

Minutes
Regular Session of the Breckenridge City Commission
May 5, 2020 – 5:30 PM
Breckenridge City Offices Commission Chambers
105 North Rose Avenue, Breckenridge, Texas 76424

Those Present: Bob Sims, Mayor; Tom Cyprian, Mayor Pro-Tem; Russell Blue; David Wimberley; Rob Durham; Heather Robertson- Caraway, City Secretary; Houston Satterwhite, Assistant City Manager of Operations; Stacy Harrison, Public Services Director; Calvin Chaney, Fire Chief; Bacel Cantrell, Police Chief; Bo Asher; Andy Rodgers; Michael Roach; Virgil Moore, BEDC; Anfernee Chachera, Breckenridge American;

Those Absent: None

1. **Call to Order:** Mayor Bob Sims at 5:30 P.M.
2. **Invocation Led By:** Pastor Andy Rodgers
3. **Pledge of Allegiance:** Pastor Andy Rodgers
4. **Consider approval of minutes of the April 7, 2020 City Commission Meeting**

Mayor Pro-Tem Cyprian made a motion, seconded by Commissioner Blue for approval of minutes of the April 7, 2020 City Commission Meetings. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Wimberley, Cyprian, Sims and Blue. Nays: None. Absent: None

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 City Funds Quarterly Investment Report – 2nd Quarter 2019-2020 Fiscal Year
8. Request to approve Hotel/Motel Quarterly Financial Statements – 1st Quarter 2020
9. Request to approve Audit Engagement Letter
10. Request to accept the City of Breckenridge Annual Reports to Texas Water Development Board (TWDB): Water Use Survey, Water Loss Audit, and Water Conservation Plan

Commissioner Wimberley made a motion, seconded by Commissioner Durham to approve consent agenda items 6-10. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Wimberley, Cyprian, Sims and Blue. Nays: None. Absent: None

INDIVIDUAL CONSIDERATION

11. Request to approve Breckenridge Economic Development Corporation Semi-annual Activity Report for October 1, 2019 through March 30, 2020

Virgil Moore, Executive Director, BEDC reviewed the current Economic Impact of COVID-19 regarding businesses. Business loan-revolving fund went out today to help local businesses. The fund balance is \$200,000. The loans would be \$10,000 per loan, 30-month term, 0% interest, and currently have 2 applicants.

Commissioner Blue made a motion, seconded by Commissioner Cyprian to approve Breckenridge Economic Development Corporation Semi-annual Activity Report for October 1, 2019 through March 30, 2020 When the motion was put to vote, it prevailed as follows: Ayes: Durham, Wimberley, Cyprian, Sims and Blue. Nays: None. Absent: None

12. Request to approve Resolution 20-11 to appoint a Mayor Pro Tem for 2020-2021

Heather Robertson- Caraway, City Secretary stated Tom Cyprian has volunteered to serve as Mayor Pro-Tem for another term.

Commissioner Wimberley made a motion, seconded by Commissioner Durham, to approve Resolution 20-11 to appoint a Mayor Pro Tem for 2020-2021. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Wimberley, Cyprian, Sims and Blue. Nays: None. Absent: None

13. Request to approve Resolution 20-12 denying the Oncor Electric Delivery Company LLC's application for Distribution Cost Recovery Factor (DCRF)

Heather Robertson-Caraway, City Secretary stated the Steering Committee recommends denial.

Commissioner Blue made a motion, seconded by Mayor Pro-Tem Cyprian to approve Resolution 20-12 denying the Oncor Electric Delivery Company LLC's application for Distribution Cost Recovery Factor (DCRF). When the motion was put to vote, it prevailed as follows: Ayes: Durham, Wimberley, Cyprian, Sims and Blue. Nays: None. Absent: None

14. Request to appoint Mayor Bob Sims and Asst. City Manager of Operations Houston Satterwhite to a Task Force Committee to meet with County Task Force Appointees to research and discuss possible options within certain Departments for Consolidation

Bob Sims, Mayor stated this is something we are looking into for options to reduce our budget.

Commissioner Cyprian made a motion, seconded by Commissioner Blue to appoint Mayor Bob Sims and Asst. City Manager of Operations Houston Satterwhite to a Task Force Committee to meet with County Task Force Appointees to research and discuss possible options within certain Departments for Consolidation. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Wimberley, Cyprian, Sims and Blue. Nays: None. Absent: None

15. Request to approve Joint Election Agreement and Contract for Election Services with Stephens County for the May 2nd, 2020 Election that was postponed to November 3rd, 2020

Heather Robertson-Caraway, City Secretary explained to the commission this is a joint election agreement and contract for election services to have the May 2020 City election, which was postponed due to COVID19, with the County election in November 2020. we have done this in the past. We have contracted with the County before in November of 2018 for the Local Option Liquor Election.

