

Minutes  
Regular Session of the Breckenridge City Commission  
February 5, 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; David Wimberley, Commissioner; Andy McCuiston, City Manager; Heather Robertson-Caraway, City Secretary; Houston Satterwhite, Assistant City Manager of Operations; Stacy Harrison, Public Services Director; Calvin Chaney, Fire Chief; Larry Mahan, Police Chief; Tony Pilkington, Breckenridge Texan; Sage Diller, e-HT; Jay Hardaway, H2O Partners; James Norman, Breckenridge American and Peter Morgan, George, Morgan and Sneed

**Those Absent:** Rob Durham Commissioner

1. **Call to Order:** Bob Sims, Mayor at 5:30 pm
2. **Invocation Led By:** Tom Cyprian, Mayor Pro-Tem
3. **Pledge of Allegiance:** Tom Cyprian, Mayor Pro-Tem
4. **Consider approval of minutes of the January 2, 2019 City Commission Meeting**

Commissioner Wimberley made a motion, seconded by Mayor Pro-Tem Cyprian for approval of minutes of the January 2, 2019 City Commission Meeting. When the motion was put to vote, it prevailed as follows: Ayes: Wimberley, Cyprian, Blue 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 City Funds Quarterly Investment Report – 1<sup>st</sup> Quarter 2018-19**
8. **Request to approve the 4<sup>th</sup> Quarter 2018 Financial Statements for Hotel/Motel Funds**
9. **Request to approve the 2019 Hotel/Motel Budget**
10. **Request to approve the 2017-18 Worker's Compensation Payroll Audit**
11. **Request to approve the Racial Profiling Statistical Report**

**12. Request to approve Resolution 19-04 to appoint members to Planning and Zoning Commission**

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

**INDIVIDUAL CONSIDERATION**

**13. FEMA Presentation – “Hazard Mitigation Action Plan Presentation from Jay Hardaway, H2O Partners/West Central Texas COG”**

Jay Hardaway with H2O Partners stated he was here for informational purposes. WCTCOG has hired H2O Partners to draw up Hazard Mitigation Action Plans for West Texas Communities. The City Staff have been supplied with the plan and the pages that affect the City directly. He will be coming back to the Commission for approval of the final plan.

\*\*\* No Action Taken \*\*\*

**14. Request to approve e-HT contract for 183 North sewer project**

Sage Diller with e-HT stated that TxDOT has commissioned e-HT to design the project by the middle of March and the project to be let by May.

Commissioner Wimberley made a motion seconded by Mayor Pro-Tem Cyprian, to approve e-HT contract for 183 North sewer project. When the motion was put to vote, it prevailed as follows: Ayes: Wimberley, Cyprian, Blue and Sims. Nays: None. Absent: Durham

**15. Request to approve e-HT adjustments to Parks Street contract**

Sage Diller with e-HT stated that we have had delays and we are not prepared to discuss the change order at this time.

\*\*\* Item Tabled \*\*\*

**16. Request to approve Ordinance 19-01 of Order & Notice to set the General Election for May 4, 2019, as well as appoint Election Judge and an Alternate Judge**

Heather Robertson-Caraway stated the Election is for Commissioner Place 3 and 4. There have been 2 filings- David Wimberley for Place 3 and Tony Garcia for Place 4.

Commissioner Wimberley made a motion seconded by Commissioner Blue, to approve Ordinance 19-01 of Order & Notice to set the General Election for May 4, 2019, as well as appoint Election Judge and an Alternate Judge. When the motion was put to vote, it prevailed as follows: Ayes: Wimberley, Blue, Cyprian and Sims. Nays: None. Absent: Durham

**17. Request to approve Ordinance 19-02 Amending Chapter 14, Offenses and Miscellaneous Provisions, of the Breckenridge Code of Ordinances to add an Article II, Sex Offenders; establishing restrictions related to the residency of sex offenders; prohibiting sex offenders from residing in or entering into certain locations or areas within the city; providing exceptions and penalties for**

**violation; providing for severability and repealer clauses; and requiring publication and establishing an effective date.**

Larry Mahan, Police Chief stated that this ordinance will keep a sex offender from residing within or near certain areas of the community. He explained the different areas that are listed in the ordinance. The ordinance makes it a violation for them to reside in these areas. We currently have 23 registered offenders living in town. We can't make them move from where they are currently; but, if they ever move; they will be restricted from living in certain areas. Mayor Bob Sims asked if this would be a Class B misdemeanor. Larry stated yes, and \$500 fine would be assessed daily. Our #1 intent is to protect the children in our community.

Commissioner Wimberley made a motion seconded by Commissioner Blue to approve Ordinance 19-02 Amending Chapter 14, Offenses and Miscellaneous Provisions, of the Breckenridge Code of Ordinances to add an Article II, Sex Offenders; establishing restrictions related to the residency of sex offenders; prohibiting sex offenders from residing in or entering into certain locations or areas within the city; providing exceptions and penalties for violation; providing for severability and repealer clauses; and requiring publication and establishing an effective date. When the motion was put to vote, it prevailed as follows: Ayes: Wimberley, Blue, Cyprian and Sims. Nays: None. Absent: Durham

**18. Request to approve the City's Audit for Fiscal Year 2017-18**

Peter Morgan of George, Morgan & Sneed reviewed the audit with the Commission. The issues that were highlighted in the 2017 audit have been addressed and corrected. Over all the report was very clean.

Commissioner Blue made a motion seconded by Mayor Pro-Tem Cyprian to approve the City's Audit for Fiscal Year 2017-18. When the motion was put to vote, it prevailed as follows: Ayes: Blue, Cyprian, Wimberley, and Sims. Nays: None. Absent: Durham

**19. Discuss and consider curfew**

Mayor Sims stated he has been approached by many business owners about a curfew. Larry Mahan, Police Chief stated we can set a curfew for juveniles, but you cannot constitutionally set one for adults. In an emergency situation the Mayor can put a curfew on all residents. Probationers cannot be out past 9:00 p.m. and the Police have a list of probationers and the probation officer will be contacted. Individuals out on bond can also have bond restrictions and would have a 9:00 p.m. curfew

\*\*\* No action taken \*\*\*

**20. City Manager Reports**

**a. Review pot hole reports**

Houston Satterwhite, Assistant City Manager of Operations reviewed the daily reports on potholes and the cost of areas filled. Rain has been a factor and will be turned over to Raydon when the weather permits and it dries out some

**b. Weather Watch Class**

Calvin Chaney, Fire Chief - Emergency Management stated on February 8<sup>th</sup> from 6:00 p.m. to 8:00 p.m. at the First Baptist Church Family Life Center they will be having the class free of charge

**c. Heather Robertson-Caraway graduation**

Andy McCuiston, City Manager stated that Heather Robertson-Caraway completed her schooling and graduated in record time. The City Manager stated how proud we all are of her accomplishments and commend her for all her hard work

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

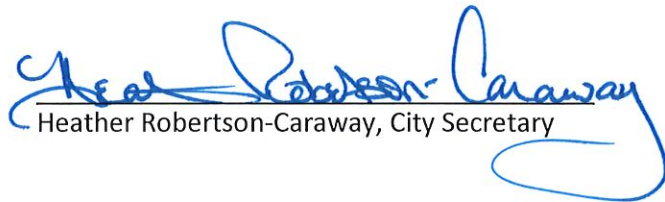
None

**22. Adjourn**

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

Meeting closed at 6:19 P.M.

ATTEST

  
Heather Robertson-Caraway, City Secretary

  
Bob Sims, Mayor

