

THE LEVELLAND CITY COUNCIL MET IN REGULAR SESSION ON MONDAY, THE 7th OF JUNE 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
Mary Engledow	Council Member	Present
Breann Buxkemper	Mayor Pro Tem	Present
Michael Stueart	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 Mayor Pro Tem Breann Buxkemper

Statements by Citizens:

There were statements by 7 citizens regarding the Sanctuary City for the Unborn, Brashear Estates, Juneteenth and Levelland Boys Baseball.

FIRST ITEM OF BUSINESS:

Consider and take necessary action to approve the minutes of the May 17, 2021 regular meeting and the May 21, 2021 special meeting.

Motion by Breann Buxkemper

Seconded by Jim Myatt

To approve the minutes of the May 17, 2021 regular meeting and the May 21, 2021 special meeting.

Motion carried unanimously.

SECOND ITEM OF BUSINESS:

Consider and take necessary action on Ordinance #1055 outlawing abortion within the City of Levelland and declaring Levelland as a Sanctuary City for the Unborn on a second and final reading.

At the last regular City Council meeting, Council approved Ordinance #1055, which outlaws abortion within the City of Levelland and declares Levelland as a Sanctuary City for the Unborn on a first reading. In order for the ordinance to take effect the ordinance will need to

be approved on a second and final reading. Following 10 days after the second reading, the ordinance will take effect.

Motion by Michael Stueart

Seconded by Breann Buxkemper

To approve Ordinance #1055 outlawing abortion within the City of Levelland and declaring Levelland as a Sanctuary City for the Unborn on a second and final reading

Motion carried unanimously.

THIRD ITEM OF BUSINESS:

Convene into executive session in accordance with Tex. Gov't Code §551.071 to seek the advice about pending or contemplated litigation, settlement offers or on matters in which duty of the attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Tex. Gov't Code Ch. 551 (Brashear Estates).

Mayor Pinner declared Council to be in Executive Session at 6:39p.m. She returned Council to regular session at 7:20p.m.

FOURTH ITEM OF BUSINESS:

Consider and take necessary action on disannexation request for Lots Numbers One (1) through Six (6) of the Brashear Estates, Levelland, Hockley County, Texas.

A request for disannexation by the property owners of the Brashear Estates for Lot Numbers One (1) through Six (6) was submitted to the City of Levelland.

Motion by Breann Buxkemper

Seconded by Jim Myatt

To grant the request for disannexation for Brashear Estates lots 1-6 and authorize staff to begin the process of disannexation.

Motion carried unanimously.

FIFTH ITEM OF BUSINESS:

Consider and take necessary action on a development agreement with Michaels Family Trust regarding the development of La Hacienda de los Marquez.

City staff has been working with the Mr. Mickey Michaels with the Michaels Family Trust to develop a development agreement addressing city infrastructure for La Hacienda de los Marquez.

Motion by Mary Engledow
Seconded by Jim Myatt
To table this agenda item
Motion carried unanimously.

SIXTH ITEM OF BUSINESS:

Consider and take necessary action on a request from Angela Campos regarding a variance in the hours of operation for the Levelland-Oxy Sports Complex for the Texas Blaze Softball tournament.

In the policies, regulations and contract for the Oxy Sports Complex, the hours of operations are set as follows: games scheduled on Sunday through Friday nights must be completed by 11:00 p.m. and games beginning on Saturday must be completed by 1:00 am on Sunday morning. Any deviation from these rules must be granted by the City Council.

To that end, Angela Campos, a local softball tournament director would like to host a “Midnight Madness” softball tournament at the Oxy Sports Complex July 9-11. It is a popular concept to play softball “all night long,” and it is certainly much cooler in the overnight hours. Ms. Campos has hosted this type of tournament at the Oxy Sports Complex on a few other occasions.