Commissioner Wimberley made a motion, seconded by Mayor Pro-Tem Cyprian to approve Joint Election Agreement and Contract for Election Services with Stephens County for the May 2nd, 2020 Election that was postponed to November 3rd, 2020. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Wimberley, Cyprian, Sims and Blue. Nays: None. Absent: None

16. Request to discuss and take action on Aquatic Center Operations for 2020

Stacy Harrison, Public Services Director discussed repairs that will be needed. The City is looking at estimates for repairs. Heather Robertson-Caraway, City Secretary explained Executive Order GA-18 by Governor Abbott states Public Swimming Pools are to remain closed.

Commissioner Wimberley made a motion, seconded by Commissioner Blue to close the Aquatic Center Operations for 2020. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Wimberley, Cyprian, Sims and Blue. Nays: None. Absent: None

17. Request City Commission to review 2020-21 Budget Calendar and current City-Wide Goals and Objectives to provide input for next year

Heather Robertson-Caraway, City Secretary explained this is a calendar we put together every year to maintain the flow of the budget process and to stay in compliance with state deadlines. The goals and objectives are very broad, each departments section of goals and objectives are more concise. If the Commission has any changes to the Goals and Objectives, please let her know by next week.

No Motion Needed

18. Request to approve the Amended Rules and Regulations and Perpetual Care Provisions for the Breckenridge Cemetery

Stacy Harrison, Public Services Director explained reducing overtime costs and the small changes to the rules will allow the City to cut the overtime. Stacy has visited with the Funeral homes explaining we would not always have someone on duty.

Commissioner Durham made a motion, seconded by Commissioner Wimberley approve the Amended Rules and Regulations and Perpetual Care Provisions for the Breckenridge Cemetery. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Wimberley, Cyprian, Sims and Blue. Nays: None. Absent: None

19. City Reports

a. City Clean-up

Calvin Chaney, Fire Chief explained the clean-up is for trash and debris and is set for Monday, May 18th - May 23rd from 9 to 5. All water customers bring your water bill to utilize this free drop.

Community will be able to bring a truck or bumper pull trailer. The tire clean-up on May 23rd will only be small tires and no rims, 6 per household.

EXECUTIVE SESSION

Mayor Sims opened Executive Session at 6:06 P.M.

Those Present: Bob Sims, Mayor; Heather Robertson-Caraway, City Secretary; Tom Cyprian, Mayor Pro-Tem; David Wimberley, Commissioner, Rob Durham, Commissioner, Russell Blue Commissioner; Eileen Hayman, City Attorney.

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

(A.) A governmental body may not conduct a private consultation with its attorney except:

(1.) when the governmental body seeks the advice of its attorney about:

- (a.) pending or contemplated litigation; or
- (b.) a settlement offer; or

(2.) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

(B.) This chapter does not require a governmental body to conduct an open meeting:

- (1.) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or
- (2.) to hear a complaint or charge against an officer or employee.

(C.) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

7:09 P.M. - Houston Satterwhite, Asst. City Manager of Operations was brought into Executive Session

21. 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.) A governmental body may not conduct a private consultation with its attorney except:

(1.) when the governmental body seeks the advice of its attorney about:

- (a.) pending or contemplated litigation; or

(b.) a settlement offer; or

(2.) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

(B.) This chapter does not require a governmental body to conduct an open meeting:

(1.) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or

(2.) to hear a complaint or charge against an officer or employee.

(C.) Subsection (a) does not apply if the officer or employee who is the subject of the deliberation or hearing requests a public hearing.

Mayor Sims closed Executive Session at 7:32 pm

22. Request to approve Resolution 20-13 adopting Consulting Agreement with Andy McCuiston

Discussion over the issue involving Andy's conversations with certain departments employees just before his last day; has created quite a bit of animosity within the City. The commission discusses the body of the Resolution and decides to advise Heather Robertson-Caraway, City Secretary to make specific changes to the Resolution so she may consult with anyone of her choice.

Commissioner Durham made a motion, seconded by Mayor Pro-Tem Cyprian to approve Resolution 20-13 stating Heather Robertson-Caraway may consult with anyone of her choice. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Wimberley, Cyprian, Sims and Blue. Nays: None. Absent: None

23. Request to approve Resolution 20-14 to appoint Interim City Manager(s)

The Commission has decided to appoint Heather Robertson-Caraway as Interim City Manager over Administration and Houston Satterwhite as Interim City Manager over Operations. Heather Robertson-Caraway will have the authority to approve purchases, hiring, firing and at any time there is a difference of opinion between the two, then Heather Robertson-Caraway will have the authority for the final decision.

Commissioner Wimberley made a motion, seconded by Commissioner Blue to approve Resolution 20-14 to appoint Interim City Manager(s) with the above stipulations added to the Resolution. When the motion was put to vote, it prevailed as follows: Ayes: Durham, Wimberley, Cyprian, Sims and Blue. Nays: None. Absent: None

24. Items from the City Commission not requiring formal action

Special Meeting is scheduled for May 19th at 6:00 pm

25. Adjourn

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

Meeting closed at 7:37 PM

ATTEST



**Bob Sims,
Mayor**



**Heather Robertson- Caraway, CCCII, TRMC
Interim City Manager of Administration / City Secretary**

