

THE LEVELLAND CITY COUNCIL MET IN REGULAR SESSION ON MONDAY, THE 19th OF APRIL 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 Council Member Erik Rejino

Statements by Citizens:

There was one statement by a citizen regarding a purchased resale property

FIRST ITEM OF BUSINESS:

Consider and take necessary action to approve the minutes of the April 4, 2021 regular meeting and the April 13, 2021 special meeting

Motion by Max Ledesma

Seconded by Jim Myatt

To approve the minutes of the April 4, 2021 regular meeting and the April 13, 2021 special meeting

Motion carried unanimously.

SECOND ITEM OF BUSINESS:

Hold a public hearing on the daytime and nighttime curfew ordinance.

Mayor Pinner opened the Public Hearing regarding daytime and nighttime curfew at 6:07pm. There was no public input or discussion, and the Public Hearing ended at 6:08pm.

No Action Taken.

THIRD ITEM OF BUSINESS:

Consider and take necessary action on Ordinance No 1053 regarding the daytime and nighttime curfews on a first reading.

In order to keep the City's daytime and nighttime curfew ordinance in place, the State requires that the City hold a public hearing on the curfew ordinances and make changes if needed. It is now time for Council to review the current curfew ordinance and determine if any changes are needed.

Currently the nighttime curfew ordinance sets the following curfew hours.

Sec. 7.501 Curfew Hours

It shall be unlawful for any person who is sixteen (16) years or less of age to be or remain in or upon any public place or in or upon any establishment within the City of Levelland between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m. of the following day, except that on Friday nights and Saturday nights the hours shall be from twelve o'clock (12:00) a.m. midnight to six o'clock (6:00) a.m.

The following exceptions to the nighttime curfew hours referenced above are also currently in place.

Sec. 7.504 Exceptions

- (1) When the minor is accompanied by, and is in the actual presence of, his parent, legal guardian, or authorized adult supervisor;
- (2) When the minor is actually engaged in performing an errand or other legitimate business at the direction of a parent, legal guardian, or authorized adult sponsor, including travel to and from such location by a direct route;
- (3) When the minor is on the sidewalk no further from his home than the next door neighbor, when said neighbors do not object to such presence;
- (4) When the minor is directly engaged in employment activities such as, but not limited to, newspaper delivery;
- (5) When the minor is traveling in interstate commerce; or
- (6) When the minor is actually exercising those rights protected by the First Amendment to the United States Constitution, such as the free exercise of religion, speech, or lawful assembly.

The current daytime regulations are as follows.

Sec. 7.602 Remaining Unlawful; Hours Specified

It shall be unlawful for any minor to be or remain on or about any public establishment or public place between the hours of 9:00 a.m. and 2:30 p.m. on any day in which the public school system of Levelland are in session.

The following exceptions to the daytime curfew hours are also currently in place.

Sec. 7.604 Exceptions

- (1) The minor has graduated from the school system and has received a diploma or high school equivalency certificate;
- (2) The minor, although has not graduated, is actually enrolled in a program in which the minor is preparing for the high school equivalency examination;
- (3) The minor has permission either from a teacher or other official of the school system or by reason of an officially adopted policy of the school system to be away from the minor's school campus. Provided however, permission does not include an order of suspension or expulsion from the school system or any particular campus;
- (4) If the minor is being educated in a home school, and the minor has permission from a parent; or
- (5) The minor is subject to an order or decree issued by a court, in which event the terms of such order or decree shall control.

Motion by Breann Buxkemper

Seconded by Max Ledesma

To approve Ordinance No 1053 regarding the daytime and nighttime curfews on a first reading

Motion carried unanimously.

FOURTH ITEM OF BUSINESS:

Discussion and necessary action regarding the establishment of public park hours for Levelland City Parks.

