

THE CITY OF EASTLAND
CITY COMMISSION REGULAR MEETING

April 18, 2022

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:

Commissioner	Cecil Funderburgh
Commissioner	Richard Rossander
Commissioner	Zac Darr
Commissioner	Ben McNabb

CITY COMMISSIONERS ABSENT:

Chairman	Larry Vernon
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PERSONNEL PRESENT:

City Manager	J.J. Oznick
Finance Director	Leslie Zander
City Secretary	Roma Holley
Police Chief	David Hullum
Fire Chief	Joe Williamson
Planning Director	Tony Stubblefield

Guests: Julie Elrod, Dan Wilson, Scot McDade, Wendy McDade

I. Meeting Called To Order

Co-Chairman Richard Rossander called the meeting to order at 6:00 p.m.

II. Invocation and Pledge Of Allegiance

Commissioner Cecil Funderburgh offered the invocation and Commissioner Zac Darr led the Pledge of Allegiance.

**III. Public Comment on Any Subject Not Listed On This Agenda
(Limited to Five Minutes Per Speaker)**

No comment

IV. Approve Minutes of the March 21, 2022 Meeting

Commissioner Cecil Funderburgh a motion, seconded by Ben McNabb, to approve the minutes of the March 21, 2022 meeting. Motion prevailed by the following vote:

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

V. Financial Report

Finance Director Leslie Zander stated the April sales tax continues to increase.

No action at this time.

VI. Presentation of Police Commendation

Chief of Police David Hullum read a Letter of Commendation to Detective Sergeant Scot McDade.

Detective Sergeant Scot McDade:

I wanted to take the time to commend you on your recent investigation of Dustin Harjo for Possession of Child Pornography and Distribution of Child Pornography. You received a cyber tip of child pornography on an online account in the name of Harjo. You then conducted an extensive investigation and subsequently obtained a search warrant for Harjo’s residence to include seizure of any electronic devices. Harjo was arrested and then interviewed. You obtained a confession from him concerning the child pornography and also received his consent to examine the seized cell phones. During that review, additional child pornography was discovered.

As a result of your investigation, Harjo will face multiple counts of Possession of Child Pornography and Distribution of Child Pornography.

Your investigation of this potential child predator has made our community a safer place to live.

I want to commend your attention to detail during this investigation and your tenacity. Your professionalism is a credit not only to you, but to the Eastland Police Department.

This commendation letter will be included in your personnel file.

Sincerely,

*David Hullum
Chief of Police*

Sgt. McDade was given a standing ovation by all the Commissioners and members of the staff and audience. Commissioner McNabb mentioned that this was especially fitting because April is Child Abuse Awareness Month.

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

1. Discussion and Consideration of Resolution 2022-08 Use of ARPA Funds to Purchase Lawnmower

City Manager J.J. Oznick reminded the Commissioners that in the 2021-2022 Budget, they had set aside funds to purchase a new riding lawnmower for the Parks department. After research, it was determined that this particular lawnmower was what they wanted to purchase. At the same time, regulations were relaxed by the Federal Government regarding the expenditure of American Rescue Plan Act Funds, (ARPA). Upon approval by the Commission, the city will be allowed to spend the ARPA funds on purchasing this lawnmower. Public Works Director Bobby Jacoby provided the information regarding the lawnmower. If approved, it will be purchased from Hamilton Supply Company in Abilene.

Commissioner Zac Darr made a motion, seconded by Commissioner Cecil Funderburgh, to Approve Resolution 2022-08 to Use ARPA Funds to Purchase a Lawnmower. Motion prevailed by the following vote:

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

2. Discussion and Consideration of Ordinance 22-885 Use of RV’s in City Limits

AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS AMENDING CHAPTER 5, “BUILDINGS AND BUILDING REGULATIONS” OF THE CODE OF ORDINANCES OF THE CITY TO ADD DIVISION VII, “RECREATIONAL VEHICLES” TO REGULATE THE USE OF RECREATIONAL VEHICLES AS TEMPORARY RESIDENCES WITHIN THE CITY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

City Manager JJ Oznick stated that currently, according to our ordinances (Zoning Chapter 19-11, Permitted Uses), a recreational vehicle may not be used as a permanent residence. Discussion centered around the reason for adding this ordinance. Oznick said that with the recent fires in Carbon displacing so many people, some of them want to use an RV as a temporary residence. Since this is not an “Permitted Use”, it was determined that the Ordinance should be amended to add it. The process will include obtaining a Permit for this particular use for 6 months.

Planning & Zoning Director Tony Stubblefield stated this amendment is broken down into two different sections: Resident Use and Non-Resident Use.

NON-RESIDENT USE

- (a) Allowed Use. Recreational vehicles owned or occupied by non-residents may be used as temporary living or sleeping quarters if parked on the residential lot of the person being visited by the non-resident, and for the time periods established in this Section 5-108.
- (b) Temporary Use. A recreational vehicle owned or occupied by a non-resident may be used by the non-resident as a temporary residence for up to three (3) days without the necessity of further action by the non-resident.
- (c) Registration Required. A non-resident wishing to use a recreational vehicle as a residence for more than three (3) days must register the recreational vehicle with the City.
- (d) Maximum Time. In no event shall a non-resident use a recreational vehicle as a temporary residence for more than thirty (30) days in any consecutive twelve-month period.

