

Minutes
Regular Session
Breckenridge City Commission

August 2, 2016 – 5:30 P.M.
Breckenridge City Offices Commission Chambers
105 North Rose Avenue
Breckenridge, Texas 76424

Those Present: Rob Durham, Commissioner; Tom Cyprian, Mayor Pro-Tem; David Wimberley, Commissioner; Andy McCuiston, City Manager; Heather Robertson-Caraway, City Secretary; Stacy Harrison, Public Services Director; Calvin Chaney, Fire Chief; Gabriel Rodriguez, Public Works Director; Tony Pilkington, Breckenridge American; Sage Diller, e-HT; Kim Bagget, Municipal Court Judge; Eileen Hayman, Messer, Rockefeller & Fort Municipal Law Firm

Those Absent: Jimmy McKay, Mayor; R. Kent Thompson, Commissioner

1. **Call to Order:** Mayor Pro-Tem Cyprian, at 5:39pm a quorum was established
2. **Invocation Led By:** Public Services Director Harrison
3. **Pledge of Allegiance:** Commissioner Wimberley led the Pledge of Allegiance
4. **Consider approval of minutes of the July 5th, 2016 City Commission Meeting**

Commissioner Wimberley made a motion, seconded by Commissioner Durham, for approval of the July 5th, 2016 City Commission Meeting. When the motion was put to vote, it prevailed as follows:
Ayes: Durham, Cyprian, Wimberley. Nays: None. Absent: McKay, Thompson

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 Hotel/Motel Quarterly Financial Statements – Second Quarter**
8. **Request to approve the Contract between the City of Breckenridge and the Breckenridge Library and Fine Arts Foundation**
9. **Request to approve the Breckenridge Chamber of Commerce City Hotel /Motel Tax Audit**

- 10. Request to approve a Resolution to enter into an Agreement with the State of Texas through the Texas Department of Transportation for the Temporary Closure of State Highway 180 for a Parade Associated with the Breckenridge Independent School District (Homecoming Parade)**

- 11. Request to approve Resolution for GASB No. 54. Fund Balance Policy**

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

INDIVIDUAL CONSIDERATION

- 12. Request to approve the execution of a Tax Foreclosure Deed that was unrecorded in 1977 for the date it happened.**

City Manager McCuiston stated Gary Trammell brought this item to us. This property has been bought and sold unknown number of times without deeds being recorded.

Commissioner Durham made a motion, seconded by Commissioner Wimberley, to approve the execution of a Tax Foreclosure Deed that was unrecorded in 1977 for the date it happened. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Wimberley. Nays: None. Absent: McKay, Thompson

- 13. Request to approve Final Project Acceptance and Release of Retainage for the TWDB funded (62603) Water Line Replacement project contingent upon concurrence by the TWDB.**

Sage Diller stated this is the finalized project with A&M Construction. All requirements have been met. The final walk through was completed last Friday. Once final documents are accepted with TWDB, they will release the retainage.

Commissioner Durham made a motion, seconded by Commissioner Wimberley, to approve Final Project Acceptance and Release of Retainage for the TWDB funded (62603) Water Line Replacement project contingent upon concurrence by the TWDB. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Wimberley. Nays: None. Absent: McKay, Thompson

City Manager McCuiston requests to move item 24a: Paving/Drainage Projects to do while Sage is here.

14. Request to consider approval of a resolution approving 2016 Appraisal Roll.

City Manager McCuiston stated he received the certified appraisal roll after the budget books were delivered. It has not helped us. We lost \$5 million in minerals, \$9.3 million in personal property and that translates to \$70,000 lost revenue in the General Fund.

Commissioner Wimberley made a motion, seconded by Commissioner Durham, to approve the resolution approving 2016 Appraisal Roll. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Wimberley. Nays: None. Absent: McKay, Thompson

15. Request to consider approval of calculations of the 2016 Effective Tax Rate.

City Manager McCuiston stated the effective tax rate is calculated to be \$1.00484. We just need to approve the calculations for the effective tax rate at this time.

Commissioner Durham made a motion, seconded by Commissioner Wimberley, to approve calculations of the 2016 Effective Tax Rate. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Wimberley. Nays: None. Absent: McKay, Thompson

16. Request to consider discussing tax rate, take a record vote and schedule two Public Hearings.

City Manager McCuiston stated the recommended rate of \$1.04 could have gone up to \$1.12. Prior to me coming here the rate was just above \$1.04. Public Hearings to be held on August 16th and August 23rd.

Mayor Pro Tem Cyprian made a motion, seconded by Commissioner Wimberley, to approve to consider discussing tax rate, take a record vote and schedule two Public Hearings. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Wimberley. Nays: None. Absent: McKay, Thompson

17. Request to approve second and final reading of Ordinance 16-14 of the City of Breckenridge, Texas Repealing and Replacing Ordinance No. 16-11; Establishing a General Fee Schedule for the City of Breckenridge; Incorporating Existing Water and Sewer Rates and Fees; Providing an Open Meetings Clause; and Establishing an Effective Date

Commissioner Wimberley made a motion, seconded by Commissioner Durham, to approve second and final reading of Ordinance 16-14. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Wimberley. Nays: None. Absent: McKay, Thompson

18. Request to approve Ordinance No. 16-15 - An Ordinance of the City of Breckenridge, Texas Repealing and Replacing Various Ordinances; and Amending an Ordinance of 5-11-22 and an Ordinance of 11-24-24; Combining Former Chapter 1, General Provisions, and Chapter 2, Administration, of the Code of Ordinances of the City of Breckenridge; Creating a New Chapter 1, General Provisions and Administration; Adopting a New Chapter 2, Boards and Commissions; Providing a Penalty Clause and an Open Meetings Clause; and Establishing an Effective Date

Eileen Hayman stated this is a part of the Municode Legal Review and explained the changes and additions.

