



**MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL
CITY OF BALCH SPRINGS
FEBRUARY 10, 2020
7:00PM**

Identification of a quorum

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

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

Staff: Susan Cluse, City Manager
Mark Morris, Assistant to the City Manager
Cindy Gross, City Secretary
Randy Smith, Fire Chief
Jon Haber, Police Chief
Chris Dyser, Planning and Zoning
Charles Anderson, City Attorney
Charles Anderson and Monte Akers, City Attorney's

Invocation – The invocation was given by Susan Cluse, City Manager.

Pledge – The pledges of allegiance to the US Flag and Texas Flag was led by Charles Anderson, City Attorney.

Welcome and Items of Community Interest:

February 11th – Subdivision Workshop, 6:00pm at City Hall.

February 26th – EDC 2020 Business Summit, 10:30am-1:30pm, Civic Center (12400 Elam Rd.)

February 27th – Ground Breaking Ceremony at Timbers at 11:00am located at 3401 Hickory Tree Road.

May 2nd – General Election: The City's General Election is scheduled for Saturday, May 2, 2020, for the purpose of electing the following positions: Place 2, Place 4 and Place 6. The last day to file is February 14, 2020, by 5:00PM.

Presentation(s):

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

Greg Roemer, President of Community Waste Disposal, gave a presentation regarding the Community Waste Disposal (CWD) Annual Review for 2019.

Citizens Comments:

Speaker: Angela Singletary, 3208 Balch Springs Road #113, Balch Springs
Comment: Spoke to City Council in regards to the proposed LDG Development.

Speaker: Johnny Red Cloud Cox, 10935 Rockstone Dr., Balch Springs
Comment: Spoke to City Council in regards to code compliance and traffic issues on Elam Road.

Speaker: Charlene Rushing, 11704 Manon Dr., Balch Springs
Comment: Spoke to City Council in regards to businesses along Hickory Tree Road and future development.

Speaker: Gwendolyn Gardner, 13125 Valley Forge Cr., Balch Springs
Comment: Spoke to City Council in regards Legacy of Balch Springs.

Speaker: Carrie Marshall, 12601 Natalie Dr., Balch Springs
Comment: Spoke to City Council in regards to the rules and regulations of the Charter Review Commission and proposed Charter Amendments.

Speaker: Shawanna Hubbard, 4520 Ambassador Way, Balch Springs
Comment: Spoke to City Council in regards to Three Springs Apartments.

Speaker: Jake Brown, LDG Development, Austin
Comment: Spoke to City Council in regards to the proposed LDG Development.

Speaker: David Stone, 11701 Manon Dr., Balch Springs
Comment: Spoke to City Council in regards to the Flood and Drainage Committee.

REPORTS/UPDATES:

- 1. Report by the Executive Staff regarding any significant event that has occurred since the last regular Council Meeting.**

None at this time.

Mayor Gorwood announced that the City Council will be convening into executive session pursuant to Section 551.071 (Advice of Legal) at 7:38PM in order for the City Council to receive legal advice from the City Attorney regarding the following:

B. Advice concerning the Resolutions of No Objection and Payment Agreement and other matters regarding the LDG projects designated as Springwood and Oakwood.

City Council reconvened into open session at 7:53PM.

Mayor Gorwood stated that the City Council will combining agenda items 1-8, with a staff presentation and public comments, followed by action on each of the agenda items.

Councilmember Rushing moved that the City Council take up agenda items 2, 3, 4, 6 and 7 prior to the zoning change items. Councilmember Hill seconds the motion. Voting for this motion were Councilmember Shelby, Mayor Pro Tem Segroves, Councilmember Rushing and Councilmember Hill. Voting in opposition were Councilmember Moon and Councilmember Tucker.

Motion passed. (4-2)

INDIVIDUAL ITEMS:

Chris Dyser, Planning, gave a power point presentation regarding agenda items 2, 3, 4, 6, 7 and as well 1, and 5 in regards to the LDG Project. Mr. Dyser also stated the that the city received petitions opposing the Rezoning Application No. 004-2019 and Rezoning Application No. 005-2019, the petitions were upheld that the proposed rezoning will require a three-fourths vote of the voting members.

