

THE CITY OF EASTLAND
CITY COMMISSION REGULAR MEETING

June 21, 2021

EASTLAND, TEXAS §

EASTLAND, COUNTY §

The City Commission of the City of Eastland, Texas, met in Open Session at Eastland City Hall as scheduled, and notice was posted 72 hours in advance and prior to the meeting.

CITY COMMISSIONERS PRESENT:

Chairman	Larry Vernon
Commissioner	Ben McNabb
Commissioner	Cecil Funderburgh
Commissioner	Richard Rossander
Commissioner	Zac Darr

PERSONNEL PRESENT:

City Manager	J.J. Oznick
Finance Director	Leslie Zander
Planning & Zoning Director	Tony Stubblefield
City Secretary	Roma Holley
City Attorney	Eileen Hayman
Fire Marshal	David Branch
Fire Chief	Joe Williamson
Police Chief	David Hullum

Guests: Debra Goodheer, Tom Bailey, Tommy Wells, Lisa Benson, Julie Elrod, Beth King, Crystal Darr, Brooklyn Darr, Amanda Woodley, Nancy Stewart, Joe Stewart, Carol Gordon, Jerry Maston, Sherry Pippen, Ron Allman, Marlene Coats, Shirley Hobbs, Robin Hayes, Steve Hayes, Cooper Hayes, Margie Maddux, Richard Krantz, Kevin Burrow, Rachel York, Ruth York, Rick Rackow, Rob King, Terry Wilson, Keith Wilson, Mark Lee Dickson, Susan Tipton, Chris Ferguson, Sara Christopher, Jenny Franklin, Nicolae Gatea, Zach Robinson, Ora Hallmark, Tammy Riehle, Ann Folsom, Jay Jennings, Karen Jennings, Jose Reyes, Julie Reyes, Robert Mason, Annlinette Mason, Dwayne Hunter, Julie Hunter, Jonnie Adams, Robert Farrell, Calli Lewis, Street Rogers, Larry Wesson, Lupe Mireles, Joseph Mireles, Elvie Williams, John Menzies, Michelle Menzies, Payton Menzies, Lee Maddux, Sam Williams, Joshua Williams, Stan Tittle, Robin Tittle, Eugene Fambrough, JoAnn Wilks, Farris Wilks, Betty Maynard, Josh Wilks, Chuck Henry, Melissa Henry, Ruben Zarate, Shannon Thomason, John Francis

I. MEETING CALLED TO ORDER

Chairman Larry Vernon called the meeting to order at 6:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Richard Rossander offered the invocation and Commissioner Zac Darr led the Pledge of Allegiance.

III. PUBLIC COMMENT ON ANY SUBJECT NOT LISTED ON THIS
AGENDA (Limited to Five Minutes Per Speaker)

Several people submitted requests to speak on Agenda Item #4 regarding Ordinance 21-870 Declaring Eastland a Sanctuary City for the Unborn. Chairman Vernon advised them that

we would take care of Agenda items 1-3 and then he would give them the opportunity to speak 5 minutes each with a total of 30 minutes being allotted to this subject.

IV. APPROVE MINUTES OF THE APRIL 19TH and MAY 5TH, 2021 MEETINGS

Commissioner Richard Rossander made a motion, seconded by Commissioner Cecil Funderburgh, to approve the minutes of the April 19th, 2021 and May 5th, 2021 Meetings. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

V. FINANCIAL REPORT

Finance Director Leslie Zander stated that our sales tax figures continue to show an increase. This is a positive trend but we are still waiting on verification from the Comptroller's office that these are accurate figures.

No action at this time.

VI. The Board of City Commissioners May Discuss and Take Action on the Following Agenda Items:

1. Presentation of City Annual Audit - Debra Goodheer of Jerry Love, CPA

Debra Goodheer briefly explained the audit report and stated that the audit was very successful and showed no discrepancies. Ms. Goodheer expressed appreciation for Finance Director Leslie Zander and her work to have everything prepared for the auditors.

No Action is required

2. Discussion and Consideration of EEDI seeking approval to begin the construction of Bowie Street in the Business Park

EEDI Executive Director Tom Bailey explained this subject by showing a couple of slides that detail where the completed street will be. He stated since we have received preliminary estimates on completing Bowie Street, and because we do have the funds at this time, we are seeking approval by the Commission to begin the process of getting started on the construction. He stated permission of the Commission is necessary due to the amount of needed funds being over \$100,000.

