

THE CITY OF EASTLAND
CITY COMMISSION MEETING

March 18, 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 John Bird

Commissioner Richard Rossander

CITY COMMISSIONERS ABSENT:

Commissioner Frank Saylor

Commissioner Zac Darr

PERSONNEL PRESENT:

City Manager Ron Duncan

City Secretary Roma Holley

Chief of Police David Hullum

Finance Director Leslie Zander

Director of Planning Bill Dolen

Code Enforcement Terry Simmons

Director of Public Works Bobby Jacoby

Guests: Debra Goodheer, Gena Camacho, Cecil Funderburgh, Christie Funderburgh, Lisa Garrett, Chad Roberts, Joel Moran, Kolton Preston, Benjamin McNabb, Christina Reid, Russell Reid, Robert McGrath, Dale Escobedo, Tim Pitts, David Foster, Adam Constancio, Wendy McDade, Scot McDade, Jodi Wilson, Dan Wilson, Tessa K. Culverhouse, Julia Phan, Shannon Light, Mechelle Hullum, Rhonda Howie, Dillon McGrath, Tyler Allen, Jason Weger, H. V. O'Brien, Michael West, Ralph Ortega.

I. MEETING CALLED TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

City Manager Ron Duncan 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)

There were no comments from the public.

IV. APPROVE MINUTES OF THE FEBRUARY 19, 2019 MEETING

Commissioner Richard Rossander made a motion, seconded by Commissioner John Bird, to approve the minutes of the February 19, 2019 meeting. Motion prevailed by the following vote:

Ayes: Commissioners Rossander, Bird, Vernon

Nays: None

Absent: Commissioner Saylor, Darr

V. PRESENTATION OF AWARDS, EASTLAND POLICE DEPARTMENT

Mayor Larry Vernon noted the appreciation of the City of Eastland for the work of all Law Enforcement in our county. He specifically thanked everyone for their response to the recent events that took place on March 7, 2019 at the Wal-Mart here in Eastland. He read the letter of Commendation to Sgt. Scot McDade:

“The purpose of this letter is to commend you on your valor, initiative and performance of duty, under extremely hazardous conditions, which enabled you to immediately capture and arrest the suspect, as well as render aide to a critically wounded victim, following an attempted homicide at the Wal-Mart Supercenter in Eastland on March 7, 2019.

Without regard for your own safety, you exited the Wal-Mart building, confronted the suspect and took immediate action. Once you handcuffed the suspect, you then ran to where the victim lay bleeding and performed CPR until you were relieved by members of the Eastland Fire Department. After the victim was transported to the hospital, you continued to assist in the investigation.

You performed your duties professionally and effectively in a very high stress environment. Your valor, professional judgment and selfless service during this immediate emergency response on March 7, 2019 were in keeping with the finest traditions of law enforcement and truly reflect great credit upon you, the Eastland Police Department and the City of Eastland.

Mayor Vernon pointed out that all of the letters were basically the same although different people helped in different ways in the investigation, in the rendering of aid, apprehending the suspect, transporting the suspect, the follow up investigation, all of the pieces of this investigation. Mayor Vernon and City Manager Ron Duncan then presented the Letters of Commendation to the following recipients:

Eastland Police Investigator Jason Weger,
 Eastland Police Officer Joel Moran,
 Eastland Police Kolton Preston,
 Eastland Police Lieutenant Dan Wilson,
 Texas Department of Public Safety Trooper Adam Constancio
 Texas Department of Public Safety Trooper Robert McGrath
 Texas Department of Public Safety Trooper Russell Reid
 Texas Department of Public Safety Trooper Dale Escobedo
 Texas Department of Public Safety Trooper Corporal Tim Pitts
 Ranger Police Department Officer Ralph Ortega

Letters of Commendation were also awarded to Texas Ranger Shane Morrow and members of the Eastland Fire Department who were absent. Mayor Vernon also thanked Ranger Police Chief/City Manager Chad Roberts and Eastland Police Department Chief David Hullum along with Texas Department of Public Safety Sgt. David Foster as well as District Attorney Russ Thomason.

VI. FINANCIAL REPORT

City Manager Duncan noted that the sales tax is the third highest on that list. Mayor Vernon noted that March is normally a slow month. He pointed out that according to the accompanying chart, this March may not be what we want, it is also not as bad as it could have been.

