

CITY OF NEVADA

424 E FM 6 NEVADA, TX 75173 | 972-853-0027



MINUTES

COUNCIL MEETING

Tuesday, December 6, 2022

7:00PM at City Hall

Mayor – Ben Ponce

Council Member Place 1 – Mike Laye

Council Member Place 4– Karl Fisher

Council Member Place 2– Donald Deering

Council Member Place 5– John McBride

Council Member Place 3– Kerrie Longoria

City Staff:

Deuce Waters, City Secretary

Chris Donnan, City Engineer

Citizens:

Walt Newell

REGULAR MEETING

1. Call to Order and Declaration of Quorum-

Time: 7:00pm

2. Invocation-

Mayor Ponce asked Council Member Fisher to lead 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.

Mr. Walt Newell introduced himself and advised that he lives off of County Road 589. Mr. Newell advised that his concern has been the trash and illegal dumping that is going on off of West Street, from FM 6 up to the stop sign at South Street. Mr. Newell advised that he had sent an email to the City of Nevada back in April describing his concerns but never heard back from anyone. Mr. Newell advised that he is offering his own time to help clean up the roadway debris. Council Member Longoria asked if the trash was on a property owner's property? Mr. Newell advised that the property owner who has the majority of the trash has been sent numerous code enforcement letters and lives out of state. Mr. Newell advised that he had contacted Collin County and they sent a crew out and cleaned it up once before about two years ago. Mayor Ponce asked City Secretary Waters to contact Joe's Landscape and Tree Service for a quote on to clean the area up. City Secretary Waters was instructed to contact vendors for a quote as well. Council Member Longoria advised that the Nevada City Council may want to look into placing a "No Dumping" sign there.

REPORTS

6. Reports:

a. City Secretary Report-

City Secretary Waters advised of the following that need to be made:

1. Public Information Board going out front.
2. Podium for citizens and speakers to use while addressing the City Council.
3. Exterior locks will be changed to bring us into compliance with Fire Code.
4. Reference books need to be updated.
5. Shredding Company to come out and shred our old documents.
6. Electrical circuit will be installed next Tuesday for the projector, projector screen, cameras, and to correct the exterior lighting on the signs and flags.
7. Since we have been without hot water inside of City Hall for over 12 years, the water heater will be replaced Thursday December 8, 2022.
8. I have contacted TML and corrected the City of Nevada page.
9. Mayor Ponce and City Secretary had a great meeting this morning with CISD and discussed the expansion of FM 6.

b. Code Enforcement Report (2nd Council Meeting)-

Nothing to report currently.

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

Nothing to report currently.

d. **Mayor Pro Tem Report-**

Mayor Pro Tem Longoria had nothing to report at this time.

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

Mayor Ponce advised the public and the Council of the following:

CISD advised they will help the City of Nevada with the website design.

Council Member McBride asked Mayor Ponce for an update on the meeting with Texas Department of Transportation (TxDot). Mayor Ponce advised it has been confirmed that TxDot will be putting in traffic lights at Eugene Lane and FM 6, also at South FM 1138 and FM 6 by May 2023 or at the latest the first quarter of 2024. Mayor Ponce also advised that these traffic lights will be temporary until the widening of FM 6 is complete and then TxDot will install permanent lights. Mayor Ponce also advised that during the TxDot meeting of widening FM 6, the City of Nevada team was asked by Collin County Development Services appointed Official, Clarence Daugherty if we could look into the realignment of North 1138 and East Street as it is shown on the Collin County Master Thoroughfare Plan. Mayor Ponce also advised that TxDot will be installing traffic lights at FM 6 and FM 1777. Council Member McBride advised that he was also concerned about the intersection of FM 6 at FM 1138 because it is dark, and he has experienced blind spots while driving through that intersection. Council Member McBride also advised that he was concerned for the intersection of FM 590 at FM 1138 because of the blind spots and number of accidents that have already happened there. Mayor Ponce advised the Council that he has been in contact with the Nevada Volunteer Fire Department Chief, Thad Anderson and asked him to send over a report on the accidents that his department has responded to at that intersection. Mayor Ponce advised that he received that report and has notified TxDot officials where he requested a traffic study for possible installation of traffic lights.

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

Nothing to report currently.

CONSENT AGENDA: ACTION

7. Approval of minutes- November 15, 2022 Minutes.

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

REGULAR AGENDA

8. Business Session:

g. Discuss and consider the City of Nevada Schedule of Fees (Permit Fees) and Plat/Plan Review Fee rate changes-

City Secretary Waters advised the Council that he is working on a schedule of fees that will include a simplified schedule that will be easy to follow and include administrative costs.

