

THE LEVELLAND CITY COUNCIL MET IN A REGULAR MEETING ON MONDAY, THE 15th DAY OF MAY 2023, AT LEVELLAND CITY HALL, R. O. DENNIS COUNCIL CHAMBERS, 1709 AVENUE H, WITH THE FOLLOWING MEMBERS PRESENT:

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| Barbra Pinner | Honorable Mayor | Present |
| Jim Myatt | Council Member | Present |
| Mary Engledow | Council Member | Absent |
| Max Ledesma | 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 Jim Myatt.

Statements by Citizens:

There were no statements by citizens.

FIRST ITEM OF BUSINESS:

Recognition of outgoing Council Member- District B: Mary Engledow.

Mayor Barbra Pinner made note of outgoing Council Member Mary Engledow's service to the community. Ms Engledow was not present, so the certificate and her name plate will be given to her at a later date.

SECOND ITEM OF BUSINESS:

Mayoral Proclamation – South Plains Community Action Association

Mayor Pinner read a proclamation for Community Action Month. She invited staff members from the South Plains Community Action Association to join her (and the rest of the Council) for pictures afterward.

THIRD ITEM OF BUSINESS:

Consider and take necessary action to approve the minutes of the April 17, 2023, regular meeting.

Motion by Breann Buxkemper

Seconded by Michael Stueart
To approve the minutes of the April 17, 2023, regular meeting.
Motion carried unanimously.

FOURTH ITEM OF BUSINESS:

Consider and take necessary action on Resolution No. 2023-18, canvassing the 2023 Special Election and declaring the results of the election.

An election was held in the City of Levelland, Texas on May 6, 2023 for the purpose of reauthorizing a local sales and use tax at the rate of one-fourth of one percent to provide revenue for maintenance and repair of municipal streets.

By approving Resolution 2023-18 the City Council finds that said election was duly called; that notice of the election was given in accordance with law; and that the election was conducted in accordance with laws of the State of Texas and the Charter of the City of Levelland.

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|---|------------|--------------|
| Proposition #1 (PROPSICION NUM. 1) | | |
| The reauthorization of the local sales and use tax in the City of Levelland at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets. The tax expires on the fourth anniversary of the date of this election unless the imposition of the tax is reauthorized. | | |
| <i>La reautorización del impuesto local sobre ventas y uso en la Ciudad de Levelland a una tasa de un cuarto del uno por ciento para continuar proporcionando ingresos para mantenimiento y reparación de calles municipales. El impuesto vence en el cuarto aniversario de la fecha de esta elección a menos que se reautorice la imposición del impuesto.</i> | | |
| FOR | 110 | 88.5% |
| AGAINST | 13 | 11.5% |

Motion by Michael Stueart
Seconded by Breann Buxkemper
To approve Resolution 2023-18 canvassing the 2023 Special Election return to declare the result.
Motion carried unanimously.

FIFTH ITEM OF BUSINESS:

Consider and take necessary action to administer the Oath of Office to Council Member District B and District D.

In January, the City of Levelland council called a City Officer's Election for the election of a Council Member for District B and District D to be held on May 6, 2023.

At the March 6, 2023 meeting, Council approved Resolution 2023-04 canceling this election because there was only one eligible candidate seeking the position in District B and D.

Max Ledesma was elected to serve as Council Member for District B and Michael Stueart was re-elected to serve as Council Member for District D. Both will serve a two-year term ending in May, 2025.

State Law requires the Oath of Office be administered to the newly elected Council Members and each newly elected official receive a Certificate of Election.

The Oath of Office was administered to each newly elected Council Member.

No further action was taken.

SIXTH ITEM OF BUSINESS:

Consider and take necessary action on the event application for the Cotton and Crude Fest-Street Fair and Music Festival event.

As you know the Levelland Chamber of Commerce is in the process of planning the annual Cotton & Crude Street Fair & Music Festival Event., scheduled for September 23, 2023 in Downtown Levelland.

All events where alcohol will be permitted require approval from the City Council. The Chamber will sell Cooler Passes for event-goers to bring their own alcohol, with the stipulation that there will be no glass containers allowed, and the TxDOT right of way will be cleaned of any debris before re-opening the streets. Following this memo you will find the Event Application, Street Closure Map, and the Site Plan.

At this time, we are asking that Council consider the application.

Kelly Hancock from the Levelland Chamber of Commerce was present at the meeting to address any questions.

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve the Event Application for the Cotton & Crude Street Fair & Music Festival Event.

Motion carried unanimously.

SEVENTH ITEM OF BUSINESS:

Consider and take necessary action on Resolution No. 2023-19 approving an agreement with the Texas Department of Transportation regarding the closing of two blocks of state highway for the Cotton and Crude Fest-Street Fair and Music Festival.

In regards to the Cotton & Crude event, as in prior events, in order to hold the event, the City and TxDOT will need to temporarily close several streets. When events are held downtown, we normally 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. In order to close them, the State requires that the City approve an agreement for the temporary closure of state right of way. The agreement simply states the requirements the City has when closing down a State highway.

