

**MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF SPRING VALLEY VILLAGE, TEXAS
TUESDAY, DECEMBER 13, 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 Bo Bothe (arrived at 6:11 p.m.)
Council Member Steve Bass
Council Member David Dominy
Council Member Joy McCormack

Members Absent:
None.

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
Mark Schulze, Acting Police Chief
David Dixon, Police Commissioner

3. PROCLAMATIONS / ANNOUNCEMENTS / SWEARING-IN

None.

4. PUBLIC COMMENTS

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

- 4.1.1 Jason Griffin, Troop Leader with Troop 642, was in attendance.
- 4.1.2 James Peterson, a scout with Troop 642, was in attendance.
- 4.1.3 Daniel Going, a scout with Troop 642, was in attendance.
- 4.1.4 Jack Hewitt, a scout with Troop 642, was in attendance.
- 4.1.5 Henry Going, a scout with Troop 642, was in attendance.
- 4.1.6 Caleb Dean, a scout with Troop 642, was in attendance.
- 4.1.7 Preston Perego, a scout with Troop 642, was in attendance.

- 4.1.8 Chris Perego, a scout with Troop 642, was in attendance.
- 4.1.9 Chase Zion, a scout with Troop 642, was in attendance.
- 4.1.10 Brian T. Muecke, who lives at 811 Hedwig Way in Hedwig Village, was in attendance to hear the City's appointed Fire Commissioners' report from the last Village Fire Department meeting from Spring Valley Village as none was given at the last City Council meeting in Hedwig Village.

5. CONSENT AGENDA

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

- 5.1 Minutes for Regular City Council Meeting on November 9, 2022
- 5.2 Minutes for Regular City Council Meeting on November 15, 2022
- 5.3 Ordinance No. 2022-XX - AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, AMENDING THE SCHEDULE OF CHARGES AND FEES FOR THE COLLECTION AND DISPOSAL OF GARBAGE, RUBBISH, AND RECYCLABLES; PROVIDING AN EFFECTIVE DATE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.
- 5.4 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, ADOPTING A GASB STATEMENT NO. 87 POLICY; PROVIDING FOR THE INCORPORATION OF PREAMBLE; AND PROVIDING AN EFFECTIVE DATE.

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

6. RECESS REGULAR CITY COUNCIL MEETING

- 6.1 Regular Meeting of the Board of Directors of the Spring Valley Legacy Fund, Inc.
The Regular meeting of the City Council recessed at 6:06 p.m.

7. RECONVENE MEETING OF CITY COUNCIL

The Regular meeting of the City Council reconvened at 6:12 p.m.

OLD BUSINESS

- 8. **UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** November 2022 Police Department Staff Report (Chief Schulze):
 - 1. Number of Calls for Service – 1,910
 - 2. Number of Traffic Violations - 994
 - 3. Update on New Personnel – Chief Schulze introduced officers Chris Garcia and Joshua Martinez. Officer Rick Martel was promoted to Corporal and Officer Aerial Clawson was promoted to Sergeant. Chief Schulze and Captain Lane presented a

special award to Michael Marquez, a Communication Officer who helped a caller on November 16, 2022, in a crisis situation although the call was for another jurisdiction.

At this time, Mayor Vajdos asked that Agenda Items 9 through 10 be discussed after the Council reconvened from the Executive Session. Council Member Carpenter made a motion for Agenda Items 9 through 10 to be discussed after the Executive Session, and Council Member Bothe seconded the motion. Motion carried 5-0.

NEW BUSINESS

- 11. CONDUCT A PUBLIC HEARING CONCERNING:** AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.01, GARAGES AND CARPORTS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT “A”; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO REQUIRE THAT A GARAGE HAVE A MINIMUM OPENING TO ACCOMMODATE ACCESS FOR AT LEAST TWO (2) CARS; TO REQUIRE A SIDE LOADING GARAGE TO HAVE A MINIMUM SETBACK OF TWENTY-EIGHT FEET (28’) FROM THE LOT LINE THAT IT FACES; AND TO REQUIRE A TEN FOOT (10’) SPACE BETWEEN THE REARMOST EAVE LINE OF THE PORTE-COCHERE AND ANY OTHER ROOFLINE OF THE RESIDENTIAL STRUCTURE OR GARAGE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.

