

**THE CITY OF CISCO
CITY COUNCIL, REGULAR CALLED MEETING
February 27, 2023**

**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:

COUNCILMEMBER PLACE I _____ **JASON WHETSTONE**
COUNCILMEMBER PLACE IV _____ **NATHAN BRUNER**
COUNCILMEMBER PLACE V/MAYOR PRO TEM _____ **CHRIS JOHNSON**
COUNCILMEMBER PLACE VI _____ **TRAVIS TOOF**

PERSONNEL PRESENT:

CITY MANAGER _____ **DARWIN ARCHER**
CITY SECRETARY _____ **TAMMY OSBORNE**

PERSONNEL ABSENT:

MAYOR _____ **STEPHEN FORESTER**
COUNCILMEMBER PLACE II _____ **ROBERT JOHNSTON**
COUNCILMEMBER PLACE III _____ **WILLARD JOHNSON**

Guests: Kenneth Preston, Billy Woodrich, Scott Pittman, Troy Anderson, Tristan King, Walter Fairbanks, Justin Jaworski, Misty Bussell, Randall Griffith, Chris Carter, Phil Green, Jennifer Pitts

I. MEETING CALLED TO ORDER:

Mayor Pro-Tem C. Johnson 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:

Scott Pittman discussed problems with parking on W. 10th Street and provided photos of site restrictions from Ave. E.

V. APPROVE MINUTES OF THE MEETING CONDUCTED ON:

- **February 13, 2023**

Motion was made by Councilmember Bruner to accept the minutes as presented, second was made by Councilmember Toof. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Bruner, C. Johnson, Toof
Nays: None/Motion Carries
Voted: 4 to 0
Absent: Johnston, W. Johnson, Forester

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

A. Consider and Discuss Grant of License for 1309 & 1309 Conrad Hilton Blvd.

Mr. Archer explained that the current structure encroaches 5.5 feet onto E. 14th Street and 1.65 feet into the alley. He further stated that the buildings had been in existence for many years and that they did not pose any safety issues and he recommends granting the license.

Motion was made by Councilmember Toof to approve the grant of license, second was made by Councilmember Whetstone. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Bruner, C. Johnson, Toof
Nays: None/Motion Carries
Voted: 4 to 0
Absent: Johnston, W. Johnson, Forester

B. Consider and Discuss Limited Use Permit-Brandon Mascorro

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

Ayes: Councilmembers: Whetstone, Bruner, C. Johnson, Toof
Nays: None/Motion Carries
Voted: 4 to 0
Absent: Johnston, W. Johnson, Forester

C. Consider and Discuss Ordinance Fire Department Staffing Changes.—Chief Walter Fairbanks

Chief Fairbanks informed the Council that the Fire Department would like to change one part time employee into a full time employee. The change would result in an initial increase of \$16,000.00 to the budget, but would become budget neutral over time as the cost of outfitting 3 contracted part time employees with specific equipment over the next several years. Mayor Pro-Tem C. Johnson inquired if the current budget could handle the increased expense to which Mr. Archer answered affirmatively.

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

Ayes: Councilmembers: Whetstone, Bruner, C. Johnson, Toof
Nays: None/Motion Carries
Voted: 4 to 0
Absent: Johnston, W. Johnson, Forester

D. Consider and Discuss Resolution No. 2023-02-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CISCO, TEXAS, DECLARING UNOPPOSED CANDIDATES FOR THE MAY 6, 2023, GENERAL ELECTION AS ELECTED TO OFFICE; CANCELLING THE ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Ayes: Councilmembers: Whetstone, Bruner, C. Johnson, Toof
Nays: None/Motion Carries
Voted: 4 to 0
Absent: Johnston, W. Johnson, Forester

E. Consider and Discuss Resolution No. 2023-02-27-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CISCO, TEXAS, AUTHORIZING EXPENDITURE BY THE CISCO DEVELOPMENT CORPORATION (“CDC”) ON BEHALF OF “PROJECT FUNCTION JUNCTION” FOR THE DEMOLITION AND REMOVAL OF STRUCTURES AND WASTE DISPOSAL AT THE PROPERTY LOCATED AT 107 E. 5TH STREET, ALSO IDENTIFIED AS PARCEL #3930, IN CISCO, TEXAS.

