

THE LEVELLAND CITY COUNCIL MET IN A REGULAR MEETING ON MONDAY, THE 20<sup>th</sup> DAY OF JUNE 2022, 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
José Cavazos	Interim City Manager	Present
Andréa Corley	City Secretary	Present

The meeting was called to order at 6:01pm.

The Pledge was led by Mayor Barbra Pinner and the Invocation was given by Council Member Michael Stueart

*Statements by Citizens:*

There was a statement by one citizen regarding their support for the Levelland Police Department

**FIRST ITEM OF BUSINESS:**

*Consider and take necessary action to approve the minutes of the June 6, 2022, Meeting.*

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve the minutes of the June 6, 2022, Regular Meeting.

Motion carried unanimously.

**SECOND ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution No. 2022-25, canvassing the 2022 Runoff Election for Council Member District A and declaring the results of the election.*

A runoff election was held in the City of Levelland, Texas, on June 14, 2022, for the purpose of electing Council Members in District A for a two-year term ending in 2024.

By approving Resolution 2022-25, the City Council finds that said election was duly called; that notice of the election was given in accordance with law; and that the election was conducted in accordance with laws of the State of Texas and the Charter of the City of Levelland.

Summary Results Report  
CITY OF LEVELLAND DISTRICT A RUNOFF  
JUNE 14, 2022

OFFICIAL RESULTS  
COMBINED  
Hockley County

**Councilmember District A**  
Vote For 1

	TOTAL	VOTE %	Absentee	Early Voting	Election Day
Jim Myatt	103	52.28%	12	67	24
Devin Sonnenburg	94	47.72%	5	65	24



Motion by Mary Engledow

Seconded by Michael Stueart

To approve Resolution No 2022-25 canvassing the 2022 Runoff Election return to declare the result.

Motion carried unanimously.

**THIRD ITEM OF BUSINESS:**

*Consider and take necessary action to administer the Oath of Office Council Member District A*

The Oath of Office was administered to Jim Myatt, newly re-elected council member representing District A.

**FOURTH ITEM OF BUSINESS:**

*Receive an update regarding solid waste services within the municipality from Republic Waste Services.*

Gary McClendon from Republic Services updated Council on the progress made to improving services to the local garbage customers.

No Action Taken

**FIFTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve Resolution No. 2022-26 authorizing the submission of an application to the Events Trust Fund Program for the 2022 Clovis Horse Sales Breeder's Futurity.*

The Events Trust Fund Program was created by the Texas Legislature in order to encourage cities to attract sporting and other major events that will have a significant economic impact on not only a particular City but also the State of Texas. In summary, the program estimates the amount of State revenue that will be generated as a result of the event taking place in the State and in turn deposits that amount into a trust fund. In order to capitalize on the opportunity to receive the State funds the City must be willing to match 1/6<sup>th</sup> of the State amount to be contributed into the trust fund. The local match is based upon local sales tax rates being approximately 1/6<sup>th</sup> of the state sales tax rate. After the event has been successfully held, eligible expenses incurred in bringing and hosting the event can be reimbursed from the trust fund. While the City is required to provide a match equal to 1/6<sup>th</sup> of the state amount, the funds come back to the community hosting the event to offset expenses associated with the event. In addition, the event must be competitively bid, and the community must be competing with cities outside of Texas for the right to host the event in order for the event to be eligible.

The City of Levelland has utilized the Event Trust Fund Program on various occasions in the past. The City qualified for a trust fund in 2010 for the Babe Ruth World Series in which \$47,516 in state money was received and again in 2011 for the annual Little Dribbler's Tournament in which \$2,727 in state money was received. In 2015 and 2016 the State approved the establishment of an Event Trust for the NJCAA Half Marathon Classic and the NJCAA Outdoor Track and Field Championship for each event totaling \$26,233 in State funds. Most recently the City qualified for an Event Trust Fund in the amount of \$17,262 in state money for the 2020 Clovis Horse Sale and \$67,175 in state money for the 2021 NJCAA Men's and Women's Outdoor Track and Field Championship.

We are currently working with the Chamber of Commerce who is working with the Event Organizers of the 2022 Clovis Horse Sales Breeder's Futurity. The Event Trust Fund is one way we as a City can incentivize event holders to continue to host these events in our community.

With the various changes and increased scrutiny of the program and the program being moved to the Office of the Governor from the Texas Comptroller's Office, we have been working with Dr. Don Hoyte with TexasTrustFunds.com, a consultant, for assistance. The Lubbock Sports Authority, which uses the program regularly for various events, including various SPC events, has used this consultant during the application process. The fee structure for the consultant consists of a fee which is 10 percent of the state portion trust fund amount. The fee is only charged upon successfully receiving funds from the established trust fund. In the past utilizing the consultant has proven to be valuable as we have received several trust funds with his assistance. The largest part of being able to apply for funds is that of conducting an economic impact study.

