

THE LEVELLAND CITY COUNCIL MET IN A REGULAR MEETING ON MONDAY, THE 17<sup>th</sup> DAY OF OCTOBER 2022, 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
Brandon Anderson	City Manager	Present
Andréa Corley	City Secretary	Present

The meeting was called to order at 6:00pm.

The Pledge was led by Mayor Barbra Pinner and the Invocation was given by City Manager Brandon Anderson

*Statements by Citizens:*

There was one statement by a citizen regarding Council participation in meetings, specifically budget and tax rate meetings.

**FIRST ITEM OF BUSINESS:**

*Moment of Reflection.*

Mayor Barbra Pinner led a Moment of Silence in memory of fallen Animal Control Officer, Crystal Goforth.

Mayor Pinner read a Mayoral Proclamation ordering the United States flag to fly at half-staff on all City of Levelland buildings and facilities, in memory of fallen Animal Control Officer, Crystal Goforth, on October 18, 2022 (the day she will be put to rest).

No Action Taken.

**SECOND ITEM OF BUSINESS:**

*Consider and take necessary action to approve the minutes of the September 26, 2022, regular meeting.*

Motion by Michael Stueart  
Seconded by Breann Buxkemper

To approve the minutes of the September 26, 2022, regular meeting.  
Motion carried unanimously.

**THIRD ITEM OF BUSINESS:**

*Discussion about Texas Chamber of Commerce Week.*

Mary Siders with the Chamber of Commerce gave an update of some of the Chamber's activities for the week.

No Action Taken.

**FOURTH ITEM OF BUSINESS:**

*Mayoral Proclamation- Texas Chamber of Commerce Week.*

No Action Taken.

**FIFTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve a Special Event Application for the Pat Tucker Benefit.*

The City received an event application from Mr. Danny Anderson for an event to be held at Tommy's Machine Works (Avenue H and 2<sup>nd</sup> Street) on October 21-22, 2022. The event, a benefit for a local citizen, Pat Tucker, is being held to raise money to defray medical costs incurred by Mr. Tucker. The event committee met on October 12<sup>th</sup> and reviewed the application. Event organizers are asking to close a street for the duration of the event and they could easily have 200 people in attendance Both of those criteria qualify this as a "special event", which needs to go through the permitting process for City of Levelland. Though alcohol will not be served or sold, it is not prohibited from the event, and could be brought by attendees as BYOB. For this reason, this event application needs to come to Council for approval. The event application is included in your packet. City Staff has asked the event, and they have agreed, to provide **additional security** and **liability coverage for the event**.

Motion by Mary Engledow

Seconded by Michael Stueart

To approve the Event Application for the October 21-22, 2022, Pat Tucker Benefit.

Motion carried unanimously.

**SIXTH ITEM OF BUSINESS:**

*Consider and take necessary action on all matters incident and related to approving and authorizing publication and posting of notice of intention to issue certificates of obligation, including the adoption of Resolution No. 2022-36A pertaining thereto.*

This item addresses a resolution providing for the issuance of certificates of obligation to fund the wastewater treatment plant. The resolution limits both the maximum amount of the issuance (\$20,000,000) and the use of the proceeds (water and sewer system improvements and facilities).

This is the same resolution from the September 26<sup>th</sup>, 2022 council meeting. The total debt service, as detailed in the notice to be printed in the newspaper and on our website, is higher than a previously approved resolution due to issuing taxable bonds. The effluent contract with the ethanol plant prevents the city from issuing tax-exempt bonds, so the anticipated interest rate will be higher to account for the taxability of the bonds. A representative from Hilltop Securities attended the council meeting to answer questions.

The notice provides for city council to pass an ordinance authorizing the issuance of the certificates of obligations at the December 5<sup>th</sup>, 2022 council meeting.

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve Resolution 2022-36A authorizing the issuance of certificates of obligation.

Motion carried unanimously

**SEVENTH ITEM OF BUSINESS:**

*Consider and take necessary action to allow City Manager to negotiate Scope, Fee, and Contract with Parkhill for engineering services for the Design, Pricing, Bidding and Construction of Wastewater Treatment Plant.*

Parkhill has served the City of Levelland for over 75 years and is currently under contract to provide Engineering Services to develop wastewater plant options for the City in a preliminary engineering report.

Parkhill will work with City Staff and Council to prepare additional information on any existing or new options, as well as provide scope and fee information for any or all the options as directed by City Staff and Council.

Parkhill will make every effort to include vendors, suppliers, contractors, and fellow experts in the process of evaluating alternatives that bring the best value to the City of Levelland's new WWTP.

Parkhill as engineer of record will prepare final plans and specifications for bidding and construction on the selected option that brings the best value to the City of Levelland.

Motion by Michael Stueart

Seconded by Breann Buxkemper

To allow the City Manager to negotiate Scope, Fee and Contract with Parkhill for Engineering Services for the Design, Pricing, Bidding and Construction of the Wastewater Treatment Plant.

Motion carried unanimously.

**EIGHTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution No. 2022-39 approving an agreement with the Texas Department of Transportation regarding the closing of two blocks of state highway for the 2022 Festival of Lights/Christmas on the Square*

The Levelland Main Street Program partners with several entities including South Plains College and the Marigolds to put on the Levelland Festival of Lights and Christmas on the Square. This year's event is scheduled for the evening of December 1st. In order to hold the event, the City and TxDOT will need to temporarily close several streets. When events are held downtown we 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, which requires Council approval of a temporary road closure agreement with TxDOT. The agreement simply states the requirements the City has when closing down a State highway.

