

**THE CITY OF CISCO
CITY COUNCIL, REGULAR CALLED MEETING
May 13, 2024**

**CISCO, TEXAS §
EASTLAND, COUNTY §**

The City Council of the City of Cisco met in a regular called session at the Cisco Council Chambers in Cisco as scheduled, and notice was posted 72 hours in advance and prior to the meeting.

MEMBERS PRESENT:

MAYOR _____	STEPHEN FORESTER
COUNCILMEMBER PLACE I _____	JASON WHETSTONE
COUNCILMEMBER PLACE II _____	ROBERT JOHNSTON
COUNCILMEMBER PLACE III _____	WILLARD JOHNSON
COUNCILMEMBER PLACE IV _____	NATHAN BRUNER
COUNCILMEMBER PLACE V _____	CHRIS JOHNSON
COUNCILMEMBER PLACE VI _____	TRAVIS TOOF

PERSONNEL PRESENT:

CITY MANAGER _____	DARWIN ARCHER
CITY SECRETARY _____	TAMMY OSBORNE

PERSONNEL ABSENT:

Guests: Jane Nichols, April Wells, Rickey Carouth, Johnie E. Cox, Wendell D. Elms, Walter Fairbanks, Justin Jaworski, Kenneth Preston, Richard Butler

I. MEETING CALLED TO ORDER:

Mayor Forester called the meeting to order at 6:00 p.m.

II. PLEDGES

- A. Pledge of Allegiance
- B. Pledge to the Texas Flag

III. INVOCATION:

Councilmember Whetstone gave the invocation.

IV. CITIZEN-VISITOR COMMENTS:

None.

V. RESOLUTION NO. 2021-05-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CISCO, TEXAS, DECLARING THE RESULTS OF THE CITY OF CISCO GENERAL ELECTION FOR COUNCILMEMBER PLACE III AND COUNCILMEMBER PLACE IV OF MAY 4, 2024.

Motion was made by Councilmember Toof to approve the resolution as presented, second was made by Councilmember Johnston. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Johnston, W. Johnson, Bruner, C. Johnson, Toof, Forester
Nays: None/Motion Carries
Voted: 7 to 0
Absent:

VI. SWEAR IN ELECTED CANDIDATES FOR COUNCIL PLACE III AND COUNCIL PLACE IV.

Judge Richard Butler swore in Mr. W. Johnson and Mr. Bruner to their newly elected places.

VII. APPROVE MINUTES OF THE MEETING CONDUCTED ON:

- **April 22, 2024**

Motion was made by Councilmember Johnston to approve the minutes as presented, second was made by Councilmember Whetstone. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Johnston, W. Johnson, Bruner, C. Johnson, Toof, Forester
Nays: None/Motion Carries
Voted: 7 to 0
Absent:

VIII. THE CITY COUNCIL MAY DISCUSS AND/OR TAKE ACTION ON ANY OF THE FOLLOWING AGENDA ITEMS:

A. Consider and Discuss Boat Dock Permit for Hidden Shores, Lot 47.

Motion was made by Councilmember C. Johnson to approve the permit as presented, second was made by Councilmember Bruner. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Johnston, W. Johnson, Bruner, C. Johnson, Toof, Forester
Nays: None/Motion Carries
Voted: 7 to 0
Absent:

B. Consider and Discuss Limited Use Permit.—Wendell Elms

Mr. Elms addressed the Council regarding his request to live temporarily in his recreational vehicle while in the city in his capacity as the pastor of the New Life Tabernacle Church.

Motion was made by Councilmember C. Johnson to approve the Limited Use Permit as presented, second was made by Councilmember Whetstone. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Johnston, W. Johnson, Bruner, C. Johnson, Toof, Forester
Nays: None/Motion Carries
Voted: 7 to 0
Absent:

C. Consider and Discuss Opening Bank Account for Court Clearing and Sales Tax Clearing.

Mr. Archer explained that this request was from the Finance Director, Peggy Ledbetter, and would serve to streamline the process of taking money in for court and sales tax and then passing it through as payment to other entities.

Motion was made by Councilmember W. Johnson to approve opening bank account for court and sales tax clearing, second was made by Councilmember Johnston. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Johnston, W. Johnson, Bruner, C. Johnson, Toof, Forester
Nays: None/Motion Carries
Voted: 7 to 0
Absent:

D. Consider and Discuss Resolution No. 2024-04-08-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CISCO, TEXAS, AUTHORIZING THE CISCO DEVELOPMENT CORPORATION (“BUYER”) OF CISCO, TEXAS, TO PURCHASE PROPERTY IDENTIFIED AS PARCEL #54996, DESCRIBED AS TRACT 12 MK&T ROW (“PROPERTY”), FROM DAN BROOK (“SELLER”).

Mr. Archer stated that the proposed resolution had passed through the CDC Board already and Mr. Jaworski added that procuring the property would add to potential downtown development.