With the current review of the City’s daytime and nighttime curfew for minors, the idea to establish park curfew hours has surfaced. I have had several discussions with our Director of Parks and Cemetery Dustin Reichelt and Police Chief Albert Garcia regarding this matter. There are many cities that limit their public park hours to the general public, including adults and minors, particularly after dark, in an effort to reduce vandalism and criminal activity. With the significant investment that has been made in our parks and is currently being made in City Park, this may be something for Council to consider.

As a starting point for discussion Council could consider not allowing any public park access to the general public between the hours of 11:00 p.m. and 4:00 a.m. Sunday through Thursday and from 12:00 am and 4:00 a.m. on Friday and Saturday. In visiting with Dustin, we have many early runners at some of our parks, which is why we reference opening the parks back up at 4:00 a.m. Staff feels that the establishment of a park curfew could help reduce vandalism and other criminal activity that typically occurs after dark in our parks.

Motion by Breann Buxkemper

Seconded by Jim Myatt

To develop an ordinance and bring it back to council for consideration

Motion carried unanimously.

FIFTH ITEM OF BUSINESS:

Consider and take necessary action to award a bid for improvements to Levelland City Park.

In November of 2020, the Levelland Community Development Corporation (LCDC) and the City Council approved funding in the amount of \$675,000 to move forward with Phase One of the City Park Master Plan. The LCDC allocated \$675,000 from the Type B sales tax funds while Council authorized the use of \$75,000 from the Park Donation Fund for a total of \$675,000. The projects approved are listed below.

City Park Projects \$675,000

- 1. Play Equipment (1) Age 5-12 (1) Age 2-5 \$150,000
- 2. (3) new metal 24x60 pavilions w/slab \$95,550
- 3. (80) 4” caliper trees \$36,000
- 4. Water well build \$15,000
- 5. (1) Regulation basketball court \$28,250
- 6. Irrigation \$250,000
- 7. Restroom \$98,000

Council recently accepted proposals on the playground equipment and irrigation system as follows:

Play Equipment (1) Age 5-12	Playground Solutions	\$99,900
Play Equipment (1) Age 2-5	Playground Solutions	\$34,511

<u>Irrigation</u>	<u>Brian's Designs</u>	<u>\$257,000</u>
Total:		\$391,411

We recently went out for bid for the remaining items and we received one bid from Rentfro Construction, a company out of Shallowater, as follows:

Basketball Court (50' x 50')	\$22,980
Restroom	\$99,750
Pavilions (3)	\$108,150
Playground Curbs	\$12,700
<u>Flatwork/Etc</u>	<u>\$3,130</u>
Base Bid Total	\$246,710
Additive Alternate (Upgrade to a Full Size Basketball Court 95' x 51' x 4")	\$10,700
Base Bid+ Additive Alternate	\$257,410

At this time, we are recommending that Council award the city park improvements referenced above to Rentfro Construction for both the base bid and the additive alternate as they were the only bidder. We have worked with Rentfro Construction on other smaller park projects in the past and they have performed well. Also, the project is within the allotted budget.

Motion by Breann Buxkemper

Seconded by Max Ledesma

To award a bid for improvements to Levelland City Park to Rentfro Construction

Motion carried unanimously.

SIXTH 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. 2021-19.

While Governor Abbott has not made any changes to his most recent order, GA-34, he has continued extending his disaster declaration related to COVID. As a result, we are recommending that Council continue to extend the local order in line with the State. The current order expires on Monday April 19th and Council can choose to extend the local order for an additional 30 days.

Below is a summary of the regional hospital capacity and COVID-19 cases in the County. We will provide a further summary of COVID-19 numbers at the meeting along with a summary of vaccine allocations.

COVID-19 Case Summary

04/15/2021	
Total	2400
Probable	378
Recovered	2591
Deaths	101
Active	86
Date:	COVID-19 Hospitalizations
04/08/2021	2.63%
04/09/2021	2.51%
04/10/2021	2.50%
04/11/2021	2.48%
04/12/2021	2.44%
04/13/2021	2.38%
04/14/2021	2.31%

Motion by Breann Buxkemper

Seconded by Max Ledesma

To approve Resolution No. 2021-19 extending the local disaster declaration

Motion carried unanimously.

