

THE CITY OF EASTLAND  
CITY COMMISSION CALLED MEETING

May 20, 2019

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	Richard Rossander
Commissioner	Zac Darr
Commissioner	Cecil Funderburgh

PERSONNEL PRESENT:

City Manager	Ron Duncan
City Secretary	Roma Holley
Chief of Police	David Hullum
Director of Planning (Outgoing)	Bill Dolen
Director of Planning (Incoming)	Tony Stubblefield
Code Enforcement	Terry Simmons

Guests: Susan Moore, Kyndall Kaska, Julie Elrod, H.V, O'Brien, Nathan Harwell

I. MEETING CALLED TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Larry Vernon offered the invocation and Commissioner Cecil Funderburgh led the Pledge of Allegiance.

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

There were no comments from the public.

IV. APPROVE MINUTES OF THE APRIL 15<sup>th</sup> AND MAY 13<sup>th</sup>, 2019  
MEETINGS.

Commissioner Richard Rossander made a motion, seconded by Commissioner Zac Darr, to approve the Minutes of the April 15<sup>th</sup> and May 13<sup>th</sup>, 2019 Meetings. Motion prevailed by the following vote:

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

V. FINANCIAL REPORT

City Manager Ron Duncan stated that the sales tax is a bright spot in this report. \$136,414.07 which is a high for the month of May and we are 4% ahead of last year at this time. Mayor Vernon also mentioned that we are ahead of the best year that we've ever had by 0.33%, which is very good. April was a very good month.

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 award of agreement for Retail Electricity Service for the City of Eastland Facilities based on RFP for Contractual Services beginning January 2023

City Manager Ron Duncan introduced Nathan Harwell of Verity Power Group, a consulting firm that seeks competitive electricity pricing. Mr. Harwell spoke and mentioned that he and Mr. Duncan have been working on this project for about a year now. Currently the City of Eastland is with the TCAP, "Texas Coalition for Affordable Power". Mr. Harwell stated that TCAP is no longer competitive, they can not act when there is a market opportunity. For instance, based on a projected start date, Eastland has the opportunity to obtain the least expensive energy since deregulation. That is, 2.878 or 2.875 cents per kilowatt hour with a 65-month contract. This has the potential to save approximately \$20,000 per year. These prices are fully locked in whereas TCAP's prices are only partially locked in, which means there is room for fluctuation of prices. Mr. Harwell stated that he has worked with TXU in the past and TXU is who he likes to recommend. Mr. Harwell spoke about the way that TXU works with the elderly and those on a fixed income. They also have a program called the Greenbacks program which is a check that TXU will write to the city for up to \$5000 during the 65-month contract. These funds can be used for anything that increases energy efficiency.

City Manager Ron Duncan spoke about the positive and negatives regarding the risk of making this commitment now as opposed to waiting until contract expires in December 2022. He stated that in his opinion, based on the past performance of TCAP, this is a good risk to take because it will potentially save the city thousands of dollars in electricity payment.

Commissioner Zac Darr made a motion, seconded by Commissioner Cecil Funderburgh, to select TXU for our energy provider beginning January 1, 2023 through May 31, 2028. Motion prevailed by the following vote:

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

2. Discussion and Consideration of a Request by Ranger and Cisco College for Hotel Motel Tax Event Funds for sponsorship of the first annual Wrangler Ranger Round Up Volleyball Tournament.

City Manager Ron Duncan introduced Susan Moore, Head Coach of Cisco College Volleyball and Kyndall Kaska, Assistant Head Coach of Cisco College Volleyball. Ms. Kaska spoke and directed the Commissioners attention to the handout in their packets. She explained that this is a joint effort between Ranger College and Cisco College to bring teams to the county from all over Texas and New Mexico, Colorado and Kansas. These teams will be staying here in Eastland hotels, buying their meals from Eastland restaurants and shopping at Eastland stores. Also, their charter buses will be buying fuel here. All of this combined will bring a significant amount of revenue into the Eastland economy. Ms. Kaska and Ms. Moore are asking for \$3000 from the Hotel Motel Tax Event Funds to help with the costs of this first annual tournament.

City Manager Duncan stated that funds are available and that based on their figures, the city would only make about \$800 in sales tax revenue. But he noted that this is not the first time that the City has been asked to help support an event. Mr. Duncan recommended that this request be approved.

Commissioner Zac Darr made a motion, seconded by Commissioner Richard Rossander, to allocate \$3000 of the Hotel Motel Tax Event fund to the first annual Wrangler Ranger Volleyball tournament. Motion prevailed by the following vote:

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

3. Discussion and Consideration Chamber of Commerce Request to close Downtown Street for a Summer Bash Event on August 3, 2019.

