

MINUTES
REGULAR MEETING
TUESDAY, FEBRUARY 22, 2022

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	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 (absent)	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
Alan Nicholas (absent)	Attorney for the City
Richard Covington	Public Works Director
Joel Melendez	Building/Plumbing Inspector
Ashley Adatao	Director MEDC
Billy Riley	Chief of Police MPD
Christy Sullivan	Monahans News Editor
Jim Rieves	Self
Teresa Burnett	Executive Director Chamber of Commerce
Ed Mendez	Oncor

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 February 8, 2022 regular Council Meeting.

Motion by Councilman Carrell, seconded by Councilman Hawkins to approve the minutes of the February 8, 2022, 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 Presentation of citizens to be heard. Teresa Burnett, Executive Director Chamber of Commerce invited all in attendance to a ceremony Monday, February 28th, at 2:00 p.m. at the Ward County Event Center. Ms. Burnett stated that Texas Tech University Health Sciences Center School of Medicine, Permian Strategic Partnership and Caring Foundation will announce

the unveiling of the Mobile Care Van Unit plus Medicine on the Move Initiative. Ms. Burnett mentioned that this will be great for our community and our hospital. Ashley Aduato, Director of the MEDC, mentioned that they received a 1-million dollar grant to go toward the Broadband Project; soon they will replat a 5-acre property on the Eastside to five 1-acre properties for commercial use with water services; and the corner of 8th and Main has been busy with new construction for a business opening in the Spring or Early Summer.

ITEM #5 Public Hearing Property #1: Open for comments regarding the request of the Code Enforcement Officer to declare Lots 6, 7 and E. 10' of 8, Block 1, Lang Addition, City of Monahans, Ward County, Texas (A.K.A. 314 W. 5th St.), to be an unsafe structure and to order the same be vacated, repaired, secured, or demolished and/or shut off utilities.

Close Public Hearing

Mayor Steen opened the Public Hearing. City Manager Rex M. Thee briefed the Council regarding said property. Mr. Thee stated that a letter from Building Inspector Joel Melendez reporting the condition of the property is provided. During the Public Hearing City Manager asked the following questions based on the information presented.

- Is the building, structure, or any part thereof likely to partially or fully collapse? **Yes, response from the Council.**
- Is the structure or any part thereof constructed or maintained in violation of any provision of the City's Building and Structures Code, or any other applicable ordinance or law of the city, county, state or federal government? **Yes, response from the Council.**
- Is one or more walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third or its base? **Yes, response from the Council**
- Is the foundation or the vertical or horizontal supporting members twenty five percent (25%) or more damaged or deteriorated? **Yes, response from the Council.**
- Is non-supporting coverings of walls, ceilings, roofs, or floors fifty percent (50%) or more damaged or deteriorated? **Yes, response from the Council.**
- Does the structure have improperly distributed loads upon the structural members, or do they have insufficient strength to be reasonably safe for the purpose used? **Yes, response from the Council.**
- Has the structure or any part thereof been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety and welfare? **Yes, response from the Council.**
- Does the structure or any part thereof have inadequate means of egress as required by the City's Building and Structures Code? **Yes, response from the Council.**
- Does the structure lack adequate light, ventilation, or sanitation facilities as required by the City's Building and Structures Code? **Yes, response from the Council.**

N=No and Y=Yes

N is occupied and poses a hazard to health, safety, or general welfare of the occupants and/or the general public and must be vacated

Y is unsecured and must be boarded up and/or fenced in such a manner to prevent unauthorized entry by a person, including a child, through missing or unlocked doors or windows or through other openings into the structure

N may feasibly be repaired so that it is no longer in violation of the City's Dangerous Structures Code of Ordinances

Y may not be feasibly repaired in compliance with the City's Code of Ordinances

No other comments were received. Mayor Steen closed the Public Hearing.
3:09 p.m. to 3:13 p.m.

ITEM #6 Public Hearing Property #2: Open for comments regarding the request of the Code Enforcement Officer to declare Lots 14 and 15, Block 30, Monahans Original Town, City of Monahans, Ward County, Texas (A.K.A. 411 N. Main), to be an unsafe structure and to order the same be vacated, repaired, secured, or demolished and/or shut off utilities.

Close Public Hearing

Mayor Steen opened the Public Hearing. City Manager Rex M. Thee briefed the Council regarding said property. Mr. Thee stated that a letter from Building Inspector Joel Melendez reporting the condition of the property is provided. During the Public Hearing City Manager asked the following questions based on the information presented.

