

Minutes
Regular Session
Breckenridge City Commission

August 5, 2014 – 5:30 P.M.
Breckenridge City Offices Commission Chambers
105 North Rose Avenue
Breckenridge, Texas 76424

Those Present: Sherry Strickland, Mayor Pro-Tem; R. Kent Thompson, Commissioner; David Wimberley, Commissioner; Tom Cyprian, Commissioner; Andy McCuiston, City Manager; Heather Robertson-Caraway, City Secretary; Calvin Chaney, Fire Chief; Gabriel Rodriguez, Public Works Director; Stacy Harrison, Public Services Director; Rev. Melinda Lane, Covenant Tabernacle; Sage Diller, e-HT; Rob Durham, Breckenridge American; Karen Chakerian

Those Absent: Jimmy McKay, Mayor

- 1. Call to Order:** Mayor Pro-Tem Strickland at 5:30pm a quorum was established
- 2. Invocation Led By:** Rev. Melinda Lane, Covenant Tabernacle
- 3. Pledge of Allegiance Led By:** Commissioner Wimberley
- 4. Consider approval of minutes of the July 1st, 2014 City Commission Meeting**

Commissioner Wimberley made a motion, seconded by Commissioner Cyprian, for approval of minutes of the July 1, 2014 City Commission Meeting. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley, Cyprian. Nays: None. Absent: McKay

- 5. Citizens Presentation**

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 – Third Quarter 2013-2014**

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

Commissioner Wimberley made a motion, seconded by Commissioner Thompson, for approval of items number 6 through 10. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley, Cyprian. Nays: None. Absent: McKay

PUBLIC HEARINGS

At 5:34 pm Public Hearing on Item 11 Commenced:

- 11. To consider adopting Ordinance 14-12 amending Ordinance 09-04 a City of Breckenridge Water Conservation and Drought Contingency Plan; penalties clause; cumulativeness clause; severability clause; conflicts clause and effective date.**

City Secretary Robertson-Caraway stated they had passed this in July's meeting. There was a publishing issue, so we needed to redo this item. We have already published this as a public hearing.

Commissioner Wimberley made a motion, seconded by Commissioner Cyprian for approval to adopt Ordinance 14-12 amending Ordinance 09-04 a City of Breckenridge Water Conservation and Drought Contingency Plan; penalties clause; cumulativeness clause; severability clause; conflicts clause and effective date. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley, Cyprian. Nays: None. Absent: McKay

At 5:37 pm Public Hearing on Item 11 Concluded.

At 5:38 pm Public Hearing on Item 12 Commenced:

- 12. Request to authorize the application to the United States Department of Agriculture – Rural Utility Service to obtain Grant and Loan Funding to construct roadway, drainage and utility improvements for the community (Parks Street Project).**

Sage Diller explained the proposed is a multi-faceted project involving the replacement of major infrastructure components along the North Parks Street Corridor (NPSC). The NPSC encompasses an area including North Parks Street (Parks) between US Highway 180 (West Walker Street) and West 7th Street (7th) as well as portions of West Lindsey Street (Lindsey), West Jeanette Street (Jeanette) and North Live Oak Street (Live Oak). The NPSC is a heavily traveled thoroughfare thru the City, serving as the main access to

the Breckenridge Independent School District (BISD) facilities including the high school campus and athletic facilities. The proposed project will address the failing infrastructure along the NPSC, while increasing safety and improving access to the various BISD facilities.

The majority of the proposed project involves improvements to the existing paving and stormwater drainage infrastructure along the NPSC. The improvements will include the replacement of existing dilapidated asphalt and concrete street pavement, replacement and installation of new concrete curb and gutter, and drainage improvements. The proposed project will also include the replacement and installation of new water mains to replace the existing cast iron water lines along Parks and Lindsey Streets that have likely reached the end of their intended service life as well as the replacement of old, dilapidated sanitary sewer lines, manholes, and related appurtenances. The estimated construction cost of the alternatives considered range from \$5.3 million to \$7.1 million. The current recommended alternative has an estimated construction cost of \$5.8 million.

