

MINUTES
REGULAR MEETING
TUESDAY, NOVEMBER 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 (<i>absent</i>)	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
Richard Hawkins (<i>absent</i>)	Council Member District No. 5
Rex M. Thee	City Manager
Frank Heslin	Assistant City Manager
Tonya Todd	City Secretary
Justin Till	Attorney for the City
Kristofer Quintana	Chief of Police MPD
Joel Melendez	Building/Plumbing Inspector
Richard Covington	Public Works Director
Don Hubbard	Self
JJ Escamilla	Self

ITEM #1 & ITEM #2 Mayor Pro Tem Wilson called the meeting to order and Councilman Carrell gave the invocation.

ITEM #3 City Manager Rex M. Thee briefed the Council on approving the minutes of the November 8, 2022 Regular Council Meeting.

Motion by Councilman Carrell, seconded by Councilman Valenzuela to approve the minutes of the November 8, 2022 Regular Council Meeting.

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 \$796,842.74
- b. Resolution No. 2022-034
- c. Monthly Reports/Minutes: (a) Airport Manager’s Monthly Report (b) Animal Control Monthly Report, (c) Building Permit Monthly Report, (d) MEDC Monthly Financial Report, (e) Municipal Court Monthly Report, (f) City Monthly Fund Balance Report, (g) City Monthly Revenue and Expenditure Comparison Summary Report (h) Planning and Zoning Board of Adjustment Minutes

Motion by Councilman Valenzuela, 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. None

ITEM #6 Public Hearing Property #1: Open for comments regarding the request of the Code Enforcement Officer to declare Lot 50’ X 130’ Tract, TR 6, Cox Tract, City of Monahans, Ward County, Texas (a.k.a. 805 E. 2nd Street), an unsafe structure and to order the same be vacated, repaired, secured, or demolished and/or shut off utilities **Close Public Hearing.**

Mayor Pro Tem Wilson opened the Public Hearing. City Manager Rex M. Thee briefed the Council regarding said property and showed pictures on the TV screen for all to see. Mr. Thee read a letter, out loud, from Building Inspector Joel Melendez reporting the condition of the property.

Mr. Thee indicated that he will state the questions that the City maintains “yes” as an answer with regards to the condition of said property. Mr. Thee asked if the council feels the answer to any of the questions is not “yes”, to please raise that concern.

Yes Is the building, structure, or any part thereof likely to partially or fully collapse?

Yes 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 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 Is the foundation or the vertical or horizontal supporting members twenty five percent (25%) or more damaged or deteriorated?

Yes Is non-supporting coverings of walls, ceilings, roofs, or floors fifty percent (50%) or more damaged or deteriorated?

Yes 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 Does the structure or any part thereof have inadequate means of egress as required by the City's Building and Structure Code?

Yes Does the structure lack adequate light, ventilation, or sanitation facilities as required by the City's Building and Structures Code?

Yes 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.

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

No other comments were received. Mayor Pro Tem Wilson closed the Public Hearing, 3:08 p.m.

ITEM #7 City Manager Rex M. Thee briefed the Council on City Council's **Findings and Order** regarding the structure at Lot 50' X 130' Tract, TR 6, Cox Tract, City of Monahans, Ward County, Texas (a.k.a. 805 E. 2nd Street).

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

CITY OF MONAHANS

CITY COUNCIL'S FINDINGS AND ORDER

BE IT REMEMBERED THAT ON November 22, 2022, the City Council of the City of Monahans, Texas conducted a public hearing regarding the structure described as Lot 50' X 130' Tract, TR 6, Cox Tract, City of Monahans, Ward County, Texas (a.k.a. 805 E. 2nd St.).

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

CHECK ONE

a safe structure.

an unsafe structure based on the standards set forth in our Code of Ordinances, Chapter 6,

Article III Sections 6-31 & 6-32.

HAVING FOUND THE STRUCTURE TO BE UNSAFE, THE COUNCIL ALSO FINDS THAT THE STRUCTURE:

CHECK ONE OR ALL THAT APPLY

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

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

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

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:

CHECK ONE OR ALL THAT APPLY

___ vacate the structure within ___ 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:

Deadline Task

___ 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 take requisite action to demolish, clean and grade the lot, and establish a lien on the property for the expense, of same, in accordance with the City Code of Ordinances without further notice or hearing.

The City Secretary shall file a copy of this order with the City within 10 days of the date of this order and publish in a newspaper of general circulation the street address/legal description of the Property, the date of the hearing, a brief statement of the results of this order and provide notice that a copy of this order and the minutes of the meeting may be reviewed and/or obtained during regular business hours in the office of the City Secretary.

Motion by Councilman Carrell, seconded by Councilman Valenzuela to approve the Order on said property, as read. Lot 50’ X 130’ Tract, TR 6, Cox Tract, City of Monahans, Ward County, Texas (a.k.a. 805 E. 2nd St.).

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

Motion carried.

ITEM #8 Public Hearing Property #2: Open for comments regarding the request of the Code Enforcement Officer to declare, Lot 9, Block 3, Casa Bonita, City of Monahans, Ward County, Texas (a.k.a. 1003 S. Bruce Avenue), an unsafe structure and to order the same be vacated, repaired, secured, or demolished and/or shut off utilities **Close Public Hearing.**

Mayor Pro Tem Wilson opened the Public Hearing. City Manager Rex M. Thee briefed the Council regarding said property and showed pictures on the TV screen for all to see. Mr. Thee read a letter, out loud, from Building Inspector Joel Melendez reporting the condition of the property.