- Is the building, structure, or any part thereof likely to partially or fully collapse? **Yes, response from the Council.**
- Is the structure or any part thereof constructed or maintained in violation of any provision of the City's Building and Structures Code, or any other applicable ordinance or law of the city, county, state or federal government? **Yes, response from the Council.**
- Is one or more walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third or its base? **Yes, response from the Council**
- Is the foundation or the vertical or horizontal supporting members twenty five percent (25%) or more damaged or deteriorated? **Yes, response from the Council.**
- Is non-supporting coverings of walls, ceilings, roofs, or floors fifty percent (50%) or more damaged or deteriorated? **Yes, response from the Council.**

- Does the structure have improperly distributed loads upon the structural members, or do they have insufficient strength to be reasonably safe for the purpose used? **Yes, response from the Council.**
- Has the structure or any part thereof been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety and welfare? **Yes, response from the Council.**
- Does the structure or any part thereof have inadequate means of egress as required by the City's Building and Structures Code? **Yes, response from the Council.**
- Does the structure lack adequate light, ventilation, or sanitation facilities as required by the City's Building and Structures Code? **Yes, response from the Council.**

N=No and Y=Yes

N is occupied and poses a hazard to health, safety, or general welfare of the occupants and/or the general public and must be vacated

Y is unsecured and must be boarded up and/or fenced in such a manner to prevent unauthorized entry by a person, including a child, through missing or unlocked doors or windows or through other openings into the structure

N may feasibly be repaired so that it is no longer in violation of the City's Dangerous Structures Code of Ordinances

Y may not be feasibly repaired in compliance with the City's Code of Ordinances

Jim Rieves, a guest in the meeting, asked who pays for the demolition? City Manager Rex M. Thee responded that a lien is placed on the property and the owner is required to pay for the cost of the demolition and removal to the landfill.

No other comments were received. Mayor Steen closed the Public Hearing.
3:13 p.m. to 3:18 p.m.

ITEM #7 City Manager Rex M. Thee briefed the Council regarding the City Council's **Findings and Order** regarding the structure at Lots 6, 7 and E. 10' of 8, Block 1, Lang Addition, City of Monahans, Ward County, Texas (A.K.A. 314 W. 5th St.)

City Manager Rex M. Thee read aloud the Order as follows:

CITY OF MONAHANS

CITY COUNCIL'S FINDINGS AND ORDER

BE IT REMEMBERED THAT ON **February 22, 2022**, the City Council of the City of Monahans, Texas conducted a public hearing regarding the structure described as Lots 6, 7 and E. 10' of 8, Block 1, Lang Addition, City of Monahans, Ward County, Texas (A.K.A. 314 W. 5th St.)

After considering the evidence presented, the Council finds that the structure is:

N=No and Y=Yes

N a safe structure.

Y an unsafe structure based on the standards set forth in our **Code of Ordinances, Chapter 6, Article III Sections 6-31 & 6-32.**

Y The building, structure, or any part thereof is likely to partially or fully collapse.

Y The structure or any part thereof was constructed or maintained in violation of any provision of the City's Building and Structures Code, or any other applicable ordinance or law of the city, county, state or federal government.

Y One or more walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third or its base.

Y The foundation or the vertical or horizontal supporting members are twenty five percent (25%) or more damaged or deteriorated.

Y The non-supporting coverings of walls, ceilings, roofs, or floors are fifty percent (50%) or more damaged or deteriorated.

Y The structure has improperly distributed loads upon the structural members, or they have insufficient strength to be reasonably safe for the purpose used.

Y The structure or any part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety and welfare.

Y The structure or any part thereof has inadequate means of egress as required by the City's Building and Structures Code.

Y The structure does not have adequate light ventilation, or sanitation facilities as required by the City's Building and Structures Code.

Having found the structure to be unsafe, the Council also finds that the structure:

N is occupied and poses a hazard to health, safety, or general welfare of the occupants and/or the general public and must be vacated

Y is unsecured and must be boarded up and/or fenced in such a manner to prevent unauthorized entry by a person, including a child, through missing or unlocked doors or windows or through other openings into the structure

N may feasibly be repaired so that it is no longer in violation of the City's Dangerous Structures Code of Ordinances

Y may not be feasibly repaired in compliance with the City's Code of Ordinances

IT IS THEREFORE ORDERED THAT THE OWNER, MORTGAGEE OR LIENHOLDER SHALL:

X vacate the structure within 10 days.

— secure the structure from unauthorized entry within 30 days.

— demolish/remove or repair [circle one] the structure within 30 days.

