

**Minutes of Regular Meeting of the Board of Alderman
For the City of Valley View, Texas 05/13/2021**

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

Pledge of Allegiance & Invocation Mayor Pro Tem Spears led the pledge and said the invocation.

3. Swear in Mayor and Aldermen

Honorable Judge Carroll Johnson swore in Raymon “Mike” Chalk to Seat 3, Mayor, Cassandra “Sandy” Scoggin – Seat 1, Amber Sandmann – Seat 5, and Joe Wilkerson - Seat

4. Mayor Comments

Mayor Chalk thanked the City and his family for the opportunity to serve as Mayor and said his goal is to make Valley View better and to see progression.

5. Public Comments

None

6. CONSENT ITEMS:

- a. Approve budget report for General, Disposal and Police/Municipal Department
- b. Water/Sewer
- c. Maintenance
- d. Police
- e. Fire
- f. Approve check register
- g. Approve minutes from Regular Meeting held on **April 8, 2021** and Special Meeting **April 29, 2021.**

City Secretary, Lynn Morgan, stated that Valley View Volunteer Fire Department Chief, Zack Kupper, was not able to make the meeting, but that the VVVFDD monthly report was in the packet. She also stated that in the couple hours that the e-lets system had been online, over 100 people had registered.

Alderman Scoggin asked what Valero is in the check register. Mrs. Morgan stated that was fuel cards.

Mayor Pro Tem Spears made a motion to approve the Consent Items. Alderman Holder seconded the motion and the motion passed 5-0.

7. Conduct a Public Hearing and take action on the request from Joel Wisian’s, Bywater LLC, request for a Variance for property located at TBD S. Pecan Creek Trail. (Formerly Lonestar Addition - Cooke CAD 56417). Variance to Section 5.8.3 “Design Standards” of the Town of Valley View Subdivision Ordinance 5.8.3: Surface Drainage in bar ditches. Design of the street

right of way to contain 100 year flows (with one foot of freeboard) shall be contained in bar ditches adjacent to edge of pavement of the 22' street section discussed in the City Subdivision Ordinance.

- a. Presentation of request.

Joel Wisian presented, giving the Board a booklet with data information, surveys, preliminary plat, and pictures – including chip seal streets and subdivisions with chip seal streets without curbs and gutters. Mr. Wisian stated this Variance Request is for surface drainage to be in borrow ditches.

- b. **PUBLIC HEARING** to receive comments regarding the request.

Public Hearing opened at 6:10pm

David Recht introduced himself as the engineer for the developer on this project and stated he was available to answer any questions.

City Engineer, Kevin Ware, KJE, stated that by virtue of not having curbs and gutters, this request is allowable. He stated that he has discussed with the development team the need to make sure the ditches are at a safe grade allowing for adequate drainage.

Public Hearing closed at 6:12pm.

- c. Discussion and action regarding the request.

Alderman Scoggin asked culverts would be under the driveways. Mr. Wisian stated that the builders would do that, but there might be some instances where a culvert isn't required and would have surface drainage across the driveway. Mr. Ware stated that the developer's engineer would have to provide a culver design per lot.

Alderman Wilkerson asked where the water is planned to go. Mr. Wisian said it naturally flows northeast. Mr. Recht added that the entire development slopes toward the creek.

Mayor Chalk asked about soil erosion. Mr. Wisian said that in process erosion control would be in place to slow the water flow down and stabilize the soil, but at the end of the development, it is a homeowner's responsibility. Mayor Chalk stated that his past experiences have had erosions issues backing up into homes.

Alderman Wilkerson asked if Mr. Wisian was building the homes as well. Mr. Wisian stated that his role is that of a developer, not builder. Alderman Wilkerson said that means the lots could sit empty for a while and asked if that was the case, who is responsible for them. Mr. Wisian stated the responsibility lies with the property owner. Mr. Recht said that SWPP has procedures and requirements in place to make sure drainage isn't an issue during construction of developments. Mr. Ware added that it is state law to maintain erosion control during all phases of construction

and that a site would not be released until turf is established or it's been properly seeded.

Alderman Holder made a motion to approve Joel Wisian's, Bywater LLC, request for a Variance for to allow for surface drainage in bar ditches. Mayor Pro Tem Spears seconded the motion and the motion passed 4-0 with Alderman Scoggin abstaining.

8. Conduct a Public Hearing and take action on the request from Joel Wisian's, Bywater LLC, request for a Variance for property located at TBD S. Pecan Creek Trail. (Formerly Lonestar Addition - Cooke CAD 56417). Variance to Section 5.8.3 "Design Standards" of the City of Valley View Subdivision Ordinance 5.8.3: Streetlight. Streetlights will not be constructed in the project, based on light scatter / pollution to the proposed homes.