City Manager Ron Duncan explained that Laura Hobbs, with the Eastland Chamber of Commerce is hosting a Corn Hole Tournament / Wine Festival on August 3, 2019. This event is to make up for the Corn Hole tournament that was postponed during Ribs Ribs because of adverse weather conditions. There will probably also be vendors and food trucks there and they will only be closing down a couple of streets.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Zac Darr, to close the downtown streets for the Summer Bash Event on August 3, 2019. Motion prevailed by the following vote:

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

4. Discussion and Consideration to Approve an Easement Agreement, Eastland Retail, LLC. for Utilities Right of Way for Construction and Maintenance of Utility Lines.

City Manager Ron Duncan explained that Eastland Retail, LLC owns the old Walmart shopping center, which is currently occupied by several tenants. The City of Eastland is seeking to lease an Easement behind this building for the purpose of construction and maintenance of utility lines.

Commissioner Richard Rossander made a motion, seconded by Commissioner Cecil Funderburgh, to approve the Easement agreement with Eastland Retail, LLC. Motion prevailed by the following vote:

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

5. Discussion and Consideration to Approve an Easement Agreement, Winkler Family Partnership, Ltd., for Utilities Right of Way for Construction and Maintenance of Utility Lines.

City Manager Ron Duncan explained that this is the area that extends to the west of Lago Vista Blvd. It runs through Weaver Creek and behind the football stadium and south of the main lift station complex. The City of Eastland is seeking to lease an Easement that is just beyond the current easement for the purpose of construction and maintenance of utility lines.

Commissioner Richard Rossander made a motion, seconded by Commissioner Zac Darr, to approve the Easement agreement with Winkler Family Partnership, Ltd. Motion prevailed by the following vote:

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

6. Discussion and Consideration to Approve a Lease Agreement with Winkler Family Partnership, Ltd. for the use of a disposal site for the disposal of clean Materials Rocks, Bricks, Concrete, Asphalt material.

City Manager Ron Duncan provided information about this item. It is also known as the “Rock Pit” and is basically left over from when Interstate 20 was routed around Eastland. It is used to dispose of the big rocks that are dug up or material that doesn’t belong in either a landfill or the trash. This lease is for 10 years with the past 4 years included because the prior agreement expired in 2015 and no one noticed that it was expired. This lease amount of \$5000 is for the past 4 years and the next 6 years.

Commissioner Zac Darr made a motion, seconded by Commissioner Richard Rossander, to approve the lease agreement with Winkler Family Partnership, Ltd, for use of the “Rock Pit” as a disposal site. Motion prevailed by the following vote:

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

- 7. Discussion and Consideration of the Second Reading of Ordinance No. 19-847, Dedicating a 968.46 square foot tract in Lot 9, Block 13, of Daugherty’s Addition to the City of Eastland as an alley

Commissioner Richard Rossander made a motion, seconded by Commissioner Cecil Funderburgh, to approve the second reading of Ordinance No. 19-847. Motion prevailed by the following vote:

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

- 8. Discussion and Consideration of Second Reading of Ordinance No. 19-848 Zoning Change for north 35 ft. of Lot 8 and all of Lot 10, Block 13, Daugherty Addition

Commissioner Richard Rossander made a motion, seconded by Commissioner Zac Darr, to approve the second reading of Ordinance No. 19-848. Motion prevailed by the following vote:

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

- 9. Discussion and Consideration of the first reading of Ordinance No. 19-845 **OF THE CITY OF EASTLAND, TEXAS REPEALING AND REPLACING AN ORDINANCE OF 9-19-77 AND AN ORDINANCE OF 2-28-78; REVISING ARTICLE II, JOINT AIRPORT ZONING BOARD, AND ARTICLE III, AIRPORT ZONING, OF CHAPTER 19, ZONING, OF THE EASTLAND CODE OF ORDINANCES; REGULATING AND RESTRICTING THE HEIGHT OF STRUCTURES AND OBJECTS OF NATURAL GROWTH AND OTHERWISE REGULATING THE USE OF PROPERTY IN THE VICINITY OF THE EASTLAND MUNICIPAL AIRPORT BY CREATING APPROPRIATE ZONES AND ESTABLISHING BOUNDARIES THEREOF; PROVIDING FOR RESTRICTIONS OF SUCH ZONES AND THE ENFORCEMENT OF SUCH RESTRICTIONS; PROVIDING DEFINITIONS; ADOPTING AN AIRPORT HAZARD ZONING MAP; PROVIDING FOR A BOARD OF ADJUSTMENT; AND IMPOSING PENALTIES.**

City Manager Ron Duncan explained that this is replacing the Airport Zoning Ordinance that has been on the books since 1977. Since that time the boundaries have significantly changed and this updates the ordinance.

