



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

December 05, 2023 at 5:30 PM

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**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 05, 2023 at 5:30 PM at the Breckenridge City Offices, 105 N. Rose Avenue, Breckenridge, Texas.

**CALL TO ORDER**

**INVOCATION** led by Sam Chambers of First Methodist Church

**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 of Service Pin 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**

2. City Business

Street Maintenance Tax Election

Reschedule the January 2nd Commission meeting to January 9th

Department Head Reports



### 3. Upcoming Events

- 12/9 Christmas Parade
- 12/21 Bulk Pickup
- 12/25 City Offices closed
- 12/26 City Offices closed
- 01/01 City Offices closed

### Police Chief

### 4. Employee of the Month Presentation

### CONSENT AGENDA

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

- 5. Consider approval of the November 7, 2023, Regular Commission Meeting minutes as recorded.

### PUBLIC HEARING ITEMS

- 6. Public Hearing regarding request to rezone the property at 611 E. Walker – East Breckenridge Addition, Block B, Lot 5 & 6, in Breckenridge, Texas from R1 (Single Family Dwelling District) to C2 (Community Business District).

### ACTION ITEMS

- 7. Discussion and any necessary action regarding Ordinance 23-21 to rezone the property at 611 E. Walker – East Breckenridge Addition, Block B, Lot 5 & 6, in Breckenridge, Texas from R1 (Single Family Dwelling District) to C2 (Community Business District).
- 8. Discussion and any necessary action approving BEDC request to improve city property and create a parking lot at the corner of Elm and Court
- 9. Discussion and any necessary action regarding renewal of contract with Chamber of Commerce for HOT Funds
- 10. Discussion and any necessary action regarding Ordinance 23 – 20; closing Dyer Street between N. Miller and N. Live Oak
- 11. Discussion and any necessary action regarding final reconciliation and acceptance of the FM 3099 Utility Relocation Construction Project.
- 12. Discussion and any necessary action regarding Ordinance 23-22 to remove the requirement that Planning and Zoning Commission make recommendations regarding streets.



13. Discussion and any necessary action regarding request from lien holder on previously approved declaration of substandard building and Order to Abate at 213 Pembroke

### **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:*

Sec. 551.071, Consultation with Attorney (to seek the advice of its attorney about pending or contemplated litigation or a settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act): 213 Pembroke.

Sec. 551.074, Personnel Matters (to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or Employee; or to hear a complaint or charge against an officer or employee) and Sec. 551.071(2), Consultation with Attorney (to seek the advice of its attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act): Chief of Police.

### **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 2023**.

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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.***





## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Presentation of Service Pin Awards

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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### BACKGROUND INFORMATION:

Listed below are employees due for the presentation of Service Awards. In order for an employee to be entitled to a service award, they must have completed 5, 10, 15, 20, 25, 35, or 40 years of service to the City of Breckenridge.

Diane Latham	35 Years	Finance Director
Stacy Harrison	30 Years	Public Services Director
Christi Tidrow	10 Years	Development Coordinator
Scott Bills	15 Years	Water Plant Supervisor
Wesley Duggan	15 Years	Parks Laborer
Shelby Buckhalter	10 Years	WTP Operator
Chad Skiles	10 Years	Fireman
Darrell Smith	5 years	WWTP Operator

### FINANCIAL IMPACT:

NA

### STAFF RECOMMENDATION:

No action





# DEPARTMENTAL REPORTS

**October 2023**

105 N. Rose Ave.  
Breckenridge, TX 76424  
254.559.8287  
[www.breckenridgetx.gov](http://www.breckenridgetx.gov)



# Finance

## Bank

### Statement

### Balances

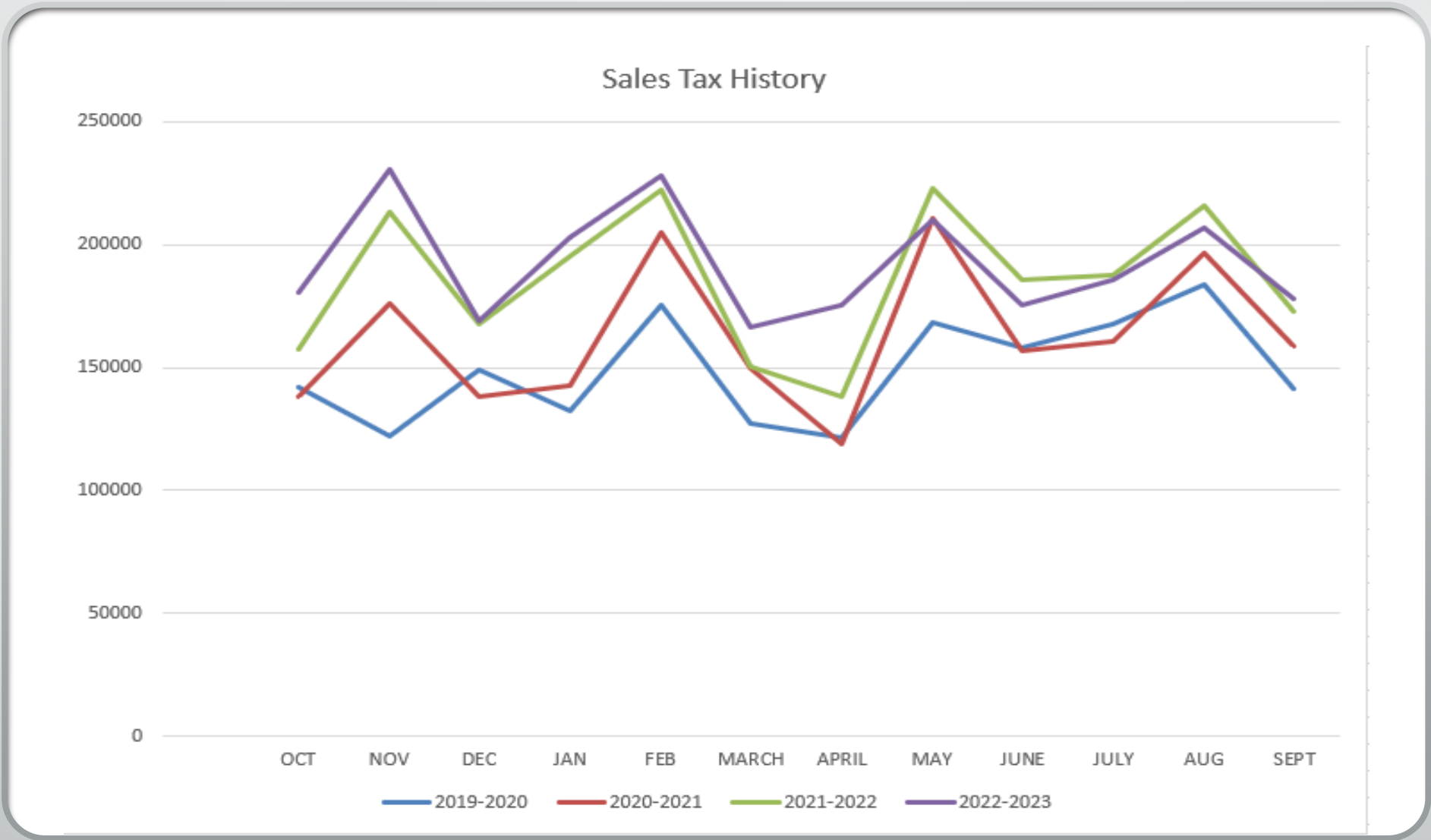
	Account Name	Balances as of October 2022	Balances as of October 2022	Item 2.
1001	GENERAL FUND	\$ 811,427.81	\$ 1,208,300.61	
1013	ARSON FUND	\$ 509.89	\$ 509.89	
1014	FEDERAL TAX & LOAN	\$ 79.92	\$ 81.09	
2000	PAYING	\$ 2,503.58	\$ -	
1001	WATER FUND	\$ 1,302,270.32	\$ 1,596,676.04	
1001	WASTEWATER FUND	\$ 663,704.30	\$ 1,069,985.31	
1001	SANITATION	\$ 44,092.57	\$ 18,479.18	
1001	FIRE DEPT. SPECIAL	\$ 15,982.82	\$ 12,431.81	
1001	FORFEITED PROPERTY	\$ 1,251.42	\$ 1,478.13	
1002	PAYROLL FUND	\$ 30,327.31	\$ 30,279.30	
1001	EQUIP. REPLACEMENT FUND	\$ 161,071.52	\$ 321,047.43	
1001	STREET MAINTENANCE	\$ 706,802.36	\$ 71,750.69	
1001	BRECKENRIDGE PARK FUND	\$ 9,225.85	\$ 9,614.00	
1001	POLICE DEPT. SPECIAL	\$ 13,582.51	\$ 13,616.82	
1001	Excess Sales Tax Revenue	\$ 17,592.11	\$ 17,636.52	
1001	Breck Trade Days	\$ 39,334.22	\$ 39,433.56	
1051	CO 2017 A&B Sinking /Rd	\$ 406,516.51	\$ 7,552.38	
1001	Capital Improvement Project	\$ 582,496.64	\$ 313,996.84	
1058	GENERAL DEBT SERVICE FUND	\$ 1,161,183.03	\$ 146,738.96	
1001	General Debt Service Fund P/C	\$ -	\$ 7,377.16	
1001	REVENUE DEBT SERVICE FUND	\$ -	\$ 104,000.00	
1025	Rescue Boat Donation	\$ 1,808.89	\$ 1,813.42	
1073	CWSRF LF1001492	\$ (4.00)	\$ 2.82	
1076	CWSRF LF1001492 ESCROW	\$ 1,220,811.61	\$ 1,214,046.05	
1056	CWSRF CO 2022A L1001491	\$ 1.00	\$ 1.00	
1074	CWSRF CO 2022A L1001491 ESCROW	\$ 907,264.65	\$ 944,532.97	
1072	CWSRF CO 2022A L1001426	\$ 1.00	\$ 1.00	
1075	CWSRF CO 2022A L1001426 ESCROW	\$ 1,921,485.09	\$ 2,000,415.25	
1071	DWSRF LF1001495	\$ 1.00	\$ 19,601.29	
1079	DWSRF LF1001495 ESCROW	\$ 1,317,254.78	\$ 1,320,399.21	
1070	DWSRF CO 2022B L1001493	\$ 1.00	\$ 1.00	
1078	DWSRF CO 2022B L1001493 ESCROW	\$ 1,309,419.34	\$ 1,363,207.26	
1057	DWSRF CO 2022B L1001494	\$ 1.00	\$ 1.00	
1077	DWSRF CO 2022B L1001494 ESCROW	\$ 917,844.01	\$ 955,546.90	
1010	LOGIC CO 2023	\$ -	\$ 8,284,607.06	
	<b>TOTAL - ALL FUNDS</b>	<b>\$ 13,565,844.06</b>	<b>\$ 21,095,161.95</b>	6



# Fiscal Year Sales Tax Revenue Received

MONTH RECEIVED	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024
OCT	142,235	138,040	157,493	180,530	182,914
NOV	122,415	176,091	213,510	230,739	214,002
DEC	149,000	138,215	167,667	169,037	
JAN	132,144	142,770	195,423	203,137	
FEB	175,232	204,822	222,525	228,165	
MARCH	127,285	149,849	150,395	166,133	
APRIL	121,607	119,118	138,407	175,456	
MAY	168,693	210,823	222,804	210,071	
JUNE	158,145	157,037	185,695	175,128	
JULY	167,474	160,631	187,757	185,736	
AUG	183,855	196,582	215,658	206,710	
SEPT	141,151	158,558	172,552	177,704	
TOTAL	1,789,236	1,952,536	2,229,886	2,308,546	







# BUILDING & DEVELOPMENT

Item 2.

OCTOBER 2023		FY 2023-2024
Permits Issued:		
Building	5	5
Roof	1	1
Fence, windows, siding, etc.	0	0
Sign	0	0
Mobile home	0	0
Certificate of Occupancy	1	1
Electrical	9	9
Plumbing	3	3
Gas line	6	6
Irrigation	1	1
HVAC	1	1
Moving	0	0
Demolition	0	0
Zone change/street closure	0	0
Variance	0	0
Prelim/final plat	0	0
Solicitor/vendor	3	3
Beer/wine/liquor license	2	2
Gaming machine license	0	0
Food Mobile Unit	1	1
Fire alarm	0	0
Fire sprinkler	0	0



# CODE ENFORCEMENT

Violations reported to Code Enforcement via email – 0

Violations reported to Code Enforcement via phone – 2

## **New violations cases opened – 6**

Rubbish – 706 W. Dyer

Rubbish – 207 W. 2<sup>nd</sup>

Carport encroaching – 516 S. Parks

Substandard house – 504 N. Rose

High weeds – 210 N. McAmis

High weeds – 809 N. Rose



# CODE ENFORCEMENT

## **Violations closed due to compliance – 4**

706 W. Dyer – cleaned up

516 S. Parks – encroachment was corrected

1406 E. Lindsey – vehicle was moved

611 N. Panther – weeds were mowed



# CODE ENFORCEMENT

## **High weeds cases mowed by the city and bills sent to property owners**

210 N. McAmis – bill is due 12/6/23

## **Cases sent to public hearing**

Donald R. Ball – 308 S. Pecan

Billy Shane & Jeannie Gann – 806 S. Cutting

Billy Shane & Jeannie Gann – 601 N. Harvey

Billy Shane & Jeannie Gann – 1305 W. 1<sup>st</sup>

Billy Shane & Jeannie Gann – 1205 W. 3<sup>rd</sup>

Billy Love Roberson Jr. – 802 S. Cutting

Billy Love Roberson Jr. – 714 S. Cutting

Antonia Woody – 1107 E. Williams

James Anthony Pichler – 803 W. Hullum

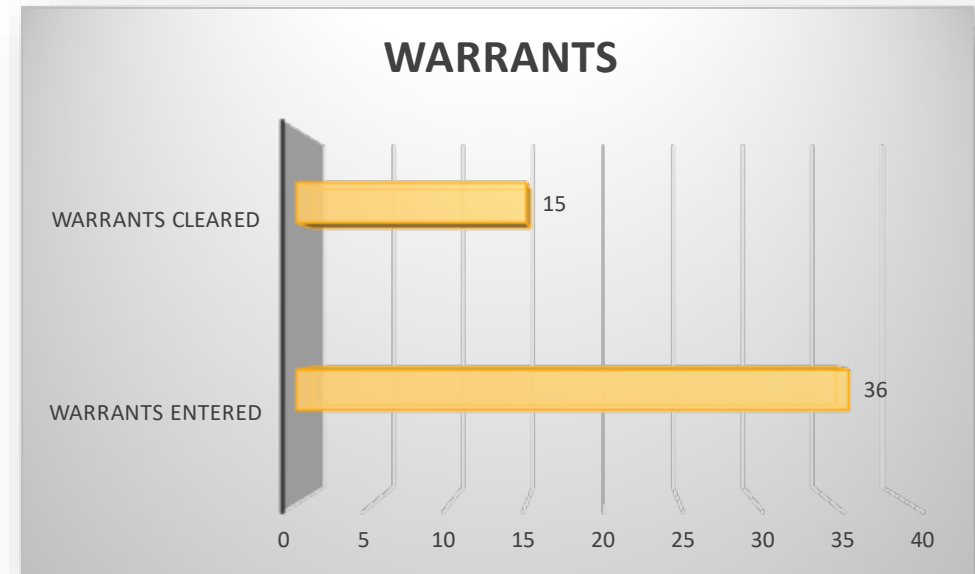
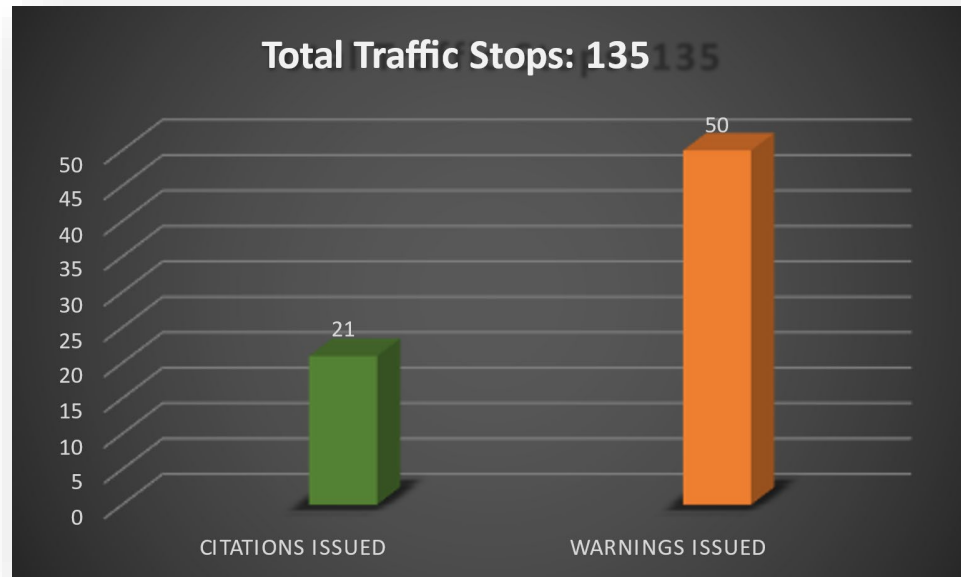
Elias M. Huapilla – 1214 W. 4<sup>th</sup>

