

THE LEVELLAND CITY COUNCIL MET IN REGULAR SESSION ON MONDAY, THE 21ST OF JANUARY 2019 AT LEVELLAND CITY HALL, R. O. DENNIS COUNCIL CHAMBERS, 1709 AVENUE H, WITH THE FOLLOWING MEMBERS PRESENT:

Barbra Pinner	Honorable Mayor	Present
Jim Myatt	Councilmember	Absent
Max Ledesma	Mayor Pro-Tem	Present
Breann Buxkemper	Councilmember	Present
Joe Bill Vardeman	Councilmember	Present
Matt Wade	City Attorney	Present
Erik Rejino	City Manager	Present
Beth A. Walls	City Secretary	Present

Pledge of Allegiance and Invocation was given by Mayor Pinner and Erik Rejino.

Statements by Citizens: None

FIRST ITEM OF BUSINESS:

Consider and take necessary action to approve the minutes of the January 7, 2019 meeting.

Motion by Breann Buxkemper
Seconded by Joe Bill Vardeman
To approve minutes of the January 7, 2019 meeting.
Motion carried unanimously.

SECOND ITEM OF BUSINESS:

Consider and take necessary action on Resolution 2019-02 to order and establish procedure for the May 2019 City of Levelland General City Election.

The City of Levelland general election date will be Saturday, May 4, 2019. Resolution No. 2019-2 calls for a General Election for the election for one Council member from District B and one from District D. The resolution addresses the filing dates for the candidates, early voting, designated polling place, dates and times.

Motion by Joe Bill Vardeman
Seconded by Breann Buxkemper
To approve Resolution 2019-02 to order and establish procedure for the May 4, 2019 City of Levelland General City Election.
Motion carried unanimously.

THIRD ITEM OF BUSINESS:

Consider and take necessary action on Ordinance # 1038, on all matters incident and related to calling on a certain proposition on reauthorization of a one-fourth of one percent sales and use tax for the maintenance and repair of Municipal Streets, on the first and final reading.

At the last meeting Council discussed the Street Maintenance Sales Tax and decided to place its reauthorization on the May ballot. The Sales Tax is effective for four (4) years and expires at the end of October of this year. If reauthorized by the voters, the sales tax would be in place for another four (4) years.
City Attorney Matt Wade read Ordinance # 1038.

Motion by Breann Buxkemper
Seconded by Max Ledesma
To approve Ordinance # 1038, on all matters incident and related to calling on a certain proposition on reauthorization of a one-fourth of one percent sales and use tax for the maintenance and repair of Municipal Streets, on the first and final reading.
Motion carried unanimously.

FOURTH ITEM OF BUSINESS:

Consider and take necessary action regarding a Hotel Occupancy Tax funds request for the Texas Limousin Association.

The Tourism & Lodging Committee considered requests to increase HOT funds for an upcoming event within the community. During the meeting, the committee recommended that the Texas Limousin Association that is currently budgeted for \$3,000 be increased to \$4,000. This event is held in Levelland every other year and is currently budgeted for the amount of \$3,000 and the event is requesting \$4,500. Because of room nights not increasing, the committee is suggesting we stay with the \$4,000 like the prior year.

Motion by Joe Bill Vardeman

Seconded by Breann Buxkemper

To approve the recommendation by the Tourism & Lodging Committee to increase funding from the Hotel Occupancy Fund in the amount of \$4,000 to support the Texas Limousin Association.

Motion carried unanimously.

FIFTH ITEM OF BUSINESS:

Hold a public hearing to consider an amendment to the Levelland Zoning Code authorizing the use of game rooms and amusement redemption machines as a permitted as permitted use in industrial zones within the City of Levelland.

Mayor Pinner opened the public hearing at 7:15pm and opened the floor for comment. Hearing none, she closed the hearing at 7:15 pm.

SIXTH ITEM OF BUSINESS:

Consider and take necessary action on Ordinance # 1039 approving an ordinance amending Article 9.514 authorizing the use of game rooms and amusement redemption machines as a permitted use on a first reading.

