

STATE OF TEXAS)()
COUNTY OF RUNNELS)()
CITY OF BALLINGER)()

On this the 21st day of November, 2016 the Ballinger City Council met in regular session at 5:30 p.m., in the Council Chamber of the City Hall located at 700 Railroad Avenue with the following members present:

Sam Mallory	Mayor
Phillip Arp	Commissioner # 1
Darlene Kelly	Commissioner # 2
Jolene McBurney	Commissioner # 3
Eloyed Fuentes	Commissioner # 4

City Staff:

Bonita Shields	City Secretary
Bryan Grimes	City Administrator
Ebb Grindstaff	City Attorney
Stanley Maresch	Interim Chief of Police

Others present: Theresa McDaniel, Bob McDaniel, Sam Batts, Landy Cason- **Citizen**.

CALL TO ORDER:

Mayor Sam Mallory called the meeting to order at 5:30 p.m.

PRAYER AND PLEDGE OF ALLEGIANCE:

Comm. Phillip Arp was asked to lead the group in a word of prayer and the pledge of allegiance.

CONSIDER APPROVAL OF MINUTES:

Comm. Jolene McBurney made the motion to approve the minutes of the November 7, 2016 meeting, with noted corrections. **Second by Comm. Eloyed Fuentes** and was unanimously approved.

VISITORS:

None

DISCUSS AND TAKE ACTION TO CANVASS THE BALLOTS CAST FOR THE NOVEMBER 8, 2016 CITY OFFICER'S ELECTION:

Bonita presented the Council with information from Julia Miller, the election administrator. The reports show that a total of 131 votes were cast for Single Member District 3. Bob McDaniel received 66 and Jolene McBurney received 65. In the race for Single Member District 4 there were a total of 301 votes cast. Daniel Fisher Sr. received 95, Landy Cason received 79 and Eloyed Fuentes received 127. There were eight provisional votes cast, but none of them changed votes in either race.

CONSIDER A RESOLUTION DECLARING THE ELECTION RESULTS TO BE CORRECT:

Comm. Phillip Arp made the motion to pass a resolution declaring the results of the City's Officers election to be correct as presented. **Comm. Darlene Kelly** and was unanimously approved.

The Mayor presented Jolene McBurney with a plaque and ivy plant thanking her for dedicated ten years of service on the City Council.

THE NEWLY ELECTED OFFICERS WILL BE ADMINISTERED THE OATH OF OFFICE BY THE CITY SECRETARY:

Bonita Shields administered the oath of office to Bob McDaniel- Single Member District 3 and Eloyed Fuentes- Single Member District 4.

CONSIDER SETTING THE TIME AND PLACE FOR THE REGULAR AND SPECIAL COUNCIL MEETINGS:

Comm. Darlene Kelly made the motion to leave the meeting time at the 1st and 3rd Monday of each month starting at 5:30 p.m. **Second by Comm. Eloyed Fuentes** and was unanimously approved.

CONSIDER SETTING THE SALARY FOR THE MAYOR AND COMMISSIONERS OF THE COUNCIL:

Comm. Darlene Kelly made the motion to leave the salary for the Mayor \$500 annual and four Council members -\$250 annual. **Second by Comm. Phillip Arp** and was unanimously approved.

CONSIDER APPOINTING A MAYOR PRO-TEM:

Comm. Bob McDaniel made the motion to leave Darlene Kelly as the Mayor Pro-tem. **Second by Comm. Eloyed Fuentes** and was unanimously approved.

DISCUSS AND TAKE ACTION TO APPOINT TWO MEMBERS TO THE CITY PARK BOARD:

Comm. Darlene Kelly made the motion to appoint Lucy Hutchings and Hillary Bell to serve in the City Park board. **Second by Comm. Phillip Arp** and was unanimously approved.

DISCUSS AND TAKE ACTION TO CONSIDER AMENDMENT TO THE ANIMAL CONTROL OPERATING POLICY:

Stanley Maresch and Sam Batts presented the Council with the changed that they would like to make to the animal control policy. They would like to include items that would address the problems and issues that they are having with pit bulls in town. The amendment would also include changes to the enforcement section, exception section, capture of animals, unlawful restraints of animals, and documented animal for breeding section. After further review of the amendments presented, **Comm. Eloyed Fuentes** made the motion table any decision for further review. **Second by Comm. Darlene Kelly** and was unanimously approved.

