

THE CITY OF EASTLAND
CITY COMMISSION REGULAR MEETING

February 18, 2020

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 prior to the meeting.

CITY COMMISSIONERS PRESENT:

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

PERSONNEL PRESENT:

City Manager	Ron Duncan
City Secretary	Roma Holley
Finance Director	Leslie Zander
Director of Planning	Tony Stubblefield
Code Enforcement	Terry Simmons
Chief of Police	David Hulum

Guests: Tom Bailey, Julie Elrod, James Doyle, Robbin Hoover

I. MEETING CALLED TO ORDER

Chairman Larry Vernon called the meeting to order at 6:05 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Ben McNabb offered the invocation and City Manager Ron Duncan 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 January 21, 2020 Meeting.

Commissioner Richard Rossander made a motion, seconded by Commissioner Cecil Funderburgh to Approve Minutes of the January 21, 2020 Meeting.

Motion prevailed by the following vote:

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

V. Financial Report

Finance Director Zander stated that the sales tax has increased 8.1% over this month last year. City Manager Ron Duncan advised that since the beginning of the fiscal year, 3 out of 5 months have had an increase in sales tax. This is very encouraging for our future.

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

1. Discussion and Consideration of **RESOLUTION NO. 2020-02**

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

City Manager Ron Duncan stated that we have been a member of this steering committee for the past several years. He stated that the steering committee is a Watchdog for the interests of the city and its citizens and they negotiate on our behalf.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Richard Rossander to approve Resolution 2020-02

Motion prevailed by the following vote:

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

2. Discussion and Consideration of the first reading of **ORDINANCE NO. 20-859**

AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS AMENDING ORDINANCE 694; AMENDING CHAPTER 5, BUILDINGS AND BUILDING REGULATIONS, TO ADOPT THE MOST RECENT INTERNATIONAL PLUMBING CODE AND INTERNATIONAL FUEL GAS CODE AS CODES OF THE CITY, AND TO ADOPT THE INTERNATIONAL RESIDENTIAL CODE AS A REFERENCE CODE; AMENDING CHAPTER 18, PUBLIC UTILITIES, WHERE NECESSARY TO REFLECT SUCH ADOPTION; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

Planning and Zoning Director Tony Stubblefield introduced this ordinance by directing the attention of the Commission to a PowerPoint display. He relayed the history of the prior plumbing code in the City of Eastland.

The City of Eastland adopted Ordinance #430 in 1973 but these records were lost in approximately 1992 so the exact details on what plumbing code was adopted are unknown. He stated that on September 22, 2004, Ordinance #694 adopted various regulations regarding plumbing requirements, including required inspections in certain cases, and referenced the City's "plumbing code" on multiple occasions.

Without knowing the exact plumbing code adopted by the City, residents and businesses within the City do not have a consistent code to follow, and the City does not have a consistent code to enforce.

Section 1301.551(c) of the Texas Occupations Code, a city that adopts a plumbing code must require that a person obtain a permit from the city before performing plumbing, except for minor repairs, and the city may prescribe the terms on which the permit is issued.

Section 1301.551(d) of the Texas Occupations code requires that a plumbing inspector perform all inspections on behalf of a city which has adopted a plumbing code.

The International Fuel Gas Code is a companion code to the International Plumbing Code that should be adopted as it is regularly referenced in the International Plumbing Code;

He stated that this ordinance is necessary in order to clarify which Plumbing Code to follow. He recommended that the Commission adopt the 2018 International Plumbing Code, as published by the International Code Council, with the amendments contained in Sec. 5-62(b), to regulate and govern the proper design, installation, and maintenance of plumbing systems within the City. Any and all subsequent editions of the International Plumbing Code are hereby adopted by the City and shall be in effect from the date of publication of said new editions by the International Code Council. A copy of the International Plumbing Code in effect at any given time shall be maintained on file in the office of the City Secretary.

Discussion, questions and concerns expressed by the commissioners were directed to Director Stubblefield who answered each. He detailed the need for permits and inspections as a matter of safety. He stated that he is licensed by the State of Texas to issue permits and inspect. In a town our size this is not a full-time job at this time and he will be able to conduct the inspections in a timely manner.

Director Stubblefield specifically mentioned that the Commission, per state law, has the right to amend any portion of the International Plumbing Code to adapt it to conform to the needs of the City of Eastland, without negating the State law.

There was discussion by the commissioners that plumbing inspections can add value to a home on the market to be sold. This is a direct value to our residents.

Director Stubblefield also specifically mentioned Sec. 5-62(b)(7) *Any appeal of a decision of the Planning Director under this code may be appealed to the City Board of Commissioners. An application of appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Planning Director within 20 days of being notified of any disputed code interpretation. The Planning Director shall take immediate action in accordance with the decision of the City Board of Commissioners. However, the City Board of Commissioners shall have no authority to waive requirements of this code.*

Most towns have a Building Standards Commission and they are the panel to which people can appeal if they have an issue with what the code officials decide. In this version of the Code, the City Commission is the “Building Standards Commission”. They have the final decision.

