

THE CITY OF EASTLAND  
CITY COMMISSION MEETING

April 15, 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
Commissioner	Zac Darr
Commissioner	Frank Saylor (arrived at 630)

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: Cecil Funderburgh, Benjamin McNabb, H. V. O'Brien, Tony Stubblefield, Cindy Metro, David Branch, Ben Edwards, Jason Askins, Julie Elrod, Lisa Garrett, David Barrett, Tammie Stubblefield, Denise Skinner, Rhyne Skinner

I. MEETING CALLED TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Larry Vernon offered the invocation and Commissioner John Bird 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 MARCH 18, 2019 MEETING

Commissioner Richard Rossander made a motion, seconded by Commissioner John Bird, to approve the minutes of the March 18, 2019 meeting. Motion prevailed by the following vote:

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

V. INTRODUCTION OF ANTHONY (TONY) STUBBLEFIELD

Mayor Vernon introduced Anthony (Tony) Stubblefield, the incoming Director of Planning and Zoning. He will begin his employment with the City on April 22, 2019. Mr. Stubblefield will replace retiring Director Bill Dolen.

## VI. PRESENTATION OF AWARDS, EASTLAND FIRE 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 Fireman Ben Edwards:

“The purpose of this letter is to commend you for your valor and performance of duty, under extremely hazardous conditions, in the response to an attempted homicide at the Wal-Mart Supercenter in Eastland on March 7, 2019, in which a 75 old man was brutally attacked and stabbed to death in the parking lot. It was the first murder in Eastland in 26 years. As one of the Fire Fighter’s on the scene, you were instrumental in securing the crime scene, assisting in the investigation, and cleaning up a shocking crime scene. In an event of this magnitude, the Eastland Police Department, assisted in their efforts by the Eastland Fire Department, Texas Rangers, Department of Public Safety Troopers and the Ranger Police Department were all involved. Through the combined efforts of the various law enforcement agencies as well as the fire department, specifically Fireman Ben Edwards, we demonstrated to other agencies what can be accomplished through “team work”. You performed your duties professionally and effectively in a very high stress environment. Your valor, professional judgment and selfless service during this response on March 7, 2019 were in keeping with the finest traditions of the fire service and truly reflect great credit upon you, the Eastland Fire 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. Mayor Vernon and City Manager Ron Duncan then presented the Letters of Commendation to the following recipients:

Eastland Fire Chief David Branch  
Eastland Volunteer Fireman Jason Askins

A Letter of Commendation was also awarded to Eastland Volunteer Fireman Sam Williams, who was not present.

## VII. FINANCIAL REPORT

City Manager Duncan noted that the April sales tax is the second highest for the year. Mayor Vernon stated that we are only 1.26% lower than the best year.

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

### 1. DISCUSSION AND CONSIDERATION TO APPROVE A CIVIL RIGHTS RESOLUTION NO. 2019-07 APPROVING THE FOLLOWING IN CONNECTION WITH THE TXCDBG PROGRAM:

- 1) Citizen Participation Plan (Reaffirm);
- 2) Section 3 Policy Resolution (Reaffirm);
- 3) Excessive Force Policy Resolution (Reaffirm);
- 4) Section 504 Policy and Grievance Procedures (Reaffirm);
- 5) Conflict of Interest/Code of Conduct Policy (Reaffirm);
- 6) Limited English Proficiency Plan (Adopt); and
- 7) Fair Housing Policy (Reaffirm);

City Manager Ron Duncan explained that this is a necessary Resolution required in order to accept Federal funds from the Texas Community Grant Development Program. It is an assurance that Civil Rights will be maintained throughout the funding of this grant.

