

**Minutes of the Regular Meeting of the Board of Alderman
For the City of Valley View, Texas 06/18/20**

Call meeting to order – Mayor Pro Tem Fortenberry called the meeting to order at 6:00pm

Pledge of Allegiance & Invocation Mayor Pro Tem Fortenberry led the pledge and prayer.

Mayor Comments

None.

EXECUTIVE SESSION – In accordance with Texas Government Code, Chapter 551, Subchapter D, the Board of Aldermen will recess into Executive Session (closed meeting) to discuss the following:

§551.071 – Consultation with the City Attorney regarding on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Texas Open Meetings Act; reason: Mayor.

Entered enter Executive Session at 6:00 pm.

RECONVENE INTO OPEN SESSION - In accordance with Texas Government Code, Chapter 551, Subchapter D, the Board of Aldermen will reconvene into Regular Session to consider action, if any, on matters deliberated in Executive Session.

Exit Executive Session at 6:09 pm. Mayor Pro Tem Fortenberry read the resignation letter of Mayor Brinkley.

Item 4 Public Comments

Mary Kubicek LeMarr just wanted to state that Mayor Brinkley was doing the right thing.

Kelly McFarland stated she had emailed all the aldermen.

Item 5 CONSENT ITEMS:

All items on the consent agenda are considered routine by the Board of Alderman and will be enacted with one motion, unless a member of the Board or a citizen request separate discussion of one or more items. In such event, the item(s) will be removed from the consent agenda and considered in sequence as listed.

- a. Approve budget report for General, Disposal and Police/Municipal Board
- b. Water/Sewer
- c. Park
- d. Maintenance
- e. Police
- f. Fire

- g. Approve check register
- h. Approve minutes from regular meeting held on **May 21, 2020.**

Zack Kupper, Chief of Valley View Volunteer Fire Department, gave an update. He stated that April was a slower month, but calls had picked back up. He indicated few calls were for medical, but more calls for wrecks. He said the annual fundraiser was cancelled, but will likely be rescheduled for September or October.

Lynn Hillis, City Secretary, gave an update on changes in the Police Department which included the resignation of Officer Ridge and the hiring of Officer Proffer, who had been serving on reserve.

Alderman Bewley asked about the payment made to Parker Security. Ms. Hillis stated it was to replace the equipment damaged in the building flood, but that it was included in the reimbursement from the insurance company. Alderman Bewley wanted to make sure all the payments had been made to Belcheff & Associates and reimbursed as applicable. Ms. Hillis confirmed everything was current.

Alderman Scoggin made a motion to accept the consent items. Alderman Spears seconded the motion and the motion carried 4-0.

Item 6 Conduct a Public Hearing and take action on request from Zack Kupper for a variance request for property located at 521 Armstrong;

- a. Presentation of request.

Zack Kupper said the property is zoned SF-1 which means it is supposed to have a 15' sideyard. He said he is requesting a variance so that he can build a carport on the side of his house, which would leave a 5' sideyard. Alderman Scoggin asked for clarification of the location of the planned carport. Mr. Kupper said it would be beside his house, but not protrude in front of it.

- b. **PUBLIC HEARING** to receive comments regarding the request began at 6:16pm

Public Hearing closed at 6:16 pm.

- c. Discussion and action regarding the request.

Alderman Bewley clarified the structure would not have a concrete slab nor electricity. Mr. Kupper said the posts would be set in concrete for stability, but the entire thing would not have a slab. He said electrical would not be run at this time, but he may put a light on it at a later time for security purposes.

Alderman Scoggin made a motion to approve the request from Zack Kupper for a variance request for property located at 521 Armstrong. Alderman Holder seconded the motion and the motion passed 3-1 with Alderman Byrom opposing due to possible electricity being added.

Item 7 Conduct a Public Hearing and take action on the request from Irma Grande (Irma Carranza) for a variance request for property located at 704 N. Lee Street

a. Presentation of request.

Stephen Zimmer, Wilhite Surveying, spoke on behalf of Ms. Grande. He stated Ms. Grande owns 2 tracts of land, with the current address of 704 N. Lee Street, but one lot faces N. Lee Street and the other faces Wilson Street. Mr. Zimmer stated Ms. Grande was seeking a variance to build a single family home on the N. Lee Street property due to not meeting the minimum depth requirements and square footages.

b. **PUBLIC HEARING** to receive comments regarding the request began at 6:21pm

Public Hearing closed at 6:21 pm.

c. Discussion and action regarding the request.

Mayor Pro Tem Fortenberry asked for clarification of the location. Mr. Zimmer said it was two tracts that make a corner at N. Lee St. and Wilson St., but was not the property directly on the corner.

Alderman Bewley clarified the square footage requirement is currently 7200 sf.

Alderman Scoggin asked about the build lines. Mr. Zimmer stated there would be no change to that.

Alderman Scoggin asked about the driveway location. Mr. Zimmer stated the driveway for the existing mobile home would be on Wilson, but the existing driveway on N. Lee may not be the final location, as it will be determined once the house plans are finalized. Ms. Hillis added that TxDot would have to approve that driveway.

