

Minutes
Regular Session of the Breckenridge City Commission
November 5, 2019 – 5:30 PM
Breckenridge City Offices Commission Chambers
105 North Rose Avenue, Breckenridge, Texas 76424

Those Present: Bob Sims, Mayor; Tom Cyprian, Mayor Pro-Tem; Russell Blue, Commissioner; David Wimberley, Commissioner; Andy McCuiston, City Manager; Heather Robertson-Caraway, City Secretary; Houston Satterwhite, Assistant City Manager of Operations; Stacy Harrison, Public Services Director; Larry Mahan, Police Chief; John Green, Officer; Scott Gabriel, Officer; John Butler, Officer; Justin Shockley, Officer; Bacel Cantrell, Officer; Paul Prater, WCTMWD; Sage Diller, e-HT; Jonathan Baum, e-HT; Virgil Moore, BEDC; Genoa Goad; Brant Thurmond; Madalyn Heimann, Breckenridge American; Tony Pilkington and Carla McKeown, Breck Texan;

Those Absent: Rob Durham, Commissioner

1. **Call to Order:** Bob Sims, Mayor at 5:31 PM
2. **Invocation Led By:** Genoa Goad
3. **Pledge of Allegiance:** Genoa Goad
4. **Consider approval of minutes of the October 1st, 2019 City Commission Meeting and October 11th, 2019 Special City Commission Meeting.**

Commissioner Blue made a motion, seconded by Mayor Pro-Tem Cyprian for approval of minutes of the October 1st, 2019 City Commission Meeting and October 11th, 2019 Special City Commission Meeting. When the motion was put to vote, it prevailed as follows: Ayes: Blue, Wimberley, Cyprian, and Sims. Nays: None. Absent: Durham

5. **Citizens Presentations:** None

CONSENT AGENDA

ALL ITEMS LISTED BELOW ARE CONSIDERED TO BE ROUTINE BY THE CITY COMMISSION AND WILL BE ENACTED WITH ONE MOTION, THERE WILL BE NO SEPARATE DISCUSSION OF ITEMS UNLESS A COMMISSION MEMBER OR CITIZEN SO REQUESTS, IN WHICH EVENT, THE ITEM WILL BE REMOVED FROM THE GENERAL ORDER OF BUSINESS AND CONSIDERED IN ITS NORMAL SEQUENCE.

6. **Request to approve Departmental Reports**
7. **Request to approve Quarterly Investment Report for 4th Quarter 2018-19.**
8. **Request to approve Hotel/Motel Quarterly Financial Statements – 3rd Quarter 2018.**
9. **Request to approve Resolution 19-24 to enter into an Agreement with the State of Texas through the Texas Department of Transportation for the Temporary Closure of State Highway 180 for a Parade Associated with the Breckenridge Chamber of Commerce (Christmas Parade).**
10. **Request to approve Resolution 19-25 to appoint members to the Board of Adjustments**

- 11. Request to approve Breckenridge Economic Development Corporation Activity Report for April 1, 2019 through September 30, 2019**
- 12. Request to approve Regions Bank Investment Objective Renewal for the Cemetery Trust.**

Commissioner Wimberley made a motion, seconded by Mayor Pro-Tem Cyprian to approve consent agenda 6-12. When the motion was put to vote, it prevailed as follows: Ayes: Wimberly, Blue, Cyprian, and Sims. Nays: None. Absent: Durham

INDIVIDUAL CONSIDERATION

- 13. Request to approve City Manager and City Secretary to get RFQ's for 2020 fiscal year Chamber of Commerce – City Hotel/Motel Tax Funds.**

Andy McCuistion, City Manager stated the Commission has approved the City to go out for Audit bids and would like to keep all audits involving the City with the same firm.

Commissioner Wimberley made a motion, seconded by Commissioner Blue to approve City Manager and City Secretary to get RFQ's for 2020 fiscal year Chamber of Commerce – City Hotel/Motel Tax Funds. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Wimberley, Blue, and Sims. Nays: None. Absent: Durham

- 14. Request to approve Resolution 19-26 for the Federal Off-System Bridge Program the 'participation-waived project' is Live Oak Ave at Gonzales Draw with the 'equivalent-- match project' as the Pecan and Williams Street Cross-Drainage Structure.**

Sage Diller, e-HT stated TXDOT has approached the City for matching funds on a structural improvement. We plan to utilize that contract for the Pecan/Williams Cross Drainage Structure. Andy McCuistion, City Manager explained the funds required and the location chosen.

Mayor Pro-Tem Cyprian made a motion, seconded by Commissioner Wimberley to approve Resolution 19-26 for the Federal Off-System Bridge Program the 'participation-waived project' is Live Oak Ave at Gonzales Draw with the 'equivalent-- match project' as the Pecan and Williams Street Cross-Drainage Structure. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Blue, Wimberley and Sims. Nays: None. Absent: Durham.

- 15. Discuss and consider action on report from WCTMWD regarding Possum Kingdom water rights.**

Andy McCuistion, City Manager stated there are two factors involved with Possum Kingdom water rights. The Water District has water available we could tap into right now and in 10 years we will have mineral rights available. If we have a severe drought having PK rights would be like having Insurance. The problem with PK water is gaining access to it and treating would require a special water plant. Paul Prater, WCTMWD stated that to get PK water here and ready for consumption would be a big cost to the City. If the Abilene Plant doesn't get up and running, we have no way to get water. If you don't use it, you still are obligated to pay for it. My recommendation is not to buy PK water at this time.