Commissioner Richard Rossander made a motion, seconded by Commissioner Ben McNabb, to approve the first reading of Ordinance No. 19-845. Motion prevailed by the following vote:

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

10. Discussion and Consideration of the first reading of Ordinance No. 19-849 **OF THE CITY OF EASTLAND, TEXAS AMENDING ORDINANCE NO. 18-844, ZONING ORDINANCE OF THE CITY OF EASTLAND; ESTABLISHING A DEFINITION OF AND PROVIDING REGULATIONS FOR ELECTRONIC MESSAGE SIGNS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE**

City Manager referred this item to Director of Planning and Development Tony Stubblefield who in turn advised that he would be asking for assistance from Bill Dolen, retiring Director of Planning and Development. Mr. Dolen is the author of this ordinance as it is now.

Mr. Stubblefield stated that the need for an ordinance that addresses Electronic Signs was discovered in March during a Board of Adjustment meeting. At this meeting a variance was requested to repair an existing billboard located within the city limits of Eastland. The owner was seeking a variance because the new billboard would be higher. While seeking approval, the owner of the billboard also noted that he would be replacing it with an electronic sign. The variance was granted to allow the new billboard to be higher. At that time, Mr. Dolen began crafting an Electronic Sign Ordinance by gathering information from other cities Ordinances pertaining to Electronic Signs.

Chairman Larry Vernon began the discussion and there were several questions from the board, regarding specific details of the ordinance. Chairman Vernon asked the staff to review the state laws regarding Electronic signs and revise the proposed ordinance. Chairman Vernon tabled the motion for now.

No action was taken.

11. Discussion and consideration to appoint a new member to the Planning and Zoning Board

City Manager Ron Duncan explained that this appointment is necessary due to the resignation of Cecil Funderburgh. Three applications were reviewed and the P&Z Board made a recommendation to approve Bill Dolen as a new member.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Richard Rossander, to approve the appointment of Bill Dolen to the Planning and Zoning Board. Motion prevailed by the following vote:

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

12. Discussion and Consideration to approve Resolution No. 2019-11 of the City Commission of the City of Eastland, Texas Directing the City Manager to Prepare the Necessary Service plans for Areas in the City of Eastland Extraterritorial Jurisdiction (“ETJ”) to be Considered for Annexation into the Corporate Limits of the City of Eastland

**CITY OF EASTLAND, TEXAS  
RESOLUTION 2019-11**

***A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EASTLAND TEXAS DIRECTING THE CITY MANAGER TO PREPARE THE NECESSARY SERVICE PLANS FOR AREAS IN THE CITY OF EASTLAND EXTRATERRITORIAL JURISDICTION (“ETJ”) TO BE CONSIDERED FOR ANNEXATION INTO THE CORPORATE LIMITS OF THE CITY OF EASTLAND.***

*WHEREAS, The Eastland City Commission has the authority to annex property in to the corporate limits of the City of Eastland in accordance with applicable state law and the Eastland City Charter; and*

*WHEREAS, House Bill 347, currently pending in the Regular Session of the 86<sup>th</sup> Texas Legislature, if enacted into law, will have a significant impact on future annexation by the City of Eastland; and*

*WHEREAS, House Bill 347 contains a transition provision allowing Texas municipalities to preserve the right to conduct annexation proceedings in accordance with the applicable law as it existed on January 1, 2019 if the governing body of a municipality has adopted a resolution to direct the municipality’s city manager to prepare a service plan for the area on or before the effective date of House Bill 347; and*

*WHEREAS, the City Commission of the City of Eastland desires to preserve the right to conduct annexation proceedings in accordance with the applicable law as it existed on January 1, 2019 and to direct the City Manager of the City of Eastland to prepare the necessary service plans as required by applicable state law for certain areas under consideration for annexation;*

***NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Eastland, Texas:***

- I. The facts, findings and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied herein verbatim.*
- II. In accordance with House Bill 347, the Eastland City Commission hereby directs the City Manager to prepare the necessary service plans as required by applicable state law for the areas in the City’s ETJ under consideration for annexation, said areas being further described in Exhibit “A” attached hereto and incorporated herein for all purposes pertinent.*
- III. This Resolution shall become effective immediately upon its adoption.*

***PASSED, APPROVED and ADOPTED on this the \_\_\_ day of May, 2019.***

City Manager Ron Duncan explained that this is in reference to Texas House Bill 347 which was passed this year and will be effective upon the signature of the Governor. This Bill puts the City in the position where in order to annex property, there will have to be an election. However, there is a provision in the existing law which states if the City Council has created a resolution which instructs the City Manager to prepare a service plan for areas under consideration for annexation; the areas specified in the resolution plan will be allowed to be annexed under current annexation laws for the State of Texas.