The consultant fee can be paid for by utilizing the Hotel Occupancy Tax (HOT) funds to cover the consultant fee was discussed with the HOT committee. Utilizing the data that was given to the City and Chamber by the event organizer and submitting it to the State, the event can qualify for a trust fund in the amount of \$13,617 consisting of \$11,739 in State fund and \$1,878 in local funds. Keep in mind, when event expenses are submitted for reimbursement, the local funds come back to the community. Any unused local funds are reimbursed by the State.

By approving the resolution following, we will be able to move forward with applying for the Event Trust Fund for the 2022 Clovis Horse Sale. accept the Event Trust Fund from the State and execute an event support contract with the event holder. This event will be held in November of this year.

Motion by Mary Engledow

Seconded by Jim Myatt

To approve Resolution No. 2022-26 authorizing the submission of an application to the Events Trust Fund Program for the 2022 Clovis Horse Sales Breeder's Futurity

Motion carried unanimously.

**SIXTH ITEM OF BUSINESS:**

*Consider and take necessary action regarding the second of three one-year extension options available on our City Bank depository contract.*

Three years ago, the City advertised and accepted proposals from local banks to provide depository services to the City of Levelland. At that time, City Council approved a two-year depository agreement with City Bank, which included three one-year extension options. Our working relationship with City Bank, as well as the level of service provided by the bank, have been both efficient and effective. As such, staff is recommending that the City Council approve the second one-year extension to the depository contract.

As a reminder, the extension approved last year maintained the contract established under the RFQ, with an adjustment to the depository interest rate as follows:

90% of the TexPool 7 Day Net Yield adjusted monthly, with a floor of .25%

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve the second of three one-year extension options available on our City Bank depository contract.

Motion carried unanimously.

**SEVENTH ITEM OF BUSINESS:**

Update and Discussion on the services provided by LEADING EDG.

The LEDC has an agreement with Leading EDG. LEDC pays Leading EDG to Facilitate, Build, Consult, Educate, and Create with our Entrepreneurs at no cost to them. With that agreement we have a facilitator that visits the community in person once a week. Normally

every Thursday from 8:00 AM to 5:00 PM Taylor McAlpine is here in City Hall ready and able to help. While the Facilitator is in the community it gives our entrepreneurs an opportunity to meet face to face. The LEDC stays out of those conversations which creates a safe confidential environment for the entrepreneur.

The LEDC provides a physical space, equipped with phone, fax, copier, and internet services, for facilitator to meet with Entrepreneurs. Assist with the introduction and promotion of the program to the community. Provide feedback to Leading EDG on a quarterly basis.

No Action Taken.

**EIGHTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve an interlocal agreement with Lubbock Regional MHMR Center dba StarCare Specialty Health System for qualified mental health professional services mental to assist the Levelland Police Department*

In order to continue to provide services with the City of Levelland, an interlocal agreement has to be reviewed and approved by both the City of Levelland and StarCare yearly.

For the past several years the Levelland Police Department and the Hockley County Sheriff's Department have been working diligently to ensure mental health services are provided to the citizens of Levelland and Hockley County. Recently, both agencies have developed a Crisis Intervention Team Officer position to work hand and hand with our mental health provider (StarCare Special Health System). For the CIT program to be effective, it is imperative we continue to have a positive working relationship between both MHMR provider and our City.

Motion by Michael Stueart

Seconded by Mary Engledow

To approve an interlocal agreement with Lubbock Regional MHMR Center dba StarCare Specialty Health System for qualified mental health professional services mental to assist the Levelland Police Department.

Motion carried unanimously.

**NINTH ITEM OF BUSINESS:**

*Update and discussion on recommended changes to Chapter 9, Article 9.500, Zoning Regulations relating to the construction, design, size, placement and use of carports and authorizing publication of notice for public hearing.*

At a previous meeting Council established the Comprehensive Zoning Review 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. As was mentioned, in a previous meeting, 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. Beginning in March 2021 the Task Force held several meetings to discuss the different zoning topics to determine what changes should be made to the current zoning ordinances. The Task Force outlined their recommendations and passed them to the Planning and Zoning Commission for more in-depth study of each topic.

