

THE LEVELLAND CITY COUNCIL MET IN REGULAR SESSION ON MONDAY, THE 1<sup>ST</sup> OF MARCH 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	Absent
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 Police Chief Albert Garcia

*Statements by Citizens:*

There were no statements by citizens

**FIRST ITEM OF BUSINESS:**

*Consider and take necessary action to approve the minutes of the February 15, 2021 regular meeting.*

Motion by Max Ledesma

Seconded by Jim Myatt

To approve the minutes of the March 1, 2021 regular meeting

Motion carried unanimously.

**SECOND 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. 2021-17.*

Council extended the current reopening order at the last Council meeting which keeps us in line with Governor Abbott's current order, GA-32. The current order adopted by Council expires on Monday March 15<sup>th</sup>. Being that Council may not meet before then, we are requesting that Council extend the order until later in the month. Below is a summary of the regional hospital capacity and COVID-19 cases in the County.

<b>COVID-19 Case Summary</b>	
<b>02/24/2021</b>	
Total	2051
Probable	267
Recovered	2216
Deaths	98
Active	4

<b>Date:</b>	<b>COVID-19 Hospitalizations</b>
02/17/2021	6.10%
02/18/2021	5.78%
02/19/2021	5.36%
02/20/2021	4.48%
02/21/2021	5.08%
02/22/2021	4.98%
02/23/2021	4.94%

On January 26th, for the first time in over three (3) months, regional COVID-19 hospitalizations dropped below the 15 percent threshold and have remained below that since then. Since Trauma Service Area (TSA) B has been below that threshold for more than seven (7) consecutive days, businesses which include restaurants, retail stores, office buildings, manufacturing facilities, gyms and exercise facilities and classes, and libraries were moved up to remain at a maximum of 75 percent occupancy levels.

Motion by Breann Buxkemper

Seconded by Max Ledesma

To approve Resolution No. 2021-17 extending the local disaster declaration.

Motion carried unanimously.

**THIRD ITEM OF BUSINESS:**

*Consider and take necessary action to approve a Joint Election Agreement between Hockley County and the City of Levelland.*

The 2021 General Election for the City of Levelland Council B and D districts will be May 1, 2021. Levelland ISD and South Plains College will also be having an election this year and requested that we do our elections jointly. The City will have two (2) contested Council Seats and the Mayor election slated for May 1<sup>st</sup>.

The County Election Administrator is responsible for conducting the election for all entities and this agreement states which party is responsible for each part of the election process.

Motion by Breann Buxkemper

Seconded by Jim Myatt

To approve the 2021 Joint Election Agreement between Hockley County and the City of Levelland.

Motion carried unanimously.

**FOURTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution No. 2021-11 approving a Landscape Maintenance Agreement with the Texas Department of Transportation.*

Last year, Keep Levelland Beautiful was awarded the Governor's Community Achievement Award in Category 4 population group (9,001-15,000). The award was in the amount of \$160,000 to be used towards a beautification and landscape project in the City of Levelland in TxDOT Right of Way. As a result Keep Levelland Beautiful has been working with TxDOT officials to select a location for the beautification and landscape improvements as well as to design the improvements.

Prior to the improvements occurring TxDOT requires that a Landscape Maintenance Agreement be executed between the City and TxDOT. The agreement basically states that TxDOT will provide for the landscape improvements so long as the City agrees to be responsible for all required maintenance of the landscape improvements.

Motion by Breann Buxkemper

Seconded by Max Ledesma

To approve Resolution No. 2021-11 approving a Landscape Maintenance Agreement with the Texas Department of Transportation.

Motion carried unanimously.

**FIFTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution No. 2021-12 granting water service outside the City limits of the City of Levelland to South Plains Church located at 1421 Cactus Drive, Levelland, Hockley County, Texas.*

We have received a request to provide water service to South Plains Church which is outside the city limits. There are several items to take into consideration as Council considers this request.

As you all 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 the number of new water taps outside the city limits with only a few being approved since 1981.

With that said, South Plains Church is requesting the City for a tap to service the church since they have recently found out that the water well that the church has onsite is limited in production for future use according to church staff and has begun to have sand related issues. One thing that South Plains Church mentioned was that they would only be using the city water for use inside the church and would not be used for any irrigation purposes. The location of South Plains Church has two existing water mains adjacent to the property and the mains have existing outside city limit customer taps on the water mains already. The policy that City Council put in place in 1981 was geared around protecting the City from having to invest in and maintain new infrastructure for a customer outside the city limits. As mentioned, this is not the case in this situation. South Plains Church is located at 1421 East Cactus in an unusual location which puts every property on the south side of East Cactus inside city limits and most of the properties on the North side of cactus outside city limits. Regarding the water tap, the customer would be responsible for the cost. Since there are two water mains adjacent to the property, the City will have to work with South Plains Church as to which one would be the most cost efficient for the City. One water main is on the north side of the property which has a large drainage ditch and on the south the city would have to cross East Cactus to provide service.

