

THE LEVELLAND CITY COUNCIL MET IN A REGULAR MEETING ON MONDAY, THE 17<sup>th</sup> DAY OF MARCH, 2025, AT LEVELLAND CITY HALL, R. O. DENNIS COUNCIL CHAMBERS, 1709 AVENUE H, WITH THE FOLLOWING MEMBERS PRESENT:

Breann Buxkemper	Honorable Mayor	Present
Michael Stueart	Mayor Pro Tem	Present
Bill Powell	Council Member	Present
Max Ledesma	Council Member	Present
Jaime McCabe	Council Member	Absent
Slater Elza	City Attorney	Absent
James Fisher	City Manager	Present
José Cavazos	Assistant City Manager	Present
Andréa Corley	City Secretary	Present

The City Council meeting was called to order at 6:00pm by Mayor Buxkemper.

The Pledge was led by Mayor Breann Buxkemper.

The Invocation was led by Council Member Bill Powell

*Statements by Citizens:*

There was one statement by a citizen concerning the Animal Shelter Policies and Procedures

**FIRST ITEM OF BUSINESS:**

*Consider and take necessary action to approve the minutes of March 3, 2025, regular meeting.*

Motion by Michael Stueart

Seconded by Bill Powell

To approve the minutes of March 3, 2025, regular meeting.

Motion carried unanimously.

**SECOND ITEM OF BUSINESS:**

*Hold a public hearing to consider a zoning change from Industrial to B-2 Business District for the following locations:*

The reason for the zone change is to entice more commercial business to that area. The industrial zone is for oil field service yards, commercial welding or other manufacturing shops, factories, cotton gins and warehouses, game rooms, and any other non-residential use for which no restriction or conditions exist. General commercial businesses may not want to buy or build

on industrial zoned properties. By rezoning these properties to B-2 we believe that it will be better suited for commercial use and entice more businesses to utilize this area.

<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
• 513 E. Hwy 114	HOOD CSL, LGE 28, LAB 2, TR 1, AB149, ACRES 1.112
• 513 E. Hwy 114	HOOD CSL, LGE 28, LAB 2, TR 1, AB149, ACRES 1.8480
• 515 E. Hwy 114	HOOD CSL, LGE 28, LAB 2, TR 1A, AB149, ACRES 0.433
• No address assigned	HOOD, CSL, LGE 28, LAB 2, TR 1, AB149, ACRES .90
• 601 E. Hwy 114	RAWLS (LEV), BLOCK 1, LOT 1, ACRES 5.6
• 601 E. Hwy 114	HOOD CSL, LGE 28, LAB 1, TR 6, AB149, ACRES 2.540
• 701 E. Hwy 114	BOEDEKER (LEV), LOT 1
• No address assigned	BOEDEKER (LEV), LOT 6
• 703 E Hwy 114	BOEDEKER (LEV), LOT 2
• No address assigned	BOEDEKER (LEV), W/2 OF LOTS 4 & 5
• No address assigned	BOEDEKER (LEV), LOT 3
• 707 E. Hwy 114	BOEDEKER (LEV), E/2 OF LOTS 4 & 5
• No address assigned	HOOD CSL, LGE 28, LAB 1, TR 2A, ACRES 3.250 (LEVELLAND OFFICE BUILDING)
• No address assigned	HOOD CSL, LGE 28, LAB 1, TR 2, AB149, ACRES 28.566
• 1303 E. Hwy 114	HOOD CSL, LGE 28, LAB 1 O/O TR2, AB149, ACRES 5.000
• 1305 E. Hwy 114	HOOD CSL, LGE 28, LAB 1, TR 4, ACRES 1.000
• 1307 E. Hwy 114	HOOD CSL, LGE 28, LAB 1, TR 1, AB149, ACRES 5.000, NO LABEL
• No address assigned	HOOD CSL, LGE 28, O/O LAB 1, TR 2, AB149, ACRES 4.700

Mayor Buxkemper opened the Public Hearing at 6:07pm.

