

THE LEVELLAND CITY COUNCIL MET IN A REGULAR MEETING ON MONDAY, THE 6<sup>th</sup> DAY OF MARCH 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 City Manager Brandon Anderson

*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 6, 2023, regular meeting.*

Motion by Mary Engledow

Seconded by Breann Buxkemper

To approve the minutes of the February 6, 2023, regular meeting.

Motion carried unanimously.

**SECOND ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution 2023-04 to declare unopposed candidates elected to office and cancelling the 2023 General City Officer's Election for District B and District D.*

For the 2023 General Election, we have two seats up for election; District B and District D. Both districts have only one qualified candidate. In accordance with Section 2.051 of the Texas Election Code, if each candidate is unopposed, and we have no at-large races on the ballot, then we can cancel the election. In District B, Max Ledesma is the unopposed candidate. In District D, Michael Stueart is the unopposed candidate. There is no at-large race on the ballot this year. As a result, we are able to cancel these elections and declare the winners. We will swear in these individuals at the second meeting in May.

NOTE: This does not affect our Special Election. We will still have the Street Maintenance Sales & Use Tax Reauthorization election on May 6.

Since we called the election by resolution, we must cancel it by resolution. In addition, the Secretary of State requires the City Secretary certify the unopposed status of the candidates and an Order of Cancellation must be signed by the Mayor and City Secretary and placed at the polling place during the General Election period.

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve Resolution #2023-04 declaring unopposed candidates elected to office and cancelling the District B and District D general city officer's election previously called on January 9, 2023.

Motion carried unanimously.

**THIRD ITEM OF BUSINESS:**

*Consider and take necessary action to approve the 2023 Joint Election Agreement between Hockley County and City of Levelland.*

The 2022 General Election for the City of Levelland Council B and D districts will be May 6, 2023. The City will have zero (0) contested Council Seat races, and one Special Election for the Street Maintenance Sales & Use Tax Reauthorization.

The City of Levelland has contracted with the County Elections Office for a number of years. The County pays the bulk of the expense for the Elections Office, but the entities who contract with the County for their elections pay an annual fee to assist with expenses, plus the costs incurred during an election. (poll workers, ballots, equipment programming fees, etc.).

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

Motion by Breann Buxkemper

Seconded by Mary Engledow

To approve the 2023 Election Agreement between Hockley County and the City of Levelland.

Motion carried unanimously.

**FOURTH ITEM OF BUSINESS:**

*Consider and take necessary action regarding an Encroachment License and Agreement for 202 Ave C, Levelland, Texas further described as Lot Number Twelve (12) in Block Number*

*Ninety-One (91) of the Original Town of Levelland, Hockley County, Texas as requested by Donna Nell Kelly.*

We recently received a request from the property owners at 202 Ave. C for an encroachment license and agreement. The property includes a fence that encroaches onto the City right of way along with part of the carport. While both the fence and carport encroach onto the City right of way, they are not near any other city utilities therefore does not interfere with any city services currently. The fence and the house have 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 and carport 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 and house to remain which will allow the sale of the property to move forward as it sits today.

Motion by Mary Engledow

Seconded by Michael Stueart

To approve an Encroachment License and Agreement for 202 Ave. C requested by Donna Nell Kelly.

Motion carried unanimously.

**FIFTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve requests for funding under the Main Street Façade Grant Program as recommended by the Levelland Main Street Advisory Board.*

In August of 2020 Council approved the establishment of the Levelland Main Street Façade Grant Program under the City's Chapter 380 Program. As you know this was an expansion of the Sign and Paint Grant Program. The Main Street Façade Grant Program expanded the scope of allowable projects and the amount of the grant. In 2020 we awarded five grants and had four completed and reimbursed for a total of \$6,600. In 2021, we awarded six grants and had four completed and reimbursed for a total of \$7,535.19.

The Main Street Advisory Board is recommending that Council fund all applications listed below. The applications submitted total \$12,000.00, per council's approved allotment.