- a. Presentation of request.

Mr. Wisian said that this was originally in their plan, but knows it is a concern to the City, so they are no longer asking for this variance.

- b. **PUBLIC HEARING** to receive comments regarding the request.

- c. Discussion and action regarding the request.

No action.

9. Conduct a Public Hearing and take action on the request from Joel Wisian's, Bywater LLC, request for a Variance for property located at TBD S. Pecan Creek Trail. (Formerly Lonestar Addition - Cooke CAD 56417). Variance to Section 5.8.3 "Design Standards" of the City of Valley View Subdivision Ordinance 5.8.3: Sidewalk: Sidewalks will not be constructed on the project, based on the proposed project being out of the jurisdiction of the City Thoroughfare Plan.

- a. Presentation of request.

Mr. Wisian stated that the City Code requires sidewalks throughout town, but given the rural feel of this subdivision, distance from school and no curbs and gutters to abut to, he is requesting a variance to not have sidewalks in this subdivision.

- b. **PUBLIC HEARING** to receive comments regarding the request.

Public Hearing opened at 6:24pm

Janson Bewley stated that a lot of variances is a deviation from standard and to start off growth with making variances is concerning. Mr. Bewley stated the chip seal road already seems like a done deal and that it is concerning. He stated that he has sat on the Board and he asked what the town is worth, if it's open to anyone. Mr.

Bewley stated the City needs to hold standards to what they are. He said if there are not sidewalks, it's moving backwards for the City, and he thinks it's laughable.

Public Hearing closed at 6:26pm

c. Discussion and action regarding the request.

Alderman Holder asked for clarification on how wide the streets were and Mr. Wisian advised they were 22'. Alderman Holder then asked that if people are going to parking on the 22' wide streets, were the kids going to be riding their bikes in the middle of the streets? Mr. Wisian stated that it's a small subdivision and with the aesthetics of no curbs and gutters, it just doesn't flow with sidewalks, as they would be in the middle of the yard. He said this subdivision is not 55' wide lots, it's to let grass grow. Mr. Recht added that they have looked at traffic flow and designs and that cars would be mostly in garages or stacked in the driveway with the occasional on street parking for a house gathering.

Alderman Scoggin said that for right now, no sidewalks might be ok, but that she doesn't think it would be good for the future.

Mr. Wisian said that the way the current design is, his primary motivation for the ask is for aesthetics. He said with a 10' wide borrow ditch for drainage, the sidewalks will be in the middle of each yard.

Alderman Wilkerson said that he feels like lots of families will be in the subdivision and with its proximity to the park and the busyness of S. Pecan Creek Trail, the street isn't where the kids need to be.

Mr. Wisian stated that the water from the roadway has to drain and that sidewalks create a barrier for that.

Alderman Holder asked Mr. Ware his opinion. Mr. Ware stated that typically these types of developments don't have sidewalks so there's not culverts et cetera in them for the City to maintain. Mr. Wisian reiterated that the sidewalks would be in the middle of the yards and that it is not a good look. He said cost isn't an issue, as it's a pass through item to the builder.

Alderman Sandmann asked Mr. Ware for suggestions that would make all parties happy. Mr. Wisian stated that they had been advised of possible issues using just one entrance and that Mrs. Morgan had suggested creating an emergency access

area to the subdivision via the park. He stated this would provide a secondary access point to the subdivision and a corridor of travel between the subdivision and the park. Alderman Wilkerson asked for clarification on location of that and Mrs. Morgan explained. Alderman Scoggin asked how close it would be to the park and Mrs. Morgan said it abuts the park. Mr. Ware advised that all sidewalks must meet ADA compliance, but that one option might be to require sidewalks along the S. Pecan Creek Trail frontage so future developments could extend them. He said that could be contingent upon the dedication of the land and the construction along the roadway. Mr. Recht agreed that a compromise like that is forward thinking for the City.

Mrs. Morgan confirmed with Joel Wilhite that the neighboring property to the south had dedicated ROW to the City when they replatted their land and Mr. Wilhite stated he believes that is correct.

Mr. Wisian stated the streets would be short and not allow for much acceleration, as far as safety is concerned for kids in the street. Mr. Recht added that the streets are flat which adds to sight distances too.

Mayor Pro Tem Spears asked for clarification that if the Board followed Mr. Ware's suggestion, would the sidewalk be on lots 29 & 1. Mr. Wisian confirmed and added lot 30 to the list. Mayor Pro Tem Spears asked if it would take away from the lot size and Mr. Wisian stated that it is in the lot.

