



Regular City Council Meeting
February 22, 2022
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, February 22, 2022, beginning at 6:00 p.m., For the Purpose of Considering and Acting upon the Following Items of Business:

A quorum of the Mayor and Council Members will be physically present. Some Council Members may participate by videoconference in accordance with the provisions of Section 551.127 of the Texas Government Code.

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

The video link to this meeting is <https://us02web.zoom.us/j/83108609235>

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: 831 0860 9235 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 January 25, 2022
- 5.2 Resolution No. 22-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPOINTING A MEMBER TO THE BOARD OF DIRECTORS OF THE HARRIS-GALVESTON SUBSIDENCE DISTRICT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.
- 5.3 Resolution No. 22-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, RATIFYING THE ACTIONS OF THE CITY ADMINISTRATOR IN EXECUTING PAY ESTIMATE NUMBER 1 TO W. W. PAYTON CORPORATION IN THE AMOUNT OF \$281,025.00 PURSUANT TO THE AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND W. W. PAYTON CORPORATION FOR THE REPLACEMENT OF GROUND STORAGE TANK PROJECT (CSB #2021-05-101); PROVIDING FOR INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.
- 5.4 Resolution No. 22-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, RATIFYING THE ACTIONS OF THE CITY ADMINISTRATOR IN EXECUTING PAY ESTIMATE NUMBER 2 TO W. W. PAYTON CORPORATION IN THE AMOUNT OF \$129,870.00 PURSUANT TO THE AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND W. W. PAYTON CORPORATION FOR THE REPLACEMENT OF GROUND STORAGE TANK PROJECT (CSB #2021-05-101); PROVIDING FOR INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.
- 5.5 Approval of Pay Estimate No. 3 for Ground Storage Tank No. 2 Replacement Project (CSB# 2021-05-101) to W.W. Payton Corporation in the amount of \$55,980.00.
- 5.6 Approval of Pay Estimate No. 9 for Loeser, Traweek, Lone Star, West Tex Pavement & Utility Improvements Project to Conrad Construction Co., LTD. of \$ 277,473.00.

OLD BUSINESS

- 6. **UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** January 2022 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 January 19, 2022 and Any Special Meetings That May Have Occurred since January 19, 2022. (Mayor Pro-Tem Carpenter / Council Member Bothe)
- 8. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance No. 2022-XX - AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS,

REVISING THE DEFINITION OF “RESTRAINT” IN SECTION 2.101, DEFINITIONS, OF ARTICLE 2.100, ANIMAL CONTROL REGULATIONS, OF CHAPTER 2, ANIMAL CONTROL, OF THE CODE OF ORDINANCES OF THE CITY, TO DELETE SUBSECTION (e); AMENDING CHAPTER 2, ANIMAL CONTROL, BY THE ADOPTION OF A NEW ARTICLE 2.1400, UNLAWFUL RESTRAINT OF DOG, AND RENUMBERING THE CURRENT ARTICLE 2.1400 TO 2.1500; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

NEW BUSINESS

9. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution No. 22-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING AMENDMENT #6 TO THE VILLAGE FIRE DEPARTMENT INTERLOCAL COOPERATION AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.
10. **BRIEFING AND DISCUSSION CONCERNING:** Quarterly Investment Report For Period Ending December 31, 2021.
11. **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 Award of Bid for Winningham, Cedarspur, Burkhart (east of Voss) Pavement & Utility Improvement Project
 5. Status of Bingle Road Road Diet
 6. Negotiation of New Franchise Agreement with CenterPoint Gas
 7. Status of Additional Showers in City Hall and Police Department

12. **ADJOURNMENT**

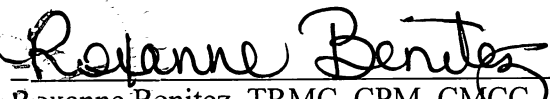
Agenda items may not necessarily be considered in the order that they appear. With regard to any item, Council may take various actions, including but not limited to rescheduling an item in its entirety or for particular action at a future date or time.

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 February 22, 2022 agenda of items to be considered by City Council

was posted on or before the 18th day of February, 2022, at 1:30 p.m. pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code.

Attest:


Roxanne Benitez, TRMC, CPM, CMCC
City Secretary

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

Consent Agenda Items

**MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF SPRING VALLEY VILLAGE, TEXAS
TUESDAY, JANUARY 25, 2022 AT 6:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
1025 CAMPBELL ROAD, HOUSTON, TEXAS**

1. CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT

With a quorum of the Council Members present, the Regular Meeting of the Spring Valley Village City Council was called to order by Mayor Vajdos at 6:00 p.m.

Members Present:

Mayor Marcus Vajdos
Mayor Pro Tem Allen Carpenter
Council Member Tom Donaho
Council Member Joy McCormack

Members Absent:

Council Member Bo Bothe
Council Member David Dominy

2. INTRODUCTIONS

Julie M. Robinson, City Administrator
Zachary Meadows, Director of Community Development
Roxanne Benitez, City Secretary
Michelle Yi, City Treasurer
Arthur Faiello, Director of Public Works
Loren Smith, City Attorney
Mark Schulze, Police Captain

3. PROCLAMATIONS / ANNOUNCEMENTS / SWEARING-IN

None.

4. PUBLIC COMMENTS

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

None.

5. CONSENT AGENDA

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

5.1 Minutes for Regular Called City Council Meeting on December 14, 2021

5.2 2021 Racial Profiling Report presented by the Spring Valley Village Police Department.

- 5.3 Resolution No. 22-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF CHANGE ORDER NUMBER 6 TO THE AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND CONRAD CONSTRUCTION COMPANY, LTD., FOR THE LOESER, TRAWEEK, LONE STAR, WEST TEX PAVEMENT AND UTILITIES PROJECT AND THEREBY RATIFYING THE ACTIONS OF THE CITY ADMINISTRATOR IN EXECUTING WORK CHANGE DIRECTIVE 6 FOR CONRAD CONSTRUCTION CO. LTD. FOR INCREASED QUANTITIES SIDEWALK AND 30” CMP QUANTITIES AND WORK CHANGE DIRECTIVE 7 FOR LARGE WATERLINE OFFSETS ON BACE DRIVE TO AVOID PROPOSED STORM SEWER; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH CHANGE ORDER NUMBER 6; AND PROVIDING AN EFFECTIVE DATE.
- 5.4 Approval of Pay Estimate No. 8 for Loeser, Traweek, Lone Star, West Tex Pavement & Utility Improvements Project to Conrad Construction Co., LTD. of \$307,824.61.
- 5.5 Resolution No. 22-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A TECHNOLOGY SUPPORT AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE AND BEMA INFORMATION TECHNOLOGIES, LLC; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE SUCH AGREEMENT ON BEHALF OF THE CITY OF SPRING VALLEY VILLAGE; AND PROVIDING AN EFFECTIVE DATE.
- 5.6 Resolution No. 22-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF CHANGE ORDER NUMBER 1 TO THE AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND W.W. PAYTON CORPORATION FOR THE GROUND STORAGE TANK #2 REPLACEMENT PROJECT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.
- 5.7 Resolution No. 22-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 4 TO THE AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND W.W. PAYTON CORPORATION, FOR THE NEW PRODUCTION WELL PROJECT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.
- 5.8 Resolution No. 22-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF CHANGE ORDER NUMBER 5 TO THE AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND

W.W. PAYTON CORPORATION FOR THE NEW PRODUCTION WELL PROJECT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

- 5.9 Resolution No. 22-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING AND ADOPTING AN INVESTMENT POLICY FOR THE CITY OF SPRING VALLEY VILLAGE AND A LIST OF QUALIFIED BROKERS/DEALERS THAT ARE AUTHORIZED TO ENGAGE IN INVESTMENT TRANSACTIONS WITH THE CITY; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

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

OLD BUSINESS

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

Captain Schulze provided the report on behalf of Chief Evans.

1. Number of Calls for Service – 2, 439
2. Number of Traffic Violations – 1,264

7. **DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** Possible Revisions to the City of Spring Valley Village's Animal Control Regulations Contained in Chapter 2, Animal Control, of the Code of Ordinances.

City Administrator Julie Robinson advised that she listened to Peggy Schwabenland's comments given at the December 14 Council meeting. She also advised that the term, at heel, refers to a dog standing by a competent person who is not a minor, and is a specific term associated with dog training. City Council and Staff discussed changing the definition of "restraint" contained in Chapter 2 to clarify the definition for enforcement purposes as well as putting together a public education campaign regarding the City's regulations and penalties. Ms. Schwabenland, who lives at 8445 Merlin Drive, suggested that the animal control regulations and particularly the definition of "restraint" be more specific concerning the requirement to use leashes and added that, education should be sent out by mail, Instagram, and Facebook.

After a brief discussion, the Council directed that Staff prepare an ordinance that would revise the definition of "restraint" in Section 2.101, Definitions, Of Article 2.100, Animal Control Regulations, of Chapter 2, Animal Control, of the Code of Ordinances of the City, to delete Subsection (e) which read:

"At heel beside a competent person and obedient to that person's command. Minors shall not be considered competent persons for this purpose."

and presented to the Council for consideration at the February 22 Council meeting.

8. **UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** Activities

of the Village Fire Department Commissioners Meeting on December 16, 2021 and Any Special Meetings That May Have Occurred since December 16, 2021. (Mayor Pro-Tem Carpenter / Council Member Bothe)

Mayor Pro Tem Carpenter advised that the Village Fire Department Board of Commissioners held a special meeting the previous week. He also advised that the Fire Department currently has one vacancy with three potential candidates. Mayor Pro Tem Carpenter advised that currently, there was a lot of competition in hiring fire department personnel. He also advised that there soon would be an administrative position available as Patricia Torres was leaving the organization. Mayor Pro Tem Carpenter advised that, in 2021, there were 1,562 fire incidents and 983 EMS incidents solely in Spring Valley Village. He also advised that the bay doors had arrived, had not yet been installed, but anticipating that they would be installed sometime next week. Mayor Pro Tem Carpenter advised that the Board was in discussions regarding allowing Bunker Hill Village's return to the Village Fire Department. He also advised that the Village Fire Department continues to staff a second ambulance, from 7:00 a.m. to 7:00 p.m., seven days a week as more calls are received during that period of time. Mayor Pro Tem Carpenter advised that EMS staff must stay with patients at the hospital until they are admitted, which at times could be hours, as hospital staff cannot accept patients if there is not a bed available for them. He also advised that the Houston Fire Department can provide fire support, but are unable to provide EMS assistance. Mayor Pro Tem Carpenter advised that the Village Fire Department currently has the capacity for a second ambulance permanently, but not the funding.

NEW BUSINESS

9. **PRESENTATION:** Eagle Scout Project Completed by Ian McCormack at Pech Road Pocket Park.

Ian McCormack, with Troop 478, presented photographs regarding construction of the lending library and bike rack he installed, with the assistance of other troop members.

10. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance No. 2022-XX: AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION TO BE HELD ON MAY 7, 2022 FOR THE PURPOSE OF ELECTING THE MAYOR AND TWO (2) CITY COUNCIL MEMBERS; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

Mayor Vajdos read the Ordinance by caption only. Council Member Carpenter made a motion to approve Ordinance No. 2022-01, and Council Member McCormack seconded the motion. Motion carried 3-0.

11. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Changing the Dates of the City Council Meetings for May, November, and December.

After a brief discussion, Council Member Donaho made a motion to change the dates of the November and December City Council meetings to November 15 and December 13 with the May Council meeting remaining on May 24, and Council Member Carpenter seconded the motion. Motion carried 3-0.

12. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance No. 2022-

XX - AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, ADOPTING AMENDMENT NO. 2 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. 2022-02, and Council Member Carpenter seconded the motion. Motion carried 3-0.

- 13. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution No. 22-XX – A RESOLUTION OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING THE CITY’S FINANCIAL AND ACCOUNTING POLICIES & PROCEDURES MANUAL, AS ADOPTED BY ACTION ONLY ON JULY 26, 2005, TO DELETE THE SECTION “GRANTS” AND ADOPT A NEW GRANT ACCOUNTING POLICY; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

Mayor Vajdos read the Resolution by caption only. Council Member Carpenter made a motion to approve Resolution No. 22-07, and Council Member Donaho seconded the motion. Motion carried 3-0.

- 14. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance No. 2022-XX – AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING THE CITY PERSONNEL MANUAL, AS ADOPTED BY ORDINANCE NUMBER 95-05 DULY PASSED AND APPROVED ON MARCH 29, 1995, BEING AMENDMENT NO. 16 TO THE PERSONNEL MANUAL, TO DELETE CHAPTER 9, WAGES AND SALARY; HOURS OF WORK; JOB PERFORMANCE; AND TO ADOPT A NEW CHAPTER 9, ATTENDANCE, ABSENCES AND COMPENSATION; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

Mayor Vajdos read the Ordinance by caption only. Council Member McCormack made a motion to approve Ordinance No. 2022-03, and Council Member Donaho seconded the motion. Motion carried 3-0.

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

1. Status of New Production Well

Director of Public Works Arthur Faiello advised that the final change order had been approved earlier that evening. He also advised that the final pay application would be presented at the February 22 City Council meeting.

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

Director of Public Works Arthur Faiello advised that most of Lone Star had been completed. He also advised that the water line offset work at Bace and Lone Star had

been completed as well.

3. Status of Replacement of Ground Storage Tank #2

Director of Public Works Arthur Faiello advised that the project was currently on schedule. He also advised that the entire project should be completed by May 9, 2022.

4. Status of Bingle Road Road Diet

Director of Public Works Arthur Faiello advised that he is currently waiting for the City of Houston to select a contractor for their portion of the project.

6. Removal of Tree in Park

Director of Public Works Arthur Faiello advised that a large sycamore tree, located close to the pavilion, would be removed from the City Park as it is diseased. He also advised that a 20-foot live oak would be planted in its place.

5. Status of Installation of Flock License Plate Readers

Captain Mark Schulze advised that all devices had been installed and tested. He also advised that one suspect had been caught using the devices.

16. **EXECUTIVE SESSION:** The City Council Will Now Hold A Closed Executive Meeting Pursuant To The Provision Of Chapter 551, Government Code, Vernon's Texas Codes Annotated, In Accordance With The Authority Contained In:

16.1 Section 551.071. Consultation with Attorney regarding pending or contemplated litigation or a matter in which the duty of the City Attorney requires to be discussed in closed meeting.

Council adjourned into the Executive Session at 7:09 p.m.

17. **RECONVENE**

The City Council meeting reconvened at 7:22 p.m.

18. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution No. 22-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF THE FIRST AMENDMENT TO THE STREETLIGHT NETWORK NODE DEPLOYMENT AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND GTE MOBILNET OF SOUTH TEXAS, LP D/B/A VERIZON WIRELESS; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AMENDMENT; AND PROVIDING AN EFFECTIVE DATE.

Mayor Vajdos read the Resolution by caption only. Council Member Carpenter made a motion to approve Resolution No. 22-08, and Council Member McCormack seconded the motion. Motion carried 3-0.

19. **ADJOURNMENT**

Council Member Carpenter made a motion to adjourn the meeting at 7:23 p.m., and Council Member McCormack 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: February 22, 2022

TOPIC:	Resolution Number 22-XX A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPOINTING A MEMBER TO THE BOARD OF DIRECTORS OF THE HARRIS-GALVESTON SUBSIDENCE DISTRICT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.
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BACKGROUND:	Every two years, the City of Spring Valley Village may appoint one representative to serve on the Board of Directors of the Harris-Galveston Subsidence District. The term commences on February 1, 2022 and ends on January 31, 2024. Kyle Sears has served as the City's representative on the Board of Directors since 2014. This Resolution would reappoint Mr. Sears as the City's representative for another term.
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RECOMMENDATION:	None
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ATTACHMENTS:	• Resolution Number 22-XX • Correspondence From Harris-Galveston Subsidence District Dated October 18, 2021
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FUNDING ISSUES:	☒ Not applicable – no dollars are being spent or received. ☐ Full amount already budgeted in Acct/Project# _____ ☐ Not budgeted, if approved, the following will be included in the next Budget Amendment: ☐ \$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____ ☐ \$_____ from unassigned fund balance will be used and added to Acct/Project# _____ ☐ \$_____ will be added to Revenue Acct# ____-____ and \$_____ added to Expenditure Acct/Project# _____
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FINANCE VERIFICATION OF FUNDING:	
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SUBMITTING STAFF MEMBER: Roxanne Benitez, City Secretary	CITY ADMINISTRATOR APPROVAL: 
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RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPOINTING A MEMBER TO THE BOARD OF DIRECTORS OF THE HARRIS-GALVESTON SUBSIDENCE DISTRICT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Spring Valley Village, Texas, may appoint a representative for the City of Spring Valley Village to the Harris-Galveston Subsidence District for a two-year term, with the appointee's term commencing on February 1, 2022, and ending on January 31, 2024; and

WHEREAS, the City Council desires to exercise its right to appoint a representative to the Harris-Galveston Subsidence District.

