

**MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF SPRING VALLEY VILLAGE, TEXAS
TUESDAY, JULY 27, 2021 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 6:00 p.m.

Members Present:

Mayor Marcus Vajdos (by video conference; left at 8:06 p.m.)

Mayor Pro-Tem Allen Carpenter

Council Member David Dominy (arrived by video conference at 6:04 p.m.)

Council Member Tom Donaho (by video conference)

Council Member Joy McCormack

Members Absent:

Council Member Bo Bothe

2. INTRODUCTIONS

Julie M. Robinson, City Administrator

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

Loyd Evans, Police Chief (by phone conference)

Mark Schulze, Police Captain

Loren Smith, City Attorney

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.**

- 4.1 Charlie Calderwood, who lives at 15 Woodsborough Circle, requested that the Planning & Zoning Commission discuss the possibility of installing a hike and bike trail that would run east and west in the City. He also requested that a study be done.

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 June 22, 2021
- 5.2 Minutes for Regular City Council Meeting on June 22, 2021
- 5.3 Minutes for Special Called City Council Meeting on July 14, 2021
- 5.4 Resolution No. 21-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 W. W. PAYTON CORPORATION FOR GROUND STORAGE TANK REPLACEMENT (CSB #2021-05-101); 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.
- 5.5 Resolution No. 21-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING AND ACCEPTING A RIGHT-OF-WAY DEDICATION FROM MARTIN BANKS AND MARGARET BANKS DEDICATING 0.0557 ACRES OF LAND TO THE CITY TO BE USED AS PUBLIC RIGHT-OF-WAY FOR BURKHART ROAD; PROVIDING FOR THE INCORPORATION OF PREAMBLE AND AN EFFECTIVE DATE.
- 5.6 Resolution No. 21-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, RATIFYING THE ACTIONS OF THE CITY ADMINISTRATOR IN EXECUTING PAY APPLICATION NUMBER 7 TO W. W. PAYTON CORPORATION IN THE AMOUNT OF \$207,414.00 PURSUANT TO THE AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND W. W. PAYTON CORPORATION FOR THE NEW PRODUCTION WELL PROJECT (CSB #2019-01-01B; PROVIDING FOR INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.
- 5.7 Approval of Pay Estimate No. 2 for Loeser, Traweek, Lone Star, West Tex Pavement & Utility Improvements Project to Conrad Construction Co., LTD. of \$292,442.44
- 5.8 Approval of Pay Estimate No. 9 for Green Valley Drive & Winningham Lane Pavement & Utility Improvements Project to Conrad Construction Co., LTD. in the Amount of \$33,698.62.
- 5.9 Resolution No. 21-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF CHANGE ORDER NUMBER 1 TO THE AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND CONRAD CONSTRUCTION COMPANY, LTD., FOR THE LOESER, TRAWEEK, LONE STAR, WEST TEX PAVEMENT AND UTILITIES PROJECT AND THEREBY RATIFYING THE ACTIONS OF THE CITY ADMINISTRATOR IN EXECUTING WORK CHANGE DIRECTIVE 1 FOR CONRAD CONSTRUCTION CO. LTD. FOR MATERIALS TESTING; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH CHANGE ORDER NUMBER 1; AND PROVIDING AN EFFECTIVE DATE.

- 5.10 Resolution No. 21-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF CHANGE ORDER NUMBER 2 TO THE AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND CONRAD CONSTRUCTION COMPANY, LTD., FOR THE LOESER, TRAWEEK, LONE STAR, WEST TEX PAVEMENT AND UTILITIES PROJECT AND THEREBY RATIFYING THE ACTIONS OF THE CITY ADMINISTRATOR IN EXECUTING WORK CHANGE DIRECTIVES 2 AND 3 FOR CONRAD CONSTRUCTION CO. LTD. FOR WORK RELATED TO LOWERING A WATER LINE AND THE RELOCATION OF AN EXISTING FIRE HYDRANT LEAD DISCOVERED DURING CONSTRUCTION; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH CHANGE ORDER NUMBER 2; AND PROVIDING AN EFFECTIVE DATE.
- 5.11 Approval Of Pay Estimate No. 8 To W. W. Payton Corporation For \$320,589.00 For The New Production Well Project.

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

At this time, Council Member Carpenter made a motion to take Agenda Items 10, 11, 14, and 15 out of order, and Council Member McCormack seconded the motion. Motion carried 4-0.