Mayor Pro-Tem requested that Item E. be skipped and re-visited later in the meeting.

F. Consider and Discuss Ordinance No. 0-2023-04

AN ORDINANCE OF THE CITY OF CISCO, TEXAS AMENDING CERTAIN SUBSECTIONS OF CHAPTER 5 “ANIMALS AND FOWL” OF THE CITY’S CODE OF ORDINANCES; SPECIFICALLY SECTIONS 5-19 “REDEMPTION OF IMPOUNDED DOGS”, 5-23 “DOG SURRENDER FEE”, 5-34 “CONFINEMENT FOR OBSERVATION”, UPDATING FEES FOR IMPOUND, SHELTER, QUARANTINE, AND SURRENDER BY THE ANIMAL CONTROL OFFICER; AND ESTABLISHING AN EFFECTIVE DATE. *(First Reading)*

Chief Preston addressed the Council saying that he had requested the increase in fees for animal control services because the provided services cost more than is currently being collected.

Motion was made by Councilmember Whetstone to accept the ordinance as presented, second was made by Councilmember Bruner. Motion prevailed by the following vote:

Ayes:	Councilmembers: Whetstone, Bruner, C. Johnson, Toof
Nays:	None/Motion Carries
Voted:	4 to 0
Absent:	Johnston, W. Johnson, Forester

G. Consider and Discuss Ordinance No. 0-2023-02

AN ORDINANCE OF THE CITY OF CISCO, TEXAS PROVIDING E. 12TH STREET, E. 13TH STREET BETWEEN ELM AVENUE AND WALNUT STREET; AND ELM AVENUE, FIR AVENUE, AND WALNUT STREET BETWEEN E. 12TH AND E. 13TH STREETS, AND THE ALLEYS LOCATED IN BLOCKS 5-9 IN THE NEWMAN ADDITION TO THE CITY OF CISCO, EASTLAND COUNTY, TEXAS, BE CLOSED AND THAT THE DEDICATION OF THE RIGHTS-OF-WAY BE VACATED AND ABANDONED, EXCEPT FOR EXISTING UTILITY AND/OR DRAINAGE EASEMENTS; PROVIDING FOR REVERSION OF THE FEES IN SAID LAND; AND, PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON FINAL PASSAGE. *(Second Reading)*

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

Ayes:	Councilmembers: Whetstone, Bruner, C. Johnson, Toof
Nays:	None/Motion Carries
Voted:	4 to 0
Absent:	Johnston, W. Johnson, Forester

H. Consider and Discuss Ordinance No. 0-2023-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CISCO, TEXAS AMENDING CHAPTER 13 “MOTOR VEHICLES AND TRAFFIC”, ARTICLE III “STOPPING, STANDING OR PARKING” SPECIFICALLY SECTION 13.52 “SPECIFIC ZONES ESTABLISHED” ADDING E. AND W. 10TH STREET AS A PARKING CONTROL ZONE, AND SECTION 13.52.1 “SPECIFIC PARKING RESTRICTIONS” DECLARING THE 100 BLOCK OF W. 11TH STREET AS A NO PARKING ZONE. *(Second Reading)*

Councilmember Bruner went on record as being opposed to the proposed parking designations.

