

**MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF SPRING VALLEY VILLAGE, TEXAS
TUESDAY, NOVEMBER 15, 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 (left at 6:14 p.m.; arrived again at 7:05 p.m.)

Council Member Bo Bothe

Council Member Steve Bass

Council Member David Dominy

Members Absent:

Council Member Joy McCormack

2. INTRODUCTIONS

Julie M. Robinson, City Administrator

Zachary Meadows, Director of Community Development

Jasmin Torres, City Secretary

Michelle Yi, City Treasurer

Loren Smith, City Attorney (arrived at 6:20 p.m.)

Mark Schulze, Acting Police Chief

David Dixon, Police Commissioner

At this time, Mayor Vajdos asked that Agenda Items 7 through 9 be taken out of order until the re-arrival of Mayor Pro-Tem Carpenter from the City of Hilshire Council meeting.

3. PROCLAMATIONS / ANNOUNCEMENTS / SWEARING-IN

None.

4. PUBLIC COMMENTS

4.1 PUBLIC COMMENTS (THREE MINUTE LIMIT)

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.

4.2 PERSONAL APPEARANCES (Public Comments)

Any person or group desiring to have their name on the agenda to appear before the City Council during the public comments portion of the meeting shall contact the City Secretary before 12:00 noon on the Tuesday immediately preceding the Council meeting and request recognition, in writing, during the public comments period. Such

citizen or group shall specify to the City Secretary their name, address, and matter to be discussed. **A time limit of eight (8) minutes shall be imposed unless waived, dispensed with, shortened, or lengthened by consent of a majority of the members of the Council.** The City Council may take action during the personal appearances if the agenda item is sufficient to do so. This provision shall not apply to special public hearings called by the Council for specific purposes.

4.2(a) Bisher Khalaf, 1 Pecan Trail Lane, Issues with Enforcement of Ordinance Requirements and Communication Related to the Kelsey-Seybold Project.

Mr. Khalaf presented the Council with photos of his issues before beginning to speak. Mr. Khalaf's main issues with the Kelsey-Seybold Project are the lack of landscape buffer and window screening, the lighting at night, and the lack of tree coverage all of which he feels that he feels have not been adhered to or enforced according to the the approved ordinance requirements. He expressed how making these changes would ensure a sense of privacy for the residents of Pecan Trail Lane. Mr. Khalaf also expressed his frustration and issues with the lack of communication he has received from City Hall employees. He suggested that the power pole behind his fence be moved to accommodate additional trees and provide him with the backyard coverage and privacy he wants. He then referenced again the issues he has had with lack of communication with City Hall employees and emails from Community Development Director Zachary Meadows and City Administrator Julie Robinson. At this time, Mr. Khalaf's eight-minute time limit was reached and Mayor Vajdos asked City Secretary Jasmin Torres and the City Council for Bisher Khalaf's time to be extended and allow for questions. Mr. Khalaf then continued with his issues regarding the lack of communication and the documentation that he has received from the City Attorney's office in response to a Public Information Act request he submitted to the City.

Council Member Bothe addressed Mr. Khalaf and explained that the Council advised City Hall employees to cease communication with Mr. Khalaf because of threats of legal action from the Pecan Trail residents as well as Mr. Khalaf in emails received. Council Member Bothe further explained that there have been several conversations with Kelsey-Seybold and, currently, all that can be done, has been done. City Administrator Julie Robinson then relayed that all issues and complaints received have been investigated and further explained that all information collected or created was produced to Mr. Khalaf per his Public Information Act request. After continued reiterating by Mr. Khalaf regarding the lack of a landscape buffer, Council Member Bass explained that all has been done in compliance with the Code. Anything done now has to be seen and done in a different light. Council Member Dominy then asked Mr. Khalaf once the issues with the tree in the City's right of way and the electrical lines were investigated what was Mr. Khalaf's proposed solution as the City does not have the right to go into his backyard or that of any resident and plant a tree. Mr. Khalaf's solution was for a tree or trees to be planted on his side at the City's expense .

5. **CONSENT AGENDA**

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

- 5.1 Minutes for Special Called City Council Meeting on June 21, 2022
- 5.2 Minutes for Special Called City Council Meeting on August 2, 2022
- 5.3 Minutes for Regular City Council Meeting on September 27, 2022
- 5.4 Ordinance Number 2022-XX - An Ordinance Of The City Of Spring Valley, Texas, Providing For An Official Newspaper For The City; Providing For The Repeal Of Ordinances, Resolutions, Or Policies Inconsistent Herewith; And Providing For Severability.
- 5.5 Resolution No. 22-XX – A Resolution Of The City Council Of The City Of Spring Valley Village, Texas, Ratifying The Actions Of The Acting Police Chief In Executing A Memorandum Of Understanding Between Harris County Law Enforcement And First Responders; Providing For Incorporation Of Preamble; And Providing An Effective Date.
- 5.6 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 4 To Metrocity, LLC. In The Amount Of \$47,970.58 Pursuant To The Agreement By And Between The City Of Spring Valley Village, Texas And Metrocity, Llc. For Cedarspur, Burkhardt, And Winningham (East Of Voss) Pavement & Utility Improvements Project (CSB #2022-01-101); Providing For Incorporation Of Preamble; And Providing An Effective Date.
- 5.7 Approval of Pay Estimate No. 5 for Cedarspur, Burkhardt, and Winningham (East of Voss) Pavement & Utility Improvements Project to MetroCity LLC In The Amount of \$ 122,192.79.

