

MINUTES OF THE
HENDERSON CITY COUNCIL
REGULAR MEETING

April 19, 2022

The City Council met on this date at 6:00 p.m. with Mayor Pro-tem Henry Pace presiding (*during Mayor Buzz Fullen's absents*). Council Members present included Wes Breitenberg, Michael Searcy, Melissa Morton, and Gina Juarez.

INVOCATION AND PLEDGE OF ALLEGIANCE: Mayor Pro-tem Henry Pace gave the invocation and Council Member Wes Breitenberg led the Pledges.

Staff Members present for the meeting were City Manager Jay Abercrombie, City Secretary Cheryl Jimerson, City Attorney Joe Shumate, Police Chief Chad Taylor, Fire Chief Rusty Chote, Director of Operations Davis Brown, Public Services Director Kirk Kimbrell, Finance Director Karen Arnall, Animal Center Director Chrissa Pool, Community Development Manager Cliff McElfresh, Zoning Administrator Billy Hughes, Communications and Marketing Coordinator Phedra Johnson, and HEDCO Director John Clary.

CITIZEN COMMENTS:

There were none.

PRESENTATIONS/ANNOUNCEMENTS:

Mayor Pro-tem Pace declared the month of May as National Preservation Month.

CONSENT AGENDA:

1. Consideration and possible action upon the minutes of: (Jimerson)
 - March 22, 2022 – Regular Rescheduled Council Meeting
2. Consideration and possible action upon HEDCO financials of February 2022. (Clary)

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

3. Consideration and possible action upon a contract for professional services for a Local Government Revenue Compliance Audit with Azavar Audit Solutions, Inc. (Abercrombie)

City Manager Jay Abercrombie noted the City of Henderson operates on revenue from several different areas and entities. Although property tax and sales tax are the main revenue streams a city has to its general fund, there are other smaller revenues that help balance the budget. These consist of franchise fees from electricity, cable natural gas, etc. They also include registrations and occupancy taxes, hotel/motel taxes, short-term rental taxes, etc.

Azavar is a third-party auditing company that will look at our records and audit them to make sure that all fees, taxes and charges have been given to the city if owed. These unpaid fees are generally just an oversight of an entity and not being paid.

At this point, ALL revenue matters when it comes to the service needs and operations of a city. These are fees or taxes that we would never recognize on our own without this type of audit. This type of audit is not something we can do with internal staff as it is very time consuming and is tedious. Jay introduced Ted Campbell with Azavar Audit Solutions.

Ted gave a synopsis of what the company provides to Government Agencies at no fee unless revenue is found except for the Hotel/Motel tax. The city has to make a request for those audits under section 2.2 of the agreement:

2.2 For Audits pertaining to Hotel Occupancy Tax (under Paragraph 1.(a).xvii) Customer shall compensate Azavar \$1,050.00 per Audit of each fixed location occupancy tax Auditee. For the purposes of compensation, the Audit of online travel companies, facilitators, and short-term occupancy rental management platforms (e.g., AirBnB and

HomeAway) shall be compensable under Paragraph 2.3. Customer shall pay fifty percent (50%) of the fee per Audit upon Audit initiation and fifty percent (50%) of the fee per Audit upon delivery of Findings for each Audit. For the discovery and registration of short term rental properties, Customer shall compensate Azavar a onetime fixed fee of \$50.00.

Council Member Wes Breitenberg made a motion approving the contract for professional services with Azavar Audit Solutions, duly seconded by Council Member Michael Searcy. Vote was unanimous.

4. Open a second public hearing upon the voluntary annexation application of a 10.61-acre tract located at 1900 W. Loop 571 N. for CenterPoint Energy Inc. (Mayor)
Mayor Pro-Tem Henry Pace opened the public hearing at 6:17 p.m.
There were no questions or comments.

5. Motion to close public hearing.

Council Member Michael Searcy made a motion to close the second public hearing on the voluntary annexation application for CenterPoint, duly seconded by Council Member Melissa Morton. Vote was unanimous.

6. Consideration upon the first reading of ordinance 2022-04-05 voluntary annexation for CenterPoint Energy INC. on a property located at 1900 W. Loop 571. (Jimerson)

City Secretary Cheryl Jimerson stated the ordinance does not have an assigned zone to it at this time. The Planning and Zoning Commission will meet May 10, 2022, to assign the appropriate zone, the ordinance will be complete with the appropriate zone included. There were no questions on the first reading of the ordinance.

7. Open a public hearing to review and readopt a Juvenile Curfew Ordinance 2022-04-06. (Mayor)

Mayor Pro-Tem Pace opened a public hearing at 6:22 p.m.

