

THE LEVELLAND CITY COUNCIL MET IN A REGULAR MEETING ON MONDAY, THE 23<sup>rd</sup> DAY OF JANUARY 2023, 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 Council Member Michael Stueart.

*Statements by Citizens:*

There were no statements by citizens.

**FIRST ITEM OF BUSINESS:**

*Consider and take necessary action to approve the minutes of the January 9, 2023, regular meeting.*

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve the minutes of the January 9, 2023, regular meeting.

Motion carried unanimously.

**SECOND ITEM OF BUSINESS:**

*Hold a public hearing regarding amending the comprehensive zoning ordinance of the City of Levelland by creating a new zoning district classification entitled SF-1-CA (Restricted Single Family District – Carports Allowed) allowing carports and establishing and defining this new zoning district and changing certain SF-1 zoning districts to SF-1-CA.*

The Public Hearing was opened at 6:12pm. The Public Hearing was closed at 6:13pm. No members of the public spoke during the hearing.

No Action Taken.

**THIRD ITEM OF BUSINESS:**

*Hold a public hearing to consider changing the zoning classification of the lot located at 211 Clubview Drive, Levelland, Texas from Single Family District (SF-2) to General Business District (B-2).*

The Public Hearing was opened at 6:16pm. The Public Hearing was closed at 6:18pm. No members of the public spoke during the hearing.

No Action Taken.

**FOURTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve Ordinance No. 1069 amending the comprehensive zoning ordinance of the City of Levelland by amending §9.505 creating a new zoning district classification entitled SF1-CA (Restricted Single Family District – Carports Allowed) and establishing and defining this new zoning district and changing certain SF-1 zoning districts to SF-1-CA and amending the zoning map accordingly on first reading.*

In a meeting earlier this year, the Council approved a new carport ordinance but did not allow SF1 zones to be included in the ordinance. The Council recommended the Planning & Zoning Commission should find a resolution for the SF1 zones. The Planning and Zoning Commission held a work session and determined that all SF1 subdivisions which had existing carports should be renamed and rezoned to allow carports. All other SF1 zones would not be allowed to have carports. The Planning and Zoning Commission held a public hearing on December 13<sup>th</sup>, 2022 to rename and rezone these SF1 zones. The Commission unanimously voted in favor of rezoning the following SF1 subdivisions. The name for the new zone is SF1-CA (short for carports allowed) also unanimously voted in favor of.

1. CRESTVIEW – All of Michael Street
2. CAPITOL TERRACE – All of Douglas Street
3. KAUFFMAN
4. LEA & BROWN – 300 & 400 blocks of Pine, Hicks, Cactus and Hickory
5. BRESHEARS – 300, 400 & 500 blocks of Hickory and Poplar
6. COLLEGE HEIGHTS – 400 & 500 blocks of Holly
7. COLONIAL HEIGHTS – 100 block of Cedar, Detroit, Elgin and Flint
8. WILLS – 600 block of Cherry & Cactus & 600 block of N. Elgin
9. WESTERN MEADOWS – 100 & 200 blocks of Ave T, Ave U & Ave V.
10. CHERRY ADDITION – 300 block of Cherry & Cactus



Motion by Breann Buxkemper

Seconded by Jim Myatt

To approve Ordinance No. 1069 amending the comprehensive zoning ordinance of the City of Levelland by amending §9.505 creating a new zoning district classification entitled SF1-CA (Restricted Single Family District – Carports Allowed) and establishing and defining this new zoning district and changing certain SF-1 zoning districts to SF-1-CA and amending the zoning map accordingly on first reading.

