

MINUTES
REGULAR MEETING
TUESDAY, APRIL 13, 2021

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	Mayor
Rudy Hernandez	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	Council Member District No. 4
Absent-Richard Hawkins	Council Member District No. 5
Rex M. Thee	City Manager
Frank Heslin	Assistant City Manager
Tonya Todd	City Secretary
Alan Nicholas	Attorney for the City
Teresa Burnett	Executive Director Chamber of Commerce
Ashley Adatao	Director Monahans Economic Development Corporation
Adam Steen	Self
Christy Sullivan	The Monahans News
Richard Covington	Public Works Director
Bobby Sinclair	Public Utilities Director
Joel Melendez	Building/Plumbing Inspector
Rocky Rives	Smith & Rives, PC

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 March 23, 2021 Regular Council Meeting.

Motion by Councilman Valenzuela, seconded by Councilman Hernandez to approve the minutes of the March 23, 2021, Regular Council Meeting, as presented.

Votes were as follows:

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

Motion carried.

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

- a. Accounts Payable in the amount of \$612,753.51
- b. Resolution No. 2021-015 Regarding Tax Roll Adjustments

- c. Monthly Reports/Minutes: (a) Airport Manager’s Monthly Report, (b) Animal Control Monthly Report, (c) Building Permit Monthly Report, (d) Code Enforcement Officer’s Report (e) MEDC Minutes and Monthly Financial Report, (f) Municipal Court 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 (j) Monahans Chamber of Commerce Hotel Occupancy Tax Quarterly Report

Motion by Councilman Hernandez, seconded by Councilman Carrell to approve the consent items.

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

Motion carried.

ITEM #5 Presentation by citizens to be heard. Teresa Burnett, Chamber of Commerce Director, mentioned that they are working with the local Hotels getting rooms booked from \$60 to \$90 for events. Ms. Burnett mentioned that the Census results are very important to retail interest and we are still awaiting the numbers to come in. Ashley Aduato, MEDC Director, stated that development on the eastside continues and they are in the process of rezoning property to have available for retail-commercial property.

ITEM #6 City Manager Rex M. Thee briefed the Council regarding the Audit Report of the Financial Statements for year ended September 30, 2020, from Smith & Rives, PC. Mr. Thee stated that Rocky Rives with Smith & Rives, PC was present to make the audit report presentation. Mr. Rives mentioned that he was thankful to be the Independent Auditor for the City of Monahans. Mr. Rives discussed with the Council several of the financial highlights in the audit report for fiscal year 2019-2020. Mr. Rives mentioned that there were no findings in the fiscal year, the net position of the City increased \$2,819,375 and the City stayed within the budget. Mayor Cutbirth commended the city staff for a great job. Mayor Cutbirth thanked Mr. Rives for the good job they do auditing the City’s accounting practices and his presentation.

Motion by Councilman Carrell, seconded by Councilman Wilson the Council voted to approve the Audit Report of the Financial Statements for Year Ended September 30, 2020, from Smith & Rives, PC.

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

Motion carried.

ITEM #7 Public Hearing: Open for comments regarding Lots 29, 30, 31 & 32, Block 3, Southland Addition, otherwise known as 800 & 802 S. Main Street, City of Monahans, Ward County, Texas for a rezone from an R-3(Multi-Family Dwelling) to a C-1 (Local Retail Commercial) **Close Public Hearing**

Mayor Cutbirth opened the Public Hearing. No Comments were received. Mayor Cutbirth closed the Public Hearing.

ITEM #8 City Manager Rex M. Thee briefed the Council regarding First Reading of Ordinance No. 1284 Rezoning Lots 29, 30, 31 & 32, Block 3, Southland Addition, otherwise known as 800 & 802 S. Main Street, City of Monahans, Ward County, Texas for a rezone from an R-3(Multi-Family Dwelling) to a C-1 (Local Retail Commercial). Mr. Thee indicated that these are two lots purchased and cleared by MEDC. Mr. Thee stated that this rezone was approved by the Planning and Zoning Board. Mayor Cutbirth commended Ms. Adatao for having land available to sell.