RESIDENT USE

- (a) Permit Required. Residents wishing to reside in a recreational vehicle for any period of time must obtain a permit from City Hall prior to such use. Said permit shall be issued only due to extenuating circumstances such as construction or renovation of a permanent residence.
- (b) Term. Each permit shall be for a period of thirty (30) days, with the opportunity to renew for subsequent 30-day terms, up to a maximum total permit duration of six (6) months. If a resident wishes to renew a permit, a renewal must be obtained before the expiration of the existing permit. If a permit is allowed to expire, a resident must obtain a new initial permit if he or she wishes to use a recreational vehicle as a temporary residence. Only one (1) initial permit shall be allowed per recreational vehicle per year.

Commissioner Cecil Funderburgh made the comment that the last line of this section is redundant and unnecessary. He asked that it be removed. City Manager Oznick and Director Stubblefield agreed.

Commissioner Zac Darr stated that most Ordinances are about restrictions but this ordinance allows more freedom and flexibility regarding the use of RV’s in the City.

Commissioner Zac Darr made a motion, seconded by Commissioner Cecil Funderburgh to approve upon first reading Ordinance **22-885** after amending it.

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

3. Discussion and Consideration of Ordinance 22-886 to Update Fee Schedule

AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS REPEALING AND REPLACING ORDINANCE NO. 21-882; ADOPTING AN AMENDED COMPREHENSIVE RATE AND FEE SCHEDULE ESTABLISHING RATES AND FEES TO BE CHARGED FOR CITY SERVICES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

City Manager JJ Oznick advised the Commission that any time a fee is added or changed, the fee schedule has to be amended. This amended schedule has the new permit fee regarding the use of an RV as a temporary residence. The first permit will cost \$10 and each renewal will be \$20 each.

Commissioner Cecil Funderburgh spoke and said that after reading through the fee schedule, he would like to recommend some additional changes/corrections. He asked for a correction of spelling from axel to axle. Regarding City of Eastland Convenience Center Fees, which is Table 1300-1a, he suggested that the fee charged for trailers (used to haul debris and/or trash) be changed to a flat \$4 per foot, per length of the trailer. Discussion centered around the pros and cons of changing the fees. The fees are an attempt to recover the cost of operating the Convenience Center: personnel and dumpster fees.

Commissioner Cecil Funderburgh made a motion, seconded by Commissioner Richard Rossander, to approve upon first reading, the fee schedule with the stated changes. Motion prevailed by the following vote:

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

VIII. City Manager's Briefing

City Manager J.J. Oznick briefly covered the report that the commissioners have in their packet. He stated that EHT began surveying both forks of the Leon River and Weaver Creek in preparation for the GLO H&H study. He met with HDR and EHT about what we are hoping to see with the grant study. They spent the day looking at the different areas that negatively impact the City of Eastland. They came away with a better idea of what and why we face flooding issues.

Waste Water Improvements

The Texas Hwy 6 South Sanitary Sewer Improvements Project is in progress but has been delayed due to some technical difficulties. They hope to have these issues addressed and corrected quickly and get this project finished.

Durapatcher

Public Works Director Bobby Jacoby has taken delivery of the Durapatcher and they have been learning how to use it. They hope to be fixing potholes very soon.

IX. Code Enforcement Report

Planning and Zoning Director Tony Stubblefield reported the Code Compliance Report for March 2022. There were 15 open cases at the beginning of the month, 31 new cases were

opened and 16 cases were closed which ended the month with 30 cases open. 2 citations were issued. 2 annual notices were sent with fines paid of \$1,055.

X. Police Report

Police Lieutenant Dan Wilson stated there were 251 calls for service in March. 28 cases were filed with the District Attorney along with one case that was filed with the Juvenile Authorities. There were 44 offense reports generated. He noted 18 arrests with 31 charges. A total of 312 traffic stops were initiated. This resulted in 69 warning citations and 243 citations issued. He also stated that 94 “business checks” were conducted. Lt. Wilson said they were a little short-staffed and busier than normal. As was noted earlier, Sgt. McDade initiated, investigated and closed a case involving an individual and possession and distribution of Child Pornography. Lt. Wilson stated that again, almost everyone in the department assisted in getting this case put together. He stated that he is very proud of the team effort. The entire department assisted with the Eastland Complex Fires. They helped evacuate and direct traffic. The department also assisted with the funeral for Deputy Barbara Fenley.

XI. Fire Chief Report

Fire Chief Joe Williamson gave the following activity report for the month of March for the Volunteer and Paid Firefighters. He began by stating that due to the Eastland Complex Fires and the complexity of reporting, these totals do not include statistics from that event which covered several days. Total call volume: 78 which was an average of 2.5 calls per day. 58 of these were in the City Limits and 19 of them were in the county and they responded to 1 call for mutual aid to other county fire departments. There were 7 incidents between 10 p.m. and 7 a.m. There were 3 structure fires, 6 grass fires and 0 vehicle fires. They responded to 39 Medical calls, 8 Motor Vehicle accidents and 7 Public Service assists and 13 false alarms/investigations. They also had one Rescue. Two new Volunteer Fire Fighters were added to the roster. Chief Williamson stated that he will be giving a more detailed report of the Response to the “Eastland Complex” fires at the May Commission Meeting.

Chief Williamson stated that we have tentatively filled our open position. This applicant has given his two notice at his current job and is set to start here soon.

XII. Adjournment

Commissioner Zac Darr made a motion, seconded by Commissioner Ben McNabb, to adjourn at 6:49 p.m. Motion passed unanimously.

ATTEST:

APPROVED:

Roma Holley
City Secretary

Richard Rossander, Co-Chairman
Board of City Commissioners