Commissioner Richard Rossander made a motion, seconded by Commissioner Ben McNabb, to approve the beginning of the construction process of Bowie Street. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

3. Discussion and Consideration of the Eastland Fine Arts Association seeking additional Hotel/Motel Tax Funds to make necessary structural Repairs to the

Majestic Theatre.

Eastland Fine Arts Association representatives Ann Folsom, Rick Rackow and Rob King made the following request:

My name is Ann Folsom and I am here on behalf of the Eastland Fine Arts Association and the Majestic Theatre. Thank you for your time this evening.

I am here for three reasons tonight:

1. First: To update you on the state of the Majestic Theatre as we begin to come out of the Covid Season.
 - When all theatres were shut down last spring, the Majestic was caught in the mandated shutdown. Desperate to remain vital, we took measures to keep the theatre in the public eye.
 - First, we had “drive by” popcorn sales which generated small, but important income.
 - When we were allowed to re-open on a limited capacity, no movies were being released by Hollywood, but our creative manager, Rhyne Hobbs, showed \$1 movies for several months in an attempt to keep the doors open.
 - We also applied for and received 2 PPE loans to pay our 3 employees for a short period of time.

The second reason for being here tonight is:

2. To update you on the state of the beautiful building you lease to the Eastland Fine Arts Association, known as the Majestic Theatre.
 - During our closure, the Fine Arts Board was proactive and began searching for new ways to generate future revenue. It was decided the most appropriate would be from live stage productions. To do that, we knew repairs to the stage and the dressing room area would be needed to accommodate a show of any size.
 - A local architect donated his advice to formulate a plan and it was suggested we also consult a professional Theatre company for additional advice.
 - Careful investigation followed on the backstage area, the dressing room area located under the stage, and the existing ropes and curtains.
 - The results of our findings were not exactly unexpected, but shocking, nonetheless.
 - Water leaking onto the stage from the alley, a constant problem through the years, had caused more damage than expected. Several support beams under the stage have rotted along with a portion of the stage floor.
 - All these things do not affect movies, but certainly are a danger for anyone performing live on the stage itself.
 - “Texas Scenic”, a professional theatre company out of San Antonio, thoroughly evaluated the condition of our curtains, ropes, and screen fly. Their findings revealed the ropes installed during the 1987 remodel have far outlived their expectations and many of the riggings and hardware are in a precarious shape and in need of replacement.
 - Repairing the rigging and screen fly must be done with scaffolding on the existing stage. At this point, portions of the stage are unsafe for scaffolding to be used.

This brings me to the 3rd reason for visiting with you tonight;

3. We need your help.

We have been so fortunate to have the support of the City of Eastland for all these many years in the leasing of your beautiful, historic building, now 101 years old. We have tried to be good stewards of your building and maximize the value of this property for Eastland.

We are facing a dilemma we did not anticipate and cannot afford. We are not able to host any live performances with the stage in its present condition, and now that we know the

ropes overhead are expired, we cannot in good conscience even have a high school band concert on the stage as it stands.

As I mentioned earlier, the water must first be stopped from leaking in on the stage; the stage must be reinforced and repaired, and then the overhead ropes, rigging and screen fly can be replaced. The stage would then be safe for all uses.

If you will look at your hand out in your packet, you can see the price break down of the task ahead. The Eastland Fine Arts Association would be eternally grateful if the City of Eastland could finance these repairs for us.

In this “Covid” year, our revenue has been reduced drastically. We are encouraged, however, because movie patrons are slowly beginning to attend movies once again, and Hollywood is finally releasing a limited number of movies. We expect to return to the revenue and crowds we once enjoyed, but regret that the time frame for the return may be slow.

Thank you once again for your time and your continued support.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Richard Rossander, to approve allocating \$17,500 from the Hotel/Motel Tax Funds account to the Eastland Fine Arts Association to assist with repairs of the Majestic Theatre. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

4. Discussion and Consideration of **Ordinance 21-870**

AN ORDINANCE OF THE CITY OF EASTLAND OUTLAWING ABORTION WITHIN THE CITY OF EASTLAND, DECLARING EASTLAND A SANCTUARY CITY FOR THE UNBORN, MAKING VARIOUS PROVISIONS AND FINDINGS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

Chairman Vernon allowed the following to make a public comment; Beth King, Jerry Maston, Nancy Stewart, Margie Maddux, Ruth York, Sherry Pippen, Susan Tipton, Jose Reyes, Robert Mason, Mark Lee Dickson, Shannon Thomason, Nicolae Gatea, Jo Ann Wilks and Robin Hayes.

