

Minutes  
Regular Session of the Breckenridge City Commission  
June 4, 2019 – 5:30 P.M.  
Breckenridge City Offices Commission Chambers  
105 North Rose Avenue, Breckenridge, Texas 76424

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**Those Present:** Bob Sims, Mayor; Tom Cyprian, Mayor Pro-Tem; Russell Blue, Commissioner; Rob Durham Commissioner; David Wimberley, Commissioner; Andy McCuiston, City Manager; Heather Robertson-Caraway, City Secretary; Houston Satterwhite, Assistant City Manager McCuiston of Operations; Stacy Harrison, Public Services Director; Calvin Chaney, Fire Chief; Larry Mahan, Police Chief; Eileen Hayman, City Attorney; Kathy O’Shields; Will and Jenny Holt; Jamie Ethridge; Nancy London; Carl and Pat Everett; Laura and Pelom Williams; Chelsi Miles; Maretta Wulfjen; Mary Thompson; Virgil Moore; Larry and Shirley Briley; Susan Moore; Wade Smith; William Smith; Jamie Briley; Betty Brewer; Joyce Toland; Margaret Barfield; Carol McKee; Erin Griffith; Emmalee, Hanna Grace, Sara Kate and Joyanna Griffith; Crystal Briley; Landi Anderson; Nhat Nguyen; Melanie Messenger; Rhonda Reeves; Nick Messenger; Dane Richardson; Sarah Lawbert; Trisha Hill; Michael Ellis; Erik Hill; Axel Puebla; Dan Young; Lisa Echols; Kelly Grissom; Liberty Blades; Sandra Medina; Caroline Bernal; Connie Robbins; Van Robbins; Robbi Harris; Mike Harris; Vanessa Gonzales; Bostyn Navarro; Sherry Strickland; Otho J Noggle; Les Strickland; Lara Townson; McKenly Roberts; Sally Hitchcock; Lisa Hodges; Joyce Campbell; Barbara Brown; Bobette Moss; Caleb and Emily Herring; Robyn Brooks; Courtney Gonzales; Larissa Freeman; Michael Roach; Meidija Vranigi; Julie Fore; Jase Freeman; Angela Briley; Liz Robertson; Victoria Robertson; Kaite Kessler; Carla Mckeown, Breckenridge Texan; James Norman, Breckenridge American;

**Those Absent:** None

1. **Call to Order:** Bob Sims, Mayor at 5:36 p.m.
2. **Invocation Led By:** Brother Otho Noggle
3. **Pledge of Allegiance:** Brother Otho Noggle
4. **Administration of Statement of Elected Officer/Oath of Office/Issuance of Certificate of Election for City Commissioner Places 3**

David Wimberley, Commissioner was sworn into Place 3

5. **Consider approval of minutes of the May 7<sup>th</sup>, 2019 City Commission Meetings**

Mayor Pro-Tem Cyprian made a motion, seconded by Commissioner Blue for approval of minutes of the May 7<sup>th</sup>, 2019 City Commission Meeting. When the motion was put to vote, it prevailed as follows: Ayes: Blue, Cyprian, Durham, Wimberley and Sims. Nays: None. Absent: None.

6. **Citizens Presentations:**

Dane Richardson lives on Mistletoe and explained problems with water and sewer he has had since he moved in. He stated he has contacted the City several times to try and get the issues resolved. Work was done to try and divert water from the ditch in hopes that it would solve some of the problems. He feels the City is at fault and should reimburse homeowner’s for repairs that cost him around \$65,000. Work was done by Eric Hill to try and solve some of the water issues.

Trisha Hill has had problems on Lindsey with the creek. The creek needs to be cleaned up - this causes the water to divert to her yard and it has nowhere to go. She wanted to know if the cleanup is the City's responsibility or the homeowner.

