



NOTICE OF THE CITY OF BRECKENRIDGE
REGULAR MEETING OF THE BRECKENRIDGE CITY
COMMISSION

December 06, 2022 at 5:30 PM

AGENDA

Notice is hereby given as required by Title 5, Chapter 551.041 of the Government Code that the City Commission will meet in a Regular Meeting of the Breckenridge City Commission on December 06, 2022 at 5:30 PM at the Breckenridge City Offices, 105 N. Rose Avenue, Breckenridge, Texas.

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

American Flag

OPEN FORUM

This is an opportunity for the public to address the City Commission on any matter of public business, except public hearings. Comments related to public hearings will be heard when the specific hearing begins.

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

(Mayoral proclamations, presentations of awards and certificates, and other acknowledgements of significant accomplishments or service to the community.)

1. Presentation by Will Thompson from Stephens County Appraisal District about pictometry project.
2. Presentation of service awards.

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

3. City Manager Reports.
4. Upcoming events and important dates.

December 10—Christmas Parade

December 10—Cookies and Cocoa

December 20—Staff Christmas Celebration

December 23,26 City Hall closed for Christmas Holiday

January 2-City Hall Closed for New Years Holiday

5. City Business.

Police Chief

6. Police reports and updates.

CONSENT AGENDA

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

7. Consider approval of the November 1, 2022 Regular Commission Meeting minutes as recorded

PUBLIC HEARING ITEMS

8. Public hearing to discuss a proposed amendment to Chapter 22, Zoning, of the Breckenridge Code of Ordinances to update regulations pertaining to signs and to adopt those sign regulations as a separate chapter in the code.
9. Public Hearing on Ordinance of the City of Breckenridge amending Chapter 18, "Subdivisions," of the Breckenridge Code of Ordinances by adding section 18-18, "Replatting" and Section 18-19, "Amending Plats"; adopting regulations regarding replatting and amending plats of land within the City

ACTION ITEMS

10. Discuss and consider an amendment to Chapter 22, Zoning, of the Breckenridge Code of Ordinances to update regulations pertaining to signs and to adopt those sign regulations as a separate chapter in the code.
11. Discussion and any necessary action regarding Ordinance 22-19 of the City of Breckenridge amending Chapter 18, "Subdivisions," of the Breckenridge Code of Ordinances by adding section 18-18, "Replatting" and Section 18-19, "Amending Plats"; adopting regulations regarding replatting and amending plats of land within the City
12. Discussion and any necessary action regarding Construction Contract Change Order No. 1 for the Prison Lift Station Project

13. Discussion and any necessary action regarding Resolution supporting legislation allowing WCTMWD Board Members to live outside city limits of respective city membership.
14. Discussion and any necessary action regarding filling Planning and Zoning board vacancy and approving Resolution.

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:

Real Property

§551.072: Deliberate the purchase, exchange, lease, or value of real property:

15. American Legion Hall

RECONVENE INTO OPEN SESSION

In accordance with Texas Government Code, Section 551, the City Commission will reconvene into Open Session and consider action, if any, on matters discussed in Executive Session.

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

NOTE: As authorized by Section 551.071 of the Texas Government Code (Consultation with City Attorney), this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item herein.

CERTIFICATION

I hereby certify that the above notice was posted in the bulletin board at Breckenridge City Hall, 105 North Rose Avenue, Breckenridge, Texas , by **5:00 PM** on the **2nd day of DECEMBER 2022**.

City Secretary



Persons with disabilities who plan to attend this public meeting and who may need auxiliary aid or services are requested to contact the Breckenridge City Hall 48 hours in advance, at 254-559-8287, and reasonable accommodations will be made for assistance.



Reveal Essentials+ Neighborhood
(6" GSD)



Reveal Essentials+ Community
(9" GSD)

Stephens County Pictometry Project

Cost sharing for pictometry project.

		Total	Annual Exp
Cost for Project 1	2022 - 2024	\$ 128,028.78	\$ 42,676.26
Cost for Project 2	2025 - 2027	\$ 128,028.78	\$ 42,676.26
		<u>\$ 256,057.56</u>	

<u>JURISDICTIONS</u>	<u>2022 CERT</u>	<u>2022 RATES</u>	<u>2022 LEVY</u>	<u>%AGE</u>
BRECKENRIDGE ISD	\$ 681,518,954	\$0.942900	\$6,426,042	39.72%
CITY OF BRECKENRIDGE	\$ 257,613,426	\$1.020000	\$2,627,657	16.24%
STEPHENS COUNTY	\$ 788,423,814	\$0.640800	\$5,052,220	31.23%
STEPHENS MEMORIAL HD	\$ 802,069,164	\$0.226990	\$1,820,617	11.25%
ALBANY ISD	\$ 1,845,400	\$0.944100	\$17,422	0.11%
GRAHAM ISD	\$ 921,580	\$1.189000	\$10,958	0.07%
MORAN ISD	\$ 6,705,770	\$0.854600	\$57,308	0.35%
RANGER ISD	\$ 10,967,518	\$0.854600	\$93,728	0.58%
WOODSON ISD	\$ 7,412,020	\$0.984200	\$72,949	0.45%
TOTALS	\$ 2,557,477,646	\$2.830690	\$16,178,901	100.00%
LEVY	\$16,178,901			

<u>JURISDICTIONS</u>	<u>ANNUAL ESTIMATE</u>	<u>PHASE 1 PORTION</u>	<u>PHASE 2 PORTION</u>	<u>Annual Portion</u>	<u>Identified Value To Cover*</u>
BRECKENRIDGE ISD	\$16,950.44	\$50,851.31	\$50,851.31	\$16,950.44	\$5,393,075.92
CITY OF BRECKENRIDGE	\$6,931.16	\$20,793.48	\$20,793.48	\$6,931.16	\$2,038,576.85
STEPHENS COUNTY	\$13,326.61	\$39,979.82	\$39,979.82	\$13,326.61	\$6,239,048.03
STEPHENS MEMORIAL HD	\$4,802.37	\$14,407.12	\$14,407.12	\$4,802.37	\$6,347,028.02
ALBANY ISD	\$45.96	\$137.87	\$137.87	\$45.96	\$14,603.24
GRAHAM ISD	\$28.90	\$86.71	\$86.71	\$28.90	\$7,292.76
MORAN ISD	\$151.16	\$453.49	\$453.49	\$151.16	\$53,064.89
RANGER ISD	\$247.23	\$741.70	\$741.70	\$247.23	\$86,789.45
WOODSON ISD	\$192.42	\$577.27	\$577.27	\$192.42	\$58,653.67
TOTALS	\$42,676.26	\$128,028.78	\$128,028.78	\$42,676.26	*PrjPortion/Rate*100
		\$1,997.04			

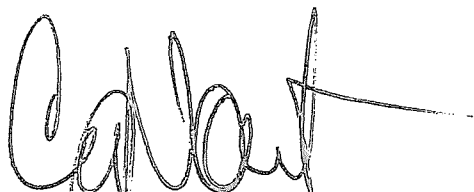
CITY OF BRECKENRIDGE
105 NORTH ROSE
BRECKENRIDGE, TEXAS 76424

M E M O R A N D U M

DATE: DECEMBER 6, 2022
TO: MAYOR & CITY COMMISSION
FROM: CYNTHIA NORTHROP, CITY MANAGER
RE: CITY SERVICE AWARDS

Listed below are employees due for presentation of Service Awards as indicated. For an employee to be entitled to a Service Award, he or she must have completed 5, 10, 15, 20, 25, 30, 35, or 40 years of service with the City of Breckenridge.

<u>Pin Recipient</u>	<u>Yrs.of Serv.</u>	<u>Position</u>
Noah Gray	15 Years	Police Sergeant
Scott Gabriel	15 Years	Police Sergeant
Morgan Taylor	10 Years	Dispatch & Records Manager
Houston Satterwhite	5 Years	Public Works Director
Melissa Vick	5 Years	Municipal Clerk
Rena Bittle	5 Years	Meter Reader



Cynthia Northrop, City Manager



BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

Subject: Upcoming events and important dates.

December 10—Christmas Parade

December 10—Cookies and Cocoa

December 20—Staff Christmas Celebration

December 23,26 City Hall closed for Christmas Holiday

January 2-City Hall Closed for New Years Holiday

Department: Administration

Staff Contact: Cynthia Northrop

Title: City Manager

BACKGROUND INFORMATION:

Upcoming events and important dates.

FINANCIAL IMPACT:

none

STAFF RECOMMENDATION:

none

**BRECKENRIDGE CHAMBER
OF COMMERCE**
PRESENTS



**CHRISTMAS
❄️ PARADE ❄️**

• **SATURDAY, DECEMBER 10TH** •



6:00 PM



ANYONE & ANY PLACE CAN SHOW OFF
SANTA'S SPIRIT!

• **ALL THINGS SANTA** •



For more information please call (254) 559-2301 [facebook.com/
breckenridgechamberofcommerce/events](https://facebook.com/breckenridgechamberofcommerce/events)
Chamber Office: 100 E. Elm st.

Office of the Provost

Cookies and Cocoa

Join us for cookies and cocoa prior to the Christmas Parade.

Saturday, December 10
4–5:30 p.m.

TSTC Technology Center
415 N. Breckenridge Ave.
Breckenridge, Texas



TSTC
Texas State
Technical College.



BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

Subject: Consider approval of the November 1, 2022 Regular Commission Meeting minutes as recorded

Department: Administration

Staff Contact: Jessica Sutter

Title: City Secretary

BACKGROUND INFORMATION:

Approval of minutes from November 1, 2022 Regular Commission Meeting.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

Move to approve the November 1, 2022 Regular Commission Meeting Minutes as recorded.

November 1, 2022

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

MAYOR
COMMISSIONER, PLACE 1
MAYOR PRO TEM, PLACE 2
COMMISSIONER, PLACE 3
COMMISSIONER, PLACE 4

BOB SIMS
BLAKE HAMILTON
ROB DURHAM
VINCE MOORE
GARY MERCER

CITY MANAGER
CITY SECRETARY
PARKS DIRECTOR
FINANCE DIRECTOR
POLICE CHIEF
FIRE CHIEF

CYNTHIA NORTHROP
JESSICA SUTTER
STACY HARRISON
DIANE LATHAM
BACEL CANTRELL
MALCOLM BUFKIN

CALL TO ORDER

Mayor called meeting to order at 5:33 p.m.

Invocation led by Stacy Harrison

OPEN FORUM

This is an opportunity for the public to address the City Commission on any matter of public business, except public hearings. Comments related to public hearings will be heard when the specific hearing begins.

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. 2022 4th Quarter Financials
2. Upcoming city events
3. City business updates
7. Municipal Court Week November 7th-11th.

CONSENT AGENDA

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

4. Consider approval of the October 11, 2022 Regular Commission meeting minutes as recorded.
5. Consider approval of the Cities financials through September 30, 2022 including the quarterly investment reports.
6. Consider approval of Resolution 22-36 designating the official newspaper of the City of Breckenridge.
7. Consider approval of Resolution 22-37 appointing Bonnie Robbins, Michael Ellis, and Bryan Wood to the Board of Adjustments.

