

## MINUTES

### WORK SESSION & COUNCIL MEETING

Tuesday, October 19, 2021

7:00PM at City Hall

1. Call to Order and Declaration of Quorum

Time: **7:04PM**

**Mayor Ponce, Mike Laye, Gwen Garlington, Kerrie Longoria, Karl Fisher**

**Not present: Gary Killian**

2. Invocation

3. Pledge of Allegiance to the United States of America

4. Greeting of Visitors

5. Items of Community Interest

6. 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.*

**No Citizens to speak.**

7. Approval of previous meeting's minutes, or notes.

- a. October 4, 2021, Minutes: **Kerrie Longoria approved the minutes with a few changes to be made. Mike Laye 2nds, all in favor aye, motion carries.**

8. Reports:

- a. City Secretary Report: **Safe Built – We have transitioned all permitting and review to Safe Built. I will be meeting with them soon to get Code Enforcement in place.**
- b. City Clerk Report: **No report currently**
- c. Council Representative to Community ISD: **No report currently**
- d. Mayor Pro Tem report: **No report currently**
- e. Mayor’s Report/Status: **No report currently**

9. Work Session - No vote

Review and discuss agenda items.

*Input from staff or counsel; only as requested by Mayor / Council or if asked to be recognized for points of order.*

- a. Review: Ray Smith, CPA to go over year end accounting for 2020-2021, actual vs estimates. **Ray Smith discussed the financial report, and stated that the “actual” numbers will not reflect the totals for a couple months, due to invoices still trickling in. The reports did show that the overall Subdivision Permitting Revenue was higher than budgeted, due to large developments not anticipated. However, the Inspections/Review is over, and balances out the overage in Permits. Overall, the budget came in on point with few line items over budget.**

**American Rescue Plan Act funding (ARPA) will need its own designated account ASAP. This needs to be opened to transfer the funds.**

**EDC needs to have money transferred from Fund Balance so the account is accurate, and amend the Budget to reflect the Sales Tax transfer into the EDC fund account.**

**Close and transfer the Roads Account into General Funds, due to its own line item within the report.**

- b. Review: Ray Smith update on Audit with recommendations. **Ray Smith has been in contact with Murray, Haskell and Caperton firm discussing the potential of completing our Audit, because he and his team are at a good place with the financial documentation. Per Ray Smith, there are approximately 50 documents that will need to be researched to find the receipt. However, this is a very low number when compared to all the documentation that was provided. He encouraged the City to reach out to Murray, Haskell, and Caperton firm to request a quote and timeframe for audit.**
- c. Review: Community Corners replat 9.849 acres into one 7.838-acre lot and one 2.011-acre lot. The 2.011-acre lot is cut out for family. **Chris Donnan with Hayter Engineering recommends approval. Per Chris, all requirements have been met to replat this property.**
- d. Review: Elevon Final Plat Phase II - 4.307 acres in Nevada ETJ. **Chris Donnan with Hayter Engineering recommends approval. This property is limited ETJ in Nevada, and the homes will have a sewer system.**

- e. Review: Resolution 21-02/JP Court. Citations due to code enforcement.  
**The City Attorney, Jim Shepherd, spoke with Judge Jerry Shaffer in Farmersville. Judge Shaffer does not think he can take on Nevada's Code Enforcement or Traffic Violations. He is willing to become the Judge in Nevada and hold court here.**
- f. Review: Waiver/Temporary CO for 202 FM 6, Nevada, TX Provisions - Joe Cleveland.  
**Joe Cleveland gave a brief presentation to the Council about the gym he is turning into a community center with Provision. Including the following: Restaurant to generate revenue to help upkeep of the facility and be able to allow Project Linus; Faith Family Church youth; a place to hold meetings at no charge. The transformation of this facility will no longer allow the current use, and will need to be brought up to International Fire Codes due to size and usage. Given the cost of a suppression system needed for a facility 6,000 + SQFT, it is not financially obtainable.**

**The council was addressed by Project Linus, and several of the members to explain what they do and why it is important for the facility to be open. Project Linus meets on Wednesdays. It is a national volunteer non-profit organization. Their mission is to provide love, a sense of security, warmth, and comfort to children who are seriously ill, traumatized or otherwise in need through gifts of new handmade blankets, lovingly created by all their volunteers.**

**Faith Family Youth Director, Jordan Fitzwater, spoke about how import the Gym is to the kids at the church. They can spread out and have fun, and miss being there. The Youth attendance has diminished since the gym has not been readily available and hopes that the city can grant a Temporary CO, Waiver, or a solution so that they youth can return.**

**The Council agrees that what Joe Cleveland, Project Linus, and Faith Family Youth stand for are wonderful and a great for this community. The Council also must take in account the safety of all citizens who enter and use the building. The council discussed placement of nearest fire hydrant, and if there are any possible alternatives to the suppression system that can be done. Chris Donnan was asked to consult with Nevada Fire Marshall and Bureau Veritas Plan Review Inspectors for possible options.**

