

THE CITY OF
BALCH SPRINGS
GROWING COMMUNITY

**REGULAR CITY COUNCIL MEETING
CITY OF BALCH SPRINGS
MARCH 25, 2019
7:00 PM**

MINUTES

Identification of a quorum.

Present: Councilmember Moon
Councilmember Shelby
Councilmember Segroves
Councilmember Rushing
Councilmember Tucker
Mayor Gorwood

Absent: Mayor Pro Tem Hill (Arrived at 7:10pm)

A quorum was present and Mayor Gorwood called the meeting to order at 7:03PM.

Staff: Susan Cluse, City Manager
Mark Morris, Assistant City Manager
Cindy Gross, City Secretary
Jon Haber, Police Chief
Randy Smith, Fire Chief
Lupe Baladez, Building Inspector
Chris Dyser, Planning
William Freeman, Public Works Director
Bianca Sauls, Chief Financial Officer
Monte Akers, City Attorney

Invocation was given by Mayor Gorwood.

Pledge to the US Flag and the Texas Flag was led by Councilmember Moon.

Mayor Gorwood announced that he has been asked to make some changes in regards to the order of the agenda items, and the City Secretary has been instructed in regards to the order of agenda items for this meeting.

Items of Community Interest - City Secretary:

April 6th – 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.)

April 13th – Balch Springs Weekend Blast: 9:00am – 4:00pm at the Civic Center.

Announcement the 2019 Mayors Scholarship Award to begin on March 1 - April 30, 2019.

The City's General Election is scheduled for Saturday, May 4, 2019; Early Voting by Personal Appearance will begin on April 22 - April 30, 2019, at the Balch Springs Civic Center, 12400 Elam

Road, for the purpose of electing the following positions: Mayor (At-Large), Place 3, Place 5 and Place 7.

Santosha Pratt, Neighborhood Services, announced the Neighborhood Pride Award Winners for February and March 2019. The February award was given to Laura Bueno, and the March award was given to Ramon and Ana Rosa Pantoja.

Citizen Comments.

Speaker: Angela Singletary, 3216 Balch Springs Rd., #203, Balch Springs, TX. 75180
Subject: Spoke to City Council in regards to agenda item #1-City's Rental Property Inspection Program and agenda item #9 -vehicles for Public Works Department.

Speaker: Jason Singletary, 3216 Balch Springs Rd., #203, Balch Springs, TX. 75180
Subject: Spoke to City Council in regards to flood and drainage budget.

Speaker: Marie Tedei, 4708 Pioneer Rd., Balch Springs, TX. 75180
Subject: Spoke to City Council in regards to agenda items #2-Safe Routes to School and #1-City's Rental Property Inspection Program.

Mayor Gorwood closed citizen's comments.

CONSENT AGENDA:

A. APPROVAL OF MINUTES:

1. March 11, 2019 - Regular Meeting

Councilmember Shelby moved to approve the consent agenda. 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)**

REPORTS/UPDATES:

1. Update on Sidewalk Priorities.

Postpone until the next meeting.

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

Monte Akers, City Attorney, explained to the City Council that Ashley White is no longer with Messer, Rockefeller and Fort, Municipal Law Firm. Mr. Akers stated that he will have Charles Anderson attending a few Council meetings until he becomes acquainted.

INDIVIDUAL ITEMS:

1. Consideration and action regarding approval to amend the City's Rental Property Inspection Program to include multifamily housing, adding new definitions,

multifamily property requirements, procedures for registration and inspection of multifamily rental dwelling units, fees applicable thereto re-inspections, compliance, and enforcement.

Linda Johnson, a representative from the Allied Orion Group, spoke on behalf of Peachtree Senior Living (11209 Rylie Crest, Balch Springs, TX) and Spring Oaks Apartment (4317 Shepherd Ln., Balch Springs, TX). She stated the ordinance was unclear as to the types of fees and when they would be assessed. She mentioned that she previously spoke with someone that said that there would be a \$10 Registration Fee per Unit every two (2) years, and also the turnaround time for the inspectors to inspect a unit, with five (5) days being the maximum time frame.

Santosha Pratt, Neighborhood Services, spoke before the City Council to confirm that Ms. Johnson was correct. She restated for the record that there is \$10 Registration Fee per unit every two (2) years, and the turnaround time for the inspectors to inspect a unit is a two (2) to five (5) days time frame. She stated that there are provisions in place, up to three (3) inspections, to allow the landlord some time to fix the matter. Ms. Pratt explained the first inspection (at no charge) the landlords are given ten (10) days to address the issue; a second inspection (at no charge) is then scheduled. If the unit fails the second inspection, a third inspection will be scheduled and will be charged for inspection of the unit.

City Council held a discussion regarding the inspection cost, number of apartment units and regulations pertaining to the proposed amendment.

Item died for lack of a motion.

3. A. Briefing on Zoning Ordinance Amendment No. 001-2019, to amend Chapter 90, Section 3- Zoning Land Use Regulations, Use Chart to allow for regulation of a laundry, self-service facility.

Chris Dyser, Planning & Zoning, briefed the City Council in regards to the Zoning Ordinance Amendment. He spoke in regards to how the current buffer requirements between the current laundry facilities is 2,000 ft. distance, and the proposed regulations would be 5,000 ft. Businesses that are established within the proposed buffer would not be allowed to establish a laundry facility in that location; businesses outside the buffer that are established as laundry facilities, must adhere to the buffer requirement and special use permit regulations.

City Council Members held a discussion regarding the amendment to Chapter 90, Section 3- Zoning Land Use Regulations, Use Chart to allow for regulation of a laundry, self-service facility.

