

MINUTES OF THE
HENDERSON CITY COUNCIL
Regular Scheduled Meeting

May 19, 2026

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.*

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

Council members present were Stephen Strong, Greg Jackson, Lee Scoggins, and Gina Juarez.

Staff members present were City Manager Jay Abercrombie, City Secretary Cheryl Jimerson, City Attorney Russel Brown, Fire Chief Sonny Ybarra, Director of Operations Davis Brown, _____ Jarrod Finley, Director of Utility Infrastructure and Delivery David Hortman, Community Development Manager/Building Official Cliff McElfresh, Finance Director Stephanie Kimbrell, Civic Center Manager Christina Gray, Executive Leadership Assistant/HR Specialist Hillary Faulkner, Communications and Marketing Coordinator Phedra Johnson, and HEDCO Director Bret Gardella.

INVOCATION AND PLEDGE OF ALLEGIANCE:

Council Member _____ gave the invocation, Council Member _____ led the Pledges.

CITIZENS COMMENTS

Comments shall be limited to three (3) minutes and taken in the order they are received. By State law, no action may be taken on items not on the agenda.

There were no citizens' comments.

PRESENTATIONS/ANNOUNCEMENTS

Davis Brown recognized Julio M tonight after last council meeting where Council praised Julio and his hard work. Lee Scoggins spoke about his positive interaction with Julio. Stephen Strong thanked Julio for all he has done within his district. Gina is honored to have seen him grow up and who he has become. Jackson also thanked him in advanced. Julio introduced his family to the council. His wife showed her appreciation for the recognition towards her husband.

CONSENT AGENDA

1. Consideration of possible action upon the minutes from the April 21, 2026 meeting. (Jimerson)

2. Consideration and possible action upon closing streets for the Juneteenth Parade.

3. Consideration and possible action upon the Auditors Engagement Letter for the 2025-2026 budget. (Kimbrell)
Council Member Stephen Strong made a motion to approve the consent agenda, duly seconded by Council Member _____. The vote was unanimous.

COUNCIL BUSINESS – REGULAR SESSION

4. Consideration upon the first reading of Ordinance 2026-05-02 that Southwestern Electric Power Company (SWEPCO) and its successors and assigns ("Company"), is granted non-exclusive right, franchise and authority, for a 30-year term. (Jimerson/Abercrombie)

City Secretary Cheryl Jimerson stated Mark Robinson had committed to attending his daughter's annual choir performance by the time I reached out to him. I can relay any questions you may have to Mark by email, or you can ask him at the June meeting. He will be here for the second reading of the ordinance.

City Manager Jay Abercrombie ...ordinance same as the previous percentage, these fess go into the street and drainage fund.

Council had no questions or comments on the first reading of Ordinance 2026-05-02.

5. Consideration and possible action upon the reappointment of the Main Street Board members for a two-year term: Ben Patterson, Lisa McConnell and Kelly Bumgardener. New appointment with a two-year term, the interview committee recommends Donovan Dickeson and Bonnie Hays a new appointment for a one-year term. (Duke)

Council Member Lee made a motion to approve , duly seconded by Council Member Greg. The vote was unanimous.

Gina asked why we were filling a 1 year term; alexia explained it is because they are filling a term. scoggins asked about policies regarding who can serve, how many boards one person can serve on. scoggins asked how we advertise vacant positions. Cheryl and jay explained the process of word of mouth. Gina asked about term limits.

6. Consideration and possible action upon the HEDCO financials for the month of March 2026. (Gardella)
The Council had no questions about the March 2026 financials for HEDCO.

Gina, Jackson second

7. Consideration and possible action upon the new Performance Agreement between HEDCO & BRASSO Development, LLC. (Gardella)

As consideration for the conveyance and the subordination agreement, BRASSO shall execute a Note payable to HEDCO in the principal amount of \$20,000.00 and a Deed of Trust to secure payment of the Note. The Note and Deed of Trust shall be substantially in the forms attached hereto as Exhibits A and B.

BRASSO shall commence construction on the Property within sixty (60) days after HEDCO conveys the Property and complete construction of the Home within two hundred and forty (240) days thereafter. Upon timely completion of the construction of the Home and the issuance of a certificate of occupancy by the City of Henderson, [OR upon execution of a contract for sale of the Home], HEDCO shall forgive the Note in its entirety and release its lien against the Property. BRASSO shall use commercially reasonable efforts to market and sell the Home. BRASSO shall not lease the Home without HEDCO's prior written consent.

scoggins asked about the price, house will go for \$300,000 - \$310,000. Lee asked about BRASSO's lots and drainage. he asked cliff what all BRASSO brings to community development to look at. Greg asked if it was city sewer or septic - it is city sewer. Strong asked for clarification on pricing and wording in the contract. Jay suggested adding language regarding expectation on building price and sale price.

