



**Minutes of Regular Meeting of the Board of Alderman
For the City of Valley View, Texas 10/13/2022**

- 1. Call meeting to order** – Mayor Chalk called the meeting to order at 6:30pm.
- 2. Pledge of Allegiance & Invocation** – Alderman Wilkerson gave the Invocation.
- 3. Mayor Comments**

Mayor Chalk thanked those in attendance.

4. Public Comments

This is the opportunity for the public to address the Board on any matter on the agenda, except public hearings. Comments related to public hearings will be heard when the specific hearing begins. Comments related to non-public hearing items will only be heard at this time. Public comments are limited to three (3) minutes per speaker, unless otherwise required by law. To address the Board, please sign in prior to the start of the Board Meeting. The Board is not permitted to take action on or discuss any item not listed on the agenda. The Board may only: (1) make a statement of fact regarding the item; (2) make a statement concerning the policy regarding the item; or (3) propose the item be placed on a future agenda. (Tex. Govt Code § 551.042.) Comments should be respectful with no personal attacks. To preserve the order and decorum of the meeting of the Board, any person who makes profane, slanderous, or threatening remarks or who becomes disruptive during the meeting will be asked to leave. (Texas Penal Code §§ 38.13, 42.05).

None.

5. CONSENT ITEMS

Lynn Morgan, City Secretary, stated that Scott Otto was back as the Chief of Police. She also stated the Fire Department would be starting a Knox Box program in Valley View and more information would be coming about it. Alderman Wilkerson explained what the Knox Box is and how it benefits business owners.

Alderman Wilkerson asked about the items marked “void” in the bank reconciliation. Mrs. Morgan stated it was clearing up the accounts in order to switch everything over to the new software.

Mayor Chalk read the resolution naming October as Domestic Violence Awareness Month.

Alderman Scoggin made a motion to approve the Consent Items. Alderman Wilkerson seconded the motion and the motion passed 3-0

- 6. Conduct a Public Hearing to consider McClintock Home’s request for a Variance to Section 9.02 of the Zoning Ordinance, for building setback lines, for property located at 100 Maverick Trail (Lot 1 Block A Cooke CAD 32467).**
 - a. Presentation of Request.

Joey Amador, McClintock Homes, stated the back left corner of the home is 5” wider than

allowed per the building lines. He stated the right side, which has a house on it, is still at 10' off the property line, leaving 20' between the houses.

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

OPEN Public Hearing at 6:40pm

CLOSED Public Hearing at 6:40pm

- c. Discussion and action regarding the request.

Mrs. Morgan stated that the lots are not square, due to existing roads, which is why these variances are needed. Mr. Amador stated the sidewalk easement in the area is also a factor.

Alderman Wilkerson made a motion to approve McClintock Home's request for a Variance to Section 9.02 of the Zoning Ordinance, for building setback lines, for property located at 100 Maverick Trail (Lot 1 Block A Cooke CAD 32467). Alderman Scoggin seconded the motion and the motion passed 3-0.

- 7. Conduct a Public Hearing to consider McClintock Home's request for a Variance to Section 9.02 of the Zoning Ordinance, for building setback lines, for property located at 101 Maverick Trail (Lot 27 Block B Cooke CAD 32494).
 - a. Presentation of Request.

Mr. Amador stated this house is directly across the street and has the same issue for lot squareness and is slightly over the buildline.

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

OPEN Public Hearing at 6:44

CLOSED Public Hearing at 6:44

- c. Discussion and action regarding the request.

Alderman Wilkerson asked for confirmation that the distance between the house would still meet or exceed the 20' and Mr. Amador stated there would be 21' between them.

Alderman Scoggin made a motion to approve McClintock Home's request for a Variance to Section 9.02 of the Zoning Ordinance, for building setback lines, for property located at 101 Maverick Trail (Lot 27 Block B Cooke CAD 32494). Motion seconded by Alderman Wilkerson and the motion passed 3-0.

- 8. Conduct a Public Hearing on the application to consider Laura McMullen's request for a Specific Use Permit for retail space for the property located at 113 N. Lee St. (Cooke CAD 99715).
 - a. Presentation of Request.

Laura McMullen stated her building is not zoned retail so she needed and SUP. She said that she feels all buildings downtown should be zoned retail, restaurant or for places for locals to use. Ms. McMullen said 113 N. Lee is where Avalanche Bay was and was previously Rustic

Ranch a retail location. She said there are plans to renovate and remodel and applied for a permit on September 7 but was stopped for working on it because there was no permit. Ms. McMullen stated she has 8 small business owners ready to set up in the building.

b. PUBLIC HEARING to receive comments regarding the request.

OPEN Public Hearing at 6:49pm

CLOSED Public Hearing at 6:49pm

c. Discussion and action regarding the request.

Mrs. Morgan offered clarification that the City does not have retail or restaurant specific zoning and explained the classifications there are. She stated that requiring the retail to have an SUP is to ensure cohesiveness in an area. Mrs. Morgan also stated that granting the SUP for an “office center” may be best so this doesn’t have to be revisited if the types of businesses inside change.

