

THE LEVELLAND CITY COUNCIL MET IN REGULAR SESSION ON MONDAY, THE 1ST OF FEBRUARY 2021, AT LEVELLAND CITY HALL, R. O. DENNIS COUNCIL CHAMBERS, 1709 AVENUE H, WITH THE FOLLOWING MEMBERS PRESENT:

Barbra Pinner	Honorable Mayor	Present
Jim Myatt	Council Member	Present
Max Ledesma	Mayor Pro-Tem	Present
Breann Buxkemper	Council Member	Present
Joe Bill Vardeman	Council Member	Present
Matt Wade	City Attorney	Present
Erik Rejino	City Manager	Present
Andréa Corley	City Secretary	Present

The Pledge was led by Mayor Barbra Pinner and the Invocation was given by Council Member Jim Myatt

Statements by Citizens:

There were no statements by citizens

FIRST ITEM OF BUSINESS:

Consider and take necessary action to approve the minutes of the January 18, 2021 regular meeting

Motion by Max Ledesma

Seconded by Jim Myatt

To approve the minutes of the January 18, 2021 regular meeting

Motion carried unanimously.

SECOND ITEM OF BUSINESS:

Consider and take necessary action on procedures, processes, timelines, and priorities regarding lifting restrictions and regulations implemented during the COVID-19 Public Health Emergency

Council extended the current reopening order at the last meeting which keeps us in line with Governor Abbott's current order, GA-32. It is important to note that Governor Abbott has continued to extend his disaster declarations each month. The current order adopted by Council does not expire until February 15th. However, we have this item on the agenda so we can provide Council with an update regarding COVID-19 cases as well as an update on vaccinations. Below is a summary of the regional hospital capacity and COVID-19 cases in the County.

COVID-19 Case Summary	
01/26/2021	
Total	1891
Probable	220
Recovered	1897
Deaths	94
Active	120

Date:	COVID-19 Hospitalizations
01/21/2021	17.05%
01/22/2021	16.77%
01/23/2021	16.25%
01/24/2021	15.65%
01/25/2021	15.02%
01/26/2021	14.57%
01/27/2021	13.49%

As a reminder the 22 county Trauma Service Area (TSA) B continues to be above the 15 percent threshold for COVID-19 hospitalizations. However, the percentage has continued to trend down over the past several weeks including the last seven days. As a reminder since our region is above the 15 percent threshold and has been for well over seven (7) consecutive days, businesses which include restaurants, retail stores, office buildings, manufacturing facilities, gyms and exercise facilities and classes, and libraries remain at a maximum of 50 percent occupancy levels. Upon being below the 15 percent threshold for seven (7) consecutive days businesses will then be able to return to 75 percent capacity.

Another threshold to keep in mind that we have been discussing is that if for a 14 day period there are no more than 30 confirmed new COVID-19 cases the County Judge can do an attestation to the State and reopen businesses back to 75 percent.

Emergency Management Coordinator, Cole Kirkland, spoke to Council about plans for a mass vaccine event. Kirkland explained that citizens are being asked to get registered in the I-Info online portal in order to receive notifications in the event Hockley County receives an allocation of vaccines. The plans are in place with the hopes that authorities like DSHS and TDEM will see that our community has a distribution plan, and perhaps that will entice them to send vaccines our way. Kirkland is in regular contact with the County, Covenant Health-Levelland, and is working closely with both entities.

No Council Action Taken

THIRD ITEM OF BUSINESS:

Consider and take necessary action to appoint members to the Comprehensive Zoning Review Task Force.

At the last meeting Council established the Comprehensive Zoning Review Task Force Animal Services Task Force to assist the City with identifying the topics and issues that they would like for the P&Z and the Council to review regarding the zoning code. While we have updated sections of the zoning code over the years, a large portion of the zoning code has not been updated since 1981. This will be a lengthy process but it will serve the City well in the years to come once it is complete, particularly with all of the development we have seen in recent years and will continue to see in the future.

While the majority of the work on the zoning code will take place with the Planning and Zoning Commission (P&Z), the Comprehensive Zoning Review Task Force will begin the process to update the zoning code by meeting up to four times and identifying the topics and issues that they would like for the P&Z and the Council to review regarding the zoning code.

In the resolution adopted by Council the Comprehensive Zoning Review Task Force is made up of the following individuals.