At this time we have received six (6) grant requests from six downtown businesses as follows:

1. 806 Barbershop, Josh Chavarria - new business wanting to install a new awning, replace broken windows, paint the outside of the building, and add signage. Project Total: \$9,161.91, Requesting: \$2,000.
2. Champion Sports, Rann & Kellie Mitchell - paint for the front of the building and affixed awning. Project Total: \$7,363.82, Requesting: \$2,000
3. Revenge Fitness, David Noles - installation of a new acrylic and aluminum backlit sign, electrical and repainting of brick on storefront. Project Total: \$7,000+, Requesting: \$2,000.
4. T & S Antique & Craft Mall, Toney & Sandra Cowan - replacing peeling sign. Project Total: \$4,111.63, Requesting: \$2,000.
5. Your Shop, Toni Methvin - recovering awning, painting outside of both storefronts 802 and 804 Austin Street. Project Total: \$10,181.37, Requesting: \$2,000.
6. Studio K Home Decor & Vintage Gifts, Kenna Trotter - new building 806 Austin, lighted signage, brick work, plaster and stone, and awning. Project Total: \$10,000+, Requesting: \$2,000.

Motion by Breann Buxkemper

Seconded by Jim Myatt

To approve requests for funding under the Main Street Façade Grant Program as recommended by the Levelland Main Street Advisory Board.

Motion carried unanimously.

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

*Consider and take necessary action to approve bids for vehicles included in the Enterprise Fund of the FY 2022-2023 Budget for the Public Works Department.*

On January 9, 2023, City Council approved to initiate the procurement process of the vehicles included in the Enterprise Fund. The current budget includes funds to replace one pickup in the Sanitation, Water and Wastewater departments. We received bids from two of our local dealerships, Smith Auto Family and Scoggin Dickey CDJR. The results of those bids are summarized below in the tables.

The Sanitation department is replacing a 2005 6-cylinder Chevy 1500 short bed with 109,422 and the budget includes \$42,500 to replace this pickup. The bid results are listed below.

Bidder	Make/Model/Year	Gross Bid Amount	Trade-in	Net Bid (Gross-Trade)	Delivery Date
Smith Auto Family	2023 Ford F-150	\$43,723.00	\$ 1,200.00	\$ 42,523.00	90-120 days
	Super Cab 4x4				
Scoggin Dickey CDJR	Ram 1500 Quad	\$44,694.84	\$ 1,500.00	\$ 43,194.84	(90-120 days)
	Cab 4x4				

The Water department is replacing a 2013 GMC 2500 with 66,340 and the budget includes \$35,000 to replace this pickup. The bid results are listed below.

Bidder	Make/Model/Year	Gross Bid Amount	Trade-in	Net Bid (Gross-Trade)	Delivery Date
Smith Auto Family	2023 Ford F-250	\$ 44,707.91	\$ 6,000.00	\$ 38,707.91	120-180 days
	Reg Cab XL				
Scoggin Dickey CDJR	2023 Ram 2500 2W	\$ 44,911.00	\$ 10,000.00	\$ 34,911.00	(90-120 days)

The Wastewater department is replacing a 2013 Chevy 2500 with 95,801 and the budget includes \$35,000 to replace this pickup. The bid results are listed below.

Bidder	Make/Model/Year	Gross Bid Amount	Trade-in	Net Bid (Gross-Trade)	Delivery Date
Smith Auto Family	2023 Ford F-250	\$ 44,748.97	\$8,000.00	\$36,748.97	120-180 days
	Reg Cab XL 2WD				
Scoggin Dickey CDJR	2023 Ram 2500 2WD	\$ 44,911.00	\$9,000.00	\$35,911.00	90-120 days

Although the truck prices are right at budgeted amounts, we will need to adequately account for upfitting costs associated with each vehicle, this is approximately \$4000 per vehicle. (Last bill attached in packet)

Staff is recommending awarding the bid to Smith Auto Family for the Sanitation pickup and Scoggin Dickey for the Water and Wastewater pickups. Delivery date for all trucks are 90-120 days.

Motion by Michael Stueart

Seconded by Breann Buxkemper

To award bids for Sanitation pickup to Smith Auto Family and award bids to Scoggin Dickey for the Water and Wastewater Pickups and bring a budget amendment back at a later date to account for upfitting of vehicles.

Motion carried unanimously.

**SEVENTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve bids for the Animal Control Unit.*

On February 5, 2023, City Council approved to initiate the procurement process of several items utilizing ARPA Funds, including an Animal Control Vehicle. We received bids for the Animal Control Vehicles from two dealerships, locally, Smith Auto Family and Dana Safety Supply from Fort Worth utilizing Silsbee Ford (Silsbee, Tx) for the truck provider. The results of those bids are summarized below in the table.

