



## "SPECIAL" COUNCIL MEETING AGENDA

September 1, 2021  
7:00PM at City Hall

1. Call to Order and Declaration of Quorum  
Time: \_\_\_\_\_

2. Invocation

3. Pledge of Allegiance to the United States of America

4. Greeting of Visitors

5. Public comment

*Citizens are invited to address the City Council with public comments. Comments regarding items for which notice has not been given will be limited to three minutes, prior to discussion of agenda items, and Council responses shall be in accordance with Sec. 551.042 of the Texas Government Code. Comments regarding an item on the agenda may be given before or during discussion of that item. Comments that incite a breach of the peace are prohibited.*

6. Business Session

*Agenda documents and supporting material from the preceding Work Session agenda. Input from staff or counsel; only as requested by Mayor / Council or if asked to be recognized for points of order.*

- a. Discuss/Take Action: TCEQ regulations of Septic approval process and requirements of 401 and 405 Kerens,
- b. Discuss/Take Action: Appointment of alternate sanitarian or engineer for septic system review and approval in City of Nevada.

7. Future Agenda Items

*Future agenda items shall be designated by the Mayor. In addition, a motion and a second from any two Councilpersons shall be sufficient to add an agenda item for a future meeting. Staff and counsel shall have prior consent of the Mayor to add an agenda item for a future meeting.*

8. Executive Session - Time: \_\_\_\_\_

*Pursuant to the provisions of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated, the Town Council may hold a closed meeting. Government code 551.071-Confidential legal advice regarding any of the agenda items on the open session agenda, and as follows:*

9. Regular Session: Reconvene from Executive Session - Time: \_\_\_\_\_

10. If required, act on items reviewed in Executive Session.

11. Adjournment / Closing - Time: \_\_\_\_\_

I, Judy Hill, City Secretary, certify that the Agenda of the City of Nevada Council Regular Meeting to be held on September 1, 2021 was posted at City Hall on August 28, 2021.

*NOTE: The City of Nevada, Texas, City Council meets regularly on the first and third Tuesday of each month at 7:00 P.M. The Council adheres to the printed Agenda for official action. Any individuals desiring official action on a matter should submit a request for the item to be considered for inclusion on a future Agenda to the office of the City Secretary not later than fourteen (14) days prior to the Council Meeting.*

**DAVID WATKINS, P.E.**

LICENSED PROFESSIONAL ENGINEER NO. 62045

419 Suncreek Drive  
Allen, Texas 75013

Email: dlwatkins5@gmail.com

Cell: (214) 728-2161

To whom it may concern:

As a third party, I was requested by the City of Nevada, Texas to review the septic system designs for Lots 1 & 2 located on Kerens Street (aka 401 & 405 Kerens Street) in the city limits of Nevada, Texas. I was also asked to review the lot sizes of both to determine if they are in compliance with the state guidelines described in the On-Site Sewage Facilities Title 30, TAC Chapter 285.

The septic system designs for both lots are in compliance with the TCEQ Chapter 285 guidelines.

The two lots are each 0.241 acres in size which is less than the required size of ½ acre for residential lot sizing described in Section 285.4. Facility Planning.

Although the lot sizes are less than ½ acre, both lots are large enough to support the installation of the constructed homes and associated septic systems.

David L Watkins, P.E.



*David L. Watkins*  
7/21/2021

Engineer shall not be liable to any person or entity (corporation, partnership, association or otherwise) in any way for any statements made herein or statements made incident to this report.

**DAVID WATKINS, P.E.**

LICENSED PROFESSIONAL ENGINEER NO. 62045

419 Suncreek Drive  
Allen, Texas 75013

Email: dlwatkins5@gmail.com

Cell: (214) 728-2161

**SEPTIC SYSTEM SURVEY REPORT**

NAME: *Panarican Property Investments LLC*  
ADDRESS: *401 Kerens Street*  
LOT SIZE: *0.241 Acre*

DATE: *July 20, 2021*  
CITY: *Nevada, Texas 75173*  
COUNTY: *Collin*

**PROJECT DESCRIPTION**

There is a 1820 s.f. home with 3 bedrooms and water saving devices located on the property. The required Aerobic Tank Treatment Capacity for a 1820 s.f. home with 3 bedrooms is 360 GPD (three bedrooms and < 2,501 sq. ft.) and the Usage Rate for the Drip Irrigation field sizing is 240 Gallons/Day which equals a required surface area of 2,400 s.f..