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

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

Section 2. The City Council of the City of Spring Valley Village, Texas hereby appoints Kyle Sears to serve as a board member on the Harris-Galveston Subsidence District Board of Directors effective February 1, 2022 until January 31, 2024.

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

DULY PASSED AND APPROVED this 22nd day of February, 2022.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

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

DIVIDER PAGE



October 18, 2021

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

Dear Mayor Vajdos:

As General Manager of the Subsidence District, it is my responsibility to notify you when the term of office of a Director on the Subsidence District Board, who is appointed by the Mayor of the Village of Spring Valley, is about to expire.

The mayors of the Cities of Humble, Piney Point Village, Hedwig Village, Hedwig Village, Hunters Creek Village, Hilshire Village, and the Village of Spring Valley are required to jointly appoint one Director from Harris County, to the Subsidence District Board (Sec. 8801.051(j)). All appointed Directors to the Subsidence District Board must be residents of, and qualified voters in, the District.

The term of office of Mr. Kyle Sears will expire on January 31, 2022.

A Director with an expired term will continue to serve until reappointed or replaced.

Please send a letter confirming your appointment and designated representation (if applicable) to the address listed above, or via email to eroach@subsidence.org, as we must have this in writing.

Your interest in and support of the Subsidence District has been of great value to the District, and I look forward to working with you and your staff in the future. Please contact me at 281-486-1105 if you have any questions concerning the board appointments.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael J. Turco".

Michael J. Turco
General Manager

RECEIVED

By: Date: 10/22/21

BOARD OF DIRECTORS: Alan Petrov – **Chairman** (Municipalities of West University Place, Southside Place, Bellaire, and Jacinto City); Susan Baird – **Vice Chairman** (City of Houston); Pete Cote – **Secretary** (City of Baytown); Rosa Alvarez (City of Houston); Emily Anderson (City of Houston); Sarah Benavides (City of Pasadena); Augustus "Auggie" Campbell (Harris County Commissioners Court); Chris Canonico (City of Houston); Steve Gillett (Clear Lake City Water Authority and the municipalities of Deer Park, Galena Park, La Porte, Nassau Bay, and Seabrook); Don Johnson (Municipalities of Galveston County); Ken Keller (Galveston County Commissioners Court); William "Bill" Latimer (Galveston County Commissioners Court); Shannon Lucas (Municipalities of Galveston County); Katherine Mears (City of Houston); Lindall Murff (Harris County Commissioners Court); Kathy Rogers (Galveston County Commissioners Court); Melinda Salazar (Harris County Commissioners Court); Kyle Sears (Municipalities of Humble, Piney Point Village, Hedwig Village, Bunker Hill Village, Hunters Creek Village, Hillshire Village, and Spring Valley); Shaun Theriot-Smith (City of Houston)

GENERAL MANAGER: Michael J. Turco

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

MEETING DATE: February 22, 2022

TOPIC:	Resolution Number 22-XX A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, RATIFYING THE ACTIONS OF THE CITY ADMINISTRATOR IN EXECUTING PAY ESTIMATE NUMBER 1 TO W. W. PAYTON CORPORATION IN THE AMOUNT OF \$281,025.00 PURSUANT TO THE AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND W. W. PAYTON CORPORATION FOR THE REPLACEMENT OF GROUND STORAGE TANK PROJECT (CSB #2021-05-101); PROVIDING FOR INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.
BACKGROUND:	On February 14, 2022, City Administrator Julie Robinson authorized payment of the first pay estimate to be submitted by W.W. Payton Corporation on the Ground Storage Tank No. 2 Replacement Project for work that was completed on the Project in November of 2021. This pay estimate was submitted by W.W. Payton Corporation to IDS Engineering for the December 2021 City Council meeting; however, the contact for IDS Engineering that received it was out of the office on extended leave due to COVID-19 and the pay estimate was not discovered until February 7, 2022. It was approved prior to this Council meeting to ensure that the contractor is paid in accordance with the contract.
RECOMMENDATION:	Travis Sellers of IDS Engineering and City staff recommend approval of this Resolution.
ATTACHMENTS:	• Resolution No. 22-XX
FUNDING ISSUES:	☐ Not applicable – no dollars are being spent or received. ☒ Full amount already budgeted in Acct/Project# 15-10-7002 ☐ 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: J. Kelly	
SUBMITTING STAFF MEMBER: Arthur Faiello, Director of Public Works	CITY ADMINISTRATOR APPROVAL: Julie Robinson

RESOLUTION NUMBER 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, RATIFYING THE ACTIONS OF THE CITY ADMINISTRATOR IN EXECUTING PAY ESTIMATE NUMBER 1 TO W. W. PAYTON CORPORATION IN THE AMOUNT OF \$281,025.00 PURSUANT TO THE AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND W. W. PAYTON CORPORATION FOR THE REPLACEMENT OF GROUND STORAGE TANK PROJECT (CSB #2021-05-101); PROVIDING FOR INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 14, 2022, the City Administrator executed Pay Estimate Number 1 to W. W. Payton Corporation in the amount of \$281,025.00 pursuant to the Agreement by and between the City of Spring Valley Village, Texas and W. W. Payton Corporation for the Replacement of Ground Storage Tank Project (CSB #2021-05-101) ("Pay Estimate 1"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, on behalf of the City of Spring Valley Village; and

WHEREAS, upon review and consideration of all matters attendant and related thereto, the City Council hereby finds and determines that: (1) it is in the best interests of the City of Spring Valley Village and its citizens to execute Pay Estimate Number 1; and (2) that the actions of the City Administrator in executing Pay Estimate Number 1 should be ratified in all respects.

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 actions of the City Administrator taken for and on behalf of the City in executing Pay Estimate Number 1 on behalf of the City of Spring Valley Village are ratified in all respects.

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

DULY PASSED AND APPROVED on this the ____ day of _____, 2022.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

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

EXHIBIT "A"

TO

RESOLUTION NUMBER 22-XX

W.W. PAYTON CORPORATION

General Contractor Serving Texas
P.O. Box 1056 – Katy, Texas 77492-1056
Ph (281) 371-7068 Fax (281) 371-7069

LETTER OF TRANSMITTAL

TO **IDS Engineering Group**
13430 Northwest Freeway, Suite 700
Houston, Texas 77040

DATE December 2, 2021	JOB NO. 765
ATTENTION Ms. Karina Pina	
RE: City of Spring Valley	
Replacement of Ground Storage Tank	
IDS Project No. 2316-002-00	

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via Email the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☒ Other: Pay Application

COPIES	DATE	NO.	DESCRIPTION
1	11-30-21	-	Application and Certificate for Payment No. 1
1	11-30-21	-	Pay Estimate No. 1
1	12-2-21	-	Affidavit of Bills Paid
1	12-2-21	-	Waiver and Lien Release Upon Partial Payment

THESE ARE TRANSMITTED as checked below:

- ☒ For approval ☐ Approved as submitted ☐ Resubmit ____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit ____ copies for distribution
☐ As requested ☐ Returned for corrections ☒ Return 1 corrected prints
☐ For review and comment ☒ For your records and distribution
☐ FOR BIDS DUE _____ 20____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

COPY TO:

SIGNED: _____

Randy Key
Randy Key

APPLICATION AND CERTIFICATE FOR PAYMENT

PAGE ONE OF 1

Project: City of Spring Valley
Replacement of Ground Storage Tank

Project Manager: Marcel Khouw, P.E.
Engineer: IDS Engineering Group

Project No.: 2316-002-00

Contractor: W.W. Payton Corporation

Owner: City of Spring Valley

Application Date: 11/30/2021 Application No.: 1

Notice to Proceed Date: 10/4/2020 Contract Duration: 270 Calendar Days Period From: 10/4/2021 To: 11/30/2021

CHANGE ORDER SUMMARY

Change Orders approved in previous months by Owner		Additions \$	Deletions \$
Subsequent Change Orders			
Number	Approved (date)		

Net Change by Change Orders

Weather Days Requested To Date: Weather Days Granted:
Liquidated Damages Assessed: None

Application is made for Payment, as shown below, in connection with the attached Contract Continuation Sheet(s).

The present status of the account for this Contract is as follows:

Original Contract Sum	\$ 675,000.00
Net Changes by Change Order	\$ -
Contract sum to Date	\$ 675,000.00
Total Completed to Date	\$ 312,250.00
Retainage 10 %	\$ 31,225.00
Total Earned Less Retainage	\$ 281,025.00
Less Previous Certificates for Payment	\$ -
Current Payment Due	\$ 281,025.00

The undersigned Contractor certifies that the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by him for Work for which previous Certificates for Payment were issued and payment received from the Owner and that the current payment shown herein is now due.

In accordance with the Contract and this Application for Payment, the Contractor is entitled to payment in the amount shown above.

City of Spring Valley Village

Signed by: [Signature] Date: 02-14-2022

Engineer: IDS Engineering Group

Signed By: [Signature] Date: 2/7/2022

Contractor: W.W. Payton Corporation

Signed by: [Signature] Date: 12/2/21

This Certificate is not negotiable. It is payable only to the payee named herein and its issuance, payment and acceptance are without prejudice to any rights of the Owner or Contractor under their Contract.

W. W. PAYTON CORPORATION
General Contractor Serving Texas
P.O. Box 1056 Katy, Texas 77492-1056

November 30, 2021

IDS Engineering Group
13430 Northwest Freeway, Ste. 700
Houston, Texas 77040

Attn: Mr. Marcel Khouw, P.E.

Pay Estimate No. 1
City of Spring Valley
Ground Storage Tank No. 2 Replacement
IDS Project No. 2316-002-00
Payton Job No. 765

We estimate the total amount of work done for the prior ending 11-30-2021 for the above references project to be:

ITEM	DESCRIPTION	QTY. BID	QTY. PRIOR	QTY. THIS PERIOD	DONE TOTAL	UNIT	UNIT PRICE	AMOUNT COMPLETE
<u>A. Base Unit Price Table (General Items):</u>								
1	Mobilization	1	0	1	1	LS	\$20,000.00	\$20,000.00
2	Pollution Prevention Implementation including Permitting, Proof of Payment, Maintenance, Inspections, and Reporting for Pollution Measures, Complete in place	1				LS	\$250.00	
3	Spring Valley GST-2 - Furnish all materials, labor, and equipment for the demolition and disposal of one (1) existing 0.21 MG bolted galvanized steel ground storage tank including existing base material consisting of potentially petroleum soaked sand backfill and appurtenances in accordance with the contract plans and specifications, complete in place.	1	0	1	1	LS	\$14,750.00	\$14,750.00
4	Spring Valley GST-2 - Furnish all materials, labor, equipment, and appurtenances for the construction of a new 0.21 MG welded steel ground storage tank in accordance with the contract plans and specifications, complete in place.	1				LS	\$590,000.00	
4a	GST Floor	1	0	1	1	LS	\$100,000.00	\$100,000.00
4b	GST Shell	1	0	0.5	0.5	LS	\$130,000.00	\$65,000.00
4c	GST Dome Roof	1	0	0.75	0.75	LS	\$150,000.00	\$112,500.00
4d	GST Piping & Appurtenances	1				LS	\$44,000.00	
4e	Interior Protective Coatings	1				LS	\$60,000.00	
4f	Exterior Protective Coatings	1				LS	\$70,000.00	
4g	Cathodic Protection	1				LS	\$25,000.00	
4h	Concrete Splash Box	1				LS	\$5,000.00	
4i	Electrical & Controls	1				LS	\$5,000.00	
4j	Disinfection, Start-Up, and Testing	1				LS	\$1,000.00	
5	Remove and replace existing tank foundation at direction of the Engineer, as shown in plans and specifications, complete in place.	1				LS	\$50,000.00	
Base Unit Price Table (General Items) 1-5:								\$312,250.00

NOTE: This breakdown is approximate and intended only for the purpose of preparing monthly pay estimates.

Ref: City of Spring Valley
Ground Storage Tank No. 2 Replacement
Pay Estimate No. 1
Page: 2 of 2

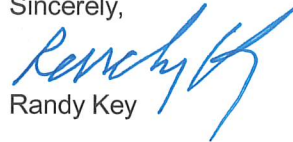
	<u>Original Contract Amount</u>	<u>Current Contract Amount</u>
Base Unit Price Table (General Items) 1-5:	<u>\$675,000.00</u>	<u>\$625,000.00</u> ¹⁾
Total Amount:	\$675,000.00	\$625,000.00

NOTES: 1) Bid Item No. 5: Delete, item not used (-\$50,000.00)

WORK DONE TO DATE

Base Unit Price Table (General Items) 1-5	:	<u>\$312,250.00</u>
Total Amount Done to Date	:	<u>\$312,250.00</u>
Less Retainage 10%	:	<u>\$31,225.00</u>
Difference	:	<u>\$281,025.00</u>
Less Previous Estimate	:	<u>\$0.00</u>
TOTAL AMOUNT DUE THIS ESTIMATE	:	<u><u>\$281,025.00</u></u>

Sincerely,


Randy Key

APPROVED FOR PAYMENT

IDS Engineering Group

BY: 

DATE: 2/7/2022

PLEASE RETURN ONE (1) APPROVED COPY FOR OUR FILES

AFFIDAVIT OF BILLS PAID

THE STATE OF TEXAS

COUNTY OF Waller

Wesley W. Payton Being first duly sworn, state that he is President of W. W. Payton Corporation of Waller County of Texas, hereinafter call "Company", and The said Company has performed work and/or furnished City of Spring Valley hereinafter called "Owner" pursuant to a contract, dated with Owner (hereinafter called "Contract") for the construction of:

PROJECT: City of Spring Valley – Ground Storage Tank No. 2 Replacement

PROJECT NO: IDS Project No. 2316-002-00

That all just and lawful invoices against the Company for Labor, materials and expendable equipment employed in the performance of the Contract and have been paid in full (with the exception of the attached invoice) prior to acceptance of payments from the Owner, and

That the Company agrees to indemnify and hold the Owner and Engineers harmless from all liability arising from claims by subcontractors, materialmen and suppliers under Contract, and

That no claims have been made or filed upon the payment bond,

That the Company has not received any claims or notice of claims from the subcontractor, materialmen and suppliers.

Executed this 2 day of December, 2021.

CONTRACTOR


By: Wesley W. Payton

President

Title

THE STATE OF TEXAS

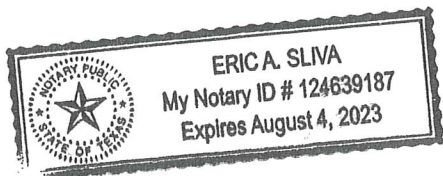
COUNTY OF Waller

BEFORE ME, The undersigned authority, on this day personally appeared Wesley W. Payton President of W. W. Payton Corporation, a Texas Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of such corporation, for the purpose of consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 2 day of December, 2021.

MY COMMISSION EXPIRES:


NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



WAIVER AND LIEN RELEASE UPON PARTIAL PAYMENT

THE STATE OF TEXAS

COUNTY OF Waller

The undersigned contracted with W. W. Payton Corporation to furnish Labor, Materials and Incidental Items in connection with certain improvements to real property located in Harris County County, Texas, and owned by City of Spring Valley which improvements are described as follows:

Project Name: City of Spring Valley – Ground Storage Tank No. 2 Replacement

Project Number: IDS Project No. 2316-002-00

In consideration of Pay Estimate No. 1 in the amount of Two Hundred Eighty One Thousand Twenty Five and no/ 100 Dollars (\$281,025.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, the undersigned does hereby waive and release any mechanic's lien or materialmen's lien or claims of lien that the undersigned has or hereafter has on the above mentioned real property on account of any labor performed or materials furnished or to be furnished or labor performed and materials furnished by the undersigned pursuant to the above mentioned contract or any constitutional lien that the undersigned may have.

Undersigned hereby guarantees that all bills for labor performed and/or materials furnished in the erection and construction of such improvements on the Property have been fully paid (with the exception of the attached invoice) and satisfied and Undersigned does further guarantee that if for any reason a lien or liens are filed for material or labor against said Property arising out of any bills for material or labor in connection with the erection or construction of said improvements therein, Undersigned will obtain a settlement of such lien or liens and a proper release thereof shall be obtained.