SEVENTH ITEM OF BUSINESS:

Consider and take necessary action on the quarterly investment report for the quarter ending on March 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 in the accompanying report 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. The City earns .65% on depository demand monies, and after surveying local financial institutions regarding CD interest rates, demand deposits continue to be the best yield option. As such, we coordinated with the bank to increase our pledged securities and moved a significant portion of invested monies, including a matured CD, to our checking account. Interest earnings increased by \$6,510.75 (46%) over the previous quarter.

Motion by Breann Buxkemper
Seconded by Max Ledesma
To accept the quarterly investment report
Motion carried unanimously.

EIGHTH ITEM OF BUSINESS:

Consider and take necessary action on Resolution No. 2021-20 authoring the submission of a grant application to the Texas Forest Service for a Rural Volunteer Fire Department Assistance Program grant

The Texas Forest Service has a program called the Rural Volunteer Fire Department Assistance Program. The program funds fire and rescue equipment, protective clothing, firefighter training, and other items related to firefighting. They are currently accepting application for equipment requests. The program funds 75 percent of equipment purchases up to \$15,000.

Accordingly Fire Chief Bill Durham has been working on developing a grant application to help with replacing mobile radios in the Levelland Fire Department. The current radios were replaced 11 years ago through a regional grant through the South Plains Association of Government. As the radios have begun to have issues we have had a difficult time finding someone to service the radios as they are 11 years old. Fortunately, we have had a few extra radios from the 2011 replacement that we have put in service. However, that supply is beginning to diminish as some of the radios have gone out of service. As a result, we feel it is time to move forward with replacing the radios.

At this time, staff is proposing to submit a grant application request for \$15,000 to the TFS for radios which would require a \$5,000 match. We will likely not receive a grant award until next budget year so we can budget the match next year.

Motion by Breann Buxkemper
Seconded by Jim Myatt

To approve Resolution No. 2021-20 authoring the submission of a grant application to the Texas Forest Service for a Rural Volunteer Fire Department Assistance Program grant.
Motion carried unanimously.

NINTH ITEM OF BUSINESS:

Consider and take necessary action on the event application for the Levelland Main Street Sip and Swirl event scheduled for June 18, 2021.

In 2019 the Levelland Main Street Program held the third annual Levelland Sip and Swirl event in downtown Levelland. The event included multiple wineries, food vendors, shopping, live music, and an art walk. At this time, the Levelland Main Street Program has put together an event application in accordance with the City's ordinance to hold the event once again this June.

All events where alcohol will be distributed require approval from the City Council in accordance with the special events ordinance adopted by Council a couple of years ago. Following this memo, you will find the Event Application, Street Closure Map, and the Site Plan.

Motion by Max Ledesma

Seconded by Breann Buxkemper

To approve the Event Application for the Levelland Main Street Sip and Swirl

Motion carried unanimously.

TENTH ITEM OF BUSINESS:

Consider and take necessary action on Resolution No. 2021-21 approving an agreement with the Texas Department of Transportation regarding the closing of two blocks of state highway for the Levelland Sip and Swirl event

In regards to the Sip & Swirl event, as in prior events, in order to hold the event, the City and TxDOT will need to temporarily close several streets. When events are held downtown we normally have to close Houston Street on the north side of the square and Avenue H on the west side of the square. These two streets are State highways so in order to close them the State requires that the City approve an agreement for the temporary closure of state right of way. The agreement simply states the requirements the City has when closing down a State highway.

Motion by Breann Buxkemper

Seconded by Max Ledesma

To approve Resolution No. 2021-21 approving an agreement with the Texas Department of Transportation regarding the closing of two blocks of state highway for the Levelland Sip and Swirl event

Motion carried unanimously.

There being no further business the meeting was adjourned.

Respectfully Submitted,

Andréa Corley, City Secretary