12	9	4	15	18	15	10	12	4	1	5	5	2
ROBBERY	1	0	0	3	0	0	0	1	0	1	1	2	1	0	1	1	4	0
ASSAULT	20	36	30	49	35	37	31	36	33	27	40	27	26	23	12	10	31	22
POCS / POM*	14	17	14	6	11	4	8	11	6	11	12	5	9	6	2	3	3	4
SEXUAL ASSAULT	0	1	1	2	2	0	0	0	0	5	1	1	2	1	2	1	1	0

* Includes marijuana, cocaine, etc.

Aug	Sept	Oct	Nov	Dec	Jan	Feb
988	1001	1037	1030	975	991	970
388	289	362	295	321	299	371
600	712	675	735	654	692	599
71	51	58	48	25	42	53
234	168	240	152	185	187	231
21	31	38	35	25	30	31
21	37	19	44	35	50	35
2	1	2	3	2	3	1
204	231	229	249	212	247	179
204	231	229	249	212	247	179
78	53	126	90	71	86	59
145	135	121	112	80	84	55
19	15	7	14	17	14	3
0	0	0	1	3	0	0
19	32	28	27	31	26	15
2	0	3	0	1	2	3
0	0	4	0	0	0	2

**Compatibility Report for Copy of Jan 2022 Monthly Report -
.xls
Run on 02/02/2022 16:35**

If the workbook is saved in an earlier file format or opened in an earlier version of Microsoft Excel, the listed features will not be available.

Minor loss of fidelity

**# of
occurrences** **Version**

Some cells or styles in this workbook contain formatting that is not supported by the selected file format. These formats will be converted to the closest format available.	17	Excel 97-2003
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City of Henderson
Animal Center
And Protection

Memo

To: Jay Abercrombie, City Manager

From: Charissa Pool, Animal Center and Animal Protection Director

cc: Cheryl Jimerson, City Secretary

Date: March 21, 2023

Re: Henderson Animal Center and Protection Monthly Report

Attached to this memo, please find the monthly activity report from Henderson Animal Center and Protection for February 2023.



Henderson Animal Center and Protection

February 2023

We had lots of love to pass around this month!





We also had something special for those that weren't in the loving mood. For a \$5 donation, we took names from scorned individuals and placed them in our felines' litter boxes on Valentine's Day for a little "catty" fun.

REVENGE

Finely crafted, organic Valentine's Day 'chocolates'.

Only the best for your Ex.



**We continue to receive donations from local businesses.
The extra food allows us to help individuals in need.**



We have officially started having our shelter animals fixed thanks to Rusk County Animal Outreach under Rusk County Pets Alive!





Here are a few before and after shots of animals that have come in and found their fur-ever homes, along with some more happy outcomes!









We were able to visit the residents of Brookdale Senior Living and spread some joy!





Humane Heros were able to save a couple pups thanks to RCPA transport.



We welcomed Natasha and Deborah to our team!



Henderson Animal Center and Protection

Monthly Report

Month of: February

Year: 2023

Inside City Limits

Number of Dogs:	6	Year to Date:	21
Number of Cats:	3	Year to Date:	29
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	9	Year to Date:	50

ACOPU

Number of Dogs:	8	Year to Date:	65
Number of Cats:	5	Year to Date:	42
Number of Others:	1	Year to Date:	11
TOTAL Number of Animals:	14	Year to Date:	118

Outside City Limits

Number of Dogs:	9	Year to Date:	38
Number of Cats:	10	Year to Date:	43
Number of Others:	2	Year to Date:	2
TOTAL Number of Animals:	21	Year to Date:	83

Rusk County Sheriff's Department

Number of Dogs:	0	Year to Date:	5
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	0	Year to Date:	5

City of Overton

Number of Dogs:	1	Year to Date:	1
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	1	Year to Date:	1

City of Tatum

Number of Dogs:	0	Year to Date:	0
Number of Cats:	0	Year to Date:	0
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	0	Year to Date:	0

City of New London

Number of Dogs:	0	Year to Date:	0
Number of Cats:	0	Year to Date:	1
Number of Others:	0	Year to Date:	0
TOTAL Number of Animals:	0	Year to Date:	1

TOTAL of Animals Received

Number of Dogs:	23	Year to Date:	123
Number of Cats:	18	Year to Date:	115
Number of Others:	3	Year to Date:	13
TOTAL this Month:	44	Year to Date:	251

Animals Reclaimed

Number of Dogs:	7	Year to Date:	37
Number of Cats:	0	Year to Date:	1
Number of Others:	0	Year to Date:	0
TOTAL this Month:	7	Year to Date:	38

Animals Adopted

Number of Dogs:	19	Year to Date:	89
Number of Cats:	31	Year to Date:	128
Number of Others:	2	Year to Date:	2
TOTAL this Month:	52	Year to Date:	219