JP Investment Solution LLC – 213 Pembroke

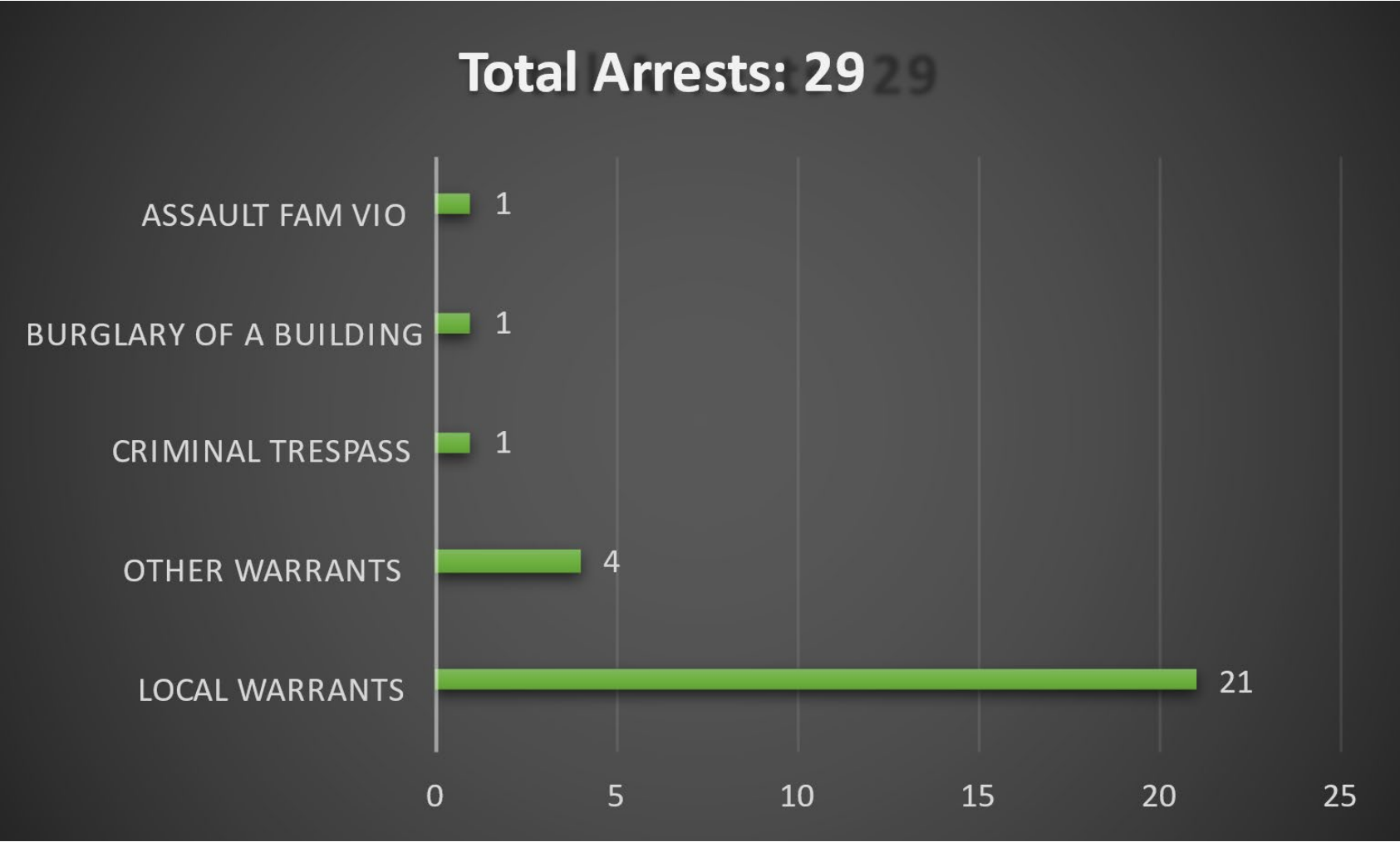














# ANIMAL CONTROL

## TOTAL CALLS FOR SERVICE

### 67

CALL TYPES		
Aggressive		2
Bite		1
Carcass		3
Injured / Sick		3
Returned To Owner In Field		8
Running At Large		25
Nuisance / Complaint		7
Welfare Check		4
Other		18
SHELTER INTAKE		
	City	County / H.S.
Stray / Running At Large	9	2
Seized By Law	0	0
Owner Surrender	1	0
Rabies Quarantine Observation	0	0
<b>TOTAL</b>	<b>10</b>	<b>2</b>



# ANIMAL CONTROL

TOTAL CALLS  
FOR SERVICE

67

LEFT THE SHELTER		
	City	County
Adopted From The Shelter	6	
Reclaimed By Owner	7	0
Returned To Owner After Quarantine	0	0
Transferred To Rescue Partner	0	
<b>TOTAL</b>	<b>13</b>	<b>0</b>
RABIES QUARANTINE OBSERVATION		
	City	County
Home Quarantine	1	
Shelter Quarantine	0	0
<b>TOTAL</b>	<b>1</b>	<b>0</b>



# ANIMAL CONTROL

TOTAL CALLS  
FOR SERVICE  
67

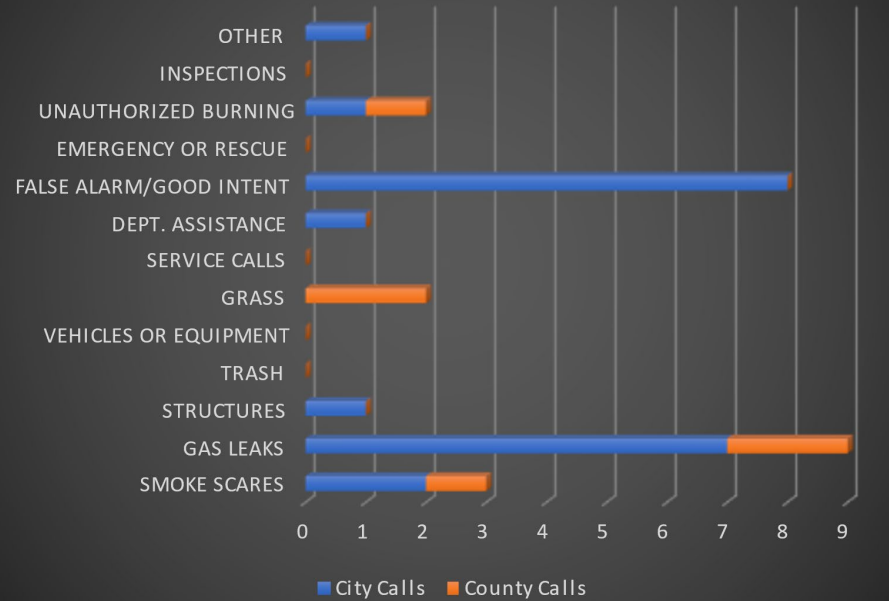
HUMANE EUTHANASIA			
	Dogs	Cats	Other
Behavioral	1	0	0
Medical	1	0	0
Owner Surrender For Euthanasia	0	0	0
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>0</b>
TOTAL IN THE SHELTER AT END OF THE MONTH			
		4	
		0	
City		2	
County		0	
Humane Society		0	
City Quarantine		0	
County Quarantine		6	
<b>TOTAL</b>		<b>6</b>	



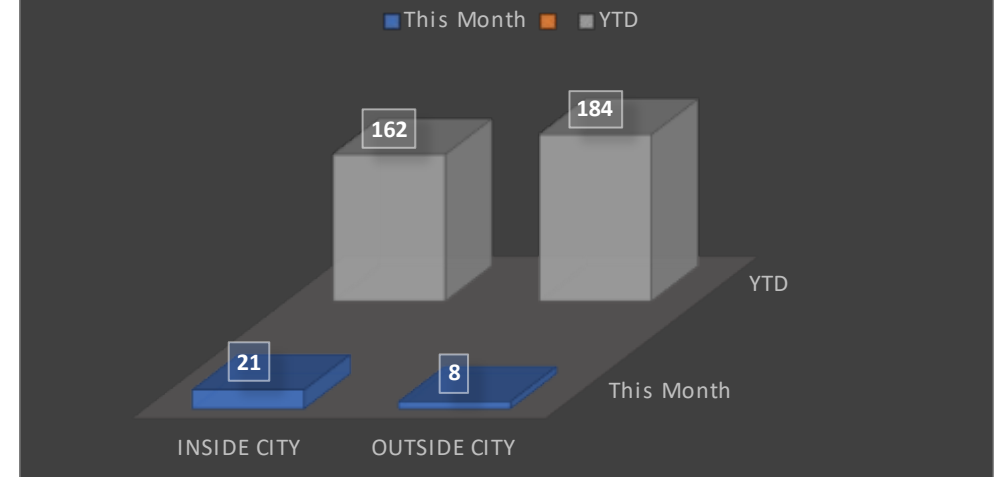




### CALLS FOR SERVICE

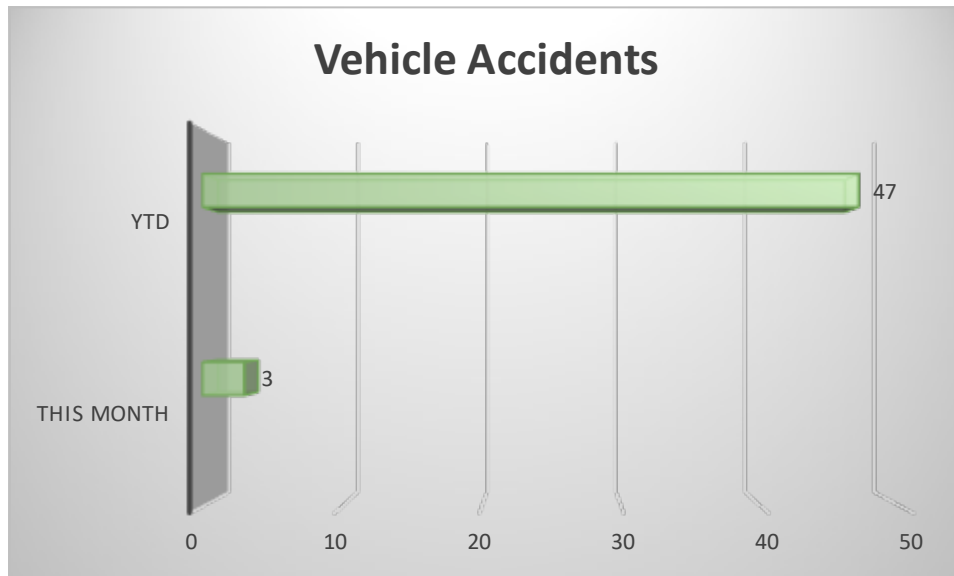


### ALARMS ANSWERED

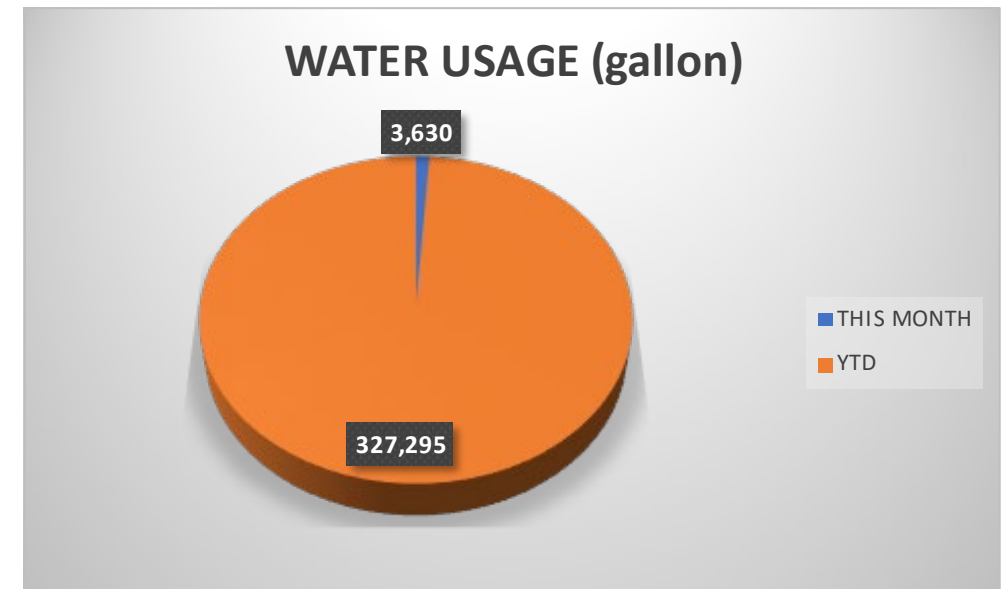




### Vehicle Accidents



### WATER USAGE (gallon)



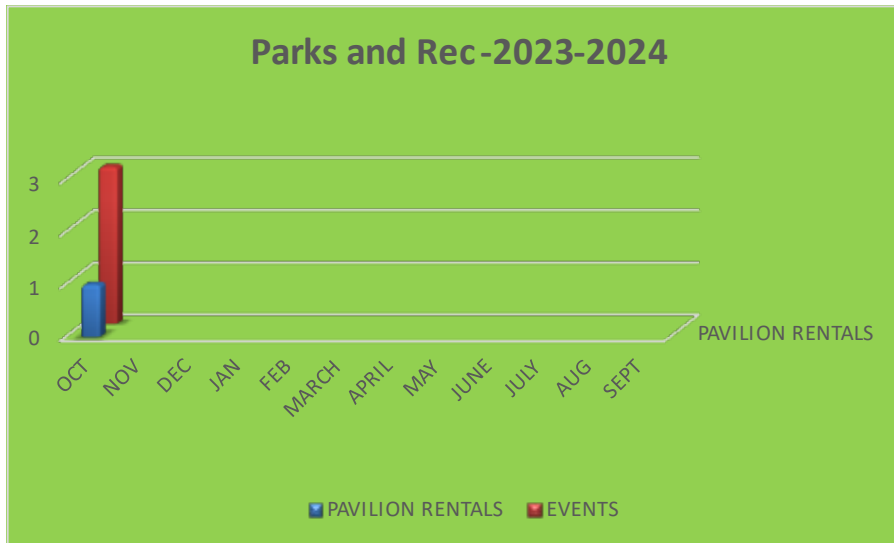


# PARKS & CEMETERY





### Parks and Rec-2023-2024



Parks: 1 pavilion rental

3 events: The Gathering, The Sloan Everett Bike Ride, and The Lions Club Cornhole Tournament.