(as amended) Council Member strong made a motion to approve scoggins, duly seconded by Council Member . The vote was unanimous.

8. Consideration and Possible action upon approving the recommendation of the Selection Review Committee to award by Resolution 2022-05-01 for administrative services in conjunction with the submittal of an application for funding through the 2026 Downtown Revitalization Program CDM26-CDBG grant to provide application preparation, project administration, and project-related management services, if awarded. (Abercrombie/Jimerson)

Council Member _____gina_____ made a motion to approve Resolution _____ for _____, duly seconded by Council Member _____greg_____. The vote was unanimous.

DEPARTMENTAL REPORTS:

9. The City Council may deliberate and make inquiry into any item listed in the Departmental Reports. Sonny gave a presentation over staff training hours, discussed building a hazmat team, inspections, new equipment, upcoming events, the new ladder truck, firefighting gear, grants, state inspection, golf tournament fundraiser.

A. City Manager

B. Fire Department

Fire Chief Sonny Yabbara gave a verbal report to the City Council.

C. Police Department

D. Animal Center

E. Community Development

F. Public Services/Parks and Recreation Department

G. Public Utilities

H. Finance Department

I. City Secretary

J. Communications and Marketing

K. HEDCO

L. Director of Operations Departmental Reports below.

Civic Center

Main Street/Tourism

Municipal Court

BOARDS AND COMMISSIONS

Board of Adjustments: There were no applications to consider. The April meeting was canceled.

Planning and Zoning Minutes; There were no applications to consider. The April meeting was canceled.

Main Street Meeting Minutes

Preservation Minutes

HEDCO Minutes

EXECUTIVE SESSION:

10. Convene into executive session to consult with the City Attorney in accordance with Vernon's Texas Government Code chapter 551, section 087.

REGULAR SESSION:

11. Convene in regular session and take necessary action as a result of the closed session. (Mayor)

ADJOURNMENT

12. Adjourn

ATTEST:

APPROVED:

Cheryl Jimerson, City Secretary

Henry Pace, Mayor

ORDINANCE 2026-05-02

AN ORDINANCE GRANTING TO SOUTHWESTERN ELECTRIC POWER COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE LINES AND APPURTENANCES AND APPLIANCES FOR CONDUCTING ELECTRICITY IN, OVER, UNDER AND THROUGH THE STREETS, AVENUES, ALLEYS AND PUBLIC PLACES OF THE CITY OF HENDERSON, TEXAS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDERSON, TEXAS, A MAJORITY OF MEMBERS CONCURRING:

SECTION 1: That Southwestern Electric Power Company, a corporation organized under the laws of the State of Delaware, its successors and assigns (“Company”), is granted the non-exclusive right, privilege, franchise and authority, for a term of 30 years, beginning May 12, 2026, and ending May 12, 2056, to acquire, construct, maintain and operate in, above, under, across, over and along the streets, alleys, thoroughfares, bridges and public places (“Public Rights-of-Way”), as the same now exist or may be laid out in the future, in the City of Henderson, State of Texas (“City”), lines for the transmission and distribution of electric energy and incidental services, either by means of overhead or underground conductors, with all necessary or desirable appurtenances and appliances as currently installed or that may be installed in the future, including but not limited to electric substations, underground conduits, poles, towers, wires and transmission and distribution lines, and fiber optic cable and telegraph and telephone wires for audio, video and data communications for use in support of transmission and distribution operations and the electric system and grid and appurtenant matters, all for the purpose of transmitting and distributing electrical energy to the City and its inhabitants, and persons and corporations within and beyond the City limits for light, heat, power and any other purpose or purposes for which electric energy is now or may be used in the future, and to license or lease space on or within the Company's poles, conduit and appurtenant facilities for the attachment of third-party facilities, and for all other

ORDINANCE 2026-05-02

facilities Company determines reasonably necessary for the provision of safe, reliable, and economical electric service to the City.

SECTION 2: Poles and towers must be erected so as not to interfere unreasonably with traffic over streets and alleys, and the City may make and impose reasonable requirements fixing the location of poles, towers, and conduits, provided that no such requirement may be unreasonably burdensome upon Company or unreasonably interfere with the operation or maintenance of Company's electric facilities.

