

Minutes
Regular Session
Breckenridge City Commission

April 1, 2014 – 5:30 P.M.
Breckenridge City Offices Commission Chambers
105 North Rose Avenue
Breckenridge, Texas 76424

Those Present: Kody Knight, Mayor Pro-Tem; Tom Cyprian, Commissioner; Sherry Strickland, Commissioner; David Wimberley, Commissioner; Andy McCuiston, City Manager; Heather Robertson-Caraway, City Secretary; Larry Mahan, Police Chief; Calvin Chaney, Fire Chief; Stacy Harrison, Public Services Director; Malcolm Bufkin; Will Warren; Virgil Moore; Rob Durham; Kay Howard; Sue Hibbert; Sue Chaney; Elizabeth Gray; Tommy Wimberley

Those Absent: Jimmy McKay, Mayor

1. **Call to Order:** Kody Knight, Mayor Pro-Tem at 5:32pm a quorum was established
2. **Invocation Led By:** Stacy Harrison, Public Services Director
3. **Pledge of Allegiance Led By:** Kody Knight, Mayor Pro-Tem
4. **Consider approval of minutes of the February 18th, March 4th, and March 10th, 2014 City Commission Meeting**

Commissioner Strickland made a motion, seconded by Commissioner Cyprian for approval of minutes of the February 18th, March 4th, and March 10th, 2014 City Commission Meeting. When the motion was put to vote, it prevailed as follows: Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

5. **Citizens Presentation:** 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 REQUEST, 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 Aquatic Center Operation for 2014**
8. **Request to approve County Mutual Aid Agreement**

- 9. Request to approve WCTMWD Reappointment**
- 10. Request to approve the Racial Profile Statistical Report**
- 11. Request to approve Caddo VFD 5K Run**
- 12. Request to approve The Stephens County Child Welfare Board to release balloons at Foundation Park**
- 13. Request to approve Tanner French Memorial Walk**

Commissioner Wimberley made a motion, seconded by Commissioner Strickland, to approve the Consent Agenda item 6 through 13. When the motion was put to vote, it prevailed as follows:
Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

INDIVIDUAL CONSIDERATION

- 14. Appointment to West Central Texas Council of Governments (WCTCOG) Regional Review Committee (RRC) for formulation and approval of committee guidelines for Community Development Block Grant (CDBG)**

City Manager McCuiston stated he had talked with the Mayor earlier and he was going to talk to the members of the Commission to see if one of them would like to fill this position. They have a meeting once every two years. The purpose of the meeting is to review the guidelines of the CDBG grants that the state provides funding for water lines and sewer lines. Since no body had volunteered, he asked the Commission to authorize the City Manager to appoint someone for the position of the WCTCOG.

Commissioner Wimberley made a motion, seconded by Commissioner Cyprian, to approve the motion for the City Manager to appoint a member to WCTCOG Regional Review Committee. When the motion was put to vote, it prevailed as follows: Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

- 15. Request to approve Amended Joint Election Agreement between City and Breckenridge Independent School District**

City Manager McCuiston stated the next five items have to do with elections and the City Secretary will address all of them. City Secretary Robertson-Caraway stated this item had to be amended because we are adding the Hospital District. All the changes on these next four items has to do with adding the Hospital District. City Manager McCuiston added all it means is that the elections for all will be held in the same building.

Commissioner Wimberley made a motion, seconded by Commissioner Strickland, to approve the Amended Joint Election Agreement between City and Breckenridge Independent School District. When the motion was put to vote, it prevailed as follows: Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

16. Request to approve Resolution 14-08 on Joint Election with Breckenridge Independent School District

Commissioner Wimberley made a motion, seconded by Commissioner Cyprian, to approve Resolution 14-08 on Joint Election with Breckenridge Independent School District. When the motion was put to vote, it prevailed as follows: Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

17. Request to approve Joint Election Agreement between City and Stephens Memorial Hospital District

Commissioner Cyprian made a motion, seconded by Commissioner Wimberley, to approve the Joint Election Agreement between City and Stephens Memorial Hospital District. When the motion was put to vote, it prevailed as follows: Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

