



MINUTES

COUNCIL MEETING

Tuesday, November 15, 2022
7:00PM at City Hall

Mayor – Ben Ponce

Council Member – Mike Laye	Council Member – Karl Fisher
Council Member – Donald Deering	Council Member – John McBride
Council Member – Kerrie Longoria	

City Staff:
Deuce Waters, City Secretary
Misty Hooker, City Clerk

Citizens:
April Waters
Al Longoria



REGULAR AGENDA

1. **Call to Order and Declaration of Quorum-**
Mayor Ponce called the meeting to order at 7:02pm.
2. **Invocation-**
Mayor Ponce asked Council Member Fisher to conduct the invocation.
3. **Pledge of Allegiance to the United States of America-**
I pledge Allegiance to the flag, of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with Liberty and Justice for all.

Those in attendance pledged allegiance to the United States of America.
4. **Pledge of Allegiance to the Texas Flag-**
Honor the Texas flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.

Those in attendance pledged allegiance to the Texas Flag.
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. An intentional act intended to disrupt a Government meeting is prohibited.

There was none.

CONSENT AGENDA: ACTION

6. Approval of previous meeting's minutes, or notes: 11/1/2022-

Council Member McBride advised that agenda item 8b does not make sense in its context. It was agreed by the City Council that the minutes needed to be amended as written to read "City Attorney, Jim Shephard, advised that one of the requirements to accepting the ARPA funds, the City of Nevada would be required to enthusiastically support the creation of affordable/low-income apartments. Mr. Shephard advised that local lawyers have successfully sued cities to the west of Nevada, because there was no zoning pertaining to apartments."

Council Member Laye asked if there would need to be a summary of the citizens that spoke at the November 1, 2022, Council Meeting. The new City Secretary appointee advised the Council that yes there needs to be a summary of what any citizen speaks about and that there will be a summary annotated in the minutes about what the two citizens that spoke about in the November 1, 2022, Council Meeting.

Council Member Longoria made a motion to accept the minutes with the amendments. Council Member Laye seconded the motion. The motion carried with a unanimous vote. 5-0.

REPORTS

7. Reports:

a. City Secretary Report

No report currently.

b. Code Enforcement Report (2nd Council Meeting)

Council Member McBride advised that the Council wants to see addresses that have received violations and what corrective action has been taken.

Council Member Longoria advised that she wants to see a compiled list, if any, of residents who have failed inspections, how many times have they failed and why.

c. **Financial Report (2nd Council Meeting)**

There is no financial report because everything has not been turned in to accurately provide the report.

d. **Mayor Pro Tem Report**

Council Member Longoria advised that all the insurance benefits documentation for staff employees to become effective January 1, 2023, has been signed by the Mayor and turned in. Also, she is waiting on is an analysis from TMRS and will be able to provide more information to the Council when she gets it.

e. **Mayor's Report/Status**

Mayor Ponce advised that he has been working with the City Secretary appointee in cleaning up the office. Mayor Ponce advised that he has purchased two security cameras for City Hall and placed one in the council room and one in the office. Mayor Ponce advised that there has been a cubicle ordered and will be installed in the northeast corner.

f. **NVFD Report (2nd Council Meeting)**

Nevada Volunteer Fire Department, Chief Thad Anderson advised for the month of October they have ran 64 incidents. Chief Anderson advised that he has projected that they will finish out the year with approximately 690 incidents which is a 35% increase from last year. Chief Anderson advised that they have added one new volunteer Firefighter to their personnel. Chief Anderson advised that the City of Lavon is taking over their fire district up to the UMB or Ultimate Mutual Boundary Line which will drop off 5 square miles of the Nevada Volunteer Fire Department's district.

BUSINESS SESSION

8. Business Session:

a. Discuss/Take Action: Swearing in our new City of Nevada City Secretary, Deuce Waters.

Mayor Ponce swore in the new City Secretary Appointee, Deuce Waters. Council Member Laye made a motion to accept the appointment of City Secretary, Deuce Waters. Council Member Deering seconded the motion. The motion carried with a unanimous vote. 5-0.

b. Discuss/Take Action: ARPA Funds expenditure deadline --
Summary: What is the deadline for when the ARPA funds must be designated to a project and/or spent? Since the city received less than \$10,000,000, the money can be used for practically any need including general and administrative costs. A budget for the use of the funds will need to be submitted by 12/31/2024 and spent by 12/31/2026.