NEW BUSINESS

10. **CONDUCT A PUBLIC HEARING CONCERNING:** Ordinance No. 2021-XX: AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS GRANTING A SPECIFIC USE PERMIT FOR PROPERTY LOCATED AT 1010 BADE STREET WITHIN THE CORPORATE LIMITS OF THE CITY OF SPRING VALLEY VILLAGE FOR USE OF THE PROPERTY FOR SPORTS AND RECREATION INSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Mayor Vajdos opened the Public Hearing at 6:07 p.m.

A. **Presentation of Requested Specific Use Permit by Applicant**

Director of Community Development Zachary Meadows advised that the current zoning for the property at 1010 Bade Street did not allow for a martial arts studio to be located on the first floor. Consequently, Applicant Frost Murphy, owner of Elite MMA, submitted an application for a Specific Use Permit to allow for the use of property for sports and recreation instruction. He also advised that the Planning and Zoning Commission considered the requested Specific Use Permit Application on July 13, 2021, and recommended approval with two conditions:

1. The Specific Use Permit is contingent upon demonstration to the City's satisfaction of shared parking agreements with neighboring property owners to provide for the use of a minimum of 37 shared parking spaces to supplement the

18 existing parking spaces on the Property for a minimum total combined number of 55 parking spaces. In the event that any of these shared parking agreements should terminate and consequently result in less than the minimum of 37 shared parking spaces, the Owner shall produce evidence of sufficient parking to the City's satisfaction within sixty (60) days of the termination date. Any such shared parking agreement shall also contain a provision allowing for the installation of sufficient lighting to provide for the safety of patrons.

2. The hours of operation shall be 6:30 a.m. to 10:00 p.m.

B. Those In Favor

Jim Autenreith, who lives at 8731 Cavell Lane and is the broker for the project, advised that Elite MMA would be a good addition to the community, and that they provide a lot of training to men, women, and children.

C. Those Opposed

None.

D. Adjourn Public Hearing

Mayor Vajdos adjourned the Public Hearing at 6:12 p.m.

11. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance No. 2021-XX: AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS GRANTING A SPECIFIC USE PERMIT FOR PROPERTY LOCATED AT 1010 BADE STREET WITHIN THE CORPORATE LIMITS OF THE CITY OF SPRING VALLEY VILLAGE FOR USE OF THE PROPERTY FOR SPORTS AND RECREATION INSTRUCTION; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Mayor Vajdos read the Ordinance by caption only. Mr. Meadows briefed the Council on the issue related to parking spaces which was one of the conditions for approval from the Planning and Zoning Commission. He and City Administrator Julie Robinson met with Frost Murphy, owner of Elite MMA, to discuss the uses for the different spaces within the existing building and determined the minimum parking spaces required based on use was 55 parking spaces. Then the language of the condition was drafted to reflect the total minimum number of parking spaces and how many would be required through shared parking agreements. After a brief discussion, Council Member McCormack made a motion to approve Ordinance No. 2021-13 with the revisions as presented, and Council Member Carpenter seconded the motion. Motion carried 4-0.

14. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Request for Rate Modification by Waste Corporation of America ("WCA") Effective January 2022.

City Administrator Julie Robinson advised that WCA submitted a request for a rate modification on June 14, 2021, and the request met the requirements specified in the contract. She also advised that, if approved, the 5.81% rate increase would go into effect in January 2022. A representative from WCA was requested to attend the meeting, but was not present in person or virtually. It was the consensus of the Council not to consider this item until a WCA representative could attend. Ms. Robinson advised that she would place this

item on the August 24 City Council meeting agenda and inform WCA.

No action was taken.

- 15. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 21-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF PROPOSAL FOR REMODELING AND INSTALLATION OF SHOWERS IN THE CITY HALL AND POLICE BUILDING BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND RIDGEWATER HOMES, LLC.; 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. After a brief discussion, Council Member McCormack made a motion to approve Resolution No. 21-24, and Council Member Carpenter seconded the motion. Motion passed 4-0.

OLD BUSINESS

- 6. UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** June 2021 Police Department Staff Report (Chief Evans):

Captain Schulze provided the report on behalf of Chief Evans.

1. Number of Calls for Service – 2,288
2. Number of Traffic Violations – 2,224
3. Number of K-9 Deployments – 102

- 7. UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** Activities of the Village Fire Department Commissioners Meeting on June 30, 2021 and Any Special Meetings That May Have Occurred since June 30, 2021. (Mayor Pro-Tem Carpenter / Council Member Bothe)

Mayor Pro Tem Carpenter advised that the Village Fire Department is fully staffed and on budget. He also advised that the Village Fire Department renovation project deadline has been moved to mid-October.

