

MINUTES
REGULAR MEETING
TUESDAY, JANUARY 24, 2023

The City Council of the City of Monahans, Texas convened on the above date at 3:00 p.m. in the Council Chambers of City Hall with the following members, officers and visitors present:

Adam Steen	Mayor
Rudy Hernandez (<i>absent</i>)	Council Member District No. 1
Jeppie S. Wilson, Jr.	Council Member District No. 2/Mayor Pro Tem
Calvin Carrell	Council Member District No. 3
Ivy Valenzuela (<i>absent</i>)	Council Member District No. 4
Richard Hawkins	Council Member District No. 5
Rex M. Thee	City Manager
Frank Heslin	Assistant City Manager
Tonya Todd	City Secretary
Justin Till	Attorney for the City
Kristofer Quintana	Chief of Police MPD
Stormey Laws	Captain MPD
Justin Abila	Officer MPD
Ashley Aduino	MEDC Director
Lori Asbury	Municipal Court Judge
Christy Sullivan	Monahans Newspaper
Richard Covington	Public Works Director
Melton Mitchell	Risk Management Officer

ITEM #1 & ITEM #2 Mayor Steen called the meeting to order and Councilman Wilson gave the invocation.

ITEM #3 City Manager Rex M. Thee briefed the Council on approving the minutes of the January 10, 2023 Regular Council Meeting.

Motion by Councilman Hawkins, seconded by Councilman Carrell to approve the minutes of the January 10, 2023 Regular Council Meeting.

Votes were as follows:	Absent	Rudy Hernandez
	“Aye”	Jeppie Wilson
	“Aye”	Calvin Carrell
	Absent	Ivy Valenzuela

“Aye” Richard Hawkins

Motion carried.

ITEM #4 Consider and Act Upon approving the following consent items:

- a. Accounts Payable in the amount of \$1,277,474.79
- b. Resolution No. 2023-003
- c. Monthly Reports/Minutes: (a) Airport Manager’s Monthly Report (b) Animal Control Monthly Report, (c) Building Permit Monthly Report, (d) Code Enforcement Monthly Report (e) MEDC Minutes and Monthly Financial Report, (f) Municipal Court Monthly Report and Annual Report, (g) City Monthly Fund Balance Report, (h) City Monthly Revenue and Expenditure Comparison Summary Report (i) Monahans Chamber of Commerce Hotel Occupancy Tax Quarterly Report

City Manager Rex M. Thee mentioned that accounts payable was more than usual due to a few expenditures such as three payroll days during the month of December, a \$222,600.00 expenditure for an upgrade, to the effluent irrigation system, paid with funds received from Ward County, and a \$26,911.00 expenditure for playground equipment, to be installed at Alberta Allen Park, paid with funds received from a donation to the City.

Motion by Councilman Wilson seconded by Councilman Hawkins to approve the consent items.

Votes were as follows:	Absent	Rudy Hernandez
	“Aye”	Jeppie Wilson
	“Aye”	Calvin Carrell
	Absent	Ivy Valenzuela
	“Aye”	Richard Hawkins

Motion carried.

ITEM #5 Presentation by citizens to be heard. None

ITEM #6 City Manager Rex M. Thee briefed the Council regarding First Right of Refusal to purchase Airport Hangar 12 #7 from Brett Grigry. Mr. Thee mentioned that Brett Grigry (Grigry Development Properties, LP) has received an offer from Quell Petroleum Services, Inc. to purchase this hangar space which is in the green hangar buildings NE of the terminal. Mr. Thee stated that Quell Petroleum has offered \$30,000 and Mr. Grigry has presented to the City a letter requesting the council consider first right of refusal under Section 14 of the Hangar Lease agreements. Mr. Thee indicated that he does not see a real benefit to the City to own the hangar and his recommendation is to invoke first right of refusal not to purchase the hangar, which allows Grigry Development Properties, LP to sell the hangar to Quell Petroleum.

Motion by Councilman Carrell, seconded by Councilman Wilson to invoke first right of refusal not to purchase airport hangar 12 #7 from Brett Grigry.