- One member from the Levelland City Council
- One member from the Levelland Planning and Zoning Commission
- One member from the Levelland Main Street Advisory Board
- One member from the Levelland Chamber of Commerce Board of Directors
- One member shall be a realtor in Levelland.
- Two member shall be citizen members residing inside the City limits of the City of Levelland.

Below you will find our recommendations regarding appointments to the Comprehensive Zoning Review Task Force.

- One member from the Levelland City Council
Breann Buxkemper
- One member from the Levelland Planning and Zoning Commission
Butch Wade
- One member from the Levelland Main Street Advisory Board
Iris Keeling
- One member from the Levelland Chamber of Commerce Board of Directors
To be determined by Chamber of Commerce
- One member shall be a realtor in Levelland.
Michael Stueart
- Two members shall be citizen members residing inside the city limits of the City of Levelland.
Jody Rose
Mary Engledow

Also, of the people appointed, Council will need to appoint a Chairperson for the task force. City Staff is recommending Michael Stueart serve as the Chair, as he has offered, unless Council has another preference.

Motion by Joe Bill Vardeman
Seconded by Breann Buxkemper
To approve the list of task force members as presented.
Motion carried unanimously.

FOURTH ITEM OF BUSINESS:

Consider and take necessary action on Resolution No. 2021-05 submitting a nomination for the Hockley County Appraisal District board of directors

The Hockley County Appraisal District (HCAD) is seeking nominations to fill a vacancy on the HCAD Board of Directors. Accordingly, each taxing entity, including the City of Levelland, can nominate a candidate by resolution to fill the vacant position on the board. The HCAD Board would then vote to select a board member from the nominees submitted by the taxing entities.

Below is a list of the current board members of the HCAD. City staff has been in contact with Dallas Pena, and he has indicated a willingness to serve on this board.

Vacancy

Larry Carter
Ronnie Watkins
DeEtte Edens
Buddy Moore
Debbie Bramlett (ex-officio)

Motion by Breann Buxkemper
Seconded by Jim Myatt
To nominate Dallas Pena for the Hockley County Appraisal District board.
Motion carried unanimously

FIFTH ITEM OF BUSINESS:

Consider and take necessary action on Resolution No. 2021-06 amending the City of Levelland's program regarding the administration of economic development programs pursuant to Chapter 380 of the Texas Local Government Code.

In 2019, Council approved a resolution that established an economic development program pursuant to Chapter 380 of the Local Government Code. This tool was put in place to compliment the City's other economic development programs. Chapter 380 is a section of the Local Government Code that authorizes municipalities to offer a range of incentives designed to promote state or local economic development. Many cities utilize this tool to offer incentives such as sales tax rebates, property tax abatements and grants to businesses to encourage economic development.

In August of last year, Council approved the establishment of the Levelland Main Street Facade Grant Program under the City's Chapter 380 Program and funded approximately \$8,000 worth of grants for five businesses. At this time, we are proposing that Council consider amending the Chapter 380 resolution adopted in 2019 to allow non-profit organizations to be eligible for incentives through the City's Chapter 380 policy if they meet the following conditions.

- (a) is able to demonstrate to the satisfaction of the Main Street Manager, the Director of Economic Development and the City Manager that due to the significant cultural and/or historic nature of their organization and any properties maintained or controlled by the organization that the economic incentives, if approved, will promote local economic development and stimulate business and commercial activity in the City of Levelland;
- (b) receives a sponsorship supporting the non-profit's application for economic incentives from at least two businesses who are subject to ad valorem taxation and are otherwise eligible to receive economic incentives from the City's 380 Program;
- (c) is able to provide some sort of written documentation confirming the historic or cultural significance of the organization and the economic impact it has had in the City in the past; and
- (d) completes the incentive application process.

Any incentive granted to any business through Chapter 380 is subject to available resources and final approval of the City Council.

Motion by Breann Buxkemper

Second by Joe Bill Vardeman

To approve Resolution No. 2021-06 amending the City of Levelland's program regarding the administration of economic development programs pursuant to Chapter 380 of the Texas Local Government Code

Motion passed unanimously.

SIXTH ITEM OF BUSINESS:

Consider and take necessary action on an agreement with Levelland Christian School regarding the disposal of playground equipment.

