

February 6, 2024

REGULAR CITY COMMISSION MEETING OF THE CITY OF BRECKENRIDGE, TEXAS, HELD ON THIS DATE WITH THE FOLLOWING MEMBERS PRESENT.

PRESENT

MAYOR
COMMISSIONER, PLACE 1
MAYOR PRO TEM, PLACE 4

BOB SIMS
BLAKE HAMILTON
GARY MERCER

CITY MANAGER
CITY SECRETARY
CITY ATTORNEY
PUBLIC SERVICES DIRECTOR
CODE ENFORCEMENT/FIRE CHIEF
PUBLIC WORKS DIRECTOR

CYNTHIA NORTHROP
JESSICA SUTTER
EILEEN HAYMAN
STACY HARRISON
MALCOLM BUFKIN
TODD HENDERSON

NOT PRESENT

COMMISSIONER, PLACE 2
COMMISSIONER, PLACE 3

ROB DURHAM
VINCE MOORE

CALL TO ORDER

Mayor Sims called the meeting to order at 5:31 p.m.

Invocation led By Trey McDuff of New Destination Church

PLEDGE OF ALLEGIANCE

OPEN FORUM

No Speakers

STAFF REPORT

(Staff Reports are for discussion only. No action may be taken on items listed under this portion of the agenda, other than to provide general direction to staff or to direct staff to place such items of a future agenda for action.)

City Manager

1. Employee of the Month Presentation
2. City Business

Department Head Reports

Bulk Water

Open House Recap

3. Upcoming Events

February 12-16 Cemetery Cleanup

February 15 Bulk Pickup

February 19 City Offices Closed for Presidents Day

Public Works Director

4. Update on water leaks

No action taken.

CONSENT AGENDA

Any commission member may request an item on the Consent Agenda to be taken up for individual consideration.

5. Consider approval of the January 9, 2024, Regular Commission Meeting minutes as recorded.
6. Discussion and any necessary action regarding approval of the 2023 annual Police Department Racial Profiling Report.
7. Discussion and any necessary action approving Resolution 2024-04 continuing membership in the Steering Committee of Cities Served by Oncor and the 2024 assessment.

Commissioner Hamilton made a motion to approve consent agenda items 5-7 as presented. Mayor Pro Tem Mercer seconded the motion. The motion passed 3-0.

ACTION ITEMS

8. Discussion and any necessary action regarding annual audit for FY 2022/2023.

Auditor Daniel Hungerford called in to review the annual audit with commissioners.

Mayor Pro Tem Mercer made a motion to approve the annual audit for Fiscal Year 2022/2023. Commissioner Hamilton seconded the motion. The motion passed 3-0.

9. Discussion and any necessary action regarding approval of Ordinance 2024-03 ordering a Municipal General Election to be held on May 4, 2024, for the purpose of electing the offices of Mayor and Commissioner Place 1 and Commissioner Place 2.

City Secretary Jessica Sutter stated that an election is held every year on the first Saturday in May. This year the election will be held on May 4, 2024. Three citizens will be elected at-large to serve a two-year term as Mayor, Commissioner Place 1, and Commissioner Place 2. If the city does not have a contested race, the commission will have the ability to cancel the general election.

Commissioner Hamilton made a motion to approve Ordinance 2024-03 ordering a Municipal General Election to be held on May 4, 2024, for the purpose of electing the offices of Mayor and Commissioner Place 1, and Commissioner Place 2. Mayor Pro Tem Mercer seconded the motion. The motion passed 3-0.

10. Discussion and any necessary action regarding approval of Ordinance 2024-04 ordering a Special Election to be held on May 4, 2024, for the reauthorization of the local sales tax in the City of Breckenridge at a rate of a quarter percent (.25%) to continue providing revenue for maintenance and repair of municipal streets.

City Manager Cynthia Northrop stated that in 2004 the City of Breckenridge elected to impose a Municipal Sales and Use Tax for Street Maintenance. The Tax code authorizes cities to impose a special sales tax to fund street maintenance if the combined local sales tax rate will not exceed two percent. An election is required to be held every four years.

Mayor Pro Tem Mercer made a motion to approve Ordinance 2024-04 ordering a special election to be held on May 4, 2024, for the reauthorization of the local sales tax in the city of Breckenridge at a rate of a quarter percent (.25%) to continue providing revenue for maintenance and repair of municipal streets. Commissioner Hamilton seconded the motion. The motion passed 3-0.

11. Discussion and any necessary action regarding an encroachment agreement with New Destination Church for parking on a portion of what is formerly Dyer Street in the Original Town of Breckenridge.

City Manager Northrop stated that during the sale of the old Senior Building commissioners acted to close Dyer Street and deed the south half to the buyers. Part of the actual building was partially in the Dyer Street Right-of-way and the church has been using the area for parking. This encroachment agreement will allow the church to continue to use the property for their church parking lot and the city will not be responsible for maintaining the area.

