

THE LEVELLAND CITY COUNCIL MET IN REGULAR SESSION ON MONDAY, THE 18<sup>TH</sup> OF JANUARY 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 City Manager Erik Rejino

*Statements by Citizens:*

There were no statement by citizens

**FIRST ITEM OF BUSINESS:**

*Consider and take necessary action to approve the minutes of December 21, 2020 regular meeting*

Motion by Joe Bill Vardeman

Seconded by Breann Buxkemper

To approve the minutes of the December 21, 2020 regular meeting

Motion carried unanimously.

**SECOND ITEM OF BUSINESS:**

*Consider accepting the resignation of Council Member Vardeman - District D and related public service recognition.*

Councilman Vardeman will be moving soon and will no longer reside in Levelland. Accordingly, Councilman Vardeman has submitted his letter of resignation from the District D Council Position.

The City Charter prohibits Council from appointing someone and requires that the position be filled solely by the voters in an election. Since the upcoming General Election already includes Council District D and we are within 120 days from the next election, no special election is

needed to fill the vacancy. In addition, the Texas Constitution includes a section that allows an elected official serving in public office that has become ineligible to serve in that particular public office to serve as a “holdover officer,” until his or her successor takes office.

Motion by Breann Buxkemper

Seconded by Jim Myatt

To accept the resignation of Joe Bill Vardeman, Council Member District D.

Motion carried unanimously

**THIRD ITEM OF BUSINESS:**

*Consider and take necessary action regarding Fiscal Year 2019/2020 Audit.*

Tyler Kennedy, a representative from auditing firm, Bolinger, Segars, Gilbert & Moss, L.L.P., made a presentation regarding the Fiscal Year 2019/2020 audit. They reported a clean unqualified audit.

Motion by Breann Buxkemper

Seconded by Max Ledesma

To approve the Fiscal Year 2019/2020 Audit

Motion carried unanimously.

**FOURTH ITEM OF BUSINESS:**

*Consider and take necessary action to authorize staff to issue a Request for Qualifications for an accounting firm to provide audit services.*

In 2016, we issued a request for qualifications (RFQ) for audit services that covered a maximum five-year period. The fiscal year ending September 30, 2020 was the last year covered by this RFQ.

The prior RFQ was issued when the city’s prior auditors chose to discontinue conducting municipal audits. Our current auditors (Bolinger, Segars, Gilbert and Moss) have indicated that they are interested in continuing to serve as the City’s auditor. However, the fiscal policies that Council adopted in 2018 state that the City will not require auditor rotation, but will circulate a request for qualifications for audit services at least every five years.

Accordingly, we are requesting that council authorize staff to issue a new RFQ that would cover the fiscal year ending September 30, 2021 and up to four (4) subsequent years. At that time BSGM would have an opportunity to submit a proposal for the City to consider.

Motion by Breann Buxkemper

Seconded by Jim Myatt

To authorize staff to issue a Request for Qualifications for an accounting firm to provide audit services

Motion carried unanimously

**FIFTH ITEM OF BUSINESS:**

*Consider and take necessary action on the quarterly investment report for the quarter ending on December 31, 2020.*

Sarah Osburn, City of Levelland Director of Finance, presented the regular investment report for the quarter ended December 31, 2020. In accordance with the guidelines and strategies set forth in the City's Investment Policy, the Public Funds Investment Act and the Public Funds Collateral Act, only funds that are not needed for immediate use are invested.

The three primary objectives of the City's Investment Policy are listed below, in order of importance:

1. Safety
2. Liquidity
3. Yield

The City's investments meet the above objectives within state standards. Longer term investments are in certificates of deposit and are secured by bank-owned securities pledged by the bank to the City for the amounts in excess of FDIC coverage. These pledged securities are held by the bank's safekeeping agent. The City's investments in certificates of deposit are with local banks other than the City's depository bank, which assists the City in diversifying its cash position.

Interest rates remain low for both short-term pooled investments and certificates of deposit. We have a CD with First Bank and Trust (formerly Aim Bank) and Sundown State Bank. Sarah is hopeful we will see an improvement in the CD market within the next 12 months, and will be reaching out to local banking institutions in the coming weeks to evaluate investment options. The City is earning .65% on depository demand monies as of December 31, 2020.

Motion by Breann Buxkemper

Second by Jim Myatt

To approve the quarterly investment report for the quarter ending December 31, 2020

Motion passed unanimously.

**SIXTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution No. 2021-01 to order and establish procedure for the May 1, 2021 Uniform City of Levelland General City Election.*

The City of Levelland general election date will be Saturday, May 1, 2021

Resolution No. 2021-01 calls for a General Election for one Council member from District B, one from District D and for Mayor of the City of Levelland. The resolution also addresses the filing dates for the candidates, early voting, designated polling place, dates and times.

