

Minutes  
Regular Session  
Breckenridge City Commission

January 5, 2016 – 5:30 P.M.  
Breckenridge City Offices Commission Chambers  
105 North Rose Avenue  
Breckenridge, Texas 76424

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**Those Present:** Jimmy McKay, Mayor; Sherry Strickland, Mayor Pro-Tem; David Wimberley, Commissioner; Andy McCuiston, City Manager; Diane Latham, Assistant City Secretary; Stacy Harrison, Public Service Director; Gabriel Rodriguez, Public Works Director; Melinda Lane, Covenant Tabernacle; Lois Rockefeller, City Attorney; Calvin Chaney, Fire Chief; Firemen: Jon Jackson, Jeb Baxley, Cody Riddle, Bret Chaney, Ryan Roberts, Chad Skiles, Justin Read and Jose Garcia; Malcolm Bufkin; Tony Pilkington, Breckenridge American; Johnny Bellows and Bud Sanford, FTC Consulting; Tamina Perez; Ken Strain; Connie Pineda

**Those Absent:** Tom Cyprian, Commissioner; R. Kent Thompson, Commissioner

1. **Call to Order:** Jimmy McKay, Mayor, at 5:30pm a quorum was established
2. **Invocation Led By:** Melinda Lane, Covenant Tabernacle
3. **Pledge of Allegiance:** Mayor Pro-Tem Strickland led the Pledge of Allegiance
4. **Consider approval of minutes of the December 1<sup>st</sup>, 2015 meeting**

Commissioner Wimberley made a motion, seconded by Mayor Pro-Tem Strickland, for approval of minutes of the December 1st, 2015 City Commission Meeting. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Wimberley, Strickland. Nays: None. Absent: Thompson, Cyprian

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 Resolution 16-01 authorizing exemption of certain vehicles from requirements of Chapter 721 of the Texas Transportation Code, Identification of City and County vehicles and heavy equipment**

**8. Request to approve Cemetery Clean Up News Release**

Mayor Pro-Tem Strickland made a motion, seconded by Commissioner Wimberley, to approve the Consent Agenda. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Wimberley, Strickland. Nays: None. Absent: Thompson, Cyprian

**INDIVIDUAL CONSIDERATION**

**9. Request to approve Planning and Zoning Commission recommendations**

**a. Request to approve Ordinance 16-01 Amending Chapter 22 (Zoning) to permit Tiny Houses in the R-4 District with specific use permit**

City Manager McCuiston explained the Tiny House request and that our Ordinance currently did not state anything about them. They are the same concept of the Conexes that we approved.

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

**b. PZ 15-07 – Kevin Kutnink request SP 22-6-502 – placement of small/tiny house in a R-4 General Dwelling District at:**

- i. Hi Mount Addition, Block 12, Lot 6,**
- ii. Hi Mount Addition, Block 11, Lot 6 & N/2 of 7,**
- iii. Highland Addition, Block 8, Lot 5,**
- iv. Highland Addition, Block 1, Lot N/2 of 4**
- v. Highland Addition, Block 1, Lot N/2 of 3,**
- vi. 704 S. James – Highland Addition, Block 8, Lot 2, and 901 S. Smith – Southward Addition, Block 19, Lot 23-24 & alley in Breckenridge, TX**

City Manager McCuiston stated Planning and Zoning has already approved this item. Mayor Pro-Tem Strickland asked if they will be single family homes. Fire Chief Chaney replied they will be a one bedroom rental homes that will also have a carport off to the side. City Manager stated he felt this would be an improvement for the city.

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

**10. Request to approve Ordinance 16-02 Weed Ordinance Amending Ordinance 126**

Fire Chief Chaney explained this past summer we had weeds that got out of control in a hurry. In our current Ordinance we could not enter a property for 21 days and the new Ordinance allows us to enter in 8 days and take action. It also states for repeat offenders we have a year from the first offense to enter the property without the 8 day waiting period. This will help with complaints and safety issues.

