

THE LEVELLAND CITY COUNCIL MET IN A REGULAR MEETING ON MONDAY, THE 21<sup>ST</sup> DAY OF NOVEMBER 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
Brandon Anderson	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 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 November 7, 2022, regular meeting and the November 16, 2022, special meeting.*

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve the minutes of the November 7, 2022, regular meeting and the November 16, 2022, special meeting.

Motion carried unanimously.

**SECOND ITEM OF BUSINESS:**

*Consider and take necessary action on selecting one of 3 options prepared by Parkhill Engineers in their Preliminary Engineering Report for the design and construction of the Wastewater Treatment Plant and authorize City Staff to move forward with that option.*

At our workshop on November 16<sup>th</sup>, 2022, the third option added to the Preliminary engineering report done by Parkhill Engineers was presented. Daniel Albus presented 4 options to the Council.

The first one was to totally rehab our existing facility and that cost was \$23,790,131. In the long run, over 20 years, this would end up being our most expensive option because of the current sludge load that would have to be dealt with. Total cost for construction and operating for 20 years would be estimated at \$54,748,201.60.

The second option was the mechanical plant previously presented and the cost for this option was \$19,350,000. This option would require A “B” licensed Wastewater operator, but would create the most constant effluent product that would be the most marketable for current and future effluent sells through a 210-Reuse permit. Total cost for construction and operating for 20 years would be estimated at \$40,918,284,.80.

The third option presented was option 3 TCEQ which was presented as Daniel’s method of a Pond in Pond system that would comply with current TCEQ standards. The cost for this option was \$22,240,000. This option would require attaining 65 acres to comply with our land application rules in the permit. The effluent produced would not be as marketable because of higher BOD’s and less consistency and would have to be treated prior to sales. This option would be manageable with less labor. Total cost for construction and operating for 20 years would be estimated at \$40,538,464.40.

The final option presented was option 3 Fedler, this was with the design of the consultant used. The cost for this option was \$25,120,000. This Pond in Pond method would require a change in the TCEQ rules that Dr. Fedler is currently working with TCEQ on anyway. It would not require any additional acreage, but would add another holding reservoir, increasing the cost. The effluent produced would not be as marketable because of higher BOD’s and less consistency and would have to be treated prior to sales. This option would be manageable with less labor. Total cost for construction and operating for 20 years would be estimated at \$45,580,337.60

Motion by Michael Stuart

Seconded by Breann Buxkemper

To select Option 2- Mechanical Plant for design and construction of the Wasterwater Treatment Plant.

Motion carried unanimously.

### **THIRD ITEM OF BUSINESS:**

Consider and take necessary action on a negotiated Scope, Fee and Contract with Parkhill Engineers for engineering services for the design, pricing, bidding and construction of Wastewater Treatment Plant.

Parkhill has worked with City Staff and jointly presented to Council a negotiated contract for Parkhill Engineering Services to move forward with the Wastewater Treatment Plant Option chosen in Item # 2 on the Agenda. (Option 2- Mechanical Plant).

The contract, in its entirety will be filed by the City Secretary. Below is a snapshot of Exhibit I, which reflects the engineering costs associated with the chosen option.

**EXHIBIT I—PAYMENTS TO ENGINEER FOR SERVICES AND REIMBURSABLE EXPENSES**

**ARTICLE 1—COMPENSATION FOR BASIC SERVICES—LUMP SUM**

Article 2 of the Agreement is supplemented to include the following Exhibit I Paragraph 1.01:

1.01 Compensation for Basic Services (other than Resident Project Representative)—Lump Sum Method of Payment

A. Owner shall pay Engineer for Basic Services set forth in Exhibit A (except for Resident Project Representative services, if any) as follows:

1. A Lump Sum amount based on the following estimated distribution of compensation:

a.	Basis of Design	\$180,000
b.	Preliminary Design Phase	\$686,250
c.	Final Design Phase	\$1,058,750
d.	Bidding and Negotiating Phase	\$75,000
e.	Construction Phase	\$350,000
f.	Resident Project Representative	\$615,000
g.	Additional Services	\$375,000
	i. Geotechnical	\$45,000
	ii. Construction Testing	\$135,000
	iii. Surveying	\$40,000
	iv. Permitting	\$45,000
	v. Post-Construction	\$70,000

Motion by Breann Buxkemper

Seconded by Mary Engledow

To approve Scope, Fee and Contract with Parkhill for design and construction of Wastewater Treatment Plant Option 2- Mechanical Plant.

Motion carried unanimously.

**EIGHTH ITEM OF BUSINESS:**

**Mayor Barbra Pinner opted to convene into Executive Session at this time, as opposed to waiting until the final agenda item:**

*Convene into executive session in accordance with Tex. Gov't Code §551.072 for deliberation regarding real property: Wastewater Treatment Plant Farm Operation Lease, Mainstreet Office Location proposal.*

Mayor Pinner declared Council to be in Executive Session at 6:48pm. She returned Council to regular session at 8:18pm.

