



**Regular City Council Meeting**  
**December 14, 2021**  
**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 14, 2021, beginning at 6:00 p.m., For the Purpose of Considering and Acting upon the Following Items of Business:**

The meeting agenda and agenda packet are posted online at [www.springvalleytx.com](http://www.springvalleytx.com).

The video link to this meeting is <https://us02web.zoom.us/j/89048068914>

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: 890 4806 8914 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 / 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.**

**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 Regular Called City Council Meeting on November 16, 2021

5.2 Resolution 21-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE RENEWAL OF AN INTERLOCAL AGREEMENT BETWEEN HARRIS COUNTY, TEXAS,

AND THE CITY OF SPRING VALLEY VILLAGE, TEXAS, TO HOUSE, SUPPORT, MAINTAIN, AND CONFINE MUNICIPAL PRISONERS IN HARRIS COUNTY JAILS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING EXECUTION OF THE RENEWAL BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.

- 5.3 Approval of Pay Estimate No. 7 for Loeser, Traweek, Lone Star, West Tex Pavement & Utility Improvements Project to Conrad Construction Co., LTD. of \$202,865.67.

### **OLD BUSINESS**

6. **UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** November 2021 Police Department Staff Report (Chief Evans):
1. Number of Calls for Service
  2. Number of Traffic Violations
7. **UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** Activities of the Village Fire Department Commissioners Meeting on November 17, 2021 and Any Special Meetings That May Have Occurred since November 17, 2021. (Mayor Pro-Tem Carpenter / Council Member Bothe)
8. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Request for Rate Modification by Waste Corporation of America ("WCA") Effective January 2022.

### **NEW BUSINESS**

9. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 2021-XX - AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING THE SCHEDULE OF CHARGES AND FEES FOR THE COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH, AND RECYCLABLES; PROVIDING AN EFFECTIVE DATE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.
10. **CONDUCT A PUBLIC HEARING CONCERNING:** Ordinance Number 2021-XX – AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.19, SOLAR PANELS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT "A"; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO ALTER THE REGULATIONS OF BOTH ROOF MOUNTED AND GROUND MOUNTED SOLAR PANELS TO COMPLY WITH THE PROVISIONS OF SENATE BILL 398 REGARDING MUNICIPAL REGULATION SOLAR PANELS; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.
- A. Presentation of Proposed Ordinance by City Staff
  - B. Those In Favor

- C. Those Opposed
- D. Adjourn Public Hearing

11. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 2021-XX – AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.19, SOLAR PANELS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT “A”; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO ALTER THE REGULATIONS OF BOTH ROOF MOUNTED AND GROUND MOUNTED SOLAR PANELS TO COMPLY WITH THE PROVISIONS OF SENATE BILL 398 REGARDING MUNICIPAL REGULATION SOLAR PANELS; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.

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

1. Status of New Production Well
2. Status of Loeser, Traweek, Lone Star and W. Tex Paving and Utility Improvements Project
3. Status of Replacement of Ground Storage Tank #2
4. Status of Bingle Road Road Diet
5. Status of Installation of Flock License Plate Readers

13. **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 14, 2021 agenda of items to be considered by City Council was posted on or before the 9<sup>th</sup> day of December, 2021, at 10:00 a.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 or email [secretary@springvalleytx.com](mailto:secretary@springvalleytx.com) for further information.

## Consent Agenda Items

**MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF SPRING VALLEY VILLAGE, TEXAS  
TUESDAY, NOVEMBER 16, 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 6:03 p.m.

Members Present:

Mayor Marcus Vajdos  
Mayor Pro Tem Allen Carpenter  
Council Member Bo Bothe  
Council Member Tom Donaho

Members Absent:

Council Member David Dominy  
Council Member Joy McCormack

**2. INTRODUCTIONS**

Julie M. Robinson, City Administrator  
Roxanne Benitez, City Secretary  
Michelle Yi, City Treasurer  
Zachary Meadows, Director of Community Development  
Arthur Faiello, Director of Public Works  
Matthew Hitt, Assistant to the City Administrator  
Lloyd Evans, Chief of Police (by phone conference)  
Mark Schulze, Police Captain

**3. PROCLAMATIONS / ANNOUNCEMENTS / SWEARING-IN**

Mayor Vajdos welcomed Boy Scout Troop 642 who were in attendance.

**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.

At this time, Mayor Pro Tem Carpenter made a motion to take Agenda Items 10, 12, 14, 15, 16, and 17 out of order, and Council Member Donaho seconded the motion. Motion carried 3-0.

**OLD BUSINESS**

- 10. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Appointments / Reappointments to Board of Adjustment.

Mayor Vajdos advised that several applications were submitted by residents who were unfamiliar to him, other Council Members and City Staff, so he, City Administrator Julie Robinson and City Attorney Loren Smith conducted short interviews by Zoom to learn more about each applicant. Based on the interviews, Mayor Vajdos provided his recommendations for appointments and reappointments. Council Member Donaho made a motion to re-appoint Doug Doyle as a Regular Member, appoint Steve Bass and Kenneth Schneider as Regular Members, and appoint Susan Diehl and Travis Wells as Alternate Members to the Board of Adjustment, and Council Member Bothe seconded the motion. Motion carried 3-0.

- 12. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance No. 2021-XX - AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, ADOPTING AMENDMENT NO. 1 TO THE ORIGINAL BUDGET OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, FOR THE FISCAL YEAR 2020-2021; FUNDING CERTAIN OBLIGATIONS OF THE CITY DURING THE BUDGET PERIOD NECESSARY FOR THE PROVISION OF CITY SERVICES; CONTAINING FINDINGS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER DETAILS RELATING TO THE SUBJECT.

Mayor Vajdos read the Ordinance by caption only. Council Member Donaho made a motion to approve Ordinance No. 2021-20, and Council Member Bothe seconded the motion. Motion carried 3-0.

- 14. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Approval of Villages Mutual Insurance Group Recommended Insurance Carriers for Plan Year 2022 Being Blue Cross/Blue Shield of Texas (Medical), Guardian Life (Dental), Lincoln National Insurance (Life/AD&D/LTD/Supplemental Life), and Superior Vision (Vision) For The City of Spring Valley Village's Employee Benefits.

Council Member Bothe made a motion to approve the Villages Mutual Insurance Group's recommended insurance carriers for Plan Year 2022 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 Donaho seconded the motion. Motion carried 3-0.

- 15. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** 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 PROPOSAL FOR TRAFFIC SIGNAL TIMING AND VEHICLE DETECTION SERVICES FOR THE BINGLE ROAD ROAD DIET PROJECT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND ADVANCED TRAFFIC SOLUTIONS, LLC; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH PROPOSAL; AND PROVIDING AN EFFECTIVE DATE.

Mayor Vajdos read the Resolution by caption only. After a brief discussion, Council Member Bothe made a motion to approve Resolution No. 21-37, and Council Member Carpenter seconded the motion. Motion carried 3-0.

- 16. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution No. 21-

XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, CASTING ITS BALLOT FOR THE ELECTION OF A PERSON TO THE BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Vajdos read the Resolution by caption only. After a brief discussion, Council Member Bothe made a motion to approve Resolution No. 21-34, casting the City's ballot for Mike Sullivan to the Board of Directors of the Harris County Appraisal District, and Council Member Donaho seconded the motion. Motion carried 3-0.

17. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution No. 21-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AUTHORIZING PARTICIPATION IN THE NATIONAL OPIOID SETTLEMENT AGREEMENTS SECURED BY THE OFFICE OF THE ATTORNEY GENERAL AS A "NON-LITIGATING SUBDIVISION"; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE CERTAIN SETTLEMENT PARTICIPATION DOCUMENTS; AND PROVIDING A REPEALER CLAUSE AND AN EFFECTIVE DATE.

Mayor Vajdos read the Resolution by caption only. After a brief discussion, Council Member Donaho made a motion to approve Resolution No. 21-38, and Council Member Carpenter seconded the motion. Motion carried 3-0.

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 Regular City Council Meeting on September 28, 2021
- 5.2 Ordinance Number 2021-XX - AN ORDINANCE OF THE CITY OF SPRING VALLEY, TEXAS, PROVIDING FOR AN OFFICIAL NEWSPAPER FOR THE CITY; PROVIDING FOR THE REPEAL OF ORDINANCES, RESOLUTIONS, OR POLICIES INCONSISTENT HERewith; AND PROVIDING FOR SEVERABILITY.
- 5.3 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 THE TERMS AND CONDITIONS OF CHANGE ORDER NUMBER 5 TO THE AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND CONRAD CONSTRUCTION COMPANY, LTD., FOR THE LOESER, TRAWEEK, LONE STAR, LARIAT AND WEST TEX PAVING AND UTILITIES IMPROVEMENT PROJECT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.
- 5.4 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 AUTHORIZING A PAYMENT IN THE AMOUNT OF \$301,108.22 TO CONRAD CONSTRUCTION CO., LTD. FOR



PAY ESTIMATE NO. 5 OF THE LOESER, TRAWEEK, LONE STAR, WEST TEX PAVEMENT & UTILITY IMPROVEMENT PROJECT; PROVIDING FOR INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

- 5.5 Approval of Pay Estimate No. 11 – Final Pay Application and Request for Release of Retainage for Green Valley Drive & Winningham Lane Pavement & Utility Improvements Project to Conrad Construction Co., LTD. in the Amount of \$96,467.80.
- 5.6 Approval of Pay Estimate No. 6 for Loeser, Traweek, Lone Star, West Tex Pavement & Utility Improvements Project to Conrad Construction Co., LTD. of \$250,752.74.

Council Member Donaho made a motion to approve all items on the Consent Agenda, and Council Member Carpenter seconded the motion. Motion carried 3-0.

### **OLD BUSINESS**

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

Captain Schulze provided the report on behalf of Chief Evans.

- 1. Number of Calls for Service – September - 2,241; October – 2,297
- 2. Number of Traffic Violations – September – 1,673; October – 1,559

- 7. **DISCUSSION AND DIRECTION CONCERNING:** Locations, Installation and Hardware Design of the Flock Safety License Plate Readers.

Assistant to the City Administrator Matthew Hitt gave a presentation regarding the design, installation, and locations of the Flock safety license plate readers. City Administrator Julie Robinson advised the Council that she wanted them to see photos of what the license plate readers will look like when installed to be sure that they are comfortable with how they look. Following discussion, it was the direction of the Council to proceed with the installation.

- 8. **UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** Activities of the Village Fire Department Commissioners Meeting on September 29, 2021 and Any Special Meetings That May Have Occurred since September 29, 2021. (Mayor Pro-Tem Carpenter / Council Member Bothe)

Mayor Pro Tem Carpenter advised that the Village Fire Department had one vacancy. He also advised that there were a few items that need to be completed for the Fire Department renovation project, such as painting and installation of the bay doors that are on backorder. Mayor Pro Tem Carpenter advised that the building is currently occupied, and they plan on holding an open house in December. He also advised that Bunker Hill Village is interested in becoming a member of the Village Fire Department again and the Commissioners would be working on the process. Mayor Pro Tem Carpenter advised that EMS personnel were called to an incident regarding a cardiac arrest at the Dad's Club and were able to arrive in 5.5 minutes.

- 9. **UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** Activities of the Planning and Zoning Commission Meeting of October 12, 2021. (Council Member Dominy / Council Member Donaho / City Attorney Loren Smith)

City Attorney Loren Smith was unable to attend the meeting. Director of Community Development Zachary Meadows advised that the action items discussed at the October 12 Planning and Zoning Commission meeting were a preliminary and final re-plat of 1122 Traweek Street, a preliminary and final re-plat of 8415 Burkhart Road and 8421 Burkhart Road, and an amendment to the ordinance regarding solar panels. Mr. Meadows advised that, due to the cancellation of the October 26 City Council meeting, both re-plats were ministerially approved in accordance with State law. He also advised that the public hearing and action item for the amendment to the solar panel ordinance would be on the December 14 City Council meeting agenda.

**11. DISCUSSION AND DIRECTION CONCERNING:** Scope of Work for Addressing Landscaping Along I-10 Sound Wall Destroyed and/or Damaged by Winter Storm Uri.

Assistant to the City Administrator Matthew Hitt advised that, during the July 27, 2021 meeting, the Council discussed a quote from KNB Landscaping of \$20,400.00 to address the landscaping along the I-10 Sound Wall that had been destroyed and/or damaged by Winter Storm Uri. During the discussion, Council requested to increase the scope of work to include removing all the Pampas Grass and replacing it with Oleanders.

Based on this direction, Mr. Hitt contacted four companies, including KNB Landscaping, for quotes for the increased scope of work. Once the quotes were received, it became clear that the increased scope of work would exceed \$50,000, and the City would need to go out for bid on this project.

After a brief discussion, it was the direction of the Council to proceed with the original scope of work in KNB's quote from July of \$20,400.00 which included (1) the removal and replacement of the dead landscaping and trimming the damaged landscaping to help it grow back healthy; (2) trimming all Pampas Grass down to 3 feet tall; (3) trimming all Oleanders to 2 feet tall; and (4) removing and replacing 50 Oleanders.

### **NEW BUSINESS**

**13. BRIEFING AND DISCUSSION CONCERNING:** Quarterly Investment Report For Period Ending September 30, 2021.

City Treasurer Michelle Yi presented the Quarterly Investment Report for the period ending June 30, 2021.

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

1. Status of Replacement of Ground Storage Tank #2

Director of Public Works Arthur Faiello advised that the tank is currently being mobilized with tank construction beginning the week of November 22 and ending in January 2022.

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

Director of Public Works Arthur Faiello advised that construction on Loeser was complete. He also advised that most of the construction on West Tex was also complete.

3. Status of Bingle Road Road Diet

Director of Public Works Arthur Faiello advised that the original start date of the project was mid-November; however, the City of Houston has moved the anticipated start date to the first week of December. Regardless of when the restriping of Bingle Road begins, the City will proceed with implementing the traffic signal operations included in the proposal from Advanced Traffic Solutions that was approved earlier on the agenda.

**19. ADJOURNMENT**

Council Member Donaho made a motion to adjourn the meeting at 7:05 p.m., and Council Member Bothe seconded the motion. Motion carried 3-0.

Signed: \_\_\_\_\_  
Marcus Vajdos  
Mayor

Attest: \_\_\_\_\_  
Roxanne Benitez, TRMC, CPM, CMCC  
City Secretary

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

**MEETING DATE:** December 14, 2021

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| <b>TOPIC:</b> | <b>RESOLUTION NUMBER 21-XX</b><br><br><b>A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE RENEWAL OF AN INTERLOCAL AGREEMENT BETWEEN HARRIS COUNTY, TEXAS, AND THE CITY OF SPRING VALLEY VILLAGE, TEXAS, TO HOUSE, SUPPORT, MAINTAIN, AND CONFINE MUNICIPAL PRISONERS IN HARRIS COUNTY JAILS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING EXECUTION OF THE RENEWAL BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.</b> |
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| <b>BACKGROUND:</b> | <p>The City of Spring Valley Village originally entered into an Interlocal Agreement with Harris County Sheriff's Office in 1991 for housing, supporting, maintain and confining municipal prisoners who are confined on Class C misdemeanors. These services are not utilized often; however, it is important for the City to have this Interlocal Agreement in place in case it is needed. The current Interlocal Agreement was approved on October 27, 2020, by Resolution No. 20-29 and will expire on December 31, 2021.</p> <p><u>There is no increase in fees this year.</u> This Resolution would approve a renewal of the Interlocal Agreement that was approved last year with a new termination date of December 31, 2022.</p> |
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| <b>RECOMMENDATION:</b> | Staff recommends approval of the Resolution. |
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| <b>ATTACHMENTS:</b> | • Resolution Number 21-XX |
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| <b>FUNDING ISSUES:</b> | <p><input checked="" type="checkbox"/> Not applicable – no dollars are being spent or received.</p> <p><input type="checkbox"/> Full amount already budgeted in Acct/Project# _____</p> <p><input type="checkbox"/> Not budgeted, if approved, the following will be included in the next Budget Amendment:</p> <p style="padding-left: 20px;"><input type="checkbox"/> \$ _____ from Acct/Project# _____ will be transferred to Acct/Project# _____</p> <p style="padding-left: 20px;"><input type="checkbox"/> \$ _____ from unassigned fund balance will be used and added to Acct/Project# _____</p> <p style="padding-left: 20px;"><input type="checkbox"/> \$ _____ will be added to Revenue Acct# ____-____ and \$ _____ added to Expenditure Acct/Project# _____</p> |
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| <b>FINANCE VERIFICATION OF FUNDING:</b> |  |
|-----------------------------------------|-------------------------------------------------------------------------------------|

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| <b>SUBMITTING STAFF MEMBER:</b><br><br>Roxanne Benitez, City Secretary | <b>CITY ADMINISTRATOR APPROVAL:</b><br> |
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## RESOLUTION NUMBER 21-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE RENEWAL OF AN INTERLOCAL AGREEMENT BETWEEN HARRIS COUNTY, TEXAS, AND THE CITY OF SPRING VALLEY VILLAGE, TEXAS, TO HOUSE, SUPPORT, MAINTAIN, AND CONFINE MUNICIPAL PRISONERS IN HARRIS COUNTY JAILS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING EXECUTION OF THE RENEWAL BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes governmental entities to contract with each other to perform government functions and services under the terms thereof; and

**WHEREAS**, the City Council of the City of Spring Valley Village, Texas, has before it a proposed renewal of the Interlocal Agreement by and between Harris County and the City of Spring Valley Village, Texas, for the housing, support, maintenance, and confinement of municipal prisoners in Harris County jails that was approved on October 27, 2020, by Resolution No. 20-29 ("the Renewal"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

**WHEREAS**, upon full review and consideration of the Renewal and all related matters, the City Council finds that the City of Spring Valley Village's best interests are served, desires to approve the terms and conditions of the Renewal and to authorize the Mayor to execute the Renewal 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 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, after review of the terms and conditions thereof, hereby approves the attached Renewal of the Interlocal Agreement by and between Harris County, Texas, and the City of Spring Valley Village, Texas for the housing, support, maintenance, and confinement of municipal prisoners in Harris County jails that was approved on October 27, 2020, by Resolution No.20-29.