- g. Review: CISD Annexation Agreement - The agreement between the City of Nevada and CISD to annex a portion/tract of the CISD property of which will facilitate the City's annexation of the Lexington Heights Development (CR595).  
**The Council reviewed the annexation agreement (between CISD and the City of Nevada) to annex a portion of the high school property, approximately 166' north of the high school driveway. This will allow Lexington Heights ability to annex the development into the City of Nevada.**  
**In addition to the portion of the high school annexation, the CISD requested the following:**
- 1. CISD has the exclusive right to propose the name of the city road FM 1138 from HW 6 north to CR 543/596. CISD's proposed street name will be approved by**

the City of Nevada, unless majority of the city council votes in opposition. These naming rights expire a year after the effective date of this agreement.

2. City of Nevada will agree to pay reasonable and necessary fees related to the annexation, with prior notice from CISD, and prior approval of the City. City shall pay the costs for any surveys or other new information needed for annexation. CISD will provide City, at no charge, existing surveys, legal descriptions, and/or other existing information in CISD's possession. This will assist in the prompt and economical preparation of the legal description needed for legal annexation of CISD property contiguous to the Lexington Heights subdivision. Any information provided by CISD will be returned to CISD after annexation is complete.
3. CISD is exempt from all (if any) impact fees on the annexed property.
4. City of Nevada and CISD will mutually agree upon an inspection company to perform all inspections necessary to complete construction of any project on the property CISD consents to annex, or the remainder of CISD's tract. CISD agrees to pay any required inspection fees directly to inspection company, without markup to City on the annexed property, as well as the remainder tract.

#### 10. 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**: Ray Smith, CPA to go over year end accounting for 2020-2021 totals actual vs. estimates.  
**Gwen Garlington motions to allow Mayor and Mayor Pro Tem to open the funding account for the American Rescue Plan Act (ARPA), Mike Laye 2nds, all in favor aye, motion carries.**
- b. Discuss/**Take Action**: Ray Smith recommendations for Audit.  
**Mike Laye motions to hire Murray, Haskell, and Caperton firm for the City Audit, subject to financial approval. Gwen Garlington 2nds, all in favor aye, motion carries.**
- c. Discuss/**Take Action**: Community Corners replat 9.849 acres into one 7.838-acre lot and one 2.011-acre lot. The 2.011-acre lot is cut out for family.  
**Mike Laye motions to approve the replat, Kerrie Longoria 2nds, all in favor aye, motion carries.**
- d. Discuss/**Take Action**: Elevon Final Plat Phase II - 4.307 acres in Nevada ETJ.  
**Mike Laye motions to approve the replat, Kerrie Longoria 2nds, all in favor aye, motion carries.**
- e. **Discuss**/Take Action: Resolution 21-02/JP Court. Citations due to code enforcement.  
**No action taken.**

f. Discuss/Take Action: Temporary CO for 202 FM 6, Nevada TX Provisions - Joe Cleveland.  
**No action taken.**

g. Discuss/Take Action: CISD Annexation Agreement - The agreement between the City of Nevada and CISD to annex a portion/tract of the CISD property of which will facilitate the city's annexation of the Lexington Heights Development (CR595).

**Gwen Garlington motions to approve the annexation agreement, Mike Laye 2nds, all in favor aye, motion carries.**

11. 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.*

**Resolution from Bank on the ARPA fund. Annexation of CISD and Lexington Heights, if CISD approves the agreement. Murray, Haskell, Caperton contract if available for audit. EDC transfer funds. Impact Fees, preliminary map update, and committee volunteers.**

12. Executive Session - Time: **9:35PM**

*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:*

13. Regular Session: Reconvene from Executive Session - Time: **10:12PM**

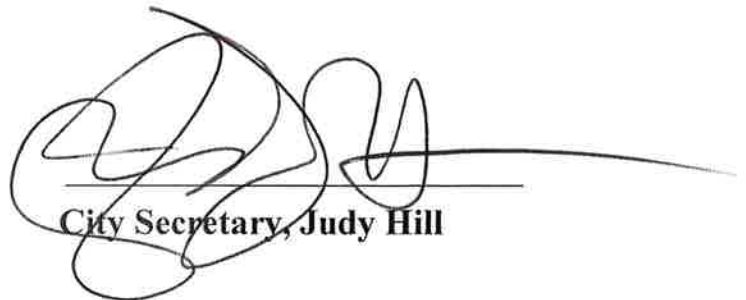
14. If required, act on items reviewed in Executive Session. **No action as a result of the Executive session.**

15. Adjournment / Closing

Time: **10:19PM**



Mayor, Ben Ponce



City Secretary, Judy Hill