One of the park projects we have planned this year is that of replacing the playground at George C. Price Park. Over the past several years, we have replaced all of the existing playgrounds with the exception of the playground at George C. Price Park. Below is a list of the playgrounds replaced over the last several years.

- Sherman Park (replaced in 2019)
- L.G. Griffin Park (replaced in 2018)
- Kauffman Park (replaced in 2018)
- Double U Drive Park (replaced in 2016)
- 4th Street Park (replaced in 2016)
- Brashear Lake (replaced in 2016)
- City Park Awning #2 (replaced in 2014)
- Lobo Lake (replaced in 2013)
- Country Club (replaced in 2012)
- George C. Price Park (in need of replacement)**

When we began discussing the replacement of the playground at George C. Price Park, the Levelland Christian School (LCS) approached us about the playground as they have a need for a playground at the LCS. Because LCS is a non-governmental entity, we cannot donate the playground to the LCS. However, if they can provide something of value to the City then we can enter into an agreement with the LCS to dispose of the playground. In this case, there is a cost to the City in removing and disposing of the playground. The LCS has offered to pay for the removal of the playground which would save the City time and money in disposing of the playground. The LCS could then in turn utilize the playground how they see fit.

At this time, based on our conversations with the LCS, we believe they have raised enough funds to pay for the removal of the playground and to install it at their facility. Accordingly, staff is recommending that Council enter into an agreement with the LCS and allow them, at their cost, to remove the playground, which again, will save the City time and money.

Motion by Joe Bill Vardeman

Second by Jim Myatt

To approve agreement with Levelland Christian School regarding the disposal of playground equipment.

Motion passed unanimously.

SEVENTH ITEM OF BUSINESS:

Consider and take necessary action to award a bid for a front-end loader in the Sanitation Department.

The 2020-2021 Budget adopted by Council includes a new wheeled front-end loader for the Sanitation Department. As you know the Sanitation Department maintains and operates a variety of heavy equipment within the City and at the Levelland Landfill. This proposed wheeled loader is going to be located at the Levelland Landfill and is one of the key pieces of equipment that helps bring cover dirt closer to the landfill cells and assists in spreading the dirt and is used on a daily basis. The current loader is a 2007 Cat with 11,276 hours and was being used in the street department until 2015 when the Levelland Landfill opened and then transferred to the Sanitation Department. Because of the heavy use and wear to the loader, staff no longer feels that it is suitable to be at the landfill doing the required daily operations.

With that said, in an attempt to extend its useful life, we are recommending that the loader stay in Sanitation but be utilized at the Levelland Recycling Center. This loader will be kept at the transfer station where it is used to push waste down in the roll off containers. This increases the capacity of the roll offs, providing more room for citizens to dispose of waste and reducing the number of roll off hauls to the landfill that are made, which in turn reduces the City's cost of operating the transfer station.

The City currently has a 1997 John Deere backhoe loader that is at the Recycling Center and is being utilized to do what is mentioned above, but staff feels that this piece of equipment is now unsafe to operate with it having several issues, including bad hydraulics. Staff is recommending this backhoe to be a trade in for the proposed new wheeled loader which is included in the current bids.

Accordingly, we have received 3 official buy board quotes from companies that manufacture the type of wheeled loader we use. Those proposals are attached. When the trade in of the old backhoe is netted out, all proposals are within the budgeted amount of \$165,000 but staff recommends going with the lower bid from Yellowhouse Machinery in the amount of 145,000. The dealers also indicate that price increases can be expected if purchased at a later date.

The bids are summarized below.

<u>Wheel Loader Bid</u>	<u>Buy Board Price</u>	<u>Trade in</u>	<u>Net Bid</u>
Volvo L70H	\$170,357.00	\$6,000.00	\$164,357.00
Caterpillar 926M	\$167,500.00	\$10,000.00	\$157,500.00
John Deere 524P	\$155,000.00	\$10,000.00	\$145,000.00

Motion by Jim Myatt

Second by Max Ledesma

To authorize staff to purchase a wheeled loader for the Sanitation Department from Yellowhouse Equipment in the amount of \$145,000.00.

Motion passed unanimously.

EIGHTH ITEM OF BUSINESS:

Consider and take necessary action to authorize participation in the 2021 Regional Group Seal Coat Program.