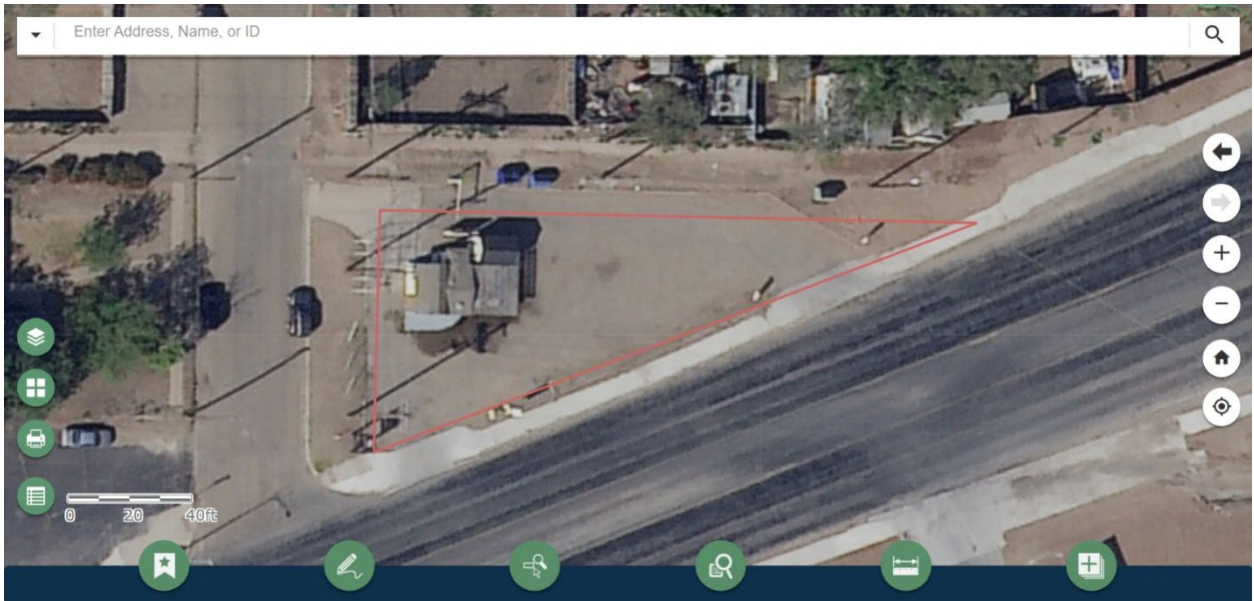
Motion carried unanimously.

**FIFTH ITEM OF BUSINESS:**

*Consider and take necessary action on Ordinance No. 1070 changing the zoning classification of the lot located at 211 Clubview Drive, Levelland, Texas from Single Family District (SF-2) to General Business District (B-2) and amending the zoning map accordingly on first reading.*

The property located at 211 Clubview Drive is unique because it is a small triangular shaped lot which is zoned SF2. The lot is not large enough for a house and yard space. It has been

used for many years as a commercial property. After being advised by city attorney Matt Wade, City Staff determined it would be best utilized as a commercial property but needed to be rezoned. A public hearing was held by the Planning and Zoning Commission on December 13, 2022 and action was taken approving the zone change from SF2 to B2 for the property located at 211 Clubview Drive.



Motion by Michael Stueart

Seconded by Mary Engledow

To approve Ordinance No. 1070 changing the zoning classification of the lot located at 211 Clubview Drive, Levelland, Texas, from Single Family District (SF-2) to General Business District (B-2) and amending the zoning map accordingly on first reading.

Motion carried unanimously.

#### **SIXTH ITEM OF BUSINESS:**

*Consider and take necessary action to accept a bid for sale of a 1.75 acre tract of land located on the northeast corner of West Avenue and Equalizer Road.*

In 2015, Council authorized entering into a five-year lease agreement with Renegade Services for a piece of property that the City owns adjacent to the detention pond by the Levelland-Oxy Sports Complex. This piece of property is approximately 1.75 acres and is on the corner of Equalizer Road and West Avenue. The property is not currently needed by the City for any public purpose. In fact, we recently had an analysis conducted recently to determine if this property would be needed for additional water retention for a fully developed Levelland-Oxy Sports Complex. The analysis showed that the land will not be needed for even a fully developed sports complex.

The City was approached by Renegade to see if the City would consider selling this acreage to allow for them to put up permanent structures currently not allowed in the lease. We have visited with the City Attorney about this, and his recommendation was to bid it out and see what the bids look like, while we would be losing \$3000 per year the property would be put back on the tax rolls and allow this business to expand possibly. It is already annexed into the City.

If the bid is accepted the survey and closing costs would be the responsibility of the buyer and the City would not be out any expense if bid is accepted.

At our meeting on December 19<sup>th</sup> meeting the council approved allowing City Staff to bid this property out, one bid was received and opened at 2:00 on Friday, January 20<sup>th</sup> and that bid is included in the packet for your review.

Motion by Michael Stueart

Seconded by Jim Myatt

To accept a bid from Renegade Services for sale of a 1.75 acre tract of land located on the Northeast corner of West Avenue an Equalizer Road, with the understanding that all closing costs for the transaction as well as any future city service needs will be covered at the expense of the buyer

Motion carried unanimously.