Commissioner Wimberley made a motion, seconded by Mayor Pro-Tem Cyprian to decline offer to buy Possum Kingdom water rights. Resolution 19-26 for the Federal Off-System Bridge Program the 'participation-waived project' is Live Oak Ave at Gonzales Draw with the 'equivalent-- match project' as the Pecan and Williams Street Cross-Drainage Structure. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Blue, Wimberley and Sims. Nays: None. Absent: Durham.

16. Request to approve Construction Contract Change Order No. 4 to the Agreement with TEC Excavation, Inc., for the construction of additional paving & drainage improvements with remaining agency funds, contingent upon Rural Development approval.

Sage Diller, e-HT explained change order #4, cleanup change order to rectify quantities and contract by \$227,471.63 changes contract price to \$4,879,969.00. Making these changes will not close out this contract, we have several other items like Pecan/Williams Street Bridge to address before contract is completed.

Commissioner Wimberley made a motion, seconded by Mayor Pro-Tem Cyprian to approve Construction Contract Change Order No. 4 to the Agreement with TEC Excavation, Inc., for the construction of additional paving & drainage improvements with remaining agency funds, contingent upon Rural Development approval. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Blue, Wimberley and Sims. Nays: None. Absent: Durham.

17. Request to approve Amendment 1 to the Agreement with eHT for the TXDOT US183N Wastewater Utility Relocation project.

Sage Diller, e-HT stated in January 2019 we executed work order #28. Since then there have been many changes to the contract with no cost added. We are asking for an additional \$25,000.00 to complete the project. The original work order was for \$165,000.00 the addition of \$25,000 will be funded by TxDOT and there will be no more cost to the City.

Mayor Pro-Tem Cyprian made a motion, seconded by Commissioner Wimberley to approve Amendment 1 to the Agreement with eHT for the TXDOT US183N Wastewater Utility Relocation project. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Blue, Wimberley and Sims. Nays: None. Absent: Durham.

Larry Mahan arrived @5:48 pm

18. Request to approve Change Order #1 with contractor Raydon for the Texas Department of Agriculture CDBG Water Systems Improvement Project.

**This item has been tabled until December 3rd **

19. Request to authorize Mayor and City Manager to approve the SMHD Ambulance Contract at SMHD Meeting on November 21st .

Andy McCuiston, City Manager reviewed the pending negotiations with Stephens Memorial Hospital and AMR for EMS. If this works out the City should save \$50,000. Bob Sims, Mayor stated we need to save our citizens some money.

Commissioner, Blue made a motion, seconded by Mayor Pro-Tem, Cyprian to authorize Mayor and City Manager to approve the SMHD Ambulance Contract at SMHD Meeting on November 21st . When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Wimberley, Blue, and Sims. Nays: None. Absent: Durham

20. Report by Police Chief.

Larry Mahan, Police Chief stated his official Retirement Letter to the Commission and his last day will be January 31, 2020. He said we have always had a very supportive staff and Commission. His wish is that for his predecessor it will be just as good. Mayor Sims discussed his work with Larry as a State Trooper and the support he received from Larry and the Police Officers.

21. City Manager Reports:

a. City Clean-up

Houston Satterwhite, Assistant City Manager of Operations stated it took over a week to complete. There were 211 brush piles picked up and the cost was \$13,767.00. This is something the City does twice a year. The roads downtown were also cleaned with the Street Sweeper before the Homecoming Parade.

b. Christmas Buffet

Andy McCuiston, City Manager extended an invitation to the Commission to join our buffet. He stated it's like a family reunion, everyone brings all the good food.

EXECUTIVE SESSION

Mayor Sims Opened Executive Session at 5:56 PM

22. City Commission will enter into Executive Session pursuant to Texas Government Code Section 551.074 to discuss Personnel Matters, which allows the following:

- a. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – Discuss evaluation, continued employment and employment contract for the Police Chief position.

Larry Mahan was asked to step out 6:12 PM

Mayor Sims Closed Executive Session: 6:28 PM

23. The City Commission will return to open session in the City Commission Chamber for possible discussion and action as a result of the Executive Session as follows:

- a. Discussion and action as a result of the Executive Session deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – Discuss evaluation, continued employment and employment contract for the Police Chief position.

Commissioner Wimberley made a motion, seconded by Mayor Pro-Tem Cyprian, to accept the Police Chief, Larry Mahan's retirement letter with his last day being January 31, 2020. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Wimberley, Blue and Sims. Nays: None. Absent: Durham

Commissioner Wimberley made a motion, seconded by Commissioner Blue, to approve City Manager, Andy McCuiston to appoint an Interim Police Chief at the appropriate time. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Wimberley, Blue and Sims. Nays: None. Absent: Durham

24. Items from the City Commission not requiring formal action. None

25. Adjourn

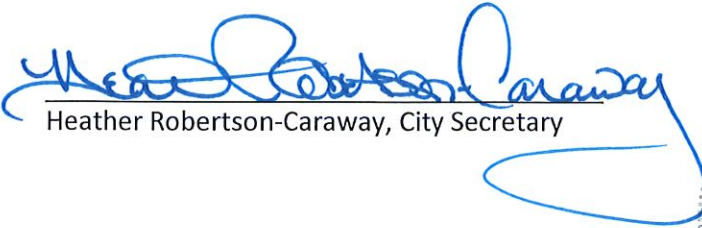
Mayor Pro-Tem Cyprian made a motion, seconded by Commissioner Wimberley, to adjourn the meeting. When the motion was put to vote, it prevailed as follows: Ayes: Cyprian, Wimberley, Blue and Sims. Nays: None. Absent: Durham

Meeting closed at 6:29 PM

ATTEST



Bob Sims, Mayor



Heather Robertson-Caraway, City Secretary