Mayor Pro-Tem Rob Durham moved to approve Consent Agenda items 4-7 as presented. Commissioner Mercer seconded the motion. The motion passed 5-0

PUBLIC HEARING ITEMS

8. Public hearing on request to replat the property currently legally described as 10.927 acres of land being all of Lot 3 of the Breckenridge Market Place Subdivision in Breckenridge, Texas.

No Speakers

ACTION ITEMS

9. Discussion and any necessary action regarding a recommendation by the Breckenridge Planning and Zoning Commission on request PZ 22-04 to replat the property currently legally described as 10.927 acres of land being all of Lot 3 of the Breckenridge Market Place Subdivision in Breckenridge, Texas.

City Manager Cynthia Northrop addressed commission stating the Planning and Zoning commission has unanimously approved replatting the property West of Walmart. This is for two commercial sites. One of which will be a Subway.

Commissioner Moore moved to approve a recommendation by the Breckenridge Planning and Zoning Commission on request PZ 22-04 to replat the property currently legally described as 10.927 acres of land being all of Lot 3 of the Breckenridge Market Place Subdivision in Breckenridge, Texas. Mayor Pro-Tem seconded the motion. The motion passed 5-0

10. Discussion and any necessary action regarding an Interlocal Agreement between the City of Breckenridge and Stephens County, Texas for fire protection and first responder services and authorizing the Mayor to execute necessary documents on behalf of the City.

City Manager Northrop explained that we currently have an existing agreement with Stephens County to provide fire protection and first responder services. This agreement needs to be reviewed and approved each year. There have been no changes to the existing agreement.

Commissioner Hamilton moved to approve an Interlocal Agreement between the City of Breckenridge and Stephens County, Texas for fire protection and first responder services and authorizing the Mayor to execute necessary documents on behalf of the City. Commissioner Moore seconded the motion. The motion passed 5-0.

11. Discussion and any necessary action regarding a request to participate with Stephens County and the Breckenridge EDC to fund a Christmas Tree.

City Manager Northrop explained that this is a partnership working with Stephens County and the EDC to fund a new Christmas tree. The previous tree had been used for the past 20 years and was thrown away. The City's share of the cost would be \$10,000.00. There are funds available in the current budget to provide for this.

Commissioner Mercer moved to approve a request to participate with Stephens County and the Breckenridge EDC to fund a Christmas Tree. Commissioner Moore seconded the motion. The motion passed 5-0.

12. Discussion and any necessary action regarding authorizing City Manager to approve budget adjustments up to \$25,000 and emergency budget amendments up to \$25,000.

City Manager Northrop discussed with commissioners that this will allow for smooth operations. Items will still bring items to council on a Quarterly basis. This will allow the city to make decisions at a staff level when needed.

Mayor Pro-tem Durham moved to approve authorizing City Manager to approve budget adjustments up to \$25,000 and emergency budget amendments up to \$25,000. Commissioner Hamilton seconded the motion. The motion passed 5-0.

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:

Real Property

§551.072: Deliberate the purchase, exchange, lease, or value of real property:

13. 1107 E. Williams
14. American Legion Hall

RECONVENE INTO OPEN SESSION

At 6:20 p.m., the City Commission reconvened into open session.

Mayor Pro-Tem Durham moved to authorize City Manager to proceed with sealed bid process for the American Legion Hall. Commissioner Moore seconded the motion. The motion passed 5-0.

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, the Mayor adjourned the regular session at 6:22 p.m.

Bob Sims, Mayor

Jessica Sutter, City Secretary



BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

Subject: Public hearing to discuss a proposed amendment to Chapter 22, Zoning, of the Breckenridge Code of Ordinances to update regulations pertaining to signs and to adopt those sign regulations as a separate chapter in the code.

Department: Administration

Staff Contact: Cynthia Northrop

Title: City Manager

BACKGROUND INFORMATION:

Public Notice for Public Hearing, for both P&Z Commissioners and City Commissioners, was placed in the newspaper of record as required to amend the Zoning. P&Z held the PH on Monday, December 5, 2022.

The current sign ordinance for the Central Business District is cumbersome and confusing. To clarify, streamline processes, promote economic development, and maintain a uniform approach to signage in the Downtown Business District, staff has been reviewing our current sign ordinance. Staff has discussed these updates with the BEDC, the Breckenridge Downtown Development Council and the City Attorney. The updates will accomplish:

1. Streamline process by removing the sign ordinance from the Zoning section of our ordinances to the Municipal section.
2. The updates are more concise, will clarify rules and regulations and will support economic development while maintaining consistency and a uniform approach to signage in the Downtown area.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

Consider request



BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

Subject: Public Hearing on Ordinance of the City of Breckenridge amending Chapter 18, "Subdivisions," of the Breckenridge Code of Ordinances by adding section 18-18, "Replatting" and Section 18-19, "Amending Plats"; adopting regulations regarding replatting and amending plats of land within the City

Department: Administration

Staff Contact: Cynthia Northrop

Title: City Manager

BACKGROUND INFORMATION:

Current ordinance does not specifically address city's process for replats. Adopting this Ordinance will clarify and codify the city's process for handling replats and amending plats. Staff and City Attorney have reviewed.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

Consider adopting Ordinance to add section 18-18 "Replatting" and Section 18-19 "Amending Plats"



BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

Subject: Discuss and consider an amendment to Chapter 22, Zoning, of the Breckenridge Code of Ordinances to update regulations pertaining to signs and to adopt those sign regulations as a separate chapter in the code.

Department: Administration

Staff Contact: Cynthia Northrop

Title: City Manager

BACKGROUND INFORMATION:

The current sign ordinance for the Central Business District is cumbersome and confusing. To clarify, streamline processes, promote economic development, and maintain a uniform approach to signage in the Downtown Business District, staff has been reviewing our current sign ordinance. Staff has discussed these updates with the BEDC, the Breckenridge Downtown Development Council and the City Attorney. The updates will accomplish:

1. Streamline process by removing the sign ordinance from the Zoning section of our ordinances to the Municipal section.
2. The updates are more concise, will clarify rules and regulations and will support economic development while maintaining consistency and a uniform approach to signage in the Downtown area.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

Consider request

~~Language from Section 22-8 being removed~~

Language being added

ORDINANCE NO. 22-20

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS BY ADDING CHAPTER 19, “SIGNS”, TO THE BRECKENRIDGE CODE OF ORDINANCES AND AMENDING CHAPTER 22, “ZONING”, OF THE BRECKENRIDGE CODE OF ORDINANCE; ADOPTING REGULATIONS REGARDING SIGNS WITHIN THE CITY; AMENDING REGULATIONS REGARDING SIGNS IN THE CENTRAL BUSINESS DISTRICT; PROVIDING A PENALTY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge, Texas (the “City”) is a home-rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, the City has the power to adopt ordinances “necessary to protect health, life, and property” within the City, as long as those ordinances are not inconsistent with State law, pursuant to Section 3.2 of the Charter;

WHEREAS, pursuant to Section 216.901 of the Texas Local Government Code, home-rule cities may “license, regulate, control, or prohibit the erection of signs or billboards...by ordinance” and, pursuant to Section 216.902 of the Texas Local Government Code, a city “may extend the provisions of its outdoor sign regulatory ordinance and enforce the ordinance within its area of extraterritorial jurisdiction”;

WHEREAS, pursuant to this authority, the City Commission of the City of Breckenridge (the “City Commission”) wishes to adopt amended regulations concerning signs within the Central Business District of the City and to relocate the general sign regulations to a separate to aid in the efficiency of future revisions; and

WHEREAS, because this Ordinance amends Chapter 22, “Zoning”, of the Breckenridge Code of Ordinances, pursuant to Sections 211.006 and 211.007 of the Texas Local Government Code, the Breckenridge Planning and Zoning Commission and the City Commission held public hearings regarding this Ordinance on December 5, 2022 and December 6, 2022, respectively, for which proper notice was given.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

I. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

II. Amendment to Chapter 22. Chapter 22, “Zoning”, of the Breckenridge Code of Ordinances is hereby amended by deleting and reserving Section 22-8.

III. Addition of Chapter 19. The following provisions are hereby enacted to regulate signs within the City, to be codified as Chapter 19, “Signs”, of the Breckenridge Code of Ordinances:

CHAPTER 19. SIGNS

ARTICLE I. IN GENERAL

Sec. 19-1. Purpose.

The purpose of this Chapter is to provide a uniform sign ordinance and standard which promote a positive city image reflecting order, harmony, and pride; and thereby strengthening the economic stability of the Breckenridge business community, as well as cultural and residential areas. Objectives to be pursued in applying specific standards are as follows:

- (a) To identify individual business, residential, and public uses without creating confusion, unsightliness, or visual obscurity of adjacent businesses.
- (b) To assure that all signs in terms of size, scale, height, and location are properly related to the overall adjacent land use, character, and development lot size.
- (c) To assure that all signs, sign supports, and sign bases shall be so constructed and designed to provide for design compatibility with development in terms of materials used, form, color, lighting, and style.
- (d) To accommodate the free speech right to express ideas by displaying a sign, while balancing this right against the cumulative public impacts of signs.

Sec. 19-2. General Provisions.

- (a) It shall be unlawful for any sign to be located with the City of Breckenridge that does not conform to all the provisions, standards, and procedures of this Chapter. The following governmental agencies are exempt from the provisions of this Chapter: (1) City of Breckenridge, (2) State of Texas, and (3) United States Federal Government.
- (b) Persons Responsible. The permittee, owner, agent, person, or persons having the beneficial use of the ground of a sign, the owner of the land or structure on which the sign is located, and the person in charge of erecting the sign are all subject to the provisions of this Chapter and are subject to the penalty provided for violations of this Chapter.
- (c) Pursuant to Chapter 216 of the Texas Local Government Code, the City Commission of the City of Breckenridge hereby extends the provisions of this Chapter to the City’s extraterritorial jurisdiction.

(d) Penalties. Violations of the terms of this Chapter shall be punishable as stated in Sec. 1-6 of this Code.

Sec. 19-3. Definitions.

