



Regular City Council Meeting
December 15, 2020
6:00 p.m.

Marcus Vajdos, Mayor
Bo Bothe
Tom Donaho

Allen Carpenter, Mayor Pro Tem
David Dominy
Joy McCormack



Notice is Hereby Given of a Regular Meeting of the City Council City of Spring Valley Village, Texas, 1025 Campbell Road, Spring Valley Village, Texas, in the Council Chambers, Tuesday, December 15, 2020, beginning at 6:00 p.m., For the Purpose of Considering and Acting upon the Following Items of Business:

In accordance with order of the Office of the Governor issued March 16, 2020, the City Council of Spring Valley Village will conduct the meeting scheduled at 6:00 p.m. on Tuesday, December 15, 2020 in the City Hall Council Chambers, located at 1025 Campbell Road, in part by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting agenda and agenda packet are posted online at www.springvalleytx.com.

The video link to this meeting is <https://us02web.zoom.us/j/81532094148>

The public toll-free dial-in numbers to participate in the telephonic meeting are 1-346-248-7799 (Houston), 1-253-215-8782 (US), and 1-301-715-8592 (US); enter the Meeting ID: 815 3209 4148 and #.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

A recording of the telephonic meeting will be made, and will be available to the public in accordance with the Open Meetings Act upon written request.

1. CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT

2. INTRODUCTIONS

3. PROCLAMATIONS / ANNOUNCEMENTS

- 3.1 Recognition of Eagle Scout George Altmann in Appreciation of his Contributions to the City of Spring Valley Village.

4. PUBLIC COMMENTS

At this time, any person with City-related business may speak to the Council. In compliance with the Texas Open Meetings Act, the City Council may not deliberate. **Comments from the public should be limited to a maximum of three (3) minutes per**

individual speaker.

5. CONSENT AGENDA

All matters listed under consent agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

- 5.1 Minutes for City Council Meeting on November 17, 2020
- 5.2 Minutes for Special Called City Council Meeting on November 17, 2020
- 5.3 Approval of Pay Estimate No. 1 for Green Valley Drive & Winningham Lane Pavement & Utility Improvements Project to Conrad Construction Co., LTD. in the Amount of \$63,000.00
- 5.4 Approval of Village Fire Department's FY 2021 Budget Amendment for Facility Fund and Compensated Absence Fund for the Village Fire Station Facility Renovations Project.

OLD BUSINESS

- 6. **UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** November 2020 Police Department Staff Report (Chief Evans):
 - 1. Number of Calls for Service
 - 2. Number of Traffic Violations
 - 3. Number of K-9 Deployments
- 7. **UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** Activities of the Village Fire Department Commissioners Meeting on November 18, 2020 and Any Special Meetings That May Have Occurred since November 18, 2020. (Mayor Pro Tem Carpenter / Council Member Bothe)
- 8. **UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** Activities of the Planning and Zoning Commission Meeting of December 8, 2020. (Council Member Dominy / Council Member Donaho / City Attorney Loren Smith)

NEW BUSINESS

- 9. **PRESENTATION, BRIEFING AND DISCUSSION CONCERNING:** Status of the City of Spring Valley Village's Retirement Plan Through Texas Municipal Retirement System. (Anthony Mills, Texas Municipal Retirement System)
- 10. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Award Of Competitive Sealed Bid Number 2020-11-101 For Paving And Utility Improvements To Serve Lone Star Dr., Loeser Dr., Traweek Dr., West Tex Dr. And Lariat Dr. To Conrad Construction In An Amount Not To Exceed \$2,837,491.00.
- 11. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution No. 20-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY

VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A CONTRACT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND CONRAD CONSTRUCTION CO. LTD. FOR PAVING AND UTILITY IMPROVEMENTS TO SERVE LONE STAR DR., LOESER DR., TRAWEEK DR., WEST TEX DR. AND LARIAT DR. (CSB #2020-11-101); PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

12. **CONDUCT A PUBLIC HEARING CONCERNING:** Ordinance No. 2020-XX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2018-28 AMENDING A PLANNED AREA DEVELOPMENT (“PAD”) OF APPROXIMATELY 2.5511 ACRES OF LAND AT THE NORTHWEST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING CONSTRUCTION ON THE DEVELOPMENT APPROVED BY ORDINANCE NO. 2018-28 TO COMMENCE NO LATER THAN JUNE 30, 2022; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
 - A. Presentation of Requested PAD Amendment by City
 - B. Those In Favor
 - C. Those Opposed
 - D. Adjourn Public Hearing
13. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance No. 2020-XX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2018-28 AMENDING A PLANNED AREA DEVELOPMENT (“PAD”) OF APPROXIMATELY 2.5511 ACRES OF LAND AT THE NORTHWEST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING CONSTRUCTION ON THE DEVELOPMENT APPROVED BY ORDINANCE NO. 2018-28 TO COMMENCE NO LATER THAN JUNE 30, 2022; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
14. **CONDUCT A PUBLIC HEARING CONCERNING:** Ordinance Number 2020-XX – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2014-12

PROVIDING FOR A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 2.38 ACRES OF LAND AT THE NORTHEAST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT BY PERMITTING OUTDOOR PATIO DINING BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

- A. Presentation of Requested PAD Amendment by City
- B. Those In Favor
- C. Those Opposed
- D. Adjourn Public Hearing

15. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 2020-XX – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2014-12 PROVIDING FOR A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 2.38 ACRES OF LAND AT THE NORTHEAST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT BY PERMITTING OUTDOOR PATIO DINING BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
16. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 20-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, ADOPTING A POLICY REGARDING PUBLIC ACCESS TO CITY INFORMATION OUTLETS; AND PROVIDING AN EFFECTIVE DATE.
17. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 2020-XX - AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING THE CITY PERSONNEL MANUAL, AS ADOPTED BY ORDINANCE NUMBER 95-05 DULY PASSED AND APPROVED ON MARCH 29, 1995, BEING AMENDMENT NO. 13 TO THE PERSONNEL MANUAL, TO ADOPT A NEW CHAPTER 20, SOCIAL MEDIA POLICY; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.
18. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 20-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, ADOPTING A DEBT MANAGEMENT POLICY; AND PROVIDING AN EFFECTIVE DATE.

- 19. UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** Briefing by City Administrator:
1. Status of New Production Well
 2. Green Valley Drive & Winningham Lane (West of Voss) Roadway, Drainage and Utility Improvements 2020
- 20. EXECUTIVE SESSION:** The City Council Will Now Hold A Closed Executive Meeting Pursuant To The Provision Of Chapter 551, Government Code, Vernon's Texas Codes Annotated, In Accordance With The Authority Contained In:
- 20.1 Section 551.074 – Personnel Matter – Discussion to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of the City Administrator.
 - 20.2 Section 551.071. Consultation with Attorney regarding pending or contemplated litigation or a matter in which the duty of the City Attorney requires to be discussed in closed meeting.
- 21. RECONVENE**
- 22. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution No. 20-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A STREETLIGHT NETWORK NODE DEPLOYMENT AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND GTE MOBILNET OF SOUTH TEXAS, LP D/B/A VERIZON WIRELESS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

23. ADJOURNMENT

Agenda items may not necessarily be considered in the order that they appear. With regard to any item, Council may take various actions, including but not limited to rescheduling an item in its entirety or for particular action at a future date or time.

The City Council reserves the right to convene in executive session from time to time as deemed necessary during this meeting to discuss any of the matters listed in the agenda, as authorized by Texas Government Code Sections 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts & Donations), 551.074 (Personnel Matters), 551.076 (Deliberations Regarding Security Devices) or 551.087 (Deliberations Regarding Economic Development Negotiations).

I certify that a copy of the December 15, 2020 agenda of items to be considered by City Council was posted on or before the 10th day of December, 2020, at 2:30 p.m. pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code.

Attest:


Roxanne Benitez, TRMC, CPM, CMCC
City Secretary

In compliance with the Americans with Disabilities Act, this facility is wheelchair accessible and accessible parking spaces are available. To better serve attendees, requests for accommodations or interpretive services should be made 48 hours prior to this meeting. Please contact the City Secretary's office at 713-465-8308, Fax 713-461-7969, or Email secretary@springvalleytx.com for further information.

Consent Agenda Items

**MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF SPRING VALLEY VILLAGE, TEXAS
TUESDAY, NOVEMBER 17, 2020 AT 6:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
1025 CAMPBELL ROAD, HOUSTON, TEXAS**

1. CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT

With a quorum of the Council Members present, the Regular Meeting of the Spring Valley Village City Council was called to order by Mayor Vajdos at 6:01 p.m.

Members Present:

Mayor Marcus Vajdos

Council Member Bo Bothe

Council Member David Dominy (by video conference)

Council Member Tom Donaho (by video conference)

Council Member Joy McCormack

Members Absent:

Mayor Pro-Tem Allen Carpenter

2. INTRODUCTIONS

Julie M. Robinson, City Administrator (by phone conference)

Roxanne Benitez, City Secretary

Pat Riley, Public Works Director

Michelle Yi, City Treasurer

Zachary Meadows, Director of Community Development

Matthew Hitt, Assistant to the City Administrator

Mark Schulze, Police Captain

David Dixon, Police Commissioner

Loren Smith, City Attorney (arrived at 6:54 p.m.)

3. PROCLAMATIONS / ANNOUNCEMENTS / SWEARING-IN

None.

4. PUBLIC COMMENTS

At this time, any person with City-related business may speak to the Council. In compliance with the Texas Open Meetings Act, the City Council may not deliberate. **Comments from the public should be limited to a maximum of three (3) minutes per individual speaker.**

None.

5. CONSENT AGENDA

All matters listed under consent agenda, are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

5.1 Minutes for Special Called City Council Meeting on October 27, 2020

5.2 Minutes for Regular City Council Meeting on October 27, 2020

Council Member McCormack made a motion to approve all items on the Consent Agenda, and Council Member Bothe seconded the motion. Motion carried 4-0.

OLD BUSINESS

6. UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING: October 2020 Police Department Staff Report (Chief Evans):

Captain Schulze provided the report on behalf of Chief Evans.

1. Number of Calls for Service – 1,392
2. Number of Traffic Violations – 961
3. Number of K-9 Deployments – 146

7. UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING: Activities of the Village Fire Department Commissioners Meeting on October 28, 2020 and Any Special Meetings That May Have Occurred since October 28, 2020. (Mayor Pro Tem Carpenter / Council Member Bothe)

Council Member Bothe advised that the Village Fire Department building renovation is on budget. Mayor Vajdos advised that the Commissioners will consider changing the TMRS formula from 1.5% to 2% at the November 18 meeting.

NEW BUSINESS

8. CONSIDERATION AND POSSIBLE ACTION CONCERNING: Award Of Request for Proposals #2020-10-501 For Construction Management & Inspection Services for Street and Utility Rehabilitation Projects To Project Surveillance, Inc.

Council Member McCormack made a motion to award the Request for Proposal #2020-10-501 to Project Surveillance, Inc. for construction management & inspection services for street and utility rehabilitation projects, and Council Member Donaho seconded the motion. Motion carried 4-0.

9. CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution No. 20-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF CONTRACT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND PROJECT SURVEILLANCE, INC. FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR STREET AND UTILITY REHABILITATION PROJECTS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Mayor Vajdos read the Resolution by caption only. Council Member McCormack made a motion to approve the Resolution No. 20-32, and Council Member Bothe seconded the motion. Motion passed 4-0.

10. CONSIDERATION AND POSSIBLE ACTION CONCERNING: Resolution No. 20-

XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A PROPOSAL FOR ENGINEERING SERVICES FOR THE CEDARSPUR DRIVE, BURKHART ROAD AND WINNINGHAM LANE EAST OF VOSS ROAD PAVING AND UTILITY IMPROVEMENTS PROJECT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND BINKLEY & BARFIELD, INC.; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Mayor Vajdos read the Resolution by caption only. Council Member McCormack made a motion to approve the Resolution No. 20-33, and Council Member Bothe seconded the motion. Motion passed 4-0.

11. RECESS REGULAR CITY COUNCIL MEETING

11.1 Regular Meeting of the Board of Directors of the Spring Valley Legacy Fund, Inc.

The Regular meeting of the City Council recessed at 6:25 p.m.

12. RECONVENE MEETING OF CITY COUNCIL

The Regular meeting of the City Council reconvened at 6:37 p.m.

13. CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Villages Mutual Insurance Group Recommended Insurance Carriers for Plan Year 2021 Being Blue Cross/Blue Shield (Medical), Guardian Life (Dental), Lincoln National Insurance (Life/AD&D/LTD), and Superior Vision (Vision) For The City of Spring Valley Village's Employee Benefits.

Council Member McCormack made a motion to approve the Villages Mutual Insurance Group's recommended insurance carriers for Plan Year 2021 being Blue Cross/Blue Shield (Medical), Guardian Life (Dental), Lincoln National Insurance (Life/AD&D/LTD), and Superior Vision (Vision) for the City of Spring Valley Village's employee benefits, and Council Member Dominy seconded the motion. Motion carried 4-0.

14. BRIEFING AND DISCUSSION CONCERNING: Quarterly Investment Report For Period Ending September 30, 2020.

City Treasurer Michelle Yi presented the Quarterly Investment Report for the period ending September 30, 2020.

15. CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 2020-XX – AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS CREATING AND APPROVING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 0.1441 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF BADE STREET AND INTERSTATE 10, BEING A PORTION OF LOT 1 OF THE WEST PARK SUBDIVISION IN THE THOMAS A. HOSKINS SURVEY, ABSTRACT NO. 342, HARRIS COUNTY, TEXAS, WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT TO ALLOW CONSTRUCTION OF A SINGLE-STORY BUILDING BETWEEN 970 SQUARE FEET AND 1,255 SQUARE FEET, SURFACE PARKING, AND ALLOWING COMMERCIAL USES TO BE

KNOWN AS THE BADE STREET RESERVE; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Mayor Vajdos read the Ordinance by caption only. Director of Community Development Zachary Meadows advised that the public hearing for this item was held during the October 27, 2020 City Council meeting, and it was the consensus of the Council that they were interested in approving the requested PAD. However, the Council requested additional details about the PAD provisions before any action is taken. Based on the direction received from the Council, He advised that Staff had reviewed and compared the draft ordinance with the PAD ordinances for i3, Wellington Stream, and Ersä Grae, and the following revisions had been made to the proposed ordinance for consistency with the comparison PAD ordinances:

- a. Section 5(D)(2) Hours of Operation was revised to allow the same Hours of Operation for Restaurants as for the SVMP II PAD and Ersä Grae PAD which would be 6:00 am – 2:00 am and to include “Mercantile” in the sentence with “Office” and allow the same Hours of Operation as for the Ersä Grae PAD which would be 6:00 am – 12:00 am.
- b. Section 5(D)(2) was revised to remove the last sentence “Restaurant uses shall be permitted to operate from 6:00 am to 12 am” as the language was repetitive.
- c. Section 5(D) was revised to add a different Subsection (5) which reads “except as expressly provided above, the property shall not have operating hours outside 7:00 am to 9:00 pm Monday through Saturday and outside 8:00 am to 7:00 pm on Sundays and City Holidays.” This language was in both the SVMP II PAD and the Ersä Grae PAD. The following section was renumbered accordingly.
- d. Section 5(E)(2) was revised to remove the following language from the second sentence since it pertained only to the SVMP II PAD development and is not applicable to the proposed Bade Street Reserve PAD development: “including the removal of the trees on the existing medical office building parcel that are planted along the south side of the sound wall shown on the application.”
- e. The Application was revised to reflect a monument sign instead of the originally shown pole sign. This update makes the application consistent with the language provided in the ordinance and previous approved PAD ordinances. (reflected on page 20 of the application)
- f. The expiration of that PAD ordinance was tied to the execution of leases as opposed to a date by which to begin construction similar to what will be proposed for the Wellington Stream PAD revision. For consistency, Section 6 of the proposed Bade Street Reserve PAD was revised to read: “Owner shall obtain fully-executed leases for at least 50% of the total building square footage, and provide proof to the City of such leases, within two (2) years of the effective date of this ordinance, or this Ordinance shall expire on its own terms and become null and void.”

After a lengthy discussion, Council Member Dominy made a motion to approve Ordinance No. 2020-31, changing the following verbiage: “Owner shall obtain fully-executed leases

for at least 50% of the total building square footage, and provide proof to the City of such leases, within two (2) years of the effective date of this Ordinance, or this Ordinance shall expire on its own terms and become null and void” to “In the event that construction activities on the property subject to this Ordinance has not commenced within two (2) years of the effective date of this Ordinance, this Ordinance shall expire on its own terms and become null and void”, and Council Member Bothe seconded the motion. Motion carried 4-0.

16. UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING: Briefing by City Administrator:

1. Status of New Production Well

Public Works Director Pat Riley advised that construction of the CMU (Concrete Masonry Unit) building is progressing well.

2. Status of Loeser, Traweek, Lone Star and W. Tex Paving and Utility Improvements Project

Public Works Director Pat Riley advised that the project is currently out for bid and the bid opening would occur on December 4, 2020.

3. Green Valley Drive & Winningham Lane (West of Voss) Roadway, Drainage and Utility Improvements 2020

Public Works Director Pat Riley advised that the project is progressing, and the contractor is currently working on Winningham Lane.

17. ADJOURNMENT

Council Member McCormack made a motion to adjourn the meeting at 7:29 p.m., and Council Member Dominy seconded the motion. Motion carried 4-0.

Signed: _____
Marcus Vajdos
Mayor

Attest: _____
Roxanne Benitez, TRMC, CPM, CMCC
City Secretary

**MINUTES OF THE SPECIAL CALLED CITY COUNCIL MEETING
CITY OF SPRING VALLEY VILLAGE, TEXAS
TUESDAY, NOVEMBER 17, 2020 AT 5:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
1025 CAMPBELL ROAD, HOUSTON, TEXAS**

1. CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT

With a quorum of the Council Members present, the Special Called Meeting of the Spring Valley Village City Council was called to order by Mayor Vajdos at 5:04 p.m.

Members Present:

Mayor Marcus Vajdos

Council Member Bo Bothe

Council Member David Dominy (by video conference at 5:07 p.m.)

Council Member Tom Donaho (by video conference)

Council Member Joy McCormack

Members Absent:

Mayor Pro-Tem Allen Carpenter

2. DISCUSSION AND POSSIBLE DIRECTION CONCERNING: Draft Infrastructure Design Manual for the City of Spring Valley Village.

Director of Community Development Zachary Meadows advised that, staff along with Charles Eastland, with Cobb Fendley, spent a significant amount of time developing the draft Infrastructure Design Manual, and, as the draft Manual was developed, the City Team identified several policy issues to discuss with and on which to obtain direction from the Council. Following discussion, the Council provided the following direction with regard to the policy issues identified by the City Team:

Street Width

It was the direction of the Council that 28 feet be the standard street width; an exception to the 28 feet could occur in limited situations.

Pavement Types

It was the direction of the Council that concrete would be the pavement type utilized for future street construction and reconstruction.

Street Curb Types and Curb Connections

It was the direction of the Council to utilize six-inch monument curbs on collector streets and major thoroughfares and four-inch rollover curbs on neighborhood streets. Council also directed that a galvanized fabricated curb connection is to be utilized instead of a cast iron curb connection.

Sidewalks

It was the direction of the Council that sidewalks would be installed strictly on collector streets and major thoroughfares.

Each of the Council's directives will be incorporated in the draft Infrastructure Design Manual and presented to Council for adoption at a future meeting.

3. ADJOURNMENT

Council Member Bothe made a motion to adjourn the meeting at 5:45 p.m., and Council Member McCormack seconded the motion. Motion carried 4-0.

Signed: _____
Marcus Vajdos
Mayor

Attest: _____
Roxanne Benitez, TRMC, CPM, CMCC
City Secretary

**Spring Valley Village City Council
Agenda Item Data Sheet**

MEETING DATE: December 15, 2020

TOPIC:	Approval of Pay Estimate No. 1 for Green Valley Drive & Winningham Lane Pavement & Utility Improvements Project to Conrad Construction Co., LTD. in the Amount of \$63,000.00
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BACKGROUND:	This is the first pay estimate to be submitted by Conrad Construction Co., LTD. for the Green Valley Drive & Winningham Lane Pavement & Utility Improvements Project for work that was completed on the Project from October 26, 2020 to October 31, 2020, for Mobilization, Bonds, Insurance; Traffic Control; Erosion Control; & Tree Protection.
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RECOMMENDATION:	Project Engineer Pedro Rico with Gessner Engineers and City Staff have reviewed the pay estimate and recommend approval.
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ATTACHMENTS:	• Pay Estimate No. 1 Submitted By Conrad Construction Co., LTD.
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FUNDING ISSUES:	☐ Not applicable – no dollars are being spent or received. ☒ Full amount already budgeted in Acct/Project# <u>25-50-7518</u> ☐ Not budgeted, if approved, the following will be included in the next Budget Amendment: ☐ \$ _____ from Acct/Project# _____ will be transferred to Acct/Project# _____ ☐ _____ from unassigned fund balance will be used and added to Acct/Project# _____ ☐ \$ _____ will be added to Revenue Acct# ____-____ and \$ _____ added to Expenditure Acct/Project# _____
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FINANCE VERIFICATION OF FUNDING:

Pat Riley

SUBMITTING STAFF MEMBER:

Pat Riley, Public Works Director

CITY ADMINISTRATOR APPROVAL:

[Signature]

ACTIONS TAKEN

APPROVAL ☐ YES ☐ NO	READING PASSED	OTHER
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Cover Letter: Payment Application #1



GESSNER
ENGINEERING

RECEIVED

11-17-2020

REVIEWED BY:

[Signature]

TO: **City of Spring Valley Village**
(Owner)

Contract: **Green Valley & Winningham Lane Roadway, Drainage, and Utility Improvements**
(Insert name of Contract as it appears in the Contract Documents)

Owner's Contract No. **2020-07-100**

Engineer: **Gessner Engineering**

Contractor: **Conrad Construction Co., LTD**

Conrad Construction Co., LTD has submitted **Payment Application #1** for work through **October 26, 2020 to October 31, 2020**, in the amount of **\$63,000.00**. After review of work complete to date and material stored on-site, Gessner Engineering recommends the payment of **\$63,000.00** to Conrad Construction Co., LTD.

1. <u>Original Contract Amount:</u>	\$1,095,283.75
2. <u>Change Orders:</u>	\$0.00
3. <u>Total Current Contract Amount:</u>	\$1,095,283.75
4. <u>Total Value of Work Completed to Date:</u>	\$70,000.00
5. <u>Total Materials Stored to Date:</u>	\$0.00
6. <u>Total Completed & Stored to Date:</u>	\$70,000.00
7. <u>Retainage (10%):</u>	\$7,000.00
8. <u>Total Completed, Less Retainage:</u>	\$63,000.00
9. <u>Total Amount of Prior Payments:</u>	\$0.00
10. <u>Current Due Amount:</u>	\$63,000.00
11. <u>Total Balance Remaining:</u>	\$1,032,283.75
12. <u>Notice to Proceed Date:</u>	October 26, 2020
13. <u>Project Estimated Completion Date:</u>	June 3, 2021

PEDRO RICO, PE
(ENGINEER)

[Signature: Pedro Rico]

Recommend Payment:
See attached (Pay App)

PROJECT MANAGER
(TITLE)

COLLEGE STATION • BRENNHAM • FORT WORTH • GEORGETOWN • SAN ANTONIO

Corporate: 2501 Ashford Drive / College Station, Texas 77840 • 1-877-GESSNER • www.gessnerengineering.com

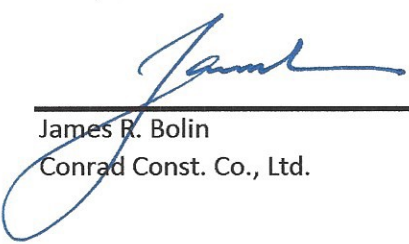
CIVIL CONSTRUCTION MATERIALS TESTING GEOTECHNICAL STRUCTURAL SURVEYING

Conrad Construction Co., Ltd.
P.O. Box 841134
Houston, Texas 77284

Project: Green Valley Dr. & Winningham Ln. , Project No. 2020-07-100

Pay Application No.	1	Work To Date:	\$ 70,000.00
Application Period	10-26-20 thru 10-31-20		
Original Contract Amount	\$ 1,095,283.75		
Revised Contract Amount	\$ -	Remaining Work	\$ 1,025,283.75
Notice To Proceed	10/26/2020		

Total Work To Date:	\$ 70,000.00
Materials Stored to Date	\$ -
Total Work To Date & Stored Materials	\$ 70,000.00
Retainage (10%)	\$ 7,000.00
Total Work Complete, Less Retainage	\$ 63,000.00
Less Previous Payments	\$ -
Total Due This Application	\$ 63,000.00


James R. Bolin
Conrad Const. Co., Ltd.


Pedro Rico, P.E.
Engineer - Gessner Engineering

Pat Riley
Public Works Director
City of Spring Valley Village

Green Valley Drive and Winningham Lane – Project No. 2020-07-100

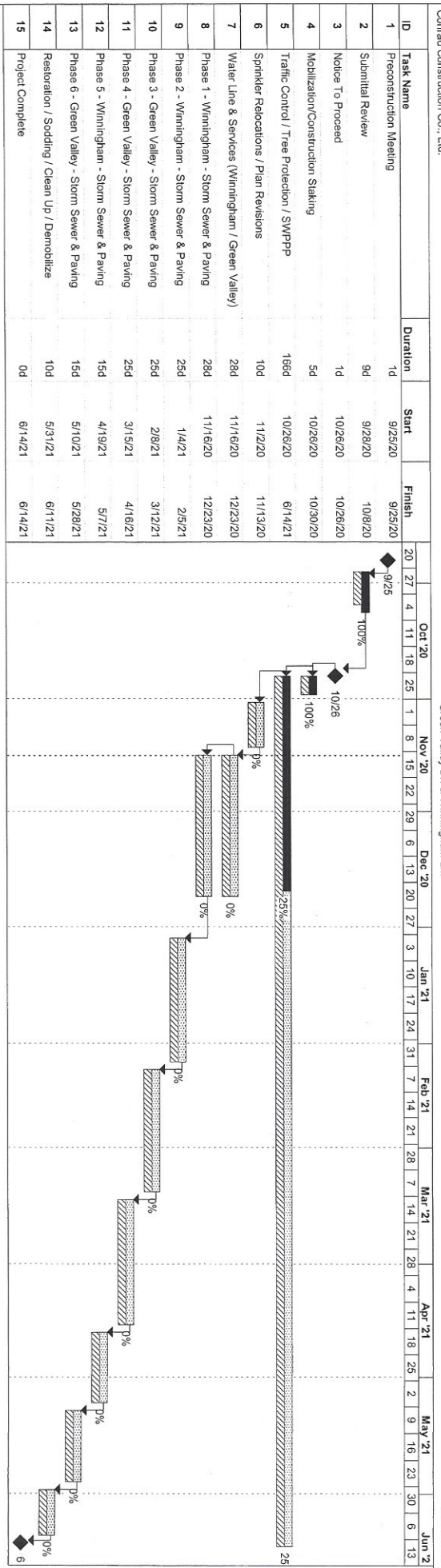
Conrad Construction Co., Ltd.