DISCUSS AND TAKE ACTION ON THE REQUEST OF LOUIS PHILLIPS TO PURCHASE SIX LOTS OUT OF BLOCK 23 OF THE ORIGINAL ADDITION FOR A TRAILER PARK LOCATED IN THE 200 BLOCK OF HUTCHINGS AVENUE:

Mr. Phillips called and asked that his request be taken off the agenda, but it was already posted. After discussion of the issue, **Comm. Phillip Arp** made the motion to reject the request for the sale of the lots. **Second by Comm. Darlene Kelly** and was unanimously approved.

DISCUSS AND TAKE ACTION TO ALLOW PROPERTY IMPROVEMENTS AT 510 S. 7TH STREET, LOT 6, BLOCK 63- ORIGINAL ADDITION:

Steve Nixon explained to the Council that this property was condemned in 2010. There is a rock structure without a roof still standing. Irma Mata told the Council that she would like to put a new roof and close in a concrete slab for an extra room. It was explained to Mrs. Mata that because this property is in the flood plain there are FEMA guidelines and rules that would have to be followed. She would have to find out the value that is assessed on the property and she would not be allowed to spend over 50% of that value to make any improvements. After discussion, **Comm. Phillip Arp** made the motion to allow Mrs. Mata to make improvements to the property as long as they meet and stay in compliance with the FEMA guidelines. **Second by Eloyed Fuentes** and was unanimously approved.

DISCUSS AND TAKE ACTION TO CONSIDER THE RECOMMENDATION OF THE PLANNING AND ZONING BOARD ON TWO VARIANCE REQUEST FROM:

GENE ROBERTS- 701 COUNTRY CLUB AVE- PART OF BLOCK 61- WEST END ADDITION

QUAILIETTO QUARLES- 1306 BROADWAY- LOT 6, BLOCK 13- WILKE III ADDITION:

Steve Nixon reported to the Council that both these issues were taken before the Planning & Zoning board for review. They would like to get a variance to move in travel trailers that are ten years old or older for a short period of time. This would allow them a place to use the restroom and rest periods while they are making improvements to the houses on the property.

The Planning and Zoning board recommended that they be granted a variance for six months. After discussion, **Comm. Phillip Arp** made the motion to accept the recommendation of the Planning & Zoning board to grant a six -month variance to Gene Roberts and Quailto Quarles. **Second by Comm. Darlene Kelly** and was unanimously approved.

CONSIDER APPROVAL OF BUILDING PERMITS:

Comm. Eloyed Fuentes made the motion to approve the following building permits:

Studer Rental Corp.- 125'x125'x18' metal building- Located at 2022 N. Broadway between Bronte Highway and Old Winter Highway \$300,000.00

Tommy Chambliss- Move in 2 8'x8'x20' storage containers- Track 6, Block 11- South Ballinger Addition. \$4,500.00

Tommy Chambliss- 24'x31'x8' carport- Track 2, Block 11- South Ballinger Addition. \$2,500.00

Second by Comm. Darlene Kelly and was unanimously approved.

HEAR THE CITY ADMINISTRATOR'S BI-WEEKLY REPORT:

Bryan reported to the Council that we received \$59,000 from sales tax this month and with the \$175,000 that we received last month we have collected approximately 23% of the amount that we budgeted for the whole year. He had a meeting with TX Dot about putting gate for the train tracks on Broadway, 8th, 10th and 13th streets. They also discussed closing 10th street and paying the City of Ballinger \$150,000 for the closure. They discussed putting a traffic light at the intersection of FM 2111 and Highway 67. There must be a study done before any decision can be made on the traffic light.

HEAR REQUEST FOR FUTURE AGENDA ITEMS FROM THE COUNCIL:

The Council discussed the need for the code book to be updated.

EXECUTIVE SESSION:

Comm. Darlene Kelly made the motion to enter executive session at 6:35 p.m. as authorized by Texas Government Code, Section 551.071 Consultation with City Attorney to hear update on alternative water resources and Section 551.074 to consider salary adjustment for Stanley Maresch. **Second by Comm. Eloyed Fuentes** and was unanimously approved.

The Council convened in session until 7:03 p.m., and **Comm. Phillip Arp** made the motion to close the executive session. **Second by Comm. Eloyed Fuentes** and was unanimously approved.

ACTION FROM EXECUTIVE SESSION:

Comm. Phillip Arp made the motion to adjust Stanley Maresch salary from \$48,000 to \$52,000 annual for accepting the interim Chief of Police position. **Second by Comm. Darlene Kelly** and was unanimously approved.

ADJOURN:

Comm. Darlene Kelly made the motion to adjourn the meeting at 7:04 p.m. **Second by Comm. Eloyed Fuentes** and was unanimously approved.

Sam Mallory
Mayor

ATTEST:

Bonita F. Shields
City Secretary