Commissioner Hamilton moved to approve the encroachment agreement with New Destination Church for parking on a portion of what is formerly Dyer Street in the original Town of Breckenridge. Mayor Pro Tem Mercer seconded the motion. The motion passed 3—0.

12. Discussion and any necessary action regarding updating Optimum Contract.

City Manager Northrop explained that the Mayor and Commissioners authorized entering into an agreement with Optimum to provide upgraded fiber internet service for the city. It was discovered that the cost to onboard one of the locations was not accurately calculated

by Optimum. Additionally, the city wanted to add the cemetery to the service. With the increased cost for these changes, Optimum is proposing the same pricing structure but increasing the contract terms from five years to seven years.

Commissioner Hamilton made a motion to approve an update to the Optimum contract and authorize the City Manager to update and execute the agreement. Mayor Pro Tem Mercer seconded the motion. The motion passed 3-0.

13. Discussion and any necessary action approving an agreement for a third-party independent background investigation on an incoming Police Chief

Northrop explained that the city is currently conducting an in-house search for Police Chief. Best practice requires a thorough independent background investigation as part of the onboarding process.

Mayor Pro Tem Mercer made a motion to approve an independent contractor agreement with Wayne Eichel and authorize the City Manager to execute the agreement. Commissioner Hamilton seconded the motion. The motion passed 3-0.

14. Discussion and any necessary action regarding approval of BEDC recommendation for Elite Submersible Pump incentive.

Maylun VanWinkle with the Breckenridge Economic Development Corporation addressed commissioners and stated that the BEDC has offered a job creation incentive to Elite Submersible Pumps as part of the construction of their building and subsequent lease to them. The incentive will be \$5,000.00 per new full-time employee with a residence in Stephens County. The incentive will last 4 years and has a maximum incentive of \$50,000.00 per year.

Commissioner Hamilton made a motion to approve the BEDC recommendation for Elite Submersible Pump incentive as presented. Mayor Pro Tem Mercer seconded the motion. The motion passed 3-0.

15. Discussion and any necessary action regarding approval of Resolution 2024-02 appointing Kevin Kutnink to serve on the board of Adjustments for a term set to expire November 20, 2025.

City Secretary Jessica Sutter stated that the Board of Adjustments currently has a vacancy left when Mark Reyes chose not to be re-appointed. Kevin Kutnink has expressed interest in filling the vacant term set to expire on November 30, 2025.

Mayor Pro Tem Mercer made a motion to approve Resolution 2024-02 appointing Kevin Kutnink to serve on the Board of Adjustments for a term set to expire November 20, 2025. Commissioner Hamilton seconded the motion. The motion passed 3-0.

16. Discussion and any necessary action regarding consideration of updating Planning and Zoning membership requirements

City Manager Northrop stated that staff have advertised and contacted several individuals to fill vacancies on the Planning and Zoning Board and have been unsuccessful. Staff are requesting possibly expanding eligibility requirements for Planning and Zoning Board members to include owning property within the city.

Commissioner Hamilton made a motion to recommend staff to prepare an ordinance updating P&Z membership requirements to include city residence or owning property within the city. Mayor Pro Tem Mercer seconded the motion. The motion passed 3-0.

17. Discussion and any necessary action considering an Interlocal with Stephens County for Law Enforcement Services

City Manager explained that Kevin King reached out to Commissioners to request discussing an interlocal with Stephens County for Law Enforcement Services. Kevin King spoke to commissioners explaining his desire for there to be an open discussion on this matter.

Commissioner Hamilton made a motion for the City Manager to explore in more detail the budgetary savings and streamline possibilities of combining the Sheriff's Department and the Police Department. Mayor Sims seconded the motion. Mayor Pro Tem voted Nay. The motion passed 2-0.

EXECUTIVE

SESSION

Pursuant to Texas Government Code, Annotated, Chapter 551, Subchapter D, Texas Open Meetings Act (the "Act"), City Commission will recess into Executive Session (closed meeting) to discuss the following:

Consultation	with	Attorney
<i>§551.071(1),(2): Consultation with attorney regarding pending or anticipated litigation, or a settlement offer; or 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:</i>		

18. Citizen complaint

Personnel	Matters
<i>§551.074: Personnel matters (to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee):</i>	

19. City Manager

RECONVENE INTO OPEN SESSION

Mayor Sims reconvened into open session at 6:22 P.M., with no action taken.

RECEIVE REQUESTS FROM COMMISSION MEMBERS/STAFF FOR ITEMS TO BE PLACED ON NEXT MEETING AGENDA

Discussion under this section must be limited to whether or not the Commission wishes to include a potential item on a future agenda.

ADJOURN

There being no further business, Mayor Sims adjourned the regular session at 7:18 p.m.

Bob Sims, Mayor

Jessica Sutter, City Secretary