

THE LEVELLAND CITY COUNCIL MET IN REGULAR SESSION ON MONDAY, THE 17<sup>th</sup> OF MAY 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
Mary Engledow	Council Member	Present
Breann Buxkemper	Mayor Pro-Tem	Present
Michael Stueart	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 Council Member Michael Stueart

*Statements by Citizens:*

There were statements by 19 citizens regarding the Sanctuary City for the Unborn

**FIRST ITEM OF BUSINESS:**

*Consider and take necessary action to approve the minutes of the May 3, 2021 regular meeting, the May 4, 2021 special meeting, and the May 6, 2021 special meeting.*

Motion by Breann Buxkemper

Seconded by Mary Engledow

To approve the minutes of the May 3, 2021 regular meeting, the May 4, 2021 special meeting, and the May 6, 2021 special meeting.

Motion carried unanimously.

**SECOND ITEM OF BUSINESS:**

*Convene into executive session in accordance with Tex. Gov't Code §551.071 to seek the advice about pending or contemplated litigation, settlement offers or on matters in which duty of the attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Tex. Gov't Code Ch. 551.*

By consensus, Council decided not to convene into Executive Session..

**THIRD ITEM OF BUSINESS:**

*Consider and take necessary action on the Sanctuary City Ordinance presented to the City of Levelland and/or take related action including related direction to staff.*

The City of Levelland has been asked to consider adopting an ordinance that would declare the City a sanctuary city for the unborn.

Mr. Mark Lee Dickson presented a binder with information to each Council Member which included some background information along with a copy of the proposed ordinance.

The ordinance has been modified to include an ordinance number based on the City’s numbering system and the signature lines have been modified to include the Mayor and City Secretary. No other modifications have been made to this ordinance by City staff or the City Attorney.

Motion by Jim Myatt  
Seconded by Breann Buxkemper  
To approve Ordinance 1055 on a first reading  
Motion carried unanimously.

**FOURTH 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. 2021-25.*

Last month, Council extended the local COVID order for another 30 days and the order expires this coming Monday. Governor Abbott has not made any changes to his most recent order, GA-34, but he has continued extending his disaster declaration related to COVID every 30 days. At this meeting we will ask Council to consider extending the local order and will also provide an update regarding our local COVID numbers.

Below is a summary of the regional hospital capacity and COVID-19 cases in the County.

<b>COVID-19 Case Summary</b>	
<b>05/12/2021</b>	
Total	2437
Probable	390
Recovered	2706
Deaths	103
Active	2

<b>Date:</b>	<b>COVID-19 Hospitalizations</b>
05/05/2021	1.89%
05/06/2021	1.88%
05/07/2021	2.02%
05/08/2021	2.29%
05/09/2021	2.27%
05/10/2021	1.97%
05/11/2021	1.95%

Motion by Breann Buxkemper  
 Seconded by Michael Stueart  
 To approve Resolution No. 2021-25 extending the local disaster declaration.  
 Motion carried unanimously.

**FIFTH ITEM OF BUSINESS:**

*Consider and take necessary action regarding an Encroachment License and Agreement for 1514 11<sup>th</sup> Street requested by Saul and Elida Soto.*

We recently received a request from the property owners at 1514 11<sup>th</sup> Street for an encroachment license and agreement. The property includes a wooden picket fence that encroaches onto the City right of way. While the fence encroaches onto the City right of way, the fence is approximately 17 feet from the street and is not near any other city utilities therefore does not interfere with any city services at this time. The fence has been in the current place for years without incident and we currently do not foresee any issues in the future.

The property owners are wishing to sell the property and the encroachment is an impediment to getting a clear title to the property which is restricting the prospective buyers from purchasing the property. Requiring the removal of the fence now would be an expense to the property owners and could increase the sale price of the property, possibly delaying any sale. While we want to reserve the right to use the right of way in the future, staff does not see any issues with the City approving an Encroachment License and Agreement to allow the fence to remain which will allow the sale of the property to move forward as it sits today.

Motion by Breann Buxkemper  
 Seconded by Michael Stueart  
 To approve an Encroachment License and Agreement for 1514 11th Street requested by Saul and Elida Soto.  
 Breann Buxkemper and Michael Stueart voted FOR  
 Jim Myatt and Mary Engledow voted AGAINST  
 Mayor Pinner broke the tie by voting FOR  
 Motion Carried.