Alderman Holder made a motion to approve the variance request from Irma Grande (Irma Carranza) for property located at 704 N. Lee Street. Alderman Spears seconded the motion. The motion tied 2-2 (Alderman Scoggin and Alderman Bewley opposed). Mayor Pro Tem Fortenberry, as tie break, approved the variance request.

1. **Item 7** Conduct a Public Hearing and take action on the request from Quay Depriest for a variance request for a portion of the property located at 602 N. Lee Street (to be replatted pending variance request outcome) for a variance request for property located at 521 Armstrong;

a. Presentation of request.

Ms. Hillis stated the correct address is 602 N. Lee Street.

Stephen Zimmer, Wilhite Surveying, spoke on behalf of Mr. Depriest. He stated Mr. Depriest's property currently has a house on 2.22 acres. He would like to separate the

house from the acreage, leaving them both to satisfy the square footage requirements of the SF-1 zoning. Mr. Zimmer stated the division would leave a 45' width instead of the minimum required 70'. He added the property has frontage on Armstrong Street and the frontage on N. Lee would be for driveway access only, not for building a structure on that part.

b. **PUBLIC HEARING** to receive comments regarding the request began at 6:30pm

Mitchell Hayes stated he didn't understand what was being asked for and wanted some clarification. He said there is an existing swamp between his property and the subject property. He added that he hears the sewer plant is overloaded and he doesn't want any more houses added to it.

Debra Norwood said that if there was a drainage problem, Mr. Depriest would probably disclose that to any buyer.

Mr. Hayes added that he has been at his property since 1976 and at one point he went to the county and was told there was an easement there, while another person had told him they weren't aware of any easement. He said he's taken care of that area for 25 years.

Public Hearing closed at 6:44 pm.

c. Discussion and action regarding the request.

No discussion

Alderman Bewley made a motion to table the application for a variance request. Alderman Holder seconded the motion. Motion passed 4-0.

Item 9 Discuss and consider Ordinance 20200618-01 establishing regulations for the use of cargo or shipping containers within the city limits of the City of Valley View, possible action.

Alderman Bewley stated that he sees these turned into offices. He would like to add that they should not be used for human containment. He added that allowing electricity in them makes it not a temporary building.

Mayor Pro Tem Fortenberry suggested that if electrical was needed, it would need Board approval.

Alderman Holder agreed that allowing electricity was a concern.

Alderman Spears clarified that there is currently nothing in place. Ms. Hillis stated that was correct.

Alderman Spears made a motion to approve Ordinance 20200618-01 establishing regulations for the use of cargo or shipping containers within the city limits of the City of Valley View, with possible future modifications as needed. There was no second.

Alderman Scoggin made a motion to approve Ordinance 20200618-01 establishing regulations for the use of cargo or shipping containers within the city limits of the City of Valley View, with Board approval for if electricity is wanted. Alderman Spears seconded the motion. Motion tied 2-2 (Alderman Bewley and Alderman Holder opposed) Mayor Pro Tem Fortenberry served as tie breaker and approved the motion.

Item 10 Discuss and consider Resolution 20200618.01 naming the mayor as authorized official for NIBRIS grant documents, possible action.

No action.

Item 11 Discussion of City financial audit (Bewley).

Charlie Haynes, Haynes & Associates, PC, gave a presentation of current state of FYE 2019 audit which includes an extension due to COVID. He asked to negotiate new rates for the current year audit, to include building the needed reports in the new software which may require conversations with the software developers.

Mr. Haynes said the city uses a Balance Sheet approach to the finances with allows the auditors to find where additional costs are going or to see where additional savings are.

Mayor Pro Tem Fortenberry asked where we were in the current audit status. Mr. Haynes said it was going on right at the moment and had started it before COVID. He said they had checked the court and water files and were working on the list for financials when COVID hit.

No Action.

Item 12 Discuss and consider setting new date(s) for Citywide Cleanup, possible action.

Ms. Hillis suggested that with the approaching heat of the summer, to move the clean up to the fall.

Alderman Bewley made a motion to set the Annual Cleanup date for October 10, 2020 with a rain date of October 24, 2020. Alderman Holder seconded the motion and the motion passed 4-0.

Item 13 Discuss and consider resuming utility cutoffs for nonpayment or no account holder information, possible action.

Ms. Hillis explained that due to postal issues that were followed by the COVID outbreak, utility connections had not been shut off for non-payment in several months.

Alderman Holder made a motion to approve resuming utility cutoffs for non payment or no account holder information. Alderman Scoggin seconded the motion and the motion passed 3-1, with Alderman Bewley opposed.

Item 14 Discuss and consider change of City Engineer on Pecan Creek Crossing project, possible action.

Mike Anderson, Belcheff & Associates, stated a letter had been sent to the City regarding possible missing items or information for the project, but he wasn't sure of the final letter as it was submitted to the developers. He said he also had a timeline of the project.