In October of this past year Council adopted an ordinance that added article 4.1400 “Game Rooms and Amusement Redemption Machines” to our code of ordinances. From time to time we run across items or requests that are not referenced in our code of ordinances and Game Rooms was one of them. Last year we had a request from someone looking to open a “Game Room” in downtown Levelland, which they did. Since then we have also had an additional Game Room open on College Ave. These types of businesses have amusement redemption machines and many cities along with the state provide a certain level of regulation to these types of businesses. An amusement redemption machine is defined as the following:

Any electronic, electromechanical or mechanical contrivance designed, made and adapted solely for bona fide amusement purposes if the contrivance rewards the player exclusively with noncash merchandise, prizes, or novelties, or a representation of value redeemable for those items, that have a wholesale value available from a single play of the game or device of not more than ten times the amount charged to play the game or device once or \$5.00, whichever amount is less.

In reviewing our code of ordinances last year we found that there is very little guidance regarding Game Rooms. Accordingly, we asked City Attorney Matt Wade to look into our current code and make some recommendations on how to incorporate them into our code. Accordingly, in October the City Council adopted an ordinance that addressed the regulation and conduct of Game Rooms within the City of Levelland and established a licensing process. This is something that myself, Police Chief Albert Garcia, and our Chief Building Official, John Agnew, worked on with Matt to help protect the public health, safety, and general welfare of the citizens of Levelland.

At this time we are recommending another change to the City’s code of ordinances, specifically the zoning code to further address game rooms. City Attorney Matt Wade has drafted another ordinance that would authorize the use of game rooms and amusement redemption machines as a permitted use in the Industrial zoning district. As this is an amendment to the zoning code this ordinance went before the Planning and Zoning Commission. In addition, a public hearing was held before the P&Z on December 18th and the P&Z is recommending that Council adopt this ordinance.

By adopting this ordinance and allowing Game Rooms in Industrial Zones as a permitted use, future Game Rooms would be restricted from other zones such as the Central Business District and General Business Districts.

City Attorney Matt Wade read Ordinance # 1039.

Motion by Joe Bill Vardeman

Seconded by Breann Buxkemper

To approve Ordinance # 1039 approving amending Article 9.514 authorizing the use of game rooms and amusement redemption machines as a permitted use on first reading.

Motion carried unanimously.

SEVENTH ITEM OF BUSINESS:

Consider and take necessary action on Ordinance # 1040 approving an ordinance amending Article 4.1400 regulating the use operation of game rooms and amusement redemption machines on a first reading.

As mentioned previously in October the City Council adopted an ordinance that addressed the regulation and conduct of Game Rooms within the City of Levelland and established a licensing process. At this time we are recommending some additional amendments to that particular ordinance that Council adopted in October.

One of the proposed changes simply adds an additional fee if a permit must be reissued as a result of suspension. In October, Council established an annual license fee for game rooms of \$500. This is intended to cover the City's costs in inspecting and verifying that Game Rooms are compliant with our current code of ordinances. If a Game Room violates the ordinance the City may suspend their permit. In the case of a suspended permit, once they are back in compliance, another inspection would have to be conducted. While the City would have additional costs in allocating resources to do another inspection before reissuing the permit, our current ordinance does not have any additional fees associated with this cost. As a result we are recommending an additional fee to address this additional cost to the City.

In addition, we are also recommending that the City be allowed to deny a permit for a game room if they have had a conviction of violating a law including illegal gambling, money laundering, or a crime involving moral turpitude. We feel this is necessary to protect the best interest of the public. We currently do background checks on solicitors and if their background check shows issues related to solicitation violations in other communities we deny their permit and prevent them from causing similar issues to our residents.

The last change we are proposing is simply administrative in nature. Currently the annual license fee expires on December 31st of each year regardless of the time of year the permit is issued. For example, if a permit is issued December 1st, that permit would expire within 30 days. At that time the Game Room would be required to pay for another license fee and the City would be required to conduct another inspection. Our recommendation is to change the expiration of the annual license permit to the one year anniversary of the business instead.

Motion by Breann Buxkemper

Seconded by Max Ledesma

To approve Ordinance # 1040 approving an ordinance amending Article 4.1400 regulating the use operation of game rooms and amusement redemption machines on a first reading.

Motion carried unanimously.