Beth King: Spoke about several adopted children in her family being a blessing that wouldn't have happened if the mothers had abortions. This is our chance to Save Children.

Jerry Maston: Quoted several scriptures including Proverbs 13:34 and stated that “Abortion is Murder.”

Nancy Stewart: “We need to stand up for the Unborn.”

Margie Maddux: Stated that “as a Pro-Life Christian, this is our chance to outlaw abortion.”

Ruth York: “The City of Eastland has the opportunity to Be Bold and Prohibit Abortion Now.”

Sherry Pippen: Read a portion of the 14th Amendment.

Susan Tipton: Spoke for “Life for the Unborn and stated that children should be taught

the consequences of sex.”

Jose Reyes: “Now is the time to Stand for What is Right.”

Robert Mason: “I believe in the sanctity of life.”

Shannon Thomason: Stated he is the Mayor of Big Spring and that “his city adopted this ordinance 18 months ago and the gist of this ordinance is to keep the Abortion Clinics out of the City of Eastland. Abortion is about people looking for a way out of complications.”

Mark Lee Dickson: stated “I am the Director of Right to Life of East Texas and founder of the Sanctuary City for the Unborn Initiative. There are currently 28 cities in Texas which have passed a version of this Ordinance. Two cities in Nebraska and one city in Ohio have also passed it. This version was heavily influenced by the “Heartbeat Bill” SB 8 which the Governor of Texas signed in May 2021.

The point of this ordinance is to prevent any abortion from taking place in the City of Eastland. This includes anyone setting up an Abortion Clinic within the city limits but it also includes RU486, which is an abortion inducing drug administered by an abortionist. The Biden administration stated that they have a goal to make abortion available in every zip code and as such is seeking to deregulate RU486 and make this drug available by mail.

This ordinance was written very carefully and there is language in the “Heartbeat Bill” that supports cities passing these types of ordinances.

Supreme Court Justice Clarence Thomas declared that the right to an abortion is not a right given by the U.S. Constitution. The right to Life IS given by the U.S. Constitution.”

Chairman Vernon stated at this time the commissioners along with the City Attorney will discuss and ask questions concerning this ordinance.

Commissioner Zac Darr read an opening statement: “I want to personally thank everyone here this evening for coming out and being a part of this. Your representation here tonight means you are excited to be speaking for the unborn, those who can’t speak for themselves.

And I want to thank Commissioner Rossander for helping me get this on the agenda for tonight. I appreciate your stance and passion you have for the unborn.

“Sanctuary City for the Unborn” this ordinance.... This is what it comes down to: Cities have the right to regulate business and practices within their bounds.

Abortion is a business, driven by profit, and is **REQUIRED** to abide by **CITY** regulations.

After Lubbock passed their ordinance, abortions stopped. They stopped.

This ordinance is consistent with state law. It is also consistent with the 28 other cities that have passed “Sanctuary City for the Unborn.” Including Levelland, Big Springs, Rusk and our neighbor to south, Carbon, Texas.

This ordinance is a winning formula and has yet to be overturned in court.

Eastland doesn’t have abortion clinics.

Eastland doesn’t want abortion clinics.

May God help us get this passed.”

Commissioner Cecil Funderburgh stated that “I am Pro-Life. Being against Abortion/Murder are Biblical values. This is not the Bible. This is a legal document. In principle, I think the City of Eastland needs to be designated by this commission as a Sanctuary City for the Unborn. However, I have problems with the wording in the Ordinance itself. We have the option to change the wording and not accept this ordinance as is.”

Commissioner Funderburgh quoted from the ordinance, page 5, D, 3, (b): “AIDING OR ABETTING AN ABORTION IN EASTLAND, TEXAS—It shall be unlawful for any person to knowingly aid or abet an abortion that occurs in the City of Eastland, Texas. The prohibition in this section includes, but is not limited to, the following acts: (b) Giving instructions over the telephone, the internet, or any other medium of communication regarding self-administered abortion;”

Commissioner Funderburgh stated “this is a violation of the First Amendment, Freedom of Speech. If you can regulate what a person can say, if you can penalize them, that is a violation of the First Amendment. Many times tonight it has been stated that this ordinance is consistent with State law. And you are correct it is consistent, with the exception of that phrase that is against the First Amendment. Senate Bill 8 specifically states that none of this can be construed to be a violation of the First Amendment.

If this is consistent with state law, and state law says that you cannot have an abortion in the State of Texas, who are WE to pass a law that says the same thing? That law already exists. I am very much in favor of the men of this commission standing up and saying “We don’t support abortion in Eastland, Texas. We don’t support abortion anywhere”. Since there are so many flaws in this document, I would like to see us pass a resolution to that effect.”

