

THE LEVELLAND CITY COUNCIL MET IN A REGULAR MEETING ON MONDAY, THE 20th 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 Mayor Pro Tem Breann Buxkemper.

Statements by Citizens:

There were two statements by citizens, both concerning the proposed food truck ordinance.

FIRST ITEM OF BUSINESS:

Consider and take necessary action to approve the minutes of the March 6, 2023, regular meeting.

Motion by Breann Buxkemper

Seconded by Mary Engledow

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

Motion carried unanimously.

SECOND ITEM OF BUSINESS:

Presentation of Fiscal Year 2021-2022 Audit.

David Copeland from the auditing firm of Bolinger, Segars, Gilbert & Moss, L.L.P. made a presentation regarding the Fiscal Year 2021/2022 audit and to answered questions. He reported that the City had a clean audit, applauding Finance Director, Sarah Osburn, for an excellent job, as the City had no journal entries.

No Action Taken.

THIRD ITEM OF BUSINESS:

Consider and take necessary action to approve the Fiscal Year 2021-2022 Audit as presented.

The audit was presented in Item #2.

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve the Fiscal Year 2021-2022 Audit as presented.

Motion carried unanimously.

FOURTH ITEM OF BUSINESS:

Consider and take necessary action to approve Ordinance 1072 amending Appendix A, Article 5.000 of the Code of Ordinances regarding permit fees charged for Mobile Food Units.

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 and Ordinance #1072 amending Appendix A, Article 5.00 regarding permit fees charged for Mobile Food Units. 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.

After much discussion and explanation, Council decided they weren't ready to pass this ordinance, as written. They decided to send it back to Planning & Zoning for further discussion and any necessary revisions.

Motion by Mary Engledow

Seconded by Breann Buxkemper

To send Ordinance 1071 back to the Planning & Zoning Commission.

Motion carried unanimously.

FIFTH ITEM OF BUSINESS:

Consider and take necessary action to approve Ordinance 1072 amending Appendix A, Article 5.000 of the Code of Ordinances regarding permit fees charged for Mobile Food Units.

This Ordinance is the fee schedule that goes along with Ordinance 1071.

(c)	Mobile <u>Food Units (Seasonal)</u> (Annual):	\$25.00\$250.00
(d)	Mobile <u>Food Units (Temporary)</u> <u>per event including Booths per</u> <u>event:</u>	
(1)	Private/ <u>Commercial/For</u> <u>Profit</u>	\$10.00\$75.00
(2)	Nonprofit	No Charge

Motion by Mary Engledow
 Seconded by Breann Buxkemper
 To approve Ordinance #1072 on a first reading.
 Motion carried unanimously.

SIXTH ITEM OF BUSINESS:

Consider and take necessary action to approve hiring Mike Pietsch Consulting to conduct an ISO Survey and approve a budget amendment Resolution 2023-07 to fund this service.

Periodically the Insurance Services Office (ISO) does a review of our fire prevention and suppression efforts. The City of Levelland was last evaluated about five years ago. To help explain what ISO is and the role it plays I have included the following taken from Wikipedia, it provides a general description of what ISO is and what it does.

"Insurance Services Office, Inc. (ISO), a subsidiary of Verisk Analytics, is a provider of statistical, actuarial, underwriting, and claims information and analytics; compliance and fraud identification tools; policy language; information about specific locations; and technical services. ISO serves insurers, reinsurers, agents and brokers, insurance regulators, risk managers, and other participants in the property/casualty insurance marketplace. Headquartered in Jersey City, New Jersey, United States, the organization serves clients with offices throughout the United States, along with international operations offices in the United Kingdom, Israel, Germany, India and China.

ISO was formed in 1971 as an advisory and rating organization for the property/casualty insurance industry to provide statistical and actuarial services, to develop insurance

programs, and to assist insurance companies in meeting state regulatory requirements. It became a wholly owned subsidiary of Verisk Analytics in October 2009.

ISO provides a number of risk-related services to its clients:

- *Fire and building code information*
- *Insurance lines services*
- *Including standardized text for insurance forms*
- *Data collection services*
- *Insurance products for agents*
- *Workers' compensation*
- *Medicare compliance and claims resolution services*

ISO's databases contain more than 19 billion detailed records relating to insurance and risk management, which form the basis for its information services, with two billion records collected each year. ISO employs many members of the Casualty Actuarial Society and other insurance professionals to develop its risk-related products and services."

