

Minutes
Regular Session
Breckenridge City Commission

March 03, 2015 – 5:30 P.M.
Breckenridge City Offices Commission Chambers
105 North Rose Avenue
Breckenridge, Texas 76424

Those Present: : Jimmy McKay, Mayor; Sherry Strickland, Mayor Pro-Tem; David Wimberley, Commissioner; Tom Cyprian, Commissioner; Andy McCuiston, City Manager; Heather Robertson-Caraway, City Secretary; Larry Mahan, Police Chief; Calvin Chaney, Fire Chief; Gabriel Rodriguez, Public Works Director; Stacy Harrison, Public Services Director; Sage Diller, e-HT; Genoa Goad, First Baptist Church; Virgil Moore, BEDC; Carl Williford; Brad Loden; Matt Trepkowsk; Marcie Aragon; Dub Roberts

Those Absent: R. Kent Thompson, Commissioner

1. **Call to Order:** Mayor McKay at 5:30 pm a quorum was established
2. **Invocation Led By:** Interim Pastor Genoa Goad, First Baptist Church
3. **Pledge of Allegiance:** Mayor McKay led the Pledge of Allegiance
4. **Consider approval of minutes of the February 03, 2015 City Commission Meeting**

Commissioner Cyprian made a motion, seconded by Commissioner Strickland, for approval of minutes of the February 03, 2015 City Commission Meeting. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Strickland, Wimberley, Cyprian. Nays: None. Absent: Thompson

5. **Citizens Presentations**

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 Frontier Days**
8. **Request to approve the Racial Profile Statistical Report**

9. **Request to approve The Stephens County Child Welfare Board request to tie blue ribbons on both sides of Main Street in observance of April being Child Abuse Awareness month**
10. **Request to approve the 2013-2014 Breckenridge Economic Development Corporation Audit**
11. **Request to approve resolution for Electrical Board appointment**
12. **Request to approve resolution for Planning & Zoning Commission appointment**
13. **Request to approve resolution for Board of Adjustment appointment**

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

INDIVIDUAL CONSIDERATION

14. Request to approve Planning and Zoning Commission recommendations

- a. **PZ 15-01 – The City of Breckenridge request alley closing east and west of South Cutting between blocks 11 & 12 and 13 & 14 in the Walker South Side Addition.**

City Manager McCuiston explained this is a housekeeping item; we have already closed Cutting Street, we just failed to close the alleys in the area where they are building the PK water plant for the City of Abilene. The Planning and Zoning Commission Board has approved this item.

Commissioner Strickland made a motion, seconded by Commissioner Wimberley, to approve Planning and Zoning Commission recommendation to approve PZ 15-01 – The City of Breckenridge request alley closing east and west of South Cutting between blocks 11 & 12 and 13 & 14 in the Walker South Side Addition. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Strickland, Wimberley, Cyprian. Nays: None. Absent: Thompson.

- b. **PZ 15-02 – Action Breckenridge LLC, on behalf of Tractor Supply Company, requests change of zoning from C-3 Community Business District to C-3 Community Business District SP 22-6-802(B) *Outside Display of Merchandise* at 3732 W. Walker, T Town Addition, Block 1, Lot W Part**

City Manager McCuiston explained this has to do with a specific use permit for Tractor Supply. Wal-Mart, Higginbotham's and others have a specific use permit to store items outside. This will allow Tractor Supply to do the same. The Planning and Zoning Commission Board has approved.

Commissioner Wimberley made a motion, seconded by Commissioner Strickland, to approve Planning and Zoning Commission recommendation to approve PZ 15-02 – Action Breckenridge LLC, on behalf of Tractor Supply Company, requests change of zoning from C-3 Community Business District to C-3 Community Business District SP 22-6-802(B) *Outside Display of Merchandise* at 3732 W. Walker, T Town Addition, Block 1, Lot W Part. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Strickland, Wimberley, Cyprian. Nays: None. Absent: Thompson.

15. Request to consider Wapiti Energy Opco, L.L.C./Wapiti Operating, L.L.C. permit for drilling of wellhead at 330' FNL & 574' FWL of the NE/4 of LAL Sec. 8, J. Sylvanus Survey, A-1078.

City Manager McCuiston – this item was removed from the last agenda on the request of Wapiti. They contacted us and asked to have it put back on the agenda for this meeting. They have representatives here to speak to it. Carl Williford with Wapiti states I handle the operations for drilling and completion for all wells here in Breckenridge.