<i>Monthly Adoption Breakdown:</i>	<i>Dogs Adopted:</i>	11	<i>Dogs Rescued:</i>	8
	<i>Cats Adopted:</i>	4	<i>Cats Rescued:</i>	27
	<i>Others Adopted:</i>	0	<i>Others Rescued:</i>	2

Animals Euthanized

Number of Dogs:	0	Year to Date:	6
Number of Cats:	0	Year to Date:	2
Number of Others:	0	Year to Date:	0
TOTAL this Month:	0	Year to Date:	8

<i>Monthly Euthanasia Breakdown</i>	<i>Sick:</i>	<i>Injured:</i>	<i>Aggressive:</i>
<i>Dogs:</i>	0	0	0
<i>Cats:</i>	0	0	0
<i>Other: (Non-Wildlife)</i>	0	0	0

<u>Animals Held for Rabies Quarantine:</u>	3	Year to Date:	14
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<u>Animals Tested for Rabies:</u>	1	Year to Date:	3
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<u>Animal Complaints Received:</u>	642+	Year to Date:	3,023+
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<u>Deceased on Arrival (disposal):</u>	5	Year to Date:	19
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<u>Died in Care:</u>	1	Year to Date:	4
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Animal Protection Activity

Warnings Issued:	14	Year to Date:	130
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Citations/Complaints signed:	1	Year to Date:	29
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Calls for Service during hours:	66	Year to Date:	372
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Calls for Service after hours:	0	Year to Date:	10
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Seizures:	0	Year to Date:	1
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Wildlife Euthanasia (sick or injured):	0	Year to Date:	0
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Wildlife Release:	0	Year to Date:	5
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Traps Set:	3	Year to Date:	64
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Community Development Department

300 West Main Street

Henderson, Tx 75652

Phone: 903-392-0786

Fax: 903-657-0015

Monthly Report

To: Mayor and City Council Members

From: Cliff McElfresh

RE: Summary for the Month of February, 2023

MONTHLY TOTALS BUILDING CONSTRUCTION VALUE: February, 2023 \$2,487,763.00

MONTHLY TOTALS BUILDING CONSTRUCTION VALUE: February, 2022 \$534,854.00

ANNUAL TOTAL BUILDING CONSTRUCTION VALUE: TO DATE 2023 \$2,732,708.00

ANNUAL TOTAL BUILDING CONSTRUCTION VALUE: Thru February 2022 \$1,528,650.00

BUILDING INSPECTORS REPORT

CODE ENFORCEMENT REPORT

Building Inspections	12	Food Establishment Inspections	1
Electrical Inspections	20	Food Truck/Trailer Permits	8
Plumbing Inspections	15	High Grass & Weeds	27
Mechanical Inspections	6	Junk Vehicles	5
Stop Work Orders	1	Illegal Signs	6
Building Permit Review	9	Sub-Standard Structure Inspections/Notifications	7
Residential Plan Review	6	Illegal Dumping /Road debris/Illegal storage	2
Commercial Plan Review	4	Restaurant Grease Trap Inspection	7
Sign Permits Review	2	Abatements	1
Certificate of Occupancy	3	Other	33

Commercial Building Permits Issued	3
Residential Building Permits Issued	2
Residential Demo Permits Issued	1
Residential Roof Permits Issued	4
Commercial Roof Permits issued	4
Commercial Demo Permit Issued	0

Planning & Zoning: The Planning & Zoning Commission did not meet this Month.

Board of Adjustments: The Board of Adjustments did not meet this month.

The Community Development Department is currently working with developers for 5 new businesses that will be building new structures in the C2 District.

Submitted by: Cliff McElfresh, Community Development Mgr.

Date:03/07/2023

Billy Hughes, Planning and Zoning Administrator



To: Jay Abercrombie, City Manager
From: Kirk Kimbrell, Director of Public
Services

February 2023 Public Services Monthly Report



Special Projects and Updates:

- Frontier & Sparklight fiber optic internet is currently being installed throughout the city. We have a crew dedicated to locating city utilities during the install to prevent any unnecessary damages to water, sewer, and storm sewer infrastructure.
- John Wright is upgrading a culvert under Industrial Dr from 36" to 66". The 36" culvert wasn't large enough and was causing major erosion issues on the edge of the roadway during heavy rains.
- GCAA beautification work along HWY 79 is complete.
- Continually updating GIS mapping throughout the city.
- Assisting City of Overton with utilities distribution and sewer collection system maintenance.
- Public Services supervisors attended Express Pros customer service training.
- Public Services supervisors attended R.O.A.D. TML safety training.