Maintaining all parks

New pool filter was installed

Have water under the pool deck, troubleshooting the situation.

Put pool covers on for Winter

Part-time hand will leave November 3<sup>rd</sup>

Have hired a new FT employee Randy Heard

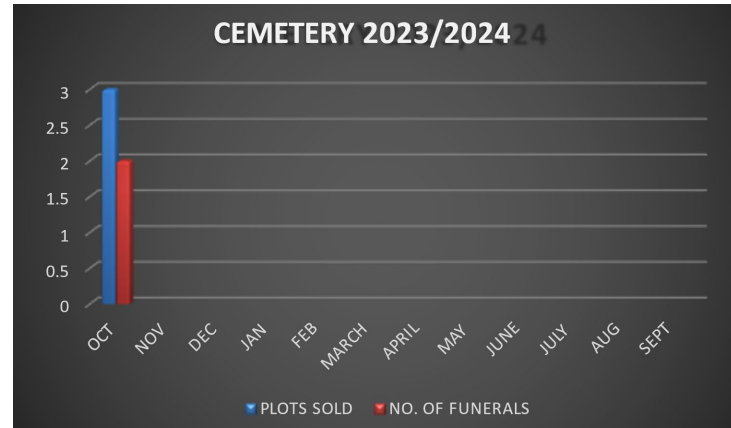
Wesley is still out on medical leave

The community Garden will be prepared through the winter months for spring planting

The resale Shop is ready for Holiday sales

Will start putting up the Christmas Tree on November 7th





Cemetery: 2 funerals to report

Sold 3 lot spaces for total of 1250.00

Mowing Weed eating and filling graves

Beginning to trim trees

Helping in the Park

# CEMETERY



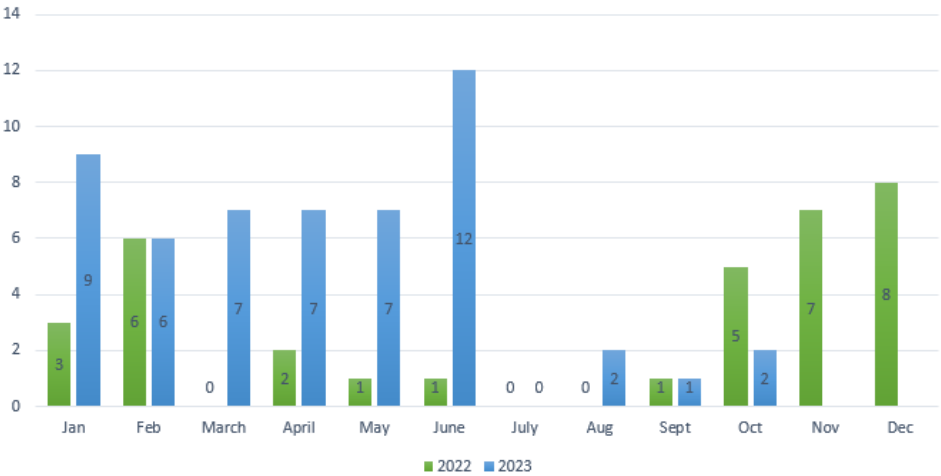
PUBLIC WORKS



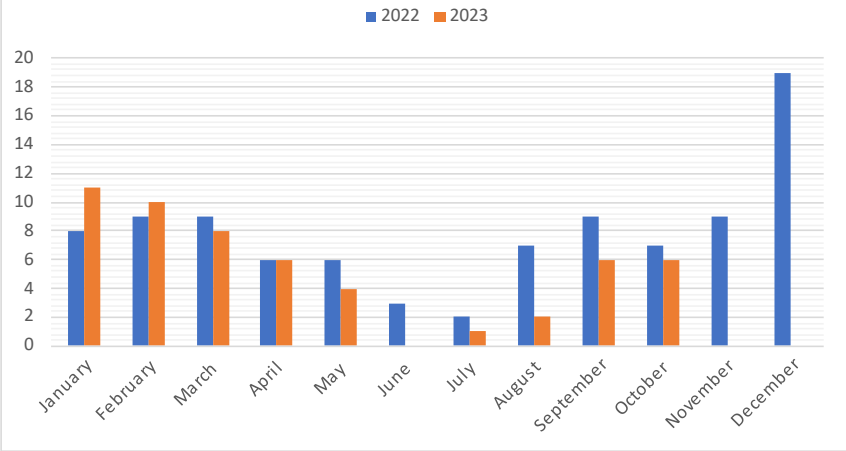
DEPARTMENT



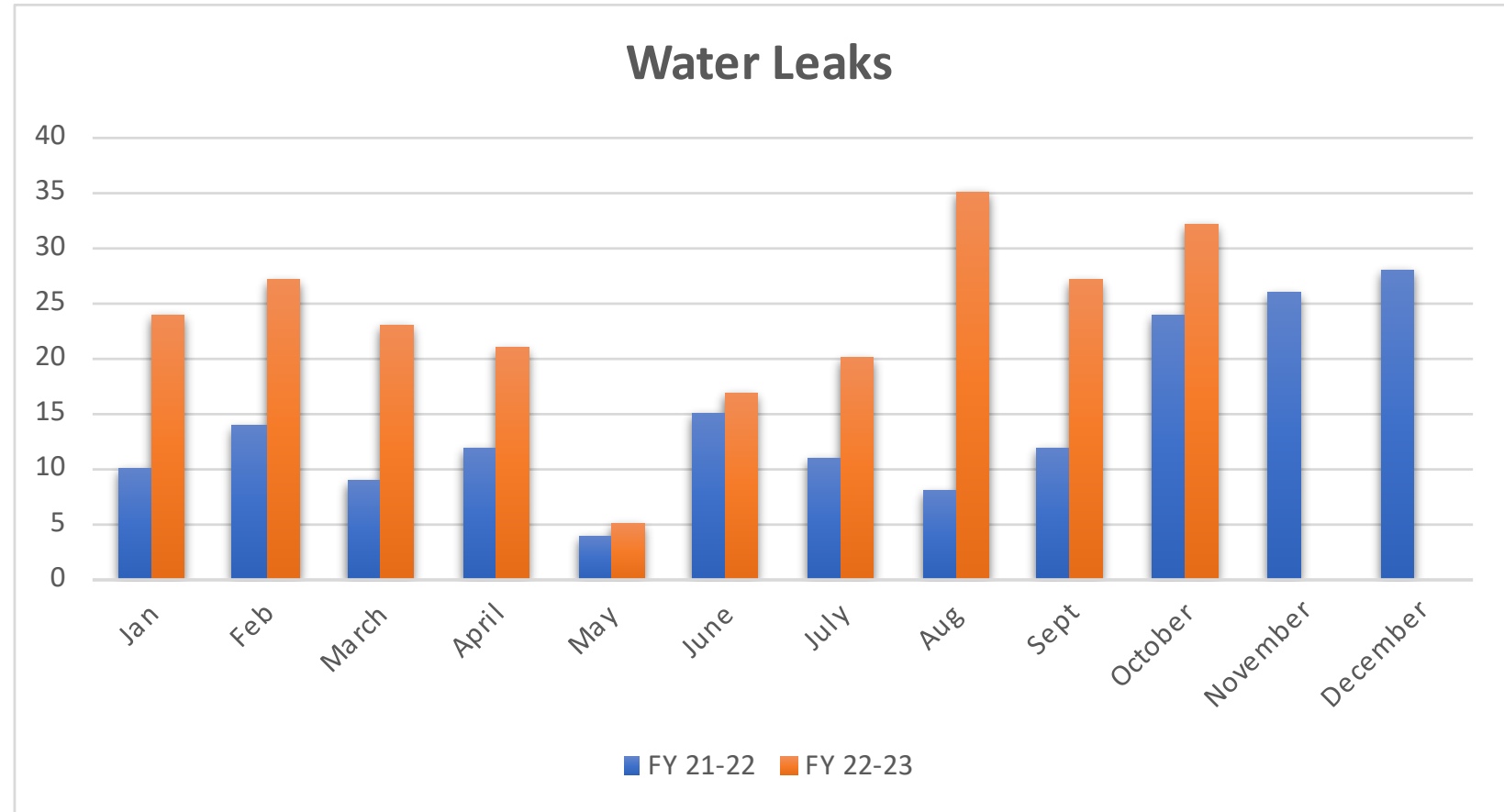
Meter Leak Report



SEWER STOPPAGES











## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Consider approval of the November 7, 2023, Regular Commission Meeting minutes as recorded.

**Department:** Administration

**Staff Contact:** Jessica Sutter

**Title:** City Secretary

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**BACKGROUND INFORMATION:**

Meeting minutes for the Regular Commission meeting on November 7, 2023.

**FINANCIAL IMPACT:**

**STAFF RECOMMENDATION:**

Move to approve as presented.



**November 7, 2023**

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

**PRESENT**

MAYOR  
COMMISSIONER, PLACE 1  
COMMISSIONER, PLACE 3

BOB SIMS  
BLAKE HAMILTON  
VINCE MOORE

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

CYNTHIA NORTHROP  
JESSICA SUTTER  
DIANE LATHAM  
STACY HARRISON  
MALCOLM BUFKIN  
TODD HENDERSON

**NOT PRESENT**

COMMISSIONER, PLACE 2  
MAYOR PRO TEM , PLACE 4

ROB DURHAM  
GARY MERCER

**CALL TO ORDER**

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

**Invocation** led by Sonny McCauley of First Christian Church

**PLEDGE OF ALLEGIANCE**

**OPEN FORUM**

No Speakers.

**SPECIAL PRESENTATIONS AND ANNOUNCEMENTS**

1. Logo and Branding Presentation by Katherine Parker of Katherine Parker Designs and Selah Hirsch of Express My Brand.

No Action Taken

**STAFF REPORT**



## City Manager

2. City Business  
City Manager Cynthia Northrop updated commissioners on the current street projects.
3. Upcoming events
 

November 10	City Offices Closed in Observance of Veterans Day
November 17	Christmas Tree Lighting
November 17 & 18	Mingle & Jingle
November 21	City Employee Thanksgiving Potluck
November 23 & 24	City offices Closed for the Thanksgiving Holiday
December 2	City of Breckenridge Employee Christmas Party

## Fire Chief

4. November Employee of the Month presentation

No Action Taken.

## CONSENT AGENDA

5. Consider approval of the October 24, 2023, Regular Commission Meeting minutes as recorded.
6. Consider approval of Resolution 23-28 appointing members to the Board of Adjustments
7. Consider approval of Resolution 23-27 to reappoint Board of Director members to the Housing Authority of the City of Breckenridge.
8. Consider approval of Resolution 23-20 appointment of a member to the Stephens County Appraisal District Board of Directors
9. Consider approval of Fire Protection Interlocal Agreement with Stephens County
10. Consider approval of designating The Breckenridge American as the official newspaper for The City of Breckenridge
11. Consider approval of updates to the Health Insurance portion of the Personnel Policy
12. Consider approval of ERCOT membership renewal



Commissioner Hamilton made a motion to approve consent agenda items 5-12 as presented. Commissioner Moore seconded the motion. The motion passed 3-0.

## **ACTION ITEMS**

13. Discussion and any necessary action regarding branding and logo development

City Manager Cynthia Northrop reviewed the logo options that were presented by Katherine Parker during the special presentation as well as community and staff survey results.

Commissioner Hamilton made a motion to approve updated branding and logo option number one. Commissioner Moore seconded the motion. The motion passed 3-0.

14. Discussion and any necessary action regarding closure of the 16-foot-wide alley in Block 68 of the Original Town of Breckenridge and conveyance to abutting property owners

Northrop explained that Bayer Chevrolet is planning on expanding its operations. They would like the city to replace the sewer lines that run in the alley between Smith and Live Oak because they want to pave the alley as part of their expansion to allow for interior movement on their property. Bayer owns three-quarters of the block. If the city closes the alley, we are required to convey it to the abutting property owners. The city will maintain a utility easement.

Commissioner Moore made a motion to approve Ordinance 23-19 approving the closure of the 16-foot-wide alley in block 68 of the original Town of Breckenridge and conveyance to abutting property owners. Commissioner Hamilton seconded the motion. The motion passed 3-0.

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

There were no requests.

## **ADJOURN**

There being no further business, Mayor Sims adjourned the regular session at 6:10 p.m.

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Bob Sims, Mayor

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Jessica Sutter, City Secretary





BRECKENRIDGE CITY COMMISSION  
AGENDA SUMMARY FORM

**Subject:** Public Hearing regarding request to rezone the property at 611 E. Walker – East Breckenridge Addition, Block B, Lot 5 & 6, in Breckenridge, Texas from R1 (Single Family Dwelling District) to C2 (Community Business District).

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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**BACKGROUND INFORMATION:**

The property at 611 E. Walker (American Legion Building) is currently city owned property and is zoned R1 (Single Family Dwelling District). The City conducted a sealed bid to sell the property. The buyers of the property are requesting a rezone to Community Business District that will allow them to operate a business.

P&Z held a Public Hearing Monday, December 4, 2023 and took action to recommend approval of the request to City Commission finding that the request was appropriate and compatible with uses of adjacent properties.

**FINANCIAL IMPACT:**

NA

**STAFF RECOMMENDATION:**

Conduct PH





## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Discussion and any necessary action regarding Ordinance 23-21 to rezone the property at 611 E. Walker – East Breckenridge Addition, Block B, Lot 5 & 6, in Breckenridge, Texas from R1 (Single Family Dwelling District) to C2 (Community Business District).

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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### **BACKGROUND INFORMATION:**

The property at 611 E. Walker (American Legion Building) is currently city-owned and is zoned R1 (Single Family Dwelling District). The City conducted a sealed bid to sell the property. The buyers of the property are requesting a rezone to the Community Business District that will allow them to operate a business.

P&Z held a Public Hearing Monday, December 4, 2023, and took action to recommend approval of the request to the City Commission finding that the request was appropriate and compatible with uses of adjacent properties.

### **FINANCIAL IMPACT:**





NA

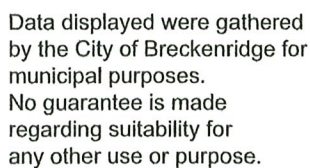
### **STAFF RECOMMENDATION:**

Consider P&Z recommendation to approve Ordinance 23-21 rezoning for 611 E. Walker from R1 to C2.





-  Local Roads
-  Extra-territorial Jurisdiction
-  City Limits
-  Stephens CAD Parcels





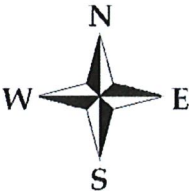


# Map

- Local Road Labels  
Local Roads  
Extra-territorial Jurisdiction  
City Limits  
Stephens CAD Parcels



Data displayed were gathered by the City of Breckenridge for municipal purposes. No guarantee is made regarding suitability for any other use or purpose.