To summarize the information above, the City would not be out any additional infrastructure funds, the City 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 South Plains Church is outside the City. Regarding the 1981 policy on water supply, staff believes that we have more than adequate water supply to add another water utility customer, especially since it is only going to be used for potable water for the building only and not irrigation purposes.

Motion by Breann Buxkemper

Second by Jim Myatt

To approve a Resolution No. 2021-12 granting water service outside the City limits of the City of Levelland to South Plains Church located at 1421 Cactus Drive, Levelland, Hockley County, Texas.

Motion passed unanimously.

**SIXTH ITEM OF BUSINESS:**

*Consider and take necessary action to amend an interlocal agreement with the South Plains Association of Governments to provide grant administration services related to the Texas Community Development Block Grant Program Grant Contract No. 7220261.*

In August of 2018 the City Council approved an interlocal agreement with the South Plains Association of Governments (SPAG) to assist the City with submitting a grant application for the Texas Community Development Block Grant Program (TxCDBG), Community Development Program. The TxCDBG Program is the small cities portion of the national Community Development Block Grant programs funded by the United States Department of Housing (HUD) and Urban Development (HUD). Large cities, such as Lubbock, are awarded funds each year directly from HUD and are called Entitlement Cities. However, for smaller cities (under 50,000 populations) the funds are awarded to the state which passes them on to the small cities. The small city funds are very limited so the state takes competitive applications every two years. City staff worked with SPAG and the City submitted a grant application in 2018.

The grant request to the state was in the amount of \$275,000 to assist with replacing a water line on 8<sup>th</sup> Street from Ave H to West Avenue that is in need of replacement as well as some repair to the manholes in the area. Earlier this month the City received a grant contract and the Mayor has executed and accepted the grant award. At this time we are ready to begin moving forward with the initial steps of administering the grant award. One of the first steps is to amend the interlocal agreement with SPAG to allow them to work with City staff and administer the grant on our behalf. SPAG has a great deal of expertise when it comes to the TxCDBG Program and has successfully administered several TxCDBG grants for the City along with others.

The fee associated with SPAG administering the grant is \$27,000 and will be paid for from the \$275,000 grant award. Below is a full summary of the grant budget.

**BUDGET**

**CITY OF LEVELLAND**

<u>Project Activities</u>		<u>Contract Funds</u>	<u>Other Funds</u>	<u>Total Funds</u>
03J	Water/Sewer Improvements - Total	\$248,000	\$67,375	\$315,375
	Water/Sewer Improvements-Construction	\$200,875	\$55,000 <sup>1</sup>	\$255,875
	Water/Sewer Improvements-Engineering	\$47,125	\$12,375 <sup>1</sup>	\$59,500
21A	General Program Administration - Total	\$27,000	\$0	\$27,000
<b>TOTALS</b>		<b>\$275,000</b>	<b>\$67,375</b>	<b>\$342,375</b>

Source of Other Funds:

1 – General Fund, City of Levelland (\$67,375)

Motion by Breann Buxkemper

Second by Max Ledesma

To approve an amendment to an interlocal agreement with the South Plains Association of Governments to provide grant administration services related to the Texas Community Development Block Grant Program Grant Contract No. 7220261.

Motion passed unanimously.

**SEVENTH ITEM OF BUSINESS:**

*Consider and take necessary action to enter into an agreement with Parkhill, Smith, & Cooper, Inc. for engineering services for the City of Levelland Community Development Block Grant Award No. 7220261.*

In August of 2018 the City Council authorized the issuance of a Request for Qualifications (RFQ) in order to begin the process to secure an engineer for the Texas Community Development Block Grant project (CDBG). The project consisted of replacing a portion of water line on 8<sup>th</sup> Street and line older brick and mortar manholes in the area. Following the RFQ process, in September of 2018 Council selected Parkhill to provide engineering services related to the project. Accordingly, Parkhill worked with staff and SPAG to assist with preparing documents for the grant application.

As part of the RFQ process, Council appointed a selection review committee. The committee reviewed and scored each of the proposals received, selecting Parkhill as the most qualified based on the rankings listed below. The breakdown of how each firm scored in each scoring category is in the chart below.

<b>Engineering RFQ Tabulation Sheet by Scoring Category</b>				
	Experience:	Work Performance:	Capacity to Perform:	Totals:
Freese and Nichols	214	89	55	<b>358</b>
OJD Engineering	191	68	48	<b>307</b>
Enprotec, Hibbs, & Todd	208	83	54	<b>345</b>
Parkhill, Smith, & Cooper, Inc.	235	93	59	<b>387</b>

As we mentioned previously, we have now received and executed the grant award to move forward with the project. One of the next steps to move forward with designing the project so we can go out for construction bids is approve the engineering agreement with Parkhill to provide design and construction oversight services of the infrastructure improvements.