Motion by Breann Buxkemper
Seconded by Michael Stueart
To approve a variance in the Levelland-Oxy Sports Complex hours of operation for the Texas Blaze softball tournament to accommodate an overnight tournament on July 9th through July 11th, 2021.
Motion carried unanimously.

SEVENTH ITEM OF BUSINESS:

Consider and take necessary action on Resolution No. 2021-26 authorizing the submission of a grant application with the State of Texas for the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds.

On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law and established Coronavirus Fiscal Recovery Funds to provide support for state, local and tribal governments in responding to the impact of COVID-19. These funds build on and expand the support provided over the past year by programs such as the Coronavirus Relief Fund (CRF). As a non-entitlement unit of government (under 50,000 population), funds will be disbursed

from the Treasury Department to the State of Texas. The State is responsible for following a step-by-step guide provided by the Treasury Department to allocate and distribute these funds. ARPA provides that payments may be used to cover costs through four categories of eligible use:

- To respond to the public health emergency or its negative economic impacts
- To respond to workers performing essential work during the COVID-19 public health emergency
- For the provision of government services to the extent of the reduction in revenue due to COVID-19
- To make necessary investments in water, sewer, or broadband infrastructure

Unlike the CRF, the State is not allowed to further restrict the use of these funds at the local level. They must also follow a strict timeline in disbursing these funds; as such, we can expect to receive a portion of our allocated funds in the very near future. Initial estimates reflect \$2.94M in total funds for the city. Funds will be distributed in two tranches – 50% paid within 30 days of the state receiving it, and the other 50% distributed 12 months later.

Staff has been reviewing guidance, including the interim final rule, fact sheet, Treasury-issued FAQs, quick reference guide (attached), various webinars and other online education opportunities. We are evaluating infrastructure needs in conjunction with eligible grant fund uses to develop a plan that utilizes these funds for the greatest possible benefit of our citizens. Utilizing these funds for projects that would normally be debt-financed can save the citizens over \$700K in interest expense based on current interest rates.

At this time, we are asking Council for authorization to submit an application to make the funds available to Levelland.

Motion by Breann Buxkemper

Seconded by Jim Myatt

To approve Resolution No. 2021-26 authorizing the submission of a grant application with the State of Texas for the American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds. Department in the amount of \$52,400.

Motion carried unanimously.

EIGHTH ITEM OF BUSINESS:

Consider and take necessary action to select an accounting firm to provide audit services for the City of Levelland.

In January of this year, council authorized city staff to issue an RFQ for audit services in accordance with our fiscal policy. The deadline for submissions was May 14, 2021 and we received responses from six different firms. The previous audit RFQ only generated one

response, and staff was encouraged by both the quality and quantity of the current submissions. Evaluations were based on the following criteria:

A. Your Qualifications and Experience (30 points)

- Complete the Respondent’s Information and Signature Page (Attachment A).
- The auditor’s past experience and performance on comparable government engagements; include all municipal engagements within the last five years.
- The auditor’s past experience and performance with single audits of similar federal or state financial assistance programs.
- The quality of the auditor’s professional personnel to be assigned to the engagement and the quality of the auditor’s management support personnel to be available for technical consultation.
- Provide brief resumes of the personnel assigned to the engagement including the partner in charge of the audit team, the manager in charge of the onsite field work and the senior in charge of the onsite field work.
- The City currently uses Incode software. Computer expertise with same or compatible software.

B. Mandatory Elements (30 points)

- The auditor is an independent Certified Public Accountant licensed to practice in Texas.
- The auditor has no conflict of interest with regard to any other work performed by the firm for the City.
- The auditor must have the ability to conduct the audit in the timeframe required.
- The auditor must have a continuing professional education program in state and local government accounting, auditing, and financial reporting.

C. Audit Approach (30 points)

Set forth a work plan including an explanation of the audit methodology to be followed to perform the services required in this Request for Qualifications. Auditors are required to provide the following information on their audit approach:

- Proposed segmentation of the engagement.
- Level of staff and number of hours to be assigned to each proposed segment of the engagement.

