

**THE CITY OF CISCO
CITY COUNCIL, REGULAR CALLED MEETING
May 28, 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 (ATTENDED PORTION BY VIDEOCONFERENCE)	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, Walter Fairbanks, Justin Jaworski, Kenneth Preston, Peggy Ledbetter, Ervin Light, Kimberlie Crawford, Misty Bussell, Sean King, Casey Murter

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:

Kimberlie Crawford addressed the Council regarding her water bill arriving late and being assessed a late fee, stating that she felt it wasn't fair for her to be penalized for the postal mistake.

V. APPROVE MINUTES OF THE MEETING CONDUCTED ON:

- **May 13, 2024**

Motion was made by Councilmember Johnston to approve the minutes as presented, second was made by Councilmember Toof. 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. THE CITY COUNCIL MAY DISCUSS AND/OR TAKE ACTION ON ANY OF THE FOLLOWING AGENDA ITEMS:

- A. **Consider and Discuss Appointing Mayor Pro-Tem**

Mayor Pro-Tem C. Johnson explained that a new Mayor Pro-Tem must be appointed at the first meeting after each regular election.

Motion was made by Councilmember Toof to appoint Councilmember C. Johnson as Mayor Pro-Tem, second was made by Councilmember Whetstone. Motion prevailed by the following vote:

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

B. Consider and Discuss Resolution No. 2024-05-28

A RESOLUTION OF THE CITY OF CISCO, TEXAS FINDING THAT AEP TEXAS INC.'S REQUESTED INCREASE TO ITS ELECTRIC TRANSMISSION AND DISTRIBUTION RATES AND CHARGES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING REIMBURSEMENT OF CITIES' RATE CASE EXPENSES; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

Mr. Archer stated that the proposed resolution was a normal order of business that denies AEP's rate increase and allows the cooperative to negotiate better terms for customers.

Motion was made by Councilmember Toof to approve the resolution as presented, second was made by Councilmember W. 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:

C. Consider and Discuss Resolution No. 2024-05-28-01

A RESOLUTION OF THE CITY COUNCIL ADOPTING A WATER CONSERVATION AND DROUGHT CONTINGENCY PLAN FOR THE CITY OF CISCO.

Mr. Archer commented that the resolution is to update the current water conservation and drought contingency plan and the update represents no significant changes to the current plan. Mayor Pro-Tem C. Johnson asked what the lake level had to be at to institute water restrictions, to which Mr. Archer answered, Stage 1 begins at 40% capacity. Mayor Forester clarified that the Council was only updating the plan and that there was not currently a need to implement any sort of restrictions, to which Mr. Archer answered affirmatively, saying the current lake level was at 60.3% capacity which was well above the level to trigger the plan.

Motion was made by Councilmember Whetstone 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:

D. Consider and Discuss Resolution No. 2024-05-28-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CISCO, TEXAS, AUTHORIZING THE CISCO DEVELOPMENT CORPORATION ("BUYER") OF CISCO, TEXAS, FOR THE DEMOLITION AND REMOVAL OF THE STRUCTURE AND WASTE DISPOSAL AT THE PROPERTY IDENTIFIED AS PARCEL 5262 LOCATED AT 102 E. 7TH STREET ("PROPERTY"), CISCO, TEXAS.

Mr. Jaworski told the Council that the building recently purchased by the CDC was in disrepair and could potentially represent a safety hazard to surrounding property owners. The resolution would allow for demolition of the structure for the estimated cost of \$60,000.00. Councilmember Bruner inquired as to how many quotes the CDC had received for the demolition. Mr. Jaworski answered that he did not have that information at that time.

Motion was made by Councilmember Whetstone to approve the resolution as presented, second was made by Councilmember Johnston. 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 Grant of License for 1400 Liggett St.—Misty Bussell

Ms. Bussell said that the property had two structures that encroach on the city's easements. Mr. Archer added that while the structures do encroach on the city's platted right of way and easement, they do not encroach on the actual currently improved street and he did not see a problem with granting the license.

