

**REGULAR CITY COUNCIL MEETING
CITY OF BALCH SPRINGS
MAY 13, 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 City Manager
Cindy Gross, City Secretary
Jon Haber, Police Chief
Randy Smith, Fire Chief
Chris Dyer, Planning & Zoning
William Freeman, Public Works Director
Mark Horak, Code Enforcement
Charles Anderson, City Attorney

Invocation was given by Pastor Bryan Chance, Bible Way Tabernacle Church.

Pledge to the US Flag and the Texas Flag was led by Jon Haber, Police Chief.

Presentation(s):

STEAM Academy - Partnership and Volunteer Award Presentation

Santosha Pratt, Neighborhood Services Coordinator, informed City Council that the STEAM Academy could not attend the meeting tonight. Ms. Pratt stated that the STEAM Academy wanted to present the Partnership and Volunteer Award and the Certificate of Appreciation to the City of Balch Springs, for the City's support of the Young Women's STEAM Academy.

Items of Community Interest - City Secretary:

May 14th – Charter Review Meeting at the Civic Center at 6:00pm.

May 15th – Special City Council Meeting, Canvassing the May 4, 2019 General Election at 6:00pm at City Hall.

May 16th – 2019 Citizens Police Academy Graduation at 6:00pm at the Civic Center.

May 27th – Memorial Day: All city offices will be closed in observance of the holiday.
Next City Council meeting will be moved to May 28th, due to the holiday.
June 17th – City Council Workshop – Subdivision Ordinance Re-Write and Balch Springs
Mobility Plan Study at 6:00pm at the City Hall.
June 29th – 4th of July Fireworks Celebration at 5:00pm at Irwin Park.

Citizen Comments.

- Speaker: Gwendolyn Gardner, 13125 Valley Forge, Balch Springs, TX. 75180
Subject: Congratulated the re-elected City Council Members.
- Speaker: Mark Holguin, 11521 Spence Ln., Balch Springs, TX. 75180
Subject: Spoke to City Council in regards to code enforcement issues and concerns with city employees.
- Speaker: Norma Ortiz, 1901 Alaska Ave., Dallas, TX. 75216
Subject: Spoke to City Council in regards to Rezoning Application No. 002-2019.
- Speaker: Miles Cunningham, 5912 Vickery Blvd., Dallas, TX. 75206
Subject: Spoke to City Council in regards to Rezoning Application No. 002-2019.
- Speaker: Homer Conley, 12108 Spring Branch, Balch Springs, TX. 75180
Subject: Spoke to City Council in regards to IH-635 Gateway landscaping.
- Speaker: Marie Tedei, 4708 Pioneer Rd., Balch Springs, TX. 75180
Subject: Spoke to City Council in regards to customer service and public notices.
- Speaker: Randy Fleming, 1673 FM 2104, Paige, TX. 78659
Subject: Spoke to City Council in regards to Rezoning Application No. 002-2019.

Mayor Gorwood closed citizen's comments.

CONSENT AGENDA:

- A. APPROVAL OF MINUTES:**
- 1. April 18, 2019 - Workshop Meeting**
 - 2. April 22, 2019 – Regular Meeting**
- B. Approval of a resolution denying the distribution cost recovery factor rate request of Oncor Electric Delivery Company LLC made on or about April 8, 2019; authorizing participation in a coalition of similarly situated cities; authorizing participation in related rate proceedings; requiring the reimbursement of municipal rate case expenses; authorizing the retention of special counsel. (Res. 837-19)**
- C. Approval of appointment(s): Parks & Recreation Advisory Board: Wanda Adams**

Councilmember Rushing moved to approve the consent agenda with exception of item "C". 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)**

REPORTS/UPDATES:

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

Susan Cluse, City Manager, explained that TxDOT will out by the end of this week in order to utilize roundup on weeds at the IH-635 on Elam and Lake June.

INDIVIDUAL ITEMS:

**C. Approval of appointment(s):
Parks & Recreation Advisory Board: Wanda Adams**

City Council and staff held a discussion regarding the request for appointment to the Parks & Recreation and having diversity within boards and commissions regarding districts representation.

Councilmember Segroves moved to postpone this item until the City Council can look at all the boards and commissions, in order to see that all districts are represented. Councilmember Rushing seconds the motion. Voting for this motion were Councilmember Segroves, Councilmember Rushing, Councilmember Tucker and Mayor Gorwood. Voting in opposition were Councilmember Moon, Councilmember Shelby and Mayor Pro Tem Hill. **Motion passed. (4-3)**

1. A. Briefing on Rezoning Application No. 002-2019, to rezone property located at 11925 Brook Valley Circle from Single Family (SF-6) Dwelling District to Planned Development (PD) District to allow for a billboard and communication tower.

Chris Dyser, Planning Department, briefed the City Council regarding the Rezoning Application No. 002-2019, to rezone property located at 11925 Brook Valley Circle from Single Family (SF-6) Dwelling District to Planned Development (PD) District to allow for a billboard and communication tower.