0 0.007 0.014 0.021 mi

11/07/23 11:29



## ORDINANCE NO. 23-21

**AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS CHANGING THE ZONING USE DESIGNATION OF LOTS 5 AND 6 OF BLOCK B OF THE EAST BRECK ADDITION TO THE CITY OF BRECKENRIDGE, STEPHENS COUNTY, TEXAS FROM SINGLE-FAMILY DWELLING DISTRICT (“R-1”) TO COMMUNITY BUSINESS DISTRICT (“C-2”); AMENDING THE ZONING MAP FOR THE CITY OF BRECKENRIDGE TO REFLECT SUCH CHANGE; AND ADOPTING THE ZONING MAP SO AMENDED.**

**WHEREAS**, pursuant to state law, the City Commission of the City of Breckenridge, Texas (the “City Commission”) adopted a zoning ordinance and appointed a Planning & Zoning Commission to recommend amendment of that ordinance, from time to time;

**WHEREAS**, the City, as the current owner, and the future owner of property described as Lots 5 and 6 of Block B of the East Breck Addition to the City of Breckenridge, Stephens County, Texas (the “Property”) have requested that the zoning use designation for the Property be changed from Single-Family Dwelling District (“R-1”) to Community Business District (“C-2”) to accommodate the development of a business on the Property;

**WHEREAS**, the Planning & Zoning Commission held a public hearing regarding the request on December 4, 2023, after giving due notice regarding same, considered the request, and made a recommendation to the City Commission that the request be approved;

**WHEREAS**, the City Commission held a public hearing on December 5, 2023, after giving due notice regarding same according to the procedures imposed by state law and, after considering the recommendation of the Planning & Zoning Commission, finds that the requested change is appropriate and compatible with uses of adjacent property; and

**WHEREAS**, the City Commission finds that this zoning change is in furtherance of the public interest, for the good government, peace, order, trade and commerce of the City, and is made in accordance with the City’s Comprehensive Plan.

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

1. That the zoning use designation of property described as Lots 5 and 6 of Block B of the East Breck Addition to the City of Breckenridge, Stephens County, Texas is hereby changed from Single-Family Dwelling District (“R-1”) to Community Business District (“C-2”).
2. That the official zoning map of the City of Breckenridge is hereby amended to reflect the zoning use designation change described above, and that the map so amended is hereby adopted.
3. This ordinance shall take effect immediately upon its adoption by the City Commission.



PASSED, APPROVED, AND ADOPTED on this the 5<sup>th</sup> day of December, 2023.

ATTEST:

\_\_\_\_\_  
Bob Sims, Mayor

\_\_\_\_\_  
Jessica Sutter, City Secretary

S E A L





## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Discussion and any necessary action approving BEDC request to improve city property and create a parking lot at the corner of Elm and Court

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

---

### BACKGROUND INFORMATION:

This city property is the remains of a foundation of a building that burned. The BEDC would like to fund the cost of converting the property into a parking lot by removing any remaining debris, adding an entrance off of Court, and stripping for approximately 10 parking spaces.

### FINANCIAL IMPACT:

BEDC funded project at an approximate cost of \$15,000.

### STAFF RECOMMENDATION:

Consider approval of BEDC recommendation for improvements and converting property to a parking lot.





## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Discussion and any necessary action regarding renewal of contract with Chamber of Commerce for HOT Funds

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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### BACKGROUND INFORMATION:

The City has contracted with the Chamber of Commerce over the past several years to transfer hotel/motel occupancy funds received to manage in compliance with applicable state statutes.

Section 351.101(a) and (c) of the Texas Tax Code authorizes the City to use revenue from its municipal hotel occupancy tax to promote tourism and the convention and hotel industry by advertising and conducting solicitations and promotional programs to attract tourists, the furnishing of facilities, personnel and materials for convention registration, and operating and maintaining a visitor information center and to contract with a third party to manage.

This is a renewal of the current contract.

### FINANCIAL IMPACT:

NA

### STAFF RECOMMENDATION:

Consider approval of Chamber of Commerce HOT Funds contract and authorize City Manager to execute the document



## MUNICIPAL HOTEL OCCUPANCY TAX FUNDING AGREEMENT FOR TOURISM AND PROMOTIONAL SERVICES

This **Municipal Hotel Occupancy Tax Funding Agreement for Tourism and Promotional Services** (the “Agreement”) is entered into by and between the City of Breckenridge, a Texas home-rule municipality (the “City”) and the Breckenridge Chamber of Commerce, a Texas non-profit corporation (the “Chamber”) on the \_\_\_\_ day of \_\_\_\_\_, 2023.

**WHEREAS**, the City assesses a municipal hotel occupancy tax of seven percent (7 %) within the City pursuant to Chapter 351 of the Texas Tax Code;

**WHEREAS**, Section 351.101(a) of the Texas Tax Code authorizes the City to use revenue from its municipal hotel occupancy tax to promote tourism and the convention and hotel industry by advertising and conducting solicitations and promotional programs to attract tourists, the furnishing of facilities, personnel and materials for convention registration, and operating and maintaining a visitor information center;

**WHEREAS**, Section 351.101(c) of the Texas Tax Code authorizes the City to delegate management of hotel occupancy tax revenue to a third party by contract, provided that the City approves the budget of the third party annually, the third party provides reports showing expenditures from the revenue at least quarterly, and that the third party maintain the revenue in a separate bank account from other funds, and Section 351.101(d) requires said third party to maintain “complete and accurate financial records of each expenditure of hotel occupancy tax revenue” made by the party;

**WHEREAS**, certain administrative costs associated with the management of programs using hotel occupancy tax revenues can be paid for with those tax revenues pursuant to Section 351.101(e) of the Texas Tax Code, and specific travel can be funded with said revenues pursuant to Section 351.101(f); and

**WHEREAS**, the City and the Chamber wish to enter into an agreement delegating to the Chamber the oversight of the use of a certain amount of hotel occupancy tax receipts collected by the City in exchange for the Chamber agreeing to use the funds for purposes authorized by law and providing financial transparency in the use and maintenance of said funds.

**NOW, THEREFORE**, the City and the Chamber agree as follows.

### 1. Definitions.

Terms defined in the preamble have their assigned meanings and each of the following terms shall mean as follows:

- 1.1 “Fiscal Year” means the twelve-month period beginning October 1 and ending September 30.
- 1.2 “Hotel Tax Revenue” means the revenue from the municipal hotel occupancy tax that is levied and collected by the City in accordance with Chapter 351 of the Texas Tax Code.
- 1.3 “Tourism Activities” means activities to directly enhance and promote tourism and the convention and hotel industry by:



- (a) Advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the City;
- (b) Furnishing facilities, personnel, and materials for the registration of convention delegates or registrants;
- (c) Encouraging, promoting, improvement, and applying the arts;
- (d) Engaging in historical restoration and preservation projects or activities and advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums in the City; and
- (e) Installing signage directing the public to sights and attractions that are visited frequently by hotel guests in the City.

1.4 “Tourism Funds” is defined in Section 3.1.

## **2. Term and Termination.**

2.1 Term. The term of this Agreement begins on October 1, 2023 and ends on September 30, 2024. Thereafter, the term of this Agreement shall renew for successive one (1) year terms if the Chamber is in compliance with this Agreement, unless one party notifies the other party in writing at least ninety (90) days prior to the expiration of the then current term.

2.2 Termination. This Agreement may be terminated by either party, with or without cause, by tendering ninety (90) days written notice to the other party.

2.3 Return of Funds. In the event that this Agreement is not renewed pursuant to Section 2.1 or is terminated pursuant to Section 2.2, the Chamber agrees to return any unencumbered or unused Tourism Funds to the City no later than sixty (60) days following the termination of this Agreement or the end of the last term of this Agreement. Contractual obligations undertaken by the Chamber in good faith and in satisfactory performance of the Tourism Activities that were approved by the City Council through the Chamber budget shall be considered as encumbered Tourism Funds for purposes of this Section.

## **3. Tourism Funds.**

3.1 Allocation. Subject to the provisions of this Agreement, the City agrees to allocate one hundred percent (100%) of Hotel Tax Revenue, except for amounts necessary to reimburse the City for its costs in administering and collecting the Hotel Tax itself (the “Tourism Funds”).

3.2 Disbursement. The Tourism Funds shall be paid to the Chamber in four (4) quarterly installments during this Agreement.

## **4. Use of Tourism Funds.**

4.1 Generally. In accordance with Section 351.101 of the Texas Tax Code, the Chamber shall use the Tourism Funds solely for the Tourism Activities.



4.2 Administrative Costs. The Chamber may spend Tourism Funds for day-to-day operations, supplies, salaries, office rental, travel expenses, and other administrative costs only if those administrative costs are incurred directly in the Tourism Activities. The portion of the total administrative costs of the Chamber for which Tourism Funds may be used may not exceed the portion of those administrative costs actually incurred in conducting the Tourism Activities.

4.3 Restrictions on Travel Expenditures. In accordance with Section 351.101(f) of the Texas Tax Code, Tourism Funds may not be spent for travel for a person to attend an event or conduct an activity the primary purpose of which is not directly related to the promotion of tourism and the convention and hotel industry or the performance of the person's job in an efficient and professional manner.

4.4 Promotion of the City. In all promotional material generated or used by the Chamber in the performance of the Tourism Activities, the Chamber shall include reference to the City's funding of the Tourism Activities.

## **5. Recordkeeping and Reporting Requirements.**

5.1 Fiduciary Relationship. The Chamber acknowledges that the approval of this Agreement by the City Commission creates a fiduciary duty in the Chamber with respect to the Tourism Funds. The Chamber shall spend Tourism Funds only in the manner and for the purposes specified in this Agreement and Section 351.101 of the Texas Tax Code.

5.2 Separate Account. The Chamber shall maintain the Tourism Funds in a separate account. The Chamber shall not commingle Tourism Funds with any other money.

5.3 Financial Records. The Chamber shall maintain complete and accurate financial records of each expenditure of Tourism Funds made by the Chamber and, on request of the City Manager or the City Manager's designee, or as may be required by law, the Chamber shall make the records available for inspection and review during normal business hours.

5.4 Audit. The Chamber shall furnish the City an independent audit of the Tourism Funds for the preceding Fiscal Year not later than January 1<sup>st</sup> of the following year. Said audit shall be done by a qualified accountant selected by, and at the expense of, the Chamber.

5.7 Quarterly Reports. The Chamber shall submit a quarterly report to the City Manager, in a mutually acceptable format, no later than thirty (30) days after the end of each quarter. Said report shall describe the activities of the Chamber using Tourism Funds and the Tourism Funds expended by the Chamber during the previous quarter. The Chamber shall include administrative expenses and any allocation of personnel resources related to this Agreement in the quarterly report. The City will review the quarterly reports to ensure that the Tourism Funds have been used for purposes allowed by this Agreement.



## 6. General Provisions.

6.1 **Governing Law.** The laws of Texas govern all matters relating to this Agreement, including torts, without regard to its conflict of law principles. The venue for any disputes concerning this Agreement shall be in Stephens County, Texas.

6.2 **Counterparts.** This Agreement may be executed in one or more counterparts, each of which is an original, and all of which constitute only one agreement between the parties.

6.3 **Merger.** This Agreement states the full agreement between the parties and supersedes all prior negotiations and agreements. Specifically, this Agreement supersedes and replaces the Contract between the parties dated January 7, 2022.

6.4 **Severability.** It is the intention of the parties that the provisions of this Agreement will be enforceable to the fullest extent permissible under Texas law. If any clause or provision of this Agreement is held to be illegal, invalid, or unenforceable under present or future laws effective during the term of this Agreement, that provision is severed from this Agreement and the other provisions remain in force.

6.5 **Successors and Assigns.** This Agreement binds and benefits the parties and their respective permitted successors and assigns.

6.6 **Amendments.** The parties shall not amend this Agreement, except by an agreement in writing signed by both parties.

6.7 **No Waiver.** Failure of a party to give notice of any breach by the other party of any provision of this Agreement will not be deemed a waiver of any prior or subsequent breach.

6.8 **Authority.** Each party has the full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The persons executing this Agreement represent that they have authorization to sign on behalf of their respective organizations.

6.9 **Notice.** The parties must send all notices required by this Agreement in writing by certified mail. A notice is effective when the intended recipient receives it. If a party's address for notice changes, that party must send a signed notice in writing by certified mail to the other party within ten (10) business days of the address change. The current address for notice for each party is as follows:

<b>City:</b>	City of Breckenridge	<b>Chamber:</b>	Breckenridge Chamber of Commerce
	Attn: City Manager		Attn: Executive Director
	105 N. Rose		100 E. Elm
	Breckenridge, TX 76424		Breckenridge, TX 76424

***Execution Page Follows***



**EXECUTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**CITY OF BRECKENRIDGE**

\_\_\_\_\_  
Bob Sims, Mayor

ATTEST:

\_\_\_\_\_  
Jessica Sutter, City Secretary

**BRECKENRIDGE CHAMBER OF COMMERCE**

\_\_\_\_\_  
\_\_\_\_\_, President





## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Discussion and any necessary action regarding Ordinance 23 – 20; closing Dyer Street between N. Miller and N. Live Oak

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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### BACKGROUND INFORMATION:

From staff research, Dyer Street between N. Miller and N. Live Oak has not been a through street for over 30 years. This issue came to light as the City advertised for the sale of 210 N. Smith Street and the subsequent survey shows an 80-foot right-of-way still in existence. In an effort to complete the sale of that property and clean up the documentation, staff is recommending closing Dyer Street between N. Miller and N. Live Oak. To do so requires us to deed the property over equally to the abutting property owners; in this case BSD, Shady Tree Apartments, and the City of Breckenridge (see attached map).

P&Z met Monday, December 4, 2023, and recommends approval.