18. Request to approve Resolution 14-09 on Joint Election with Stephens Memorial Hospital District

Commissioner Strickland made a motion, seconded by Commissioner Wimberley, to approve Resolution 14-09 on Joint Election with Stephens Memorial Hospital District. When the motion was put to vote, it prevailed as follows: Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

19. Request to approve Ordinance 14-09 to amend Ordinance 14-05 - Election Notice and Order

Commissioner Cyprian made a motion, seconded by Commissioner Wimberley, to approve Ordinance 14-09 to amend Ordinance 14-05 - Election Notice and Order. When the motion was put to vote, it prevailed as follows: Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

20. Request to approve Ordinance to Amend Ordinance No. 93-11 Parks and Recreation Chapter 15 Article 1 Item 15.8 and 15.9

City Manager McCuiston stated this item has to do with the current Ordinance that requires any vendor trying to sell or advertise in the park has to get approval from the Commission. This seems to be more of an administrative function rather than a policy function and the City Manager can make more of these decisions. City Manager McCuiston is asking for the City Manager be allowed to make those decisions.

Commissioner Cyprian made a motion, seconded by Commissioner Wimberley, to approve the Ordinance to Amend Ordinance No. 93-11 Parks and Recreation Chapter 15 Article 1 Item 15.8 and 15.9. When the motion was put to vote, it prevailed as follows: Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

21. Request to approve the estimate to build a raised walkway at the WWTP over the aerators

City Manager McCuiston stated recently they had installed a new technology in the Wastewater Treatment Plants racetrack. The aerators that we put out there are on pontoons which are hard to get to. The staff has to get in a boat, which is hazardous, and once they are there, there is not really a good place for them to walk and work on the aerators. There is so much solids in the track, they have to clean them every other day. The raised walkway was the original idea,; the engineers came out and suggested expanding the pontoons by adding on grates that allow for a walking area and room to work on them along with a drawbridge that will be fairly close to the edge. It may not be a raised walkway, but some kind of safety and maintenance structure to build onto the pontoons. The bid for the raised walkway was about \$11,200 to \$12,000. The expansion and drawbridge may be in the same price range. We do have the funding for it.

Commissioner Strickland made a motion, seconded by Commissioner Cyprian, to approve the estimate to build a raised walkway at the WWTP over the aerators. When the motion was put to vote, it prevailed as follows: Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

22. Request to authorize the City Manager and City Secretary/Finance Officer to receive proposals for the Cemetery perpetual care fund

City Manager McCuiston stated we provided letters in the packets from the US Trust saying they would like to discontinue being the trustee for that fund. We have about \$500,000 in the fund. We would like the Commission to allow the staff to approach the local banks and find out if they have the ability and desire to become the trustee and can they do that within the Public Fund Investment Act.

Commissioner Cyprian made a motion, seconded by Commissioner Strickland, to authorize the City Manager and City Secretary/Finance Officer to receive proposals for the Cemetery perpetual care fund. When the motion was put to vote, it prevailed as follows: Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

23. Request to consider Howco Services, Inc. for Rehabilitation Home Grant Services

City Manager McCuiston introduced Kay Howard with Howco Services, Inc. located out of Lubbock. He had talked to David Denman, City Manager of Albany who has been doing this for the past 3 years. Mrs. Howard will explain more about the program and how it might help the housing in Breckenridge.

Mrs. Howard stated she had a handout that is just a bullet point, and their website is up and going at Howco.net, which has some other information that might be available to the Commission. The community housing/home grants division of our firm works with the Texas Department of Housing and Community Affairs funded by the Urban Development (HUD) to assist homeowners in the community. Mrs. Howard has driven around Breckenridge and recognized some of the houses to be pre WW II. The housing rehabilitation assistance program is for owner occupied housing. Eligible applicants are cities, counties, and non-profit organizations who are not considered a participation jurisdiction. As of now, there are no deadlines for submission of applications. Eligible projects are rehabilitation or reconstruction of existing owner occupied housing on the same site. For alternate site we need TDHCA's written approval. Manufactured Housing Units (MHU) are not eligible for rehabilitation, but they can be replaced with another MHU or with a site build house. With the new system that we have, instead of getting a quote contract, you get a reservation agreement. It allows you to have access to that funding as soon as you have eligible houses available to it. Typically, you can setup 5 housing units. Once they are approved, and during your agreement period, you can setup more houses. That is a federal rule that we can only setup five within a county.