Mayor Gorwood invited anyone that would like to speak regarding any of the aforementioned items:

- Shawn Monk – 12312 King Dr., Bach Springs – no more apartments.
- Marie Tedei – 4708 Pioneer Rd., Balch Springs - opposing the LDG Project
- Juan Via – 4514 Shepherd Ln., Balch Springs – spoke in favor of the LDG Project
- Gwendolyn Gardner, 13125 Valley Forge Cr., Balch Springs - spoke in favor of the LDG Project and growth.
- Chad Stewart, 4141 Alava Dr., Fort Worth, TX. - Civil engineer for the LDG Projects.
- Tiara Still, 14809 Magnolia Ln., Balch Springs – concerns with school districts.
- Charlene Rushing, 11704 Manon Dr., Balch Springs – spoke in favor of the LDG Project.
- Susan Cluse, City Manager, Balch Springs - spoke regarding growth and development.
- Jake Brown – LDG Development, Austin, TX – gave a power point presentation regarding the LDG Project.
- Pastor Bryan Chance, 1172 Seagoville Road, Balch Springs – honor and respect of the City of Balch Springs City Council.

1. Consideration and action regarding approval of a Rezoning Application No. 004-2019, by LDG Development, LLC & Dunaway Associates, LP., to rezone properties located at 12105

Seagoville Road and 12013 Seagoville Road from Single Family (SF-6) Dwelling District to Planned Development (PD) District to allow for a Multi-Family residential development.

Councilmember Rushing moved to approve of the Rezoning Application No. 004-2019, by LDG Development, LLC & Dunaway Associates, LP., to rezone properties located at 12105 Seagoville Road and 12013 Seagoville Road from Single Family (SF-6) Dwelling District to Planned Development (PD) District to allow for a Multi-Family residential development. Councilmember Hill seconds the motion. Voting for this motion were Councilmember Shelby, Councilmember Rushing and Councilmember Hill. Voting in opposition were Councilmember Moon, Mayor Pro Tem Segroves and Councilmember Tucker. The rezoning application requires a three-fourths vote of the voting members in order to pass. **Motion failed. (3-3)**

- 2. Consideration and action regarding approval of a Comprehensive Plan Amendment Application No. 003-2019, by LDG Development, LLC & Dunaway Associates, LP., to amend the 2036 Comprehensive Plan-Future Land Use Plan regarding properties located at 12013 and 12105 Seagoville Road from Low Density Residential to High Density Residential to allow a Multi-family Residential Development.**

Councilmember Rushing moved to approve of the Comprehensive Plan Amendment Application No. 003-2019, by LDG Development, LLC & Dunaway Associates, LP., to amend the 2036 Comprehensive Plan-Future Land Use Plan regarding properties located at 12013 and 12105 Seagoville Road from Low Density Residential to High Density Residential to allow a Multi-family Residential Development. Councilmember Hill seconds the motion. Voting for this motion were Councilmember Shelby, Councilmember Rushing and Councilmember Hill. Voting in opposition were Councilmember Moon, Mayor Pro Tem Segroves, Councilmember Tucker and Mayor Gorwood. **Motion failed. (3-4)**

- 3. Consideration and action regarding a resolution expressing No Objection for the submission of an application to the Texas Department of Housing and Community Affairs for housing tax credits for a proposed affordable multi-family rental housing Springwood Development by LDG Development for property located at 12013 & 12105 Seagoville Road.**

Councilmember Rushing moved to approve a resolution expressing No Objection for the submission of an application to the Texas Department of Housing and Community Affairs for housing tax credits for a proposed affordable multi-family rental housing Springwood Development by LDG Development for property located at 12013 & 12105 Seagoville Road. Councilmember Shelby seconds the motion. Voting for this motion were Councilmember Shelby, Councilmember Rushing and Councilmember Hill. Voting in opposition were Councilmember Moon, Mayor Pro Tem Segroves, Councilmember Tucker and Mayor Gorwood. **Motion failed. (3-4)**

4. **Consideration and action to enter into a Payment Agreement with LDG Development and the City of Balch Spring regarding the Springwood Development located at 12013 and 12105 Seagoville Road.**

Died for a lack of motion.