Commissioner Funderburgh stated he was in favor of paragraph 7 with the exception of the wording of a couple of sentences. First issue: the last sentence of Sec. 5-62(b)(7). This sentence is as follows: *“However, the City Board of Commissioners shall have no authority to waive requirements of this code.”* Commissioner Funderburgh said he believes this sentence should be omitted because it is stating that the City Commissioners “do not have authority”. Director Stubblefield explained the sentence is making reference to when the City Commissioners are acting in the capacity as the Building Standards Commission. He also stated that he will discuss with our City Attorney and review and revise or delete this sentence.

Commissioner Funderburgh also stated that he has issues with Sec. 5-62(b)(1) *All Recommended Amendments to the International Plumbing Code promulgated from time to*

time by the West Central Texas Council of Governments are specifically adopted and shall be maintained in the office of the City Secretary.

Commissioner Funderburgh said this sentence sounds like WCTCOG will have the authority over what the city adopts. Director Stubblefield stated he will discuss with the city attorney and review and revise this sentence to say any recommended amendments to code by WCTCOG shall be considered by our commission before it is approved by our commission. This will also be reviewed in Sec. 5-63 Fuel Gas Code.

Director Stubblefield also replied to a concern about emergency situations and the application for a permit. He stated the code allows for this and the customer will be required to apply for the permit as soon as possible after an emergency repair.

Mayor Vernon called on James Doyle, a representative of Atmos Gas, to speak. Mr. Doyle spoke about the importance of having plumbing inspected in reference to residence and commercial supply lines. Mr. Doyle spoke from the viewpoint of a Gas Utility provider.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Ben McNabb to pass this ordinance on the first reading with the corrections that have been noted.

Motion prevailed by the following vote:

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

3. Discussion and Consideration of the first reading of **ORDINANCE NO. 20-860**

AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS AMENDING THE 2019-2020 RATE & FEE SCHEDULE TO ADOPT FEES UNDER THE PLUMBING CODE; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

Director Stubblefield again directed the Commissioners attention to the PowerPoint presentation. He noted the fee schedules of surrounding cities. His recommendation for all permits is a minimum of \$10 and a permit for more than two fixtures is \$5 per fixture.

Commissioner Ben McNabb made a motion, seconded by Commissioner Richard Rossander to pass this ordinance on the first reading.

Motion prevailed by the following vote:

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

4. Discussion and Consideration of the United States Geological Survey requesting approval to install a lake elevation gage monitoring station on Lake Eastland near the city boat ramp located off Ranch Road 3101, near Eastland, Eastland County, TX.

City Manager Ron Duncan advised the Commissioners this is an effort by the United States Geological Survey to measure the lake levels. The USGS wants to install a lake elevation gage monitoring station on Lake Eastland. All of this will be installed, maintained, and monitored by the USGS.

Commissioner Zac Darr made a motion, seconded by Commissioner Richard Rossander to approve the installation of the lake elevation gage monitoring station on Lake Eastland by the USGS.

Motion prevailed by the following vote:

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

5. Discussion and Consideration of the Consideration to Accept Annual Racial Profiling Report Presented by Chief of Police David Hullum

Police Chief David Hullum explained the report the Commissioners have in their packet. This report provides information on traffic stops during the 2019 calendar year. He said the report is a requirement and has to be submitted to the State on an annual basis. In the statistics reflected, there were no instances in which traffic stops were made because of race, sex or age.

Chief Hullum stated they have a system in place to make sure there is no profiling happening. The officers are trained and know this department has no tolerance for profiling.

Chief Hullum advised the department’s goal in enforcement is compliance, not citations. This is reflected in the ratio of 4 warnings to 1 citation.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Ben McNabb to accept the Racial Profiling Report.

Motion prevailed by the following vote:

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

6. Discussion and Consideration of awarding the contract for construction of University Drive,

City Manager Ron Duncan stated that University Drive was a platted street which was never built. As part of the improvements to bring in a Nursing Home to the Woodlands Assisted Living Expansion, the Eastland Economic Development Board and the Eastland Industrial Foundation committed \$30,000 each to pay for the construction of this portion of the street. The platted street is actually approximately 400 feet long but this is Phase I of University Drive and is 215 feet long and 32 feet wide.

When first looking at the cost of construction of this street, the estimates were between \$45,000 - \$49,000. Our city engineer from Enprotec Hibbs & Todd, Scott Hay, recommended considering the low cost estimate for this project within the parameters set, and below the \$50,000, that we not go out for bids, which could ultimately cost more time and money for this project. The contractor providing the quote is Raydon, Inc. which has constructed several other streets in this proposed area. The quote is \$47,550 which brings the total cost of this portion of the project to \$60,050 which includes all of the construction, the engineering and the survey costs.

Commissioner Zac Darr made a motion, seconded by Commissioner Richard Rossander to accept the quote from Raydon, Inc.