Section 3. The City Council also authorizes the Mayor to execute the Renewal on behalf of the City of Spring Valley Village and all other documents in connection therewith.

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

**DULY PASSED AND APPROVED** this the 14<sup>th</sup> day of December, 2021.

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Marcus Vajdos, Mayor  
City of Spring Valley Village, Texas

ATTEST:

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

EXHIBIT "A"

TO

RESOLUTION NUMBER 21-XX



**DeWight Dopslauf, C.P.M., CPPO**  
**Harris County Purchasing Agent**

November 10, 2021

Ms. Roxanne Benitez, City Secretary  
City of Spring Valley Village  
1025 Campbell Rd  
Houston, Texas 77055

**Re: Agreement with Harris County and the City of Spring Valley Village**

Dear Ms. Farris,

The agreement to House, support, maintain, and confine prisoners in Harris County Jails, expires on December 31, 2021. If you will renew the contract under the same terms and conditions, with no increase in pricing, please advise the Purchasing Department in writing ASAP. You may respond by fax 713-755-6695 or by email to: [Tracy.Lacy@pur.hctx.net](mailto:Tracy.Lacy@pur.hctx.net)

If you have any questions, please call me at (713) 274-4438.

Sincerely,

*Tracy W. Lacy*

Tracy W. Lacy  
Buyer

TWL

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City of Spring Valley Village will renew the contract under the same terms and conditions with no increase in pricing for the term January 1, 2022 through December 31, 2022.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

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

**MEETING DATE:** December 14, 2021

|               |                                                                                                                                                                              |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TOPIC:</b> | <b>Approval of Pay Estimate No. 7 for Loeser, Traweck, Lone Star, West Tex Pavement &amp; Utility Improvements Project to Conrad Construction Co., LTD. of \$ 202,865.67</b> |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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| <b>BACKGROUND:</b> | This is the seventh pay estimate to be submitted by Conrad Construction Co., LTD. for the Loeser, Traweck, Lone Star, West Tex Pavement & Utility Improvements Project (2020-11-101) for work completed on the Project from November 1, 2021, to November 30, 2021. |
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| <b>RECOMMENDATION:</b> | IDS Engineer Project Manager Coy P. Custer, P.E., ENV SP, and Director of Public Works Arthur Faiello have reviewed Pay Estimate No. 7 and recommend approval. |
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| <b>ATTACHMENTS:</b> | <ul style="list-style-type: none"><li>• Pay Estimate No. 7 Submitted By Conrad Construction Co., LTD.</li></ul> |
|---------------------|-----------------------------------------------------------------------------------------------------------------|

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>FUNDING ISSUES:</b> | <div><input type="checkbox"/> Not applicable – no dollars are being spent or received.<br/><input checked="" type="checkbox"/> Full amount already budgeted in Acct/Project #25-50-7517<br/><input type="checkbox"/> Not budgeted, if approved, the following will be included in the next Budget Amendment:<br/><div><input type="checkbox"/> \$ _____ from Acct/Project# _____ will be transferred to Acct/Project# _____<br/><input type="checkbox"/> _____ from unassigned fund balance will be used and added to Acct/Project# _____<br/><input type="checkbox"/> \$ _____ will be added to Revenue Acct# ____-____ and \$ _____ added to Expenditure Acct/Project# _____</div></div> |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

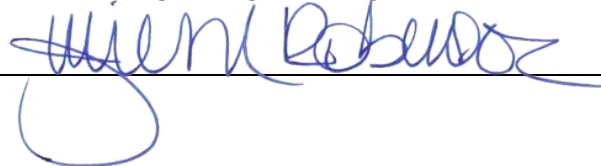
**FINANCE VERIFICATION OF FUNDING:**



**SUBMITTING STAFF MEMBER:**

Arthur Faiello, Public Works Director

**CITY ADMINISTRATOR APPROVAL:**







December 1, 2021

Spring Valley Village  
1025 Campbell Road  
Houston, TX 77055

Attention: Mr. Arthur Faiello

Reference: Paving and Utility Improvements to Serve Lone Star Dr, Loeser Dr, Traweek Dr, West  
Tex Dr and Lariat Dr  
CSB #2021-11-101; IDS Project No. 2316-001-00

Dear Mr. Faiello:

Enclosed is an Application and Certificate for Payment No. 7 for the above referenced project for the period of November 1, 2021 to November 30, 2021. As itemized in this estimate, we recommend payment to Conrad Construction Co., Ltd in the amount of \$202,865.67 at this time.

As of November 30, 2021, the project was approximately 63.1% complete of the contract sum to date. A qualified project representative was assigned to the project to observe the work as it was being performed. To the best of my knowledge, all work has been performed in accordance with the construction plans and contract specifications.

|    |                                               |                 |
|----|-----------------------------------------------|-----------------|
| 1  | Original Contract Amount                      | \$ 2,837,491.00 |
| 2  | Total Change Orders                           | \$ 168,995.24   |
| 3  | Total Current Contract Amount                 | \$ 3,006,486.24 |
| 4  | Construction Materials Testing to Date        | \$ 40,034.00    |
| 5  | Payment to Centerpoint                        | \$ -            |
| 6  | Total Value of Work Completed to Date         | \$ 1,896,071.19 |
| 7  | Total Materials Stored to Date                | \$ -            |
| 8  | Total Completed & Stored to Date              | \$ 1,896,071.19 |
| 9  | Retainage (10%)                               | \$ 189,607.12   |
| 10 | Total Completed, Less Retainage               | \$ 1,706,464.07 |
| 11 | Total Amount of Prior Payments                | \$ 1,503,598.40 |
| 12 | Current Due Amount                            | \$ 202,865.67   |
| 13 | Total Balance Remaining (Including Retainage) | \$ 1,110,415.05 |
| 14 | Notice to Proceed Date                        | 17-May-21       |
| 15 | Project Estimated Completion Date             | 29-Mar-22       |
| 16 | Percentage Complete of the Contract Sum       | 63.1%           |

Mr. Arthur Faiello  
City of Spring Valley Village  
December 1, 2021  
Page 2 of 2

Sincerely,



Coy P. Custer, P.E., ENV SP  
Project Manager

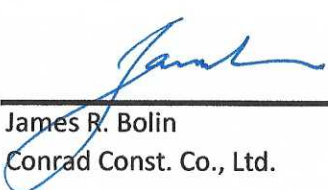
Attachments

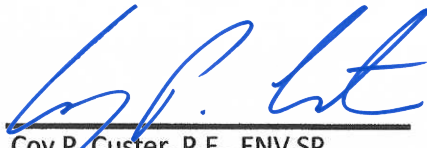
Conrad Construction Co., Ltd.  
P.O. Box 841134  
Houston, Texas 77284

Project: Lone Star Dr., Loeser Dr., et al , Project No. 2020-11-101

|                          |                       |                |                 |
|--------------------------|-----------------------|----------------|-----------------|
| Pay Application No.      | 7                     | Work To Date:  | \$ 1,896,071.19 |
| Application Period       | 11-1-21 thru 11-30-21 |                |                 |
| Original Contract Amount | \$ 2,837,491.00       |                |                 |
| Revised Contract Amount  | \$ 3,009,762.24       | Remaining Work | \$ 1,113,691.05 |
| Notice To Proceed        | 5/17/2021             |                |                 |

|                                       |                 |
|---------------------------------------|-----------------|
| Total Work To Date:                   | \$ 1,896,071.19 |
| Materials Stored to Date              | \$ -            |
| Total Work To Date & Stored Materials | \$ 1,896,071.19 |
| Retainage (10%)                       | \$ 189,607.12   |
| Total Work Complete, Less Retainage   | \$ 1,706,464.07 |
| Less Previous Payments                | \$ 1,503,598.40 |
| Total Due This Application            | \$ 202,865.67   |

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

  
Coy P. Custer, P.E., ENV SP  
Engineer - IDS Engineering Group

\_\_\_\_\_  
Arthur W. Faiello  
Public Works Director  
City of Spring Valley Village

# CONTRACTOR'S AFFIDAVIT OF BILLS PAID/LIEN RELEASE

OWNER: City of Spring Valley Village

PROJECT: Lone Star Dr., et al – Paving & Utilities, Bid No. 2020-11-101

CONTRACTOR: Conrad Construction Co., Ltd.

I certify that all just and lawful bills against the below-named Contractor for labor, material and expendable equipment employed in the performance of said Contract for the period covering 11.1.21 through 11.30.21 have been paid in full. This is to certify that I am relieving the City of Spring Valley Village from any claims from debt occurring in connection with this project prior to 12.1.21.

Firm: Conrad Construction Co., Ltd.

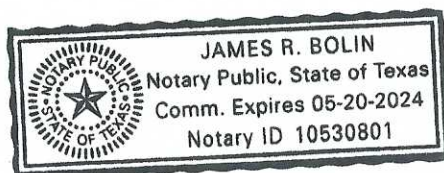
By: 

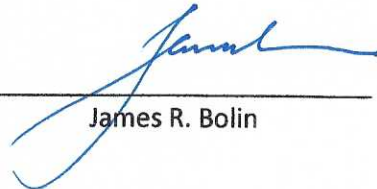
Brian Conrad

Date: 12.1.21

Title: Vice President

Signed and sworn to before me a Notary Public in and for Harris County, Texas this 1<sup>st</sup> day of December, 2021.



  
James R. Bolin

Lone Star Drive, et al – Project No. 2020-11-101

Conrad Construction Co., Ltd.

Pay Application No.: 7

Reporting Period: 11.1.21 thru 11.30.21

Subcontractor and Work Performed During This Period

South Point Surveying - Construction Staking

Highway 1, LLC - Traffic Control maintenance

Gessner Engineering - materials Testing

P.A. Bessner Trucking - Trucking Services



# INVOICE

Invoice Date: 11/24/2021

Invoice No: 21-11-000053



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Page 1 of 4

**Client Address:** Conrad Construction Co., LTD  
Brian Conrad, Vice President  
PO Box 841134

Houston, TX. 77284 USA

**Cust No:** 215422

**Project No:** 21-0576-02

**Project Desc.:** Spring Valley Village #2  
Lone Star Dr, Loeser Dr, Traweek Dr, W Tex Dr  
and Lariat Drive

===== Invoice Summary by Billing Code =====

|                                                             | <u>Unit Rate</u> | <u>Qty</u> | <u>Extension</u>  |
|-------------------------------------------------------------|------------------|------------|-------------------|
| C-001 - Compressive Strength (ASTM C31, C39, C109, C1019)   | \$35.00 ✓        | 8.00 ✓     | \$280.00 ✓        |
| C-005 - Cylinder Pick-Up, Marking and Storage               | \$60.00 ✓        | 5.00 ✓     | \$300.00 ✓        |
| C-010 - Round Trip Travel Fee, per hour                     | \$60.00 ✓        | 5.00 ✓     | \$300.00 ✓        |
| E-001 - In-Place Nuclear Density (ASTM D6938)               | \$20.00 ✓        | 30.00 ✓    | \$600.00 ✓        |
| E-002 - Atterberg Limits (ASTM D4318)                       | \$75.00 ✓        | 1.00 ✓     | \$75.00 ✓         |
| E-006 - Standard Proctor w/classification tests (ASTM D698) | \$250.00 ✓       | 2.00 ✓     | \$500.00 ✓        |
| E-028 - Field Lime Gradation                                | \$35.00 ✓        | 3.00 ✓     | \$105.00 ✓        |
| E-032 - Round Trip Travel Fee, per hour                     | \$60.00 ✓        | 27.50 ✓    | \$1,650.00 ✓      |
| L-002 - CMT Project Manager                                 | \$100.00 ✓       | 4.50 ✓     | \$450.00 ✓        |
| L-011 - Technician                                          | \$52.00 ✓        | 48.25 ✓    | \$2,509.00 ✓      |
| <b>Total for this Invoice:</b>                              |                  |            | <b>\$6,769.00</b> |

===== Invoice Detail by Report =====

| <u>Lab No.</u>                        | <u>Sampled</u> | <u>Qty</u> | <u>Billing Code</u>                           | <u>Unit Type</u> | <u>Unit Rate</u> | <u>Extension</u> |
|---------------------------------------|----------------|------------|-----------------------------------------------|------------------|------------------|------------------|
| 14539-1                               | 10/25/2021     | 3.00 ✓     | E-001 - In-Place Nuclear Density (ASTM D6938) | ea               | \$20.00          | \$60.00 ✓        |
| 14539-1                               | 10/25/2021     | 2.50 ✓     | E-032 - Round Trip Travel Fee, per hour       | hr               | \$60.00          | \$150.00 ✓       |
| 14539-1                               | 10/25/2021     | 0.25 ✓     | L-002 - CMT Project Manager                   | hr               | \$100.00         | \$25.00 ✓        |
| 14539-1                               | 10/25/2021     | 3.25 ✓     | L-011 - Technician                            | hr               | \$52.00          | \$169.00 ✓       |
| Lab Number 14539-1 for a Subtotal of: |                |            |                                               |                  |                  | \$404.00 ✓       |
| 14551-1                               | 10/26/2021     | 3.00 ✓     | E-001 - In-Place Nuclear Density (ASTM D6938) | ea               | \$20.00          | \$60.00 ✓        |
| 14551-1                               | 10/26/2021     | 2.50 ✓     | E-032 - Round Trip Travel Fee, per hour       | hr               | \$60.00          | \$150.00 ✓       |
| 14551-1                               | 10/26/2021     | 0.25 ✓     | L-002 - CMT Project Manager                   | hr               | \$100.00         | \$25.00 ✓        |

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ar@gessnereng.com

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# INVOICE

Invoice Date: 11/24/2021

Invoice No: 21-11-000053



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ENGINEERING

Page 2 of 4

## ===== Invoice Detail by Report =====

| <u>Lab No.</u>                        | <u>Sampled</u> | <u>Qty</u> | <u>Billing Code</u>                           | <u>Unit Type</u> | <u>Unit Rate</u> | <u>Extension</u> |
|---------------------------------------|----------------|------------|-----------------------------------------------|------------------|------------------|------------------|
| 14551-1                               | 10/26/2021     | 3.50       | L-011 - Technician                            | hr               | \$52.00          | \$182.00         |
| Lab Number 14551-1 for a Subtotal of: |                |            |                                               |                  |                  | \$417.00         |
| 14573-1                               | 10/28/2021     | 3.00       | E-001 - In-Place Nuclear Density (ASTM D6938) | ea               | \$20.00          | \$60.00          |
| 14573-1                               | 10/28/2021     | 2.50       | E-032 - Round Trip Travel Fee, per hour       | hr               | \$60.00          | \$150.00         |
| 14573-1                               | 10/28/2021     | 0.25       | L-002 - CMT Project Manager                   | hr               | \$100.00         | \$25.00          |
| 14573-1                               | 10/28/2021     | 4.00       | L-011 - Technician                            | hr               | \$52.00          | \$208.00         |
| Lab Number 14573-1 for a Subtotal of: |                |            |                                               |                  |                  | \$443.00         |
| 14585-1                               | 10/29/2021     | 3.00       | E-001 - In-Place Nuclear Density (ASTM D6938) | ea               | \$20.00          | \$60.00          |
| 14585-1                               | 10/29/2021     | 2.50       | E-032 - Round Trip Travel Fee, per hour       | hr               | \$60.00          | \$150.00         |
| 14585-1                               | 10/29/2021     | 0.25       | L-002 - CMT Project Manager                   | hr               | \$100.00         | \$25.00          |
| 14585-1                               | 10/29/2021     | 2.25       | L-011 - Technician                            | hr               | \$52.00          | \$117.00         |
| Lab Number 14585-1 for a Subtotal of: |                |            |                                               |                  |                  | \$352.00         |
| 14622-1                               | 11/01/2021     | 3.00       | E-001 - In-Place Nuclear Density (ASTM D6938) | ea               | \$20.00          | \$60.00          |
| 14622-1                               | 11/01/2021     | 2.50       | E-032 - Round Trip Travel Fee, per hour       | hr               | \$60.00          | \$150.00         |
| 14622-1                               | 11/01/2021     | 0.25       | L-002 - CMT Project Manager                   | hr               | \$100.00         | \$25.00          |
| 14622-1                               | 11/01/2021     | 5.25       | L-011 - Technician                            | hr               | \$52.00          | \$273.00         |
| Lab Number 14622-1 for a Subtotal of: |                |            |                                               |                  |                  | \$508.00         |
| 14628-1                               | 11/02/2021     | 3.00       | E-001 - In-Place Nuclear Density (ASTM D6938) | ea               | \$20.00          | \$60.00          |
| 14628-1                               | 11/02/2021     | 2.50       | E-032 - Round Trip Travel Fee, per hour       | hr               | \$60.00          | \$150.00         |
| 14628-1                               | 11/02/2021     | 0.25       | L-002 - CMT Project Manager                   | hr               | \$100.00         | \$25.00          |
| 14628-1                               | 11/02/2021     | 5.25       | L-011 - Technician                            | hr               | \$52.00          | \$273.00         |
| Lab Number 14628-1 for a Subtotal of: |                |            |                                               |                  |                  | \$508.00         |
| 14638-1                               | 11/03/2021     | 3.00       | E-001 - In-Place Nuclear Density (ASTM D6938) | ea               | \$20.00          | \$60.00          |
| 14638-1                               | 11/03/2021     | 2.50       | E-032 - Round Trip Travel Fee, per hour       | hr               | \$60.00          | \$150.00         |
| 14638-1                               | 11/03/2021     | 0.25       | L-002 - CMT Project Manager                   | hr               | \$100.00         | \$25.00          |
| 14638-1                               | 11/03/2021     | 4.50       | L-011 - Technician                            | hr               | \$52.00          | \$234.00         |
| Lab Number 14638-1 for a Subtotal of: |                |            |                                               |                  |                  | \$469.00         |