Council Member Deering asked since the ARPA Funds have been placed in a savings account, would the City of Nevada be able to keep the interest accrued from the ARPA funds if we gave the money back?

No action taken.

c. Discuss/Take Action: City of Nevada Schedule of Fees (Permit Fees) and Plat/Plan Review Fee rate changes.

Summary: Each Council Member received a copy of the Fee Documents to make recommendations on the fee amounts.

After much discussion about the schedule of fees, the Council determined that they wanted to confirm that the permit fees were being allocated to the correct chart of accounts. Mayor Ponce advised that he wants the City Secretary to work the issues out and bring it back before the Council. Council Member Longoria made a motion to table this agenda item. Council Member Fisher seconded the motion. The motion carried with a unanimous vote. 5-0.

d. Discuss/Take Action: City Signage - color choice, logo, locations, compliance.

Summary: Each Council Member received a copy of the Street Signage and the quote.

Council Member Longoria advised that she was wanting a cost sheet of estimates to replace the various signs around Nevada. After discussion of the color and logo that will be placed on the signs, the Council agreed to the blue colored example with the white letters and the logo "Nevada TX" with the outline of the state of Texas, colored

red, above the last “a” in Nevada, as in the following example.



The Council also agreed that if the maker of the signs could not make the logo as stated above, they would be ok with the “red star” above the last “a” in Nevada. Council Member Longoria made a motion to approve as discussed. Council Member Deering seconded the motion. The motion carried with a unanimous vote. 5-0.

e. **Discuss/Take Action: City Sales Tax Rate - Discussion on raising the city sales tax rate from 7.75% to 8.25%. Process for placing the on the ballot for the general election in May 2023.**

Mayor Ponce stated that the current Nevada City Sales Tax Rate is 7.75% and that the City of Nevada is missing out on the .50%. Mayor Ponce used the example of making a purchase from Amazon.com, where surrounding communities are using the 8.25% City Sales Tax Rate. Council Member Longoria stated that she was concerned with the language that would be put on the ballot which may be perceived by the public as an increase. Mayor Ponce advised that City Attorney Shephard stated to him that the language has to say what the current city sales tax rate is (7.75%) and what the city sales tax rate is being proposed to raise it to (8.25%). Council Member Fisher advised that he is wanting to see a breakdown of other cities charging the 8.25% City Sales Tax Rate. Mayor Ponce advised that Council Member Fisher would be able to find that breakdown on the State of Texas Comptroller’s Website. Nevada Volunteer Fire Chief advised the Council that he was observing on the State of Texas’ Comptroller’s website that the City of Josephine’s City Sales Tax Rate is 7.75%. Chief Anderson also advised that the City of Farmersville and the City of Lavon’s City Sales Tax Rate is at 8.25%.

Council Member Laye made a motion to approve. Council Member McBride seconded the motion. The motion carried with a 3-2 vote where Council Members Longoria and Fisher voted against.

f. **Discuss/Take Action: Amendment to City of Nevada Signatories - Remove Councilman Karl Fisher and replace with City Secretary Deuce Waters.**

Council Member Longoria made a motion to approve. Council Member McBride seconded the motion. The motion carried with a unanimous vote. 5-0.

FUTURE AGENDA ITEMS

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.

Mayor Ponce advised that he wants the following items placed on the next agenda for the City Council Meeting on December 6, 2022:

1. Discuss and consider on the City of Nevada Schedule of Fees (Permit Fees) and Plat/Plan Review Fee rate changes.
2. Discuss more in detail the Code Enforcement Report.
3. Discuss and consider on the street signs proposal.
4. Discuss and consider bids for drainage/culverts.

10. Executive Session - Time: N/A

As authorized by Section 551.071 (2) of the Texas Government Code, this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed herein.


Texas Govt. Code 551.071 of the Texas Government Code legal advice from the City Attorney, regarding legal process requirements for code enforcement, building permits, inspections, and municipal court appointment and process.


Texas Govt. Code 551.074 Personnel. Review qualifications and/or interview person or persons applying for position of City Secretary.

11. Regular Session: Reconvene from Executive Session - Time: N/A

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

13. Adjournment / Closing - Time: 9:03pm


Ben Ponce, Mayor

Attest:

Deuce Waters, City Secretary