

Minutes
Regular Session
Breckenridge City Commission

April 1, 2013 – 6:30 P.M.
Breckenridge City Offices Commission Chambers
105 North Rose Avenue
Breckenridge, Texas 76424

Those Present: Jimmy McKay, Mayor; Scott Carter, Commissioner; Sherry Strickland, Commissioner; Andy McCuistion, City Manager; Heather Robertson, City Secretary; Diane Latham, Assistant City Secretary; Stacy Harrison, Parks Director; Pastor Don Bearden, Virgil Moore, Rob Durham, Tommy Wimberley, Jay Marcom, David Wimberley, Terri Wimberley, Tony Pilkington, Bill Andrews, Michael Matheson, Malcolm Bufkin, Fire Chief.

1. Call to Order

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

2. Invocation by Pastor Don Bearden, Bethany Baptist Church

3. Pledge of Allegiance

Commissioner Carter led the Pledge of Allegiance

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

Commissioner Strickland made a motion, seconded by Commissioner Carter, to approve the minutes of the March 4, 2013 City Commission Meeting. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Carter, Strickland. Nays: None. Absent: Commissioner Knight.

5. City Service Pin Awards: 5 Years: Michael Matheson

City Manager McCuistion presented Michael Matheson with a 5 year service pin

6. Citizens Presentations

Jay Marcom had some questions regarding a police officer that recently resigned. Mr. Marcom wanted to know if the K9 that this officer used in the line of duty was given to him. Mr. Marcom went on to state that this was the City's property, he wants to know if this is in ordinance with the Texas Government Code. Mayor McKay stated that he will look into this.

Jay Marcom stated that he had contacted City Secretary Robertson in regards to a property that is located on 124 E. Walker. The status of this property had been previously changed according to the Code of Ordinances to a C3 use, the permitted uses within C3 are R1, R2 and R3. Mr. Marcom stated that he had gone to the Central Appraisal District and changed the use of this

property to a R1. Mr. Marcom stated that he has asked the City to issue a letter on City letterhead that states that he is in conformity with the R1 use of the C3 zoning, this letter is for insurance purposes.

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.

7. **Request to approve Departmental Reports**
8. **Request to accept the resignation of Harvey Green, City Commissioner, Place 3**
9. **Request to appoint David Wimberley to City Commission, Place 3**
10. **Request to approve the reappointment of Paul Prater to the West Central Texas Municipal Water District (WCTMWD)**
11. **Request to approve the reappointment of Dr. Jim Lawrence as City Health Authority.**

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

City Secretary Robertson swore in Commissioner Wimberley.

INDIVIDUAL CONSIDERATION

12. **Request to read, consider, pass and approve an Ordinance for the Municipal Court Security Fund Fee (\$3.00)**

City Manager McCuistion stated that the State of Texas allows this to be added to the fines for the explicit purpose of improving security in the court room.

Commissioner Strickland asked City Manager McCuistion if there was anything in particular that the money would go too. City Manager McCuistion stated that the ladies at the court room are somewhat exposed to people coming into the court room, doors and windows would be something they would look into.

Commissioner Wimberley made a motion, seconded by Commissioner Carter, to approve the request to read, consider, pass and 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, Carter, Wimberley, Strickland. Nays:None. Absent: Commissioner Knight.

13. Request to approve the purchase of the Durapatcher - Paving Machine (\$25,000) from the City of Albany

City Manager McCuiston informed that they have been using this piece of equipment for the past month. They have patched many streets with this Durapatcher, this is not a fix for the streets but it makes them drivable. The Durapatcher would be funded by the Paving Supplies account, since the paving supplies are now being paid with the ¼ cent sales tax.

Commissioner Strickland asked how many men it took to run the Durapatcher. City Manager McCuiston stated that it was taking two men to run it, where it previously took four.

Commissioner Strickland asked what the expectations on a patch repair would be whether it be repaired using the Durapatcher or manual patch. City Manager McCuiston stated that if it came to a big pot hole it would be more cost efficient to patch it conventionally.

Jay Marcom asked if there were any different patch materials that could be used for the Durapatcher that would be more cost efficient. City Manager McCuiston stated that we were using the same material that Albany used.

Commissioner Carter asked what the life expectancy of the Durapatcher would be if purchased. City Manager McCuiston stated that at least 5 more years should be expected

Commissioner Wimberley made a motion, seconded by Commissioner Strickland, to approve the purchase of the Durapatcher - Paving Machine (\$25,000) from the City of Albany. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Carter, Wimberley, Strickland. Nays: None. Absent: Commissioner Knight.

14. Request to approve purchase of Emulsion Tank from Durapatcher Company

City Manager McCuiston informed that they had looked into getting an Emulsion Tank built locally but that the tank would come with no warranties. The tank that we have at the moment is an 8,000 gallon tank, the in seam has busted and welders were unable to fix it.

Tommy Wimberley asked what type of heating the Emulsion tank has and what size the tank was. City Manager McCuiston responded that it had electric heating and that it was a 3,000 gallon tank.

City Manager McCuiston informed that the Emulsion Tank would be paid by using some of the Paving Supplies account for one year, the City would acquire a note from InterBank and would pay the rest in a three year time period.

