



MINUTES
COUNCIL MEETING
Tuesday, December 7, 2021
7:00PM at City Hall

1. Call to Order and Declaration of Quorum

Time: **7:00pm** - Present: **Mayor Ponce, Kerrie Longoria, Mike Laye, Gwen Garlington,**
Not present: **Karl Fisher**

2. Invocation

3. Pledge of Allegiance to the United States of America

4. 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. An intentional act intended to disrupt a Government meeting is prohibited.

Tom Richards wanted to know his options for using his property off West Rd. as commercial. Council asked for a business plan to be presented to Council for review. The zoning will need to be verified, and Jim Shepherd suggests looking though our zoning ordinance to understand what is and isn't permitted. Surrounding properties should give clues to what may be accepted in the area.

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

- a. November 16, 2021 Minutes - **Kerrie Longoria motions to accept the November 16, 2021 Minutes with changes. Mike Laye 2nds, all in favor aye, motion carries.**

6. Reports:

- a. City Secretary Report - **No**
- b. City Clerk Report - **Scanner to be ordered by end of week.**
- c. Council Representative to Community ISD - **No**
- d. Mayor Pro Tem Report - **Need update on inspection report received, and ensure all council gets a copy.**
- e. Mayor's Report/Status: 202 FM 6 Project, TXDOT Realignment. - **Waiting for TXDOT report. Waiting for Cleveland project SafeBuilt inspection report to move forward.**

7. Business Session

a. **Public Hearing**

Time in: 7:17pm

Time Out of Hearing: 7:22pm

Annexation of land owned by Community Independent School District generally described as the land on which the CISD High School on FM 1138 is located, and more particularly described as follows:

BEING, a tract of land situated in the James Osgood Survey, Abstract No. 673, Collin County, Texas and being part of a called 60.117-acre tract conveyed to Community Independent School District as recorded in Document No. 20170614000772530 of the Land Records of Collin County, Texas, and being approx. 22.665 Acres of Land. (a complete metes and bounds description and a survey is attached to this agenda as Exhibit A.)

City Attorney Jim Shepherd explains why we need to annex above CISD property. It is to also annex in Lexington Heights. We do have a petition from CISD to annex in, as well as a service plan in place. No comments, and no opposition to annex in CISD. Mike Laye motions to close Public Hearing, Gwen Garlington 2nds, all in favor aye, motion carries.

- b. Discuss/Take Action: Any appropriate action on the ordinance to annex the Community Independent School District property (described in agenda item a.) and the service plan for the property, attached as Exhibit B.

Mike Laye motions to annex CISD property under item a., Kerrie Longoria 2nds, all in favor aye, motion carries.

c. **Public Hearing**

Time in: 7:24pm

Time out of Hearing: 7:26pm

Annexation of approx. 80 acres of land owned by Cope Homes LLC generally described as two tracts of undeveloped land contiguous to and east of the CISD land described in Exhibit A, and more particularly described as follows:

1. Tract 1

Being a tract of land situated in the James Osgood Survey, Abstract No. 673, Collin County, Texas and being the same called 59.899acre tract of land conveyed to G. Glen Cox and Bobby R. Varner, Jr. by deed recorded in Volume 4868, Page 2693, Deed Records, Collin County, and containing 2,609,267 square feet or 59.900 acres of land.

2. Tract 2

Being a tract of land situated in the James Osgood Survey, Abstract No. 673, Collin County, Texas and being the same called 19.988-acre tract of land conveyed to Robert R. Varner, Jr. and Michael T. Braden and wife, Susan

Braden by deed recorded in Volume 5271, Page 5337, Deed Records, Collin County, Texas and being more particularly described as follows: and containing 871,074 square feet or 19.997 acres of land.

(A complete mete and bounds description and survey of the two tracts is attached to this agenda as Exhibit C)

Mike Laye motions to close the Public Hearing, Gwen Garlington 2nds, all in favor aye, motion carries.

- d. Discuss/Take Action: Any appropriate action on the ordinance to annex the Cope Homes, LLC property described in Exhibit C. and the service plan for the property, attached as Exhibit D.

Mike Laye motions to accept the annexation of Tract 1 and Tract 2 of Cope Equities LLC under item c., Gwen Garlington 2nds, all in favor aye, motion carries.

- e. Discuss/Take Action: Deliberation and any appropriate action on an agreement to allow the Abston Hills M.U.D.; located primarily in the ETJ and/or city of Lavon, south of FM 6, to annex property in Nevada's ETJ, south of FM 6, contiguous with the Elevon development land in the MUD territory; into and be a part of the Elevon development and MUD district. Nevada has the ability to annex the property under the terms of the agreement into the city of Nevada. The property in question is a total of 22.585 acres, currently owned as follows:

18.278 acres – D.R. Horton – Texas, LTD, a Texas limited partnership 74 lots 4.307 acres – MA Lavon 292, LLC, a Texas limited liability corporation 18 lots.

1. Attached are the preliminary plats for each tract.

Per Jim Shepherd, the plans/agreement needs to be revised.

Mike Laye motions to table accepting annexation of Elevon development and MUD district until legalities are addressed, Gwen Garlington 2nds, all in favor aye, motion carries.

- f. Discuss/Take Action: Councilman Gary Killian (Place 5) - Resignation Letter.
Gwen Garlington motions to accept Councilman Gary Killian's resignation letter, Mike Laye 2nds, all in favor aye, motion carries.

9. 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.

Abston Hills MUD; Nevada Lakes West Part 2; Cleveland project inspection report; Signs for Lexington; South Street sign; City wide sign update and resolution; Pothole repair update.

10. Executive Session - Time: _____ **No Executive Session**

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:

City legal requirements on Code Enforcement cases for new and remodeled properties, legal obligations, and liability for enforcement of local, state, and international codes.

Includes the property at 202 FM 6 Nevada TX. 75173

11. Regular Session: Reconvene from Executive Session - Time: _____

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

13. Adjournment / Closing Time: **7:54pm**



Mayor
Ben Ponce



City Clerk
Misty Hooker