

Minutes
Regular Session
Breckenridge City Commission

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

Those Present: Jimmy McKay, Mayor; Kody Knight, Mayor Pro-Tem; Scott Carter, Commissioner; David Wimberley, Commissioner; Andy McCuistion, City Manager; Heather Robertson, City Secretary; Diane Latham, Assistant City Secretary; Sage Diller, EHT; Virgil Moore, BEDC; Malcolm Bufkin, Fire Chief; Stacy Harrison, Public Services Director; Pastor Jason Martin, Gabriel Rodriguez, Public Works Director; Calvin Chaney, Assistant Fire Chief.

1. Call to Order

Mayor Jimmy McKay at 6:30 P.M. a quorum was established.

2. Invocation by Pastor Jason Martin, First Baptist Church

3. Pledge of Allegiance

Commissioner Wimberley led the Pledge of Allegiance

4. Consider approval of minutes of the April 1, 2013 City Commission Meeting

Commissioner Wimberley made the motion, seconded by Commissioner Carter, to approve the minutes of the April, 1 2013 City Commission Meeting. . When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Carter, Wimberley. Nays: None. Absent: Strickland

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 City Funds Quarterly Investment Report - Second Quarter 2012-2013 Fiscal Year**
- 8. Request to approve Hotel/Motel Quarterly Financial Statements – 1st Quarter 2013**
- 9. Request to approve Breckenridge Economic Development Corporation Semi-annual Activity Report for October 1, 2012 through March 30, 2013**

Commissioner Knight 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, Carter, Wimberley. Nays: None. Absent: Strickland

INDIVIDUAL CONSIDERATION

10. Request to Approve Engineering Agreement for Park Street Project

Sage Diller addressed the Commission and informed them that all of the following needed to be submitted together, the completed application, PER, Environmental Report and Engineering Services agreement to get funds for the project. The total amount estimated for this project is \$5.8 million. The Engineering portion is \$320,000, this includes basic surveying. It would probably be mid-October before a letter of commitment will be received, this would tell what the offer would be before getting into the contract.

Mayor McKay asked how many of the utility lines would be moved. Sage Diller informed him that all the water lines would be moved out of the street section, but the sewer lines would stay in. Public Works Director Rodriguez informed that this would be easier when placing a water tap, since they can just dig up the easement instead of breaking the concrete.

Sage Diller informed that this project would probably take a few years to complete. If the loan commitment is accepted the next phase would be design and this could take up to 8 months. The next phase would be bidding process. We would be looking at 2014-2015 before construction starts.

Commissioner Carter asked why they decided to use cement instead of asphalt. Sage Diller informed him that looking at the life cycle would be a better investment as its life time is approximately 50 years. City Manager McCuiston stated that they would look into the cost of the equipment necessary for patching concrete.

Commissioner Carter asked if the city employees were able to patch cement. Public Works Director Rodriguez informed that they do not have the equipment needed for that. What they do is they hire a local contractor to do the concrete work.

Commissioner Carter made a motion, seconded by Commissioner Wimberley, to approve the request to approve Engineering Agreement for Park Street Project. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Carter, Wimberley. Nays: None. Absent: Strickland

11. Request to Approve Resolution Supporting Hospital District

City Manager McCuiston informed that he has provided a resolution that supports the effort to retain the hospital.

Mayor McKay informed that he would have liked to have done this before Early Voting began, however, the timing of meetings did not allow for that.

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

12. Second Reading to approve an Ordinance for the Municipal Court Security Fund Fee (\$3.00)

City Manager McCuiston informed that this can be used for any type of safety measure for the Municipal Court. This ordinance required a second reading.

Commissioner Wimberley made a motion, seconded by Commissioner Carter, to approve an Ordinance for the Municipal Court Security Fund Fee (\$3.00). When the motion was put to vote it prevailed as follows: Ayes: McKay, Knight, Carter, Wimberley. Nays: None. Absent: Strickland

13. Second Reading to approve an Amendment of an Ordinance of Sec. 14-7 Prohibiting the Discharge of Firearms within the Corporate limits of the City

City Manager McCuiston informed that this ordinance required a second reading.

Virgil Moore with BEDC informed that Colt Manufacturing will have the shooting range in the back part of the building, it will be extremely safe.

Commissioner Knight made a motion, seconded by Commissioner Wimberley, to approve an Amendment of an Ordinance of Sec. 14-7 Prohibiting the Discharge of Firearms within the corporate limits of the City. When the motion was put to vote it prevailed as follows: Ayes: McKay, Knight, Carter, Wimberley. Nays: None. Absent: Strickland

14. Request to read, consider, pass and approve Ordinance Sec. 13.71 with regard to Itinerate Vendors

City Manager McCuiston informed that this item was a result of a truck driving through town selling furniture. The ordinances that the City had were outdated, City Attorney Rockefeller consolidated and updated the ordinances to make one ordinance that fits the regulations of the City.

Commissioner Wimberley made a motion, seconded by Commissioner Knight, to approve the request to read, consider, pass and approve and Ordinance of Sec. 13.71 with regards to Itinerate Vendors. When the motion was put to vote it prevailed as follows: Ayes: McKay, Knight, Carter, Wimberley. Nays: None. Absent: Strickland.

15. Request to Approve Recommendation from the Planning and Zoning Commission to allow Celia McWilliams a Temporary Allowance of 6 months for a travel trailer at 1500 E. Lindsey

City Manager McCuiston informed that Celia McWilliams wanted to move a travel trailer to the property since there is multiple lots. The travel trailer is for her daughter to live beside her to help her aging mother. Celia McWilliams was informed that this was not going to be recommended for approval of the commission. She then asked for some time to sell the travel trailer that she owns and purchase one that will meet all requirements.