VII. PRESENTATION AND PUBLIC COMMENT ON THE DRAFT EASTLAND COUNTY MULTI-JURISDICTIONAL FEMA HAZARD MITIGATION ACTION PLAN (HAZMAP)

City Manager Duncan addressed the commission and spoke about the Eastland County Multi-Jurisdictional FEMA Hazard Mitigation Action Plan. He stated that this is the first update of the HAZMAP since 2004. He mentioned the process of coming up with this Plan which began in 2017 with a series of meetings where they went through different hazards that we could expect in our area of the state. This includes winter storms, tornadoes, wind storms, thunderstorms and hail damage as well as flooding. They did a threat assessment and then an inventory of critical facilities county

wide. There was also input from the citizens of the county through surveys. The result of their meetings is the Draft of the Eastland County Multi-Jurisdictional HAZMAP that will be submitted to FEMA. After FEMA sends it back with comments and corrections then it will go into the final stages for implementation. The Commission is respectfully requested to approve this first draft so that it may be submitted.

VIII. THE BOARD OF CITY COMMISSIONERS MAY DISCUSS AND TAKE ACTION ON THE FOLLOWING AGENDA ITEMS:

1. DISCUSS AND CONSIDERATION TO DIRECTION TO STAFF TO SUBMIT THE DRAFT EASTLAND COUNTY MULTI-JURISDICTIONAL FEMA HAZMAP TO THE TDEM AND FEMA FOR FINAL REVIEW

Commissioner John Bird made a motion, seconded by Commissioner Richard Rossander, to direct the staff to submit this draft for final review. Motion prevailed by the following vote:

Ayes: Commissioners Rossander, Bird, Vernon
 Nays: None
 Absent: Commissioner Saylor, Darr

2. DISCUSSION AND CONSIDERATION TO APPROVE RESOLUTION NO. 2019-04 REGARDING CANCELING THE CITY ELECTION

RESOLUTION NO. 2019-04

A RESOLUTION DECLARING UNOPPOSED CANDIDATES IN THE MAY 4, 2019 GENERAL CITY ELECTION ELECTED TO OFFICE; CANCELING THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Resolution No. 2019-01 passed on February 4, 2019 called the regular election of Commission members for the City of Eastland, Texas; and,

WHEREAS, at the deadline to file application for a place on the ballot and the deadline to file as a declared write-in candidate, only two candidates had filed to run for two such positions:

WHEREAS, as prescribed in Section 2.052(a) of the Texas Election Code, the City Secretary has certified that:

- 1) Each candidate whose name is to appear on the ballot is unopposed;*
- 2) no candidate's name is to be placed on a list of write-in candidates for the above described offices under applicable law;*
- 3) no proposition will appear on the ballot*

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Eastland, Texas that based on information received and in accordance with Section 2.053, the City Commission hereby authorizes the cancellation of an election of City Commissioners for May 4, 2019 Election and hereby declares the unopposed candidates elected to the office, and each shall be issued a certificate of election following the time the election would have been canvassed; and,

FURTHER, the City Secretary is directed to cause a copy of the Order of Cancellation, attached hereto, to be posted on election day at the polling place that would have been used in the election; and,

This resolution shall take effect upon its final passage.

PASSED AND APPROVED this the 18th day of March, 2019.

Chairman Larry Vernon announced this item and mentioned that the incoming City Commissioners are both present, Cecil Funderburgh and Ben McNabb.

Commissioner Richard Rossander made a motion, seconded by Commissioner John Bird, to approve Resolution No. 2019-04 Cancelling the May 4, 2019 Election. Motion prevailed by the following vote:

Ayes: Commissioners Rossander, Bird, Vernon
 Nays: None

Absent: Commissioner Saylor, Darr

3. PRESENTATION OF CITY ANNUAL AUDIT – DEBRA GOODHEER OF JERRY LOVE, CPA

Chairman Larry Vernon opened this agenda item and turned the presentation over to Debra Goodheer of Jerry Love, CPA. Ms. Goodheer presented the annual audit for the City of Eastland, Fiscal Year 2017-2018.

