

MINUTES  
BALMORHEA CITY COUNCIL  
REGULAR MEETING  
OCTOBER 16, 2023

MEMBERS PRESENT: MAYOR JOHN L. DAVIS, IKE WARD (7:30 PM), JOY LEWIS, BERNADETTE PORTILLO, ROSA DOMINGUEZ

MEMBERS ABSENT: JOSUE MENDOZA

STAFF PRESENT: SANDRA NAVARRETE, GREG PERRIN, ADAM GALLEGOS,  
RUSSELL MORRIS-ABSENT

VISTORS: ROD SNYDER, RONALD LEE, HERMAN TARIN

1. The meeting was called to order by Mayor John L. Davis at 7:07 pm.
2. Mayor John L. Davis led the Pledge of Allegiance.
3. Bernadette Portillo made a motion, seconded by Rosa Dominguez to approve minutes for September 11, 2023. Motion Carried 4-0.
4. Bernadette Portillo made a motion, seconded by Rosa Dominguez to approve bills and adjustments as presented. Motion Carried 4-0.
5. Reports
  - A. ESD 1&2 September 2023 report was read by Rod Synder. Mr. Synder stated they had come out to Balmorhea ISD and participated for fire prevention week with the Pre-k thru 5<sup>th</sup> grade students. Mr. Synder added that the Balmorhea ESD station is looking to be completed at the end of December. There has been so many issues with man power and supplies.
  - B. City Clerk reported that the TML quarterly meeting will be hosted in the City of Kermit and if any of the Council is interested in participating please let her know in a timely matter. No questions were addressed.
  - C. Greg Perrin had nothing to report. Bernadette Portillo asked about chlorine levels. Mr. Perrin responded that chlorine levels at Huelster well have been from 1.5 to 1.6. Mr. Portillo reported that at the Balmorhea ISD the children drink water from the fountain and have complained that intense taste. There is a combination of water there at the school that includes a couple of wells that have been drilled. Mr. Perrin responded, the well that that is being worked on should not be used to drink, it should be used for irrigation only. Mayor Davis added that with the new system they have, it will take a while to run it out. Mr. Perrin stated that the school has a couple of fire hydrants that need to be flushed.

D. Rosa Dominguez reported that the Balmorhea Economic Development Corporation will be having a meeting tonight and will be requesting to change meeting date. The request is to have BEDC meetings a week before City Council Meetings.

6. Herman Tarin explained that in the month of May 2, 2023 he had rented a house in Balmorhea that is located on San Antonio & 5<sup>th</sup> St. to Lane Eubanks. He told Mr. Tarin he was going to Oklahoma to pick up his furniture and wife and would be moving in. Mr. Eubanks had come in to City Hall and had paid his fee for his water meter to be installed. Mr. Tarin stated he did not know when the water was turned on or when it was turned off. The City employee that works for you turned the water on and turned it off. Mr. Tarin stated he never came over to the house because he has plenty of work in Pecos and this was not his priority. The City employee called and stated I had a large leak at the house. That day I found out that my meter had been relocated. The meter was relocated from my property to the City right of way. I don't know if the relocating of the meter caused any problems with the water pressure. After turning the water on a week later I swung into Uncle's Convenient Store and the employee stated that he had turned the water off due to a leak. Mr. Tarin added he asked the employee what made you go back to the meter and check it when you realized that there was a leak. Due to water getting inside the house, it caused some great damage. The City sent someone out to take pictures of the damage to the house. The walls of the house were damaged in addition to the floors. Mr. Tarin added he had lost hope that the City of Balmorhea City Council would consider helping him to repair the damage. Mr. Tarin received a letter from the City's insurance company stating that they would not be helping. After talking to an attorney, the attorney suggested that Mr. Tarin go before the City and talk to the City Council. Expenses to remove the damaged material has cost Mr. Tarin \$4,500. The house before the water damage was in good shape. Joy Lewis asked Mr. Tarin if his rental house was insured. Mr. Tarin responded, no. Mr. Tarin added that when he rents his homes he explains that he has no insurance, in case they want to get insurance on their own to protect their belongings. Mayor Davis explained that any issues that get reported to the office on damage of property the will City send to the insurance. As far as relocating the meter, the meter was relocated about 20 to 30 yards across the canal. The water pressure should remain the same on whatever side of the canal it is because we never changed the piping. It still remains a ¾ inch line and we get 22 to 30 PSI in the system. All documentation and time line of events was submitted to the insurance company and they make the final decision. Mr. Tarin stated he had a shut off valve on his property and it was turned off. Who opened my shut off? Why did Mr. Dutchover go back and check my meter after 4 to 5 days later? Mayor Davis added anytime we relocate or work on meters we always go back and check that it is working properly. As far as the cut off valve we cannot answer that on who opened it. Mrs. Lewis asked, Mr. Tarin if he had told his renter where the cut off was. Mr. Tarin responded, yes. Mr. Tarin expressed his concern on the damage and was hoping that the City was able to offer some help with the repair to the his house, but also understands if the city is unable to help. Mayor Davis added that if the City had the capability of having a program to assist with these types of situations they would be more than glad to help. But with all the expenditures the City has had in repairing our water system it is just impossible to commit to anything at this