B. Conduct a Public Hearing on Rezoning Application No. 002-2019, to rezone property located at 11925 Brook Valley Circle from Single Family (SF-6) Dwelling District to Planned Development (PD) District to allow for a billboard and communication tower.

Mayor Gorwood Opened the Public Hearing at 7:52pm

The following individuals spoke in favor of the Rezoning Application No. 002-2019, to rezone property located at 11925 Brook Valley Circle from Single Family (SF-6) Dwelling District to Planned Development (PD) District to allow for a billboard and communication tower: Wanda Adams, 2721 Cumberland Trail, B.S., Tx.; Randy Fleming, 1673 FM 2104, Paige, Tx. 78659; Norma Ortiz and Nicholas Barajas, 1901 Alaska Ave., Dallas, Tx.

75216; David Stone, 11710 Manon, B.S., Tx; Miles Cunningham, 5912 Vickery Blvd., Dallas, Tx. 75206 and Gwendolyn Gardner, 13125 Valley Forge, Balch Springs, Tx.

Marie Tedei, 4708 Pioneer Road and Lauralee Alsup 11413 Slater Drive of Balch Springs, Tx. – Spoke neither in favor or opposition of the Rezoning Application No. 002-2019.

Mayor Gorwood Closed the Public Hearing at 8:03pm

C. Consideration and action regarding approval of Rezoning Application No. 002-2019, to rezone property located at 11925 Brook Valley Circle from Single Family (SF-6) Dwelling District to Planned Development (PD) District to allow for a billboard and communication tower.

Councilmember Rushing moved to approve Rezoning Application No. 002-2019, to rezone property located at 11925 Brook Valley Circle from Single Family (SF-6) Dwelling District to Planned Development (PD) District to allow for a billboard and communication tower (Ord.3192-19). Mayor Pro Tem Hill seconds the motion. Voting for this motion were Councilmember Moon, Councilmember Shelby, Councilmember Tucker and Mayor Pro Tem Hill. Voting in opposition were Councilmember Segroves and Councilmember Rushing. **Motion passed. (4-2)**

2. Consideration and action to designate the Veteran's Memorial as a City Park and name it Veterans Park.

Mayor Gorwood is requesting to designate the Veteran's Memorial as a City Park and name it Veterans Park.

Councilmember Moon moved to designate the Veteran's Memorial as a City Park and name it Veterans Park. 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)**

3. Consideration and action regarding approval to amend Article III - Parking, Division 5 - School Zones, School Crossing Zones Section 78-142 and 78-144.

Chief Haber, is requesting approval of the proposed changes to Article III - Parking, Division 5 - School Zones, School Crossing Zones Section 78-142 and 78-144.

Mayor Pro Tem Hill moved to approve the amend Article III - Parking, Division 5 - School Zones, School Crossing Zones Section 78-142 and 78-144, not to exceed \$1,000 for signage. Councilmember Moon seconds the motion. Mayor Pro Tem Hill moved to amend the motion that the funds would come from council constituency. Councilmember Moon accepts the amendment. 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 that all required publications are listed on the City Website.

No action taken; city staff is already in the process of adding the publications to the city's website.

5. Consideration and action regarding approval to change bulk pick up from 48 hours to seven (7) days.

Mark Horak, Development Review Coordinator, explained that the currently in the Code of Ordinances Section 62.18 "Unlawful Depositing" which states that it's unlawful for a person to fail to remove garbage, trash/debris or solid waste within 48 hours. Mr. Horak agrees that Section 62.18 could be changed to (7) days in order to allow the resident additional time for bulk pickup.

Councilmember Rushing moved to approve the change in the Code of Ordinances Section 62.18 "Unlawful Depositing, Penalty" from 48 hours to (7) days. Councilmember Tucker seconds the motion. Councilmember Rushing moved to amend the motion to direct staff and City Attorney to correct the ordinance and make it (7) days. 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

6. Council to hold Executive Session under Sections 551.071 (Advice of Attorney) and 551.087 (Deliberation regarding Economic Development Negotiations) 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 8:29pm.

- A. Discussion or deliberate regarding commercial or financial information the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations.**
- B. To deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (A).**

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

Mayor Gorwood reconvened into open session at 9:12pm.

Councilmember Moon moved to approve a resolution presented in executive session. 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. Announcements, requests for information, and/or new business to be placed on future agendas.

Councilmember Moon – next agenda to consider sidewalk priorities for the new budget.

Councilmember Tucker – Items for the next City Council Meeting:

- Discussion regarding the responsibility of setting grade and cleaning out bar ditches in the City.
- Discussion regarding additional staff needed for proper maintenance crews for streets, bar ditches and culvert clean outs.
- Discussion regarding the corrections to the construction of the battlefield monument.

9. Closing prayer.

Mayor Gorwood gave the closing prayer.

10. Adjourn.

Mayor Gorwood adjourned the meeting at 9:16pm.

PASSED AND APPROVED AT A REGULAR MEETING HELD ON JUNE 17, 2019.