Commissioner Richard Rossander made a motion, seconded by Commissioner John Bird, to approve the City Annual Audit as presented. Motion prevailed by the following vote:

Ayes: Commissioners Rossander, Bird, Vernon
Nays: None
Absent: Commissioner Saylor, Darr

4. PRESENTATION BY GENESA CAMACHO & PROCLAMATION PROCLAIMING THE MONTH OF APRIL “CHILD ABUSE AWARENESS AND PREVENTION MONTH”

Genesa Camacho gave a brief summary of the role of the Children’s Advocacy Center. She then read the Proclamation Proclaiming the Month of April “Child Abuse Awareness & Prevention Month,” and presented it to the Mayor for his signature. Ms. Camacho thanked the Commission for their participation.

5. DISCUSSION AND CONSIDERATION TO APPROVE RESOLUTION NO. 2019-05 AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE AND AUTHORIZING PAYMENT OF FIVE CENTS PER CAPITA.

RESOLUTION NO. 2019-05

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

WHEREAS, *the City of EASTLAND is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the city; and*

WHEREAS, *the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and*

WHEREAS, *ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and*

WHEREAS, *the City is a member of ACSC; and*

WHEREAS, *in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs; NOW THEREFORE,*

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EASTLAND, TEXAS:

I.

That the City is authorized to continue its membership with the Atmos Cities Steering Committee to protect the interests of the City of Eastland and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

II.

The City is further authorized to pay its 2019 assessment to the ACSC in the amount of five cents (\$0.05) per capita.

III.

A copy of this Resolution and approved assessment fee payable to "Atmos Cities Steering Committee" shall be sent to:

Brandi Stigler
Atmos Cities Steering Committee
c/o Arlington City Attorney's Office, Mail Stop 63-0300
101 S. Mesquite St., Suite 300
Arlington, Texas 76010

Commissioner Richard Rossander made a motion, seconded by Commissioner John Bird, to approve Resolution No. 2019-05 Authorizing Continued Participation with the Atmos Cities Steering Committee and Authorizing Payment of Five Cents Per Capita.

Ayes: Commissioners Rossander, Bird, Vernon
Nays: None
Absent: Commissioner Saylor, Darr

6. DISCUSSION AND CONSIDERATION TO AWARD CONTRACT FOR REPAIR/RENOVATION OF EASTLAND MUNICIPAL POOL

City Manager Ron Duncan addressed the commission and stated that there were only two bids that were put in to repair/renovate the pool. These two bids were vastly different in price and in their approach. The original bid from Southwest Pools was \$71,250. Both Public Works Director Bobby Jacoby and Mr. Duncan compared this bid with the other bid, and believe that the Southwest Pools bid will meet the requirements of the repair/renovation. This will be virtually a new pool and the goal of the completion is before "Splash Day".

Commissioner John Bird made a motion, seconded by Commissioner Richard Rossander, to Award the Contract for Repair/Renovation of Eastland Municipal Pool to Southwest Pools.

Ayes: Commissioners Rossander, Bird, Vernon
Nays: None
Absent: Commissioner Saylor, Darr

7. DISCUSSION AND CONSIDERATION OF PROPOSED RENEWAL OF EASTLAND FINE ARTS LEASE

Director of Planning Bill Dolen explained that while completing some insurance work, and making sure that we had current copies of insurance, it was discovered that the lease to the Eastland Fine Arts Association for the Majestic Theatre was out of date. Upon perusal of the lease, it is proposed to make some changes. The past lease for the Majestic Theatre was a ten (10) year lease at ten dollar (\$10) per year and has been out of date for nine (9) years. It is proposed make the lease for the Majestic Theatre for fifty (50) years at one dollar (\$1) per year, which mirrors The Connellee Hotel lease.

It is also proposed that the city reserves the right to review the insurance limits every ten (10) years and make corrections on the limits.

Mr. Dolen stated that the Eastland Fine Arts Association is in agreement with these changes.

Commissioner Richard Rossander made a motion, seconded by Commissioner John Bird, to approve the Lease to the Eastland Fine Arts Association for the Majestic Theatre for fifty (50) years at one dollar (\$1) per year.

Ayes: Commissioners Rossander, Bird, Vernon
Nays: None
Absent: Commissioner Saylor, Darr

8. DISCUSSION AND CONSIDERATION OF THE FIRST READING OF ORDINANCE NO. 19-846 CLOSING A PORTION OF THE EAST TO WEST ALLEY, BEGINNING AT THE 100 BLOCK OF NORTH DAUGHERTY STREET, AS WELL AS ACCEPTING ADJACENT LAND FOR NEW ALLEY ACCESS.