- 8. UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** Activities of the Planning and Zoning Commission Meeting of July 13, 2021. (Council Member Dominy / Council Member Donaho / City Attorney Loren Smith)

City Attorney Loren Smith advised that the items discussed at the July 13, 2021 meeting had already been acted upon by Council that evening.

- 9. UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** Feedback Received During Virtual Public Meeting Concerning Bingle Road Road Diet Held on June 29, 2021 and Implementation of a Proposed Road Diet for Bingle Road through the City Limits.

Public Works Director Pat Riley advised that a virtual public meeting was held on June 29, 2021, and a total of 19 people attended the public meeting. 16 residents (including the Mayor) attended the meeting and provided feedback concerning the proposed road diet. Several people expressed

support for the project because of safety concerns, namely pedestrian safety and being able to walk/bike places. However, potential traffic congestion was the greatest concern expressed by the majority of the participants. Following the public meeting, he had received five emails from residents who attended the public meeting expressing opposition to the proposed road diet.

There was discussion concerning the timing of and coordination with the City of Houston for the project, how long the restriping will take, and the need for signage to alert the public about the change in traffic pattern, and public communication and messaging about the project. Following discussion, it was the direction of the Council to proceed with implementation of the Bingle Road Road Diet..

NEW BUSINESS

12. CONSIDERATION AND POSSIBLE ACTION CONCERNING: Appointments / Reappointments to Boards and Commissions:

- A. Planning & Zoning Commission
- B. Board of Adjustment

Mayor Vajdos advised that he would present the proposed appointments / re-appointments for the Board of Adjustment at the August 24 City Council meeting. After a brief discussion, Council Member Carpenter made a motion to re-appoint Trey Hoffman, Maryellen McGlothlin, and Patrick Johnson as Regular Members, appoint Jim Autenreith as a Regular Member, and appoint Jerry Kent as an Alternate Member to the Planning & Zoning Commission, and Council Member McCormack seconded the motion. Motion carried 4-0.

13. CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Implementation of a Small Unmanned Aircraft System (“SUAS”) (Drone) Program by Spring Valley Police Department.

Chief of Police Loyd Evans asked that, due to changes within the Department, the Council not take any action of the proposed Program. He advised that, if a need for a drone were to occur in the interim, the Department has a drone Interlocal Agreement with the Memorial Villages Police Department.

No action was taken.

16. DISCUSSION AND DIRECTION CONCERNING: Addressing Landscaping Along I-10 Sound Wall and I-10 Entry and Exit Ramps Destroyed and/or Damaged by Winter Storm Uri.

Assistant to the City Administrator Matthew Hitt advised the Council that he had spoken with TxDOT regarding their plans to replace the destroyed/damaged landscaping along the I-10 sound wall and entry and exit ramps from Winter Storm Uri. TxDOT advised him that they will not be replanting or replacing any dead landscaping in those locations until Summer of 2022 at the earliest. In order to get an idea of the cost associated with addressing the dead and/or damaged landscaping, Mr. Hitt requested a quote from KNB Landscaping for trimming, removing, and/or replacing landscaping, a copy of which was included in the packet. The scope of work also involved cutting the Pampas grass down to three feet and Oleanders down to two feet, and replacing 30 Oleanders.

There was discussion concerning the estimated cost for the proposed work, the types of

landscaping that would be installed or replaced, and the ability to have the work performed under the City's existing contract with KNB. After discussion, it was the direction of the Council for Staff to proceed with obtaining quotes for replacing the dead and/or damaged landscaping along the I-10 sound wall and entry/exit ramps, including replacement of the landscaping at Fries and the I-10 Feeder Road that was destroyed when a semi-truck hit a portion of the sound wall, and replacing all Pampas grass with Oleanders.

17. DISCUSSION AND DIRECTION CONCERNING: Changes to Open Meetings Requirements Related to Participation by City Council Members and Planning & Zoning Commission Members via Videoconference or Teleconference as of September 1, 2021.

City Attorney Loren Smith advised the Council that, in March of 2020, Governor Abbott's office granted the attorney general's request to suspend certain open-meeting statutes during the COVID-19 Pandemic. The temporary suspension allowed, among other things, for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people.