Bidder	Make/Model/Year	Gross Bid Amount	Trade-in	Net Bid (Gross-Trade)	Delivery Date
Dana Safety Supply	2024 F250		N/A	\$ 110,462.23	16 mos from order
& Silsbee Ford	Supercab				
Smith Auto Family	2023 F250		N/A	\$ 88,382.98	6-8 mos (truck)
	Supercab				16 mos (bed)

In review of the two bids received there is a substantial portion of the bid not accounted for in the Smith Auto Family bid as they did not include the rear blind spot mirror, custom strobe and light bar and work lights essential for safety and proper marking and these are no longer supported by Deerskin with the bed. So, we have to consider the Smith Family bid incomplete and not qualified as we bid a turn key unit.

A more detailed quote of these items, as well as the bed, were provided in the packet as staff requested further detail for the Dana bid.

The delivery date for fully outfitted vehicle is 16 months from the time of award.

Motion by Breann Buxkemper  
Seconded by Mary Engledow  
To reject all bids.  
Motion carried unanimously.

**EIGHTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve bids for an Outdoor Warning System.*

In your packet is the proposals from four vendors regarding the RFP for the Outdoor warning system.

In each of the proposals the vendor was expected to meet all requirements specified in the document. They must provide the cost estimate associated with removing the old system entirely. Replacement of all (7) sirens meeting all the specifications regarding the new system. A mechanical siren system is the preferred system type, it has been proven and battle tested for the last several decades. Electronic siren systems are not as resilient as a mechanical system as they are very susceptible to damage due to electrical surge, which we see commonly in thunderstorms and lightning events. The specifications in the RFP were very specific on capability and functionality to ensure the system will perform as expected during the most critical times. The new siren system will use the same locations for the installation. This will ensure a certain level of comfort for the citizens seeing not only the removal of the old system but the installation of the new system. A specification on the utility pole standard was increased to Class 2 poles which will enable the sirens to be installed at a higher elevation for better coverage but to also ensure they are secure and stable in a very high wind incident. The functionality of the activation is a an extremely important piece of the product selection; so a specification for an app was also included in the RFP to be used on a smart phone, tablet, or desktop computer. Specifications also require a control panel at the siren base station using 256-bit encrypted, 2-way FSK, DTMF, EAS to activate the system without use of internet. This will ensure even during an internet and power outage as well as radio tower communication failure, we can still activate the system effectively.

ATI and the HQE proposals are an electronic system, which is not recommended and does not meet the standard set forth in the RFP.

Joe Goddard and American Signal proposals are mechanical systems. Some major differences are weatherability of the design. The American signal design uses a fiberglass housing for the siren itself while the Federal Signal (Joe Goddard) system uses an aluminum and steel design. Fiberglass housing will not be nearly as resilient in the West Texas elements as the more rugged aluminum design. Other standard differences the American Signal does not have an app or mobile activation capability. Their offer is to use virtual pointed network (VPN) connection on a website to activate the sirens remotely.

Joe Goddard- Federal Signal has an app available for smart phone, tablet and desktop activation and maintenance functions.

Motion by Michael Stueart

Seconded by Breann Buxkemper

To accept and award the bid to Joe Goddard Enterprises, LLC., try to negotiate a lower shipping price and bring back to council at a later date to approve a budget amendment to use ARPA funds.

Motion carried unanimously.

**NINTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution No. 2023-05 suspending the proposed electric rate increase filed by Southwestern Public Service Company and authorizing the City’s continued participation in the Alliance of Xcel Municipalities and related proceedings at the Public Utility Commission.*

On about February 8, 2023, 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 \$148.5 million, which represents an increase in base revenue of about 20.6% compared to its current base revenue. Including fuel factor and energy efficiency cost recovery factor, charges for advanced meters, and prior rate-case expenses SPS’s proposal is an overall increase of about 13.9%. SPS’s application to increase rates is based a test year of October 1, 2021 through September 30, 2022 (“Test Year”), which includes estimated data for an “update period” of October 1, 2022 through December 31, 2022 (“Update Period”), as allowed by state law. SPS proposes to replace the estimated data with actual data for the “update period,” which will effectively result in a historical test year of January 1, 2022 through December 31, 2022.