Pay Application No. : 1

Reporting Period : 10.26.20 thru 10.31.20

Subcontractor and Work Performed During This Period

Rods Surveying – Construction Staking
Highway 1, LLC – Establish Traffic Control



Project: Green Valley & Warrington	Critical	Task Progress	Milestone	Rolled Up Critical Progress	Rolled Up Baseline
Date: 11/16/20	Critical Progress	Baseline	Summary	Rolled Up Task	Rolled Up Baseline Milestone
	Task	Baseline Milestone	Rolled Up Critical	Rolled Up Task Progress	Rolled Up Milestone

FROM: CONRAD CONSTRUCTION CO.,LTD.
P.O. BOX 841134
HOUSTON, TEXAS 77284

TO: CITY OF SPRING VALLEY VILLAGE
ACCOUNTS PAYABLE
1025 CAMPBELL ROAD
HOUSTON, TEXAS 77055

ATTN: PEDRO RICO, Jr., P.E. - PROJECT MANAGER
REF: GREEN VALLEY DR. AND WINNINGHAM LN.
PROJ #: BID NO. 2020-07-100 , CC# 20/0324
DATE: 10/31/2020

ESTIMATE # : 1

DESCRIPTION	QUANTITY	UNIT	THIS ESTIMATE	PREVIOUS ESTIMATE	WORK TO DATE	%	UNIT PRICE	WORK TO DATE
GENERAL ITEMS								
1. MOBILIZATION, BONDS & INSURANCE	1.00	LS	0.75		0.75	75%	\$ 75,000.00	\$ 56,250.00
2. TRAFFIC CONTROL FOR ALL PHASES	1.00	LS	0.25		0.25	25%	\$ 45,000.00	\$ 11,250.00
3. SODDING UP TO R.O.W.	32200.00	SF			0.00	0%	\$ 0.75	\$ -
4. EROSION CONTROL (SWPPP)	1.00	LS	0.25		0.25	25%	\$ 2,500.00	\$ 625.00
5. TREE PROTECTION, C.I.P.	1.00	LS	0.25		0.25	25%	\$ 7,500.00	\$ 1,875.00
DEMOLITION								
6. DEMOLITION OF EXISTING ROADWAY PAVEMENT AND BASE MATERIAL, INCL. HAUL OFF	3851.00	SY			0.00	0%	\$ 6.00	\$ -
7. DEMOLITION OF EXISTING DRIVEWAYS AND BASE MATERIAL, INCL. HAUL OFF	648.00	SY			0.00	0%	\$ 7.00	\$ -
8. DEMOLITION OF EXISTING SIDEWALK, INCL. HAUL OFF	70.00	SY			0.00	0%	\$ 10.00	\$ -
9. EXISTING LIGHT POLES TO BE TRANS- PORTED TO AND FROM THE CITY OF SPRING VALLEY PUBLIC WORKS YARD, AFTER REMOVAL FROM CENTERPOINT ENERGY	1.00	LS			0.00	0%	\$ 5,000.00	\$ -
10. EXISTING STREET/STOP SIGN TO BE SALVAGED AND REINSTALLED	3.00	EA			0.00	0%	\$ 350.00	\$ -
11. EXISTING 24" CMP STORM SEWER TO BE COMPLETELY REMOVED	69.00	LF			0.00	0%	\$ 25.00	\$ -
12. EXIST. CURB INLET TO BE REMOVED	1.00	EA			0.00	0%	\$ 650.00	\$ -

DESCRIPTION	QUANTITY	UNIT	THIS ESTIMATE	PREVIOUS ESTIMATE	WORK TO DATE	%	UNIT PRICE	WORK TO DATE
13. REMOVAL OF EXIST. TREES (5-14")	11.00	EA			0.00	0%	\$ 650.00	\$ -
14. REMOVAL OF EXIST. TREES (15-25")	5.00	EA			0.00	0%	\$ 1,200.00	\$ -
15. REMOVAL OF EXIST. TREES (SIZE 25" AND LARGER)	1.00	EA			0.00	0%	\$ 2,000.00	\$ -
16. LANDSCAPED AREAS IN R.O.W. TO BE CLEARED	1.00	LS			0.00	0%	\$ 1,500.00	\$ -
17. REMOVE EXISTING 6"X2" REDUCER	1.00	EA			0.00	0%	\$ 500.00	\$ -
18. REMOVE EXISTING 8"X6" REDUCER	1.00	EA			0.00	0%	\$ 500.00	\$ -
19. REMOVE EXISTING SANITARY SEWER MANHOLE	2.00	EA			0.00	0%	\$ 750.00	\$ -
20. REMOVE EXISTING 8" PVC SANITARY SEWER	48.00	LF			0.00	0%	\$ 25.00	\$ -
21. CAP EXISTING 2" WATERLINE	1.00	EA			0.00	0%	\$ 750.00	\$ -
22. REMOVE EXISTING 6" GATE VALVE AND BOX	1.00	EA			0.00	0%	\$ 750.00	\$ -
PAVEMENT AND EARTHWORK								
23. EARTHWORK - CUT TO FILL TO DESIGN GRADES (IN PLACE)	145.00	CY			0.00	0%	\$ 20.00	\$ -
24. EARTHWORK - CUT TO HAUL TO DESIGN GRADES (IN PLACE)	85.00	CY			0.00	0%	\$ 25.00	\$ -
25. LIME STABILIZATION OF SUBGRADE WITH COMPACTION (DOES NOT INCLUDE COST OF LIME)	4987.00	SY			0.00	0%	\$ 4.00	\$ -
26. LIME FOR STABILIZATION OF SUBGRADE WITH COMPACTION (ASSUME 6% BY WEIGHT)	108.00	TON			0.00	0%	\$ 190.00	\$ -
27. 6" CRUSHED LIMESTONE BASE TXDOT ITEM 247 TYPE A, GRADES 1 OR 2	4142.00	SY			0.00	0%	\$ 21.50	\$ -
28. 6" CONCRETE PAVEMENT FOR ROAD- WAY AND DRIVEWAYS, INCLUDING 6" MONOLITHIC CURB AND 6" MONOLITHIC SPILL CURB, C.I.P.	4511.00	SY			0.00	0%	\$ 57.00	\$ -

DESCRIPTION	QUANTITY	UNIT	THIS ESTIMATE	PREVIOUS ESTIMATE	WORK TO DATE	%	UNIT PRICE	WORK TO DATE
29. 4" CONCRETE SIDEWALK, C.I.P.	76.00	SY			0.00	0%	\$ 65.00	\$ -
30. STANDARD CURB OUTFALL AT 6" CURB, C.I.P.	31.00	EA			0.00	0%	\$ 150.00	\$ -
STORM AND DRAINAGE								
31. 24" RCP TYPE III (STRUCTURAL BACK-FILL), C.I.P.	468.00	LF			0.00	0%	\$ 95.00	\$ -
32. 30" RCP TYPE III (STRUCTURAL BACK-FILL), C.I.P.	23.00	LF			0.00	0%	\$ 150.00	\$ -
33. 5' CURB INLET, TXDOT TYPE 2 - INSET (ON GRADE), C.I.P.	2.00	EA			0.00	0%	\$ 5,000.00	\$ -
34. 10' CURB INLET, TXDOT TYPE 2 - INSET (ON GRADE), C.I.P.	6.00	EA			0.00	0%	\$ 6,000.00	\$ -
35. EXISTING PRIVATE STORM SYSTEMS TO BE REPAIRED IF NECESSARY, UP TO R.O.W. (PIPE AND INLETS)	31.00	EA			0.00	0%	\$ 200.00	\$ -
36. CONNECT TO EXISTING 5'X5' RCBS, CORE AND GROUT CONNECTION	2.00	EA			0.00	0%	\$ 2,500.00	\$ -
37. REPAIR OF CONCRETE CHANNEL WALL FOR RELOCATION OF 24" RCP OUTFALL	1.00	EA			0.00	0%	\$ 5,000.00	\$ -
38. TRENCH SAFETY FOR PROPOSED STORM SEWER	491.00	LF			0.00	0%	\$ 1.00	\$ -
WATER								
39. TRENCH SAFETY FOR PROPOSED WATER LINE	615.00	LF			0.00	0%	\$ 1.00	\$ -
40. 6" PVC C-900 DR18 WATER LINE, CIP	265.00	LF			0.00	0%	\$ 71.00	\$ -
41. 6" PVC C-900 DR18 WATER LINE, STRUCTURAL BACKFILL, C.I.P.	224.00	LF			0.00	0%	\$ 75.00	\$ -
42. 8" PROPOSED WATER LINE CROSSING AT EXISTING 8" SANITARY SEWER LINE	1.00	EA			0.00	0%	\$ 1,000.00	\$ -
43. 8" PVC C-900 DR18 WATER LINE, CIP	350.00	LF			0.00	0%	\$ 75.00	\$ -
44. 8" PVC C-900 DR18 WATER LINE, STRUCTURAL BACKFILL, C.I.P.	309.00	LF			0.00	0%	\$ 80.00	\$ -

DESCRIPTION	QUANTITY	UNIT	THIS ESTIMATE	PREVIOUS ESTIMATE	WORK TO DATE	%	UNIT PRICE	WORK TO DATE
45. 8" 45 DEGREE BEND, C.I.P.	3.00	EA			0.00	0%	\$ 350.00	\$ -
46. 8" 22.5 DEGREE BEND, C.I.P.	2.00	EA			0.00	0%	\$ 350.00	\$ -
47. 8"X 6" TEE, C.I.P.	1.00	EA			0.00	0%	\$ 450.00	\$ -
48. 6"X6" TEE, C.I.P.	1.00	EA			0.00	0%	\$ 450.00	\$ -
49. 8" GATE VALVE AND BOX, C.I.P.	3.00	EA			0.00	0%	\$ 2,250.00	\$ -
50. 8"X6" REDUCER, C.I.P.	1.00	EA			0.00	0%	\$ 350.00	\$ -
51. 6" GATE VALVE AND BOX, C.I.P.	5.00	EA			0.00	0%	\$ 1,750.00	\$ -
52. 6" 45 DEGREE BEND, C.I.P.	5.00	EA			0.00	0%	\$ 250.00	\$ -
53. 6" 22.5 DEGREE BEND, C.I.P.	1.00	EA			0.00	0%	\$ 250.00	\$ -
54. 6" 11.25 DEGREE BEND, C.I.P.	2.00	EA			0.00	0%	\$ 250.00	\$ -
55. STANDARD FIRE HYDRANT ASSEMBLY C.I.P.	1.00	EA			0.00	0%	\$ 5,500.00	\$ -
56. NEW WATER LINE SHORT SERVICE AND RECONNECTION TO NEW METER VAULT (2-1" TAPS), C.I.P.	9.00	EA			0.00	0%	\$ 1,500.00	\$ -
57. NEW WATER LINE LONG SERVICE AND RECONNECTION TO NEW METER VAULT (1-2" TAP), C.I.P.	13.00	EA			0.00	0%	\$ 2,000.00	\$ -
58. NEW WATER METER VAULT, SIZED FOR TWO METERS	22.00	EA			0.00	0%	\$ 300.00	\$ -
59. CONNECT TO EXISTING 8" PVC WATER LINE	1.00	EA			0.00	0%	\$ 1,250.00	\$ -
60. CONNECT TO EXISTING 6" PVC WATER LINE	1.00	EA			0.00	0%	\$ 1,000.00	\$ -
61. RELOCATE EXISTING FIRE HYDRANT	1.00	EA			0.00	0%	\$ 1,500.00	\$ -
SANITARY								
62. 8" PVC, SDR-26 SANITARY SEWER, C.I.P., BY OPEN CUT	48.00	LF			0.00	0%	\$ 105.00	\$ -
63. 8" HDPE DR-19 SANITARY SEWER BY PIPE BURSTING, C.I.P.	191.00	LF			0.00	0%	\$ 107.50	\$ -

DESCRIPTION	QUANTITY	UNIT	THIS ESTIMATE	PREVIOUS ESTIMATE	WORK TO DATE	%	UNIT PRICE	WORK TO DATE
64. STANDARD 4' INSIDE DIA. SANITARY SEWER MANHOLE, C.I.P.	2.00	EA			0.00	0%	\$ 3,750.00	\$ -
65. EXISTING MANHOLE TO BE REHABILITATED LINE INTERIOR W/ RAVEN 405 LINING SYSTEM (125 MILS THICK, MINIMUM) AND REPLACE RING AND COVER	2.00	EA			0.00	0%	\$ 2,000.00	\$ -
66. 4" SANITARY SHORT SERVICE CONNECTION PROVIDE CLEANOUT AT R.O.W.	5.00	EA			0.00	0%	\$ 1,450.00	\$ -
67. 8" SANITARY SEWER ACCESS CHAMBER	1.00	EA			0.00	0%	\$ 1,750.00	\$ -
68. POST CONSTRUCTION CCTV INSPECTION ON PIPE BURST SECTION (191 LF) AND SECTION REPAIRED BY OPEN CUT (48 LF)	1.00	LS			0.00	0%	\$ 3,000.00	\$ -
69. VACUUM TEST NEW SANITARY SEWER MANHOLE	2.00	EA			0.00	0%	\$ 500.00	\$ -
70. PIPE BURSTING MOBILIZATION	1.00	LS			0.00	0%	\$ 3,750.00	\$ -
71. TRENCH SAFETY FOR PROPOSED SANITARY SEWER (OPEN CUT)	48.00	LF			0.00	0%	\$ 5.00	\$ -
CASH ALLOWANCE ITEMS								
72. FURNISH CONSTRUCTION MATERIALS TESTING, IN ACCORDANCE WITH PLANS AND SPECS.	1.00	LS			0.00	0%	\$ 30,000.00	\$ -
73. PAYMENT TO CENTERPOINT ENERGY FOR DECORATIVE STREET LIGHTING AND REMOVAL OF EXISTING STREET LIGHTS	1.00	LS			0.00	0%	\$ 13,194.00	\$ -
74. 6" PVC C-900 DR18 WATER LINE, STRUCTURAL BACKFILL, C.I.P.	87.00	LF			0.00	0%	\$ 75.00	\$ -
75. 8"X6" TEE , C.I.P.	1.00	EA			0.00	0%	\$ 250.00	\$ -
76. 6" GATE VALVE AND BOX, C.I.P.	2.00	EA			0.00	0%	\$ 1,500.00	\$ -
10 % CITY OF SPRING VALLEY VILLAGE CONTINGENCY	1.00	LS			0.00	0%	\$ 99,571.25	\$ -
TOTAL WORK TO DATE								\$ 70,000.00

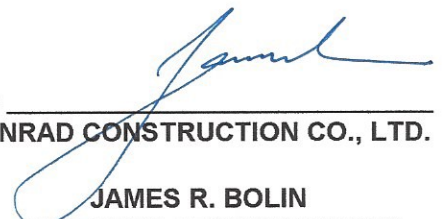
CONTRACT TIME: 220 CALENDAR DAYS

CONTRACT DATE: 8/25/2020

WORK ORDER DATE: 10/26/2020

CONTRACT AMOUNT:	\$ 1,095,283.75
CHANGE ORDER:	
REVISED CONTRACT AMOUNT:	\$ 1,095,283.75
TOTAL WORK TO DATE:	\$ 70,000.00
MATERIALS ON SITE:	\$ -
TOTAL:	\$ 70,000.00
LESS RETAINAGE:	\$ 7,000.00
LESS PREVIOUS PAYMENTS	
AMOUNT DUE FOR PAYMENT:	\$ 63,000.00

AMOUNT EARNED THIS PERIOD	\$ 70,000.00
LESS RETAINAGE THIS PERIOD	\$ 7,000.00
AMOUNT DUE THIS PERIOD	\$ 63,000.00

APPROVAL: 
 CONRAD CONSTRUCTION CO., LTD.
 JAMES R. BOLIN
 PROJECTS ADMINISTRATOR

**Spring Valley Village City Council
Agenda Item Data Sheet**

MEETING DATE: December 15, 2020

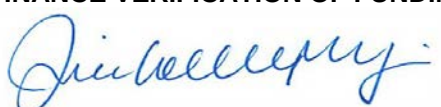
TOPIC:	Approval of Village Fire Department FY 2021 Budget Amendment for Facility Fund and Compensated Absence Fund for the Village Fire Station Facility Renovations Project.
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BACKGROUND:	The Village Fire Department requests that the Council approve a FY 2021 Budget Amendment to include \$685,000 in the Facility Fund for the Fire Station Facility Renovations Project, with the provision that it will not increase the City's assessment but will be funded to the extent necessary by transfer of ambulance billing funds. The Commission also voted to transfer funds from the Compensated Absence Fund to the Facility Fund and discontinue the Compensated Absence Fund.
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RECOMMENDATION:	Staff recommends approval of the Village Fire Department's FY 2021 Budget Amendment.
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ATTACHMENTS:	Letter Dated October 29, 2020 from Village Fire Department regarding the Facility Renovations and Requesting Approval of FY 2021 Budget Amendment for Facility Fund
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FUNDING ISSUES:	☒ Not applicable – no dollars are being spent or received. ☐ Full amount already budgeted in Acct/Project# _____ ☐ Not budgeted, if approved, the following will be included in the next Budget Amendment: ☐ \$ _____ from Acct/Project# _____ will be transferred to Acct/Project# _____ ☐ \$ _____ from unassigned fund balance will be used and added to Acct/Project# _____
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FINANCE VERIFICATION OF FUNDING: 
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SUBMITTING STAFF MEMBER: Michelle Yi, City Treasurer	CITY ADMINISTRATOR APPROVAL: 
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DIVIDER PAGE

Village Fire Department



901 Corbindale Rd
Houston, Texas 77024
(713) 468-7941
(713) 468-5039 FAX

Protecting and Serving the Cities of:
BUNKER HILL VILLAGE
HEDWIG VILLAGE
HILSHIRE VILLAGE
HUNTERS CREEK VILLAGE
PINEY POINT VILLAGE
SPRING VALLEY VILLAGE

The Honorable Brian T. Muecke

Mayor, City of Hedwig Village

The Honorable Russell Herron

Mayor, City of Hilshire Village

The Honorable Jim Pappas

Mayor, City of Hunters Creek Village

The Honorable Mark Kobelan

Mayor, City of Piney Point Village

The Honorable Marcus Vajdos

Mayor, City of Spring Valley Village

October 29, 2020

Re: Facility Renovations

Dear Mayors:

As you know, the Village Fire Commission has awarded the construction contract for renovation of the fire station and solidified the other cost elements involved in the renovation.

The budget for the construction costs, soft costs and dispatch equipment is \$ 5,700,311. A copy of the budget worksheet prepared by the program manager is attached for your convenience. It has been expected that, to the extent dollars were required over and above the Cities' assessments for the Facility Fund for 2019 and 2020, those funds would come from the ambulance billing funds and not additional assessments. To appropriately reflect that, the Commission has voted to request amendment to the 2021 budget, with that proviso.

In order to confirm this, we would ask that you put on your City's agenda and approve amending the 2021 budget to include \$ 685,000 in the Facility Fund for the renovations, with the proviso that it will not increase the Cities' assessment but will be funded to the extent necessary by transfer of ambulance billing funds, currently held by the Department or collected in the future.

The Commission also voted to transfer funds from the Compensated Absence Fund (currently \$ 11,258) to the Facility Fund and discontinue the Compensated Absence Fund, as the Commission feels it is now unnecessary. We would ask that you place on your agenda and approve this action.

Respectfully,

Allen Carpenter

Allen Carpenter,
Chairman

SUMMARY SHEET

I. Scope of Work - Phase I, II & III	Quantity	Unit	Cost per Unit	Revision 7/28	Revision 8/21	Revision 9/18	Revision 10/20	Latest Revision Notes
A. Construction Masters								
Base Proposal (Less Alternates)	1	LS		\$ 4,727,000.00	\$ 4,727,000.00	\$ 4,727,000.00	\$ 4,727,000.00	
Owner's Unforeseen Contingency Allowance	1	LS	\$ 200,000.00	included	included	included	included	
Signage Allowance	1	LS	\$ 10,000.00	included	included	included	included	
Door Hardware Allowance	1	LS	\$ 60,000.00	included	included	included	included	
Hazardous Materials Removal Allowance	1	LS	\$ 20,000.00	included	included	included	included	
Landscape Allowance	1	LS	\$ 40,000.00	included	included	included	included	
Temporary Trailers for Firefighters Allowance	1	LS	\$ 86,000.00	included	included	included	included	
Alternate #1 - Monument Sign	1	LS		\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	\$ 8,000.00	
Alternate #2 - Paving Deduct	1	LS		\$ (51,000.00)	\$ (51,000.00)	\$ (51,000.00)	\$ (51,000.00)	
B. ASI #01								
ASI #01 - Radio Tower Footings	1	LS		\$ (3,000.00)	\$ (3,000.00)	\$ (3,000.00)	\$ (3,000.00)	
ASI #01 - Surface Mounted Dispensers	1	LS		\$ 290.00	\$ 290.00	\$ 290.00	\$ 290.00	
ASI #01 - Missing Lights in Annex	1	LS		\$ 1,050.00	\$ 1,050.00	\$ 1,050.00	\$ 1,050.00	
ASI #01 - Missing HM Door & Frame	1	LS		\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	
ASI #01 - Pre-Engineered Canopy Columns	1	LS		\$ 1,800.00	\$ 1,800.00	\$ 1,800.00	\$ 1,800.00	
ASI #01 - Civil Storm Utilities on Plumbing Drawings	1	LS		\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	
ASI #01 - Section Detail at Paving	1	LS		\$ 1,360.00	\$ 1,360.00	\$ 1,360.00	\$ 1,360.00	
ASI #01 - Fuel Monitoring on IT Network	1	LS		\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	
ASI #01 - Existing Monument Sign	1	LS		\$ 4,400.00	\$ 4,400.00	\$ 4,400.00	\$ 4,400.00	
ASI #01 - Removal of BIM requirements	1	LS		\$ (14,000.00)	\$ (14,000.00)	\$ (14,000.00)	\$ (14,000.00)	
Allowance - ASI #01 - Security Cameras	1	LS		\$ 25,000.00	\$ -	\$ -	\$ -	
Sub Total				\$ 4,707,600.00	\$ 4,682,600.00	\$ 4,682,600.00	\$ 4,682,600.00	difference - \$0
Design Contingency	0%			\$0.00	\$0.00	\$0.00	\$0.00	
Total Change Orders to Date (Ref: CPR/Allowances Log)				\$44,893.00	\$42,437.18	\$42,437.18	\$42,437.18	
Total Construction Cost - Phase I, II & III				\$ 4,707,600.00	\$ 4,727,493.00	\$ 4,725,037.18	\$ 4,725,037.18	difference - \$0
Total Soft Costs (see next page)				\$810,201.50	\$835,305.50	\$850,305.50	\$807,764.32	difference - next page
Total Project Cost (excluding dispatch equipment)				\$ 5,517,801.50	\$ 5,562,798.50	\$ 5,575,342.68	\$ 5,532,801.50	difference - (\$42,541.18)
Total Project Cost (including dispatch equipment - see next page)				\$ 5,700,311.50	\$ 5,745,308.50	\$ 5,742,852.68	\$ 5,700,311.50	difference - (\$42,541.18)

committed allotments

changes from previous month

special indicator

0

SOFT COSTS BREAKDOWN

II. Soft Costs:	Quantity	Unit	Cost per Unit	Revision 7/28	Revision 8/21	Revision 9/18	Revision 10/20	Latest Revision Notes
Professional Services								
Project and Construction Manager Services (AGCM)	1	LS		\$123,975.00	\$123,975.00	\$123,975.00	\$123,975.00	
Change Order #01 (Change of Scope)	1	LS		\$24,500.00	\$24,500.00	\$24,500.00	\$24,500.00	
Change Order #02 (See Geotec, Asbestos, Survey Below)	1	LS		\$828.50	\$828.50	\$828.50	\$828.50	
Change Order #03 (Waterproofing Consultant)	1	LS		\$8,415.00	\$8,415.00	\$8,415.00	\$8,415.00	
MEP Commissioning	1	LS		\$18,500.00	\$18,500.00	\$18,500.00	\$18,500.00	
Geotech (AGCM Change Order #2)	1	LS		\$1,950.00	\$1,950.00	\$1,950.00	\$1,950.00	
Asbestos Testing (AGCM Change Order #2)	1	LS		\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	
Site Utility and Topographic Survey (AGCM Change Order #2)	1	LS		\$3,826.00	\$3,826.00	\$3,826.00	\$3,826.00	
Architectural and Engineering Fees	1	LS		\$262,500.00	\$262,500.00	\$262,500.00	\$262,500.00	
Architectural ASP (December 15, 2019)	1	LS		\$96,000.00	\$96,000.00	\$96,000.00	\$96,000.00	
Proposed Civil Change Order	1	LS		\$4,401.00	\$4,401.00	\$4,401.00	\$4,401.00	
Windstorm Certification	1	LS		\$4,000.00	\$6,000.00	\$6,000.00	\$6,000.00	Difference in green = (\$2,000)
Accessibility Review & Inspections	1	LS		\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	
Construction Material Testing	1	LS		\$17,284.00	\$17,284.00	\$17,284.00	\$17,284.00	
Mech. System Test & Balancing	1	LS		\$12,000.00	\$10,104.00	\$10,104.00	\$10,104.00	Difference in green = \$1,896
Contingency and Allowance Amounts								
Owner's Contingency	1	LS			\$15,000.00	\$60,000.00	\$17,458.82	subtracted \$42,437.18 for CO #3 & \$104 for overages between Windstorm Certification and Mech. System Test and Balancing
Permitting Allowance	1	LS		\$22,740.00	\$22,740.00	\$22,740.00	\$22,740.00	
Permitting Plan Review	1	LS		\$14,782.00	\$14,782.00	\$14,782.00	\$14,782.00	
Moving Allowance	1	LS		\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00	
FFE Allowance	1	LS		\$80,000.00	\$80,000.00	\$80,000.00	\$80,000.00	
Proposed Ambulance Shelter	1	LS						Structure: \$11,618 Engineering: \$450 Removal: \$1,400 Permitting: \$1,500 Total: \$14,968
Phone System Hardware	1	LS		\$75,000.00	\$75,000.00	\$45,000.00	\$45,000.00	
Security Camera Purchase	1	LS			\$10,000.00	\$10,000.00	\$10,000.00	
Other Costs								
Reimbursable/Printing/Couriering	1	LS		\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	
Electrical, Gas and Data Service Connections	1	LS		\$6,000.00	\$6,000.00	\$6,000.00	\$6,000.00	
Total Soft Costs				\$ 810,201.50	\$ 835,305.50	\$ 850,305.50	\$807,764.32	difference of (\$42,541.18)