Commissioner John Bird made a motion, seconded by Commissioner Richard Rossander, to approve Resolution No. 2019-07 approving the Civil Rights Resolution. Motion prevailed by the following vote:

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

**2. DISCUSSION AND CONSIDERATION TO APPROVE RESOLUTION NO. 2019-08 DESIGNATING AUTHORIZED SIGNATORIES FOR CONTRACTUAL DOCUMENTS AND DOCUMENTS FOR REQUESTING FUNDS PERTAINING TO THE TEXAS DEVELOPMENT BLOCK GRANT PROGRAM**

**RESOLUTION NO. 2019-08 AUTHORIZING SIGNATORIES**

*A RESOLUTION BY THE BOARD OF CITY COMMISSIONERS 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 7218058.*

*WHEREAS, the City of Eastland, Texas is receiving a 2018 Texas Community Development Block Grant Program Community Enhancement Fund award to provide a rural health care clinic, 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 Finance Director be authorized to execute the Request for Payment Form (Form A203) required for requesting funds approved in the 2018 Texas Community Development Block Grant Program.*

City Manager Ron Duncan explained that this is assigning authorized persons to sign for requesting funds approved in the 2018 Community Development Block Grant Program.

Commissioner Richard Rossander made a motion, seconded by Commissioner Zac Darr, to approve Resolution No. 2019-08 Designating Signatories for the TxCDBG program. Motion prevailed by the following vote:

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

**3. DISCUSSION AND CONSIDERATION TO APPROVE RESOLUTION NO. 2019-09, DENYING INCREASE OF ONCOR’S DISTRIBUTION RATES**

City Manager Ron Duncan addressed the Commissioners stating that Oncor has recently filed an increase to their distribution rates that equated to \$29,433,804. The Steering Committee requested

that we deny the request in order for the Steering Committee to study and address the rate increase. The Steering Committee will appoint law firm of Lloyd Gosselink Rochelle & Townsend, P.C. and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates.

**RESOLUTION NO. 2019-09**

*A RESOLUTION OF THE CITY OF EASTLAND, TEXAS FINDING THAT ONCORLECTRIC DELIVERY COMPANY LLC'S application FOR APPROVAL to amend its distribution cost recovery factor PURSUANT TO 16 TEX. ADMIN. CODE § 25.243 to increase distribution rates WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.*

*WHEREAS, the City of Eastland, Texas ("City") is an electric utility customer of Oncor Electric Delivery Company LLC ("Oncor" or "Company"), and a regulatory authority with an interest in the rates and charges of Oncor; and*

*WHEREAS, the City is a member of the Steering Committee of Cities Served by Oncor ("OCSC" or "Cities"), a membership of similarly situated cities served by Oncor that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in Oncor's service area; and*

*WHEREAS, on or about April 8, 2019 Oncor filed with the City an Application for Approval to Amend its Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 49427, seeking to increase electric distribution rates by approximately \$29,433,804; and*

*WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and*

*WHEREAS, Cities are coordinating its review of Oncor's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and*

*WHEREAS, Cities' members and attorneys recommend that members deny the DCRF.*

*NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EASTLAND, TEXAS:*

*Section 1. That the City is authorized to participate with OCSC in PUC Docket No. 49427.*

*Section 2. That subject to the right to terminate employment at any time, the City of Eastland hereby authorizes the hiring of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.*

*Section 3. That the rates proposed by Oncor to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.*

*Section 4. That the Company shall continue to charge its existing rates to customers within the City.*

*Section 5. That the City's reasonable rate case expenses shall be reimbursed in full by Oncor within 30 days of presentation of an invoice to Oncor.*

*Section 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.*

*Section 7. That a copy of this Resolution shall be sent to Matthew C. Henry, 1616 Woodall Rodgers Freeway, Dallas, Texas 75202 and to Thomas Brocato, Legal Counsel to OCSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.*

Commissioner Richard Rossander made a motion, seconded by Commissioner John Bird, to approve Resolution 2019-09. Motion prevailed by the following vote:

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

4. DISCUSSION AND CONSIDERATION TO APPROVE RESOLUTION NO. **2019-06**,  
AUTHORIZING CONTINUED PARTICIPATION WITH THE ONCOR CITIES  
STEERING COMMITTEE AND AUTHORIZING PAYMENT OF EIGHT CENTS PER  
CAPITA

Mr. Duncan advised the council that this Resolution is a renewal of an existing agreement that we have with the Oncor Cities Steering Committee. There is no change in the rates that we pay them.

