

MINUTES
REGULAR MEETING
TUESDAY, APRIL 27, 2021

The City Council of the City of Monahans, Texas convened on the above date at 3:00 p.m. in the Ward County Event Center, 1525 East Monahans Parkway, Chamber of Commerce Board Room 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
Absent-Ivy Valenzuela	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	Attorney for the City
Teresa Burnett	Executive Director Chamber of Commerce
Christy Sullivan	The Monahans News
Richard Covington	Public Works Director
Billy Riley	Chief of Police MPD

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 April 13, 2021 Regular Council Meeting.

Motion by Councilman Hernandez, seconded by Councilman Carrell to approve the minutes of the April 13, 2021, 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 by citizens to be heard. Teresa Burnett, Chamber of Commerce Director, mentioned that May 6, 2021 is the National Day of Prayer at 7:00 a.m., at the Event Center and at noon at the Ward County Courthouse. Ms. Burnett stated that everyone is invited.

Item #5 City Manager Rex M. Thee briefed the Council on the 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. Code Enforcement Officer Richard Covington addressed the Council regarding a property that needs to be demolished. Mr. Covington mentioned that a Public Hearing is set for May 11, 2021 at 3:00 p.m. during the next city council meeting. Mr. Covington mentioned that he has tried to work with the property owners for many years and the owner of the property has changed a few times over the years. Mayor Cutbirth asked Mr. Covington to explain the process. Mr. Thee mentioned that Municipal Court can assess a fine with regards to a violation of a City Ordinance regarding weeds, garbage, trash, etc. but to demolish a property, the Order comes from the City Council, after a Public Hearing is held for all interested parties. Councilman Carrell indicated that the Council is not receiving enough information on the final outcome of the properties, in violation, and the process is taking way too long. Mr. Carrell stated that he would like to receive a more comprehensive monthly report and Mr. Covington stated that would not be a problem. Mr. Covington mentioned that he is concerned about listing all names and addresses, in violation, and the newspaper printing them. Councilman Hawkins suggested only the legal descriptions be used and not identify the property owner. Mr. Thee stated that he would get with Mr. Covington and provide more information on the monthly report.

Motion by Councilman Carrell, seconded by Councilman Hawkins, to authorize Mr. Covington to move forward with the Public Hearing and notice requirements with regards to 315 E. "A" Street.

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

Motion carried.

ITEM #6 City Manager Rex M. Thee briefed the Council regarding the Second and Final 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 stated that these are the two lots purchased and cleared by MEDC and the Council approved the first reading of this Ordinance, April 13, 2021.

Motion by Councilman Wilson, seconded by Councilman Hernandez to approve Second and Final 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.
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONAHANS,

TEXAS:

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
Absent	Ivy Valenzuela
“Aye”	Richard Hawkins

Motion carried.

ITEM #7 City Manager Rex M. Thee Second and Final 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) the International Fire Code (IFC) and International Residential Code (IRC). Mr. Thee indicated that the City currently operates under 2009 International Building Codes, and this ordinance will place the city under 2018 international building codes. Mr. Thee reminded the Council that at the last meeting, the City had the updated 2018 International Residential Code in hand, but it needs to be included into the ordinance.

Mr. Thee reviewed with the Council the following corrections prepared before the Second and Final Reading of the Ordinance.

- Page 1 "CHAPTER SIX (6) ARTICLE X. INTERNATIONAL RESIDENTIAL CODE;" **added** into the heading.
- Page 1 "THE INTERNATIONAL RESIDENTIAL CODE (IRC) 2018 EDITION," **added** into the heading.
- Page 1 "6-172," **added** into the heading.
- Page 1 "the International Residential Code (IRC) 2018 Edition" **added** into the first WHEREAS paragraph.
- Page 1 "Article X. INTERNATIONAL RESIDENTIAL CODE." **added** into SECTION 1:
- Page 2, at the top, "International Residential Code (IRC) 2018 Edition" **added** under Section 6-3. Definition:
- Page 2 (4) Previous approvals: on the second line **changed** “issued *or* otherwise” from “issued ~~of~~ otherwise”
- Page 3 (7) Effectivity: on the first line **changed** “any *manner* whatsoever” from “any ~~matter~~ whatsoever”
- Page 3 Section 6-58. Code adopted, the last word changed to “*Edition*” from “~~Revision~~”
- Page 6 Section 6-171 (b) the word "Property" was **removed** from "International ~~Property~~ Fire Code"

- Page 6 "Article X INTERNATIONAL RESIDENTIAL CODE" was **added** as Section 6-172

Mr. Thee outlined the following examples of portions of Chapter 6 that will be kept:

- Article II Building Code covers sidewalks and manufactured homes which are not covered by the ICC books we are adopting.
- Article III. Dangerous Structures: This area is not covered by the ICC code books that the City is adopting.
- Article IV. Electrical.
 - Division 3. Inspectors: With the exception of Sec. 6-109. General duties., this division remains in intact because it is not covered by the ICC code books that the City is adopting.
 - Division 4. Permits: Not covered in ICC books
 - Division 5. Equip installation: These codes are stricter than ICC requires, for example Sec. 6-146 requires an external main disconnect.
- Article V. Plumbing and gas fitting. Sec 6-158 Amendments, deletions, additions to code. More stringent than ICC code books, for example: 6-158.1(e) Gas system test, 6-158.1(f) Final inspections, etc.
- Article VI. Heating, AC and Ventilation: Our code covers areas not included in ICC code books.
- Article VII. Wind Energy Conversion Systems: Illegal without a variance.

Motion by Councilman Hawkins, seconded by Councilman Carrell to approve the Second and Final 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, CHAPTER SIX (6) ARTICLE IX. INTERNATIONAL FIRE CODE AND CHAPTER SIX (6) ARTICLE X. INTERNATIONAL RESIDENTIAL 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, THE INTERNATIONAL FIRE CODE (IFC) 2018 EDITION AND THE INTERNATIONAL RESIDENTIAL CODE (IRC) 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, 6-172, 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
Absent	Ivy Valenzuela
“Aye”	Richard Hawkins

Motion carried.

ITEM #8 City Manager Rex M. Thee briefed the Council regarding Ordinance No. 1286 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 make their request to the Public Utilities Commission. Mr. Thee mentioned that this ordinance will also waive multiple readings, “...for the immediate preservation of the public’s business” as allowed by the City Charter.

Motion by Councilman Carrell, seconded by Councilman Hernandez to approve Ordinance No. 1286:

ORDINANCE NO. 1286

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.

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 approving the Monahans Police Department Policy and Procedure Manual (*revised and reformatted, 4-12-2021*). Chief Riley indicated that he wanted to revise the Policy to follow the Texas Police Chiefs Association’s Best Practices. Chief Riley stated that his department is working toward becoming an accredited department of policy, procedures and practice.

Motion by Councilman Wilson, Seconded by Councilman Hawkins to approve the Monahans Police Department Policy and Procedure Manual, as presented.

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

Motion carried.

Mayor Cutbirth stated that he has enjoyed every bit of his time, as Mayor, and the history of the last 28 years and he is very much appreciative of all the work they did, together.

ITEM #10 Motion by Councilman Hawkins, seconded by Councilman Carrell to adjourn meeting at 3:43 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 May 11, 2021.

ATTEST:

APPROVED:

Tonya Todd, City Secretary

Jeppie S. Wilson, Mayor Pro Tem