DISPATCH EQUIPMENT

III. Soft Costs:	Quantity	Unit	Cost per Unit	Notes
Communications Equipment (Dispatch Relocation)	1	LS	\$0.00	\$0.00
Dispatch Desks	1	LS	\$15,000.00	\$0.00
Fire Station Alert System and Installation	1	LS	\$167,510.00	\$167,510.00
Total Dispatch Equipment Cost:			\$ 182,510.00	\$ 167,510.00
				difference - (\$0)

Police Department Staff Report

SPRING VALLEY POLICE DEPARTMENT

Calls - By Type

11\01\2020
thru 11\30\2020

Type	Description	# Of Calls
6	ACCIDENT	27
22	ALARM	33
23	AMBULANCE CALL	20
24	ANIMAL CALL	6
43	ASSIST OUTSIDE AGENCY	12
135	BUSINESS CHECK	386
48	CITY CREW REPAIRS	1
49	CIVIL MATTER	1
134	COURTESY TRANSPORT	1
53	DEBRIS IN ROADWAY	3
54	DECEASED PERSON	1
60	FIRE CALL	4
62	FOUND PROPERTY	3
65	GAS LEAK	2
68	HOUSE CHECK	16
70	INFORMATION	27
71	INVESTIGATION	10
76	LOUD NOISE	12
78	MESSAGE DELIVERY	1
81	OPEN DOOR	25
86	PUBLIC RELATIONS	65
96	SOLICITOR	3
97	SPECIAL ASSIGNMENT	31
99	STALLED VEHICLE	45
141	STORED/ ABANDONED VEHICLE	1
103	SUSPICIOUS ACTIVITY	10
104	SUSPICIOUS PERSON	14
105	SUSPICIOUS VEHICLE	17
11	TRAFFIC STOP	507
111	VEHICLE BLOCKING ROADWAY	1
112	VEHICLE CHECK	15
42	WARRANT SERVICE	3
116	WATER LEAK	1
117	WELFARE CONCERN	8
Total		1,312

Spring Valley Village, TX PD

Nov 1, 2020 - Nov 30, 2020

Citation Violation Audit By Offense

Total Charges: **750**

Description	Counts
CHANGED LANE WHEN UNSAFE	2
D.O.C. URINATING IN A PUBLIC PLACE	2
DEFECTIVE EQUIPMENT - WHITE LIGHT TO THE REAR	2
DEFECTIVE EQUIPMENT / NO LICENSE PLATE LIGHT	29
DEFECTIVE HEAD LAMPS	52
DEFECTIVE HEAD LIGHTS	9
DEFECTIVE STOP LAMP(S)	40
DEFECTIVE TAIL LAMP(S)	21
DISPLAY FICTITIOUS/WRONG/UNCLEAN LICENSE PLATES	3
DISPLAY SUSPENDED DRIVER LICENSE	1
DISPLAY/ EXPIRED REGISTRATION	27
DRIVING WHILE LICENSE INVALID UNDER PROVISIONS OF DL LAWS	2
DRIVING WITHOUT ANY LICENSE	5
DROVE WITHOUT LIGHTS (WHEN REQUIRED)	24
EXPIRED DRIVERS LICENSE	13
FAIL TO CONTROL SPEED	1
FAIL TO DISPLAY DRIVERS LICENSE	9
FAIL TO MAINTAIN FINANCIAL RESPONSIBILITY	54
FAIL TO MAINTAIN FINANCIAL RESPONSIBILITY	21
FAIL TO OBEY TRAFFIC SIGN-STRAIGHT ONLY	1
FAIL TO REPORT CHANGE OF ADDRESS	2
FAIL TO YIELD ROW TO VEHICLE IN INTERSECTION	1
FAILED TO DIM HEADLIGHTS - FOLLOWING	10
FAILED TO DIM HEADLIGHTS - MEETING	25
FAILED TO DRIVE IN A SINGLE LANE	1
FAILED TO SIGNAL INTENT TO TURN	1
FAILED TO SIGNAL TURN	4
FAILED TO SIGNAL TURN / LANE CHANGE	1

CONFIDENTIAL

Report Created on: Dec 1, 2020 2:41 PM

Page: 1 of 43



Spring Valley Village, TX PD

Nov 1, 2020 - Nov 30, 2020

Citation Violation Audit By Offense

Total Charges: **750**

Description	Counts
FAILED TO STOP AT DESIGNATED POINT (STOP SIGN)	21
FAILED TO STOP FOR SCHOOL BUS (OR REMAIN STOPPED)	2
FAILED TO YIELD ROW TO EMERGENCY VEHICLE	1
ILLEGAL BUYERS TAGS	1
ILLEGAL PARKING - NO PARKING ANY TIME	4
ILLEGAL PARKING - PARKING IN PRIVILEGED	1
IMPROPER TURN	1
LICENSE PLATE OBSCURED	4
MINOR IN POSSESSION OF ALCOHOL	1
NO DRIVERS LICENSE	75
NO FRONT LICENSE PLATE	42
OPEN CONTAINER	1
OPERATE MOTOR VEHICLE WITHOUT LICENSE PLATES OR WITH ONE LICENSE PLATE	6
PARKED FACING TRAFFIC	9
PASSING AUTHORIZED EMERGENCY VEHICLE	4
RAN RED LIGHT	48
RAN STOP SIGN	12
SPEEDING (NU)	2
SPEEDING >10% ABOVE POSTED LIMIT	142
SPEEDING IN SCHOOL ZONE	8
VIOLATE DL RESTRICTION	1
VIOLATE DL RESTRICTION B	1

CONFIDENTIAL

Report Created on: Dec 1, 2020 2:41 PM

Page: 2 of 43



MONTHLY K-9 REPORT

FOR THE MONTH OF: Nov-20

MOYER, NABORS

FRITZ, ODIN

TOTALS

K-9 CALLS FOR SERVICE

SPRING VALLEY VILLAGE	115
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OUTSIDE AGENCY	1
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K-9 APPREHENSIONS

2

NARCOTICS CASES

0

PUBLIC RELATIONS EVENT

4

Spring Valley Village City Council
Agenda Item Data Sheet

MEETING DATE: December 15, 2020

TOPIC:	Status of the City of Spring Valley Village's Retirement Plan Through Texas Municipal Retirement System. (Anthony Mills, Texas Municipal Retirement System)
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BACKGROUND:	As requested by Mayor Vajdos, Anthony Mills with Texas Municipal Retirement System will provide a brief presentation of the status of the City's Retirement Plan for employees.
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RECOMMENDATION:	N/A
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ATTACHMENTS:	• City of Spring Valley Village Current Plan Summary • City of Spring Valley Village Current Plan Projection Report • TMRS Calculation of Contribution Requirements (Certification Report) • TMRS Funding Ratio Percentages Compared to Peers (May 2020) • TMRS Peer Comparison – Funded Ratio (2019)
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FUNDING ISSUES:	☒ Not applicable – no dollars are being spent or received. ☐ Full amount already budgeted in Acct/Project# _____ ☐ Not budgeted, if approved, the following will be included in the next Budget Amendment: ☐ \$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____ ☐ \$_____ from unassigned fund balance will be used and added to Acct/Project# _____ ☐ \$_____ will be added to Revenue Acct# ____-____ and \$_____ added to Expenditure Acct/Project# _____
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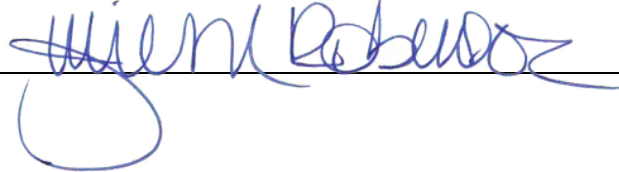
FINANCE VERIFICATION OF FUNDING:



SUBMITTING STAFF MEMBER:

Julie M. Robinson, City Administrator

CITY ADMINISTRATOR APPROVAL:



DIVIDER PAGE



Plan Change Study

01205 Spring Valley Village

Proposed Plans

GRID 2021

For Informational Purposes Only

Effective Date - January 1, 2021

Report Date - December 2, 2020

Plan Provisions

Deposit Rate	7.00%
Matching Ratio	2 to 1
Updated Service Credit	0%
Transfer USC **	No
Annuity Increase	0%
20 Year/Any Age Ret.	No
Vesting	5 years

Contribution Rates

	<u>2021</u>
Normal Cost Rate	5.74%
Prior Service Rate	<u>0.93%</u>
Retirement Rate	6.67%
Supplemental Death Rate	<u>0.18%</u> (A & R)
Total Rate	6.85%
Unfunded Actuarial Liability	\$438,801
Amortization Period	20 years
Funded Ratio	96.3%
Phase-In Total Rate	N/A

**This is the addition to the Initial Prior Service Rate for USC for transfers. There were 8 eligible transfer employees on the valuation date.

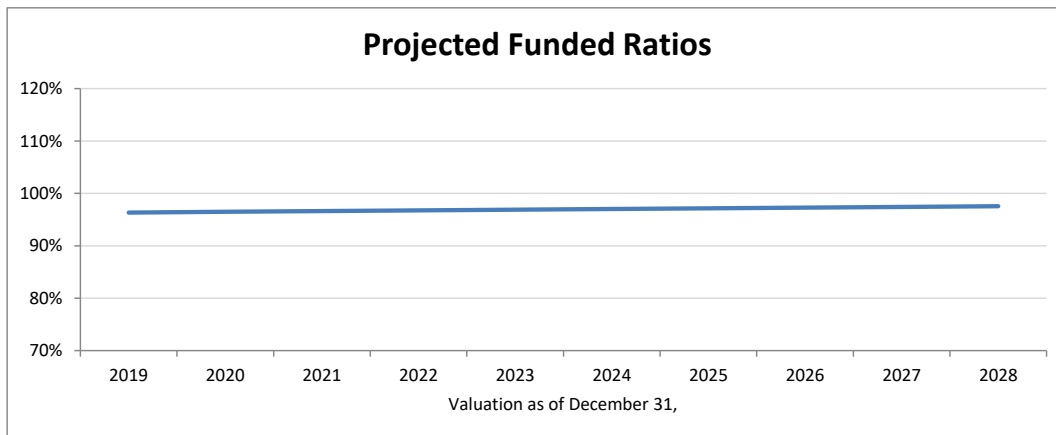
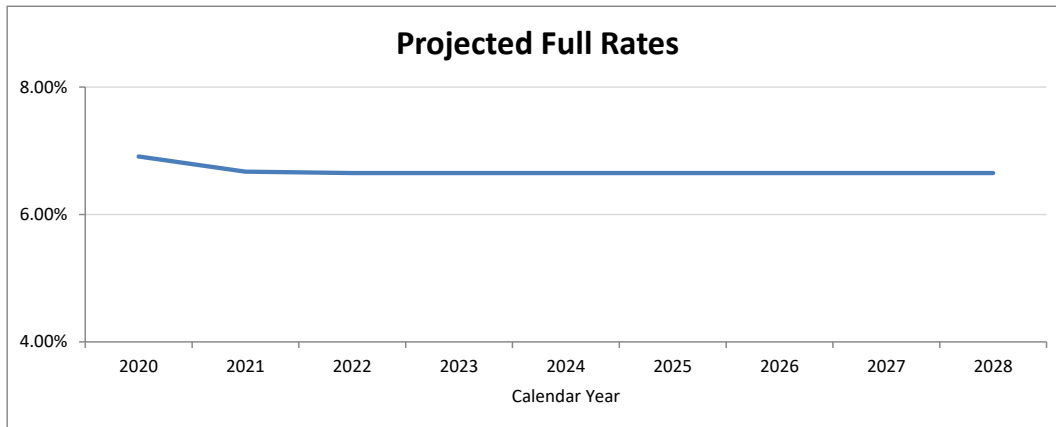
DIVIDER PAGE

Projection of Valuation Results - Pension Only

1205, Spring Valley Village

Summary of Current Benefit Provisions			
Employee Contribution Rate	7.00%	USC	No USC
Employer Match Rate	2 - 1	COLA	No COLA
Vesting	5 years	Retirement Eligibility	Age 60 with 5 years of service or 25 years of service

Calendar Year	Projection Results								
	2020	2021	2022	2023	2024	2025	2026	2027	2028
Full Rate	6.91%	6.67%	6.65%	6.65%	6.65%	6.65%	6.65%	6.65%	6.65%
Est. Contribution	209,439	207,724	212,797	218,648	224,661	230,839	237,188	243,710	250,412
Funded Ratio	96.3%	96.5%	96.6%	96.8%	96.9%	97.0%	97.2%	97.3%	97.4%



DIVIDER PAGE

Calculation of Contribution Requirements

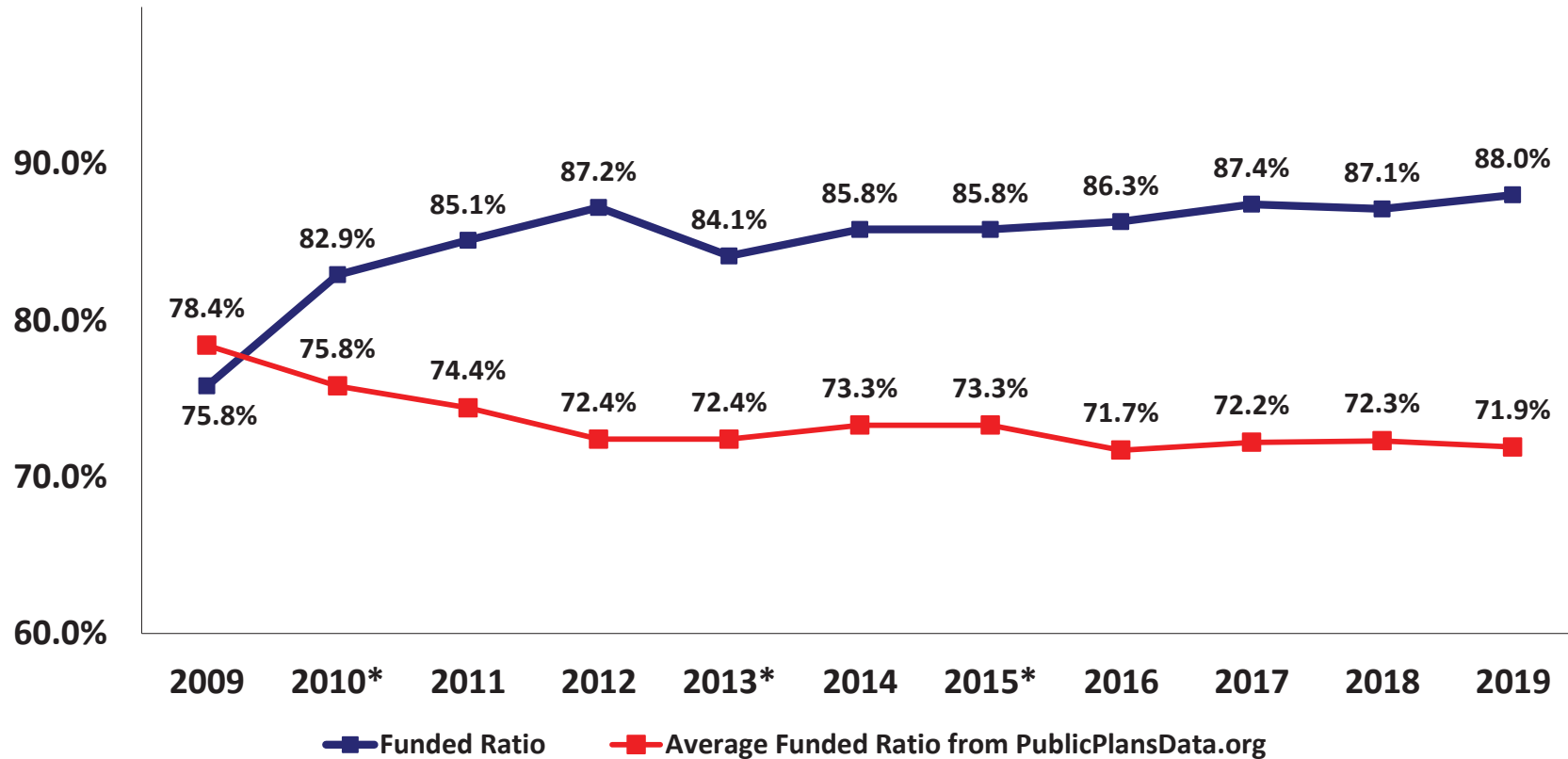
1205, Spring Valley Village

	<u>Current Plan Design</u>	<u>New Plan Design</u>
1. Prior year's payroll provided by TMRS	\$ 3,047,322	\$ 3,047,322
2. Valuation payroll	3,030,953	3,030,953
3. Employer normal cost rate	5.74%	5.74%
4. Actuarial accrued liability		
a. Contributing members	\$ 3,686,611	\$ 3,686,611
b. Noncontributing members	1,503,285	1,503,285
c. Annuitants	6,787,205	6,787,205
5. Total actuarial accrued liability:	\$ 11,977,101	\$ 11,977,101
6. Actuarial value of assets	11,538,300	11,538,300
7. Unfunded actuarial accrued liability (UAAL) (5 - 6)	\$ 438,801	\$ 438,801
8. Funded ratio (6 / 5)	96.3%	96.3%
9. Equivalent Single Amortization Period	24.3	24.3
10. Assumed payroll growth rate	2.75%	2.75%
Contribution Rate for TMRS Plan Year:		
11. Full retirement rate		
a. Normal cost	5.74%	5.74%
b. Prior service	<u>0.93%</u>	<u>0.93%</u>
c. Full retirement rate	6.67%	6.67%
12. Supplemental Death rate	<u>0.18%</u>	<u>0.18%</u>
13. Combined contribution rates (11c + 12)	6.85%	6.85%

Summary of Benefit Provisions		
Employee Contribution Rate	7.00%	7.00%
Employer Match Rate	2 - 1	2 - 1
Vesting	5 years	5 years
USC	No USC	No USC
COLA	No COLA	No COLA
Retirement Eligibility (Age / Service)	60 / 5 or 0 / 25	60 / 5 or 0 / 25
Supplemental Death Benefit	Actives and Retirees	Actives and Retirees

DIVIDER PAGE

Funded Ratio Percentages: Compared to Peers

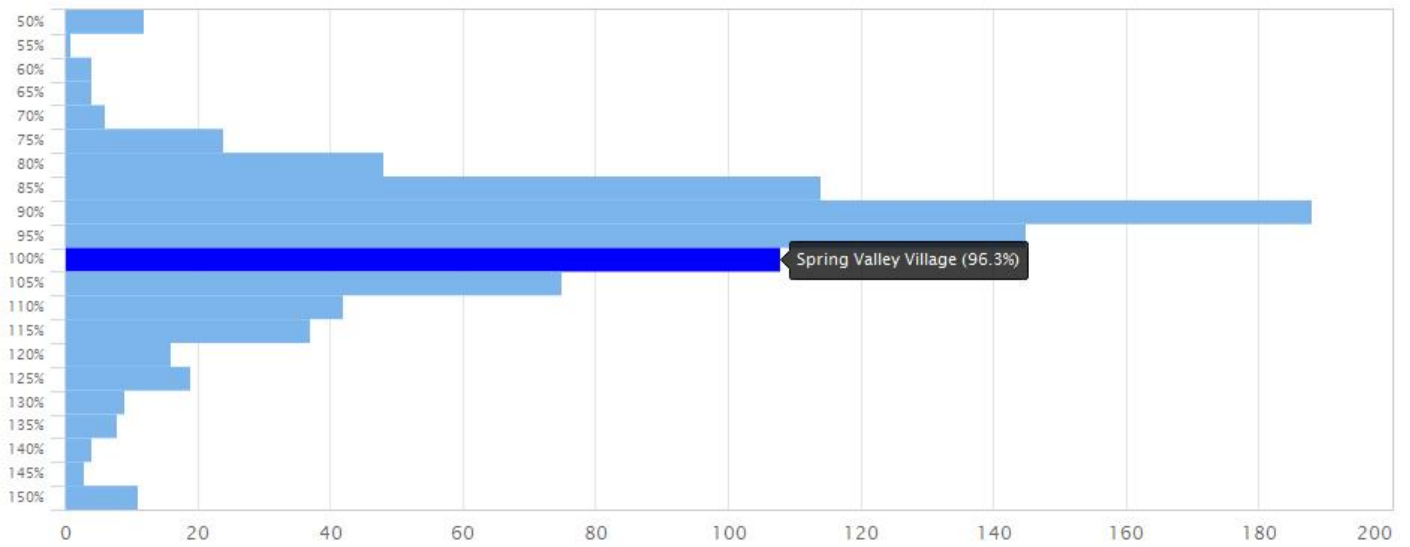


- Restructure in 2010, Change to EAN in 2013, 6.75% Discount Rate in 2015



DIVIDER PAGE

TMRS Peer Comparison: Funded Ratio (2019) – Spring Valley Village



**Spring Valley Village City Council
Agenda Item Data Sheet**

MEETING DATE: December 15, 2020

TOPIC:	Award Of Competitive Sealed Bid Number 2020-11-101 For Paving And Utility Improvements To Serve Lone Star Dr., Loeser Dr., Traweek Dr., West Tex Dr. And Lariat Dr. To Conrad Construction In An Amount Not To Exceed \$2,837,491.00.
BACKGROUND:	On November 4, 2020, Competitive Sealed Bid Number 2020-11-101 for Paving And Utility Improvements To Serve Lone Star Dr., Loeser Dr., Traweek Dr., West Tex Dr. And Lariat Dr. was issued by IDS Engineering Group, on behalf of the City of Spring Valley Village. The bid closed on December 4, 2020, with eight (8) bids received. A copy of the Bid Tabulation Sheet is provided with this agenda item. <u>IDS Engineering Group recommends award of the bid for Paving And Utility Improvements To Serve Lone Star Dr., Loeser Dr., Traweek Dr., West Tex Dr. And Lariat Dr. to Conrad Construction in an amount not to exceed \$2,837,491.00.</u> The construction estimate developed by IDS Engineering Group for this project was \$3,181,138.00. A copy of IDS Engineering Group's recommendation letter is provided with this agenda item. The Council should note that the total project estimate (including engineering fees) developed several years ago for this Project was \$3,588,546.00, and this is the dollar amount that was included in the approved Capital Improvement Plan. Based on the approved contract with IDS Engineering Group and the recommended award of bid, the Total Project Cost (including engineering fees) is \$3,259,674.00. Additionally, the bid document has not been included with this agenda item due to its size; however, it is available for review on the Purchasing Page of the City's website.
RECOMMENDATION:	IDS Engineering and City Staff recommend awarding Competitive Sealed Bid Number 2020-11-101 for Paving And Utility Improvements To Serve Lone Star Dr., Loeser Dr., Traweek Dr., West Tex Dr. And Lariat Dr. to Conrad Construction in an amount not to exceed \$2,837,491.00.
ATTACHMENTS:	- Letter of Recommendation from IDS Engineering Group - Bid Tabulation Sheet
FUNDING ISSUES:	☐ Not applicable – no dollars are being spent or received. ☒ Full amount already budgeted in Acct/Project# <u>25-50-7517</u> ☐ Not budgeted, if approved, the following will be included in the next Budget Amendment: ☐ \$ _____ from Acct/Project# _____ will be transferred to Acct/Project# _____ ☐ \$ _____ from unassigned fund balance will be used and added to Acct/Project# _____ ☐ \$ _____ will be added to Revenue Acct# ____-____ and \$ _____ added to Expenditure Acct/Project# _____

Spring Valley Village City Council
Agenda Item Data Sheet

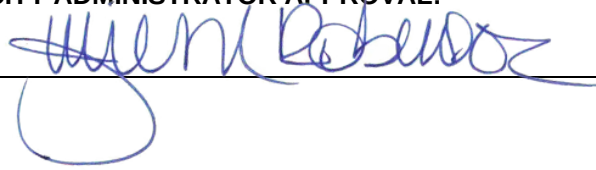
FINANCE VERIFICATION OF FUNDING:



SUBMITTING STAFF MEMBER:

Pat Riley, Director of Public Works

CITY ADMINISTRATOR APPROVAL:



DIVIDER PAGE

December 9, 2020

City of Spring Valley Village
1025 Campbell Road
Houston, Texas 77055

Reference: Paving and Utility Improvements to Serve Lone Star Dr, Loeser Dr, Traweek Dr,
West Tex Dr and Lariat Dr;
CSB #2020-11-101

Dear Ms. Robinson:

In accordance with the City's Competitive Sealed Bid instructions, bids were opened and read on December 4, 2020, for construction of the above referenced project. A copy of the Bid Tabulation is attached.

We have examined the lowest 5 bids and find all of them to be complete and in order. The references and financial statements have been checked. When determining the score for each contractor and their bid, we utilized the 3 categories below, each with its own maximum points available:

1. Total Cost (50 Maximum Points)
2. Experience on Similar Projects of Size and Scope (25 Maximum Points)
3. References (25 Maximum Points)

As a result of this scoring system, Conrad Construction Co., LTD (Conrad) scored the highest out of the lowest 5 bidders. Based on the percent difference in Conrad's construction cost (\$2,837,491.00) compared to the lowest bidder (A Status Construction, \$2,638,646), Conrad scored 46.2/50 for total cost. Conrad also scored the maximum available points for experience (25/25) and references (25/25).

We, therefore, recommend award of the contract to Conrad Construction Co., LTD, in the amount of \$2,837,491.00 as the bidder providing the best value to the City. Attached is the score tabulation and Certificate of Interested Parties (Form 1295) completed by contractor recommended for award of the above referenced project.

If you have any questions or comments, please call.