We have two wells planned to drill inside the city limits. They are flagged on the map board here (hanging on the wall in Commission Chambers). One here to the NW is just North of the Sonic and the one to the SE is just about 2000' SW of South Elementary.

We have drilled one of these wells in the city limits already and it was drilled per the Oil & Gas Commission regulations and we didn't have any issues. We contain all fluids and vapors, no mess, nothing hits the ground. We do testing on all vapors to make sure no gases are being emitted that could harm anyone. If gases are emitted the RR Commission locks us up until we get it resolved. We do everything we can to be a good neighbor and operate the way we should. These wells, where they will be located, will not be too close to any area that would hinder day to day activities. We feel they are safe and we will make sure they are operated that way.

City Manager McCuiston stated item 15 is for the NW and item 16 is for the SE – we are taking these one at a time, so we are on item 15. Does anyone else want to add to this item? Yes - Virgil Moore, Executive Director of the BEDC – I sent a letter that is attached in your file that shows we are opposing the well to be drilled as a vertical well. It adjoins on the West side of the 15 acre property that we are in the process of developing. Included with the letter is a copy of the plat showing the development; which includes a 90 bed nursing home, a 30 bed assisted living center, several independent living duplexes and townhouse style apartments that the community desperately needs. I referenced city ordinances and three reasons why I feel the City should not allow this permit to be issued. It is located less than 700' from another well, they could do a directional drill to still get to that site, and I fear that the drilling would impede this project we have working. At this point I have a letter of intent but we don't have the land sold. I am concerned that the well would kill the whole project. I don't think that one well, which could be drilled in a different manner, should possibly cost us this project.

Commissioner Wimberley – you are speaking on item 15 and not item 16? Virgil – Yes item 15; the raw acreage you see there to the right is our 15 acres. I did also send this information to Wapiti - I never did hear back from anyone in reply to my concerns. All I can do at this time is ask you to not approve the permit. Wapiti representative asks do we know how far the well is from the proposed project? Virgil – the well would be within 100' of the assisted living center. Carl Williford with Wapiti – once the well is completed a fence will be put around it and it should be a 10' x 10' fenced area. So, it shouldn't hinder anything that will be built on that land. We will divert any roads around. Virgil – asks where would you divert? I don't see any options to divert. Carl – we would come around the NW side of the property. Virgil – I believe there are houses there. Carl – it's a side of a hill right now.

Commissioner Strickland – when this was discussed previously, it was brought up about drilling directionally rather than vertically, is that not a possibility? Carl – the issue with drilling directionally is that one it costs twice as much and two the only way to drill a directional to this location is to step all the way back to the location that is North of Sierra. Drilling a directional that far is very difficult. Commissioner Strickland – so it is primarily a cost issue? Carl – it is a cost & location issue.

Commissioner Wimberley – has anybody from your company contacted Virgil to come in a different way to accommodate a way that this can all be done? Carl – No, we haven't worked with Virgil at all on it. We felt that it would take up such a small area, we would be willing to work with him at that point to divert any roads we had. It looked to us that the well itself wouldn't even be where they would be building the nursing home and we feel it wouldn't interfere. We would divert our road to the well if the nursing home gets built. Virgil – Again, familiar with the terrain out there, I don't know that it is possible for you to divert the road.

Mayor McKay – at this time I would hate to do anything that would interfere with the development of the property. I make a motion to deny the request of the drilling of the well head. Seconded by Commissioner Wimberley with a caveat that you work with Virgil of the BEDC to work out any issues. Then bring it back to the Commission at a later date once issues have been worked out. Commissioner Strickland – Virgil's project is important enough to agree to deny.

Mayor McKay made another motion to deny, seconded by Commissioner Strickland, Wapiti Energy Opco, L.L.C./Wapiti Operating, L.L.C. permit for drilling of wellhead at 330' FNL & 574' FWL of the NE/4 of LAL Sec. 8, J. Sylvanus Survey, A-1078. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Strickland, Wimberley, Cyprian. Nays: None. Absent: Thompson.

16. Request to consider Wapiti Energy Opco, L.L.C./Wapiti Operating, L.L.C. permit for drilling of wellhead at 550' FSL & 1,197' FEL of the W. Brocket Survey, Section 9, A-954.