Commissioner Carter made a motion, seconded by Commissioner Wimberley, to approve purchase of Emulsion Tank from Durapatcher Company. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Carter, Wimberley, Strickland. Nays: None. Absent: Commissioner Knight.

15. Request to approve a contract for Police Department Assessment (\$18,000) with Rathburn and Associates, Inc.

City Manager McCuiston stated that for some time Chief Mahan and he had been thinking of a police assessment. Bill Rathburn's resume has been included in the agenda, he is a former Chief in Dallas and a former Deputy Chief in Los Angeles. Mr. Rathburn has conducted police assessments on other small cities like Jacksonville. City Manager McCuiston stated that the purpose of the police assessment is to improve the Police Department. The police assessment will be paid with funds from the Park Department that will be transferred to the Professional Services fund. If the police assessment is accepted Mr. Rathburn will be able to start working on this late April.

Tommy Wimberley asked if Mr. Rathburn was going to go back and investigate the police department to see if there has been any criminal activity or is this going to be from today forward. City Manager McCuiston responded that he did not know, Mr. Rathburn is going to look into all of the policies and will go as far back as it takes.

Commissioner Strickland made a motion, seconded by Mayor McKay, to approve a contract for Police Department Assessment (\$18,000) with Rathburn and Associates, Inc. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Carter, Wimberley, Strickland. Nays: None. Absent: Commissioner Knight

16. Request approval to execute an addendum to First Southwest advisory agreement to address the CWSRF issue

City Manager McCuiston informed that this addendum is required by First Southwest for the CWSRF issue

Commissioner Wimberley made a motion, seconded by Commissioner Carter for the approval to execute an addendum to First Southwest advisory agreement to address the CWSRF issue. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Carter, Wimberley, Strickland. Nays: None. Absent: Commissioner Knight

17. Request to approve Aquatic Center policies and rates

City Manager McCuiston informed that staff reviewed the last ten years of losses, the City has lost an average of \$18,000 a year. By increasing some of the rates they will pick up around \$6,400.

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

18. Request to approve Safety Manual

City Manager McCuiston informed that a Safety Committee had been established shortly after he got here. TML has provided them with a model insurance manual, changes have been made and it is now customized for the City of Breckenridge.

Commissioner Strickland asked how this information was going to be given to the employees.

City Manager McCuiston stated that the employees will be provided with the Safety Manual and safety training.

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

19. Request 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 item was on the agenda because EDC asked that the City address this Ordinance.

Tommy Wimberley asked if any of this prohibited what the state law has changed and permitted. City Manager McCuiston responded that they had obtained this Ordinance from another city as a model and have changed it to fit the City of Breckenridge, it is his understanding that this Ordinance conforms to state law.

Commissioner Wimberley made a motion, seconded by Commissioner Carter 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, Carter, Wimberley, Strickland. Nays: None. Absent: Commissioner Knight.

20. City Manager reports

A. City wide clean-up

Fire Chief Bufkin informed that they are working on Batch 4 of junk vehicles. Batch 1 contained 48 vehicles that were all brought into compliance. Batch 2 contained 32 vehicles which were all brought into compliance. Batch 3 contained 64 of which 51 have been brought into compliance, a privacy fence is being built around the other 13 vehicles. Once the privacy fence is completed all 64 vehicles will be in compliance. Batch 4 contains 59 vehicles of which 37 have been brought up to compliance. They will send out 10 day letters on the remaining vehicles. If they do not comply within the 10 days that have been given to them, the city can go and pick up the vehicles. Only 2 vehicles have been picked up to date.

Fire Chief Bufkin informed that they have started Phase 2 of rubbish and debris, around 110 properties have been identified. The deadline is June 6th because of all the clean-up dates that are coming up. Sixteen houses have been labeled as condemned or dangerous buildings. The next step is to get them signed off by the County and the School District.

Jay Marcom asked about potential asbestos on the properties. Fire Chief Bufkin responded that Public Works Director Rodriguez and two crew leaders have attended asbestos classes and knows how to identify them.

Executive Director Moore stated the Economic Development Corporation pushed to clean the City up and urges the city to take a stronger leadership role in this. It is in his opinion and that of the Economic Development Corporation Board that City Manager

McCuiston and Fire Department Bufkin and his crew have got more done in the last 6 months than what has been done in the last 20 years, he would like to thank them for the work they have done.

TX Dot maintenance policy regarding state row on Hwy 180/183

City Manager McCuiston informed that TX Dot is in the process of renewing the Maintenance Policy with all Cities. The local TX Dot supervisor Keith Munden contacted City Manager McCuiston and indicated that he has been receiving complaints in regards to the shoulders off Hwy 183. Mr. Munden informed that the state position was that they are not maintaining outside the white lines, if they have to maintain outside the white line then they are going to dig it and cover it in grass. City Manager McCuiston got the impression that Mr. Munden wanted the City to maintain the road outside the white lines, he feels that it is not the City's responsibility to maintain the States right of ways. Furthermore that should be the responsibility of the State or that of the businesses'.

21. Items from the City Commission not requiring formal action

22. Adjourn

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

Meeting adjourned 7:29 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