**FIFTH ITEM OF BUSINESS:**

*Consider and take necessary action to award a contract for the lease of the Wastewater Treatment Plant Farm Operation.*

A portion of our Wastewater Treatment Plant includes a 546-acre farm on which we dispose of the treated effluent water through irrigation. This farm is part of our treatment operation and permit through the Texas Commission on Environmental Quality (TCEQ), and as such must be operated in accordance with that permit.

Accordingly, the City has a lease agreement with JMB Cattle Company which utilizes the land to graze cattle. While this is an appropriate use of the farm, keep in mind that the primary purpose of the farm and the lease is to dispose of the effluent water through irrigation. The process on how that is done is heavily regulated by TCEQ.

With that said, on October 17<sup>th</sup> City Council authorized staff to issue a Request for Proposals to acquire the lease on the wastewater farm. Proposals for the wastewater farm lease were due back to the City on November 17<sup>th</sup>. There were many inquiries on the Request for Proposals, but only two proposals were received. JMB Cattle Company, Inc., which is currently leasing the wastewater farm and Jeffcoat Cattle Company, LLC, both submitted proposals as follows:

- JMB Cattle Company  
A cash lease of \$45,000 for the entirety of the 3-year lease agreement.
- Jeffcoat Cattle Company  
A cash lease payment of \$61,500 with a first-year payment of \$30,915 to work on overall maintenance issues of Wastewater Farm caused by prairie dogs and resume payment of the proposed lease payment of \$61,500 per year for the following two years.

After assessing the proposals in detail staff is confident that either proposal that Council accepts will benefit the operation. In addition, if Council chooses Jeffcoat Cattle Company, the plan would be to potentially fund the expense from the enterprise fund.

Councilman Myatt recused himself from the discussion and deliberation on this matter, and filed an Affidavit of Recusal on the basis of being related to one of the parties within a prohibited degree of consanguinity (blood) or affinity (marriage).

Motion by Michael Stueart

Seconded by Breann Buxkemper

To award the Wastewater Treatment Plant Farm Operation Bid to JMB Cattle Company.

Motion carried unanimously, on a 3-0 vote.

**FOURTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve City of Levelland 2023 Staff Holiday Schedule.*

Internally we have been discussing the City of Levelland Holiday Schedule. We currently have 10 paid holidays per year with 9 designated and one floating holiday to be used when needed. You can see the 3 proposed options in the spread sheet labeled Option 1, Option 2 and Option 3. Also, for reference you can see the current holiday schedules for other towns and entities near us. This is a policy change and technically falls under the direction of the City Manager but we would be paying out holiday pay in some departments consistent with current policy, so it does have a financial cost associated.

I believe with our inability to give a cost of living raise this past year that this would be a morale booster and would also assist some single parents with daycare concerns because of day care holidays. This was presented to Department Heads for review prior to bringing forward to Council.

Motion by Jim Myatt

Seconded by Mary Engledow

To add Martin Luther King, Jr Day as a staff holiday and to allow staff an additional floating holiday.

Motion carried unanimously.

**SIXTH ITEM OF BUSINESS:**

*Consider and take necessary action on an application and Resolution 2022-43 for participation in the Local Government Investment Cooperative (LOGIC), a public funds investment pool organized under the Texas Interlocal Cooperation Act and the Texas Public Funds Investment Act.*

Our financial advisors, Hilltop Securities, have two public funds investment pools. Like TexasClass and TexPool, these pools operate under the Public Funds Investment Act (PFIA) of the Texas Government Code.

The ability to participate in these pools would provide additional investment options as we experience market fluctuations. TexStar has a current rate of 3.6077% and LOGIC has a current rate of 3.9984% (as of close of business on 11/15/2022).

Motion by Breann Buxkemper

Seconded by Mary Engledow

To approve Resolution 2022-43 authorizing an application for participation in the Local Government Investment Cooperative (LOGIC), a public funds investment pool organized under the Texas Interlocal Cooperation Act and the Texas Public Funds Investment Act.

Motion carried unanimously

**SEVENTH ITEM OF BUSINESS:**

Consider and take necessary action on an application and Resolution 2022-44 for participation in the Texas Short Term Asset Reserve Program (TexSTAR).

This agenda items was covered in the Memo from the preceeding agenda item.

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve Resolution 2022-44 authorizing an application for participation in the Texas Short Term Asset Reserve Program (TexSTAR).

Motion carried unanimously.

There being no further business, the meeting was adjourned at 7:52pm.

Respectfully Submitted,

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Andréa Corley, TRMC  
City Secretary

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Barbra Pinner, Mayor