City Manager McCuiston – again brought back from the last meeting. They have identified where it is located. Calvin do you have anything to say on this. Calvin Chaney, Fire Chief – this will be South of South Elementary. There is a lot of wells over in that area, probably about fifteen. It's not going to affect anything over there.

Carl Williford, Wapiti – like Calvin said we already have wells down there and this well will actually be further away from the school than some of the wells already there. Commissioner Strickland – How far away is that? Carl – about 200'. We do tests each time with the RR Commission that tests any gas or vapors and it determines a radius of exposure. Their analysis shows that the radius of exposure is less than 50'. Commissioner Strickland – How often are those tests run? Carl – Every time we take over operatorship the H9 test are done; so, those were done last year. The tests will be done again in 2015, because the company is changing names. Wapiti Representative – About 3 or 4 years ago we built a new battery, because we did have an H2S problem around our Southward well. We moved our batteries further south and we have H2S monitors. If we have an H2S escape, we do have 3 H2S monitors up between the battery and the school, they will go off. We are protected, we set a fire about 6 months ago

that burns off the H2S. If our monitors go off, the fire comes on to burn off the H2S, so we are pretty safe around the school.

Commissioner Wimberley made a motion, seconded by Commissioner Cyprian, to approve Wapiti Energy Opco, L.L.C./Wapiti Operating, L.L.C. permit for drilling of wellhead at 550' FSL & 1,197' FEL of the W. Brocket Survey, Section 9, A-954. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Strickland, Wimberley, Cyprian. Nays: None. Absent: Thompson.

17. Request to approve Hullum St Bridge Work Order.

City Manager McCuiston introduced Sage Diller with e-HT. Sage – Passed out handouts. The Hullum Street Bridge has been identified by TxDOT for repairs to prevent further erosion around the embankment of the bridge. TxDOT's recommendations to address the erosion issues will require new concrete headwalls, wingwalls need to be installed and then stabilizing backfill behind that. This will armor the embankment and keep it from degrading the bridges structure.

I have put together a work order for your consideration. I am proposing that we do this as a time and material project to try and keep the construction costs at a minimum. Sometimes that is difficult to do; it takes a lot of coordination between contractors. My plan of action is to talk with local contractors to see what is available locally in regard to the difficulty of the work and there are some steep embankments there; I want to make sure they have the proper equipment to get the work done. I am estimating that it will take up to \$ 15,000.00; I am hoping it will take less than that. Commissioner Wimberley – You telling me that you can rebuild this bridge for \$ 15,000.00? Sage – No, we are not rebuilding the bridge, we are armoring the embankment upstream to prevent erosion to the base of the bridge.

City Manager McCuiston – the money we spend on this bridge will meet our match requirement on the Elm Street Bridge. We are required to do the match within three years and this is the second year.

Commissioner Cyprian made a motion, seconded by Commissioner Wimberley, to approve Hullum St Bridge Work Order. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Strickland, Wimberley, Cyprian. Nays: None. Absent: Thompson.

18. Request to approve Drought Contingency Plan.

City Manager McCuiston – this is an item that we have discussed 3 or 4 times to finalize the revised plan. All of the changes discussed in previous meetings are included in this document and we feel that we have a pretty good document here. This document parallel's more what Abilene's policy does and I think it is a little more lenient than what we currently have; this allows for handheld outside watering, where the old policy was no outside watering. It also more clearly defines requirements on businesses that use a lot of water on cutting back by 15% in Stage 3 over what they used last year. Not in Stage 3 yet but we will be going to Stage 3 around the beginning of April.

Mayor McKay stated he hopes everyone has had time to read over this, it has taken a lot of work to put this together. I feel that it is a good plan and gets us more in line to conserve and enforce the same as other cities.

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

19. Request to approve Texas Municipal Retirement System City Portal Agreement.

City Secretary Robertson-Caraway explained TMRS has developed a new city portal that all participating cities will now be required to utilize. It will keep the cities and the state informed on all employee and city retirement data. It will also keep cities compliant with yearend reporting and the new GASB 68 reporting requirements. It is pretty straight forward, but the portal is complex. Commissioner Strickland asks will the portal be available to all employees? City Secretary Robertson-Caraway – No, limited access to me and one other employee in HR/Payroll. Commissioner Cyprian asks about maintaining quality control? City Secretary Robertson-Caraway – Yes, the portal will contain and maintain personal information on the cities employees.

