

THE LEVELLAND CITY COUNCIL MET IN A REGULAR MEETING ON MONDAY, THE 21ST DAY OF AUGUST 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
Max Ledesma	Council Member	Present
Breann Buxkemper	Mayor Pro Tem	Present
Michael Stueart	Council Member	Present
Matt Wade	City Attorney	Present
José Cavazos	Interim 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:

Statements were received by 1 citizen in regards to cars racing through the country club area. Two citizens made public comments on the red flour beetle pest problem in the Kaufman Addition.

FIRST ITEM OF BUSINESS:

Consider and take necessary action to approve the minutes of the August 7, 2023, regular meeting, the August 14, 2023, special meeting and the August 15, 2023, special meeting.

Motion by Breann Buxkemper

Seconded by Jim Myatt

To approve the minutes of the August 7, 2023, regular meeting, the August 14, 2023, special meeting and the August 15, 2023, special meeting.

Motion carried unanimously.

SECOND ITEM OF BUSINESS:

Staff update on the progress of the investigation into the red flour beetles in the Kaufman Addition.

Cole Kirkland gave Council and citizens an update on the progress of the investigation into the red flour beetles in the Kaufman Addition.

No Action Taken

THIRD ITEM OF BUSINESS:

Hold a public hearing regarding a substandard structure located at 1512 5th - OT LEVELLAND, BLOCK 111, LOT 2 E/2 & LOT 3 ALL & LOT 4 W 5'.

Mayor Piner opened the Public Hearing at 6:51pm.
Mayor Pinner closed the Public Hearing at 6:57pm.

FOURTH ITEM OF BUSINESS:

Consider and take necessary action and issue any necessary order to abate, repair, secure or demolish regarding substandard structure located at 1512 5th - OT LEVELLAND, BLOCK 111, LOT 2 E/2 & LOT 3 ALL & LOT 4 W 5'.

In June of 2017, Council adopted an ordinance which revised the housing standards ordinance addressing the abatement, repair, and demolition of substandard structures that are declared a public nuisance. The revisions were necessary as a result of changes in legislation as well as recent court cases.

With the new ordinance in place the Levelland Housing Standards Commission recently met and considered action on 1 structure that has been identified as substandard by the Building Inspections Department. This structure is located at 1512 5th. The property owner has been contacted with the appropriate notices by certified mail, by notices placed on the structures, and by notices filed in the Hockley County Real Property Records. The Levelland Housing Standards Commission voted to recommend to the Council to order the demolition of the substandard structure.

In order to take the next step a second public hearing is required before the City Council. After the conclusion of the public hearing Council can then take action on the recommendation from the Housing Standards Commission.

It is the recommendation of the Housing Standards Commission and City staff that Council vote to order the abatement of the substandard structure. Once the order is issued to the property owners, they will have 30 days to demolish the structure. If they do not, then the City will step in and demolish the structure and assess the charges for to the property owner for doing so.



Motion by Breann Buxkemper

Seconded by Michael Stueart

To order to abate and demolish a substandard structure located at 1512 5th St, Levelland, Hockley County, TX 79336; OT LEVELLAND, BLOCK 111, LOT 2 E/2 & LOT 3 ALL & LOT 4 W 5' within 45 days.

Motion carried unanimously.

FIFTH ITEM OF BUSINESS:

Consider and take necessary action on Ordinance No. 1073 approving a negotiated settlement with Atmos West Texas on a second and final reading.

Atmos West Texas (WTX) Cities have reached a settlement agreement with Atmos resolving the 2023 RRM filing. In its filing, the Company requested a \$12.1 million increase to the WTX Cities. This was reduced to \$11.4 million due to limitations in the RRM tariff. Our consultants conducted discovery and prepared a report detailing adjustments totaling \$2.2 million. This translates into a \$9.2 million increase (i.e., \$11.4 - \$2.2 = \$9.2). The Company has agreed to settle the case for \$8.4 million. This is a reduction of \$3.7 million to the Company's initial request. This includes payment of the Cities expenses. In addition, there is an additional \$2.7 million for the securitization regulatory assert expenses related to Winter Storm Uri. This was previously approved by the Texas Legislature and Railroad Commission. Based upon all the factors, we believe this is a very good outcome and recommend approval.

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve Ordinance No. 1073 approving a negotiated settlement with Atmos West Texas on a second and final reading.
Motion carried unanimously

SIXTH ITEM OF BUSINESS:

Consider and take necessary action to approve Ordinance No. 1074 amending Article 4.1400 of Chapter 4 of the Code of Ordinances regulating the operation of game rooms and amusement redemption machines in the City of Levelland on second and final reading.

The City Council adopted an ordinance that addressed the regulation and conduct of Game Rooms within the City of Levelland and established a licensing process. At this time, we are recommending some additional amendments to that ordinance that Council adopted.

One of the proposed changes is to increase the annual license fee for the game room permit to \$1,000. Currently the annual license fee is \$500. This is intended to cover the City's costs in inspecting and verifying that Game Rooms are compliant with our current code of ordinances. While the City would have additional costs in allocating resources to do another inspection before reissuing the permit, our current ordinance does not have any additional fees associated with this cost. As a result, we are recommending an additional fee to address this additional cost to the City.