SPS requests an effective date of March 15, 2023, for its proposed increase in rates. The City, however, has the authority to suspend the effective date by a total of 135 days (90 days in the ordinary course, and an additional 45 days when a utility files estimated data as SPS has done in this case). In addition, pursuant to statute, the final rates set in this proceeding will relate back to usage occurring 155 days after the filing of the application, or July 13, 2023.

Below are some of the key elements of SPS’s rate application:

**1. SPS proposes to allocate the increase among the customer classes as follows:**

<b>Rate Class</b>	<b>Base Rate Revenue Increase/(Decrease) (\$)</b>	<b>Base Rate Revenue Increase/(Decrease) (%)</b>	<b>Overall Revenue Increase/(Decrease) (%) (includes fuel factors, energy efficiency cost recovery factor revenues, and advanced meter services charge)</b>
Residential	\$26,942,586	10.1%	8.3%
Small General Service	\$6,246,731	22.0%	17.9%
Secondary General Service	\$25,815,890	18.5%	14.1%
Primary General Service	\$21,850,780	27.3%	17.8%



Large General Service -- Transmission	\$62,644,492	34.6%	20.4%
Small Municipal and School Service	\$465,506	27.0%	21.2%
Large Municipal Service	\$2,518,456	23.2%	16.0%
Large School Service	\$1,660,765	13.0%	10.2%
Municipal and State Street Lighting	\$359,030	6.1%	1.1%
Guard and Flood Lighting	\$(8,430)	-0.2%	0.0%
<b>TOTAL</b>	<b>\$148,495,826</b>	<b>20.6%</b>	

2. SPS requests approval of an overall rate of return of 7.71%, based on the following components:

- **Return on Equity:** 10.65%
- **Capital Structure of:**
  - 54.60% common equity
  - 45.40% long-term debt
- **Cost of Long-Term Debt:** 4.19%

3. **Residential Customer – Impact on Bill:**

- a. SPS proposes an increase in the fixed, monthly charge for Residential customers (that is, the “Service Availability Charge”) from \$11.40 to \$13.10 per month.
- b. For a Residential customer using 1200 kWh per month, SPS’s proposed increase would result in a monthly increase of about \$14.28 in the Summer, and an increase of \$11.46 in the Winter (which equates to about a 9.55% increase in the Summer and in the Winter, over current rates); these amounts include only base rate revenues.

- c. The estimated effect of SPS's *proposed* increase on a Residential Customer's bill, with and without fuel factor, energy efficiency recovery factor (EECRF) and rate case expense (RCE) rider costs, and excluding franchise fees, at varying levels of consumption is as shown below:

4.

<b>Proposed Increase in Residential Customer's Bill (excluding franchise fees)</b>				
	<b>Amounts Shown Below Exclude Franchise Fees</b>			
<b>Consumption</b>	<b>1000 kWh</b>	<b>1200 kWh</b>	<b>2000 kWh</b>	<b>3000 kWh</b>
<b>SUMMER BILLS</b>				
<b>Summer – Current Base Rates Only</b>	\$126. 80	\$149. 50	\$240. 27	\$353.7 4
<b>Summer – Proposed Base Rates Only</b>	\$139. 01	\$163. 78	\$262. 88	\$386.7 6
<b>Summer – Increase in Base Rates Only</b>	<b>\$12.2 1</b>	<b>\$14.2 8</b>	<b>\$22.6 1</b>	<b>\$33.02</b>
<b>Summer – Percent Increase in Base Rates</b>	<b>9.63 %</b>	<b>9.55 %</b>	<b>9.41 %</b>	<b>9.33%</b>
<b>Summer – Current Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$160. 29	\$189. 41	\$305. 92	\$451.5 6
<b>Summer – Proposed Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$173. 71	\$205. 11	\$330. 77	\$487.8 5
<b>Summer - Increase in Base Rates &amp; Fuel, EECRF and RCE Costs</b>	<b>\$13.4 2</b>	<b>\$15.7 0</b>	<b>\$24.8 5</b>	<b>\$36.29</b>
<b>Summer -- Percent Increase in Base &amp; Fuel, EECRF and RCE Costs</b>	<b>8.37 %</b>	<b>8.29 %</b>	<b>8.12 %</b>	<b>8.04%</b>
<b>WINTER BILLS</b>				
<b>Winter – Current Base Rates Only</b>	\$107. 77	\$119. 96	\$168. 76	\$229.7 5
<b>Winter – Proposed Base Rates Only</b>	\$118. 14	\$131. 42	\$184. 52	\$250.9 0
<b>Winter – Increase in Base Rates Only</b>	<b>\$10.3 7</b>	<b>\$11.4 6</b>	<b>\$15.7 6</b>	<b>\$21.15</b>
<b>Winter – Percent Increase in Base Rates</b>	<b>9.62 %</b>	<b>9.55 %</b>	<b>9.34 %</b>	<b>9.21%</b>
<b>Winter – Current Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$107. 77	\$119. 96	\$168. 76	\$229.7 5
<b>Winter – Proposed Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$118. 14	\$131. 42	\$184. 52	\$250.9 0