Motion by Councilman Hernandez, seconded by Councilman Valenzuela to approve the First Reading of Ordinance No. 1284:

**ORDINANCE NO. 1284
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.**

1. **Section 1:** That Lots 29, 30, 31, and 32, Block 3, Southland Addition, otherwise known as 800 and 802 South Main Street, City of Monahans, Ward County, Texas be rezoned from an R-3(Multi-Family Dwelling) to a C-1 (Local Retail Commercial)

Votes were as follows:	“Aye”	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 Second and Final Reading of Ordinance No. 1283 Suspending the Proposed Gas Reliability Infrastructure Program (GRIP) Interim Rate Adjustment of Texas Gas Service Company, A Division of ONE Gas, Inc. Mr. Thee mentioned that the rate increase requested by One Gas/Texas Gas Services goes into effect after this process unless contested by El Paso. Mr. Thee stated that the first reading was passed and approved March 23, 2021, and he recommends approving this Ordinance suspending the rate adjustment decision.

Motion by Councilman Carrell, seconded by Councilman Wilson to approve Second and Final Reading of Ordinance No. 1283:

ORDINANCE NO. 1283

AN ORDINANCE OF THE CITY OF MONAHANS, TEXAS SUSPENDING THE PROPOSED GAS RELIABILITY INFRASTRUCTURE PROGRAM INTERIM RATE ADJUSTMENT OF TEXAS GAS SERVICE COMPANY, A DIVISION OF ONE GAS, INC.; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY

A. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein and such recitals, as findings of fact, are hereby approved.

B. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

C. EFFECTIVE DATE

This ordinance shall become effective from and after its passage.

D. COPY OF ORDINANCE TO TGS

Within 10 days after passage, a copy of this Ordinance shall be sent Stephanie Houle, Texas Gas Service, Barton Skyway IV, 1301 S. Mopac, Suite 400, Austin, Texas 78746.

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

Motion carried.

ITEM #10 City Manager Rex M. Thee briefed the Council regarding the Public Funds Investment Report, Quarter Ended March 31, 2021. Mr. Thee stated that the City's funds are protected by FDIC coverage and pledged securities. Mr. Thee mentioned that Frank Heslin, Tonya Todd and himself are currently trained on the Public Funds Investment Act.

Motion by Councilman Wilson, seconded by Valenzuela to approve the Public Funds Investment Report, Quarter Ended March 31, 2021, as presented.

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

Motion carried.

ITEM #11 City Manager Rex M. Thee briefed the Council regarding a request from the Ward County Appraisal District to Retain Surplus Funds from the 2020 Budget Year. Mr. Thee indicated that the City’s portion of the \$27,643.59 surplus is \$551.87. Mr. Thee stated that the funds would be applied to their Texas County and District Retirement System account to help pay down the unfunded AAL (liability on their retirement account). Mr. Thee mentioned that the

District is not asking for any increase to the retirement account and he is not opposed to them using it to reduce the unfunded AAL.

Motion by Councilman Carrell, seconded by Councilman Valenzuela to approve the request from the Ward County Appraisal District to Retain Surplus Funds from the 2020 Budget Year.

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

Motion carried.

ITEM #12 City Manager Rex M. Thee briefed the Council regarding Services to Prepare and Certify the 2018 America’s Water Infrastructure Act Risk and Reliance Assessment and Emergency Response Plan 2021. Mr. Thee indicated that the EPA has handed down an unfunded environmental mandate. Mr. Thee mentioned that the City is required by the 2018 America’s Water Infrastructure Act to produce an extensive Water Infrastructure Risk and Reliance Assessment by June 30, 2021, and then create an Emergency Plan based on that assessment within six months. Mr. Thee stated that he has asked for proposals from several engineering firms. Mr. Thee received price quotes from Enprotec/Hibbs & Todd \$17,000; Parkhill \$50,000; Garver \$29,276.

Motion by Councilman Hernandez, seconded by Councilman Carrell to authorize City Manager Rex M. Thee to complete the contract with Enprotec/Hibbs & Todd in the amount of \$17,000.

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

Motion carried.

ITEM #13 City Manager Rex M. Thee briefed the Council regarding the First Reading of Ordinance No. 1285 Amending, Updating and Adopting the International Building Code (IBC), the National Electrical Code (NEC), the International Plumbing Code (IPC), the International Fuel Gas (IFGC), the International Property Maintenance Code (IPMC) and the International Fire Code (IFC). Mr. Thee stated that the City currently operates under 2009 International Building Codes, and the proposed ordinance will place the city under 2018 international building codes. Mr. Thee mentioned that Frank Heslin, Assistant City Manager, Bobby Sinclair and Joel Melendez, City Inspectors, worked hard to produce the most effective ordinance that is updated but does not take away some existing codes that the City still needs to enforce. Mr. Thee stated that adopting updated codes also helps keep the Insurance Services Office (ISO) rating at a good level. Mr. Sinclair brought to the City Manger’s attention that the International Residential Code (IRC) was not listed on the Ordinance. Mr. Thee informed the Council that they can approve the First Reading of the Ordinance and the correction will be added prior to the second and final

reading of the Ordinance. Mr. Thee mentioned that this Ordinance has been reviewed favorably by Franklin Legal, Inc. and Attorney for the City Alan Nicholas.