X demolish/remove or repair [circle one] the structure within 10 days, in accordance with the schedule below:

— appear before the Council at each regularly scheduled meeting to demonstrate

compliance with the time schedule, until the preceding orders have been fulfilled.

X Since the building is being ordered demolished, the Council recommends that the City disconnect water and all other utilities.

IT IS FURTHER ORDERED BY THE COUNCIL THAT:

In the event that the owner, mortgagee, or lienholder shall fail to comply with this Order in the allotted time, the City may secure the structure, and may cause the structure to be demolished, and may attach a lien to the property for the expense of same in accordance with City Code of Ordinances.

Motion by Councilman Carrell, seconded by Councilman Wilson to approve the Order as read on said property. Lots 6, 7 and E. 10' of 8, Block 1, Lang Addition, City of Monahans, Ward County, Texas (A.K.A. 314 W. 5th St.)

Votes were as follows:	“Aye”	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 the City Council’s **Findings and Order** regarding the structure at Lots 14 and 15, Block 30, Monahans Original Town, City of Monahans, Ward County, Texas (A.K.A. 411 N. Main)

City Manager Rex M. Thee read aloud the Order as follows:

CITY OF MONAHANS

CITY COUNCIL’S FINDINGS AND ORDER

BE IT REMEMBERED THAT ON **February 22, 2022**, the City Council of the City of Monahans, Texas conducted a public hearing regarding the structure described as **Lots 14 and 15, Block 15, Monahans Original Town(M.O.T.)Addition, City of Monahans, Ward County Texas (A.K.A. 411 N. Main).**

After considering the evidence presented, the Council finds that the structure is:

N=No and Y= Yes

N a safe structure.

Y an unsafe structure based on the standards set forth in our **Code of Ordinances, Chapter 6, Article III Sections 6-31 & 6-32.**

Y The building, structure, or any part thereof is likely to partially or fully collapse.

Y The structure or any part thereof was constructed or maintained in violation of any provision of the City’s Building and Structures Code, or any other applicable ordinance or law of the city, county, state or federal government.

Y One or more walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third or its base.

Y The foundation or the vertical or horizontal supporting members are twenty five percent

(25%) or more damaged or deteriorated.

Y The non-supporting coverings of walls, ceilings, roofs, or floors are fifty percent (50%) or more damaged or deteriorated.

Y The structure has improperly distributed loads upon the structural members, or they have insufficient strength to be reasonably safe for the purpose used.

Y The structure or any part thereof has been damaged by fire, water, earthquake, wind, vandalism, or other cause to such an extent that it has become dangerous to the public health, safety and welfare.

Y The structure or any part thereof has inadequate means of egress as required by the City's Building and Structures Code.

Y The structure does not have adequate light ventilation, or sanitation facilities as required by the City's Building and Structures Code.

Having found the structure to be unsafe, the Council also finds that the structure:

N is occupied and poses a hazard to health, safety, or general welfare of the occupants and/or the general public and must be vacated

Y is unsecured and must be boarded up and/or fenced in such a manner to prevent unauthorized entry by a person, including a child, through missing or unlocked doors or windows or through other openings into the structure

N may feasibly be repaired so that it is no longer in violation of the City's Dangerous Structures Code of Ordinances

Y may not be feasibly repaired in compliance with the City's Code of Ordinances

IT IS THEREFORE ORDERED THAT THE OWNER, MORTGAGEE OR LIENHOLDER SHALL:

vacate the structure within 10 days.

secure the structure from unauthorized entry within 30 days.

demolish/remove or repair [circle one] the structure within 30 days.

demolish/remove or repair [circle one] the structure within 10 days, in accordance with the schedule below:

appear before the Council at each regularly scheduled meeting to demonstrate compliance with the time schedule, until the preceding orders have been fulfilled.

Since the building is being ordered demolished, the Council recommends that the City disconnect water and all other utilities.

IT IS FURTHER ORDERED BY THE COUNCIL THAT:

In the event that the owner, mortgagee, or lienholder shall fail to comply with this Order in the allotted time, the City may secure the structure, and may cause the structure to be demolished, and may attach a lien to the property for the expense of same in accordance with City Code of Ordinances.

Motion by Councilman Carrell, seconded by Councilman Hawkins to approve the Order as read on said property. Lots 14 and 15, Block 15, Monahans Original Town (M.O.T.) Addition, City of Monahans, Ward County Texas (A.K.A. 411 N. Main).