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# INVOICE

Invoice Date: 11/24/2021  
Invoice No: 21-11-000053



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Page 3 of 4

## ===== Invoice Detail by Report =====

| <u>Lab No.</u>                        | <u>Sampled</u> | <u>Qty</u> | <u>Billing Code</u>                                         | <u>Unit Type</u> | <u>Unit Rate</u> | <u>Extension</u> |
|---------------------------------------|----------------|------------|-------------------------------------------------------------|------------------|------------------|------------------|
| 14644-1                               | 11/04/2021     | 3.00 ✓     | E-001 - In-Place Nuclear Density (ASTM D6938)               | ea               | \$20.00          | \$60.00 ✓        |
| 14644-1                               | 11/04/2021     | 2.50 ✓     | E-032 - Round Trip Travel Fee, per hour                     | hr               | \$60.00          | \$150.00 ✓       |
| 14644-1                               | 11/04/2021     | 0.25 ✓     | L-002 - CMT Project Manager                                 | hr               | \$100.00         | \$25.00 ✓        |
| 14644-1                               | 11/04/2021     | 6.00 ✓     | L-011 - Technician                                          | hr               | \$52.00          | \$312.00 ✓       |
| Lab Number 14644-1 for a Subtotal of: |                |            |                                                             |                  |                  | \$547.00 ✓       |
| 14649-1                               | 11/05/2021     | 3.00 ✓     | E-001 - In-Place Nuclear Density (ASTM D6938)               | ea               | \$20.00          | \$60.00 ✓        |
| 14649-1                               | 11/05/2021     | 2.50 ✓     | E-032 - Round Trip Travel Fee, per hour                     | hr               | \$60.00          | \$150.00 ✓       |
| 14649-1                               | 11/05/2021     | 0.25 ✓     | L-002 - CMT Project Manager                                 | hr               | \$100.00         | \$25.00 ✓        |
| 14649-1                               | 11/05/2021     | 3.50 ✓     | L-011 - Technician                                          | hr               | \$52.00          | \$182.00 ✓       |
| Lab Number 14649-1 for a Subtotal of: |                |            |                                                             |                  |                  | \$417.00 ✓       |
| 14748                                 | 11/15/2021     | 1.00 ✓     | E-028 - Field Lime Gradation                                | ea               | \$35.00          | \$35.00 ✓        |
| 14748                                 | 11/15/2021     | 2.50 ✓     | E-032 - Round Trip Travel Fee, per hour                     | hr               | \$60.00          | \$150.00 ✓       |
| 14748                                 | 11/15/2021     | 1.50 ✓     | L-011 - Technician                                          | hr               | \$52.00          | \$78.00 ✓        |
| Lab Number 14748 for a Subtotal of:   |                |            |                                                             |                  |                  | \$263.00 ✓       |
| 14748-1                               | 11/15/2021     | 1.00 ✓     | E-006 - Standard Proctor w/classification tests (ASTM D698) | ea               | \$250.00         | \$250.00 ✓       |
| 14748-1                               | 11/15/2021     | 0.50 ✓     | L-002 - CMT Project Manager                                 | hr               | \$100.00         | \$50.00 ✓        |
| Lab Number 14748-1 for a Subtotal of: |                |            |                                                             |                  |                  | \$300.00 ✓       |
| 14748-2                               | 11/15/2021     | 1.00 ✓     | E-001 - In-Place Nuclear Density (ASTM D6938)               | ea               | \$20.00          | \$20.00 ✓        |
| 14748-2                               | 11/15/2021     | 0.25 ✓     | L-002 - CMT Project Manager                                 | hr               | \$100.00         | \$25.00 ✓        |
| 14748-2                               | 11/15/2021     | 1.25 ✓     | L-011 - Technician                                          | hr               | \$52.00          | \$65.00 ✓        |
| Lab Number 14748-2 for a Subtotal of: |                |            |                                                             |                  |                  | \$110.00 ✓       |
| 14785-1                               | 11/17/2021     | 4.00 ✓     | C-001 - Compressive Strength (ASTM C31, C39, C109, C1019)   | ea               | \$35.00          | \$140.00 ✓       |
| 14785-1                               | 11/17/2021     | 2.50 ✓     | C-010 - Round Trip Travel Fee, per hour                     | hr               | \$60.00          | \$150.00 ✓       |
| 14785-1                               | 11/17/2021     | 0.25 ✓     | L-002 - CMT Project Manager                                 | hr               | \$100.00         | \$25.00 ✓        |
| 14785-1                               | 11/17/2021     | 2.25 ✓     | L-011 - Technician                                          | hr               | \$52.00          | \$117.00 ✓       |
| Lab Number 14785-1 for a Subtotal of: |                |            |                                                             |                  |                  | \$432.00 ✓       |

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# INVOICE

Invoice Date: 11/24/2021  
Invoice No: 21-11-000053



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Page 4 of 4

## ===== Invoice Detail by Report =====

| Lab No.                               | Sampled    | Qty    | Billing Code                                                | Unit Type | Unit Rate | Extension         |
|---------------------------------------|------------|--------|-------------------------------------------------------------|-----------|-----------|-------------------|
| 14786-1                               | 11/18/2021 | 2.50 ✓ | C-005 - Cylinder Pick-Up, Marking and Storage               | hr        | \$60.00   | \$150.00 ✓        |
| Lab Number 14786-1 for a Subtotal of: |            |        |                                                             |           |           | \$150.00 ✓        |
| 14808-1                               | 11/19/2021 | 4.00 ✓ | C-001 - Compressive Strength (ASTM C31, C39, C109, C1019)   | ea        | \$35.00   | \$140.00 ✓        |
| 14808-1                               | 11/19/2021 | 2.50 ✓ | C-010 - Round Trip Travel Fee, per hour                     | hr        | \$60.00   | \$150.00 ✓        |
| 14808-1                               | 11/19/2021 | 0.25 ✓ | L-002 - CMT Project Manager                                 | hr        | \$100.00  | \$25.00 ✓         |
| 14808-1                               | 11/19/2021 | 1.75 ✓ | L-011 - Technician                                          | hr        | \$52.00   | \$91.00 ✓         |
| Lab Number 14808-1 for a Subtotal of: |            |        |                                                             |           |           | \$406.00 ✓        |
| 14809-1                               | 11/20/2021 | 2.50 ✓ | C-005 - Cylinder Pick-Up, Marking and Storage               | hr        | \$60.00   | \$150.00 ✓        |
| Lab Number 14809-1 for a Subtotal of: |            |        |                                                             |           |           | \$150.00 ✓        |
| 14861                                 | 11/22/2021 | 2.00 ✓ | E-028 - Field Lime Gradation                                | ea        | \$35.00   | \$70.00 ✓         |
| 14861                                 | 11/22/2021 | 2.50 ✓ | E-032 - Round Trip Travel Fee, per hour                     | hr        | \$60.00   | \$150.00 ✓        |
| 14861                                 | 11/22/2021 | 2.00 ✓ | L-011 - Technician                                          | hr        | \$52.00   | \$104.00 ✓        |
| Lab Number 14861 for a Subtotal of:   |            |        |                                                             |           |           | \$324.00 ✓        |
| 14861-1                               | 11/22/2021 | 1.00 ✓ | E-002 - Atterberg Limits (ASTM D4318)                       | ea        | \$75.00 ✓ | \$75.00 ✓         |
| 14861-1                               | 11/22/2021 | 0.25 ✓ | L-002 - CMT Project Manager                                 | hr        | \$100.00  | \$25.00 ✓         |
| Lab Number 14861-1 for a Subtotal of: |            |        |                                                             |           |           | \$100.00 ✓        |
| 14861-2                               | 11/22/2021 | 1.00 ✓ | E-006 - Standard Proctor w/classification tests (ASTM D698) | ea        | \$250.00  | \$250.00 ✓        |
| 14861-2                               | 11/22/2021 | 0.50 ✓ | L-002 - CMT Project Manager                                 | hr        | \$100.00  | \$50.00 ✓         |
| Lab Number 14861-2 for a Subtotal of: |            |        |                                                             |           |           | \$300.00 ✓        |
| 14861-3                               | 11/22/2021 | 2.00 ✓ | E-001 - In-Place Nuclear Density (ASTM D6938)               | ea        | \$20.00   | \$40.00 ✓         |
| 14861-3                               | 11/22/2021 | 0.25 ✓ | L-002 - CMT Project Manager                                 | hr        | \$100.00  | \$25.00 ✓         |
| 14861-3                               | 11/22/2021 | 2.00 ✓ | L-011 - Technician                                          | hr        | \$52.00   | \$104.00 ✓        |
| Lab Number 14861-3 for a Subtotal of: |            |        |                                                             |           |           | \$169.00 ✓        |
| Total for this Invoice:               |            |        |                                                             |           |           | <b>\$6,769.00</b> |

RIC Lee VENDOR 200330  
RB 3 JOB  
BC 42 GL  
DON 42  
JAKE 42 ENTERED

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**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: COY P. CUSTER, P.E. - PROJECT MANAGER**  
**REF: LONE STAR DR., ET AL - PAVING & UTILITIES**  
**PROJ #: BID NO. 2020-11-101 , CC# 20/0330**  
**DATE: 11/30/2021**

**PAY APPLICATION # : 7**

| DESCRIPTION                                                              | QUANTITY | UNIT | THIS<br>ESTIMATE | PREVIOUS<br>ESTIMATE | WORK TO<br>DATE | %    | UNIT<br>PRICE | WORK<br>TO DATE |
|--------------------------------------------------------------------------|----------|------|------------------|----------------------|-----------------|------|---------------|-----------------|
| <b>GENERAL ITEMS</b>                                                     |          |      |                  |                      |                 |      |               |                 |
| 1. MOBILIZATION, BONDS & INSURANCE                                       | 1.00     | LS   |                  | 1.00                 | 1.00            | 100% | \$ 80,000.00  | \$ 80,000.00    |
| 2. TRAFFIC CONTROL & REGULATION                                          | 1.00     | LS   | 0.09             | 0.60                 | 0.69            | 69%  | \$ 50,000.00  | \$ 34,500.00    |
| 3. FLAGMAN                                                               | 1.00     | LS   | 0.10             | 0.60                 | 0.70            | 70%  | \$ 7,500.00   | \$ 5,250.00     |
| 4. ELECTRONIC MESSAGE BOARD [3] [5]                                      | 0.00     | MO   |                  |                      | 0.00            | #### | \$ 1,250.00   | \$ -            |
| 5. TREE PROTECTION PLAN                                                  | 1.00     | LS   | 0.09             | 0.60                 | 0.69            | 69%  | \$ 30,000.00  | \$ 20,700.00    |
| 6. TREE REMOVAL (0" TO 11.99" DIA.)                                      | 4.00     | EA   | 1.00             | 1.00                 | 2.00            | 50%  | \$ 750.00     | \$ 1,500.00     |
| 7. TREE REMOVAL (12" TO 29.99" DIA.)                                     | 2.00     | EA   |                  |                      | 0.00            | 0%   | \$ 1,250.00   | \$ -            |
| 8. TREE REMOVAL (30" TO 45" DIA.)                                        | 1.00     | EA   |                  |                      | 0.00            | 0%   | \$ 2,000.00   | \$ -            |
| 9. FLEXIBLE BASE COURSE FOR TEMP.<br>DRIVEWAYS                           | 56.00    | EA   | 3.00             | 28.00                | 31.00           | 55%  | \$ 500.00     | \$ 15,500.00    |
| 10. 8" TEMPORARY ASPHALT PAVING<br>TYPE "B" BLACK BASE [4] [5]           | 1750.00  | SY   | 84.57            | 1314.65              | 1399.22         | 80%  | \$ 50.00      | \$ 69,961.00    |
| 11. REMOVE & DISPOSE PIPE CULVERT,<br>SEWERS AND SEWER LEADS (ALL SIZES) | 1486.00  | LF   | 388.00           | 1098.00              | 1486.00         | 100% | \$ 12.00      | \$ 17,832.00    |
| 12. REMOVE & DISPOSE OF EXISTING<br>CURB INLETS                          | 2.00     | EA   |                  |                      | 0.00            | 0%   | \$ 750.00     | \$ -            |
| 13. REMOVE & DISPOSE OF EXISTING<br>STORM MANHOLES, ALL DEPTHS           | 2.00     | EA   |                  |                      | 0.00            | 0%   | \$ 750.00     | \$ -            |
| 14. REMOVE & DISPOSE OF EXISTING<br>SAFETY END TREATMENTS (SETs)         | 6.00     | EA   |                  | 3.00                 | 3.00            | 50%  | \$ 400.00     | \$ 1,200.00     |
| 15. REMOVE & DISPOSE OF WATER LINES<br>AND WATER SERVICE LINES           | 60.00    | LF   |                  |                      | 0.00            | 0%   | \$ 20.00      | \$ -            |



| DESCRIPTION                                                                                              | QUANTITY | UNIT | THIS ESTIMATE | PREVIOUS ESTIMATE | WORK TO DATE | %   | UNIT PRICE  | WORK TO DATE  |
|----------------------------------------------------------------------------------------------------------|----------|------|---------------|-------------------|--------------|-----|-------------|---------------|
| 16. REMOVE & DISPOSE EXISTING ASPH. SURFACE & BASE MATERIAL INCLUDING OLD ASPHALTIC DRIVEWAYS, (ALL DPTH | 10014.00 | SY   | 331.22        | 5186.33           | 5517.55      | 55% | \$ 5.00     | \$ 27,587.75  |
| 17. REMOVE & DISPOSE OF CONCRETE PAVEMENT, (ALL THICKNESS)                                               | 220.00   | SY   |               |                   | 0.00         | 0%  | \$ 10.00    | \$ -          |
| 18. REMOVE & DISPOSE OF CONCRETE DRIVEWAYS & SIDEWALKS (ALL THK.)                                        | 1896.00  | SY   |               | 664.24            | 664.24       | 35% | \$ 7.00     | \$ 4,649.68   |
| 19. ABANDON MANHOLES, ALL SIZES & DEPTHS                                                                 | 7.00     | EA   | 4.00          |                   | 4.00         | 57% | \$ 1,250.00 | \$ 5,000.00   |
| 20. ABANDON & GROUT FILL 10" DIA. SANITARY SEWER                                                         | 1720.00  | LF   | 753.00        |                   | 753.00       | 44% | \$ 7.00     | \$ 5,271.00   |
| 21. TRENCH SAFETY SYSTEM (5' TO 10')                                                                     | 5822.00  | LF   | 249.00        | 2469.00           | 2718.00      | 47% | \$ 1.00     | \$ 2,718.00   |
| <b>PAVING ITEMS</b>                                                                                      |          |      |               |                   |              |     |             |               |
| 22. STORAGE & RELOCATION OF PERMANENT SIGNS (SIGNS, POLES, ANCHORS AND HARDWARE PROVIDED BY CONTRACTOR   | 6.00     | EA   |               | 4.00              | 4.00         | 67% | \$ 400.00   | \$ 1,600.00   |
| 23. ROADWAY EXCAVATION WITH OR WITHOUT BASE INCLUDING LEGAL DISPOSAL & TRANSPORT OF WASTE MATERIAL [5]   | 7411.00  | CY   | 1483.25       | 2871.16           | 4354.41      | 59% | \$ 15.00    | \$ 65,316.15  |
| 24. LIME (6% BY DRY WEIGHT)                                                                              | 255.00   | TON  | 30.29         | 81.28             | 111.57       | 44% | \$ 195.00   | \$ 21,756.15  |
| 25. LIME TREATED SUBGRADE (8")                                                                           | 11770.00 | SY   | 2008.85       | 4700.71           | 6709.56      | 57% | \$ 4.00     | \$ 26,838.24  |
| 26. REINFORCED CONCRETE PAVEMENT (6")                                                                    | 10961.00 | SY   | 607.40        | 4294.66           | 4902.06      | 45% | \$ 57.00    | \$ 279,417.42 |
| 27. HIGH EARLY STRENGTH REINFORCED CONCRETE PAVEMENT (6")                                                | 199.00   | SY   |               |                   | 0.00         | 0%  | \$ 65.00    | \$ -          |
| 28. FULL DEPTH SAW CUT                                                                                   | 140.00   | LF   |               |                   | 0.00         | 0%  | \$ 14.00    | \$ -          |
| 29. REINFORCED CONCRETE DRIVEWAY PAVEMENT (6")                                                           | 14578.00 | SF   | 319.00        | 6050.82           | 6369.82      | 44% | \$ 8.00     | \$ 50,958.56  |
| 30. RAISED REFLECTIVE PAVEMENT MARKERS (DOUBLE-SIDED)(TY II-C-R) (BLUE) AT FIRE HYDRANT LOCATIONS        | 6.00     | EA   |               |                   | 0.00         | 0%  | \$ 50.00    | \$ -          |
| 31. THERMOPLASTIC PAVEMENT MARKINGS (24" WIDE, TYPE I, SOLID, WHITE)                                     | 68.00    | LF   |               |                   | 0.00         | 0%  | \$ 25.00    | \$ -          |

