

THE CITY OF EASTLAND  
CITY COMMISSION REGULAR MEETING

July 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	Zac Darr

CITY COMMISSIONERS ABSENT:

Commissioner	Richard Rossander
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PERSONNEL PRESENT:

City Manager	J.J. Oznick
Finance Director	Leslie Zander
Planning & Zoning Director	Tony Stubblefield
City Secretary	Roma Holley
City Attorney	Eileen Hayman
Police Chief	David Hullum
Fire Chief	Joe Williamson
Public Works Director	Bobby Jacoby

Guests: Tommy Wells, Julie Elrod, Beth King, Crystal Darr, Nancy Stewart, Joe Stewart, Jerry Maston, Robin Hayes, Steve Hayes, Amanda Riffle, LeeAnna Riffle, JoAnn Wilks, Rhonda Howie, Nicole Smith, Chuck Henry, Julia Hunter, Ronnie White, DuWayne Hunter, Juliete Reyes, Jose Reyes, Kelly Skinner, Shirley Hobbs, Margie Maddux, Marlene Coats, Jon Stenman, Marsha Alldredge, June Darr, Jim Darr, Jetta Darr, Gerald Darr, Ron Allman, John Menzies, Michelle Menzies, Ruben Zarate, Kika Salinas, Sharon Henexson, Buddy Bradshaw, Daniel Wooldridge, Tammie Foster, Leighann Hutcheson, Eugene Fambrough, Rachel York, Scott Hay, Bruce Harbin, Mark Lee Dickson, Beth Maynard, Ruth York, Corben Branch, Hunter Lee, Cole Ogle, Tom Blackwell, Jan Blackwell

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

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

Several people submitted requests to speak on Agenda Item #4 regarding Ordinance 21-870 Declaring Eastland a Sanctuary City for the Unborn. Chairman Vernon advised them that we would take care of Agenda items 1-3 and then he would give them the opportunity to speak.

IV. APPROVE MINUTES OF THE JUNE 21, 2021 MEETING

Commissioner Zac Darr made a motion, seconded by Commissioner Cecil Funderburgh, to approve the minutes of the June 21, 2021 Meetings. Motion prevailed by the following vote:

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

V. FINANCIAL REPORT

City Manager J.J. Oznick stated that the sales tax has dipped down a little bit. Last year's sales tax for June is still the highest on record.

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 Rhonda Howie to present the Fiscal Year 2022 contract request Eastland County Crisis Center, Inc.

Rhonda Howie, Director of the Eastland County Crisis Center and the Children's Advocacy Center, began by expressing gratitude for the commitment of the City of Eastland over the past year. She stated that they are requesting the same amount of funds as last year. They have not asked for an increase in several years.

Mrs. Howie stated that over the past 6 months the Crime Victims Assistance Center served 149 new and returning individuals with over 2000 different services provided. We provide around 340 services per month. These services are provided to adult victims of family violence, sexual assault and stalking. We also have a 24-7 HOTLINE which is answered by a human being, not a machine. The funds that you give us help us with our match for our grant that keeps the center operating.

The Child Advocacy Center see clients who are referred by Law Enforcement and Child Protective Services. This comes to us when there is an outcry made through the Texas Child Abuse Reporting Hotline. On average we serve about 25 children a month from Eastland County. We also serve their non-offending family members. Total services are about 152 per month.

We also provide community awareness and outreach events. Our staff is trained and certified by the Texas Education Agency to provide educational training on recognizing Child Abuse and reporting it. We are available to train staff at different entities like Ranger College and others.

Commissioner Darr stated that it's been a while since you've asked for an increase in the \$5,040 for the CVAC and the \$12,000 for the CAC.

Mrs. Howie agreed that it has been 2-3 years since they've increased their funds request.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Ben McNabb, to approve the request from the CVAC and the CAC. Motion prevailed by the following vote:

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

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

Cisco College Head Volleyball Coach Jon Stenman and Nicole Smith, Head Volleyball Coach at Ranger College, were present to speak. Coach Stenman stated that the City of Eastland helped sponsor the first tournament held in 2019 but that the Pandemic had forced the tournament to be cancelled last year. They are planning to have 6 teams travelling from Texas, Oklahoma and Kansas to play on Labor Day Weekend, September 3<sup>rd</sup> and 4<sup>th</sup>. Each team will be spending 2 nights in hotels here in Eastland.