City Secretary Cheryl Jimerson stated the review of said ordinance happens annually with Police Chief Chad Taylor stating there are no changes that need to be made to the curfew ordinance.

8. Motion to close public hearing.

Council Member Melissa Morton made a motion to close the public hearing at 6:24 p.m. on the Juvenile Curfew Ordinance, duly seconded by Council Member Michaels Searcy. Vote was unanimous.

9. Consideration and possible action upon the renewal of the curfew Ordinance 2022-04-06. (Taylor/ Jimerson)

Council Member Michael Searcy made a motion approving the renewal of ordinance 2022-04-06, duly seconded by Council Member Melissa Morton. Vote was unanimous.

10. Consideration and possible action upon a recommendation from the Planning and Zoning Commission amending the Henderson Zoning Map, changing the current zoning of a property located at 1112 Longview Drive from Multi-family 1 (M1) district to an Institutional (IS) district. (Hughes/McElfresh)

Zoning and Board of Adjustments Coordinator Billy Hughes stated at a meeting held February 15, 2022, the Planning and Zoning Commission approved this request to re-zone and voted to recommend this zoning change to council. The International Outreach House of Prayer has owned this property since 1990 and should have been zoned Institutional (IS) at that time.

Council Member Wes Breitenberg made a motion to approve the recommendation from the P&Z Commission, duly seconded by Council Member Michael Searcy. Vote was unanimous.

11. Consideration upon the first reading of Ordinance 2022-04-07 amending the Zoning Map on a property located at 1112 Longview Drive from M1 to IS. (Hughes/McElfresh)

Zoning and Board of Adjustments Coordinator Billy Hughes stated this is the first reading of the ordinance for item ten. There were no questions or comments on this first reading.

12. Consideration and possible action upon a recommendation from the Planning and Zoning Commission amending the Henderson Zoning Map, changing the current zoning of two (2) properties located on Whippoorwill Street from the low-density single-family district (R1) zone to a Planned Development (PD) zoned district. (Hughes/McElfresh)
Zoning and Board of Adjustments Coordinator Billy Hughes stated at a meeting held April 12, 2022, the Planning and Zoning Commission recommended this change in zoning for these two tracts of undeveloped land. These properties are located on North Whippoorwill Street and North Eveside Street at Highway 64 West. The owner of

these properties, Byron Rettig, is requesting this change in zoning to give him more flexibility to the current developmental standards that are found in the City of Henderson's Zoning Ordinances. Mr. Rettig plans to develop these two tracts into a mixed-use development with multi-family, commercial, single family, and a green space. This is Step 1 in the procedures for the creation of a Planned Development zoned district.

In Step 2, a detailed Developmental Plan will be submitted to the Planning and Zoning Commission detailing the land uses, regulations, and ordinances for the proposed Planned Development.

Council Member Michael Searcy made a motion approving the recommendation from P&Z changing the zone of these two lots, duly seconded by Council Member Wes Breitenberg. Vote was unanimous.

13. Consideration upon the first reading of Ordinance 2022-04-08 amending the Zoning of properties located on Whippoorwill Street from R1 to a Planned Development. (Hughes/McElfresh)
There were no questions or comments upon the first reading of said ordinance.

14. Departmental Reports and Board and Commission Minutes of meetings; there were no questions or comments upon the monthly reports from Directors/Managers nor the minutes from other meetings.

15. Executive Session to consult with City Attorney discussing, real property located at 113 W. Main, 400, 402, and 404 W. Main Street and 622-624 N. Mill Street in accordance with Vernon's Texas Government Code Annotated Chapter 551, Section 72.

Mayor Pro-Tem Pace convened into executive session at 6:38 p.m.

16. Mayor Pro-Tem Pace reconvened into regular session at 7:12 p.m.

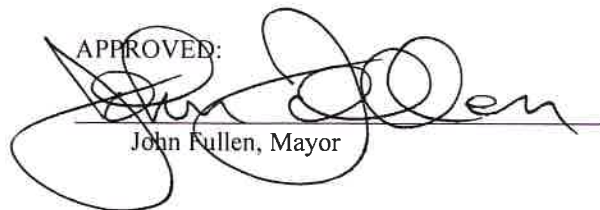
Council Member Michael Searcy made a motion authorizing the City Manager to enter into a contract for the sale of 622-624 N. Mill Street property, duly seconded by Council Member Gina Jurez. Vote was unanimous.

17. Council Member Melissa Morton made a motion to adjourn the meeting at 7:13 p.m., duly seconded by Council Member Wes Breitenberg. Vote was unanimous.

ATTEST:


Cheryl Jimerson, City Secretary

APPROVED:


John Fullen, Mayor