Mayor Buxkemper closed the Public Hearing at 6:14pm.

### **THIRD ITEM OF BUSINESS:**

*Consider and take necessary action to approve Ordinance #1092 on a first reading instituting a zoning change from industrial to B-2 Business District for the following locations:*

<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
• 513 E. Hwy 114	HOOD CSL, LGE 28, LAB 2, TR 1, AB149, ACRES 1.112
• 513 E. Hwy 114	HOOD CSL, LGE 28, LAB 2, TR 1, AB149, ACRES 1.8480
• 515 E. Hwy 114	HOOD CSL, LGE 28, LAB 2, TR 1A, AB149, ACRES 0.433
• No address assigned	HOOD, CSL, LGE 28, LAB 2, TR 1, AB149, ACRES .90
• 601 E. Hwy 114	RAWLS (LEV), BLOCK 1, LOT 1, ACRES 5.6
• 601 E. Hwy 114	HOOD CSL, LGE 28, LAB 1, TR 6, AB149, ACRES 2.540
• 701 E. Hwy 114	BOEDEKER (LEV), LOT 1
• No address assigned	BOEDEKER (LEV), LOT 6
• 703 E Hwy 114	BOEDEKER (LEV), LOT 2
• No address assigned	BOEDEKER (LEV), W/2 OF LOTS 4 & 5
• No address assigned	BOEDEKER (LEV), LOT 3

- 707 E. Hwy 114 BOEDEKER (LEV), E/2 OF LOTS 4 & 5
- No address assigned HOOD CSL, LGE 28, LAB 1, TR 2A, ACRES 3.250  
(LEVELLAND OFFICE BUILDING)
- No address assigned HOOD CSL, LGE 28, LAB 1, TR 2, AB149, ACRES 28.566
- 1303 E. Hwy 114 HOOD CSL, LGE 28, LAB 1 O/O TR2, AB149, ACRES 5.000
- 1305 E. Hwy 114 HOOD CSL, LGE 28, LAB 1, TR 4, ACRES 1.000
- 1307 E. Hwy 114 HOOD CSL, LGE 28, LAB 1, TR 1, AB149, ACRES 5.000, NO  
LABEL
- No address assigned HOOD CSL, LGE 28, O/O LAB 1, TR 2, AB149, ACRES 4.700

Motion by Michael Stueart

Seconded by Bill Powell

To approve Ordinance 1092 instituting a zoning change amending Ordinance 635 (Article 9.500) of the Code of Ordinances of the City of Levelland, Texas and amending the zoning map of the City of Levelland as set out in §9.504 of the Code of Ordinances by changing the zoning classification of the parcels of land identified herein; Providing a penalty; providing an effective date; providing a savings clause; and providing for publications.

Motion carried unanimously.

#### **FOURTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution 2025-03 to declare unopposed candidates elected to office and cancelling the 2025 General City Officer's Election for District B.*

For the 2025 General Election, we have two seats up for election; District B and District D. District D is a contested race. District B is not a contested race, having only one qualified candidate who has applied for a place on that ballot. In accordance with Section 2.051 of the Texas Election Code, if a candidate is unopposed, and we have no at-large races on the ballot, then we can cancel that election. In District B, Max Ledesma is the unopposed candidate. There is no at-large race on the ballot this year. As a result, we are able to cancel the District B election and declare Mr. Ledesma the winner. He will be sworn in at the second meeting in May.

NOTE: This does not affect our Special Election. We will still have the Charter Amendment Election on May 3.

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 Bill Powell

Seconded by Michael Stueart

To approve Resolution 2025-03 to declare unopposed candidate elected to office and cancelling the 2025 General City Officer's Election for District B.

Motion carried unanimously.

**FIFTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve the 2025 Election Agreement between Hockley County and City of Levelland.*

The 2025 General Election for the City of Levelland Council District D and the Special Charter Amendment Election will be May 3, 2025. The City will have one contested Council Seat race (District D) and one Special Election (Charter Amendment Election).

