

MINUTES  
BALMORHEA CITY COUNCIL  
REGULAR MEETING  
MAY 13, 2024

MEMBERS PRESENT: MAYOR JOHN L. DAVIS, IKE WARD, ROSA DOMINGUEZ,  
BERNADETTE PORTILLO, JOY LEWIS, JOSUE MENDOZA

MEMBERS ABSENT: NONE

STAFF PRESENT: SANDRA NAVARRETE, RUSSELL MORRIS, JEANETTE BALLESTEROS,  
ROD PONTON

VISTORS: ROBERT SNYDER, JULIE LEWIS, STACIE ROBERTS, PAUL HINOJOS, SYLVIA  
INIGUEZ, NED ALLEN, ABEL GARCIA, RICHARD VILLANUEVA, EIAN  
VILLANUEVA, MARISSA VASQUEZ, DANNY VASQUEZ II, DANNY VASQUEZ III,  
ARNULFO VASQUEZ, LUPE VASQUEZ, JAIME DEESE, JESSICA WILLIAMS,  
GECEL ORTIZ, CALEB AGUIRRE, SALLY DOMINGUEZ, SUSANA DOMINGUEZ,  
JOHELI MENDOZA, AMAYA VASQUEZ, CANYON JONES, ALENA AGUIRRE, (7:25)  
HARRY BARRON II

1. The meeting was called to order by Mayor Davis at 7:05 pm.
2. Mayor John L. Davis led the Pledge of Allegiance. Mayor Davis added that this meeting would start a little differently because the Balmorhea youth needed to be recognized for their accomplishments. Certificates were presented to State Track Qualifiers Joheli Mendoza, Amaya Vasquez, Canon Jones, Alena Aguirre and State Tennis Qualifiers Ethan Villanueva and Alena Aguirre. Bernadette Portillo acknowledged Coach Abel Garcia, Richard Villanueva and parents for all their hard work and support. City of Balmorhea and Balmorhea ISD were well represented in the State UIL Competition.
3. Josue Mendoza made a motion, seconded by Bernadette Portillo to approve minutes for April 8, 2024, Motion Carried 5-0.
4. Ike Ward made a motion, seconded by Josue Mendoza to approve bills and adjustments as presented 5-0.
5. Reports
  - A. ESD 1&2 report was presented by Robert Synder. Mr. Snyder stated that construction of the station has been extended to July. EMS staff has been living in a mobile home on location at job site since December 2023. ESD fire

crew has been housed at a local RV Park since April 13, 2024. Bernadette Portillo stated that the ESD has been more visible in the community and at the school district. Mr. Snyder added that they were thankful for the support that the Mayor Davis has given them in allowing them to test fire hydrants to make sure they are working throughout the city. The school district has been accommodating in providing a workout facility and can access their electronic system in case of an emergency.

- B. The City Clerk had no report. No questions were addressed.
- C. Greg Perrin had no report. Mayor Davis stated he had a discussion with Mr. Perrin regarding Russell taking vacation and being gone. Wells need to be checked first thing in the morning. Craig Huelster is willing to help if needed. Anything in between Corny Reimer can do if available. There is no other choice. Russell Morris addressed the council regarding taking vacation time in the month of June. Mayor Davis stated he had looked this up in an employee handbook and it read that an employee needed to be employed for a year. Mr. Morris has been employed for 10 months with the City of Balmorhea. Mr. Morris stated he had 38 hours accumulated in vacation time. He will be taking 7 workdays off. City Clerk asked if the question on the floor was to amend the employee handbook. Mr. Morris replied that he was requesting to use his vacation days but would understand if he had to wait to complete year of employment, but this will be his vacation for the year. Joy Lewis stated she did not have an objection to this request. If he earned it and this is the time he wants to take it. Mayor Davis stated it did not make a difference to him. Plane tickets for Mr. Morris have been purchased. He will go regardless of whether we pay him or not. The City Clerk reminded the council if they are going make changes there needs to be a vote or a motion. Mayor Davis added if changes needed to be made, it would be reflected on next month's agenda for a vote, even though Mr. Morris will be leaving on June the 7th.
- D. Rosa Dominguez stated she would like to request that the city consider adding Balmorhea Economic Development Corporation to the savings account bank statement. Mrs. Dominguez clarified she would like to be more transparent or detailed. Harry Barron II asked if the city was allowed to write checks out of this account. Mayor Davis responded that the city only writes checks out of the general fund. If funds are being used out of the BEDC

savings account, they normally get transferred out of that account into our general account. This is only done upon approval when it comes to our restricted funds. Mr. Barron asked how many signatures are on this account. Mayor Davis responded, we have 2 signatures on all city accounts, which are Joy Lewis and me. This was a recommendation from the bank since the last embezzlement issue in the City of Balmorhea. Bernadette Portillo made a motion, seconded by Ike Ward to add additional name of Balmorhea Economic Development Corporation to the savings account and 2 signatures to signature card. Those signatures being Rosa Dominguez and Harry Barron II. Motion Carried

5-0.