Commissioner Zac Darr made a motion, seconded by Commissioner Ben McNabb, to approve \$3,500 of Hotel Motel Tax funds be given towards this event. Motion prevailed by the following vote:

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

3. Discussion and Consideration to authorize Enprotec/Hibbs & Todd, Inc. to utilize an alternative method other than competitive bidding for procurement of construction services associated with the TWDB DWSRF Project #62769 - Water System Improvements as a method that provides the best value for the City of Eastland, in accordance with Government Code, Title 10, Subtitle F, Chapter 2269 – Contracting and Delivery Procedures for Construction Projects

Enprotec/Hibbs & Todd engineer Scott Hay directed the Commissioners attention to a Power Point presentation which helped explain the difference between the traditional Design, Bid, Build (DBB) method versus the Competitive Sealed Proposal method. These are both methods used to award contracts to construction projects. The DBB method can provide a good value to the city. However, it limits the city's ability to maintain control over certain aspects of the construction. This method is basically to award the contract to the lowest bidder, which is not always the best applicant. This method allows the contractor to submit change work orders which can increase the price of the project and delay the project. The city has limited ability to consider non-cost factors.

The Competitive Sealed Proposal (CSP) method allows selection of contractors providing the "Best Value" to the city based on both cost and non-cost factors. The city can evaluate proposals based on experience, reputation, quality and personnel as well as financial stability. The city can also negotiate on scope and price of the project. These are all very important factors to consider when awarding a contract worth millions of dollars.

Mr. Hay stated that his firm of Enprotec/Hibbs & Todd are willing to help with the process and can help make recommendations. He outlined scoring criteria to help with narrowing the field.

Commissioner Darr asked Mr. Hay if his firm would be making more money by doing all of this. Mr. Hay replied that their fees were established in 2018 when the project budget was submitted to the Texas Water Development Board. They are typically paid based on construction costs which were loosely figured on the cost of building in 2018. The

Pandemic has caused the price of construction to increase greatly and the fees of the engineers will not reflect the significant increase in construction cost. They will honor the 2018 fee structure.

Mr. Hay stated the Texas Water Development Board recognizes and approves of the CSP method of procuring services.

Commissioner Cecil Funderburgh stated that Scott Hay has saved the city a lot of money over the years and has always wielded good judgment. Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Zac Darr, to approve utilizing the Competitive Sealed Proposal method of procuring a contract for the TWDB DWSRF Project #62769. Motion prevailed by the following vote:

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

#### 4. Discussion and Consideration of First Reading of **Ordinance 21-870**

*AN ORDINANCE OF THE CITY OF EASTLAND OUTLAWING ABORTION WITHIN THE CITY OF EASTLAND, DECLARING EASTLAND A SANCTUARY CITY FOR THE UNBORN, MAKING VARIOUS PROVISIONS AND FINDINGS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.*

Chairman Vernon allowed the following to make a public comment; Beth King, Jerry Maston, Chuck Henry, Jose Reyes, Amanda Riffle, Leighann Hutcheson, Tammy Foster, Mark Lee Dickson.

Beth King: stated she is still against abortion; this is about saving our children, our babies.

Jerry Maston: I am and have been very passionate about ending abortion for almost 50 years. Roe vs Wade should have never come into being and imagine the number of babies who have lost their lives. It is past time to put an end to it.

Chuck Henry: Many laws in our country are based on Biblical laws. I urge you to not let the pro-life, anti-murder language scare you away from enacting a strong pro-life law.

Jose Reyes: this is giving a voice to the ones with no voice

Amanda Riffle: All of us here are a result of a choice. We need to educate people on consequences of their actions. I am standing up against abortion because abortion is murder and murder is wrong.

Leighann Hutcheson: Outlawing abortion in Eastland is not just for the babies but also for the mothers.

Tammy Foster: We will be held accountable for what we teach the next generation. Darkness doesn't have a boundary until light shines on it, until someone stands up. Choose life! You are the leaders of this community.

Mark Lee Dickson: I stand behind you guys in the passage of this ordinance.

Commissioner Zac Darr: "I WANT TO PERSONALLY THANK EVERYONE HERE THIS EVENING FOR COMING OUT AND BEING A PART OF THIS. YOUR REPRESENTATION HERE TONIGHT MEANS YOU ARE SPEAKING OUT FOR THE UNBORN, YOU ARE SPEAKING OUT FOR THOSE WHO CAN'T SPEAK FOR THEMSELVES.

“Sanctuary City for the unborn”

Let’s speak the truth, an unborn child is a child.

Abortion is a travesty, and it should not have been allowed to happen. Ever!

Once life enters the womb. It must be protected. Protected from surgical removal, and protected from pharmaceutical removal.

Do you remember the movie "Unplanned" starring Abby Johnson that came to the Majestic Theater and showed a pharmaceutical removal?

They said,

"Here's a pill. Take it at home. You'll pass it. Call us if you have any issues." It was horrible.

With the increase of tele-medicine and because of the ease of use of just taking a pill, this could become easily, by far, the number one way of abort a child.

This ordinance prevents pharmaceutical abortions from happening in our town.