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 Resolution No. 2022-006 to Release Certain Uncollectible Municipal Liens. Mr. Thee indicated that after a recent review of the Municipal Liens, it was discovered that ownership on certain properties had transferred to one or more local taxing entities, one or more local taxing entities sold the property without collecting the lien, and private property had been sold multiple times by the owners without collection of the lien. Mr. Thee stated that the lien does follow the property, but these liens are probably uncollectible on these certain properties. Councilman Carrell asked what the date range was on these liens? Mr. Thee stated that some went back to the 90’s with a lien amount of \$150. Mr. Thee stated the total amount he is presenting as uncollectible is \$13,458.60.

Motion by Councilman Hawkins, seconded by Councilman Carrell to approve Resolution No. 2022-006: To declare the following Municipal Liens uncollectible in the amount of \$13,458.60 and authorize a Release of Lien for the properties described below:

<u>Date</u>	<u>Name</u>	<u>Physical Address</u>	<u>Legal Description</u>	<u>Amount</u>
12/07/1992	Southwest Fed Savings c/o RETC, Inc.	102 S. Carol	Original Townsite, Block 15, Lots 15-18	\$150.00
01/12/1993	Willie W. White	418 N. Alice	Peters Addition, Block 1, Lot 6	\$150.00
10/07/1999	Loyd Woodard	308 S Calvin	M.O.T., Block 49, Lots 1-3	\$300.00
05/09/2003	Madelyn R. Sherrod	1204 S. Dwight	Kay Add., Block 2, Lot 1 & 2 & S/31.7 'of 3	\$50.00
05/13/2005	Oscar Garcia	411 W. Sealy	Outlot D, Block D, Lot W 90'X50'	\$4,626.00
03/30/2007	Arnaldo Tabarez	400 E. A	Reservation N.E., Block NE, 50'X100'	\$4,102.20
04/05/2007	Juan Porras	109 E. I.	Hall Addition, Block 1, Lot E 10' of 2 & all of 3	\$3,553.70
10/13/2010	Russel & Vicki Noah	503 S. Dwight	(M D Co.) Monahans Development Co. #1, Block 2, Lot 10	\$216.00
09/27/2012	Russel & Vicki Noah	503 S. Dwight	(M D Co.) Monahans Development Co. #1, Block 2, Lot 10	\$310.70

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 Resolution No. 2022-007 authorizing the City Manager to file a Grant Application with Permian Basin Regional Planning Commission, and to act on behalf of the City in all matters related to the Application for a Grant from the Regional Solid Waste Grants Program. Mr. Thee indicated that the city has

used this grant several times since 1995, most recently for mulching and grinding brush and tree limbs, saving landfill space. Mr. Thee stated that the City will apply for a \$20,000 grant to grind brush.

Motion by Councilman Wilson, seconded by Councilman Carrell to approve Resolution No. 2022-007:

1. That Rex M. Thee, City Manager is authorized to request grant funding under the Permian Basin Regional Planning Commission Request for Applications of the Regional Solid Waste Grants Program and act on behalf of the City of Monahans in all matters related to the grant application and any subsequent grant contract and grant project that may result.
2. That if the project is funded, the City of Monahans will comply with the grant requirements of the Permian Basin Regional Planning Commission, Texas Commission on Environmental Quality and the State of Texas.
3. The grant funds and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant.
4. Activities will comply with and support the adopted regional and local solid waste management plans adopted for the geographical area in which the activities are performed.

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 approving Airport Hangar Lease Agreements with Henry Cutbirth for Hangar #1, #6, #11.

Motion by Councilman Carrell, seconded by Councilman Hawkins the Council approved the Airport Hangar Lease Agreement with Henry Cutbirth for Hangar #1, Hangar #6 and #11.

Votes were as follows:

“Aye”	Rudy Hernandez
“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 First Right of Refusal to purchase Airport Hangar Property #12-8 from Kenny Dutcher. Mr. Thee indicated that Kenny Dutcher has received an offer from Henry Cutbirth to purchase the hangar for \$25,000. Mr.

Thee stated that he does not foresee a benefit to the City to own the hangar and recommends the Council invoke first right of refusal and allow Kenny Dutcher to sell the hangar.

Motion by Councilman Carrell, seconded by Councilman Wilson to invoke first right of refusal on Airport Hangar #12-8, allowing Kenny Dutcher to sell the hangar.

Votes were as follows:

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

Motion carried.

ITEM #13 Motion by Councilman Hawkins, seconded by Councilman Wilson to adjourn meeting at 3:49 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 March 8, 2022.

ATTEST:

APPROVED:

Tonya Todd, City Secretary

Adam Steen, Mayor