Maintenance Work:

February 1st – 4th, 2023

- Street & Utility crews – Remodel City Hall, repair old HEDCO building damage caused by broken water line in the ceiling, street repairs on Longview Dr, Choctow, Caddo, and Cherokee Trl, utility locates and repairs throughout town, sewer stops throughout town.
- Parks and Recreation – Mow parks, cemeteries, and city-owned properties, remove Christmas décor throughout town, annual rose trimming throughout town, level graves at Lakewood Cemetery, pressure wash Lakewood entrance, Yates Park, and Heritage Square.
- Buildings and Grounds Maintenance – repaired drinking fountain at Lake Forest Park, service Lake Forest fountain, repaired toilet at Yates Park, removed electrical cords for downtown Christmas décor, adjust school zone lights on Richardson Dr., serviced dryer at Fire Station #1.

February 5th –11th, 2023

- Street & Utility Crews – remodel City Hall, repair old HEDCO building damage caused by broken water line in the ceiling, street repairs on Longview Dr, Choctow, Caddo, and Cherokee Trl, utility locates and repairs throughout town, sewer stops throughout town.
- Parks and Recreation - Mow parks, cemeteries, and city-owned properties, update/convert cemetery records to GIS, repaint Lakewood Cemetery entrance lettering, cleared trees for fence install at Lakewood Cemetery, leveled headstones at Lakewood Cemetery, annual rose trimming throughout town, install street signs, removed dead trees at Lake Forest Park, aerated soil at Lake Forest Park.
- Buildings and Ground Maintenance – Planning for July 4th 2023, repaired damaged drinking fountain at Lake Forest Park, replaced damaged light fixture at the Animal Shelter, replaced broken time clock for Downtown lights.

February 12th – 18th, 2023

- Street & Utility Crews – remodel City Hall, repair old HEDCO building damage caused by broken water line in the ceiling, patch potholes throughout town, street repair on Briarwood, utility locates and repairs throughout town, sewer stops throughout town.
- Parks and Recreation - Mow parks, cemeteries, and city-owned properties, installed street signs, installed safety surfacing mulch under playgrounds at The Boy's and Girl's Club, aerated soil at Montgomery Park.
- Buildings and Grounds Maintenance – build new sink platform and install new sink for Rusk County Pets Alive, cleaned up leaking air handler at City Hall, helped with Mardi Gras setup, repaired toilet flange at Fire Station #1, installed surveillance camera at the Alley on Main.

February 19th – 28th, 2023

- Street & Utility Crews – Remodel new City Hall, repair old HEDCO building damage caused by broken water line in the ceiling, spread road material at Southside Wastewater Plant driveway, patched potholes throughout town, utility locates and repairs throughout town, sewer stops throughout town.
- Parks and Recreation - Mow parks, cemeteries, and city-owned properties, service and repair equipment for mowing season, landscape flower bed on Hwy 64 at Hwy 323, cleaned old flowers at Lakewood Cemetery.
- Buildings and Grounds Maintenance – repaired sink strainer at the Civic Center, registrations on Public Services fleet, constructed catch can and drain for City Hall air handler, repaired brick on front steps at City Hall.

February 2023 WATER PRODUCTION/ WASTEWATER TREATMENT

WELLS	46.955
SURFACEWATER	17.712
COMPLAINTS	3
3 complaints due to Well #14 out of service	
FIRE HYDRANTS FLUSHED	14
GALLONS FLUSHED	0. .215



NORTHSIDE WASTEWATER TREATED	10.602 MG
SLUDGE	0 cubic yards
SOUTHSIDE WASTEWATER TREATED	60.084 MG
SLUDGE REMOVED	290 cubic yards
MONTHLY RAIN FALL	3.3 inches



The pictures above are of the Clarifiers #2 at the Surface Water Treatment Plant and of the Ground Storage Tank at Willow Lake Pump Station.



To: City of Henderson Council Members
Jay Abercrombie, City Manager

From: Karen Arnall, Finance Director

Subject: Monthly Report

Date: March 15, 2023

- Investment Report for Jan 2023-see attached report
- Hotel-Motel Occupancy Tax for Jan 2023-see attached report

Water/Sewer/Garbage Billing Recap Month Ending 1/31/2023

Type of service	Amount Billed	Consumption Billed	Count	
Garbage	\$ 169,735.62	-	5,393	-
Sales tax on garbage	\$ 12,666.55	-		-
Sewer Charges	\$ 195,459.01	35,754,585	4,425	-
Water Charges	\$ 241,844.47	58,254,922	4,762	
Sprinkler	\$ 2,980.08	519,820	356	-
Penalty	\$ 10,715.90	-	940	
Water Taps	\$ 140.00	-	1	-
Sewer Taps	-	-	-	-
Service Chg/Back Flow	\$ 446.25	-	4	
Total Billing	\$ 654,672.69	107,232,647	15,922	