Motion by Joe Bill Vardeman

Second by Jim Myatt

To approve Resolution 2021-01 to order and establish procedure for the May 1, 2021 Uniform City of Levelland General City Election.

Motion passed unanimously.

**SEVENTH 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 – Resolution No. 2021-02.*

Council extended the current reopening order at the last meeting which keeps us in line with Governor Abbot’s current order, GA-32. The current order will need to be extended as it expires on January 18<sup>th</sup>. It is important to note that Governor Abbot has continued to extend the disaster declaration he put in place as well. City Manager, Erik Rejino, also provided Council with an update on the local current COVID-19 situation. Below is a summary of the regional hospital capacity and COVID-19 cases in the County.

<b>COVID-19 Case Summary</b>	
<b>01/12/2021</b>	
Total	1814
Recovered	1723
Deaths	89
Active	205

<b>Date:</b>	<b>COVID-19 Hospitalizations</b>
01/06/2021	20.57%
01/07/2021	20.69%
01/08/2021	18.87%
01/09/2021	19.31%

01/10/2021	20.24%
01/11/2021	20.71%
01/12/2021	19.00%

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.

Motion by Breann Buxkemper

Second by Jim Myatt

To approve Resolution 2021-02 extending the local disaster declaration.

Motion passed unanimously.

**EIGHTH ITEM OF BUSINESS:**

*Consider and take necessary action on a re-plat of lots 81-88 and 105-128, Holly Heights Addition, Labor 11, League 28 Hood County School Land, City of Levelland, Hockley County Texas including accepting designated rights-of-way as depicted in such re-plat.*

The City has been working with Shannon Himango and Damon Chase with SMMP, LLC regarding the expansion of the Holly Heights Addition Housing Subdivision. In 2006, the City along with the Tax Increment Reinvestment Zone No. 1 (TIRZ) Board entered into a development agreement to develop the Holly Heights Addition for single-family housing. At this time the lots that are available for development in this area are nearing an end as most of the lots have been developed.

Accordingly, we have been working with the developer and the TIRZ Board to help facilitate the development of more lots south of the current development as the developer also owns that land as well. At the end of last year, the TIRZ Board agreed to terms with the developer contingent on a final development agreement. One of the things that the TIRZ Board asked of the developer was to maximize the amount of lots in the project area. In an effort to maximize the amount of housing lots, the developer engaged a land surveyor and is now proposing a re-plat of the lots they would like to develop. Under the current plat, there are 24 lots in the project area while the re-plat now shows 30 lots adding an additional six (6) housing lots.

There are still a few steps left to finalize a development agreement with the developer to bring some additional housing lots online in the southern portion of the Holly Heights Addition. One of those steps is to consider and approve the revised plat. The revised plat is actually made up of an additional 40 lots instead of 30 as I referenced above. The initial project area with the developer will be for the eastern 30 lots. Once those are developed discussions on additional development will take place. The developer is dedicating additional right of way for Magnolia Street south of the development.

The Planning and Zoning Commission met this week and is recommending approval of the revised plat.

Motion by Breann Buxkemper

Second by Jim Myatt

To approve the re-plat of lots 81-88 and 105-128, Holly Heights Addition, Labor 11, League 28 Hood County School Land, City of Levelland, Hockley County Texas.

Motion passed unanimously.

**NINTH ITEM OF BUSINESS:**

*Consider and take necessary action on a development agreement regarding the expansion of the Holly Heights Addition Subdivision.*

City staff is in the process of working with SMMP, LLC and the TIF #1 Board regarding the expansion of the Holly Heights Addition Housing Subdivision. We are currently working through the development agreement with the developer and the TIF Board. The development agreement will spell out the TIF's contribution and the developer's contribution towards the necessary infrastructure to expand the Holly Heights Subdivision.

The business terms that are currently being discussed with the developer and the TIF Board are as follows:

- \$8,000 developer contribution per lot with \$6,500 up front and \$1,500 when a dwelling is built or a lot is sold.
- Developer commits to building at least five (5) residences per year.
- 30 Lots

At this time, we are still waiting on the final word from the developer. At that time, the TIF Board will meet to make a recommendation, as there is no recommendation at this time.

Motion by Joe Bill Vardeman

Second by Breann Buxkemper

To table voting on the development agreement regarding the expansion of the Holly Heights Addition Subdivision, until a recommendation has been put forth by the TIF Board.  
Motion passed unanimously.

**TENTH ITEM OF BUSINESS:**

*Consider and take necessary action on a request for Hotel Occupancy Tax Funds for the ENMU College Daze Rodeo Event.*

The Tourism & Lodging Committee considered and is recommending a funding request for the ENMU College Daze Rodeo Event.