Sincerely,



Coy Custer, P.E.
Project Manager

X:\2300\231600100 City of Spring Valley Village\CPS\060 Corres\Recommendation of Award\REC_OF_AWARD_TO_OWNER.docx

Item	Description	Unit	Quantity	A Status Construction	Total	Triple B Services, L.L.P.	Total	RAC Industries	Total	J Rivas Construction, LLC	Total	Conrad Construction Co., LTD	Total
GENERAL ITEMS													
1	Mobilization, Bonds, and Insurance	LS	1	\$120,000.00	\$120,000.00	\$10,000.00	\$10,000.00	\$145,400.00	\$145,400.00	\$170,000.00	\$170,000.00	\$80,000.00	\$80,000.00
2	Traffic Control and Regulation	LS	1	\$90,000.00	\$90,000.00	\$7,950.00	\$7,950.00	\$80,300.00	\$80,300.00	\$18,000.00	\$18,000.00	\$50,000.00	\$50,000.00
3	Flagman	LS	1	\$35,000.00	\$35,000.00	\$39,000.00	\$39,000.00	\$50,000.00	\$50,000.00	\$25,000.00	\$25,000.00	\$7,500.00	\$7,500.00
4	Electronic Message Board	MO	10	\$6,500.00	\$65,000.00	\$1,800.00	\$18,000.00	\$1,400.00	\$14,000.00	\$2,500.00	\$25,000.00	\$1,250.00	\$12,500.00
5	Tree Protection Plan	LS	1	\$19,400.00	\$19,400.00	\$85,000.00	\$85,000.00	\$81,000.00	\$81,000.00	\$20,000.00	\$20,000.00	\$30,000.00	\$30,000.00
6	Tree Removal (0 to 11.99-inch Diameter)	EA	4	\$1,000.00	\$4,000.00	\$725.00	\$2,900.00	\$500.00	\$2,000.00	\$450.00	\$1,800.00	\$750.00	\$3,000.00
7	Tree Removal (12 to 29.99-inch Diameter)	EA	2	\$2,200.00	\$4,400.00	\$900.00	\$1,800.00	\$630.00	\$1,260.00	\$1,200.00	\$2,400.00	\$1,250.00	\$2,500.00
8	Tree Removal (30 to 45-inch Diameter)	EA	1	\$3,500.00	\$3,500.00	\$1,085.00	\$1,085.00	\$750.00	\$750.00	\$2,900.00	\$2,900.00	\$2,000.00	\$2,000.00
9	Flexible Base Course for Temporary Driveways	EA	56	\$1,200.00	\$67,200.00	\$325.00	\$18,200.00	\$660.00	\$36,960.00	\$250.00	\$14,000.00	\$500.00	\$28,000.00
10	8" Temporary Asphalt Paving Type "B" Black Base	SY	460	\$32.00	\$14,720.00	\$45.00	\$20,700.00	\$94.00	\$43,240.00	\$45.00	\$20,700.00	\$50.00	\$23,000.00
11	Remove and Dispose Pipe Culvert, Sewers, and Sewer Leads (All Sizes)	LF	1,486	\$10.00	\$14,860.00	\$20.00	\$29,720.00	\$16.00	\$23,776.00	\$18.00	\$26,748.00	\$12.00	\$17,832.00
12	Remove and Dispose of Existing Curb Inlets	EA	2	\$1,000.00	\$2,000.00	\$985.00	\$1,970.00	\$240.00	\$480.00	\$325.00	\$650.00	\$750.00	\$1,500.00
13	Remove and Dispose of Existing Storm Manholes, All Depths	EA	2	\$1,000.00	\$2,000.00	\$710.00	\$1,420.00	\$240.00	\$480.00	\$525.00	\$1,050.00	\$750.00	\$1,500.00
14	Remove and Dispose of Existing Safety End Treatments (SETs)	EA	6	\$800.00	\$4,800.00	\$235.00	\$1,410.00	\$240.00	\$1,440.00	\$450.00	\$2,700.00	\$400.00	\$2,400.00
15	Remove and Dispose of Waterlines and Water Services Lines	LF	60	\$20.00	\$1,200.00	\$15.00	\$900.00	\$8.50	\$510.00	\$20.00	\$1,200.00	\$20.00	\$1,200.00
16	Remove and Dispose Existing Asphaltic Surface and Base Material Including Old Asphaltic Driveways (All Depths)	SY	10,014	\$8.00	\$80,112.00	\$3.65	\$36,551.10	\$8.20	\$82,114.80	\$9.00	\$90,126.00	\$5.00	\$50,070.00
17	Remove and Dispose of Concrete Pavement (All Thickness)	SY	220	\$25.00	\$5,500.00	\$11.50	\$2,530.00	\$13.00	\$2,860.00	\$8.00	\$1,760.00	\$10.00	\$2,200.00
18	Remove and Dispose of Concrete Driveways and Sidewalks (All Thickness)	SY	1,896	\$20.00	\$37,920.00	\$6.60	\$12,513.60	\$10.00	\$18,960.00	\$8.00	\$15,168.00	\$7.00	\$13,272.00
19	Abandon Manholes all Sizes/depths	EA	7	\$800.00	\$5,600.00	\$850.00	\$5,950.00	\$280.00	\$1,960.00	\$600.00	\$4,200.00	\$1,250.00	\$8,750.00
20	Abandon and Grout Fill 10-inch Diameter Sanitary Sewer	LF	1,720	\$20.00	\$34,400.00	\$25.00	\$43,000.00	\$5.00	\$8,600.00	\$10.00	\$17,200.00	\$7.00	\$12,040.00
21	"Trench Safety System (From 5 to 10 Feet)"	LF	5,822	\$6.00	\$34,932.00	\$0.01	\$58.22	\$2.90	\$16,883.80	\$1.50	\$8,733.00	\$1.00	\$5,822.00
Sub Totals					\$646,544.00		\$340,657.92		\$612,974.60		\$469,335.00		\$355,086.00
PAVING ITEMS													
22	Storage and Relocation of Permanent Signs (Signs, Poles, Anchors, and Hardware Provided by Contractor)	EA	6	\$500.00	\$3,000.00	\$215.00	\$1,290.00	\$350.00	\$2,100.00	\$350.00	\$2,100.00	\$400.00	\$2,400.00
23	Roadway Excavation With or Without Base Including Legal Disposal and Transport of Waste Material	CY	2,785	\$12.00	\$33,420.00	\$20.00	\$55,700.00	\$25.00	\$69,625.00	\$18.00	\$50,130.00	\$15.00	\$41,775.00
24	Lime (6% By Dry Weight)	TON	255	\$200.00	\$51,000.00	\$230.00	\$58,650.00	\$180.00	\$45,900.00	\$190.00	\$48,450.00	\$195.00	\$49,725.00
25	Lime Treated Subgrade (8-inch)	SY	11,770	\$3.50	\$41,195.00	\$6.35	\$74,739.50	\$3.10	\$36,487.00	\$6.75	\$79,447.50	\$4.00	\$47,080.00
26	Reinforced Concrete Pavement (6-inch)	SY	10,961	\$47.00	\$515,167.00	\$45.00	\$493,245.00	\$57.00	\$624,777.00	\$52.20	\$572,164.20	\$57.00	\$624,777.00
27	High Early Strength Reinforced Concrete Pavement (6-inch)	SY	199	\$58.00	\$11,542.00	\$79.50	\$15,820.50	\$73.00	\$14,527.00	\$55.00	\$10,945.00	\$65.00	\$12,935.00
28	Full Depth Saw Cut	LF	140	\$20.00	\$2,800.00	\$30.00	\$4,200.00	\$7.50	\$1,050.00	\$3.50	\$490.00	\$14.00	\$1,960.00
29	Reinforced Concrete Driveway Pavement (6-inch)	SF	14,578	\$7.50	\$109,335.00	\$12.35	\$180,038.30	\$8.00	\$116,624.00	\$6.75	\$98,401.50	\$8.00	\$116,624.00
30	Raised Reflective Pavement Markers (double-sided) (TY II-C-R) (blue) at Fire Hydrant Locations	EA	6	\$400.00	\$2,400.00	\$7.25	\$43.50	\$10.00	\$60.00	\$10.00	\$60.00	\$50.00	\$300.00
31	Thermoplastic Pavement Markings, (24"" Wide, TYPE I SOLID, White)	LF	68	\$15.00	\$1,020.00	\$7.65	\$520.20	\$6.00	\$408.00	\$12.00	\$816.00	\$25.00	\$1,700.00
32	Concrete Curb (6-inch)	LF	5,818	\$4.00	\$23,272.00	\$4.75	\$27,635.50	\$3.90	\$22,690.20	\$5.25	\$30,544.50	\$3.00	\$17,454.00
33	Concrete Paving Header	LF	140	\$20.00	\$2,800.00	\$18.00	\$2,520.00	\$10.00	\$1,400.00	\$22.00	\$3,080.00	\$12.00	\$1,680.00
34	Reinforced Concrete Sidewalk (4.5-inch)	SF	37	\$15.00	\$555.00	\$100.00	\$3,700.00	\$6.90	\$255.30	\$10.00	\$370.00	\$12.00	\$444.00
35	Pipe Bollard	EA	20	\$900.00	\$18,000.00	\$985.00	\$19,700.00	\$360.00	\$7,200.00	\$500.00	\$10,000.00	\$400.00	\$8,000.00
Sub Totals					\$815,506.00		\$937,802.50		\$943,103.50		\$906,998.70		\$926,854.00
STORM SEWER ITEMS													
36	Type C Manhole for 42-inch Diameter and Smaller Sewers	EA	23	\$5,800.00	\$133,400.00	\$4,650.00	\$106,950.00	\$2,600.00	\$59,800.00	\$4,200.00	\$96,600.00	\$3,550.00	\$81,650.00

37	Type C Conflict Manhole for 42-inch Diameter and Smaller Sewers	EA	1	\$3,500.00	\$3,500.00	\$5,050.00	\$5,050.00	\$3,300.00	\$3,300.00	\$12,000.00	\$12,000.00	\$5,800.00	\$5,800.00
38	24-inch Diameter RCP Storm Sewer by Open Cut	LF	1,796	\$65.00	\$116,740.00	\$110.00	\$197,560.00	\$100.00	\$179,600.00	\$72.00	\$129,312.00	\$120.00	\$215,520.00
39	30-inch Diameter RCP Storm Sewer by Open Cut	LF	288	\$80.00	\$23,040.00	\$130.00	\$37,440.00	\$130.00	\$37,440.00	\$120.00	\$34,560.00	\$150.00	\$43,200.00
40	36-inch Diameter RCP Storm Sewer by Open Cut	LF	180	\$115.00	\$20,700.00	\$155.00	\$27,900.00	\$210.00	\$37,800.00	\$145.00	\$26,100.00	\$170.00	\$30,600.00
41	Yard Drainage Repair, Including Sched 40 PVC, Curb Drainage Outlet, and Curb Repair	EA	31	\$300.00	\$9,300.00	\$641.29	\$19,879.99	\$140.00	\$4,340.00	\$100.00	\$3,100.00	\$500.00	\$15,500.00
42	Repair Storm Inlet Side Wall	EA	6	\$500.00	\$3,000.00	\$815.00	\$4,890.00	\$930.00	\$5,580.00	\$300.00	\$1,800.00	\$1,200.00	\$7,200.00
43	Type B-B Inlet	EA	27	\$2,325.00	\$62,775.00	\$4,900.00	\$132,300.00	\$2,900.00	\$78,300.00	\$3,500.00	\$94,500.00	\$3,450.00	\$93,150.00
Sub Totals					\$372,455.00		\$531,969.99		\$406,160.00		\$397,972.00		\$492,620.00
WASTEWATER ITEMS													
44	Adjust Manhole to Finished Grade	EA	4	\$800.00	\$3,200.00	\$425.00	\$1,700.00	\$410.00	\$1,640.00	\$250.00	\$1,000.00	\$1,000.00	\$4,000.00
45	Type C Manhole for 42-inch Diameter and Smaller Sewers	EA	11	\$5,800.00	\$63,800.00	\$3,600.00	\$39,600.00	\$3,100.00	\$34,100.00	\$4,200.00	\$46,200.00	\$3,250.00	\$35,750.00
46	Type C Eccentric Manhole Top	EA	1	\$1,750.00	\$1,750.00	\$3,660.00	\$3,660.00	\$2,900.00	\$2,900.00	\$4,500.00	\$4,500.00	\$1,850.00	\$1,850.00
47	10-inch Diameter Sanitary Sewer, by Open-Cut (PVC)	LF	1,630	\$25.00	\$40,750.00	\$85.00	\$138,550.00	\$96.00	\$156,480.00	\$95.00	\$154,850.00	\$120.00	\$195,600.00
48	Sanitary Sewer Service Stub or Reconnection, without Stack	EA	51	\$250.00	\$12,750.00	\$1,240.00	\$63,240.00	\$920.00	\$46,920.00	\$950.00	\$48,450.00	\$1,000.00	\$51,000.00
49	6-inch Diameter Sanitary Sewer Service Lines	LF	1,049	\$18.00	\$18,882.00	\$50.00	\$52,450.00	\$28.00	\$29,372.00	\$80.00	\$83,920.00	\$22.50	\$23,602.50
Sub Totals					\$141,132.00		\$299,200.00		\$271,412.00		\$338,920.00		\$311,802.50
WATER ITEMS													
50	8-inch Diameter Water Line by Open-cut with Restrained Joints	LF	2,099	\$45.00	\$94,455.00	\$48.00	\$100,752.00	\$30.00	\$62,970.00	\$80.00	\$167,920.00	\$88.00	\$184,712.00
51	6-inch Diameter Water Line by Open-cut with Restrained Joints	LF	153	\$40.00	\$6,120.00	\$46.00	\$7,038.00	\$110.00	\$16,830.00	\$65.00	\$9,945.00	\$70.00	\$10,710.00
52	8-inch Diameter Water Line by Trenchless Construction with Restrained Joints	LF	674	\$55.00	\$37,070.00	\$105.00	\$70,770.00	\$52.00	\$35,048.00	\$110.00	\$74,140.00	\$88.00	\$59,312.00
53	3/4-inch to 1-inch Diameter Water Taps and Copper Service Line, Short side	EA	49	\$295.00	\$14,455.00	\$450.00	\$22,050.00	\$1,100.00	\$53,900.00	\$775.00	\$37,975.00	\$950.00	\$46,550.00
54	1 1/2-inch to 2- inch Diameter Water Taps and Copper Service Line w/ 1-inch Wye, Long side	EA	24	\$3,100.00	\$74,400.00	\$2,800.00	\$67,200.00	\$2,300.00	\$55,200.00	\$1,850.00	\$44,400.00	\$2,500.00	\$60,000.00
55	1-inch Double Meter Box	EA	51	\$50.00	\$2,550.00	\$45.00	\$2,295.00	\$200.00	\$10,200.00	\$200.00	\$10,200.00	\$300.00	\$15,300.00
56	8-inch Diameter Wet Connection	EA	2	\$1,500.00	\$3,000.00	\$1,000.00	\$2,000.00	\$880.00	\$1,760.00	\$1,900.00	\$3,800.00	\$4,400.00	\$8,800.00
57	Cut, Plug, and Abandon Existing 6-inch Diameter Water Line	EA	1	\$1,500.00	\$1,500.00	\$725.00	\$725.00	\$630.00	\$630.00	\$450.00	\$450.00	\$1,200.00	\$1,200.00
58	Cut, Plug, and Abandon Existing 8-inch Diameter Water Line	EA	3	\$1,500.00	\$4,500.00	\$240.00	\$720.00	\$630.00	\$1,890.00	\$800.00	\$2,400.00	\$1,250.00	\$3,750.00
59	6-inch Diameter Fire Hydrant Branch by Open-cut	LF	35	\$25.00	\$875.00	\$6.00	\$210.00	\$430.00	\$15,050.00	\$60.00	\$2,100.00	\$55.00	\$1,925.00
60	Remove and Salvage Existing Fire Hydrant	EA	3	\$1,500.00	\$4,500.00	\$430.00	\$1,290.00	\$1,400.00	\$4,200.00	\$420.00	\$1,260.00	\$500.00	\$1,500.00
61	Fire Hydrant Assembly, All Depths, Including 6-inch Diameter Gate Valve and Box	EA	5	\$4,000.00	\$20,000.00	\$4,465.00	\$22,325.00	\$2,900.00	\$14,500.00	\$4,700.00	\$23,500.00	\$6,250.00	\$31,250.00
62	Fire Hydrant Assembly, Back-Tap w/ 8-inch x 6-inch Tapping Sleeve and Valve	EA	1	\$4,000.00	\$4,000.00	\$8,580.00	\$8,580.00	\$6,900.00	\$6,900.00	\$10,500.00	\$10,500.00	\$15,500.00	\$15,500.00
63	Storz Pumper Connection (Furnish Only)	EA	6	\$1,800.00	\$10,800.00	\$380.00	\$2,280.00	\$200.00	\$1,200.00	\$425.00	\$2,550.00	\$450.00	\$2,700.00
64	2-inch Diameter Blow-off Valve w/ Box	EA	1	\$2,500.00	\$2,500.00	\$1,715.00	\$1,715.00	\$1,900.00	\$1,900.00	\$500.00	\$500.00	\$2,700.00	\$2,700.00
65	8-inch x 8-inch Tapping Sleeve and Valve	EA	3	\$4,500.00	\$13,500.00	\$5,900.00	\$17,700.00	\$5,200.00	\$15,600.00	\$8,000.00	\$24,000.00	\$11,000.00	\$33,000.00
Sub Totals					\$294,225.00		\$327,650.00		\$297,778.00		\$415,640.00		\$478,909.00
STORM WATER POLLUTION PREVENTION PLAN													
66	Implementation of Storm Water Pollution Prevention Plan including Maintenance, Permitting, Inspections, and Reporting for all Pollution Prevention Measures as shown on the plans, copy of NOI, Certificate of Mailing and Proof of Payment, Complete in Place	LS	1	\$15,000.00	\$15,000.00	\$8,670.00	\$8,670.00	\$5,000.00	\$5,000.00	\$3,600.00	\$3,600.00	\$2,500.00	\$2,500.00
67	Inlet Protection Barrier (Stage I)	EA	29	\$200.00	\$5,800.00	\$100.00	\$2,900.00	\$85.00	\$2,465.00	\$30.00	\$870.00	\$75.00	\$2,175.00
68	Inlet Protection Barrier (Stage II)	EA	30	\$200.00	\$6,000.00	\$100.00	\$3,000.00	\$85.00	\$2,550.00	\$30.00	\$900.00	\$75.00	\$2,250.00
69	Reinforced Filter Fabric Barrier	LF	7,337	\$3.00	\$22,011.00	\$4.70	\$34,483.90	\$1.50	\$11,005.50	\$3.00	\$22,011.00	\$1.50	\$11,005.50
70	Sodding Disturbed Areas Between Back of Curb and ROW (St. Augustine or Zoysia - Various Widths)	SY	15,463	\$6.00	\$92,778.00	\$5.85	\$90,458.55	\$3.50	\$54,120.50	\$3.25	\$50,254.75	\$5.00	\$77,315.00
Sub Totals					\$141,589.00		\$139,512.45		\$75,141.00		\$77,635.75		\$95,245.50

STREET LIGHT ITEMS													
71	Street Light Conduit, Including Installation of Pull Boxes and Warning Tape. Pull Boxes and Warning Tape to be Furnished by CenterPoint Energy.	LF	2,693	\$15.00	\$40,395.00	\$15.90	\$42,818.70	\$15.00	\$40,395.00	\$19.00	\$51,167.00	\$18.00	\$48,474.00
Sub Totals					\$40,395.00		\$42,818.70		\$40,395.00		\$51,167.00		\$48,474.00
IRRIGATION ITEMS													
72	Furnish and Install an Automatically Controlled Irrigation System Including Piping, Valves, Sprinklers, Accessories, Controls, and Wiring Adjacent to Traweek Drive and Lariat Drive. Complete in Place.	LS	1	\$75,000.00	\$75,000.00	\$8,450.00	\$8,450.00	\$5,000.00	\$5,000.00	\$22,000.00	\$22,000.00	\$22,000.00	\$22,000.00
73	Relocate, Replace or Repair Private Irrigation Systems Located within the ROW, for Each Parcel Disturbed. Complete in Place.	EA	53	\$600.00	\$31,800.00	\$580.00	\$30,740.00	\$650.00	\$34,450.00	\$450.00	\$23,850.00	\$500.00	\$26,500.00
Sub Totals					\$106,800.00		\$39,190.00		\$39,450.00		\$45,850.00		\$48,500.00
CASH ALLOWANCE													
74	Furnish Construction Materials Testing in Accordance with the Plans and Specifications	CA	1	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00
75	CenterPoint Street Light Allowance - Street Light and Pole Assembly	CA	1	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00	\$50,000.00
Sub Totals					\$80,000.00		\$80,000.00		\$80,000.00		\$80,000.00		\$80,000.00
Grand Total					\$2,638,646.00		\$2,738,801.56		\$2,766,414.10		\$2,783,518.45		\$2,837,491.00

Paving and Utility Improvements to Serve Lone Star Dr, Loeser Dr, Traweek Dr, West Tex Dr and Lariat Dr							
		Max Points Available	A Status Construction	Triple B Services	RAC Industries	J Rivas Construction	Conrad Construction
	Total Cost		\$2,638,646.00	\$2,738,801.56	\$2,766,414.10	\$2,783,518.45	\$2,837,491.00
1	Points for Cost	50	50	48.1	47.6	47.3	46.2
2	Experience on Similar Projects of Size and Scope	25	15	20	20	20	25
3	References	25	18	10	23	25	25
	Technical Proposal Total	100	83	78.1	90.6	92.3	96.2

CERTIFICATE OF INTERESTED PARTIES

FORM 1295

1 of 1

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY CERTIFICATION OF FILING

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

Conrad Construction Co., LTD
Houston, TX United States

Certificate Number:
2020-695632

Date Filed:
12/03/2020

Date Acknowledged:

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

City of Spring Valley Village

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

2020-11-101

Paving and utility improvements to serve Lone Star Drive, Loeser Drive, Traweek Drive, West Tex Drive, and Lariat Drive

4	Name of Interested Party	City, State, Country (place of business)	Nature of interest (check applicable)	
			Controlling	Intermediary

5 Check only if there is NO Interested Party.



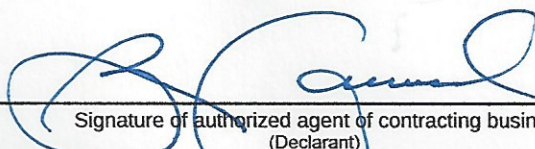
6 UNSWORN DECLARATION

My name is Priscilla Conrad, and my date of birth is 3/11/78

My address is 13408 Emmett, Houston, TX, 77041, USA
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Harris County, State of Texas, on the 4th day of Dec., 20 20
(month) (year)


Signature of authorized agent of contracting business entity
(Declarant)

**Spring Valley Village City Council
Agenda Item Data Sheet**

MEETING DATE: December 15, 2020

TOPIC: Resolution Number 20-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF CONTRACT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND CONRAD CONSTRUCTION FOR THE LOESER, TRAWEEK, LONE STAR, WEST TEX PAVEMENT & UTILITY PROJECT (BID 2020-11-101); PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

BACKGROUND: In the previous agenda item, the City Council awarded Competitive Sealed Bid Number 2020-11-101 for Paving And Utility Improvements To Serve Lone Star Dr., Loeser Dr., Traweek Dr., West Tex Dr. And Lariat Dr. to Conrad Construction in an amount not to exceed \$2,837,491.00. This Resolution approves a contract with Conrad Construction for this Project.

Please note that, due to the size of the contract, the contract has not been included in the packet. The complete contract is on file with and available for inspection from the City Secretary or it can be viewed online.

RECOMMENDATION: Staff recommends approval of the Resolution.

ATTACHMENTS: • Resolution Number 20-XX

FUNDING ISSUES:

- ☐ Not applicable – no dollars are being spent or received.
- ☒ Full amount already budgeted in Acct/Project# 25-50-7517
- ☐ Not budgeted, if approved, the following will be included in the next Budget Amendment:
 - ☐ \$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____
 - ☐ \$_____ from unassigned fund balance will be used and added to Acct/Project# _____
 - ☐ \$_____ will be added to Revenue Acct# ____-____ and \$_____ added to Expenditure Acct/Project# _____

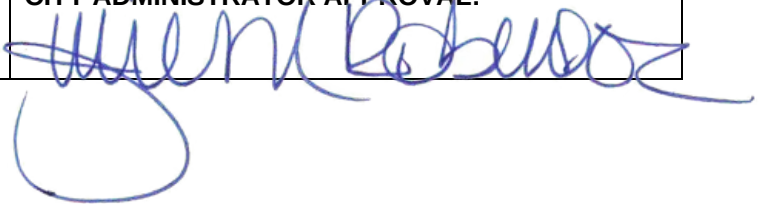
FINANCE VERIFICATION OF FUNDING:



SUBMITTING STAFF MEMBER:

Pat Riley, Director of Public Works

CITY ADMINISTRATOR APPROVAL:



RESOLUTION NUMBER 20-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A CONTRACT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND CONRAD CONSTRUCTION CO. LTD. FOR PAVING AND UTILITY IMPROVEMENTS TO SERVE LONE STAR DR., LOESER DR., TRAWEEK DR., WEST TEX DR. AND LARIAT DR. (CSB #2020-11-101); PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a proposed Contract by and between the City of Spring Valley Village, Texas and Conrad Construction Co. Ltd. for Paving And Utility Improvements To Serve Lone Star Dr., Loeser Dr., Traweek Dr., West Tex Dr. And Lariat Dr. (CSB #2020-11-101) (hereinafter called "Contract"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Contract and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the Mayor should be authorized to execute the Contract and any and all documents necessary to effectuate such Contract on behalf of the City of Spring Valley Village;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. The terms and conditions of the Contract, having been reviewed by the City Council of the City of Spring Valley Village and found to be acceptable and in the best interests of the City of Spring Valley Village and its citizens, are hereby in all things approved.

Section 3. The Mayor is hereby authorized to execute the Contract and empowered, for and on behalf of the City, to take all such actions and to execute, verify, acknowledge, certify to, file and deliver all such instruments and documents required in the Contract as shall in the judgment of the Mayor be appropriate in order to effect the purposes of the foregoing resolution and Contract.

Section 4. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED on this the ____ day of _____, 2020.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas

DIVIDER PAGE

CONTRACT FOR CONSTRUCTION

STATE OF TEXAS	§	CONTRACT BETWEEN THE
	§	CITY OF SPRING VALLEY VILLAGE,
	§	TEXAS AND CONRAD
	§	CONSTRUCTION CO., LTD.
COUNTY OF HARRIS	§	FOR PAVING AND UTILITY
	§	IMPROVEMENTS TO SERVE LONE
	§	STAR DR., LOESER DR., TRAWEEK
	§	DR., WEST TEX DR. AND LARIAT DR.
	§	(CSB #2020-11-101)

This Contract made this December 15, 2020, by and between Conrad Construction Co., LTD, (hereinafter referred to as "Contractor"), and the City of Spring Valley Village, Texas, (hereinafter referred to as "City"), 1025 Campbell Road, Houston, Texas 77055.