- E. Rosa Dominguez presented hotel occupancy tax fund project/event application from the Balmorhea Event Committee requesting \$12,500 to organize the annual Memorial Day Festival. Mrs. Dominguez added she would like to change the amount and request less, changing that amount to \$10,000. This would get through events planned until Labor Day Festival., Mayor Davis stated that this would be a first if you could organize both annual festivals for \$10,000. Mrs. Dominguez added she would try and make this happen. After some discussion Mrs. Dominguez agreed to stay at \$12,500. Joy Lewis added that if all the money doesn't get used, she can return it to the hotel/motel funds. Mrs. Dominguez followed by saying the council will receive a report on expenditure. Josue Mendoza made a motion, seconded by Ike Ward to approve funds from hotel/motel account to the Balmorhea Event Committee to organize the annual Memorial Day Festival. Motion Carried 5-0.
  
- F. City Attorney Rod Ponton explained he had submitted paperwork to the council detailing the situation the city was facing due to the city election. In the city election there were 3 candidates for mayor and the top candidate received 6 more votes. The question addressed was whether there needed to be a runoff election. The City of Balmorhea is a type A general law municipality and this information can be found on the TML webpage. In the Texas local government code chapter 22 section 22.031 states that the city governing body consist of the mayor and alderman who are elected by all qualified voters of the municipality. This section also reflects that officers are elected for 2-year terms in a type. A municipality. Section 22.004 talks about the plurality vote required for election of municipality officer. To be

elected to an office of the municipality, a person must receive more votes than any other person for the office. The candidate doesn't need to receive more than 50 percent of the votes to be the winner. Therefore, the mayor candidate that received the most votes is the winner. Runoffs are for larger cities per city charters. The City of Balmorhea has no home rule charter. General law cities must follow what the law says or what the law allows you to do. If anyone desires, there can be a recount, but there will be no runoff. Arnulfo Vasquez asked Mr. Ponton if anywhere in the paperwork it stated that a group can conduct an election. Can the mayor's secretary or anyone else involved with the mayor work the election or do their own counting. Mr. Ponton responded that the elections are generally held using the elections code. The entity where the election is being held oversees it. Mr. Vasquez added that he believed this would be a conflict of interest because you are your own group, and you are counting your own votes. I would think you would have someone from the outside to come in and count the votes instead of having the mayor's group. It needs to be played fair. Bernadette Portillo responded that in the election process in Balmorhea she believes that the elections were always held in one location and this year there were 3 locations. This included the city of Balmorhea, the school district and water district and all had their own people working on the elections. There were a lot of questions and concerns as to why the 3 entities were separated on election day. The people hired for the election must be trained to hold their positions. Mayor Davis added that in the past all entities would have their elections here at city hall on election day. A couple of years ago, Reeves County came in and offered to take over the elections and the City of Balmorhea chose to opt out. The good thing about the vote counting this year was that we had a Reeves County Deputy come in and record the opening of the ballot box and sitting in during the counting of the votes. This was a first for us. The only other thing different was that the other entities kept the elections on election day at their location. Everyone wanted to go their separate ways. Ms. Portillo added that after speaking to Kellie Nagy with Reeves County elections she had stated she couldn't understand why there was going to be 3 different election locations. Each location would have to pay around \$3,000 a piece to put on the election. Mayor Davis stated that money is not an issue. The school district chose to go their own way and that's fine, but the water district had so many issues they didn't have their election paperwork posted on a timely matter. Ms. Nagy worked closely with all 3 entities and if she had thought there was something not being done

correctly; she would have suggested the change. The one requirement she made us aware of was to make sure that a licensed officer would be present at the time of the opening of the ballot box on election day. Mayor Davis explained that during election time or any other time he never visits city hall, other than on council meeting day. As far as anyone persuading anyone on how to vote, this building has security cameras with audio. If anytime you feel like things have been done wrong, we will prove you different. Joy Lewis asked that when we canvass the votes for the election what is entailed. The votes are not actually being recorded. Mr. Ponton responded that to canvass the votes means official acceptance of the results. This has nothing to do with counting. Stacie Roberts asked if the City of Balmorhea had ever contracted out with Reeves County Elections. Mayor Davis responded no we have never contracted out. We just don't see it feasible to pay the County. Mr. Vasquez continued by saying that he thinks we can have fair elections if each entity has someone else running the elections instead of their own people. It just doesn't look right. Mayor Davis responded that the water district needs to start paying money to contract Reeves County for elections. When employees are good at their job it doesn't matter who does it, but you're entitled to your opinion. Mayor Davis stated he believes in fairness. Mr. Vasquez stated he did too, but when he speaks up and states you have 2 phones what are you trying to say. It's not that you are ever trying to answer them. Mayor Davis responded, "You don't either do you want to go outside and talk about this? Mr. Ponton asked if anyone else had a question about election law. Joy Lewis asked when the City of Balmorhea was incorporated, because there was a document that reflected the date of 1948. Which document do we need to go by? Mr. Ponton responded that the city of Balmorhea was incorporated in 1958 and is a type A general law city. This date is recognized by the state of Texas. When a city has no charter, we must follow state law. Harry Barron II asked if the city security cameras have audio. Mayor Davis responded, the city security camera does have audio.