Ms. McMullen stated there are several businesses that want to be here and are waiting on this.

Alderman Wilkerson asked for specific clarifications of items on the plans for the building. Ms. McMullen stated the inspector was trying to require a door where plumbing and other mechanicals were already located and she stated she wasn’t going to tear up the slab to reroute those items.

Alderman Scoggin asked for clarification on the different rooms and uses and if there would be booths up front. Ms. McMullen said there would be booths, but not have the standard dividers and there would be one check out area. She advised the business owners would pay a small rent and work a certain number of hours a month.

Alderman Wilkerson stated the inspection company concerns was not an issue for the Board, that they are here for just the SUP. Mrs. Morgan stated the inspection company won’t review the application until an SUP is granted.

Alderman Wilkerson made a motion to approve Laura McMullen’s request for a Specific Use Permit for retail space for the property located at 113 N. Lee St. (Cooke CAD 99715), as an office center with retail space upfront. Alderman Scoggin seconded the motion and the motion passed 3-0.

9. Discuss and consider presentation from Bobby & Karen Mollenhour regarding their proposed idea for property located at 115 Gibson Lane.

Bobby Mollenhour presented his idea for a tiny home for property they own at 115 Gibson Lane. He gave photos of the actual tiny home, as well as the existing property. He stated there is an existing garage on the property as well.

Mayor Chalk asked if this would be a primary residence for someone and Mr. Mollenhour stated it would be rented out as someone’s residence.

Mayor Chalk asked about the type of construction and Mr. Mollenhour said he believes it is standard 2x4s. He added that it is premade, but is new, that they have just inherited it due to a death in the family.

Mayor Chalk asked about the type of foundation that would be in place and Mr. Mollenhour stated he would do whatever was required. He said the home would match building codes in place.

Alderman Scoggin asked for clarification on manufactured home codes and zoning and Mrs. Morgan stated the City currently has no areas zoned for manufactured homes.

Mrs. Morgan stated the Mollenhour's were here for feedback and if it doesn't seem like something the Board wants, then there is no need for them to move forward with any more time or expenses if it's going to be denied. Alderman Wilkerson stated that approval of this would open it up for more of the same throughout the City and he didn't think that was the direction the City needs to go.

No action.

10. Discuss and consider naming a Mayor Pro Tem, possible action.

Alderman Scoggin nominated Alderman Joe Wilkerson as Mayor Pro Tem and Alderman Wilkerson accepted the nomination.

Roll call vote was held to name Alderman Joe Wilkerson as Mayor Pro Tem;

Alderman Wilkerson: For

Alderman Scoggin: For

Alderman Griffith: For

Alderman Sandmann: Absent

Joe Wilkerson is named as Mayor Pro Tem.

11. Discuss and consider bank signatories on all accounts, possible action.

Mrs. Morgan stated that she wanted current Minutes that state what has been in place, that the City Secretary, Mayor, and Mayor Pro Tem are the signatories on all bank accounts. She stated that having it tied to a position instead of naming specific people, makes it easier as people come and go and positions change.

Alderman Scoggin made a motion to set the signatories on all bank accounts as the City Secretary, Mayor, and Mayor Pro Tem. Mayor Pro Tem Wilkerson seconded the motion and the motion passed 3-0.

12. Discuss and consider a recommendation from the Parks Commission for square holiday decorations, possible action.

Mrs. Morgan stated this was on hold while waiting for an updated quote.

No Action.

13. Discuss and consider Lighting Up The View 2022 event, possible action.

Mrs. Morgan advised the Parks Commission will again judge this contest and the prizes are in the approved budget.

Mayor Pro Tem Wilkerson made a motion to approve the Lighting Up The View 2022 event. Alderman Scoggin seconded the motion and the motion passed 3-0.

14. Discuss and consider options for technology upgrades, possible action.

Following Executive Session, Mayor Pro Tem Wilkerson made a motion to contract with Local Circuit for their offsite option for IT work. Alderman Scoggin seconded the motion and the motion passed 3-0.

15. Discuss and consider options for filling vacant Alderman seat, possible action.

Mayor Pro Tem Wilkerson stated the biggest issue is possibly not having a quorum, so he would like to see the seat filled. Mrs. Morgan suggested having an application completed prior to the next meeting to confirm eligibility.

Alderman Scoggin made a motion to fill the vacant Alderman seat with candidates completing and application by November 3 and consideration by the Board at the November 10th meeting. Mayor Pro Tem Wilkerson seconded the motion and the motion passed 3-0.

16. Discuss and consider Ordinance 10132022-01 an Ordinance of the City of Valley View, Texas amending Section 6, “Participation Policies And Escrow Policies”, of Article 9.03, “Subdivision Ordinance”, of Chapter 9, “Planning And Development”, and Article a4.000, “Development Fees”, of Appendix A, “Fee Schedule”, of the City’s Code Of Ordinances to require a Professional Services Agreement to be entered into between the City and Developer/Owner prior to development to account for Developer/Owner’s payment of the City’s consulting fees for professional services utilized for such development; providing for the incorporation of premises; providing for severability; providing for engrossment and enrollment; and providing for publication and an effective date, possible action.

