

THE CITY OF EASTLAND  
CITY COMMISSION REGULAR MEETING

April 19, 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	Ron Duncan
City Manager (incoming)	J.J. Oznick
Finance Director	Leslie Zander
Planning & Zoning Director	Tony Stubblefield
City Secretary	Roma Holley
City Attorney	Eileen Hayman

Guests: Tom Bailey, Sheryl Duncan, H. V. O'Brien, Lisa Benson, Travis Woodley, Joshua Williams, Debbie Copeland, Terry Hastings, Sam Williams, Joe Williamson, Julie Elrod

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

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

Chairman Larry Vernon took this opportunity to commend City Manager Ron Duncan on his many years of faithful and loyal service to the citizens of Eastland. He also thanked Sheryl Duncan for supporting Mr. Duncan and making sacrifices as the wife of the City Manager. Chairman Vernon extended his warmest well wishes to Ron and Sheryl Duncan on Ron's upcoming retirement. He mentioned there will be a Retirement Party on April 29, 2021 at the Lumber Yard Event Center from 5-7 pm and everyone is welcome.

IV. APPROVE MINUTES OF THE MARCH 15<sup>TH</sup> AND APRIL 5<sup>TH</sup>, 2021 MEETINGS

Commissioner Richard Rossander made a motion, seconded by Commissioner Cecil Funderburgh, to approve the March 15th and April 5th, 2021 Meetings. Motion prevailed by the following vote:

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

V. FINANCIAL REPORT

City Manager Ron Duncan advised the board the sales tax is the third highest number in the last 10 years.

No action at this time.

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

1. Discussion and Consideration of Resolution **2021-06**:

***A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EASTLAND, TEXAS, AUTHORIZING THE SUBMISSION OF A TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE, OFFICE OF RURAL AFFAIRS FOR THE COMMUNITY DEVELOPMENT FUND; AND AUTHORIZING THE MAYOR AND/OR THE CITY MANAGER TO ACT AS THE CITY'S EXECUTIVE OFFICER AND AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.***

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Zac Darr, to approve Resolution **2021-06**. Motion prevailed by the following vote:

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

2. Discussion and Consideration of **P&Z Case 21-002**: Applicant Fred Witzell is requesting a Specific Use Permit in order to place a manufactured home in an AO/Agricultural Open Spaces Zoned District, at his property located at 100 Ringling Lake Road, aka H and TC/JH Calhoun, AB 67, 9.01 Acres, Eastland, TX.

Planning and Zoning Director Tony Stubblefield addressed the board and stated the applicant currently has an existing home on the property that is too old to repair or renovate. Mr. Witzell is proposing to place a new manufactured home on the property. A manufactured home is an allowed use in an AO/Agricultural district with a Specific Use Permit. The area is on the outskirts of the city limits and there are similar houses in the area. Letters of notification were mailed to 7 property owners in the area and 3 letters were posted where property owner addresses were unavailable. No responses were received. Staff recommends that the Specific Use Permit be approved.

Commissioner Richard Rossander made a motion, seconded by Commissioner Ben McNabb, to approve the **P & Z Case 21-002**. Motion prevailed by the following vote:

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

3. Discussion and Consideration of **P&Z Case 21-003**: Applicant Joe Williamson is requesting a Special Exception in order to permit a residential occupancy in a C1 Local Business Zoned District, at his property located at 112 W Commerce Street, Lot 12, BLK -B1, OT Eastland, Eastland, TX

Planning and Zoning Director Tony Stubblefield addressed the board and stated the applicant is requesting to use the second floor of this building as a residence. This has been allowed in the past from 2008 – 2017 as a Special Exception. The Special Exception must be renewed because it has a time limit component.

Letters of notification were mailed to 20 neighboring property owners and 3 responses were received, all in favor.

Mr. Williamson will be retaining the downstairs property for commercial use.

Staff recommends that the Specific Use Permit be approved. The following agenda item is seeking approval to Amend Ordinance 21—867. Staff requests that if it is passed by the City Commission, this Special Exception automatically becomes a Specific Use Permit, which will alleviate the need to come before the board any time the Special Exception time limit expires.

Discussion centered around the issues of parking and fire safety. The Commission was informed that the developer has already been addressing the fire safety through fire codes (we are working on establishing fire codes for our city). The developer is also working toward solutions for the parking limitations.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Richard Rossander, to Approve **P & Z Case 21-003**, with the stipulation that residents parking during Special Events be addressed in the Specific Use Permit. Motion prevailed by the following vote:

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

4. Discussion and Consideration approve a 20 foot temporary construction easement and 15 foot permanent utility easement from Ranger College.

City Manager Ron Duncan advised the Commissioners there is a need to replace a water line on the 400 block of West Commerce and this easement will allow it without damaging the brick street.

Commissioner Zac Darr made a motion, seconded by Commissioner Richard Rossander, to approve a 20 foot temporary construction easement and 15 foot permanent utility easement from Ranger College. Motion prevailed by the following vote:

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

5. Discussion and Consideration for the City Commission of the City of Eastland to authorize the City Manager to negotiate and sign the First Amendment to the Economic Development Project Agreement between the City and McLaw Ventures, LLC, as well as an Amendment to the Agreement Between the Texas Department of Agriculture and the City of Eastland, Contract No. 7217232 for Texas Capital Fund Infrastructure.