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 (staffing, equipment maintenance, voter registration, etc) 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 Michael Stueart

Seconded by Max Ledesma

To approve the 2025 Election Agreement between Hockley County and City of Levelland.  
Motion carried unanimously.

**SIXTH ITEM OF BUSINESS:**

*Consider and take necessary action to purchase a 6-inch pump for the Water Department.*

City Manager James Fisher requested Council skip this agenda item as information is not complete.

**SEVENTH ITEM OF BUSINESS:**

*Consider and take necessary action on a payment request from AMERESCO in the amount of \$1,536,463.31 for the water meter project pursuant to the contract approved between the City and AMERESCO in October 2024.*

The city has received payment application #3 from AMERSCO in the amount of \$1,536,463.31. The Certificates of Obligation that the City Council authorized will be delivered around March 20th and this payment will come from those dollars.

Motion by Bill Powell

Seconded by Max Ledesma

To approve a payment request from AMERESCO in the amount of \$1,536,463.31 for the water meter project pursuant to the contract approved between the City and AMERESCO in October 2024.

Motion carried unanimously

#### **EIGHTH ITEM OF BUSINESS:**

*Consider and take necessary action on requests for funding the following recommended projects under the Main Street Façade Grant Program pursuant to Chapter 380 of the Texas Local Government Code.*

In August of 2020 Council approved the establishment of the Levelland Main Street Façade Grant Program under the City's Chapter 380 Program. 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, five grants were awarded and four completed and reimbursed for a total of \$6,600. In 2021, six grants were awarded and had four completed and reimbursed for a total of \$7,535.19. In 2023, we received six grant requests, five completed and reimbursed for a total of \$10,000. No grants were disbursed in 2024.

The Main Street Advisory Board is recommending that Council open the application process for 2025 grants with a maximum on five - \$2,000 grants.

Motion by Michael Stueart

Seconded by Max Ledesma

To approve the opening Main Street Façade Grant Program Application as recommended by the Levelland Main Street Program.

Motion carried unanimously

#### **NINTH ITEM OF BUSINESS:**

*Consider and take necessary action on the 2025 Sealcoat Project.*

From Parkhill Engineers:

On March 6, 2025, the Governing Bodies of Borger, Dawson County, Floydada, Hereford, Kermit, Lamesa, Levelland, Littlefield, Marfa, Muleshoe, Pampa, Pecos, Post, Ransom Canyon, Seminole, Stanton, Sundown, and Wolfforth received six Bids from Missouri Petroleum Products Company, LLC, Freeman Paving LLC, Clark Construction of Texas, Inc., Danny's Asphalt Paving Inc., CK Newberry, LLC, and Cactus Transport II LLC, for the 2025 Group Seal Coat Program and Parkhill has now completed the evaluations of those submitted Bids for the subject Project.

The Opinion of Probable Cost (OPC) for this Project is \$3.75/SY for a total of \$4,045,436.25 and Bid amounts ranged from a low of \$3.27/SY for a total of \$3,527,620.41 (Missouri Petroleum Products Company, LLC) to a high of \$4.43/SY for a total of \$4,779,008.69 (Cactus Transport II LLC). The low price is 12.8% lower than the OPC.

Parkhill assessed the qualifications of the low Bid to determine if they satisfy Minimum General Requirements and Minimum Project Specific Criteria established for this Project, and Missouri Petroleum Products Company, LLC met all criteria. Based upon our complete evaluation of all information provided, we recommend the Construction Contract for the 2025 Group Seal Coat Program project be awarded to Missouri Petroleum Products Company, LLC, including all Base Bid Proposal items for total Contract amount of \$3,527,620.41. In addition, Missouri Petroleum Products Company, LLC has successfully completed Projects of similar nature and complexity, such as the 2023 and 2024 Group Seal Coat Program, and we feel they will complete the work satisfactorily.