The purpose of the review is to help the insurance industry in setting fire insurance rates by establishing a Public Protection Classification (PPC) for each city. In establishing a PPC for a city the ISO does a comprehensive review of all factors involved in fire protection and suppression, including but not limited to, the City's personnel and training, equipment, ability to deliver water for firefighting, and enforcement of building codes. After the review ISO makes a recommendation to the Texas Department of Insurance, which helps establish fire insurance rates, regarding the PPC for the city. The PPC classifications range from 1 (the best) to 10 (the worst). Based on its PPC a city having better fire prevention and suppression programs can get better fire insurance rates than cities whose efforts are not as effective. After our last review 10 years ago our rating was improved from a 4 to a 3. In our last ISO review the same consultant was able to help bring us from a 3 to a 2. To provide a point of reference I found the following in the Q&A section of the Department of Insurance State Fire Marshall website.

"In general, how do Texas communities stack up?

Larger cities, which tend to have the best fire protection, generally are rated 1 or 2. A few are rated 3. Small towns tend to cluster in the 4-to-7 range. A number of previously un-inspected areas that returned ISO questionnaires about their fire fighting capabilities are rated 7 or 9."

Not knowing we were due for our ISO review, I was not able to include this request in our FY 2022-2023 budget to include the funds to hire a consultant to assist in preparing for and responding to the ISO review. We have done this in 2005-2006 and 2016-2017 with good results as our ISO rating improved. It appears that this was again a wise investment as our ISO rating improved once again from a 3 to a 2. The attached letter from the State Fire Marshall's office indicates that on April 1st 2017 our PPC rating will improve from its current 3 to a 2, saving our citizens money when they renew their fire insurance. Achieving this improved rating is a major accomplishment, and while the consultant helped us put our best foot forward. our foot was good enough to rate the 2 due to the long term efforts of our department heads, particularly our Fire Chief, Director of Public Works, and Building Official. However, the

improvements over the last 10 years in our programs would not have been possible without the support of the City Council. The money that the citizens have invested in taxes to improve our fire department and water system will now be returned in the form of reduced fire insurance costs.

With the results that we have been able to obtain and achieve through the use of using MP Consulting Services (Mike Peietsch P.E.) I recommend to the council that they consider allowing us to continue to hire Mr. Pietsch bring his 28 plus years of experience working with ISO to help our community maintain an ISO rating of a 2. If our rating drops the citizens of Levelland could be looking at an 8.3% increase in their homeowners insurance for every point dropped. The cost for the consultant is the same price that he has charged the city in our last review which is \$26,500.

Motion by Breann Buxkemper

Seconded by Mary Engledow

To approve hiring Mike Pietsch Consulting to conduct an ISO survey and approve a budget amendment Resolution 2023-07 to fund this service.

Motion carried unanimously.

SEVENTH ITEM OF BUSINESS:

Consider and take necessary action to approve a 5-year contract with Johnson Controls for City Hall security technology upgrades and service and approve a budget amendment Resolution 2023-08 to fund this service.

As part of our move to Ring Central for phone service, we are needing to upgrade our security system functionality at City Hall. The existing control panel, keypad and panic buttons are not capable of supporting VOIP-based communication. We have been with Johnson Controls for several years, originally signing a 5-year contract and continuing service with them on an annual basis.

Included for your review is a proposal to update the city hall system. This proposal was competitively bid through Sourcewell and would update the intrusion alarm system throughout City Hall. This agreement includes a one-time fee for hardware updates of \$5,329.58 and we would own the electronic security equipment upon purchase. Monthly monitoring would be \$62.18 per month, which is annual savings of approximately \$265 from our current year-to-year agreement.

The need for this system is a function of state law requiring certain security features for buildings that house municipal court. As such, we are proposing that the initial equipment purchase be funded out of Building Security (Fund 09), which is the court security fund. The monthly fee is budgeted out of the building department in the general fund.

Motion by Michael Stueart

Seconded by Breann Buxkemper

To approve a contract with Johnson Controls for City Hall security technology upgrades and service and approve a budget amendment Resolution 2023-08 to fund this service.

Motion carried unanimously.

EIGHTH ITEM OF BUSINESS:

Consider and take necessary action to approve a budget amendment Resolution 2023-09 for a name monument at L.G. Griffin Park.

Last year we had citizens approach the city requesting we replace the name monument at L.G. Griffin Park. There was previously a sign at this park, but it was damaged by a vehicle and has not been replaced. City staff, along with council representatives, met with these citizens to discuss their vision for this project.