For and in consideration of the covenants and agreements contained herein, and of the mutual benefits to be obtained hereby, the parties agree as follows:

ARTICLE 1. SCOPE OF THE WORK

Contractor shall provide all supervision, labor, materials and equipment necessary for the project identified as Paving And Utility Improvements To Serve Lone Star Dr., Loeser Dr., Traweek Dr., West Tex Dr. And Lariat Dr. Competitive Sealed Bid #2020-11-101 (hereinafter "Work"). Such Work shall be performed in accordance with the terms and conditions of the City's Specifications for same, a copy of which is attached hereto and incorporated herein for all purposes as Exhibit "A", and the Contractor's Proposal in response thereto, (hereinafter "Contractor's Proposal"), a copy of which is attached hereto and incorporated herein for all purposes as Exhibit "B". The Contract consists of the following:

- (a) This Contract by and between the City and Contractor (hereinafter "Contract");
- (b) The City's Specifications for the Work, (Exhibit "A");
- (c) The Contractor's Proposal dated December 4, 2020 (Exhibit "B");
- (d) The Contractor's Payment Bond for the Work (Exhibit "C");
- (e) The Contractor's Performance Bond for the Work (Exhibit "D"); and
- (f) Construction Schedule (Exhibit "E")

In the event there exists a conflict between any of the terms, clauses, or phrases of the foregoing documents, priority of interpretation shall be in the following order: this Contract, City's

Specifications, and Contractor's Proposal. These documents shall be referred to collectively as "Contract Documents."

ARTICLE 2.

SCHEDULE FOR COMPLETION / LIQUIDATED DAMAGES / DELAYS

2.01 SCHEDULE FOR COMPLETION. Prior to starting Work, the Contractor and the City shall meet to develop a Construction Schedule for the Work pursuant to Scope of Work and Special Conditions contained in Exhibit "A." The Construction Schedule shall be signed by the Contractor and the City and become a part of this Contract as Exhibit "E." The City may request that Contractor develop and submit a Construction Schedule for each street. The Contractor shall submit any major revisions to the approved Construction Schedule as the Work progresses to the City for review. The approved Construction Schedule may only be modified upon the written approval of City.

A written notice to proceed will be issued to the Contractor by the City for the Work. The Work to be performed under this Contract shall be commenced within ten (10) calendar days after the date the written notice to proceed has been issued to Contractor by the City. Contractor shall sign off on the notice to proceed that acknowledges their agreement to the number of days established by the Construction Schedule. Contractor shall fully complete the entire Scope of Work to the satisfaction of the City within 220 calendar days after the date of the written notice to proceed has been issued by the City.

2.02 LIQUIDATED DAMAGES. The parties acknowledge that adherence by Contractor to the approved Construction Schedule and times set forth herein for completion of the Project is essential to this Contract. It is agreed by the parties that the actual damages which might be sustained by City by reason of the breach by Contractor of its promise to timely complete the Work in accordance with the provisions hereof are uncertain and would be difficult to ascertain. It is further agreed that the sum of **TWO THOUSAND DOLLARS (\$2,000.00)** for each day that completion of the Project or any portion of the Work is overdue according to the Construction Schedule would be reasonable and just compensation for such breach, and Contractor hereby promises to pay such sum as liquidated damages, and not as a penalty, in the event of such breach. Any liquidated damages shall be deducted from Contractor's final payment under this Contract.

2.03 DELAYS. The Contractor shall be entitled to an extension of time specified in the Construction Schedule under this Contract only when claim for such extension is submitted to the City in writing by the Contractor within seven (7) calendar days from and after the time when any alleged cause of delay shall occur; and then only when such extension of time is approved by the City. In adjusting the Contract working time for the completion of the Work, unforeseeable causes defined herein shall be taken into consideration. No allowances shall be made for delays or suspension of the performance of the Work due to the fault of the Contractor. Unforeseeable Cause is defined as:

- (a) An act of God in the form of unusually severe weather conditions, including storms, flood, fire or similar event, that could not have been anticipated or guarded against and which materially affects the work site, including access or egress thereto; or
- (b) A riot or war situation actually involving the site or actually preventing the Contractor from working on the site, but not including any situation involving suppliers off-site other than those essential suppliers as identified to City.

No event shall be deemed an Unforeseeable Cause for the purposes of this Contract unless it actually and directly necessitates a delay in the Work which could not be otherwise remedied by taking reasonably prudent steps, and the Contractor could not reasonably adjust the schedule of the remaining Work to deal with, make up for, or otherwise work around the delays resulting from the Unforeseeable Cause(s).

Notwithstanding any other term contained in the Contract Documents, no adjustment to working time shall be made if, concurrently with the equitable cause for delay, there existed a cause for delay due to the fault or negligence of the Contractor, his agents, employees or subcontractors; and no adjustment shall be made to the Contract price and the Contractor shall not be entitled to claim or receive any additional compensation as a result of or arising out of any delay resulting in adjustment to the working time hereunder, including delays caused by the acts or negligence of the City. Notwithstanding any other provision of the Contract Documents, all claims for extension of working time must be submitted in accordance with the terms specified in the Contract Documents, and no act of the City shall be deemed a waiver or entitlement of such extension.

ARTICLE 3. CONTRACT PRICE

Compensation for Work satisfactorily performed hereunder shall be in an amount not to exceed the sum of **\$2,837,491.00**. City shall issue progress payments in accordance with the terms of this Contract.

ARTICLE 4. PROGRESS PAYMENTS

Progress payments for Work completed shall be paid in the following manner: Percentage of completion for materials and labor satisfactorily completed on a monthly basis: ninety (90%) percent of amount billed with ten (10%) percent retained until the entire Contract is completed. Contractor shall furnish City with appropriate documentation evidencing Contractor's payment for all work performed or materials provided by subcontractors. If Contractor is unable to produce such documentation evidencing payment, City may withhold that portion of the payment due to such subcontractor(s), without penalty, until Contractor provides documentation evidencing to City that Contractor has paid all such costs and that there is no existing claim by such subcontractors.

The final payment request from Contractor shall include the release of ten percent (10%) retainage and shall be submitted to the City upon final completion and acceptance of the Work.

Release of Liens. A partial release of liens must be provided with each payment application. A final release of liens must be provided to the City by the Contractor for the entire Work prior to release of the final ten percent (10%) retainage.

ARTICLE 5. GENERAL PROVISIONS

- 5.1 QUALITY OF WORK.** All Work shall be completed in a workman-like manner to the satisfaction of City and in compliance with all codes, ordinances, and other applicable federal, state, and local laws. The Contractor shall be responsible for initial core testing of the Work. However, if any section of the Work fails such core testing, Contractor shall be required to tear out and replace such failing sections of the Work at its sole expense and shall reimburse City for any and all costs associated with retesting such failing sections of the Work. Upon satisfactory completion of all Work hereunder as determined by City and prior to payment of final invoice by City, Contractor shall provide City with a release of all liens and waiver of claims from subcontractors. Contractor's requirement to provide such release shall be a condition precedent to City's remittance of final payment under this Contract.
- 5.2 PLAN AND SCALE DRAWING.** The Contractor shall utilize the construction plans and drawings furnished by City to complete the Work.
- 5.3 LICENSES REQUIRED.** To the extent required by law, all Work shall be performed by individuals duly licensed and authorized by law to perform such Work. The City specifically prohibits the use of subcontractors without written authorization. In the event Contractor receives written authorization from the City to engage subcontractors to perform Work hereunder, Contractor shall fully pay such subcontractor and in all instances remain responsible for the proper completion of the Work hereunder.
- 5.4 CHANGE ORDERS.** All change orders shall be in writing and signed by the project Engineer, City and Contractor and shall be incorporated in and become part of the Contract Documents.
- 5.5 ALLOWANCES & CONTINGENCY.** The Contractor shall include in the Contract Sum all allowances stated in the contract documents. Items covered by allowances shall be supplied for such amounts and by such persons or entities as the City may direct, but the Contractor shall not be required to employ persons or entities against which the Contractor makes reasonable objection. Unless otherwise provided in the Contract Documents: allowances shall cover the cost to the contractor of materials and equipment delivered at the site and all required taxes, less applicable trade discounts; Contractor costs for unloading and handling at the site, labor, installation, costs, overhead, profit and other expenses contemplated for stated allowance amounts shall be included in the

allowances, and whenever and costs are more than or less than allowances, the Contract Sum shall be adjusted accordingly by Change Order. The amount of the Change Order shall reflect: (1) the difference between actual costs and the allowances, and changes in Contractor's cost.

- 5.6 INSURANCE.** Contractor warrants that it has obtained and will maintain throughout the duration of the Work, insurance covering injury to its employees and third parties, including coverage for bodily injury and property damage resulting from, related to or arising out of Contractor's Work. Such insurance shall cover acts and omissions of Contractor, its employees, agents, and subcontractors. Contractor shall provide a certificate of insurance showing the City as additional insured and providing such types and amounts of coverage as required in the City's Specifications for the Work attached hereto as Exhibit "A". Such certificate of insurance shall provide that the City is to receive thirty (30) days written notice of cancellation.
- 5.7 PERMITS.** Contractor shall at its own expense obtain all permits necessary for the Work to be performed.
- 5.8 REMOVAL OF DEBRIS.** Contractor agrees to remove all debris and leave the premises in a clean condition acceptable to the City.
- 5.9 DAMAGES.** Contractor shall make every reasonable effort to protect the work area from loss or damage. Any portion of the work area damaged by Contractor during the course of the Work must be repaired by Contractor at no additional cost to the City. Damages shall include, but not be limited to, any damage caused by the Contractor to fences, yards, shrubs, or open public spaces. Any repair work shall match the existing condition of the items and area damaged. The City's policy on items in the right-of-way is in effect for City projects.
- 5.10 WARRANTY.** Contractor warrants all Work for a period of twenty-four (24) months following the date of final acceptance of the Work by the City.
- 5.11 TERMINATION.** City may terminate this Contract upon ten (10) days prior written notice to Contractor.
- 5.12 TAXES.** The Contractor shall pay sales, consumer, use, and similar taxes that are legally required when the Contract is executed.
- 5.13 SAFETY.** The Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs, including all those required by law in connection with performance of the Contract. The Contractor shall promptly remedy damages and loss to property caused in whole or in part by the Contractor, its employees, agents, subcontractors, or by any other third party for whose acts the Contractor may be liable.
- 5.14 VENUE.** The laws of the State of Texas shall govern the interpretation, validity, performance and enforcement of this Contract. The parties agree that this Contract is

performable in Harris County, Texas, and that exclusive venue shall lie in Harris County, Texas.

- 5.15 INDEPENDENT CONTRACTOR.** Contractor covenants and agrees that Contractor is an independent contractor and not an officer, agent, servant or employee of City; that Contractor shall have exclusive control of and exclusive right to control the details of the Work performed hereunder and all persons performing same, and shall be responsible for the acts and omissions of its officers, agents, employees, contractors, subcontractors and consultants and shall indemnify City from all claims and damages resulting from this Work; that the doctrine of respondent superior shall not apply as between City and Contractor, its officers, agents, employees, contractors, subcontractors and consultants, and nothing herein shall be construed as creating a partnership or joint enterprise between City and Contractor.
- 5.16 SEVERABILITY.** The provisions of this Contract are severable. If any paragraph, section, subdivision, sentence, clause, or phrase of this Contract is for any reason held to be contrary to the law or contrary to any rule or regulation having the force and effect of the law, such decisions shall not affect the remaining portions of the Contract. However, upon the occurrence of such event, either party may terminate this Contract by giving the other party thirty (30) days written notice.
- 5.17 ENTIRE AGREEMENT.** This Contract and its attachments embody the entire agreement between the parties and may only be modified in writing if executed by both parties.
- 5.18 CONTRACT INTERPRETATION.** Although this Contract is drafted by City, should any part be in dispute, the parties agree that the Contract shall not be construed more favorably for either party.
- 5.19 SUCCESSORS AND ASSIGNS.** This Contract shall be binding upon the parties hereto, their successors, heirs, personal representatives and assigns.
- 5.20 HEADINGS.** The headings of this Contract are for the convenience of reference only and shall not affect in any manner any of the terms and conditions hereof.

IN WITNESS WHEREOF, the parties have executed this Contract by signing below. The effective date of this Contract shall be the date of City Council approval.

CITY OF SPRING VALLEY VILLAGE, TEXAS

By: _____
Printed Name: Marcus Vajdos
Title: Mayor
Date: December 15, 2020

ATTEST:

Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas

CONRAD CONSTRUCTION CO., LTD

By: _____
Printed Name: _____
Title: _____
Date: _____

ATTEST:

Corporate Secretary

**City of Spring Valley Village City Council
Agenda Item Data Sheet**

MEETING DATE: December 15, 2020

TOPIC:	CONDUCT A PUBLIC HEARING CONCERNING: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2018-28 AMENDING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 2.5511 ACRES OF LAND AT THE NORTHWEST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING CONSTRUCTION ON THE DEVELOPMENT APPROVED BY ORDINANCE NO. 2018-28 TO COMMENCE NO LATER THAN JUNE 30, 2022; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
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BACKGROUND:	On October 23, 2018, City Council approved the development of the property at the Northwest intersection of I-10 and Campbell Road ("Development"), and Ordinance No. 2018-28 approved for the Development included a requirement that construction on the Development must commence within eight (8) months of final approval by the City Council. The initial deadline for construction on the Development to commence was June 23, 2019. Over the next two years, Developer Richard Barbles requested extensions of the deadline from the City Council that were verbally granted. However, movement toward meeting the deadline was not occurring. Consequently, on September 22, 2020, the City Council approved Ordinance No. 2020-26 in order to formalize the extension approved on March 24, 2020, and clearly establish that, in the event construction does not start prior to December 31, 2020, then the Developer must submit a new application for PAD approval for the Development and go through the formal process. In early October, City Administrator Julie Robinson learned that one of the original partners of the Wellington Stream project was in the process of buying out Stream Realty and would be taking over the project. Ms. Robinson and I met with the new developer to discuss what their plans were for the project, and, because they have a significant amount of money invested in the land and construction plans, they have a vested interest in getting the project started. They are currently working with Transwestern to
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**City of Spring Valley Village City Council
Agenda Item Data Sheet**

recruit tenants in the medical/healthcare industry for the building, and Ms. Robinson and I have been and will continue to work with the developer to help recruit potential tenants.

Based on our continuing discussions and the work that is currently being done to actively recruit tenants for the project, the City agreed to revise the deadline of the PAD Ordinance and to base it on obtaining fully-executed leases for at least 50% of the total building square footage, and provide proof to the City of such leases, on or before December 31, 2021. However, during the December 8, 2020 meeting, the Planning & Zoning Commission revised the language to revert back to the previous requirement that the Owner begin construction on or before June 30, 2022, otherwise the PAD would automatically be repealed, and specified that the extension would only be effective if CBK Interests and/or Cullen Kappler become the owners of the property prior to December 31, 2020.

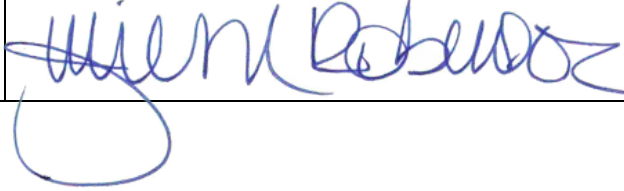
The proposed Ordinance would revise the deadline of the PAD Ordinance as follows:

“K. Owner shall begin construction on or before June 30, 2022. Failure to do so will result in the immediate repeal of this and all other Planned Area Development (PAD) ordinances affecting this property, including, but not limited to, Ordinance No. 2009-12 adopted August 25, 2009, Ordinance No. 2013-25 adopted December 17, 2013, Ordinance No. 2018-11 adopted June 26, 2018, Ordinance No. 2018-28 adopted October 23, 2018, within eight (8) months of the approval of this Ordinance by the City Council of the City of Spring Valley Village; however, such eight (8) month period shall be extended to the extent Owner is delayed by reason of labor shortages, inability to procure materials, inability to procure utilities, adverse weather conditions, extraordinary adverse conditions in the capital or debt markets, war, terrorism, any act of God, or other reasons of a similar or dissimilar nature which are beyond the reasonable control of Owner.”

The proposed Ordinance also contains a new Section 5 that reads as follows:

“This ordinance shall become effective only if CBK Interests and/or Cullen Kappler becomes the owner of the property subject to this PAD prior to December 31, 2020.”

**City of Spring Valley Village City Council
Agenda Item Data Sheet**

RECOMMENDATION: Not Applicable in the Public Hearing	
ATTACHMENTS: • Proposed Ordinance No. 2020-XX • Copy of Published Notice of Public Hearing • Copy of Notice of Public Hearing Letters and Mailing Labels for Property Owners Within 200 Feet of Property	
SUBMITTING STAFF MEMBER: Zachary Meadows, Director of Community Development	CITY ADMINISTRATOR APPROVAL: 

DIVIDER PAGE

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2018-28 AMENDING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 2.5511 ACRES OF LAND AT THE NORTHWEST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING CONSTRUCTION ON THE DEVELOPMENT APPROVED BY ORDINANCE NO. 2018-28 TO COMMENCE NO LATER THAN JUNE 30, 2022; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, Wellington Fidelis Campbell I LP (the "owner"), owns a 2.5511 acre tract of land, more or less, being identified as the property at the northwest corner of the intersection of I-10 and Campbell Road (the "property") within the corporate limits of the City of Spring Valley Village, Texas, the tract of land being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes; and

WHEREAS, the property is presently zoned Freeway Planned Area Development District ("FPADD") and is a property within the "FPADD Overlay District" ("overlay district") pursuant to the City's Zoning Ordinance, as amended; and

WHEREAS, the City Council adopted Ordinance 2018-28, which approved a planned area development ("PAD") within the FPADD in order to allow for the construction, operation and use of one (1) five (5) story professional building with a seven (7) level parking garage; and

WHEREAS, the City desires to amend Ordinance No. 2018-28 to require construction on the development approved therein to commence no later than June 30,

2022, provided that CBK Interests and/or Cullen Kappler become owners of the property subject to this PAD prior to December 31, 2020; and

WHEREAS, the Planning and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on the proposed amendments PAD ordinance for the 2.5511 acre tract at the northwest corner of I-10 and Campbell Road; and

WHEREAS, the City Council has considered the report of the Commission; and

WHEREAS, the City Council now deems it appropriate to adopt the amendments and to approve certain changes as an amendment to the City's Zoning Ordinance as provided herein;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The application of the owner of the 2.5511 acre tract at the northwest corner of I-10 and Campbell Road for amendments to Ordinance 2018-28 adopting a planned area development is hereby approved subject to the regulations, restrictions, terms and conditions hereinafter set forth.

Section 3. This ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the regulations, restrictions, terms and conditions provided for herein. When a conflict exists between the Comprehensive Zoning Ordinance and this ordinance, this ordinance shall prevail.

Section 4. Ordinance 2018-28, adopted October 23, 2018, adopting the planned area development use is hereby amended by deleting therefrom the language struck through below and adding the language underscored below as follows:

“ **Section 5.** The planned area development use authorized and permitted hereby shall be, and is, subject to the following additional limitations, restrictions and covenants:

.....

“K. Owner shall begin construction on or before June 30, 2022. Failure to do so will result in the immediate repeal of this and all other Planned Area Development (PAD) ordinances affecting this property, including, but not limited to, Ordinance No. 2009-12 adopted August 25, 2009, Ordinance No. 2013-25 adopted December 17, 2013, Ordinance No. 2018-11 adopted June 26, 2018, Ordinance No. 2018-28 adopted October 23, 2018,~~within eight (8) months of the approval of this Ordinance by the City Council of the City of Spring Valley Village; however, such eight (8) month period shall be extended to the extent Owner is delayed by reason of labor shortages, inability to procure materials, inability to procure utilities, adverse weather conditions, extraordinary adverse conditions in the capital or debt markets, war, terrorism, any act of God, or other reasons of a similar or dissimilar nature which are beyond the reasonable control of Owner.~~

.....”

Section 5. This ordinance shall become effective only if CBK Interests and/or Cullen Kappler becomes the owner of the property subject to this PAD prior to December 31, 2020.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 8. Attached to this ordinance are the following documents:

Exhibit A: Legal Description;

ADOPTED this _____ of _____, 2020.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas

EXHIBIT “A” – LEGAL DESCRIPTION

RESERVE A BLOCK 1 CHURCH OF NAZARENE

DIVIDER PAGE

**PUBLIC NOTICE
CITY OF SPRING VALLEY VILLAGE, TEXAS
NOTICE OF PUBLIC HEARING**

Notice Is Hereby Given To Hear Comments And Testimony Concerning The Following:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2018-28 AMENDING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 2.5511 ACRES OF LAND AT THE NORTHWEST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING FULLY-EXECUTED LEASES FOR AT LEAST 50% OF THE TOTAL BUILDING SQUARE FOOTAGE FOR THE DEVELOPMENT APPROVED BY ORDINANCE NO. 2018-28, AND PROVIDE PROOF TO THE CITY OF SUCH LEASES, NO LATER THAN DECEMBER 31, 2021; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

The **Planning and Zoning Commission** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

Date: Tuesday, December 8, 2020

Time: 7:00 p.m.

Location: Council Chambers
Spring Valley Village City Hall
1025 Campbell Road
Houston, TX 77055

The **City Council** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

Date: Tuesday, December 15, 2020

Time: 6:00 p.m.

Location: Council Chambers
Spring Valley Village City Hall
1025 Campbell Road
Houston, TX 77055

For additional information regarding these public hearings, please contact the Director of Community Development, Zachary Meadows at (713) 465-8308.



EST. 1955

SPRING VALLEY V I L L A G E

November 20, 2020

Dear Property Owner:

Notice Is Hereby Given To Hear Comments And Testimony Regarding The Following Proposed Ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2018-28 AMENDING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 2.5511 ACRES OF LAND AT THE NORTHWEST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING FULLY-EXECUTED LEASES FOR AT LEAST 50% OF THE TOTAL BUILDING SQUARE FOOTAGE FOR THE DEVELOPMENT APPROVED BY ORDINANCE NO. 2018-28, AND PROVIDE PROOF TO THE CITY OF SUCH LEASES, NO LATER THAN DECEMBER 31, 2021; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

The **Planning and Zoning Commission** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

Date: Tuesday, December 8, 2020

Time: 7:00 p.m.

Location: Council Chambers of Spring Valley Village City Hall, 1025 Campbell Road

The **City Council** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

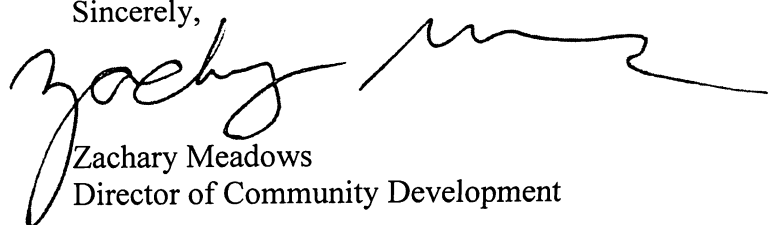
Date: Tuesday, December 15, 2020

Time: 6:00 p.m.

Location: Council Chambers of Spring Valley Village City Hall, 1025 Campbell Road

This notice is being sent to you as current property records indicate that you own property in close proximity to 1001 Campbell Road. All interested parties are invited to attend both public hearings and will have the opportunity to be heard. For further information, please contact me at (832) 910-8577 or zmeadows@springvalleytx.com.