On June 30, 2021, the Governor's office approved a request by the attorney general to lift those suspensions. The suspensions will lift at 12:01 a.m. on September 1, 2021. Thus, as of September 1, 2021, all provisions of the Open Meetings Act will be effective, and all Texas governmental bodies subject to the Open Meetings Act must conduct their meetings in full compliance with the Open Meetings Act as written in state law.

He also advised that the most significant difference would be that Council Members would need to notify Staff prior to the posting of the meeting agenda if they would be participating remotely. Mr. Smith advised that if someone is participating by videoconference, their video must be on for the entire meeting period, and for voting purposes, they must be heard. Mr. Smith also advised that the Open Meetings regulations are anticipated to be included in one of the Special Sessions of the Texas Legislature. In the event any legislation is adopted that modifies these regulations, the Council will be notified.

18. DISCUSSION AND DIRECTION CONCERNING: Possible Addition of Veterans' Day (November 11) as a Paid City Holiday.

Mayor Vajdos advised that there are quite a few City employees who are veterans and he asked that the Council consider adding Veterans Day to the list of paid City holidays. There was discussion concerning whether the proposed holiday would only apply to veterans or apply to all City employees, whether an employee could use their Personal Holiday for Veterans Day, how many paid holidays the City currently provides, and the holidays that other cities provide as paid holidays. After a brief discussion, it was the consensus of Council to have Staff bring back information from other cities regarding paid holidays. Ms. Robinson advised that the information would be presented at the August or September Council meeting.

19. 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:

- 19.1 Section 551.072 – Deliberation Regarding Real Property – Discussion Regarding the Purchase, Exchange, Lease or Value of Real Property.
- 19.2 Section 551.074 – Personnel Matter – Discussion to Deliberate the Appointment,

Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of the Municipal Court Presiding Judge.

Council adjourned into the Executive Session at 7:39 p.m.

20. RECONVENE

The City Council meeting reconvened at 8:07 p.m.

21. CONSIDERATION AND POSSIBLE ACTION CONCERNING: Matters Discussed in Executive Session.

No action was taken.

22. UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING: Briefing by City Staff:

1. Update on Movie Night

City Treasurer Michelle Yi advised that the first Movie Night for this year was held on July 16; however, there were no attendees. She also advised that the next Movie Night would be held on August 13 before school starts.

2. Status of New Production Well

Public Works Director Pat Riley advised that the project is substantially complete, and the contractor is currently completing the punch list items.

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

Public Works Director Pat Riley advised that the project is progressing well, and some of the new roads would be 30 inches lower to accommodate for drainage.

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

Public Works Director Pat Riley advised that the project is substantially complete with the exception of sod replacement.

5. Status of Implementation of New Access Control and Camera System

Assistant to the City Administrator Matthew Hitt advised that there was a weather delay related to the installation of the new camera system. He also advised that the new access control system would be complete by the end of the week.

6. Status of Sustainability and Resiliency Chapter of the New Comprehensive Plan

City Administrator Julie Robinson advised that there was a delay finalizing the Chapter due to staffing shortages and the number of projects currently in process. She anticipates presenting the final version at the August or September City Council meeting.

7. Process for American Rescue Plan Act Funds

City Administrator Julie Robinson advised that the City is anticipated to receive at least \$1 million through the American Rescue Plan Act, and all required documentation had been submitted to the State. the City's funds should be received in a couple of months. Ms. Robinson advised that these funds would be used for water and wastewater

improvements, wastewater. The City is required to hold a public hearing to present and receive feedback concerning the proposed projects at a Council meeting prior to using any of the funds..

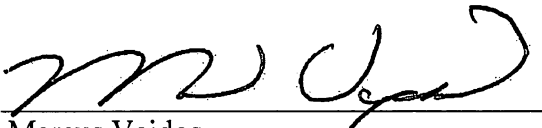
8. Review of City's Standard Specifications for Public Infrastructure Projects

City Administrator Julie Robinson advised that reviewing the City's standard specifications was discussed during the May 25 City Council meeting. Following that Council meeting, she had a conversation with Charles Eastland with Cobb, Fendley Inc., and Mr. Eastland had suggested undertaking the review of the standard specifications while the Brighton Place paving and utility improvements were in the design phase. The Council was in agreement with this approach to reviewing the City's standard specifications.

23. ADJOURNMENT

Council Member McCormack made a motion to adjourn the meeting at 8:17 p.m., and Council Member Donaho seconded the motion. Motion carried 4-0.

Signed:



Marcus Vajdos
Mayor

Attest:


Roxanne Benitez, TRMC, CPM, CMCC
City Secretary