Commissioner Wimberley made a motion, seconded by Commissioner Strickland, to approve the Texas Municipal Retirement System City Portal Agreement. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Strickland, Wimberley, Cyprian. Nays: None. Absent: Thompson.

20. Consider Fire Department Re-Organization and Salary Issues

City Manager McCuiston explained Calvin Chaney, Fire Chief brought a proposal to him regarding the fireman's pay. I discussed my issues and concerns with Calvin and I have prepared a proposal that has been provided to you in this agenda. We both realize that we have been having high turnover in the fire department and we are trying to stem that.

The proposal is to eliminate the Assistant Fire Chief position and take some of those funds to supplement the salaries of the fireman. My recommendation is to give them an additional 3% this year and an additional 3% over the next three years. We think this will be good for the department and the moral.

This Assistant Fire Chief position was important when we developed the Budget, due to the fact that we didn't have a Code Enforcement Officer. The Assistant Fire Chief was going to be doing some of those duties to help take some of those off of Calvin. At one time we had four people splitting those duties, we lost all those except for Calvin. We were training the Assistant Chief and getting him certified in some of those areas to get him to provide that help. Right now we have a Code Enforcement Officer that is doing a good job and that has taken some of the pressure off of Calvin. As long as we can keep that structure going we can do without the Assistant Fire Chief position.

Fire Chief Chaney explained since this is already a funded position and the money is budgeted why should they wait and get the money over a period of three years. We have been promised stuff in the past and then it never happened. City Manager McCuiston explained that the

economy is a concern. If the economy takes a downturn then no they would not get the additional pay raises over those periods.

City Manager McCuiston described step-up pay for the Captains in his proposal. When Calvin is out and a captain steps in to fill in during his absence, they will receive more per hour for that shift. (Included in proposal)

Commissioner Strickland – Why can't you make a disbursement now? City Manager McCuiston – this is a two part proposal. I thought that was too much all at once and I do not like parity. I am trying to widen the pay range between the captains and the fireman.

Fire Chief Chaney – We need to keep our experienced captains. We have gone from 11 to 10 fireman with only three having more than a year of experience.

Mayor McKay – if all employees get a 3% pay raise will the 3 % in the proposal for the fireman be in addition to; so, they will get 6%? City Manager McCuiston – Yes, 3.5% for Captains for a total of 6.5% and 2.5% for fireman for a total of 5.5%.

Commissioner Wimberley – What exactly are you asking us to approve? City Manager McCuiston – To eliminate the Assistant Fire Chief position, the pay raise over a period of three years and the step-up pay for captains.

Commissioner McKay made a motion, seconded by Commissioner Wimberley, to approve the Fire Department Re-Organization and Salary Issues. When the motion was put to vote, it prevailed as follows: Ayes: McKay, Strickland, Wimberley, Cyprian. Nays: None. Absent: Thompson.

21. City Manager Reports

- a. **City Retiree Recognition Policy** – City Manager McCuiston provided a memo detailing this situation. We are changing the way we handle this – even if an employee asks us not to do anything, we will continue to get them a gift and will notify the paper of the retirement and length of service.
- b. **Brush Chipping** – Gabriel Rodriguez, Public Works Director - This is normally done on the 3rd week in March, but with our first Breck Trade Days on that weekend we are moving the dates to the last week of March.
- c. **City Wide Cleanup** – City Manager McCuiston – Republic Services wanted to change from five bulk items to one and possibly charge for it now. However, after a discussion with them it will not change, will stay at five bulk items at no charge.

City Manager McCuiston – we had fifteen lots that we have put out for bid and we sold seven of them. That puts those seven back on the tax roll and a few of those individuals who purchased the lots are planning on putting structures on those lots that they can rent; which will improve the tax base.

- d. **Trade Days Update** – Stacy Harrison, Public Services Director explained that we are sixteen days away from the first Breck Trade Days. The Trade Barn needs electricity and

base material – working on. The RV Park water and sewer is in and needs electricity – working on. Sharon is working on getting more vendors and Felicia is getting the software and computers prepared. Parks crew has been working on the office interior.

Additional note – The little lot on South Baylor right across from First National Bank drive-thru we have deemed Birdhouse Park. The 1st Annual Birdhouse Contest is on Saturday at 9:00 am – we have 32 entries and have prizes for 1st, 2nd and 3rd places.