Executed this 2 day of December 2, 2021.

(Contractor)



By: Wesley W. Payton

President

Title

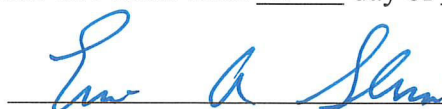
THE STATE OF TEXAS

COUNTY OF Waller

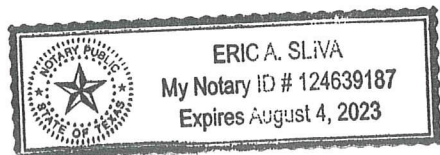
BEFORE ME, The undersigned authority, on this day personally appeared Wesley W. Payton President of W. W. Payton Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of such corporation, for the purpose of consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 2 day of December, 2021.

MY COMMISSION EXPIRES: 8-4-2023



NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



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

MEETING DATE: February 22, 2022

TOPIC: Resolution Number 22-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 \$129,870.00 TO W.W. PAYTON CORPORATION FOR PAY ESTIMATE NO. 2 OF THE GROUND STORAGE TANK NO. 2 PROJECT; PROVIDING FOR INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

BACKGROUND: On February 14, 2022, City Administrator Julie Robinson authorized payment of the second pay estimate to be submitted by W.W. Payton Corporation for the Ground Storage Tank No. 2 Replacement Project for work that was completed on the Project in December of 2021.

This pay estimate was submitted by W.W. Payton Corporation to IDS Engineering for the January 2022 City Council meeting; however, the contact for IDS Engineering that received it was out of the office on extended leave due to COVID-19 and the pay estimate was not discovered by IDS until February 7, 2022. It was approved prior to this Council meeting to ensure that the contractor is paid in accordance with the contract.

RECOMMENDATION: Travis Sellers of IDS Engineering and City staff recommend approval of this Resolution.

ATTACHMENTS: • Resolution No. 22-XX

FUNDING ISSUES:

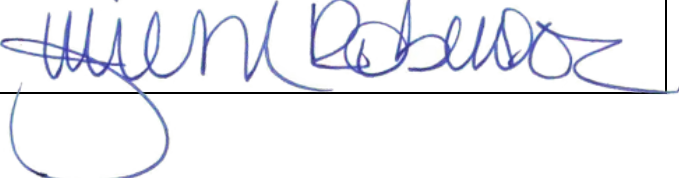
- ☐ Not applicable – no dollars are being spent or received.
- ☒ Full amount already budgeted in Acct/Project# 15-10-7002
- ☐ Not budgeted, if approved, the following will be included in the next Budget Amendment:
 - ☐ \$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____
 - ☐ _____ 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:
Arthur Faiello, Director of Public Works

CITY ADMINISTRATOR APPROVAL:



RESOLUTION NUMBER 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, RATIFYING THE ACTIONS OF THE CITY ADMINISTRATOR IN EXECUTING PAY ESTIMATE NUMBER 2 TO W. W. PAYTON CORPORATION IN THE AMOUNT OF \$129,870.00 PURSUANT TO THE AGREEMENT BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND W. W. PAYTON CORPORATION FOR THE REPLACEMENT OF GROUND STORAGE TANK PROJECT (CSB #2021-05-101); PROVIDING FOR INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 14, 2022, the City Administrator executed Pay Estimate Number 2 to W. W. Payton Corporation in the amount of \$129,870.00 pursuant to the Agreement by and between the City of Spring Valley Village, Texas and W. W. Payton Corporation for the Replacement of Ground Storage Tank Project (CSB #2021-05-101) ("Pay Estimate Number 2"), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference, on behalf of the City of Spring Valley Village; and

WHEREAS, upon review and consideration of all matters attendant and related thereto, the City Council hereby finds and determines that: (1) it is in the best interests of the City of Spring Valley Village and its citizens to execute Pay Estimate Number 2; and (2) that the actions of the City Administrator in executing Pay Estimate Number 2 should be ratified in all respects.

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 actions of the City Administrator taken for and on behalf of the City in executing Pay Estimate Number 2 on behalf of the City of Spring Valley Village are ratified in all respects.

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

DULY PASSED AND APPROVED on this the ____ day of _____, 2022.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

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

EXHIBIT "A"

TO

RESOLUTION NUMBER 22-XX

APPLICATION AND CERTIFICATE FOR PAYMENT

PAGE ONE OF 1

Project: City of Spring Valley
Replacement of Ground Storage Tank

Project Manager: Marcel Khouw, P.E.
Engineer: IDS Engineering Group

Project No.: 2316-002-00

Contractor: W.W. Payton Corporation

Owner: City of Spring Valley

Application Date: 12/31/2021 Application No.: 2

Notice to Proceed Date: 10/4/2020 Contract Duration: 270 Calendar Days Period From: 12/1/2021 To: 12/31/2021

CHANGE ORDER SUMMARY

Change Orders approved in previous months by Owner		Additions \$	Deletions \$
Subsequent Change Orders			
Number	Approved (date)		

Net Change by Change Orders

Weather Days Requested To Date: Weather Days Granted:
Liquidated Damages Assessed: None

The undersigned Contractor certifies that the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by him for Work for which previous Certificates for Payment were issued and payment received from the Owner and that the current payment shown herein is now due.

Contractor: W.W. Payton Corporation

Signed by: [Signature] Date: 12/31/21

Application is made for Payment, as shown below, in connection with the attached Contract Continuation Sheet(s).

The present status of the account for this Contract is as follows:

Original Contract Sum	\$ 675,000.00
Net Changes by Change Order	\$ -
Contract sum to Date	\$ 675,000.00
Total Completed to Date	\$ 456,550.00
Retainage 10 %	\$ 45,655.00
Total Earned Less Retainage	\$ 410,895.00
Less Previous Certificates for Payment	\$ 281,025.00
Current Payment Due	\$ 129,870.00

In accordance with the Contract and this Application for Payment, the Contractor is entitled to payment in the amount shown above.

City of Spring Valley Village

Signed by: [Signature] Date: 02-14-2022

Engineer: IDS Engineering Group

Signed By: [Signature] Date: 2/7/2022

This Certificate is not negotiable. It is payable only to the payee named herein and its issuance, payment and acceptance are without prejudice to any rights of the Owner or Contractor under their Contract.

W. W. PAYTON CORPORATION
General Contractor Serving Texas
P.O. Box 1056 Katy, Texas 77492-1056

December 31, 2021

IDS Engineering Group
13430 Northwest Freeway, Ste. 700
Houston, Texas 77040

Attn: Mr. Marcel Khouw, P.E.

Pay Estimate No. 2
City of Spring Valley
Ground Storage Tank No. 2 Replacement
IDS Project No. 2316-002-00
Payton Job No. 765

We estimate the total amount of work done for the prior ending 12-31-2021 for the above references project to be:

ITEM	DESCRIPTION	QTY. BID	QTY. PRIOR	QTY. THIS PERIOD	DONE TOTAL	UNIT	UNIT PRICE	AMOUNT COMPLETE
<i>A. Base Unit Price Table (General Items):</i>								
1	Mobilization	1	1	0	1	LS	\$20,000.00	\$20,000.00
2	Pollution Prevention Implementation including Permitting, Proof of Payment, Maintenance, Inspections, and Reporting for Pollution Measures, Complete in place	1				LS	\$250.00	
3	Spring Valley GST-2 - Furnish all materials, labor, and equipment for the demolition and disposal of one (1) existing 0.21 MG bolted galvanized steel ground storage tank including existing base material consisting of potentially petroleum soaked sand backfill and appurtenances in accordance with the contract plans and specifications, complete in place.	1	1	0	1	LS	\$14,750.00	\$14,750.00
4	Spring Valley GST-2 - Furnish all materials, labor, equipment, and appurtenances for the construction of a new 0.21 MG welded steel ground storage tank in accordance with the contract plans and specifications, complete in place.	1				LS	\$590,000.00	
4a	GST Floor	1	1	0	1	LS	\$100,000.00	\$100,000.00
4b	GST Shell	1	0.5	0.5	1	LS	\$130,000.00	\$130,000.00
4c	GST Dome Roof	1	0.75	0.25	1	LS	\$150,000.00	\$150,000.00
4d	GST Piping & Appurtenances	1	0	0.95	0.95	LS	\$44,000.00	\$41,800.00
4e	Interior Protective Coatings	1				LS	\$60,000.00	
4f	Exterior Protective Coatings	1				LS	\$70,000.00	
4g	Cathodic Protection	1				LS	\$25,000.00	
4h	Concrete Splash Box	1				LS	\$5,000.00	
4i	Electrical & Controls	1				LS	\$5,000.00	
4j	Disinfection, Start-Up, and Testing	1				LS	\$1,000.00	
5	Remove and replace existing tank foundation at direction of the Engineer, as shown in plans and specifications, complete in place.	1				LS	\$50,000.00	
Base Unit Price Table (General Items) 1-5:								\$456,550.00

NOTE: This breakdown is approximate and intended only for the purpose of preparing monthly pay estimates.

Ref: City of Spring Valley
Ground Storage Tank No. 2 Replacement
Pay Estimate No. 2
Page: 2 of 2

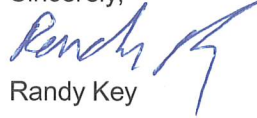
	<u>Original Contract Amount</u>	<u>Current Contract Amount</u>
Base Unit Price Table (General Items) 1-5:	<u>\$675,000.00</u>	<u>\$625,000.00 ¹⁾</u>
Total Amount:	\$675,000.00	\$625,000.00

NOTES: 1) Bid Item No. 5: Existing foundation was reused. Item will be utilized for additional work approved by owner.

WORK DONE TO DATE

Base Unit Price Table (General Items) 1-5	:	<u>\$456,550.00</u>
Total Amount Done to Date	:	<u>\$456,550.00</u>
Less Retainage 10%	:	<u>\$45,655.00</u>
Difference	:	<u>\$410,895.00</u>
Less Previous Estimate	:	<u>\$281,025.00</u>
TOTAL AMOUNT DUE THIS ESTIMATE	:	<u><u>\$129,870.00</u></u>

Sincerely,


Randy Key

APPROVED FOR PAYMENT

IDS Engineering Group

BY: 

DATE: 2/7/2022

PLEASE RETURN ONE (1) APPROVED COPY FOR OUR FILES

AFFIDAVIT OF BILLS PAID

THE STATE OF TEXAS

COUNTY OF Waller

Wesley W. Payton Being first duly sworn, state that he is President of W. W. Payton Corporation of Waller County of Texas, hereinafter call "Company", and The said Company has performed work and/or furnished City of Spring Valley hereinafter called "Owner" pursuant to a contract, dated with Owner (hereinafter called "Contract") for the construction of:

PROJECT: City of Spring Valley – Ground Storage Tank No. 2 Replacement

PROJECT NO: IDS Project No. 2316-002-00

That all just and lawful invoices against the Company for Labor, materials and expendable equipment employed in the performance of the Contract and have been paid in full (with the exception of the attached invoice) prior to acceptance of payments from the Owner, and

That the Company agrees to indemnify and hold the Owner and Engineers harmless from all liability arising from claims by subcontractors, materialmen and suppliers under Contract, and

That no claims have been made or filed upon the payment bond,

That the Company has not received any claims or notice of claims from the subcontractor, materialmen and suppliers.

Executed this 6 day of January, 20 22.

CONTRACTOR

W. W. Payton
By: Wesley W. Payton

President
Title

THE STATE OF TEXAS

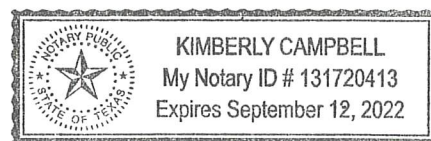
COUNTY OF Waller

BEFORE ME, The undersigned authority, on this day personally appeared Wesley W. Payton President of W. W. Payton Corporation, a Texas Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of such corporation, for the purpose of consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 6 day of January, 2022.

MY COMMISSION EXPIRES: 9-12-2022

Kimberly Campbell
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



WAIVER AND LIEN RELEASE UPON PARTIAL PAYMENT

THE STATE OF TEXAS

COUNTY OF Waller

The undersigned contracted with W. W. Payton Corporation to furnish Labor, Materials and Incidental Items in connection with certain improvements to real property located in Harris County County, Texas, and owned by City of Spring Valley which improvements are described as follows:

Project Name: City of Spring Valley – Ground Storage Tank No. 2 Replacement

Project Number: IDS Project No. 2316-002-00

In consideration of Pay Estimate No. 2 in the amount of One Hundred Twenty Nine Thousand Eight Hundred Seventy and no/ 100 Dollars (\$129,870.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and confessed, the undersigned does hereby waive and release any mechanic's lien or materialmen's lien or claims of lien that the undersigned has or hereafter has on the above mentioned real property on account of any labor performed or materials furnished or to be furnished or labor performed and materials furnished by the undersigned pursuant to the above mentioned contract or any constitutional lien that the undersigned may have.

Undersigned hereby guarantees that all bills for labor performed and/or materials furnished in the erection and construction of such improvements on the Property have been fully paid (with the exception of the attached invoice) and satisfied and Undersigned does further guarantee that if for any reason a lien or liens are filed for material or labor against said Property arising out of any bills for material or labor in connection with the erection or construction of said improvements therein, Undersigned will obtain a settlement of such lien or liens and a proper release thereof shall be obtained.

Executed this 6 day of January, 2022.

(Contractor)



By: Wesley W. Payton

President

Title

THE STATE OF TEXAS

COUNTY OF Waller

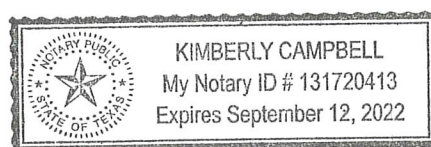
BEFORE ME, The undersigned authority, on this day personally appeared Wesley W. Payton
President of W. W. Payton Corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of such corporation, for the purpose of consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS THE 6 day of January, 2022.

MY COMMISSION EXPIRES: 9-12-2022



NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



W.W. PAYTON CORPORATION

General Contractor Serving Texas
P.O. Box 1056 – Katy, Texas 77492-1056
Ph (281) 371-7068 Fax (281) 371-7069

LETTER OF TRANSMITTAL

TO **IDS Engineering Group**
13430 Northwest Freeway, Suite 700
Houston, Texas 77040

DATE January 6, 2022	JOB NO. 765
ATTENTION Ms. Karina Pina	
RE: City of Spring Valley	
Replacement of Ground Storage Tank	
IDS Project No. 2316-002-00	

WE ARE SENDING YOU ☒ Attached ☐ Under separate cover via Email the following items:

- ☐ Shop drawings ☐ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of letter ☐ Change order ☒ Other: Pay Application

COPIES	DATE	NO.	DESCRIPTION
1	12-31-21	-	Application and Certificate for Payment No. 2
1	12-31-21	-	Pay Estimate No. 2
1	1-6-21	-	Affidavit of Bills Paid
1	1-6-21	-	Waiver and Lien Release Upon Partial Payment

THESE ARE TRANSMITTED as checked below:

- ☒ For approval ☐ Approved as submitted ☐ Resubmit _____ copies for approval
☐ For your use ☐ Approved as noted ☐ Submit _____ copies for distribution
☐ As requested ☐ Returned for corrections ☒ Return 1 corrected prints
☐ For review and comment ☒ For your records and distribution
☐ FOR BIDS DUE _____ 20____ ☐ PRINTS RETURNED AFTER LOAN TO US

REMARKS:

COPY TO:

SIGNED: 
Randy Key

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

MEETING DATE: February 22, 2022

TOPIC:	Approval of Pay Estimate No. 3 for Ground Storage Tank No. 2 Replacement Project (CSB# 2021-05-101) to W.W. Payton Corporation in the amount of \$55,980.00.
---------------	---

BACKGROUND:	This is the third pay estimate to be submitted by W.W. Payton Corporation for the Ground Storage Tank No. 2 Replacement Project (CSB# 2021-05-101) for work completed on the Project during the month of January, 2022.
--------------------	---

RECOMMENDATION:	Travis Seller, P.E. of IDS Engineering and City staff have reviewed pay estimate No. 3 and recommend approval.
------------------------	--

ATTACHMENTS:	• Pay Estimate No. 3 Submitted By W.W. Payton Corporation
---------------------	---

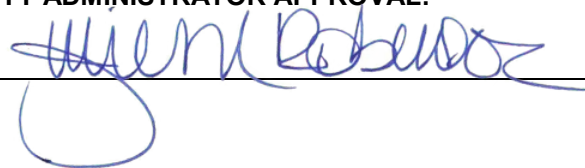
FUNDING ISSUES:	☐ Not applicable – no dollars are being spent or received. ☒ Full amount already budgeted in Acct/Project #15-10-7002 ☐ Not budgeted, if approved, the following will be included in the next Budget Amendment: ☐ \$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____ ☐ _____ 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: Arthur Faiello, Public Works Director
--

CITY ADMINISTRATOR APPROVAL:



W. W. PAYTON CORPORATION
General Contractor Serving Texas
P.O. Box 1056 Katy, Texas 77492-1056

January 31, 2022

IDS Engineering Group
13430 Northwest Freeway, Ste. 700
Houston, Texas 77040

Attn: Mr. Marcel Khouw, P.E.