- (a) Commercial Message. An image on a sign that proposes or promotes a commercial transaction, or concerns the economic interest of the advertiser and/or the audience.
- (b) Erect. To build, construct, attach, hang, place, suspend, or affix.
- (c) Face or surface. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.
- (d) Front Building Face. That building face that is the primary access into a building or lease space, as determined by the Building Inspector. The determination of front building face applicable to building spaces within a multiple occupancy building shall include all building frontage that is integral to the lease space and constructed as storefront for the purpose of visibility and/or access. The area of the front building face shall be height or the vertical plane from the ground to the top of the building times the length of the front building face, exclusive of any architectural features or roof lines, as determined by the Building Inspector.
- (e) Gross Surface Area of Sign. The entire area within a single continuous perimeter enclosing the extreme limits of each sign. A sign having information on two (2) surfaces shall be considered as a single sign providing that the surfaces are located back to back and contain identical copy. A sign having information on two (2) or more surfaces with different copy shall be calculated as the sum of all portions and evaluated as a single sign. In the event two (2) or more signs share a single structure, i.e., directory signs, or signs on v-shaped structures, each sign or panel shall be considered separately for square footage purposes, provided that the combined area of such signs cannot exceed the total square footage allowed on a single sign.
- (f) Height. The height of a sign shall be measured from an average elevation of the finished grade along the area of sign installation, excluding any artificial berming, to the highest point of the sign.
- (g) Incombustible Material. Any material which will not ignite or at below a temperature of one thousand two hundred degrees Fahrenheit (1,200 F), and will not continue to burn or glow at that temperature.
- (h) Logo. Any formalized design or insignia of a company or product, which is commonly used in advertising to identify that company or product.
- (i) Noncommercial Message. A message that visually displays speech or images not pertaining to commercial matters. Noncommercial messages commonly concern religion, politics, social commentary, and other matters of public debate.
- (j) Premises. A lot or unplatted tract or combination of contiguous lots or tracts if under single ownership as reflected in the plat records.
- (k) Setback. A line defining an area on the site between the existing street right-of-way and the line within which no sign shall be constructed, encroach, or project except as specifically authorized by this Chapter.
- (l) Sign. Every sign, name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light, or insignia, and

structure supporting any of the same, affixed directly or indirectly to or upon a piece of land, which directs attention to any object, product, service, place, activity, person, institution, organization, or business.

(m) Sign, abandoned. Any sign without a current, valid permit or that does not identify or advertise a bona fide business, lessor, service, owner, product, event, or activity, or pertains to a time, event, or purpose that no longer applies.

(n) Sign, apartment. Any sign identifying an apartment building or complex of apartment buildings.

(o) Sign, agricultural. Any sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals, or poultry raised or quartered thereon.

(p) Sign, awning. A sign that is applied or attached to an awning or other cover intended for protection from the weather or as a decorative embellishment, projecting from a wall or roof of a structure over a window, walk, door, or the like.

(q) Sign, banner. A temporary sign generally constructed of cloth, plastic, or paper.

(r) Sign, canopy. A sign that is applied, attached, or affixed on a canopy or other roof-like cover over gasoline fuel pumps, vacuum area at car detail facilities, or other areas where services are provided to a patron in a vehicle intended for protection from the weather or as a decorative embellishment. A canopy sign may contain only the business' name and/or logo on the canopy band.

(s) Sign, changeable electronic variable message (CEVMS). A sign that permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use including an LED light emitting diode or digital sign which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

(t) Sign code application area. The corporate limits of the city and the area of its extraterritorial jurisdiction.

(u) Sign, construction. Any temporary sign identifying the property owner, decorator, or financier engaged in the design, construction, or improvement of the premises on which the sign is located.

(v) Sign, directional. A temporary sign which is limited, exclusively, to the identification of a specific premises, occupancy, or owner of said premises located elsewhere, and which tells the location of and/or route to said premises or occupancy.

(w) Sign, identification. Any sign that is used to identify shopping centers, industrial and commercial parks, office districts, and retail districts. These signs are not intended to identify individual businesses or activities within a center or district.

- (x) Sign, illuminated. Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights. These lights shall not interfere with traffic or surrounding land use.
- (y) Sign, institutional. An accessory sign relating to a church, school, or other public institution.
- (z) Sign, marquee. Any sign upon which letters may be attached and removed freely.
- (aa) Sign, mobile home. An accessory sign identifying the name and address of a mobile home park and promoting the sale or rental of mobile home sites.
- (bb) Sign, model home. Any temporary sign used for the advertised sale of a particular structure represented by a model or show home.
- (cc) Sign, name plate. An accessory sign identifying the name and address of the owner or occupant in a commercial or public institutional building.
- (dd) Sign, nonresidential identification. Any sign that is used to identify shopping centers, industrial and commercial parks, office districts, and retail districts. These signs are not intended to identify individual businesses or activities within a center or district.
- (ee) Sign, off-premise. A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.
- (ff) Sign, on-premise. A sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.
- (gg) Sign, pedestrian. Any sign suspended from an awning or canopy oriented to pedestrian or street-level visibility.
- (hh) Sign, permanent. A sign intended to be used for a period of longer than six (6) months.
- (ii) Sign, pole. Any permanent free-standing pole sign, using either monopole or dual-pole design.
- (jj) Sign, political. Any temporary sign used to advertise a political candidate's or party's bid for elective office.
- (kk) Sign, projecting. Any sign that projects, either horizontally or vertically, from a building and that has one (1) end attached to that building or other permanent structure.
- (ll) Sign, real estate. Any temporary sign used to advertise the sale or lease of a piece of real property.
- (mm) Sign, sandwich. Any two-sided, A-frame, free-standing portable sign with permanent wording or artwork.
- (nn) Sign, temporary realtor open house directional. Any temporary sign used for directing realtors and potential home buyers to homes for sale within the city which are open for public viewing.

(oo) Sign, traffic. Any sign used for traffic control purposes.

(pp) Sign, wall. ~~Any sign that is attached to the face of a wall, including windows or doors, to advertise businesses in that building.~~ A sign fastened to or painted on a wall of a building or structure in such a manner that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than twelve (12) inches from such building.

(qq) Sign, weekend development directional. A temporary sign that is limited exclusively to the identification of a development, constating of more than one (1) lot available for new construction and that indicates the route to said development. For the purposes of this definition, a development shall be inclusive of all phases.

(rr) Sign, window. Any sign painted or applied to window glass.

(ss) Temporary. A period of six (6) months or until the advertised event is concluded, whichever comes first. If the sign is required for a longer period of time, then re-application must be made.

Sec. 19-4—19-9. Reserved.

ARTICLE II. SIGN PERMITS

Sec. 19-10. Sign Permit Requirements.

(a) Permit Required. It shall be unlawful for any person to erect, replace, alter or relocate any sign without first obtaining a permit to do so from the building inspector within the City of Breckenridge, except as provided in Section 19-11. A permit is not required to repaint, change copy, or resurface an existing sign. Every permit issued by the building inspector under the provisions of this chapter shall expire and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is started, for a period of one hundred ninety (190) days.

(b) Issuance of Permit. After ensuring that the applicant has complied with all provisions of this chapter and that the proposed sign complies with all provisions of this chapter, the building inspector shall issue a sign permit to the applicant.

(c) Revocation. The building inspector may suspend or revoke any permit issued under the provisions of this chapter whenever he shall determine that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this ordinance or any other ordinance of this city, of laws of this state or the federal government that were in effect at the time the permit was issued. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the premises upon which the sign is located.

(d) Validity of Permit. A permit is void if it is issued in conflict with the provisions of the sign ordinance. The building inspector shall inform the applicant should a permit be voided. The removal of the sign shall be at the expense of the applicant.

- (e) Failure to Pay Permit Fees. If a sign should be installed, erected, replaced, altered, or relocated without a permit for such work, the applicable permit fee shall be doubled.
- (f) Drawings Required. Before a permit will be issued, the applicant must submit an application, two (2) copies of a scaled drawing of the desired sign and a site plan showing the sign location. One (1) copy of the drawings will be kept on permanent file with the application.
- (g) Inspections. All sign installations are to be inspected by the building inspector so as to determine compliance with the approved application and permit previously issued. Should the newly erected or placed sign be in violation with the approved permit application, the sign is to be corrected immediately and brought into compliance. The building inspector shall also inspect at times he deems necessary, each sign regulated by this chapter for the purpose of determining whether the sign is in need of removal or repair, or has been abandoned.
- (h) Sign Information. Every sign erected after the passage of this chapter shall have displayed in a conspicuous place thereon, in letters not less than one (1) inch in height, the date of erection, the number of the permit issued pursuant to this chapter, and the voltage of any electrical apparatus used in connection therewith, and the sign erector's name and address.
- (i) Wind Pressure and dead load requirements. All permanent signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area, and shall be constructed to receive dead loads as required by the building code of the City of Breckenridge as it now exists or may hereafter be amended.
- (j) Condition of signs. All signs and supports shall be maintained in good condition to prevent deterioration, oxidation, rust, and other unsightly conditions.

Sec. 19-11. Signs Exempt from Permitting Procedures.

Application for a permit shall not be required for the following signs, provided, however, such signs shall otherwise comply with all other applicable sections of this chapter.

- (a) Noncommercial message and message substitution.
 - (1) Message substitution. A noncommercial message that is within the protection of the First Amendment to the U.S. Constitution may be substituted, in whole or in part, for any message on any sign authorized by this chapter. Message substitution is a continuing right that may be exercised any number of times. No permit is required for such message substitution, unless there is a change in the physical structure of the sign displaying the message. This provision does not authorize the substitution of an off-premise commercial message in place of an on-premise commercial message.
 - (2) Noncommercial messages. Properties zoned residential/multifamily may display any noncommercial message within the protection of the First Amendment to the U.S. Constitution on any parcel and at any time, subject to the following:
 - (A) Maximum effective area cannot be greater than sixteen (16) feet;

- (B) Cannot be more than five (5) feet high;
- (C) Cannot be illuminated or have moving elements; and
- (D) Are not prohibited by subsection 8-103.

- (b) Temporary political signs. See Section 19-21(p).
- (c) Occupational signs. Not exceeding two (2) square feet in area, denoting only the name and profession of an occupant in a commercial or public institutional building.
- (d) Memorial signs or tablets. Names on buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.
- (e) Flags, emblems and insignia. Of any governmental body and decorative displays for holidays or public demonstrations and that do not contain advertising.
- (f) On-premise traffic signs. Not exceeding eight (8) square feet used primarily to denote entrances and exits and other directional information.
- (g) Residential real estate signs. Not exceeding five (5) square feet advertising the sale or lease of an individual residential structure.
- (h) Temporary realtor open house directional signs. See Section 19-21(r).

Sec. 19-12. Removal or Repair of Certain Signs.

All signs must be kept clean, neatly painted, free from all hazards, including, but not limited to, faulty wiring and loose fastenings, and be maintained in a safe condition at all times so as not to be detrimental to the public health and safety. In the event that the building inspector determines that any sign is not properly maintained, he shall give written notice to the person or persons responsible for such sign. If the sign is not repaired or removed within sixty (60) days of such notice, the permit shall be revoked and the building inspector is hereby authorized to cause the removal of the sign. If such sign cannot be demolished because it is painted on a non-sign structure, such sign shall be painted over or removed by sandblasting.

- (a) Any sign for which the building inspector or his designee has made the following determination, shall be subject to immediate removal without further notice to any party who may be affected by the removal:
 - (1) That the sign is located or erected, without permission, consent or authorization, on property either owned by the city or held by the city for public use, including but not limited to, property such as medians, parkways, streets, sidewalks, alleys or parks; or
 - (2) If the building inspector or his designee determines that sign is an immediate danger to the public, whether because of its location, the manner of its construction, its potential for causing fire, or any other reason, and must be removed to prevent potential danger to the public.