A review of the septic design report dated 8-3-19 shows that the design parameters and layout are in compliance with TCEQ Chapter 285 requirements.

A review of the TCEQ On-Site Sewage Facilities Title 30, TAC Chapter 285 Section 285.4. Facility Planning guidelines (attached) has language which indicates that the lot replat size does not meet TCEQ guidelines.

(1) Residential lot sizing.

(A) Platted or unplatted subdivisions served by a public water system. Subdivisions of single family dwellings platted or created after the effective date of this section, served by a public water supply and using individual OSSFs for sewage disposal, shall have lots of at least 1/2 acre.

(b) Approval of OSSF systems on existing small lots or tracts.

(1) Existing small lots or tracts that do not meet the minimum lot size requirements under subsection (a)(1)(A) or (B) of this section, and were either subdivided before January 1, 1988, or had a site-specific sewage disposal plan approved between January 1, 1988, and the effective date of this section, are allowed to use OSSFs, but the OSSFs must comply with the requirements set forth in this Chapter.

Lot 1 or 401 Kerens Street is a part of the replat of the original J.W. Evans Addition (Lot 5 and all of Lot 6, Block 9). The resulting Lot 1 size is 0.241 acres which is less than 1/2 acre as required by Section 285.4. Facility Planning guidelines.

**CONCLUSIONS**

The septic design for 401 Kerens Street is in compliance with the requirements of TCEQ Chapter 285 guidelines for On-Site Sewage Facilities.

Lot 1 or 401 Kerens Street does not meet the minimum requirement size of at least 1/2 acre.



7/21/2021

*David L. Watkins*

Engineer shall not be liable to any person or entity (corporation, partnership, association or otherwise) in any way for any statements made herein or statements made incident to this septic system survey report.

**DAVID WATKINS, P.E.**

LICENSED PROFESSIONAL ENGINEER NO. 62045

419 Suncreek Drive  
Allen, Texas 75013

Email: dlwatkins5@gmail.com

Cell: (214) 728-2161

**SEPTIC SYSTEM SURVEY REPORT**

NAME: ***Panarican Property Investments LLC***  
ADDRESS: ***405 Kerens Street***  
LOT SIZE: ***0.241 Acre***

DATE: ***July 20, 2021***  
CITY: ***Nevada, Texas 75173***  
COUNTY: ***Collin***

**PROJECT DESCRIPTION**

There is a 1538 s.f. home with 3 bedrooms and water saving devices located on the property. There is an Aeris 500 GPD Aerobic ATU (Model #D-500) that has been installed with 20 drip lines that are 60 to 63' in length and are spaced approximately 2' apart. The required Aerobic Tank Treatment Capacity for a 1538 s.f. home with 3 bedrooms is 360 GPD (three bedrooms and < 2,501 sq. ft.) and the Usage Rate for the Drip Irrigation field sizing is 240 Gallons/Day which equals a required surface area of 2,400 s.f..

A review of the septic design report dated 8-3-19 shows that the design parameters and layout are in compliance with TCEQ Chapter 285 requirements.

A review of the TCEQ On-Site Sewage Facilities Title 30, TAC Chapter 285 Section 285.4. Facility Planning guidelines (attached) has language which indicates that the lot replat size does not meet TCEQ guidelines.

(1) Residential lot sizing.

(A) Platted or unplatted subdivisions served by a public water system. Subdivisions of single family dwellings platted or created after the effective date of this section, served by a public water supply and using individual OSSFs for sewage disposal, shall have lots of at least 1/2 acre.

(b) Approval of OSSF systems on existing small lots or tracts.

(1) Existing small lots or tracts that do not meet the minimum lot size requirements under subsection (a)(1)(A) or (B) of this section, and were either subdivided before January 1, 1988, or had a site-specific sewage disposal plan approved between January 1, 1988, and the effective date of this section, are allowed to use OSSFs, but the OSSFs must comply with the requirements set forth in this Chapter.