Motion by Breann Buxkemper

Seconded by Max Ledesma

To approve Resolution No. 2023-19 approving an agreement with the Texas Department of Transportation regarding the closing of two blocks of state highway for Cotton & Crude Street Fair & Music Festival Event.

Motion carried unanimously.

EIGHTH ITEM OF BUSINESS:

Consider and take necessary action to approve Resolution No. 2023-20 authorizing the submission of an application to the Events Trust Fund Program for the 2023 Clovis Horse Sales Breeder's Futurity.

The Events Trust Fund Program was created by the Texas Legislature in order to encourage cities to attract sporting and other major events that will have a significant economic impact on not only a particular City but also the State of Texas. In summary, the program estimates the amount of State revenue that will be generated as a result of the event taking place in the State and in turn deposits that amount into a trust fund. In order to capitalize on the opportunity to receive the State funds the City must be willing to match 1/6th of the State amount to be contributed into the trust fund. The local match is based upon local sales tax rates being approximately 1/6th of the state sales tax rate. After the event has been successfully held, eligible expenses incurred in bringing and hosting the event can be reimbursed from the trust fund. While the City is required to provide a match equal to 1/6th of the state amount, the funds come back to the community hosting the event to offset expenses associated with the event. In addition, the event must be competitively bid, and the community must be competing with cities outside of Texas for the right to host the event in order for the event to be eligible.

The City of Levelland has utilized the Event Trust Fund Program on various occasions in the past. The City has qualified for a trust fund events such as:

2010 Babe Ruth World Series

2011 Little Dribbler's Tournament

2015, 2016 NJCAA Half Marathon Classic and the NJCAA Outdoor Track and Field Championship

2020, 2021, 2022 Clovis Horse Sale

2021 NJCAA Men's and Women's Outdoor Track and Field Championship

We are currently working with the Chamber of Commerce who is working with the Event Organizers of the 2023 Clovis Horse Sales Breeder's Futurity. The Event Trust Fund is one way we as a City can incentivize event holders to continue to host these events in our community.

With the various changes and increased scrutiny of the program and the program being moved to the Office of the Governor from the Texas Comptroller's Office, we have been working with Dr. Don Hoyte with TexasTrustFunds.com, a consultant, for assistance. The Lubbock Sports Authority, which uses the program regularly for various events, including various SPC events, has used this consultant during the application process. The fee structure for the consultant consists of a fee which is 10 percent of the state portion trust fund amount. The fee is only charged upon successfully receiving funds from the established trust fund. In the past utilizing the consultant has proven to be valuable as we have received several trust funds with his assistance. The largest part of being able to apply for funds is that of conducting an economic impact study.

The consultant fee can be paid by utilizing the Hotel Occupancy Tax (HOT) funds to cover the consultant fee and will be discussed with the HOT committee. Utilizing the data that was given to the City and Chamber by the event organizer and submitting it to the State, the event can qualify for the event fund that includes event funding and 1/6th local share. Keep in mind, when event expenses are submitted for reimbursement, the local funds come back to the community. Any unused local funds are reimbursed by the State.

By approving the resolution, we will be able to move forward with applying for the Event Trust Fund for the 2023 Clovis Horse Sale. We will also be able to accept the Event Trust Fund from the State and execute an event support contract with the event holder. This event will be held in November of this year.

Motion by Michael Stueart

Seconded by Jim Myatt

To approve Resolution No. 2023-20 authorizing the submission of an application to the Events Trust Fund Program for the 2023 Clovis Horse Sales Breeder's Futurity

Motion carried unanimously.

NINTH ITEM OF BUSINESS:

Consider and take necessary action regarding a Hotel Occupancy Tax funds request for the Fearless Champions Summer Showcase.

At the Hotel Occupancy Tax Committee meeting on April 12th the Committee voted to fund the Fearless Champions Summer Showcase at \$2,400 based on room nights from the 2019 event they held.

Fearless Champions Summer Showcase

Event Date: July 28-29, 2023

Location: Mallet Event Center & Arena

Requested \$ 5,000

2019 (Nov 22-23)– RNS N = 74; Funded - \$3,500; N=1,547 attendees

2018 (Nov 16-18)– RNS N= 61; Funded - \$5,000; N=1,433 attendees

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve a request for Hotel Occupancy Tax Funds for the Fearless Champions Summer Showcase in the amount of \$2,400.

Motion carried unanimously.

TENTH ITEM OF BUSINESS:

Consider and take necessary action on the event application for the Levelland Main Street Sip & Swirl event.

In 2022, the Levelland Main Street Program held the fifth annual Levelland Sip and Swirl event in downtown Levelland. The event included multiple wineries, food vendors, shopping, music, a VIP pre-event, craft beer, etc. and was a fundraiser for the Levelland Mainstreet program's downtown projects. At this time, the Levelland Main Street Program has put together an event application in accordance with the City's ordinance to hold the event once again. This year's date is June 9, 2023.

All events where alcohol will be distributed require approval from the City Council in accordance with the special events ordinance adopted by Council a couple of years ago.

Motion by Michael Stueart

Seconded by Breann Buxkemper

To approve the Event Application for the Levelland Main Street Sip and Swirl.

Stueart and Buxkemper voted FOR the motion.