**RESOLUTION NO. 2019-06**

*A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR; AND AUTHORIZING THE PAYMENT OF EIGHT CENTS PER CAPITA TO THE STEERING COMMITTEE TO FUND REGULATORY AND LEGAL PROCEEDINGS AND ACTIVITIES RELATED TO ONCOR ELECTRIC DELIVERY COMPANY, LLC.*

- WHEREAS, the City of Eastland is a regulatory authority under the Public Utility Regulatory Act (PURA) and has exclusive original jurisdiction over the rates and services of Oncor Electric Delivery Company, LLC (Oncor) within the municipal boundaries of the city; and*
- WHEREAS, the Steering Committee has historically intervened in Oncor rate proceedings and electric utility related rulemakings to protect the interests of municipalities and electric customers residing within municipal boundaries; and*
- WHEREAS, the Steering Committee is participating in Public Utility Commission dockets and projects, as well as court proceedings, and legislative activity, affecting transmission and distribution utility rates; and*
- WHEREAS, the City is a member of the Steering Committee of Cities Served by Oncor; and*
- WHEREAS, the Steering Committee functions under the direction of an Executive Committee which sets an annual budget and directs interventions before state and federal agencies, courts and legislatures, subject to the right of any member to request and cause its party status to be withdrawn from such activities; and*
- WHEREAS, the Executive Committee in its December 2018 meeting set a budget for 2019 that compels an assessment of eight cents (\$0.08) per capita; and*
- WHEREAS, in order for the Steering Committee to continue its participation in these activities which affects the provision of electric 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 Steering Committee of Cities Served by Oncor to protect the interests of the City of Eastland and protect the interests of the customers of Oncor Electric Delivery Company, LLC residing and conducting business within the City limits.*
- II.  
The City is further authorized to pay its assessment to the Steering Committee of eight cents (\$0.08) per capita based on the population figures for the City shown in the latest TML Directory of City Officials.*
- III.  
A copy of this Resolution and the assessment payment check made payable to "Steering Committee of Cities Served by Oncor" shall be sent to Brandi Stigler, Steering Committee of Cities Served by Oncor, c/o City Attorney's Office, Mail Stop 63-0300, 101 S. Mesquite St., Suite 300, Arlington, Texas 76010.*

Commissioner Zac Darr made a motion, seconded by Commissioner Richard Rossander, to approve Resolution No. 2019-06 Authorizing Continued Participation with the Oncor Cities Steering Committee and Authorizing Payment of Eight Cents Per Capita.

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

5. DISCUSSION AND CONSIDERATION TO APPROVE THE THIRD AMENDMENT TO THE CONTRACT AND AGREEMENT WITH WASTE CONNECTIONS LONE STAR, INC, FORMERLY KNOWN AS IESI TX CORPORATION

City Manager Ron Duncan explained to the Commissioners that the previous contract had expired in December 2018. David Barrett, from Waste Connections Lone Star, spoke and stated that there will be a change to the commercial containers pickup from a side pick up to a front pick up. Also, all commercial containers will be exchanged for new containers. Representatives from the company will be going to each commercial business to discuss proper placement of the containers.

Commissioner John Bird made a motion, seconded by Commissioner Richard Rossander, to approve the Third Amendment to the Contract and agreement with Waste Connections Lone Star, Inc.

Ayes: Commissioners Rossander, Bird, Darr, Saylor (came in at 6:21 pm)  
Nays: None

6. DISCUSSION AND CONSIDERATION OF THE SECOND 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 and Zoning Bill Dolen reminded the commission that this is the second reading of the Ordinance that was approved last month.

Commissioner Richard Rossander made a motion, seconded by Commissioner John Bird to approve the second reading of **Ordinance 19-846**

Ayes: Commissioners Rossander, Bird, Darr, Saylor  
Nays: None

7. DISCUSSION AND CONSIDERATION OF THE FIRST 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 John Bird made a motion, seconded by Commissioner Richard Rossander, to approve the first reading of **Ordinance 19-847**.