Alderman Holder asked what happens when the homeowner wants to put up a fence on one of those lots. Mr. Wisian stated a fence can't be within 15' of the side anyway so it wouldn't be an issue.

Mr. Ware offered another option of solid surface pads at streetlight locations to allow a place for kids to stand while waiting for the school bus. Mr. Wisian said he had no issue with the ideas and just wants the subdivision to be nice and look nice.

Mayor Pro Tem Spears said the Board can make a motion to approve the variance with conditions to include sidewalks along S. Pecan Creek and pads at streetlights. Alderman Wilkerson wondered how long the light posts would last if they are wood posts surrounded by concrete. Mr. Ware stated expansion joints are used for that and that the current City Ordinances do not specify light pole type, but that the electric provider would have the specifics of how they are set. Mayor Chalk asked if the provider required a different type of pole if the developer would put those in and Mr. Wisian stated he didn't think it would be an issue. Mr. Ware reminded the

Board that the motion can have contingencies in it. Mr. Wisian advised he had no problem dedicating the land around the poles for a pad if there are exceptions to the pad touching the pole.

Mayor Chalk asked how many street lights would be in the development. Mr. Wisian stated he did not know without more information, but that the electric provider would typically set that. Mr. Ware said photometric studies are generally done and allow for my lighting at intersections, but it would all have to be coordinated with the provider.

Mayor Pro Tem Spears made a motion to approve the Variance Request for no sidewalks contingent upon sidewalks being installed along S. Pecan Creek Trail, contingent upon safe school bus pick up areas, and approved street lighting design.

Alderman Holder made a motion to deny the Variance Request for no sidewalks. Alderman Scoggin seconded the motion and the motion passed 4-0 with Mayor Pro Tem Spears abstaining.

- 10.** Conduct a Public Hearing and take action on the request from Joel Wisian's, Bywater LLC, request for a Variance for property located at TBD S. Pecan Creek Trail. (Formerly Lonestar Addition - Cooke CAD 56417) Variance to Subdivision Ordinance 5.11 Public Land Requirements, A – Reservation of Land and B – Procedure for Preserving Land: Owner shall convey LOT 30 to City, for future public use, assuming no on site detention needed. Owner reserves right to build stormwater detention on lot 30 if City so requires. Based on engineering analysis, Owner proposes that stormwater detention not be constructed.

a. Presentation of request.

Mr. Wisian stated that the City Code requires dedication of open space, but the concern is that if on-site detention is required, the lot dedicated to open space can be used for that.

b. PUBLIC HEARING to receive comments regarding the request.

Public Hearing opened at 7:05pm.

Mr. Recht stated he would be happy to answer any questions and that they had met with Mr. Ware prior to the meeting and can likely answer any questions.

Mr. Bewley stated the developers presentation isn't great, but that it was his understanding that the specific lot was to be dual purpose - not just open space, but for detention/retention, too.

Public Hearing closed at 7:08pm.

c. Discussion and action regarding the request.

Mr. Ware stated that the developers are working on a hydrologic study that would not require detention. He stated that lot 30 is bottom of the subdivision elevation wise and are typically dry until needed.

Alderman Wilkerson asked how much of the lot area would be used for detention. Mr. Recht stated that it would be 20,000 cubic feet with a gentle slope to be mowed and maintained. Mr. Wisian stated that would be close to one half acre at one foot of depth. Mr. Ware advised that since it would discharge into the floodplain, major hydrologic studies will need to be presented to show floodplain affects.

Alderman Holder asked if there would be a fence or anything or what would keep kids out of the detention area. Mr. Recht said the slope is gentle and it looks like open space. Alderman Wilkerson asked how quick it would drain and Mr. Recht advised it would take about half an hour. Mr. Ware reminded the Board that it is simply a detention pond, not something 8' deep. Alderman Holder stated he understood that, but that drownings can happen in 3" of water.

Alderman Sandmann asked if there would be anything to separate it from the park and Mr. Wisian stated it would not look much different than what it currently looks like.

Alderman Wilkerson asked if it would be maintained by the City. Mr. Wisian confirmed it would be. Alderman Wilkerson then asked if there would be any improvements as public space and Mr. Wisian said there would not be.

Alderman Holder made a motion to deny the Variance Request allowing the owner to build stormwater detention on Lot 30, instead of using as open space, if drainage studies show detention is needed. Alderman Sandmann seconded the motion and the motion passed 2-0 with Alderman Wilkerson, Alderman Scoggin, and Mayor Pro Tem Spears abstaining.