Mr. Thee indicated that he will state the questions that the City maintains “yes” as an answer with regards to the condition of said property. Mr. Thee asked if the council feels the answer to any of the questions is not “yes”, to please raise that concern.

Yes Is the building, structure, or any part thereof likely to partially or fully collapse?

Yes 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 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 Is the foundation or the vertical or horizontal supporting members twenty five percent (25%) or more damaged or deteriorated?

Yes Is non-supporting coverings of walls, ceilings, roofs, or floors fifty percent (50%) or more damaged or deteriorated?

Yes 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 Does the structure lack adequate light, ventilation, or sanitation facilities as required by the City's Building and Structures Code?

Yes 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.

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

Don Hubbard, a neighbor to this property, addressed the Council stating that the property has burnt 2 times for suspicious reasons, the property is in pathetic condition and he is glad the Council is taking action on this property. Councilman Valenzuela asked if the storage building would be removed, too? Mr. Thee responded, yes. Mayor Pro Tem Wilson closed the Public Hearing. 3:17 p.m.

ITEM #9 City Manager Rex M. Thee briefed the Council on the Findings **and Order** regarding the structure at Lot 9, Block 3, Casa Bonita, City of Monahans, Ward County, Texas (a.k.a. 1003 S. Bruce Avenue).

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

CITY OF MONAHANS

CITY COUNCIL'S FINDINGS AND ORDER

BE IT REMEMBERED THAT ON **November 22, 2022**, the City Council of the City of Monahans, Texas conducted a public hearing regarding the structure described as Lot 9, Block 3, Casa Bonita, City of Monahans, Ward County, Texas (a.k.a. 1003 S. Bruce Avenue).

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

CHECK ONE

___ a safe structure.

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

HAVING FOUND THE STRUCTURE TO BE UNSAFE, THE COUNCIL ALSO FINDS THAT THE STRUCTURE:

CHECK ONE OR ALL THAT APPLY

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

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

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

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:

CHECK ONE OR ALL THAT APPLY

___ vacate the structure within ___ 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:

Deadline Task

___ 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 take requisite action to demolish, clean and grade the lot, and establish a lien on the property for the expense, of same, in accordance with the City Code of Ordinances without further notice or hearing.

The City Secretary shall file a copy of this order with the City within 10 days of the date of this order and publish in a newspaper of general circulation the street address/legal description of the Property, the date of the hearing, a brief statement of the results of this order and provide notice that a copy of this order and the minutes of the meeting may be reviewed and/or obtained during regular business hours in the office of the City Secretary.

Motion by Mayor Pro Tem Wilson, seconded by Councilman Valenzuela to approve the Order on said property, as read. Lot 9, Block 3, Casa Bonita, City of Monahans, Ward County, Texas (a.k.a. 1003 S. Bruce Avenue).

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 an Easement Modification Agreement (EMA) Easement #: E-10403, E10404, E-10537, E-6419 between the City of Monahans and Oncor Electric Delivery Company: Penwell POD to Wolf Switch. Mr. Thee indicated that the easement agreement to modify four (4) original easements dating back to 1956, 1948, and 1927 would allow Oncor to replace the existing wooden pole structures with steel monopole structures. Mr. Thee stated that the original easements do not allow for this change. Mr. Thee mentioned that Oncor will replace 20 structures on City property, and has offered \$500.00 per structure for surface damages, for a total of \$10,000. Mr. Thee mentioned that the offer is in line with recent University Lands negotiations. Mr. Thee stated that each structural footprint will be smaller, the easement will be properly cleared and maintained, and fencing and gates will be upgraded. Mr. Thee mentioned that the Attorney for the City Justin Till reviewed the Easement Modification Agreement.

Motion by Councilman Carrell seconded by Councilman Valenzuela to approve the Easement Modification Agreement (EMA) Easement #: E-10403, E10404, E-10537, E-6419 between the City of Monahans and Oncor Electric Delivery Company: Penwell POD to Wolf Switch.

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 the 2023 Septic Sewage Disposal Contract with R & R Construction. Mr. Thee stated that there have been no issues with R & R Construction using the plant and is basically the same contract as last year with our fees slightly higher than the area average.

Motion by Councilman Valenzuela, seconded by Councilman Hernandez to approve the 2023 Septic Sewage Disposal Contract with R & R Construction.

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 the 2023 Annual Fire Fighting Contract with Ward County. Mr. Thee indicated that there is no change from the current contract, with the County paying \$50,000 for firefighting services for the year. Mr. Thee mentioned that the County has been very helpful this past year spending extra funds maintaining trucks, tires and other equipment.

Motion by Councilman Carrell, seconded by Councilman Hernandez to approve the 2023 Annual Fire Fighting Contract with Ward County.

Votes were as follows:

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

Motion carried.

ITEM #13 Motion by Councilman Hernandez, seconded by Councilman Valenzuela to adjourn meeting at 3:24 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 December 13, 2022.

ATTEST:

APPROVED:

Tonya Todd, City Secretary

Adam Steen, Mayor