(b) Any expense incident thereto shall be paid by the owner of the land, building, or structure. The building inspector may also file a lien against the property in the amount of the cost of any and all such work.

(c) An exemption for signs with historic and artistic significance may be considered by the city commission.

Sec. 19-13. Nonconforming Signs.

(a) In General. Every sign or other advertising structure lawfully in existence upon adoption of this ordinance that violates or does not conform to the provisions hereof, shall not be moved, altered, repaired, expanded, or the use intensified unless it is made to comply with all the provisions of this ordinance. This provision shall not apply to repainting or changing copy on an existing nonconforming sign. It is prohibited to alter a nonconforming sign by converting it to a changeable electronic variable message sign (CEVMS). For purposes of this section, alteration or repair shall mean at least sixty (60) per cent of the replacement cost of the subject sign. The building inspector shall determine whether the proposed alteration or repair exceeds sixty (60) per cent of the replacement cost.

(b) Exception. If any nonconforming sign is removed as a result of any eminent domain action by the city, such sign shall be allowed to be replaced or reconstructed as long as such replacement or reconstruction occurs within sixty (60) days of the sign being removed.

Sec. 19-14—19-19. Reserved.

ARTICLE III. SIGN STANDARDS

Sec. 19-20. Structural Standards.

(a) General Sign Provisions. All signs located or to be located within the City of Breckenridge shall conform to the general provisions set forth in the sign standards table. In addition, the following specific standards shall apply.

(b) Marquee Signs. Marquee signs erected on the face of a marquee shall be built as an integral part of the marquee. Such sign faces shall not have a vertical height of more than four (4) feet, nor exceed seventy-five (75) per cent of the width of such building or store frontage, nor the sign standards of the sign standards table. Vertical clearance shall be subject to the requirements of subsection (c) of this section. No sign shall be allowed to overhang public property.

(c) Wall Signs. Wall signs may be painted on a window or door, but no other building surface. All other wall signs shall be attached to, and not painted onto any building. The sign brackets or supports for wall signs may not project more than two (2) inches from said wall. Such sign faces shall not have a vertical height of more than six (6) feet nor exceed ten (10) per cent of the front face area of the building or store front as established in approved plans submitted to the city, or sixty (60) square feet, whichever is greater, nor exceed seventy-five (75) per cent of the width of such building or store frontage, nor the sign standards of the sign standards table. Vertical clearance shall be subject to the requirements of Section 19-20(e). When a building has frontage on two (2) or more public roads with no developed or developable property intervening, the allowable sign area may be calculated for each

building face that fronts a road. In no case shall more than the calculated maximum signage for any single face be placed on that face. In no case shall the allowable sign area of a building face, other than the front face, exceed the allowable sign for the front building face.

(d) Projection Signs. No sign shall be allowed to overhang public property. Vertical clearance shall be subject to the requirements of paragraph (5) of this section. Such sign faces shall not have a vertical height of more than four (4) feet, nor exceed seventy-five (75) per cent of the width of the building or store frontage, **nor the sign standards of the sign standards table.**

(e) Project of Marquee, Wall, and Projection Signs over Private Property. Projection of signs over private property allowed over pedestrian sidewalks, walkways, and corridors shall not exceed the following:

Vertical Clearance	Maximum Projection
7 feet or less	3 inches
7 feet to 8 feet	12 inches
8 feet or more	4 feet

Projection or overhang of sign over driveways shall have a minimum vertical clearance of fourteen (14) feet.

(f) Free Standing Signs.

(1) Any projection or overhanging portion of the sign must be a minimum of fourteen (14) feet above driveways, sidewalks, walkways, and corridors.

(2) Such signs shall be protected by wheel or bumper guards required by the Building Inspector when he determines that a hazard exists.

Sec. 19-21. Functional Standards.

(a) General Sign Provisions. All signs located or to be located within the City of Breckenridge shall conform to the general provisions set forth in the **sign standards table**. In addition, the following specific requirements shall be followed: All structures will be of the monopole and dual-pole design and require an engineer's seal on drawings.

(b) Agricultural Signs. All agricultural signs shall be no less than three hundred (300) feet from any other agricultural sign.

(c) Awning Signs. Awning signs are subject to size regulations for wall signs. If an awning and wall sign are used in conjunction with one another, the total footage of both signs must be added together to determine the total allowable square footage under this chapter.

(d) Banner Signs. Temporary banner signs may be used for advertisement of events, activities, products or commodities as follows:

(1) Banner Signs for Non-profit Agencies. Off-premise and on-premise temporary banner signs may be used to advertise activities or events that are sponsored by a non-profit or governmental agency or group to benefit a program or activity of that agency or group under the following conditions:

- (A) Non-profit agencies submitting an application for a banner under this section must provide a certificate of non-profit status issued by the Internal Revenue Service.
- (B) No more than one (1) on-premise and no more than two (2) off-premise banners may be erected for any specific event or activity for a period not exceeding fourteen (14) days.
- (C) Such banners shall not exceed sixty (60) square feet.
- (D) Banners erected by non-profit agencies under this section must apply for a permit as prescribed by this chapter, but shall be exempt from the permit fee requirements.
- (E) The placement of such banners shall meet the terms of this chapter and shall be maintained during the period of time they are erected. Banner signs proposed under this section may be placed in or over public rights-of-way only upon approval of the building inspector and all applicable public agencies. The city may remove any banner signs not adequately maintained over public right-of-way.
- (F) Non-profit banner signs must be braced across the top with a rigid support, such as a metal rod, PVC pipe, or some other means of support to prevent the banner from sagging. The city may remove any banner signs that are displayed without meeting these bracing requirements.
- (G) Non-profit banners with expired permits must be removed within twenty-four (24) hours of the permit expiration.

(2) Banner Signs for all other Advertising Purposes. On-premise temporary banners are hereby authorized under the following conditions:

- (A) Banners shall not exceed sixty (60) square feet in area.
- (B) The placement of banners shall meet the terms of this chapter and shall be maintained during the entire time they are erected.
- (C) Banners are required to be permitted by the building inspector prior to installation and are subject to all required fees.
- (D) No more than one (1) on-premise and no off-premise banners may be permitted for any specific business.
- (E) Banners may advertise specific onsite special events, product, or commodity promotions or grand openings, or shall provide leasing information but may not be used for general advertising purposes.
- (F) Banner permits will be valid for a period not to exceed thirty (30) days and additional banner permits for the same location will not be issued for a period of thirty (30) days from the expiration date of the previous permit.
- (G) Grand opening banners may be used for a period of up to thirty (30) days any time after the issuance of a certificate of occupancy. Businesses may only use this provision one (1) time.
- (H) Coming soon banners may be used prior to the issuance of a certificate of occupancy, for a period of up to sixty (60) days.
- (I) Change of business banner. A "name only" banner may be used for a period of up to thirty (30) days after a sign permit has been applied for, and while a new sign is being made.

(J) Going out of business banners may be used for a period of up to sixty (60) days before the closing of a business. Businesses may only use this provision one (1) time.

(K) A banner with an expired permit must be removed within twenty-four (24) hours after the permit's expiration.

(e) Canopy Signs. Canopy signs shall not exceed fifteen (15) square feet in size or fifty (50) per cent of the canopy face area per canopy facade, whichever is less. Signs must be attached directly to the exterior face of the canopy band. Signs shall not extend above or below the canopy band.

(f) Changeable Electronic Variable Message Signs (CEVMS). CEVMS signs are subject to the same size and location restrictions as other signs regulated by this article. In addition, CEVMS signs are subject to the following restrictions:

(1) Any change of pictures or information on the CEVMS sign shall not produce the illusion of blinking, flashing, expanding or contracting shapes, rotation or any similar effect of animation. Scrolling of text is allowed, however, it shall not last any longer than five (5) seconds.

(2) There shall be a minimum period of five (5) seconds between any change of pictures, information, or scrolling on the CEVMS.

(g) Construction Signs. Construction signs shall be removed from the site upon issuance of a certificate of occupancy.

(h) Development Signs. Development signs shall be removed from the site at the developer's expense upon seventy-five (75) per cent occupancy of the subdivision.

(i) Directional Signs. All directional signs shall be no less than two hundred (200) feet from any other directional sign.

(j) Directory Signs. Directory signs shall be located a minimum of thirty (30) feet from adjoining property lines on lots with two hundred (200) feet of frontage and over, a minimum of twenty (20) feet on lots with over one hundred (100) feet of frontage and less than two hundred (200) feet of frontage, and a minimum of ten (10) feet on lots with one hundred (100) feet of frontage or less, and a minimum of sixty (60) feet from any other free standing sign. The maximum area for directory signs shall not exceed forty (40) square feet per tenant within a site. In no case shall a separate directory sign and identification sign be permitted on the same frontage. Both signs shall only be allowed along the same frontage as one (1) combined sign. The allotment of the total allowed area shall be the responsibility of the subdivision or site owner; however, in no case shall any one (1) tenant or business be allowed more than fifty (50) per cent of the total allowed sign area.

(k) Central Business District Signs. All signs in the downtown central business district shall be designed, constructed and affixed so as to promote and not visually obscure the significant architectural features of the district and its buildings. The Central Business District is defined as the area of downtown bounded by Dyer/Hullum Streets and McAmis/Veale Avenues (Blocks 1-22 and 74, Original Town, and Block 9, Curry Addition).

(1) Conflict Between Subsections. Where there is conflict between the sign standard regulations in this Chapter 19, this Section 19-21(k) shall govern in this district. Requirements

in this section are applicable only in the Central Business District (CBD); however, other requirements within the Sign Ordinance may be applicable to this section.

- (2) Regulations concerning the number of signs are as follows:
 - (A) Each building may have one (1) wall sign or projecting sign oriented to its primary or entrance frontage.
 - (B) A building located at a corner may also have one (1) wall sign oriented to its secondary or side-street frontage.
 - (C) Awning signs on awning faces may be used in lieu of a wall sign or projecting sign.
 - (D) In addition to a wall sign, projecting sign or awning face sign, a building may have one (1) pedestrian sign oriented to each street on which the premises have frontage, relating to each occupancy within the building.
 - (E) Each building is permitted one (1) sandwich sign.
 - (F) Buildings with public rear entrances may also have one (1) pedestrian sign oriented to the rear of the building, relating to each occupancy within the building.
- (3) The location of the signs are permitted as follows:
 - (A) No sign shall be allowed above the second story windows of a building.
 - (B) Awning signs shall be allowed when such signs are painted or applied flat against the awning surface.
 - (C) Pedestrian signs shall be allowed when such signs have a minimum clearance of seven (7) feet from the sidewalk and do not extend beyond the awning or canopy projection.
 - (D) Projecting signs shall have a minimum clearance from the sidewalk of ten (10) feet and shall not project more than sixty (60) inches, or one-half (1/2) of the sidewalk width, whichever is less.
 - (E) No wall sign shall protrude more than twelve (12) inches from the wall to which it is attached.
 - (F) Sandwich signs may be placed outside only when the business is open and must be properly anchored or weighted against the wind.
- (4) Regulations for the size of signs is as follows:
 - (A) Wall sign maximum size shall be based on the following:
 - (i) For every one (1) linear foot of building primary or entrance footage, two (2) square feet of sign shall be allowed.
 - (ii) Wall signs on secondary or side-street frontage shall not extend the size of wall signs on the primary or entrance footage.
 - (B) Window signs shall cover no more than forty (40) per cent of the total glass areas of the window on which they are placed. The sign coverage shall be determined by an imaginary square or rectangle that encompasses the window sign graphics.
 - (C) Each face of a pedestrian sign shall be no more than eight (8) square feet in size.
 - (D) Awning sign size shall follow wall sign maximum sizes but shall not exceed the surface of the awning.
 - (E) Projecting signs shall be no more than fifteen (15) square feet in size, with a maximum sign height of three (3) feet.