| DESCRIPTION                                                                             | QUANTITY | UNIT | THIS<br>ESTIMATE | PREVIOUS<br>ESTIMATE | WORK TO<br>DATE | %    | UNIT<br>PRICE | WORK<br>TO DATE |
|-----------------------------------------------------------------------------------------|----------|------|------------------|----------------------|-----------------|------|---------------|-----------------|
| 32. CONCRETE CURB (6")                                                                  | 5818.00  | LF   |                  | 2512.00              | 2512.00         | 43%  | \$ 3.00       | \$ 7,536.00     |
| 33. CONCRETE PAVING HEADER                                                              | 140.00   | LF   |                  | 28.50                | 28.50           | 20%  | \$ 12.00      | \$ 342.00       |
| 34. REINFORCED CONCRETE SIDEWALK<br>(4-1/2") [WCD]                                      | 85.00    | SF   |                  | 85.00                | 85.00           | 100% | \$ 12.00      | \$ 1,020.00     |
| 35. PIPE BOLLARD                                                                        | 20.00    | EA   |                  |                      | 0.00            | 0%   | \$ 400.00     | \$ -            |
| <b>STORM SEWER ITEMS</b>                                                                |          |      |                  |                      |                 |      |               |                 |
| 36. TYPE C MANHOLE FOR 42" DIAMETER<br>AND SMALLER SEWERS                               | 23.00    | EA   | 3.00             | 13.00                | 16.00           | 70%  | \$ 3,550.00   | \$ 56,800.00    |
| 37. TYPE C CONFLICT MANHOLE FOR 42"<br>DIAMETER AND SMALLER SEWERS                      | 1.00     | EA   |                  | 1.00                 | 1.00            | 100% | \$ 5,800.00   | \$ 5,800.00     |
| 38. 24" DIA. RCP STORM SEWER BY<br>OPEN CUT                                             | 1796.00  | LF   | 219.00           | 1240.00              | 1459.00         | 81%  | \$ 120.00     | \$ 175,080.00   |
| 39. 30" DIA. RCP STORM SEWER BY<br>OPEN CUT [WCD]                                       | 306.00   | LF   |                  | 306.00               | 306.00          | 100% | \$ 150.00     | \$ 45,900.00    |
| 40. 36" DIA. RCP STORM SEWER BY<br>OPEN CUT [4]                                         | 184.00   | LF   |                  | 184.00               | 184.00          | 100% | \$ 170.00     | \$ 31,280.00    |
| 41. YARD DRAINAGE REPAIR, INCL. SCH.<br>40 PVC, CURB DRAINAGE OUTLET AND<br>CURB REPAIR | 31.00    | EA   |                  | 28.00                | 28.00           | 90%  | \$ 500.00     | \$ 14,000.00    |
| 42. REPAIR STORM INLET SIDE WALL                                                        | 6.00     | EA   |                  | 2.00                 | 2.00            | 33%  | \$ 1,200.00   | \$ 2,400.00     |
| 43. TYPE B-B INLET                                                                      | 27.00    | EA   | 6.00             | 11.00                | 17.00           | 63%  | \$ 3,450.00   | \$ 58,650.00    |
| <b>WASTEWATER ITEMS</b>                                                                 |          |      |                  |                      |                 |      |               |                 |
| 44. ADJUST MANHOLE TO FINISHED<br>GRADE                                                 | 4.00     | EA   |                  | 3.00                 | 3.00            | 75%  | \$ 1,000.00   | \$ 3,000.00     |
| 45. TYPE C MANHOLE FOR 42" DIAMETER<br>AND SMALLER SEWERS                               | 11.00    | EA   | 2.00             | 4.00                 | 6.00            | 55%  | \$ 3,250.00   | \$ 19,500.00    |
| 46. TYPE C ECCENTRIC MANHOLE TOP                                                        | 1.00     | EA   |                  |                      | 0.00            | 0%   | \$ 1,850.00   | \$ -            |
| 47. 10" DIAMETER SANITARY SEWER BY<br>OPEN CUT (PVC) [3]                                | 1630.00  | LF   | 30.00            | 779.00               | 809.00          | 50%  | \$ 130.00     | \$ 105,170.00   |
| 48. SANITARY SEWER SERVICE STUB OR<br>RECONNECTION WITHOUT STACK                        | 51.00    | EA   | 18.00            | 19.00                | 37.00           | 73%  | \$ 1,000.00   | \$ 37,000.00    |



| DESCRIPTION                                                                        | QUANTITY | UNIT | THIS ESTIMATE | PREVIOUS ESTIMATE | WORK TO DATE | %    | UNIT PRICE   | WORK TO DATE  |
|------------------------------------------------------------------------------------|----------|------|---------------|-------------------|--------------|------|--------------|---------------|
| 49. 6" DIAMETER SANITARY SEWER SERVICE LINES                                       | 1049.00  | LF   | 535.00        | 508.00            | 1043.00      | 99%  | \$ 22.50     | \$ 23,467.50  |
| <b>WATER ITEMS</b>                                                                 |          |      |               |                   |              |      |              |               |
| 50. 8" DIAMETER WATER LINE BY OPEN-CUT WITH RESTRAINED JOINTS                      | 2099.00  | LF   |               | 2059.00           | 2059.00      | 98%  | \$ 88.00     | \$ 181,192.00 |
| 51. 6" DIAMETER WATER LINE BY OPEN-CUT WITH RESTRAINED JOINTS                      | 153.00   | LF   |               | 153.00            | 153.00       | 100% | \$ 70.00     | \$ 10,710.00  |
| 52. 8" DIAMETER WATER LINE BY TRENCH-LESS CONSTRUCTION WITH RESTRAINED JOINTS      | 674.00   | LF   |               | 659.00            | 659.00       | 98%  | \$ 88.00     | \$ 57,992.00  |
| 53. 3/4" TO 1" DIAMETER WATER TAPS AND COPPER SERVICE LINE, SHORT SIDE             | 49.00    | EA   |               | 49.00             | 49.00        | 100% | \$ 950.00    | \$ 46,550.00  |
| 54. 1-1/2" TO 2" DIAMETER WATER TAPS AND COPPER SERVICE LINE WITH 1" WYE LONG SIDE | 24.00    | EA   |               | 24.00             | 24.00        | 100% | \$ 2,500.00  | \$ 60,000.00  |
| 55. 1" DOUBLE METER BOX                                                            | 51.00    | EA   |               | 51.00             | 51.00        | 100% | \$ 300.00    | \$ 15,300.00  |
| 56. 8" DIAMETER WET CONNECTION [4]                                                 | 4.00     | EA   |               | 4.00              | 4.00         | 100% | \$ 4,400.00  | \$ 17,600.00  |
| 57. CUT, PLUG AND ABANDON EXISTING 6" DIAMETER WATER LINE                          | 1.00     | EA   |               | 1.00              | 1.00         | 100% | \$ 1,200.00  | \$ 1,200.00   |
| 58. CUT, PLIG AND ABANDON EXISTING 8" WATER LINE                                   | 3.00     | EA   |               | 3.00              | 3.00         | 100% | \$ 1,250.00  | \$ 3,750.00   |
| 59. 6" DIAMETER FIRE HYDRANT BRANCH BY OPEN-CUT                                    | 35.00    | LF   |               | 35.00             | 35.00        | 100% | \$ 55.00     | \$ 1,925.00   |
| 60. REMOVE & SALVAGE EXISTING FIRE HYDRANT                                         | 3.00     | EA   |               | 3.00              | 3.00         | 100% | \$ 500.00    | \$ 1,500.00   |
| 61. FIRE HYDRANT ASSEMBLY, ALL DEPTHS, INCLUDING 6" DIA. GATE VALVE AND BOX        | 5.00     | EA   |               | 5.00              | 5.00         | 100% | \$ 6,250.00  | \$ 31,250.00  |
| 62. FIRE HYDRANY ASSEMBLY, BACK-TAP WITH 8"X 6" TS&V                               | 1.00     | EA   |               | 1.00              | 1.00         | 100% | \$ 15,500.00 | \$ 15,500.00  |
| 63. STORZ PUMPER CONNECTION (FURNISH ONLY)                                         | 6.00     | EA   |               | 6.00              | 6.00         | 100% | \$ 450.00    | \$ 2,700.00   |
| 64. 2" DIA. BLOW-OFF VALVE W/ BOX                                                  | 1.00     | EA   |               | 1.00              | 1.00         | 100% | \$ 2,700.00  | \$ 2,700.00   |

| DESCRIPTION                                                                                                                                                                                                     | QUANTITY | UNIT | THIS ESTIMATE | PREVIOUS ESTIMATE | WORK TO DATE | %    | UNIT PRICE   | WORK TO DATE |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------|---------------|-------------------|--------------|------|--------------|--------------|
| 65. 8"X 8" TS&V [5]                                                                                                                                                                                             | 2.00     | EA   |               | 2.00              | 2.00         | 100% | \$ 11,000.00 | \$ 22,000.00 |
| <b>SWPPP</b>                                                                                                                                                                                                    |          |      |               |                   |              |      |              |              |
| 66. IMPLEMENTATION OF SWPPP 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 | 1.00     | LS   |               | 0.87              | 0.87         | 87%  | \$ 2,500.00  | \$ 2,175.00  |
| 67. INLET PROTECTION BARRIER (STG.I)                                                                                                                                                                            | 29.00    | EA   | 5.00          | 9.00              | 14.00        | 48%  | \$ 75.00     | \$ 1,050.00  |
| 68. INLET PROTECTION BARRIER (STG.II)                                                                                                                                                                           | 30.00    | EA   |               | 13.00             | 13.00        | 43%  | \$ 75.00     | \$ 975.00    |
| 69. REINFORCED FILTER FABRIC BARRIER [3]                                                                                                                                                                        | 337.00   | LF   |               | 96.00             | 96.00        | 28%  | \$ 1.50      | \$ 144.00    |
| 70. SODDING DISTURBED AREAS BETWEEN BACK OF CURB AND ROW (ST. AUGUSTINE OR ZOYSIA - VARIOUS WIDTHS)                                                                                                             | 15463.00 | SY   |               | 3300.00           | 3300.00      | 21%  | \$ 5.00      | \$ 16,500.00 |
| <b>STREET LIGHT ITEM</b>                                                                                                                                                                                        |          |      |               |                   |              |      |              |              |
| 71. STREET LIGHT CONDUIT, INCLUDING INSTALLATION OF PULL BOXES AND WARNING TAPE. PULL BOXES AND WARNING TAPE TO BE FURNISHED BY CENTERPOINT ENERGY                                                              | 2693.00  | LF   |               |                   | 0.00         | 0%   | \$ 18.00     | \$ -         |
| <b>IRRIGATION SYSTEMS</b>                                                                                                                                                                                       |          |      |               |                   |              |      |              |              |
| 72. FURNISH & INSTALL AN AUTOMATICALLY CONTROLLED IRRIGATION SYSTEM INCL. PIPING, VALVES, SPRINKLERS, ACCESSORIES CONTROLS, AND WIRING ADJACENT TO TRAWEEK DRIVE AND LARIAT DRIVE PER IRRIGATION PLAN           | 1.00     | LS   |               |                   | 0.00         | 0%   | \$ 22,000.00 | \$ -         |
| 73. RELOCATE, REPLACE AND REPAIR PRIVATE IRRIGATION SYSTEMS LOCATED WITHIN THE ROW FOR EACH PARCEL DISTURBED                                                                                                    | 53.00    | EA   | 19.00         | 24.00             | 43.00        | 81%  | \$ 500.00    | \$ 21,500.00 |
| <b>CASH ALLOWANCE</b>                                                                                                                                                                                           |          |      |               |                   |              |      |              |              |
| 74. FURNISH CONSTRUCTION MATERIALS TESTING IN ACCORD. WITH PLANS AND SPECS. [1] [5]                                                                                                                             | 1.00     | CA   | 0.1209        | 0.5940            | 0.7149       | 71%  | \$ 56,002.50 | \$ 40,034.00 |

| DESCRIPTION                                                              | QUANTITY | UNIT | THIS<br>ESTIMATE | PREVIOUS<br>ESTIMATE | WORK TO<br>DATE | %    | UNIT<br>PRICE | WORK<br>TO DATE |
|--------------------------------------------------------------------------|----------|------|------------------|----------------------|-----------------|------|---------------|-----------------|
| 75. CENTERPOINT STREET LIGHT ALLOWANCE<br>STREET LIGHT AND POLE ASSEMBLY | 1.00     | CA   |                  |                      | 0.00            | 0%   | \$ 50,000.00  | \$ -            |
| CHANGE ORDERS AND WCDS                                                   |          |      |                  |                      |                 |      |               |                 |
| CO 2 - LOWER FIRE LINE TO HYDRANT ON<br>LARIAT DUE TO STM. SWR. CONFLICT | 1.00     | LS   |                  | 1.00                 | 1.00            | 100% | \$ 8,953.04   | \$ 8,953.04     |
| CO 2 - RELOCATE FIRE HYDRANT TO<br>PROPERTY LINE AT 1102 LONE STAR       | 1.00     | LS   |                  | 1.00                 | 1.00            | 100% | \$ 2,300.00   | \$ 2,300.00     |
| CO 5 - MODIFIED TYPE A INLETS AT WEST<br>END OF WEST TEX DRIVE           | 2.00     | EA   | 2.00             |                      | 2.00            | 100% | \$ 3,034.85   | \$ 6,069.70     |
| TOTAL WORK TO DATE                                                       |          |      |                  |                      |                 |      |               | \$ 1,896,071.19 |



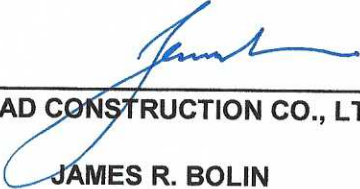
CONTRACT TIME: 334 CALENDAR DAYS (2)(5)

CONTRACT DATE: 12/15/2020

WORK ORDER DATE: 5/17/2021

|                          |                 |
|--------------------------|-----------------|
| CONTRACT AMOUNT:         | \$ 2,837,491.00 |
| CHANGE ORDER: (1-6)      | \$ 172,271.24   |
| REVISED CONTRACT AMOUNT: | \$ 3,009,762.24 |
| TOTAL WORK TO DATE:      | \$ 1,896,071.19 |
| MATERIALS ON SITE:       | \$ -            |
| TOTAL:                   | \$ 1,896,071.19 |
| LESS RETAINAGE: (10%)    | \$ 189,607.12   |
| LESS PREVIOUS PAYMENTS   | \$ 1,503,598.40 |
| AMOUNT DUE FOR PAYMENT:  | \$ 202,865.67   |

|                            |               |
|----------------------------|---------------|
| AMOUNT EARNED THIS PERIOD  | \$ 225,406.30 |
| LESS RETAINAGE THIS PERIOD | \$ 22,540.63  |
| AMOUNT DUE THIS PERIOD     | \$ 202,865.67 |