Motion prevailed by the following vote:

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

7. Discussion and Consideration to approve first reading of
Resolution 2020-03

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

Commissioner Zac Darr made a motion, seconded by Commissioner Cecil Funderburgh to approve Resolution 2020-03

Motion prevailed by the following vote:

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

VII. City Manager’s Briefing

2019-2020 Streets:

Broughter Street will benefit from any grant funds left over from construction of the TxCDBG #7218121, Forced Main Project

City Manager Ron Duncan advised that we are placing a priority on the repair of Lago Vista Blvd from Buena Vista to Rio Vista. One of the biggest priorities will be the area in front of the Lago Vista Apartments and Department of Public Safety. This includes addressing the drainage issues and the fact the water tends to pool on the street which causes further destruction. We are having to wait for favorable weather conditions to begin this project.

Downtown Sidewalk Repairs:

The repairs are complete in the 100 block of S. Lamar. This includes a planter box. Rather than putting original brick back in the sidewalk, the concrete was stained and stamped to resemble brick. The sidewalk repairs by the courthouse annex is on hold awaiting possible inclusion in a future TxDOT project.

DAM REPAIRS

The TCEQ Report for the November 5, 2019 Ringling Lake Dam Inspection was received on February 13, 2020. The report offers several difficult alternatives. During the inspection, Luci Dunn (eH&T), City Public Works Director Bobby Jacoby and City Manager Ron Duncan discussed Army Corps of Engineers (USACE) concerns. We also provided the inspectors with a copy of the 1988 H&H study, which had specific recommendations for Ringling Lake Dam. The TCEQ Report discusses our concerns, yet proposes solutions which would be financially or environmentally problematic. The alternatives are:

- (1) Lower the Dam by 11 feet to remove the dam from TCEQ requirements.
- (2) Completely remove all trees over 4 inches in diameter, and do a renovation of the Dam to bring us fully in TCEQ compliance.
- (3) Breach the levy and abandon the dam.

Since we are getting conflicting guidance from TCEQ and USACE, Ms. Dunn has sent a copy of the report to the Corps of Engineers in hopes of reaching a solution. Once we get a response from the Corps, we will coordinate with USACE and TCEQ on the appropriate alternative. I will propose the path forward once we complete analysis with Ms. Dunn.

USDA Grants

We received a new Tahoe Police Vehicle, which was included in the 2019-2020 Budget last month. Mayor Vernon will sign papers today to begin the purchase of the Fire Chief's vehicle and SCUBA gear which is also in our budget. The new equipment will arrive in the coming months, again through a 75% grant from the USDA.

Woodlands Nursing Center Expansion:

The project that is building University Drive is really beginning to move out of the planning stages and in to the construction stage in the near future.

Eastland Memorial Hospital Rural Health Clinic (Tx CDBG Project #7218058)

Project is moving along quite well. The building is being framed now and the project appears to be on schedule.

Waste Water Treatment Plant:

1. Project is approximately 47.37% complete.
2. Construction is moving along at an outstanding pace. The Sequence Batch Reactor, as well as the Disinfectant unit slab and the dewatering station are all under construction. Much of the demolition of the obsolete equipment not needed to keep the current plant operational is already completed.

TxCDBG Project # 7218121 (Forced Main)

This project is going well although they are having to wait on some equipment to arrive. They will then attach it to the new Waste Water Treatment Plant.

2018 WATER SYSTEM IMPROVEMENTS:

We are waiting on some paperwork from eHT before we can continue to move forward.

I-20 TCF WASTEWATER PROJECT

Our portion of construction is done and the lift station is operational. Red Star construction is underway. The construction activity will become highly apparent in the next few days. Demolitions work should begin in the next week

VIII. Code Compliance Report

Code Enforcement Officer Terry Simmons presented the Code Compliance Department November Report. He reported there were 36 open cases at the beginning of the month, 178 new cases were opened and 52 cases were closed which ended the month with 2 cases open. Comcate, the Code Enforcement Software company is overhauling their system. He

had to close cases out of the Comcate system in order to transfer them into the new system. He also issued three junk vehicle citations. Two cases were reported for back taxes. 5 annual notices were issued. Fines assessed were \$3616, fines collected were \$898. Several of the citations that were issued will be dismissed once the violations are brought into compliance.

IX. Monthly Police Department Report

Chief David Hullum stated the flu affected the majority of the department with 5 personnel being sick at once and a total of 9 of 11 personnel have been sick. They were still able to issue 105 citations and 311 warnings.

Chief Hullum spoke about the issue of drivers passing school busses who were stopped with their flashers on. He had been receiving complaints from bus drivers about people passing them on Main Street. Enforcement action was deemed necessary in order to protect the children of our community. Public Announcements were made on the radio and tv. Approximately 15 citations have been written to date.

X. ADJOURNMENT

Commissioner Zac Darr made a motion, seconded by Commissioner Ben McNabb, to adjourn at 7:42 p.m. Motion passed unanimously.

APPROVED

Larry Vernon, Chairman
Board of City Commissioners

ATTEST

Roma Holley, City Secretary