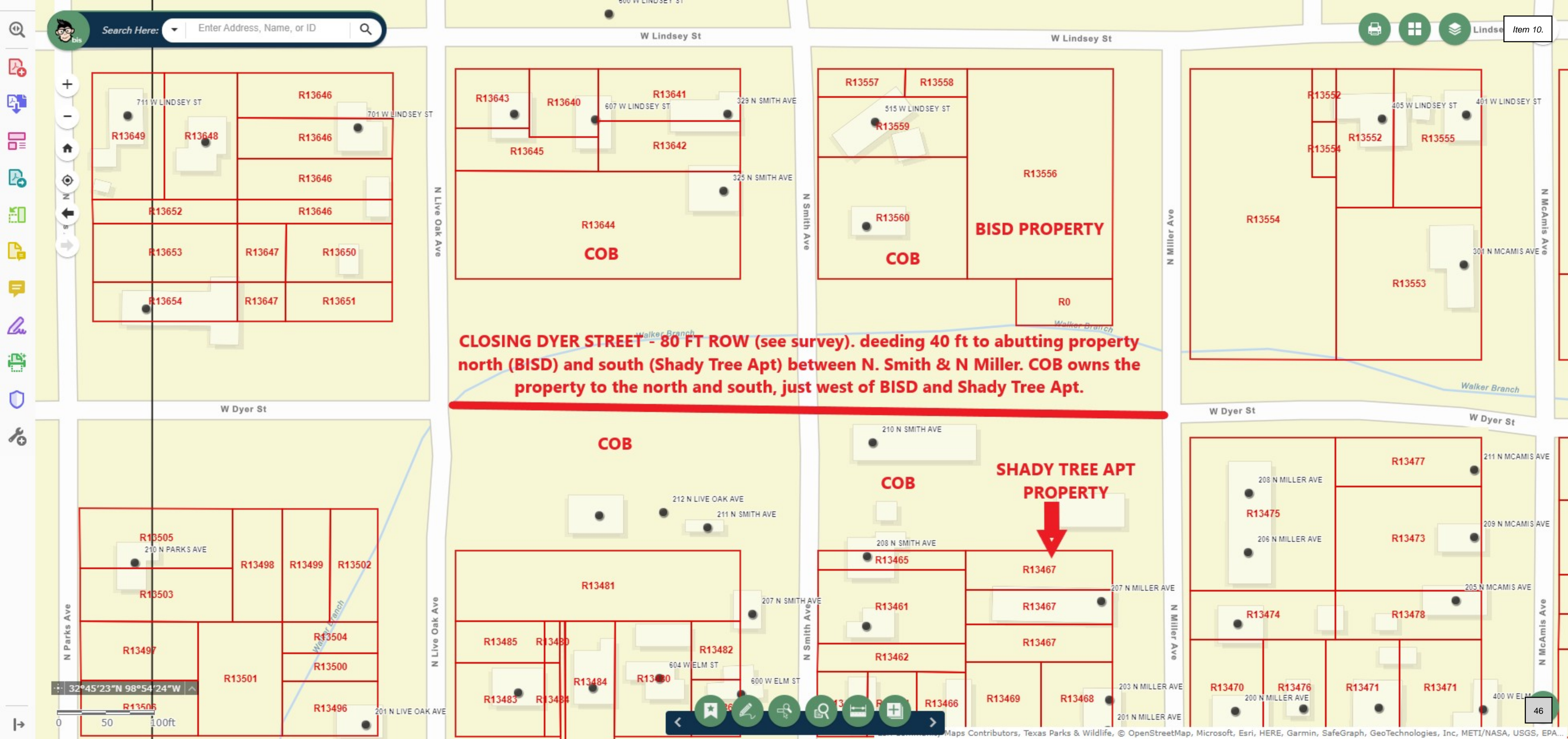
### FINANCIAL IMPACT:

NA

### STAFF RECOMMENDATION:

Consider P&Z recommendation to approve Ordinance 23-20, closing Dyer between N. Miller and N. Live Oak, and conveyance of the right-of-way to the abutting property owners.









## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Discussion and any necessary action regarding final reconciliation and acceptance of the FM 3099 Utility Relocation Construction Project.

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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### **BACKGROUND INFORMATION:**

The contract for the FM 3099 Utility Relocation project was to move utilities in advance of TXDOT's project to straighten out the intersection at FM 3099 and Hwy 180/Walker Street.

The project was awarded to Lee Tech Solutions and the original contract price was \$521,775.00.

Change Order No. 1 decreased the contract price by \$12,289 to \$509,466.

This final reconciliation increases the contract price by \$4,103 to a final contract price of \$513,569. Both city staff and engineers have done a final walk-through of the project and the engineers are recommending acceptance of the project.

### **FINANCIAL IMPACT:**

NA

### **STAFF RECOMMENDATION:**

Consider approval of final reconciliation, pay app 5 and acceptance of the project.





November 28, 2023

City of Breckenridge  
105 N. Rose Ave.  
Breckenridge, Texas 76424  
Attn: Honorable Bob Sims, Mayor

**Re: City of Breckenridge – TXDOT FM 3099 Realignment Utility Relocation  
Final Completion & Project Acceptance**

Dear Mayor Sims:

To the best of my knowledge, information, and belief, the referenced project is complete in substantial accordance with the approved Contract Documents, Drawings, Technical Specifications, and Change Orders. The record drawings have been received from the Contractor and will be provided for City documentation. Assuming the contractor has submitted the required contract close-out documents (warranty and affidavit of bills paid) by the City Council meeting on December 5<sup>th</sup>, 2023, release of retainage funds is recommended. The date of Final Completion will be established upon acceptance by the City of Breckenridge.

Leetech Solutions, LLC will warrant and guarantee all materials, equipment, and work performed for one (1) year from the date of Substantial Completion, which has been established as November 18, 2023. The Contract outlines the Contractor's guarantee within Section 01700 (Paragraph 1.6, Items A & B) of the Technical Specifications and other applicable provisions of the Contract Documents.

Sincerely,

**Enprotec / Hibbs & Todd, Inc.**

Sage Diller, PE

SD/jd



11/28/2023

c: Cynthia Northrop, City of Breckenridge  
Todd Henderson, City of Breckenridge  
Corder Norris, eHT  
Project File: 5580-36

P:\Projects\Breckenridge, City of\5580 General Services Agreement\5580-36 FM 3099 Realignment Utility Relocation\6. Construction Phase\Close-out Documents\Project Acceptance Letter.doc

*Environmental, Civil & Geotechnical Engineers*

**Abilene Office**  
402 Cedar  
Abilene, Texas 79601  
P.O. Box 3097  
Abilene, Texas 79604  
325.698.5560 | 325.690.3240 fax

**Lubbock Office**  
6310 Genoa Avenue, Suite E  
Lubbock, Texas 79424  
806.794.1100 | 806.794.0778 fax

[www.e-ht.com](http://www.e-ht.com)

**Granbury Office**  
1310 Weatherford Highway, Suite 116  
Granbury, Texas 76048  
682.498.6000 | 682.498.6293 fax

PE Firm Registration No. 1151  
PG Firm Registration No. 50103  
RPLS Firm Registration No. 10011900



Contractor's Application for Payment No.

5

Item 11.

Application Period: 10/1/23 to 11/22/23		Application Date: 11/22/2023	
To (Owner): City of Breckenridge	From (Contractor): Lectech Solutions, LLC	Via (Engineer): Hibbs and Todd	
Project: 3099 Utility Relocation	Contract: City of Breckenridge		
Owner's Contract No.:	Contractor's Lectech Solutions	Engineer's Project No.:	

Application For Payment

Change Order Summary

Approved Change Orders				
Number	Additions	Deductions		
1		\$12,289.00	1. ORIGINAL CONTRACT PRICE.....	\$ \$ 521,775.00
2	\$4,103.00		2. Net change by Change Orders.....	\$ \$ (8,186.00)
			3. Current Contract Price (Line 1 ± 2).....	\$ \$ 513,589.00
			4. TOTAL COMPLETED AND STORED TO DATE	
			(Column F total on Progress Estimates).....	\$ \$ 513,589.00
			5. RETAINAGE:	
			a. 5% X \$ 513,589.00 Work Completed.....	\$ \$ 25,679.45
			b. X \$ - Stored Material.....	\$ \$ -
			c. Total Retainage (Line 5.a + Line 5.b).....	\$ \$ 25,679.45
			6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$ \$ 487,909.55
			7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$ \$ 446,933.20
			8. AMOUNT DUE THIS APPLICATION.....	\$ \$ 40,976.35
			9. BALANCE TO FINISH, PLUS RETAINAGE	
			(Column G total on Progress Estimates + Line 5.c above).....	\$ \$ 25,679.45
TOTALS	\$4,103.00	\$12,289.00		
NET CHANGE BY CHANGE ORDERS	\$8,186.00			

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

- (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
- (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and
- (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

"In accordance with the Contract Documents, based upon on-site observations and the data comprising the above application, the Engineer represents to the Owner to the best of the Engineer's knowledge, information and belief, the Work (excluding Trench Safety) has progressed to the point indicated, the quality of the Work is generally in accordance with the Contract Documents, and the conditions precedent to Contractor's being entitled to such payment appear to have been fulfilled insofar as it is the Engineer's responsibility to observe Contractor's Work. The Contractor is solely responsible for trench safety and, as such, the Engineer makes no representation that this pay item has been performed in a manner consistent with the Contract Documents."

Contractor Signature

By: *B. Hendue* Date: *11/22/23*

Payment of: \$ 40,976.35  
(Line 8 or other - attach explanation of the other amount)

is recommended by: *Sage Dill, P.E.* 11/27/23  
(Engineer) (Date)

Payment of: \$ \_\_\_\_\_  
(Line 8 or other - attach explanation of the other amount)

is approved by: \_\_\_\_\_  
(Owner) (Date)

Approved by: \_\_\_\_\_  
Funding or Financing Entity (if applicable) (Date)



**CHANGE ORDER NO.: 2**

Owner: **City of Breckenridge**  
 Engineer: **eHT**  
 Contractor: **Leetech Solutions**  
 Project: **FM 3099 Utility Relocation**  
 Contract Name: **N/A**  
 Date Issued: **11/21/23**

Owner's Project No.: **N/A**  
 Engineer's Project No.: **5580-36**  
 Contractor's Project No.: **N/A**

Effective Date of Change Order: **11/21/23**

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

Description:

- **Final Quantity Rectification**
- **Additional Mobilization**
- **Additional \$20.00 increase in contract price to correct mathematical error in CO-01.**
  - **\$521,775.00 - \$12,289.00 = 509,486.00**

Attachments:

**Change Order 1**

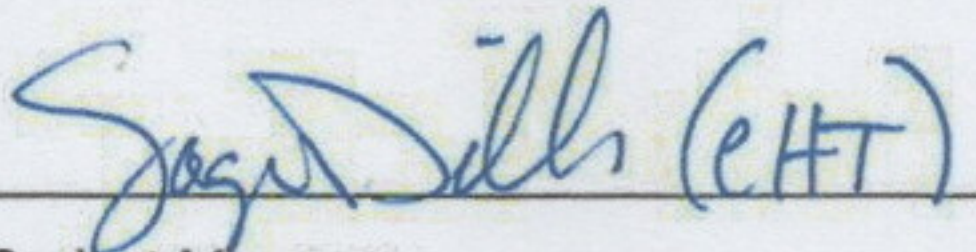
**Change Order Tracking Sheet**

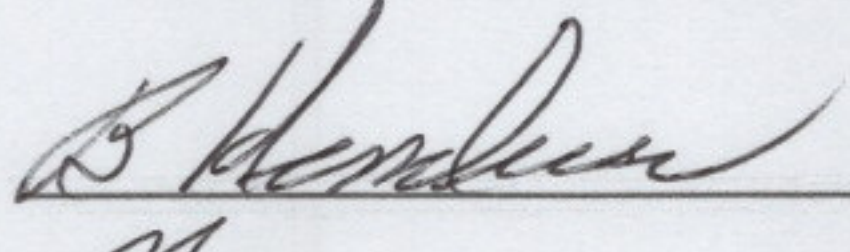
Change in Contract Price		Change in Contract Times	
Original Contract Price:		Original Contract Times:	
\$ <b>521,775.00</b>		Substantial Completion:	<b>90 days (8/20/23)</b>
		Ready for final payment:	<b>120 days (9/19/23)</b>
Decrease from previously approved Change Orders		Increase from previously approved Change Orders	
\$ <b>12,289.00</b>		Substantial Completion:	<b>30 days</b>
		Ready for final payment:	<b>30 days</b>
Contract Price prior to this Change Order:		Contract Times prior to this Change Order:	
\$ <b>509,466.00</b>		Substantial Completion:	<b>120 days (9/19/23)</b>
		Ready for final payment:	<b>150 days (10/19/23)</b>
Increase this Change Order:		Increase this Change Order:	
\$ <b>4,103.00</b>		Substantial Completion:	<b>60 days</b>
		Ready for final payment:	<b>43 days</b>
Contract Price incorporating this Change Order:		Contract Times with all approved Change Orders:	
\$ <b>513,569.00</b>		Substantial Completion:	<b>180 days (11/18/23)</b>
		Ready for final payment:	<b>193 days (12/01/23)</b>



Recommended by Engineer

Accepted by Contractor

By:   
Title: Project Manager  
Date: 11/21/23

By:   
Title: Ms.  
Date: 11/22/23

Authorized by Owner

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

\_\_\_\_\_



ITEM #	BID QTY	UNIT	DESCRIPTION	UNIT PRICE	CONTRACT PRICE	CO-01 QTY	CO-01 PRICE	CO-02 QTY	CO-02 PRICE	Final QTY
1	1	LS	Mobilization, Bonds & Insurance	\$ 25,000.00	\$ 25,000.00				\$ 8,000.00	1
2	1	LS	Traffic Control Plan	\$ 20,000.00	\$ 20,000.00					1
3	1	LS	Erosion Control Devices	\$ 15,000.00	\$ 15,000.00					1
4	900	LF	Trench and Excavation Safety Plan	\$ 1.00	\$ 900.00	524	\$ 524.00			1424
5	3300	LF	Pipe Bedding Material	\$ 10.00	\$ 33,000.00	524	\$ 5,240.00	90	\$ 900.00	3914
6	145	LF	4" DIPS DR-11 HDPE Water Line by Open Cut	\$ 50.00	\$ 7,250.00	485	\$ 24,250.00	-35	\$ (1,750.00)	595
7	1660	LF	6" DIPS DR-11 HDPE Water Line by Open Cut	\$ 55.00	\$ 91,300.00	106	\$ 5,830.00	47	\$ 2,585.00	1813
8	1300	LF	8" DIPS DR-11 HDPE Water Line by Open Cut	\$ 62.00	\$ 80,600.00	13	\$ 806.00	34	\$ 2,108.00	1347
9	50	LF	6" DIPS DR-11 HDPE Water Line (Bore)	\$ 100.00	\$ 5,000.00	-50	\$ (5,000.00)			0
10	40	LF	8" DIPS DR-11 HDPE Water Line (Bore)	\$ 120.00	\$ 4,800.00					40
11	195	LF	4" DIPS DR-11 HDPE Water Line w/6" HDPE Encasement (Open Cut)	\$ 100.00	\$ 19,500.00			-10	\$ (1,000.00)	185
12	80	LF	4" DIPS DR-11 HDPE Water Line w/6" HDPE Encasement (Bore)	\$ 140.00	\$ 11,200.00	-80	\$ (11,200.00)			0
13	180	LF	8" DIPS DR-11 HDPE Water Line w/12" HDPE Encasement (Bore)	\$ 220.00	\$ 39,600.00	-8	\$ (1,760.00)			172
14	1	EA	2" Tapping Sleeve	\$ 1,500.00	\$ 1,500.00	-1	\$ (1,500.00)			0
15	3	EA	6" Tapping Sleeve	\$ 5,000.00	\$ 15,000.00	-1	\$ (5,000.00)	1	\$ 5,000.00	3
16	1	EA	8" Tapping Sleeve	\$ 6,000.00	\$ 6,000.00	2	\$ 12,000.00	-1	\$ (6,000.00)	2
17	1	EA	2" Gate Valve	\$ 1,200.00	\$ 1,200.00					1
18	5	EA	6" Gate Valve	\$ 2,500.00	\$ 12,500.00	-1	\$ (2,500.00)	1	\$ 2,500.00	5
19	8	EA	8" Gate Valve	\$ 3,500.00	\$ 28,000.00	-1	\$ (3,500.00)	-1	\$ (3,500.00)	6
20	1	EA	4" Flush Valve Assembly with Gate Valve	\$ 9,000.00	\$ 9,000.00	-1	\$ (9,000.00)			0
21	3650	LF	Detectable Tape and Tracer Wire	\$ 1.00	\$ 3,650.00	466	\$ 466.00	10	\$ 10.00	4126
22	15	CY	Grout Fill Abandoned Water Line	\$ 100.00	\$ 1,500.00			-15	\$ (1,500.00)	0
23	1735	LF	Cut & Remove Existing PVC Water Line	\$ 15.00	\$ 26,025.00	-1735	\$ (26,025.00)			0
24	2	EA	Connect 8" HDPE Water Line to Existing 8" PVC Water Line	\$ 2,500.00	\$ 5,000.00			-1	\$ (2,500.00)	1
25	7	EA	Water Meter Service Reconnection (Short)	\$ 2,000.00	\$ 14,000.00	3	\$ 6,000.00			10
26	1	EA	Water Meter Service Relocation and Reconnection (Short)	\$ 2,000.00	\$ 2,000.00					1
27	10	EA	Cut & Plug Existing PVC Water Line	\$ 1,000.00	\$ 10,000.00			3	\$ 3,000.00	13
28	1	EA	6" Fire Hydrant Assembly with Gate Valve	\$ 7,000.00	\$ 7,000.00					1
29	1	EA	Remove Existing Fire Hydrant & Return to Owner	\$ 500.00	\$ 500.00					1
30	100	LF	Concrete Surface Repair	\$ 56.00	\$ 5,600.00	-100	\$ (5,600.00)			0
31	566	LF	Asphalt Surface Repair	\$ 35.00	\$ 19,810.00	-288	\$ (10,080.00)	-278	\$ (9,730.00)	0
32	17	LF	Gravel Surface Repair	\$ 20.00	\$ 340.00	288	\$ 5,760.00	278	\$ 5,560.00	583
33	0	EA	4" Gate Valve	\$ 2,000.00	\$ -	4	\$ 8,000.00	-1	\$ (2,000.00)	3
34	0	EA	8" 90 Degree Bends	\$ 1,200.00	\$ -			2	\$ 2,400.00	2