- Sample sizes and the extent to which statistical sampling is to be used in the engagement.
- Extent of use of audit software in the engagement and approach to be taken in drawing audit samples for purposes of test compliance.
- Type and extent of analytical procedures to be used in the engagement.
- Approach to be taken in determining laws and regulations that will be subject to audit test work.
- Approach to the implementation of new GASB pronouncements.
- Approach to internal control structure understanding.

D. Your References (10 points)

Provide references for all key personnel/team members for similarly successful projects including the name of the agency, address, contact name, current telephone number, email address and a brief description of services provided (see Attachment B). Experience and/or references with similar public/private partnerships is preferred, but not required.

The scoring was conducted by the City Manager, Assistant City Manager, and Finance Director as these are the individuals that work the most with the auditors. The cumulative scoring results are as follows:

As a reminder, in a Request for Qualifications (RFQ), you must first select the most qualified firm. Then once you select the most qualified firm you negotiate a contract. The contract with the most qualified firm would be brought to Council for final approval at a future meeting.

Firm	Qualifications & Experience	Mandatory Elements	Audit Approach	References	Total
Park Fowler & Co - Corpus Christi, TX	23	30	25	9	86
Martinez, Rosario & Co - San Antonio, TX	22	30	25	7	85
CliftonLarsonAllen - Austin, TX	24	30	24	8	87
Bolinger, Segars, Gilbert & Moss - Lubbock, TX	28	30	29	10	97
Edgin, Parkman, Fleming & Fleming - Wichita Falls, TX	30	30	25	9	94
Haynie & Co - San Antonio, TX	21	30	26	2	78

Motion by Mary Engledow

Seconded by Michael Stueart

To select Bolinger, Segars, Gilbert and Moss as the most qualified firm for audit services.

Motion carried unanimously.

NINTH ITEM OF BUSINESS:

Consider and take necessary action on Resolution No. 2021-27 amending the fiscal year 2020-2021 budget.

It is common for projects to often times cross into multiple fiscal years. When developing a budget we do our best to anticipate the cost and timing of such major projects but often changes occur in the timing of projects. In addition changes during the year, such as grants that become available make amendments necessary. Below is a summary of the proposed budget amendments.

CESF Grant Fund: The Coronavirus Emergency Supplemental Fund was created as part of the CARES Act and provided funds for COVID-19 relief that were administered through the Office of the Governor. The City took the lead in coordinating the reporting of the county-wide allocated funds. The City has submitted and been reimbursed for all expenditures related to the CESF grant.

CRF Grant Fund: The Coronavirus Relief Fund was created as part of the CARES Act and provided funds for COVID-19 relief that were administered through the Texas Department of Emergency Management. Grant funds were allocated based on population, with 20% of funds received in advance and the remaining 80% paid on a reimbursement basis. Final expenses were required to be submitted via the grant management system by December 15, 2020. Given the shortened time frame, the City submitted police payroll for reimbursement to fully utilize our grant fund allocation. As other CRF-eligible expenditures were made, they were coded to the emergency management department.

Airport Fund: The airport was awarded a grant for an automated airport weather station (AWOS). The \$150,000 grant required a \$50,000 match, half of which came from the county, and half of which came from the city. The city holds royalty income from airport mineral rights in the general fund; these are the funds used for our portion of the match. The grant revenue account also reflects \$30,000 in grant funds that were allocated as part of the CARES Act.

Enterprise Fund: The city council made the decision last year to waive all online, phone and electronic payment fees that were charged to citizens utilizing these payment methods. Foot traffic has not returned to pre-pandemic levels, and this added customer service benefit has resulted in an increased number of non-cash payments. In addition to the transaction fee, we also incur credit card processing charges on any non-cash payments.