Pay Estimate No. 3
City of Spring Valley
Ground Storage Tank No. 2 Replacement
IDS Project No. 2316-002-00
Payton Job No. 765

We estimate the total amount of work done for the prior ending 1-31-2022 for the above references project to be:

ITEM	DESCRIPTION	QTY. BID	QTY. PRIOR	QTY. THIS PERIOD	DONE TOTAL	UNIT	UNIT PRICE	AMOUNT COMPLETE
<u>A. Base Unit Price Table (General Items):</u>								
1	Mobilization	1	1	0	1	LS	\$20,000.00	\$20,000.00
2	Pollution Prevention Implementation including Permitting, Proof of Payment, Maintenance, Inspections, and Reporting for Pollution Measures, Complete in place	1				LS	\$250.00	
3	Spring Valley GST-2 - Furnish all materials, labor, and equipment for the demolition and disposal of one (1) existing 0.21 MG bolted galvanized steel ground storage tank including existing base material consisting of potentially petroleum soaked sand backfill and appurtenances in accordance with the contract plans and specifications, complete in place.	1	1	0	1	LS	\$14,750.00	\$14,750.00
4	Spring Valley GST-2 - Furnish all materials, labor, equipment, and appurtenances for the construction of a new 0.21 MG welded steel ground storage tank in accordance with the contract plans and specifications, complete in place.	1				LS	\$590,000.00	
4a	GST Floor	1	1	0	1	LS	\$100,000.00	\$100,000.00
4b	GST Shell	1	1	0	1	LS	\$130,000.00	\$130,000.00
4c	GST Dome Roof	1	1	0	1	LS	\$150,000.00	\$150,000.00
4d	GST Piping & Appurtenances	1	0.95	0.05	1	LS	\$44,000.00	\$44,000.00
4e	Interior Protective Coatings	1	0	1	1	LS	\$60,000.00	\$60,000.00
4f	Exterior Protective Coatings	1				LS	\$70,000.00	
4g	Cathodic Protection	1				LS	\$25,000.00	
4h	Concrete Splash Box	1				LS	\$5,000.00	
4i	Electrical & Controls	1				LS	\$5,000.00	
4j	Disinfection, Start-Up, and Testing	1				LS	\$1,000.00	
5	Remove and replace existing tank foundation at direction of the Engineer, as shown in plans and specifications, complete in place.	1				LS	\$50,000.00	See Change Order No. 1
Base Unit Price Table (General Items) 1-5:								\$518,750.00

ITEM	DESCRIPTION	QTY. BID	QTY. PRIOR	QTY. THIS PERIOD	DONE TOTAL	UNIT	UNIT PRICE	AMOUNT COMPLETE
<u>Change Order Items</u>								
CO1A	Coodination for X-Rays for Newly Erected GST as directed by the Engineer, complete in place.	1	0	1	1	LS	\$1,600.00	\$1,600.00
Change Order Items:								\$1,600.00

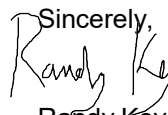
NOTE: This breakdown is approximate and intended only for the purpose of preparing monthly pay estimates.

	<u>Original Contract Amount</u>	<u>Current Contract Amount</u>
Base Unit Price Table (General Items) 1-5:	\$675,000.00	\$673,400.00 ¹⁾²⁾
Change Order No. 1 (CO1A)		\$1,600.00
Total Amount:	\$675,000.00	\$675,000.00

NOTES: 1) Bid Item No. 5: Existing foundation was reused.
 2) Change Orders: Bid Item No. 5 will be utilized for additional work approved by Change Order.

WORK DONE TO DATE

Base Unit Price Table (General Items) 1-5	:	\$518,750.00
Change Order No. 1 (CO1A)	:	\$1,600.00
Total Amount Done to Date	:	\$518,750.00
Less Retainage 10%	:	\$51,875.00
Difference	:	\$466,875.00
Less Previous Estimate	:	\$410,895.00
TOTAL AMOUNT DUE THIS ESTIMATE	:	<u>\$55,980.00</u>

Sincerely,

 Randy Key

APPROVED FOR PAYMENT

IDS Engineering Group

BY: 

DATE: 2/7/2022

PLEASE RETURN ONE (1) APPROVED COPY FOR OUR FILES

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

MEETING DATE: February 22, 2022

TOPIC:	Approval of Pay Estimate No. 9 for Loeser, Traweek, Lone Star, West Tex Pavement & Utility Improvements Project to Conrad Construction Co., LTD. of \$ 277,473.00
---------------	--

BACKGROUND:	This is the 9 th pay estimate to be submitted by Conrad Construction Co., LTD. for the Loeser, Traweek, Lone Star, West Tex Pavement & Utility Improvements Project (2020-11-101) for work completed on the Project from January 1-31, 2022.
--------------------	---

RECOMMENDATION:	IDS Engineer Project Manager Coy P. Custer, P.E., ENV SP, and Director of Public Works Director Arthur Faiello have reviewed Pay Estimate No. 9 and recommend approval.
------------------------	---

ATTACHMENTS:	• Pay Estimate No. 9 Submitted By Conrad Construction Co., LTD.
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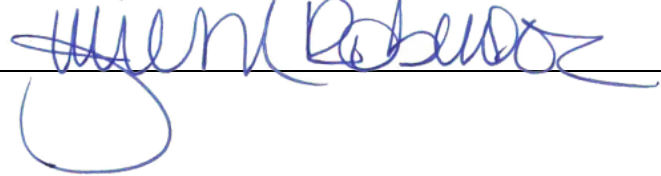
FUNDING ISSUES:	☐ Not applicable – no dollars are being spent or received. ☒ Full amount already budgeted in Acct/Project #25-50-7517 ☐ Not budgeted, if approved, the following will be included in the next Budget Amendment: ☐ \$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____ ☐ _____ from unassigned fund balance will be used and added to Acct/Project# _____ ☐ \$_____ will be added to Revenue Acct# ____-____ and \$_____ added to Expenditure Acct/Project# _____
------------------------	---

FINANCE VERIFICATION OF FUNDING:



SUBMITTING STAFF MEMBER: Arthur Faiello, Public Works Director
--

CITY ADMINISTRATOR APPROVAL:





February 9, 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. 9 for the above referenced project for the period of January 1, 2022 to January 31, 2022. As itemized in this estimate, we recommend payment to Conrad Construction Co., Ltd in the amount of \$277,473.00 at this time.

As of January 31, 2022, the project was approximately 82.8% 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	\$ 239,107.43
3	Total Current Contract Amount	\$ 3,076,598.43
4	Construction Materials Testing to Date	\$ 52,717.00
5	Payment to Centerpoint	\$ -
6	Total Value of Work Completed to Date	\$ 2,546,401.87
7	Total Materials Stored to Date	\$ -
8	Total Completed & Stored to Date	\$ 2,546,401.87
9	Retainage (10%)	\$ 254,640.19
10	Total Completed, Less Retainage	\$ 2,291,761.68
11	Total Amount of Prior Payments	\$ 2,014,288.68
12	Current Due Amount	\$ 277,473.00
13	Total Balance Remaining (Including Retainage)	\$ 530,196.56
14	Notice to Proceed Date	17-May-21
15	Project Estimated Completion Date	29-Mar-22
16	Percentage Complete of the Contract Sum	82.8%

Mr. Arthur Faiello
City of Spring Valley Village
February 9, 2022
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.	9	Work To Date:	\$ 2,546,401.87
Application Period	1-1-22 thru 1-31-22		
Original Contract Amount	\$ 2,837,491.00	Remaining Work	\$ 530,196.56
Revised Contract Amount	\$ 3,076,598.43		
Notice To Proceed	5/17/2021		

Total Work To Date:	\$ 2,546,401.87
Materials Stored to Date	\$ -
Total Work To Date & Stored Materials	\$ 2,546,401.87
Retainage (10%)	\$ 254,640.19
Total Work Complete, Less Retainage	\$ 2,291,761.68
Less Previous Payments	\$ 2,014,288.68
Total Due This Application	\$ 277,473.00


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

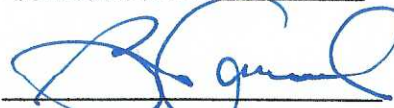
PROJECT: Lone Star Dr., et al – Paving & Utilities, Bid No. 2020-11-101

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 1.1.22 through 1.31.22 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 2.1.22.

Firm: Conrad Construction Co., Ltd.

By :

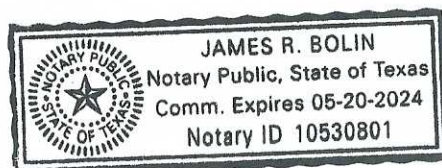

Brian Conrad

Date : 2.2.22

Title :

Vice President

Signed and sworn to before me a Notary Public in and for Harris County, Texas this 2nd day of February, 2022.




James R. Bolin

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

Conrad Construction Co., Ltd.

Pay Application No.: 9

Reporting Period: 1.1.22 thru 1.31.22

Subcontractor and Work Performed During This Period

South Point Surveying - Construction Staking

Highway 1, LLC - Traffic Control Maintenance

Gossner Engineering - Construction Materials Testing

P.A. Berrios Trucking - Trucking Services

INVOICE

Invoice Date: 01/24/2022

Invoice No: 22-1-000032



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ENGINEERING

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 ✓	12.00 ✓	\$420.00 ✓
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 ✓	20.00 ✓	\$400.00 ✓
E-002 - Atterberg Limits (ASTM D4318)	\$75.00 ✓	2.00 ✓	\$150.00 ✓
E-006 - Standard Proctor w/classification tests (ASTM D698)	\$250.00 ✓	2.00 ✓	\$500.00 ✓
E-028 - Field Lime Gradation	\$35.00 ✓	4.00 ✓	\$140.00 ✓
E-032 - Round Trip Travel Fee, per hour	\$60.00 ✓	12.50 ✓	\$750.00 ✓
L-002 - CMT Project Manager	\$100.00 ✓	3.50 ✓	\$350.00 ✓
L-011 - Technician	\$52.00 ✓	38.25 ✓	\$1,989.00 ✓
Total for this Invoice:			\$5,299.00 ✓

===== 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>
15285	01/03/2022	2.00 ✓	E-028 - Field Lime Gradation	ea	\$35.00	\$70.00 ✓
15285	01/03/2022	2.50 ✓	E-032 - Round Trip Travel Fee, per hour	hr	\$60.00	\$150.00 ✓
15285	01/03/2022	3.00 ✓	L-011 - Technician	hr	\$52.00	\$156.00 ✓
Lab Number 15285 for a Subtotal of:						\$376.00
15285-1	01/03/2022	2.00 ✓	E-002 - Atterberg Limits (ASTM D4318)	ea	\$75.00	\$150.00 ✓
15285-1	01/03/2022	0.25 ✓	L-002 - CMT Project Manager	hr	\$100.00	\$25.00 ✓
Lab Number 15285-1 for a Subtotal of:						\$175.00
15285-2	01/03/2022	2.00 ✓	E-001 - In-Place Nuclear Density (ASTM D6938)	ea	\$20.00	\$40.00 ✓
15285-2	01/03/2022	0.25 ✓	L-002 - CMT Project Manager	hr	\$100.00	\$25.00 ✓

REMIT TO: 401 West 26th Street, Suite 3
Bryan, Texas 77803
1-877-GESSNER
ar@gessnereng.com

Due Upon Receipt
Late payments are subject to 18%
annual finance charges. Unpaid
invoices will be sent to collection.

We accept EFT's with no fee and Credit Card Payments with a 3% Convenience Fee
<https://www.gessnerengineering.com/invoice/>

INVOICE

Invoice Date: 01/24/2022

Invoice No: 22-1-000032



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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>
15285-2	01/03/2022	2.00 ✓	L-011 - Technician	hr	\$52.00	\$104.00 ✓
Lab Number 15285-2 for a Subtotal of:						\$169.00
15315-1	01/06/2022	8.00 ✓	C-001 - Compressive Strength (ASTM C31, C39, C109, C1019)	ea	\$35.00	\$280.00 ✓
15315-1	01/06/2022	2.50 ✓	C-010 - Round Trip Travel Fee, per hour	hr	\$60.00	\$150.00 ✓
15315-1	01/06/2022	0.25 ✓	L-002 - CMT Project Manager	hr	\$100.00	\$25.00 ✓
15315-1	01/06/2022	4.00 ✓	L-011 - Technician	hr	\$52.00	\$208.00 ✓
Lab Number 15315-1 for a Subtotal of:						\$663.00
15316-1	01/07/2022	2.50 ✓	C-005 - Cylinder Pick-Up, Marking and Storage	hr	\$60.00	\$150.00 ✓
Lab Number 15316-1 for a Subtotal of:						\$150.00
15403-1	01/13/2022	3.00 ✓	E-001 - In-Place Nuclear Density (ASTM D6938)	ea	\$20.00	\$60.00 ✓
15403-1	01/13/2022	2.50 ✓	E-032 - Round Trip Travel Fee, per hour	hr	\$60.00	\$150.00 ✓
15403-1	01/13/2022	0.25 ✓	L-002 - CMT Project Manager	hr	\$100.00	\$25.00 ✓
15403-1	01/13/2022	5.25 ✓	L-011 - Technician	hr	\$52.00	\$273.00 ✓
Lab Number 15403-1 for a Subtotal of:						\$508.00
15426-1	01/14/2022	3.00 ✓	E-001 - In-Place Nuclear Density (ASTM D6938)	ea	\$20.00	\$60.00 ✓
15426-1	01/14/2022	2.50 ✓	E-032 - Round Trip Travel Fee, per hour	hr	\$60.00	\$150.00 ✓
15426-1	01/14/2022	0.25 ✓	L-002 - CMT Project Manager	hr	\$100.00	\$25.00 ✓
15426-1	01/14/2022	3.25 ✓	L-011 - Technician	hr	\$52.00	\$169.00 ✓
Lab Number 15426-1 for a Subtotal of:						\$404.00
15448-1	01/17/2022	3.00 ✓	E-001 - In-Place Nuclear Density (ASTM D6938)	ea	\$20.00	\$60.00 ✓
15448-1	01/17/2022	2.50 ✓	E-032 - Round Trip Travel Fee, per hour	hr	\$60.00	\$150.00 ✓
15448-1	01/17/2022	0.25 ✓	L-002 - CMT Project Manager	hr	\$100.00	\$25.00 ✓
15448-1	01/17/2022	6.25 ✓	L-011 - Technician	hr	\$52.00	\$325.00 ✓
Lab Number 15448-1 for a Subtotal of:						\$560.00
15462	01/18/2022	2.00 ✓	E-028 - Field Lime Gradation	ea	\$35.00	\$70.00 ✓
15462	01/18/2022	2.50 ✓	E-032 - Round Trip Travel Fee, per hour	hr	\$60.00	\$150.00 ✓

REMIT TO: 401 West 26th Street, Suite 3
Bryan, Texas 77803
1-877-GESSNER
ar@gessnereng.com