At this time Mr. Duncan reviewed several areas which may be considered for annexation in the future. Most of these areas already receive city services such as water, sewer and trash services. During the ensuing discussion, Chairman Vernon advised the commission he thought that this is a good plan because when it comes to future annexation, Mr. Duncan will already have information on hand regarding the properties under consideration. This will be very beneficial in Planning and Development for the City in the future.

Commissioner Richard Rossander made a motion, seconded by Commissioner Cecil Funderburgh, to approve Resolution 2019-11 instructing the City Manager to develop the service plan for consideration of future annexation. Motion prevailed by the following vote:

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

- 13. Discussion and Consideration to approve Resolution No. 2019-10 Authorizing Signatories for the TxCDBG Grant No. 7218121 and also Proclaiming April as Fair Housing Month along with Designating a Civil Rights Officer.

**RESOLUTION 2019-10 AUTHORIZING SIGNATORIES**

*A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF EASTLAND, TEXAS, DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (TxCDBG) CONTRACT NUMBER 7218121.*

*WHEREAS, the City of Eastland, Texas has received a 2018 Texas Community Development Block Grant award to provide wastewater improvements, and;*

*WHEREAS, it is necessary to appoint persons to execute contractual documents and documents for requesting funds from the Texas Department of Agriculture, and;*

*WHEREAS, an original signed copy of the TxCDBG Depository/Authorized Signatories Designation Form (Form A202) is to be submitted with a copy of this Resolution, and;*

*WHEREAS, the City of Eastland, Texas acknowledges that in the event that an authorized signatory of the City changes (elections, illness, resignations, etc.), the City must provide TxCDBG with the following:*

- *a resolution stating who the new authorized signatory is (not required if this original resolution names only the title and not the name of the signatory); and*
- *a revised TxCDBG Depository/ Authorized Signatories Designation Form (Form A202).*

*NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EASTLAND, TEXAS, AS FOLLOWS:*

*The Mayor and City Manager be authorized to execute contractual documents between the Texas Department of Agriculture and the City for the 2018 Texas Community Development Block Grant Program.*

*The Mayor, City Manager, City Secretary, and Council Member be authorized to execute the State of Texas Purchase Voucher and Request for Payment Form documents required for requesting funds approved in the 2018 Texas Community Development Block Grant Program.*

*PASSED AND APPROVED BY (THE CITY COUNCIL OF THE CITY OF EASTLAND, TEXAS ON MAY \_\_\_\_, 2019.*

City Manager Ron Duncan explained that this Resolution is in reference to a second TxCDBG grant request for additional documents. He stated April had already been designated as Fair Housing Month in a previous council meeting. He stated the signatories for this grant will be the City Manager, the Mayor, the City Secretary and Council member Ben McNabb. He stated also the Civil Rights Officer would be the City Manager.

Commissioner Richard Rossander made a motion, seconded by Commissioner Zac Darr, to approve Resolution 2019- Authorizing Signatories for the TxCDBG Grant No. 7218121 and also Proclaiming April as Fair Housing Month along with Designating a Civil Rights Officer. Motion prevailed by the following vote:

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

VII. City Manager’s Briefing

2019 Streets: Because of recent drainage problems, West Conner Street between S. Connellee and S. Ammerman will be added to the list of issues to be addressed.

Drainage issues: We are in the process of working with TxDOT to identify and repair many of the drainage problems of our storm drains.

Construction of the Airport Game Fence: This project is complete.

The Wastewater Treatment Plant: Contracts were signed today and sent to Purcell, the contractor

2018 Water Improvements: The easement agreements were just signed which will allow this project to move forward.

VIII: Code Enforcement Report

Code Enforcement Officer Terry Simmons presented the Code Compliance Department April Report. He reported there were 39 open cases at the beginning of the month, 33 new cases were opened and 39 cases were closed which ended the month with 33 cases open. He also issued three citations and recorded two properties for back taxes. Also, 5 annual notices were issued. Fines that were assessed were \$1064 and fines that were paid were \$416. One piece of property was abated at a cost of \$225 and the lien will be filed at the end of this month.

IX. Police Report

Chief Hullum noted that the April was a busy month with 197 calls for service with 65 reports being written. He noted that the Rip's Ribs event was very interesting. The City-wide power outage on April 20<sup>th</sup> caused an additional officer to be called out which resulted in 3 officers on duty plus Chief Hullum.

X. ADJOURNMENT

Commissioner Richard Rossander made a motion, seconded by Commissioner Zac Darr, to adjourn at 7:54 p.m. Motion passed unanimously

APPROVED

\_\_\_\_\_  
Larry Vernon, Chairman  
Board of City Commissioners

ATTEST

\_\_\_\_\_  
Roma Holley, City Secretary