

**MINUTES
REGULAR MEETING
TUESDAY, APRIL 28, 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
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

Teresa Burnett
Billy Riley
Christy Sullivan
Ashley Adauto
Michael Ziddell
Milt Alexander
Rocky Rives

Chamber of Commerce
Chief of Police-MPD
Monahans News
MEDC Director
The Sandhills Sun On-line News
Self
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 24, 2020 Regular Council Meeting.

Motion by Councilman Valenzuela, seconded by Councilman Hawkins to approve the minutes of the March 24, 2020, Regular Council Meeting, as presented.

Votes were as follows:

Absent	Rudy Hernandez
“Aye”	Jeppie Wilson
“Aye”	Calvin Carrell
“Aye”	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 \$922,610.77
- b. Resolution No. 2020-014 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 (j) Monahans Chamber of Commerce Hotel Occupancy Tax Quarterly Report

City Manager Rex M. Thee briefed the council with regards to a check in the amount of \$182,058 for a Freightliner Trash Truck on the accounts payable that was a reprinted check. The recipient misplaced the check, therefore the City stopped payment on the original check and issued a new one. Mr. Thee indicated that excluding the reprinted check, the accounts payable total was a lot less at \$740,552.77.

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

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

Motion carried.

ITEM #5 Presentation by citizens to be heard. Teresa Burnett, Director of the Chamber of Commerce stated that they have been very busy with the Monahans App. Ms. Burnett mentioned that they are checking in on their members and have reached out to help local retailers by providing them with information on the Paycheck Protection Program (PPP) regarding forgivable loans to small businesses due to COVID-19, among other things. Ashley Aduato, Director of the MEDC stated that they awarded a bid to Onyx General Contractors, LLC for street access roads around the new elementary school.

ITEM #6 City Manager Rex Thee briefed the Council with regards to the review of the Annual Audit for Fiscal Budget Year 2018-2019 from Smith & Rives, PC. Mr. Thee stated that Rocky Rives with Smith & Rives, PC was present to make the audit report presentation. Mr. Rives discussed with the Council several of the financial highlights in the audit report for fiscal year 2018-2019. Mayor Cutbirth thanked Mr. Rives for the good job they do auditing the City’s accounting practices and his presentation.

Motion by Councilman Wilson, seconded by Councilman Hawkins, to approve acceptance of the annual audit by CPA Smith & Rives, PC for Fiscal Budget Year 2018-2019.

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

Motion carried.

ITEM #7 City Manager Rex M. Thee briefed the Council regarding Ordinance No. 1276 Denying the Proposed Change in Rates of Oncor Electric Delivery Company, LLC and Waiving Multiple Readings of this Ordinance. Mr. Thee indicated that Oncor has asked participating cities to deny the request, which Oncor will then present to the Public Utilities Commission. Mr. Thee mentioned that Gus Ortega with Oncor is working from home and sends his regards. Mr. Thee stated that this ordinance will also waive multiple readings, as allowed by the City Charter.

Motion by Councilman Hawkins, seconded by Councilman Carrell to approve Ordinance No. 1276:

ORDINANCE NO. 1276

AN ORDINANCE DENYING THE PROPOSED CHANGE IN RATES OF ONCOR ELECTRIC DELIVERY COMPANY LLC, FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW, AND DECLARING AN EMERGENCY.

SECTION 1. That the proposed changed rate schedules and service regulations filed with the Governing Body of this municipality by Oncor Electric Delivery Company LLC on April 3, 2020, are hereby denied and disapproved, and Oncor Electric Delivery Company LLC shall continue to provide electric delivery service within this municipality in accordance with its rate schedules and service regulations in effect within this municipality on April 3, 2020.

SECTION 2. That it is hereby officially found and determined that the meeting at which this Ordinance is passed is open to the public and as required by law, and public notice of the time, place and purpose of said meeting was given as required.

SECTION 3. That an emergency exists necessitating the suspension of any rule requiring multiple readings of this Ordinance and all multiple readings of this Ordinance are hereby waived; this Ordinance shall take effect immediately upon its passage.

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

Motion carried.

ITEM #8 City Manager Rex M. Thee briefed the Council regarding the Public Funds Investment Report, Quarter Ending March 31, 2020. Mr. Thee stated that we work closely with Tejas Bank to ensure the city’s funds are protected, in accordance with the laws.

Motion by Councilman Calvin, seconded by Councilman Wilson to approve the Public Funds Investment Report, quarter ending March 31, 2020, as presented.

Votes were as follows:	Absent	Rudy Hernandez
	“Aye”	Jeppie Wilson

"Aye" Calvin Carrell
 "Aye" Ivy Valenzuela
 "Aye" Richard Hawkins

Motion carried.

ITEM #9 City Manager Rex M. Thee briefed the Council regarding Resolution No. 2020-015 Code Enforcement Officer's Report regarding properties in violation of Section 6 and/or Section 13 City Code of Ordinances, weeds, garbage, trash and/or Building Code violations. The Council reviewed pictures of the ten (10) properties in violation.

