

MINUTES
BALMORHEA CITY COUNCIL
REGULAR MEETING
JUNE 12, 2023

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

MEMBERS ABSENT: NONE

STAFF PRESENT: SANDRA NAVARRETE, ESEQUIEL DUTCHOVER, GREG PERRIN, ROD PONTON

VISTORS: ARTURO GRANADO, ERNESTO LAZCANO, NORMAN ROMAN, DIANA ROMAN, ELODIA
GARCIA, ARNULFO VASQUEZ, LUPE VASQUEZ, LIBERTY WOFFORD, VALERIE
WOFFORD, JOEL MADRID, FLORINDA MADRID, HARRY BARRON II, BLANCA BARRON

1. The meeting was called to order by Mayor John L. Davis at 7:06 pm.
2. Mayor John L. Davis led the Pledge of Allegiance.

OLD BUSINESS:

1. Mayor Davis stated that the City would not deal with this item at this time. There will be a few changes to the agreement. He would go to El Paso this week or next week. Once we get the new changes it will be presented back. James Busby was here last week and he had some suggestions that need to be done so that the City can get their money and everything will be in the right spot. Mayor Davis added that this item will not be tabled again. Once it comes back to the Council it will be the final draft.

NEW BUSINESS:

1. Oath of Office was administered by Mayor John L. Davis.
2. Josue Mendoza made a motion, seconded by Bernadette Portillo to continue to allow Joy Lewis be Mayor Pro Tem and to have her remain as the second signature on all bank accounts. Motion Carried 5-0.
3. Ike Ward made a motion, seconded by Bernadette Portillo to approve minutes for May 9, 2023. Motion Carried 5-0.
4. Josue Mendoza made a motion, seconded by Rosa Dominguez to approve bills & adjustments as presented. Motion Carried 5-0.

5. Mayor Davis stated that there are City Ordinances in place for just about everything. The main problem the City has had was the problem with the dog ordinance and maybe parking. In 2011 when we started enforcing the dog law, Rosendo Carrasco J.P. #3 had cases but he decided to pass them back on to the Sheriff's Office and the Sheriff's Office decided to do whatever with the cases. That was one of the City's problem being that we didn't have animal control. The dog ordinance was put into place to allow any law enforcement agency to be able to enforce it. Mayor Davis added that the only change that needs to be made to the dog ordinance is that the owner needs to take the responsibility for the dogs. Traffic will always be traffic and it picks up during a certain time of the year. The only way to enforce laws in traffic is to actually be sitting on top of it in order to catch it. We still have some stragglers at 1 to 2 o'clock in the morning, every year when the summer comes around. We don't know where they come from or where they are going. Luckily there has not been any reports of any thefts or any break ins. Mayor Davis stated that the 2 entities can look at the ordinances and suggest if there needs to be changes. Bernadette Portillo stated that the City has had issues with animal control and parking at special events. The one that should concern us all is the unlicensed drivers, noise and underage driving the ATV's on public highways. We would not like for there to be a misfortune where one of the youngsters could be hurt in an accident. Ms. Portillo added that when this happens there has been some attention directed at law enforcement but some of the feedback was who are they. When you see a youngster during the school day driving who do you call. We have let law enforcement know but we need help on the enforcement. The Mayor replied, that those are old laws and the problem is that it falls back on the parents. You can't blame that back on law enforcement. The parents don't know what their kids are doing. Law enforcement have other things to do. On the parking situation it is about to be changed. Hopefully we can push everyone across the street but we will continue to block areas for the safety of the pedestrians during events. What the City is going through is nothing new. Mayor Davis stated he has been here 15 years and it has been the same thing. As far as the ATV's they were addressed when he first moved here and the ATV's are street legal they have lights except license plates but what we need to be doing is educating the parents. You cannot throw that back on the City or law enforcement. Parents have control of the key of the ATV. Ms. Portillo added she would like to see a little bit of more enforcement and maybe the parents will get the message in regards to that. Mayor Davis stated if law enforcement is going to start enforcing the ATV's then no one will be allowed to drive an ATV in the City. Valerie Wofford stated that it would make sense if you target only the unlicensed drivers. This is where law enforcement will come in on the parent for allowing the unlicensed driver to drive. Mayor Davis stated that all entities need to work as a team. We can bitch and moan all day but you can live next door to these kids and no one will call in to report them. Until the community comes together and enforces what they need to enforce you cannot blame it on any entity. Mayor Davis added that if we nitpick on the ATV's what is good for one is good for all. And we need to start at the top. Joel Madrid stated that the Mayor needs to start somewhere and the kids have no business driving fast around town. Once you start to stop the first one and explain to them why they should not be driving. Mayor Davis added that it will take all of us to call in when the incident is happening. If not it will just be a bull shit call. Mr. Madrid added that law enforcement can enforce that law when they are patrolling. Mayor Davis added that the Deputies need to inter mingle with the community. You have to know who is who in order to