The Lodging and Tourism Committee is recommending funding as follows:

**ENMU College “Daze” Rodeo**  
Event Date: March 18-19, 2021  
Location: Mallet Event Center & Arena  
Requested \$7,500  
2021 Suggested amount - \$1,000

Motion by Breann Buxkemper

Second by Jim Myatt

To approve a request for Hotel Occupancy Tax Funds for the ENMU College Daze Rodeo Event as recommended by the Lodging and Tourism Committee.

Motion passed unanimously.

**ELEVENTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution 2021-03 authorizing the establishment of a Comprehensive Zoning Review Task Force.*

Prior to the pandemic, we discussed the need to conduct a comprehensive review of our zoning code with the City Council and Planning and Zoning Commission (P&Z). 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 P&Z, I would like to propose that Council first establish a Comprehensive Zoning Review Task Force to help

identify the topics and issues that they would like for the P&Z and the Council to review regarding the zoning code.

Motion by Breann Buxkemper

Second by Jim Myatt

To approve Resolution No. 2021-03 authorizing the establishment of a Comprehensive Zoning Review Task Force.

Motion passed unanimously.

**TWELTH ITEM OF BUSINESS:**

*Consider and take necessary action on a resale property request for Lot Sixteen (16) and Seventeen (17), of the Northside Addition to the City of Levelland, Hockley County, Texas, (R10146), Corner of Washington and MLK, Levelland, TX 79336.*

The City has been working with Texas Communities Group (TCG). TCG's focus is to increase current tax values by addressing some of the city's lowest valued properties. They do so by focusing on dilapidated and abandoned structures, particularly properties that are back due on taxes and have liens. These properties often have demolition liens where the City demolished a substandard structure or a mowing lien where the property owner failed to address excess vegetation on their property and the City was forced to step in. These properties are also often past due on property taxes. TCG also helps market the current inventory of trust properties jointly owned by the taxing entities in an effort to get the properties back into compliance and back on the tax rolls.

We have another resale property that TCG has collected payment on which is the final property from the original sale we did with TCG. So far with TCG we have been able to sell 23 properties totaling \$22,730 and recently completed closing on seven abandoned properties that were seized for total of \$19,302.04.

A bid has been received on the remaining resale property, Lot Sixteen (16) and Seventeen (17), of the Northside Addition to the City of Levelland, Hockley County, Texas, (R10146), Corner of Washington and MLK, Levelland, TX 79336.

Motion by Joe Bill Vardeman

Second by Max Ledesma

To approve the resale property request for Lot Sixteen (16) and Seventeen (17), of the Northside Addition to the City of Levelland, Hockley County, Texas, (R10146), Corner of Washington and MLK, Levelland, TX 79336.

Motion passed unanimously.



**THIRTEENTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution No. 2021-04 granting water service outside the City limits of the City of Levelland to Ronnie Locklin at 1481 West Ellis Street, Levelland, Hockley County, Texas.*

We have received a request to provide water service to a residence outside the city limits. There are some items to take into consideration as Council considers this request. There are some similarities to the previous tap request but with one difference.

As you know, in 1981 the City Council established a policy of restricting outside city limits water taps. At that time the City Council recognized that not only does providing outside city water service encourage development outside the City's authority to regulate development and land use, it can also create a burden on the City's water distribution and supply system. The policy has helped control this and there have been few outside city water taps approved. The most significant occurred several years ago when the City Council partnered with the EPA on the water contamination plume west of town. At that time, the City agreed to allow residences and businesses affected by the plume to have outside city water service if the EPA paid to have water mains installed, which they did.

With that said, we have received a water service application from Mr. Ronnie Locklin requesting a tap at 1481 West Ellis Street. The main where this potential tap is going to be set is part of the system installed by the EPA to serve the locations to the west affected by the contamination plume from the old refinery. Since this water main runs along the South Side of Ellis Street, no additional expense is needed for asphalt repairs. The only improvement needed to our water system would be the water tap, which will be made by the City with the cost covered by the water tap fee charged to the customer which is \$1,100. Mr. Locklin has come in and paid for the tap already awaiting Council approval.

To summarize the information above, the City would not be out any funds and will not have to maintain any new water mains that we are not already maintaining and we would gain a new utility customer at 1 ½ times the regular utility rate since this lot is outside the City. In addition, we have more than adequate water supply to add another water utility customer while continuing to help with the remediation of the plume West of the City by furnishing potable water.

Motion by Breann Buxkemper

Second by Max Ledesma

To approve Resolution No. 2021-04 granting water service outside the City limits of the City of Levelland to Ronnie Locklin at 1481 West Ellis Street, Levelland, Hockley County, Texas.

Motion passed unanimously.

**FOURTEENTH 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 7:01p.m. She returned Council to regular session at 7:17pm.

There being no further business the meeting was adjourned.

Respectfully Submitted,

---

Andréa Corley, City Secretary