Mrs. Morgan stated this Ordinance is so that as new development happens, the City is not out money and waiting for reimbursement, but instead the money is sitting in an account and as the project continues that balance will be revisited. She suggested a sliding scale based on development size.

Mayor Pro Tem Wilkerson made a motion to approve Ordinance 10132022-01 an Ordinance of the City of Valley View, Texas amending Section 6, “Participation Policies And Escrow Policies”, of Article 9.03, “Subdivision Ordinance”, of Chapter 9, “Planning And Development”, and Article a4.000, “Development Fees”, of Appendix A, “Fee Schedule”, of the City’s Code Of Ordinances to require a Professional Services Agreement to be entered into between the City and Developer/Owner prior to development to account for Developer/Owner’s payment of the City’s consulting fees for professional services utilized for such development; providing for the incorporation of premises; providing for severability; providing for engrossment and enrollment; and providing for publication and an effective date and setting the fees as: up to 5 acres - \$5,000, 5-10 acres - \$7,500, 10+ acres - \$10,000. Alderman Scoggin seconded the motion and the motion passed 3-0.

17. Discuss and consider Ordinance 10132022-02 an Ordinance of the Board of Aldermen of the City of Valley View, Texas, amending Exhibit A of the City’s Code of Ordinances, containing the City’s Subdivision Ordinance, specifically Section 5, “Requirements for Public Improvement and Design”, to

create a new subsection, subsection 5.3.A, to be entitled, “Recreational Vehicle Rental Communities”, to provide for recreational vehicle rental community standards and regulations; 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.

Following Executive Session, Mayor Pro Tem Wilkerson made a motion to approve Ordinance 10132022-02 an Ordinance of the Board of Aldermen of the City of Valley View, Texas, amending Exhibit A of the City’s Code of Ordinances, containing the City’s Subdivision Ordinance, specifically Section 5, “Requirements for Public Improvement and Design”, to create a new subsection, subsection 5.3.A, to be entitled, “Recreational Vehicle Rental Communities”, to provide for recreational vehicle rental community standards and regulations; 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. Alderman Scoggin seconded the motion and the motion passed 3-0.

18. Discuss and consider Ordinance 11102022-01 an Ordinance of the City of Valley View, Texas prohibiting the discharge of oils, fats, grease, and other harmful substances into the City’s sewer and wastewater system; providing a penalty not to exceed \$500.00 per offense; providing severability, a cumulative repealer clause, notice, publication, and an effective date.

Mrs. Morgan stated this is just for discussion, but is based on the recommendation from the City Engineer, but it’s not eligible for adopting today, as it was received too late.

No action.

19. Discuss and consider a Budget Amendment for the Fiscal Year 2021-2022 Annual Operating Budget, possible action.

Mrs. Morgan went through the items changed and explained why the budget lines varied.

Alderman Scoggin made a motion to Amend the Fiscal Year 2021-2022 Budget. Mayor Pro Tem Wilkerson seconded the motion and the motion passed 3-0.

20. Consider and take action on an Agreement of Sale with VB-S1 ASSETS, LLC for a portion of a 159.39 acre tract of land conveyed to the Town of Valley View, Texas by Deed recorded in Volume 775, page 706 of Cooke County Deed Records, being a part of the John Gregg Survey, Abstract No. 397, in Cooke County, Texas, and being more particularly described in Exhibit B; and authorize the Mayor to execute the Agreement.

Mayor Pro Tem Wilkerson asked how much money would be paid to the City. Mrs. Morgan stated she had only briefly read through the Contract, as it’s not complete and didn’t notice the City paying for much.

Alderman Scoggin made a motion to move forward with the Agreement of Sale with VB-S1 ASSETS, LLC for a portion of a 159.39 acre tract of land conveyed to the Town of Valley View, Texas by Deed recorded in Volume 775, page 706 of Cooke County Deed Records, being a part of the John Gregg Survey, Abstract No. 397, in Cooke County, Texas, and being more particularly

described in Exhibit B; and authorize the Mayor to execute the Agreement. Mayor Pro Tem Wilkerson seconded the motion and the motion passed 3-0.

21. EXECUTIVE SESSION: In accordance with Texas Government Code, Section 551.001, et seq., the Board of Aldermen will recess into Executive Session to discuss the following:

- a. Section 551.071 Legal Advice: to seek the advice of the City Attorney regarding (A) pending or contemplated litigation; or (B) a settlement offer; or (2) 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 Chapter 551: authority to regulate recreational vehicles; need for cyber security
- b. Section 551.072 Real Property: To deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the governmental body in negotiations with a third person: Vertical Bridge Tower site; 308 W. O'Buch Street; 101 S. Lee Street

Entered into Executive Session at 8:07pm

Reconvened into Open Session at 8:31pm

22. Adjourn.

Mayor Pro Tem Wilkerson made a motion to adjourn at 8:38pm and Alderman Scoggin seconded the motion. The motion passed 3-0.

Minutes of the Board of Aldermen were approved this 10th day of November, 2022.