General Fund: The seal coat project that was supposed to take place in the spring of 2020 was delayed due to a supply chain interruption caused by the pandemic. Last year the council approved a budget amendment reflecting that these funds would not be spent in FY2020. This budget amendment will account for the 2020 seal coat project, which will occur along with the regularly scheduled 2021 project.

General Fund (continued): There are two public safety-related budget amendments included in the general fund. The first is to reflect a first responder grant awarded to the Police Department, along with related expenditures. The second is to reflect a donation by the Levelland Volunteer Fire Department, along with reduced vehicle repair and maintenance expenditures in the fire department, that offset the cost of the new brush truck. The remainder of the brush truck was paid for through the internal finance fund but did not require a budget amendment. The command unit came in under budget \$20,000 and the \$100,000 grant match for a grass truck was reallocated to purchase the new brush truck.

Non Expendable Trust Fund: In 2001, TCEQ/TNRCC required the city to put up a bond as part of a trust agreement pursuant to Texas landfill regulations. Citizens Bank of Kilgore released the bond to the city at maturity. It was placed in a separate fund pending termination of the trust agreement by TCEQ. This process was finalized in early May and this budget amendment reflects the release of the bond monies back to the enterprise fund.

Insurance Reserve Fund: This budget item was included in the general fund in the budget adopted by council. This amendment reflects the insurance reserve fund portion of the transaction.

Park Donation Fund: When the LCDC moved forward with Phase 1 of the City Park improvement plan, they wanted to expand the first phase to include restrooms. The LCDC provided additional funds, and at the same time asked if the city would be willing to add funds from the park donation fund to help fund these costs. City council approved this expenditure and related budget amendment.

Homeland Security Fund: The fire department applied for and received a grant from Homeland Security to purchase stabilization kits, breathable dry suits and Kevlar lift bags. This budget amendment reflects the grant expenditures and related grant reimbursements.

Texas Capital Fund: This amendment reflects wrap-up on the downtown sidewalk project, including payments to reimburse businesses for damages.

Hotel Occupancy Tax Fund: Council approved an application to the Texas Event Trust Fund to provide additional funding for the Clovis Horse Sale and the SPC NJCAA event. This budget amendment reflects the trust fund revenue, corresponding expense and application fee of \$1500 per event.

Motion by Mary Engledow

Seconded by Breann Buxkemper

To approve Resolution No. 2021-27 amending the fiscal year 2020-2021 budget.

Motion carried unanimously.

TENTH ITEM OF BUSINESS:

Consider and take necessary action on Resolution No. 2021-28, approving the second amendment to the Meredith Supply Agreement.

The Meredith Supply Agreement is the water supply agreement entered in the 1960s by CRMWA, the U.S. Bureau of Reclamation, and each of CRMWA's member cities. It provides for both water supply and repayment of the costs of construction of the Canadian River Project (the Project). The term of the agreement is from its execution until the federal debt is paid off. After that each member city has a vested right to renew or extend the contract for as long as Lake Meredith is capable of providing a useful water supply. The Project debt was paid off to the United States in 1999. Unfortunately, although CRMWA continued to provide the water supply, the contract was never extended.

That is the purpose of the Second Amendment – to extend the water supply contract for the useful life of the Project. No change in the terms of the water supply contract is being made other than extending the life of the agreement.

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve Resolution No. 2021-28, approving the second amendment to the Meredith Supply Agreement.

Motion carried unanimously.

ELEVENTH ITEM OF BUSINESS:

Discussion and necessary action regarding the presentation, orientation and training on city governance, policies and procedures and open meetings/public information.

In the past City Attorney Matt Wade has provided a combination of training regarding city governance as well as required trainings like open meetings and public information act training. Council discussed having Matt Wade conduct the training, and a time will be discussed and solidified for this training.

No Council Action Taken

TWELTH ITEM OF BUSINESS:

Discuss proper decorum of City Attorney at Council Meetings.

No Council Action Taken

There being no further business the meeting was adjourned at 7:57pm

Respectfully Submitted,

Andréa Corley, City Secretary