Motion was made by Councilmember Toof to approve the ordinance as presented, second was made by Councilmember C. Johnson. Motion fails based on the following vote:

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

- I. Consider and Discuss authorizing the opt-in of the City of Cisco in the settlements reached by the Texas Attorney General with Allergan, CVS, Walgreens and Walmart, and authorizing the City Manager to execute all documentation necessary to participate in the settlements, including execution of the Subdivision Participation Forms.**

Motion was made by Councilmember Toof to opt-in to the settlements, second was made by Councilmember Bruner. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Bruner, C. Johnson, Toof
Nays: None/Motion Carries
Voted: 4 to 0
Absent: Johnston, W. Johnson, Forester

- J. Consider and Discuss and Potentially Select a Qualified Engineering Firm for preliminary engineering services and design engineering services to assist the city in its application and project implementation of a contract, if awarded, from the 2023-2024 Texas Community Development Fund of the Texas Community Development Block Grant Program of the Texas Department of Agriculture (TDA).**

Mr. Archer said that the city had received two proposals; one from Jacob & Martin and one from Enprotec Hibbs & Todd. The scoring committee had met on February 24, 2023 and made a recommendation that the contract be awarded to Enprotec Hibbs & Todd.

Motion was made by Councilmember Bruner to award the engineering contract for the 2023-2024 Texas Community Development Fund grant to Enprotec Hibbs & Todd, second was made by Councilmember Whetstone. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Bruner, C. Johnson, Toof
Nays: None/Motion Carries
Voted: 4 to 0
Absent: Johnston, W. Johnson, Forester

- K. Consider and Discuss Sale of Real Property Located at 815 E. Interstate 20.—Justin Jaworski**

The Council retired into Executive Session at 6:38 p.m. under Section 551.087 Economic Development Negotiations.

The Council reconvened into Regular Session at 6:55 p.m. and took the following action:

On Item E:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CISCO, TEXAS, AUTHORIZING EXPENDITURE BY THE CISCO DEVELOPMENT CORPORATION (“CDC”) ON BEHALF OF “PROJECT FUNCTION JUNCTION” FOR THE DEMOLITION AND REMOVAL OF STRUCTURES AND WASTE DISPOSAL AT THE PROPERTY LOCATED AT 107 E. 5TH STREET, ALSO IDENTIFIED AS PARCEL #3930, IN CISCO, TEXAS.

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

Ayes: Councilmembers: Whetstone, Bruner, C. Johnson, Toof
Nays: None/Motion Carries
Voted: 4 to 0
Absent: Johnston, W. Johnson, Forester

L. Consider and Discuss Resolution No. 2023-02-27-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CISCO, TEXAS, AUTHORIZING THE CISCO DEVELOPMENT CORPORATION, A TYPE B ECONOMIC DEVELOPMENT CORPORATION, TO EXECUTE A REAL ESTATE SALES CONTRACT, ATTACHED HERETO AS EXHIBIT "A", AND ANY AND ALL DOCUMENTS NECESSARY TO SELL AND CONVEY REAL PROPERTY GENERALLY LOCATED AT 815 E. INTERSTATE 20 FRONTAGE, CITY OF CISCO, EASTLAND COUNTY, TEXAS, AND WHICH IS FURTHER DESCRIBED AND/OR DEPICTED IN EXHIBIT "B" OF THIS RESOLUTION WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN FOR ALL PURPOSES; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

Mr. Jaworski requested the Council table the item pending further negotiation and information.

Motion was made by Councilmember Bruner to table the item pending further information and reserving the right to call a special meeting if the information becomes available before the next regularly scheduled meeting, second was made by Councilmember Whetstone. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Bruner, C. Johnson, Toof
Nays: None/Motion Carries
Voted: 4 to 0
Absent: Johnston, W. Johnson, Forester

M. Consider and Discuss Long Range Planning

Mr. Archer informed the Council that bulk water sales had been suspended due to a change in the drought forecast. He further highlighted the start of Daylight Savings time on March 12, the Chamber Easter Egg Hunt on April 1, city offices closed on April 7, the citywide cleanup on April 22, and Operation Clean Sweep on April 24-25.

N. Announcements for City Council.

Councilmember C. Johnson requested that the parking ordinance be brought back to the next meeting.

VII. ADJOURNMENT

Motion was made by Councilmember Toof to adjourn, second made by Councilmember Whetstone. Motion passed unanimously and the meeting adjourned at 7:02 p.m.

ATTEST:



Tammy Osborne, City Secretary



Stephen Forester, Mayor