Ken Minhinnett, Linken Real Estate, said he was the developer of the project and that there are a few reasons he was asking for this change. He said that Mr. Anderson's timeline of the project would show exactly how long the process has taken. He said the Final Plat was approved at a meeting with Conditions and those Conditions were addressed. He added for anything financial with the project, all bonds, city fees and inspection fees had been paid. He said the engineer talks about different studies being needed. He stated he has completed those studies, at his expense, and turned that information over to the City so it can use it too. He said Belcheff & Associates requested a waterline be installed at the cost of \$140,000, but that a sufficient line was verified to already be in place. Mr. Minhinnett said that all work is being done to specifications with no corners being cut. He said that what needs to be addressed is the timeline. He told Mr. Anderson that his firm took an extremely long time to do anything. He added that he had written approval from the Mayor to move forward and he had all the approvals he needed.

Alderman Bewley stated he was the one that brought in the engineering firm as he thought it would be a good transition to have one. He asked how many meetings had been had between the developer and engineer. Mr. Minhinnett stated there had been several.

Alderman Bewley stated he wasn't sure how many meetings were had with the Mayor, but that there needed to be meetings so the Board would know where the project was. Mr. Minhinnett said that the Board had previously given the Mayor 100% authority to keep the project moving forward.

Alderman Bewley said it was his understanding there was just one meeting. He asked where the waterline was and if the sewer would meet regulations.

Ms. Hillis read a letter from the developer's engineering firm that listed some of the concerns with the systems as designed. Mr. Anderson asked if the letter implied that Belcheff & Associates designed the storm system, because that is not something their firm does. Mr. Minhinnett confirmed that yes, Mr. Belcheff revised their plans.

Alderman Bewley asked what the process was now, if it needed to be sent to the engineer for review. Mr. Minhinnett stated that it has all already been approved. He added that when the letter from the City asking for additional things was received, he made everyone stop working on the site and secured it.

Alderman Bewley made a motion to deny changing the City Engineer for Pecan Creek Crossing, but requested there be meetings with the parties to get updates. Alderman Spears seconded the motion. Motion passed 4-0.

Item 15 Presentation from Kevin Ware, KJE Engineering, regarding wastewater system modifications and updates, possible action.

Kevin Ware, KJE Engineering, stated he became involved with the City of Valley View and the sewer plant because of the liner violation at the plant. He stated his firm has since been hired to enroll the City into the Texas Audit Compliance Act. He said the audit found issues of capacity and discharge for the sewer system. Mr. Ware said the design of an additional sewer line would help with the I & I. Mr. Ware asked Clayton McKinney what the current daily flow of the plant is. Mr. McKinney stated the average is 90,000-110,000 gallons a day, but during significant rain events, it's been as high as 1.2 Million gallons. Mr. Ware reiterated that those numbers show I & I is a major factor. He said diagnosis and fixes of I & I concerns are expensive and long. He said the addition of the second line is a more immediate fix. Mr. Ware said that he worked with Mr. McKinney and worked up costs for incremental sizes and presented the costs and sizes.

Alderman Spears asked what a 12" line would cover. Mr. Ware said that was sufficient for 2,600 homes.

Alderman Scoggin asked what kind of line it would be. Mr. Ware said it is gravity, not pressurized. He said there is enough depth/fall to use just gravity and allow for future expansions.

Mr. Ware then went on to present the ideas for changes to the sewer plant. He stated the equipment works well and meets discharge limitations, but has a problem with capacity. He said the audit pointed out that only one pond is on the permit, the other two are not. Mayor Pro Tem Fortenberry said that there used to be two on the permit. Mr. Ware stated that the permit had been changed by the former operator within the last couple years to include only one pond.

Mr. Ware stated the existing pond provides 292,000 gallons of capacity for storage. He said the option to combine two ponds to much deeper ponds would allow for over 4 Million gallons of capacity, but keep the same footprint. Mr. Ware presented that changing the large pond would be \$246,000 and the combining of the two smaller ponds would be \$95,000.

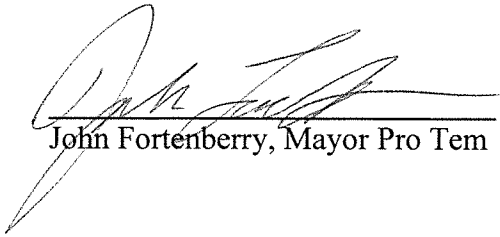
Mr. Ware said the only current violation is still the liner violation that hasn't been able to be certified, because the pond has to be empty and weather has prevented that, but that TCEQ is a ware and understands the process, as well as understanding additional changes may be being made.

No action.

Adjourn.

Alderman Scoggin made a motion to adjourn at 7:53 pm. Mayor Pro Tem Fortenberry seconded the motion and the motion passed 4-0.

Minutes of the Board of Aldermen were approved this 23rd day of July 2020.



John Fortenberry, Mayor Pro Tem