After obtaining renderings and receiving quotes for the project, we encouraged those citizens to raise a portion of the funds needed to complete the new monument. The city's portion to match these funds is \$4,000, and we are proposing to fund it out of prior year surplus in the Parks department budget.

Motion by Breann Buxkemper

Seconded by Mary Engledow

To approve a budget amendment Resolution No. 2023-09 for a name monument at L.G. Griffin Park.

Motion carried unanimously.

NINTH ITEM OF BUSINESS:

Consider and take necessary action to approve a budget amendment Resolution 2023-10 for using ARPA Funds to fund the Outdoor Warning Notification System.

At our last meeting, council awarded a bid for an Outdoor Warning Notification System from Joe Goddard Enterprises for \$245,480. Council's motion and approval referenced a forthcoming budget amendment to fund this purchase with ARPA funds. This resolution satisfies that requested budget amendment.

Motion by Michael Stueart

Seconded by Breann Buxkemper

To approve a budget amendment Resolution No. 2023-10 for using ARPA Funds to fund the Outdoor Warning Notification System.

Motion carried unanimously.

TENTH ITEM OF BUSINESS:

Consider and take necessary action to approve a budget amendment Resolution 2023-11 for using ARPA Funds to fund the Street Seal Program for 2022-2023.

The FY 22-23 budget does not include a seal coat. City staff is proposing to fund the seal coat project from ARPA funds.

Motion by Mary Engledow

Seconded by Breann Buxkemper

To approve a budget amendment Resolution No. 2023-11 for using ARPA Funds to fund the Street Seal Program for 2022-2023.

Motion carried unanimously.

ELEVENTH ITEM OF BUSINESS:

Consider and take necessary action to approve a budget amendment Resolution 2023-12 for using ARPA Funds to fund the portion of Internal Finance Debt repayment not funded in 2022-2023 Budget.

The FY 22-23 budget does not include full repayment of debt on internally financed equipment and improvements. City staff is proposing to fund the remainder of these payments from ARPA funds.

Motion by Mary Engledow

Seconded by Breann Buxkemper

To approve a budget amendment Resolution No. 2023-12 for using ARPA Funds to fund the portion of Internal Finance Debt repayment not funded in 2022-2023 Budget. Motion carried unanimously.

TWELTH ITEM OF BUSINESS:

Consider and take necessary action to authorize the expenditure of funds on an allocated basis as requested by legal counsel for the Alliance of Xcel Municipalities to educate state administrative and elected officials on the impact of removing certain municipal oversight of retail electric utilities as proposed in Senate Bill 1015 and Senate Bill 1016.

With the Texas state legislature in session, City leaders need to know there is pending legislation that markedly diminishes cities' ability to fully participate in rate proceedings at

the PUCT/RRC. The City of Levelland needs to fight such legislation for the good of the city. To better accomplish this, our Alliance of Xcel Municipalities (AXM) steering committee counsel is recommending using a lobbyist/advocate.

We have funds available for this type of expenditure in department 415 Professional Services.

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve an allocated expenditure of not to exceed \$3000 as recommended by AXM steering committee counsel.

Motion carried unanimously.

THIRTEENTH ITEM OF BUSINESS:

Update from staff about sale of the city-county owned ambulance.

The city-county owned ambulance was auctioned by the public auction firm, Purple Wave. The ambulance sold for \$21,500. The City paid to de-badge the ambulance, then split the remainder of the proceeds with Hockley County.

Gross Proceeds:	\$21,500
De-Badge/Wrap Removal	<u>-\$ (594)</u>
Net Proceeds	\$20,906
50% Share	\$10,453

No Action Taken

FOURTEENTH 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 – Envirotech Chemical Services, Inc. (Arxada).

Mayor Pinner declared Council to be in Executive Session at 7:24pm. She returned Council to regular session at 8:15pm.

FIFTEENTH ITEM OF BUSINESS:

Reconvene into open session and consider authorizing the City Attorney to pursue legal action against Envirotech Chemical Services, Inc. (Arxada) for any breach of legal and/or contractual duties owed to the City and seek recovery of any associated damages.

Motion by Breann Buxkemper

Seconded by Mary Engledow

To authorize the city attorney to take necessary action to protect the legal interests of the City of Levelland regarding the Envirotech contract and authorize the City Manager to transfer the necessary funds to TDA received pursuant to the Envirotech contract.

Motion carried unanimously.

There being no further business, the meeting was adjourned at 8:20pm.

Respectfully Submitted,

Andréa Corley, TRMC
City Secretary

Barbra Pinner, Mayor