do what is what. Mr. Madrid responded, law enforcement needs to start by pulling them over talk to the underage driver and the parents. There is no reason why you need to punish all ATV owners. Ms. Portillo asked that the law enforcement be more vigilant. There have been parties here in town and some of the deputies have been asked to be there and the kids know and they just spread out. We want to create a safe community. We need a warning to get the message across to the kids. We need to start awareness. Joy Lewis added that the parents need to take care of their children. Florinda Madrid stated maybe the City needs to send out notices. Mayor Davis responded, we have in the past. Liberty Wofford J.P. #3 agreed that there be notices to the citizens in regards to the underage driving. Mayor Davis added that the J.P. #3 get Elodia his Clerk to write notices advising the community that all citations going to his office will be enforced. Coming from City Hall will not solve the problem. Ms. Portillo stated that would be a good idea and the collaboration with the Sheriff's Office and J.P. #3. Mayor Davis added that the Sheriff's Department handle their business how they want and if you see need for change in ordinances let the City know. Joy Lewis asked if there was anything that we can do on big trucks. Mayor Davis responded, there is no other way around it. We need to make them slow down. The older you get it takes you longer to get across the street. City Clerk asked, "What was the conclusion of the discussion. Sheriff Arturo Granado responded that the conclusion was to send out a notice to households in regards to ATV's that the Sheriff's Department will start enforcing it. The citation will be to the parent. City Clerk asked if the City would be responsible for the notice. Mayor Davis responded, that it would be better if it came from the J.P. #3 office. Mr. Wofford agreed and added that all entities would be on the same page. Chief Deputy Ernesto Lazcano stated the notice would also be place on the Sheriff's Department Facebook page and website to spread out the message. The Sheriff's Department will support the City of Balmorhea. City Clerk asked if in addition to the ATV's issues and underage driving, "Is the Sheriff's Office willing to enforce any other ordinances from the parking to illegal dumping. Mr. Lazcano responded, yes but they will have to be presented by a Municipal Judge. Sheriff Granado added that the ordinances can be presented to the County Commissioners and if they adopt it the department can enforce it. City Attorney Rod Ponton stated that the Council can appoint the Justice of the Peace in this agreement. Sheriff Granado stated based on another situation during the fiestas the City needs to leave Balmorhea Groceries parking lot open. One cannot block their drive way. Mayor Davis responded, that during all fiestas both bridges on both streets have been closed and will remain close. The 40 foot trailer has to go. Out of all the years the City has not had any issues. The store has access to the drive thru and 2 parking spaces. Harry Barron asked if there was any way possible to maybe make people aware with signs to detour. Mayor Davis responded, yes it is just lack of communication. Ms. Portillo stated that according to State Law there is a distance that one can park from an establishment. Mayor Davis added that this has always been the issue with Tami Marmillion property but you cannot block people out of their drive way. It is all about communication.