Mayor Vajdos opened the Public Hearing at 6:20 p.m.

A. Presentation of Proposed Zoning Ordinance Changes

Director of Community Development Zachary Meadows briefed the Council on the three text amendments to the zoning ordinance which were:

1. Changing the language to reflect the definition of a porte-cochere as there have been many approved that by definition are actually carports
2. Adding language that clarifies the garage configurations and the requirements for the minimum width and sides of the openings for the garage
3. Side-loading garages now have a 28-foot setback requirement

B. Those In Favor

None.

C. Those Opposed

None.

D. Adjourn Public Hearing

Mayor Vajdos adjourned the Public Hearing at 6:25 p.m.

12. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance No. 2022-XX - AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.01, GARAGES AND CARPORTS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT “A”; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO REQUIRE THAT A GARAGE HAVE A MINIMUM OPENING TO ACCOMMODATE ACCESS FOR AT LEAST TWO (2) CARS; TO REQUIRE A SIDE LOADING GARAGE TO HAVE A MINIMUM SETBACK OF TWENTY-EIGHT FEET (28’) FROM THE LOT LINE THAT IT FACES; AND TO REQUIRE A TEN FOOT (10’) SPACE BETWEEN THE REARMOST EAVE LINE OF THE PORTE-COCHERE AND ANY OTHER ROOFLINE OF THE RESIDENTIAL STRUCTURE OR GARAGE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.

Mayor Vajdos read the Ordinance by caption only. Council Member Dominy made a motion to approve the Ordinance as presented, and Council Member Bass seconded the motion. Motion carried 5-0.

13. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** Ordinance No. 2022-XX - AN ORDINANCE OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, ADOPTING AMENDMENT NO. 1 TO THE ORIGINAL BUDGET OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, FOR THE FISCAL YEAR 2021-2022; 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.

City Treasurer Michelle Yi advised the Council that the Fiscal Year 2022 transfers and amendments outlined and presented to Council are what are currently recommended to true-up fluctuations in the 2022 budget based on actuals. This budget amendment adjustment includes unaudited revenues over expenditures of \$640, 065 for General Fund and \$179,490 for the Utility Fund. Staff will continue to work on Fiscal Year 2022 year-end close and any additional transfers or amendments will be brought to Council if needed.

Council Member Dominy made a motion to approve Budget Amendment No. 1 for Fiscal Year 2021-2022, and Council Member Carpenter seconded the motion. Motion carried 5-0.

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

1. Status of Cedarspur, Burkhart, Winningham (East of Voss)

Director of Public Works Kristina Watson informed the Council that the contractor working on this project, Metro City, has now begun to pour driveways on Winningham Lane. Metro City has completed the list given to them by the Public Works Department for additional work needed after the issue with meters that had been swapped at several addresses.

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

Director of Public Works Kristina Watson informed the Council that City Administrator Julie Robinson is currently reviewing the front-end bid documents. The bid for this project is projected to go out in the first quarter of 2023.

3. Status of Brighton Place Utilities and Pavement Improvements Project

Director of Public Works Kristina Watson informed the Council that she recently met with the engineers, and they are currently working on getting a Geotech survey, and have completed 30% of construction designs.

4. Status of Bingle Road Road Diet

Ms. Watson advised that there is currently no update or change from the last update that was provided to the Council.

15. EXECUTIVE SESSION

15.1 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 Executive Session at 6:37 p.m.

16. RECONVENE

The City Council meeting reconvened at 7:43 p.m.

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

No action was taken.

18. CONSIDERATION AND POSSIBLE ACTION CONCERNING: Approval of Proposal from Weaver & Tidwell to Perform an Internal Audit and Possible Forensic Audit of the Police Department.

Council Member McCormick made a motion to approve the Proposal from Weaver & Tidwell to perform an Internal Audit and possible Forensic Audit of the Police Department, Council Member Bass seconded the motion. Motion carried 5-0.

The Council then returned to Agenda Items 9 and 10.

9. UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING: Activities of the Village Fire Department Commissioners Meetings on November 17, 2022, November 30, 2022, December 1, 2022 and Any Special Meetings That May Have Occurred Since Those Dates. (Mayor Pro-Tem Carpenter / Council Member Bothe)

1. Vote Taken on Wednesday, November 30, 2022, by the Village Fire Board of Commissioners to Immediately Relieve Chief David Foster as an Employee and Chief of the Village Fire Department.

Council Member Carpenter briefed the Council on the meetings that have occurred since the last City Council meeting. The agenda for the November 30, 2022, meeting which was the regularly scheduled Commission Board Meeting was changed unexpectedly by the newly appointed Fire Commissioner of Hilshire Village who is serving as the Fire Commission Board Chair and stripped all of the regular business of the fire department.

Consequently, on December 1, 2022, a special meeting was called to discuss the regular business items that were not discussed on November 30, 2022.

The November 30, 2022 meeting was then modified to discuss the employment or possible termination of the Village Fire Department Fire Chief, David Foster. The Hilshire City Administrator had sent an email regarding personnel issues with Chief Foster which prompted this meeting. Since the last Village Fire Department Commissioners Meeting, the City of Hilshire Village replaced its Village Fire Department Commissioner and the City of Hedwig Village appointed a new alternate commissioner. A motion to immediately relieve Chief David Foster as an Employee and Chief of the Village Fire Department failed with a 3-3 vote and Hilshire, Hunters Creek, and Hedwig Villages voted for the replacement of Chief Foster. Council Member Carpenter stated that after the vote and when asked, none of the Commissioners in representation for those villages could give a clear justification as to why they wanted to have the Fire Chief replaced. He then asked the Council what the Council would like to do as he would like Chief Foster to continue being the Fire Chief, but wants to make sure that as the Fire Commissioner for Spring Valley Village, he is relaying what the Council wants.

If he is relieved, Council Member Carpenter would like the consideration of a relief package for him as he is an at-will employee. These issues have caused and will cause employee retention issues and loss in morale so, if he is not relieved of his position, he would like for an employment agreement to be an option provided to Chief Foster.

Council Member Carpenter also briefed the Council that the overtime budget has been exhausted and that Chief Foster has asked continually what he should do should there be a significant event. In the past, the board voted that in an emergency situation, whatever needed to be done should be done and when the cost was factored in, then the board needed to be presented with said cost and it would be part of a budget amendment. But there has been conflicting information provided by the Commission Board Chair and Vice Chair for a meeting to be called for these instances, causing confusion. Council Member Carpenter then asked again what the Council would like to do for Chief Foster as an employment contract or a relief package should he be released of his duties as the City of Bunker Hill also supports having something in place to move forward and not stay stagnant. The next scheduled Village Fire Department Commission Meeting will be after the next City Council Meeting in January.

After extensive discussion, it was the direction of the Council, that they would continue to be in support of Chief Foster and are open to securing his continued employment for the Village Fire Department. If an employment contract was agreed upon by the other villages, the Council wants to have a discussion at that time. Additionally, the Council also agreed that if there was a relief package for Chief Foster that was significant and effective, the Council would support our VFD Commissioners endorsing it on behalf of the Council.

10. **UPDATE, DISCUSSION AND POSSIBLE DIRECTION CONCERNING:** Activities of the Planning and Zoning Commission Meeting of December 6, 2022. (Council Member Dominy / Council Member Bass / City Attorney Loren Smith)

City Attorney Loren Smith briefed the Council on the items addressed at the last Planning and Zoning Commission Meeting which were the carport ordinance and a discussion regarding the extension for the Bade Street Reserve PAD deadline. The amendment for the garage and porte-cochere regulations was addressed by Council earlier in this meeting. The discussion for the Bade Street Reserve PAD deadline will possibly be revisited with the requestor in January.

22. **ADJOURNMENT**

Council Member Carpenter made a motion to adjourn the meeting at 8:15 p.m., and Council Member Bass seconded the motion. Motion carried 5-0.

Signed: _____

Marcus Vajdos
Mayor

Attest: _____

Jasmin Torres
City Secretary