**INVESTMENT SUMMARY REPORT
OCTOBER 1, 2022-JANUARY 31, 2023**

FUND	AMOUNT					INT		
	INVESTED OCT 1,2022	Oct Change	Nov Change	Dec Change	Jan Change	TOTAL INVESTED	RECEIVED IN JAN	Y-T-D INTEREST
GENERAL FUND	1,468,776	-1,213,659.00	412,788.00	-233,006.00	912,151.00	1,347,050	4,744	16,376
GF-RESTRICTED	66,498	0.00	0.00	0.00	0.00	66,498		
GF-MIN. RESERVE	1,800,000	0.00	0.00	0.00	0.00	1,800,000		
GF-MISC A/R	210,000	0.00	0.00	0.00	0.00	210,000		
GENERAL -DEBT	265,191	20,911.00	38,572.00	46,629.00	312,276.00	683,579	868	2,770
GENERAL CONSTR.	179,597	-31,117.00	-30,535.00	-19,445.00	-58,906.00	39,594	91	607
EQUIPMENT REPL	365,316	141.00	648.00	741.00	792.00	367,638	792	2,322
STREET & DRAINAGE	293,160	-142,356.00	-12,048.00	-6,522.00	35,299.00	167,533	57	277
CEMETERY FUND	57,590	1,432.00	1,434.00	437.00	1,439.00	62,332	39	142
ANIMAL SHELTER	34,003	-306.00	409.00	14.00	955.00	35,075	15	57
W/S FUND	353,122	-3,278.00	146,478.00	-144,561.00	342,360.00	694,121	2,250	7,877
W/S MIN.RESERVE	800,000	0.00	0.00	0.00	0.00	800,000		
W/S- DEBT SERVICE	21,322	9.00	10.00	11.00	11.00	21,363		
W/S-RESTRICTED	106,592	0.00	0.00	0.00	0.00	106,592		
W/S CONSTR.	153,331	-1,893.00	65.00	2,610.00	70.00	154,183	70	270
MAIN STREET	22,542	-686.00	-176.00	-642.00	-932.00	20,106	8	33
TOURISM	150,243	9,557.00	13,532.00	-208.00	-5,716.85	167,407	68	271
CIVIC CENTER	82	0.00	0.00	0.00	0.00	82	0	0
INSURANCE RESERVE	11,419	4.00	5.00	4.00	4.00	11,436	4	16
2018 BOND SERIES	892,356	1,374.00	-5,363.00	-8,500.00	1,684.00	881,551	1,984	6,845
TOTALS	7,251,140	-1,359,867.00	565,819.00	-362,438.00	1,541,486.15	7,636,140.15	10,991	37,863

This report is in compliance with our investment strategies as approved by council and the Public Investment Act.

Director of Finance, Karen Arnall

City Manager, Jay Abercrombie

**Hotel-Motel Occupancy Tax
Monthly Reporting for
January 2023**

DATE RECEIVED	TAX FOR MONTH	HOTEL NAME	TAXABLE MONTHLY RECEIPTS	7% TAX	1% RETAINER	AMOUNT PAID
2/6/2023	Jan	Baymont Inn	115,888.15	8,112.17	81.12	<u>8,031.05</u>
2/4/2023	Jan	Budget Inn (Sawan LLC)	12,212.25	854.86	8.55	<u>846.31</u>
2/16/2023	Jan	Economy Inn	5,113.70	357.96	3.58	<u>354.38</u>
2/5/2023	Jan	Holiday inn Express(Jayani Investments)	141,800.00	9,926.00	99.26	<u>9,826.74</u>
2/5/2023	Jan	Woodlawn Hills (Patel & Sons LTD)	24,675.00	1,727.25	17.27	<u>1,709.98</u>
2/6/2023	Jan	Motel 6	53,011.30	3,710.79	37.11	<u>3,673.68</u>
		Totals	352,700.40	24,689.03	246.89	24,442.14



2022-2023 Budget Report for Revenues

Period Ending January 31, 2023

Fund	Original Total Budget	Current Total Budget	January Activity	Year to Date Activity	Total Remaining	Percent Remaining
01 - General Fund	16,156,712.00	16,156,712.00	2,796,042.02	6,968,402.11	(9,188,309.89)	57%
04 - Streets & Drainage Fund	276,500.00	276,500.00	47,060.33	107,832.10	(168,667.90)	61%
05 - General Construction Fund	378,583.00	378,583.00	5,930.03	66,243.51	(312,339.49)	83%
09 - Equipment Replacement Fund	146,929.00	146,929.00	792.02	2,322.14	(144,606.86)	98%
12 - Forfeiture Fund	10,150.00	10,150.00	5,693.22	5,772.96	(4,377.04)	43%
14 - Tourism Fund	390,050.00	390,050.00	30,473.14	176,506.53	(213,543.47)	55%
15 - Main Street Fund	29,673.00	29,673.00	158.03	182.96	(29,490.04)	99%
20 - General Debt Service Fund	615,515.00	615,515.00	357,817.67	614,567.32	(947.68)	0%
30 - Water/Sewer Fund	6,313,000.00	6,313,000.00	449,202.53	1,974,772.30	(4,338,227.70)	69%
32 - Water/Sewer Construction Fund	506,100.00	506,100.00	70.49	3,674.33	(502,425.67)	99%
33 - 2018 Bond Series Fund	4,000.00	4,000.00	1,984.46	6,845.32	2,845.32	71%
60 - Cemetery Fund	10,100.00	10,100.00	1,438.81	4,742.38	(5,357.62)	53%
61 - Volunteer Firefighters Retirement Fund	2,005.00	2,005.00	0.36	1.88	(2,003.12)	100%
63 - Animal Center Donations Fund	6,080.00	6,080.00	1,801.90	2,971.75	(3,108.25)	51%
	24,845,397.00	24,845,397.00	3,698,469.41	9,934,855.04	(14,910,541.96)	60%