Mayor Pro-Tem Strickland made a motion, seconded by Commissioner Wimberley, to approve Ordinance 16-02 Weed Ordinance Amending Ordinance 126. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Wimberley, Strickland. Nays: None. Absent: Thompson, Cyprian

**11. Request to approve Animal Ordinance 16-03**

Public Service Director Harrison stated the old Ordinance stated we needed to post the finding of animals for at least five days. We've asked for that to be removed. Lois and Eileen cleaned up the Ordinance by removing duplicate information. City Manager McCuistion stated the Animal Ordinance was reviewed with Kathy O'Shields of the Humane Society and she is in agreement.

Mayor McKay made a motion, seconded by Mayor Pro-Tem Strickland, to approve Animal Ordinance 16-03. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Wimberley, Strickland. Nays: None. Absent: Thompson, Cyprian

**12. Request to approve the first reading of Ordinance 16-04 Animal Control Fees**

Public Service Director stated the fees have been removed from the Animal Ordinance and put in an ordinance by themselves.

Commissioner Wimberley made a motion, seconded by Mayor Pro-Tem Strickland, to approve the first reading of Ordinance 16-04 Animal Control Fees. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Wimberley, Strickland. Nays: None. Absent: Thompson, Cyprian

**13. Request to approve Consent to Encroachment on 1301 West Wheeler.**

City Manager McCuistion stated there was garage built on the Cities right of way. This consent to encroachment allows them to leave it there with the understanding that when the structure comes down, the City gets the right of way back.

Mayor McKay made a motion, seconded by Commissioner Wimberley, to approve Consent to Encroachment on 1301 West Wheeler. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Wimberley, Strickland. Nays: None. Absent: Thompson, Cyprian

**14. Request approval to construct new Wastewater Treatment Plant office building.**

City Manager McCuiston stated it was necessary for us to build a new office due to where the current one was located. It is holding up the upgrading project of the Waste Water Treatment Plant.

Commissioner Wimberley made a motion, seconded by Mayor Pro-Tem Strickland, for approval to construct new Wastewater Treatment Plant office building. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Wimberley, Strickland. Nays: None. Absent: Thompson, Cyprian

**EXECUTIVE SESSION**

**15. City Commission will enter into Executive Session pursuant to Texas Government Code Chapter 551.074 to discuss Personnel Matters, which allows the following:**

**Opened: 5:53 pm**

**To deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of Fire Chief Chaney and Fire Captain Bret Chaney – In regard to the Fire Department Assessment.**

**Closed: 7:00 pm**

**16. City Commission may enter into Executive Session pursuant to Texas Government Code Section 551.071 for consultation with City Attorney regarding Fire Department personnel issues referred to in item 15, above.**

None

**17. Discuss and consider taking action on the Fire Department Assessment**

City Manager McCuiston stated based on the results in this Assessment there will be some changes in the Fire Department. Going to improve the management training, fire training, the way we treat each other and try to be more professional.

Commissioner Wimberley made a motion, seconded by Mayor McKay, to allow City Manager McCuiston to address any items authorized by the City Commission. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Wimberley, Strickland. Nays: None. Absent: Thompson, Cyprian

**18. City Manager Reports**

- a. **City Clean Up** – Fire Chief Chaney stated we added 18 more houses to be torn down.

- b. **Trade Days Update** – City Manager McCuiston stated we had 20 vendors and lots of positive responses. We also have 6 shows for this coming year.
- c. **Texas Gas Service** – City Manager McCuiston stated per the report it shows that gas rates are going down.

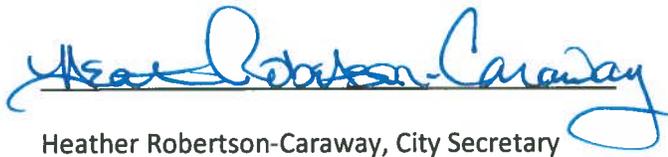
**19. Items from the City Commission not requiring formal action: None**

**20. Adjourn**

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

Meeting adjourned at 7:06 P.M.

ATTEST



Heather Robertson-Caraway, City Secretary

  
Jimmy McKay, Mayor