

THE CITY OF  
**BALCH SPRINGS**  
GROWING COMMUNITY

**REGULAR CITY COUNCIL MEETING  
CITY OF BALCH SPRINGS  
JANUARY 28, 2019  
7:00 PM**

**MINUTES**

**Identification of a quorum.**

Present: Councilmember Moon  
Councilmember Shelby  
Councilmember Segroves  
Councilmember Rushing  
Councilmember Tucker  
Mayor Pro Tem Hill  
Mayor Gorwood

**A quorum was present and Mayor Gorwood called the meeting to order at 7:00PM.**

Staff: Susan Cluse, City Manager  
Mark Morris, Assistant to City Manager  
Cindy Gross, City Secretary  
Brent Hurley, Deputy Police Chief  
Randy Smith, Fire Chief  
Sandy Gallion, Librarian  
William Freeman, Public Works Director  
Chris Dyser, Planning  
Monte Akers, City Attorney  
Ashley White, Messer, Rockefeller & Fort Law Firm

Invocation was given by Pastor Floyd Scott.

Pledge to the US Flag and the Texas Flag was led by Monte Akers, City Attorney.

Items of Community Interest - City Secretary:

January 29<sup>th</sup> - Dallas County Replacement Housing Program: 11:00 am-1:00 pm at City Hall (13503 Alexander Rd.)

January 31<sup>st</sup> – Chamber Network Breakfast: 8:00 am- 9:00 am at Whataburger (12100 Lake June Rd.)

February 4th - Community Meeting- Multifamily Residential Development proposal by Dominion Development at 6:00pm at City Hall.

February 5<sup>th</sup> – Subdivision Ordinance Re-Write City Council Workshop: 6:00 pm at City Hall (13503 Alexander Rd.).

February 12th - Home Buyer Fitness Workshop at 5:45pm at City Hall.

February 27<sup>th</sup> – Economic Development Business Summit: 10:30 am-1:00 pm at the Civic Center (12400 Elam Rd.)

April 6<sup>th</sup> – Keep Balch Springs Beautiful Trash Round-Up & Boyd Rogers Park Revitalization Project: 8:00 am-1:00 pm at the Recreation Center (4372 Shepherd Ln.)

The City's General Election is scheduled for Saturday, May 4, 2019, for the purpose of electing the following positions: Mayor (At-Large), Place 3, Place 5 and Place 7. The first day to file application for place on the ballot begins January 16, 2019 and the last day is February 15, 2019, by 5:00PM.

**Presentation(s):**

**Presentation by Community Waste Disposal (CWD) regarding the Annual Review for the City of Balch Springs.**

Greg Roemer, President of Community Waste Disposal, gave a presentation regarding the Community Waste Disposal 2018 Annual Review.

**Presentation to Delores Lelsz, Chair of the Friends of the Library - Learning Center.**

Sandy Gallion, Balch Springs Librarian, presented Delores Lelsz, with an Appreciation Award for her leadership, art programs and making a difference within the community as the Chair of the Friends of the Library - Learning Center for 12 years.

**Citizen Comments.**

Speaker: Wanda Adams, 2721 Cumberland Trail, Balch Springs, TX. 75180  
Subject: Thanked the City Council in regards to the Veterans Memorial and the location.

Speaker: Johnny Adams, 2721 Cumberland Trail, Balch Springs, TX. 75180  
Subject: Spoke to City Council in regards to boards and commissions and Community Waste Disposal.

Speaker: Julie Greer, 14843 Green Valley, Balch Springs, TX 75180  
Subject: Spoke to City Council in regards to Balch Springs Citizens Police Academy Alumni Association, recognizing Chantel Sutton and Mallorie Forman as the Volunteer of the month, and donations to the Animal Shelter and Friends of the Library.

Speaker: Angela Singletary, 3216 Balch Springs Rd., #203, Balch Springs, TX. 75180  
Subject: Spoke to City Council in regards to not having monopolies with certain vendors and lobbying.

Speaker: Jason Singletary, 3216 Balch Springs Rd., #203, Balch Springs, TX. 75180  
Subject: Spoke to City Council in regards to Stormwater Utility Drainage Fee Survey.

Speaker: Henry Brown, 211 Athel Dr., Mesquite, TX. 75149  
Subject: Thanked the City Council that participated in the Martin Luther King parade in Mesquite.

Mayor Gorwood closed citizen's comments.

**REPORTS/UPDATES:**

**1. Update on Stormwater Utility Drainage Fee Survey and funding of Flood & Drainage projects.**

Chris Dyser, Planning, provided the City Council an update regarding the storm water utility drainage fee survey and funding of Flood & Drainage projects. Mr. Dyser stated that that a survey was administered in November 2018. The survey closes on January 31, 2019 and 74 individuals responded: 41 support a storm water utility fee, and 33 do not support a storm water utility fee.

City Council and City staff discussed the drainage fee, water rate study and cost of water going up every year.

**2. Report by the Executive Staff regarding any significant event that has occurred since the last regular Council meeting.**

Susan Cluse, City Manager, informed the City Council of the Hillwood Development has scheduled helicopter and ground tour for January 29th and 31st.