**SIXTH ITEM OF BUSINESS:**

*Consider and take necessary action to award a bid for a Pickup Truck in the Wastewater Department.*

The current budget includes funds to replace one pickup in the Wastewater Department in the amount of \$35,000.

The new Wastewater Department pickup would be replacing a 2008 Chevrolet Extended Cab with 114,723 miles listed on the odometer. The bid results are listed below.

Bidder	Make/Model/Year	Gross Bid Amount	Trade-in	Net Bid (Gross-Trade)	Delivery Date
Smith South Plains	21 Ford F-150 S/C	\$ 28,315.92	\$ 3,500.00	\$ 24,815.92	"ASAP"
	*no power windows, locks, sensing system. Will have aftermarket 110 plug				
Smith South Plains	21 Ford F-150, S/C	\$ 29,433.00	\$ 3,500.00	\$ 25,933.00	"ASAP"
	*no exceptions				

While both bids for the pickup are under budget, only the second bid in the amount of \$25,933 met the full specifications. Staff is recommending the award to Smith South Plains with the bid that met the full specifications outlined in the request for proposals.

Motion by Michael Stueart

Seconded by Mary Engledow

To award bid for Wastewater Department pickup to Smith South Plains in the amount of \$25,933.

Motion carried unanimously.

**SEVENTH ITEM OF BUSINESS:**

*Consider and take necessary action to award a bid for the Tractor Shredder in the Street Department.*

The current budget includes funds to replace a tractor with a tri-fold mower in the Street Department in the amount of \$60,000.

Staff requested BuyBoard quotes from all of the known local vendors that sale utility tractors in likeness to the ones that are currently in operation. Keep in mind, BuyBoard is referred to as a cooperative purchasing. Each BuyBoard quote obtained has been competitively bid prior to receiving the BuyBoard contract. While we are not required to obtain more than one BuyBoard quote due the bid process already occurring for that item prior to obtaining the BuyBoard contract we think it is good practice and obtained a total of three buyboard quotes on similar items. Below is an analysis of the bids received.

Bidder	Make/Model/Year	Gross Bid Amount Tractor	Gross Bid Amount Mower	Trade-in	Net Bid (Gross-Trade)	Delivery Date
South Plains Implement (Buy Board)	2021 JD 5100E Utility	\$57,250.00	\$17,750.00	\$ 15,000.00	\$ 60,000.00	
Terry County Tractor (Buy Board)	2021 M5-111HDC12-1	\$53,930.27	\$19,675.00	\$ -	\$ 73,605.27	
Rangler Farm & Spray Haus	Zetor 2020 P1000PSC	\$71,000.00	\$24,200.00	\$ -	\$ 95,200.00	

The opportunity was also given to each bidder to put in a trade in offer for the tractor being replaced along with two Bushhog mower decks. The bid proposal from South Plains Implement was the only bidder to include a trade-in allowance for the tractor and two mower decks. The amounts for trade in allowance are detailed as follows: \$10,000 for the 2008 Massey Ferguson 596, \$4,000 2008 Bushhog Mower deck and \$1,000 for the 2006 Bushhog mower deck.

Motion by Breann Buxkemper

Seconded by Jim Myatt

To award South Plains Implement the bid for the Tractor with Tri-Fold Mower for the Street Department in the amount of \$52,400.

Motion carried unanimously.

**EIGHTH ITEM OF BUSINESS:**

*Consider and take necessary action to award a bid for a Dump Truck in the Street Department.*

Our current budget includes funds for a new dump truck for the Street Department in the amount of \$90,000.

A request for proposals was issued and two bids have been received. Below is an analysis of the two bids received. Both bids met specifications which is why staff is recommending that Council consider awarding the bid to Roberts Truck Center.

Bidder	Make/Model/Year	Gross Bid Amount Tractor	Gross Bid Amount Mower	Trade-in	Net Bid (Gross-Trade)	Delivery Date
South Plains Implement (Buy Board)	2021 JD 5100E Utility	\$57,250.00	\$17,750.00	\$ 15,000.00	\$ 60,000.00	
South Plains Implement (Buy Board)	2020 JD 5090E Utility	\$54,400.00	\$13,000.00	\$ 15,000.00	\$ 52,400.00	
Terry County Tractor (Buy Board)	2021 M5-111HDC12-1	\$53,930.27	\$19,675.00	\$ -	\$ 73,605.27	
Rangler Farm & Spray Haus	Zetor 2020 P1000PSC	\$71,000.00	\$24,200.00	\$ -	\$ 95,200.00	

While the low bid is over budget, keep in mind, the bid for the Wastewater Department pickup was under budget. The Wastewater Pickup along with the Dump Truck are being paid for with the Internal Finance Fund. We are recommending that Council move forward with the purchase and utilize the unused funds from the Wastewater Pickup for the Dump Truck. No additional funds need to be allocated from the current budget to make this capital purchase as the amount budgeted in the Internal Finance Fund will still be under budget for the capital purchases.