City Manager Ron Duncan explained that the original agreement between the City of Eastland and McLaw Ventures and the TDA Capital Fund was misidentified from the very beginning. This amendment is to correctly identify all three entities that make up Sam Lawson’s business operations of Burger King, The Red Star Café and the Topline Convenience Store. This is mainly for accounting purposes.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Richard Rossander, to authorize the City Manager to negotiate and sign the First Amendment to the Economic Development Project Agreement between the City and McLaw Ventures, LLC, as well as an Amendment to the Agreement Between the Texas Department of Agriculture and the City of Eastland, Contract No. 7217232 for Texas Capital Fund Infrastructure. Motion prevailed by the following vote:

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

6. Discussion and Consideration of Zoning Ordinance **21-867**:

***AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS AMENDING ORDINANCE NO. 18-844; REVISING CHAPTER 19, ZONING, OF THE EASTLAND CODE OF ORDINANCES SPECIFICALLY AMENDING SECTIONS 19-11 AND 19-17 TO ADD CERTAIN RESIDENTIAL USES TO THE “C1” LOCAL BUSINESS DISTRICT AND ESTABLISHING RESTRICTIONS FOR SAME; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.***

Again, discussion centered around addressing the parking limitations and also the fact that there will be commercial activities around the square. Commissioner Funderburgh recommended that it be specifically addressed in the Specific Use Permit about the downtown parking during Special Events as well as the fact that there will be music playing most of the time through the outside speakers. There was also discussion regarding a clause in Section 19:17 (4) “if the total number of square footage allocated to residential use does not exceed 60 percent of the total square footage of the structure.” It was decided to remove this portion of the sentence.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Richard Rossander, to approve the amendment of Ordinance 21-867 with the recommended wording changes. Motion prevailed by the following vote:

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

7. Discussion and Consideration of Resolution **2021-07** Denying Distribution Cost Recovery Factor increase

***A RESOLUTION OF THE CITY OF EASTLAND, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S APPLICATION FOR APPROVAL TO AMEND ITS DISTRIBUTION COST RECOVERY FACTOR TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH OCSC; AUTHORIZING THE HIRING OF LEGAL COUNSEL AND CONSULTING SERVICES; 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 NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.***

City Manager Ron Duncan stated that this is the same resolution we pass each year in order for the Steering Committee to Deny an increase.

Commissioner Zac Darr made a motion, seconded by Commissioner Richard Rossander, to approve Denying Distribution Cost Recovery Factor increase. Motion prevailed by the following vote:

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

8. Executive Session in Accordance with Local Government Code §551.074 – Personnel Matters: City Manager Compensation

Commencement: 6:47 p.m.

Conclusion: 7:25 p.m.

9. Discussion and Consideration of any action to be taken as a result of the Executive Session.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Richard Rossander, to award 15% of salary allocated as additional pay to City Manager Ron Duncan after his annual evaluation, in accordance with the 2020-2021 Budget. Motion prevailed by the following vote:

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

VII. City Manager's Briefing

City Manager Ron Duncan briefly covered the report that the commissioners have in their packet.

**GLO-CDBG-MIT Project Planning**

In April we participated in a meeting to make sure there is no overlapping in any of the projects that we are doing. The meeting consisted of members of the City of Eastland, members of the Texas Water Development Board, Texas Department of Agriculture, Scott Hay and Judy Langford. There were no issues found. Judy Langford is writing a letter to lay out the findings for the questions that they had.

**2018 WATER SYSTEM IMPROVEMENTS**

We are at a standstill, waiting on the Texas Water Development Board.

**Red Star**

The Burger King and the Topline Store are now open for business and seem to be doing very well. The Red Star Café is still a couple of weeks from fully opening.

**I-20 WATER PUMP STATION REPAIRS:**

Charles Copeland has ordered a variable frequency drive for the 100hp motor for pump 1, along with the manual switch gear. After this is in place, he will install 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. Approx. 8-10 weeks before project is started.

**VIII. Code Enforcement Report**

Planning and Zoning Director Tony Stubblefield reported the Code Compliance Report for March 2021. There were 18 open cases at the beginning of the month, 21 new cases were opened and 5 cases were closed which ended the month with 34 cases open. Six citations were issued and fines assessed were \$4,635. \$768 in fines was dismissed. 2 properties were reported for back taxes and 3 annual notices were mailed.

Code Enforcement Officer Terry Simmons has been working hard with one particular property owner to clean up the 11 junk vehicles scattered all over the property as well as unlawful property nuisance, unsanitary conditions and depositing, dumping and burning on the property.

Simmons is also addressing another property where the tenant has been living without water and has multiple other code violations.

**IX. Police Report**

Chief David Hullum stated there were 168 calls for service in March. 32 cases were filed with the District Attorney. There were 68 offense reports generated. He noted 25 arrests. A total of 702 traffic stops were initiated. This resulted in 570 warning citations and 132 citations issued. Sgt. McDade and his K-9 were very busy with several vehicle searches which netted quite a bit of illegal drugs including, Marijuana, Methamphetamine, Heroin and multiple cases of Possession of Drug Paraphernalia.

**X. Fire Chief Report**

Fire Chief Joe Williamson gave the following activity report for the month of March for the Volunteer and Paid Firefighters. Total call volume: 59 which was an average of 1.9 calls per day. 42 of these were in the City Limits and 17 of them were in the county and they

responded to 6 calls for mutual aid to other county fire departments. There were 8 incidents between 10 p.m. and 7 a.m. They responded to 3 structure fires, 2 grass fires and had 6 Investigations. They responded to 31 Medical calls, 9 Motor Vehicle accidents and 14 Public Service assists. Also, 1 new member was added to the Volunteer Fire Department

Chief Williamson stated that they had the drivers of the Ladder 6 truck evaluated in accordance with agreements made when the truck was first purchased.

XI. Adjournment

Commissioner Zac Darr made a motion, seconded by Commissioner Richard Rossander, to adjourn at 7:59 p.m. Motion passed unanimously.

APPROVED

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Larry Vernon, Chairman  
Board of City Commissioners

ATTEST

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Roma Holley, City Secretary