<b>Winter - Increase in Base Rates &amp; Fuel, EECRF and RCE Costs</b>	<b>\$11.40</b>	<b>\$12.59</b>	<b>\$17.32</b>	<b>\$23.25</b>
<b>Winter – Percent Increase in Base &amp; Fuel, EECRF and RCE Costs</b>	<b>8.20%</b>	<b>8.04%</b>	<b>7.64%</b>	<b>7.39%</b>

**5. Small General Service Customer – Impact on Bill:**

- a. SPS proposes to increase the fixed, monthly charge (that is, the “Service Availability Charge”) for the Small General Service customers from \$13.40 to \$17.10 per month.
- b. For a Small General Service customer using 2000 kWh per month, SPS’s increase would result in a monthly increase of about \$37.03 in the Summer (which equates to about a 19.65% increase in the Summer), and an increase of \$35.63 in the Winter (which equates to about a 21.99% increase in the Winter) over current rates; these amounts include only base rate revenues.
- c. The estimated effect of SPS’s *proposed* increase on a Small General Service Customer’s bill, with and without fuel factor, energy efficiency recovery factor (EECRF) and rate case expense (RCE) rider costs, and excluding franchise fees, at varying levels of consumption is as shown below:

<b>Proposed Increase in Small General Service Customer's Bill (excluding franchise fees)</b>				
	<b>Amounts Shown Below Exclude Franchise Fees</b>			
<b>Consumption</b>	<b>1000 kW h</b>	<b>1500 kWh</b>	<b>2000 kWh</b>	<b>3000 kWh</b>
<b>SUMMER BILLS</b>				
<b>Summer – Current Base Rates Only</b>	\$102.10	\$145.25	\$188.41	\$274.72
<b>Summer – Proposed Base Rates Only</b>	\$122.51	\$173.97	\$225.44	\$328.37
<b>Summer – Increase in Base Rates Only</b>	<b>\$20.41</b>	<b>\$28.72</b>	<b>\$37.03</b>	<b>\$53.65</b>
<b>Summer – Percent Increase in Base Rates</b>	<b>19.9%</b>	<b>19.77%</b>	<b>19.65%</b>	<b>19.53%</b>

<b>Summer – Current Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$123.21	\$176.90	\$230.59	\$337.98
<b>Summer – Proposed Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$143.66	\$205.67	\$267.70	\$391.74
<b>Summer - Increase in Base Rates &amp; Fuel, EECRF and RCE Costs</b>	<b>\$20.45</b>	<b>\$28.77</b>	<b>\$37.11</b>	<b>\$53.76</b>
<b>Summer -- Percent Increase in Base &amp; Fuel, EECRF and RCE Costs</b>	<b>16.60%</b>	<b>16.26%</b>	<b>16.09%</b>	<b>15.91%</b>
<b>WINTER BILLS</b>				
<b>Winter – Current Base Rates Only</b>	\$88.90	\$125.45	\$162.01	\$235.12
<b>Winter – Proposed Base Rates Only</b>	\$108.61	\$153.12	\$197.64	\$286.66
<b>Winter – Increase in Base Rates Only</b>	<b>\$19.71</b>	<b>\$27.67</b>	<b>\$35.63</b>	<b>\$51.54</b>
<b>Winter – Percent Increase in Base Rates</b>	<b>22.17%</b>	<b>22.06%</b>	<b>21.99%</b>	<b>21.92%</b>
<b>Winter – Current Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$109.70	\$156.64	\$203.57	\$297.45
<b>Winter – Proposed Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$129.45	\$184.36	\$239.27	\$349.09
<b>Winter - Increase in Base Rates &amp; Fuel, EECRF and RCE Costs</b>	<b>\$19.75</b>	<b>\$27.72</b>	<b>\$35.70</b>	<b>\$51.64</b>
<b>Winter – Percent Increase in Base &amp; Fuel, EECRF and RCE Costs</b>	<b>18.00%</b>	<b>17.70%</b>	<b>17.54%</b>	<b>17.36%</b>