Motion by Breann Buxkemper

Second by Max Ledesma

To approve an agreement with Parkhill, Smith, & Cooper, Inc. for engineering services for the City of Levelland Community Development Block Grant Award No. 7220261.

Motion passed unanimously.

**EIGHTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution No. 2021-13 designating authorized signatories for contractual documents for requesting funds pertaining to the City of Levelland Community Development Block Grant Award No. 7220261.*

The first step in setting up the administrative team required to administer the TxCDBG grant award downtown is for Council to designate the officials authorized to execute official documents associated with the project. The Resolution following this memo will designate the same officials we have historically used for past projects which include the Mayor, City Manager, Assistant City Manager, and the City Secretary.

Motion by Breann Buxkemper

Second by Jim Myatt

To approve Resolution No. 2021-13 designating authorized signatories for contractual documents for requesting funds pertaining to the City of Levelland Community Development Block Grant Award No. 7220261

Motion passed unanimously.

**NINTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution No. 2021-14 adopting and reaffirming polices associated with the City of Levelland Community Development Block Grant Award No. 7220261.*

Another step in meeting the grant administrative requirements is to reaffirm certain policies which the City already has in place and to designate certain local officials to fulfill administrative duties associated with the grant. For this project, since we are contracting with the South Plains Association of Governments for administration of the grant, we are proposing to designate the

Motion by Breann Buxkemper

Second by Max Ledesma

To approve Resolution No. 2021-14 adopting and reaffirming polices associated with the City of Levelland Community Development Block Grant Award No. 7220261.

Motion passed unanimously.

**TENTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution No. 2021-15 authorizing the submission of a grant application with the Homeland Security Grants Division of the Office of the Governor for a State Homeland Security Grant.*

Throughout the years the City of Levelland has utilized the State Homeland Security Grant Program (SHSP) to help equip and train the Regional Search and Rescue Team. The SHSP is a core assistance program in the Office of the Governor that provides funds to build and/or maintain capabilities at the state and local levels that prevent and address terrorism and other catastrophic events that may occur. The SHSP is funded by the U.S. Department of

Homeland Security and requires no local match. Funds are allocated to the Office of the Governor and from there funds are allocated to each region. The SPAG region receives an allocation each year from the State.

Fire Chief Bill Durham and Emergency Management Coordinator Cole Kirkland have been working on a grant application for the SHSP to request \$17,773. These funds will be utilized to fund the replacement of the existing camera system for the Mobile Operations Vehicle which is utilized to maintain situational awareness during emergency incidents and serves as the incident command often times during emergency situations. The grant program does not require a local match.

Motion by Max Ledesma

Second by Jim Myatt

To approve Resolution No. 2021-15 authorizing the submission of a grant application with the Homeland Security Grants Division of the Office of the Governor for a State Homeland Security Grant.

Motion passed unanimously.

**ELEVENTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve the 2020 Annual Police Racial Profiling Report.*

Chief Garcia presented the annual racial profiling report

Motion by Breann Buxkemper

Second by Jim Myatt

To approve the 2020 Annual Police Racial Profiling Report.

Motion passed unanimously.

**TWELTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve the 2020 Annual Police Activity Reports.*

Chief Garcia presented the annual police activity report

Motion by Jim Myatt

Second by Breann Buxkemper

To approve the 2020 Annual Police Activity Reports.

Motion passed unanimously.

**THIRTEENTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution No. 2021-16 suspending Southwestern Public Service Company's proposed effective date in connection with its statement of intent to increase its base-rate revenue.*

On February 8th, Southwestern Public Service Company (SPS) filed with the City and the Public Utility Commission of Texas ("PUCT") an application to increase its base revenues by approximately \$143.3 million, which represents an increase in base revenue of about 23% compared to its current base revenue. Including fuel factor, energy efficiency cost recovery factor, and rate case expense rider revenues, SPS's proposal is an increase of \$79 million, which equates to an overall increase of 9.2%.

SPS requests an effective date of March 15, 2021, for its proposed increase in rates. The City, however, has the authority to suspend the effective date by a total of 135 days. The AXM Steering Committee held a conference call recently with AXM legal counsel, Herrera & Boyle, PLLC, to discuss the direction to take on SPS' recent application to increase rates. After reviewing information with legal counsel the AXM Steering Committee agreed to recommend that the AXM Steering Committee cities adopt the a suspension resolution which follows this memo. The resolution will prevent SPS' proposed rates from going into effect on March 15<sup>th</sup> and will allow AXM cities' Special Counsel and experts to evaluate SPS' proposed increase.

Motion by Breann Buxkemper

Second by Max Ledesma

To approve Resolution No. 2021-16 suspending Southwestern Public Service Company's proposed effective date in connection with its statement of intent to increase its base-rate revenue.

Motion passed unanimously.

There being no further business the meeting was adjourned.

Respectfully Submitted,

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Andréa Corley, City Secretary