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INVOICE

Invoice Date: 01/24/2022

Invoice No: 22-1-000032



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ENGINEERING

Page 3 of 4

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

Lab No.	Sampled	Qty	Billing Code	Unit Type	Unit Rate	Extension
15462	01/18/2022	1.50	L-011 - Technician	hr	\$52.00	\$78.00
Lab Number 15462 for a Subtotal of:						\$298.00
15462-1	01/18/2022	1.00	E-006 - Standard Proctor w/classification tests (ASTM D698)	ea	\$250.00	\$250.00
15462-1	01/18/2022	0.50	L-002 - CMT Project Manager	hr	\$100.00	\$50.00
Lab Number 15462-1 for a Subtotal of:						\$300.00
15462-2	01/18/2022	1.00	E-006 - Standard Proctor w/classification tests (ASTM D698)	ea	\$250.00	\$250.00
15462-2	01/18/2022	0.50	L-002 - CMT Project Manager	hr	\$100.00	\$50.00
Lab Number 15462-2 for a Subtotal of:						\$300.00
15462-3	01/18/2022	2.00	E-001 - In-Place Nuclear Density (ASTM D6938)	ea	\$20.00	\$40.00
15462-3	01/18/2022	0.25	L-002 - CMT Project Manager	hr	\$100.00	\$25.00
15462-3	01/18/2022	1.25	L-011 - Technician	hr	\$52.00	\$65.00
Lab Number 15462-3 for a Subtotal of:						\$130.00
15462-4	01/18/2022	3.00	E-001 - In-Place Nuclear Density (ASTM D6938)	ea	\$20.00	\$60.00
15462-4	01/18/2022	0.25	L-002 - CMT Project Manager	hr	\$100.00	\$25.00
15462-4	01/18/2022	4.00	L-011 - Technician	hr	\$52.00	\$208.00
Lab Number 15462-4 for a Subtotal of:						\$293.00
15502-1	01/21/2022	4.00	C-001 - Compressive Strength (ASTM C31, C39, C109, C1019)	ea	\$35.00	\$140.00
15502-1	01/21/2022	2.50	C-010 - Round Trip Travel Fee, per hour	hr	\$60.00	\$150.00
15502-1	01/21/2022	0.25	L-002 - CMT Project Manager	hr	\$100.00	\$25.00
15502-1	01/21/2022	2.00	L-011 - Technician	hr	\$52.00	\$104.00
Lab Number 15502-1 for a Subtotal of:						\$419.00
15503-1	01/22/2022	2.50	C-005 - Cylinder Pick-Up, Marking and Storage	hr	\$60.00	\$150.00
Lab Number 15503-1 for a Subtotal of:						\$150.00
15504-1	01/21/2022	4.00	E-001 - In-Place Nuclear Density (ASTM D6938)	ea	\$20.00	\$80.00
15504-1	01/21/2022	0.25	L-002 - CMT Project Manager	hr	\$100.00	\$25.00

REMIT TO: 401 West 26th Street, Suite 3
Bryan, Texas 77803
1-877-GESSNER
ar@gessnereng.com

Due Upon Receipt
Late payments are subject to 18% annual finance charges. Unpaid invoices will be sent to collection.

We accept EFT's with no fee and Credit Card Payments with a 3% Convenience Fee
<https://www.gessnerengineering.com/invoice/>

INVOICE

Invoice Date: 01/24/2022
Invoice No: 22-1-000032



GESSNER
ENGINEERING

Page 4 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>
15504-1	01/21/2022	5.75 ✓	L-011 - Technician	hr	\$52.00	\$299.00 ✓
Lab Number 15504-1 for a Subtotal of:						\$404.00
Total for this Invoice:						<u>\$5,299.00</u> ✓

FIG ✓ **VENDOR**
RB **JOB** 200330
EC **GL**
DON
JAKE **ENTERED**

REMIT TO: 401 West 26th Street, Suite 3
Bryan, Texas 77803
1-877-GESSNER
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<https://www.gessnerengineering.com/invoice/>

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: 1/31/2022

PAY APPLICATION # : 9

DESCRIPTION	QUANTITY	UNIT	THIS ESTIMATE	PREVIOUS ESTIMATE	WORK TO DATE	%	UNIT PRICE	WORK TO DATE
GENERAL ITEMS								
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	0.78	0.87	87%	\$ 50,000.00	\$ 43,500.00
3. FLAGMAN	1.00	LS	0.10	0.80	0.90	90%	\$ 7,500.00	\$ 6,750.00
4. ELECTRONIC MESSAGE BOARD [3] [5]	0.00	MO			0.00	####	\$ 1,250.00	\$ -
5. TREE PROTECTION PLAN	1.00	LS	0.09	0.78	0.87	87%	\$ 30,000.00	\$ 26,100.00
6. TREE REMOVAL (0" TO 11.99" DIA.)	4.00	EA		2.00	2.00	50%	\$ 750.00	\$ 1,500.00
7. TREE REMOVAL (12" TO 29.99" DIA.)	2.00	EA	2.00		2.00	100%	\$ 1,250.00	\$ 2,500.00
8. TREE REMOVAL (30" TO 45" DIA.)	1.00	EA			0.00	0%	\$ 2,000.00	\$ -
9. FLEXIBLE BASE COURSE FOR TEMP. DRIVEWAYS	56.00	EA	14.00	40.00	54.00	96%	\$ 500.00	\$ 27,000.00
10. 6" TEMPORARY ASPHALT PAVING TYPE "B" BLACK BASE [4] [5]	1750.00	SY	121.39	1628.61	1750.00	100%	\$ 50.00	\$ 87,500.00
11. REMOVE & DISPOSE PIPE CULVERT, SEWERS AND SEWER LEADS (ALL SIZES) [7]	2236.00	LF	231.00	2005.00	2236.00	100%	\$ 12.00	\$ 26,832.00
12. REMOVE & DISPOSE OF EXISTING CURB INLETS	2.00	EA			0.00	0%	\$ 750.00	\$ -
13. REMOVE & DISPOSE OF EXISTING STORM MANHOLES, ALL DEPTHS	2.00	EA	1.00		1.00	50%	\$ 750.00	\$ 750.00
14. REMOVE & DISPOSE OF EXISTING SAFETY END TREATMENTS (SETs)	6.00	EA	1.00	3.00	4.00	67%	\$ 400.00	\$ 1,600.00
15. REMOVE & DISPOSE OF WATER LINES 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	1769.75	6544.88	8314.63	83%	\$ 5.00	\$ 41,573.15
17. REMOVE & DISPOSE OF CONCRETE PAVEMENT, (ALL THICKNESS)	220.00	SY	185.52		185.52	84%	\$ 10.00	\$ 1,855.20
18. REMOVE & DISPOSE OF CONCRETE DRIVEWAYS & SIDEWALKS (ALL THK.)	1896.00	SY	271.38	664.24	935.62	49%	\$ 7.00	\$ 6,549.34
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	445.00	3574.00	4019.00	69%	\$ 1.00	\$ 4,019.00
PAVING ITEMS								
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	1092.00	5200.41	6292.41	85%	\$ 15.00	\$ 94,386.15
24. LIME (6% BY DRY WEIGHT)	255.00	TON	10.26	142.30	152.56	60%	\$ 195.00	\$ 29,749.20
25. LIME TREATED SUBGRADE (8")	11770.00	SY	659.47	8619.02	9278.49	79%	\$ 4.00	\$ 37,113.96
26. REINFORCED CONCRETE PAVEMENT (6")	10961.00	SY	1441.50	6936.06	8377.56	76%	\$ 57.00	\$ 477,520.92
27. HIGH EARLY STRENGTH REINFORCED CONCRETE PAVEMENT (6")	199.00	SY	199.00		199.00	100%	\$ 65.00	\$ 12,935.00
28. FULL DEPTH SAW CUT	140.00	LF	140.00		140.00	100%	\$ 14.00	\$ 1,960.00
29. REINFORCED CONCRETE DRIVEWAY PAVEMENT (6")	14578.00	SF	2442.37	6369.82	8812.19	60%	\$ 8.00	\$ 70,497.52
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 ESTIMATE	PREVIOUS ESTIMATE	WORK TO DATE	%	UNIT PRICE	WORK TO DATE
32. CONCRETE CURB (6")	5818.00	LF		3912.00	3912.00	67%	\$ 3.00	\$ 11,736.00
33. CONCRETE PAVING HEADER	140.00	LF		28.50	28.50	20%	\$ 12.00	\$ 342.00
34. REINFORCED CONCRETE SIDEWALK (4-1/2") [5] [7]	175.00	SF		175.00	175.00	100%	\$ 12.00	\$ 2,100.00
35. PIPE BOLLARD	20.00	EA			0.00	0%	\$ 400.00	\$ -
STORM SEWER ITEMS								
36. TYPE C MANHOLE FOR 42" DIAMETER AND SMALLER SEWERS	23.00	EA	4.00	16.00	20.00	87%	\$ 3,550.00	\$ 71,000.00
37. TYPE C CONFLICT MANHOLE FOR 42" 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 OPEN CUT	1796.00	LF	312.00	1484.00	1796.00	100%	\$ 120.00	\$ 215,520.00
39. 30" DIA. RCP STORM SEWER BY OPEN CUT [WCD][6]	306.00	LF		306.00	306.00	100%	\$ 150.00	\$ 45,900.00
40. 36" DIA. RCP STORM SEWER BY OPEN CUT [4]	184.00	LF		184.00	184.00	100%	\$ 170.00	\$ 31,280.00
41. YARD DRAINAGE REPAIR, INCL. SCH. 40 PVC, CURB DRAINAGE OUTLET AND CURB REPAIR [7]	54.00	EA		54.00	54.00	100%	\$ 500.00	\$ 27,000.00
42. REPAIR STORM INLET SIDE WALL	6.00	EA	1.00	2.00	3.00	50%	\$ 1,200.00	\$ 3,600.00
43. TYPE B-B INLET	27.00	EA	3.00	19.00	22.00	81%	\$ 3,450.00	\$ 75,900.00
WASTEWATER ITEMS								
44. ADJUST MANHOLE TO FINISHED GRADE	4.00	EA		3.00	3.00	75%	\$ 1,000.00	\$ 3,000.00
45. TYPE C MANHOLE FOR 42" DIAMETER AND SMALLER SEWERS	11.00	EA	1.00	10.00	11.00	100%	\$ 3,250.00	\$ 35,750.00
46. TYPE C ECCENTRIC MANHOLE TOP	1.00	EA			0.00	0%	\$ 1,850.00	\$ -
47. 10" DIAMETER SANITARY SEWER BY OPEN CUT (PVC) [3] [7]	1660.00	LF	15.00	1640.00	1655.00	100%	\$ 130.00	\$ 215,150.00
48. SANITARY SEWER SERVICE STUB OR RECONNECTION WITHOUT STACK	51.00	EA	8.00	43.00	51.00	100%	\$ 1,000.00	\$ 51,000.00

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		1049.00	1049.00	100%	\$ 22.50	\$ 23,602.50
WATER ITEMS								
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, PLUG 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 HYDRANT 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
SWPPP								
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	2.00	20.00	22.00	76%	\$ 75.00	\$ 1,650.00
68. INLET PROTECTION BARRIER (STG.II)	30.00	EA		19.00	19.00	63%	\$ 75.00	\$ 1,425.00
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	1000.00	3300.00	4300.00	28%	\$ 5.00	\$ 21,500.00
STREET LIGHT ITEM								
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	\$ -
IRRIGATION SYSTEMS								
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	4.00	43.00	47.00	89%	\$ 500.00	\$ 23,500.00
CASH ALLOWANCE								
74. FURNISH CONSTRUCTION MATERIALS TESTING IN ACCORD. WITH PLANS AND SPECS. [1] [5]	1.00	CA	0.0946	0.8468	0.9414	94%	\$ 56,002.50	\$ 52,717.00

DESCRIPTION	QUANTITY	UNIT	THIS ESTIMATE	PREVIOUS ESTIMATE	WORK TO DATE	%	UNIT PRICE	WORK TO DATE
75. CENTERPOINT STREET LIGHT ALLOWANCE 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 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 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 END OF WEST TEX DRIVE	2.00	EA		2.00	2.00	100%	\$ 3,034.85	\$ 6,069.70
CO 7 - 16" WATER LINE OFFSET (RFP 5)	1.00	LS	1.00		1.00	100%	\$ 25,885.10	\$ 25,885.10
CO 7 - 8" WATER LINE OFFSET (RFP 6)	1.00	LS	1.00		1.00	100%	\$ 15,471.09	\$ 15,471.09
TOTAL WORK TO DATE								\$ 2,546,401.87

CONTRACT TIME: 340 CALENDAR DAYS (2)(5)(7)

CONTRACT DATE: 12/15/2020

WORK ORDER DATE: 5/17/2021

CONTRACT AMOUNT:	\$ 2,837,491.00
CHANGE ORDER: (1-7)	\$ 239,107.43
REVISED CONTRACT AMOUNT:	\$ 3,076,598.43
TOTAL WORK TO DATE:	\$ 2,546,401.87
MATERIALS ON SITE:	\$ -
TOTAL:	\$ 2,546,401.87
LESS RETAINAGE: (10%)	\$ 254,640.19
LESS PREVIOUS PAYMENTS	\$ 2,014,288.68
AMOUNT DUE FOR PAYMENT:	\$ 277,473.00

AMOUNT EARNED THIS PERIOD	\$ 308,303.34
LESS RETAINAGE THIS PERIOD	\$ 30,830.34
AMOUNT DUE THIS PERIOD	\$ 277,473.00

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

Police Department Staff Report

SPRING VALLEY POLICE DEPARTMENT

Calls - By Type

01\01\2022
thru 01\31\2022

Type	Description	# Of Calls
21	911 HANG UP	3
6	ACCIDENT	29
22	ALARM	47
23	AMBULANCE CALL	17
24	ANIMAL CALL	4
43	ASSIST OUTSIDE AGENCY	6
135	BUSINESS CHECK	802
48	CITY CREW REPAIRS	2
134	COURTESY TRANSPORT	1
53	DEBRIS IN ROADWAY	3
56	DISTURBANCE	2
60	FIRE CALL	4
65	GAS LEAK	1
68	HOUSE CHECK	1
70	INFORMATION	56
71	INVESTIGATION	1
76	LOUD NOISE	3
77	MENTAL HEALTH COMMITMENT	1
81	OPEN DOOR	15
86	PUBLIC RELATIONS	695
88	RECOVERY STOLEN VEHICLE	1
96	SOLICITOR	3
97	SPECIAL ASSIGNMENT	3
99	STALLED VEHICLE	27
141	STORED/ ABANDONED VEHICLE	1
103	SUSPICIOUS ACTIVITY	4
104	SUSPICIOUS PERSON	15
105	SUSPICIOUS VEHICLE	20
109	TRAFFIC LIGHT REPAIR	2
11	TRAFFIC STOP	806
111	VEHICLE BLOCKING ROADWAY	32
112	VEHICLE CHECK	9
123	VEHICLE MAINTENANCE	1
42	WARRANT SERVICE	2
116	WATER LEAK	1
117	WELFARE CONCERN	3
Total		2,623

Spring Valley Village, TX PD

Jan 1, 2022 - Jan 31, 2022

Citation Violation Audit By Offense

Total Charges: **1512**

Description	Counts
CHILD (4-17) NOT SECURED BY SAFETY BELT	3
CRIMINAL TRESPASSING	1
DEFECTIVE EQUIPMENT - WHITE LIGHT TO THE REAR	2
DEFECTIVE EQUIPMENT / NO LICENSE PLATE LIGHT	84
DEFECTIVE HEAD LAMPS	96
DEFECTIVE HEAD LIGHTS	40
DEFECTIVE STOP LAMP(S)	75
DEFECTIVE STOP LIGHTS-TRAILER	3
DEFECTIVE TAIL LAMP(S)	21
DISPLAY FICTITIOUS/WRONG/UNCLEAN LICENSE PLATES	29
DISPLAY/ EXPIRED REGISTRATION	246
DRIVING WHILE LICENSE INVALID UNDER PROVISIONS OF DL LAWS	19
DROVE WITHOUT LIGHTS (WHEN REQUIRED)	18
EXPIRED BUYER TAG	14
EXPIRED DEALER TAG	1
EXPIRED DRIVERS LICENSE	23
FAIL TO CONTROL SPEED	2
FAIL TO DISPLAY DRIVERS LICENSE	1
FAIL TO GET A TEXAS DRIVERS LICENSE AFTER 90 DAYS OF RESIDENCE IN THIS STATE	6
FAIL TO MAINTAIN FINANCIAL RESPONSIBILITY	67
FAIL TO MAINTAIN FINANCIAL RESPONSIBILITY	118
FAIL TO REPORT CHANGE OF ADDRESS	25
FAILED TO DIM HEADLIGHTS - FOLLOWING	20
FAILED TO DIM HEADLIGHTS - MEETING	41
FAILED TO DRIVE IN A SINGLE LANE	2
FAILED TO SIGNAL TURN / LANE CHANGE	2
FAILED TO STOP AT DESIGNATED POINT (STOP SIGN)	2
ILLEGAL BUYERS TAGS	1

