



**Minutes of Regular Meeting of the Board of Alderman
For the City of Valley View, Texas 12/9/2021**

Call meeting to order – Mayor Chalk called the meeting to order at 6:0pm. Alderman Sandmann and Alderman Scoggins were absent.

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

3. Mayor Comments

Mayor Chalk thanked everyone for coming and wished everyone a Merry Christmas.

4. Public Comments

Lynn Morgan, City Secretary, stated that a couple years back, the City had donated a storm siren to be displayed at the Smithsonian. She updated that the official paperwork was filed, and when it is displayed it will show as donated by the City of Valley View.

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 requests 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 Department
- b. Water/Sewer
- c. Maintenance
- d. Police
- e. Fire
- f. Approve check register
- g. Approve minutes from Special Meeting held on **November 4, 2021**

Mrs. Morgan advised that the City was officially on the December Agenda for Texas Water Development Board for Phase I of the Sewer System Improvement plan.

Alderman holder asked where specifics were for budget line items and Mrs. Morgan advised she could print of the comparison chart for him.

Alderman Holder made a motion to approve the Consent Items. Mayor Pro Tem Spears seconded the motion and the motion passed 3-0.

6. Conduct a Public Hearing on the application to consider McClintock Home's request for a Variance to Section 9.02 Zoning Ordinance, for building lines, for property located at 208 Maverick Trail (Lot 6 Block C Cooke CAD 4980)

- a. Presentation of request

Lisa Dristchler, McClintock Homes, presented the variance being asked for was part of a variable utility easement, but not on the actual property or build line. She stated that there are no utilities in

this area. She stated the project has a Contract on it, pending this approval, and the project is 4' over the variable utility easement.

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

Public Hearing opened at 6:07pm

Public Hearing closed at 6:08pm

c. Discussion and action by Board regarding the request.

Mrs. Morgan stated that the reason this was originally such a large side yard was in case the builder wanted to put a side entry garage on the house, this would allow a 25' driveway, meaning car would have plenty of surface to park on.

Alderman Holder stated that it looks as if there is plenty of room so he didn't see a problem with approving it.

Alderman Holder made a motion to approve McClintock Home's request for a Variance to Section 9.02 Zoning Ordinance, for building lines, for property located at 208 Maverick Trail. Mayor Pro Tem Spears seconded the motion and the motion passed 3-0.

7. Conduct a Public Hearing on the application to consider McClintock Home's request for a Variance to Section 9.02 Zoning Ordinance, for building lines, for property located at 209 Lariat Lane (Lot 5 Block C Cooke CAD 4980).

a. Presentation of request.

Ms. Dristchler stated this property was sold to the Allen Family and had the same issue as the previous request, as it's the house on the opposite corner. She said the house will be away from the water and sewer lines and manhole will be 7.5' away from house.

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

Public Hearing opened at 6:10pm

Public Hearing closed at 6:11pm

c. Discussion and action by Board regarding the request.

Mayor Pro Tem Spears made a motion to approve McClintock Home's request for a Variance to Section 9.02 Zoning Ordinance, for building lines, for property located at 209 Lariat. Alderman Wilkerson seconded the motion and the motion passed 3-0.

8. Conduct a Public Hearing on the application to consider McClintock Home's request for a Variance to Section 9.02 Zoning Ordinance, for building lines, for property located at 111 Lariat Lane (Lot 6 Block A Cooke CAD 4980); at which time all interested persons may appear to speak for or against.

a. Presentation of request.

Ms. Dristchler stated this property was in the center island of the project. She said the width is fine on this proposed build, but it is slightly over the rear build line. She said if she removed the covered patio, the house would be within the current building lines.

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

Public Hearing opened at 6:13pm

Public Hearing closed at 6:13pm

c. Discussion and action by Board regarding the request.

Alderman Wilkerson asked Mrs. Morgan if this proposal met the current ordinances. Mrs. Morgan stated that one corner was over by a little over 2’.

Alderman Holder asked where the back neighbor would be. Alderman Wilkerson asked how far it would be to the back fence/property line. Ms. Dristchler stated it was 20’ on one corner at 17.5’ on the other.

Alderman Holder made a motion to approve McClintock Home’s request for a Variance to Section 9.02 Zoning Ordinance, for building lines, for property located at 111 Lariat. Mayor Pro Tem Spears seconded the motion and the motion passed 3-0.

9. Conduct a Public Hearing on the application to consider Sierra Builder’s request for rezone from SF-1 Single Family 1 to TF Two Family Residential (duplex) for property located at 207 Newton Street (Cooke CAD 9551).

a. Presentation of request.