The event review committee met and approved the event contingent on the City Council and TxDOT approving the appropriate road closures

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve event application for the 2022 Ladies Night Out Event.

Motion carried unanimously.

**NINTH ITEM OF BUSINESS:**

*Consider and take necessary action on the quarterly investment report for the quarter ending on September 30, 2022.*

Sarah Osburn, Director of Finance, presented the investment report for the quarter ended September 30, 2022. 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 are improving across banks and investment pools. The pools are able to adapt to the changing market more quickly, thus offering significantly better rates at this time. The City was earning 1.65% on depository demand monies at the end of the quarter. Additional monies were moved to Texas Class to capitalize on the improved interest rates. The City also received the remainder of its ARPA funds and moved those monies to Texas Class. Interest earned this quarter was \$75,184.82, which is an increase of \$48,769.14 from the previous quarter. We will continue to monitor interest rates at all local banks and in the investment pools to maximize earnings while maintaining liquidity.

Motion by Mary Engledow

Seconded by Michael Stueart

To approve the quarterly investment report for the quarter ending on September 30, 2022.

Motion carried unanimously.

**TENTH ITEM OF BUSINESS:**

*Consider and take necessary action authorizing the expenditure of funds for a broadband study for the City of Levelland to assist in the planning for future Broadband upgrades.*

Internally we have been discussing long term economic needs and, along with Justin Balderas with EDC and Mary Siders with the Chamber, have been making a list of items that will give Levelland and Hockley County the best opportunity to help businesses and residents, while assisting our local providers to be able to have access to the record number of funds that our Federal Government has recently committed to Broadband Infrastructure upgrades Nationwide.

One item that will propel us in the right direction is a comprehensive Broadband Study. The most reasonable provider of this service that we have found is a non-profit called Connected Nation. In your packet you will find a quote for this service to be provided to the City of Levelland. The quoted cost for the City of Levelland portion is \$22,610. We will be looking for a cost share grant to help pay for hopefully half of this cost but even the \$22,610 would be worth it, in the staff's opinion, to have this study done and help our long-term connectivity issues. We believe this would be a very good use of a small portion of the ARPA funds.

Motion by Michael Stueart

Seconded by Breann Buxkemper

To authorize using up to \$22,610 of the City of Levelland ARPA funds to fund this Connected Nation Proposal of a Broadband Study with the hopes of applying for Grant Funding and authorize the City Manager to execute this agreement and bring forth a budget amendment at the next meeting to add this expenditure to the budget.

Motion carried unanimously.

#### **ELEVENTH ITEM OF BUSINESS:**

*Consider and take necessary action on an updated agreement with Levelland Independent School District for current School Resource Officers and to consider an additional School Resource Officer (when funded) for LISD.*

The Levelland Independent School District Superintendent reached out to City Staff to ask about adding another Student Resource Officer to our ranks to help assist with school and campus security. LISD is also represented by Underwood Law Firm, so our joint representation has worked up a refreshed SRO agreement which more properly reflects current situation as well as updates signatures and more clearly defines expectations and compensation. It also adds a third officer which we currently do not have funded in this budget, but, with further discussion and available funding, could be added as Council wishes and provides for.

Motion by Mary Engledow

Seconded by Michael Stueart

To approving new agreement and allowing for further discussion of finding or adding future funding to employ the third officer.

Motion carried unanimously.

#### **TWELFTH ITEM OF BUSINESS:**

*Consider and take necessary action to authorize staff to issue a request for proposals for the lease of the Wastewater Treatment Plant Farm Operation.*

A portion of our Wastewater Treatment Plant includes a 546-acre farm on which we dispose of the treated effluent water through irrigation. This farm is part of our treatment operation and

permit through the Texas Commission on Environmental Quality (TCEQ), and as such must be operated in accordance with that permit. The current lease will be completed at the end of the year.

Motion by Breann Buxkemper

Seconded by Mary Engledow

To authorize staff to issue a Request for Proposals for the Wastewater Treatment Plant Farm Operation.

Motion carried unanimously.

**THIRTEENTH ITEM OF BUSINESS:**

*Consider and take necessary action on the second reading of Ordinance No. 1066 approving a negotiated settlement with Atmos West Texas, declaring current retail gas rates unreasonable and adopting a new tariff structure adopting retail gas rates consistent with the negotiated settlement including related findings.*

It came to the attention of the staff that we were sent the wrong documents for the Atmos RRM case a while back. The City adopted the rate ordinance approving the **Atmos Mid-Tex RRM**. We should have gotten documents for **Atmos West Tex**. Atmos has requested that the City adopt the correct ordinance.

The WTX Cities Executive Committee has approved an agreement with Atmos resolving their 2022 RRM filing. In its filing, the Company requested a rate increase of \$8,773,727. Our consultants conducted discovery and prepared a report detailing adjustments totaling \$3,289,496, which translates to a \$5,484,231 increase. The Company has agreed to settle the case for \$6,720,000. This is a reduction of **\$2,173,727** to the Company's request. Based upon all the factors, we believe this is a very good outcome.

Motion by Mary Engledow

Seconded by Breann Buxkemper

To approve Ordinance No. 1066 approving the negotiated rate settlement with Atmos West Texas on a second and final reading.

Motion carried unanimously.

There being no further business, the meeting was adjourned at 6:55pm.

Respectfully Submitted,

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Andréa Corley, TRMC  
City Secretary

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Barbra Pinner, Mayor