The City of Levelland's contract price is \$397,246.14. The city budgeted \$350,000 in the FY 25 Annual Budget and the City Council authorized an additional \$150,000 from ARPA funds on December 16, 2024. The city also budgeted \$600,000 in Street Maintenance Sales Tax Revenue for FY 25 Annual Budget

Motion Michael Stueart  
Seconded by Max Ledesma  
To approve Resolution 2025-25 for local bidder preference on a Request for Proposals for a Water Department truck.  
Motion carried unanimously

**TENTH ITEM OF BUSINESS:**

*Consider and take necessary action the April 21, 2025, City Council regular meeting.*

The second Council meeting in April is currently scheduled for April 21st. The City Manager will be on a previously scheduled vacation and will not return until April 23rd. The Assistant City Manager's last day of employment will be April 11th.

Motion by Michael Stueart  
Seconded by Bill Powell

To change the 2nd City Council meeting in April from April 21, 2025 to April 28, 2025.  
Motion carried unanimously

**ELEVENTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution 2025-04 granting access easement to Joe Bob Wells at or near the Oxy Sports Complex.*

The City and Joe Bob Wells began a discussion a few years back regarding a possible land exchange and/or easement exchange for the possible expansion of the Oxy Sports Complex (Phase 2). The next Phase shows a large baseball field that extends northeast into Mr. Wells property and the flagpole is located within the dedicated property.

Motion by Bill Powell

Seconded by Max Ledesma

To approve Resolution No. 2025-04 granting access easement to Joe Bob Wells at or near the Oxy Sports Complex and authorize the Mayor and/or the City Manager to execute any necessary documents.

Motion carried unanimously

**TWELFTH ITEM OF BUSINESS:**

*Consider and take necessary action on Resolution 2025-05 accepting access easement from Joe Bob Wells at or near the Oxy Sports Complex.*

The City and Joe Bob Wells began a discussion a few years back regarding a possible land exchange and/or easement exchange for the possible expansion of the Oxy Sports Complex (Phase 2). The next Phase shows a large baseball field that extends northeast into Mr. Wells property and the flagpole is located within the dedicated property.

Motion by Bill Powell

Seconded by Max Ledesma

To approve Resolution No. 2025-05 accepting access easement from Joe Bob Wells at or near the Oxy Sports Complex and authorize the Mayor and/or the City Manager to execute any necessary documents.

Motion carried unanimously

**THIRTEENTH ITEM OF BUSINESS:**

*Consider and take necessary action on Ordinance 1090 forming the Mosaic Restoration Fund for the creation, maintenance, and restoration of mosaic art in Levelland on a second reading.*

The purpose of this ordinance is to create a fund utilizing hotel motel occupancy fund dollars for the repair restoration and or creation of mosaics within the City Of Levelland. The City of Levelland was established as a city of mosaics by the state legislature in 2019, we will need to request this designation again for the expiration in 2029. Within the city, there are approximately 120 mosaics that are located in public and private areas, they serve as a beautification piece for our community, a sense of pride, and a draw for tourism. This proposed fund be a catalyst for matching dollars to assist public and private partners to restoring, maintaining and creating existing mosaics.

The Chamber of Commerce and LEAP have been instrumental and the driving force in the idea of this fund.

Motion by Bill Powell

Seconded by Max Ledesma

To approve Resolution No. 2025-05 accepting access easement from Joe Bob Wells at or near the Oxy Sports Complex and authorize the Mayor and/or the City Manager to execute any necessary documents.

Motion carried unanimously

#### **FOURTEENTH ITEM OF BUSINESS:**

*Consider and take necessary action to approve Ordinance 1091 finding that the statement of intent of Atmos Energy Corp., West Texas Division to change rates filing within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this ordinance is passed is open to the public as required by law; requiring notice of this ordinance to the company and legal counsel on a second reading.*

On October 25, 2024, Atmos Energy Corp., West Texas Division (Atmos or Company) filed a Statement of Intent to Increase Rates with cities retaining original jurisdiction in the West Texas Division. In the filing, the Company is seeking to increase system-wide base rates by approximately \$66.1 million. If approved, this will increase the annual revenues received from the incorporated areas by approximately \$26.9 million (an increase of 20.76% including gas costs). According to Atmos West Texas, the impact of this approval on an average residential customer would be an increase of about \$16.66 per month (an increase of 10%). In late October, the Cities Served by Atmos West Texas (Cities) engaged the services of consultants to review the Company's filing. The consultants identified numerous unreasonable expenses and proposed significant reductions to the Company's request.