point. Mr. Tarin added that after speaking to the insurance claim official, he was asked if a backhoe was used in the process of the meter relocation. Mr. Tarin states that he is not trying to say that the backhoe was to blame. Mayor Davis responded, it would not make a difference whether a backhoe or a shovel was used in the process that would cause the damage. The backhoe was used in city right of way, but there was no reason to use this equipment to remove the meter. The backhoe did not come into to contact with anything on the property. Mr. Tarin asked if it was common that an employee turn the water if no one is home. Mayor Davis responded, that an employee usually turns on the water at the meter but doesn't not mess with a residents cut off valve. Mayor Davis added that he was sorry that this happened to Mr. Tarin but the City of Balmorhea did submit the claim to the insurance and the claim was denied.

7. Mayor Davis explained that the Council has talked about this in previous meetings and the major purpose of this is to try and generate revenue for the City of Balmorhea. Mayor Davis added he would like for the Council to discuss and decide if this would be beneficial for the city. The city needs to be able to enforce its ordinances and provide permits. Especially during events. The city has only relied on sales tax. Permits at this time all go back to Reeves County issuing them. City Clerk stated that in order to get individuals registered for the training there needs to be council minutes that reflect designation and when was it approved. Stacey Roberts asked if the city already had ordinances put together that you will be enforcing. Mayor Davis responded, yes. Mrs. Roberts asked what would be the purpose of this municipal court. Mayor Davis explained that the problem is that the city has the ordinance but Reeves County Sheriff's department does not enforce it. If the city has to hire an individual to be a code enforcer for maybe 2 to 3 days it would under our municipal court. Situations in our city parks or residential properties become civil matters and the city would be able to solve it. Mrs. Robert's asked if these positions were elected or appointed. Mayor Davis responded, a city can use in house appointment. Joy Lewis stated that she didn't know if she agreed to a municipal court because the main thing we have in this community is people speeding down the street. She added she did not agree on establishing a municipal court at this time. Mayor Davis added, someone is going to step up to plate whether it's the city or Reeves County Sheriff's Department. Mrs. Lewis added that the city needs to reach out to Reeves County Sheriff's Department and ask for help from their personnel. Mayor Davis added that the city has not seen a Constable in our community since he left the position. There are 2 to 3 stationed her in our community but I really don't know what they do. Bernadette Portillo asked if the municipal court judge and clerk would handle in city situations where we would not need to rely on Reeves County Sheriff's Department. Ms. Portillo added that some of the situations that this community has is a lot of underage drivers and possible uninsured motorists. The city would be able to address these issues and provide boundaries. Rosa Dominguez suggested that this item be tabled for next months meeting. Ike Ward made a motion, seconded by Bernadette Portillo to table item 7. Motion Carried 4-0. Mrs. Lewis added that at the next meeting there will be some kind of projection of what the city wants to do, because it looks like it's all up in the air.

8. City Clerk stated that the meter deposits needed to be cleaned out of the meter account based on deposits being applied to the outstanding water bills. The process was much needed since it had not been for a while now. The transfer needs to be made from the meter account to the

water & sewer account. The amount that is to be transferred is \$7,800. Ike Ward made a motion, seconded by Rosa Dominguez to transfer \$7,800 from meter account to water & sewer account to clean up applied deposits to outstanding water bills. Motion Carried 4-0.


9. Mayor Davis explained that the invoice in the amount of \$2,210 was for porta johns that were used for the Labor Day Festival. Because this invoice was turned in after the beginning of the new fiscal year we will have to pay it and post it to the new year. We will pay for it but make sure that the next time we need to pay for all invoices with a timeline of when services were rendered, even if this means we have to contact vendor. Bernadette Portillo made a motion, seconded by Ike Ward to pay invoice to Sapphire Oilfield Services in the amount of \$2,210. Motion Carried 4-0.

10. Mayor Davis stated that from this point on there will be no more food trailers or vendors allowed to park on any of the corners of HWY17. Mayor added that first responders are allowed to park anywhere they chose to because they have that authority. Rosa Dominguez stated that the reason for this agenda item was that at the last festival the ambulance had a call and the congestion of traffic on HWY17 slowed them down drastically when it's considered an emergency vehicle. Mayor Davis responded that Mrs. Dominguez get with law enforcement and have their units lay out a map of where they will be located. The Reeves County Sheriff's department needs to do traffic control. Mrs. Dominguez is stated that minutes count when it's a medical emergency and she did witness the cluster of vehicles slowing down the unit. This issue should not fall back on the City of Balmorhea if law enforcement would do their part. Good coordination is the key.

11. Bernadette Portillo made a motion, seconded by Rosa Dominguez to approve Proclamation for Halloween Trick or Treat. Motion Carried 4-0.

12. Rosa Dominguez made a motion, seconded by Bernadette Portillo to adjourn meeting at 8:04 pm. Motion Carried 4-0.

**PASSED AND APPROVED THIS 13 DAY OF NOVEMBER, 2023.**

  
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JOHN L. DAVIS, MAYOR

  
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SANDRA NAVARRETE, CITY CLERK