Sincerely,



Zachary Meadows
Director of Community Development

Khalaf Bisher & Katia Chanin
1 Pecan Trail Lane
Houston, Texas 77055

Jonathan & Shelby Lindenberger
3 Pecan Trail Lane
Houston, Texas 77055

Current Owner
12335 Kingsride Lane, Suite 426
Houston, Texas 77024-4116

THIS NOTICE IS IN REGARDS
TO YOUR PROPERTY AT:
1012 CAMPBELL ROAD
HOUSTON, TEXAS 77055

Larry & Rachel Stinson
1015 Lone Star Drive
Houston, Texas 77055

Current Owner
1016 Lone Star Drive
Houston, Texas 77055

Dudley & Linda Babin
1019 Lone Star Drive
Houston, Texas 77055

Christopher & Diana Delaup
1020 Lone Star Drive
Houston, Texas 77055

Linda Gibson
1015 Loeser Drive
Houston, Texas 77055

Linda Gibson
1036 Teresa Drive
Houston, Texas 77055

THIS NOTICE IS IN REGARDS
TO YOUR PROPERTY AT:
1015 LOESER DRIVE
HOUSTON, TEXAS 77055

Jonathan & Emily Goolsby
1019 Loeser Drive
Houston, Texas 77055

Stephanie & Keith Koronka
9013 West Tex Drive
Houston, Texas 77055

Jonathan Marcantel
9017 West Tex Drive
Houston, Texas 77055

Campbell Project Partners LLC
9801 Westheimer Road, Suite 250
Houston, Texas 77042-3951

THIS NOTICE IS IN REGARDS
TO YOUR PROPERTY AT:
1090 KATY FREEWAY
HOUSTON, TEXAS 77055

Stream Wellington LLC
3040 Post Oak Blvd., Suite 600
Houston, Texas 77056-6577

THIS NOTICE IS IN REGARDS
TO YOUR PROPERTY AT:
1001 KATY FREEWAY
HOUSTON, TEXAS 77055

Texas Dept. of Transportation
Parcel 56
P.O. Box 1386
Houston, Texas 77251-1386

THIS NOTICE IS IN REGARDS
TO YOUR PROPERTY AT:
9018 LARIAT DRIVE
HOUSTON, TEXAS 77055

Texas Dept. of Transportation
Parcel 57
P.O. Box 1386
Houston, Texas 77251-1386

THIS NOTICE IS IN REGARDS
TO YOUR PROPERTY AT:
1014 LARIAT DRIVE
HOUSTON, TEXAS 77055

**Spring Valley Village City Council
Agenda Item Data Sheet**

MEETING DATE: December 15, 2020

TOPIC:	ORDINANCE NUMBER 2020-XX AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2018-28 AMENDING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 2.5511 ACRES OF LAND AT THE NORTHWEST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING CONSTRUCTION ON THE DEVELOPMENT APPROVED BY ORDINANCE NO. 2018-28 TO COMMENCE NO LATER THAN JUNE 30, 2022; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
BACKGROUND:	In the previous agenda item, the City Council conducted a public hearing on an Amendment to the Wellington Stream Planned Area Development ("Wellington Stream PAD") for the property on the northwest corner of I-10 and Campbell Road to extend the deadline for the Owner to begin construction in compliance with the recommendation from the Planning & Zoning Commission. If approved, this Ordinance would implement the City-initiated amendment of the Wellington Stream PAD and the recommendation from the Planning & Zoning Commission to require that the Owner begin construction on or before June 30, 2022, and would retain the automatic repeal of the approved PAD Ordinance if the deadline is not met. Additionally, this Ordinance will only be effective if CBK Interests and/or Cullen Kappler become the owners of the property prior to December 31, 2020. If the transfer of ownership of the property fails to occur prior to December 31, 2020, then the approved Wellington Stream PAD will be automatically repealed on December 31, 2020.
RECOMMENDATION:	On December 8, 2020, the Planning & Zoning Commission unanimously recommended approval of the Ordinance.
ATTACHMENTS:	• Ordinance No. 2020-XX • Recommendation from the Planning & Zoning Commission
SUBMITTING STAFF MEMBER: Zachary Meadows, Director of Community Development	CITY ADMINISTRATOR APPROVAL: 

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2018-28 AMENDING A PLANNED AREA DEVELOPMENT (“PAD”) OF APPROXIMATELY 2.5511 ACRES OF LAND AT THE NORTHWEST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING CONSTRUCTION ON THE DEVELOPMENT APPROVED BY ORDINANCE NO. 2018-28 TO COMMENCE NO LATER THAN JUNE 30, 2022; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, Wellington Fidelis Campbell I LP (the “owner”), owns a 2.5511 acre tract of land, more or less, being identified as the property at the northwest corner of the intersection of I-10 and Campbell Road (the “property”) within the corporate limits of the City of Spring Valley Village, Texas, the tract of land being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes; and

WHEREAS, the property is presently zoned Freeway Planned Area Development District (“FPADD”) and is a property within the “FPADD Overlay District” (“overlay district”) pursuant to the City’s Zoning Ordinance, as amended; and

WHEREAS, the City Council adopted Ordinance 2018-28, which approved a planned area development (“PAD”) within the FPADD in order to allow for the construction, operation and use of one (1) five (5) story professional building with a seven (7) level parking garage; and

WHEREAS, the City desires to amend Ordinance No. 2018-28 to require construction on the development approved therein to commence no later than June 30,

2022, provided that CBK Interests and/or Cullen Kappler become owners of the property subject to this PAD prior to December 31, 2020; and

WHEREAS, the Planning and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on the proposed amendments PAD ordinance for the 2.5511 acre tract at the northwest corner of I-10 and Campbell Road; and

WHEREAS, the City Council has considered the report of the Commission; and

WHEREAS, the City Council now deems it appropriate to adopt the amendments and to approve certain changes as an amendment to the City's Zoning Ordinance as provided herein;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The application of the owner of the 2.5511 acre tract at the northwest corner of I-10 and Campbell Road for amendments to Ordinance 2018-28 adopting a planned area development is hereby approved subject to the regulations, restrictions, terms and conditions hereinafter set forth.

Section 3. This ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the regulations, restrictions, terms and conditions provided for herein. When a conflict exists between the Comprehensive Zoning Ordinance and this ordinance, this ordinance shall prevail.

Section 4. Ordinance 2018-28, adopted October 23, 2018, adopting the planned area development use is hereby amended by deleting therefrom the language struck through below and adding the language underscored below as follows:

“ **Section 5.** The planned area development use authorized and permitted hereby shall be, and is, subject to the following additional limitations, restrictions and covenants:

.....

“K. Owner shall begin construction on or before June 30, 2022. Failure to do so will result in the immediate repeal of this and all other Planned Area Development (PAD) ordinances affecting this property, including, but not limited to, Ordinance No. 2009-12 adopted August 25, 2009, Ordinance No. 2013-25 adopted December 17, 2013, Ordinance No. 2018-11 adopted June 26, 2018, Ordinance No. 2018-28 adopted October 23, 2018,~~within eight (8) months of the approval of this Ordinance by the City Council of the City of Spring Valley Village; however, such eight (8) month period shall be extended to the extent Owner is delayed by reason of labor shortages, inability to procure materials, inability to procure utilities, adverse weather conditions, extraordinary adverse conditions in the capital or debt markets, war, terrorism, any act of God, or other reasons of a similar or dissimilar nature which are beyond the reasonable control of Owner.~~

.....”

Section 5. This ordinance shall become effective only if CBK Interests and/or Cullen Kappler becomes the owner of the property subject to this PAD prior to December 31, 2020.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 8. Attached to this ordinance are the following documents:

Exhibit A: Legal Description;

ADOPTED this _____ of _____, 2020.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas

EXHIBIT “A” – LEGAL DESCRIPTION

RESERVE A BLOCK 1 CHURCH OF NAZARENE

DIVIDER PAGE



PLANNING & ZONING COMMISSION VOTING FORM

DATE: DECEMBER 8, 2020

AGENDA ITEM #4:

CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance No. 2020-XX - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2018-28 AMENDING A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 2.5511 ACRES OF LAND AT THE NORTHWEST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT REQUIRING FULLY-EXECUTED LEASES FOR AT LEAST 50% OF THE TOTAL BUILDING SQUARE FOOTAGE FOR THE DEVELOPMENT APPROVED BY ORDINANCE NO. 2018-28, AND PROVIDE PROOF TO THE CITY OF SUCH LEASES, NO LATER THAN DECEMBER 31, 2021; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

6.30.2022

MEMBER NAME	MOTIONED	SECONDED	AYE	NAY	ABSTAINED
CHARLIE CALDERWOOD			✓		
TREY HOFFMAN			✓		
PATRICK JOHNSON			✓		
JOHN LISEBY	✓				
MARYELLEN MCGLOTHLIN			✓		
ANNE-MARIE MCMICHAEL		✓			
LOUISE RICHMAN			✓		
JIM AUTENREITH, ALT.			✓		

MOTION CARRIED 7 ✓

MOTION DENIED 0

Pt 2 Voted to amend the existing ordinance to allow an extension of the PAD for 18 months to June 30, 2022. Granted only for CBK Interests and not Stream Realty.


 TREY HOFFMAN, CHAIRMAN
 PLANNING & ZONING COMMISSION

**Spring Valley Village City Council
Agenda Item Data Sheet**

MEETING DATE: December 15, 2020

TOPIC:	CONDUCT A PUBLIC HEARING CONCERNING: ORDINANCE NUMBER 2020-XX – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2014-12 PROVIDING FOR A PLANNED AREA DEVELOPMENT (“PAD”) OF APPROXIMATELY 2.38 ACRES OF LAND AT THE NORTHEAST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT BY PERMITTING OUTDOOR PATIO DINING BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
BACKGROUND:	As the Council may or may not be aware, Jonathon’s The Rub will be relocating its Hedwig Village original location to the restaurant space at 9090 Katy Freeway previously occupied by Peli Peli. Jonathon’s The Rub is planning to offer outdoor patio dining on the west side of the building where Peli Peli also offered outdoor dining. To ensure that this could be done without any issues, City staff reviewed the Ersae Grae Planned Area Development (“Ersae Grae PAD”) that was originally approved for this development and found that, while restaurants are a permitted use, there is no language to clearly allow outdoor patio dining. Previously adopted PAD ordinances have allowed for outdoor dining within specific hours while also restricting other outdoor use and storage. Consequently, City staff proposes that the Ersae Grae PAD be amended to include the following language: “Outdoor patio dining hours shall be permitted between the hours of 6:00 a.m. and 12:00 a.m.” The proposed language mirrors the language adopted in other PAD ordinances.
RECOMMENDATION:	Not Applicable in the Public Hearing
ATTACHMENTS:	• Proposed Ordinance No. 2020-XX • Copy of Published Notice of Public Hearing • Copy of Notice of Public Hearing Letters and Mailing Labels for Property Owners Within 200 Feet of Property

**Spring Valley Village City Council
Agenda Item Data Sheet**

SUBMITTING STAFF MEMBER: Zachary Meadows, Director of Community Development	CITY ADMINISTRATOR APPROVAL: 
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DIVIDER PAGE

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2014-12 PROVIDING FOR A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 2.38 ACRES OF LAND AT THE NORTHEAST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT BY PERMITTING OUTDOOR PATIO DINING BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, Campbell Project Partners, LLC (the "owner"), owns a 2.3816 acre tract of land, more or less, being identified as the property at the northeast corner of the intersection of I-10 and Campbell Road (the "property") within the corporate limits of the City of Spring Valley Village, Texas, the tract of land being more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes; and

WHEREAS, the property is presently zoned Freeway Planned Area Development District ("FPADD") and is a property within the "FPADD Overlay District" ("overlay district") pursuant to the City's Zoning Ordinance, as amended; and

WHEREAS, the City Council adopted Ordinance 2014-12, which approved a planned area development ("PAD") within the FPADD in order to allow for the construction, operation and use of a five story office retail building with attached split-level parking; and

WHEREAS, the City desires to amend Ordinance 2014-12 to allow outdoor patio dining between the hours of 6:00 a.m. and 12:00 a.m.; and

WHEREAS, the Planning and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on the proposed amendments for the 2.38 acre tract at the northeast corner of I-10 and Campbell Road; and

WHEREAS, the City Council has considered the report of the Commission; and

WHEREAS, the City Council now deems it appropriate to adopt the amendments and to approve certain changes as an amendment to the City's Zoning Ordinance as provided herein; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The application of the City for amendments to Ordinance 2014-12 adopting a planned area development for the 2.38 acre tract at the northeast corner of I-10 and Campbell Road is hereby approved subject to the regulations, restrictions, terms and conditions hereinafter set forth.

Section 3. This ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the regulations, restrictions, terms and conditions provided for herein. When a conflict exists between the Comprehensive Zoning Ordinance and this ordinance, this ordinance shall prevail.

Section 4. Ordinance 2014-12 adopting the planned area development use is hereby amended by deleting therefrom the language struck through below and adding the language underscored below as follows:

Section 5. The planned area development use authorized and permitted hereby shall be, and is, subject to the following additional limitations, restrictions and covenants:

.....

D. Occupancy/Use.

.....

4. Outdoor uses restricted. Except as expressly provided above, the property shall not have operating hours outside 7:00 a.m. and 2:00 a.m. Monday – Saturday and outside 8:00 a.m. to 12:00 a.m. on Sundays. Outdoor patio dining shall be permitted between the hours of 6:00 a.m. and 12:00 a.m. Outdoor storage and outdoor displays are prohibited”

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this ordinance shall be deemed guilty of a

misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.
Each day of violation shall constitute a separate offense.

Section 7. Attached to this ordinance are the following documents:

Exhibit A: Legal Description;

ADOPTED this _____ of _____, 2020.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas

EXHIBIT “A” – LEGAL DESCRIPTION

Tracts 12A and 12B situated in the A.H. Osborne Survey, Abstract 610, totaling approximately 2.38 acres, otherwise described as 1000 and 1010 Campbell Rd., Houston, TX 77055.

DIVIDER PAGE

**PUBLIC NOTICE
CITY OF SPRING VALLEY VILLAGE, TEXAS
NOTICE OF PUBLIC HEARING**

Notice Is Hereby Given To Hear Comments And Testimony Concerning The Following:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2014-12 PROVIDING FOR A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 2.38 ACRES OF LAND AT THE NORTHEAST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT BY PERMITTING OUTDOOR PATIO DINING BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

The **Planning and Zoning Commission** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

Date: Tuesday, December 8, 2020

Time: 7:00 p.m.

Location: Council Chambers
Spring Valley Village City Hall
1025 Campbell Road
Houston, TX 77055

The **City Council** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

Date: Tuesday, December 15, 2020

Time: 6:00 p.m.

Location: Council Chambers
Spring Valley Village City Hall
1025 Campbell Road
Houston, TX 77055

For additional information regarding these public hearings, please contact the Director of Community Development, Zachary Meadows at (713) 465-8308.



November 20, 2020

Dear Property Owner:

Notice Is Hereby Given To Hear Comments And Testimony Regarding The Following Proposed Ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2014-12 PROVIDING FOR A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 2.38 ACRES OF LAND AT THE NORTHEAST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT BY PERMITTING OUTDOOR PATIO DINING BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

The **Planning and Zoning Commission** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

Date: Tuesday, December 8, 2020

Time: 7:00 p.m.

Location: Council Chambers of Spring Valley Village City Hall, 1025 Campbell Road

The **City Council** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

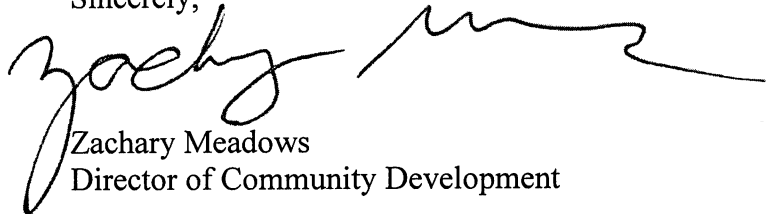
Date: Tuesday, December 15, 2020

Time: 6:00 p.m.

Location: Council Chambers of Spring Valley Village City Hall, 1025 Campbell Road

This notice is being sent to you as current property records indicate that you own property in close proximity to 9090 Katy Freeway. All interested parties are invited to attend both public hearings and will have the opportunity to be heard. For further information, please contact me at (832) 910-8577 or zmeadows@springvalleytx.com.

Sincerely,



Zachary Meadows
Director of Community Development



9040

Katy

Étiquette de format 25 mm x 67 mm compatible avec Avery®5160/8160
label size 1" x 2 5/8" compatible with Avery®5160/8160



Paul & Maria King
9135 Penn Manor Court
Houston, Texas 77055

Thomas & Hermina Shoffner
1102 Anne Street
Houston, Texas 77055

Bisher Khalaf & Katia Chanin
1 Pecan Trail Lane
Houston, Texas 77055

Jonathan & Shelby Lindenberger
3 Pecan Trail Lane
Houston, Texas 77055

Current Owner
5 Pecan Trail Lane
Houston, Texas 77055

Gary & Norma Moore
7 Pecan Trail Lane
Houston, Texas 77055

Indranil Chakrabarti &
Anaya Sarkar
11 Pecan Trail Lane
Houston, Texas 77055

Current Owner
16 Pecan Trail Lane
Houston, Texas 77055

Managed Rehabilitation Inc.
9180 Katy Freeway #200
Houston, Texas 77055

Campbell Project Partners, Inc.
9801 Westheimer Rd, Suite 250
Houston, Texas 77042

THIS NOTICE IS IN REGARDS
TO YOUR PROPERTY AT:
9090 KATY FREEWAY
HOUSTON, TEXAS 77055

Memorial Designs
1010 Campbell Road
Houston, Texas 77055

Current Owner
1012 Campbell Road
Houston, Texas 77055

Current Owner
12335 Kingsride Lane, Suite 426
Houston, Texas 77024

THIS NOTICE IS IN REGARDS
TO YOUR PROPERTY AT:
1012 CAMPBELL ROAD
HOUSTON, TEXAS 77055

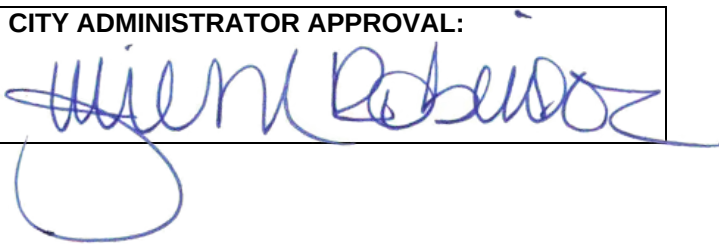
Campbell Medical Group
1012 Campbell Road
Houston, Texas 77055

Pizza Fino
1020 Campbell Road
Houston, Texas 77055



**Spring Valley Village City Council
Agenda Item Data Sheet**

MEETING DATE: December 15, 2020

TOPIC:	ORDINANCE NUMBER 2020-XX AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2014-12 PROVIDING FOR A PLANNED AREA DEVELOPMENT ("PAD") OF APPROXIMATELY 2.38 ACRES OF LAND AT THE NORTHEAST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT BY PERMITTING OUTDOOR PATIO DINING BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.
BACKGROUND:	In the previous agenda item, the City Council conducted a public hearing on an Amendment to the Ersae Grae Planned Area Development ("Ersae Grae PAD") for the property at 9090 Katy Freeway on the northeast corner of I-10 and Campbell Road. If approved, this Ordinance would implement the City-initiated amendment of the Ersae Grae PAD to allow for outdoor patio dining between the hours of 6:00 am and 12:00 am.
RECOMMENDATION:	On December 8, 2020, the Planning & Zoning Commission unanimously recommended approval of the Ordinance.
ATTACHMENTS:	• Ordinance No. 2020-XX • Recommendation from the Planning & Zoning Commission
SUBMITTING STAFF MEMBER: Zachary Meadows, Director of Community Development	CITY ADMINISTRATOR APPROVAL: 

ORDINANCE NO. 2020-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2014-12 PROVIDING FOR A PLANNED AREA DEVELOPMENT (“PAD”) OF APPROXIMATELY 2.38 ACRES OF LAND AT THE NORTHEAST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT BY PERMITTING OUTDOOR PATIO DINING BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

* * * * *

WHEREAS, Campbell Project Partners, LLC (the “owner”), owns a 2.3816 acre tract of land, more or less, being identified as the property at the northeast corner of the intersection of I-10 and Campbell Road (the “property”) within the corporate limits of the City of Spring Valley Village, Texas, the tract of land being more particularly described in Exhibit “A” attached hereto and made a part hereof for all purposes; and

WHEREAS, the property is presently zoned Freeway Planned Area Development District (“FPADD”) and is a property within the “FPADD Overlay District” (“overlay district”) pursuant to the City’s Zoning Ordinance, as amended; and

WHEREAS, the City Council adopted Ordinance 2014-12, which approved a planned area development (“PAD”) within the FPADD in order to allow for the construction, operation and use of a five story office retail building with attached split-level parking; and

WHEREAS, the City desires to amend Ordinance 2014-12 to allow outdoor patio dining between the hours of 6:00 a.m. and 12:00 a.m.; and

WHEREAS, the Planning and Zoning Commission and the City Council have conducted, in the time and manner required by law and the Zoning Ordinance of the City, a public hearing on the proposed amendments for the 2.38 acre tract at the northeast corner of I-10 and Campbell Road; and

WHEREAS, the City Council has considered the report of the Commission; and

WHEREAS, the City Council now deems it appropriate to adopt the amendments and to approve certain changes as an amendment to the City's Zoning Ordinance as provided herein; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The application of the City for amendments to Ordinance 2014-12 adopting a planned area development for the 2.38 acre tract at the northeast corner of I-10 and Campbell Road is hereby approved subject to the regulations, restrictions, terms and conditions hereinafter set forth.

Section 3. This ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the regulations, restrictions, terms and conditions provided for herein. When a conflict exists between the Comprehensive Zoning Ordinance and this ordinance, this ordinance shall prevail.

Section 4. Ordinance 2014-12 adopting the planned area development use is hereby amended by deleting therefrom the language struck through below and adding the language underscored below as follows:

Section 5. The planned area development use authorized and permitted hereby shall be, and is, subject to the following additional limitations, restrictions and covenants:

.....

D. Occupancy/Use.

.....

4. Outdoor uses restricted. Except as expressly provided above, the property shall not have operating hours outside 7:00 a.m. and 2:00 a.m. Monday – Saturday and outside 8:00 a.m. to 12:00 a.m. on Sundays. Outdoor patio dining shall be permitted between the hours of 6:00 a.m. and 12:00 a.m. Outdoor storage and outdoor displays are prohibited”

Section 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision of this ordinance shall be deemed guilty of a

misdemeanor and upon conviction, shall be fined in an amount not to exceed \$2,000.
Each day of violation shall constitute a separate offense.

Section 7. Attached to this ordinance are the following documents:

Exhibit A: Legal Description;

ADOPTED this _____ of _____, 2020.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas

EXHIBIT “A” – LEGAL DESCRIPTION

Tracts 12A and 12B situated in the A.H. Osborne Survey, Abstract 610, totaling approximately 2.38 acres, otherwise described as 1000 and 1010 Campbell Rd., Houston, TX 77055.

DIVIDER PAGE



EST. 1955
SPRING VALLEY
VILLAGE

PLANNING & ZONING COMMISSION VOTING FORM

DATE: DECEMBER 8, 2020

AGENDA ITEM #6:

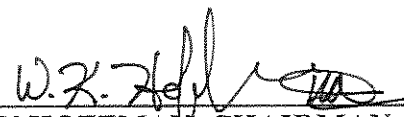
CONSIDERATION AND POSSIBLE ACTION CONCERNING: Ordinance Number 2020-XX – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING EXHIBIT A OF CHAPTER 12, PLANNING AND ZONING, OF THE CODE OF ORDINANCES OF THE CITY, EXHIBIT A BEING THE ZONING ORDINANCE OF THE CITY, BY AMENDING ORDINANCE 2014-12 PROVIDING FOR A PLANNED AREA DEVELOPMENT (“PAD”) OF APPROXIMATELY 2.38 ACRES OF LAND AT THE NORTHEAST INTERSECTION OF I-10 AND CAMPBELL ROAD WITHIN THE FREEWAY PLANNED AREA DEVELOPMENT DISTRICT BY PERMITTING OUTDOOR PATIO DINING BETWEEN THE HOURS OF 6:00 A.M. AND 12:00 A.M.; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

<u>MEMBER NAME</u>	<u>MOTIONED</u>	<u>SECONDED</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAINED</u>
CHARLIE CALDERWOOD			✓		
TREY HOFFMAN			✓		
PATRICK JOHNSON	✓				
JOHN LIENBY		✓			
MARYELLEN MCGLOTHLIN			✓		
ANNE-MARIE MCMICHAEL			✓		
LOUISE RICHMAN			✓		
JIM AUTENREITH, ALT.			✓		

MOTION CARRIED ✓

7-0

MOTION DENIED _____


TREY HOFFMAN, CHAIRMAN
PLANNING & ZONING COMMISSION

**Spring Valley Village City Council
Agenda Item Data Sheet**

MEETING DATE: December 15, 2020

TOPIC: **RESOLUTION NUMBER 20-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, ADOPTING A POLICY REGARDING PUBLIC ACCESS TO CITY INFORMATION OUTLETS; AND PROVIDING AN EFFECTIVE DATE.

BACKGROUND: Throughout the year, the City receives numerous requests to distribute a variety of information through various City information outlets. However, the City does not have a policy that guides staff's response when approached with a request.

This agenda item is a proposed policy for the Council's consideration. This policy applies to all current and future information outlets including the City website and mobile app, City social media platforms, Constant Contact, countertop and stand-alone information stations, bulletin boards, and manual and electronic message boards.

Generally, information produced by or on behalf of the City receives first priority use, and information produced by or on behalf of other government agencies with jurisdiction within Spring Valley Village receive second-priority use. Information produced by or on behalf of a City-sponsored community organization or civic event will receive third-priority use. Distribution of information produced by or on behalf of other community organizations or civic events that are not City-sponsored is not permitted. However, the policy allows for the Council to approve access for a non-City sponsored community organization or civic event by resolution.

The policy does not allow city information outlets to be used for: for-profit organizations; solicitations for cash or material donations for organizations or programs that are not city-sponsored; or political or ideological messages.

RECOMMENDATION: The City Administrator, Police Chief and City Attorney request that Council discuss the proposed policy and, if modifications are desired, provide direction as to the modifications desired. If the policy is acceptable as presented, then approval by the Council.

ATTACHMENTS: • Resolution No. 20-XX

FUNDING ISSUES: ☒ Not applicable – no dollars are being spent or received.
☐ Full amount already budgeted in Acct/Project# _____
☐ Not budgeted, if approved, the following will be included in the next Budget Amendment:
☐ \$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____

**Spring Valley Village City Council
Agenda Item Data Sheet**

	☐ \$_____ from unassigned fund balance will be used and added to Acct/Project# _____
	☐ \$_____ will be added to Revenue Acct# ____-____ and \$_____ added to Expenditure Acct/Project# _____

FINANCE VERIFICATION OF FUNDING:

Julie M. Robinson

SUBMITTING STAFF MEMBER:

Julie M. Robinson, City Administrator

CITY ADMINISTRATOR APPROVAL:

Julie M. Robinson

RESOLUTION NUMBER 20-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, ADOPTING A POLICY REGARDING PUBLIC ACCESS TO CITY INFORMATION OUTLETS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Spring Valley Village has received numerous requests to distribute information through various City information outlets; and

WHEREAS, the City does not currently have an adopted policy governing such requests; and

WHEREAS, the City Council is of the opinion that the policy regarding Public Access to City Information Outlets attached hereto as Exhibit "A" should be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT:

Section 1. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. The City Council of the City of Spring Valley Village hereby adopts the policy regarding Public Access to City Information Outlets attached hereto as Exhibit "A."

Section 3. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED AND ADOPTED on this the _____ day of _____, 2020.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas

EXHIBIT “A”
TO
RESOLUTION NUMBER 20-XX



Effective Date: _____
Approved: _____

CITY OF SPRING VALLEY VILLAGE ADMINISTRATIVE POLICIES AND PROCEDURES

TOPIC: Public Access to City Information Outlets

I. PURPOSE

The City of Spring Valley Village maintains various information outlets for use by the City and related or other governmental entities to communicate with members of the general public. These outlets, as defined below, are designed for the specific purpose of providing accurate information of public interest. This policy sets guidelines for use of those information outlets, including guidelines for permitting or denying use of those outlets by entities other than the City government and its representatives.

II. APPLICATION

- A. This policy applies to all information outlets funded and/or maintained by the City of Spring Valley Village, including, but not limited to, the following:
 - 1. Spring Valley Village's official Website (www.springvalleytx.com), mobile app, and all other social media and electronic messaging platforms utilized by the City.
 - 2. Countertop and information stations in and/or on City facilities and/or City property.
 - 3. Electronic and manual message boards, including bulletin boards, located on City property.
 - 4. All printed materials, including utility bills and inserts, produced by or on behalf of the City of Spring Valley Village.
- B. Any new information outlets obtained or implemented by the City shall be operated in compliance with this policy, as determined by the City Administrator or Police Chief.

III. DEFINITIONS

- A. City-sponsored refers to events and/or materials that receive monetary or in-kind support from the City of Spring Valley Village.