Motion was made by Councilmember Bruner to approve the grant of license as presented, second was made by Councilmember Toof. 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:

F. Consider and Discuss Community Wildfire Defense Grant.

Mr. Archer explained that the city had applied for and been awarded, cooperatively with the county and other cities within the county, a total amount over eighteen million dollars for planning and mitigation of fire fuels. The grant is a zero match to the city and the funds would be used for personnel and equipment for clearing fire loads.

Mayor Forester lost video feed and left the meeting at 6:20 p.m. He returned at 6:22 p.m.

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

Mr. Archer said that he had spoken to the city attorney who advised that the Council could make additions or changes to the by-laws. Mr. Jaworski stated that he had also spoken to his legal counsel who had no issue with adding a provision for council approval of personnel contracts, but did not recommend limiting the CDC to a specific bidding process. Mr. Jaworski provided the Council with an Attorney General opinion outlining how and why development corporations are not required to adhere to notice and bidding requirements like municipalities.

Mayor Forester permanently left the meeting at 6:35 p.m.

Much discussion ensued regarding how many bids were appropriate to make the process competitive. Mr. Archer clarified that the city does not require a specific number of bids, but does rely on a public notice and bidding process that in its notification and public nature renders the process as competitive as possible. Mr. Jaworski also added that he likes to try to award bids for projects to local businesses and rarely goes outside of Eastland County for bids. Councilmember Johnston suggested that going outside the county might force more competitive bids.

The Council and Mr. Jaworski continued to discuss functions of the corporations' Boards of Directors and the Council and how the legislature designates responsibilities of each entity. Mr. Jaworski continued by saying that the CDC is fiscally healthy and the boards are good stewards of the tax dollars. He further stated that he felt the best and most collaborative way to continue a discussion of the by-laws would be to call another joint meeting. Councilmembers Whetstone and Toof agreed.

Motion was made by Councilmember Whetstone to schedule a joint meeting between the City Council and the two corporations' Boards of Directors, second was made by Councilmember Toof. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Johnston, W. Johnson, Bruner, Toof
Nays: C. Johnson/Motion Carries
Voted: 5 to 1
Absent: Forester

H. Consider and Discuss Declaring Two Police Department Tahoes as Surplus for Auction.

Mr. Archer said that the two vehicles in question were 2014 Tahoes and were currently inoperable.

Motion was made by Councilmember W. Johnson to declare the two vehicles as surplus, second was made by Councilmember Johnston. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Johnston, W. Johnson, Bruner, C. Johnson, Toof
Nays: None/Motion Carries
Voted: 6 to 0
Absent: Forester

I. City Ordinance and Policy for Utility Bill Late Fees.

Mr. Archer presented the Council with a copy of the ordinance regarding late fees in reference to the problem that arose with the May billing being misrouted by the post office resulting in late delivery of bills. He stated that the bill clearly states in two places that failure to receive the bill does not waive the late penalty, although, there have been many requests to waive the late fee based on the postal error. Mr. Archer further indicated that neither he, nor the billing staff, have the authority to waive the late fee based on this circumstance. Councilmember Johnston stated that he is aware of the due date and pays his bill without being prompted by the mail. Councilmembers C. Johnson and Whetstone agreed that customers should not be penalized because of the mistake on the part of the post office. The Council suggested making a one-time adjustment for the due date to try to grant relief to those customers that only made their payment late because of the mail issue.

Motion was made by Councilmember Bruner to refund the late fee for any customer that paid their bill by May 20, 2024, second was made by Councilmember W. Johnson. Motion prevailed by the following vote:

Ayes: Councilmembers: Whetstone, Johnston, W. Johnson, Bruner, C. Johnson, Toof
Nays: None/Motion Carries
Voted: 6 to 0
Absent: Forester

J. Consider and Discuss Long Range Planning

Mr. Archer reminded the Council that city offices would be closed on Wednesday, June 19, 2024 in observance of Juneteenth.

K. Announcements for City Council.

None.

IX. ADJOURNMENT

Motion was made by Councilmember W. Johnson to adjourn, second made by Councilmember Toof. Motion passed unanimously and the meeting adjourned at 7:08 p.m.

ATTEST:



Tammy Osborne, City Secretary

Stephen Forester, Mayor