Myatt voted AGAINST the motion.

Motion passed on a 2-1 vote.

ELEVENTH ITEM OF BUSINESS:

Consider and take necessary action on request from Joe Bob Wells regarding the OXY Farm Lease with the city regarding the drip irrigation system.

As in prior events, in order to hold a Sip & Swirl event, the City and TxDOT will need to temporarily close several streets. When events are held downtown, we normally 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, and requires that the City approve an agreement for the

temporary closure of state right of way. The agreement simply states the requirements the City has when closing down a State highway.

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve Resolution No. 2023-21 approving an agreement with the Texas Department of Transportation regarding the closing of two blocks of state highway for the Levelland Sip and Swirl event.

Stueart and Buxkemper voted FOR the motion.

Myatt voted AGAINST the motion.

Motion passed on a 2-1 vote.

TWELFTH ITEM OF BUSINESS:

Consider and take necessary action to approve Resolution 2023-22 regarding a settlement from the Opioid Abatement Fund Council.

As part of the State of Texas Opioid settlement with pharmaceutical companies, the City of Levelland must pass a resolution adopting the Texas Term Sheet. If the full settlement comes through as expected the City of Levelland could be able to keep/receive any portion of the estimated \$118,703.17 allocated.

Motion by Michael Stueart

Seconded by Max Ledesma

To approve Resolution 2023-22 regarding a settlement from the Opioid Abatement Fund Council.

Motion carried unanimously.

THIRTEENTH ITEM OF BUSINESS:

Consider and take necessary action to authorize the City Manager to dispose of surplus property.

At this time, we have accumulated some vehicles and equipment that we may no longer need but may be of value to someone else. Accordingly, we are recommending that Council authorize staff to dispose of surplus property by authoring staff to list the items in an online auction.

Should the Council choose to authorize us to move forward with disposal of the surplus property, we will place them in an online auction site similar to the way we marketed the City/County owned ambulance. If the vehicles are disposed of through an online auction, we will also run a notice in the local newspaper to encourage local bidders to submit bids as well.

Motion by Breann Buxkemper
Seconded by Michael Stueart
To authorize City Manager to dispose of surplus property as presented.
Motion carried unanimously.

FOURTEENTH ITEM OF BUSINESS:

Presentation of Broadband Study.

Earlier this year the City Council approved using APRA funds to fund a broadband study for informational and future use in possible grant funding for contractors and local government.

Connected Nation was the chosen company to conduct the study. The audit team covered 115 linear road miles, consisting of a total of 261 miles driven in and around the community to validate, document, and map the infrastructure assets capable of delivering broadband services. This project resulted in identifying the precise locations of existing broadband assets.

The Summary: The broadband landscape in the city of Levelland is uncharacteristic of many similar-sized communities, in that Levelland has two FTTP providers: Vexus Fiber and Windstream, that offer gigabit services to the entire city. Additionally, Windstream continues to upgrade its robust DSL service. Levelland is also served by at least four fixed wireless providers: Resound, Nates Access, Rise Broadband, and TWN Communications. Given the additional coverage by mobile providers such as AT&T, T-Mobile, and Verizon, Levelland is well-positioned for internet connectivity, and has broadband options desired by many communities nationwide.

No Action Taken.

FIFTEENTH 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) on a second & final reading.

At the March 20th Council meeting, council voted to send the proposed Mobile Food Service Vendors Ordinance back to the Planning & Zoning Commission for a few revisions. P&Z met and looked at the recommended revisions and voted to send revisions back to the City Attorney for correction and they have also asked for the ability to review via email the edited ordinance prior to sending it back to Council. (P&Z will not be able to vote via email and any dissension may require another meeting for final vote and concurrence). Hopefully, we can accomplish this prior to the next council meeting, but if not we may need to table one more time. If received and approval given by P&Z then it will be in your packet for review.

At the April 3, 2023, City Council meeting the City Council tabled this item to allow the P&Z one more time for review and acceptance to ensure all substantial changes had been reviewed

and changed correctly. P&Z met on April 11th and concurred with the changes and is now ready to present the final to City Council.

On the last City Council meeting held April 17, 2023 the council approved Ordinance #1071 on a first reading.

Motion by Breann Buxkemper

Seconded by Max Ledesma

To approve Ordinance #1071 on a second and final reading.

Motion carried unanimously.

SIXTEENTH ITEM OF BUSINESS:

Convene into executive session in accordance with Tex. Gov't Code §551.074 Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee (City Manager; Finance Director).

Mayor Pinner declared Council to be in Executive Session at 6:53pm. She returned Council to regular session at 7:51pm.

SEVENTEENTH ITEM OF BUSINESS:

Reconvene into open session and consider and take necessary action on items related to the executive session including any necessary budget amendments, if needed.

Motion by Michael Stueart

Seconded by Breann Buxkemper

To offer Joe Cavazos the Interim City Manager position, effective immediately upon the Mayor visiting with him.

Motion carried unanimously.

There being no further business, the meeting was adjourned at 7:52pm.

Respectfully Submitted,

Andréa Corley, TRMC
City Secretary

Barbra Pinner, Mayor