\$ 521,775.00 \$ (12,289.00) \$ 4,083.00

FINAL \$ 513,569.00



**CHANGE ORDER NO.: 1**

Owner: **City of Breckenridge**  
 Engineer: **eHT**  
 Contractor: **Leetech Solutions**  
 Project: **FM 3099 Utility Relocation**  
 Contract Name: **N/A**  
 Date Issued: **05/22/23**

Owner's Project No.: **N/A**  
 Engineer's Project No.: **5580-36**  
 Contractor's Project No.: **N/A**

Effective Date of Change Order: **08/30/23**

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

## Description:

- **Installation of 4" DIPS DR11 HDPE water line along South side of Hwy 180 to approx. STA. 464+61.**
- **Installation of additional 4" gate valves on each side of section running below FM 3099.**
- **Additional quantity rectifications.**
- **Extension to contract time due to Monday-Thursday work week.**

## Attachments:

**Previous Work Change Directive 01,**  
**Contractor Mark-up sheets**  
**Change Order Tracking Sheet**

<b>Change in Contract Price</b>	<b>Change in Contract Times</b>
Original Contract Price: \$ <b>521,775.00</b>	Original Contract Times: Substantial Completion: <b>90 days (8/20/23)</b> Ready for final payment: <b>120 days (9/19/23)</b>
<b>Increase</b> from previously approved Change Orders \$ <b>N/A</b>	<b>Increase</b> from previously approved Change Orders Substantial Completion: <b>N/A</b> Ready for final payment: <b></b>
Contract Price prior to this Change Order: \$ <b>521,775.00</b>	Contract Times prior to this Change Order: Substantial Completion: <b>90 days (8/20/23)</b> Ready for final payment: <b>120 days (9/19/23)</b>
<b>Decrease</b> this Change Order: \$ <b>12,289.00</b>	<b>Increase</b> this Change Order: Substantial Completion: <b>30 days</b> Ready for final payment: <b>30 days</b>
Contract Price incorporating this Change Order: \$ <b>509,466.00</b>	Contract Times with all approved Change Orders: Substantial Completion: <b>120 days (9/19/23)</b> Ready for final payment: <b>150 days (10/19/23)</b>



Recommended by Engineer

By: Say Dill, P.E.Title: Project ManagerDate: 8/31/23

Authorized by Owner

By: [Signature]Title: MayorDate: September 6, 2023

Accepted by Contractor

By: [Signature]Title: ms.Date: 8/31/23



ITEM #	BID QTY	UNIT	DESCRIPTION	UNIT PRICE	CONTRACT PRICE	CO-01 QTY	CO-01 PRICE
1	1	LS	Mobilization, Bonds & Insurance	\$ 25,000.00	\$ 25,000.00		
2	1	LS	Traffic Control Plan	\$ 20,000.00	\$ 20,000.00		
3	1	LS	Erosion Control Devices	\$ 15,000.00	\$ 15,000.00		
4	900	LF	Trench and Excavation Safety Plan	\$ 1.00	\$ 900.00	524	\$ 524.00
5	3300	LF	Pipe Bedding Material	\$ 10.00	\$ 33,000.00	524	\$ 5,240.00
6	145	LF	4" DIPS DR-11 HDPE Water Line by Open Cut	\$ 50.00	\$ 7,250.00	485	\$ 24,250.00
7	1660	LF	6" DIPS DR-11 HDPE Water Line by Open Cut	\$ 55.00	\$ 91,300.00	106	\$ 5,830.00
8	1300	LF	8" DIPS DR-11 HDPE Water Line by Open Cut	\$ 62.00	\$ 80,600.00	13	\$ 806.00
9	50	LF	6" DIPS DR-11 HDPE Water Line (Bore)	\$ 100.00	\$ 5,000.00	-50	\$ (5,000.00)
10	40	LF	8" DIPS DR-11 HDPE Water Line (Bore)	\$ 120.00	\$ 4,800.00		
11	195	LF	4" DIPS DR-11 HDPE Water Line w/6" HDPE Encasement (Open Cu	\$ 100.00	\$ 19,500.00		
12	80	LF	4" DIPS DR-11 HDPE Water Line w/6" HDPE Encasement (Bore)	\$ 140.00	\$ 11,200.00	-80	\$ (11,200.00)
13	180	LF	8" DIPS DR-11 HDPE Water Line w/12" HDPE Encasement (Bore)	\$ 220.00	\$ 39,600.00	-8	\$ (1,760.00)
14	1	EA	2" Tapping Sleeve	\$ 1,500.00	\$ 1,500.00	-1	\$ (1,500.00)
15	3	EA	6" Tapping Sleeve	\$ 5,000.00	\$ 15,000.00	-1	\$ (5,000.00)
16	1	EA	8" Tapping Sleeve	\$ 6,000.00	\$ 6,000.00	2	\$ 12,000.00
17	1	EA	2" Gate Valve	\$ 1,200.00	\$ 1,200.00		
18	5	EA	6" Gate Valve	\$ 2,500.00	\$ 12,500.00	-1	\$ (2,500.00)
19	8	EA	8" Gate Valve	\$ 3,500.00	\$ 28,000.00	-1	\$ (3,500.00)
20	1	EA	4" Flush Valve Assembly with Gate Valve	\$ 9,000.00	\$ 9,000.00	-1	\$ (9,000.00)
21	3650	LF	Detectable Tape and Tracer Wire	\$ 1.00	\$ 3,650.00	466	\$ 466.00
22	15	CY	Grout Fill Abandoned Water Line	\$ 100.00	\$ 1,500.00		
23	1735	LF	Cut & Remove Existing PVC Water Line	\$ 15.00	\$ 26,025.00	-1735	\$ (26,025.00)
24	2	EA	Connect 8" HDPE Water Line to Existing 8" PVC Water Line	\$ 2,500.00	\$ 5,000.00		
25	7	EA	Water Meter Service Reconnection (Short)	\$ 2,000.00	\$ 14,000.00	3	\$ 6,000.00
26	1	EA	Water Meter Service Relocation and Reconnection (Short)	\$ 2,000.00	\$ 2,000.00		
27	10	EA	Cut & Plug Existing PVC Water Line	\$ 1,000.00	\$ 10,000.00		
28	1	EA	6" Fire Hydrant Assembly with Gate Valve	\$ 7,000.00	\$ 7,000.00		
29	1	EA	Remove Existing Fire Hydrant & Return to Owner	\$ 500.00	\$ 500.00		
30	100	LF	Concrete Surface Repair	\$ 56.00	\$ 5,600.00	-100	\$ (5,600.00)
31	566	LF	Asphalt Surface Repair	\$ 35.00	\$ 19,810.00	-288	\$ (10,080.00)
32	17	LF	Gravel Surface Repair	\$ 20.00	\$ 340.00	288	\$ 5,760.00
33	0	EA	4" Gate Valve	\$ 2,000.00	\$ -	4	\$ 8,000.00

\$ 521,775.00 \$ (12,289.00)



**WORK CHANGE DIRECTIVE NO.: 1**

Owner: City of Breckenridge  
 Engineer: Enprotec /Hibbs & Todd  
 Contractor: Leetech Solutions, LLC.  
 Project: TXDOT FM 3099 Realignment Utility Relocation

Owner's Project No.: N/A  
 Engineer's Project No.: 5580-36  
 Contractor's Project No.: N/A

Date Issued: 06/26/2023

Effective Date of Work Change Directive: 06/26/2023

Contractor is directed to proceed promptly with the following change(s):

Description:

- Installation of 4" DIPS DR11 HDPE water line along the south side of Highway 180 to approx. STA. 464+61.
- Installation of 4" Gate Valve on each side of encasement below future FM 3099 roadway, south of Highway 180.
- Installation 4" DIPS DR11 HDPE water line inside of 185 linear feet of 6" HDPE casing below future FM 3099 roadway, south of Highway 180.

Attachments:

Revised Sheets 05 and 07.

Purpose for the Work Change Directive:

The purpose for additional relocation is to avoid conflict with proposed TXDOT roadway improvements. The additional gate valves were requested by the City of Breckenridge. The reduction to encasement length was permitted by TXDOT.

Directive to proceed promptly with the Work described herein, prior to agreeing to change in Contract Price and Contract Time, is issued due to:

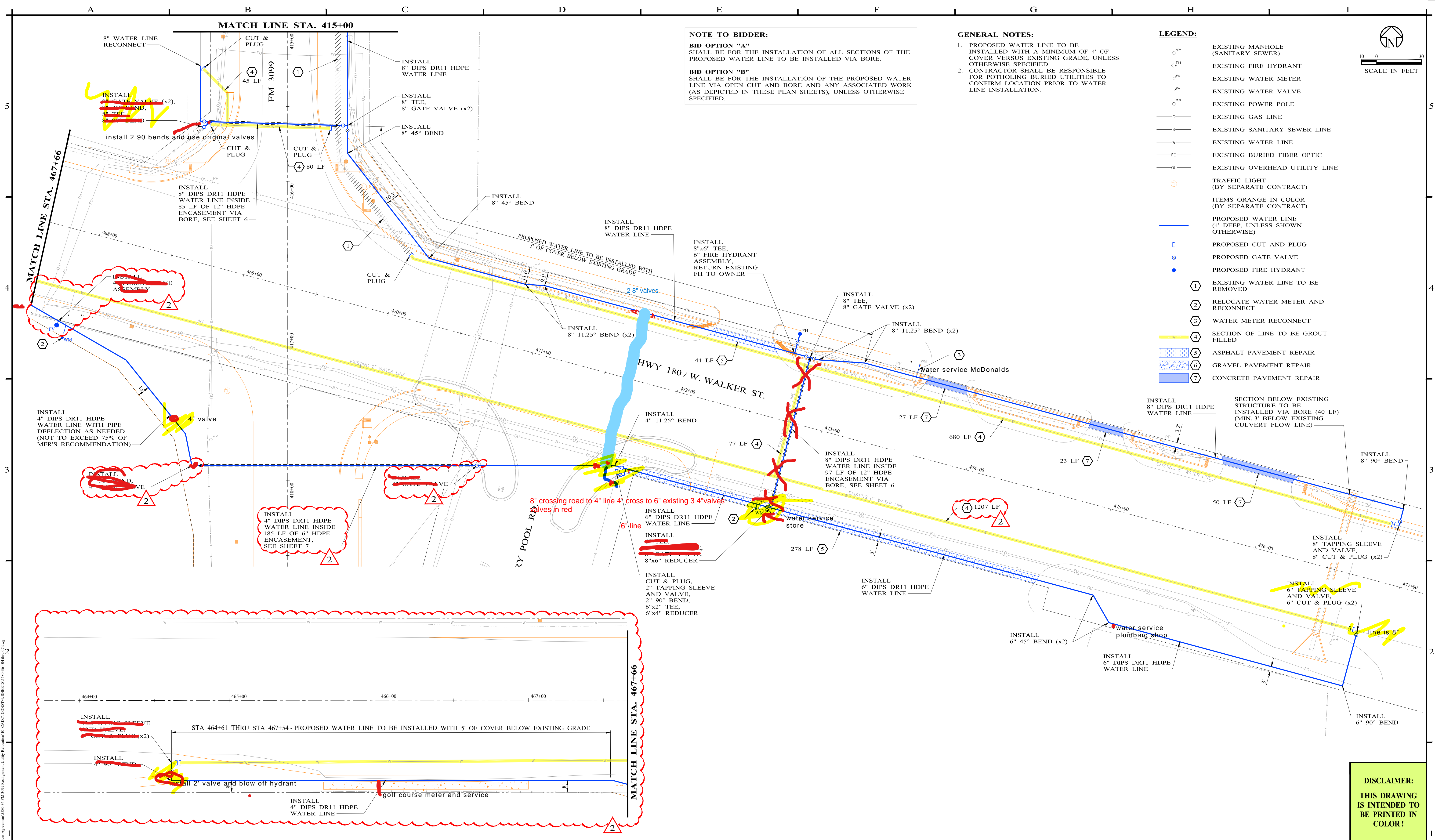
**Notes to User—Check one or both of the following**

☐ Non-agreement on pricing of proposed change. ☐ Necessity to proceed for schedule or other reasons.

Estimated Change in Contract Price and Contract Times (non-binding, preliminary):

1. **4B – 406 LF @ \$1, Trench and Excavation Safety Plan (\$406)**
2. **5B – 406 LF @ \$10, LF Pipe Bedding Material (\$4,060)**
3. **6B – 406 LF @ \$50, 4" DIPS DR11 HDPE Water Line (\$20,300)**
4. **11B – (-10) LF @ \$100, 4" DIPS DR11 HDPE Water Line w/ 6" HDPE Encasement (open cut) (-\$1,000)**
5. **12B – (-80) LF @ \$140, 4" DIPS DR11 HDPE Water Line w/ 6" HDPE Encasement (bore) (-\$11,200)**
6. **N/A – 2 EA @ \$2,000, 4" Gate Valve (\$4,000)**





Project: Breckenridge, City of 5580-36 FM 3099 Realignment Utility Relocation, CADD, CONSTRUCTION, SHEETS 5580-36-04 (Rev. 05/2023)

NO.	REVISION	DATE
1	ADDENDUM #1	03/29/2023
2	WORK CHANGE DIRECTIVE #1	06/05/2023



**Enprotec | Hibbs & Todd**  
402 Cedar Street • Abilene, Texas 79601 • T: (325) 698-5560 • F: (325) 690-3240 • [www.e-ht.com](http://www.e-ht.com)  
PE Firm Registration No. 1151 • PG Firm Registration No. 50103 • RPLS Firm Registration No. 10011900

BAR IS ONE INCH ON ORIGINAL DRAWING  
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

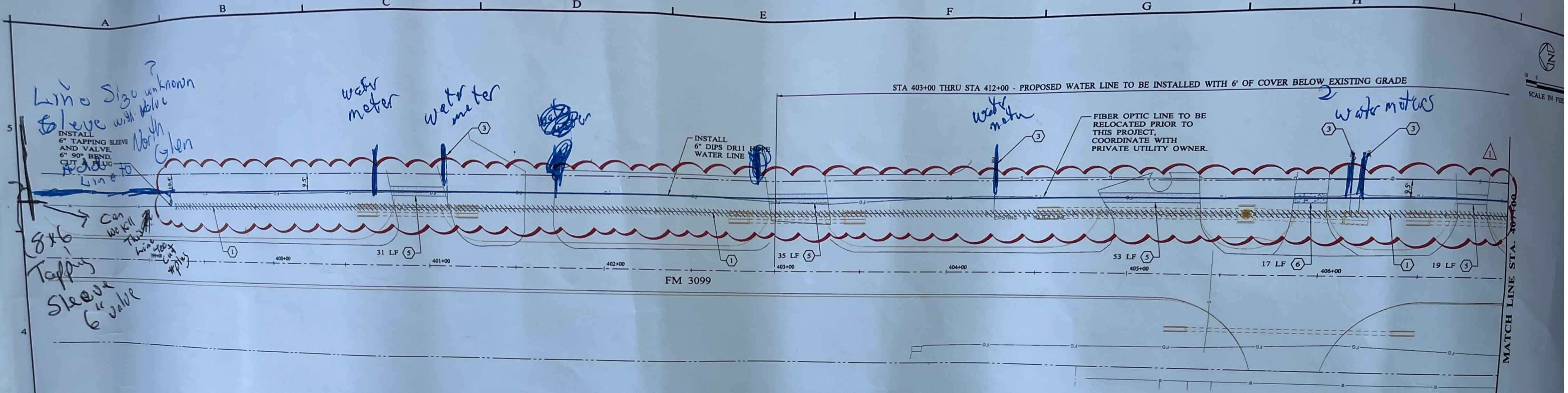
DESIGNED BY C.D.N.	SCALE 1" = 30'
DRAWN BY D.A.B.	DATE 03/24/2023
CHECKED BY S.D.	