Candi White presented on behalf of her husband, Michael White, a representative of Sierra Builders. She stated it was their intention to purchase the property, contingent upon the rezone of it. She said the plans she presented were similar to what they wanted to build, but there would only be two of the units and they would be together, not separated.

Mrs. White said the land had previously been zoned a fourplex, but Sierra Builders didn’t think that would fit, but a duplex would.

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

Public Hearing Opened at 6:19pm

Robert Kemp said he was building a single family home right next door at 203 Newton Street. He said he was raised on that property and planning to raise his kids there. He said he did not want people looking over a fence at him or people coming in and out of the property. Mr. Kemp said he feels this is an effort to make money instead of a single family home that could also be rented. Mr. Kemp added that he wants to give his kids something to be proud of and that he is trying to build up a nicer neighborhood.

Mrs. Heather Kemp added that their lot was big enough for two homes, but they chose to do one. She asked what would happen to their property value with a duplex next door.

Public Hearing Closed 6:22pm

c. Discussion and action by Board regarding the request.

Alderman Holder stated that he read the previous minutes to confirm that it was in fact once zoned for a fourplex, but that it had reverted upon the sale of the property.

Alderman Holder asked how wide the proposed duplex would be. Mrs. Morgan said each was 17.5', for a total of 35'.

Mrs. White said they want a duplex as it will take too long to turn a profit with a single unit and there was a duplex already on the other side of the property. She stated these units would be front entry. Mr. Kemp questioned how a fire truck would access the back of the property. Mrs. White said her husband grew up here and wanted a nice product and thought the location across from the school would be good for renters.

Mayor Pro Tem Spears said he felt concern about the location across from the school.

Alderman Holder said he felt it is a lot in a small space. Alderman Wilkerson added that it would stick out aesthetically. Mrs. White agreed that the elevation wasn't the best.

Alderman Wilkerson said he doesn't think it is the best location for it. Alderman Holder agreed.

Mayor Pro Tem Spears made a motion to deny the request from Sierra Builders to rezone from SF-1 Single Family 1 to TF Two Family Residential (duplex) for property located at 207 Newton Street. Alderman Wilkerson seconded the motion and the motion passed 3-0.

10. Conduct a Public Hearing on the application to consider Clay Ranch Development 3, LLC's request for rezone from A-Agricultural to SF-1 Single Family for 18 acres on N. Pecan Creek Trail (Cooke CAD 24860).

Mayor Chalk clarified that this is a new application as he had some questions on the previous one.

a. Presentation of request.

Dave Salisbury, Clay Ranch Development 3, LLC., stated there were questions at the last one and the answers were provided in the new preliminary plat.

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

Public Hearing Opened 6:31pm

Public Hearing Closed 6:31pm

c. Discussion and action by Board regarding the request.

Mayor Chalk stated that when he joined the Board, he had been asked questions from a resident regarding the Pecan Creek Crossing subdivision, but there was nothing he could do since that project was already well underway. Those questions were about the road condition, the

increased traffic, and noise during construction. Mayor Chalk said that he asked those same questions at the previous presentation and did not get straight answers.

Alderman Holder stated this project would have a significant impact on the tax base and while not everyone like development, it's coming.

Alderman Wilkerson added that this is the kind of development the City should want.

Mrs. Morgan explained that the preliminary plat shows plans for construction traffic to enter from the north, so as to not add traffic to the recently completed work on the southern portion of the road. She also stated that it had provisions for paying the City for its half of the roadway repairs so that money could be used in conjunction with the City for improvements by the County.

Alderman Wilkerson made a motion to approve Clay Ranch Development 3, LLC's request for rezone from A-Agricultural to SF-1 Single Family for 18 acres on N. Pecan Creek Trail. Alderman Holder seconded the motion and the motion passed 3-0.

11. Conduct a Public Hearing on the application to consider Clay Ranch Development 3, LLC's Preliminary Plat Application for 18 acres on N. Pecan Creek Trail (Cooke CAD 24860).

a. Presentation of request.

Mr. Salisbury said the preliminary plat was in the packet for the Board's review. He stated that the plan is for the developer to put in the streets and the electrical, but the builder decides where to put the homes. This allows for a more natural feel, leaving more existing trees. He added that there was already interest in the project from potential homeowners.

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

Public Hearing Opened 6:37pm

Public Hearing Closed 6:37pm

c. Discussion and action by Board regarding the request.