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



# Police Department Staff Report

# SPRING VALLEY POLICE DEPARTMENT

## Calls - By Type

11\01\2021  
thru 11\30\2021

| Type         | Description              | # Of Calls   |
|--------------|--------------------------|--------------|
| 21           | 911 HANG UP              | 2            |
| 6            | ACCIDENT                 | 27           |
| 22           | ALARM                    | 32           |
| 23           | AMBULANCE CALL           | 20           |
| 24           | ANIMAL CALL              | 4            |
| 144          | ARREST                   | 1            |
| 43           | ASSIST OUTSIDE AGENCY    | 6            |
| 135          | BUSINESS CHECK           | 700          |
| 48           | CITY CREW REPAIRS        | 2            |
| 134          | COURTESY TRANSPORT       | 1            |
| 53           | DEBRIS IN ROADWAY        | 6            |
| 60           | FIRE CALL                | 8            |
| 65           | GAS LEAK                 | 3            |
| 68           | HOUSE CHECK              | 4            |
| 70           | INFORMATION              | 39           |
| 71           | INVESTIGATION            | 1            |
| 76           | LOUD NOISE               | 2            |
| 81           | OPEN DOOR                | 18           |
| 86           | PUBLIC RELATIONS         | 442          |
| 88           | RECOVERY STOLEN VEHICLE  | 1            |
| 96           | SOLICITOR                | 3            |
| 97           | SPECIAL ASSIGNMENT       | 9            |
| 99           | STALLED VEHICLE          | 33           |
| 103          | SUSPICIOUS ACTIVITY      | 8            |
| 104          | SUSPICIOUS PERSON        | 12           |
| 105          | SUSPICIOUS VEHICLE       | 21           |
| 109          | TRAFFIC LIGHT REPAIR     | 1            |
| 11           | TRAFFIC STOP             | 1,042        |
| 111          | VEHICLE BLOCKING ROADWAY | 12           |
| 112          | VEHICLE CHECK            | 10           |
| 42           | WARRANT SERVICE          | 2            |
| <b>Total</b> |                          | <b>2,472</b> |

Spring Valley Village, TX PD

Nov 1, 2021 - Nov 30, 2021

## Citation Violation Audit By Offense

Total Charges: **1805**

| Description                                                                  | Counts |
|------------------------------------------------------------------------------|--------|
| CHILD (4-17) NOT SECURED BY SAFETY BELT                                      | 5      |
| CRIMINAL TRESPASSING                                                         | 2      |
| DEFECTIVE BRAKES                                                             | 6      |
| DEFECTIVE EQUIPMENT - WHITE LIGHT TO THE REAR                                | 6      |
| DEFECTIVE EQUIPMENT / NO LICENSE PLATE LIGHT                                 | 101    |
| DEFECTIVE HEAD LAMPS                                                         | 89     |
| DEFECTIVE HEAD LIGHTS                                                        | 42     |
| DEFECTIVE STOP LAMP(S)                                                       | 66     |
| DEFECTIVE STOP LIGHTS-TRAILER                                                | 6      |
| DEFECTIVE TAIL LAMP(S)                                                       | 30     |
| DISPLAY FICTITIOUS/WRONG/UNCLEAN LICENSE PLATES                              | 22     |
| DISPLAY SUSPENDED DRIVER LICENSE                                             | 1      |
| DISPLAY/ EXPIRED REGISTRATION                                                | 308    |
| DRIVING WHILE LICENSE INVALID UNDER PROVISIONS OF DL LAWS                    | 22     |
| DRIVING WITHOUT ANY LICENSE                                                  | 15     |
| DROVE WITHOUT LIGHTS (WHEN REQUIRED)                                         | 19     |
| EXPIRED DRIVERS LICENSE                                                      | 23     |
| FAIL TO CONTROL SPEED                                                        | 2      |
| FAIL TO DISPLAY DRIVERS LICENSE                                              | 10     |
| FAIL TO GET A TEXAS DRIVERS LICENSE AFTER 90 DAYS OF RESIDENCE IN THIS STATE | 2      |
| FAIL TO MAINTAIN FINANCIAL RESPONSIBILITY                                    | 88     |
| FAIL TO MAINTAIN FINANCIAL RESPONSIBILITY                                    | 142    |
| FAIL TO REPORT CHANGE OF ADDRESS                                             | 23     |
| FAILED TO DIM HEADLIGHTS - FOLLOWING                                         | 22     |
| FAILED TO DIM HEADLIGHTS - MEETING                                           | 71     |
| FAILED TO DRIVE IN A SINGLE LANE                                             | 2      |
| FAILED TO SIGNAL INTENT TO TURN                                              | 1      |
| FAILED TO SIGNAL TURN                                                        | 1      |

**CONFIDENTIAL**

Spring Valley Village, TX PD

Nov 1, 2021 - Nov 30, 2021

## Citation Violation Audit By Offense

Total Charges: **1805**

| Description                                                            | Counts |
|------------------------------------------------------------------------|--------|
| FAILED TO SIGNAL TURN / LANE CHANGE                                    | 1      |
| FAILED TO STOP FOR SCHOOL BUS (OR REMAIN STOPPED)                      | 5      |
| FALSE INFORMATION TO POLICE OFFICER                                    | 1      |
| FOLLOWING TOO CLOSELY                                                  | 1      |
| ILLEGAL PARKING - FIRE LANE - SHOP CTR                                 | 1      |
| LICENSE PLATE - NO TRAILER PLATE                                       | 1      |
| LICENSE PLATE OBSCURED                                                 | 15     |
| NO DRIVERS LICENSE                                                     | 245    |
| NO FRONT LICENSE PLATE                                                 | 6      |
| NO SEAT BELT - DRIVER                                                  | 2      |
| OPERATE MOTOR VEHICLE WITH FICTITIOUS LICENSE PLATES                   | 3      |
| OPERATE MOTOR VEHICLE WITHOUT LICENSE PLATES OR WITH ONE LICENSE PLATE | 5      |
| OPERATE UNREGISTERED MOTOR VEHICLE                                     | 2      |
| PARENT/GUARDIAN PERMITTED UNLICENSED MINOR TO DRIVE                    | 1      |
| PARKED FACING TRAFFIC                                                  | 2      |
| PASSING AUTHORIZED EMERGENCY VEHICLE                                   | 6      |
| RAN RED LIGHT                                                          | 68     |
| RAN STOP SIGN                                                          | 9      |
| SPEEDING >10% ABOVE POSTED LIMIT                                       | 233    |
| SPEEDING IN SCHOOL ZONE                                                | 45     |
| UNRESTRAINED CHILD 5 YEARS OF AGE TO 17                                | 3      |
| UNRESTRAINED CHILD YOUNGER THAN 5 OR UNDER 36 INCHES                   | 6      |
| UNRESTRAINED CHILD YOUNGER THAN 8 OR UNDER 4FT 9IN                     | 1      |
| USE EQUIPMENT NOT APPROVED                                             | 1      |
| VIOLATE DL RESTRICTION                                                 | 1      |
| VIOLATE DL RESTRICTION B                                               | 3      |
| WRONG/ALTERED/OBSCURED LICENSE PLATE                                   | 11     |

**CONFIDENTIAL**

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

**MEETING DATE:** December 14, 2021

**TOPIC:** Request for Rate Modification by Waste Corporation of America ("WCA") Effective January 2022

**BACKGROUND:** Section 5.5, Modification of Monthly Unit Price Per Household, of Article 5, Compensation, of the Contract for Services for Removal of Garbage, Rubbish, and Recyclable Materials by and between the City of Spring Valley Village, Texas and Waste Corporation of Texas, LP, executed on January 23, 2018 ("Contract for Services") established a process for Waste Corporation of Texas ("WCA") to go through in order to request a rate modification. A copy of Article 5, Compensation, of the Contract for Services is provided with this agenda item.

Section 5.5.3 provides that WCA is responsible for initiating any and all rate modification requests no later than June 15<sup>th</sup> of each year and reflects everything that must be submitted by WCA with its rate modification request. Any rate modification request is presented to and must be approved by the City Council, and, if approved, the rate modification would become effective the following January.

On June 14, 2021, WCA submitted a Request for Rate Modification pursuant to Section 5.5 ("Request"), a copy of which is provided with this agenda item, and all of the required information is included in the Request. The Request is to increase rates for both residential and commercial customers by 5.18% based on the net percentage change in the Index Values as provided by Section 5.5.3.

|             | Current Rate | Proposed Rate |
|-------------|--------------|---------------|
| Residential | \$18.72      | \$19.69       |
| Commercial  | \$61.89      | \$65.10       |

Tony Emilio, Government Contracts Manager with WCA (now GFL Environmental), was scheduled to present WCA's Request to the Council during the July 27, 2021 meeting. However, Mr. Emilio was unable to attend the meeting, so the Request was moved forward to the August 24, 2021 Council Meeting.

During the August 24, 2021 meeting, Mr. Emilio presented the Request. Council informed Mr. Emilio of several customer service issues that had occurred recently and that these issues did not comply with the customer service requirements in the Contract. After a brief discussion, it was the consensus of the Council not to take any action on the Request at that time and requested that the item be placed on the December 14 City Council agenda to allow WCA/GFL time to address the customer

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

service issues discussed.

For purposes of reviewing the customer service issues that have been reported to City staff, a complaint log was created based on service orders for trash can replacements (which Public Works Team Members typically handle) and customer service issues reported to the City and then forwarded to WCA/GFL for resolution. These customer service issues include missed trash, missed recycling, mishandling of trash cans, etc.) from July 1 through November 30, 2021. The breakdown between trash can replacements and other customer service issues for this time period is:

|                                     |    |                       |
|-------------------------------------|----|-----------------------|
| Total Trash Can Replacements        | 30 | 65% of Total Combined |
| Total Other Customer Service Issues | 16 | 35% of Total Combined |
| Total Combined                      | 46 |                       |

A copy of the full Complaint Log is provided with this agenda item.

In the event that the Council approves the requested rate modification, an amendment of the City's Master Fee Schedule to reflect the modification is the first agenda item under New Business.

**RECOMMENDATION:** None

**ATTACHMENTS:**

- Copy of Article 5, Compensation, of the Contract for Services with WCA
- Copy of Request for Rate Modification Submitted by WCA on June 14, 2021
- Copy of Complaint Log for Period July 1 – November 30, 2021

**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:**



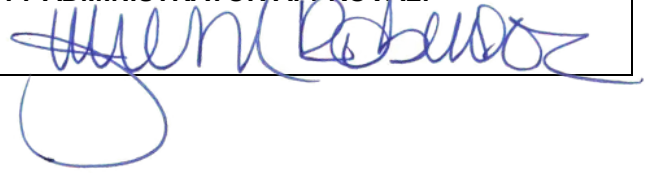
**Spring Valley Village City Council  
Agenda Item Data Sheet**



**SUBMITTING STAFF MEMBER:**

Julie M. Robinson, City Administrator

**CITY ADMINISTRATOR APPROVAL:**



DIVIDER PAGE

3.3.4 Backup vehicles and equipment and crews shall be available in the event of breakdowns to ensure continuity of service.

#### ARTICLE 4. Complaints Regarding Service

##### 4.1 Complaint Receipt and Handling.

4.1.1 All customer complaints shall be initially directed to WCA for handling. WCA shall make provisions for receiving and resolving customer complaints and service issues pertaining to all services under this Contract. Complaints received by the City shall be forwarded to WCA immediately, and it shall be the duty of WCA to take whatever steps may be required to remedy the cause of the complaint and to notify the City of its disposition within 24 hours after receipt. In the event of alleged missed scheduled collection, WCA shall investigate and, if such allegations are confirmed, shall arrange for the collection of the materials within 24 hours after receiving the complaint.

4.1.2 WCA shall maintain a complaint log that includes: name of complainant, date, address, nature of complaint, action taken, and date complaint was resolved. Such logs shall be made available to the City each calendar quarter on or before the 10<sup>th</sup> day of the following the end of the calendar quarter. The City may also request a copy of the complaint log at any time as may be needed.

4.1.3. WCA shall maintain an answering service to track and follow-up on customer complaints and service issues pertaining to all services under this Contract. Such answering service shall be operational at a minimum between the hours of 8:00 am and 5:00 pm, Monday through Friday.

4.2 Damage Claims Resolution. WCA shall provide the City with a full explanation of the disposition of any complaint involving a customer's claim of damage to private property as the result of actions of WCA's employees, agents or subcontractors.

4.3 Failure to Remedy Complaints. WCA's failure to use reasonable and diligent efforts to remedy the cause of the complaint as provided for in the paragraphs above shall be considered a breach of this Contract.

#### ARTICLE 5. Compensation

5.1 Unit Price Per Household Per Month. Except as otherwise provided herein, the unit price payable to WCA shall be \$18.72 per household per month for the first year of this Contract. After the first year of this Contract, WCA may request an adjustment to the rate in accordance with the provisions below.

5.1.1 On or before the 10<sup>th</sup> day of each month after the work has been performed, WCA shall submit to the City a detailed invoice for all services rendered to residential units and other services provided at the rates and upon the terms provided in this Contract. Invoices shall be mailed to: Accounts Payable, City of Spring Valley Village, 1025 Campbell Road, Houston, Texas 77055.

5.1.2 Within thirty (30) days of the City's receipt of invoice and any supporting data requested by the City, the City will remit payment to WCA subject to the conditions of this Contract and WCA's compliance with the terms of this Contract. Any such payments by the City shall be reduced by such amounts as the City may otherwise withhold or retain as provided in this Contract, as well as the 5% franchise fee being deducted from the invoice.

5.1.3 Information regarding the number of residential units in the service area shall be obtained from the City reports of additions, changes or deletions of residential units faxed or emailed by the City Utility Billing Section throughout each month. All invoices for payment submitted by WCA to the City shall refer to the proper number of residential units.

5.2 Collection Services. The City shall act as collector for all accounts and shall submit all statements to and collect from all occupied residential units.

5.3 New Customers. New customers must come to the City requesting solid waste collection services. The City will contact WCA to arrange for the specific services that will be required.

5.4 Delinquent and Closed Accounts.

5.4.1 The City shall notify WCA of any delinquency in the payment for collection services on the part of any residential unit. WCA shall discontinue collection services at any residential unit upon receipt of written notice from the City that such unit is not occupied or is delinquent in payment for service. Upon further notification by the City, WCA shall resume collection services on the next regularly scheduled collection day.

5.4.2 The City shall remit payment to WCA for all occupied residential units until such time as WCA is notified to discontinue collection services as provided herein.

5.5 Modification of Monthly Unit Price Per Household.

5.5.1 The unit price specified in Section 5.1 above shall not be subject to change during the first year of the term of this Contract. The unit price contained herein constitutes the total compensation payable to WCA for services performed pursuant to this Contract.

5.5.2 The rate that may be charged for the second and subsequent years of the term of this Contract shall be adjusted upward or downward to reflect changes in the cost of operations as reflected by fluctuations in the Consumer Price Index for Urban Wage Earner and Clerical Workers (all items, Houston area), as published by the U.S. Department of Labor, Bureau of Labor Statistics.

5.5.3 It is the responsibility of WCA to initiate any and all rate modification requests. No later than June 15<sup>th</sup> of each year, WCA shall send to the City a comparative statement setting out for the index:

1. The index value for May of the current year;
2. The index value for May of the previous year;
3. The net percentage change; and
4. The increase or decrease in the fees proposed to be charged by WCA.

Changes in rates, either increases or decreases, will become effective as of the following January.

5.5.4 Any adjustments to change the rates charged for collection services shall be reviewed and considered by City staff for recommendation to the City Council. WCA may petition the City, in writing, for an increase in the rates established herein by submitting documentation to support the requested increase. WCA shall present its requested rate modification justification to the City Council at a duly scheduled Council meeting. WCA agrees to provide all documentation and information requested by City staff and/or the City Council. Any increase must be approved by the City Council.

## ARTICLE 6. Street Use/Franchise Fee

6.1 The City recognizes that, as a franchisee, WCA must use streets and alleys owned by the City. In order to assist in the maintenance of those streets and alleys and also, in order to compensate the City in the administration of this franchise, a 5% franchise fee for all work performed under this Contract for which WCA has been paid will be remitted to the City by being deducted from the monthly invoice.

## ARTICLE 7. Insurance

7.1 During the term of this Contract and any extensions hereof, WCA shall carry insurance in the following types and amounts and furnish Certificates of Insurance as evidence thereof:

7.1.1 Statutory Workers' Compensation limits, and minimum \$500,000 Employers Liability.

DIVIDER PAGE



## Julie Robinson

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**From:** Anthony Emilio <aemilio@gflenv.com>  
**Sent:** Monday, June 14, 2021 10:01 PM  
**To:** Julie Robinson  
**Subject:** WCA/GFL Rate Modification Request  
**Attachments:** City of Spring Valley Village Rate Modification Request.pdf

Hello Julie,

I hope you are doing well and the week has started out good. Attached is our request for a rate modification. We have also send a copy via certified mail. Please let me know if you would like to discuss further or if you have any questions. Thank you.