**SEVENTH ITEM OF BUSINESS:**

*Consider and take necessary action on the quarterly investment report for the quarter ending on December 31, 2022*

Attached for your review and acceptance is the regular investment report for the quarter ended December 31, 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 3.39% on depository demand monies at the end of the quarter. Bond proceeds for the wastewater treatment plant were received on 12/29/2022 and are reflected in the pooled cash balance. Interest earned this quarter was \$150,694.62, which is an increase of \$75,509.80 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.

**City of Levelland**  
**Quarterly Investment Report**  
**October 1, 2022 - December 31, 2022**

Investment Type	Ending Rate of Interest	Maturity Date	Beginning Balance	Net Transactions	Interest Pd/Accr	Ending Balance
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**CITY POOLED INVESTMENTS**

**Investment Pools**

TexPool	3.9799%	n/a	64,316.66	-	570.18	64,886.84
Texas Class Government	4.0734%	n/a	127,483.29	-	1,065.32	128,548.61
Texas Class	4.5211%	n/a	13,210,336.44	-	127,107.54	13,337,443.98

**Certificate of Deposits**

Sundown State Bank (365)	0.600%	10/31/2022	1,048,855.36	(1,050,013.79)	1,158.43	0.00
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**Total City Pooled Investments**

	14,450,991.75	(1,050,013.79)	129,901.47	13,530,879.43
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**CITY POOLED INVESTMENTS BY FUND**

General	3,351,239.32	(1,700,013.79)	21,329.03	1,672,554.56
Cemetery	319,982.06	-	3,041.12	323,023.18
Capital Project Financing	399,945.75	-	3,801.11	403,746.86
Enterprise	4,351,312.92	650,000.00	44,621.36	5,045,934.28
Civic Improvement	63,145.05	-	600.13	63,745.18
CARES Act Fund	2,962,750.99	-	28,158.10	2,990,909.09
Hotel Occupancy Tax	198,151.67	-	1,863.25	200,034.92
Voluntary Park Donations	13,117.88	-	124.67	13,242.55
Sewer System Improvement	2,324,203.87	-	22,089.32	2,346,293.19
Water System Improvement	50,330.58	-	291.98	50,622.56
TIF Zone #1	416,811.66	-	3,961.40	420,773.06

**Total City Pooled Investments by Fund**

	14,450,991.75	(1,050,013.79)	129,901.47	13,530,879.43
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**INTEREST BEARING CASH ACCOUNT AT DEPOSITORY BANK**

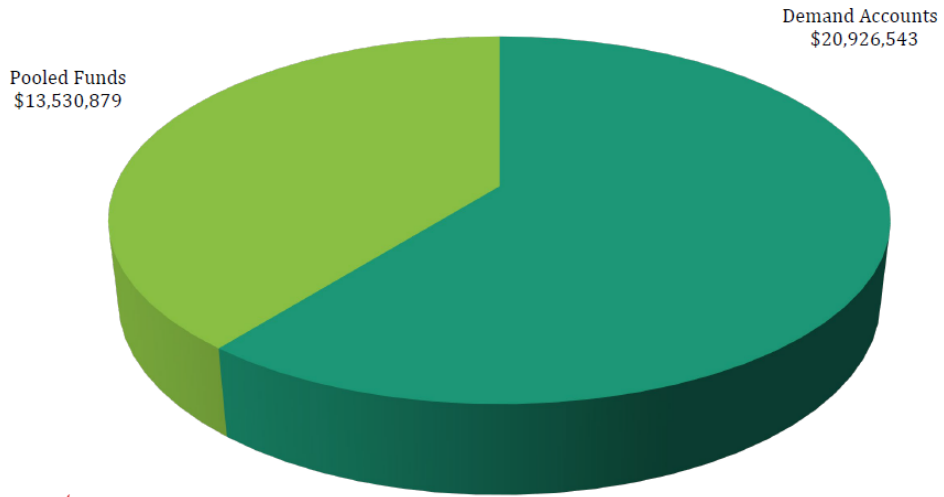
**Interest Bearing Cash Accounts**

City Bank of Texas	3.390%	n/a	2,369,338.48	18,536,411.85	20,793.15	20,926,543.48
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**Overall Total of City Cash Investments**