Accordingly, Cities' attorney recommends that all Cities members adopt the Resolution denying the rate change. Once the Resolution is adopted, Atmos will have 30 days to appeal the decision to the Railroad Commission where the appeal will be consolidated with Atmos's

filing for the environs and those cities that have relinquished their jurisdiction (i.e. Gas Utility Docket 18879) currently pending at the Commission.

Under the law, a city may suspend the rate change for 90 days after the date the rate change would otherwise be effective. Atmos agreed to an effective date of December 21, 2024.

Thus, a city that took action on the suspension resolution before December 21, 2024, the time has now come for the City of Levelland to adopt the resolution denying the rate change. City of Levelland must take action no later than March 21, 2025.

Motion by Michael Steuart

Seconded by Bill Powell

To approve Ordinance 1091 finding that the statement of intent of Atmos Energy Corp., West Texas Division to change rates filing within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the company; finding that the meeting at which this ordinance is passed is open to the public as required by law; requiring notice of this ordinance to the company and legal counsel on a second reading.

Motion carried unanimously

#### **FIFTEENTH ITEM OF BUSINESS:**

*City Manager Report: Staff Updates, Project Updates, Staff/Citizen recognition, Items of Community Interest. No action will be taken.*

- The Levelland Economic Development Corporation will be meeting this Thursday, March 20th at noon.
- The Levelland Community Development Corporation will be meeting Monday, March 24th at noon here at City Hall.
- Joint Meeting with the Planning and Zoning Commission on Monday, March 24th at 5:30 pm, City Hall.
- Airport Board meeting is Tuesday, March 25th at 5:30 pm here at City Hall.
- The water meter kick-off meeting is Thursday, March 27th with an initial start date of Thursday, April 3rd. The second mailer will go out next week.
- The city Leadership Team is reviewing revisions to the Employee Handbook that will be brought before the City Council on April 7th.
- The Texas Municipal League is having a Legislative Action Day on Wednesday, March 19th in Austin. The city has a meeting with Senator Perry and a meeting with Representative King.
- Spring Cleanup from March 14th thru March 28th.
- KLB Spring Clean-Up is Saturday, April 5th, 9am – 12 noon.
- Community Planting and Lemonade Day is Saturday, April 26th, 9am-noon.
- The TxDOT College Avenue construction project has resumed and will be completed by August.

- We have initiated a Facebook poll asking for ideas on the best day and best time of the week.
- Next City Council Meeting is Monday, April 7th.

No Action Taken.

**SIXTEENTH ITEM OF BUSINESS:**

*Convene into executive session in accordance with Texas Government Code §551.074 to deliberate the appointment, employment, evaluation, duties, discipline, or dismissal of a public officer or employee: (City Manager)*

**SEVENTEENTH ITEM OF BUSINESS:**

*Convene into executive session in accordance with Texas Gov't Code §551.072 to deliberate the purchase, exchange, lease or value of real property.*

**EIGHTEENTH ITEM OF BUSINESS:**

*Convene into executive session in accordance with Texas Gov't Code §551.072 to deliberate the purchase, exchange, lease or value of real property.*

Mayor Buxkemper convened Council into Executive Session at 6:53pm.  
Mayor Buxkemper convened Council back into Open Session at 7:42pm

**FIFTEENTH ITEM OF BUSINESS:**

*Consider and take necessary action relating to items discussed in executive session.*

No Action Taken

There being no further business, the meeting adjourned at 7:43pm

Respectfully Submitted,

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Andréa Corley, TRMC  
City Secretary

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Breann Buxkemper, Mayor