Chairman Vernon stated that Mark Lee Dickson could respond. Mr. Dickson responded to the statement regarding the violation of the First Amendment. He stated “if you will look at page 6, D, 5 it reads: “(5) No provision of Section D may be construed to prohibit any conduct protected by the First Amendment of the U.S. Constitution, as made applicable to state and local governments through the Supreme Court’s interpretation of the Fourteenth Amendment, or by Article I, section 8 of the Texas Constitution.”

Commissioner Funderburgh stated that “it says on page 5 that you CAN be penalized for exercising your First Amendment right and then on page 6 it says that you can’t. This document is flawed.”

Chairman Vernon asked “why can’t they just leave out the sentence from page 5, D, (b)? How are you going to “police” that?”

Mr. Dickson responded that “this is a deterrent and the law on the books helps.”

Commissioner Funderburgh asked “Can the laws of the State of Texas regarding abortions, in every aspect, including the statutes as they stood before Roe vs Wade, be enforced?”

Mr. Dickson said “the short answer is that there are certain actors in the state of Texas that cannot enforce them and certain actors that can enforce them. There people in the state of Texas who can enforce the statutes if they so desire. The way this ordinance works is that there is public enforcement and private enforcement. This would be enforced by private citizens. The City of Eastland would be unable to enforce this until rulings happen in the courts. The only people to be enforcing it would be private citizens, who would be able to bring lawsuits against abortionists and anyone who aids or abets the abortion.

Commissioner Funderburgh stated “I am looking at this from a strictly legal standpoint. He said legally, we have look at this as a law that cannot be enforced by the city or the state. From a private standpoint, a civil suit can be filed against anyone who performs an abortion, excluding the mother, even if she performs it herself. This is not enforceable. Our reason for

making and passing laws is to look at it and see if it's something that is going to make a difference. The ordinance that was passed in Lubbock is unenforceable."

Mr. Dickson disagreed and said "private enforcement is in effect and it could be enforceable if the court makes a declaratory judgement."

Commissioner Funderburgh stated "a city cannot tell a state court what to do or how much to fine someone. In this ordinance you define abortion as murder, as does the State of Texas. Which puts this issue in the purview of the State and not the City. Murder is punishable by life in prison or by death, administered by the State, not by a City Commission. Penal code 1.07 defines an individual, from conception to end of life. It is already established that it is illegal to kill an individual. This is a crime punishable by the State. I love Senate Bill 8 and that it covers everything that is in this proposed ordinance."

Mr. Dickson disagreed and said "this ordinance allows the municipalities to go further"

Chairman Vernon ended this particular line of discussion and asked if any other Commissioners had questions.

Commissioner McNabb asked for clarification on a couple of things. He asked "if a person in Eastland went through Tele-medicine and was prescribed and sent an abortifacient (abortion inducing drug), could the Tele-medicine company be held liable, even though they are outside the city of Eastland?"

Mr. Dickson said "yes, that Tele-medicine company can be subject to this law, regardless of their knowledge of it. A private citizen can file a lawsuit against that company."

Commissioner McNabb asked "who can be sued? Health Insurance companies that pay for the abortions?"

Mr. Dickson made the argument that, "at this time, abortions are not being handled through Tele-medicine, hence insurance companies aren't paying for them."

Commissioner McNabb stated his belief that, "because of the restrictions with Pandemic, Tele-medicine is allowed to prescribe the abortifacients. This is under an exclusion due to limited access to healthcare because of the Corona Virus."

Commissioner McNabb also stated that "the language in the ordinance that deals with specific drugs being used for abortions needs to be addressed. Some of the mentioned drugs are used for other applications. The ordinance states that being in possession of these drugs would be considered contraband. He stated that, if the act of abortion is banned, banning the specific drugs becomes irrelevant. If the ordinance is passed, will the mere possession of these drugs be unlawful?"

Mr. Dickson stated that the "possession of these drugs centers around intent."

Commissioner McNabb said from his perspective, "the language in the ordinance needs to be reworked in order to make it clear that the possession alone does not denote contraband. I also want to know whether this particular issue is publicly enforceable."

Chairman Vernon stopped Mr. Dickson from answering by saying that, "according to the ordinance, none of this is publicly enforceable unless the Supreme Court overrules Roe v Wade. We're not here to talk about public enforcement."

Chairman Vernon stated "I understand what is trying to be accomplished here. But some of the statements written here are more of a 'proclamation' and an ordinance. Some of these statements are unnecessary."