Votes were as follows:	Absent	Rudy Hernandez
	“Aye”	Jeppie Wilson
	“Aye”	Calvin Carrell
	Absent	Ivy Valenzuela
	“Aye”	Richard Hawkins

Motion carried.

ITEM #7 City Manager Rex M. Thee briefed the Council regarding First Reading of Ordinance No. 1304 to order a Special Election to be held on May 6, 2023, for the purpose of submitting to the voters of the City of Monahans certain proposed amendments to the City Charter. Mr. Thee indicated that in several instances since becoming city manager, he has found where adhering to the City Charter would have been in violation of current law or Attorney General opinion. Mr. Thee stated that there is outdated language and text. Mr. Thee mentioned that City staff along with our attorney Justin Till, in association with Lyda Law Firm, began work to search out the areas that needed amending, and produce propositions for the ballot for voter approval. Mr. Thee mentioned that seven (7) propositions will go before the voters, if the Council so desires. Attorney for the City Justin Till briefly described the propositions to be presented.

At the special election to be held on Tuesday May 6, 2023, the voters will be asked to vote on the following amendments to the City Charter, which shall be proposed as follows:

Proposition A

Shall Article I, Section 1.7 of the City Charter be amended to lengthen the amount of time a person is permitted to provide the City with notice of certain damage or injury for which they believe the City may be liable from thirty days to ninety days?

Proposition B

Shall Article I, Sections 1.8 and 1.9 of the City Charter be amended to insert reference to new state statutes limiting the authority of a city to annex new territory into the city boundaries and governing the procedures necessary to achieve annexation?

Proposition C

Shall Article II, Sections 2.1-5, 2.7, 2.8, 2.10, 2.11, 2.13, 2.15, and 2.18(4) of the City Charter be amended to set the time and method of electing the Mayor and members of City Council, place regular elections on the May Uniform Election Date, set the time for any special election at the nearest possible date following a vacancy at the next practicable date for which an election can be held, and revise language throughout these sections to accommodate related administrative eligibility, filing, and ballot preparation criteria required by state election law?

Proposition D

Shall Article VII, Section 7.2 and Article VIII, Section 8.27 of the City Charter be amended to strike two provisions of the Charter requiring that dates

placed on certain documents submitted to or published by the City be written and dated by reference to “19__” (the twentieth century)?

Proposition E

Shall Article VIII of the City Charter be amended by repealing Sections 8.14, 8.15, and 8.16 and by amending Sections 8.9 and 8.13 to strike three sections relating to tax assessment, levies, and procedures that are now preempted by state law and revising the remaining two sections to reflect the replacement of those outdated procedures by the current system managed in relevant part by the tax assessor-collector, appraisal district, and appraisal review board?

Proposition F

Shall Article VIII, Section 8.28 of the City Charter be amended to remove an outdated requirement that city audit reports be published in the newspaper, as the reports are now published on the city’s public internet website?

Proposition G

Shall Article X, Section 10.6 of the City Charter be amended to remove language authorizing collection of amounts owed by the city to a person through execution of city property or garnishment of city funds?

Mayor Steen read the caption of the Ordinance out loud.

Motion by Councilman Wilson, seconded by Councilman Hawkins to approve the First Reading of Ordinance No. 1304:

ORDINANCE NO. 1304

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONAHANS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON THE NEXT UNIFORM ELECTION DATE, MAY 6, 2023, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF THE CITY OF MONAHANS, TEXAS CERTAIN PROPOSED AMENDMENTS TO THE EXISTING CITY CHARTER; DESIGNATING THE PLACE AT WHICH SAID ELECTION IS TO BE HELD; MAKING PROVISIONS FOR THE CONDUCT OF THAT ELECTION; AND RELATING TO THE PURPOSE OF THIS ORDINANCE; AND, PROVIDING AN EFFECTIVE DATE.