Ayes: Commissioners Rossander, Bird, Darr, Saylor  
Nays: None

8. DISCUSSION AND CONSIDERATION OF FIRST READING OF **ORDINANCE 19-848** ZONING CHANGE FOR NORTH 35 FT OF LOT 8 AND ALL OF LOT 10, BLOCK 13, DAUGHERTY ADDITION

Director of Planning Bill Dolen advised the Commissioners that as he was going through some old paperwork, getting ready for incoming Director Stubblefield, he read the minutes from July 16, 2018 where Robert Mangum had requested that this property be rezoned from Single Family Residential to General Business. This request was approved but the Ordinance was never written out and put forth to the Commission for approval. He stated that he is correcting that oversight at this time.

Commissioner Richard Rossander made a motion, seconded by Commissioner Zac Darr, to approve the first reading of **Ordinance No. 19-848** Zoning Change for north 35 ft. of Lot 8 and all of Lot 10, Block 13, Daugherty Addition

Ayes: Commissioners Rossander, Bird, Darr, Saylor  
Nays: None

9. DISCUSSION AND CONSIDERATION OF CITY PUMP LINE UTILITY  
EASEMENT FROM ROBERT MANGUM TO CITY OF EASTLAND.

Director of Planning Bill Dolen addressed the Commission and drew their attention to the screen that showed the proposed new pump line and the old pump line. Robert Mangum owns a portion of this property and he is going to grant easement to the City of Eastland. Three more property easements will be addressed in the future.

Commissioner Richard Rossander made a motion, seconded by Commissioner John Bird, to approve the easement agreement from Robert Mangum to the City of Eastland.

Ayes: Commissioners Rossander, Bird, Darr, Saylor  
Nays: None

IX. CITY MANAGER'S BRIEFING

2019 Streets: Drainage issues on Lago Vista will be addressed by the city crews in the near future. They have recently completed work on St. Charles Street. They put in a culvert and more material and great progress has been made.

The Woodlands Nursing Center: No major changes have been made at this time.

The Rural Health Clinic: The TxCDBG paperwork that was signed tonight is in direct relation to funding this project.

Construction of the Airport Game Fence: Everything is under fence and the project is 80% complete. Remaining are the gates and some low places.

The Wastewater Treatment Plant: Josh Berryhill, the engineer from Enprotect, Hibbs & Todd, is on his way to address the appearance of sluggishness that the Water Development Board is taking concerning the concurrence on the bid process and the approval of the construction project. He is hoping to get this project moving,

2018 Water Improvements: We completed one of the easements tonight and three more will be completed in the future.

Park Projects: The swimming pool is progressing very nicely. By all appearances, this project will be completed on time if not before. The Ball field lights are complete. They are going to be putting some lights out in the parking area and then the entire project will be finished.

A called meeting for Canvassing the Election will be set for May 13, 2019 at 11:30 am. The new commissioners will be sworn in at this time.

X. CODE COMPLIANCE REPORT

Code Enforcement Officer Terry Simmons presented the Code Compliance Department March report. He reported there were 41 open cases at the beginning of the month, 25 new cases were opened and 27 cases were closed. He also issued one citation and ten annual notices. \$407 in fines assessed and \$30 paid.

XI. Monthly Police Department Report

Chief David Hullum reported that the month of March was busy. Two major investigations took up a lot of resources but the total number of calls matched that of October. On March 26, 2019 the emergency alert through CopSync was activated at all three school campuses and is found to be working correctly. Code Red tornado alert was sent out on March 12 and was successful. There is a push to try to get more citizens to sign up for this free alert system.

XII. ADJOURNMENT

Commissioner Zac Darr made a motion, seconded by Commissioner Richard Rossander, to adjourn at 6:53 p.m. Motion passed unanimously

APPROVED

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Larry Vernon, Chairman  
Board of City Commissioners

ATTEST

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