(F) — The maximum height of any sandwich sign is forty-eight (48) inches, and a minimum clearance of six (6) feet must be maintained on the sidewalk for pedestrian access.

(G) — No display surface shall contain more than ten (10) items of information, except where the name of the occupant of the premises contains more than ten (10) items of information and the display surface contains only the name of the occupant. An item of information means any of the following: a syllable of a word, an abbreviation, a number, a symbol, a geometric shape, a slogan. In computing items of information, letters less than three (3) inches in height, if contained in a wall sign, shall not be counted.

(5) — Prohibited materials for use in the signs are as follows:

(A) — Interior illumination for signs or awnings shall not be allowed.

(B) — Plastic shall not be allowed for sign faces.

(C) — No fluorescent materials and/or paints shall be allowed.

(f) — General provisions and limitations for the signs are listed as follows:

(A) — The standards and regulations specified in this section shall apply to new signs in the CBD that will be erected or existing signs that will be changed, all of which sign permits must be obtained.

(B) — The provisions herein contained are applicable to location, size and placement of signs and shall otherwise be considered supplementary to the city requirements, and no provision specified herein shall be construed to otherwise amend or nullify any provision of any other city requirement or other regulation pertaining to the erection, maintenance and operation of signs in the city.

(C) — Devices consisting of banners, streamers, pennants, windblown propellers, strung light bulbs and similar installations shall be prohibited unless approved by the city manager for noncommercial use.

(D) — Animated, rotating or other moving or apparently moving signs shall be prohibited.

(E) — Signs of any type shall not cover or interrupt an existing mural.

(F) — Other than sandwich signs, no other portable signs are permitted.

(G) — Signs painted on the glass windows, exterior banners or posters, when placed on a building in connection with special events, promotions and holidays, are considered temporary and may be placed for a period not to exceed twenty (20) consecutive days. Any such temporary signs shall be removed within ten (10) days of expiration of the special event, promotion or holiday. Banner may not exceed thirty (30) square feet in area. Temporary signs are excluded from the maximum allowable sign area per building.

(H) — Murals shall be allowed with approval by the city commission and will require a permit.

(2) **Functional/Structural Types Permitted.** The following permitted functional uses shall be limited to the associated structural types of signs:

(A) **Nameplate Signs:**

(i) **Wall**

- (B) On-Premise Signs:
- (i) Wall signs
 - (ii) Ground signs
 - (iii) Awning, canopy, marquee
 - (iv) Projecting
 - (v) Sandwich board

- (C) Real Estate Signs:
- (i) Wall

(3) Number of Signs Permitted.

- (A) Nameplate: One (1) per storefront.

- (B) On-Premise Signs: Awning, canopy, marquee, and either one (1) wall sign per each individual wall for each lease space or one (1) projecting sign, and one (1) ground sign per platted lot, and one (1) portable sandwich board per building.

- (C) Real Estate: One (1) per storefront.

(4) Maximum Gross Surface Area.

- (A) Nameplate: Two (2) square feet.

- (B) Projecting Signs: Twenty-five (25) square feet.

- (C) Real Estate: Sixteen (16) square feet.

- (D) Wall Signs: Fifteen (15) percent of the wall.

- (E) Awning, Canopy, and Marquee: Twenty-five (25) percent of the awning, canopy, or marquee.

- (5) Maximum Height. No sign shall protrude above the roof or eave line of the principal structure. Projecting signs shall be a minimum of eight (8) feet above sidewalk grade and shall not protrude above the roof or eave line of the principal structure.

- (6) Required Setback: Property line, unless obstructing view of traffic.

- (7) Illumination. Illuminated signs are permitted for nameplate and on-premise signs only.

(l) General Business Signs. Each free standing building shall be allowed one (1) free standing sign. Such free standing signs shall be located a minimum of thirty (30) feet from adjoining property lines on lots with two hundred (200) feet of frontage and over, a minimum of twenty (20) feet on lots with over one hundred feet (100) and less than two hundred (200) feet of frontage and a minimum of ten (10) feet on lots with one hundred (100) feet of frontage or less, and a minimum of sixty (60) feet from any other free standing sign. A business shall be allowed any number of attached wall, projection

or marquee signs so long as the total face area of the attached signs does not exceed ten (10) per cent of the front face area of the building or store front as established in approved plans submitted to the city, or sixty (60) square feet, whichever is greater, or exceed six (6) feet in height. A pole sign is required to have a minimum of seven (7) feet clearance from grade to the bottom of the sign cabinet.

(m) Identification Signs. Identification signs shall be located a minimum of thirty (30) feet from adjoining property lines on lots with two hundred (200) feet of frontage and over, a minimum of twenty (20) feet on lots with over one hundred (100) feet and less than two hundred (200) feet of frontage, and a minimum of ten (10) feet on lots with one hundred (100) feet of frontage or less and a minimum of sixty (60) feet from any other free standing sign.

(n) Model Home Signs. All model home signs shall be removed after a certificate of occupancy is issued for the structure.

(o) Off-premises Signs. Off-premises signs, other than those specifically permitted by this chapter, are prohibited.

(p) Political Signs. A person commits an offense if a person displays a political sign on private property unless a person has the permission of the property owner and the sign:

- (1) Is not more than (8) feet high;
- (2) Has an effective area less than thirty-six (36) square feet;
- (3) Is not illuminated;
- (4) Does not have any moving elements; and
- (5) Is not generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

(q) Real Estate Signs. All temporary commercial real estate signs are issued for a period not to exceed one (1) year, and must be renewed annually. At the time of renewal the building inspector shall inspect the sign to insure compliance with all standards and requirements of this chapter.

(r) Temporary Realtor Open House Directional Signs. Temporary realtor open house directional signs shall be no larger than twenty four (24) by thirty (30) inches in size (five (5) square feet) and cannot be higher than three (3) feet above grade. No sign may be placed closer than thirty (30) feet from an intersection and cannot be placed in the center median. Signs cannot be placed any closer than six (6) feet from the back of the curb or from the edge of the pavement. These signs shall not obstruct the vision of traffic on the roadway. Any signs determined to be in a location that causes an immediate hazard to public safety may be immediately removed by the city. Signs must only direct traffic to properties located within the city limits. The sign may contain the words "Open", or "Open House," as well as a directional arrow. The signs must contain the name of the realty company, the name of the listing agent and a current phone number (cell phone) on the back of the sign. No more than two (2) off-premise signs and one (1) on-premise sign per "Open House" will be allowed. Signs must be kept well painted and in good repair. Signs must be made of metal and/or plastic. Signs cannot be made of wood or paper. Signs must be self-supporting and placed into the ground. These signs cannot be placed on a utility pole, street light pole, sign pole, fence, tree, or any other manmade or natural feature. Signs cannot be illuminated. Placement of these signs will only be allowed during the hours of 1:00 p.m. until 5:00 p.m. on Saturdays and Sundays.

(s) Weekend Development Directional Signs. A sign permit must be obtained from the city before weekend development directional signs can be placed. The permit will allow the permit holder to place a maximum of four (4) weekend development directional signs per development, at locations throughout the city. The signs are only allowed from 6:00 p.m. on Friday until 6:00 p.m. on Sunday. Any signs being displayed without an approved permit or at any time other than the above-mentioned times will be removed by the city. The signs may contain the name of the subdivision, a directional arrow and the words "New Homes For Sale" and/or "New Model Homes," only. In order for the city to contact the developer if the need arises, the signs must contain the name of the developer and a current phone number. The sign shall be no larger than six (6) square feet and cannot be higher than four (4) feet above grade. No sign may be placed closer than thirty (30) feet from an intersection, closer than six (6) feet from the back of the curb or from the edge of the pavement and shall not be placed in the center median. If the sign is to be placed on private property, written permission must be obtained from the property owner and provided to the city with the permit application. These signs shall not obstruct the vision of traffic on the roadway. Any signs determined to be in a location that causes an immediate hazard to public safety may be immediately removed by the city. Signs must only direct traffic to properties located within the city limits. Weekend development directional signs shall be no less than sixty (60) feet from any other weekend development directional sign. The sign must be made of metal, including a full metal frame with two (2) supporting legs. The sign must be self-supporting and placed into the ground and shall not be placed on a utility pole, street light pole, sign pole, fence, tree, or any other manmade or natural feature. The sign must be kept well painted and in good repair. The sign shall not be illuminated.

Sec. 19-22. Prohibited Signs.

(a) Signs illuminated to such an intensity or in such a manner as to cause glare or brightness to a degree that they constitute hazards or nuisances. Flashing, intermittently lighted, changing color, beacons, revolving, moving or similarly constructed signs shall not be allowed. Revolving barber poles may be allowed. For regulations pertaining to changeable electronic variable message signs, see [subsection 8-102\(B\)\(6\)](#).

(b) Signs that by reason of their size, location, movement, shape, content, coloring, or manner or intensity of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign, signal or device. This includes signs making use of the words "stop", "go", "look", "slow", "danger", or any other similar words, phrases, symbols, or characters, or employ any red, yellow, orange, or green colored lamps or lights in such a manner as to cause confusion with vehicular or pedestrian traffic.

(c) Lighted signs erected within one hundred fifty (150) feet of a residential district unless the lighting is shielded from view for the residential district.

(d) Signs that emit sound, odor or visible matter, which serve as a distraction to persons within the public right-of-way.

(e) Flags, other than those of any nation, state or political subdivision, that depict any motto, saying, emblem, or logo of a firm or corporation.