Carports located in the front yard setback: The Planning and Zoning Commission held a public hearing, two town hall meetings and a work session on this topic. The Commission recorded their recommendations and sent it to city attorney Matt Wade to draft the ordinance. Matt sent the draft back to the Planning and Zoning Commission for final approval. A second work session was held, and corrections were made to the draft and sent back to Matt for a final draft. Staff is asking City Council for approval to proceed with the process of creating an ordinance for carports in the front yard setback and authorizing for continuation of the legal process which requires a public hearing.

Motion by Mary Engledow

Seconded by Jim Myatt

To authorize publication of notice of public hearing for Chapter 9, Article 9.500, Zoning Regulations relating to the construction, design, size, placement and use of carports.

Motion carried unanimously.

#### **TENTH ITEM OF BUSINESS:**

*Consider & take necessary action on amending Appendix A, Fee Schedule, Article 8.000 of the Code of Ordinances regarding permit fees for mobile units/food trucks.*

As mentioned in the previous agenda item, at a previous meeting Council established the Comprehensive Zoning Review 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. As was mentioned, in a previous meeting, 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. Beginning in March 2021 the Task Force held several meetings to discuss the different zoning topics to determine what changes should be made to the current zoning ordinances. The Task Force outlined their recommendations and passed them to the Planning and Zoning Commission for more in-depth study of each topic.

Creating a food truck ordinance and food truck permit fee change: The Planning and Zoning Commission held a public hearing, two town hall meetings and a work session on this topic. At the work session, it was determined to gather more information and have a second work session. It was also determined that the permit fees schedule should be amended as soon as possible. The recommended permit fee changes were sent to city attorney Matt Wade. Staff is asking City Council for approval to proceed with the process to create a food truck ordinance and approval to proceed with the process of amending the food truck permit fee schedule.

Motion by Mary Engledow

Seconded by Jim Myatt

To authorize moving forward with amending Appendix, A, Fee Schedule, Article 8.000 of the Code of Ordinances regarding permit fees for mobile units/food trucks.

Motion carried unanimously.

**ELEVENTH ITEM OF BUSINESS:**

*Convene into executive session in accordance with Texas Gov't Code, Section 551.087, to discuss or deliberate regarding commercial or financial information that the city council has received from a business prospect that the city council seeks to have locate, stay, or expand in or near the City of Levelland and with which the city council is conducting economic development negotiations; and to deliberate the offer of a financial or other incentive to such business prospect. (Levelland Industrial Rail Park; Diamond Ethanol/HET Levelland, LLC)*

Mayor Pinner declared Council to be in Executive Session at 6:51pm. She returned Council to regular session at 7:28pm.

**TWELFTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve an agreement with Diamond Ethanol, LLC for the sale of treated effluent water.*

Diamond Ethanol, LLC is considering moving forward with getting the ethanol plant back into production; to do this, the ethanol plant must have a water supply. City Council passed Resolution 2022-15 in March of this year, authorizing the City Manager to negotiate mutually agreeable contractual terms regarding the sale of treated sewage effluent water to Conestoga. We are now bringing this agreement to City Council for consideration.

Following this memo, you will find a copy of the “Treated Sewage Effluent Water Supply Agreement” between the City of Levelland, Texas and Diamond Ethanol, LLC. Highlights of the agreement are as follows:

- The City will sell and deliver up to 500,000 gallons of treated sewage effluent water per calendar day
- An optional additional quantity of up to 300,000 additional gallons of treated sewage effluent water per calendar day, provided the City determines that this additional amount does not jeopardize the operations of the Treatment Plant
- The treated sewage effluent water will be sold to Conestoga at a rate of twenty-five cents (\$0.25) per 1,000 gallons
- The treated sewage effluent water will be delivered from Pond 3 of the Treatment Plant.
- Regardless of use, Diamond will pay for a minimum of 182,500,000 gallons per contract year
- Return water delivered to the City’s Treatment Plant will be billed to Diamond Ethanol at a rate of \$3.79 per 1,000 gallons for the first 300,000 gallons per day.
- A one-time payment from Diamond Ethanol to the City in the amount of \$320,000, due on or before the effective date of the agreement, to provide for Treatment Plant improvements necessary and due, in part, to the City receiving return water
- The agreement is in force for 15 years from the date Diamond first takes treated effluent water from the Treatment Plant

Motion by Breann Buxkemper

Seconded by Mary Engledow

To approve an agreement for the sale of treated effluent water to Diamond Ethanol/HET Levelland, LLC, pending approval by HET Levelland, LLC.

Motion carried unanimously.

There being no further business, the meeting was adjourned at 7:30pm.

Respectfully Submitted,

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Andréa Corley, TRMC  
City Secretary

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Barbra Pinner, Mayor