

**MINUTES
REGULAR MEETING
TUESDAY, MARCH 24, 2020**

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:

David B. Cutbirth
Absent-Rudy Hernandez
Jeppie S. Wilson
Calvin Carrell
Ivy Valenzuela
Absent-Richard Hawkins

Mayor
Council Member District #1
Council Member District #2/Mayor Pro Tem
Council Member District #3
Council Member District #4
Council Member District #5

Rex M. Thee
Tonya Todd
Alan Nicholas

City Manager
City Secretary
Attorney for the the City

Billy Riley
Christy Sullivan
Ashley Aduato

Chief of Police-MPD
Monahans News
MEDC Director

ITEM #1 & ITEM #2 Mayor Cutbirth 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 February 25, 2020 Regular Council Meeting.

Motion by Councilman Carrell, seconded by Councilman Valenzuela to approve the minutes of the February 25, 2020, Regular Council Meeting, as presented.

Votes were as follows:

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

Motion carried.

ITEM #4 Motion by Councilman Valenzuela, seconded by Councilman Carrell, to approve the following consent items:

- a. Accounts Payable in the amount of \$730,407.47
- b. Resolution No. 2020-012 Regarding Tax Roll Adjustments
- c. Monthly Reports/Minutes: (a) Airport Manager’s Monthly Report, (b) MEDC Minutes and Monthly Financial Report, (c) Building Permit Monthly Report, (d) Animal Control Monthly Report, (e) Municipal Court Monthly Report, (f) Code Enforcement Officer’s Monthly Report, (g) City Monthly Fund Balance Report,

(h) City Monthly Revenue and Expenditure Comparison Summary Report (i)
Planning and Zoning Board of Adjustment Minutes

(Code Enforcement Officer's Report not included.)

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

Motion carried.

ITEM #5 Presentation by citizens to be heard. In regards to COVID-19 (coronavirus) threat, Mayor Cutbirth stated that he and the other City leaders are participating in the government's recommendations in "flattening the curve" by washing hands, avoiding close contact with others, testing when needed and staying home if you are sick. Mayor Cutbirth mentioned that as influential leaders everyone wants the same outcome for our Country, State and County, which is the least amount of deaths from this virus. In regards to the future growth of our community, Mayor Cutbirth stated that he periodically likes to remind the council and staff that Greta Tatom donated 310 acres of raw land, many years ago, with the best use benefit preferred, to develop residential and commercial property in the best interest of the City. Mayor Cutbirth indicated that this property is located off of IH-20, East of South Ike Street. No further comments from citizens were made.

ITEM #6 City Manager Rex M. Thee briefed the Council with regards to standardizing all School Zones to 7:00 A.M. to 4:30 P.M. during the school year, and providing markings and signage for enforcement in school zones. Mr. Thee indicated that the City has received written request from Chad Smith, Superintendent of Schools-MWPISD, and Billy Riley, Chief of Police to regulate all the school zones to 7:00 A.M. to 4:30 P.M. Mr. Thee stated that he recommends standardizing the school zones, providing markings, signage and the cost of the signs would be approximately \$400.

Motion by Councilman Wilson, seconded by Councilman Valenzuela to approve standardizing all school zones to 7:00 A.M. to 4:30 P.M., during the school year, and providing markings and signage for enforcement in all school zones.

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

Motion carried.

ITEM #7 City Manager Rex M. Thee briefed the Council with regards to appointing an Oil and Gas Inspector and approving a contract setting compensation and duties for the inspector. Mr. Thee indicated that he has spent a good deal of time over the last year trying to secure an inspector, without any luck. Mr. Thee stated that he has recently met with Casey Todd, of Gray Fox Consulting, he has the credentials needed and they have negotiated a contract that has been reviewed by Alan J. Nicholas, Attorney for the City. Councilman Wilson stated that Mr. Todd's qualifications looked impressive. Councilman Carrell asked for clarification on line 1 and 4 of the fee chart, in the contract, and asked the importance of an Inspector, at this time. Mayor Cutbirth mentioned that is very importance for an inspector to oversee the cementing operations. Councilman Valenzuela asked what is the length of the contract, can the City terminate the contract and to whom the Inspector reports to? Mr. Thee replied that either Gray Fox Consulting or the City could provide written notice to amend said contract and the Inspector will report directly to the City Manager. Mr. Thee stated that he recommends appointing Casey Todd of Gray Fox Consulting as an Oil and Gas Inspector and approving, said agreement.

Motion by Councilman Wilson, seconded by Councilman Valenzuela to approve the Terms of Business agreement between Gray Fox Consulting and the City of Monahans, as presented.

Votes were as follows:

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

Motion carried.

