

**MINUTES  
HENDERSON CITY COUNCIL  
REGULAR COUNCIL MEETING**

February 14, 2017

The City Council met on this date at 6:00 p.m. with Mayor Pat Brack presiding. Council Members present included Reginald Weatherton, Tommy Goode, Thomas Ward, Steve Higginbotham and Melissa Morton.

Staff members present included City Manager Timothy Kelty, City Attorney Joe Shumate, Chief of Police James Pierson, Deputy Chief of Police Kenny Byrd, Fire Chief Rusty Chote, Public Services Director Davis Brown, Deputy Public Services Director Kirk Kimbrell, Public Utilities Director Randy Boyd, Community Development Manager Cheryl Jimerson, Finance Director Karen Vaughn, Civic Center Coordinator Laura Wilkerson, and City Secretary Stephanie Kimbrell.

**INVOCATION AND PLEDGE OF ALLEGIANCE:** Council Member Reginald Weatherton gave the Invocation and Council Member Steve Higginbotham led the Pledge of Allegiance.

**CITIZENS' COMMENTS:** Cason Weatherton of 204 Bell Street addressed Council requesting more activities for children his age such as a skating rink or an arcade.

**PRESENTATIONS/ANNOUNCEMENTS:**

- **Introduction of Leadership Henderson Class**
- **Presentation by Leon Harris of proposed Plaza/Amphitheater at Lake Forest Park**
- **Announcements by Mayor, City Council and/or Staff**

Mayor Brack had the Leadership Henderson Class of 2017 introduce themselves. Bonnie Geddie thanked the City for their support and for sponsoring this day

Leon Harris of Keep Henderson Beautiful presented the proposed Plaza/Amphitheater at Lake Forest Park. Mr. Harris gave a brief history of Lake Forest Park and explained the proposed Plaza. He said it will be an open space that is ideal for concerts, weddings, and many other activities. Renee Gibson of Keep Henderson Beautiful said that they are in the process of creating a committee to oversee the fundraising of this project. The estimated cost of the plaza is \$400,000. Mr. Harris said they will be keeping Council updated on the progress of this project.

**CONSENT AGENDA:** *Consent Agenda items are considered to be routine in nature and may be acted upon in one motion. Any item requiring additional discussion may be withdrawn from the Consent Agenda by the Mayor, Councilmember or City Manager, and acted upon separately.*

1. **Consideration and possible action on the following Minutes:**  
(Kimbrell)
  - ❖ January 10, 2017 - Regular Council Meeting
  - ❖ January 26, 2017 - Special Council Meeting
2. **Consideration and possible action upon annual Statement of Compliance for 101 South Marshall tax abatement. (Kelty)**
3. **Consideration and possible action upon route for Ebenezer Baptist Church 5K Run scheduled for April 8, 2017. (Chote/Pierson)**
4. **Consideration and possible action upon Resolution #17-02-01 amending the Master Fee Schedule increasing sanitation rates. (Kelty)**
5. **Consideration and possible action upon declaring Fire Truck Engine #2 as surplus. (Chote)**

Mayor Brack introduced the Consent Agenda. Council Member Thomas Ward requested Agenda Item #4 be pulled from the consent agenda to be acted upon separately.

City Manager Timothy Kelty explained that Agenda Item #4 updates the sanitation charges on the Master Fee Schedule. The rate increase will be an additional \$.33 a month for residential customers. Council Member Thomas Ward made the motion to approve Resolution #17-02-01, seconded by Council Member Reginald Weatherton. The motion passed unanimously.

Council Member Thomas Ward made the motion to approve the Consent Agenda, seconded by Council Member Steve Higginbotham. The motion passed unanimously.

**COUNCIL BUSINESS - REGULAR SESSION:**

6. **Consideration and possible action upon Resolution No. 17-02-02 for City's 2016-2017 Budget Amendment #2. (Kelty)**

City Manager Timothy Kelty said that the contract awarded for the rehabilitation of Well #14 was \$65,000 over budget. 2012 Bond proceeds will cover the cost difference.

Council Member Steve Higginbotham made the motion to approve Resolution No. 17-02-02 for City's 2016-2017 Budget Amendment #2 as presented, seconded by Council Member Melissa Morton. The motion carried unanimously.