Alderman Wilkerson asked Mr. Salisbury what it is they as the developer do initially. Mr. Salisbury stated they build the streets and public improvements. Mr. Salisbury said they are very tree preservation heavy so it's on the builder to do the some of the layout to allow for the most preservation. He added the price point is different than other developments in the City and they have a certain look they are trying to achieve.

Alderman Wilkerson asked what the street surface would be and Mr. Salisbury stated it would be concrete.

Alderman Holder added that he things this would be a good thing for the City.

Mayor Pro Tem Spears made a motion to approve Clay Ranch Development 3, LLC's Preliminary Plat Application for 18 acres on N. Pecan Creek Trail. Alderman Holder seconded the motion and the motion passed 3-0.

12. Discuss and consider Ordinance 12092021-01 amending sections 12.02.001 "Delinquent Accounts", 12.02.002 "Disconnection and Reconnection", and 12.02.003 "Interest Rate on Delinquent Accounts" of article 12.02 "Sewer"; and adding article 12.03 "Water" to Chapter 12 "Utilities", of the Code of Ordinances of the City of Valley View, to identify the monthly due date of bills for sewer and water services; change the date on which late fees begin to accrue on delinquent accounts; and specify the timing of disconnection of services for nonpayment after the city has issued a notice of delinquency; providing for repealer, savings, and severability clauses; and providing for an effective date, possible action.

Mrs. Morgan stated the existing Ordinances had references to Bolivar Water Supply Corporation, as well as other outdated information so this would clear everything up. She stated the City attorney had drawn this up.

Alderman Wilkerson asked if there were any changes to any of the fees and Mrs. Morgan advised there were not.

Alderman Wilkerson made a motion to approve Ordinance 12092021-01 amending sections 12.02.001 "Delinquent Accounts", 12.02.002 "Disconnection and Reconnection", and 12.02.003 "Interest Rate on Delinquent Accounts" of article 12.02 "Sewer"; and adding article 12.03 "Water" to Chapter 12 "Utilities", of the Code of Ordinances of the City of Valley View, to identify the monthly due date of bills for sewer and water services; change the date on which late fees begin to accrue on delinquent accounts; and specify the timing of disconnection of services for nonpayment after the city has issued a notice of delinquency; providing for repealer, savings, and severability clauses; and providing for an effective date. Alderman Holder seconded the motion and the motion passed 3-0.

13. Discuss and consider Ordinance 12092021-03, an Ordinance of the City of Valley View, Texas, amending the Subdivision Ordinance to create a new section 5.15, "Tree Preservation," Sections 5.15.1 through 5.15.14; providing for a penalty not to exceed two thousand dollars (\$2,000) per day for each offense; providing a savings clause, a severability clause, a repealer clause, and an effective date, possible action.

Mrs. Morgan stated this was the Ordinance that had been worked on by both the City attorney's office and the city Engineer's office. She advised the bulk of the ordinance was towards tree preservation for new development.

Alderman Holder made a motion to Ordinance 12092021-03, an Ordinance of the City of Valley View, Texas, amending the Subdivision Ordinance to create a new section 5.15, "Tree Preservation," Sections 5.15.1 through 5.15.14; providing for a penalty not to exceed two thousand dollars (\$2,000) per day for each offense; providing a savings clause, a severability clause, a repealer clause, and an effective date. Mayor Pro Tem Spears seconded the motion and the motion passed 3-0.

14. Discuss and consider Ordinance 12092021-04, an Ordinance of the City of Valley View, Texas, adopting a Thoroughfare Plan; designating various types of streets; providing definitions and minimum right of way widths; providing for conflicts between laws, a severance clause, and an effective date, possible action.

Mrs. Morgan stated that after having a conversation with the City engineer's office, it is best to table this item for additional details to be added.

No Action.

15. Discuss and consider Ordinance 12092021-02 an Ordinance of the City of Valley View, Texas, fee schedule; providing assessed fees and effective dates, possible action.

Mrs. Morgan stated this includes the updates for the Tree Preservation Ordinance and service interruption fees for utility customers.

Alderman Wilkerson asked if the NSF fees would be \$30 or \$25. Mrs. Morgan confirmed the Fee Schedule shows \$30.

16. Resolution for Opioid Settlement Resolution, possible action.

Mrs. Morgan stated this is part of a class action lawsuit and the City's portion would be just over \$1,800. She advised there are numerous stipulations on what the money could be used for, but Chief Cory Smith had reviewed the list and figured it could definitely be used for training for the department.