2022-2023 Budget Report for Expenses

Period Ending January 31, 2023

Fund	Original Total Budget	Current Total Budget	January Activity	Year to Date Activity	Total Remaining	Percent Remaining
01 - General Fund	16,143,712.00	16,143,712.00	1,596,918.66	5,571,088.10	10,572,623.90	65%
04 - Streets & Drainage Fund	276,500.00	276,500.00	11,760.57	233,458.74	43,041.26	16%
05 - General Construction Fund	295,000.00	295,000.00	65,006.64	281,109.48	13,890.52	5%
09 - Equipment Replacement Fund	82,923.00	82,923.00	-	-	82,923.00	100%
12 - Forfeiture Fund	10,150.00	10,150.00	-	100.00	10,050.00	99%
14 - Tourism Fund	325,263.00	325,263.00	28,392.84	121,890.15	203,372.85	63%
15 - Main Street Fund	29,673.00	29,673.00	939.73	3,137.42	26,535.58	89%
20 - General Debt Service Fund	615,515.00	615,515.00	-	-	615,515.00	100%
30 - Water/Sewer Fund	6,268,172.00	6,268,172.00	368,024.87	1,815,820.73	4,452,351.27	71%
32 - Water/Sewer Construction Fund	402,500.00	402,500.00	-	-	402,500.00	100%
60 - Cemetery Fund	10,100.00	10,100.00	-	-	10,100.00	100%
61 - Volunteer Firefighters Retirement Fund	2,005.00	2,005.00	-	666.74	1,338.26	67%
63 - Animal Center Donations Fund	6,080.00	6,080.00	-	583.92	5,496.08	90%
	24,471,593.00	24,471,593.00	2,071,343.31	8,045,505.58	16,426,087.42	67%



Social Media Monthly Report

Facebook Reach
(Cumulative)

88,450

New Followers

142

(-1.8%)

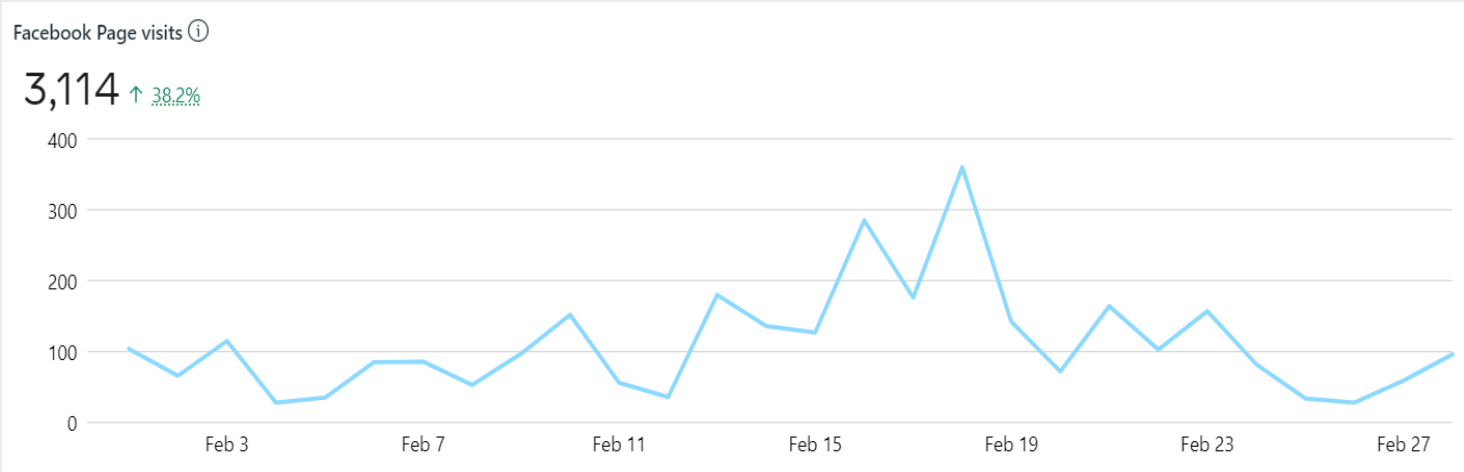
Reactions

8,106

Shares

2,245

Organic Page Visits



Current Followers



107 (+1%)