**TXDOT FM 3099  
REALIGNMENT UTILITY RELOCATION  
BRECKENRIDGE, STEPHENS COUNTY, TEXAS**

**WATER LINE LAYOUT**

PROJECT NO.: <b>5580-36</b>
SHEET No.: <b>05</b>





**GENERAL NOTES:**

1. PROPOSED WATER LINE TO BE INSTALLED WITH A MINIMUM OF 4' OF COVER VERSUS EXISTING GRADE, UNLESS OTHERWISE SPECIFIED.
2. CONTRACTOR SHALL BE RESPONSIBLE FOR POTHOLING BURIED UTILITIES TO CONFIRM LOCATION PRIOR TO WATER LINE INSTALLATION.

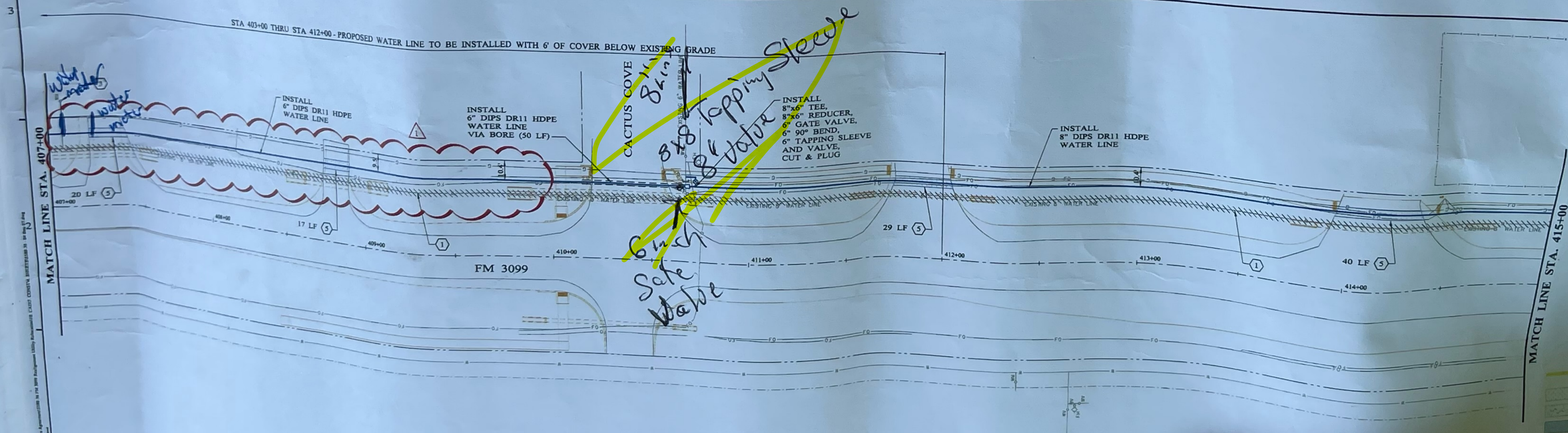
**NOTE TO BIDDER:**

**BID OPTION "A"**  
SHALL BE FOR THE INSTALLATION OF ALL SECTIONS OF THE PROPOSED WATER LINE TO BE INSTALLED VIA BORE.

**BID OPTION "B"**  
SHALL BE FOR THE INSTALLATION OF THE PROPOSED WATER LINE VIA OPEN CUT AND BORE AND ANY ASSOCIATED WORK (AS DEPICTED IN THESE PLAN SHEETS), UNLESS OTHERWISE SPECIFIED.

**LEGEND:**

- EXISTING MANHOLE (SANITARY SEWER)
- EXISTING FIRE HYDRANT
- EXISTING WATER METER
- EXISTING WATER VALVE
- EXISTING POWER POLE
- EXISTING GAS LINE
- EXISTING SANITARY SEWER LINE
- EXISTING WATER LINE
- EXISTING BURIED FIBER OPTIC
- EXISTING OVERHEAD UTILITY LINE
- TRAFFIC LIGHT (BY SEPARATE CONTRACT)
- ITEMS ORANGE IN COLOR (BY SEPARATE CONTRACT)
- PROPOSED WATER LINE (4' DEEP, UNLESS SHOWN OTHERWISE)
- PROPOSED CUT AND PLUG
- PROPOSED GATE VALVE
- PROPOSED FIRE HYDRANT
- EXISTING WATER LINE TO BE REMOVED
- RELOCATE WATER METER AND RECONNECT
- WATER METER RECONNECT
- SECTION OF GROUT FILLED
- ASPHALT
- GRAVEL
- CONCRETE



NO.	REVISION	DATE
1	ADDENDUM #1	03/29/2023



**Enrotec | Hibbs & Todd**  
402 Cedar Street • Abilene, Texas 79601 • T: (325) 698-5560 • F: (325) 698-3240 • www.e-h-t.com  
PE Firm Registration No. 1151 • PG Firm Registration No. 50103 • RPLS Firm Registration No. 10011900

BAR IS ONE INCH ON ORIGINAL DRAWING  
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

DESIGNER  
DRAWN  
CHECKED BY  
S.D.

3099  
RELOCATION  
COUNTY, TEXAS

PROJECT  
55  
SHEET No.  
04



# Leetech Solutions

Change order items to address

Item 6b – 4” water line original bid item was 145’ . With the work directive we added 405 ft to it and need it to be on a change order at 50.00 per ft .

Item 7b- 6” water line bid was for 1660 ft. Actually have 1906’ with 50 added by open cutting bid item 9b and our over placement 145’ and the 56’ to continue the line to connect to the North Glen line. Extra 201 ft . Also the tapping sleeve at North Glenn will be 8”.

Item 8b – no changes at this time

Item 9b- not using add 50 to open cut 6’ across Cactus Cove Road

Item 10b - no changes

Item 11b - no changes

Item 12b- no changes

Item 13b- no changes

Item 14b- no changes

Item 15b- there is only 1 6” tapping sleeve

Item 16b- 4 8” tapping sleeves

Item 17b- no changes

Item 18b- there will be only 3 6” valves

Item 19b - there will be 6 8”valves

Item 20b- we are not using this item. We will put item 17b and build a blow of tube as per approval by Todd.

Item 21b- installed

Item 22b – may increase due to actual footage amount

Item 23b- may reduce due to pipe location

Item 24b – no changes

Item 25b- 7 services called out 11 actual total

Item 26b – no change

Item 27b - no change



Item28b-installed

Item 29b- no change

Next 3 items we covered in our past meetings

Add on items

4" valves at 2,000 there is a total of 4 = 8000.00



AFFIDAVIT OF BILLS PAID

Contractor: Leetech Solutions, LLC.  
Project Number: 5580-36  
Project Description: FM 3099 Realignment Utility Relocation

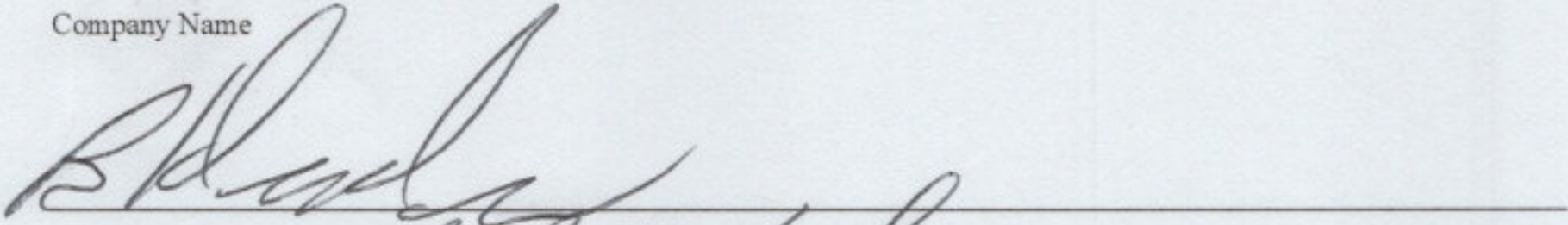
This is to certify that a Final Inspection for the project was completed on November 18, 2023 and that all bills for labor, materials and incidentals incurred on this Contract have been paid in full, discharged, or waived and that I know of no claims pending. I am also aware that the City may request additional evidence to its satisfaction. I am also aware that the City may, after notifying the Contractor, either pay unpaid bills or withhold from the Contractor's compensation a reasonable sum of money sufficient to pay all lawful claims until the Contractor furnishes satisfactory evidence that all liabilities have been discharged.

THE CONTRACTOR:



Leetech Solutions, LLC.

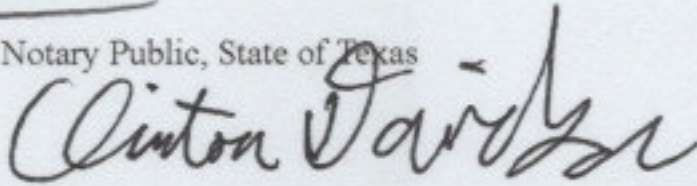
Company Name



Company Authorized Signature

Date 12-1-23

Notary Public, State of Texas



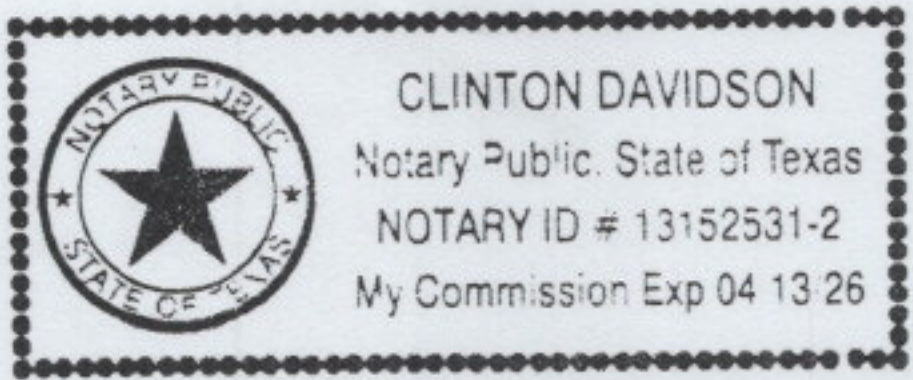
(Seal)

Printed Name

Clinton Davidson

Date

12-1-23





**LEETECH SOLUTIONS, LLC****P. O. Box 61 Tuscola, TX 79562****Phone: (817) 805-6405**

December 1, 2023

City of Breckenridge

Sage Diller, PE

Re: City of Breckenridge Texas  
TXDOT FM 3099 Realignment Utility Relocation

This letter is regarding the City of Breckenridge, Texas. TXDOT FM 3099 Realignment Utility Relocation project located in Breckenridge Texas. This letter hereby certifies that Leetech Solutions, LLC, shall warrant all workmanship, labor, and materials for all work completed by Leetech Solutions, LLC for a period of 1-year from the date of Substantial Completion with the date of Substantial Completion being November 18, 2023.

Please do not hesitate to contact me with any questions or comments that you may have regarding this project.

Sincerely,



Bryan Henderson  
Leetech Solutiions, LLC







## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Discussion and any necessary action regarding Ordinance 23-22 to remove the requirement that Planning and Zoning Commission make recommendations regarding streets.

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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### **BACKGROUND INFORMATION:**

Our current ordinance (Chapter 2, Article II, Section 2-25) requires Planning and Zoning to make recommendations to the City Commission regarding street closures. In most cities, issues regarding street closure go directly to the governing body. To streamline the process, staff recommend an update to city ordinance that would remove this requirement.

### **FINANCIAL IMPACT:**

NA

### **STAFF RECOMMENDATION:**

Consider staff recommendation to approve Ordinance 23-22



Sec. 2-25. - Recommendations as to property for streets, changes in widths or lengths.

The city planning and zoning commission shall recommend to the governing body where property should be acquired for street purposes and also whether or not any changes should be made in the width or length of any streets or boulevards.

(Ord. No. 18-13, § I, 9-4-18)



## ORDINANCE NO. 2023-22

### AN ORDINANCE OF THE CITY OF BRECKENRIDGE, TEXAS AMENDING CHAPTER 2 “BOARDS AND COMMISSIONS”, ARTICLE II “PLANNING AND ZONING COMMISSION” TO REMOVE THE REQUIREMENT THAT THE PLANNING AND ZONING COMMISSION MAKE RECOMMENDATIONS REGARDING STREETS; PROVIDING SEVERABILITY AND OPEN MEETINGS CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.

**WHEREAS**, the City of Breckenridge (the “City”) is a Home Rule Municipality acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code;

**WHEREAS**, the City has created a Planning and Zoning Commission (the “P&Z”), as required by Section 211.007(a) of the Texas Local Government Code, and has provided certain duties of the P&Z in Article II “Planning and Zoning Commission” of Chapter 2 “Boards and Commissions” of the Breckenridge Code of Ordinances;

**WHEREAS**, Section 2-25 of said Article provides that the P&Z “shall recommend to the governing body...whether or not any changes should be made in the width or length of any streets” which requires the P&Z to hear requests for street closures to make a recommendation to the Breckenridge City Commission (the “City Commission”) before those street closures can be approved; and

**WHEREAS**, the City Commission finds that making recommendations for street closures is unrelated to the P&Z’s duties regarding zoning and that it would aid in the efficient operation of City business to have only the City Commission hear requests for street closures.

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

**I. Findings Incorporated.** All of the above premises are found to be true and correct findings of the City Commission and are incorporated into the body of this Ordinance as if fully set forth herein.

**II. Deletion of Section 2-25.** Section 2-25 “Recommendations as to property for streets, changes in widths or lengths” of Article II “Planning and Zoning Commission” of Chapter 2 “Boards and Commissions” of the Breckenridge Code of Ordinances is hereby deleted and said section shall be reserved for future use.

**III. Severability.** The provisions of this Ordinance are declared to be severable. If any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect notwithstanding the validity of any part.