Mr. Dickson responded “Attorney Jonathan F. Mitchell would be the one to address the issues with those statements. I don’t believe the entire ordinance should be dismissed, just address the issues. I’d like to be given an opportunity to address the sections that have the issues in order to resolve them.”

Chairman Vernon then reopened the public comments and asked the individuals to keep it short and orderly.

Robert Mason spoke again and asked that “since the Supreme Court stated that “abortion is not murder and it is legal”, is that enforceable? Because if you enforce it here on a local level, is it not possible for a person to appeal all the way up to the Supreme Court and have it overturned and then that person come back and countersue the City of Eastland for filing false civil or legal charges against that person?”

Chairman Vernon responded: “Abortion is not a constitutional right. As far as public enforcement, the State of Texas is trying to protect us, as small-town Texas, from the Supreme Court. I am ready to stand up and say Enough is Enough.”

Nicolae Gatea: “These laws were made by The People. And The People can change the laws. We want abortion to be illegal here. We are looking for a way to make this ordinance work.”

John Francis: “We all learned in school how government is supposed to work. The reality is that one side has been pushing and has never been challenged effectively and what you just said (Chairman Vernon) is exactly my opinion. It’s time to push back. Draw the line and refuse to step across.”

Chairman Vernon stated “the Silent Majority has been silent long enough and it’s time to speak up.”

Commissioner Funderburgh stated: “I agree 100%. I am against abortion. Period. But what we are talking about here is passing a legal document that cannot and will not be enforced. Instead, why not stand up here and say WE RESOLVE.....” Commissioner Funderburgh’s comments were then drowned out by the crowd.

Chairman Vernon then stated “you are correct, the ordinance is not enforceable on a PUBLIC level, but it is on a private level.”

Shannon Thomason: “If there is a challenge to this, none of us will be standing alone.”

Commissioner McNabb questioned “has private enforcement been tried yet?”

Mr. Dickson responded, “not yet, we are ready. The “Lilith Fund”, which funds abortions, stated that they will comply with Senate Bill 8 and will no longer be funding abortions past the heartbeat in the State of Texas. If you have laws on your books, whether at the State level or the city level, you are sending a strong message to the abortion industry that if they come here, there will be a fight.”

Chairman Vernon responded: “The abortion industry is a moneymaker. People in business do not want to spend time in court because that cuts into profits. That is why the number of abortion clinics is dropping rapidly. I don’t think that the abortion advocates are going to fight very hard where there is friction. I want to apply some friction.”

Commissioner McNabb: “One of my questions of concern revolves around enforcement. Do we think that Private Enforcement is going to stand the test?”

Mr. Dickson stated that “It already has with the lawsuit Okpalobi v. Foster. The ordinance allows the abortion ban to be enforced only through private citizen suits, and enforcement

mechanisms of that sort will not expose the city to any liability. Private citizens can sue the abortionists and anyone who aids or helps the abortion take place”

Robin Hayes: “I spoke to one of you that there are people that vote in the city elections under 500, and we have over 400 petitions from people who want to make a statement. We The People want to make a statement that we are so tired of being ran over.”

Sam Williams: “How is abortion defined in this ordinance?”

Chairman Vernon read the definition of abortion from the Ordinance “**B. DEFINITIONS** (1) “Abortion” means the act of using or prescribing an instrument, a drug, a medicine, or any other substance, device, or means with the intent to cause the death of an unborn child of a woman known to be pregnant. The term does not include birth-control devices or oral contraceptives. An act is not an abortion if the act is done with the intent to: (a) save the life or preserve the health of an unborn child; (b) remove a dead, unborn child whose death was caused by accidental miscarriage; or (c) remove an ectopic pregnancy.” “They have basically followed what Senate Bill 8 has said.”

Mr. Dickson read the following Affirmative Defense from the proposed ordinance stating he didn’t want it to be overlooked: (4) **AFFIRMATIVE DEFENSE**—It shall be an affirmative defense to the unlawful acts described in Sections D(1), D(2), and D(3) if the abortion was in response to a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed. The defendant shall have the burden of proving this affirmative defense by a preponderance of the evidence.”

Kevin Burrows: “Does the ordinance include ‘Plan B’.

Commissioner McNabb stated that “It is specifically not included, nor are contraceptives”

Kevin Burrows asked “Why?”