- 11. Conduct a Public Hearing and take action on the request from Joel Wisian's, Bywater LLC, request for a Variance for property located at TBD S. Pecan Creek Trail. (Formerly Lonestar Addition - Cooke CAD 56417) Variance to Subdivision Ordinance 6.1 General Standards A – Facilities Agreement and B – Prorata Payments. Owner requests CITY acknowledgement and agreement that offsite infrastructure, including but not limited to roadway improvements, water supply, sanitary sewage shall not be constructed as part of this project**
- a. Presentation of request.

Mr. Wisian stated that Section 6.1 of the Code requires that any offsite improvements are paid by the developer. He stated that no water or sewer needs to be brought to the development nor does any roadway.

- b. **PUBLIC HEARING** to receive comments regarding the request.

Public Hearing opened at 7:20pm.

Norman Newton inquired as to why no water line or sewer line would need to be brought to the subdivision.

Mr. Bewley stated that he had not done his homework regarding this project, but that road surfaces need to be all weather surfaces rated for 80,000 pound trucks. He added that if giving breaks to others regarding streets, the City needs to think about it.

Public Hearing closed at 7:21pm.

- c. Discussion and action regarding the request.

Alderman Scoggin clarified that the request includes no improvements to S. Pecan Creek Trail. Mr. Wisian stated that she was correct, that if there is not a roadway to a development, it is up to the developers to pay for. But, in this case, the roadway is already there. Mr. Wisian stated there is no City code to improve existing roads. He referenced the last page in his handout and how the taxes from this project benefit the City and those funds can be used for road maintenance, but that road maintenance isn't part of development.

Alderman Scoggin stated that during construction, the road would see increased traffic and loads, wearing it out further. Mr. Wisian stated that is what a road is for. Mr. Recht added that the construction phase would be a short phase of that road's life, adding just a couple hundred trips a week for the duration of the project.

Alderman Wilkerson stated that the developer on North Pecan Creek Trail was paying to redo the road from FM 922 to the north property line of their development. Mr. Wisian stated that he believes its overreach to ask for developers to pay for road maintenance.

Mayor Chalk verified that if a concrete truck from the project tears up the street, it's the City's responsibility. Mr. Wisian stated a specific occurrence would be checked for compliance, but that yes, the responsibility is that of the City.

Alderman Sandmann stated that Valley View doesn't even have impact fees, so what is the City getting from these variances. Mr. Wisian stated that maybe the City needed to create impact fees. He stated that the project creates a tax base into perpetuity.

Mayor Chalk asked if the developers had looked into traffic studies. Mr. Recht stated they have looked at the studies with the county and TxDot and that they are looking at the geotechnical data as well. He stated that they are looking to work together to get something acceptable by the City and the developer. Mayor Chalk stated that 53 lots at 4 years with 3 cars is roughly 600 cars a day that are not currently on that road. Mr. Recht stated that their numbers showed 300 cars, but they were lightweight which would be less impact than heavy equipment would if the land was used as industrial or manufacturing.

Mayor Chalk asked Mr. Ware if the road could handle the increased traffic load. Mr. Ware stated that they have not studied the condition of that road specifically and he doesn't know the design life of the road, but that it is in poor condition in many places.

Alderman Holder asked how the drainage was along S. Pecan Creek Trail. Mr. Wisian said there is not a need for any offsite drainage at this time. Alderman Wilkerson asked that if it is determined no detention is needed, but that everything flows into the creek and it backed up would they clean that out. Mr. Wisian stated they design to current conditions and design to those specifications.

Alderman Holder stated that his concern is all the equipment coming in to build the development will leave the road in worse shape and the City is left to pay the bill. Mr. Wisian said they did not create the problem and he doesn't think its right of the City to ask a developer to fix it.

Mayor Pro Tem Spears asked if he would consider helping to fix the road. Mr. Wisian replied that he would, but his concern is an open ended checkbook even though he understands the town's position. He added that other municipalities say its so much road frontage and the developer pays for half. Alderman Scoggin asked that he was talking about half the road and not the whole thing. Mr. Wisian confirmed just half. Mr. Recht added that if one developer pays for an entire road, another developer can come in after and pay nothing while the first developer has the entire expense.

Mr. Ware stated that it is not uncommon for a developer to put half the cost of adjacent roadway into a fund to be used at a later date. Mr. Wisian advised he had no problem with that. He added that everything they are asking for is because the Code is in disarray, not because they are asking for any special favors.

Alderman Wilkerson asked how far the subdivision is from FM 922 and how much road frontage the subdivision had. Mr. Wisian stated it is roughly one half mile south of FM 922 and that there is 728' of road frontage.