**IV. Open Meetings.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place,



and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Local Government Code.

**V. Effective Date.** This Ordinance shall take effect immediately upon its adoption by the City Commission.

The above and foregoing ordinance was duly proposed, read in full and adopted on the 5<sup>th</sup> day of December, 2023 at a regular meeting of the City Commission.

\_\_\_\_\_  
Bob Sims, Mayor

ATTEST:

\_\_\_\_\_  
Jessica Sutter, City Secretary

S E A L





## BRECKENRIDGE CITY COMMISSION AGENDA SUMMARY FORM

**Subject:** Discussion and any necessary action regarding request from lien holder on previously approved declaration of substandard building and Order to Abate at 213 Pembroke

**Department:** Administration

**Staff Contact:** Cynthia Northrop

**Title:** City Manager

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### BACKGROUND INFORMATION:

This City Commission issued an Order to Abate a dangerous building at 213 Pembroke on October 24, 2023, within 30 days. The owner did not attend the public hearing on October 24, 2023, however, the lien holder, Bryan Lee, did.

Since then, the property owner (JP Investments) has notified the City that they intend to file an appeal with the District Court. As of this date, that has not occurred. Because the property has a lien holder, the City is required to provide the lien holder with an additional 30 days. However, the lien holder has submitted a written request for an extension to February 6, 2024, as he has begun the foreclosure process on the current owner, JP Investments, but will not have adequate time to complete the foreclosure proceedings and to remedy the dangerous building, which he says intends to do.

Our ordinance prescribes the requirements for Commissioners in this process. Chapter 5, Section 11(c) states:

(c) - The order shall allow the owner thirty (30) days to complete the ordered action, unless it is determined from the evidence presented at the public hearing that additional time is required. If more than thirty (30) days is allowed to repair, remove or demolish the building, specific time schedules shall be established for the commencement and performance of the work; and

(e) - The owner, lienholder or mortgagee may not be allowed more than ninety (90) days to complete any part of the work required, remove or demolish the building unless the requirements of Texas Local Government Code section 214.001(k) are met (attached and below):



LGC 214.00 (k) - If the municipality allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the municipality shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the municipality to demonstrate compliance with the time schedules established for commencement and performance of the work.

In short, if Commissioners wish to extend the deadline at the request of the lien holder, he will need to provide specific timelines and if longer than 90 days, submit progress reports on a regular basis.

**FINANCIAL IMPACT:**

NA

**STAFF RECOMMENDATION:**

Consider approval of request of lien holder to extend order to abate to February 6, 2024, and to submit timeline and progress reports to the City Manager



**Order to Abate**

**City Commission of the City of Breckenridge, Texas  
Pursuant to Section 5-11 of the Breckenridge Code of Ordinances**

Date of Order: October 24, 2023

Address of Property: 213 Pembroke Date of Public Hearing: October 24, 2023

Name of Owner: JP Investment Solutions LLC Name of Lienholder(s): \_\_\_\_\_

Description of building on the Property (the "Building") that was the subject of the hearing: Stick built home.

After hearing information presented by the code enforcement official of the City of Breckenridge and presented by the Owner of the Property and any other witnesses, the City Commission of the City Breckenridge finds that the Building is a dangerous building because it is in violation of the minimum standards for buildings as set forth in Section 5-5 of the Breckenridge Code of Ordinances.

The Building is not in compliance with the minimum standards for the following reasons:

- \_\_\_ Uninhabitable due to obsolescence and/or deterioration caused by neglect, vandalism, fire damage, old age, or the elements;
- \_\_\_ Unsanitary and/or damp condition and is likely to create disease because of the presence of insects, rodents, or vermin;
- \_\_\_ Likely to become a fire menace or be set on fire
- \_\_\_ Does not have operating supply lines for electrical service, if electric service is available within three hundred feet of the building, or that does not have operating electrical circuits and outlets sufficient to safely carry a load imposed by normal use of appliances and fixtures;
- \_\_\_ Constitutes a danger to the public even though secured from entry or the means used to secure the building are inadequate to prevent unauthorized entry or use of the building

The Owner is hereby ORDERED to demolish and remove the building within 30 days of the date of this Order. The City will demolish the Building and assess its expenses for doing so as a lien on the Property if the Owner does not comply with this Order within the time established.

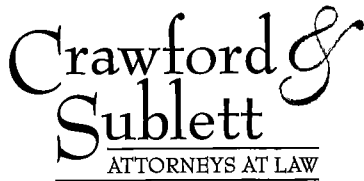
**CITY OF BRECKENRIDGE**

\_\_\_\_\_  
Bob Sims, Mayor

ATTEST:

\_\_\_\_\_  
Jessica Sutter, City Secretary





Stephen O. Crawford  
Jaclyn M. Sublett

603 Elm Street, Suite 501  
Graham, TX 76450

(940) 521-9499

Fax (940) 521-9491

scrawford@crawfordandsublett.com

jsublett@crawfordandsublett.com

November 14, 2023

Mr. Malcolm Bufkin  
Code Enforcement Officer  
City of Breckenridge  
105 N. Rose St.  
Breckenridge, Texas 76424

Re: 213 Pembroke; Notice of Order

Mr. Bufkin:

I represent Mr. Bryan Lee who is a lien holder of the above described property. The debtor, and owner of the above property, is JP Investment Solutions, LLC. (hereafter "JP"). JP has failed to appear at any of the hearings which have been held regarding this property. Mr. Lee is starting foreclosure proceedings but that will take more than the 30 days from the date of the Notice. Once the foreclosure is complete, it is Mr. Lee's intention to remedy the situation which has given rise to the City's intervention. Mr. Lee would prefer not to have to file any legal proceedings pursuant to Section 214.002 of the Texas Local Government Code. Would it be possible to grant an extension so that Mr. Lee could pursue the foreclosure? Since the foreclosure sale must take place on the first Tuesday of the month, we would ask for an extension to February 6, 2024. You may reach me at the address and number above. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. O. Crawford', written over a horizontal line.

Stephen O. Crawford



Sec. 214.001. AUTHORITY REGARDING SUBSTANDARD BUILDING. (a) A municipality may, by ordinance, require the vacation, relocation of occupants, securing, repair, removal, or demolition of a building that is:

(1) dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare;

(2) regardless of its structural condition, unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

(3) boarded up, fenced, or otherwise secured in any manner if:

(A) the building constitutes a danger to the public even though secured from entry; or

(B) the means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by Subdivision (2).

(b) The ordinance must:

(1) establish minimum standards for the continued use and occupancy of all buildings regardless of the date of their construction;

(2) provide for giving proper notice, subject to Subsection (b-1), to the owner of a building; and

(3) provide for a public hearing to determine whether a building complies with the standards set out in the ordinance.

(b-1) For a condominium, as defined by Section 81.002 or 82.003, Property Code, located wholly or partly in a municipality with a population of more than 1.9 million, notice to a unit owner in accordance with Section 82.118, Property Code, and notice to the registered agent for the unit owners' association in the manner provided for service of process to a condominium association under Section 54.035(a-1) satisfy the notice requirements under this section.

(c) A notice of a hearing sent to an owner, lienholder, or mortgagee under this section must include a statement that the owner, lienholder, or mortgagee will be required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

(d) After the public hearing, if a building is found in violation of standards set out in the ordinance, the municipality may order that the building be vacated, secured, repaired, removed, or demolished by the owner within a reasonable time as provided by this section. The municipality also may order that the occupants be relocated within a reasonable time.



If the owner does not take the ordered action within the allotted time, municipality shall make a diligent effort to discover each mortgagee and lienholder having an interest in the building or in the property on which the building is located. The municipality shall personally deliver, send by certified mail with return receipt requested, or deliver by the United States Postal Service using signature confirmation service, to each identified mortgagee and lienholder a notice containing:

(1) an identification, which is not required to be a legal description, of the building and the property on which it is located;

(2) a description of the violation of municipal standards that is present at the building; and

(3) a statement that the municipality will vacate, secure, remove, or demolish the building or relocate the occupants of the building if the ordered action is not taken within a reasonable time.

(e) As an alternative to the procedure prescribed by Subsection (d), the municipality may make a diligent effort to discover each mortgagee and lienholder before conducting the public hearing and may give them a notice of and an opportunity to comment at the hearing. In addition, the municipality may file notice of the hearing in the Official Public Records of Real Property in the county in which the property is located. The notice must contain the name and address of the owner of the affected property if that information can be determined, a legal description of the affected property, and a description of the hearing. The filing of the notice is binding on subsequent grantees, lienholders, or other transferees of an interest in the property who acquire such interest after the filing of the notice, and constitutes notice of the hearing on any subsequent recipient of any interest in the property who acquires such interest after the filing of the notice. If the municipality operates under this subsection, the order issued by the municipality may specify a reasonable time as provided by this section for the building to be vacated, secured, repaired, removed, or demolished by the owner or for the occupants to be relocated by the owner and an additional reasonable time as provided by this section for the ordered action to be taken by any of the mortgagees or lienholders in the event the owner fails to comply with the order within the time provided for action by the owner. Under this subsection, the municipality is not required to furnish any notice to a mortgagee or lienholder other than a copy of the order in the event the owner fails to timely take the ordered action.

(f) Within 10 days after the date that the order is issued, the municipality shall:



(1) file a copy of the order in the office of the municipal secretary or clerk, if the municipality has a population of 1.9 million or less; and

(2) publish in a newspaper of general circulation in the municipality in which the building is located a notice containing:

- (A) the street address or legal description of the property;
- (B) the date of the hearing;
- (C) a brief statement indicating the results of the order;

and

(D) instructions stating where a complete copy of the order may be obtained.

(g) After the hearing, the municipality shall promptly mail by certified mail with return receipt requested, deliver by the United States Postal Service using signature confirmation service, or personally deliver a copy of the order to the owner of the building and to any lienholder or mortgagee of the building. The municipality shall use its best efforts to determine the identity and address of any owner, lienholder, or mortgagee of the building.

(h) In conducting a hearing authorized under this section, the municipality shall require the owner, lienholder, or mortgagee of the building to within 30 days:

(1) secure the building from unauthorized entry; or

(2) repair, remove, or demolish the building, unless the owner or lienholder establishes at the hearing that the work cannot reasonably be performed within 30 days.

(i) If the municipality allows the owner, lienholder, or mortgagee more than 30 days to repair, remove, or demolish the building, the municipality shall establish specific time schedules for the commencement and performance of the work and shall require the owner, lienholder, or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed, as determined by the hearing official.

(j) A municipality may not allow the owner, lienholder, or mortgagee more than 90 days to repair, remove, or demolish the building or fully perform all work required to comply with the order unless the owner, lienholder, or mortgagee:

(1) submits a detailed plan and time schedule for the work at the hearing; and

(2) establishes at the hearing that the work cannot reasonably be completed within 90 days because of the scope and complexity of the work.



(k) If the municipality allows the owner, lienholder, or mortgagee more than 90 days to complete any part of the work required to repair, remove, or demolish the building, the municipality shall require the owner, lienholder, or mortgagee to regularly submit progress reports to the municipality to demonstrate compliance with the time schedules established for commencement and performance of the work. The order may require that the owner, lienholder, or mortgagee appear before the hearing official or the hearing official's designee to demonstrate compliance with the time schedules. If the owner, lienholder, or mortgagee owns property, including structures or improvements on property, within the municipal boundaries that exceeds \$100,000 in total value, the municipality may require the owner, lienholder, or mortgagee to post a cash or surety bond in an amount adequate to cover the cost of repairing, removing, or demolishing a building under this subsection. In lieu of a bond, the municipality may require the owner, lienholder, or mortgagee to provide a letter of credit from a financial institution or a guaranty from a third party approved by the municipality. The bond must be posted, or the letter of credit or third party guaranty provided, not later than the 30th day after the date the municipality issues the order.

(l) In a public hearing to determine whether a building complies with the standards set out in an ordinance adopted under this section, the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

(m) If the building is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time, the municipality may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense. This subsection does not limit the ability of a municipality to collect on a bond or other financial guaranty that may be required by Subsection (k).

(n) If a municipality incurs expenses under Subsection (m), the municipality may assess the expenses on, and the municipality has a lien against, unless it is a homestead as protected by the Texas Constitution, the property on which the building was located. The lien is extinguished if the property owner or another person having an interest in the legal title to the property reimburses the municipality for the expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner if that information can be determined with a



reasonable effort, a legal description of the real property on which the building was located, the amount of expenses incurred by the municipality, and the balance due.

(o) If the notice is given and the opportunity to relocate the tenants of the building or to repair, remove, or demolish the building is afforded to each mortgagee and lienholder as authorized by Subsection (d), (e), or (g), the lien is a privileged lien subordinate only to tax liens.

(p) A hearing under this section may be held by a civil municipal court.

(q) A municipality satisfies the requirements of this section to make a diligent effort, to use its best efforts, or to make a reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee if the municipality searches the following records:

(1) county real property records of the county in which the building is located;

(2) appraisal district records of the appraisal district in which the building is located;

(3) records of the secretary of state;

(4) assumed name records of the county in which the building is located;

(5) tax records of the municipality; and

(6) utility records of the municipality.

(r) When a municipality mails a notice in accordance with this section to a property owner, lienholder, mortgagee, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

(s) A court shall expedite any proceeding, including an appeal in accordance with Section [214.0012](#), related to a substandard building determination under this section by a municipality with a population of 500,000 or more.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 87(j), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 743, Sec. 1, eff. Aug. 28, 1989; Acts 1993, 73rd Leg., ch. 836, Sec. 10, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 359, Sec. 1, eff. Aug. 28, 1995; Acts 1997, 75th Leg., ch. 362, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 357, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 413, Sec. 10, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 701, Sec. 2, eff. Sept. 1, 2003.

Amended by:



Acts 2007, 80th Leg., R.S., Ch. 370 (S.B. 352), Sec. 3, eff. June 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1323 (H.B. 3128), Sec. 5, eff. September 1, 2009.

Acts 2019, 86th Leg., R.S., Ch. 1273 (H.B. 36), Sec. 3, eff. June 14, 2019.



## Sec. 5-11. Order to abate.

- (a) If it is found at the public hearing that the building is in violation of the minimum standards, one (1) of the following orders or any combination thereof may be issued by the city commission:
  - (1) An order to secure or vacate the building and relocate occupants; or
  - (2) If it is determined that the order provided for in subsection (a)(1) above is not sufficient to protect the public health, safety or welfare, an order may be issued to repair, demolish or remove the building within a reasonable time.
- (b) The city shall promptly mail by certified mail, return receipt requested, a copy of any order issued pursuant to subsection (a) of this section to the owner of record of the building and to any lienholder or mortgagee along with a notice containing an identification of the building and the property on which it is located; a description of the violation(s) of the minimum standards; and a statement that the municipality will secure, vacate, repair, remove or demolish the building if the ordered action is not taken by the owner within a reasonable time.
- (c) The order shall allow the owner thirty (30) days to complete the ordered action, unless it is determined from the evidence presented at the public hearing that additional time is required. If more than thirty (30) days is allowed to repair, remove or demolish the building, specific time schedules shall be established for the commencement and performance of the work.
- (d) The order shall also state that any lienholders or mortgagees of the building and/or the underlying property shall have an additional thirty (30) days to complete the ordered action if the owner fails to comply within the time allotted in subsection (c) above.
- (e) The owner, lienholder or mortgagee may not be allowed more than ninety (90) days to complete any part of the work required, remove or demolish the building unless the requirements of Texas Local Government Code section 214.001(k) are met.

(Ord. No. 19-06 , § II, 4-2-19)