6. Mayor Davis explained that invoice #2648 was work that had been performed on Main St. between the blocks of El Paso St. and Galveston St. to avoid drivers parking on the grass area. This project between the school district and the city of Balmorhea has been in the works in conjunction with earth day. The Superintendent was willing to bring students and equipment to help with the project. They also assisted with mowing and picking up trash in the park area onto the next blocks. Invoice #2668 EMS trailer house had to be worked on renting it out. There were door issues, roof leaking, rats were a

problem and we needed to put skirting around the trailer. The rental rate of this mobile home brings in a total of \$6,000 a year. Invoice #2671 truck shed project will be funded by the Balmorhea Fire Department. There will also be a donation box placed at this location in the future. The truck parked downtown has been a destination for tourists to stop and take pictures. Bernadette Portillo made the motion, seconded by Rosa Dominguez, to approve unbudgeted capital outlay. Invoices #2648,2668,2671. Joy Lewis asked about invoice #2648 why it is stated that labor may vary, could be more or less? Josue Mendoza added it really didn't matter because the project was previously approved before it was done. Mayor Davis added that on the continuation of the town pipe work there will be a difference in material based on when you get it and where you get it. Motion Caried 4-0. Joy Lewis Abstained.

7. Josue Mendoza made a motion, seconded by Ike Ward to pass an ordinance for canvassing the returns for City Election held on May 4, 2024. Motion Carried 5-0.

8. Oath of Office was administered by Mayor John L. Davis to elected officials that were present.

9. Sylvia Iniguez asked the council for permission to close a portion of Lyric Lane on May 25<sup>th</sup> for a private party at her residence. Mayor Davis stated that the only problem he sees would be in case of an emergency would they be able to access the residents and businesses. If permission is granted, make sure to pick up trash and keep the road clean. After some discussion Ike Ward made a motion, seconded by Josue Mendoza to consider closing section of Lyric Lane St. in front of Sylvia Iniguez's residence for private party. Motion Carried 5-0.

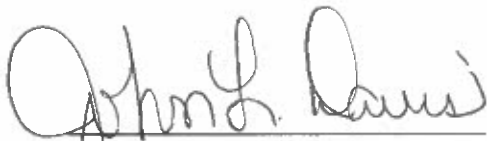
10. Mayor Davis explained that this portion of Austin St. has not been in any city map with the proper street name designation. Ned Allen added that he bought the property at the end of this road, and it has been on the tax roll since 2013. He stated he is not asking for major pavement. Just would like something out there to help with mud during the rainy season. Maybe some yards of material would solve the problem until maybe someday he can get some pavement. This would be an unexpensive solution. Reeves County Commissioner Paul Hinojos explained that there is a process that needs to be followed to get a road designated. The developer needs to know who owns the land and the developer needs to put the initial road in. Then it needs to be annexed in by the city and then the city takes over responsibility. Mr. Hinojos added that the question is who owns the road. Who has surveys to show where property lines are. It is not that simple. Mr. Hinojos added that Reeves County can't do

anything until the city gets the street dedication. And that means you must find out who owns it before dedication. Joy Lewis asked Mr. Allen if he knew that property was in a flood zone. Mr. Allen responded, yes. Mayor Davis advised Mr. Allen to give the City of Balmorhea some time to go to step 2 and do research and maybe get with a surveyor. Mrs. Lewis added that since Reeves County has helped with most of the street repairs in Balmorhea, the money that the city had set aside might be able to schedule this project because it is not in the budget right now.

11. The City Clerk stated that the preliminary certified estimates from Reeves County Appraisal District was for information purposes.

12. Danny Vasquez III made a motion, seconded by Bernadette Portillo to adjourn the meeting at 8:46 pm. Motion Carried 5-0.

PASSED AND APPROVED THIS 10 DAY OF June, 2024.

  
JOHN L. DAVIS, MAYOR

  
SANDRA NAVARRETE, CITY CLERK