6. Reports

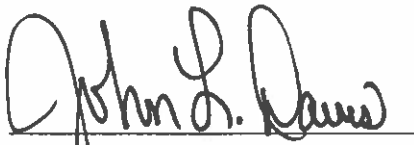
- A. Report was submitted by ESD 1&2. Representative was not able to attend due to meeting.

- B. City Clerk reminded Council that it was that time of year again to make a wish list of expenditures for the coming year budget and the first draft will be presented next month.
- C. Greg Perrin reported that construction is going on at sewer ponds. First pond has been drained dried up so they can clean it out. We are having problems between the connections between the ponds. We have a pump that is pumping out into the irrigation area that hasn't been used in over 20 years to try and release some of the pressure. The County is going to help us haul off material to a licensed land field. Our biggest problem right now is on the water side. Our tank at Huelster well has a large leak in the bottom of it. There is water coming out all around it. We have a proposal from a company out of El Paso to review the damage. If this happens we will need a smaller temporary tank to use while they drain it. This will take 2 to 3 weeks. The proposal is in the \$6000 and that is only to see how bad of a problem and what we can do. This company would be the only available to come out. Bernadette Portillo asked if refurbishing would be an option. Mayor Davis suggested that Mr. Perrin call Permian Tanks and get a pricing on that damn tank. We just need to swap the tank out. Mr. Perrin added that refurbishing the tank would be something to look into.
- D. Rod Ponton reported that Toyah is still avoiding everyone and that's good for us because nothing is happening with the lawsuit. This was for Toyah not paying OHSI for ambulance services. On the enforcement of the liens for the dilapidated property. The City has a lawsuit pending with the Fuentez Family and the Rodriguez Family property. It is a simple process. Notices were given and they had an opportunity to come to the City. They also had a chance to clean up the property. We have filed a lawsuit to be given a judgement on this debt. We are requesting the property to satisfy the debt. Final hearing is waiting on District Judge.
7. Bernadette Portillo made a motion, seconded by Ike Ward to approve resolution of appointment to Board of Directors of the Permian Basin Regional Planning Commission. Motion Carried 5-0.
8. Mayor Davis stated that the City needs to reorganize because we are missing out on a lot of things. All members have to be on same page. There is no personal agendas. If you have the group of people that are willing we will reinstate the bank account. Rosa Dominguez stated she had people interested in joining the Balmorhea Economic Development Board. Mayor Davis asked that she bring a list of names to the next City Council meeting. Mrs. Dominguez asked if the Economic Development Board still allows to appoint 3 members of the City Council. Mayor Davis responded, yes we can but it would not be a good idea. You can get anyone here within the community. Ms. Dominguez asked Mayor Davis on how many City Council members would he recommend. Mayor Davis responded 1 or 2 but would overrule if it isn't right.
9. Ike Ward made a motion, seconded by Josue Mendoza to approve option 1 for insurance renewal coverage. Motion Carried 5-0.
10. Bernadette Portillo provided an expenditure report. Mayor Davis stated that before Ms. Portillo

changes prices on anything for example like the cleanup. You need to make that change through City Council. The pay to pick up trash went from \$800 to \$1100. If Espy porta Johns are used again it will come out of the coordinators pocket. The City will not pay because they will have the porta Johns sit in front of residents for 4 or 5 days without servicing them. Mayor Davis added that whoever organizes this fiestas need to give the opportunity to other companies, DJ's and bands. Do not continue to use the same people. Mayor Davis stated that for the next fiestas we need to get a roll off to set out for the trash. Ms. Portillo stated that due to the fact that the band Clay Creek got rained out on Friday and paid them \$1000 per contract. They are willing to come play for a \$1000. This would be a street dance just for the community.

11. Bernadette Portillo made a motion, seconded by Josue Mendoza to adjourn meeting at 8:16 pm. Motion Carried 5-0.

PASSED AND APPROVED THIS 10 DAY OF JULY, 2023.



JOHN L. DAVIS, MAYOR



SANDRA NAVARRETE, CITY CLERK