180

Accounts Reached



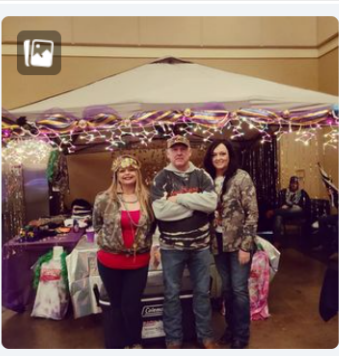
220

Views



84

Best post in
February
2023
Snapshot



Boost post

ROUX RUMBLE | So far (8) teams have thrown their hat in the ring for th...
February 9, 2023 at 3:11 PM
ID: 523619843247188

Interactions

147 reactions

16 comments

43 shares

Reach

12,043

Reactions

147

Shares

43

HEDCO SALES TAX RECEIPTS HISTORY

Sales Month	Check Received Month	1992-1993	1993-1994	1994-1995	1995-1996	1996-1997	1997-1998	1998-1999	1999-2000
AUGUST	OCTOBER		38,548	36,197	37,403	43,615	43,743	45,133	43,378
SEPTEMBER	NOVEMBER		58,170	59,062	53,862	54,472	61,268	67,745	60,108
OCTOBER	DECEMBER	26,898	34,289	33,121	31,637	45,934	44,271	46,166	55,469
NOVEMBER	JANUARY	34,466	40,048	50,644	35,998	36,900	39,058	40,237	44,788
DECEMBER	FEBRUARY	66,400	65,598	63,055	57,486	67,599	72,385	79,705	65,828
JANUARY	MARCH	32,279	31,172	33,161	35,558	42,066	37,413	38,909	47,912
FEBRUARY	APRIL	30,617	34,455	33,221	45,104	40,731	40,610	45,303	46,995
MARCH	MAY	55,433	52,448	53,933	54,102	57,676	61,795	66,026	65,237
APRIL	JUNE	35,656	36,285	35,147	40,376	42,114	50,487	48,953	46,288
MAY	JULY	35,704	35,612	37,804	38,755	42,613	44,454	48,043	50,643
JUNE	AUGUST	56,455	60,479	57,700	61,328	60,099	68,203	60,864	65,906
JULY	SEPTEMBER	35,503	33,121	36,831	49,029	49,767	48,094	45,344	49,843
TOTAL		409,411	520,225	529,876	540,638	583,586	611,781	632,428	642,395
Average Monthly Sales Tax:		40,941	43,352	44,156	45,053	48,632	50,982	52,702	53,533
Annual % Change Over the Previous Year			27.07%	1.86%	2.03%	7.94%	4.83%	3.37%	1.58%

Sales Month	Check Received Month	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
AUGUST	OCTOBER	49,572	58,284	48,837	56,577	54,801	82,519	85,356	87,078
SEPTEMBER	NOVEMBER	59,757	73,834	64,109	70,315	72,264	80,573	100,384	121,188
OCTOBER	DECEMBER	57,388	55,476	48,859	48,045	54,868	66,909	75,575	83,539
NOVEMBER	JANUARY	47,961	48,417	46,007	48,377	55,768	75,685	72,105	88,099
DECEMBER	FEBRUARY	73,487	81,480	64,590	76,014	81,875	102,065	111,520	141,454
JANUARY	MARCH	48,080	42,784	44,274	51,551	51,428	67,088	71,346	57,698
FEBRUARY	APRIL	46,582	46,678	44,678	50,425	62,545	77,568	77,833	84,927
MARCH	MAY	66,004	65,071	63,256	70,803	80,858	91,113	112,557	113,913
APRIL	JUNE	54,487	50,901	51,519	54,893	60,060	79,527	94,809	92,131
MAY	JULY	54,980	49,222	49,936	51,277	61,354	82,635	90,307	110,175
JUNE	AUGUST	71,779	71,920	67,805	73,543	88,459	98,619	118,741	124,099
JULY	SEPTEMBER	53,936	51,693	58,630	52,730	63,193	72,496	81,438	105,559
TOTAL		684,013	695,760	652,500	\$ 704,550	787,473	976,797	1,091,971	1,209,860
Average Monthly Sales Tax:		57,001	57,980	54,375	\$ 58,713	65,623	81,400	90,998	100,822
Annual % Change Over the Previous Year		6.48%	1.72%	-6.22%	7.98%	11.77%	24.04%	11.79%	10.80%