- B. Community organizations shall be defined as organizations that include Spring Valley Village residents among their membership; promote specific or general charitable, civic or cultural programs within the community; do not discriminate with regard to race, sex, age or physical abilities; and do not exist for the primary purpose of making a profit.
- C. Civic events are events that are open to the public; are planned and conducted by the City or by one or more community organizations as defined by this policy or by Spring Valley Village residents; benefit specific or general charitable, civic or cultural programs; and will either be held in the Spring Valley Village area or are expected to draw significant attendance or participation from Spring Valley Village residents.
- D. Campaign season is defined as the span of time starting with the first day of filing for a specific election and ending on the day of the election or any runoff election that might be required.
- E. Political candidate is a person who has filed to become a candidate for any elected office that will be placed on a ballot for consideration by Spring Valley Village voters.
- F. Political and ideological messages are those messages intended to influence the outcome of an election, whether they be in support of or opposition to a particular candidate or ballot issue; or messages intended to influence any legislation being considered or proposed at the local, state or national level.

IV. GENERAL RULES OF ACCESS

- A. Information produced by or on behalf of the City of Spring Valley Village will receive first-priority use of City information outlets at all times.
- B. Information produced by or on behalf of other government agencies whose jurisdiction includes all or part of Spring Valley Village will receive second-priority use of City information outlets.
- C. Information produced by or on behalf of a City-sponsored community organization or civic event, as defined by this policy, will receive third-priority use of City information outlets.
- D. Information produced by or on behalf of other community organizations or civic events, as defined by this policy, that are not City-sponsored cannot be distributed through City information outlets.
- E. The determination of whether any particular community organization or civic event is to be considered eligible under this policy may be made by the City Administrator and/or Police Chief. In the event that the City

Administrator and/or Police Chief is unable to determine whether any particular community organization or civic event shall be considered eligible under this policy, the City Administrator and/or Police Chief, in his/her sole discretion, may present the community organization or civic event in question to the City Council for its determination pursuant to this policy at its next available regularly scheduled meeting.

- F. Materials provided by or on behalf of organizations operating on a for-profit basis, including those soliciting business or offering discounts for goods or services, cannot be distributed through City information outlets unless their services are being offered through the City under contract as an employee benefit.
- G. Materials soliciting cash or material donations in support of an organization or program other than City-sponsored events cannot be distributed through City information outlets without specific City Council approval.
- H. Political or ideological messages are prohibited from access to City information outlets at all times. Political candidates are prohibited from access to City information outlets during the campaign season connected to the election for which they have filed.
- I. Information submitted for distribution through City information outlets shall adhere to the format and deadlines established by the controlling office for each specific outlet.

V. OUTLET-SPECIFIC RULES OF ACCESS

- A. **Spring Valley Village Official Website.** The City of Spring Valley Village official website (www.springvalleytx.com) is designed to provide residents with 24-hour access to government departments, services and programs. Only information that is produced by or on behalf of the City of Spring Valley Village can be displayed on the official website. Hyperlinks from the City of Spring Valley Village's official website to outside Internet sites will be considered if they go to another government organization that contains information affecting Spring Valley Village residents. Non-governmental hyperlinks will only be considered when there has been an emergency declaration issued by the City of Spring Valley Village.
- B. **Countertop and Information Stations.** Public areas at some City facilities are used to display information about City or City-sponsored events and programs, as defined in this policy. All materials must be approved by the City Administrator and/or Police Chief or his/her designee.

- C. **Message Boards.** Electronic or manual message boards located on City property will be used to deliver brief and timely messages to the general public. Content is limited to City or City-sponsored events and must be approved in advance by the City Administrator and/or Police Chief or his/her designee.
- D. **Printed Materials.** Printed materials produced by or on behalf of the City are intended to convey information about the City and City-sponsored events or programs. Selection of content for all printed materials is at the discretion of the department head that will distribute the materials, after approval by the City Administrator and/or Police Chief.
- E. **Bulletin Boards.** Bulletin boards at City facilities are for the specific use of the City. Bulletin boards maintained by the City Secretary's Office are to be used exclusively for official notices of the City. Content of all other bulletin boards must pertain to City business or activities and be approved by the department head that maintains the individual bulletin board. The City Secretary's Office will maintain a list of bulletin boards assigned to each department.

VI. ADVERTISING AND SPONSORSHIPS

- A. **Printed Materials.** Sponsors of official City publications may be recognized with a printed acknowledgement according to standards established by the City Administrator's Office, Police Chief's Office or the department producing the material.

VII. PUBLIC ACCESS TO MATERIALS

- A. **Printed Materials.** Printed materials can be requested through the City Administrator's Office and/or Police Chief's Office and will be provided free of charge if such are available.

VII. APPEALS

Any person or entity aggrieved by a decision of the City Administrator and/or the Police Chief with regard to a determination of eligibility under Section IV (E) of this policy may appeal such decision to the City Council by filing an application for such appeal with the City Secretary. Upon filing of such application, the City Council will consider the matter at its next regularly scheduled meeting. All other decisions made under this policy involving rejection of content for use in City information outlets may be appealed to the City Administrator and/or Police Chief, whose decision will be final.

VIII. DISCLAIMER

The City reserves the right to change, modify, amend, revoke or rescind all or part of this policy at any time.

**Spring Valley Village City Council
Agenda Item Data Sheet**

MEETING DATE: December 15, 2020

TOPIC:	ORDINANCE NUMBER 2020-XX AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING THE CITY PERSONNEL MANUAL, AS ADOPTED BY ORDINANCE NUMBER 95-05 DULY PASSED AND APPROVED ON MARCH 29, 1995, BEING AMENDMENT NO. 13 TO THE PERSONNEL MANUAL, TO ADOPT A NEW CHAPTER 20, SOCIAL MEDIA POLICY; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.
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BACKGROUND:	As social media has continued to become a more prominent communication platform, the need for a social media policy outlining the standards and expectations of the City for its staff and users has become apparent. Staff developed the proposed policy by researching best practices, reviewing other cities' social media policies, and working with our City Attorney and Police Chief to create a policy that meets the City's needs.
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The proposed Social Media Policy ("Policy") follows best practices and outlines:

- The purpose of and guidelines for use of the City's social media platforms
- The process by which new City social media pages may be created
- How the City's social media platforms may be used and the type of content that is allowed
- Records retention requirements
- Expectations of City staff with regard to their personal social media pages when identifying themselves as City employees and interacting with City social media platforms
- Rules for public engagement with City social media platforms and the City's moderation of public interaction, including a reservation for the City to remove comments. These rules will be posted on the City's social media platforms.

It should be noted that the proposed Policy does not apply to members of the City of Spring Valley Village Police Department working in their official capacity under the direction of the Police Chief or his/her designee.

If the proposed Ordinance is approved, the Personnel Manual will be amended to incorporate the proposed Policy.

RECOMMENDATION:	Staff recommends approval of the Ordinance.
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**Spring Valley Village City Council
Agenda Item Data Sheet**

ATTACHMENTS: • Ordinance No. 2020-XX	
FUNDING ISSUES: ☒ Not applicable – no dollars are being spent or received. ☐ Full amount already budgeted in Acct/Project# _____ ☐ Not budgeted, if approved, the following will be included in the next Budget Amendment: ☐ \$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____ ☐ \$_____ from unassigned fund balance will be used and added to Acct/Project# _____ ☐ \$_____ will be added to Revenue Acct# ____-____ and \$_____ added to Expenditure Acct/Project# _____	
FINANCE VERIFICATION OF FUNDING: 	
SUBMITTING STAFF MEMBER: Matthew Hitt, Assistant to the City Administrator	CITY ADMINISTRATOR APPROVAL:  

ORDINANCE NUMBER 2020-XX

AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING THE CITY PERSONNEL MANUAL, AS ADOPTED BY ORDINANCE NUMBER 95-05 DULY PASSED AND APPROVED ON MARCH 29, 1995, BEING AMENDMENT NO. 13 TO THE PERSONNEL MANUAL, TO ADOPT A NEW CHAPTER 20, SOCIAL MEDIA POLICY; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on March 29, 1995, by Ordinance Number 95-05, the City Council of the City of Spring Valley Village, Texas, adopted a Personnel Manual for all City employees ("Personnel Manual"), and the Personnel Manual has been amended several times since its original adoption with changes to various provisions; and

WHEREAS, City Council finds that it is in the best interest of the City of Spring Valley Village to meet the needs created by new technology that the Personnel Manual should be amended to adopt a new Chapter 20, Social Media Policy.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble to this Ordinance are hereby found to be true and correct.

Section 2. The City's Personnel Manual, as adopted by Ordinance Number 95-05, duly passed and approved on March 29, 1995, as amended, is hereby amended by the adoption of a new Chapter 20, Social Media Policy, to read in its entirety as reflected in Exhibit "A" attached hereto and incorporated herein. This amendment shall be referenced and referred to as **AMENDMENT NO. 13 TO THE PERSONNEL MANUAL**.

Section 3. All provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncoded, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncoded, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 4. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same

notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 5. This Ordinance shall become effective immediately upon its passage.

DULY PASSED AND APPROVED on this the ____ day of _____, 2020.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas

EXHIBIT "A"

TO

ORDINANCE NUMBER 2020-XX

20. SOCIAL MEDIA POLICY

20.01 Purpose Statement

This document defines the social media policy for the City of Spring Valley Village and establishes guidelines for the use of digital media by city staff, elected or appointed officials, volunteers or any person representing or purporting to represent the city. Violations of this policy may result in disciplinary action being taken against the employee, possibly up to and including termination.

For purposes of this policy, a social media platform is a website or app offered to the public to provide audio, video, photo or written communication between other members of the public and/or representatives of certain groups, businesses, organizations or departments. Examples of social media platforms include Facebook, Instagram, Twitter, Snapchat, YouTube, LinkedIn, website blogs with commenting capabilities, forums and emergency notification services.

The definition of content as used in this policy refers to any written copy, photos, graphics, videos, live-video streams, comments or any form of communicative content exchanged between parties through social media.

City of Spring Valley Village leadership encourages the use of social media to further the organizational goals and the missions of its departments, where appropriate. However, City of Spring Valley Village has an overriding interest in deciding what is “spoken” on its behalf on social media sites and how the City is represented online. Principles of ethics, etiquette and social responsibility, as well as City policy and directives from City leadership, apply to social media and social networking sites.

This Social Media Policy applies to City of Spring Valley Village’s established accounts and any new accounts created in the future. The provisions of this Policy shall not apply to members of the City of Spring Valley Village Police Department working in their official capacity under the direction of the Police Chief or his/her designee.

20.02 Professional Use

Professional use refers to City employees managing City of Spring Valley Village profiles on behalf of the City of Spring Valley Village, its offices, departments or volunteer groups. All official City of Spring Valley Village communication through social media should remain professional in nature and must always be conducted in accordance with the City of Spring Valley Village’s policies, practices and expectations. Inappropriate use of official City of Spring Valley Village social networking platforms by City employees may be grounds for disciplinary action, up to and including termination. Only authorized individuals may publish content to City of Spring Valley Village social media platforms, websites or digital communication mediums. Employees may not use official City of Spring Valley Village social media for political purposes, to conduct commercial

transactions, or to engage in private business activities. The provisions of this policy shall not apply to members of the City of Spring Valley Village Police Department working in their official capacity under the direction of the Police Chief or his/her designee.

20.03 Creation, Approval and Registration

- Request for creation of any new social media groups, pages, profiles or accounts representing the City of Spring Valley Village, its departments, and related entities must be submitted to and approved by the City Administrator and/or Police Chief.
- If approved by the City Administrator and/or Police Chief, permissions will be granted for management of individual groups, pages, profiles and/or accounts to a designated social media site manager.
- Existing social media accounts of any social media groups, pages, profiles or accounts representing the City of Spring Valley Village, its departments, and related entities must be registered with the City Administrator and/or Police Chief or his/her designee and identify the designated social media site manager.
- All City of Spring Valley Village social media login credentials will be provided to Spring Valley Village's IT for password management.

City of Spring Valley Village social media accounts must:

- Be administered only by the designated social media site manager or managers
- Include City, department, or related entity identification
- Display official City or department logo as profile image or title header
- Include contact information, complete profiles and accurate descriptions
- Have any available profanity filters set to the most restrictive setting.

20.04 Oversight and Enforcement

Employees representing the City of Spring Valley Village through social media outlets or participating in social media features on City of Spring Valley Village websites must maintain a high level of ethical conduct and professional decorum. Failure to do so is grounds for revoking the privilege to participate in City of Spring Valley Village social media platforms, blogs, or other digital media features. Information must be presented following professional standards for spelling, brevity, clarity and accuracy, and avoid jargon, obscure terminology or acronyms.

City of Spring Valley Village employees must recognize the content they post on social media is public and may be perceived as official City of Spring Valley Village statements. Social media must not be used to circumvent other City of Spring Valley Village policies.

City of Spring Valley Village employees may not publish information that includes:

- Confidential information
- Copyright violations
- Profanity, racist, sexist, or derogatory content or comments
- Partisan political views
- Commercial endorsements or SPAM

20.05 Community Sharing Policy

Sharing is a fundamental function of social media. As a City, a high level of discretion is required. Sharing community news and events is allowed but it must adhere to City's Public Access to City Information Outlets Policy, and follow the below guidelines.

- Contributes to quality of life for citizens of Spring Valley Village
- Enhances the perception and overall image of Spring Valley Village
- Promotes travel and tourism within the City of Spring Valley Village
- Must not promote any, political, individual, group or cause

20.06 Records Retention

Social media sites contain communications sent to or received by the City of Spring Valley Village and its employees, and as such, communications may be public records subject to Texas Public Information Act. The department maintaining a social media platform shall preserve records pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible. These retention requirements apply regardless of the form of the record (for example, digital text, photos, audio and video).

20.07 External Policy; Employee Interaction

Personal social media profiles should remain personal in nature and may be used to share personal opinions. City business may only be done on official City accounts. Following this principle ensures distinction between personal opinions and official City of Spring Valley Village statements.

Personal social media profiles must not:

- Be used to conduct City of Spring Valley Village business
- Be used to relay and/or conduct work-related information
- Be used to accomplish job functions
- Use City of Spring Valley Village e-mail account or password

20.08 Protecting Personal Social Media Accounts

Using personal social media accounts or personal devices to conduct City business makes the information, conversation, comments and/or posts open records and susceptible to requests for public information.

20.09 Connecting with citizens and colleagues on social media

City employees are civil servants and are in the public eye. Spring Valley Village citizens may attempt to connect with City employees and volunteers on social media. When you connect with work acquaintances on social media, your personal actions become public knowledge. Remember that what you post is public and could remain public for an extended period of time. Refrain from posting information that you would not want a supervisor or other employees to read or that you would be embarrassed to see in a newspaper or other public communication tool.

20.10 Listing City of Spring Valley Village as an employer

Social media platforms have the option to list your employer. Most create a hyperlink that leads to the City's official social media platforms. This connection creates an association with the City. If you list City of Spring Valley Village as your employer on social media, actions on your personal accounts reflect upon the City. To the extent that you are self-identified as a City employee, City leadership expects that activity in that forum will adhere to the City's Personnel Manual and other expressed standards for employee conduct.

20.11 Privacy settings

Most social media accounts are searchable, share basic demographic information and display a profile photo. Users have the capability to control what is shown. To keep your information as secure as possible from strangers or curious citizens, it is recommended that you avoid leaving your profiles set to "public." Managing privacy settings, guarding personal information, managing apps and controlling timeline are considered good tips for protecting your career and maintaining personal and professional separation.

20.12 Citizen Interaction and Third Party Content; Terms of Use to Be Posted On Social Media Sites Where Applicable

By posting or commenting on any social media account created by City of Spring Valley Village, you participate by your own choice and take personal responsibility for your comments, your username and any information you provide therein. You further agree to the following terms of use:

- The City of Spring Valley Village maintains a social media program for the purpose of engaging and interacting with our community, providing relevant and timely community news, information and events, distribution of crime prevention and public safety tips.

- All social media accounts used by the City of Spring Valley Village are designated as Limited Public Forums. City staff welcomes a person's right to express his/her opinion and encourages posters to keep comments relevant to the topic in question. Posting of any content on any social media platform used by the City of Spring Valley Village by any visitor, follower, subscriber or fan, constitutes acceptance of the terms of use described here in this policy.
- The City of Spring Valley Village social media accounts are intended to be "family friendly." When applicable, the City uses platform-provided content moderation/filtering options to limit foul or obscene content.
- City of Spring Valley Village Social Media accounts will only "Friend", "Like", or "Follow" other official government accounts, or as provided in the City's Information Outlet Policy.
- City of Spring Valley Village will NOT "Friend" or "Like" other business pages, city employees, local elected officials and/or other organizations.
- A comment posted by a member of the public on any City of Spring Valley Village social media accounts is the opinion of the commentator or poster only. Publication of a comment does not imply endorsement of, or agreement by, the City of Spring Valley Village, nor do such comments necessarily reflect our opinions or policies.
- Only City of Spring Valley Village staff can create posts.

20.13 Moderation of Third-Party Content

All comments posted to any official City of Spring Valley Village social media site are bound by each site's Community Standards. City of Spring Valley Village actively monitors its social media account and will remove inappropriate content as defined below, without prior notice, and as soon as possible. The City reserves the right to remove and/or block anyone who posts inappropriate material as determined by the City Administrator and/or Police Chief or his/her designee and/or social media site managers.

The City of Spring Valley Village reserves the right to remove comments that are offensive or profane in nature. User comments will be removed (if possible) when the content:

1. Is off-subject or out of context
2. Is a personal attack
3. Is threatening, defamatory, harassing or discriminatory
4. Contains obscenity, profanity or material that appeals to the prurient interest
5. Contains personal identifying information or sensitive personal information

6. Violates the right to privacy
7. Contains offensive terms that target protected classes
8. Promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin
9. Displays or describes conduct in violation of any federal, state or local law or encouragement of illegal activity
10. May reasonably interfere with, inhibit, or compromise law enforcement investigations, tactics, responses to incidents and/or the safety of Spring Valley Village Police Department or City staff
11. Contains information that reasonably could compromise individual or public safety
12. Incites or promotes violence or illegal activities
13. Violates a legal ownership interest, such as a copyright, of any party
14. Advertises or promotes a commercial product or service, or any entity or individual
15. Promotes or endorses political campaigns or candidates

This is not an all-inclusive list. The City further reserves the right to temporarily ban access to the City's social media accounts for repeated postings that contain off topic, offensive or profane remarks and to permanently ban access if such comments continue when access is reinstated. If a user wishes to contest the removal or hiding of their content, or their denial of access ("banned") from the City's social media accounts, the user may do so by emailing socialmedia@springvalleytx.com.

City of Spring Valley Village social media sites are subject to applicable public records laws. Any content maintained in a social media format related to City of Spring Valley Village business, including communication posted by the City of Spring Valley Village and communication received from citizens, may be a public record.

**Spring Valley Village City Council
Agenda Item Data Sheet**

MEETING DATE: December 15, 2020

TOPIC:	RESOLUTION NUMBER 20-XX A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, ADOPTING A DEBT MANAGEMENT POLICY; AND PROVIDING AN EFFECTIVE DATE.
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BACKGROUND:	Since the City's bond rating call in June of this year, the City Team including City Administrator Julie Robinson, City Treasurer Michelle Yi, Assistant to the City Administrator Matthew Hitt, and the City's Financial Advisor Drew Masterson have been developing a Debt Management Policy that would formally establish parameters and provide guidance governing the issuance, management, continuous evaluation of and reporting on all debt obligations issued by the City of Spring Valley Village. A written Debt Management Policy will also assist the City in retaining the highest credit rating since such a policy is regarded positively by the rating agencies. The proposed policy puts into writing and formalizes the steps that the City Team already takes with regard to debt issuance and would apply to all debt instruments issued by the City regardless of the funding source. The goal of the policy is to ensure that debt obligations are issued and administered so that the City obtains the best long-term financial advantage for the City and its residents, while making every effort to maintain the City's bond ratings. Two new practices that have been included in the proposed policy at the recommendation of Masterson Advisors are: • As a general rule when restructuring debt the "present value savings of a particular refunding should exceed at least four percent (4%) of the refunded maturities, unless a restructuring or bond convent revision is necessary in order to facilitate the ability to provide services or issue additional debt in accordance with established debt policies. If the thresholds are not met, the restructuring or refunding may be brought to Council for consideration. • Net Debt to Assessed Value – Assessed valuation shows the fiscal capacity of the ad valorem tax base. The City shall strive to maintain a ratio of Net Debt to Assessed Value of properties in the City at or below 3%. (Currently the City is at 1.95%) These have been added to follow best practices and to help ensure that the City continues to maintain its AAA bond rating. This policy will not change any currently held debt.
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**Spring Valley Village City Council
Agenda Item Data Sheet**

RECOMMENDATION: • Staff recommends approval of the Resolution.	
ATTACHMENTS: • Resolution 20-XX	
FUNDING ISSUES:	☒ Not applicable – no dollars are being spent or received. ☐ Full amount already budgeted in Acct/Project# _____ ☐ Not budgeted, if approved, the following will be included in the next Budget Amendment: ☐ \$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____ ☐ \$_____ from unassigned fund balance will be used and added to Acct/Project# _____ ☐ \$_____ will be added to Revenue Acct# ____-____ and \$_____ added to Expenditure Acct/Project# _____
FINANCE VERIFICATION OF FUNDING: 	
SUBMITTING STAFF MEMBER: Matthew Hitt, Assistant to the City Administrator	CITY ADMINISTRATOR APPROVAL: - 

RESOLUTION NUMBER 20-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, ADOPTING A DEBT MANAGEMENT POLICY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Spring Valley Village desires to have a written policy outlining the policy and processes for Debt Management, and the City does not currently have such a policy; and

WHEREAS, the City Council is of the opinion that the Debt Management Policy attached hereto as Exhibit "A" should be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT:

Section 1. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. The City Council of the City of Spring Valley Village hereby adopts the Debt Management Policy attached hereto as Exhibit "A."

Section 3. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED AND ADOPTED on this the ____ day of _____, 2020.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas

EXHIBIT "A"

TO

RESOLUTION NUMBER 20-XX



Effective Date: _____
Approved: _____

CITY OF SPRING VALLEY VILLAGE FINANCIAL POLICIES AND PROCEDURES

TOPIC: Debt Management Policy

I. Purpose

The purpose of this Debt Management Policy (“Policy”) is to establish parameters and provide guidance governing the issuance, management, continuous evaluation of and reporting on all debt obligations issued by the City of Spring Valley Village. The primary objective is to establish conditions for the use of debt and to create policies that minimize the City’s debt service and issuance costs, retain the highest credit rating and maintain full and complete financial disclosure and reporting. This Policy is intended to guide the prudent use of resources to provide the needed services to the citizens of the City of Spring Valley Village and to maintain sound financial management practices. This Policy is flexible in design to allow for exceptions under changing and extraordinary circumstances.

Advantages of a formal debt management policy are:

- Enhances the quality of decisions by imposing order and discipline
- Promotes consistency and continuity in decision making
- Identifies objectives for staff to implement
- Demonstrates a commitment to long term financial planning objectives
- Assists the City in retaining the highest credit rating since such a policy is regarded positively by the rating agencies

II. Policy Statement

This Policy applies to all debt instruments issued by the City of Spring Valley Village regardless of the funding source. Funding sources can be derived from ad valorem taxes, general City revenues, enterprise fund revenues or any other sources of revenue that may be identified for appropriate pledging for bonded indebtedness. The City may periodically enter into debt obligations to finance the construction or acquisition of capital improvement projects and other authorized capital assets or to refinance existing debt for the purpose of meeting its governmental obligation to its residents pursuant to Federal, State and local laws. It is the City’s intent to ensure that debt obligations are issued and

administered such that the City obtains the best long term financial advantage for the City and its residents, while making every effort to maintain and improve the City's bond ratings.

This Policy and any subsequent amendments hereto shall be on file with the Finance Department and City Secretary and available on the City's website.

III. General Debt Issuance and Management Policies

As the City periodically addresses its ongoing needs, the City Administrator and the City Council must ensure that future elected officials will have the flexibility to meet the capital needs of the City. Since neither State law nor City Ordinances provide any limits on the amount of debt that may be incurred, the following policies concerning the issuance and management of debt are hereby established:

- **Financing Alternatives** – Authorized debt financing includes general obligation bonds, certificates of obligation, revenue bonds, lease/purchase agreements and other obligations permitted to be issued under Texas law. However, the City will not use swaps and/or variable rate debt.
- **Use of Debt Obligations or Proceeds** - The City will utilize debt obligations or debt proceeds only for acquisition, construction, reconstruction or renovation of capital improvement projects and/or authorized capital assets that cannot be funded from current revenue sources or in such cases where it is more equitable to the users of the project to finance the project over its useful life.
 - The City will not issue debt obligations or use debt proceeds to fund current operating or normal maintenance costs.
- **Maximum Maturity** – All debt obligations shall have a maximum maturity of the earlier of: a) the estimated useful life of the capital improvement projects and/or capital asset being financed; or b) twenty years; or c) in the event they are being issued to refinance outstanding debt obligations, the final maturity of the debt obligations being refinanced, unless a longer term is recommended by the Financial Advisor.
- **Analysis of Impact of Debt Service Requirements** - The City Treasurer or their designee will measure the impact of debt service requirements of outstanding and proposed debt obligations on a single year, five, ten and twenty year periods. This analysis will consider debt service maturities and payment patterns.
- **Professional Services** - The City will seek the advice and services of Bond Counsel and the Financial Advisor to advise them on individual issues and the overall City debt program in a manner that will most advantageously position the City on both a short and long-term basis.