CONFIDENTIAL

Spring Valley Village, TX PD

Jan 1, 2022 - Jan 31, 2022

Citation Violation Audit By Offense

Total Charges: **1512**

Description	Counts
ILLEGAL LEFT/RIGHT TURN WHERE PROHIBITED	1
ILLEGAL PARKING - NO PARKING ANY TIME	3
ILLEGAL PARKING - PARKING IN PRIVILEGED	1
ILLEGAL WINDOW TINT	1
LICENSE PLATE - NO TRAILER PLATE	2
LICENSE PLATE OBSCURED	7
NO DRIVERS LICENSE	201
NO FRONT LICENSE PLATE	7
NO LICENSE NUMBER PLATES-TRAILER	1
OPERATE MOTOR VEHICLE WITHOUT LICENSE PLATES OR WITH ONE LICENSE PLATE	3
OPERATE UNREGISTERED MOTOR VEHICLE	5
PARKED IN PROHIBITED AREA	3
PARKING ON ROADWAY	32
PASSING AUTHORIZED EMERGENCY VEHICLE	7
RAN RED LIGHT	19
RAN STOP SIGN	52
SPEEDING >10% ABOVE POSTED LIMIT	164
SPEEDING IN SCHOOL ZONE	8
TURNED RIGHT TOO WIDE	1
UNAUTHORIZED USE OF DEALER TEMP TAG (NOT DEALER OR EMPLOYEE)	11
UNREGISTERED MOTOR VEHICLE TRAILER	2
UNRESTRAINED CHILD 5 YEARS OF AGE TO 17	1
UNRESTRAINED CHILD YOUNGER THAN 5 OR UNDER 36 INCHES	2
WRONG, ALTERED, OR OBSCURED LP	3
WRONG/ALTERED/OBSCURED LICENSE PLATE	13

CONFIDENTIAL

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

MEETING DATE: February 22, 2022

TOPIC: Ordinance No. 2022-XX

AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, REVISING THE DEFINITION OF “RESTRAINT” IN SECTION 2.101, DEFINITIONS, OF ARTICLE 2.100, ANIMAL CONTROL REGULATIONS, OF CHAPTER 2, ANIMAL CONTROL, OF THE CODE OF ORDINANCES OF THE CITY, TO DELETE SUBSECTION (e); AMENDING CHAPTER 2, ANIMAL CONTROL, BY THE ADOPTION OF A NEW ARTICLE 2.1400, UNLAWFUL RESTRAINT OF DOG, AND RENUMBERING THE CURRENT ARTICLE 2.1400 TO 2.1500; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

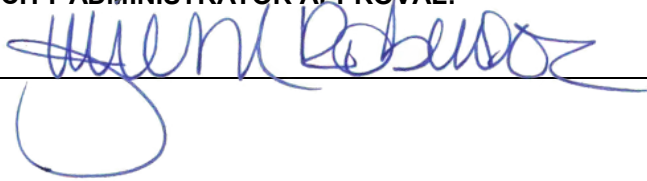
BACKGROUND: During the January 25, 2022 meeting, the Council directed that the definition of “restraint” in Section 2.101, Definitions, Of Article 2.100, Animal Control Regulations, of Chapter 2, Animal Control, of the Code of Ordinances of the City, be revised to delete Subsection (e) which read:

“At heel beside a competent person and obedient to that person’s command. Minors shall not be considered competent persons for this purpose.”

On October 25, 2021, Senate Bill 5 was signed by Governor Abbott and adopted a new Chapter 821, Unlawful Restraint of Dog, of the Texas Health & Safety Code that became effective on January 18, 2022. Since we are already revising one section of the animal control regulations, it is appropriate to include the new anti-tethering regulations contained in Chapter 821 of the Texas Health & Safety Code.

The proposed Ordinance revises the definition of “Restraint” in Section 2.101, Definitions, Of Article 2.100, Animal Control Regulations, of Chapter 2, Animal Control, of the Code of Ordinances of the City, to delete Subsection (e), and amends Chapter 2, Animal Control, by the adoption of a new Article 2.1400, Unlawful Restraint of Dog, and renumbers the current Article 2.1400 to Article 2.1500 to adopt the new provisions of Chapter 821 of the Texas Health and Safety Code.

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

RECOMMENDATION: Staff recommends approval of the Ordinance.	
ATTACHMENTS: - Ordinance No. 2022-XX - Copy of Ordinance No. 144 in Book 1	
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. 2022-XX

AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, REVISING THE DEFINITION OF “RESTRAINT” IN SECTION 2.101, DEFINITIONS, OF ARTICLE 2.100, ANIMAL CONTROL REGULATIONS, OF CHAPTER 2, ANIMAL CONTROL, OF THE CODE OF ORDINANCES OF THE CITY, TO DELETE SUBSECTION (e); AMENDING CHAPTER 2, ANIMAL CONTROL, BY THE ADOPTION OF A NEW ARTICLE 2.1400, UNLAWFUL RESTRAINT OF DOG, AND RENUMBERING THE CURRENT ARTICLE 2.1400 TO 2.1500; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SEVERABILITY CLAUSE, A SAVINGS CLAUSE, AND AN EFFECTIVE DATE.

WHEREAS, on February 28, 1984, by Ordinance Number 144, the City Council of the City of Spring Valley Village, Texas, adopted various animal control regulations applicable within the City, and such regulations have not been updated since their original adoption; and

WHEREAS, on October 25, 2021, Senate Bill 5 was signed by Governor Abbott and adopted a new Chapter 821, Unlawful Restraint of Dog, of the Texas Health & Safety Code that became effective on January 18, 2022; and

WHEREAS, the City Council hereby finds it to be in the best interest of the health, safety and welfare of its citizens that the definition of “Restraint” in Section 2.101, Definitions, Of Article 2.100, Animal Control Regulations, of Chapter 2, Animal Control, of the Code of Ordinances of the City, should be revised to delete Subsection (e), and that Chapter 2, Animal Control, should be amended by the adoption of a new Article 2.1400, Unlawful Restraint of Dog, and the current Article 2.1400 should be renumbered to 2.1500 to adopt the new provisions of Chapter 821 of the Texas Health and Safety Code.

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

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

Section 2. The definition of “Restraint” found in Section 2.101, Definitions, of Article 2.100, Animal Control Regulations, of Chapter 2, Animal Control, of the Code of Ordinances of the City of Spring Valley Village, Texas, is hereby revised to delete the language struckthrough below and to add the language underscored below, Section 2.101 to read in its entirety as follows:

“Restraint. An animal shall be deemed restrained when it is:

- (a) Confined on the premises of the owner within a building, walled, or fenced enclosure;
- (b) Fastened or picketed by a lead or chain, not more than twenty (20) feet in length, so as to keep the animal on the owner's premises;
- (c) Under the control of a person by a leash; or
- (d) On or within a vehicle being driven or parked.
- (e) ~~At heel beside a competent person and obedient to that person's command. Minors shall not be considered competent persons for this purpose.~~

Section 3. Chapter 2, Animal Control, of the Code of Ordinances of the City of Spring Valley Village, Texas, is hereby amended by the adoption of a new Article 2.1400, Unlawful Restraint of Dog, to read as follows and the current Article 2.1400 shall be renumbered as Article 2.1500:

“ARTICLE 2.1400 UNLAWFUL RESTRAINT OF DOG

Section 2.1401. Definitions.

As used in this Article, the following words and phrases shall have the following meanings:

Adequate shelter means a sturdy structure:

- (1) That provides the dog protection from inclement weather; and
- (2) With dimensions that allow the dog while in the shelter to stand erect, sit, turn around, and lie down in a normal position.

Collar means a band of material specifically designed to be place around the neck of a dog.

Harness means a set of straps constructed of nylon, leather or similar material, specifically designed to restrain or control a dog.

Inclement weather includes rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures.

Owner means a person who owns or has custody or control of a dog.

Properly fitted means, with respect to a collar or harness, a collar or harness that:

- (1) Is appropriately sized for the dog based on the dog's measurements and body weight;

- (2) Does not choke the dog or impede the dog's normal breathing or swallowing;
and
- (3) Does not cause pain or injury to the dog.

Restraint means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

Section 2.1402. Unlawful Restraint of Dog; Offense.

(a) An owner may not leave a dog outside and unattended by use of a restraint unless the owner provides the dog access to:

- (1) Adequate shelter;
- (2) An area that allows the dog to avoid standing water and exposure to excessive animal waste;
- (3) Shade from direct sunlight; and
- (4) Potable water.

(b) An owner may not restrain a dog outside and unattended by use of a restraint that:

- (1) Is a chain;
- (2) Has weights attached;
- (3) Is shorter in length than the greater of:
 - (A) five times the length of the dog, as measured from the tip of the dog's nose to the base of the dog's tail; or
 - (B) 10 feet; or
- (4) is attached to a collar or harness not properly fitted.

(c) A person commits an offense if the person knowingly violates this section. The restraint of each dog that is in violation is a separate offense.

(d) An offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the person has previously been convicted under this section.

(e) If conduct constituting an offense under this Article also constitutes an offense under any other law, the actor may be prosecuted under this Article, the other law, or both.

Section 2.1403. Exceptions.

(a) Section 2.1402 does not apply to:

- (1) The use of a restraint on a dog in a public camping or recreational area in compliance with the requirements of the public camping or recreational area as defined by a federal, state, or local authority or jurisdiction;

- (2) The use of a restraint on a dog while the owner and dog engage in, or actively train for, an activity conducted under a valid license issued by this state provided the activity is associated with the use or presence of a dog;
- (3) The use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of shepherding or herding cattle or livestock;
- (4) The use of a restraint on a dog while the owner and dog engage in conduct directly related to the business of cultivating agricultural products;
- (5) A dog left unattended in an open-air truck bed only for the time reasonably necessary for the owner to complete a temporary task that requires the dog to be left unattended in the truck bed;
- (6) A dog taken by the owner, or another person with the owner's permission, from the owner's residence or property and restrained by the owner or the person for not longer than the time necessary for the owner to engage in an activity that requires the dog to be temporarily restrained; or
- (7) A dog restrained while the owner and dog are engaged in, or actively training for, hunting or field trialing.

(b) Section 2.1402(b)(3) does not apply to a restraint attached to a trolley system that allows a dog to move along a running line for a distance equal to or greater than the lengths specified under that subdivision.

(c) This Article does not prohibit a person from walking a dog with a handheld leash."

Section 4. 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 5. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 6. This ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the regulations, restrictions, terms and conditions provided for herein.

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

Section 8. This Ordinance shall become effective immediately upon its passage and publication as required by law.

DULY PASSED AND APPROVED on this the ____ day of _____, 2022.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

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

DIVIDER PAGE

ORDINANCE NO. 144 in Book 1

AN ORDINANCE OF THE CITY OF SPRING VALLEY, TEXAS, PROVIDING FOR ANIMAL CONTROL; CONTAINING DEFINITIONS; PROHIBITING ANY OWNER FROM ALLOWING ANY ANIMAL TO RUN AT LARGE; PROVIDING FOR LIMITATIONS ON THE NUMBER OF ANIMALS THAT MAY BE POSSESSED, HARBORED OR KEPT; PROVIDING FOR REGISTRATION AND VACCINATION OF DOGS AND CATS; PROVIDING FOR IMPOUNDMENT OF ANIMALS AND IMPOUNDMENT FEES; PROVIDING FOR ANIMAL QUARANTINE; PROVIDING REGULATIONS FOR VICIOUS ANIMALS; PROVIDING LIVESTOCK REGULATIONS AND LIMITATIONS ON THE NUMBER OF LIVESTOCK ANIMALS THAT MAY BE POSSESSED, HARBORED, OR KEPT; PROVIDING FOR SANITARY AND HUMANE ANIMAL CARE AND MAINTENANCE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00);

PROVIDING FOR SEVERABILITY; SPECIFICALLY REPEALING CERTAIN ORDINANCES; AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH.

* * * * *

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

Section 1. DEFINITIONS. As used in this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them:

(a) Animal shall mean any living vertebrate creature or invertebrate creature, domesticated or wild, including, but not limited to, mammals, reptiles, fish, and fowl, but specifically excluding human beings.

(b) Animal Control shall mean the animal control section or animal control officer of the City of Spring Valley, Texas.

(c) Animal Control Officer shall mean any person or persons designated by City Council to enforce the provisions of this Ordinance.

(d) Livestock shall mean any member of the domesticated equine family, including horses, ponies, mules, donkeys and burros, any type of domesticated sheep and goats, and members of the domesticated bovine family, including cows, bulls, and steers.

(e) Owner shall mean any person having title to or custody of any animal, or any person who has, harbors, keeps, or causes or permits to be harbored or kept an animal in his care or custody, or any person who feeds an animal or allows an animal to remain on or about his premises.

(f) Restraint An animal shall be deemed restrained when it is:

- (1) Confined on the premises of the owner within a building, walled, or fenced enclosure;
- (2) Fastened or picketed by a lead or chain, not more than twenty (20) feet in length, so as to keep the animal on the owners' premises;
- (3) Under the control of a person by a leash;
- (4) On or within a vehicle being driven or parked;
- (5) At heel beside a competent person and obedient to that person's command. Minors shall not be considered competent persons for this purpose.

(g) Running At Large. An animal shall be deemed to be running at large when it is:

- (1) Allowed to exit or leave the property of the owner and it is not restrained;
- (2) Allowed to roam upon the streets, alleys, or public grounds of the City of Spring Valley, Texas;
- (3) Not restrained, as that term is defined in this Section.

(h) Vicious Animal shall mean any individual animal of any species that has on two (2) previous occasions, without provocation, attacked or bitten any person or other animal; or any individual animal which the animal control officer has reason to believe has a dangerous disposition, or any species of animal which the animal control officer has reason to believe has a dangerous disposition and is likely to be harmful to humans or other animals.

(i) Wild Animal shall mean any animal not among the common domestic species, including, but not limited to, skunks, foxes, raccoons, leopards, panthers, cougars, tigers, lions, lynx, ferrets, opossums, and any poisonous or dangerous reptile.

Section 2. ENFORCEMENT OF ORDINANCE; AUTHORITY TO ISSUE CITATION; INTERFERENCE WITH ANIMAL CONTROL OFFICER.

(a) Enforcement of this Ordinance shall be the responsibility of the animal control officer or officers, or other persons designated by the City Council.

(b) Any animal control officer shall have the authority to issue citations for any violation of this Ordinance.

(c) It shall be unlawful for any person to interfere with any animal control officer in the performance of his duties.

Section 3. RUNNING AT LARGE PROHIBITED; NUMBER OF ANIMALS PERMITTED; SPECIAL RESTRAINT REQUIRED; AUTHORITY TO IMPOUND.

(a) It shall be unlawful for any dog, cat, or other animal possessed, kept, or harbored to run at large.

(b) No owner shall possess, harbor, or keep:

(1) More than a total of four (4) animals over the age of six (6) months; and/or

(2) The offspring of such animals (as are permitted in (b)(1)) under the age of six (6) months; provided, the combined total of such animals and their offspring does not exceed twelve (12).

(3) Animals for breeding for the generation of profit.

Livestock are excepted from the provisions of this Section and shall be subject to the limitations of Section 10 of this Ordinance.

(c) Vicious Dogs. The owner shall confine within a building or secure enclosure, every fierce, dangerous, or vicious dog, and not take such dog out of such secure enclosure unless such dog is securely muzzled and restrained by a leash.

(d) The animal control officer is authorized to impound animals running at large.

Section 4. REGISTRATION AND VACINATION OF DOGS AND CATS
REQUIRED.

(a) Vaccination Of Dogs And Cats Required; Metal And Paper Certificates Thereof. All dogs and cats four (4) months of age and older must be vaccinated annually for rabies with an anti-rabies vaccine approved by the Texas Department of Health and administered by a veterinarian licensed by the State of Texas and:

- (1) A metal certificate of vaccination with the year of vaccination, a certificate number, and the name, address, and phone number of the vaccinating veterinarian must be securely attached to a collar or harness that must be worn by the dog or cat at all times;
- (2) In addition to the metal certificate (rabies tag) the official rabies vaccination certificate issued by the vaccinating veterinarian shall be maintained by the owner of the dog or cat, containing the information designated by the Texas Department of Health, including, but not limited to, the owner's name, address, and telephone number, identification of the animal - species, sex, age (three months to 12 months, 12 months or older), size (pounds), predominant breed and colors, vaccine used (producer, expiration date, and serial number), date vaccinated, rabies tag number, and the veterinarian's signature and license number.