Motion was made by Councilmember C. Johnson to approve the resolution as presented, second was made by Councilmember Toof. The vote was as follows:

Ayes: Councilmembers: Whetstone, Johnston, W. Johnson, C. Johnson, Toof, Forester
Nays: Bruner/Motion Carries
Voted: 6 to 1
Absent:

E. Consider and Discuss Requesting a Financial Audit of the Cisco Development Corporation and Cisco 4A Development Corporation.

Councilmember Bruner began discussion saying that he felt there were inconsistencies in the finances for both Cisco Development Corporations. Councilmember C. Johnson asked for clarification saying that he thought a financial audit was already being completed for the corporation annually in accordance with state law, to which Mr. Archer replied affirmatively. Councilmember C. Johnson suggested that requesting an additional audit would not be fiscally responsible if it was already being completed. He went on to say that if a forensic audit was what was being requested, that the cost of that was not, in his opinion, justified by the allegations Councilmember Bruner was levying. Mr. Jaworski countered that during the regular financial audit, the corporations turn over all the books including bank statements, invoices, receipts, resolutions, and performance agreements, which constitutes full disclosure in his opinion. Councilmember Toof suggested that the Council wait for the annual audit to be completed and if there are any inconsistencies found, then proceed with considering a forensic audit.

Motion was made by Councilmember W. Johnson to table the item, second was made by Councilmember Johnston. Motion prevailed by the following vote:

Ayes: Councilmembers: Johnston, W. Johnson, Bruner, Toof, Forester
Nays: Whetstone, C. Johnson/Motion Carries
Voted: 5 to 2
Absent:

F. Consider and Discuss Cisco Development Corporation and Cisco 4A Development Corporation By-Laws.

Mr. Jaworski presented the Council with a proposed set of by-laws for both corporations from their legal counsel. Councilmember Toof suggested that he would like to see an addition to the by-laws requiring Council approval of all employment contracts. Councilmember Bruner further inquired if Mr. Jaworski was considered a Director and would therefore be subject to the residency requirements of the Board of Directors. Mr. Jaworski answered that he was the Executive Director, but not a member of the Board of Directors. Councilmember W. Johnson suggested that he would like to see a competitive bidding process added to the by-laws. Mr. Jaworski countered that development corporations were intentionally exempt from bidding requirements because the businesses they assist are supposed to be the first priority and sometimes competitive bidding is not conducive to development time lines. He further asked the Council to be forward thinking in their consideration of the by-laws. Mr. Archer clarified that there were no other requested edits to the presented by-laws besides the authority of the Council to approve employment contracts and for the corporations to use a competitive bidding process.

Motion was made by Councilmember Johnston to propose the two discussed items be added to the by-laws, second was made by Councilmember W. Johnson.

Motion was made by Councilmember C. Johnson to amend the previous motion to separate the two potential additions to the by-laws into two different votes, second was made by Councilmember Whetstone. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Johnston, W. Johnson, C. Johnson, Toof, Forester
Nays: Bruner/Motion Carries
Voted: 6 to 1
Absent:

Mr. Jaworski requested asking the attorneys for each entity to weigh in about the legality of adding the provisions.

Motion was made by Councilmember Johnston to seek advice from both the city attorney and the Cisco Development Corporation attorney regarding adding the two provisions, second was made by Councilmember W. Johnson. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Johnston, W. Johnson, Toof, Forester
Nays: Bruner, C. Johnson/Motion Carries
Voted: 5 to 2
Absent:

G. Consider and Discuss Development Agreement Between City of Cisco, Cisco Development Corporation, and Cisco S.A.F.E.

Mr. Archer read aloud the affirmative covenants of the city for the record. Mayor Forester asked if by approving the agreement, the Council was approving the expenditures. Mr. Jaworski explained the requirements of the project as a type B project including the publication, 60 day waiting period, and public hearing.

Motion was made by Councilmember Toof to approve the grant agreement with the suggested added date of 12/31/25, second was made by Councilmember C. Johnson. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Johnston, W. Johnson, Bruner, C. Johnson, Toof, Forester
Nays: None/Motion Carries
Voted: 7 to 0
Absent:

H. Consider and Discuss Long Range Planning

Mr. Archer reminded the Council that the next meeting was rescheduled to Tuesday, May 28, 2024, since city offices will be closed for Memorial Day.

I. Announcements for City Council.

Councilmember C. Johnson mentioned attending the Fly-In and Burger Burn held at the Cisco Municipal Airport and said it was a good event. He publicly thanked the Huttons for their participation in facilitating that event.

IX. ADJOURNMENT

Motion was made by Councilmember Toof to adjourn, second made by Councilmember Whetstone. Motion passed unanimously and the meeting adjourned at 7:12 p.m.

ATTEST:

Tammy Osborne, City Secretary

Stephen Forester, Mayor