5. **Consideration and action regarding approval of a Rezoning Application No. 005-2019, by LDG Development, LLC & Dunaway Associates, LP for properties located at 3416 Hickory Tree Road and 12004 Quail Drive from Local Retail (LR) District to Planned Development (PD) District to allow for a multifamily residential development.**

Councilmember Rushing moved to approve a Rezoning Application No. 005-2019, by LDG Development, LLC & Dunaway Associates, LP for properties located at 3416 Hickory Tree Road and 12004 Quail Drive from Local Retail (LR) District to Planned Development (PD) District to allow for a multifamily residential development. Councilmember Hill seconds the motion. Voting for this motion were Councilmember Shelby, Councilmember Rushing and Councilmember Hill. Voting in opposition were Councilmember Moon, Mayor Pro Tem Segroves and Councilmember Tucker. The rezoning application requires a three-fourths vote of the voting members in order to pass. **Motion failed. (3-3)**

6. **Consideration and action regarding a resolution expressing No Objection for the submission of an application to the Texas Department of Housing and Community Affairs for housing tax credits for the proposed affordable multi-family rental housing Oakwood development by LDG Development for property located at 3416 Hickory Tree Road & 12004 Quail Drive.**

Councilmember Rushing moved to approve a resolution expressing No Objection for the submission of an application to the Texas Department of Housing and Community Affairs for housing tax credits for the proposed affordable multi-family rental housing Oakwood development by LDG Development for property located at 3416 Hickory Tree Road & 12004 Quail Drive. Councilmember Hill seconds the motion. Voting for this motion were Councilmember Shelby, Councilmember Rushing and Councilmember Hill. Voting in opposition were Councilmember Moon, Mayor Pro Tem Segroves, Councilmember Tucker and Mayor Gorwood. **Motion failed. (3-4)**

7. **Consideration and action to enter into a Payment Agreement with LDG Development and the City of Balch Spring regarding the Oakwood Development located at 3416 Hickory Tree Road and 12004 Quail Drive.**

Died for a lack of motion.

8. **Consideration and action to enter into an Interlocal Agreement with the Housing Authority of the City of Texarkana and the City of Balch Spring regarding the Springwood**

Development located at 12013 and 12105 Seagoville Road and proposed Oakwood Development located at 3416 Hickory Tree Road and 12004 Quail Drive.

Died for a lack of motion.

City Council recessed at 9:38pm

City Council reconvened at 9:45pm.

9. Consideration and action regarding approval of the proposed Charter Amendments for the May, 2020 Election.

Councilmember Hill moved that the City Council not approve the proposed Charter Amendments for the May 2020 Election. Councilmember Moon seconds the motion.

- Marie Tedei – 4708 Pioneer Rd., Balch Springs – spoke in favor of the proposed charter amendments.
- Carrie Marshall, 120601 Natalie Dr., Balch Springs – spoke in regards to the terms of the Charter Review Commission.
- Angela Singletary, 3208 Balch Springs Road #113, Balch Springs – spoke in regards to the Charter Review Commission meetings and members.

Voting for this motion were Councilmember Moon, Councilmember Shelby, Councilmember Rushing and Councilmember Hill. Voting in opposition were Mayor Pro Tem Segroves and Councilmember Tucker. **Motion passed. (4-2)**

10. Consideration and action regarding approval of an ordinance ordering and providing notice of a Special Election to be held on May 2, 2020, for the purpose of voter consideration of amendment of specific sections of the Home Rule Charter.

No action taken.

11. Consideration and action regarding approval of an ordinance ordering and providing notice of a General Election for the City of Balch Springs to be held on the 2nd day of May, 2020, providing for three City Council Members Place 2, 4 and 6; providing for Early Voting by Personal Appearance; providing for a contract for election services with Dallas County.

Carrie Marshall, 120601 Natalie Dr., Balch Springs – spoke in reference to the Mayor position not being on the ballot for the May 2, 2020 General Election.