7. **Public hearing to consider the application of BTH Bank to modify the Zoning Ordinance of the City of Henderson, Texas, so as to permit the hereinafter described property to be used for the following purposes:**

**PLANNED UNIT DEVELOPMENT (PUD)  
BASE ZONING: RESTRICTED BUSINESS DISTRICT (RPO)**

**Pt Blk 366, J Smith Survey  
Henderson, Texas**

Mayor Pat Brack declared the Public Hearing open at 6:29 p.m.

City Manager Timothy Kelty said that the City has been working with BTH Bank to develop their 6.4 acres at 1580 Highway 79 South. This is a separate issue than just BTH Bank itself that is currently being constructed and should be finished sometime in the next few weeks. BTH Bank is requesting their property be subdivided into lots to sell in the future. Mr. Kelty said that BTH Bank has some very strict deed restrictions for those properties and the City has offered to include some of those restrictions in our planning and development. BTH has indicated that they're satisfied with the strength of the covenants and their ability to enforce those themselves. BTH Bank's covenants will restrict building materials, landscaping and other aspects of the new development. The Planning Development Unit is identifying the private access road and the orientation of the buildings. Mr. Kelty said that this sets the base zoning as a (RPO) Restricted Profession and Office, which is primarily for commercial property, such as insurance agents, medical offices, and no retail sales.

Mr. Kelty raised a concern regarding access to the property to the northwest, which currently enjoys an access easement across the subject property. Mr. Andy Mills, owner of the property to the northwest of the subject property, was in attendance, and indicated that he did not have a problem with what was being proposed and understood what was necessary to access his property.

The Planning and Zoning Commission recommended approval to rezone this property from a C3 to a PUD and to approve the plat upon resolution of easement access for Mr. Andy Mills who owns the property north of the center. Mr. Mills explained the retention pond is his only entrance to his property that he owns next to BTH Bank's property. This came before Planning and Zoning with only one person who had concerns with the potential landscaping.

**DECLARE PUBLIC HEARING CLOSED.**

Council Member Thomas Ward made the motion to declare the Public Hearing closed at 6:44 p.m., seconded by Council Member Tommy Goode. The motion carried unanimously.

- 8. Consideration and possible action upon Planning & Zoning Committee's recommendation of the Henderson Business Centre major plat (BTH Bank) upon easement access to be resolved**

**for the property north of the Centre identified as parcel number 22255 filed in VOL. 2523 PG 481 RCAD. BTH Bank plat. (Jimerson)**

City Manager Timothy Kelty said this item addresses the actual plat. Planning and Zoning recommended approval of the plat.

Council Member Tommy Goode made the motion to approve the Planning & Zoning Committee's recommendation of the Henderson Business Centre major plat (BTH Bank) upon easement access to be resolved for the property north of the Centre identified as parcel number 22255 filed in VOL. 2523 PG 481 RCAD. BTH Bank plat. as presented, seconded by Council Member Thomas Ward. The motion carried unanimously.

**9. Consideration and possible action upon Ordinance #17-02-16 Planning and Zoning Committee's recommendation to change the zoning of the property at 1580 HWY 79 S for the BTH Bank from a General Commercial District (C3) to a Planned Unit Development (PUD). (Jimerson)**

Council Member Tommy Goode made the motion to approve the first reading of Ordinance #17-02-16 Planning and Zoning Committee's recommendation to change the zoning of the property at 1580 HWY 79 S for the BTH Bank from a General Commercial District (C3) to a Planned Unit Development (PUD) as presented, seconded by Council Member Reginald Weatherton. The motion carried unanimously.

**10. Consideration and possible action upon amendment to engineering work order for Contract #20 Street Improvements. (Brown)**

Public Services Director Davis Brown said that this agreement is for additional engineering services required to add the new Section K Lakewood Cemetery Road to Street Improvement Contract #20. This should allow for better pricing. The cost for the additional engineering work is \$15,200 and has already been budgeted.

Council Member Thomas Ward made the motion to approve amendment to engineering work order for Contract #20 Street Improvements as presented, seconded by Council Member Melissa Morton. The motion carried unanimously.

**11. Consideration and possible action upon Change Order to John Wright Construction Water & Sewer Improvements contract related to Contract #19. (Boyd)**

Public Services Director Randy Boyd said that this is for quantity adjustments on Tipps Street and to replace the water line on Parkview Street in the amount of \$51,995. This is on the next round of streets to be approved and is within the 25% of the original contract.