Motion by Mary Engledow

Seconded by Michael Stueart

To award the bid for a Dump Truck in the Street Department from Roberts Truck Center in the amount of \$94,836.30.

Motion carried unanimously.

**NINTH ITEM OF BUSINESS:**

*Consider and take necessary action to appoint a representative to the Airport Advisory Board.*

**Airport Advisory Board**

The Airport Advisory Board is composed of 5 citizens appointed jointly by the City Council and Hockley County Commissioners to serve two-year terms. The board is responsible for advising and making recommendations to the City Council and County Commissioners in areas of planning, development, construction, enlargement, improvement, maintenance, equipment, operation, protection, and policing of the Levelland Municipal Airport which is owned and controlled jointly by the City of Levelland and Hockley County. The board meets on an as needed basis, usually once or twice yearly.

Board Member

Curtis Thrash (County Representative)

Vacant (City Representative)  
David Barnes (Citizen Member)  
Derek Dunn (Citizen Member)  
Vacant (Citizen Member)

Motion by Breann Buxkemper  
Seconded by Jim Myatt  
To appoint Mary Engledow as City Representative to the Airport Advisory Board  
Motion carried unanimously.

**TENTH ITEM OF BUSINESS:**

*Consider and take necessary action to appoint a representative to the Tax Increment Financing Reinvestment Zone No. 1 (TIF 1).*

**Tax Increment Reinvestment Zone Board No. 1**

The City has created two Tax Increment Financing Reinvestment Zones (TIF), each governed by a separate board. TIF #1 was created in 2006 to encourage housing development, and is governed by a seven member board, four of which are local citizens appointed by the City Council. Board members and terms are as follows:

<u>Board Member</u>	<u>Term Expires</u>
Russell Vest	2022
Ty Gregory	2022
Sham Myatt	2021
Todd Paxton	2021
Sharla Baldrige	County Representative
Jason Coleman	Water District Representative
Vacant	City Representative

Motion by Breann Buxkemper  
Seconded by Jim Myatt  
To appoint Mary Engledow as City Representative to TIF Board #1  
Motion carried unanimously.

**ELEVENTH ITEM OF BUSINESS:**

*Consider and take necessary action to appoint a representative to the Tax Increment Financing Reinvestment Zone No. 2 (TIF 2).*

**Tax Increment Reinvestment Zone No. 2**

TIF #2 is charged with assisting in the development of the Levelland Industrial Rail Park and is governed by a board of five, two of whom are local citizens appointed by the City Council. The board meets as needed. Board members and terms are as follows:

<u>Board Member</u>	<u>Term Expires</u>
Todd Paxton	2022
Sham Myatt	2021
Sharla Baldrige	County Representative
Jason Coleman	Water District Representative
Vacant	City Representative

Motion by Breann Buxkemper

Seconded by Jim Myatt

To appoint Mary Engledow as City Representative to TIF Board #2

Motion carried unanimously.

**TWELTH ITEM OF BUSINESS:**

*Consider and take necessary action on Ordinance No. 1054 establishing public park hours for Levelland City Parks on a second and final reading.*

Last month Council discussed establishing public park hours for all Levelland City Parks. As we discussed, 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 we felt this was something to consider.

At the last meeting Council adopted an ordinance on a first reading establishing public park hours. The ordinance, if adopted on a second reading, would restrict 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 addition to the park hours referenced above, we did make a few exceptions in the ordinance to accommodate for any baseball, softball, or soccer tournaments as often times those types of events go past 11:00 pm or 12:00 am depending on the size of the tournament. Also, we added an exception for a special event permitted by the City per our special events ordinance as well as an exception for the R.V. Park as the intent of the R.V. Park is to encourage overnight visitors.

Motion by Mary Engledow



Seconded by Breann Buxkemper

To approve Ordinance No. 1054 establishing public park hours for Levelland City Parks on a second and final reading.

Motion carried unanimously.

There being no further business the meeting was adjourned at 8:12pm

Respectfully Submitted,

---

Andréa Corley, City Secretary