Mr. Dickson replied “Very briefly, I am against Plan B, the packaging is very deceptive stating that it will not harm an existing pregnancy but on the back of the package it states that it could cause a fertilized egg to fail to implant, which is effectively abortion because life begins at conception. The reason we are not going after Plan B is it’s a battle we are going to have to fight on a different level. Because it is something that is viewed differently in culture. Culture needs to be educated on the definition of life beginning at conception. For the purposes of this ordinance, we are just addressing surgical and chemical abortions.”

Robin Tittle: “From the very inception of this nation which began with a black robe regimen, it began to preach into our people that we have certain inalienable rights, and it brought about the revolution and the declaration. It was a government by the people and for the people. But this government has totally eliminated the people. It has become a government for the government and by the government. From the Boston Tea Party to Roe vs Wade to taking the Bible and Prayer out of schools, it all started with private citizens. We cannot downplay the role of private citizens standing up and making their voices heard. I believe that is our right and our duty as American citizens.

Joann Wilks: “Some are concerned with enforcement. Personally, I am concerned about results. And it seems that Lubbock has shown results and that is what we are really after: results. I want to point out to you (pointing to a sign in the commission chambers) *‘Eastland is above the ordinary, Don’t become complacent’*. And I want to point out, Courage begets Courage.”

Chairman Vernon ended the open comment.

Chairman Vernon asked for a motion. Commissioner Zac Darr made a motion that we move forward and accept Ordinance 21-870. Commissioner Richard Rossander seconded it. Chairman Vernon asked Commissioner Darr “as written?” Commissioner Darr nodded his head. Chairman Vernon asked Commissioner Rossander “as it’s written?” Commissioner Rossander stated “well I think we’re gonna have to amend it some after we get going.”

Chairman Vernon asked for a second to the motion of accepting the ordinance as written. The motion died for lack of a second.

Chairman Vernon suggested a plan of action that we have our city attorney make suggested amendments to the ordinance in conjunction with Mr. Dickson to keep it in line with what both the City of Eastland and the Sanctuary for the Unborn Initiative wants.

Commissioner Benjamin McNabb made a motion, seconded by Commissioner Richard Rossander, to follow the plan of action suggested by Chairman Vernon. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

Chairman Vernon then allowed one more public comment from a gentleman who had his hand raised several different times.

Street Rogers: “As a layman, in my life, I’ve worked with several men who were adopted. I’ve asked them about their opinion of abortion. Each of them said they were glad their mother chose life. Brother Cecil, I understand a little bit about what you are talking about, although most of it is over my head. But I respect your opinion. The more we drag our feet the less lives we can save.”

A short recess was given to allow the audience to leave.

5. Discussion and Consideration of **Resolution 2021-10** Close-out of Waste Water Treatment Plant

RESOLUTION 2021-10

WHEREAS THE CITY COMMISSION OF THE CITY OF EASTLAND, accepting the Wastewater Treatment System Improvements under TWDB CWSRF Project Number 73755;

WHEREAS, THE CITY COMMISSION establishes the warranty period for said improvements;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF EASTLAND, EASTLAND COUNTY, TEXAS:

That the City Commission accepts the project as constructed by the Contractor under contract dated May 20, 2019, between Purcell Contracting, LTD, and the City of Eastland, as approved by final inspection of Enprotec / Hibbs & Todd, Inc.

That the City Commission establishes the warranty period under the provision of the contract to be in effect commencing on January 21, 2021 and to remain in full force and effect until January 21, 2022 at 11:59 P.M.

PASSED AND APPROVED this the 21st day of June, 2021.

City Manager J.J. Oznick stated that he spoke with eHT engineer Scott Hay who advised that this is the last requirement of closing this project. All of the bills are paid and the State is good with everything. Scott assured us that, even though we are still having a couple of issues with meters but this will not prevent closing the project. With doing so, we are hoping that this will encourage the State to release the remainder of the unused funds so that we can complete the Highway 6 sewer project.

Commissioner Zac Darr made a motion, seconded by Commissioner Richard Rossander, to approve the **Resolution 2021-10** Close-out of Waste Water Treatment Plant

Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

6. Discussion and Consideration of Second reading of **Ordinance 21-868**

AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS AMENDING CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV, UNIFORM BUILDING CODES, OF THE EASTLAND CODE OF ORDINANCES TO ADOPT THE 2018 INTERNATIONAL EXISTING BUILDING CODE AND THE 2018 INTERNATIONAL FIRE CODE AS CODES OF THE CITY AND TO REQUIRE CERTIFICATES OF OCCUPANCY FOR COMMERCIAL PROPERTIES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Commissioner Richard Rossander made a motion, seconded by Commissioner Cecil Funderburgh, to approve the Second reading of **Ordinance 21-868**. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

7. Discussion and Consideration of First Reading of Cemetery Ordinance **21-869** adding provisions regarding a new Columbarium for cremains.

AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS AMENDING ORDINANCE NO. 693; REVISING CHAPTER 14, STREETS, SIDEWALKS, AND PUBLIC PLACES, ARTICLE VI, EASTLAND CEMETERY BY ADDING PROVISIONS REGARDING A NEW COLUMBARIUM; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

City Manager Oznick stated that all this ordinance does is give us the right to place and use a Columbarium in the cemetery. The location will be on the south side just west of the cross. The fees and fines will be addressed in our fee schedule.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Richard Rossander, to approve First Reading of Cemetery Ordinance **21-869** adding provisions regarding a new Columbarium for cremains. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

8. Discussion and Consideration of **Ordinance 21-871** Budget Amendment

AN ORDINANCE BY THE CITY COMMISSION OF EASTLAND, TEXAS ADJUSTING AND AMENDING THE CITY'S FISCAL YEAR 2020/2021 BUDGET

City Manager Oznick stated that because we are a part of TCAP in our contract we have ancillary costs. Because of the Winter Storm Event in February, GEXA has sent us a bill for \$80,000 in ancillary costs. We probably will not be reimbursed for any of this unless it comes from a Federal Covid Relief Funds. Our contract for our energy provider runs out in

December of 2022 so we must have these funds paid by that time. We have worked out a schedule of 18 payments of \$4, 265. 33 for a total payment of \$81,041.27.

Commissioner Zac Darr made a motion, seconded by Commissioner Cecil Funderburgh, to approve **Ordinance 21-871** Budget Amendment. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

9. Discussion and Consideration of **Ordinance 21-872**

AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS CHANGING THE ZONING USE DESIGNATION OF PROPERTY DESCRIBED AS LOTS 1 – 5 OF BLOCK 70 OF THE DAUGHERTY’S ADDITION TO THE CITY OF EASTLAND FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (“SF”) TO GENERAL BUSINESS DISTRICT (“C2”); AMENDING THE ZONING DISTRICT MAP FOR THE CITY OF EASTLAND TO REFLECT SUCH CHANGE; AND ADOPTING THE ZONING DISTRICT MAP SO AMENDED.

Planning and Zoning Director Tony Stubblefield stated that when zoning changes are made, an ordinance must be attached. This zoning change was approved by the City Commission on 05/17/2021.

Commissioner Richard Rossander made a motion, seconded by Commissioner Zac Darr, to approve **Ordinance 21-872** approving the zoning change. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

10. Discussion and Consideration of **Ordinance 21-873**

AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS CHANGING THE ZONING USE DESIGNATION OF PROPERTY DESCRIBED AS PART OF LOT 4 AND ALL OF LOTS 5 – 6 OF BLOCK 10 OF THE CALHOUN ADDITION TO THE CITY OF EASTLAND FROM MANUFACTURED HOUSING DISTRICT (“MH”) TO LIGHT INDUSTRIAL DISTRICT (“LI”); AMENDING THE ZONING DISTRICT MAP FOR THE CITY OF EASTLAND TO REFLECT SUCH CHANGE; AND ADOPTING THE ZONING DISTRICT MAP SO AMENDED.

Planning and Zoning Director Tony Stubblefield stated that when zoning changes are made, an ordinance must be attached. This zoning change was approved by the City Commission on 09/21/2020.

Commissioner Richard Rossander made a motion, seconded by Commissioner Zac Darr, to approve **Ordinance 21-873** approving the zoning change. Motion prevailed by the following vote:

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

11. Discussion and Consideration of appointing a member to the Board of Adjustment

Planning and Zoning Director Stubblefield explained that Mary Warford had applied to be on the Board of Adjustment. She has many years of experience with this board and has completed the necessary time off.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Richard Rossander, to approve the appointment of Mary Warford to the Eastland Board of Adjustment. Motion prevailed by the following vote

Ayes: Commissioners Darr, Funderburgh, McNabb, Rossander
 Nays: None
 Absent: None

VII. City Manager's Briefing

City Manager J.J. Oznick briefly covered the report that the commissioners have in their packet.

GLO-CDBG-MIT Project Planning

I, along with Mayor Vernon, eHT Engineer Scott Hay and Grant Coordinator Jill Phinney, had a zoom call and reviewed the data that the state was proposing. This was to ensure that their data matched our data. Minor changes were made. Contract should be coming soon.