- (f) Any balloon, air flow through device, inflatable apparatus, or other floating device anchored to the ground or to any other structure for advertising purposes.
- (g) Goods, wares, merchandise or other advertising objects or structures placed on or suspended from any building, pole, structure, sidewalk, parkway, driveway, or parking area, except as otherwise allowed by ordinance.
- (h) Signs attached to a trailer, skid, or similar mobile structure where the primary use of such structure is to provide a base for such sign or constitutes the sign itself. A sign removed from its trailer, skid or similar mobile structure will still be considered prohibited. This provision does not restrict identification signs on vehicles used for any bona fide transportation activity.
- (i) Signs attached to or upon any such vehicle allowed to remain parked in the same location or in the same vicinity, at frequent or extended periods of time, where the intent is apparent to be using the vehicle and signs for purposes of advertising an establishment, service, or product.
- (j) Signs, paper and other material or paint, stencil or writing of any name, number (except hours, numbers) or other marks on or attached to any sidewalk, curb, gutter, street utility pole, public building, public bench, tree, fence, or structure except as otherwise allowed by ordinance.
- (k) Signs that prevent free ingress from any door, window, or fire escape.
- (l) Signs attached to a standpipe or fire escape.
- (m) Free standing signs erected upon or over public property unless erected by the city.
- (n) Any sign not referenced in, not governed by, not allowed or not defined by this chapter.

IV. Repeal. Any prior ordinances or ordinance provisions are hereby repealed to the extent they are in conflict with the terms of this Ordinance. Any remaining provisions of said ordinances shall remain in full force and effect.

V. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Breckenridge hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared unconstitutional or invalid.

VI. Effective Date. This Ordinance shall become effective immediately upon its adoption and after publication as required by law.

PASSED, APPROVED, AND ADOPTED on this the 6th day of December 2022.

ATTEST:

Bob Sims, Mayor

Jessica Sutter, City Secretary

S E A L



BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

Subject: Discussion and any necessary action regarding Ordinance 22-19 of the City of Breckenridge amending Chapter 18, "Subdivisions," of the Breckenridge Code of Ordinances by adding section 18-18, "Replatting" and Section 18-19, "Amending Plats"; adopting regulations regarding replatting and amending plats of land within the City

Department: Administration

Staff Contact: Cynthia Northrop

Title: City Manager

BACKGROUND INFORMATION:

Current ordinance does not specifically address city's process for replats. Adopting this Ordinance will clarify and codify the city's process for handling replats and amending plats. Staff and City Attorney have reviewed.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

Consider adopting Ordinance to add section 18-18 "Replatting" and Section 18-19 "Amending Plats"

ORDINANCE NO. 22-19

AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING CHAPTER 18, "SUBDIVISIONS", OF THE BRECKENRIDGE CODE OF ORDINANCES BY ADDING SECTION 18-18, "REPLATTING" AND SECTION 18-19, "AMENDING PLATS"; ADOPTING REGULATIONS REGARDING REPLATTING AND AMENDING PLATS OF LAND WITHIN THE CITY; PROVIDING A PENALTY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Breckenridge, Texas (the "City") is a home-rule city operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution;

WHEREAS, the City has the power to adopt ordinances "necessary to protect health, life, and property" within the City, as long as those ordinances are not inconsistent with State law, pursuant to Section 3.2 of the Charter;

WHEREAS, Section 212.002 of the Texas Local Government Code provides that a city "may adopt rules governing plats and subdivisions of land...to promote the health, safety, morals, or general welfare...and the safe, orderly, and healthful development of the municipality", after holding a public hearing on the matter;

WHEREAS, pursuant to this authority, the City Commission of the City of Breckenridge (the "City Commission") has adopted Chapter 18, "Subdivisions", of the Breckenridge Code of Ordinances and staff has recommend that a process for replatting be added to said Chapter to provide guidance for the handling replats of already platted land and amended plats that may be filed in the future; and

WHEREAS, after holding a public hearing on this ordinance on December 6, 2022, the City Commission finds that adopting the replatting and amended plat procedures contained in this Ordinance promotes the safe, orderly, and healthful development of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BRECKENRIDGE, TEXAS THAT:

I. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

II. Amendment to Chapter 18 – Section 18-18. Chapter 18, "Subdivisions", of the Breckenridge Code of Ordinances is hereby amended by adding Section 18-18, "Replatting", to read in its entirety as follows:

Sec. 18-18. Replatting.

(a) Required. Any person who wishes to replat a subdivision plat which has been previously filed for record must make an application of the proposed replat to the City.

(b) Requirements. The replat of the subdivision shall meet all the requirements for a subdivision contained in this Chapter that apply to the replat. However, if the replat does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no engineering plans will be required.

(c) Notice and Hearing Required. In the event the proposed replat involves property which has been previously developed or zoned as “R-1” or “R-1-A”, Single Family Dwelling District, or “R-2”, Two-Family Dwelling District and the proposed replat requires a variance or exception, the following special requirements apply:

(1) After an application is filed for a replat, the City Secretary shall cause a notice of the application to be published in the official newspaper of the City at least fifteen (15) days before the date of the Planning and Zoning Commission meeting at which it is to be considered. Such notice must include a statement of the time and place at which the Planning and Zoning Commission will meet to consider the replat and hear protests to the replat at a public hearing and the date of the City Commission meeting at which the replat will be considered. Additionally, written notice must be sent to all owners of property located within two hundred (200) feet of the property upon which the replat is requested. Such notice may be served by depositing the notice, properly addressed and postage paid, at the local post office.

(2) If twenty percent (20%) or more of the property owners to whom notice has been required to be given above file a written protest of the replatting before or at the public hearing before the Planning and Zoning Commission, then the affirmative vote of at least three-fourths (3/4) of the City Commission is required to approve the replat.

(d) Notice Required. In the event the proposed replat involves property which has been previously developed or zoned as “R-1” or “R-1-A”, Single Family Dwelling District, or “R-2”, Two-Family Dwelling District and the proposed replat does not require a variance or exception, the City shall provide written notice to all owners of property located within two hundred (200) feet of the lots to be replatted within fifteen (15) days after the date the replat is approved. The notice shall include the zoning designation of the property after the replat and a telephone number and email address an owner of a lot may use to contact the City about the replat.

III. Amendment to Chapter 18 – Section 18-19. Chapter 18, “Subdivisions”, of the Breckenridge Code of Ordinances is hereby amended by adding Section 18-19, “Amended Plats”, to read in its entirety as follows:

Sec. 18-19. Amended Plats.

(a) A person who wishes to amend a plat for the circumstances described in subsection (b), below, may make an application to the City. Approval of other owners of lots in the subdivision plat is not required unless specifically noted in subsection (b). The amended plat must be approved by the Planning and Zoning Commission and the City Commission, but no notice or public hearing is required.

(b) A plat may be amended if signed only by the applicant(s) and is solely for one or more of the following purposes:

- (1) To correct an error in a course or distance shown on the preceding plat;
- (2) To add a course or distance that was omitted on the preceding plat;
- (3) To correct an error in a real property description shown on the preceding plat;
- (4) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (5) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (6) To correct any other type of scrivener or clerical error or omission previously approved by the City, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- (7) To correct an error in courses and distances of lot lines between two adjacent lots if:
 - (A) Both lot owners join in the application for amending the plat;
 - (B) Neither lot is abolished;
 - (C) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (D) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- (8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (9) To relocate one or more lot lines between one or more adjacent lots if:
 - (A) The owners of all those lots join in the application for amending the plat;
 - (B) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (C) The amendment does not increase the number of lots;
- (10) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or part of the subdivision covered by the preceding plat if:
 - (A) The changes do not affect applicable zoning and other ordinances of the City;
 - (B) The changes do not attempt to amend or remove any covenants or restrictions; and
 - (C) The area covered by the changes is located in an area that has been approved as a residential improvement area;
- (11) To replat one or more lots fronting on an existing street if:
 - (A) The owners of all those lots join in the application for amending the plat;
 - (B) The amendment does not attempt to remove recorded covenants or restrictions;
 - (C) The amendment does not increase the number of lots; and

(D) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

IV. Repeal. Any prior ordinances or ordinance provisions are hereby repealed to the extent they are in conflict with the terms of this Ordinance. Any remaining provisions of said ordinances shall remain in full force and effect.

V. Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Breckenridge hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, clauses, or phrases be declared unconstitutional or invalid.

VI. Effective Date. This Ordinance shall become effective immediately upon its adoption and after publication as required by law.

PASSED, APPROVED, AND ADOPTED on this the 6th day of December 2022.

ATTEST:

Bob Sims, Mayor

Jessica Sutter, City Secretary

S E A L



BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

Subject: Discussion and any necessary action regarding Construction Contract Change Order No. 1 for the Prison Lift Station Project

Department: Administration

Staff Contact: Cynthia Northrop

Title: City Manager

BACKGROUND INFORMATION:

On June 7, 2022, City Commissioner's awarded bid for the Prison Lift Station project to Dowtech Specialty Contractors. The current prison lift station has been in service since 1993 and is a self-priming pump. The project was necessary due to the age and increased maintenance. The project retrofits Lift Station 4 (Prison) from a self-priming pump configuration to a submersible pump configuration, including all necessary piping and value modification, making it easier to service and maintain. NTP was given 7.18.2022 with substantial completion in 120 days (11.15.2022).