And our town is not the only one in this fight. It’s happening all over Texas. Step-by-step things are happening. Here are some examples.

1. Gov. Abbott recently signed into law the Heart-beat Bill, saying that no abortion can be done if a heartbeat is detected. This law goes into effect September 1<sup>st</sup> and will stop so many innocent babies from being slayed in the womb. I Praise God for this!
2. Gov. Abbott has called special session and listed this, as one agenda items to get accomplish during the session. Its reads....

ABORTION-INDUCING DRUGS: Legislation similar to Senate Bill 394 from the 87th Legislature, Regular Session, which prohibits people from providing abortion-inducing drugs by mail or by delivery service, it strengthens the laws applicable to the reporting of abortions and abortion complications, and it ensures that no abortion-inducing drugs are provided unless there is voluntary and informed consent.

Gov. Abbott wants this passed and we should be doing our best to help them get this passed state wide.

3. Here’s another thing happening in this Special Session. State Rep. Bryan Slaton (R-TX) introduced House Bill 103 that would immediately ban abortion, saying that Texas is a free and independent State, subject only to the Constitution of the United States. It also references Supreme Court Justice Clarence Thomas’ that said “the Constitution does not constrain the States’ ability to regulate or even prohibit abortion.”

We could be close to immediately banning abortion state wide.

4. 33 Total Cities in Texas have now taken the bold stand to abolished abortion in their city limits, including Lubbock, Big Spring, and our neighbor to the south, Carbon, Texas.

Yes, things are happening all over Texas, and Eastland should join them to become the 34<sup>th</sup> city.

We shouldn't view this through a political lens where we don't want to make a decision because we're worried about certain blowback or we're worried about what the media will say, or we're worried about all of these extraneous factors.

We should view this through a biblical lens. What does God say about it? Our Father in Heaven is clear in this issue. He gave us the Ten Commandants. He said, "Thy shall not kill."

No one can create life, except our Heavenly Father. He creates life in the womb, and then says.... "THY SHALL NOT KILL".

This is a simple as it gets, "THY SHALL NOT KILL."

This Ordinance is saying the same thing "You shall not kill by Abortion in the City of Eastland."

Let's do what is righteous before our Father in Heaven, Let's pass this Ordinance!"

Commissioner Cecil Funderburgh: At the last meeting I expressed some concerns about the legality of passing an ordinance such as this. I was opposed to some of the wording. I don't like the word "outlaw", I prefer the word prohibit. Since that night, I have had a lot of contact with our legal counsel, I've prayed about it and despite some of my reservations about the wording, I would like to make a motion that we pass this ordinance. This motion was seconded by Commissioner Zac Darr. Motion prevailed by the following vote:

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

A short recess was given to allow the audience to leave.

5. Discussion and Consideration of Second Reading of Ordinance **21-869** adding provisions regarding a new Columbarium for cremains.

*AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS AMENDING ORDINANCE NO. 693; REVISING CHAPTER 14, STREETS, SIDEWALKS, AND PUBLIC PLACES, ARTICLE VI, EASTLAND CEMETERY BY ADDING PROVISIONS REGARDING A NEW COLUMBARIUM; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.*

City Manager Oznick stated that this ordinance gives us the right to place and use a Columbarium in the cemetery.

Commissioner Zac Darr made a motion, seconded by Commissioner Cecil Funderburgh, to approve the second Reading of Cemetery Ordinance **21-869** adding provisions regarding a new Columbarium for cremains. Motion prevailed by the following vote:

Motion prevailed by the following vote:

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

6. Discussion and Consideration of Second Reading of **Ordinance 21-871** Budget Amendment

*AN ORDINANCE BY THE CITY COMMISSION OF EASTLAND, TEXAS ADJUSTING AND AMENDING THE CITY'S FISCAL YEAR 2020/2021 BUDGET*

Commissioner Zac Darr made a motion, seconded by Commissioner Ben McNabb, to approve the Second Reading of **Ordinance 21-871** Budget Amendment. Motion prevailed by the following vote:

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

7. Discussion and Consideration of **Ordinance 21-872**

*AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS CHANGING THE ZONING USE DESIGNATION OF PROPERTY DESCRIBED AS LOTS 1 – 5 OF BLOCK 70 OF THE DAUGHERTY’S ADDITION TO THE CITY OF EASTLAND FROM SINGLE-FAMILY RESIDENTIAL DISTRICT (“SF”) TO GENERAL BUSINESS DISTRICT (“C2”); AMENDING THE ZONING DISTRICT MAP FOR THE CITY OF EASTLAND TO REFLECT SUCH CHANGE; AND ADOPTING THE ZONING DISTRICT MAP SO AMENDED.*