Director of Planning Bill Dolen explained the reason behind this request from Robert Mangum. Due to changes in the property in recent years, it is now possible to clearly arrange the property lines between his property and the property that belongs to the City of Eastland. If approved on the second reading, there is a deed from the City to Mr. Mangum and a deed from Mr. Mangum to the City. This will clearly establish the alley and utility easements on the 100 block of North Daugherty.

Commissioner Richard Rossander made a motion, seconded by Commissioner John Bird, to approve the first reading of Ordinance No. 19-846 Closing a Portion of the East to West Alley, Beginning at the 100 block of North Daugherty Street, as well as Accepting Adjacent Land for New Alley Access.

Ayes: Commissioners Rossander, Bird, Vernon
 Nays: None
 Absent: Commissioner Saylor, Darr

9. DISCUSSION AND CONSIDERATION TO APPROVE AWARD OF ADDITIONAL HISTORIC PRESERVATION GRANT FUNDS TO SECURITY TITLE COMPANY FOR COMPLETION OF HISTORIC RENOVATION PROJECT.

Eastland Historic Preservation Board (EHPB) representative Terry Simmons explained to the commission that the EHPB had awarded the original grant to Security Title to replace the awning around the front and side of the building. When the contractor began working on it, he discovered that the transom windows had a lot of rot and old termite damage. Security Title asked for additional funds to help cover the cost of replacing all nine (9) of the transom windows. The total cost of this is \$4,950 and the EHP board agreed on a 50/50 match of \$2,475. This will leave a little over \$11,000 in the EHPB funds for upcoming projects.

Commissioner John Bird made a motion, seconded by Commissioner Richard Rossander, to Approve Award of \$2,475 of Historic Preservation Grant Funds to Security Title Company for Completion of Historic Renovation Project.

Ayes: Commissioners Rossander, Bird, Vernon
 Nays: None
 Absent: Commissioner Saylor, Darr

IX. CITY MANAGER'S BRIEFING

The Woodlands Nursing Center: They are having some issues with the cost of the site work but they are working through them.

The Rural Health Clinic: The contract has been signed and the architects have been updated. The City will begin work on the sanitary sewer line next to Plummer Street, which is part of the plan.

Construction of the Airport Game Fence: The land clearing on the North approach is almost complete. The fence on the East side of the runway is over halfway complete. They are adding a couple of extra gates and from all appearances, this project will be complete well before the end of April.

The Wastewater Treatment Plant: We are still waiting on the Water Development Board's concurrence on the bid process and then they must approve the construction project once it is signed.

2018 Water Improvements: Doing the last bit of scouting on the route for that water line and should be looking at plans soon.

Park Projects: Installation of the ball field lights will begin tomorrow.

City Hall Fire Alarm: The fire alarm has been installed and is now operational.

I-20 / Hwy 6 Wastewater Lift station: The power should be turned on this week. The lift station should be operational by the end of March.

X. CODE COMPLIANCE REPORT

Code Enforcement Officer Terry Simmons presented the Code Compliance Department February report. He reported there were 32 open cases at the beginning of the month, 28 new cases were opened and 19 cases were closed which ended the month with 41 cases. He also issued four citations and seven annual notices. \$864 in fines assessed and \$50 paid. Two liens were filed totaling \$419.61 and after this was filed, we were notified that the property had changed owners the week before the liens were filed. That lien was released which cost a total of \$100; \$40 to abate the property and \$60 to file and release the lien.

XI. Monthly Police Department Report

Chief David Hullum reported that the month of February was busy. He made special mention of two separate Canine searches performed by Sgt. McDade and his dog, Dodge. A TX DPS Trooper called for assistance on two separate vehicle searches. The first search revealed 13 grams of Meth. The second vehicle search revealed 150 pounds of marijuana.

Chief Hullum noted that he was extremely impressed with the teamwork that was displayed between all of the departments that assisted with the investigation of the homicide. Notably the Texas Department of Public Safety Troopers, Ranger Police Department and the Eastland Fire Department all worked tirelessly and selflessly to get the job done. It is thought to be the first homicide in the city limits of Eastland in the last 26-27 years.

XII. ADJOURNMENT

Commissioner John Bird made a motion, seconded by Commissioner Richard Rossander, to adjourn at 6:49 p.m. Motion passed unanimously

APPROVED

Larry Vernon, Chairman
Board of City Commissioners

ATTEST

Roma Holley, City Secretary