Lot 2 or 405 Kerens Street is a part of the replat of the original J.W. Evans Addition (Lot 5 and all of Lot 6, Block 9). The resulting Lot 2 size is 0.241 acres which is less than 1/2 acre as required by Section 285.4. Facility Planning guidelines.

**CONCLUSIONS**

The septic design and installed septic system located at 405 Kerens Street are in compliance with the requirements of TCEQ Chapter 285 guidelines for On-Site Sewage Facilities.

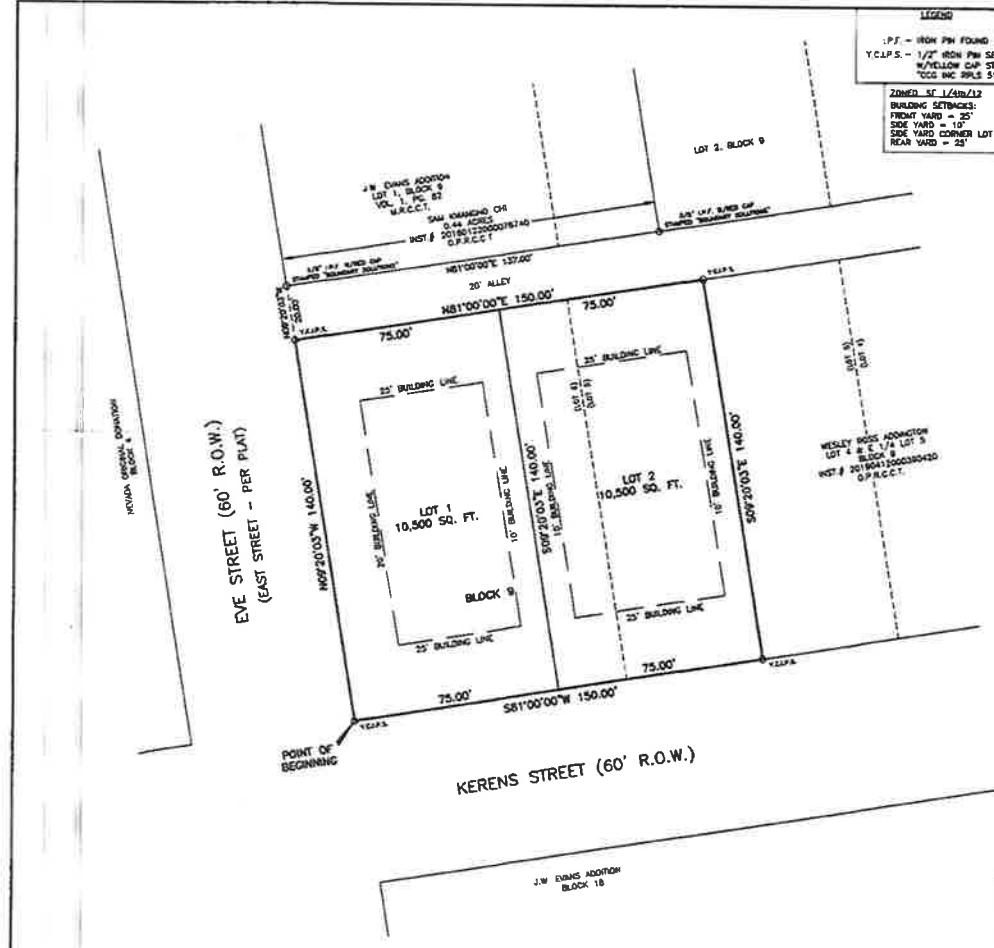
Lot 2 or 405 Kerens Street does not meet the minimum requirement size of at least 1/2 acre.

7/21/2021

*David L. Watkins*



Engineer shall not be liable to any person or entity (corporation, partnership, association or otherwise) in any way for any statements made herein or statements made incident to this septic system survey report.



**LEGEND**  
 .P.F. - IRON PIN FOUND  
 Y.C.A.P.S. - 1/2" IRON PIN SET  
 W/YELLOW CAP STAMPED  
 "CGG INC RPLS 5129"

**ZONED SF 1/4R/12**  
**BUILDING SETBACKS:**  
 FRONT YARD = 25'  
 SIDE YARD = 10'  
 SIDE YARD CORNER LOT = 20'  
 REAR YARD = 25'



LOCATION MAP  
 (SCALE 1"=1,000')



GRAPHIC SCALE  
 (8 FEET)  
 1 inch = 20 ft.