(b) City Registration Procedures And Requirements. No person shall have within the City any dog or cat over four (4) months of age unless such dog or cat is currently registered with the City of Spring Valley. A current metal registration certificate, issued by animal control, must be affixed to the collar or harness and must be worn by the dog or cat at all times. No dog or cat shall be registered until it has a current rabies vaccination.

Application for initial issuance or renewal of each registration must be made by the owner, in writing or in person, at the City Hall of the City of Spring Valley, and must be accompanied by the official rabies vaccination certificate, and a fee of two dollars (\$2.00). If the original current registration certificate is lost or destroyed, the owner may obtain a duplicate for two dollars (\$2.00) from animal control.

Registration certificates shall be issued annually and shall run concurrently with vaccination certificates. Registration certificates must be obtained within thirty (30) days of vaccination. The registration certificate shall be valid only for the animal for which it was originally issued.

If there is a change of ownership in a dog or cat currently registered with animal control, transfer of registration shall be made upon request of the owner, and there shall be no charge for such transfer.

Fee-exempt registration certificates may be issued for the following:

- (1) Police Department dogs (not privately owned); and
- (2) Dogs trained to assist those with impaired hearing or vision.

Eligibility for fee-exempt registration does not otherwise relieve the owner of responsibility under the provisions of this Section.

(c) Denial Of Registration. The animal control officer may refuse to register a dog or cat or may revoke a registration issued to any person who has been convicted in a court of the State of Texas of any of the following:

- (1) Cruelty to animals as defined in the Texas Penal Code, inhumane treatment, or negligence to an animal;
- (2) Four (4) or more separate violations of this Ordinance within a twelve (12) month period.

If requested to do so in writing, the City Council shall uphold or overturn the animal control officer's refusal of registration.

(d) Guard Dogs, Special Provision. Every person having care or custody of a dog which has received guard training, must register such dog with the City. It shall be unlawful for any person having ownership, occupancy, or control of any property in the City to permit or hire a guard dog to guard such property without such dog having first been registered with animal control pursuant to this paragraph. Registration tags identifying the dog as a guard dog must be worn by such animal at all times, and the dog must be securely muzzled and restrained by a leash when not confined or fenced while in actual performance of duties. Any dog which has received guard dog training may be destroyed, if necessary, when such dog is running at large. The owner, keeper, or person in charge of a guard dog shall be subject to the other provisions of this Ordinance.

Section 5. IMPOUNDMENT.

(a) Animals Subject to Impoundment. The following animals are subject to impoundment:

- (1) Cats or dogs not exhibiting evidence of being vaccinated or registered, as described in Section 4 hereof;
- (2) Any animal running at large;
- (3) Any animal treated in a manner determined by an animal control officer to be cruel or inhumane;
- (4) Any animal that has bitten, scratched, or viciously attacked a person, or needs to be placed under observation for rabies, as determined by an animal control officer;
- (5) Any animal in violation of any provision of this Ordinance.

(b) Right of Property Owner to Confine, Notification of Animal Control. If any animal described in paragraph (a) of this Section is found on the premises of any person, the owner or occupant of the premises shall have the right to confine

such animal in a humane manner until he can notify animal control to impound the animal. When so notified, it shall be the duty of an animal control officer to have such animal impounded as herein provided.

(c) Notification of Animal Owner by Animal Control. Reasonable effort shall be made by animal control to contact the owner of any animal impounded which is wearing current registration and/or vaccination certificates; however, final responsibility for location of an impounded animal is that of the animal owner.

(d) Reclaiming of Impounded Animals, Generally. The owner may reclaim possession of any animal impounded upon payment of impoundment fees, handling fees, and any veterinary expenses incurred by animal control for the welfare of the animal, and upon compliance with the vaccination and registration provisions of this Ordinance, except where prohibited in subsections (e) and (f) of this Section 5.

(e) Reclaiming Animals Impounded on the Grounds of Suspicion of Cruel or Inhumane Treatment. Animals impounded on the grounds of suspicion of cruel or inhumane treatment by the owner shall be disposed of in accordance with the judgment of a court of competent jurisdiction.

(f) Reclaiming Animals Under Rabies Quarantine. If any animal is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from such quarantine.

(g) Designation of Place of Impoundment. The City Administrator shall select and establish a place for impounding all animals impounded under any provision of this Section.

(h) Disposition of Unreclaimed Animals, Generally. Any impounded animal not reclaimed by the owner may be humanely destroyed by animal control after being held seventy-two (72) hours, except that any animal wearing current registration or vaccination metal certificates shall be held six (6) days prior to disposition.

(i) Disposition of Impounded Vicious or Wild Animals. Any vicious animal impounded, unless there is reason to believe such animal has an owner, may be immediately disposed of as deemed appropriate by animal control. Any impounded wild animal, unless such animal is an endangered species, may be immediately disposed of in a manner deemed appropriate by animal control. Wild animals that are considered endangered species will be reported to and turned over to the Texas Department of Parks and Wildlife for disposition.

(j) Disposition of Nursing or Dependent Baby Animals. Any nursing or dependent baby animal impounded without the mother, or where the mother cannot or will not provide for such baby animal, may be immediately euthanized by animal control to prevent further suffering of such baby animal.

(k) Adoption of Impounded Dogs and Cats Authorized. Any impounded dog or cat not wearing current registration or vaccination certificates may be given up for adoption after seventy-two (72) hours, except those under quarantine. Any impounded dog or cat wearing current registration or vaccination certificate may be given up for adoption after being held six (6) days. If the rightful owner of the animal appears within thirty (30) days of adoption, he may redeem the animal by paying the adoptee all documented expenses incurred and reasonable board for the animal.

(l) Disposition of Injured or Ill Animals. Any impounded animal that appears to be suffering from extreme injury or illness may be euthanized or given to a nonprofit humane organization for the purpose of veterinary medical care, as determined by animal control.

Section 6. IMPOUNDMENT FEES; ADOPTION PROCEDURE FOR DOGS AND CATS.

(a) Impoundment Fees Generally. Daily impoundment fees for each impoundment within a twelve-month period shall be as follows:

	<u>PER DAY</u>
(1) Dogs and Cats	\$10.00
(2) Livestock	20.00
(3) Wild Animals	20.00

Animals not listed hereinabove shall be disposed of at the discretion of animal control. The impoundment fee for any animal impounded more than four (4) times in a twelve-month period will be double the listed fee.

(b) Quarantine Fee. The owner of any animal held in quarantine for observation purposes, as hereinafter provided, shall be charged five dollars (\$5.00) for every day or fraction of a day the animal is held at the facility. This fee is in addition to any impoundment fee.

(c) Adoption Procedures.

(1) An individual may adopt an animal (dogs and cats only) from the City animal shelter under the following conditions:

- a. The animal has been classified as adoptable by animal control;
- b. The prospective adopter has proper facilities to care for the animal;
- c. The prospective adopter obtains all necessary vaccinations and registrations; and
- d. The adopter shall pay an adoption fee of five dollars (\$5.00).

The adopter of any dog or cat must have it vaccinated and register it with the City within five (5) days after adoption.

(d) Authority to Refuse Permission to Adopt. The animal control officer may refuse to allow a person to adopt an animal if he has reason to believe the person:

- (1) Would not be able to obtain a registration certificate under the provisions of this Ordinance;
- (2) Would not have proper facilities to contain or care for the animal as required by this Ordinance;
- (3) Wants the animal for resale or purpose other than pet ownership.

Section 7. ANIMAL QUARANTINE.

(a) Authority to Quarantine. The animal control officer shall have the authority to order quarantine of animals responsible for biting incidents or suspected of having rabies or any zoonotic disease that is considered to be a hazard to the human or animal population.

(b) Animals Subject to Quarantine; Conduct of Quarantine. Every animal that bites a human or attacks another animal, or has rabies or any other zoonotic disease, or is under suspicion of having rabies or any other zoonotic disease, shall be immediately confined by the owner, who shall promptly notify animal control or an animal control officer of the place where such animal is confined so that the animal may be placed in quarantine. The owner shall not permit such animal to come in contact with any other person or animal. The owner shall surrender possession of such animal to animal control on demand for supervised quarantine; however, the owner may request permission from the animal control officer for home quarantine as hereinafter provided.

Supervised quarantine shall be at the designated animal shelter, or a veterinary hospital, or by any other method of adequate confinement approved by animal control. The quarantine shall be for a ten (10) day observation period beginning on the date of the bite incident, under the supervision of a licensed veterinarian who shall submit to animal control reports on the quarantined animal's physical condition on the first and last days of the quarantine period. A release from quarantine may be issued if no signs of rabies or other diseases have been observed during the quarantine period.

The owner of an animal subject to quarantine may request permission from the animal control officer for home quarantine if the following criteria can be met:

- (1) Secure facilities must be available at the home of the animal's owner, and said facilities must be acceptable to the animal control officer;

- (2) The animal is currently vaccinated against rabies;
and
- (3) A licensed veterinarian must observe the animal
and submit reports in the same manner as provided
above for supervised quarantine.

(c) Violation of Quarantine, Cause for Seizure and Impoundment. The violation of quarantine by any person shall be just cause for seizure and impoundment of the quarantined animal by animal control. It shall be unlawful for any person to interrupt the quarantine observation period of any animal for any reason.

(d) Investigation of Animal Bite Reports; Killing of Biting Animal Prohibited. All animal bite reports shall be investigated by animal control. Without the permission of animal control it shall be unlawful for any person to kill or remove from the City limits any animal that has bitten any person or other animal, or that has been placed under quarantine.

(e) Authority to Direct Disposition of Suspected Rabid Animals. Animal control shall direct the disposition of any animal suspected of being rabid or of having any zoonotic disease considered to be a hazard to any other animal or human being.

(f) Surrender of Carcasses of Dead Animals Suspected of Having Rabies. The carcass of any dead animal exposed to rabies or suspected of having been rabid shall, upon demand, be surrendered to animal control.

(g) Manner of Disposing of Animals Exposed to Rabies. Every animal exposed to rabies shall be immediately confined by the owner, who shall promptly notify animal control of the place where such animal is confined and the reason therefor. The owner shall not permit such animal to come in contact with any person or animal. Any animal exposed to rabies shall be handled in one of the following manners:

- (1) Humane destruction with notification to, or under
the supervision of, animal control.

- (2) If not currently vaccinated and sufficient justification for preserving the animal exists, the exposed animal should be immediately vaccinated against rabies, placed in strict isolation under veterinary supervision for six (6) months, and given a booster vaccination one (1) month prior to release from isolation.
- (3) If currently vaccinated and sufficient justification exists for preserving the animal, the exposed vaccinated animal should be given a booster rabies vaccination and be placed in strict isolation under veterinary supervision for three (3) months.

These provisions apply only to domestic animals for which an approved rabies vaccine is available.

(h) Refusal to Surrender Animal, on Demand, for Rabies Control Purposes. No person shall fail or refuse to surrender an animal for supervised quarantine or humane destruction, as required herein for rabies control, when the demand therefor is made by animal control.

(i) Notification to Animal Control Upon Escape, Sickness, or Death of Quarantined Animals. Any person having possession of, or responsibility for, any quarantined animal shall immediately notify animal control if such animal escapes, becomes or appears sick, or dies, and in the case of death of the animal while under quarantine, shall immediately surrender the dead animal to animal control for diagnostic purposes.

(j) No Wild Animal Will be Placed in Quarantine. All wild animals involved in biting incidents will be humanely destroyed in such a manner that the brain is not damaged. The brain shall be submitted to the Texas Department of Health for rabies diagnosis.

Section 8. WILD ANIMALS. It shall be unlawful to keep or possess any wild animal within the city limits of the City of Spring Valley, Texas.

Section 9. VICIOUS ANIMALS.

(a) Authority to Destroy if Found at Large. Any vicious animal found running at large may be destroyed by any peace officer or animal control officer in the interest of public safety and health.

(b) Search and Seizure Warrants Authorized. The animal control officer shall be authorized to obtain a search and seizure warrant if the owner of a vicious animal that has been involved in a bite incident or is suspected of having rabies or any other zoonotic disease fails to surrender such animal for quarantine purposes or for humane destruction.

Section 10. LIVESTOCK REGULATIONS.

(a) It shall be unlawful for a person to keep swine within the City of Spring Valley, Texas.

(b) The possession, harboring, or keeping of livestock in the City of Spring Valley, Texas, is permitted only on tracts or parcels of land of three (3) acres or more in size, provided that no owner shall possess, harbor, or keep more than a total of four (4) livestock animals.

(c) In cases involving a scientific or educational program, a nonprofit organization show, exhibition, or humane activity, or animals owned or controlled by the City, the animal control officer may waive certain requirements of this Section.

(d) Any enclosure, pasture, pen, corral, or other restrictive area for livestock shall be of sufficient strength and construction so as to keep such livestock confined. All gates must be of sufficient strength and construction so as to keep livestock confined.

Section 11. SANITARY CONDITIONS REQUIRED, SPECIFIED. The owner or person in possession of animals shall keep yards, pens and enclosures in which such animals are confined in such a manner so as not to give off odors offensive to persons of ordinary sensibilities residing in the vicinity, or to breed or attract flies, mosquitoes or other noxious insects, or in any manner to endanger the public health or safety, or create a public nuisance.

Section 12. ANIMAL CARE GUIDELINES. The following are established as guidelines for animal care and are not intended to contravene the provisions for animal cruelty contained in the Texas Penal Code.

(a) Provision for Food, Shelter and Care, Generally. No owner shall fail to provide any animal with sufficient good and wholesome food and water, proper shelter, and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(b) Abuse of Animals; Animal Fighting. No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(c) Abandonment. No owner shall abandon any animal. Any animal left without proper food, water, or shelter for more than seven (7) days shall be considered abandoned. Animal control shall impound any abandoned animal.

Section 13. PENALTY. Any person who intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed two hundred dollars (\$200.00) for violating any provision of this Ordinance. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

Section 14. SEVERABILITY. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional, and the City Council of the City of Spring Valley, Texas, declares that it would have passed each

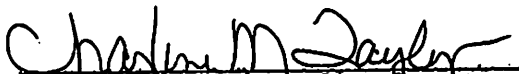
and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 15. REPEALER. City of Spring Valley, Texas, Ordinance No. 14, Book II, passed and approved November 19, 1957, is hereby repealed. City of Spring Valley, Texas, Ordinance No. 42, Book II, passed and approved November 24, 1964, is hereby repealed. City of Spring Valley, Texas, Ordinance No. 46, Book II, passed and approved November 22, 1966, is hereby repealed. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED, APPROVED AND ADOPTED this 28 th day of February, 1984.


Diane D. Tate, Mayor

ATTEST:


Charlene M. Taylor, City Secretary

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

MEETING DATE: February 22, 2022

TOPIC: Resolution No. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING AMENDMENT #6 TO THE VILLAGE FIRE DEPARTMENT INTERLOCAL COOPERATION AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT BY THE MAYOR; AND PROVIDING AN EFFECTIVE DATE.

BACKGROUND: Amendment #6 to the Village Fire Department Interlocal Agreement is the document required to be approved by each Village in order to allow the readmittance of Bunker Hill Village into the Village Fire Department. Amendment #6 simply returns Bunker Hill Village to the status of a Contracting City and extinguishes the 2019 Interlocal Agreement which allowed Bunker Hill Village to receive services from the VFD, with the exception of Section 4.6 of the 2019 Interlocal. Section 4.6 required Bunker Hill Village to make payments to the VFD for post-retirement liability which would be returned to BHV upon its readmittance into the VFD.