Commissioner Cyprian made a motion, seconded by Commissioner Wimberley to authorize the application to the United States Department of Agriculture – Rural Utility Service to obtain Grant and Loan Funding to construct roadway, drainage and utility improvements for the community (Parks Street Project). When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley, Cyprian. Nays: None. Absent: McKay

At 5:44 pm Public Hearing on Item 12 Concluded.

INDIVIDUAL CONSIDERATION

13. Request to approve refunding to Suddenlink the PEG FEE (1% per-subscriber fee) and closing the PEG Fund Account.

City Secretary Robertson-Caraway explained we get a 5% franchise fee from the cable company and a 1% fee for the PEG fund. In 2010 the PEG fund fee had to be in a separate fund. Cities found you can dissolve this because the only thing you can use this money for is by having a public access channel, which most cities do not have. We passed a resolution back in June of 2012 to stop receiving these funds. The money is still sitting in the PEG account that we cannot do anything with. The staff recommends that we have the cable company reduce our franchise fee from 5% to 4% for a period of three years and three months to refund the 1% PEG fee and move the money into another account to be utilized.

Commissioner Thompson made a motion, seconded by Commissioner Cyprian for approval of refunding to Suddenlink the PEG FEE (1% per-subscriber fee) and closing the PEG Fund Account. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley, Cyprian. Nays: None. Absent: McKay

14. Request to approve Resolution 14-16 for Home Rehabilitation Assistance Program Application to the Texas Department of Housing and Community Affairs.

City Secretary Robertson-Caraway explained we are almost ready to submit the application to Howco on the Home Grant Program and this resolution is required to go with the application.

Commissioner Wimberley made a motion, seconded by Commissioner Cyprian, to approve Resolution 14-16 for Home Rehabilitation Assistance Program Application to the Texas Department of Housing and Community Affairs. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley, Cyprian. Nays: None. Absent: McKay

15. Request to approve the first reading of Ordinance 14-19, Amending Article II, Section 21-11 of the Code of Ordinances providing for an increase in the Monthly Charges for Metered Water.

City Manager McCuiston stated this is the first reading and we will have the second and final reading at the August 19th meeting. The rates will become effective September 1st. Melinda Lane asked how much was the rate increase. City Manager McCuiston answered the rate increase will affect the high water users. There are a lot of residents that are not following the conservation plan.

Commissioner Wimberley made a motion, seconded by Commissioner Cyprian, to approve the first reading of Ordinance 14-19, Amending Article II, Section 21-11 of the Code of Ordinances providing for an increase in the Monthly Charges for Metered Water. When the motion was put to vote, it prevailed as follows: Ayes: Strickland, Thompson, Wimberley, Cyprian. Nays: None. Absent: McKay

16. City Manager Reports

- a. **West Elliot water line to 3099** – City Manager McCuiston stated the raw water line goes through that area and there are a lot of users on that line, with the golf course being the largest. The policy from the Water District requires when the lake reaches a certain elevation, everyone on that line will be cut off leaving them without water. The City is not obligated to provide water to the residents outside of the City limits. However, instead of the residents being completely without water, we can offer to put them on City water. I am asking for your okay's to contact these residents to talk to them about running a water line in the area so they can have water with the understanding that they will need to help with a prorated cost of this project. After talking with our engineers, this project is roughly \$250,000 to \$280,000 dollars.
- b. **Pichler properties** - City Manager McCuiston explained that Pichler has violated his agreement. We need to set up another hearing for his properties.
- c. **Walmart** - Fire Chief Chaney stated as of today the new Walmart has all the walls up, 95% of the structure frame is done, 85% of the roof is completed, the pump station is done and the pouring of the foundation is scheduled for the 11th. October 1st is the scheduled opening of the store.

- d. **WTP Issues** - City Manager McCuistion stated we had to shut down the West Clarifier for a short time frame to replace broken parts.
- e. **TCEQ** – City Manager McCuistion stated we have to pay a \$1,400 dollar penalty for limit violations at the WWTP from Jan through March.

17. Items from the City Commission not requiring formal action

Commissioner Thompson stated he had a citizen complaint that a Chihuahua fell in a pothole and could not get out located on Pecan between Walker and Elliot.

18. Adjourn

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

Meeting adjourned at 6:32 P.M.

ATTEST


Heather Robertson-Caraway, City Secretary


Jimmy McKay, Mayor

SEAL