**OWNER'S CERTIFICATE**

STATE OF TEXAS  
 COUNTY OF COLLIN

Whereas, Pantheon Property Investments LLC, in the name of a tract of land situated in the WESLIM BARKER SURVEY, Block 9, City of Nevada, Collin County, Texas, being the same tract of land conveyed to Pantheon Property Investments LLC by deed recorded in Instrument No. 2018070300030530, Official Public Records, Collin County, Texas and being all of Lot 5 and a portion of Lot 3, Block 9 of J.W. Evans Addition, an addition to the City of Nevada, Texas according to the plat thereof recorded in Volume 1, Page 82, Map Records, Collin County, Texas, and being more particularly described as follows:

Beginning of a 1/2" Iron pin set with yellow cap stamped "CGG INC RPLS 5129" of the intersection of the north right-of-way line of Kerens Street (60' R.O.W.) and the east right-of-way line of Eve Street (60' R.O.W.) and for the southeast corner of said Lot 5;

Thence, North 07°20'33" West, along the west line of said Lot 5 and the east line of said Eve Street, a distance of 140.00 feet to the northwest corner of said Lot 5 and on the south line of a 20' alley, said point being South 07°20'33" East, a distance of 20.00 feet from a 3/8" iron pin found with red cap stamped "BOUNDARY SOLUTIONS";

Thence, North 81°30'20" East, along the north line of said Lot 5, the north line of said Lot 3 and the south line of said 20' alley, a distance of 150.00 feet to a 1/2" iron pin set with yellow cap stamped "CGG INC RPLS 5129" for the northeast corner of said 0.482 acre tract;

Thence, South 07°20'33" East, along the east line of said 0.482 acre tract, a distance of 140.00 feet to a 1/2" iron pin set with yellow cap stamped "CGG INC RPLS 5129" on the south line of said Lot 5 and on the north right-of-way line of said Kerens Street and for the southwest corner of said 0.482 acre tract;

Thence, South 81°30'20" West, along the south line of said Lot 5 and Lot 3 and the north right-of-way line of said Kerens Street, a distance of 150.00 feet to the Point of Beginning and containing 21,000 square or 0.482 acres of land.

NOW, THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That, Pantheon Property Investments LLC, does hereby dedicate this plot as KERENS STREET ADDITION, an addition to the City of Nevada, Collin County, Texas and does hereby dedicate to the public use forever the roads and easements shown hereon (if any) for the mutual use and accommodation of any public utility desiring to use or using same for the purpose of construction, maintaining, adding to or removing any or all of their respective systems located thereon.

WITNESS my hand this \_\_\_\_ day of \_\_\_\_\_, 2018.

**PANATHON PROPERTY INVESTMENTS LLC**  
 By: Michael Soudard, Owner

STATE OF TEXAS  
 COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas on this date personally appeared Michael Soudard, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

Notary Public for the State of Texas  
 My Commission expires \_\_\_\_\_

**CERTIFICATE OF COMPLETION**  
 "Accepted"

Mayor, City of Nevada, Texas      Date

The undersigned, the City Secretary of the City of Nevada, Texas, hereby certifies that the foregoing plat of Kerens Street Addition to the City of Nevada was submitted to the City Council on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the Council, by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places, and water and sewer lines as shown and set forth in and upon said plat and said Council further authorized the Mayor to note the acceptance thereof by signing his name as hereinafter subscribed.

Witness my hand this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

City Secretary  
 City of Nevada, Texas

**SURVEYOR'S CERTIFICATE**

I, James Burton Carroll, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the City of Nevada, Texas.

James Burton Carroll  
 Texas Registered Professional Land Surveyor No. 5129

STATE OF TEXAS  
 COUNTY OF COLLIN

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas on this date personally appeared James Burton Carroll, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2018.

Notary Public for the State of Texas  
 My Commission expires \_\_\_\_\_

**NOTES:**

1. Setting a portion of this addition by means and bounds is a violation of City ordinance and State law, and is subject to fines and withholding of utilities and building permits.