HEDCO SALES TAX RECEIPTS HISTORY

Sales Month	Check Received Month	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016
AUGUST	OCTOBER	111,268	76,298	87,499	\$ 84,071	92,147	114,011	116,949	121,718
SEPTEMBER	NOVEMBER	134,059	97,160	106,938	\$ 106,441	114,084	119,394	148,033	149,725
OCTOBER	DECEMBER	128,139	74,526	85,724	\$ 85,001	93,729	99,139	119,562	120,511
NOVEMBER	JANUARY	118,278	75,375	80,897	\$ 86,133	91,079	92,381	109,862	108,103
DECEMBER	FEBRUARY	146,434	96,298	120,034	\$ 120,338	121,444	133,265	147,853	145,156
JANUARY	MARCH	101,087	72,740	73,132	\$ 83,391	83,926	93,906	106,330	101,430
FEBRUARY	APRIL	101,860	72,550	72,002	\$ 90,348	94,535	96,345	113,852	112,599
MARCH	MAY	120,755	106,538	111,326	\$ 126,183	118,964	135,024	140,828	142,354
APRIL	JUNE	96,023	83,877	82,698	\$ 95,591	100,456	113,739	116,123	104,961
MAY	JULY	94,426	78,745	79,889	\$ 101,797	103,080	129,549	110,049	101,897
JUNE	AUGUST	113,557	110,237	116,504	\$ 120,043	122,602	141,380	140,858	132,394
JULY	SEPTEMBER	75,248	79,339	85,237	\$ 88,084	98,996	114,067	125,934	101,024
TOTAL		1,341,134	1,023,683	1,101,880	\$ 1,187,421	1,235,042	1,382,200	1,496,233	1,441,872
Average Monthly Sales Tax:		111,761	85,307	91,823	\$ 98,952	102,920	115,183	124,686	120,156
Annual % Change Over the Previous Year		0.11	-23.67%	7.64%	7.76%	4.01%	11.92%	8.25%	-3.63%

Sales Month	Check Received Month	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
AUGUST	OCTOBER	108,069	99,446	113,001	\$ 94,789	119,769	136,754	163,729	
SEPTEMBER	NOVEMBER	132,067	124,141	138,028	\$ 142,246	141,434	177,944	208,295	
OCTOBER	DECEMBER	100,965	95,324	114,866	\$ 113,405	113,333	143,064	167,491	
NOVEMBER	JANUARY	96,254	100,353	110,701	\$ 110,843	112,738	145,911	168,489	
DECEMBER	FEBRUARY	123,378	147,969	139,736	\$ 141,342	161,211	185,516		
JANUARY	MARCH	101,565	97,139	105,806	\$ 113,262	116,200	140,154		
FEBRUARY	APRIL	97,772	102,039	102,197	\$ 106,063	99,301	127,489		
MARCH	MAY	151,778	148,855	141,682	\$ 147,519	168,499	230,335		
APRIL	JUNE	99,509	128,332	111,569	\$ 130,329	143,875	157,730		
MAY	JULY	98,978	111,018	118,162	\$ 150,050	147,755	155,829		
JUNE	AUGUST	111,408	141,389	135,709	\$ 169,353	168,612	192,135		
JULY	SEPTEMBER	93,383	114,001	124,498	\$ 115,717	139,587	161,760		
TOTAL		1,315,126	1,410,006	1,455,955	\$ 1,534,918	1,632,314	1,954,621	708,004	-
Average Monthly Sales Tax:		109,594	117,501	121,330	\$ 127,910	136,026	162,885	177,001	#DIV/0!
Annual % Change Over the Previous Year		-0.09	7.21%	3.26%	5.42%	6.35%	19.75%	-63.78%	-100.00%

CIVIC CENTER/PAVILION MONTHLY REPORT

FEBRUARY

2023

CIVIC CENTER

Rental

Entire Hall	3	Black History Month Gala, 8th Gr Valentine Dance, Mardi Gras
1/3 Hall	6	Women's Forum, TWDB Financial Workshop, Bowman Oil, HBBA Draft Meeting, L. Pauley 1st B-day Party, Doughty Tour & Travel Luncheon
2/3 Hall	2	Kerr Fam Private Church Service, C. Jones 65th Party Renaissance Club, Main St Meeting, Ms Cook Senior Exercise Class, Prajapati Baby Shower, C Stewart Baby Shower, C Valdez 1st Party, Teacher Bunco Group, B
Reception Room	8	Pipkins 1st Party KHB, Body Shop Wellness, 3E Resoures Training, Walgreens Pharmacy Training, Red Hat Sisters, Fee Smith
Board Room	6	Law Firm Meeting
TOTAL	25	

PAVILIONS

Rental

Yates Park	1-Feb
Fair Park	2-Mar
Lake Forest-Lion	1-Mar
Lake Forest-Mann	1-Mar
Lake Forest-Azalea	
Lake Forest-Gazebo	
TOTAL	5

(\$20. for a 2 hr. time slot) (*Total reflects all rental fees received in the month reported)