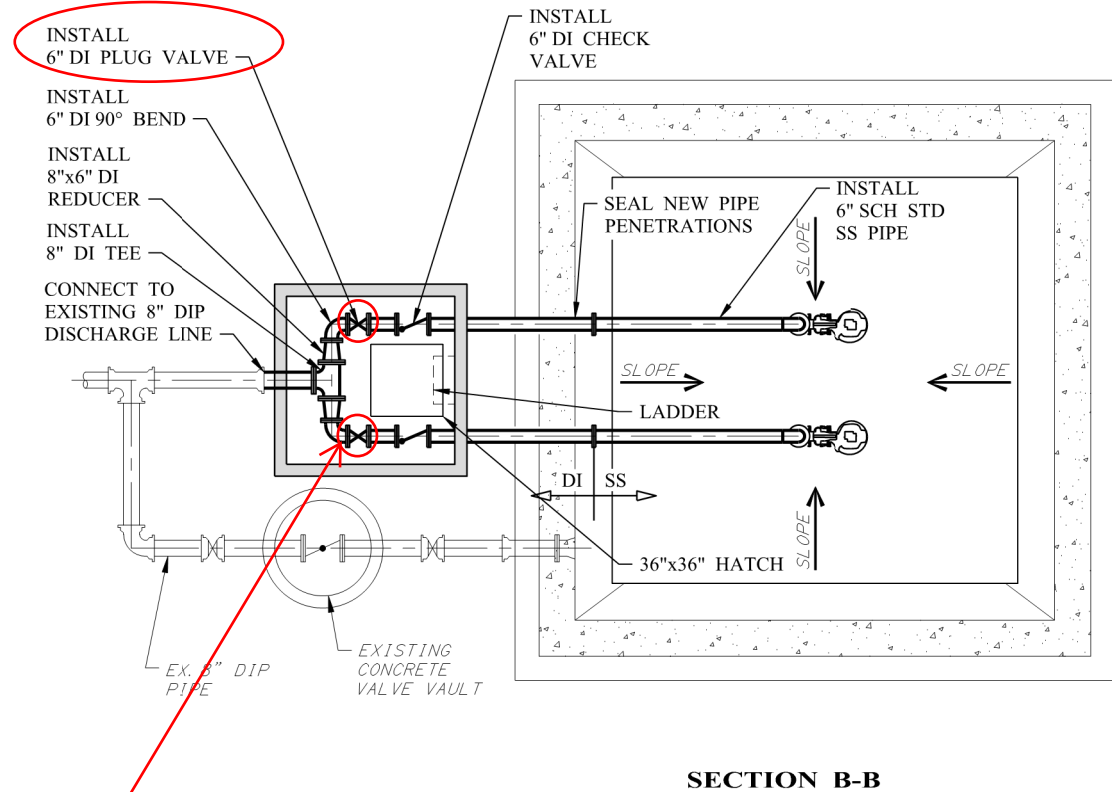
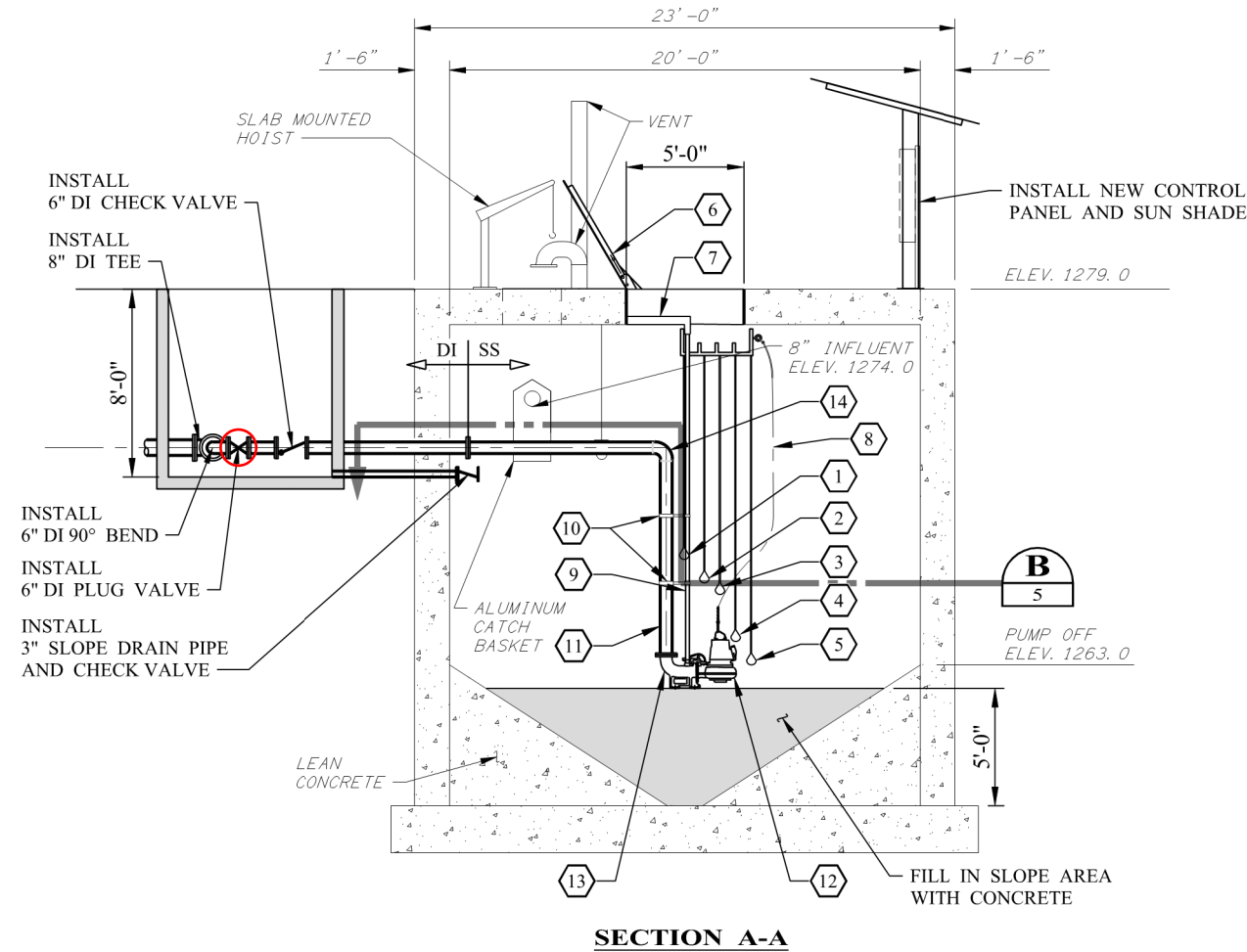
Unfortunately, the contractor has been waiting on parts to complete the project. The initially specified plug valves called for a 2" nut operator, however a plug valve with a wheel operator can be expedited and ultimately will better support the project schedule. Current delivery estimates for specified parts are in February 2023. Contractor was able to locate an alternate part (plug valve with wheel operator) that is available now. This will require a change-order to the contract that will change the time on the contract.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

Engineers, Contractor, and staff recommend proceeding with this change-order as described above.



Plug valves are still being provided. However, the initially specified valves with the 2" nut operator are proposed to have a hand wheel.

GENERAL NOTES:

- ALL DIMENSIONS ARE TO BE VERIFIED BY CONTRACTOR.
- THE NEW CONTROL PANEL IS TO PERFORM EQUIVALENT OPERATIONS OF EXISTING CONTROL PANEL AND SHALL BE OF EQUAL OR BETTER QUALITY.
- ELECTRICAL WIRING AND CONDUIT ARE NOT SHOWN. CONTRACTOR IS TO INSTALL ELECTRICAL WIRING AND CONDUIT FROM EQUIPMENT TO CONTROL PANEL AS REQUIRED AND IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
- SUN SHADE THAT IS DEPICTED IS FOR REFERENCE ONLY. CONTRACTOR SHALL SUBMIT SUNSHADE DETAILS FOR ENGINEER APPROVAL.
- CONTRACTOR TO ADD REINFORCEMENT FOR CONCRETE AS REQUIRED BY SPECIFICATIONS.

NOTES INDICATED BY NUMBER IN # :

- HIGH WATER ALARM: ELEV. 1271.50
- PUMP #2 ON: ELEV. 1271.00
- PUMP #1 ON: ELEV. 1270.00
- PUMP OFF AND LOW LEVEL LOCKOUT RESET: ELEV. 1263.00
- LOW LEVEL PUMP LOCK-OUT: ELEV. 1262.50
- HINGED ACCESS DOOR, ALUMINUM
- TOP RAIL SUPPORT (BOLTS TO COVER FRAME)
- STAINLESS STEEL LIFTING CHAIN
- PIPE GUIDE RAILS, MUST BE PLUMB
- INTERMEDIATE RAIL SUPPORT
- 6" SCH. STD SS DISCHARGE PIPING
- 2-SUBMERSIBLE PUMPS, BOTH WITH A DESIGN POINT OF 450 GPM @ 52 TDH. SITE VOLTAGE IS 240V, 3Ø.
- DISCHARGE ELBOW
- 6" 90° SS BEND



 Enprotec Hibbs & Todd 4102 Cedar Street • Abilene, Texas 79601 • T: (325) 698-5560 • F: (325) 690-3240 • www.eht.com PE Firm Registration No. 1151 • PG Firm Registration No. 50103 • RPLS Firm Registration No. 1001900	8170 PROJECT NO.
	05/18/2022 DATE
	T.A. DESIGNED BY:
	L.S. DRAWN BY:
BRECKENRIDGE PRISON LIFT STATION STEPHENS COUNTY, TEXAS FOR THE CITY OF BRECKENRIDGE, TEXAS	
LIFT STATION SECTIONS	
5 OF	

NOTICE TO PROCEED

Owner: City of Breckenridge Owner's Project No.: _____
 Engineer: Enprotec/Hibbs & Todd, Inc. Engineer's Project No.: 8170-2
 Contractor: Dowtech Specialty Contractors, Inc. Contractor's Project No.: _____
 Project: Lift Station 4 Rehabilitation 1
 Contract Name: Lift Station 4 Rehabilitation 1
 Effective Date of Contract: 6/16/2022

Owner hereby notifies Contractor that the Contract Times under the above Contract will commence to run on 7/18/2022 pursuant to Paragraph 4.01 of the General Conditions.

On that date, Contractor shall start performing its obligations under the Contract Documents. No Work will be done at the Site prior to such date.

In accordance with the Agreement:

The number of days to achieve Substantial Completion within 120 days from the date stated above for the commencement of the Contract Times, resulting in a date for Substantial Completion of 11/15/2022; and the number of days to achieve readiness for final payment within 150 days from the commencement date of the Contract Times, resulting in a date for readiness for final payment of 12/15/2022.

Before starting any Work at the Site, Contractor must comply with the following: None

Owner: City of Breckenridge
 By (signature): Diane Latham
 Name (printed): Diane Latham
 Title: Finance Director
 Date Issued: 6-16-2022
 Copy: Engineer

**Engineering Services
Task Order No. 02
Under Engineering Services Agreement Executed on January 4, 2022**

Prison Lift Station Rehabilitation

Scope of Services:

ENGINEER to provide engineering services to develop plans and specifications to rehabilitate the City's wastewater lift station at the Prison. The project is expected to be funded by proceeds allocated to the City through the American Rescue Plan (ARP). Services for the project are expected to generally include:

- Plans and specifications for the project.
- Develop a Request for Proposal (RFP) to solicit qualified contractors to perform the work.
- Perform bid phase services to support the City in selecting a contractor.
- Assist Owner with the proposal selection process and make recommendations on award of a contract.
- Provide "part-time" construction inspection at pertinent stages of construction.
- Provide construction management of the project.

Compensation

The work is authorized under the terms and conditions of the Engineering Services Agreement, between the City of Breckenridge (OWNER) and ENGINEER. The compensation for services shall be on an hourly billing basis in accordance with the attached Schedule of Charges. Upon execution, this Work Order authorizes ENGINEER to proceed with the above-referenced services. Estimated engineering cost for the design, coordination and bidding of the project is \$30,000.

Schedule

It is anticipated that the RFP will be advertised in March 2022.

Deliverables

1. Technical memorandum summarizing meter research and vendor coordination
2. RFQ/RFP documents
3. Recommendation of award

Upon execution, this Work Order authorizes ENGINEER to proceed with the above-referenced services.

ENPROTEC / HIBBS & TODD, INC.

CITY OF BRECKENRIDGE, TEXAS

Sage Diller

12-28-21

Erika McComis

12-29-21

Signature

Date

Signature

Date

Sage Diller, P.E.

Printed or Typed Name

Erika McComis

Printed or Typed Name

Associated Vice President

Title

City Manager

Title

Enprotec / Hibbs & Todd, Inc.

HOURLY CHARGES FOR PROFESSIONAL SERVICES (2022)

Charges include all salaries, salary expense, overhead, and profit.

