



Minutes of Regular Meeting of the Board of Alderman

For the City of Valley View, Texas 01/12/2023

- 1. Call meeting to order** – Mayor Chalk called the meeting to order at 6:00pm. Alderman Sandmann absent
- 2. Pledge of Allegiance & Invocation** –Mayor Chalk led the Pledge and gave the Invocation .
- 3. Mayor Comments**

Mayor Chalk welcomed everyone and hoped they had a good Christmas and a happy New Year.

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).

Matthew Miller, North Pecan Creek Trail, said he was concerned about North Pecan Creek Trail as there are often times of less than 50 yards of visibility when doing the speed limit due to the dust. He stated he is unable to paint his house or work on his equipment because of the dust.

Todd Haymaker, South Pecan Creek Trail, stated that since the wedding venue was approved, he and neighbors have had to replace windshields on their vehicles due to overdriving on the road. He said he had previously written a letter asking if the road would be repaved. He added the zoning in the area is residential and agricultural, not business. Mr. Haymaker said he had attended the Lake Ray Roberts Planning & Zoning meeting opposing the wedding venue building there, adding that at one point he counted 16-17 concrete trucks. Mr. Haymaker said he thinks the county should be responsible for redoing the road.

5. CONSENT ITEMS

Lynn Morgan, City Secretary, explained that Fire Chief Zack Kupper was going to attend but had a Chief's meeting to attend. She advised the Knox Box program would be coming soon in the form of a City Ordinance.

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

6. Conduct a Public Hearing and take action on Alejandro & Claudia Hurtado and Maria Oviedo Pacheco's Preliminary Plat Application for 10.46 acres on Krahll Road (Cooke CAD 108864);
 - a. Presentation of request;
Kevin Ware, City Engineer, KJE Engineering, gave a brief description of the proposed project due to the absence of any party involved in the project.
 - b. **PUBLIC HEARING** to receive comments regarding the request; and

Public Hearing Opened 6:11pm

Rachel Terrell, adjacent property owner, stated she owns 21 acres east of the subject property and that water flows from the subject property to a ravine that feeds into their livestock pond. Mrs. Terrell stated she is concerned that any diversion of water flow could flood their property or be diverted away from the livestock pond. She asked that the water not be changed from feeding the livestock pond.

Philip Terrell stated the pond supplies water for multiple existing pastures and they need to make sure livestock has access to water.

Public Hearing Closed 6:14pm

- c. Discussion and action regarding the request.

Alderman Scoggin asked Mr. Ware his recommendation. Mr. Ware stated he recommends denial based on several deficiencies in the plat and gave the aldermen a handout with specifics.

Alderman Scoggin made a motion to deny Alejandro & Claudia Hurtado and Maria Oviedo Pacheco's Preliminary Plat Application for 10.46 acres on Krahll Road (Cooke CAD 108864) for the following reasons:

1. Lot 2 of the preliminary plat does not meet the minimum lot width (100') for the agricultural zoning designation on the property as required by the City's Zoning Ordinance Section 9.02.336 – Appendix 1.
2. The preliminary plat does not contain a designation of the zoning district for the land, as required by City of Valley View Subdivision and Property Development Regulations, Section 3.6.2.A.7.
3. The preliminary plat does not contain a certification by surveyor containing the requirements of the City of Valley View Subdivision and Property Development Regulations, Section 3.6.2.A.19.

Mayor Pro Tem Wilkerson seconded the motion and the motion for denial was unanimously approved, 3-0.

7. Discuss and consider presentation from Valley View Chamber of Commerce regarding their Special Event Request for the 5th Annual Wine Walk, possible action.

Meredith Eaton, Valley View Chamber of Commerce, stated she wanted to confirm the date for the annual Wine Walk event. She stated the Chamber would like to change the boundaries to include the parking area on Lee Street to help increase the visibility to Bluebonnet Café. Mrs. Eaton said this would add more room for vendors and seating, but take away about 20 parking spaces.

Mayor Chalk asked Police Chief Cory Smith if he had any issues with the proposal. Chief Smith stated the boundaries depends on several things, including if it's going to affect multiple businesses.

Mrs. Eaton stated the big concern was to nail down the date so the Chamber could move forward with the event planning.