### **PUBLIC HEARING**

- 7. Public Hearing regarding Planning and Zoning meeting held on June 3<sup>rd</sup>, 2019 on request to amend the zoning ordinance to allow home-based child day care and home schooling as permissible home occupations in all residential districts in Breckenridge, Texas.**

Public Hearing Open: 5:51 pm

Lisa Hodges, Sally Hitchcock along with others support the daycare and the zoning changes. They both stated there is a need for daycare facilities in Breckenridge. Carl Everette and Dan Young along with others are both opposed to the zoning change. They stated there are better options than changing the zoning for the whole City. The question of what rights a homeowner would have and what effect it would have on the value of homes was mentioned.

Public Hearing Closed: 6:20 pm

### **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.**

- 8. Request to approve Departmental Reports**

Commissioner Wimberley made a motion, seconded by Commissioner Durham for approval of Consent Agenda item #8. When the motion was put to vote, it prevailed as follows: Ayes: Blue, Cyprian, Durham, Wimberley and Sims. Nays: None. Absent: None.

### **INDIVIDUAL CONSIDERATION**

- 9. Request to approve Ordinance 19-08 amending the zoning ordinance to allow home-based child day care and home schooling as permissible home occupations in all residential districts in Breckenridge, Texas.**

Eileen Hayman, City Attorney reviewed the changes made and passed by the Planning and Zoning on Monday June 3, 2019. Planning and Zoning motioned to not permit home-based daycare in R1 as permissible. Home schooling is allowed. Existing home-based daycare in operation at existing properties for a minimum of one year will be grandfathered but must register with the City and licensed with the State. David Wimberley stated in the Westridge Addition the deed restriction does not allow home daycare, it is for private homes only, it would have to go before District Court to get changes made. Rob Durham's questioned the grandfathered daycare would alienate one and feels it's not a fair call.

Commissioner Wimberley made a motion, seconded by Commissioner Blue for approval of Ordinance 19-08 amending Ordinance 13-12; Revising Section 22-18, Home occupations of Chapter 22, zoning, of the Breckenridge Code of Ordinances; Allowing home schooling as a permissible home occupation in all residential districts; Prohibiting home-based day cares as home occupation in districts where such use is not allowed; Allowing for established home-based day cares to continue operation under certain

conditions; Any daycare in the same location for over a year will be grandfathered. When the motion was put to vote, it prevailed as follows: Ayes: Blue, Cyprian, Wimberley and Sims. Nays: Durham. Absent: None.

**10. Request to consider taking action on drainage issue with Herring property on Sha Lane**

Caleb Herring presented a flash drive showing pictures of the flooding that took place in and around the house he resides in on Sha Lane. He stated that flooding has taken place several times as a direct result of the tank behind his house overflowing. He has proposed some solutions and feels it is the responsibility of the City. City Manager McCuiston stated this is not a new problem, the previous owner had the same problems. The City in the past has built a berm and put in a ditch. The City has looked into this issue several times, offered to pay part of the cost to repair to the previous owner. Several solutions were discussed. The City is not responsible for water that runs downhill. Eileen Hayman, City Attorney stated this is private property owner's issue not a City issue. She also mentioned the seller should have disclosed this information. Sage Diller, Engineer stated there is no good solution because of the substantial hill by these homes.

No action taken.

**11. Request to approve Ordinance 19-09 Mid-Year Budget Adjustments Amending Ordinance 18-09**

Andy McCuiston, City Manager McCuiston stated this is an annual process of mid-year budget adjustments

Commissioner Wimberley made a motion, seconded by Mayor Pro-Tem Cyprian to approve Ordinance 19-09 Mid-Year Budget Adjustments Amending Ordinance 18-09. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Blue, Wimberley and Sims. Nays: None. Absent: None

**12. Request to approve Amendment 1 to the Agreement with e-HT for the Parks Street Project to design additional paving & drainage improvements with remaining agency funds, contingent upon Rural Development approval.**

Sage Diller, Engineer stated they are very close to finishing. There are approximately \$446,00.00 left for the project. Some information needs updated and approval from Rural Development for proposed improvements.