Best Regards,

**Tony Emilio** | Govt Contracts Mgr  
GFL Environmental  
8515 Hwy 6 S, Houston, TX, 77083  
| C (832) 374-0401 | aemilio@gflenv.com | www.gflenv.com

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June 14, 2021

Julie Robinson  
City Administrator  
City of Spring Valley Village  
1025 Campbell Rd.  
Houston, TX 77055

RE: Contract for Services for Removal of Garbage, Rubbish, and Recyclable Materials by and between The City of Spring Valley Village and Waste Corporation of Texas, L.P. – Modification of Monthly Unit Rate per Household

Dear Julie:

In accordance with the current Contract for Services for Removal of Garbage, Rubbish, and Recyclable Materials, Section 5.5 allows for the rate that may be charged for the second and subsequent years of the term of this Contract be adjusted upward or downward to reflect changes in the cost of operations as reflected by fluctuations in the Consumer Price Index for Urban Wage Earner and Clerical Workers (CPI-W) (All Items, Houston Area), as published by the U.S. Department of Labor, Bureau of Labor Statistics. Please consider this letter as our request for a rate adjustment, effective in January 2022. You will find below the rate adjustment calculation as set forth in the contract document under Section 5.53. In addition, you will find attached all supporting documentation and data used in the rate adjustment calculation, as set forth in Section 5.53 and 5.54. Please let me know if you would like to meet, at your convenience to discuss the rate adjustment. Thank you in advance for your consideration.

Item 1: The Index value for May of the current year.

*The index for CPI-W (All Items, Houston-The Woodlands-Sugar Land, TX) is published every other month. The most recent published index is April 2021 and the next published index will be for June 2021. No data is published for May. April 2021 is used for the purpose of this calculation.*

**Index value for April 2021 = 231.886**

Item 2: The Index value for May of the previous year.

*The index for CPI-W (All Items, Houston-The Woodlands-Sugar Land, TX) is published every other month. No data is published for May 2020. April 2020 is used for the purpose of this calculation.*

**Index value for April 2020 = 220.461**



Item 3: The net percentage change

**Net percentage change in index values =  $(231.886 - 220.461) / 220.461 \times 100 = 5.18\%$**

Item 4: Proposed increase in fees to be charged

Current Rate per home = \$18.72

Current Rate for Commercial Pickup = \$61.89

Rate increase = 5.18%

**Proposed Rate per home = \$19.69**

**Proposed Rate for Commercial Pickup = \$65.10**

Please let me know if you would like to meet, at your convenience to discuss the Rate Adjustment. Thank you in advance for your consideration.

Best Regards,

A handwritten signature in black ink, appearing to read 'a/e'.

Tony Emilio  
Municipal Services Manager

**CPI for Urban Wage Earners and Clerical Workers (CPI-W)**  
**Original Data Value**

**Series Id:** CWURS37BSA0,CWUSS37BSA0

**Not Seasonally Adjusted**

**Series Title:** All items in Houston-The Woodlands-Sugar Land, TX,

**Area:** Houston-The Woodlands-Sugar Land, TX

**Item:** All items

**Base Period:** 1982-84=100

**Years:** 2011 to 2021

| Year | Jan | Feb     | Mar | Apr     | May | Jun     | Jul | Aug     | Sep | Oct     | Nov | Dec     |
|------|-----|---------|-----|---------|-----|---------|-----|---------|-----|---------|-----|---------|
| 2011 |     | 195.677 |     | 200.997 |     | 200.444 |     | 201.772 |     | 200.464 |     | 199.480 |
| 2012 |     | 203.603 |     | 205.790 |     | 204.041 |     | 202.688 |     | 202.775 |     | 200.895 |
| 2013 |     | 204.336 |     | 205.918 |     | 206.269 |     | 206.706 |     | 205.656 |     | 207.269 |
| 2014 |     | 209.017 |     | 211.000 |     | 212.191 |     | 211.297 |     | 211.512 |     | 208.584 |
| 2015 |     | 206.448 |     | 208.610 |     | 210.261 |     | 210.819 |     | 210.250 |     | 208.519 |
| 2016 |     | 209.049 |     | 210.981 |     | 212.758 |     | 212.129 |     | 213.534 |     | 213.205 |
| 2017 |     | 214.667 |     | 215.313 |     | 215.829 |     | 216.384 |     | 218.752 |     | 217.578 |
| 2018 |     | 220.882 |     | 221.383 |     | 223.561 |     | 222.481 |     | 224.175 |     | 221.965 |
| 2019 |     | 221.664 |     | 225.023 |     | 224.306 |     | 224.664 |     | 224.596 |     | 223.329 |
| 2020 |     | 224.841 |     | 220.461 |     | 223.512 |     | 223.672 |     | 224.743 |     | 224.747 |
| 2021 |     | 227.056 |     | 231.886 |     |         |     |         |     |         |     |         |

DIVIDER PAGE

## WCA Complaint Log

| S.O. / Email | Address            | Description                                                                                             | Complaint Date | Completion Date                                                |
|--------------|--------------------|---------------------------------------------------------------------------------------------------------|----------------|----------------------------------------------------------------|
| 13048        | 8709 Westview Dr   | Replace trash can                                                                                       | 7/1/2021       | 7/1/2021                                                       |
| N/A          | N/A                | Complaint emailed to WCA about trash can handling                                                       | 7/12/2021      | No follow up from WCA about resolution                         |
| 13088        | 1425 Cedarbrook    | Replace trash can                                                                                       | 7/13/2021      | 7/13/2021                                                      |
| 13129        | 10 Windsor Ct      | Replace trash can - broken                                                                              | 7/20/2021      | 7/21/2021                                                      |
| N/A          | 8806 Lanell Ln     | Trash not picked up - Emailed WCA. Provided resident info for pickup.                                   | 7/20/2021      | 7/21/2021                                                      |
| N/A          | 9014 Lupton Ct     | Recycling not picked up - WCA emailed                                                                   | 7/23/2021      | 7/23/2021                                                      |
| N/A          | 1228 Mickey Way    | Trash & Bins not picked up - WCA Emailed                                                                | 7/26/2021      | 7/27/2021                                                      |
| N/A          | 9017 Elizabeth     | Replace trash can - broken. Emailed WCA twice                                                           | 7/30/2021      | 8/10/2021                                                      |
| N/A          | 8321 Cedarbrake    | Replace trash can - broken. Emailed WCA                                                                 | 7/31/2021      | WCA Resolution: no issue in system; can exchanged on 8/10/21   |
| N/A          | 8331 Winningham Dr | Resident needed new bins. Resident called WCA twice about new bins. Taryn emailed WCA about this issue. | 8/4/2021       | WCA Resolution: no issue in system; cart delivered on 8/10/21" |

| S.O. / Email | Address                                         | Description                                              | Complaint Date | Completion Date                                                        |
|--------------|-------------------------------------------------|----------------------------------------------------------|----------------|------------------------------------------------------------------------|
| N/A          |                                                 | Replace trash can                                        | 8/6/2021       | 8/6/2021                                                               |
| N/A          | 8705 Lanell Ln                                  | Replace trash can - broken. Emailed WCA                  | 8/10/2021      | No follow up from WCA about resolution                                 |
| N/A          | Lupton Ct, Cedarbrook Dr, Lanell Ln.            | Recycling not picked up - WCA emailed                    | 8/16/2021      | No final resolution provided by WCA                                    |
| 13331        | 8830 Croes Dr                                   | Replace trash can - broken                               | 8/17/2021      | 8/19/2021                                                              |
| N/A          | West of Bingle; North of Westview; Hilldale St. | Complaint emailed to WCA - Recycling/Trash Not Picked Up | 8/20/2021      | No resolution from WCA for a week; no final resolution provided by WCA |
| 13340        | 34 Windsor Ct                                   | Replace trash can - broken                               | 8/20/2021      | 8/20/2021                                                              |
| 13342        | 1323 Beutel Dr                                  | Replace trash can                                        | 8/20/2021      | 8/20/2021                                                              |
| 13356        | 8706 Green Valley Dr                            | Replace trash can                                        | 8/23/2021      | 8/23/2021                                                              |
| N/A          | 1213 Ben Hur                                    | No trash pickup for several weeks. WCA Emailed           | 8/27/2021      | No final resolution provided by WCA                                    |
| 13485        | 2 Tam Ct                                        | Replace trash can - broken                               | 8/30/2021      | 8/30/2021                                                              |
| 13499        | 8420 Burkhart Rd                                | Replace trash can                                        | 8/31/2021      | 8/31/2021                                                              |



| S.O. / Email | Address                           | Description                           | Complaint Date | Completion Date                                                                                                                                   |
|--------------|-----------------------------------|---------------------------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| N/A          | 8813 Echo Valley Dr               | Recycling not picked up - WCA emailed | 9/3/2021       | No follow up from WCA about resolution; WCA: "not located in the system"                                                                          |
| N/A          | Bade St. Multiple Streets in City | Trash not picked up - Emailed WCA.    | 9/7/2021       | WCA Resolution: Notes: 9/7/2021 2:12:21PM - Address has been sent to driver (Julio). He went to the landfill but he's still working on his route. |
| 13516        | 8705 Lanell Ln                    | Replace trash can                     | 9/7/2021       | 9/7/2021                                                                                                                                          |
| 13540        | 8834 Merlin Dr                    | Replace trash can                     | 9/9/2021       | 9/9/2021                                                                                                                                          |
| N/A          | 8926 Croes                        | Recycling not picked up - WCA emailed | 9/10/2021      | No follow up from WCA about resolution; WCA: "no complaint located in system"                                                                     |
| 13542        | 9017 Larston                      | Broken trash can                      | 9/13/2021      | 9/13/2021                                                                                                                                         |
| 13546        | 1041 Voss Rd                      | Replace trash can                     | 9/13/2021      | 9/15/2021                                                                                                                                         |

| S.O. / Email | Address                               | Description                                               | Complaint Date | Completion Date                                                          |
|--------------|---------------------------------------|-----------------------------------------------------------|----------------|--------------------------------------------------------------------------|
| 13555        | 1018 Bade St                          | Replace trash can                                         | 9/15/2021      | 9/16/2021                                                                |
| 13556        | 1217 Tamy                             | Replace trash can                                         | 9/16/2021      | 9/16/2021                                                                |
| N/A          | Echo Valley Dr, Cedarspur, Winningham | Recycling & bulky trash not picked up - WCA emailed       | 9/17/2021      | No follow up from WCA about resolution; WCA "no issue located in system" |
| N/A          | Cedardale & Lanell                    | WCA left glass on street after picking up trash/recycling | 9/19/2021      | Took WCA a couple days to respond                                        |
| 13621        | 8945 Croes Dr                         | Replace trash can                                         | 9/21/2021      | 9/21/2021                                                                |
| 13643        | 8806 Merlin Dr                        | Replace trash can - broken                                | 9/22/2021      | 9/22/2021                                                                |
| 13664        | 8633 Merlin Dr                        | Replace trash can                                         | 9/28/2021      | 9/28/2021                                                                |
| 13665        | 8802 Heather Cir                      | Replace trash can                                         | 9/28/2021      | 9/28/2021                                                                |
| 13738        | 8713 Cedardale Dr                     | Replace trash can                                         | 10/11/2021     | 10/11/2021                                                               |
| 13760        | 1102 Lone Star                        | Replace trash can                                         | 10/13/2021     | 10/13/2021                                                               |
| 13830        | 1030 Ben Hur Dr                       | Replace trash can                                         | 10/25/2021     | 10/25/2021                                                               |
| 13860        | 8813 Cedarspur Dr                     | Replace trash can                                         | 10/29/2021     | 11/1/2021                                                                |
| 13885        | 9001 Randy Dr                         | Replace trash can                                         | 11/2/2021      | 11/3/2021                                                                |

| S.O. / Email | Address            | Description                                                         | Complaint Date | Completion Date                                                                  |
|--------------|--------------------|---------------------------------------------------------------------|----------------|----------------------------------------------------------------------------------|
| 13912        | 8321 Cedarbrake    | Replace trash can - broken                                          | 11/15/2021     | 11/15/2021                                                                       |
| 13913        | 8349 Winningham Ln | Replace trash can                                                   | 11/15/2021     | 11/15/2021                                                                       |
| N/A          | 9018 Bace Dr       | Recycling not picked up - WCA emailed.                              | 11/19/2021     | WCA "recycle was not inside cart; would have been removed by trash crew as bulk" |
| N/A          | Green Valley Dr    | Resident reported that a couple weeks ago WCA missed entire street. | 11/24/2021     | No follow up from WCA                                                            |

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

**MEETING DATE:** December 14, 2021

**TOPIC:** **ORDINANCE NO. 2021-XX**

**AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING THE SCHEDULE OF CHARGES AND FEES FOR THE COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH, AND RECYCLABLES; PROVIDING AN EFFECTIVE DATE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

**BACKGROUND:** In the previous agenda item, the City Council considered a rate modification request submitted by Waste Corporation of America ("WCA") now GFL Environmental. This agenda item is contingent upon the Council's decision with regard to the rate modification request.

In the event that the Council approves the rate modification request, this Ordinance would amend the Master Fee Schedule to reflect the approved rate modification which will be effective on January 1, 2022.

In the event that the Council denies the rate modification request, then no action needs to be taken on this agenda item.

**RECOMMENDATION:** None

**ATTACHMENTS:** • Ordinance 2021-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# \_\_\_\_\_

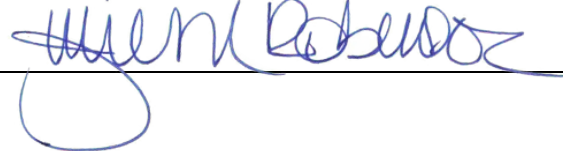
**FINANCE VERIFICATION OF FUNDING:**



**SUBMITTING STAFF MEMBER:**

Julie M. Robinson, City Administrator

**CITY ADMINISTRATOR APPROVAL:**



**ORDINANCE NO. 2021-XX**

**AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS,  
AMENDING THE SCHEDULE OF CHARGES AND FEES FOR THE  
COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH, AND  
RECYCLABLES; PROVIDING AN EFFECTIVE DATE; REPEALING ALL  
ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN  
CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

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

**Section 1.** The Code of Ordinances of the City of Spring Valley Village, Texas, is hereby amended by deleting from Appendix A thereof all Article 7.000 and substituting therefor a new Article 7.000 to provide as follows:

**“ARTICLE 7.000. GARBAGE, RUBBISH AND RECYCLABLES.**

7.000 Garbage Collection. Collection and disposal of garbage, rubbish, and recyclables from residential units shall be:

- (1) Nineteen dollars and sixty-nine cents (\$19.69) per household per month; and
- (2) In addition the City shall charge an administrative fee of \$.50 per household per month (plus applicable tax).”

**Section 2.** The rates set forth in this Ordinance shall become effective **January 1, 2022.**

**Section 3.** All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance, to the extent of such inconsistency or conflict, are repealed.

**Section 4.** In the event any section, paragraph, subdivision, clause, phrase, provisions, 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

was a whole or any party of 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 such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 14th day of December, 2021.

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Marcus Vajdos, Mayor  
City of Spring Valley Village, Texas

ATTEST:

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

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

**MEETING DATE:** December 14, 2021

|               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TOPIC:</b> | <b>CONDUCT A PUBLIC HEARING CONCERNING:</b><br><br><b>AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.19, SOLAR PANELS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT "A"; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO ALTER THE REGULATIONS OF BOTH ROOF MOUNTED AND GROUND MOUNTED SOLAR PANELS TO COMPLY WITH THE PROVISIONS OF SENATE BILL 398 REGARDING MUNICIPAL REGULATION SOLAR PANELS; PROVIDING FOR INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.</b> |
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|                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>BACKGROUND:</b> | <p>Senate Bill 398, enacted by the Texas Legislature May 31, 2021 and signed into law by the Governor on June 14, 2021, provides:</p> <p>"A municipality may not prohibit or restrict the installation of a solar energy device by a residential or small commercial customer except to the extent:</p> <ul style="list-style-type: none"><li>(1) A property owner's association may prohibit the installation under Sections 202.010 (d) (1) through (7), Property Code; or</li><li>(2) The interconnection guidelines and interconnection agreement of a municipally owned utility serving the customer's service area, the rules of the Public Utility Commission of Texas, or the protocols of an independent organization certified under Section 39.151, Utilities Code, limit the installation of solar energy devices due to reliability, power quality, or safety of the distribution system."</li></ul> <p>Based on the first exception above, the City of Spring Valley Village can continue to enforce regulations on solar panels as long as the regulations are consistent with those found in Section 202.010(d) (1) through (7) of the Texas Property Code. The proposed ordinance makes the necessary amendments to the Zoning Ordinance to comply with Senate Bill 398.</p> <p>The changes to the regulations applicable to Roof-Mounted Solar Panels in Section 05.02.19.04 of the Zoning Ordinance are as follows:</p> |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



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

- Section 05:02.19.04.01 is amended to read “Solar panels shall be permitted on the roof a building provided that the panels do not extend higher than or beyond the roofline.”

**The City’s current regulations prohibit roof-mounted solar panels from being visible from any front or side adjacent street, so this restriction on visibility no longer applies.**

- Section 05:02.19.04.03 is amended by removing the reference to Subsection .05.04 since this Section now only refers to Subsection .05.02.
- Section 05:02.19.04.04 is a new subsection that reads “The frame, support panels and all visible piping or wiring shall be in a silver, bronze, or black tone commonly available in the marketplace; and.”
- With the inclusion of the new Subsection in the previous bullet point, the following Subsection has been renumbered accordingly.