- **Bond Counsel:** All debt issued by the City will include a written opinion by bond counsel affirming that the City is authorized to issue the proposed debt. The opinion shall include confirmation that the City has met all federal, state and local legal requirements necessary for issuance, a determination of the proposed debt's federal income tax status and any other components necessary for the proposed debt.
- **Financial Advisor:** A Financial Advisor(s) will be used to assist in the issuance process of the City's debt. The Financial Advisor will provide the City with objective advice and analysis on debt issuance including, but not limited to, monitoring market opportunities, structuring and pricing debt, and preparing official statements of disclosure.
- **Method of Sale -** The City will use a competitive bidding process in the sale of debt unless the nature of the issue warrants a negotiated sale. The City will attempt to award debt based on a true interest cost (TIC) basis. However, the City may award debt based on a net interest cost (NIC) basis as long as the Financial Advisor agrees that the NIC basis can satisfactorily determine the lowest and best bid.
- **Credit Enhancements -** Credit enhancements are mechanisms that guarantee principal and interest payments. They include bond insurance and a line or letter of credit. A credit enhancement, while costly, may bring a lower interest rate on debt and a higher rating from the rating agencies, thus lowering overall costs. During debt issuance planning, the Financial Advisor will advise the City whether or not a credit enhancement is cost effective.
- **Investment of Debt Proceeds -** Debt proceeds will be invested in accordance with the City's investment policy. Interest earnings received on the investment of debt proceeds shall be used to assist in paying the costs associated with the capital improvement project and/or authorized capital asset for which the debt was issued.
- **Refunding Debt -** The City Treasurer or his/her designee shall review outstanding debt annually for the purpose of determining if the financial marketplace will afford the City the opportunity to refund an issue and lessen its debt service costs. As a general rule, the present value savings of a particular refunding should exceed at least four percent (4%) of the refunded maturities, unless a restructuring or bond convert revision is necessary in order to facilitate the ability to provide services or issue additional debt in accordance with established debt policies. If the thresholds are not met, the restructuring or refunding may be brought to Council for consideration.
- **Net Debt to Assessed Value –** Assessed valuation shows the fiscal capacity of the ad valorem tax base. The City shall strive to maintain a ratio of Net Debt to Assessed Value of properties in the City at or below 3%.

- Bond Covenants and Laws – The City shall comply with all bond covenants and requirements of the bond resolutions and State and Federal laws authorizing and governing the issuance and administration of debt obligations.
- Arbitrage Rebate Monitoring and Reporting – The City will, unless otherwise justified, use bond proceeds within the established time frame pursuant to the bond ordinance, contract or other documents to avoid arbitrage. Arbitrage is the interest earned on the investment of debt proceeds above the interest paid on the debt. If arbitrage occurs, the City will pay the amount of the arbitrage to the Federal Government as required by Internal Revenue Service Regulation 1.148-11. The City will maintain a system of recordkeeping and reporting to meet the arbitrage rebate compliance requirement of the IRS regulation. For each debt issue not used within the established time frame, the recordkeeping shall include tracking investment earnings on bond proceeds, calculating rebate payments, and remitting any rebate earnings to the federal government in a timely manner in order to preserve the tax-exempt status of the outstanding debt.
- Credit Ratings – The City will maintain good communication with bond rating agencies about its financial condition. This effort will include providing periodic updates on the City's general financial condition, coordinating meetings, and presentation in conjunction with a new issuance. The City will continually strive to maintain its bond rating by improving financial policies, budgets, forecasts, and the financial health of the City.
- Ongoing Disclosure - The City is committed to continuing disclosure of financial and pertinent credit information relevant to the City's outstanding securities and will abide by the provisions of Securities and Exchange Commission (SEC) Rule 15c2-12 concerning primary and secondary market disclosure. The City will provide notice to the Municipal Securities Rule Making Board in a timely manner and not in excess of ten (10) business days after the occurrence of any of the following events with respect to the City's outstanding securities, if such event is material to a decision to purchase the City's outstanding securities:
 1. Principal and interest payment delinquencies;
 2. Non-payment related defaults, if material;
 3. Unscheduled draws on debt service reserves reflecting financial difficulties;
 4. Unscheduled draws on credit enhancements reflecting financial difficulties;
 5. Substitution of credit or liquidity providers, or their failure to perform;
 6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with

- respect to the tax status of the City's outstanding securities, or other material events affecting the tax status of the City's outstanding securities;
7. Modifications to rights of holders of the City's outstanding securities, if material;
 8. Bond calls, if material, and tender offers;
 9. Defeasances;
 10. Release, substitution, or sale of property securing repayment of the City's outstanding securities, if material;
 11. Rating changes;
 12. Bankruptcy, insolvency, receivership or similar event of the City;
 13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
 14. Appointment of a successor Paying Agent/Registrar or change in the name of the Paying Agent/Registrar, if material;
 15. Incurrence of a financial obligation (as defined in the Rule) of the City, if material or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the City, any of which affect security holders, if material; and
 16. Default, event of acceleration termination event, modification of terms, or other similar events under the terms of a financial obligation of the City, any of which reflect financial difficulties.

In addition, the City will provide timely notice of any failure by the City to provide information, data, or financial statements in accordance with its continuing disclosure requirements. Ongoing compliance of the City's continuing disclosure requirements is the responsibility of the City Treasurer.

**Spring Valley Village City Council
Agenda Item Data Sheet**

MEETING DATE: December 15, 2020

TOPIC: Resolution No. 20-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A STREETLIGHT NETWORK NODE DEPLOYMENT AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND GTE MOBILNET OF SOUTH TEXAS, LP D/B/A VERIZON WIRELESS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

BACKGROUND: During the 2017 Session, the Texas Legislature approved legislation allowing wireless communication providers access to municipal rights-of-way for installation of wireless network nodes. Through months of negotiations, City staff and Verizon have developed the attached agreement which, if approved by Council, would govern the method of installation of such nodes in the City by Verizon.

The goal of the agreement is to produce an arrangement with Verizon whereby the location of nodes installed by Verizon has a minimal impact on the adjacent property owners and the City in general. To do so, Verizon agrees to locate its nodes either on existing utility poles or on new decorative light poles to be installed where street lights are planned. In exchange, the City will do its best to streamline the permitting and registration process.

The essential terms of the Agreement are as follows:

- 10 year initial term with 5 year renewal terms upon written agreement of the parties;
- Verizon agrees to pay the following fees:
 - One time application fee of \$1,000;
 - Annual registration fee of \$250 per node;
 - Fiber line fee of \$28 per node; and
 - Pole maintenance fee of \$20 per year per pole;
- Nodes will be located only in approved locations noted in the Agreement;
- Verizon must contact the City at least 10 days before installation of nodes and at least 5 days prior to performing

**Spring Valley Village City Council
Agenda Item Data Sheet**

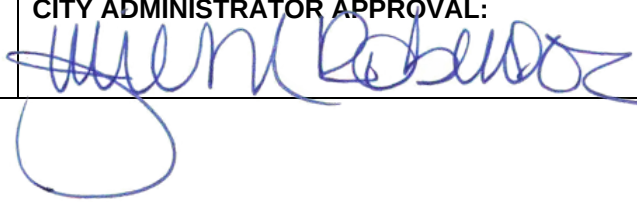
any maintenance; - Verizon will pay the City \$1,053 annually as reimbursement for power to each node for which Verizon does not pay the bill directly; - Verizon will move the nodes at its expense in the event of construction or right-of-way widening; and - The location of any new nodes not included in this Agreement must be approved by City Council.

RECOMMENDATION: Staff recommends approval of the Resolution.

ATTACHMENTS: • Resolution No. 20-XX
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FUNDING ISSUES:	☒ Not applicable – no dollars are being spent or received. ☐ Full amount already budgeted in Acct/Project# _____ ☐ Not budgeted, if approved, the following will be included in the next Budget Amendment: ☐ \$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____ ☐ \$_____ from unassigned fund balance will be used and added to Acct/Project# _____ ☐ \$_____ will be added to Revenue Acct# ____-____ and \$_____ added to Expenditure Acct/Project# _____
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FINANCE VERIFICATION OF FUNDING: 
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SUBMITTING STAFF MEMBER: Loren B. Smith, City Attorney	CITY ADMINISTRATOR APPROVAL: 
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RESOLUTION NUMBER 20-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A STREETLIGHT NETWORK NODE DEPLOYMENT AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND GTE MOBILNET OF SOUTH TEXAS, LP D/B/A VERIZON WIRELESS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has been presented a proposed Streetlight Network Node Deployment Agreement by and between the City of Spring Valley Village, Texas and GTE Mobilnet of South Texas, LP d/b/a Verizon Wireless for the deployment of Network Nodes, as defined by Chapter 284 of the Texas Local Government Code, and related equipment in the City's rights-of-way (hereinafter called "Agreement"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, upon full review and consideration of the Agreement and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the Mayor should be authorized to execute the Agreement and any and all documents necessary to effectuate such Agreement on behalf of the City of Spring Valley Village;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Resolution are hereby found to be true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. The terms and conditions of the Agreement, having been reviewed by the City Council of the City of Spring Valley Village and found to be acceptable and in the best interests of the City of Spring Valley Village and its citizens, are hereby in all things approved.

Section 3. The Mayor is hereby authorized to execute the Agreement and empowered, for and on behalf of the City, to take all such actions and to execute, verify, acknowledge, certify to, file and deliver all such instruments and documents required in the Agreement as shall in the judgment of the Mayor be appropriate in order to effect the purposes of the foregoing resolution and Agreement.

Section 4. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED on this the ____ day of _____, 2020.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas

EXHIBIT “A”
TO
RESOLUTION NUMBER 20-XX

STREETLIGHT NETWORK NODE DEPLOYMENT AGREEMENT

This Agreement is entered into pursuant to Section 284.056, Section 284.201, and Section 284.301 of the Texas Local Government Code, this _____ day of _____ 2020 (“**Effective Date**”), by and between the City of Spring Valley Village, (the “**City**”) and GTE MOBILNET OF SOUTH TEXAS, LP d/b/a Verizon Wireless (“**Verizon**”).

WHEREAS, Verizon is a wireless telecommunications Network Provider as that term is defined in Section 284.002 of the Texas Local Government Code (“**Chapter 284**”); and

WHEREAS, the majority of City rights-of-way are located in design districts with decorative poles, in municipal parks, and/or adjacent to residential streets not more than 50 feet wide;

WHEREAS, the City desires to facilitate deployment of Network Nodes and related equipment in a manner that minimizes the impact on adjacent property owners and users of City rights-of-way; and

WHEREAS, in certain instances, Verizon may desire to install, at Verizon’s sole cost and expense, Network Nodes on existing utility poles or new Node Support Poles with lighting fixtures as a means of concealment of new Network Nodes at locations where the City currently has streetlights or plans to install streetlights; and

WHEREAS, pursuant to Chapter 284, the City offers this same agreement to any and all Network Providers desiring to install Network Nodes on existing utility poles or on streetlights with concealed Network Nodes and associated equipment in locations where City streetlight poles are installed or planned to be installed in order to streamline the permitting, land use approval and registration processes; and

WHEREAS, Verizon and the City desire to enter into this Agreement to secure authority from the City for Verizon to install certain Network Nodes, as that term is defined in Chapter 284, and related equipment in the City’s rights-of-way, subject to the City’s Right-of-Way Management Ordinance and the terms and conditions of this Agreement;

NOW, THEREFORE, Verizon and the City mutually agree as follows:

1. Definitions. Unless expressly provided otherwise, all terms used in this Agreement that are expressly defined in Chapter 284 and the City’s Right-of-Way Management Ordinance shall have the same meaning in this Agreement, including but not limited to: Service Pole, Network Node, Node Support Pole and Antenna. Terms defined in the recitals, above, shall have the meanings provided in the recitals.

a. “**Approved Node**” means Network Nodes, Node Support Poles, ground equipment, Antennas, Verizon Streetlight Poles, and any other equipment associated with operation of a Network Node expressly authorized under this Agreement, including but not limited to any Network Nodes collocated on utility poles.

b. **“Verizon”** means GTE MOBILNET OF SOUTH TEXAS, LP, its parent company, subsidiaries, affiliates, contractors, agents, subcontractors, successors, assigns, and any other party performing work on an Approved Node.

c. **“Verizon Streetlight Pole”** means a streetlight pole that is also a Node Support Pole containing a concealed Network Node and concealed Network Node equipment, including but not limited to the antenna and ground equipment, constructed in accordance with the specifications attached as Exhibit B-2, and located in an approved location, as shown on Exhibit A.

2. License. The City hereby grants Verizon a nonexclusive right to construct and install Verizon Streetlight Poles in the approved locations, as shown in Exhibit A, attached and incorporated by reference for all purposes, for purposes of deploying Approved Nodes and related equipment under the terms of this Agreement.

3. Term. The primary term of this Agreement shall be ten (10) years commencing upon the effective date first set forth above. This Agreement may be renewed for additional five (5) year terms upon mutual written agreement of the Parties. Following expiration or termination of this Agreement, Approved Nodes remaining active and in the right-of-way shall require annual registration in accordance with the City’s Right-of-Way Management Ordinance on the earlier of: (i) the first anniversary of the Effective Date of this agreement following termination or expiration, or (ii) the first date that registration is required under the City’s Right-of-Way Management Ordinance.

4. Consideration. In consideration for streamlined permit processing, waiver of certain construction permit fees, pre-approval of concealment measures, and other good and valuable consideration the sufficiency of which is hereby acknowledged, Verizon agrees to pay the City the fees required by this Agreement and to construct, install and maintain the Approved Nodes in accordance with the terms of this Agreement, notwithstanding any limitation on the regulatory conditions that may be imposed by the City under Chapter 284. The following fees shall apply to the Approved Nodes:

a. Application Fee for Streetlight Network Node Deployment Agreement: \$1,000, one-time fee covering all Approved Nodes authorized under this Agreement (This fee is in lieu of construction permits for all Approved Nodes, including Verizon Streetlight Poles), due within sixty (60) days of the Effective date of this Agreement;

b. Annual registration fee: \$250 per active Approved Node per year, due each year on or before each anniversary of the Effective Date of this Agreement;

c. Fiber line fee: \$28 per Approved Node per month for the associated Transport Facility, as such term is defined by Chapter 284, due each year on or before each anniversary of the Effective Date of this Agreement. This amount shall be offset by the amount of municipal fees paid by the transport service provider for right-of-way access (Chapter 283 access line fees); Network Node annual electric power reimbursement: As provided in Section 10; and

d. Verizon Streetlight Pole Maintenance Fee: As provided in Section 8.

These fees shall apply only to Approved Nodes.

5. Requirements Prior to Construction. At least ten (10) days prior to construction or installation of any Approved Network Node, Verizon shall submit or cause to be submitted an application form to the City in order to provide all necessary information for City records. Further, prior to blocking any street, , beginning construction or maintenance, installing a network node or pole, or any equipment associated with such network node or pole, Verizon shall require on-site personnel, including any subcontractor, to: (1) contact the Public Works Director by telephone at 713-465-8308 or email at priley@springvalleytx.com and provide the approximate start date, end date, brief description of work, and any anticipated impact on vehicle or pedestrian traffic; and (2) maintain on their person during work within the City a copy of this Agreement or the applicable permit for any network node or pole not provided for in this Agreement. Verizon acknowledges that all construction work requiring a permit within the City requires a copy of the permit to be maintained on site. Further, Verizon acknowledges that failure to comply with City regulations is a violation of law that may result in a citation being issued by the City of Spring Valley Village Police Department.

6. Approved Node Specifications. Approved Nodes (including new poles, antenna and associated equipment for Approved Nodes) shall be installed, constructed and maintained in compliance with the plans and specifications, including the specific concealment measures, attached as Exhibit B (including Exhibit B-1 and Exhibit B-2) and incorporated by reference for all purposes. The City Administrator is authorized to allow modifications in the height of Approved Nodes upon written request from Verizon; provided, however, no pole installed under this Agreement for an Approved Node shall be taller than thirty-five (35) feet; and no Network Node, Antenna or other equipment for an Approved Node installed under this Agreement shall be located more than thirty-five (35) feet above the ground, except when collocating on utility poles. Further, the City Administrator is authorized to allow modifications in the paint color or concealment measures; provided a written request is submitted in writing by Verizon prior to installation or construction of the Network Node and includes updated pictures and specifications of the proposed concealment measures for the Network Node, detailed justification for the request, and a letter of no objection from the immediately adjacent property owner. Verizon acknowledges that pre-approval of the Approved Node specifications and concealment measures is an essential term of the Agreement and that the City would not have entered into this Agreement without the authority to approve these requirements for all Approved Nodes in advance of a Streetlight Network Node Deployment in a manner that minimizes the impact of the Approved Nodes on the surrounding property owners and users of the City's rights-of-way and allows for public input on this Agreement at a City Council meeting. Further, each Approved Node shall comply with the National Electric Code and any other requirements of Chapter 284.

7. Approved Node Locations. Approved Nodes shall be located within three (3) feet of the location shown in Exhibit A, attached and incorporated by reference for all purposes. The City Administrator is authorized to allow modifications in the location of an Approved Node of up to an additional three (3) feet; provided a written request is submitted in writing by Verizon prior to installation or construction of the Network Node and includes an updated map showing the proposed location of the Network Node, any changes to the Network Node or pole specifications and concealment measures, and detailed justification for the request. Verizon acknowledges that pre-approval of the Approved Node locations is an essential term of the Agreement and that the City would not have entered into this Agreement without the authority to approve the specific

location of all Approved Nodes in a Streetlight Network Node Deployment in advance in a manner that minimizes the impact of the Approved Nodes on the surrounding property owners and users of the City's rights-of-way and allows for public input on this Agreement at a City Council meeting.

8. City's Maintenance Obligations. The City shall own, operate, maintain, and repair each Verizon Streetlight Pole at City's sole expense, except that Verizon shall be responsible for the operation, maintenance, repair and replacement of the Network Node and its related equipment on each pole as set forth in Section 9 below. Although Verizon is not responsible for maintenance of the Verizon Streetlight Pole or the City Lighting Fixture on each pole, Verizon shall pay the City Twenty Dollars (\$20) per pole, per year toward such maintenance costs. Verizon shall remit payment for such maintenance costs at the same time that Verizon remits payment for the annual right-of-way access fee for the subject pole as required by Chapter 284.

9. Verizon's Maintenance Obligations. Verizon shall have the right to repair, replace, modify, operate and maintain its Network Nodes and related equipment. To facilitate Verizon's undertaking hereunder, City grants to Verizon a non-exclusive, non-transferable right of access to Verizon Streetlight Poles to operate and maintain the Network Nodes, subject to the requirements of the City's Right-of-Way Management Ordinance. Verizon will install the necessary disconnect equipment for electric power interruption in order for Verizon to perform maintenance on the Network Nodes. Should Verizon need to perform maintenance on a Network Node that will necessitate the interruption of power to the Verizon Streetlight Pole, Verizon shall provide written notice to the City at least five (5) business days in advance in the case of routine maintenance, and as promptly as reasonably possible in the case of emergencies. Verizon shall return to the City within ten (10) days of removal any existing decorative street light poles that are removed or caused to be removed by Verizon and replaced by Verizon Streetlight Poles. Further, Verizon shall restore the surface of the right-of-way to its pre-construction condition, including removal of any paint markings or other colored markers, within ten (10) days of completion of pole installation.

10. Electric Power. For each Network Node that Verizon does not pay the electric utility directly, Verizon shall pay to the City \$1053.00 annually as reimbursement for its electrical power consumption. Verizon shall remit payment for such electrical consumption at the same time that Verizon remits payment for the annual right-of-way access fee for the subject pole as required by Chapter 284.

11. Removal and Relocation. Verizon shall relocate its network node at its own expense to an alternative location made available by the City, and acceptable to Verizon, not later than one hundred eighty (180) days after receiving written notice from the City that removal or relocation of the Verizon Streetlight Pole is necessary due to construction, expansion, repair, relocation, or maintenance of a street or other public improvement project.

12. Changes to Number of Approved Nodes. Verizon is authorized to request amendments to Exhibits A and B, including requests to cancel certain Approved Nodes and add additional Approved Node locations, at any time during the Term of this Agreement. Verizon shall not be obligated to pay Annual Fees required by Section 4 of this Agreement for any cancelled Network Nodes. City Council approval shall be required for any additional Approved Node unless said

Approved Node complies with the specification and concealment measures in Exhibit B and: (i) is proposed to be located on an existing utility pole; or (ii) is proposed at a location the City Administrator has approved in writing.

13. Termination. This Agreement may be terminated prior to the expiration of its term by either Party upon written notice to the other Party, if such other Party materially breaches any provision of this Agreement and the breach is not cured within sixty (60) days after receipt of such notice of the breach from the non-breaching Party, or, if the breach cannot reasonably be remedied in such time, if the failing Party does not commence a remedy within such time and diligently pursue the cure to completion.

14. Non-compliance of Approved Nodes. In the event any Approved Node installed in the City is found to be non-compliant with the terms of this Agreement or the City's Right-of-Way Management Ordinance, the City shall provide notice of such noncompliance to Verizon in accordance with this Agreement and Verizon shall correct such noncompliance within 30 days or respond to the City in writing with an estimate of the time required to complete any work necessary to correct the noticed violation. Failure to correct the noticed violation(s) within 30 days from the date of the notice may result in a citation issued by law enforcement to Verizon or other action by the City pursuant to the City's Right-of-Way Management Ordinance.

15. Collocation. Collocation on City service poles, to the extent such poles exist, is not authorized under this Agreement. This section is not intended to prevent collocation of the utility poles.

16. No Interference with Network Nodes. Verizon acknowledges that it has received and reviewed the Right-of-Way Management Ordinance and that this Agreement does not waive any City Code requirements except the requirement to apply for a construction permit and land use approval under the City's Right-of-Way Management Ordinance for Approved Nodes. Pursuant to Section 284.301 of the Texas Local Government Code, Verizon agrees that none of the provisions in this Agreement materially interfere with the use of Verizon's Network Nodes.

17. Governmental Immunity; Limitation on Liability. This Agreement acts in lieu of certain permits and land use approvals that would otherwise be issued by the City and Verizon agrees and acknowledges that this Agreement does not impose any liability on the City, its officers, employees or agents for damage to any Approved Nodes, Node Support Poles or any other equipment, except to the extent such damage is caused by the negligence or willful misconduct of the City, its officers, employees or agents. Nothing in this Agreement is intended to waive governmental immunity to which the City is entitled.

18. Governing Law; Venue. This Agreement shall be governed by the laws of the State of Texas and applicable federal laws. Venue shall lie in Harris County, Texas.

19. No Waiver. None of the material provisions of this Agreement may be waived or modified except expressly in writing signed by Verizon and the City. Failure of either Party to require the performance of any term in this Agreement or the waiver by either Party of any breach thereof

shall not prevent subsequent enforcement of this term and shall not be construed or deemed a waiver of any subsequent breach.

20. Notices. Notices required by this Agreement may be given by certified mail, return receipt requested, by depositing the same in the United States mail or with a commercial courier. Either Party shall have the right by giving written notice to the other, to change the address at which its notices are to be received. Until any such change is made, notices shall be delivered as follows:

If to the City:

City of Spring Valley Village
1025 Campbell Road
Houston, TX 77055
Attn: City Administrator

With a copy to:

Olson & Olson
2727 Allen Pkwy, Ste 600
Houston, TX 77019
Attn: Loren Smith

If to Verizon:

GTE MOBILNET OF SOUTH TEXAS LP
d/b/a Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921
Attention: Network Real Estate

With a copy to:

GTE MOBILNET OF SOUTH TEXAS LP
d/b/a Verizon Wireless
600 Hidden Ridge
Irving, TX 75038
Attention: Legal Department

Notices shall be deemed effective upon delivery or refusal of delivery.

21. Counterparts and Electronic Copies. This Agreement may be executed by the Parties hereto in separate counterparts, each of which when so executed and delivered shall be an original for all purposes, but all such counterparts shall together constitute but one and the same instrument. A scanned or electronically reproduced copy of this fully executed Agreement shall have the same legal effect as an original signed version of this Agreement.

22. Severability. If one or more provision in this Agreement is found to be invalid, illegal or otherwise unenforceable, all other provisions will remain unaffected and shall be deemed to be in full force and effect. If any provision in this Agreement is found to be invalid, illegal or otherwise unenforceable, the Parties shall negotiate in good faith to modify this Agreement so as to effect the original intent of the Parties as closely as possible in a mutually acceptable manner in order that the transactions contemplated hereby be consummated as originally intended by the Parties.

23. Binding Effect. This Agreement shall be binding upon and shall inure to the benefit of the Parties hereto and their respective successors and permitted assigns, and shall not be modified except by an express written agreement signed by a duly authorized representative of both Parties.

24. Force Majeure. Neither Party shall be responsible for delays in the performance of its obligations caused by events beyond the Party's reasonable control, including, but not limited to, acts of God.

25. Exhibits. All exhibits to this Agreement are hereby made a part hereof as if fully set out herein.

26. Entire Agreement. This Agreement embodies the complete agreement of the Parties, superseding all oral or written previous and contemporary agreements between the Parties relating to this Agreement.

27. Authority to Execute. Any individual executing this Agreement on behalf of a Party represents and warrants that he or she is duly authorized to execute and deliver this Agreement on behalf of such Party, and this Agreement is binding upon such Party in accordance with its terms.

28. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties and shall not be construed to confer any benefit or right upon any third party. This Agreement is for the sole benefit of, and may be enforced only by, the Parties to this Agreement. No other third party shall have standing to enforce any provision of this Agreement.

29. Remedies. In the event of any breach of the terms of this Agreement by the either Party, the non-breaching Party shall be entitled to pursue any and all legal and equitable rights and remedies permitted by applicable law.

30. Amendments. Subject to minor modifications by the City Administrator authorized under Sections 6, 7 and 12 of this Agreement, this Agreement can only be amended by mutual written agreement of the Parties following approval of such amendment by City Council.

31. Assignment. Verizon may, upon 30 days advance written notice to the City, assign or transfer its rights arising under this Agreement, provided such assignment requires the assignee to assume all the duties and obligations of Verizon under this Agreement, to any corporation, partnership or other entity which (i) is controlled by, controlling or under common control with Verizon, (ii) shall merge or consolidate with or into Verizon, (iii) shall succeed to all or substantially all the assets, property and business of Verizon to which this Agreement relate, or (iv) any affiliate or subsidiary or other party as may be required in connection with any offering, merger, acquisition, recognized security exchange or financing. Under all other circumstances, such assignment or transfer shall require the City's written consent, which consent shall not be unreasonably withheld, delayed or conditioned.

32. Relationship of the Parties. Each Party shall be considered an independent contractor, and no party nor any affiliate of any party shall be considered the agent, partner, fiduciary or employee of any other party, in its performance of any and all duties under any transactions contemplated by this Agreement. No party shall be deemed to have any fiduciary relationship to any other party.

[Signatures on following page]

IN WITNESS WHEREOF, the Parties have executed, or caused their respective duly authorized representatives to execute, this Agreement as of the day and year listed below.

CITY: CITY OF SPRING VALLEY
VILLAGE, TEXAS

Mayor

ATTEST:

City Secretary

VERIZON: GTE MOBILNET OF SOUTH
TEXAS, LP

By:

Title:

Exhibit A – Approved Node Location Listing and Map

Redacted from recorded version

Exhibit B – Approved Node Specifications and Concealment Measures

B-1: specifications for nodes collocated on utility poles

Redacted from recorded version

B-2: specifications for Verizon Streetlight Poles, including network nodes

Redacted from recorded version.