Chief Smith said there have been lots of concerns from multiple people and entities regarding the Wine Walk, one issue being overserving. He advised the last event had an occurrence that ended up with medical staff tending to a guest and the Police Department received complaints. Mrs. Eaton agreed that is a major concern of the Chamber as well. She added they had a hard time finding the officer working, but luckily medical professionals were there and able to help. Mrs. Eaton suggested having more volunteers at the gate and using 21 and up wristbands. She stated the presence of an officer at the gate can be effective. Mrs. Eaton stated there can be later discussions on the number of tastings offered, but that's not generally the concern as people will drink how and where they want.

Chief Smith recommended more paid officers and not reserves.

Alderman Scoggin asked who paid for the officers. Mrs. Eaton advised she did not think the Chamber would have an issue paying for the officers.

Mayor Pro Tem Wilkerson asked what the attendance numbers were in 2022. Mrs. Eaton just under 300 attendees, but the goal is to increase that.

Alderman Scoggin asked if Lee Street was blocked and Interim Chief Smith stated the street was not, but just the parking area was.

Lynn Morgan asked the hours of the event. Mrs. Eaton stated the vendors will start setting up between noon and one. Mrs. Eaton asked what time the 150th Birthday was for street closure and Mrs. Morgan stated Lee Street was shut down at 6:30 am.

Alderman Scoggin asked for confirmation on the event date and Mrs. Eaton said it is October 14, 2023. Mayor Pro Tem Wilkerson asked for the times and Mrs. Eaton said the Wine Walk is 4:00pm to 8:30pm and the Duelling Pianos is 8:30pm-10:30pm.

Mrs. Morgan suggested approving the date so the Chamber can move forward with the planning, but that the rest of the details can be sorted out later.

Alderman Scoggin made a motion to approve the date of October 14, 2023 for the Valley View Chamber of Commerce Wine Walk event. Alderman Griffith seconded the motion and the motion passed 3-0.

8. Discuss and consider option to rename the facility located at 101 S. Lee Street, possible action.

Lynn Morgan stated that there had been discussions of renaming, but due to forms that need to be completed, the naming decision needs to be made. Mrs. Morgan suggested the facility be named the John Fortenberry Community Center as a show of appreciation for all that Mr. Fortenberry did for both the City as an elected official and the community as a resident.

Mayor Pro Tem Wilkerson made a motion to rename the facility located at 101 S. Lee Street the John Fortenberry Community Center. Alderman Scoggin seconded the motion and the motion passed 3-0.

9. Discuss and consider action regarding Order of Election for May 6, 2023 for seats 1, 3, and 5 each for two-year terms on the Board of Aldermen, possible action.

Mayor Pro Tem Wilkerson made a motion to approve the Order of Election for May 6, 2023 for seats 1, 3, and 5 each for two-year terms on the Board of Aldermen. Alderman Scoggin seconded the motion and the motion passed 3-0.

10. Discuss and consider action regarding Order of Special Election for May 6, 2023 for seat 2 for a one-year term on the Board of Aldermen, possible action.

Alderman Scoggin made a motion to approve the Order of Special Election for May 6, 2023 for seat 2 for a one-year term on the Board of Aldermen. Alderman Griffith seconded the motion and the motion passed 3-0.

- 11. 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) § 551.071(2): Consultation with the City Attorney 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 the Texas Open Meetings Act regarding: Scott Otto; Police Chief
- b) §551.074 (a): to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or to hear a complaint or charge against an officer or employee: Scott Otto; Police Chief
- c) §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;

Entered Executive Session at 6:34pm.

Reconvened into Open Session at 7:47pm.

Mayor Pro Tem Wilkerson stated that the Board feels for Scott Otto and what he is going through. He added that he hates this is what has to be done, but that they have a duty to the Police Department and the City as a whole. Mayor Pro Tem Wilkerson said that he feels there are no other options since Mr. Otto has been unreachable.

Mayor Pro Tem Wilkerson made a motion to to separate the employment of Scott Otto

because of a hardship to the organization caused by his ongoing need for absences and authorize the Mayor to execute the notice of termination or accept the employee's resignation in lieu of termination. Alderman Griffith seconded the motion and the motion passed 3-0.

Mayor Pro Tem made a motion to name Cory Smith as Interim Police Chief with a \$100 per week stipend added to his check. Alderman Scoggin seconded the motion and the motion passed 3-0.

12. Adjourn.

Alderman Scoggin made a motion to adjourn at 7:51pm. Mayor Pro Tem Wilkerson seconded the motion and the motion passed 3-0.