City Council recessed at 8:05pm  
City Council reconvened at 8:16pm.

**INDIVIDUAL ITEMS:**

**1. A. Briefing on Rezoning Application No. 005-2018, for property located at 5001 S. Peachtree Road from Local Retail (LR) to Commercial Zoning District to allow expansion of equipment storage.**

Chris Dyser, Planning, briefed the City Council on Rezoning Application No.005-2018, for property located at 5001 S. Peachtree Road from Local Retail (LR) to Commercial Zoning District to allow expansion of equipment storage operated by Sunstate Equipment.

**B. Conduct Public Hearing on Rezoning Application No. 005-2018, for property located at 5001 S. Peachtree Road from Local Retail (LR) to Commercial Zoning District to allow expansion of equipment storage.**

Mayor Gorwood Opened the Public Hearing at 8:22pm

Marie Tedei, 4708 Pioneer Rd., Balch Springs, TX. 75180 - Ms. Tedei spoke neither in favor or opposition regarding the Rezoning Application No.005-2018, for property located at 5001 S. Peachtree Road from Local Retail (LR) to Commercial Zoning District to allow expansion of equipment storage.

Larry Crutcher, representative of Sunstate Equipment and owner of the property, spoke in favor of the Rezoning Application No.005-2018 for property located at 5001 S. Peachtree Road from Local Retail (LR) to Commercial Zoning District to allow expansion of equipment storage.

Mayor Gorwood Closed the Public Hearing at 8:27pm

**C. Consideration and action regarding approval of Rezoning Application No. 005-2018, for property located at 5001 S. Peachtree Road from Local Retail (LR) to Commercial Zoning District to allow expansion of equipment storage.**

Councilmember Rushing moved to approve the Rezoning Application No.005-2018, for property located at 5001 S. Peachtree Road from Local Retail (LR) to Commercial Zoning District to allow expansion of equipment storage (Ord. 653-19-Z). Mayor Pro Tem Hill seconds the motion. Voting for this motion were Councilmember Moon, Councilmember Shelby, Councilmember Segroves, Councilmember Rushing, Councilmember Tucker and Mayor Pro Tem Hill. **Motion passed. (6-0)**

**2. Discussion of qualifications of candidates to run for election or re-election in connection with term limit provisions of the Home Rule Charter.**

Monte Akers, City Attorney, explained the term limits as it related to Section 3.01(b) of the Balch Springs Home Rule Charter. He stated that no council member, including the mayor, may serve more than the lesser of six consecutive years or three consecutive two-year terms, and how is a "term" calculated by measuring the date he or she took the oath of office (not the date of candidacy, election, or canvassing of an election) until the date his or her successor takes the oath of office.

Mr. Akers stated that questions have arisen as to whether Mayor Gorwood may sign up to run for re-election on May 4, 2019 for a two-year term, if he is prohibited from serving a full two years. The term of office for mayor is two years, as specified in Sec. 3.01(b) and any candidate for mayor who applies to run will do so that two-year term. Should Mayor Gorwood apply to run for re-election it will be for a two-year term, but he will be prohibited by the Charter from serving beyond May 20, 2020. At which time, the office of Mayor will become vacant due to the effect of term limits, and after which the Council may appoint a person to fill the vacancy in that office or to call a special election to allow the voters to select a new mayor. Until such appointment or election and swearing in, the Mayor Pro Tem shall act as mayor.

**3. Consideration and action regarding approval to amend Master Fee Schedule regarding park rental fee.**

Chris Dyser, Planning, explained that the Parks and Recreation Department is requesting approval to amend the master fee schedule to include a rental fee of \$25 per hour for the rental of Walter E. Luedeke Park.

City Council and staff held a discussion regarding the reservation fee for the pavilion, reservations through the Recreation Center, and adding some type of signage, notifying individuals on how to rent the pavilion.

Councilmember Moon moved to approve a rental fee of \$25 per hour with a 2-hour minimum for the pavilion at Luedeke Park. Mayor Pro Tem Hill seconds the motion. Voting for this motion were Councilmember Moon, Councilmember Shelby,

Councilmember Segroves, Councilmember Rushing, Councilmember Tucker and Mayor Pro Tem Hill. **Motion passed. (6-0)**

**4. Consideration and action regarding priorities for future Community Development Block Grant (CDBG).**

Mayor Gorwood would like to receive input from City Council for our future Community Development Block Grant (CDBG). Mayor Gorwood stated that there has been discussion regarding adding sidewalks, this grant may be able to help with sidewalks, if it meets the criteria.

Mark Horak, Development Review Coordinator, explained to the City Council the rules and regulations regarding how the Community Development Block Grant (CDBG) would work as to sidewalks.

No action taken.

**5. Consideration and action regarding the creation of a sidewalk plan for the City.**

Mayor Gorwood would like for public works, police and fire departments to meet, assess the streets and develop a sidewalk plan along with a priority lists for the safety of the community.