EIGHTH ITEM OF BUSINESS:

Consider and take necessary action on Resolution 2019-04 authorizing the Levelland Economic Development Corporation to market certain real property assets of the City of Levelland as an incentive for soliciting economic development proposals to further economic development interests within the City.

The LEDC board met on Friday and agreed to market the property at the corner of S. 385 and Equalizer Road that the City owns as well as work with the City to issue a Request for Proposals for development on this piece of property that the City owns. This is obviously contingent on the City agreeing to move forward with this.

Motion by Joe Bill Vardeman

Seconded by Breann Buxkemper

To approve Resolution 2019-04 authorizing the Levelland Economic Development Corporation to market certain real property assets of the City of Levelland as an incentive for soliciting economic development proposals to further economic development interests within the City.

Motion carried unanimously.

NINTH ITEM OF BUSINESS:

Consider and take necessary action on Resolution 2019-03 authorizing the submission of a grant application to the Texas Parks & Wildlife Department Recreation Grants Branch, Recreational Trails Grant Program.

The Texas Parks and Wildlife Department (TPWD) administers the National Recreational Trails Fund in Texas under the approval of the Federal Highway Administration (FHWA). This federally funded program receives its funding from a portion of federal gas taxes paid on fuel used in non-highway recreational vehicles. Funds can be spent on both motorized and non-motorized recreational trail projects. Specific uses include construction of new recreational trails or the improvement of existing trails as well as trail facilities such as signs or benches.

In 2012 and again in 2014 the City received two grants totaling \$61,410 to complete a continuous walking trail on the west side of City Park. The most recent project was completed last year. After reviewing the Parks Department's capital improvement plan, we are proposing another trail grant project to renovate and concrete the existing Lobo Lake Trail on the West side and add an additional 874 linear feet to finish the walking trail on the East side of the lake. The project will consist of approximately 1,600 linear feet of 6ft wide 4-inch-thick concrete walking trail which is highlighted in yellow on the attached map. This would allow for a U-shaped walking trail at the Levelland Lobo Lake Park which would equate to 1,945 linear feet or approximately just shy of a half a mile. In addition, staff is proposing to add benches and trash receptacles to the replacement and expansion. The amount of grant being requested is \$ 61,200 with a local match of \$ 15,300 totaling to \$ 76,500 for the entire trail including benches and trash receptacles.

In 2010, the City updated the Park Plan which consisted of several public meetings as well as conducting surveys. The top three (3) priorities in the current park plan are as follows:

1. Addition and/or improvements to baseball and softball fields
2. Addition and/or improvements to soccer and football fields
3. Expansion and/or improvements to walking/jogging trails.

This grant program gives the City an opportunity to further address one of the top three priorities demonstrated in the Park Plan.

Motion by Breann Buxkemper

Seconded by Max Ledesma

To approve Resolution 2019-03 authorizing the submission of a grant application to the Texas Parks & Wildlife Department Recreation Grants Branch, Recreational Trails Grant Program.

Motion carried unanimously.

TENTH ITEM OF BUSINESS:

Consider and take necessary action on Ordinance # 1037 on a second reading granting to Lamb County Electric Cooperative right, privilege and franchise to conduct within the City of Levelland, Texas, an electrical lighting and power business.

City Attorney Matt Wade read Ordinance # 1037.

Motion by Joe Bill Vardeman

Seconded by Max Ledesma

To approve Ordinance # 1037 on a second reading granting to Lamb County Electric Cooperative right, privilege and franchise to conduct within the City of Levelland, Texas, an electrical lighting and power business.

Motion carried unanimously.

ELEVENTH ITEM OF BUSINESS:

Mayor Pinner announced that Council was going into Executive Session at 8:09 p.m.

Convene into executive session pursuant to Texas Gov't Code §551.071 to seek advice from legal counsel about pending or contemplated litigation, settlement offers or as required under the Texas Disciplinary Rules of Professional Conduct of the State of Texas when in conflict with Tex. Gov't Code Chapter 551 (Speedcrete Inc.)

TWELFTH ITEM OF BUSINESS:

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.

THIRTEENTH ITEM OF BUSINESS:

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 reconvened Council into open session at 8:20.

There being no further business the meeting was adjourned at 8:20 p.m.

Respectfully Submitted,

Beth A Walls, TRMC, IPMA-SCP, City Secretary