The changes to the regulations applicable to Ground-Mounted Solar Panels in Section 05.02.19.05 of the Zoning Ordinance are as follows:

- Section 05:02.19.05.03 is amended to read “Solar Panels shall be located within a fenced yard or patio; and”

**The City’s current regulations prohibit ground-mounted solar panels from being located between a property line abutting a street and a structure. With the new regulations, ground-mounted solar panels would only be allowed behind a fence.**

- Section 05:02.19.05.04 is amended to read “Solar panels shall not be taller that the fence line;”.

**The City’s current regulations already required ground-mounted solar panels to be screened from view of the street or adjacent properties by opaque screening. With the amended requirement in the previous Section, these solar panels must be behind a fenced in yard or patio and cannot be taller than the fence. So, the screening requirement remains in place just in a different manner.**

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

- Sections 05:02.19.05.05 (height restriction) and Section 05:02.19.05.06 (requiring conduit and wiring to be underground) are not included in the Texas Property Code regulations and consequently are deleted in their entirety.

The current provisions of Section 05:02.19 – Solar Panels in the City's Zoning Regulations is attached with this item for reference in comparing the proposed changes for compliance with Senate Bill 398.

**RECOMMENDATION:** Not applicable

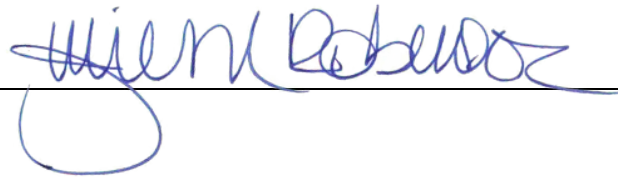
**ATTACHMENTS:**

- Proposed Ordinance Number 2021-XX
- Senate Bill 398 Bill Text
- Section 202.010 – Regulation of Solar Energy Devices – Texas Property Code
- Current Provisions of Section 05:02.19 – Solar Panels in the City's Zoning Regulations
- Copy of Public Hearing Notice

**SUBMITTING STAFF MEMBER:**

Zachary Meadows, Director of  
Community Development

**CITY ADMINISTRATOR APPROVAL:**



## ORDINANCE NUMBER 2021-XX

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.19, SOLAR PANELS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT “A”; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO ALTER THE REGULATIONS OF BOTH ROOF MOUNTED AND GROUND MOUNTED SOLAR PANELS TO COMPLY WITH THE PROVISIONS OF SENATE BILL 398 REGARDING MUNICIPAL REGULATION SOLAR PANELS; PROVIDING FOR INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, the City of Spring Valley Village, Texas (the “City”) adopted regulations related to the location and installation of solar panels within the City on November 14, 2017; and

**WHEREAS**, Senate Bill 398, enacted by the Texas Legislature on May 31, 2021 and signed into law by the Governor on June 14, 2021, restricts municipal regulation of solar panels; and

**WHEREAS**, the City Council of the City finds that the regulations contained herein are in the best interest of the health, safety and welfare of the public; and

**WHEREAS**, the Planning & Zoning Commission of the City, following notice and hearing as required by law, has recommended that the City Council adopt the amendments to the zoning regulations contained herein as shown in the final report of said Commission; and

**WHEREAS**, the City Council, following notice and hearing as required by law, concurs with the recommendation of the Planning & Zoning Commission that such amendments be approved.

**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.** Subsection 02.19, Solar Panels, of Section 5, Building and Use Restrictions in Dwelling District “A” of Exhibit A, Zoning Regulations, of Chapter 12, Planning and Zoning, is hereby amended by deleting the language struck through below

and adding the language underscored below, Subsection 05.02.19, Solar Panels, to read as follows:

**“05:02.19 - Solar Panels:**

.01 Solar panels are permitted structures subject to the regulations set forth herein.

.02 Definitions. For the purposes of this section, the following words and phrases shall have the meanings ascribed to them below:

.01 Solar Panel shall mean a structure containing one (1) or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system. The term shall not include individually powered outdoor solar lights, such as garden lights, accent lights, security lights, or flood lights.

.03 All solar panels and the installation of solar panels shall comply with all provisions of the city's Code of Ordinances, including building codes and tree regulations, and shall be installed only after issuance of a building permit.

.04 Roof-mounted solar panels shall conform to the following requirements:

.01 Solar panels shall be permitted on the roof of a building provided that the panels do not extend higher than or beyond the roofline ~~are not visible from any front or side adjacent street;~~

.02 Solar panels shall have a top edge that is parallel to the roof ridge and shall conform to the slope of the roof;

.03 Solar panels shall be permitted on the roof slope of an accessory building or structure, subject to the regulations in subsections .05.02 and ~~.05.04 below; and~~

.04 The frame, support panels and all visible piping or wiring shall be in a silver, bronze, or black tone commonly available in the marketplace; and

.045 Solar panels on flat roofs shall not exceed the maximum height permitted in the applicable zoning district.

.05 Ground-mounted solar panels shall conform to the following requirements:

.01 Solar panels shall not constitute the primary use of the property;

.02 Solar panels shall comply with the maximum square footage and minimum setback requirements for residential accessory buildings and structures;

.03 Solar panels shall ~~not be located between a property line abutting a street and a structure~~ within a fenced yard or patio; and

.04 Solar panels shall ~~be screened from view of the street or adjacent properties by an opaque screening in fence. Such fencing shall comply with the city's fencing regulations~~ not be taller than the fence line;

~~.05 The maximum height of solar panels shall not exceed six (6) feet in height; and~~

~~.06 To the extent possible, all conduit and wiring associated with the system's connection to the primary electrical panel shall be placed underground.~~

.06 Solar panels incorporated into building materials such as roof shingles or tiles, windows, siding, or other architectural features integral to a building's design and are reasonably indistinguishable from traditional building materials may be installed on any roof or façade of the building. The eligibility of any solar panel under this section shall be within the discretion of the building official.

.07 Exceptions. The city council, upon application, may approve a location for roof-mounted or ground-mounted solar panels not permitted by this section. Prior to granting such approval, the city council shall conduct a public hearing regarding the alternate location. Written notice of the public hearing shall be mailed to property owners of real property, as they appear on the most recent tax roll of the city, situated within two hundred (200) feet of the exterior boundary of the property on which the solar panel is requested at least ten (10) days prior to the date of the hearing. Notice of the public hearing shall also be published in the city's official newspaper at least ten (10) days prior to the date of the hearing.

**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.** Any person, corporation or entity who or which 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 \$2,000.00. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

**Section 5.** In the event any 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 such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 6.** The repeal of any ordinance or part of ordinances affected by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

**Section 7.** This Ordinance shall become effective immediately upon its passage.

**DULY PASSED, APPROVED AND ORDAINED**, on this the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Marcus Vajdos, Mayor  
City of Spring Valley Village, Texas

ATTEST:

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

DIVIDER PAGE

AN ACT

relating to certain resources and facilities for distributed generation.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is amended by adding Chapter 113 to read as follows:

CHAPTER 113. SALES AND LEASING OF DISTRIBUTED RENEWABLE GENERATION  
RESOURCES

Sec. 113.001. DEFINITIONS. In this chapter:

(1) "Distributed renewable generation" has the  
meaning assigned by Section 39.916, Utilities Code.

(2) "Small commercial customer" has the meaning  
assigned by Section 39.202(o), Utilities Code.

Sec. 113.002. APPLICABILITY. (a) This chapter applies to a seller or lessor of distributed renewable generation resources.

(b) This chapter does not apply to:

(1) a transaction involving the sale or transfer of the real property on which a distributed renewable generation resource is located;

(2) a person, including a person acting through the person's officers, employees, brokers, or agents, who markets, sells, solicits, negotiates, or enters into an agreement for the sale or financing of a distributed renewable generation resource as part of a transaction involving the sale or transfer of the real



property on which the distributed renewable generation resource is  
or will be affixed; or

(3) a third party that enters into an agreement for the  
financing of a distributed renewable generation resource.

Sec. 113.003. LEASE, SALES, AND INSTALLATION DISCLOSURES.

A seller or lessor who enters into a purchase, lease, or power  
purchase agreement with a residential or small commercial customer  
for the operation of a distributed renewable generation resource  
shall provide to the customer in writing:

(1) contact information of the salesperson and  
installer of the generation resource;

(2) a description of all equipment to be installed;

(3) the cost of all equipment to be installed;

(4) a detailed accounting of fees associated with the  
installation or operation of the generation resource;

(5) representations, if any, made as part of the  
agreement regarding the expected operational performance and  
financial performance of the generation resource; and

(6) all applicable warranties.

Sec. 113.004. ADDITIONAL DISCLOSURES FOR LEASE AGREEMENTS.

In addition to the disclosures required under Section 113.003, a  
lessor shall provide to a leasing residential or small commercial  
customer in writing:

(1) the term and rate of the lease, including any  
payment escalators or other terms that affect the customer's  
payments; and

(2) a statement of whether the lease and any

1 applicable warranty or maintenance agreement is transferable to a  
2 subsequent purchaser of the property where the distributed  
3 renewable generation resource is installed.

4 Sec. 113.005. DISCLOSURES FOR POWER PURCHASE AGREEMENTS. A  
5 residential or small commercial customer who enters into a power  
6 purchase agreement is entitled to receive in writing:

7 (1) the disclosures required under Sections  
8 113.003(1), (2), (5), and (6);

9 (2) the term and rate of the power purchase agreement,  
10 including any payment escalators or other terms that affect the  
11 customer's payments; and

12 (3) whether the power purchase agreement and any  
13 applicable warranty or maintenance agreement is transferable to a  
14 subsequent purchaser of the property where the distributed  
15 renewable generation resource is installed.

16 SECTION 2. Chapter 229, Local Government Code, is amended  
17 by adding Subchapter C to read as follows:

18 SUBCHAPTER C. REGULATION OF SOLAR ENERGY DEVICES

19 Sec. 229.101. REGULATION OF SOLAR ENERGY DEVICES. (a) In  
20 this section:

21 (1) "Municipally owned utility" has the meaning  
22 assigned by Section 11.003, Utilities Code.

23 (2) "Small commercial customer" has the meaning  
24 assigned by Section 39.202(o), Utilities Code.

25 (3) "Solar energy device" has the meaning assigned by  
26 Section 171.107, Tax Code.

27 (b) A municipality may not prohibit or restrict the

installation of a solar energy device by a residential or small commercial customer except to the extent:

(1) a property owner's association may prohibit the installation under Sections 202.010(d)(1) through (7), Property Code; or

(2) the interconnection guidelines and interconnection agreement of a municipally owned utility serving the customer's service area, the rules of the Public Utility Commission of Texas, or the protocols of an independent organization certified under Section 39.151, Utilities Code, limit the installation of solar energy devices due to reliability, power quality, or safety of the distribution system.

SECTION 3. Subchapter B, Chapter 35, Utilities Code, is amended by adding Section 35.037 to read as follows:

Sec. 35.037. INTERCONNECTION AND OPERATION OF CERTAIN DISTRIBUTED GENERATION FACILITIES FOR FOOD SUPPLY CHAIN. (a) In this section:

(1) "Customer" means a retail electric customer:

(A) with a distributed generation facility installed on the retail electric customer's side of the meter; and

(B) that has a primary purpose of or derives a material source of revenue from:

(i) retail grocery sales; or

(ii) food manufacturing or distribution for retail grocery sales.

(2) "Distributed generation facility" means a facility installed on the customer's side of the meter but

1 separately metered from the customer:

2 (A) with a nameplate capacity of at least 250  
3 kilowatts and not more than 10 megawatts;

4 (B) that is capable of generating and providing  
5 backup or supplementary power to the customer's premises; and

6 (C) that is owned or operated by a person  
7 registered as a power generation company in accordance with Section  
8 [39.351](#).

9 (b) This section only applies in the ERCOT power region in  
10 areas where retail customer choice has not been implemented.

11 (c) A person who owns or operates a distributed generation  
12 facility served by a municipally owned utility or electric  
13 cooperative in the ERCOT power region may sell electric power  
14 generated by the distributed generation facility at wholesale,  
15 including the provision of ancillary services, subject to the  
16 limitations of this section.

17 (d) A person who owns or operates a distributed generation  
18 facility may sell electric power generated by the distributed  
19 generation facility at wholesale to a municipally owned utility or  
20 electric cooperative certificated for retail service to the area  
21 where the distributed generation facility is located or to a  
22 related generation and transmission electric cooperative. The  
23 municipally owned utility or electric cooperative shall purchase at  
24 wholesale the quantity of electric power generated by the  
25 distributed generation facility needed to satisfy the full electric  
26 requirements of the customer on whose side of the meter the  
27 distributed generation facility is installed and operated at a

1 wholesale price agreed to by the customer and shall resell that  
2 quantity of power at retail to the customer at the rate applicable  
3 to the customer for retail service, which must at minimum include  
4 all amounts paid for the wholesale electric power, during:

5 (1) an emergency declared by the independent  
6 organization certified under Section 39.151 for the ERCOT power  
7 region that creates the potential for interruption of service to  
8 the customer;

9 (2) any service interruption at the customer's  
10 premises;

11 (3) construction on the customer's premises that  
12 creates the potential for interruption of service to the customer;

13 (4) maintenance and testing of the distributed  
14 generation facility; and

15 (5) additional times mutually agreed on by the owner  
16 or operator of the distributed generation facility and the  
17 municipally owned utility or electric cooperative.

18 (e) The customer shall provide written notice as soon as  
19 reasonably practicable to the municipally owned utility or electric  
20 cooperative of a circumstance described by Subsection (d)(3) or  
21 (4).

22 (f) In addition to a sale authorized under Subsection (d),  
23 on request by an owner or operator of a distributed generation  
24 facility, the municipally owned utility or electric cooperative  
25 shall provide wholesale transmission service to the distributed  
26 generation facility owner in the same manner as to other power  
27 generation companies for the sale of power from the distributed

1 generation facility at wholesale, including for the provision of  
2 ancillary services, in the ERCOT market. The distributed generation  
3 facility owner shall comply with all applicable commission rules  
4 and protocols and with governing documents of the independent  
5 organization certified under Section 39.151 for the ERCOT power  
6 region. This section does not require a municipally owned utility  
7 or electric cooperative to transmit electricity to a retail point  
8 of delivery in the certificated service area of the municipally  
9 owned utility or electric cooperative.

10 (g) In addition to a sale authorized under Subsection (d) or  
11 (f), a municipally owned utility or electric cooperative or related  
12 generation and transmission electric cooperative may purchase  
13 electric power provided by the owner or operator of the distributed  
14 generation facility at wholesale at a mutually agreed on price. The  
15 price may be based wholly or partly on the ERCOT market clearing  
16 price of energy at the time of day and at the location at which the  
17 electric power is made available.

18 (h) A municipally owned utility or electric cooperative  
19 shall make available a standard interconnection application and  
20 agreement for distributed generation facilities that is  
21 substantially similar to the commission's interconnection  
22 agreement form and consistent with this section to facilitate the  
23 connection of distributed generation facilities. A municipally  
24 owned utility or electric cooperative shall allow interconnection  
25 of a distributed generation facility and provide to a distributed  
26 generation facility on a nondiscriminatory basis wholesale  
27 transmission service, including at distribution voltage, in the

same manner as for other power generation companies to transmit to the ERCOT power grid the electric power generated by the distributed generation facility. A municipally owned utility or electric cooperative may recover from the owner or operator of the distributed generation facility all reasonable costs necessary for and directly attributable to the interconnection of the facility, including the reasonable costs of necessary system upgrades and improvements directly attributable to the distributed generation facility.

(i) Not later than the 30th day after the date a complete application for interconnection of a distributed generation facility is received, the municipally owned utility or electric cooperative shall provide the applicant with a written good faith cost estimate for interconnection-related costs. The municipally owned utility or electric cooperative may not incur any interconnection-related costs without entering into a written agreement for the payment of those costs by the applicant.

(j) The process to interconnect a distributed generation facility must be completed not later than the 240th day after the date the municipally owned utility or electric cooperative receives payment of all estimated costs to complete the interconnection, except that:

(1) the period may be extended by written agreement between the parties; or

(2) the period may be extended after a good faith showing by the municipally owned utility or electric cooperative that the interconnection requires improvements, upgrades, or

1 construction of new facilities that cannot reasonably be completed  
2 within that period, in which case the period may be extended for a  
3 time not to exceed the time necessary for the improvements,  
4 upgrades, or construction of new facilities to be completed.

5 (k) A municipally owned utility or electric cooperative  
6 shall charge the owner or operator of a distributed generation  
7 facility rates on a reasonable and nondiscriminatory basis for  
8 providing wholesale transmission service to the distributed  
9 generation facility owner in the same manner as for other power  
10 generation companies to transmit to the ERCOT power grid the  
11 electric power generated by the distributed generation facility in  
12 accordance with a tariff filed by the municipally owned utility or  
13 electric cooperative with the commission.

14 (l) The owner or operator of the distributed generation  
15 facility shall contract with the municipally owned utility or  
16 electric cooperative or the municipally owned utility's or electric  
17 cooperative's designee for any scheduling, settlement,  
18 communication, telemetry, or other services required to  
19 participate in the ERCOT wholesale market, but only to the extent  
20 that the utility, cooperative, or designee offers the services on a  
21 nondiscriminatory basis and at a commercially reasonable cost. If  
22 the municipally owned utility or electric cooperative or the  
23 municipally owned utility's or electric cooperative's designee does  
24 not offer or declines to offer the services, or fails to do so on a  
25 nondiscriminatory basis and at a commercially reasonable cost as  
26 determined by quotes from at least three third parties providing  
27 the same services, the owner or operator of the distributed



generation facility may contract with a third party provider to obtain the services.