Votes were as follows:	Absent	Rudy Hernandez
	“Aye”	Jeppie Wilson
	“Aye”	Calvin Carrell
	Absent	Ivy Valenzuela
	“Aye”	Richard Hawkins

Motion carried

ITEM #8 City Manager Rex M. Thee briefed the Council regarding First Reading of Ordinance No. 1305 to order a Special Election to be held on May 6, 2023, for the purpose of submitting to the voters of the City of Monahans, to Legalize: “the legal sale of all alcoholic beverages

including mixed beverages.” Derived from a valid petition received December 13, 2022. Mr. Thee explained that once a petition for “the legal sale of all alcoholic beverages including mixed beverages” is received, and enough signatures are verified, Texas law requires the Council to order a special election in the first council meeting following the required waiting period of 30 days after the petition is turned in. Councilman Carrell asked how the signatures are verified? City Secretary Tonya Todd explained that the signer’s name, address, date of birth and their effective date of registration (EDR) to vote are compared to a current list of registered voters received from the Voter Registrar. Ms. Todd mentioned that state law, opinions from the Office of the Attorney General and case law are also considered when validating a signature. Mr. Thee stated that this is not a vote FOR or AGAINST legalizing the on-premise sale of all alcoholic beverages, but rather a vote to order a Special Election to allow the citizens to decide by way of an election whether or not to make that legal.

Mayor Steen read the caption of the Ordinance out loud. Motion by Councilman Wilson, seconded by Councilman Hawkins to acknowledge receipt of Petition Pages presented December 13, 2022 to the City Secretary, the names of 712 signers are acknowledged, with 571 verified signatures for a valid petition and approve First Reading of Ordinance No. 1305 Ordering a Special Election May 6, 2023 for the purpose of submitting to the voters a proposition to legalize: the legal sale of all alcoholic beverages including mixed beverages.

ORDINANCE NO. 1305

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONAHANS, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD ON THE NEXT UNIFORM ELECTION DATE, MAY 6, 2023, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS OF THE CITY OF MONAHANS, TEXAS A PROPOSITION TO LEGALIZE: THE LEGAL SALE OF ALL ALCOHOLIC BEVERAGES INCLUDING MIXED BEVERAGES; DESIGNATING THE PLACE AT WHICH SAID ELECTION IS TO BE HELD; MAKING PROVISIONS FOR THE CONDUCT OF THAT ELECTION; AND RELATING TO THE PURPOSE OF THIS ORDINANCE; AND, PROVIDING AN EFFECTIVE DATE.

Votes were as follows:	Absent	Rudy Hernandez
	“Aye”	Jeppie Wilson
	“Aye”	Calvin Carrell
	Absent	Ivy Valenzuela
	“Aye”	Richard Hawkins

Motion carried

ITEM #9 City Manager Rex M. Thee briefed the Council regarding renewal membership with Midland-Odessa Transportation Alliance, Inc. (MOTRAN) Mr. Thee indicated that the City is currently a Silver Member (\$1,000). Mr. Thee mentioned that many of MOTRAN’s resources, educational and report materials as well as helping in an advisory role when dealing with

TxDOT and USDOT have been well worth the membership. Mr. Thee stated that as a current member, Monahans is involved with advisory and planning functions of the I-14 Interstate from Atlanta Georgia to Odessa project. Mr. Thee indicated that he recommends renewing at the Silver Level.

Motion by Council Carrell, seconded by Councilman Hawkins to renew the membership with Midland-Odessa Transportation Alliance, Inc. (MOTRAN) at the \$1,000 Silver Membership.

Votes were as follows:

Absent	Rudy Hernandez
“Aye”	Jeppie Wilson
“Aye”	Calvin Carrell
Absent	Ivy Valenzuela
“Aye”	Richard Hawkins

Motion carried

ITEM #10 City Manager Rex M. Thee briefed the Council regarding the 2022 Annual Traffic Contact Report Monahans Police Department (MPD). Mr. Thee indicated that MPD collects certain information, as required by law, about motor vehicle traffic stops during the year for the purpose of identifying any concerns regarding racial profiling practices. Mr. Thee stated that the report concludes that there are no allegations or indications of racial profiling, and the department is in full compliance with the Texas Racial Profiling Law.

Motion by Councilman Wilson, seconded by Councilman Hawkins to acknowledge receipt of the 2022 Annual Traffic Contact Report from the Monahans Police Department.

