

Minutes  
Regular Session  
Breckenridge City Commission

November 4, 2013 – 6:30 P.M.  
Breckenridge City Offices Commission Chambers  
105 North Rose Avenue  
Breckenridge, Texas 76424

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**Those Present:** Jimmy McKay, Mayor; Kody Knight, Mayor Pro-Tem; Sherry Strickland, Commissioner; Scott Carter, Commissioner; Andy McCuistion, City Manager; Heather Robertson, City Secretary; Malcolm Bufkin, Fire Chief; Stacy Harrison, Public Service Director; Pastor Jason Martin; Virgil Moore; Kristi Clark; Rob Durham.

**1. Call to Order**

Mayor Jimmy McKay at 6:30pm a quorum was established

**2. Invocation Led By: Pastor Jason Martin – First Baptist Church**

**3. Pledge of Allegiance**

Commissioner Scott Carter led the Pledge of Allegiance

**4. Consider approval of minutes of the October 7<sup>th</sup> meeting**

Commissioner Strickland made a motion, seconded by Commissioner Knight, for approval of minutes of the October 7<sup>th</sup> 2013 City Commission Meeting. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Strickland, Carter. Nays: None. Absent: Wimberley

**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 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 Quarterly Investment Report for 4<sup>th</sup> Quarter 2012-13**

- 8. Request to approve Breckenridge Economic Development Corporation Semi-Annual Report for April 1, 2013 through September 30, 2013**
- 9. Request to approve George, Morgan & Sneed Engagement Letter to Conduct Audit on Chamber of Commerce – City Hotel/Motel Tax Funds**
- 10. Request to approve Julie Fore for 2 year term on Flood Hazards Board of Review**

Commissioner Strickland made a motion, seconded by Commissioner Carter, to approve the consent agenda. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Strickland, Carter. Nays: None. Absent: Wimberley

#### **INDIVIDUAL CONSIDERATION**

##### **11. Request to award the Monofill Contract**

Andy stated we had requested 3 bids from local contractors to dig a hole for the Monofill. We got one response from Boggs Backhoe Service. He gave us two options: we could use his trucks and drivers or we could use our own. We chose to use our own; \$18,350 is close to what we had budgeted for that project of \$15,000. Our recommendation is we engage Mr. Boggs. He is ready to go in the morning if approved. Mayor McKay stated he agrees to use Mr. Boggs and believes it can be done in a shorter time frame. Andy stated it would have taken about 3 months to get the hole dug and now it should only take 30 days. As the ground is unlevel, the state will allow us to dig 25 feet from the highest point then on the low places we should only have to dig 10 to 15 feet. That is where it will save us time and money. We have 8 houses on the ground ready to be moved in. The 1<sup>st</sup> cell is 60 feet wide and 300 feet long. We've asked Mr. Boggs for a price on what it would cost us to have him come out ever so often and pack down the houses and cover them up.

Commissioner Knight made a motion, seconded by Commissioner Carter, to approve award for the Monofill Contract. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Strickland, Carter. Nays: None. Absent: Wimberley.

##### **12. Request authorization to engage Tri-Stem to conduct utility and franchise fee audits**

Andy stated Kristi Clark with Tri-Stem is here to explain what Tri-Stem is and what they offer. Kristi stated she is with Tri-stem, a company located outside of Waco that has been in business for 34 years. They do utility bill audits; electric, gas, water, sewer, telephone and franchise fees where the city is the consumer of those utilities. We do not charge a fee for those audits, unless we recover a refund, then the fee is 49% of the refund. No money will come out of the budget and no upfront cost. In 34 years we have recovered over 30 million dollars for various cities in the state and outside of Texas. In Texas to date, about 6 million dollars has been recovered in

the last 3 years. We do not charge on future savings, we correct any errors going forward and you keep all of those funds. On the phone audit, the subcontractor does charge a future savings rate of 49% for one year. We also do field work at no cost to the city. We do not bill you until you receive the refund. Commissioner Strickland asked how far they go back. Kristi stated when they first start the audit they go back 6 years. If they find something, then they will go as far back as they can. We use our own resources and we do communicate through emails and phone calls. We try not to disrupt your day to day operations. The basic thing that we need is the letter of agency and the consulting agreement so we can start contacting the utility companies. The audit takes around 8 to 12 months.

Commissioner Strickland made a motion, seconded by Commissioner Carter, to approve the engagement of Tri-Stem to conduct utility and franchise fee audits. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Strickland, Carter. Nays: None. Absent: Wimberley

### 13. City Manager Reports

- a. **BISD – Thank you** – Andy referred to a letter from Jennings Teel thanking us for helping out with the parade.
- b. **Suddenlink** – Andy stated it was a notice about the rates going up.
- c. **Texas Gas Service** – Andy stated it was a notice about the rates going up.
- d. **City Clean up** – Fire Chief Bufkin stated they are now on batch 6 of the Junk Vehicles. There were a total of 306 junk vehicles. On the Dangerous Structures, they have torn down 8 houses, 4 turned over to the City, and 9 are in limbo. Last week they identified 24 more properties as dangerous.
- e. **Parade and Animal Ordinance** – Andy stated we will be discussing them next month.
- f. **Sanitation Contract** – Andy stated that not renewing the 5 year contract positions us better for future negotiations.

### Executive Session

#### 14. City Commission will enter into Executive Session pursuant to Texas Government Code Chapter 551.072 for discussion on Breckenridge Park Master Plan and possible Land Acquisitions:

Mayor McKay stated the following:

At this time: 7:15 p.m.

The City Commission will enter into Executive Session Pursuant to Texas Government Code Chapter 551.072 for Deliberations on Real Property, to discuss Breckenridge Park Mast Plan and possible Land Acquisitions.

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

**15. 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 following:

1. Breckenridge Park Master Plan
2. Possible Land Acquisitions

Mayor McKay stated the following:

At this time:  7:52 p.m.

The City Commission will return to open session.

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

The City Commission will now discuss and take action as a result of the Executive Session.

1. The City Commission discussed allowing the City Manager to enact a taskforce for park planning and possibly acquiring American Legion building.

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

None

**17. Adjourn**

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

Meeting adjourned at 7:54 P.M.

ATTEST

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Jimmy McKay, Mayor

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Heather Robertson, City Secretary

SEAL