2. Bearings based on the north line of deed recorded in Instrument No. 2018070300030530, Official Public Records, Collin County, Texas, (N81°00'00"E)

**REPLAT**  
**KERENS STREET ADDITION**  
 0.482 ACRES OF LAND  
 PART OF LOT 5 & ALL OF LOT 6, BLOCK 9  
 OF THE J.W. EVANS ADDITION  
 WILLIAM BARKER SURVEY, A-50  
 CITY OF NEVADA, COLLIN COUNTY, TEXAS

<b>CARROLL CONSULTING GROUP, INC.</b>		972-742-4411	
P.O. BOX 11		10007200	
LAVON, TEXAS 75166	TXAS FIRM REGISTRATION NO.	DATE PREPARED:	
JOB NO.	SCALE:	DRAWN BY:	
2262-18	1"=20'	JULY 29, 2018	
		CP	

**DRAWN:**  
 PANATHON PROPERTY INVESTMENTS LLC  
 473 E. RIO DRIVE  
 MESQUITE, TEXAS 75150  
 (469) 941-2888

#### **Section 285.4. Facility Planning**

(a) Land planning and site evaluation. Property that will use an on-site sewage facility (OSSF) for sewage disposal shall be evaluated for overall site suitability. For property located on the Edwards Aquifer recharge zone, see § 285.40 of this title (relating to OSSFs on the Recharge Zone of the Edwards Aquifer) for additional requirements. The following requirements apply to all sites where an OSSF may be located.

(1) Residential lot sizing.

(A) Platted or unplatted subdivisions served by a public water system. Subdivisions of single family dwellings platted or created after the effective date of this section, served by a public water supply and using individual OSSFs for sewage disposal, shall have lots of at least 1/2 acre.

(B) Platted or unplatted subdivisions not served by a public water system. Subdivisions of single family dwellings platted or created after the effective date of this section, not served by a public water supply and using individual OSSFs, shall have lots of at least one acre.

(C) A platted or unplatted subdivision where one tract is divided into four or fewer parts; where each tract is five acres or larger; and each tract is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Texas Government Code, Chapter 573 is exempt from submitting planning materials required in this section.

(2) Manufactured housing communities or multi-unit residential developments. The owners of manufactured housing communities or multi-unit residential developments that are served by an OSSF and rent or lease space shall submit a sewage disposal plan to the permitting authority for approval. The total anticipated sewage flow for the individual tract of land shall not exceed 5,000 gallons per day. The plan shall be prepared by a professional engineer or professional sanitarian. This plan is in addition to the requirements of subsection (c) of this section.

(b) Approval of OSSF systems on existing small lots or tracts.

(1) Existing small lots or tracts that do not meet the minimum lot size requirements under subsection (a)(1)(A) or (B) of this section, and were either subdivided before January 1, 1988, or had a site-specific sewage disposal plan approved between January 1, 1988, and the effective date of this section, are allowed to use OSSFs, but the OSSFs must comply with the requirements set forth in this Chapter.

(2) The owner of a single family dwelling on an existing small lot or tract (property 1) may transport the wastewater from the dwelling to an OSSF at another location (property 2) provided that:

(A) both properties (properties 1 and 2) are owned by the same person;

(B) the owner or owner's agent demonstrates that no OSSF authorized under these rules can be installed on the property which contains the single-family dwelling (property 1);

(C) if property not owned by the owner of properties 1 and 2 must be crossed in transporting the sewage, the application includes all right-of-ways and permanent easements needed for the sewage conveyance lines; and

(D) the application includes an affidavit indicating that the owner or the owner's agent recorded the information required by § 285.3(b)(3) of this title (relating to General Requirements) on the real property deeds of both properties (properties 1 and 2). The deed recording shall state that the properties cannot be sold separately.

(c) Review of subdivision or development plans. Persons proposing residential subdivisions, manufactured housing communities, multi-unit residential developments, business parks, or other similar structures that use OSSFs for sewage disposal shall submit planning materials for these developments to the permitting authority and receive approval prior to submitting an OSSF application.