(m) A distributed generation facility must comply with emissions limitations established by the Texas Commission on Environmental Quality for a standard emissions permit for an electric generation facility unit installed after January 1, 1995.

(n) A municipally owned utility or electric cooperative is not required to interconnect a distributed generation facility under this section if, on the date the utility or cooperative receives an application for interconnection of the facility, the municipally owned utility or electric cooperative has interconnected distributed generation facilities with an aggregate capacity that equals the lesser amount of:

(1) 5 percent of the municipally owned utility's or electric cooperative's average of the 15-minute summer peak load coincident with the independent system operator's 15-minute summer peak load in each of the months of June, July, August, and September; or

(2) 300 megawatts, adjusted annually by the percentage of total system load growth in the ERCOT power region beginning in 2022.

(o) A municipally owned utility or electric cooperative that, on the date the utility or cooperative receives an application for interconnection of a distributed generation facility, has interconnected distributed generation facilities with an aggregate capacity less than the threshold described by Subsection (n) is required to increase that capacity only up to that

1 threshold.

2       (p) This section is not intended to change registration  
3 standards or other qualifications required by the independent  
4 organization certified under Section 39.151 for the ERCOT power  
5 region related to the participation of distributed generation  
6 facilities in the wholesale market. This section is not intended to  
7 allow distributed generation facilities to participate in a manner  
8 that is not technically feasible or that is otherwise in conflict  
9 with wholesale rules and requirements adopted by the independent  
10 organization certified under Section 39.151 for the ERCOT power  
11 region.

12       SECTION 4. It is the intent of the legislature in enacting  
13 Section 35.037, Utilities Code, to allow grocers the ability to  
14 deploy back-up generation in the ERCOT power region in areas that  
15 have not implemented retail customer choice.

16       SECTION 5. The changes in law made by this Act apply only to  
17 an agreement governing the sale or lease of distributed renewable  
18 generation, as defined by Section 39.916, Utilities Code, or a  
19 power purchase agreement entered into on or after the effective  
20 date of this Act. An agreement entered into before the effective  
21 date of this Act is governed by the law as it existed immediately  
22 before the effective date of this Act, and that law is continued in  
23 effect for that purpose.

24       SECTION 6. This Act takes effect September 1, 2021.

|                         |                      |
|-------------------------|----------------------|
| <hr/>                   | <hr/>                |
| President of the Senate | Speaker of the House |

I hereby certify that S.B. No. 398 passed the Senate on April 9, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 28, 2021, by the following vote: Yeas 31, Nays 0.

|                         |
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| Secretary of the Senate |

I hereby certify that S.B. No. 398 passed the House, with amendment, on May 25, 2021, by the following vote: Yeas 126, Nays 16, two present not voting.

|                          |
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| Chief Clerk of the House |

Approved:

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| <hr/> |
| Date  |

|          |
|----------|
| <hr/>    |
| Governor |

DIVIDER PAGE

Sec. 202.010. REGULATION OF SOLAR ENERGY DEVICES.

(a) In this section:

(1) “Development period” means a period stated in a declaration during which a declarant reserves:

(A) a right to facilitate the development, construction, and marketing of the subdivision; and

(B) a right to direct the size, shape, and composition of the subdivision.

(1-a) “Residential unit” means a structure or part of a structure intended for use as a single residence and that is:

(A) a single-family house; or

(B) a separate living unit in a duplex, a triplex, or a quadplex.

(2) “Solar energy device” has the meaning assigned by Section [171.107](#), Tax Code.

(b) Except as otherwise provided by Subsection (d), a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device.

(c) A provision that violates Subsection (b) is void.

(d) A property owners' association may include or enforce a provision in a dedicatory instrument that prohibits a solar energy device that:

(1) as adjudicated by a court:

(A) threatens the public health or safety; or

(B) violates a law;

(2) is located on property owned or maintained by the property owners' association;

(3) is located on property owned in common by the members of the property owners' association;

(4) is located in an area on the property owner's property other than:

(A) on the roof of the home or of another structure allowed under a dedicatory instrument; or

(B) in a fenced yard or patio owned and maintained by the property owner;

(5) if mounted on the roof of the home:

(A) extends higher than or beyond the roofline;

(B) is located in an area other than an area designated by the property owners' association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10 percent above the energy production of the device if located in an area designated by the property owners' association;

(C) does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; or

(D) has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace;

(6) if located in a fenced yard or patio, is taller than the fence line;

(7) as installed, voids material warranties; or

(8) was installed without prior approval by the property owners' association or by a committee created in a dedicatory instrument for such purposes that provides decisions within a reasonable period or within a period specified in the dedicatory instrument.

(e) A property owners' association or the association's architectural review committee may not withhold approval for installation of a solar energy device if the provisions of the dedicatory instruments to the extent authorized by Subsection (d) are met or exceeded, unless the association or committee, as applicable, determines in writing that placement of the device as proposed by the property owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. For purposes of making a determination under this subsection, the written approval of the proposed placement of the device by all property owners of adjoining property constitutes prima facie evidence that such a condition does not exist.

(f) During the development period for a development with fewer than 51 planned residential units, the declarant may prohibit or restrict a property owner from installing a solar energy device.

Added by Acts 2011, 82nd Leg., R.S., Ch. 939 (H.B. [362](#)), Sec. 1, eff. June 17, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 126 (S.B. [1626](#)), Sec. 1, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 126 (S.B. [1626](#)), Sec. 2, eff. September 1, 2015.

DIVIDER PAGE



## 05:02.19 - Solar Panels:

- .01 Solar panels are permitted structures subject to the regulations set forth herein.
- .02 Definitions. For the purposes of this section, the following words and phrases shall have the meanings ascribed to them below:
  - .01 Solar Panel shall mean a structure containing one (1) or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system. The term shall not include individually powered outdoor solar lights, such as garden lights, accent lights, security lights, or flood lights.
- .03 All solar panels and the installation of solar panels shall comply with all provisions of the city's Code of Ordinances, including building codes and tree regulations, and shall be installed only after issuance of a building permit.
- .04 Roof-mounted solar panels shall conform to the following requirements:
  - .01 Solar panels shall be permitted on the roof of a building provided that the panels are not visible from any front or side adjacent street;
  - .02 Solar panels shall have a top edge that is parallel to the roof ridge and shall conform to the slope of the roof;
  - .03 Solar panels shall be permitted on the roof slope of an accessory building or structure, subject to the regulations in subsections .05.02 and .05.04 below; and
  - .04 Solar panels on flat roofs shall not exceed the maximum height permitted in the applicable zoning district.
- .05 Ground-mounted solar panels shall conform to the following requirements:
  - .01 Solar panels shall not constitute the primary use of the property;
  - .02 Solar panels shall comply with the maximum square footage and minimum setback requirements for residential accessory buildings and structures;
  - .03 Solar panels shall not be located between a property line abutting a street and a structure;
  - .04 Solar panels shall be screened from view of the street or adjacent properties by an opaque screening in fence. Such fencing shall comply with the city's fencing regulations;
  - .05 The maximum height of solar panels shall not exceed six (6) feet in height; and
  - .06 To the extent possible, all conduit and wiring associated with the system's connection to the primary electrical panel shall be placed underground.
- .06 Solar panels incorporated into building materials such as roof shingles or tiles, windows, siding, or other architectural features integral to a building's design and are reasonably indistinguishable from traditional building materials may be installed on any roof or façade of the building. The eligibility of any solar panel under this section shall be within the discretion of the building official.
- .07 Exceptions. The city council, upon application, may approve a location for roof-mounted or

ground-mounted solar panels not permitted by this section. Prior to granting such approval, the city council shall conduct a public hearing regarding the alternate location. Written notice of the public hearing shall be mailed to property owners of real property, as they appear on the most recent tax roll of the city, situated within two hundred (200) feet of the exterior boundary of the property on which the solar panel is requested at least ten (10) days prior to the date of the hearing. Notice of the public hearing shall also be published in the city's official newspaper at least ten (10) days prior to the date of the hearing.

(Ordinance 17-28 adopted 11-14-17)

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 AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.19, SOLAR PANELS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT "A"; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO ALTER THE REGULATIONS OF BOTH ROOF MOUNTED AND GROUND MOUNTED SOLAR PANELS TO COMPLY WITH THE PROVISIONS OF SENATE BILL 398 REGARDING MUNICIPAL REGULATION SOLAR PANELS; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION

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, October 12, 2021

**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, October 26, 2021

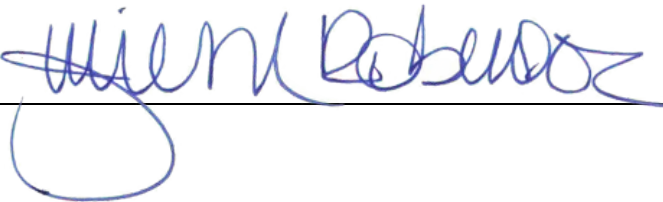
**Time:** 6:00 p.m.

**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.**

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

**MEETING DATE:** December 14, 2021

|                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>TOPIC:</b>                                                                                | <b>ORDINANCE NO. 2021-XX</b><br><br><b>AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.19, SOLAR PANELS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT "A"; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO ALTER THE REGULATIONS OF BOTH ROOF MOUNTED AND GROUND MOUNTED SOLAR PANELS TO COMPLY WITH THE PROVISIONS OF SENATE BILL 398 REGARDING MUNICIPAL REGULATION SOLAR PANELS; PROVIDING FOR INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.</b> |
| <b>BACKGROUND:</b>                                                                           | <p>In the previous agenda item, City Council held a public hearing concerning amendments to Subsection 02.19, Solar Panels, of Section 5, Building and Use Restrictions in Dwelling District "A", of Exhibit "A", Zoning Regulations, of Chapter 12, Planning And Zoning, of the Code of Ordinances.</p> <p>If approved, this Ordinance would implement the proposed amendments to Chapter 12, Planning and Zoning, of the City's Code of Ordinances.</p>                                                                                                                                                                                                                                                                                                    |
| <b>RECOMMENDATION:</b>                                                                       | <b>On October 12, 2021, the Planning &amp; Zoning Commission recommended approval of the Ordinance.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>ATTACHMENTS:</b>                                                                          | <ul style="list-style-type: none"><li>• Ordinance No. 2021-XX</li><li>• Recommendation from the Planning &amp; Zoning Commission</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>SUBMITTING STAFF MEMBER:</b><br><br>Zachary Meadows, Director of<br>Community Development | <b>CITY ADMINISTRATOR APPROVAL:</b><br><br>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

## ORDINANCE NUMBER 2021-XX

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.19, SOLAR PANELS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT “A”; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO ALTER THE REGULATIONS OF BOTH ROOF MOUNTED AND GROUND MOUNTED SOLAR PANELS TO COMPLY WITH THE PROVISIONS OF SENATE BILL 398 REGARDING MUNICIPAL REGULATION SOLAR PANELS; PROVIDING FOR INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, the City of Spring Valley Village, Texas (the “City”) adopted regulations related to the location and installation of solar panels within the City on November 14, 2017; and

**WHEREAS**, Senate Bill 398, enacted by the Texas Legislature on May 31, 2021 and signed into law by the Governor on June 14, 2021, restricts municipal regulation of solar panels; and

**WHEREAS**, the City Council of the City finds that the regulations contained herein are in the best interest of the health, safety and welfare of the public; and

**WHEREAS**, the Planning & Zoning Commission of the City, following notice and hearing as required by law, has recommended that the City Council adopt the amendments to the zoning regulations contained herein as shown in the final report of said Commission; and

**WHEREAS**, the City Council, following notice and hearing as required by law, concurs with the recommendation of the Planning & Zoning Commission that such amendments be approved.

**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.** Subsection 02.19, Solar Panels, of Section 5, Building and Use Restrictions in Dwelling District “A” of Exhibit A, Zoning Regulations, of Chapter 12, Planning and Zoning, is hereby amended by deleting the language struck through below

and adding the language underscored below, Subsection 05.02.19, Solar Panels, to read as follows:

**“05:02.19 - Solar Panels:**

.01 Solar panels are permitted structures subject to the regulations set forth herein.

.02 Definitions. For the purposes of this section, the following words and phrases shall have the meanings ascribed to them below:

.01 Solar Panel shall mean a structure containing one (1) or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system. The term shall not include individually powered outdoor solar lights, such as garden lights, accent lights, security lights, or flood lights.

.03 All solar panels and the installation of solar panels shall comply with all provisions of the city's Code of Ordinances, including building codes and tree regulations, and shall be installed only after issuance of a building permit.

.04 Roof-mounted solar panels shall conform to the following requirements:

.01 Solar panels shall be permitted on the roof of a building provided that the panels do not extend higher than or beyond the roofline ~~are not visible from any front or side adjacent street;~~

.02 Solar panels shall have a top edge that is parallel to the roof ridge and shall conform to the slope of the roof;

.03 Solar panels shall be permitted on the roof slope of an accessory building or structure, subject to the regulations in subsections .05.02 and ~~.05.04 below; and~~

.04 The frame, support panels and all visible piping or wiring shall be in a silver, bronze, or black tone commonly available in the marketplace; and

.045 Solar panels on flat roofs shall not exceed the maximum height permitted in the applicable zoning district.

.05 Ground-mounted solar panels shall conform to the following requirements:

.01 Solar panels shall not constitute the primary use of the property;

.02 Solar panels shall comply with the maximum square footage and minimum setback requirements for residential accessory buildings and structures;

.03 Solar panels shall ~~not be located between a property line abutting a street and a structure~~ within a fenced yard or patio; and

.04 Solar panels shall ~~be screened from view of the street or adjacent properties by an opaque screening in fence. Such fencing shall comply with the city's fencing regulations~~ not be taller than the fence line;

~~.05 The maximum height of solar panels shall not exceed six (6) feet in height; and~~

~~.06 To the extent possible, all conduit and wiring associated with the system's connection to the primary electrical panel shall be placed underground.~~

.06 Solar panels incorporated into building materials such as roof shingles or tiles, windows, siding, or other architectural features integral to a building's design and are reasonably indistinguishable from traditional building materials may be installed on any roof or façade of the building. The eligibility of any solar panel under this section shall be within the discretion of the building official.

.07 Exceptions. The city council, upon application, may approve a location for roof-mounted or ground-mounted solar panels not permitted by this section. Prior to granting such approval, the city council shall conduct a public hearing regarding the alternate location. Written notice of the public hearing shall be mailed to property owners of real property, as they appear on the most recent tax roll of the city, situated within two hundred (200) feet of the exterior boundary of the property on which the solar panel is requested at least ten (10) days prior to the date of the hearing. Notice of the public hearing shall also be published in the city's official newspaper at least ten (10) days prior to the date of the hearing.

**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.** Any person, corporation or entity who or which 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 \$2,000.00. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

**Section 5.** In the event any 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 such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 6.** The repeal of any ordinance or part of ordinances affected by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

**Section 7.** This Ordinance shall become effective immediately upon its passage.

**DULY PASSED, APPROVED AND ORDAINED**, on this the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Marcus Vajdos, Mayor  
City of Spring Valley Village, Texas

ATTEST:

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

DIVIDER PAGE



EST. 1955  
**SPRING VALLEY**  
VILLAGE

**PLANNING & ZONING COMMISSION**  
**VOTING FORM**

**DATE: OCTOBER 12, 2021**

**AGENDA ITEM #8:**

**CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance Number 2021-XX – AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.19, SOLAR PANELS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT “A”; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO ALTER THE REGULATIONS OF BOTH ROOF MOUNTED AND GROUND MOUNTED SOLAR PANELS TO COMPLY WITH THE PROVISIONS OF SENATE BILL 398 REGARDING MUNICIPAL REGULATION SOLAR PANELS; PROVIDING FOR INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

| <u>MEMBER NAME</u>    | <u>MOTIONED</u> | <u>SECONDED</u> | <u>AYE</u> | <u>NAY</u> | <u>ABSTAINED</u> |
|-----------------------|-----------------|-----------------|------------|------------|------------------|
| JIM AUTENREITH        |                 |                 |            |            |                  |
| TREY HOFFMAN          |                 |                 | X          |            |                  |
| PATRICK JOHNSON       |                 |                 |            |            |                  |
| JOHN LIENBY           |                 |                 | X          |            |                  |
| MARYELLEN MCGLOTHLIN  |                 | X               | X          |            |                  |
| ANNE-MARIE MCMICHAEL  |                 |                 | X          |            |                  |
| LOUISE RICHMAN        |                 |                 | X          |            |                  |
| JERRY KENT, ALTERNATE | X               |                 | X          |            |                  |

**MOTION CARRIED** X

**MOTION DENIED** \_\_\_\_\_

\_\_\_\_\_  
**TREY HOFFMAN, CHAIRMAN**  
**PLANNING & ZONING COMMISSION**