For many years, the City of Levelland has participated in a regional seal coat program with several other cities in the region. By combining our individual seal coat projects into a single large project, we feel we have been receiving a better price due to the larger volume. Each year, about ten cities in the region enter an interlocal agreement for this program, and we are again asking Council to consider authorizing the City's participation in this regional program for 2021. Having an annual seal coat program has allowed us to extend the life of our streets. The program is organized by our engineering firm and the proper governmental procurement procedures are followed. Our current budget includes \$300,000 for this year's seal coat program.

Motion by Breann Buxkemper

Second by Jim Myatt

To authorize the City's participation in the 2021 Regional Group Seal Coat Program and authorize the Mayor and City Manager to execute all related documents

Motion passed unanimously.

NINTH ITEM OF BUSINESS:

Consider and take necessary action on Resolution No. 2021-07, adopting priorities for the 87th Legislative Session in Texas and authorizing City officials to advocate certain positions

As Council is aware, the 87th Legislative Session in the State of Texas has officially begun. In prior legislative sessions, city staff has kept up and followed legislation that impacts cities. Some of you, as well as staff, have communicated concerns to our State elected officials by meeting with them or writing to them. In addition, TML provides a series of webinars as well as a follow up meeting that staff as well as Council Members have attended in the past to track legislation that affects cities. Various department heads, through their respective professional associations have also been involved in the legislative process. Historically, the City of Levelland has done a good job of ensuring we maintain a voice at the State Capitol.

City Manager Erik Rejino would like to propose an additional step this year to ensure we look after the best interest of our community and our citizens. Over the past few months, Rejino has been working with several other cities in the region and well as the Texas City

Management Association to prepare for the upcoming legislative session. Many cities have already adopted or will be adopting a list of legislative priorities. In order to ensure that staff along with Council represent the City of Levelland appropriately during the legislative session this year, we have drafted a resolution with a list of legislative priorities.

Motion by Joe Bill Vardeman

Second by Breann Buxkemper

To approve Resolution No. 2021-07, adopting priorities for the 87th Legislative Session in Texas and authorizing City officials to advocate certain positions

Motion passed unanimously.

TENTH ITEM OF BUSINESS:

Consider and take necessary action on Resolution No. 2021-08 approving the surcharge related to Docket No. 49831 submitted by Southwestern Public Service Company

The Alliance of Xcel Municipalities (AXM) is made up of approximately 80 cities across West Texas and the Panhandle that are in the Southwest Power Pool and served by SPS. These cities, including Levelland, have original jurisdiction within their City to set electric rates. The AXM Steering Committee is made up of approximately 12 cities which help guide the direction of and represent all AXM cities, particularly in rate cases and negotiations. Levelland has a seat on the AXM Steering Committee.

On December 18, 2020, Southwestern Public Service Company (“SPS”) filed an application with the City and the Public Utility Commission of Texas (PUC) for approval to implement a net surcharge arising from its most recent base-rate case. The amount of SPS’s proposed surcharge is \$71 million and is to be implemented over a one-year period from April 1, 2021 through March 31, 2022.

SPS’s application to approve a surcharge is in accord with the agreement the parties, including the Alliance of Xcel Municipalities (“AXM”), reached during the 2017 rate case (“Wind-Farm Case”). The Wind-Farm Case is the proceeding filed in 2017 where the PUC approved SPS’s request to allow it to construct and operate the Hale and Sagamore wind facilities. In the Wind-Farm Case the parties agreed that in SPS’s next general rate case, SPS could seek to implement the rates finally approved in that general rate case.

At this time SPS is now looking to implement the new rates based on those proceedings.

Motion by Breann Buxkemper

Second by Max Ledesma

To approve Resolution No. 2021-08 approving the surcharge related to Docket No. 49831 submitted by Southwestern Public Service Company.

Motion passed unanimously.

ELEVENTH ITEM OF BUSINESS:

Convene into executive session in accordance with Texas Government Code §551.074 to deliberate the appointment, employment, evaluation, duties, discipline, or dismissal of a public officer or employee: City Manager

Mayor Pinner declared Council to be in Executive Session at 7:32p.m. She returned Council to regular session at 8:48p.m.

There being no further business the meeting was adjourned.

Respectfully Submitted,

Andréa Corley, City Secretary