Commissioner Wimberley made a motion, seconded by Mayor Pro Tem Cyprian, to approve Ordinance 16-15. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Wimberley. Nays: None. Absent: McKay, Thompson

19. **Request to approve Ordinance No. 16-16 - An Ordinance of the City of Breckenridge, Texas Repealing and Replacing Ordinance No. 136; Amending Ordinance No. 119, Ordinance No. 87-5, Ordinance No. 05-02, and Ordinance No. 13-12; Revising Chapter 5, Buildings and Structures, Chapter 6, Civil Defense, and Chapter 22, Zoning, of the Code of Ordinances of the City of Breckenridge, Texas; Removing Language Regarding Boards and Committees Incorporated into Chapter 2 of the Code of Ordinances ; Providing a Penalty Clause; Providing a Severability Clause and an Open Meetings Clause; and Establishing an Effective Date.**

Eileen Hayman stated this is a part of the Municode Legal Review and explained the changes and additions.

Commissioner Durham made a motion, seconded by Commissioner Wimberley, to approve Ordinance 16-16. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Wimberley. Nays: None. Absent: McKay, Thompson

20. **Request to approve Ordinance No. 16-17 - An Ordinance of the City of Breckenridge, Texas Repealing and Replacing Various Ordinances and Amending Various Ordinances; Revising Chapter 3, Alcoholic Beverages; Chapter 7, Drilling Operations; Chapter 8, Finance and Taxation; Chapter 10, Garbage, Trash, Weeds, and Other Wastes; Chapter 12, Noise Control; Chapter 12, Occupational Licenses and Regulations; and Chapter 14, Offenses and Miscellaneous, of the Code of Ordinances of the City of Breckenridge, Texas; Removing all Fees Located Therein to the City Fee Schedule; Providing a Penalty Clause; Providing a Severability Clause and an Open Meetings Clause; and Establishing an Effective Date**

Eileen Hayman stated this is a part of the Municode Legal Review and explained the changes and additions.

Commissioner Wimberley made a motion, seconded by Commissioner Durham, to approve Ordinance 16-17. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Wimberley. Nays: None. Absent: McKay, Thompson

21. **Request to approve Ordinance No. 16-18 - An Ordinance of the City of Breckenridge, Texas, Repealing and Replacing Ordinance No. 16-14; Establishing a General Fee Schedule for the City of Breckenridge; Incorporating Existing Fees Under Chapters 10, 13, and 14 of the Code of Ordinances; Providing an Open Meetings Clause; and Establishing an Effective Date**

Eileen Hayman stated this is a part of the Municode Legal Review and explained the changes and additions. She also explains how it repeals and replaces item 17 which we just passed with a 2nd reading.

Commissioner Durham made a motion, seconded by Commissioner Wimberley, to approve Ordinance 16-18. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Wimberley. Nays: None. Absent: McKay, Thompson

22. Request to approve Ordinance No. 16-19 - An Ordinance of the City of Breckenridge, Texas Adding Section 20-35 to the Breckenridge Code of Ordinances; Regulating the Parking of Mobile Homes, Recreational Vehicles, Boats, Etc. in Residential Areas; Providing a Severability Clause and an Open Meetings Clause; and Establishing an Effective Date

Fire Chief Chaney explains we currently have nothing that refers to RV's. This will give us a way to maintain and regulate this issue. People cannot live in an RV inside city limits without it being in an RV Park or specified zoned area.

Commissioner Wimberley made a motion, seconded by Commissioner Durham, to approve Ordinance 16-19. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Wimberley. Nays: None. Absent: McKay, Thompson

23. Authorize City Manager to accept title to the American Legion Property

City Manager McCuiston stated I have been working for some time trying to acquire the American Legion Property. Not many members left, but did get a hold of Sargent Lee who has been working on it with me. The City is interested in the building – has a lot of problems – roof leaks, parking lot deteriorated, etc. It is adjacent to the Park so we would like to acquire the property. They are expected to transfer deed to City.

Commissioner Wimberley made a motion, seconded by Commissioner Durham, to authorize City Manager to accept title to the American Legion Property. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Cyprian, Wimberley. Nays: None. Absent: McKay, Thompson

24. City Manager Reports

A. Paving/Drainage Projects – City Manager McCuiston explains the project. Sage stated the surveyors have been sent out on the different areas to bring data on drainage issues in certain areas in town. Paving only where there are drainage, deterioration and sunken roadways. More detailed information will come later.

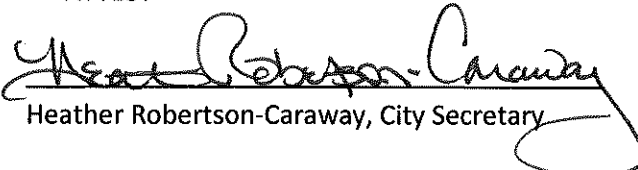
25. Items from the City Commission not requiring formal action: None

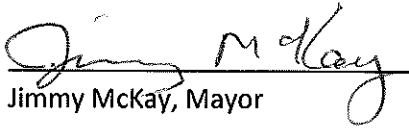
26. Adjourn

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

Adjourned at 6:09 P.M.

ATTEST


Heather Robertson-Caraway, City Secretary


Jimmy McKay, Mayor