Councilmember Rushing moved to approve an ordinance ordering and providing notice of a General Election for the City of Balch Springs to be held on the 2nd day of May 2020, providing for three City Council Members Place 2, 4 and 6; providing for Early Voting by Personal Appearance; providing for a contract for election services with Dallas County (Ord. 3210-20). Councilmember Hill seconds the motion. Voting for this motion were Councilmember Moon

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

12. Discussion and update on the 2019 TXDOT Safe Routes to School Application.

Susan Cluse, City Manager, announced that the Texas Transportation Commission has award the City of Balch Springs the Safe Routes to Scholl Program grant in the amount of \$963,225, and announced that Balch Springs was only city within the metroplex that received the grant.

13. Consideration and action regarding approval of the 2019 City of Balch Springs Irwin Park Master Plan and Recreation Center Study.

Freese and Nichols, Inc., gave a power point presentation regarding the 2019 City of Balch Springs Irwin Park Master Plan and Recreation Center Study.

Councilmember Rushing moved to approve 2019 City of Balch Springs Irwin Park Master Plan and Recreation Center Study. Councilmember Tucker seconds the motion. Voting for this motion were Councilmember Moon Councilmember Shelby, Mayor Pro Tem Segroves, Councilmember Rushing, Councilmember Tucker and Councilmember Hill. **Motion passed. (6-0)**

14. Consideration and action regarding approval of the 2020 Balch Springs Fourth of July Celebration.

Marie Tedei, 4708 Pioneer Road, Balch Springs – spoke in regards to the cost of the July 4th event.

Councilmember Hill moved to approve the funding not to exceed \$14,830.00 for the 2020 Balch Springs Fourth of July Celebration. Councilmember Shelby seconds the motion. Voting for this motion were Councilmember Shelby, Mayor Pro Tem Segroves, Councilmember Rushing, Councilmember Tucker and Councilmember Hill. Voting in opposition were Councilmember Moon. **Motion passed. (5-1)**

15. Consideration and action regarding approval of a budget adjustment for the Treasury Forfeiture Account.

Councilmember Rushing moved to approve the budget adjustment for the Treasury Forfeiture Account. Councilmember Tucker seconds the motion. Voting for this motion were Councilmember Moon Councilmember Shelby, Mayor Pro Tem Segroves, Councilmember Rushing, Councilmember Tucker and Councilmember Hill. **Motion passed. (6-0)**

16. Consideration and action regarding approval to proceed with a needs assessment for the Public Safety Building, at a cost not to exceed \$57,250.00.

Councilmember Hill moved to approve the needs assessment for the Public Safety Building, at a cost not to exceed \$57,250.00. Councilmember Rushing seconds the motion. Voting for this motion were Councilmember Moon Councilmember Shelby, Mayor Pro Tem Segroves, Councilmember Rushing, Councilmember Tucker and Councilmember Hill.

Motion passed. (6-0)

17. Consideration and action to approve \$25,000 to update computer software in the Fire Department.

Councilmember Rushing moved to approve \$25,000 to update computer software in the Fire Department. Councilmember Hill seconds the motion. Voting for this motion were Councilmember Moon Councilmember Shelby, Mayor Pro Tem Segroves, Councilmember Rushing, Councilmember Tucker and Councilmember Hill. **Motion passed. (6-0)**

NOTICE OF EXECUTIVE SESSION:

18. Council to hold Executive Session under Sections 551.072 (Real Estate) and 551.087 (Economic Development) with regard to a matter that is the duty of the attorney to consult with Council and falls under the attorney-client privilege or with regard to a matter that involves litigation or contemplated litigation or claims, of the Texas Government Code:

City Council will be convened into closed session at 10:51pm.

A. Discussion and update on proposals for sale, financing, and development of land owned by the City of Mesquite within the City of Balch Springs.

19. Take action, if any, on matters discussed in Executive Session.

City Council reconvened into open session at 11:02pm. No action was taken on matters discussed in closed session.

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

None at this time.

21. Closing prayer - Councilmember Moon gave the closing prayer.

22. Adjourn

Mayor Gorwood adjourned the Regular Meeting at 11:03pm.

PASSED AND APPROVED AT A REGULAR MEETING HELD ON MARCH 9, 2020.