Principal.....	\$ 230.00 per hour
Senior Project Manager	190.00 per hour
Project Manager	170.00 per hour
Senior Engineer / Geologist.....	150.00 per hour
Project Engineer / Geologist.....	135.00 per hour
Staff Engineer I / Geologist I.....	120.00 per hour
Staff Engineer II / Geologist II.....	105.00 per hour
RPLS I.....	155.00 per hour
Operations Specialist / Regulatory Compliance Specialist	150.00 per hour
Contract Operator (Certified Class A/B Operator.....	120.00 per hour
Contract Operator (Certified Class C/D Water Operator)	100.00 per hour
Engineering / Field Technician I	135.00 per hour
Engineering / Field Technician II	110.00 per hour
Engineering / Field Technician III.....	85.00 per hour
Survey Tech I	85.00 per hour
Survey Tech II	65.00 per hour
CAD I.....	130.00 per hour
CAD II.....	100.00 per hour
CAD III.....	65.00 per hour
Administrative	70.00 per hour
Survey Party	225.00 per hour - 3 man
.....	200.00 per hour - 2 man
.....	175.00 per hour - 1 man

Expense Items

Consultants, Contractors & Supplies	Cost plus 10%
Travel (out of town only)	Current IRS rate per mile
Lodging and meals (out of town trips).....	Actual cost

**CHANGE ORDER NO.: 001**

Owner:	<u>City of Breckenridge</u>	Owner's Project No.:	<u> </u>
Engineer:	<u>Enprotec / Hibbs & Todd, Inc.</u>	Engineer's Project No.:	<u>8170-2</u>
Contractor:	<u>Dowtech Specialty Contractors, Inc.</u>	Contractor's Project No.:	<u> </u>
Project Name:	<u>Lift Station Rehabilitation 1</u>		
Date Issued:	<u>12/2/2022</u>	Effective Date of Change Order:	<u>When executed by Owner</u>

The Contract is modified as follows upon execution of this Change Order:

Description:

1. Update to the substantial and final completion dates.

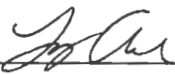
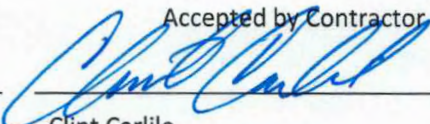
Summary:**1. Update to substantial and final completion dates.**

Lead times of equipment have affected the overall construction schedule of the project. The initial substantial completion date of 11/15/2022, and final completion date of 12/15/2022 are no longer feasible due to the equipment lead times. The project team has continued to coordinate to find the best solution to expeditiously complete construction, but ultimately the schedule will need to be extended to a substantial completion date of 2/28/2023 and a final completion date of 3/30/2023.

The overall Contract Price will **NOT** change upon execution of this Change Order.

Attachments: N/A

Change in Contract Price		Change in Contract Times	
Original Contract Price:		Original Contract Times:	
\$ 264,434.00		Substantial Completion:	120 days
		Ready for final payment:	150 days
CHANGE from previously approved Change Orders		CHANGE from previously approved Change Orders:	
\$ 0		0 days	
Contract Price prior to this Change Order:		Contract Times prior to this Change Order:	
\$ 264,434.00		Substantial Completion:	120 days
		Ready for final payment:	150 days
Impact this Change Order:		Impact this Change Order:	
\$ 0.00		Substantial Completion:	105 days
		Ready for final payment:	105 days
Contract Price incorporating this Change Order:		Contract Times with all approved Change Orders:	
\$ 264,434.00		Substantial Completion:	225 Days
		Ready for final payment:	255 Days

	Recommended by Engineer	Accepted by Contractor
Signature:		
By:	Leroy Arce	Clint Carlile
Title:	Project Manager	Project Manager
Date:	12/5/2022	12/5/2022

Authorized by Owner

Signature: _____

By: Cynthia Northrop

Title: City Manager

Date: _____



BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

Subject: Discussion and any necessary action regarding Resolution 22-38 supporting legislation allowing WCTMWD Board Members to live outside city limits of respective city membership.

Department: Administration

Staff Contact: Cynthia Northrop

Title: City Manager

BACKGROUND INFORMATION:

The West Central Texas Municipal Water District's Executive Director, Chris Wingert, is requesting the City's support for a legislative change allowing WCTMWD Board Members to live outside city limits of respective City that they represent.

WCTMWD was created as a conservation and reclamation district by the 55th Legislature in 1957. The District's Member Cities include Abilene, Albany, Anson, and Breckenridge. Currently, only those who reside and own property in a Member City are eligible to be appointed as director. The proposed legislation broadens the eligibility qualifications for board directors to include those who may not reside in a Member City's limits. It also amends language in the District's enabling act to require that each director be appointed by a Member City rather than from a Member City. The individual must reside in and own taxable property within the County in which the Member City that appoints him/her is located.

As a Municipal Water District in rural Texas, there is a small pool of eligible directors. The proposed legislation will increase the number of people who are eligible to serve as a director by allowing all property owners in the District's service area to have the opportunity to serve as a director.

FINANCIAL IMPACT:

None

STAFF RECOMMENDATION:

WCTMWD Board Members are supporting this change and requesting Member Cities support the Resolution (attached)

ORDER NO. _____

**AN ORDER OF THE BOARD OF DIRECTORS
OF THE WEST CENTRAL TEXAS MUNICIPAL WATER DISTRICT
REQUESTING FILING OF AND SUPPORT FOR LEGISLATION AMENDING
DISTRICT ENABLING ACT**

WHEREAS, the West Central Texas Municipal Water District (the "District") is a conservation and reclamation district pursuant to Chapters 49 and 51 of the Texas Water Code and created by the 54th Texas Legislature in 1955; and

WHEREAS, the District is a political subdivision of the state created pursuant to Article XVI, Section 59 of Texas Constitution for the purpose of providing a source of water supply for municipal, domestic, industrial, and mining uses to its Member Cities – Abilene, Albany, Anson, and Breckenridge; and

WHEREAS, the District's Member Cities are finding it increasingly difficult to locate qualified individuals who live and own property within their respective City Limits to appoint to the District's Board of Directors; and

WHEREAS, expanding the pool of potential Directors available to each of the District's Member Cities will increase the number of possible candidates that may be appointed by a Member City to serve on the District's Board of Directors; and

WHEREAS, the District would like to amend its enabling act by broadening the eligibility qualifications for Directors to include individuals who receive water service from the District facilities and own property within the County in which the Member City that appoints him or her is located; and

WHEREAS, State Representative Stan Lambert, State Representative David Spiller, State Representative Glenn Rogers, State Senator Charles Perry, and State Senator Phil King represent the District at the Texas Legislature.


NOW THEREFORE, it is ordered by the Board of Directors of the West Central Texas Municipal Water District as follows:

Section 1: The above recitals are true and correct and are incorporated into this Order for all purposes.

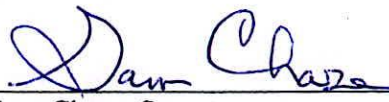
Section 2: The District's Board of Directors hereby respectfully requests the state legislators who represent the District at the Texas Legislature file and support legislation during the Regular Session of the Texas Legislature held in 2023 to amend the District's enabling act to expand the eligibility qualifications for the District's Board of Directors.

Section 3: The District's General Manager and General Counsel are authorized to work with the state legislators and take all necessary action to enable the Texas Legislature to enact legislation to help the District amend its enabling act and to carry out the purposes of this Order.

PASSED, ADOPTED, AND APPROVED this 9th/st day of November, 2022.


Norm Archibald, President

ATTEST:


Sam Chase, Secretary

RESOLUTION NO. 22-37

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRECKENRIDGE,
TEXAS SUPPORTING LEGISLATION EXPANDING THE ELIGIBILITY
QUALIFICATIONS TO SERVE ON THE BOARD OF DIRECTORS FOR THE WEST
CENTRAL TEXAS MUNICIPAL WATER DISTRICT**

WHEREAS, the West Central Texas Municipal Water District (the “District”) has brought to the City of Breckenridge’s (the “City”) attention that the District desires to amend its enabling act, which created the District in 1955, by requesting the passage of a bill during the Regular Session of the 88th Texas Legislature to expand the eligibility qualifications to serve on the District’s Board of Directors;

WHEREAS, the City recognizes the importance of the District’s role in providing a source of water supply for municipal, domestic, and industrial uses to the City which the District does under the authority of Article XVI, Section 59 of the Texas Constitution, and pursuant to its enabling act and other applicable law;

WHEREAS, the City supports the District’s interest in amending its enabling act as broadening the eligibility qualifications to serve on the District’s Board of Directors will benefit the City by expanding the pool of eligible candidates that may be appointed by the City to serve as Directors ensuring interested and qualified Directors are making decisions in the City’s best interest;

WHEREAS, the City believes it would be helpful to the District if the Texas Legislature passed legislation broadening the eligibility qualifications for Directors to include individuals who receive water service from the District facilities and own property within the County in which the Member City that appoints him or her is located;

THEREFORE, IT IS RESOLVED that the City Council hereby agrees with the need for the legislation desired by the District to amend its enabling act by expanding the eligibility qualifications for Directors, and hereby voices its support of such legislation to the elected state legislators who represent the City – State Representative Glenn Rogers and State Senator Phil King – at the State Legislature.

ADOPTED AND APPROVED this 6th day of December, 2022.

Bob Sims, Mayor

ATTEST:

Jessica Sutter, City Secretary



BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

Subject: Discussion and any necessary action regarding filling Planning and Zoning board vacancy and approving Resolution.

Department: Administration

Staff Contact: Jessica Sutter

Title: City Secretary

BACKGROUND INFORMATION:

Planning and Zoning Commissioner place 4 position is currently vacant and is set to expire on February 28, 2022. We have received an application for a volunteer to serve to fill the vacancy. Application for volunteer will be attached for your review and possible approval.

FINANCIAL IMPACT:

STAFF RECOMMENDATION:

Approve resolution

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[Home](#) > [Board or Commission Application](#) > [Webform results](#) > Board or Commission Application

Submission information

Form: [Board or Commission Application](#) [1]

Submitted by Visitor (not verified)

Wed, 10/26/2022 - 10:02pm

198.186.13.3

Name JB Sparks

Address [REDACTED]

Phone Number [REDACTED]

City Breckenridge

State TX

Zip Code 76424

Email Address [REDACTED]

Breckenridge Resident for How many years? 8 years

Are you a qualified Voter

Yes

Current Employer Owner of Melton Kitchens

Are you related to any City Commission Member or City Manager? No

If yes, Please state the relationship TX

Special knowledge or experience qualifying you for this appointment

Been in a corporate exec for over 25 years, before coming to Breckenridge. Investment and stock trader.

Boards/Commissions/Committees you have previously served on

Breckenridge Housing Authority Board. W'Ford hospital board

Breckenridge Fine Arts Center Board

Friends of Historic Board

Incoming President of Rotary

Weatherford City Council

Professional and/or Community Activities

Graham Country Club Texas Christian University former trustee

Board(s) you would like to apply for

Planning and Zoning Commission

Source URL: <https://www.breckenridgetx.gov/node/2705/submission/145>

Links

[1] <https://www.breckenridgetx.gov/bc/webform/board-or-commission-application>