Commissioner Durham made a motion, seconded by Commissioner Blue approve Amendment 1 to the Agreement with e-HT for the Parks Street Project to design 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: Durham, Cyprian, Wimberley, Blue and Sims. Nays: None. Absent: None

**13. Request to approve Construction Contract Change Order No. 2 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, Engineer stated we need to get approval on change order on the above amendment minus the bridge replacement and culvert repair. The contractor will then be allowed to continue forward. There may be more changes made to the contract pending approval.

Mayor Pro-Tem Cyprian made a motion, seconded by Commissioner Durham to approve Construction Contract Change Order No. 2 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: Durham, Cyprian, Wimberley, Blue and Sims. Nays: None. Absent: None

**14. Request to consider taking action on Engineer report for the YMCA**

Wade Smith, Engineer reviewed his inspection of the YMCA Building and presented a slide show. He stated the building could be brought back and repaired. The total cost to repair the entire building up to code and standards would be over \$350,000.00. 1<sup>st</sup> floor is reasonably intact; the gym is in good shape but the story above the pool needs lots of repairs. The plumbing, electrical and roof all need repairs and the wall by the old pool needs structural repairs. There are a lot of possibilities for this project, but the building will not be structurally stable enough for the September 1<sup>st</sup> deadline. Discussion ensued between the Engineer and the TMCN representatives.

No action taken.

**15. Request to discuss and consider taking action on Housing Authority HUD letter**

City Manager McCuiston stated a letter from HUD had been received. Betty Brewer with Housing Authority stated she had already responded to the Audit letter. Waiting for the response from HUD. She stated last year there were problems with vacancies and no waiting list. Currently they are operating at 100% occupancy.

No action taken.

**16. Request to approve Resolution 19-11 the Breckenridge Economic Development Corporation (BEDC)**

Virgil Moore stated the representatives from the National Theater approached the BEDC about aiding in Air Conditioner replacements. The cost will be over \$10,000, BEDC will pay half of the cost pending approval of second reading

Commissioner Wimberley made a motion, seconded by Mayor Pro-Tem Cyprian to approve the first reading of Resolution 19-11 the Breckenridge Economic Development Corporation (BEDC). When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Blue, Wimberley and Sims. Nays: None. Absent: None

**17. City Manager McCuiston Reports**

**a. City Picnic & Pool Party**

City Manager McCuiston stated the City Picnic, Pool Party and Disk Golf Tournament is scheduled for July 15<sup>th</sup> from 4pm – 8pm

**b. Tire clean-up on Jackson Street**

Fire Chief Chaney stated the City removed over 730 tires with the help of Walker Sayle Clients, the County removed over 1,800 tires. More tires and cleanup will be done at a later date.

**c. July 4<sup>th</sup> Holiday**

City Manager McCuiston McCuiston stated the City Offices will be closed Thursday July 4<sup>th</sup>

### EXECUTIVE SESSION

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

**Opening Time: 8:12 p.m.**

- 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 with the City Manager McCuiston.
- b. To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee – Discuss organizational chart.

**19. 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 with the City Manager McCuiston.

No action taken.

- b. 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 organizational chart.

Commissioner Wimberley made a motion, seconded by Commissioner Durham to change the Organizational Chart to put the Municipal Court under the City Secretary. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Blue, Wimberley and Sims. Nays: None. Absent: None

**Closing Time: 8:37 p.m.**

**20. Items from the City Commission not requiring formal action.**

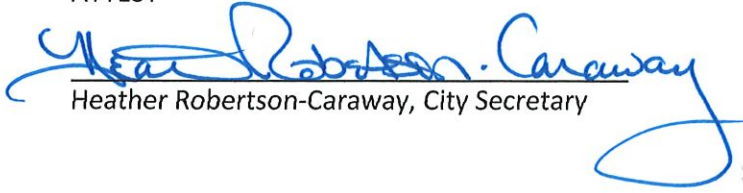
None

**21. Adjourn**

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

Meeting closed at 8:37 P.M.

ATTEST

  
Heather Robertson-Caraway, City Secretary

  
Bob Sims, Mayor