Mayor Pro Tem Spears made a motion to table this item until the next meeting due to lack of study. Alderman Scoggin seconded the motion and the motion passed 3-0 with Alderman Holder and Alderman Sandmann abstaining.

12. Discuss and consider Ordinance 20200513-01 creating Single Family Residential Three Zoning District (SF-3), possible action.

Mrs. Morgan stated this zoning designation was the result of the previous workshops over the last couple months.

Alderman Scoggin made a motion to approve Ordinance 20200513-01 creating Single Family Residential Three Zoning District (SF-3). Mayor Pro Tem Spears seconded the motion and the motion passed 5-0.

13. Discuss and consider action regarding Zoning Map, possible action.

Mr. Ware stated the presented Zoning Map should represent the changes discussed during previous workshops.

Alderman Holder made a motion to approve the Zoning Map. Mayor Pro Tem Spears seconded the motion and the motion passed 4-0 with Alderman Scoggin abstaining.

14. Discuss and consider action regarding Future Land Use Map, possible action.

Mr. Ware stated the presented Future Land Use Map should represent the changes discussed during previous workshops.

Mrs. Morgan stated that there is one error, that the former Lonestar Addition on South Pecan Creek Trail was listed as C-2 and needs to be SF-2.

Alderman Holder made a motion to approve the Future Land Use Map with the change on S. Pecan Creek Trail. Alderman Scoggin seconded the motion and the motion passed 5-0.

Alderman Wilkerson made a motion to amend the motion passing the Future Land Use Map to clarify the lot changing from C-2 to SF-2 is the former Lonestar Addition land. Alderman Scoggin seconded the motion and the motion passed 5-0.

15. Discuss and consider options for City of Valley View Sesquicentennial, possible action.

Mayor Chalk stated he liked the idea of having the school involved.

Mrs. Morgan stated the actual sesquicentennial date is March 26, 2022 and that it falls on a Saturday next year.

Mayor Pro Tem Spears said that would give plenty of time to plan and get things right.

Alderman Wilkerson advised that date is after spring break.

Alderman Wilkerson made a motion to set the Sesquicentennial celebration date for March 26, 2022. Mayor Pro Tem Spears seconded the motion and the motion passed 5-0.

16. Discuss and consider retaining consultation services for 101 S. Lee Street for structural and code compliance, possible action.

Mrs. Morgan stated that as per previous workshop discussions, she received bids to have an ADA compliance consultation at 101 S. Lee Street. She stated she had received two bids, one for \$400 and one for \$750 and is still waiting on another. Mr. Ware stated that any project over \$50,000 must be registered with the state for ADA compliance and this helps with that.

Alderman Wilkerson asked if the responsibility would be on the consultant if something went wrong. Mr. Ware confirmed that the consultant would provide a punch list, the City would complete it and the consult would verify completeness.

Mr. Ware advised that a clock to make repairs begins as soon as the consultant sets eyes on it, but that he didn't know what that clock timeframe was.

Alderman Holder made a motion to retain consultation services for 101 S. Lee Street for structural and code compliance in an amount not to exceed \$500.00. Mayor Pro Tem Spears seconded the motion and the motion passed 4-0 with Alderman Wilkerson abstaining.

17. Update on Pecan Creek Crossing.

Mrs. Morgan gave an update as provided by the developer. She stated that yet again, the rain has delayed the roads, but that the fence along the property time with the apartments was moving right along as was the front entrance fence.

No Action.

18. Update for N. Pecan Creek Trail road improvements.

Mr. Bewley stated that the City has to start improving the roads and the parks. He stated there are advertisements out there and it's not even taken care of. Mr. Bewley stated he had personally gone out to mow and weedeat it. He stated the roads have to get better and that the City gets railroad traffic. Mr. Bewley said he was asking for a bandaid, to get a part timer in to help. He stated he pays his taxes and would like to be able to drive the roads without ruining a tire or to take his kids to enjoy the park. He added that he sat on the Board and he knows it's tough.

Alderman Scoggin stated that Barry Turner had been at the park mowing when the weather has allowed it.

Mrs. Morgan explained that there is already a plan in place for N. Pecan Creek Trail past the subdivision, but it has to stop raining. She advised the county will be working on the north end but that the plant that makes the material hadn't even been able to start producing the warm weather materials with all the rain received.

No action.

19. Adjourn.

Mayor Pro Tem Spears made a motion to adjourn at 8:16pm. Alderman Sandmann seconded the motion and the motion passed 5-0.

Minutes of the Board of Aldermen were approved this 10th day of June, 2021.

Mike Chalk, Mayor