6. SPS identifies the following items as the major drivers of its request for its proposed rate increase request:
- Capital additions placed into service since SPS’s last rate case, particularly in distribution plant;
  - Updated depreciation rates related to the shortened operating lives for the Tolk and other coal generation plant assets and related net salvage costs;
  - Continued migration of the Lubbock Power & Light transmission load to ERCOT and increase in transmission costs allocated to retail customers
  - SPS’s requested return on equity & capital structure

**City Action Required By March 15, 2023:**

The City must take action by no later than **March 15, 2023**, SPS’s proposed effective date for its requested increase in rates. If the City does not take action by **March 15, 2023**, SPS’s proposed increase in rates as filed will be deemed approved by operation of law.

**REPRESENTATION AND PARTICIPATION IN AXM:**

The law firm of Herrera Law and Associates, PLLC has previously represented the City and its participation in the coalition of cities named the “Alliance of Xcel Municipalities” (AXM) in rate matters involving SPS, including SPS’s most recent rate and fuel cases. The accompanying Resolution authorizes retention of Herrera Law & Associates, PLLC as Special Counsel and continued participation in the AXM coalition.

**INTERVENTION AT THE PUBLIC UTILITY COMMISSION OF TEXAS**

SPS filed its Statement of Intent to raise rates with the City and with the Public Utility Commission of Texas on the same date, February 8, 2023. It is important to participate in these proceedings because the Commission’s decisions could impact rates within the City. Thus, the accompanying Resolution authorizes intervention in proceedings at the Commission as well as any appeals taken from the Commission’s decision.

**RATE CASE EXPENSES:**

The Alliance of Xcel Municipalities’ (AXM) reasonable rate case expenses are subject to reimbursement by the Company.

*RECOMMENDATION: SUSPEND PROPOSED EFFECTIVE DATE FOR THE PERIOD ALLOWED BY LAW*

Motion by Breann Buxkemper

Seconded by Michael Stueart

To suspend the proposed electric rate increase filed by Southwestern Public Service Company and authorizing the City’s continued participation in the Alliance of Xcel Municipalities and related proceedings at the Public Utility Commission.

Motion carried unanimously.

**TENTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution No. 2023-06 approving a Landscape Maintenance Agreement with the Texas Department of Transportation.*

In 2020, Keep Levelland Beautiful applied and was awarded the Governor’s Community Achievement Award in the 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. At this time, the project has a location and is now finishing up design. The project is about to be ready to enter the stages of the bid process.

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. We did this previously on 114 and the project focus has had to move to the intersection of 385 and 300 due to lack of bids received at the 114 location do to safety requirements from TXDOT in the bidding provisions. The committee has concurred with the move and recommends this new landscape agreement.

At this time, we are asking Council to adopt Resolution 2023-06 which will adopt the Landscape Maintenance Agreement, also attached. This will allow Keep Levelland Beautiful to continue moving forward with the project as it begins to enter the bidding phase.

Motion by Mary Engledow

Seconded by Michael Stueart

To approve Resolution No. 2023-06 adopting a Landscape Maintenance Agreement with the Texas Department of Transportation.

Motion carried unanimously.

**ELEVENTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve Ordinance 1071 regulating Mobile Food Service Vendors (also referred to as the Food Truck Ordinance).*

After much deliberation and discussion, the P&Z, City Staff and the City Attorney are pleased to present Ordinance #1071 regulating Mobile Food Service Vendors. As we all know this has been a topic of concern and conversation and this gives us an ordinance to utilize to consistently enforce city wide. This ordinance is consistent and common to other communities.

Recommendation: In light of not receiving the draft of the Ordinance until the day of the meeting, staff recommends we table it for further review if needed by council or approve Ordinance # 1071 on first reading if council feels they have had sufficient time for review.

Motion by Breann Buxkemper

Seconded by Mary Engledow

To table this item until the next council meeting

Motion carried unanimously.

There being no further business, the meeting was adjourned at 6:57pm.

Respectfully Submitted,

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Andréa Corley, TRMC  
City Secretary

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Barbra Pinner, Mayor