ITEM #8 City Manager Rex M. Thee briefed the Council regarding the Second and Final Reading of Ordinance 1275 Rezoning a 205.012-Acre Tract: Being a Northern portion of the East Monahans Subdivision, including all of Blocks 7-17, and all of the adjacent rights-of-way North of 12th Street Public Right-of-Way per the Plat recorded in Volume 7, Page 28, of the Plat Records of Ward County, Texas and the remainder of what 174.053-acre tract of land recorded in Volume 944, Page 575, of the deed records of Ward County, Texas, all out of Section 50, Block "N", G&MMB&A, RR Co. Survey, City of Monahans, Ward County, Texas, be rezoned from an R-1 (Single Family Dwelling) to an R-5 (Planned Development, Residential). Mr. Thee indicated that its purpose is to allow residential development to progress in an orderly manner under control of the City Council with Planning and Zoning Board prior determination. Mr. Thee stated that R-5 regulates residential development, it does not regulate dwellings and the developer will have to submit plans to the City for the type of residence they want to build, plat the property to conform, and then rezone the property before being allowed to build a dwelling. Mr. Thee stated that he feels it is a good idea because it puts a master plan in place throughout the development of the entire area. Mr. Thee stated that the Planning and Zoning Board approved the rezone in their meeting February 20, 2020 and the Council approved the First reading of this Ordinance, February 25, 2020.

Motion by Councilman Carrell, seconded by Councilman Valenzuela to approve the Second and Final Reading of Ordinance 1275:

ORDINANCE NO. 1275
AN ORDINANCE AMENDING ZONING ORDINANCE NO. 486
OF THE CITY OF MONAHANS, REZONING CERTAIN LANDS
SITUATED IN THE CITY OF MONAHANS AS DESCRIBED
HEREIN; AND DECLARING AN EFFECTIVE DATE.

Section 1: That a 205.012-Acre Tract: Being a Northern portion of the East Monahans Subdivision, including all of Blocks 7-17, and all of the adjacent rights-of-way North of 12th Street Public Right-of-Way per the Plat recorded in Volume 7, Page 28, of the Plat Records of Ward County, Texas and the remainder of that 174.053-acre tract of land recorded in Volume 944, Page 575, of the deed records of Ward County, Texas, all out of Section 50, Block “N”, G&MMB&A, RR Co. Survey, City of Monahans, Ward County, Texas, be rezoned from an R-1 (Single Family Dwelling) to an R-5 (Planned Development, Residential)

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

Motion carried.

ITEM #9 City Manager Rex M. Thee briefed the Council regarding the 2020 Maximum Access Line Rates adjustment to Municipal Telecommunications Right-of-Way Access Line. Mr. Thee indicated that the City will see an increase of 0.7267% charged to telecommunications lines in city right-of-way if the council takes no action, in effect making no response to the PUC. Mr. Thee mentioned that the new rates will go into effect no later than July 1st this year. Mr. Thee stated that a response to decline would mean the City could join any future rate case along with other stakeholder cities. Mr. Thee recommends taking no action on this agenda item. The City Council took no action.

ITEM #10 Mayor Cutbirth read the following statement aloud, in open session “The City Council will begin its Executive Session on this 24th day of March 2020 at 3:31 p.m. Pursuant to the provisions of the Open Meetings Law – Texas Government Code, in accordance with the authority contained in:

Section 551.071 Consultation with Attorney: Pending or Contemplated Litigation

a. Eric Hemphill vs City et al

Section 551.074 Personnel Matters:

a. Attorney for the City Appointment.”

ITEM #11 Mayor Cutbirth read the following statement aloud, in open session. “The City Council has completed its Executive Session on the 24th day of March 2020 at 3:46 p.m.”
OPEN SESSION: To take any action deemed necessary after executive session regarding Section 551.071 Consultation with Attorney: Pending or Contemplated Litigation

a. Eric Hemphill vs City et al

Section 551.074 Personnel Matters:

a. Attorney for the City Appointment

City Manager Rex M. Thee briefed the Council regarding Resolution No. 2020-013 Attorney for the City Appointment. Mr. Thee indicated that the term for the Attorney for the City is a two-year term and begins April 1, 2020. Mr. Thee recommends appointing Alan J. Nicholas.

Motion by Councilman Wilson and seconded by Councilman Valenzuela to approve Resolution No. 2020-013: To appoint Alan J. Nicholas, Attorney for the City, for a two-year period beginning April 1, 2020, and ending March 31, 2022. The appointee will be compensated as follows for services provided:

1. A \$2,000.00 per month retainer fee, payable the first of each month for services rendered and reimburse for reasonable expenses for participating in any City related activities and/or training during this appointment period.

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

Motion carried.

ITEM #12 Motion by Councilman Carrell, seconded by Councilman Valenzuela to adjourn meeting at 3:47 p.m.

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

Motion carried.

Passed and approved by the Monahans City Council on April 28, 2020.

ATTEST:

APPROVED:

Tonya Todd, City Secretary

David B. Cutbirth, Mayor