TWDB Flood infrastructure Fund Grant

If the TWDB program is successful we would pay \$45,000 (10%) in local match for a \$450,000 project, fund a detailed study of the Leon River Watershed and the effects on our flood plain. This project will lay the groundwork for our GLO-CDBG-MIT Flood Mitigation Project.

WWTP Improvements

Project was officially deemed complete as of tonight.

2018 Water System Improvements

With the closing out of the WWTP it will help speed the process of releasing the remaining funds. We are waiting on the Texas Water Development Board.

I-20 WATER PUMP STATION REPAIRS:

Charles Copeland has the parts and is beginning to work on installing the generator. When this is complete the city will have the capability of supplying water to the city as long as there is water in the ground storage tanks.

Budget Workshop/ Called Meeting Schedule

Additional workshops and called meetings dealing with the Budget and Taxes will all be on Tuesdays at noon with the exception of the final workshop which will be on Thursday, September 23, 2021.

VIII. Code Enforcement Report

Planning and Zoning Director Tony Stubblefield reported the Code Compliance Report for May 2021. There were 40 open cases at the beginning of the month, 37 new cases were opened and 40 cases were closed which ended the month with 37 cases open. 5 citations were issued and fines assessed were \$4,208. The vast amounts of rain slowed the process of getting a lot of properties mowed. Code Enforcement Officer Terry Simmons put some of these cases on hold until everything was dry enough to mow and maintain.

IX. Police Report

Chief David Hullum stated there were 201 calls for service in May. 11 cases were filed with the District Attorney. There were 54 offense reports generated. He noted 21 arrests. A total of 319 traffic stops were initiated. This resulted in 226 warning citations and 93 citations issued. 18 cases were filed with the Juvenile Authority. All of this was accomplished with the department having 2 positions open.

X. Fire Chief Report

Fire Chief Joe Williamson gave the following activity report for the month of May for the Volunteer and Paid Firefighters. Total call volume: 66 which was an average of 2.13 calls per day. 54 of these were in the City Limits and 9 of them were in the county and they responded to 3 calls for mutual aid to other county fire departments. There were 9 incidents between 10 p.m. and 7 a.m. They responded to 2 structure fires, 1 grass fires and 1 vehicle fire. They responded to 21 Medical calls, 16 Motor Vehicle accidents and 19 Public Service assists and 6 false alarms. We voted on bylaws that describes the ability to add an 'honorary' member. Also, 1 new member was added to the Volunteer Fire Department which makes 23 volunteers on the roster.

Chief Williamson stated he presented the Eastland Fire Department \$500 scholarship award at Eastland High School. This was awarded to Macie Fortenberry. The Greg Simmons Firefighter Memorial scholarships of \$250 each were awarded to Kasey Clark and Trenton West.

Chief Williamson said they have taken delivery of the "Cool Breeze" cooling trailer. This will be designated as Rehab 6. Our deployment model for this includes the redesignation of the Suburban to Support 6 and they will be deployed together. They are ready to roll but they still would like to put some lights and graphics on it. The Support 6 vehicle will be outfitted with extra first-aid supplies and things that the fire fighters who are working a fire might need in order to continue to work.

On June 28, 2021 at 9 a.m. at the County Commissioner's Meeting, Desdemona Fire Chief Johnny Hart will be awarded a Life-Saving Commendation. On the 31st of May 2021 Chief Hart and the Desdemona VFD responded to an emergency call for assistance to a vehicle trapped in high water with an occupant. Arriving on the scene they found a vehicle submerged in swift water with an occupant taking refuge on the vehicle roof. After a quick evaluation, Chief Hart determined that there was no time to wait for swift water rescue assets to arrive. He made the decision to enter the rushing water himself to save the occupant. Chief Hart tied a rope to himself, then to a fire truck. He then treaded the swift water to the vehicle and female victim at which time he attempted to bring the victim back to safety. Chief Hart realized that the water current was too strong to walk in and had the fire truck back up to pull both himself and the victim out to safety.

The Public Service Announcement for the Month is regarding Swimming Pool Safety.

City Manager Oznick stated that he wanted to briefly talk about the Municipal Court. Looking at the data and history of the finances it is very easy to see when Dena Withers began working here. She has really worked hard to get everything straightened out. She does an excellent job of working with the people who have citations.

XI. Adjournment

Commissioner Zac Darr made a motion, seconded by Commissioner Richard Rossander, to adjourn at 8:54 p.m. Motion passed unanimously.

APPROVED

Larry Vernon, Chairman
Board of City Commissioners

ATTEST

Roma Holley, City Secretary