

**MINUTES
REGULAR MEETING
TUESDAY, OCTOBER 8, 2019**

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
Rudy Hernandez
Jeppie S. Wilson
Calvin Carrell
Absent-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*

*Ashley Aduato
Teresa Burnett
Christy Sullivan
Billy Riley
Richard Covington
Ted Boehm*

*MEDC Director
Chamber of Commerce
Monahans News
Chief of Police-MPD
Code Enforcement Officer
Delcom*

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 September 24, 2019 Regular Council Meeting.

Motion by Councilman Hernandez, seconded by Councilman Hawkins to approve the minutes of the September 24, 2019, Regular Council Meeting, as presented.

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

Motion carried.

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

- a. Accounts Payable in the amount of \$875,614.75
- b. Resolution No. 2019-046 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

Votes were as follows:

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

Motion carried.

ITEM #5 Presentation by citizens to be heard. Tereasa Burnett, Executive Director of the Chamber of Commerce mentioned that they are working on the marketing video and it is going very well.

ITEM #6 City Manager Rex M. Thee briefed the Council with regards to the Public Funds Investment Report, Quarter Ending September 30, 2019. Mr. Thee stated that the City keeps a close watch to ensure pledged securities remain sufficient and protected at 102%.

Motion by Councilman Hawkins, seconded by Councilman Carrell to approve the Public Funds Investment Report, quarter ending September 30, 2019, as presented.

Votes were as follows:

	“Aye”	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 with regards to Resolution No. 2019-047 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. Mayor Cutbirth asked if most of these properties are abandoned and not getting mowed? Mr. Covington answered, yes.

Motion by Councilman Wilson, seconded by Councilman Hernandez to approve Resolution No. 2019-047: To approve the Code Enforcement Officer’s report and initiate any action necessary to bring these properties into compliance.

Legal Description:

Northland	Block 1	Lot 9 & 10
M.O.T.	Block 42	Lot 10 & 11
M.O.T.	Block 16	Lot 11 & 12
M.O.T.	Block 35	Lot W90’ of 9 thru 11
Northside	Block 2	Lot 1 thru 17
Carnes #3	Block 3	Lot 12
Carnes #4	Block 4	Lot 9
M.O.T.	Block 16	Lot 13 & 14
M.O.T.	Block 23	Lot 1
M.O.T.	Block 16	Lot 2, 3, & 4

ITEM #8 City Manager Rex M. Thee briefed the Council with regards to the First Reading of Ordinance No. 1273 rezoning Lot 1, Block 2, Carl Estes Addition, otherwise known as 301, 303, and 305 E. 7th St. from R-1 (Single-Family Dwelling) to R-3 (Multi-Family Dwelling). Mr. Thee stated that the property already has three small dilapidated homes on this one lot and the new owner is fixing up the property and

the houses to rent and wants them to be correctly zoned. Mr. Thee mentioned that the Planning and Zoning Board approved the rezone at their last meeting and he recommends approving this Ordinance.

Motion by Councilman Wilson, seconded by Councilman Hawkins to approve first reading of Ordinance No. 1273:

ORDINANCE NO. 1273

Section 1: that Lot 1, Block 2, Carl Estes Addition, otherwise known as 301, 303, and 305 E. 7th St., be rezoned from R-1 (Single-Family Dwelling) to R-3 (Multi-Family Dwelling).

Votes were as follows:

“Aye”	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 with regards to the Tax Roll for the 2019 Tax Year. Mr. Thee indicated that Vicki Heflin, Ward County TAC submitted the 2019 Tax Roll, Certified Values of 435,997,223 with an adopted tax rate of .33000, the 2019 Certified Levy is \$1,438,790.84. Mr. Thee stated that it is apparent that values went up.

Motion by Councilman Hernandez, seconded by Councilman Hawkins to approve the 2019 Tax Roll, Certified Value of 435,997,223 and Certified Levy of \$1,438,790.84.

Votes were as follows:

“Aye”	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 with regards to authorizing City crew to install water and sewer in two alleys in East Monahans Parkway Subdivision for MEDC, and authorizing the City Manager to charge MEDC for all costs associated with the project. Mr. Thee stated that MEDC has completed engineering plans for the project and the lowest contractor bid was \$235,232. Mr. Thee mentioned that he had Bobby Sinclair and Keith Mitchell with the City’s utility department get a cost estimate, labor and material came in at \$85,391.67. Mr. Thee indicated that the total cost for labor, fuel, inspections, shoring and overtime pay will come in approximately under, \$100,000 and would take 18 to 20 days to complete.

Motion by Councilman Hawkins, seconded by Councilman Wilson to authorize City crew to install water and sewer in two alleys in East Monahans Parkway Subdivision for MEDC and authorize the City Manager to charge MEDC for all costs associated with the project.

Votes were as follows:

“Aye”	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 with regards to a Land Lease Agreement with Verizon for a cell tower site on City property at 1100 South Faye. Mr. Thee stated that the Lease Agreement has not been received and this item will be placed on a future agenda for consideration.

ITEM #12 Mayor Cutbirth read the following statement “The City Council will begin its Executive Session on this 8th day of October, 2019 at 3:11 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) Claim-Accident in the City’s ETJ
- (b) Eric Hemphill vs City et al
- (c) Opioids Class Action Suit.”

ITEM #13 OPEN SESSION: Mayor Cutbirth read the following statement aloud. “The City Council has completed its Executive Session on the 8th day of October 2019 at 3:26 p.m.” To take any action deemed necessary after executive session regarding:

Section 551.071 Consultation with Attorney: Pending or Contemplated Litigation

- (a) Claim-Accident in the City’s ETJ
- (b) Eric Hemphill vs City et al
- (c) Opioids Class Action Suit

(b) City Manager Rex M. Thee stated that he updated the Council on the status of the Hemphill case and Mr. Hemphill has revised his claim and petitioned the court for a jury trial. At this time, the court is deciding on this matter. Mayor Cutbirth asked if there was a motion with regards to Eric Hemphill vs. City et al? No motion made.

(a) Mayor Cutbirth asked if there was a motion with regards to Claim-Accident in the City’s ETJ? No motion made.

(c) City Manager Rex M. Thee stated that the City received a notice letter with regards to a Class Action Lawsuit, regarding Opioids. Mr. Thee mentioned that the City has the opportunity to be part of any settlement or judgement if the class action suit takes place. Mr. Thee stated that by taking no action in response to the Notice, the City would remain a Class Member of the lawsuit. Mr. Thee indicated that the Council could opt out of the Class by making a motion to do so. Mayor Cutbirth asked if there was a motion with regards to the Opioids Class Action Suit? No motion made. Attorney for the City, Alan Nicholas, stated that he agreed with the Council on making no motion and remaining part of the Class Action Suit.

ITEM #14 Motion by Councilman Hawkins, seconded by Councilman Carrell to adjourn meeting at 3:28 p.m.

Votes were as follows:	“Aye”	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 October 22, 2019.

ATTEST:

APPROVED:

Tonya Todd, City Secretary

David B. Cutbirth, Mayor