**(1)** The planning materials must be prepared by a professional engineer or professional sanitarian and must include:

**(A)** an overall site plan;

**(B)** a topographic map;

**(C)** a 100-year floodplain map;

**(D)** a soil survey;

**(E)** the locations of water wells;

**(F)** the locations of easements, as identified in § 285.91(10) of this title (relating to Tables);**(G)** a comprehensive drainage plan;

**(H)** a complete report detailing the types of OSSFs to be considered and their compatibility with area-wide drainage and groundwater; and

**(I)** other requirements, including Edwards Aquifer requirements that are pertinent to the proposed OSSF.

**(2)** If the proposed development includes restaurants or buildings with food service establishments, the planning materials must show adequate land area for doubling the land needed for the treatment units. The designer may consider increasing the amount of land area for the treatment units beyond doubling the minimum required area.

**(3)** The permitting authority will either approve or deny the planning materials, in writing, within 45 days of receipt.

Adopted December 5, 2012

Effective December 27, 2012

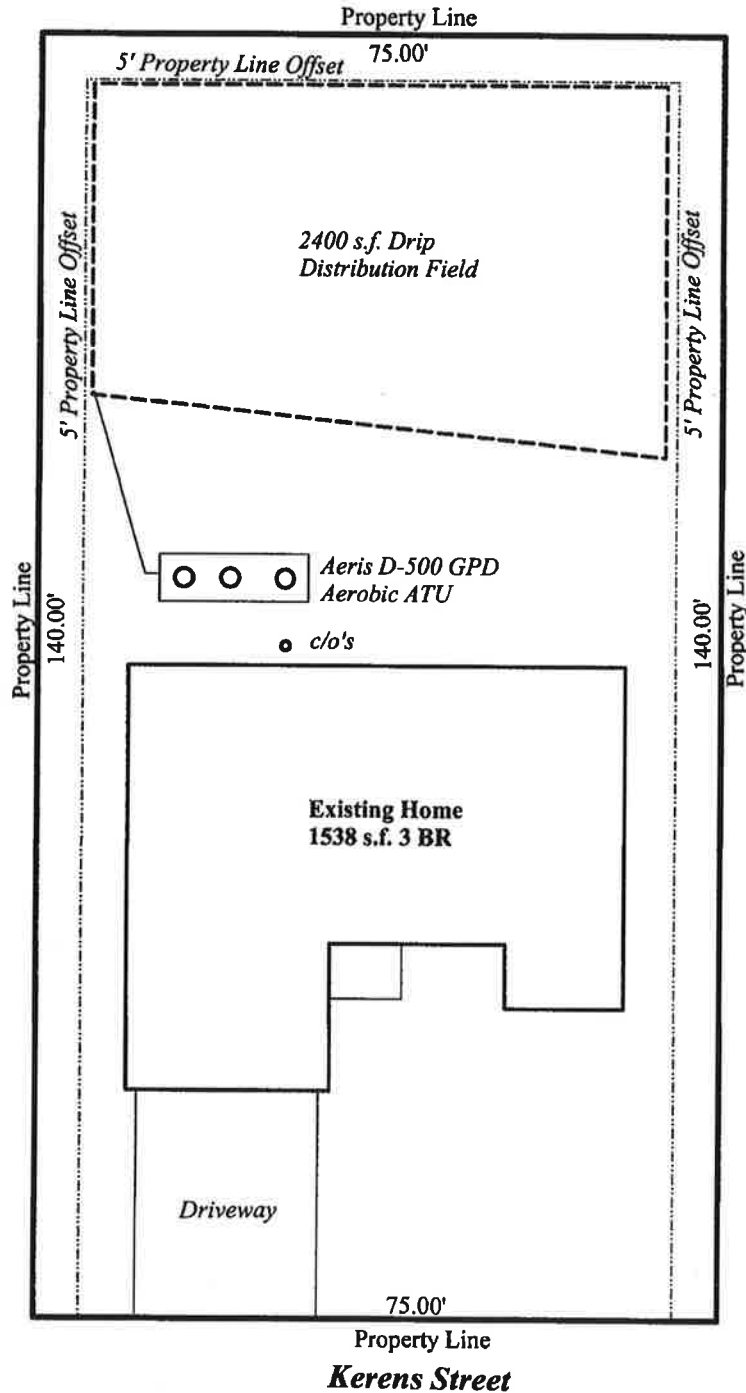


City of Nevada  
405 Kerens Street  
Nevada, Texas 75173  
Collin County