Direct project cost is just a construction cost, is \$78 per square foot or \$85,000, exclusive of match funds, replacement MHU is \$65,000 and rehabilitation is \$40,000. Indirect project cost is the management fees of taking care of this program. Housing inspection of \$9,000 per home for reconstruction including appraisal. An administrative fund of 4% per housing unit pays for it to be managed as well. City requirements are that we demonstrate through resolution that we have \$80,000 in a reserved fund. This means that if we come into a glitch with something and need to pay for it, we would front the money to pay for it. After January 1, 2015 there will be a match requirement. If population is under 5000 there is zero match; if you are over 5000, then there is a 1% match for every thousand that you are over the 5000. Homeowner eligibility requirement is they have to occupy the residence, except for specific circumstances. There is income eligibility; they have to have no title issues, current on property taxes and flood insurance if applicable. The size of the house is about 1150 sq. ft. with 3 bedrooms and 2 baths that is handicapped accessible. City Manager McCuiston stated these houses would be an improvement over what we have now.

Commissioner Strickland asked how long does the process take. Mrs. Howard replied it takes about 3 to 4 months for the paperwork and about 5 months for the construction. All contractors are required to have at least 5 years of experience with references, and the financial capabilities to build since it takes about 2 weeks for the money to get to the bank here. Commissioner Knight asked if they relocate the homeowners. Mrs. Howard replied it was the homeowner's responsibility to find a place to stay till the end of construction. Commissioner Strickland asked if the homeowner had any input on the interior. Mrs. Howard stated they do to an extent and once they have signed off for that particular scheme, they cannot change their mind. Commissioner Strickland asked if this can be a perpetual program. Mrs. Howard answered yes, as long as the funds are available. Also, there will be financial counseling available for the homeowners since their taxes and insurance will increase. City Manager McCuiston asked at any point in this process, the City can decline to participate. Mrs. Howard stated this part is just putting your name in the funding hat, it is up to the City to participate.

Commissioner Wimberley made a motion, seconded by Commissioner Cyprian, to approve the consideration of Howco Services, Inc. for Rehabilitation Home Grant Services. When the motion was put to vote, it prevailed as follows: Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

24. Request to approve Planning and Zoning Commission recommendations

- A. PZ 14-01 Kelly Power request SP 22-6-502(E) – placement of Intermodal Shipping Containers in a R-4 General Dwelling District at 504 N. Pecan, Mountain Hts Addition, Block 1, Lots 3,4 & 5 in Breckenridge, Texas.**

Calvin stated that all of these properties have been through the Planning and Zoning Commission and have been approved. Kelly Power is requesting a container home be put on her lot. He showed the PowerPoint pictures to the Commission. The property is zoned as an R4 which allows for these container homes. There will be guidelines similar to that of mobile home setups. Commissioner Strickland asked if it will have a foundation. Calvin replied that most of them do have foundations and they have to be anchored down. There can only be one resident per lot.

- B. PZ 14-02 Tommy Wimberley, Lyal & Betty West and Margaret Boothe request zone change from R-1 Single Family Dwelling to R-4 General Dwelling District at East Breck Addition, Block 114, Lots 1, 2, 3, 4, 5 & 6 in Breckenridge, Texas.**

Calvin stated that Tommy Wimberley is requesting a zoning change on East Elliot. It is zoned as a R1 and he wants to change it to an R4, which are for mobile homes. 100 feet away from the property is zoned as R4, we would only be expanding the zone change for one block. Two of the neighbors have agreed to the zone change.