RECOMMENDATION: None

ATTACHMENTS: • Resolution No. 22-XX

FUNDING ISSUES:

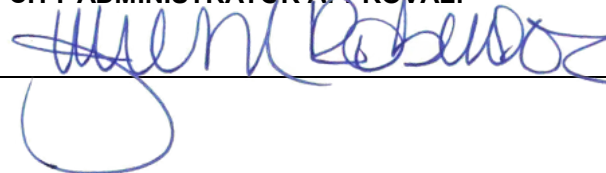
- ☒ Not applicable – no dollars are being spent or received.
- ☐ Full amount already budgeted in Acct/Project# _____
- ☐ Not budgeted, if approved, the following will be included in the next Budget Amendment:
 - ☐ \$_____ from Acct/Project# _____ will be transferred to Acct/Project# _____
 - ☐ \$_____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

CITY ADMINISTRATOR APPROVAL:



RESOLUTION NUMBER 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING AMENDMENT #6 TO THE VILLAGE FIRE DEPARTMENT INTERLOCAL COOPERATION AGREEMENT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING EXECUTION OF THE INTERLOCAL AGREEMENT 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, on December 20, 1978, the City of Spring Valley Village entered into an Interlocal Cooperation Agreement with the Cities of Bunker Hill Village, Hedwig Village, Hilshire Village, Hunters Creek Village, and Piney Point Village to establish the Village Fire Department that would be jointly owned and operated by the cities to provide fire and emergency medical services to each of the cities ("Village Fire Department Interlocal Cooperation Agreement"); and

WHEREAS, the City Council has before it a proposed Amendment #6 to the Village Fire Department Interlocal Cooperation Agreement ("Amendment #6), a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, upon full review and consideration of Amendment #6 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 Amendment #6 and to authorize the Mayor to execute Amendment #6 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 Amendment #6 to the Village Fire Department Interlocal Cooperation Agreement.

Section 3. The City Council also authorizes the Mayor to execute Amendment #6 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 ____ day of _____, 2022.

Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

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

EXHIBIT "A"

TO

RESOLUTION NUMBER 22-XX

Village Fire Department Interlocal Cooperation Agreement Amendment #6

Pursuant to Article 16A. of the Village Fire Department Interlocal Cooperation Agreement, all contracting cities hereby approve the following amendment to Article 1 thereof:

Article 1.

“1.00. Notwithstanding any other article or provision herein, the City of Bunker Hill Village shall be considered a “Contracting City” under this Agreement immediately upon final execution of this Amendment #6. The Interlocal Agreement for Fire Protection and Emergency Services executed November 13, 2019 (“2019 Interlocal Agreement”), is hereby extinguished by agreement of all Parties thereto; provided however, that Section 4.6 of the 2019 Interlocal Agreement shall survive.

(Amend #6 - 4/1/2022)”

This Amendment may be executed in any number of counterparts, and each such counterpart hereof shall be deemed to be an original instrument, but all such counterparts together shall constitute but one Amendment agreement.

HEDWIG VILLAGE:

By: _____
Tom Jinks
Mayor

Date: _____

ATTESTED:

Kelly Johnson
City Administrator/City Secretary-Treasurer

HILSHIRE VILLAGE:

By: _____
Russell Herron
Mayor

Date: _____

ATTESTED:

Susan Blevins
City Administrator/City Secretary

PINEY POINT VILLAGE:

By: _____
Mark Kobelan
Mayor

Date: _____

ATTESTED:

Karen Farris
City Secretary

SPRING VALLEY VILLAGE:

By: _____
Marcus Vajdos
Mayor

Date: _____

ATTESTED:

Roxanne Benitez
City Secretary

HUNTERS CREEK VILLAGE:

By: _____
Jim Pappas
Mayor

Date: _____

ATTESTED:

Tom Fullen
City Administrator/City Secretary

BUNKER HILL VILLAGE:

By: _____
Robert Lord
Mayor

Date: _____

ATTESTED:

Karen Glynn
City Administrator/City Secretary

VILLAGE FIRE DEPARTMENT:

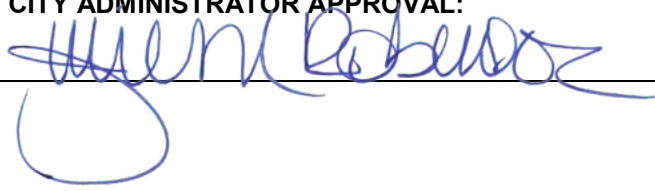
By: _____

Date: _____

ATTESTED:

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

MEETING DATE: February 22, 2022

TOPIC:	Briefing And Discussion Concerning Quarterly Investment Report For Period Ending December 31, 2021
BACKGROUND:	Per the City's Investment Policy, the Investment Officer shall prepare an investment report at least quarterly. Attached is a memorandum explaining changes in the City's investments as well as a detailed investment report for the quarter ending December 31, 2021.
RECOMMENDATION:	N/A
ATTACHMENTS:	Quarterly Investment Report for Period Ending December 31, 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:	
	
SUBMITTING STAFF MEMBER:	CITY ADMINISTRATOR APPROVAL:
Michelle Yi, City Treasurer	

DIVIDER PAGE



EST. 1955

SPRING VALLEY
VILLAGE**MEMORANDUM**

TO: Honorable Mayor and Council Members
FROM: Michelle Yi, City Treasurer
CC: Julie Robinson, City Administrator
DATE: February 22, 2022
SUBJECT: Quarterly Investment Report for the Period Ended December 31, 2021

In accordance with the Public Funds Investment Act, Chapter 2256.023 of the Government Code, the Investment Officer shall prepare and submit to City Council a quarterly report of investment transactions of all funds for the preceding period.

The City invests cash that is not immediately needed for operations in Certificates of Deposit, Texpool, TexasClass and Securities issued by Agencies of the Federal Government as allowed by the Public Funds Investment Act and the City's Investment Policy.

Portfolio Recap:

- Year-to-Date, The TexPool earned an average yield of 0.0370%
- Year-to-Date, The Texas Class earned an average yield of 0.0582%
- Throughout the quarter, the City's investments earned interest \$3,250.51

During the first quarter of FY 2022, the Federal Reserve maintained its target for the federal funds rate at a range of 0-0.25% and rates are anticipation for a first rate hike by mid-2022. Treasury yields remained relatively stable over the quarter ended December 31, 2021. Staff continues to closely monitor the accounts being held by the City.

Enclosed are details of the City investment transactions for Quarter Ended December 31, 2021. This information shows that on the beginning market value as of October 1, 2021 was \$26,625,348.18 and ending market value on December 31, 2021 was \$26,931,274.47. Also included are spreadsheets showing the book value additions of \$5,036,846.87 and book value withdrawals of \$4,730,920.58 for fiscal year-to-date activity.

As of December 31, 2021, the City's cash and investments were as follows:

<u>INVESTMENTS</u> <u>CATEGORY</u>	<u>ORIGINAL</u> <u>FACE VALUE</u>	<u>BOOK</u> <u>VALUE</u>	<u>MARKET % OF</u> <u>PORTFOLIO</u>
Cash in Demand Accounts	\$ 2,439,263	\$ 2,439,263	9.05%
Certificates of Deposit (CDs)	\$ 217,863	\$ 217,863	0.81%
Investment Pools	\$ 24,032,254	\$ 24,032,254	89.24%
Money Market/Savings	\$ 241,895	\$ 241,895	0.90%
	<u>\$ 26,931,274</u>	<u>\$ 26,931,274</u>	<u>100.00%</u>

Compliance: The City requires its depository banks to provide collateral for all deposits in excess of Federal Deposit Insurance. As of December 31, 2021, the market value of collateral pledged to the City by Wells Fargo through the Bank of New York Mellon was \$1,499,993.56.

Market Value: The City currently holds no investments in which the book value differs from the market value. For all holdings, the book value is equal to the market value.

To the best of my knowledge, this report is in compliance with the investment strategy expressed in the City of Spring Valley Village Investment Policy and with the Texas Public Funds Investment Act, V.T.C.A., Government Code Ch. 2256, as amended

Investment Officer:

Michelle Yi, City Treasurer

**CITY OF SPRING VALLEY VILLAGE
INVESTMENT PORTFOLIO - SUMMARY
December 31, 2021**

<u>INVESTMENTS CATEGORY</u>	<u>ORIGINAL FACE VALUE</u>	<u>BOOK VALUE</u>	<u>MARKET VALUE</u>	<u>MARKET % OF PORTFOLIO</u>
Cash in Demand Accounts	\$ 2,439,263	\$ 2,439,263	\$ 2,439,263	9.05%
Certificates of Deposit (CDs)	\$ 217,863	\$ 217,863	\$ 217,863	0.81%
Investment Pools	\$ 24,032,254	\$ 24,032,254	\$ 24,032,254	89.24%
Money Market/Savings	\$ 241,895	\$ 241,895	\$ 241,895	0.90%
	<u>\$ 26,931,274</u>	<u>\$ 26,931,274</u>	<u>\$ 26,931,274</u>	<u>100.00%</u>

Weighted Average Maturity *	2 Days
Weighted Average Yield*	0.0523%
Comparative Yields:	
	3-month Tsy Bill 0.0600%
	6-month Tsy Bill 0.1900%
	2-year Tsy Note 0.7300%

* Does include cash accounts

CITY OF SPRING VALLEY VILLAGE
SUMMARY INVESTMENT REPORT
For the Quarter Ended December 31, 2021

Account Description	Date		Rate/ Coupon	Purchase Yield	Purchase Price	Market Price	Face Amount	Beginning Values @ 10/1/21		Ending Values @ 12/31/2021		Accrued Interest
	Purchase	Maturity						Book Value	Market Value	Book Value	Market Value	
Cash Accounts												
Wells Fargo - Pooled Cash	12/31/21	01/01/22	0.1600%	0.1600%	\$ -	\$ -	\$ 1,825,205.32	\$ 529,183.35	\$ 529,183.35	\$ 1,825,205.32	\$ 1,825,205.32	\$ -
Wells Fargo - Harris County Child Safety	12/31/21	01/01/22	0.1600%	0.1600%	-	-	63,842.40	62,752.02	62,752.02	63,842.40	63,842.40	-
Wells Fargo - Savings	12/31/21	01/01/22	0.1600%	0.1600%	-	-	167,276.29	167,208.84	167,208.84	167,276.29	167,276.29	-
Wells Fargo - Court On-Line Pay	12/31/21	01/01/22	0.1600%	0.1600%	-	-	8,974.98	8,943.47	8,943.47	8,974.98	8,974.98	-
Wells Fargo - GO/CO Bonds	12/31/21	01/01/22	0.1600%	0.1600%			15,555.09	15,546.63	15,546.63	15,555.09	15,555.09	-
Wells Fargo - Reserved for Bond	12/31/21	01/01/22	-	-	-	-	358,408.47	358,408.47	358,408.47	358,408.47	358,408.47	-
Sub-total							2,439,262.55	1,142,042.78	1,142,042.78	2,439,262.55	2,439,262.55	-
Certificates of Deposit												
Allegiance Bank #1002083862	12/18/21	12/17/22	0.2000%	0.2000%	-	-	217,862.92	212,019.46	212,019.46	217,862.92	217,862.92	17.91
Sub-total							217,862.92	212,019.46	212,019.46	217,862.92	217,862.92	17.91
Investment Pools												
TexPool - General Fund	12/31/21	01/01/22	0.0370%	0.0370%			4,247,150.52	5,246,688.00	5,246,688.00	4,247,150.52	4,247,150.52	-
TexPool - Utility Fund	12/31/21	01/01/22	0.0370%	0.0370%			1,524,459.79	1,524,317.73	1,524,317.73	1,524,459.79	1,524,459.79	-
TexPool - Capital Replacement Fund	12/31/21	01/01/22	0.0370%	0.0370%			1,751,411.67	1,751,248.47	1,751,248.47	1,751,411.67	1,751,411.67	
TexPool - Capital Improvement Fund	12/31/21	01/01/22	0.0370%	0.0370%			5,760,067.55	5,759,630.33	5,759,630.33	5,760,067.55	5,760,067.55	
Texas Class - General Fund	12/31/21	01/01/22	0.0582%	0.0582%			2,501,319.18	2,500,968.82	2,500,968.82	2,501,319.18	2,501,319.18	
Texas Class - CLFRF Fund	12/31/21	01/01/22	0.0582%	0.0582%			535,173.13	535,098.15	535,098.15	535,173.13	535,173.13	
Texas Class - Capital Improvement Fund	12/31/21	01/01/22	0.0582%	0.0582%			7,712,672.34	7,711,591.98	7,711,591.98	7,712,672.34	7,712,672.34	
Sub-total							24,032,254.18	25,029,543.48	25,029,543.48	24,032,254.18	24,032,254.18	-
Money Market/Savings Accounts												
Veritex Bank	12/31/21	01/01/22	0.2500%	0.2500%	-	-	241,894.82	241,742.46	241,742.46	241,894.82	241,894.82	-
Sub-total							241,894.82	241,742.46	241,742.46	241,894.82	241,894.82	-
Total							\$ 26,931,274.47	\$ 26,625,348.18	\$ 26,625,348.18	\$ 26,931,274.47	\$ 26,931,274.47	\$ 17.91

CITY OF SPRING VALLEY VILLAGE
INVESTMENT ACTIVITY REPORT
For the Quarter Ended December 31, 2021

Account Description	Date		Rate/ Coupon	Face Amount	Beginning Balance		Fiscal Year-To-Date Activity			Ending Balance	
	Purchase	Maturity			10/01/21 Book Value	10/01/21 Market Value	Deposits/ Purchases	Withdrawals/ Maturities/Calls	Incr/(Decr) Market Value	12/31/21 Book Value	12/31/21 Market Value
Cash Accounts											
Wells Fargo - Pooled Cash	12/31/21	01/01/22	0.1600%	\$ 1,825,205.32	\$ 529,183.35	\$ 529,183.35	\$ 5,026,942.55	\$ 3,730,920.58		\$ 1,825,205.32	\$ 1,825,205.32
Wells Fargo - Harris County Child Saf	12/31/21	01/01/22	0.1600%	63,842.40	62,752.02	62,752.02	1,090.38	-	-	63,842.40	63,842.40
Wells Fargo - Savings	12/31/21	01/01/22	0.1600%	167,276.29	167,208.84	167,208.84	67.45	-	-	167,276.29	167,276.29
Wells Fargo - Court On-Line Pay	12/31/21	01/01/22	0.1600%	8,974.98	8,943.47	8,943.47	31.51	-	-	8,974.98	8,974.98
Wells Fargo - GO/CO Bonds	12/31/21	01/01/22	0.1600%	15,555.09	15,546.63	15,546.63	8.46	-	-	15,555.09	15,555.09
Wells Fargo - Bond Reserved	12/31/21	01/01/22	0.1600%	358,408.47	358,408.47	358,408.47	-	-	-	358,408.47	358,408.47
Sub-total				2,439,262.55	1,142,042.78	1,142,042.78	5,028,140.35	3,730,920.58	-	2,439,262.55	2,439,262.55
Certificates of Deposit											
Allegiance Bank #1002083862	12/18/20	12/17/21	0.2000%	217,862.92	212,019.46	212,019.46	5,843.46	-	-	217,862.92	217,862.92
Sub-total				217,862.92	212,019.46	212,019.46	5,843.46	-	-	217,862.92	217,862.92
Investment Pools											
TexPool - General Fund	12/31/21	01/01/22	0.0370%	4,247,150.52	5,246,688.00	5,246,688.00	462.52	1,000,000.00	-	4,247,150.52	4,247,150.52
TexPool - Utility Fund	12/31/21	01/01/22	0.0370%	1,524,459.79	1,524,317.73	1,524,317.73	142.06	-	-	1,524,459.79	1,524,459.79
TexPool - Capital Replacement Fund	12/31/21	01/01/22	0.0370%	1,751,411.67	1,751,248.47	1,751,248.47	163.20	-	-	1,751,411.67	1,751,411.67
TexPool - Capital Improvement Fund	12/31/21	01/01/22	0.0370%	5,760,067.55	5,759,630.33	5,759,630.33	437.22	-	-	5,760,067.55	5,760,067.55
Texas Class - General Fund	12/31/21	01/01/22	0.0582%	2,501,319.18	2,500,968.82	2,500,968.82	350.36	-	-	2,501,319.18	2,501,319.18
Texas Class - CLFRF Fund	09/30/21	10/01/21	0.0582%	535,173.13	535,098.15	535,098.15	74.98	-	-	535,173.13	535,173.13
Texas Class - Capital Improvement F	12/31/21	01/01/22	0.0582%	7,712,672.34	7,711,591.98	7,711,591.98	1,080.36	-	-	7,712,672.34	7,712,672.34
Sub-total				24,032,254.18	25,029,543.48	25,029,543.48	2,710.70	1,000,000.00	-	24,032,254.18	24,032,254.18
Money Market/Savings Accounts											
Veritex Bank	12/31/21	01/01/22	0.2500%	241,894.82	241,742.46	241,742.46	152.36	-	-	241,894.82	241,894.82
Sub-total				241,894.82	241,742.46	241,742.46	152.36	-	-	241,894.82	241,894.82
Total				\$ 26,931,274.47	\$ 26,625,348.18	\$ 26,625,348.18	\$ 5,036,846.87	\$ 4,730,920.58	\$ -	\$ 26,931,274.47	\$ 26,931,274.47