Mayor Chalk asked if it could be used for Red Ribbon Week and Chief Smith said it might be possible, but that may be too broad for the requirements.

Mayor Pro Tem Spears made a motion to approve the Opioid Settlement Resolution. Alderman Holder seconded the motion and the motion passed 3-0.

17. Discuss and consider options for Police Department vehicle purchase, possible action.

Chief Smith stated he took the truck to the dealership for hard numbers of trade in value. It was \$32,000 if by December 1, \$31,500 on December 15 and \$1,000 less per month after that. Chief Smith stated he had spoke with Jeremy Proffer regarding removal of all the equipment and that he would charge an hourly fee, which would be less than having one of our other resources do it.

Alderman Wilkerson asked if the rule was that everything has to come off including equipment and stickers. Chief Smith said that it was and would have to have rubber grommets to fill any holes. Chief Smith stated that he was pretty sure the department could make it to mid-March sharing the other 3 units currently in place.

Mayor Chalk asked if the blazer could be used. Chief Smith advised it could be used, but wasn't feasible.

Chief Smith the equipment cost would be close to the \$17,500 quoted for the other two, but would likely be less with the removal of the cage and going with a slick top. He said with the trade, it would basically be just the cost of the equipment.

Alderman Wilkerson asked about the timeline for adding the third unit. Chief Smith stated the salesman had already added it, knowing that if it wasn't approved, he would be able to sale it to another agency, but it would be in the same February to March timeframe as the others.

Alderman Holder confirmed the truck had been having issues. Chief Smith said there were a lot, many of which he hadn't repaired pending the outcome of this decision.

Mayor Pro Tem Spears asked what Mr. Proffer's rate is. Chief Smith said we wasn't sure, but it would be less than any of the other shops. He added that Mr. Proffer estimated it would take a day, so probably about \$1,000.

Alderman Holder stated that it would be swapping the truck for a new Durango and basically just having to pay for the cost of the equipment.

Alderman Wilkerson asked the age and mileage of the truck. Chief Smith stated it was 5 years old with under 60,000 miles.

Alderman Wilkerson stated that the City would be crazy not to do it. Alderman Holder agreed.

Alderman Wilkerson asked if anything was reusable and Chief Smith stated not really.

Mayor Pro Tem Spears made a motion to approve trading in the 2017 Dodge Ram 2500 now with Jeremy Proffer removing the existing equipment at a cost not to exceed \$1,500. Alderman Holder seconded the motion and the motion passed 3-0.

18. Discuss and consider options for waterline improvements at Wilhite Estates, possible action.

Clayton McKinney, McKinney Operating and Excavation, stated the original plan was to case the existing line, so that if it ever needed replaced, it could just be pulled from the casing and replaced. He advised that it has since been discovered that the valve controlling Hadley Lane water is in the middle of the street so it can't be cased as it is. Mr. McKinney is asking to replace in casing and relocate about 100' of waterline.

Alderman Wilkerson asked for clarification of the location, which Mr. McKinney pointed out on a map.

Mayor Pro Tem Spears asked if it was harder to make repairs on cased lines and Mr. McKinney stated it was actually easier.

Mayor Chalk asked if this was something in the agreement with Mr. Wilhite to pay a portion of. Mr. McKinney advised that was in regard to sewer lines.

Mayor Pro Tem Spears made a motion to approve the request for waterline improvements at Wilhite Estates. Alderman Holder seconded the motion and the motion passed 3-0.

19. Discuss and consider options Senior Center parking lot, possible action.

Mrs. Morgan explained that this was just an idea to add overflow parking for the square area. She stated she would be getting with the City Engineer to get more details on it.

No Action.

20. Discuss and consider 150th Birthday event, possible action.

Mrs. Morgan updated that the artists, Jesse Daniel full band, Summer Dean full band, and Peter Sinclair full band, were signed to perform at the event, following confirmation of event insurance and the stage contract. She advised vendor applications would be available soon, to start having them sign up for booths. She stated several announcements would start being made about the event to help with publicity.

No Action.

21. Update on Pecan Creek Crossing.

Mrs. Morgan advised that the City engineer had signed off on the resurfacing of the road and that permits were in different stages of approval for beginning of home construction in the development.

22. Discuss and consider options for South Pecan Creek Waterline, possible action.

No Action.

23. Adjourn.

Alderman Holder made a motion to adjourn at 7:48pm. Alderman Wilkerson seconded the motion and the motion passed 3-0.

Minutes of the Board of Aldermen were approved this 20th day of January, 2022.