Commissioner Zac Darr made a motion, seconded by Commissioner Cecil Funderburgh, to approve the Second Reading of **Ordinance 21-872** approving the zoning change. Motion prevailed by the following vote:

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

8. Discussion and Consideration of Second Reading of **Ordinance 21-873**

*AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS CHANGING THE ZONING USE DESIGNATION OF PROPERTY DESCRIBED AS PART OF LOT 4 AND ALL OF LOTS 5 – 6 OF BLOCK 10 OF THE CALHOUN ADDITION TO THE CITY OF EASTLAND FROM MANUFACTURED HOUSING DISTRICT (“MH”) TO LIGHT INDUSTRIAL DISTRICT (“LI”); AMENDING THE ZONING DISTRICT MAP FOR THE CITY OF EASTLAND TO REFLECT SUCH CHANGE; AND ADOPTING THE ZONING DISTRICT MAP SO AMENDED.*

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Darr, to approve the Second Reading of **Ordinance 21-873** approving the zoning change. Motion prevailed by the following vote:

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

VII. City Manager’s Briefing

City Manager J.J. Oznick briefly covered the report that the commissioners have in their packet.

He began by talking about two major water leaks in the month of June. He commended the Public Works crew for all of their hard work in containing these issues promptly.

**WWTP Improvements**

Texas Water Development Board is reviewing the final inspection now. The hope is that they will release the remaining funds soon so we can finish the HWY 6 project.

### **2018 Water System Improvements**

We are waiting on the Texas Water Development Board to give us the go-ahead to begin the bid process.

### **Downtown Sidewalk Repairs**

Our project is on hold pending development of the TxDOT Project. I spoke with I spoke with Jordan Perry about this on Tuesday. He stated that this project is still on the books. He does not have a timeline for when it will take place.

### **Budget Workshop/ Called Meeting Schedule**

The dates for additional Budget workshops and called meetings dealing with the Budget and Taxes are in limbo due to unknown factors related to the Eastland County Appraisal District.

#### VIII. Code Enforcement Report

Planning and Zoning Director Tony Stubblefield reported the Code Compliance Report for June 2021. There were 37 open cases at the beginning of the month, 49 new cases were opened and 44 cases were closed which ended the month with 42 cases open. 3 citations were issued and fines assessed were \$1,286.

#### IX. Fire Chief Report

Fire Chief Joe Williamson gave the following activity report for the month of June for the Volunteer and Paid Firefighters. Total call volume: 45 which was an average of 1.5 calls per day. 34 of these were in the City Limits and 7 of them were in the county and they responded to 4 calls for mutual aid to other county fire departments. There were 6 incidents between 10 p.m. and 7 a.m. They responded to 1 structure fire, 2 grass fires and 0 vehicle fires. They responded to 21 Medical calls, 5 Motor Vehicle accidents and 7 Public Service assists and 9 false alarms.

Chief Williamson expressed appreciation for the joint efforts of the fire department and police department as well as school personnel in assisting with the Memorial for 35-year veteran of the Eastland Fire Department, Gordon Woolam. He passed away on June 27, 2021.

#### X. Police Report

Chief David Hullum stated there were 224 calls for service in June. 21 cases were filed with the District Attorney. There were 45 offense reports generated. He noted 10 arrests. A total of 622 traffic stops were initiated. This resulted in 437 warning citations and 185 citations issued. All of this was accomplished with the department having 3 positions open. They had 7 drug paraphernalia/narcotics cases.

#### XI. Executive Session in Accordance with Texas Government Code §551.074, Personnel Matters

§551.074 Request for Exception to Policy – Nepotism



Executive Session Begin: 7:29 p.m.  
Executive Session End 7:38 p.m.

XII. Reconvene in Open Session and Take any Needed Action on Subject of Executive Session

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Darr, to approve the variance to the nepotism policy. Motion prevailed by the following vote:

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

XIII. Budget Workshop

Mr. Oznick opened the workshop by stating that this is the first look at the budget for 2021-2022. We do not know what the Ad Valorem Tax Rate will be yet so these are preliminary numbers. The dates for additional Budget workshops and called meetings dealing with the Budget and Taxes are in limbo due to unknown factors related to the Eastland County Appraisal District.

Mr. Oznick stated that he likes to look at historical data and try to determine the way things have been done previously and where we have and haven't "hit our marks" in regards to our revenues and expenditures.

He stated that he has changed a couple of ways the budget is laid out. He averaged three years' worth of data to get these numbers, discarding any outliers. This is a very preliminary budget and everything can be changed after we receive the Tax Rate.

We have several possible projects and Mr. Oznick discussed some of the line items that are in the preliminary budget. The Tax Rate will determine everything.

XIV. Adjournment

Commissioner Zac Darr made a motion, seconded by Commissioner Ben McNabb, to adjourn at 8:29 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