Votes were as follows:

Absent	Rudy Hernandez
“Aye”	Jeppie Wilson
“Aye”	Calvin Carrell
Absent	Ivy Valenzuela
“Aye”	Richard Hawkins

Motion carried

ITEM #11 City Manager Rex M. Thee briefed the Council regarding the Public Funds Investment Report, Quarter Ending December 31, 2022. Mr. Thee mentioned a thank you to Assistant City Manager Frank Heslin and his banking background. Frank noticed that one of the October documents, provided by Tejas Bank, had a typo and the bank has since corrected and replaced that document. Mr. Thee mentioned that the coverage of the public funds remained at 102 percent or more of the amount of deposits and the city’s public funds are protected by a third-party banking company, as required by law.

Motion by Councilman Carrell, seconded by Councilman Hawkins to approve the Public Funds Investment Report, Quarter Ending December 31, 2022.

Votes were as follows:

Absent	Rudy Hernandez
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“Aye”	Jeppie Wilson
“Aye”	Calvin Carrell
Absent	Ivy Valenzuela
“Aye”	Richard Hawkins

Motion carried

ITEM #12 City Manager Rex M. Thee briefed the Council regarding Resolution No. 2023-004 Code Enforcement Officer’s Report Regarding Properties in Violation of Section 6 and/or Section 13 of the Code of Ordinances, City of Monahans, Texas, Garbage, Trash and/or Building Code Violations. Mr. Thee indicated that this will allow the Code Enforcement Officer to move forward with the process of non-compliant cases.

Motion by Councilman Hawkins, seconded by Councilman Wilson to approve Resolution No. 2023-2004: To approve the Code Enforcement Officer’s report, and authorize further action up to and including filing non-compliant cases with Municipal Court.

Address:	Legal:	Owner:
518 W. 14 th	Westover Tract 1	Lot 57’ x 157’ Anthony Vasquez
710 S. Bruce	MDCO #2 Block 1	Lot 1 Thomas Yantis
707 S. Bruce	MDCO #2 Block 1	Lot 9 Porfirio Lopez
300 N. Bruce	M.O.T. Block 47	Lot 1-12 Ector Garcia

Votes were as follows:	Absent	Rudy Hernandez
	“Aye”	Jeppie Wilson
	“Aye”	Calvin Carrell
	Absent	Ivy Valenzuela
	“Aye”	Richard Hawkins

Motion carried

ITEM #13 Mayor Steen read the following statement out loud in open session. “The City Council will begin its Executive Session on this 24th day of January 2023 at 3:25 p.m., pursuant to the provisions of the Open Meetings Law - Texas Government Code, in accordance with the authority contained in:

- a) Section 551.074 Personnel Matters: Municipal Court Judge Appointment.”

ITEM #14 Mayor Steen read the following statement out loud, in open session. “The City Council has completed its Executive Session on the 24th day of January 2023 at 3:46 p.m.”

City Manager Rex M. Thee briefed the Council regarding Resolution No. 2023-005 Municipal Court Judge.

Motion by Councilman Wilson, seconded by Councilman Hawkins to approve Resolution No. 2023-005: That the City Council hereby reappoints Judge Lori Asbury to serve as Presiding Municipal Court Judge of the City of Monahans at the pleasure of the City Council effective

February 16, 2023, subject to a two (2) year review and re-appointment consideration. Municipal Court Judge salary as set by Ordinance No. 1302, Fiscal Year 2022-2023.

Votes were as follows: Absent Rudy Hernandez
 "Aye" Jeppie Wilson
 "Aye" Calvin Carrell
 Absent Ivy Valenzuela
 "Aye" Richard Hawkins

Motion carried

ITEM #15 Motion by Councilman Hawkins, seconded by Councilman Carrell to adjourn meeting at 3:48 p.m.

Votes were as follows: Absent Rudy Hernandez
 "Aye" Jeppie Wilson
 "Aye" Calvin Carrell
 Absent Ivy Valenzuela
 "Aye" Richard Hawkins

Motion carried.

Passed and approved by the Monahans City Council on February 14, 2023.

ATTEST:

APPROVED:

Tonya Todd, City Secretary

Adam Steen, Mayor