Fire Chief Bufkin informed that at this location there is a substandard structure that the daughter will help remove. This is another reason why the daughter needs to live next to her elderly mother McWilliams.

Commissioner Knight made a motion, seconded by Commissioner Carter, to approve the request to Approve Recommendation from the Planning and Zoning Commission to allow Celia McWilliams a Temporary Allowance of 6 months for a travel trailer at 1500 E. Lindsey. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Carter, Wimberley. Nays: None. Absent: Strickland

16. Request to approve a Disc Golf Course in Park

City Manager McCuiston informed he had built an 18 hole disk golf course before. The cost for 9 holes would be \$4,000. This is a sport for adults and kids, this would help the City.

Mayor McKay asked Public Services Director Harrison if he has looked at the location where they want to put the disk golf course. Public Services Director Harrison responded that he has looked at the location. Mayor McKay asked if the location of the disk golf course would interfere with Frontier Days and or other activities taking place at the park. City Manager McCuiston responded that during Frontier Days part of the course would not be available. Public Services Director informed that they could work around any issue. The holes would be located East and South of the horseshoe pit area and the area behind the pool.

Mayor McKay stated that he liked this idea, anything that will keep the youth busy and interested in new activity.

Commissioner Carter asked if the \$4,000 included the cost of the disks used for the course. City Manager McCuiston responded that the disks are included in the \$4,000.

Commissioner Wimberley made a motion, seconded by Commissioner Knight to approve the request to approve a Disk Golf Course in the Park. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Carter, Wimberley. Nays: None. Absent: Strickland

17. City Manager reports

A. City Cleanup -

Cleaning- Fire Chief Bufkin informed that 106 Phase 2 letters were sent out about 3 weeks

ago. They have to the end of May to get everything cleaned up.

Junk Vehicles- Fire Chief Bufkin informed that they are currently in Batch 5 of junk vehicles. Both batch 1 and 2 are complete. Batch 3 has 13 vehicles outstanding; the owner of these vehicles is building a privacy fence. Batch 4 has 8 vehicles outstanding, 10 day letters have been sent out. Had a hearing for 3 of these 8 vehicles today, and all 3 were cleared from the list. Batch 5 has 73 vehicles; the deadline on these vehicles is June 3rd.

Commissioner Carter asked what constitutes a junk vehicle. Fire Chief Bufkin responded that these would be vehicles that do not have registration or insurance, or if it has been parked for 45 days.

Commissioner Knight asked if there was a limit on how many vehicles could be parked at one residence. Fire Chief Bufkin responded by saying that there was not a limit on how many vehicles could be parked on the drive way. Commissioner Carter asked if vehicles could be parked in front yard. Assistant Fire Chief stated no one can park in front yard. If they are in the back yard of a residence a privacy fence must be built. Commissioner Knight asked how many more batches of junk vehicles were left. Fire Chief Bufkin stated that he had a count of about 403 junk vehicles and they are at about 260 completed with this batch. City Manager McCuiston informed that Michael Matheson was going to be attending Code Enforcement School.

Public Works Director Rodriguez informed that they were under-charging at the Convenience Station.

Substandard Structures- Fire Chief Bufkin informed that they are reviewing the new ordinance for substandard structures.

City Manager McCuiston informed that they have identified about 12 more substandard structures that have been taken back on taxes. He will be sending letters to the County and the School to ask for sole ownership of the properties so that they can be taken to the monofill.

- B. **Police Department Assessment-** City Manager McCuiston informed that Bill Rathburn came in Sunday night and has started the assessment.
- C. **Website-** City Manager McCuiston informed that City Secretary Robertson had an update on the website. City Secretary Robertson informed that some progress on the website has been done; the main tabs have their drop down menus. She asked if anyone has pictures of city events or of lakes Hubbard or Daniel, if they would please share them with her so that they can be in the website. She wants to have everything up and running by July 4th. She showed them the progress that has been done to the website.

18. City Commission will enter into Executive Session pursuant to Texas Government Code Chapter 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 with the City Manager

Mayor McKay stated the following:

At this time: 7:20 p.m.

The City Commission will enter into Executive Session Pursuant to Texas Government Code Chapter 551.074 to discuss Personnel Matters, which allows for the following:

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.

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

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 following:
 - 1. Statement from Mayor on City Manager Evaluation
 - 2. Approving employment contract of City Manager

Mayor McKay stated the following:

At this time: 7:47 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. Statement from Mayor on City Manager Evaluation
- 2. Approving employment contract of City Manager, Andy McCuiston

Mayor McKay stated that they had gone over the evaluation for City Manager McCuiston. They have decided to approve the contract for City Manager McCuiston.

Commissioner Wimberley stated that he would vote Nay because he has only been part of the City Commission for a short amount of time.

Commissioner Knight made a motion, seconded by Commissioner Carter, to approve resolution of employment contract of City Manager. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Knight, Carter. Nays: Wimberley. Absent: Strickland

20. Items from the City Commission not requiring formal action

None

21. Adjourn

Commissioner Wimberley 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, Carter, Wimberley. Nays: None. Absent: Strickland.

Meeting Adjourned: 7:49 P.M.

I certify that this notice was posted at the City Offices, 105 North Rose Avenue, Breckenridge, Texas at 4:00 P.M., Friday.

SEAL

Jimmy McKay, Mayor

Heather Robertson, City Secretary