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

OLD BUSINESS

- 6. **UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** October 2022 Police Department Staff Report (Chief Schulze):
 - 1. Number of Calls for Service – 1,725
 - 2. Number of Traffic Violations – 769
 - 3. Update on New Personnel – Two new officers introduced; Martinez and Garcia.

At this time, Mayor Vajdos asked that Agenda Items 7 through 9 be taken up since Mayor Pro-Tem Carpenter had returned from the City of Hilshire Council meeting. However, the Council decided to wait until completing Agenda Item 21 to take up Agenda Items 7-9.

NEW BUSINESS

- 10. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Approval of Villages

Mutual Insurance Group Recommended Insurance Carriers for Plan Year 2023 Being Blue Cross/Blue Shield of Texas for Medical, Dental, Group Life/AD&D, Supplemental Life and Long-Term Disability, and Superior Vision (Vision) For The City of Spring Valley Village's Employee Benefits

Council Member Dominy made a motion to approve the Villages Mutual Insurance Group's recommended insurance carriers for Plan Year 2023 being Blue Cross/Blue Shield (Medical), Guardian Life (Dental), Lincoln National Insurance (Life/AD&D/LTD), and Superior Vision (Vision) for the City of Spring Valley Village's employee benefits, and Council Member Bass seconded the motion. Motion carried 4-0.

11. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 22-XX – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS DESIGNATING A REPRESENTATIVE AND AN ALTERNATE TO THE HOUSTON-GALVESTON AREA COUNCIL 2023 GENERAL ASSEMBLY.

Mayor Vajdos read the Resolution by caption only. Council Member Dominy made a motion to approve Resolution No. 22-27 appointing Council Member Bo Bothe as the Representative and Mayor Marcus Vajdos as the Alternate Representative of the City of Spring Valley Village to the Houston-Galveston Area Council 2023 General Assembly, and Council Member Carpenter seconded the motion. Motion carried 4-0.

12. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution Number 22-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, APPROVING THE TERMS AND CONDITIONS OF A PROPOSAL FOR ENGINEERING SERVICES FOR THE REPAIR OF THE KRIST DRIVE STORM SEWER OUTFALL BY AND BETWEEN THE CITY OF SPRING VALLEY VILLAGE, TEXAS AND COBB, FENDLEY, & ASSOCIATES; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SUCH AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

Mayor Vajdos read the Resolution by caption only. Council Member Dominy made a motion to approve Resolution No. 22-29 proposal from CobbFendley for engineering services for the repair of the Krist Drive Storm Sewer outfall, and Council Member Bass seconded the motion. Motion carried 4-0.

13. **DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** Drainage Letter Report from CobbFendley Concerning Options for Addressing Mickey Way Drainage Improvements Issues.

Following discussion, no action was taken. City Administrator Julie Robinson was directed to contact the resident who had brought this issue to the Council with the decision.

14. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Approval of Request for Rate Modification by Green for Life Environmental ("GFL") Effective January 2023 and Authorizing Automatic One Year Renewal of Current Contract for Services with GFL Environmental.

There was discussion concerning the provisions of the current contract and the options for the City at this time. While Council is willing to approve a one-year renewal of the current contract, it was the consensus of the Council that the City evaluate options for more cost-effective services going forward. Following discussion, Council Member Bothe made a

motion to approve the Request for Rate Modification by Green for Life Environmental (“GFL”) Effective January 2023 and Authorizing Automatic One Year Renewal of Current Contract for Services, and Council Member Bass seconded the motion. Motion carried 4-0.

15. **DISCUSSION AND DIRECTION CONCERNING:** Enforcement of Urban Forest Preservation and Protection Regulations Contained in Article 3.1000 of the Code of Ordinances.

Mayor Vajdos briefed the Council on recent conversations he and Director of Community Development Zachary Meadows have had with resident Nathan Boudreaux as well as other residents. The concerns of these residents are related to the enforcement of the City’s current tree regulations. Mr. Meadows advised that from these conversations with residents, he has spoken to City Attorney Loren Smith to review the City Ordinances and make sure that they reflect the changes in state law and to also look at the possibility of combining the tree regulations that are found in the building and zoning ordinances.

Following discussion it was the direction of the Council for City Staff to continue operating within the confines of the ordinance as interpreted by our City Attorney; the City will continue to ensure compliance is being met through our permitting process and will continue to investigate any and all complaints or possible violations of the ordinances that are brought to our attention. It was also the direction of the Council that there would be no proactive enforcement by the City in terms of looking for potential tree regulation code violations.

16. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Award of Request for Qualifications #2022-10-902 for Internal and Possible Forensic Audit Services to Weaver and Tidwell, LLP.

Council Member Bass made a motion to Award Request for Qualifications #2022-10-902 for Internal and Possible Forensic Audit Services to Weaver and Tidwell, LLP., and Council Member Dominy seconded the motion. Motion carried 4-0.

17. **BRIEFING AND DISCUSSION CONCERNING:** Quarterly Investment Report For Period Ending September 30, 2022.

City Treasurer Michelle Yi advised the Council that during the quarter, the rate has been raised twice by 150 basis points. Both TexPool and Texas Class have an average rate of about 3%. There are currently about \$25 million in funds in those reserves.

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

1. Board of Adjustments Update

Director of Community Development Zachary Meadows briefed the Council regarding the Board of Adjustments Meeting scheduled for November 16, 2022. This meeting is to include a fence variance at 1214 Campbell Road and a rear and side setback variance request at 8316 Winningham Lane. However, the variance request at 8316 Winningham Lane has since been pulled by the homeowners due to the Home Owner’s Association not being in favor of their request.

2. Status of Cedarspur, Burkhardt, Winningham (East of Voss)

City Administrator Julie Robinson informed the Council that the contractor working on this project, Metro City, has dropped the ball with regard to replacement of several utility meters at different addresses. For this reason, there are currently conversations regarding

compliance with the contract that was awarded. City Hall is currently working with any residents that are having utility billing issues due to the meter changes to make sure that the correct adjustments are made.

3. Status of Cedarspur (West of Bingle) and Burkhart (East of Bingle)

Director of Community Development Zachary Meadows advised that the project's 100% construction designs are in review and we and expect to go out for bid in early 2023. City Administrator Julie Robinson is also reviewing the front end bid documents to make sure they are the correct ones.

4. Status of Brighton Place Streets

Director of Community Development Zachary Meadows advised that the survey work for the Brighton Place Utility and Pavements project is complete, and the urban forester will be onsite soon to complete assessments on the trees. The engineer is currently working on 30% design plans and any schedules or further project planning will be paused until the new Public Works Director Kristina Watson is on board.

5. Status of Bingle Road Road Diet

Mr. Meadows advised that there is no change from the last update provided to the Council. The City of Houston is still waiting on permits.

At this time, Mayor Vajdos asked a scout that was present to come up and introduce himself to the Council. James Hudson from Troop #993 introduced himself to the Council before the Council adjourned into Executive Session.

19. EXECUTIVE SESSION

- 19.1 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.
- 19.2 Section 551.072 – Deliberation Regarding Real Property – Discussion Regarding the Purchase, Exchange, Lease or Value of Real Property
- 19.3 Sec. 551.087 - Deliberation Regarding Economic Development Negotiations: (1) to discuss or deliberate regarding commercial or financial information that the governmental body has received from a business prospect that the governmental body seeks to have locate, stay, or expand in or near the territory of the governmental body and with which the governmental body is conducting economic development negotiations; or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).

Council adjourned into Executive Session at 7:23 p.m.

20. RECONVENE

The City Council meeting reconvened at 8:03 p.m.

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

No action was taken.

7. **UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** Activities of the Village Fire Department Commissioners Meeting on October 26, 2022 and Any Special Meetings That May Have Occurred Since October 4, 2022. (Mayor Pro-Tem Carpenter / Council Member Bothe)

Mayor Pro-Tem Carpenter advised that this meeting was regarding the bunker gear and fixing the roof leak in the annex building.

8. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** The City of Spring Valley Village's Understanding of the Approval Process of Village Fire Department Budgets and Budget Amendments Pursuant to the Interlocal Agreement.

Mayor Pro-Tem Carpenter briefed the Council about the Village Fire Department Interlocal Agreement and the process for the Board adoption of budgets. One of the larger issues happening now is that the Interlocal Agreement does not state how an amendment would be addressed. Since the last meeting, all Villages have now approved and passed the amended budget presented, but there continues to be stalling with the repairs needed for the roof leak in the annex building.

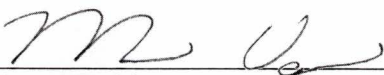
9. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Resolution No. 22-XX - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE EXPRESSING SUPPORT AND GRATITUDE FOR THE OUTSTANDING FIRE AND EMERGENCY MEDICAL SERVICES PROVIDED BY ALL EMPLOYEES OF THE VILLAGE FIRE DEPARTMENT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Vajdos read the Resolution by caption only. Council Member Dominy made a motion to approve Resolution No. 22-26 expressing Support and Gratitude for the Village Fire Department, and Council Member Bass seconded the motion. Motion carried 4-0.

22. **ADJOURNMENT**

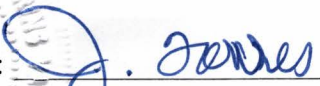
Council Member Dominy made a motion to adjourn the meeting at 8:31 p.m., and Council Member Bass seconded the motion. Motion carried 4-0.

Signed:



Marcus Vajdos
Mayor

Attest:



Jasmin Torres
City Secretary