- e. **Discuss Stage 3** – City Manager McCuiston stated that we discussed this item already during item 18.
- f. **Fire Department Vehicles** – Calvin Chaney, Fire Chief – Handed out quotes received. Our pumper truck last week developed a major leak on the pump that is losing about 500 gallons of water a day. The truck is 27 years old and the pump is not repairable. Replacing the pump will cost \$101,173. It doesn't make sense to spend that on a 27 year old truck. I have received quotes on a new pumper truck through the Buyboard. The ISO requires us to have 2 working trucks. We are currently operating with only one truck.

On these bids – one company has a truck immediately available. One has a loaner truck and then build our truck, which would be 30-60 days out. The last quote is also 30-60 days out and if they supply us a truck it will be a rental.

Mayor McKay asked of the quotes which do you prefer and as far as the trucks which do you prefer? Calvin- Ferrara is good, on the specs it is just a heavier built truck – thicker metal and a bigger pump.

Calvin - Equipment that you see added is make the new truck and the one we have ISO compliant. We are required to have pumper trucks that pump 2250 gpm. This requirement was before we added the new Wal-Mart.

City Manager McCuiston stated we were originally looking at getting a ladder truck, due to having so many tall buildings – cost around \$700,000. We need to meet minimum requirements of the ISO, which is the pumper trucks and now we are in need of the pumper truck. This will be an action item at the next meeting and we may need to hold a special meeting. City Manager McCuiston – the city is at risk right now without this truck.

Mayor McKay inquired about the one quote with the loaner truck – what will the fees (rent, lease?) be? Calvin – I will find out tomorrow.

Commissioner Wimberley – inquired about the City Manager handling the financing of the truck. City Manager McCuiston – we brought this before you because the truck was not originally in the budget and the cost being around \$225,000 or more.

- g. **Discuss Monofill** – City Manager McCuiston – The first cell is almost full and we need to open a second cell. We had \$25,000 in this year's budget, but more than half of this has been used up with the two-story property destruction and compaction. So, I will be asking for more money to open the second cell at a later date.

22. Items from the City Commission not requiring formal action:

Commissioner Strickland inquired about the WWTP. Sage Diller with e-HT explained the design project bids to go out next month.

Commissioner Wimberley inquired about reuse water. Sage stated we had included that in one of the drought contingency studies we have done. There's an option there if you have demand and can sell it, it's something that you can make money on. You hate to go out and put in an infrastructure without having some kind of guarantee. If you are looking at additional water supply option – in that study one of the options was pumping it back into Lake Daniels. Now that is an expensive cost, there are funding opportunities out there. Commissioner Wimberley – I thought we were just going to pump back to the Frog Pond. Sage – Are you looking at selling it or reusing it? Commissioner Wimberley – any of the above. Sage – if you are looking at reusing it the state guidelines have been friendlier with it going through another body of water to incorporate and blend. If you are looking at going straight to consumption the permitting requirements are a lot greater. Commissioner Wimberley – we are pumping it into the creek and if we are going to sell water to oil companies why not sell them that water. Sage – you can absolutely do that.

City Manager McCuiston – what I talked with Sage about today is reusing water. Using the old filter out at the WWTP – retrofit it and use it to filter the water that we would discharge into the creek and send it up to Lake Daniels to blend. This would require a whole new line – going uphill so the line would be under pressure and then bring it back to the WTP through the old line to be treated. This would save us 600,000 to 950,000 gallons of water a day.

City Manager McCuiston – this would require debt service payments and we will be looking into this in the next budget year.

Sage – Drought response strategies are never cheap.

City Manager McCuiston – On our RD project with USDA to fund the Parks Street Project of \$5.8 million. I was told that there would be some loan forgiveness of 25%. I am now being told that we may qualify for 55%. We need to break it up into two parts the water and sewer (\$ 1.2 million) and then street and drainage (\$ 4.2 million). They are applying for loan forgiveness on both – waiting to see if it gets approved.

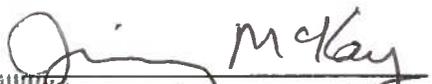
23. Adjourn

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

Meeting adjourned at 6:50 P.M.

ATTEST


Heather Robertson-Caraway, City Secretary


Jimmy McKay, Mayor