Motion by Councilman Carrell, seconded by Councilman Valenzuela to approve the First Reading of Ordinance No. 1285:

ORDINANCE NO. 1285

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONAHANS, TEXAS, AMENDING THE CODE OF ORDINANCES CHAPTER SIX (6) “BUILDINGS AND STRUCTURES”: CHAPTER SIX (6) ARTICLE I. IN GENERAL, CHAPTER SIX (6) ARTICLE II. BUILDING CODE, CHAPTER SIX (6) ARTICLE IV. ELECTRICAL, CHAPTER SIX (6) ARTICLE V. PLUMBING AND GAS FITTING, CHAPTER SIX (6) ARTICLE VIII. INTERNATIONAL BUILDING PROPERTY MAINTENANCE CODES, AND CHAPTER SIX (6) ARTICLE IX. INTERNATIONAL FIRE CODE; ADOPTING THE INTERNATIONAL BUILDING CODE (IBC) 2018 EDITION, THE NATIONAL ELECTRICAL CODE (NEC) 2017 EDITION, THE INTERNATIONAL PLUMBING CODE (IPC) 2018 EDITION, THE INTERNATIONAL FUEL GAS CODE (IFGC) 2018 EDITION, THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) 2018 EDITION, AND THE INTERNATIONAL FIRE CODE (IFC) 2018 EDITION, IN ORDER TO REGULATE THE CONSTRUCTION, ALTERATION, ADDITION, REPAIR, REMOVAL, DEMOLITION, USE, LOCATION, OCCUPANCY, AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES AND THEIR SERVICE EQUIPMENT, TOGETHER WITH CERTAIN RELATED MATTERS; PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES, AND MAKING OF INSPECTIONS; BY AMENDING AND/OR DELETING SECTIONS 6-1, 6-2, 6-3, 6-4, 6-5, 6-17, 6-18(b), 6-18.1(g), 6-58, 6-109, 6-157, 6-158, 6-158.1, 6-170, 6-171, AND ALL SECTIONS OF ARTICLE IV. DIVISION 2.; PROVIDING PENALTIES PUNISHABLE AS PROVIDED IN SECTION 1-6 OF THIS CODE OF ORDINANCES FOR THE VIOLATION OF THIS CODE AND ANY AMENDMENTS THERETO; AND REPEALING ORDINANCE NO. 1124 AND ANY AMENDMENTS THERETO, AND SUCH OTHER AND FURTHER EXISTING ORDINANCES AS ARE INCONSISTENT AND INCOMPATABLE WITH THE HEREIN ADOPTED REGULATIONS AS MORE PARTICULARLY DESCRIBED BELOW; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

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

Motion carried.

ITEM #14 Mayor to announce location for the Regular City Council meeting on April 27, 2021 (Ward Co. Event Center, 1525 East Monahans Parkway, Chamber of Commerce Board Room)

Mayor Cutbirth announced that the location for the April 27, 2021, will be at the Ward County Event Center, 1525 East Monahans Parkway, Chamber of Commerce Board Room due to early voting being held in the council chamber at city hall from 7 a.m. to 7 p.m. that day.

ITEM #15 EXECUTIVE SESSION: Mayor Cutbirth read the following statement aloud, in open session. “The City Council will begin its Executive Session on this 13th day of April 2021 at 3:52 p.m. Pursuant to the provisions of the Open Meetings Law – Texas Government Code, in accordance with the authority contained in:

To convene after open session in Council Chambers, City of Monahans in compliance with Texas Government Code

- a) Section 551.071 Consultation with Attorney Pending Litigation.”

ITEM #16 Mayor Cutbirth read the following statement aloud, in open session. “The City Council has completed its Executive Session on the 13th day of April 2021 at 4:04 p.m.”

OPEN SESSION: To take any action deemed necessary after executive session regarding

- a) Section 551.071 Consultation with Attorney Pending Litigation

No action taken.

ITEM #17 Motion by Councilman Valenzuela, seconded by Councilman Wilson to adjourn meeting at 4:05 p.m.

Votes were as follows:	“Aye”	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 27, 2021.

ATTEST:

APPROVED:

Tonya Todd, City Secretary

David B. Cutbirth, Mayor