Motion by Councilman Wilson, seconded by Councilman Valenzuela to approve Resolution No. 2020-015: To approve the Code Enforcement Officer's report and initiate any action necessary to bring these properties into compliance.

Address:	Legal:			Owner:
2106 S. Betty	Buddy	Block 1	Lot 6	Aaron Davidson
206 N. Calvin	M.O.T.	Block 52	Lot 16 & ½ of 17	James Dunlap
701 W. I-20	Hahn	Block 1	Lot 1A & 2A	Jatin Patel
205 N. Betty	M.O.T.	Block 16	Lot 11 & 12	Debra Walker
801 N. Doris	Morris	Block 1	Lot 9 & 10	Johnny Robinson
2100 S. Betty	Buddy	Block 1	Lot 7, 8, & 9	Terry Moore
500 W. Sealy	M.O.T.	Block 3	Lot 7 thru 10	Virginia Bassett
708 S. Eric	M.D.C.O. #4	Block 4	Lot 1	Kathy Heuman
1320 S. Faye	Wildman	Block 1	Lot 1	Larry Landon
315 W. "A"	M.O.T.	Block 16	Lot 2, 3, & 4	Eulalia Huertas c/o Monique Rodriguez

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

Motion carried.

ITEM #10 City Manager Rex M. Thee briefed the Council regarding Dawson Geophysical Modified Permit to place Geophones along City Streets and Right-of-Ways for Geophysical Seismic Testing. Mr. Thee indicated that Dawson Geophysical will not be operating the large seismic vibrating trucks inside the City limits on any streets or alleys. Mr. Thee stated that the placement of the geophones along the city streets will not cause the vibration that the trucks make. Mr. Thee mentioned the permit fee will be \$981 for 3.27 linear miles.

Motion by Councilman Hawkins, seconded by Councilman Valenzuela to approve the permit with Dawson Geophysical Company to perform geophysical operations on city property, as presented.

Votes were as follows: Absent Rudy Hernandez
 "Aye" Jeppie Wilson

“Aye” Calvin Carrell
“Aye” Ivy Valenzuela
“Aye” Richard Hawkins

Motion carried.

ITEM #11 City Manager Rex M. Thee briefed the Council regarding the First Reading of Ordinance No. 1277 suspending the Proposed Gas Reliability Infrastructure Program (GRIP) Interim Rate Adjustment of Texas Gas Service Company, A Division of One Gas, Inc. Mr. Thee indicated that the ordinance requests suspension of the rate adjustment request to the PUC for 45 days which would then go into the 60-day process at the State. Mr. Thee stated that since we are part of the El Paso service area, what the City of El Paso does is usually the determining factor for the entire service area, and what the City of Monahans does is mainly insignificant. Mr. Thee mentioned that typically, the rate increase requests by One Gas/Texas Gas Services go into effect after this process unless contested by El Paso and the rate adjustment will be a \$1.19 per month increase for a household. Mr. Thee stated that he recommends approving this ordinance suspending the rate adjustment decision.

Motion by Councilman Carrell, seconded by Councilman Wilson to approve the First Reading Ordinance No. 1277:

ORDINANCE NO. 1277

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:

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

“Aye” Richard Hawkins

Motion carried.

ITEM #12 City Manager Rex M. Thee briefed the Council regarding Resolution No. 2020-016 a Replat of the 100 Block and 200 Block of South Franklin Avenue as a 50’ Street Right-of-Way.

Mr. Thee indicated that a few weeks back Milt Alexander came to his office with a survey of his property at 200 South Franklin Avenue, which he wants to sell, showing the street to be a 100’ ROW and his property to be encroaching on the City ROW by 50’. Mr. Thee stated that his house and property are in line with every other property along Franklin Avenue. Mr. Thee mentioned that he researched the matter and compared our findings with Security Title Company’s and Courthouse records and concluded that those two blocks were never changed to a 50’ ROW as the rest of Franklin Avenue was and City Attorney Alan Nicholas and a TML Attorney agree that a replat is the best option to correct this matter.

Motion by Councilman Wilson, seconded by Councilman Hawkins to approve Resolution No. 2020-016: To approve the Replat of the 200 Block and 300 Block of South Franklin Avenue as a 50’ Street Right-of-Way, City of Monahans, Ward County, Texas; in effect, being a replat of the west half of Blocks 3 and 4, and east half of Blocks 5 and 6, Foundation Addition.

Votes were as follows:

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

Motion carried.

ITEM #13 City Manager Rex M. Thee briefed the Council with regards to accepting a 10’ Dedicated Right-of-Way along the North Side of East 22nd Street between South Betty and SH18 from The Texan Service Station Developer, Brian Dlugosch, and allowing the Developer to Widen East 22nd Street to 28’ with Curb and Gutter on both sides. Mr. Thee indicated that the Texan Service Station developer/owner Brian Dlugosch informed the City that TxDOT is only allowing one entrance off of SH18 for the property, so the developer hoped to have a second entrance/exit on East 22nd St. Mr. Thee mention that East 22nd Street is 18’ wide and too narrow, and therefor wants to donate the 10’ wide strip, improve it with curb, gutter and pavement, and move the utilities on the corner of SH18 in effect creating another entrance. Mr. Thee mention that he was informed, via email, that The Texan Service Station will not have a truck diesel fuel island and plan to resale the property to their SE with the house on it.