Ms. White explained the funding options for sidewalk improvements: general revenue fund, community development block grant (CDBG), street/maintenance sales tax, street assessments, assessments within PID's, roadway impact fees and tax incremental financing (TIF).

Councilmember Moon moved to direct staff to do the study and bring it back to City Council. Mayor Pro Tem Hill seconds the motion. Voting for the motion were Councilmember Moon, Councilmember Shelby, Councilmember Segroves, Councilmember Rushing, Councilmember Tucker and Mayor Pro Tem Hill. **Motion passed. (6-0)**

**6. Discussion to amend Code of Ordinances Chapter 30 - Fire Prevention and Protection, Article IV - Office of Fire Marshal, Section 30-101-office created; qualifications.**

Fire Chief Smith is requesting approval to amend the Code of Ordinances Chapter 30 - Fire Prevention and Protection, Article IV - Office of Fire Marshal, Section 30-101-office created; qualifications.

Councilmember Moon moved to direct the City Attorney to draft the appropriate ordinance and bring it back to City Council. Mayor Pro Tem Hill seconds the motion. Voting for the motion were Councilmember Moon, Councilmember Shelby, Councilmember Segroves, Councilmember Rushing, Councilmember Tucker and Mayor Pro Tem Hill. **Motion passed. (6-0)**

7. **Consideration and action regarding approval of a Interlocal Agreement (ILA) with the City of Mesquite regarding election participation for the sale of real property.**

Chris Dyser, Planning Department, is requesting approval of an interlocal agreement with the City of Mesquite to facilitate the cost to hold a special election for property owned by the City of Mesquite that is in the City of Balch Springs jurisdiction.

Councilmember Moon moved to approve an Interlocal Agreement (ILA) with the City of Mesquite regarding election participation for the sale of real property. Councilmember Shelby seconds the motion. Voting for this motion were Councilmember Moon, Councilmember Shelby, Councilmember Segroves, Councilmember Rushing, Councilmember Tucker and Mayor Pro Tem Hill. **Motion passed. (6-0)**

8. **Consideration and action regarding approval of funding for the 2019 Balch Springs Fourth of July Parade Floats.**

Linda Highwood, Economic Development Coordinator, is requesting approval of funding of \$3,900.00 for the 2019 Balch Springs Fourth of July Parade Floats.

Councilmember Rushing moved to cancel the Fourth of July Parade Floats. Mayor Pro Tem Hill seconds the motion. Voting for this motion were Councilmember Moon, Councilmember Shelby, Councilmember Segroves, Councilmember Rushing, Councilmember Tucker and Mayor Pro Tem Hill. **Motion passed. (6-0)**

9. **Consideration and action concerning repairing/replacement of one of the Gateway Monument signs on I-635 and Lake June Road.**

Chris Dyser, Planning Department, is requesting to replace one of the existing gateway monuments located at I-635 and Lake June Road, to due automobile accident. The monument has been inspected and is un-repairable. Mr. Dyser explained the replacement cost of the monument sign is \$28,050.00. The Type A Board has approved \$28,050.00 from their marketing budget.

Councilmember Rushing moved to approve the Economic Development Type A Board expenditure of \$28,050.00 to replace the Gateway Monument signs on I-635 and Lake June Road at a cost of \$28,050.00 and if any insurance money is received, that the Board be reimbursed. Councilmember Shelby seconds the motion. Voting for this motion were Councilmember Moon, Councilmember Shelby, Councilmember Segroves, Councilmember Rushing, Councilmember Tucker and Mayor Pro Tem Hill. **Motion passed. (6-0)**

10. **Consideration and action on a policy for directing how and when the City Attorney shall prepare ordinances or other documents for the City Council.**

City Council and staff held a discussion regarding the policy and language in the ordinance.

Councilmember Moon moved to approve a policy for directing how and when the City Attorney shall prepare ordinances or other documents for the City Council (3181-19). Councilmember Rushing seconds the motion. Voting for this motion were Councilmember

Moon, Councilmember Shelby, Councilmember Segroves, Councilmember Rushing, Councilmember Tucker and Mayor Pro Tem Hill. **Motion passed. (6-0)**

Mayor Gorwood stated that executive session postponed until the next meeting.

#### **NOTICE OF EXECUTIVE SESSION**

11. **Council to hold Executive Session under Section 551.074 (Personnel) of the Texas Government Code, the City Council reserves the right to adjourn into executive session to discuss the following:**

A. **Discussion regarding evaluations for the City Manager, Police Chief, Fire Chief, and City Secretary.**

12. **Announcements, requests for information, and/or new business to be placed on future agendas.**

- Councilmember Moon - motor vehicle accident cost recovery program (next agenda).
- Councilmember Tucker - ordinance regarding vape stores (next meeting).

13. **Closing prayer.**

Gwendolyn Gardner gave the closing prayer.

14. **Adjourn.**

Mayor Gorwood adjourned the council meeting at 9:52pm.

**PASSED AND APPROVED AT A REGULAR MEETING HELD ON FEBRUARY 25, 2019.**