- C. PZ 14-03 Malcolm Bufkin and Will Warren request zone change from R-1 Single Family Dwelling District to I-2 Heavy Industrial District at 1304 E. Connell, A0993 LAL, Sec 3, Tract SE/4, acres 1.51 in Breckenridge, Texas**

Calvin continued with the PowerPoint pictures stating that this property is on the corner of Graham and E Connell. Malcolm Bufkin and Will Warren are requesting a zone change from R1 to an I2. The property containing only 1.51 acres is surrounded by I2 zoning. There was some discussion and opposition on this particular property during the P&Z meeting. The individual at the P&Z opposing the zone change is not here tonight. His issues were noise and traffic. Heavy traffic will remain on the industrial loop.

Commissioner Wimberley made a motion, seconded by Commissioner Cyprian, to approve Planning and Zoning Commission recommendations. When the motion was put to vote, it prevailed as follows: Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

EXECUTIVE SESSION

At this time: 6:44 P.M.

- 25. The City Commission will enter into Executive Session Pursuant to Texas Government Code 551.087 and 551.071 for discussion of economic development project negotiations related to property adjacent to the City's west boundary line.**

City Commissioners: Knight, Wimberley, Cyprian and Strickland, City Manager McCuiston, City Secretary Robertson-Caraway held executive session. Mayor McKay was absent

At this time: 7:04 P.M.

The City Commission will return to open sessions.

There were no Motions, Ordinances or Resolutions considered in the closed meeting, and no official actions were taken.

INDIVIDUAL CONSIDERATION – CONTINUED

- 26. The City Commission may take action regarding Executive Session item #25 – economic development project negotiations related to property adjacent to the City's west boundary line.**

City Manager McCuiston requested that we approve the water and sewer line extension for the retail project West of town.

Commissioner Wimberley made a motion, seconded by Commissioner Cyprian, to approve the action regarding Executive Session item #25 – economic development project negotiations related to property adjacent to the City's west boundary line. When the motion was put to vote, it prevailed as follows: Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

27. City Manager Reports

- a. **Sale of Lots** – On the eight lots that we acquired from the County and the School District, we cleaned them up and put the debris in the Monofill. We have advertised the lots for sale twice. Sold 401 N Butte for \$1,010. Waiting on paper work from our attorney for the final sale on another one on S Miller. There is another lot that a gentleman was interested in, we found out that there was a lot between him and the one that we cleaned off. The tax attorney is going to try to acquire that lot as well, then we will have the possibility of selling both lots to the neighbor or do a swap with Mr. Pardue for the lots that he has by the park we would like to use for trades day purposes. We have identified 15 more properties that the County, School and Hospital District will need to sign over to us. Five of the properties we won't get till after the May 6th tax sell. I have handed out packets to County, School and Hospital and asked for them to add

this item to their agenda for their next meeting; which I will attend to answer any of their questions.

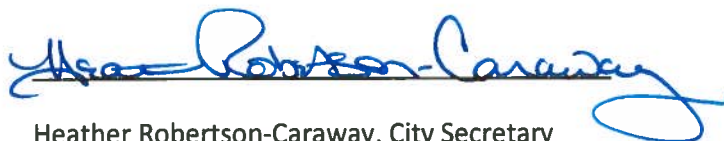
28. Items from the City Commission not requiring formal action

29. Adjourn

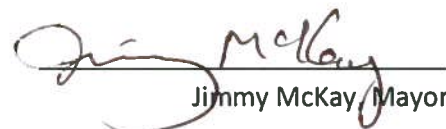
Commissioner Wimberley made a motion, seconded by Commissioner Cyprian to adjourn the meeting. When the motion was put to vote, it prevailed as follows: Ayes: Knight, Cyprian, Strickland, Wimberley. Nays: None. Absent: McKay

Meeting adjourned at 7:19 P.M.

ATTEST



Heather Robertson-Caraway, City Secretary


Jimmy McKay, Mayor

SEAL