July 20, 2021

Aerobic Drip Irrigation As-Built

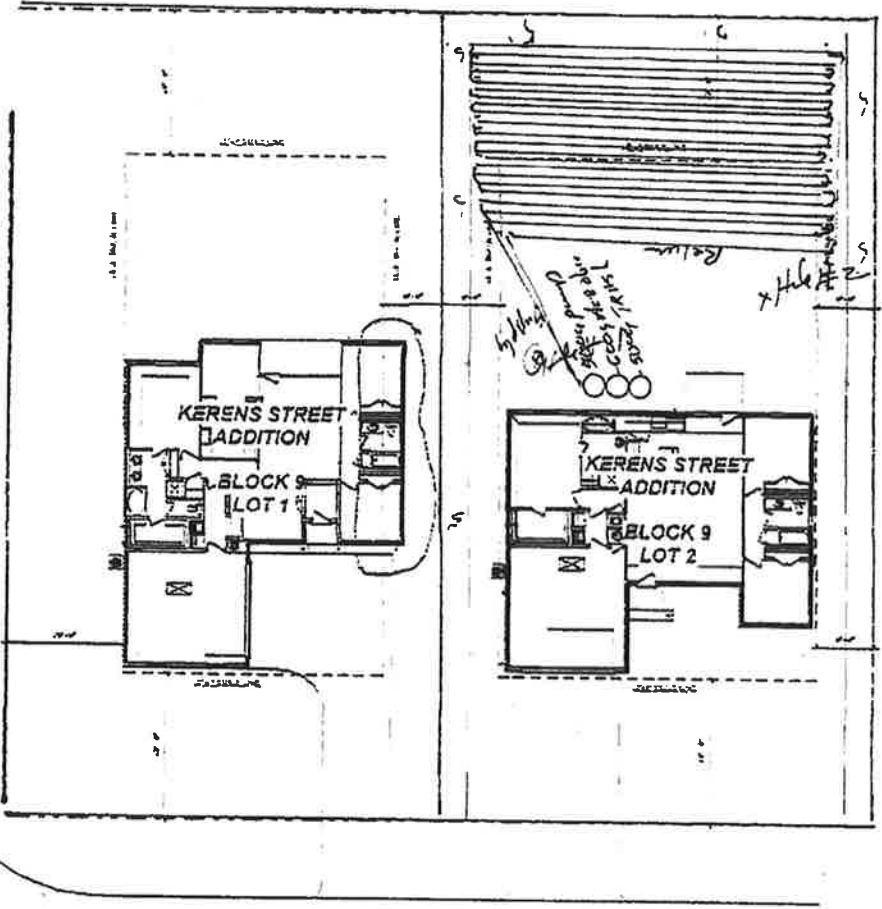
There is not a 100-Year Floodplain  
located on the property



*David L. Watkins*  
7/21/2021



1/11 STREET



KERENS STREET

*Larry Howard*  
 8-3-9  
 Scale 1/4" = 1'-0"

I understand you are trying to get this done before the city council meeting this evening, so please let me know as soon as possible how you would like to proceed.

sincerely,

**Philip Colwell, AIA, NCARB, RID**  
 Architect, Design Principal  
**D Texas Designs, LLC**  
 Park Place Blvd, Suite 500, Waxahachie, Texas 75165  
 817-609-7063  
[phil@dxtdesigns.com](mailto:phil@dxtdesigns.com)

8/3/2019

From: [info@panaricanoproperities.com](mailto:info@panaricanoproperities.com) <[info@panaricanoproperities.com](mailto:info@panaricanoproperities.com)>  
 Sent: Wednesday, July 31, 2019 4:45 AM  
 To: Philip Colwell <[phil@dxtdesigns.com](mailto:phil@dxtdesigns.com)>  
 Subject: 401 Kerens Site plans]

Hi there Phillip and Cody! Could you please send me 2 site plans for the plans below? I need these before Tuesday is possible so that I can present them at the city council meeting for approval. Once approved I will purchase these from you. I have attached the reprint.

We are looking to build plans:

PLAN=26700 on lot 1