Bayou Bunch/The Depot Museum



City of Henderson

Monthly Report

To: Mayor and City Council Members

From: Cristina Soriano, Juvenile Case Manager and Court Administrator

Date: March 13, 2023

Re: February 2023 Monthly Report

MUNICIPAL COURT

Fines collected for 2022-2023 year – \$64,681.00 from 2467 transactions

Fines collected for 2021-2022 year- 75,492.19 from 2679 transactions

Fines Collected January 2023 - \$16,084.40 from 566 transactions

Fines Collected January 2022 – \$18,627.70 from 612 transactions

Virtual open Court Cases Scheduled 42 Appeared 17 by virtual and including walk-ins

The Planning and Zoning Board met on the above date at 9:00 a.m. Members present: Chairman Johnny Walker, Chad Boatwright and Gary Wilson. Members unable to attend were William Garmon and Scott Droddy.

Marlen Villanueva acted as secretary to both the boards.

Chairman Walker called the meeting to order at 9:00 a.m.

Chairman Walker opened the meeting with a prayer.

Agenda 3

No citizens comments.

Chairman Walker asked for a motion regarding the minutes from the meeting held on September 13, 2022. Chad Boatwright made a motion to approve the minutes. The motion was duly seconded by Gary Wilson and with a unanimous vote of the Board, the minutes were approved.

Agenda 4

Chairman Walker opened a public hearing to consider a Development Plan from Laney Newman for an Improvement Location Permit. Property is located at 610 Industrial Drive Henderson Tx.

Chairman Walker turned the meeting over to Mr. Billy Hughes; In July of 2016 West Fraser purchased approximately 63 acres of land for HEDCO to make an addition to the facility. The West Fraser INC. expansion was delayed with discussion of which facility they were going to upgrade and which ones may have to close. The final decision was to completely rebuild the Henderson Texas facility and they are now ready to go forward with the project. In December 2022 a development plan application was submitted to the Zoning Administrator Billy Hughes by Laney Newman of Johnson and Pace INC. on behalf of West Fraser INC. for 610 Industrial Drive, Henderson Texas. They have re-platted all the property into one parcel called Lot 1A Block 526 of the West Fraser Subdivision; the plat was approved by Council May 8, 2018 with utility easements on the portion of Industrial Drive that has been abandoned by the city. Mr. Hughes turned the floor over to Mr. Newman. Mr. Newman explained the site plan to the board and described the different phases and time lines of each different phases. He also answered a few question to the board had. Plans for the construction of the Lumber Mill are to start late January 2023 and be completed in 22-24 months. The site plans submitted meet all the requirements of the zoning ordinance and there are no vairances needed.

Chairman Walker asked if there were any questions or comments from the Board or citizens. There were none.

Gary Wilson made a motion to approve; duly seconded by Chad Boatwright. The vote was unanimous.

Meeting was adjourned at 9:28 A.M.

Chairman Johnny Walker

MINUTES
HENDERSON MAIN STREET ADVISORY BOARD MEETING
Tuesday, February 28, 2023–Noon, Henderson Civic Center Rec. Rm.
1500 Lake Forest Parkway, Henderson, Texas 75652

Board Members:

Leon Harris
Tammy Hillin
Leigh Ann Morris
Carol Young

Ex-Officio Members:

Kaitlin Smith, Main St. Coordinator

Call to order by President

1. Citizen Presentation – none
2. Downtown Association Report – A Day on Main to be held April 8th
3. Carol Young made a motion to accept minutes from the September 27, 2022, Board Meeting. Leigh Ann Morris seconded. All were in favor.
4. Carol Young made a motion to accept the Sept., Oct., Nov., Dec. 2022, and Jan. 2023 financial reports. Leigh Ann Morris seconded. All were in favor.
5. Leigh Ann Morris made a motion to accept the Façade/Sign Grant Application as submitted for 121 E. Main. Tammy Hillin seconded. All were in favor.
6. Committee Reports:
 - a. Organization – none/did not meet
 - b. Economic Restructuring – Carol Young provided an update on the status of the STRAND Sign as of January.
 - c. Promotion/Design – none/did not meet
7. Main St. Coordinator Report
 - a. Mardi Gras Recap – Kaitlin Smith and Stephanie Kimbrell shared attendee feedback and the event financial report.
8. Presidents Report – Leon Harris provided an update that as of last week, the STRAND sign is currently in Kilgore having further work done to the neon. Additionally, a maple tree was replaced in front of the VeraBank training center, and the Alley on Main will be assessed to decide what plant materials need to be replaced for the season.
9. Next Board Meeting, Tuesday, March 28, 2023
10. Leigh Ann Morris made a motion to adjourn. Carol Young seconded. All were in favor.

Submitted By: Kaitlin Smith, Tourism & Main Street Coordinator

Approved By: _____