In addition, to increase visibility to the public from a street, corridor, or lobby, we are also proposing to change the transparent unobstructed windows on the side facing the public to require a minimum of 30% of the surface area of that wall facing the public to be a transparent and unobstructed window(s).

In addition to verifying that the state occupation tax has been paid for each amusement redemption machine and that the tax permit issued by the state and seals required by the state are securely affixed to each machine, we are also proposing that the city of Levelland charge a fee of \$15 for each amusement redemption machine and sealed by the city of Levelland as proof that the fee has been paid to the city and that the amusement redemption machine is in compliance.

In addition, we also propose that it be required for the manager/operator of the game room to maintain a contemporaneous list of any prizes to be awarded and allow the city manager, chief of police, building official, code enforcement officer, etc. to visibly see the prizes that will be awarded to the patrons/customers.

Motion by Michael Stueart
Seconded by Mac Ledesma

To approve Ordinance No. 1074 amending Article 4.1400 of Chapter 4 of the Code of Ordinances regulating the operation of game rooms and amusement redemption machines in the City of Levelland on a second and final reading.
Motion carried unanimously.

SEVENTH 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 Board Appointments)

Mayor Pinner declared Council to be in Executive Session at 7:18pm. She returned Council to regular session at 8:14pm.

EIGHTH ITEM OF BUSINESS:

Consider and take necessary action regarding board appointments to the City of Levelland boards and commissions.

Motion by Breann Buxkemper

Seconded by Jim Myatt

To reappoint Tushar Bhakta to a three-year term on the LEDC Board.

Motion carried unanimously.

Motion by Michael Stueart

Seconded by Breann Buxkemper

To reappoint Frankie Ruiz and Kelly Read to a two (2) year term on the LCDC Board and appoint Jacob Tucker as a new member.

Motion carried unanimously.

Motion by Michael Stueart

Seconded by Jim Myatt

To reappoint Sham Myatt and Todd Paxton to a two (2) year term on the TIRZ #1 Board and appoint Breann Buxkemper as Council's representative to this Board.

Motion carried unanimously.

Motion by Michael Stueart

Seconded by Max Ledesma

To reappoint Sham Myatt to a two (2) year term on the TIRZ #2 Board and appoint Breann Buxkemper as Council's representative to this Board.

Motion carried unanimously.

Motion by Michael Stueart

Seconded by Jim Myatt

To reappoint Butch Wade, Pete Cunningham, and Devin Sonnenburg to two-year terms as regular board members for the Planning & Zoning Commission.
Motion carried unanimously.

Motion by Michael Stueart
Seconded by Max Ledesma

To reappoint Mr. Butch Wade to a two-year term on the Zoning Board of Adjustments. Move Donny Barry (1st Alternate) and Manuel Mendez (2nd Alternate) to regular member positions, and do not fill the alternate positions.
Motion carried unanimously.

Motion by Breann Buxkemper
Seconded by Max Ledesma

To appoint Brian Thoms and Jeremiah Gavina to two-year terms on the Housing Standards Commission
Motion carried unanimously.

Motion by Breann Buxkemper
Seconded by Max Ledesma

To appoint Ryan Fitzgerald and reappoint Derek Dunn to the Airport Advisory Board appoint Michael Stueart as Council's representative to this Board.
Motion carried unanimously.

Motion by Michael Stueart
Seconded by Breann Buxkemper

To appoint Reese Taylor to the Cemetery Advisory Board.
Motion carried unanimously.

Motion by Michael Stueart
Seconded by Max Ledesma

To table the appointments to the Construction Advisory and Appeals Board.
Motion carried unanimously.

NINTH ITEM OF BUSINESS:

Consider and take necessary action to approve Resolution 2023-25 appointing a board member to the Canadian River Municipal Water Authority Board of Directors.

As a member of the Canadian River Municipal Water Authority (CRMWA) the City of Levelland appoints two Levelland citizens to represent us on the CRMWA board of directors. These board members serve staggered terms so that the Council has a CRMWA appointment to consider each summer. Due to having a reliable supply of water being so important to the city, the City Council has historically appointed two of Levelland's most outstanding community leaders as our representatives to the CRMWA board. Our current representatives, Richard Ellis and Ryan Hall, are two such individuals and are doing a great job of representing Levelland and looking out for our interests. Mr. Ellis has represented Levelland on the board since 2006 and is currently serving as the board President.

Mr. Ellis' term expired at the end of July, and he has indicated a willingness to continue serving on this board.

Motion by Breann Buxkemper

Seconded by Michael Stueart

To approve Resolution 2023-25 appointing Richard Ellis to a two-year term on the Canadian River Municipal Water Authority Board of Directors.

Motion carried unanimously.

TENTH ITEM OF BUSINESS:

Hold a budget work session for Fiscal Year 2023/2024 Budget.

Staff and Council discussed the budget for the Special Funds.

There being no further business, the meeting was adjourned at 8:59pm.

Respectfully Submitted,

Andréa Corley, TRMC
City Secretary

Barbra Pinner, Mayor