B. Conduct a Public Hearing on Zoning Ordinance Amendment No. 001-2019, to amend Chapter 90, Section 3- Zoning Land Use Regulations, Use Chart to allow for regulation of a laundry, self-service facility.

Mayor Gorwood Opened the Public Hearing at 7:59pm

The following individuals spoke against the Zoning Ordinance Amendment No. 001-2019, to amend Chapter 90, Section 3- Zoning Land Use Regulations, Use Chart to allow for

regulation of a laundry, self-service facility: John Le Fevers, 836 Via Altes, Mesquite, TX 75150, Gene Le Fevers, 1803 Highland St., Mesquite, TX and Billie Gorwood, 12518 Quail Dr., Balch Springs, TX,

David Stone, 11710 Manon, Balch Springs, TX – Spoke neither in favor or opposition of the Zoning Ordinance Amendment No. 001-2019.

Marie Tedei, 4708 Pioneer Rd Balch Springs, TX – Spoke neither in favor or opposition of the Zoning Ordinance Amendment No. 001-2019.

Mayor Gorwood Closed the Public Hearing at 8:08pm

C. Consideration and action regarding approval of a Zoning Ordinance Amendment No. 001-2019, to amend Chapter 90, Section 3- Zoning Land Use Regulations, Use Chart to allow for regulation of a laundry, self-service facility.

Councilmember Rushing moved to table the item until the next City Council meeting. Councilmember Moon seconds the motion. Voting for this motion were Councilmember Moon, Councilmember Segroves, Councilmember Rushing and Councilmember Tucker. Voting in opposition were Councilmember Shelby and Mayor Pro Tem Hill. **Motion passed. (4-2)**

4. A. Briefing on Zoning Ordinance Amendment No. 002-2019, regarding an amendment to Chapter 90, Section 9-Zoning Definitions by adding definitions for electronic cigarettes and vaping.

Chris Dyser, Planning & Zoning, spoke to the City Council in regards to amending the city ordinance to include definitions for electronic cigarettes and vaping.

City Council Members held a discussion regarding some of the language in the proposed Zoning Ordinance Amendment No. 002-2019.

B. Conduct a Public Hearing on Zoning Ordinance Amendment No. 002-2019, regarding an amendment to Chapter 90, Section 9-Zoning Definitions by adding definitions for electronic cigarettes and vaping.

Mayor Gorwood Opened the Public Hearing at 8:20pm

Marie Tedei, 4708 Pioneer Rd Balch Springs Balch Springs, TX – Spoke neither in favor or opposition of the Zoning Ordinance Amendment No. 002-2019.

Jason Singletary, 3216 Balch Springs Rd., #203, Balch Springs Balch Springs, TX – Spoke neither in favor or opposition of the Zoning Ordinance Amendment No. 002-2019.

Mayor Gorwood Closed the Public Hearing at 8:24pm

C. Consideration and action regarding approval of Zoning Ordinance Amendment No. 002-2019, regarding an amendment to Chapter 90, Section 9-Zoning Definitions by adding definitions for electronic cigarettes and vaping.

Councilmember Rushing moved to approve the Zoning Ordinance Amendment No. 002-2019, regarding an amendment to Chapter 90, Section 9-Zoning Definitions by adding definitions for electronic cigarettes and vaping as recommended by city staff (Ord. 3184-19). Councilmember Tucker 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)**

NOTICE OF EXECUTIVE SESSION

12. **Council to hold Executive Session under Sections 551.071 (Advice of Attorney), 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:**

Mayor Gorwood convened into closed session at 8:30pm

- A. **Discussion of an Economic Development Agreement regarding the possible sale of real property within the City of Balch Springs.**

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

Mayor Gorwood reconvened into open session at 9:22pm.

No action taken regarding matters discussed in executive session.

2. **Consideration and action of a proposal by Dunaway and Associates for submittal of an application for the TxDOT Safe Routes to School Application.**

Chris Dyser, Planning & Zoning, spoke to the City Council In regards to seeking funding from TxDOT to consider sidewalks improvements to local schools. Mr. Dyser stated that there are five (5) schools within the city that are eligible for this grant, and City Staff is proposing to hire Dunaway and Associates at a cost of \$50,500.00, to submit a grant application, on behalf of the city. He stated the application deadline is due April 12, 2019.

City Council Members, City Attorney and staff held a discussion regarding the proposal by Dunaway and Associates for submittal of an application for the TxDOT Safe Routes to School Application.

Councilmember Moon moved to approve proposal by Dunaway and Associates for submittal of an application for the TxDOT Safe Routes to School Application. Mayor Pro Tem Hill seconds the motion. Voting for this item were Councilmember Moon, Councilmember Shelby, Councilmember Segroves, Councilmember Rushing, Councilmember Tucker and Mayor Pro Tem Hill. **Motion passed. (6-0)**

6. **Consideration and action to instruct the City Manager to include funds for a study requested by the Flood and Drainage Committee for 2019-2020 budget.**

David Stone, Flood and Drainage Committee, spoke to the City Council in regards to the city budgeting funds for the Flood and Drainage Study for 2019-2020. The committee received a quote of \$118,000 from Halff Associates, to conduct the study. He stated that the quote was a year old, price might have increased.

Councilmember Moon moved to include funds for a study requested by the Flood and Drainage Committee for 2019-2020 budget. Councilmember Tucker seconds the motion. Voting for this motion were Councilmember Moon, Councilmember Rushing and Councilmember Tucker and Mayor Gorwood. Voting in opposition were Councilmember Shelby, Councilmember Segroves and Mayor Pro Tem Hill. **Motion passed. (4-3)**

Councilmember Moon moved to adjourn. 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)**

PASSED AND APPROVED AT A REGULAR MEETING HELD ON APRIL 8, 2019.