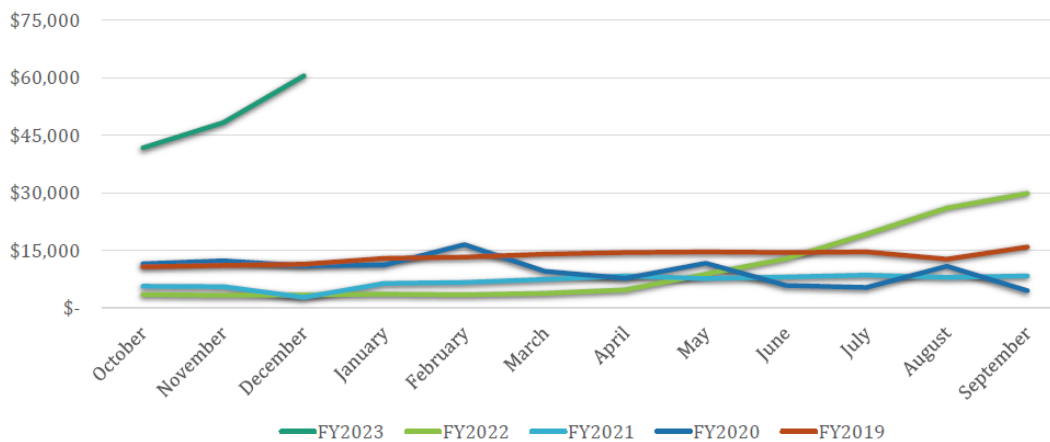
	16,820,330.23	17,486,398.06	150,694.62	34,457,422.91
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# Portfolio Composition



# Portfolio Performance

Interest Income



Motion by Breann Buxkemper  
Seconded by Michael Stueart  
To approve the quarterly investment report for the quarter ending on December 31, 2022  
Motion carried unanimously.

**EIGHTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve Ordinance No. 1068 calling for an election for the reauthorization of a one-fourth of one percent sales and use tax to continue providing revenue for maintenance and repair of municipal streets pursuant to Texas Tax Code Chapter 327, on a second and final reading.*

In May of 2007, Levelland voters approved a one quarter percent increase in the sales tax to be used for street maintenance. The Street Maintenance Sales Tax was created by the Texas legislature in 2001 to provide cities an additional source of revenue to pay for street maintenance. As long as it is within the 2 percent local limit, cities may adopt a one-eighth or one-quarter percent sales tax to be used for street maintenance. In 2007 Levelland voters adopted a one-quarter Street Maintenance Sales Tax in order to help keep property taxes down as the City took on additional debt to pay for the reconstruction of Alamo Road and Ellis Street to serve the two new campuses that LISD had constructed on Alamo Road and Ellis Street.

This particular sales tax, unlike the other sales taxes the City collects, must be authorized by the voters every four (4) years. Once passed the sales tax is only good for four years then it expires. But on the positive side, each time the tax is set to expire the voters can reauthorize it for another four years. In May 2019 our local voters reauthorized the one-quarter percent Street Maintenance Sales Tax with 91.90% voting for it. It has nearly been four years since that reauthorization and unless it is reauthorized by the voters the tax will expire at the end of October of this year.

Last year the one-quarter cent Street Maintenance Sales Tax generated \$566,905 which was used for seal coat and other street maintenance activities. The total Street Department budget is approximately \$900K in years where we perform seal coat maintenance (it is approximately \$600K this year with no seal coat budgeted). If this revenue is lost, the property tax rate would need to be increased approximately \$.095 or about 18%, to make up this revenue loss. In addition, we must remember that with property taxes, property owners would be paying all the property taxes. With a sales tax however, much of it is paid by visitors that come to Levelland, and does not fall strictly on the local taxpayer. It makes economic sense to keep the Street Maintenance Sales Tax so that our visitors, who also use our streets, are helping to maintain them which reduces the burden of the local taxpayer.

Motion by Breann Buxkemper  
Seconded by Mary Engledow



To approve Ordinance No. 1068 calling for an election for the reauthorization of a one-fourth of one percent sales and use tax to continue providing revenue for maintenance and repair of municipal streets pursuant to Texas Tax Code Chapter 327, on a second and final reading.

Motion carried unanimously.

**NINTH 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, (Economic Development).*

Mayor Pinner declared Council to be in Executive Session at 6:46pm. She returned Council to regular session at 7:18pm.

There being no further business, the meeting was adjourned at 7:18pm.

Respectfully Submitted,

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Andréa Corley, TRMC  
City Secretary

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Barbra Pinner, Mayor