Motion by Councilman Hawkins, seconded by Councilman Carrell to accept a 10’ Dedicated Right-of-Way along the North Side of East 22nd Street between South Betty and SH18 from the Texas Service Station.

Votes were as follows:

Absent	Rudy Hernandez
“Aye”	Jeppie Wilson
“Aye”	Calvin Carrell

“Aye” Ivy Valenzuela
“Aye” Richard Hawkins

Motion carried.

ITEM #14 City Manager Rex M. Thee briefed the Council regarding nullifying Land Lease Agreement approved on November 26, 2019 and approving Elevated Water Tank Space Rental Agreement with Alltel Corporation d/b/a/ Verizon Wireless for the placement of Communications equipment on 8th Street Water Tank and Property. Mr. Thee mentioned that the that the Agreement the City approved previously with Verizon to lease land for a tower and which Verizon backed out of. Mr. Thee stated that the terms of the agreement, with Verizon, will be the same terms and fee structure as the previous tower contract, i.e. \$1,050.00/month increased by the accumulative Consumer Price Index (CPI) at renewal every 5 years. Mr. Thee mentioned that one difference will be that there will only be two (2) additional 5-year automatic renewals instead of four (4).

Motion by Councilman Hawkins, seconded by Councilman Wilson to approve Elevated Water Tank Space Rental Agreement with Alltel Corporation d/b/a/ Verizon Wireless for the placement of Communications equipment on 8th Street Water Tank and Property and nullifying Land Lease Agreement approved on November 26, 2019.

Votes were as follows:

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

Motion carried.

ITEM #15 City Manager Rex M. Thee briefed the Council regarding a Permanent Pipeline Easement Agreement with Faith Temple Monahans C.O.G.I.C. for a 20’ Wide by 225’ (13.554 Rods) Long Area Over an Existing 12” Water Pipeline Located in Sec. 41 (A82) Block A, Part of 5.56 Acres, G&MMB&A (900 E. “A”). Mr. Thee indicated that when the Church offered to sale the property to the City it was realized that no easement had been established for the water line. Mr. Thee stated that since the City is not buying the property, the City needs to establish an easement to protect the line in the future. Mr. Thee mentioned that the agreement is for a permanent easement and includes added temporary workspace in case of leak repairs and their terms of \$150/rod (13.554 rods) is fair and in line with University Lands schedule, total \$2,033.10.

Motion by Councilman Wilson, seconded by Councilman Valenzuela to accept the Pipeline Easement Agreement with Faith Temple Monahans C.O.G.I.C., as presented.

Votes were as follows:

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

“Aye” Richard Hawkins

Motion carried.

At this point, Mayor Cutbirth asked Mayor Pro Tem Wilson to preside over agenda items 16 and 17.

ITEM #16 City Manager Rex M. Thee briefed the Council regarding First Right of Refusal to purchase Airport Hanger Property from Henry Cutbirth.

Mr. Thee indicated that Mr. Cutbirth has an offer for his hangar. Mr. Thee stated that at this time, there is no real benefit to the citizens to purchase the hangar and incur maintenance and upkeep not knowing when or if it can be rented out. Mr. Thee mentioned that the city currently has one hangar open for rental. Mr. Thee stated that any new owner of the Hanger will have to sign an Airport Hanger Lease agreement with the City.

Motion by Councilman Hawkins, seconded by Councilman Carrell to refuse the offer to purchase the Airport Hanger Property from Henry Cutbirth.

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

Motion carried.

ITEM #17 City Manager Rex M. Thee briefed the Council regarding a request by Henry Cutbirth for Outside City Water Service for Commercial Use. Mr. Thee indicated that Mr. Cutbirth wants City water for an Industrial Complex that he built on Jim Street off of North Loop 464. Mr. Thee stated that he currently has some wells but the water needs considerable treatment and the water from those wells will be required to have a physical separation from any system supplied City water. Mr. Thee mentioned that since this service request is in the City’s ETJ, it meets the minimum requirements to be allowed water service and there are other commercial users of the City’s water in the area and any water sales will be much needed during this time of declining revenues. Mr. Thee stated that Mr. Cutbirth will pay the water tap fee and any associated cost to receive water at this location.

Motion by Councilman Hawkins, seconded by Councilman Valenzuela to approve the request by Henry Cutbirth for outside city water service for commercial use.

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

Motion carried.

At this point, Mayor Cutbirth resumed to preside over the meeting.

ITEM #18 Motion by Councilman Hawkins, seconded by Councilman Carrell to adjourn meeting at 3:52 p.m.

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

Motion carried.

Passed and approved by the Monahans City Council on May 12, 2020.

ATTEST:

APPROVED:

Tonya Todd, City Secretary

David B. Cutbirth, Mayor