SECTION 3: The City grants to Company permission to cut down, trim, remove and otherwise control using herbicides or tree growth regulators, any trees, branches, vegetation or brush upon and overhanging the Public Rights-of-Way of the City in the vicinity of Company's electric facilities where trees and other vegetation, in Company's reasonable opinion, may endanger the safety of Company's personnel or interfere with the construction, operation, or maintenance of Company's electric facilities or ingress or egress to, from or along the Public Rights-of-Way.

SECTION 4: Company shall fully indemnify and hold the City harmless from any damage, loss, action or cause of action arising in whole or in part from Company's exercise of any of its rights, privileges, franchises and obligations under this ordinance, except to the extent arising out of City's negligence or willful misconduct.

SECTION 5: For and as full consideration and compensation for this franchise and the rights, privileges and easements granted and conferred thereby and as rental for the use of the Public Rights-of-Way within or that may in the future be located within the City, Company must pay the City an amount calculated in accordance with the methodology prescribed by applicable law as it exists today in the form and substance of the Texas Public Utilities Regulatory Act (PURA) Section 33.008(b), Texas Utilities Code, currently the

ORDINANCE 2026-05-02

product of a factor of \$0.002076 per kilowatt hour multiplied times the number of kilowatt hours delivered by Company to retail customers within the City's boundaries, as such charge may be revised from time to time in accordance with Section 33.008(b) of the Texas Utilities Code or any other applicable provision of law regarding franchise fee payments. A payment made on the basis of the foregoing applicable law or any change, modification or replacement will be made each month throughout the term provided for in this ordinance, with each such payment to be made on the first business day of the second month following the month in which the deliveries occurred for the billing cycle for that month.

The City must notify Company in writing of newly annexed and de-annexed areas. The notice must include the ordinance number authorizing the action, an appropriate map identifying the areas and documentation of the notice to the State of Texas regarding the annexation or de-annexation. Company will have no responsibility for beginning payments to the City for kilowatt hours delivered in newly annexed areas until it has received the City's notification. Upon the City's notification and beginning the 91st day after receipt of the notice, Company will begin payments to the City for kilowatt hours delivered in each newly annexed area and will make any appropriate adjustments in payments reflecting overdeliveries of kilowatt hours in any prior month resulting from inclusion of kilowatt hours from de-annexed areas in the calculation of the monthly charge. Payments for deliveries in newly annexed areas and adjustments for over-delivery in de-annexed areas will be made back to the effective date of the ordinance.

SECTION 6: Whenever in this ordinance the City or Company is referred to, that reference will include the respective successor or assign of either, and all rights, privileges, franchises and obligations contained in this ordinance will bind and benefit any successor or assign, in which event the predecessor of any successor or assign is divested of all such rights,

ORDINANCE 2026-05-02

privileges, franchises or obligations, whether or not expressed.

SECTION 7: The terms and provisions of this ordinance are joint and several, and the invalidity of any part will not affect the validity of the remainder of the ordinance.

SECTION 8: This ordinance will take effect from and after the earliest period allowed by law, provided that Company must file its written acceptance of this franchise within 90 days after the adoption of this ordinance. Once this ordinance takes effect, the electric franchise under which the City has been operating will stand surrendered.

INTRODUCED, READ FOR THE FIRST TIME in written form at a regular meeting, duly and regularly called and held on the 19th day of May, 2026, by the following vote:

AYES:

NAYS:

ORDINANCE 2026-05-02

INTRODUCED, READ FOR THE SECOND TIME AND FINALLY PASSED

AND ADOPTED in written form at a regular meeting, duly and regularly called and held on the 16th day of June, 2026, by the following vote:

AYES:

NAYS:

APPROVED, on the 16th day of June, 2026.

The Honorable Mayor of the City of Henderson, Texas

Henry Pace

Printed Name

ATTEST:

City Secretary

Cheryl Jimerson

Printed Name

ORDINANCE 2026-05-02

STATE OF TEXAS §

COUNTY OF RUSK §

I, the undersigned, City Secretary of the City of Henderson, Texas, certify that the above and foregoing is a true and correct copy of a franchise ordinance passed, adopted and approved by the City Council of the City of Henderson, Texas, at a meeting duly and regularly called and held on the 16th day of June, 2026.

IN TESTIMONY WHEREOF, witness my hand and seal of office, this ____ day of _____, 2026.

City Secretary of the City of
Henderson, Texas