Council Member Reginald Weatherton made the motion to approve Change Order to John Wright Construction Water & Sewer Improvements contract related to Contract #19 as presented, seconded by Council Member Steve Higginbotham. The motion carried unanimously.

**12. Consideration and possible action upon Engineering Work Order for Contract #20 Water & Sewer Improvements. (Boyd)**

Public Services Director Randy Boyd said that this agreement will allow Stokes and Associates to design and bid the water and sewer line replacements needed to be completed before the street work can be done. The cost of this agreement is \$10,000.

Council Member Melissa Morton made the motion to approve Engineering Work Order for Contract #20 Water & Sewer Improvements as presented, seconded by Council Member Steve Higginbotham. The motion carried unanimously.

**13. Consideration and possible action upon Oakland Water Supply Corporation contract. (Boyd)**

Public Services Director Randy Boyd said that Oakland Water Supply contacted the city seeking to tie onto our water distribution system to allow them to make needed repairs to their system. City Attorney Joe Shumate reviewed the contract and noted that this is similar to the water contract the City has with Church Hill. Council Member Thomas Ward asked for assurance that the City will have enough water for Henderson residents. Mr. Boyd said that Oakland Water only has 75 connections and use about 30,000 gallons a day.

Council Member Thomas Ward made the motion to approve Oakland Water Supply Corporation contract as presented, seconded by Council Member Reginald Weatherton. The motion carried unanimously.

**DEPARTMENTAL REPORTS:**

**14. 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**

❖ **Tier 1 Report**

**D. Community Development**

**E. Public Services Department**

**F. Public Utilities**

**G. Finance Department**

**H. Court, Main Street, Tourism/Civic Center**

**I. City Attorney**

All departmental reports were submitted to Council and addressed

individually as needed.

During the City Manager Department report, City Manager Timothy Kelty said that the Main Street Mardi Gras event is this Saturday. He also announced that the Leadership Henderson Class project is a Mad Hatter Tea Party on March 11, 2017. All proceeds go to the Howard Dickerson House.

During the Police Department report, Chief of Police James Pierson reviewed the Tier 1 Report to the governing body. The Tier 1 Report is a state mandated report that includes traffic citations issued annually to address racial profiling issues. Chief Pierson said that percentages have remained consistent with no changes or spikes across the board.

During the Public Services Department report, Public Services Director Davis Brown said that a new pavilion is being installed at Lake Forest Park.

During the Finance Department report, Finance Director Karen Vaughn said that preparation is underway for the annual audit.

**EXECUTIVE SESSION:**

**15. Executive Session to discuss Consultation with Attorney (Litigation), Deliberations about Real Property (Surplus Property) & Personnel Matters (Interim Municipal Court Judge) in accordance with Vernon's Texas Government Code Annotated, Chapter 551, Section 551.071 & 551.072 & 551.074.**

Mayor Brack moved Council into executive session at 7:20 p.m.

**REGULAR SESSION:**

**16. Reconvene into Regular Session and take any action necessary as a result of the Closed Session.**

Council reconvened into Regular Session at 9:36 p.m.

**17. Consideration and possible action upon realtor service agreement for 113 E. Main Street. (Kelty)**

Council Member Tommy Goode made the motion to approve Sandy Burns with Coldwell Banker as the realtor for the the realtor service agreement for 113 E. Main Street as presented, seconded by Council Member Reginald Weatherton. The motion carried unanimously.

**18. Consideration and possible action to terminate Interlocal Agreement with Mt. Enterprise. (Kelty)**

Council Member Melissa Morton made the motion to terminate Interlocal Agreement with Mt. Enterprise as presented, seconded by Council Member Steve Higginbotham. The motion carried unanimously.

**19. Consideration and possible action upon appointment of Interim Municipal Court Judge. (Kelty)**

City Manager Timothy Kelty recommended appointing David Brown as Interim Municipal Court Judge at a rate of \$500 a week and other terms.

Council Member Reginald Weatherton made the motion to appointment of Interim Municipal Court Judge as presented, seconded by Council Member Thomas Ward. The motion carried unanimously.

**ADJOURNMENT:**

**20. Adjourn.**

There being no further business to come before the Council at this time, upon motion by Council Member Melissa Morton, duly seconded by Council Member Thomas Ward and with unanimous vote of the Council, the meeting was adjourned at 9:37 p.m.

APPROVED:

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Patricia Brack, Mayor

ATTEST:

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Stephanie Kimbrell, City Secretary