Council Member McBride asked City Secretary Waters if this will simplify how we cost code in our budget? City Secretary Waters answered yes sir it does and that this will need to be discussed with our CPA, Ray Smith moving forward on our budgetary process. Council Member McBride advised that he gladly would help in this process.

h. Discuss more in detail the Code Enforcement Report-

Council Member Deering advised that the example that was provided is not a Code Enforcement Report. City Secretary Waters advised that being that the report that Council Member Deering was referring to is what is supplied by our current Code Enforcement Officer, and knowing this has been an ongoing issue, City Secretary Waters reached out both by numerous emails and numerous phone calls to the third-party Code Enforcement contractor and has yet to be answered back. City Secretary Waters advised that he has reached out to another third-party Code Enforcement contractor and has a meeting scheduled to speak with them Thursday December 15, 2022, at 1:30pm. City Secretary Waters advised that if the Council Members could give him a list of what they want to see on the code enforcement report, he will see to it that it is on it, moving forward.

Council Member Laye advised that the Council wants to know how many letters have been sent to the address in violation. Council Member Laye stated that just because the Code Enforcement Officer sends out letters doesn't mean that enforcement is being implemented. Council Member Laye also advised that whatever template we can use or come up with that will track the enforcement would be what he wants.

Council Member Longoria advised that they do not want to know the name of the violator but wants to know which address and what enforcement action is taken.

i. **Discuss and consider City Signage - color choice, logo, locations, compliance-**

City Secretary Waters spoke with John Godfrey from Crossroads L.P. Mr. Godfrey advised that the company has been sold to Area Wide Protective which is a larger company of the same safety service. Mr. Godfrey advised that he has been told by his administration that they will still honor this quote if the Council so chooses to approve.

Council Member Deering advised that he did not see certain street signs that he knows are missing on the list that was provided in the packet.

Council Member Longoria advised that we could add more signs to the list when we see that they are missing.

Council Member Laye made a motion to approve the Area Wide Protective sign quote in the amount of \$16,000.00. Council Member McBride seconded the motion. The motion carried with a unanimous vote. 5-0.

j. **Discuss bids for drainage/culverts-**

City Engineer Chris Donnan advised the Council on the various areas of concern that have drainage issues such as Kerens Street, Collin Street, Eve Street and Center Street. City Engineer Donnan advised of the different types and styles of the culverts. City Engineer Donnan advised that there is 22,500 linear feet to replace that will cost between \$400,000-\$500,000.

Council Member Deering asked City Engineer Donnan if the cost included his design cost and he advised that it did.

Council Member Laye asked if City Engineer Donnan could break the plan up into separate projects that would be cost effective instead of having to come up with the \$500,000 all at one time? City Engineer Donnan advised the Council that he would work on a drainage repair plan and break the plan up into projects that will be approximately \$125,000 for each project. City Engineer Donnan advised that he will present his report to the next City Council Meeting on Tuesday December 20, 2022.

Council Member Fisher asked what the process was to keep the ditches from washing out? City Engineer Donnan advised that there is a biodegradable mesh that already has seeding built in it that will keep the erosion of the ditches to a minimum.

k. **Discuss and consider the adoption of the impact fees-**

City Engineer Chris Donnan advised what an impact fee is and what it can be used for or not used for. City Engineer Donnan advised that the impact fee amount of \$3591.40 is what he is requesting for approval that is laid out in Ordinance No. 120622.

Council Member Laye made a motion to approve Ordinance No. 120622. Council Member Longoria seconded the motion. The motion carried with a unanimous vote. 5-0.

l. **Public Hearing: For considering the possible adoption of impact fees.**

Time Started: 8:40pm

Mr. Walt Newell asked what an impact fee was, and City Engineer Donnan answered that an impact fee is a fee a city can apply to a new development that will pay for the cost incurred by the city such as new water lines or roadways or other capital improvements.

Time Ended: 8:43pm

m. **Discuss the audit engagement letter from Murrey Paschall & Caperton, PC-**

This audit is over the financial statements of the governmental activities, each major fund, and the disclosures, which collectively comprise the basic financial statements of the City of Nevada as of and for the year ended September 30, 2022.

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

n. **Discuss and consider on setting a public hearing for an update to the City's Master Thoroughfare Plan-**

City Engineer Chris Donnan requested for a public hearing to update the Master Thoroughfare Plan. This update consists of rerouting East Street to be in line with FM 1138. No other changes to the previously approved MTP are being proposed at this time.

Council Member Laye made a motion to approve. Council Member Deering 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.

- a. Public Hearing: To discuss and consider the amendment of the Comprehensive Zoning Ordinance to include a one-half acre zoning district.
- b. City Engineer Chris Donnan providing information and presenting a rural development grant.
- c. City Engineer Chris Donnan presenting options to spend \$125,000.00 per phase of street drainage.
- d. Use of the Stinebaugh Property across the street from City Hall on FM 6.
- e. City Secretary Waters provide costs for playground material, lights, parking and speak with TML about property liability and casualty insurance costs for the playground.
- f. Discuss and consider the budgeted expenditure not to exceed the amount of \$5000.00 that the City Secretary will be allowed to approve. Any budgeted expenditure above the amount \$5000.00 will require a second approval.

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.**

Not required.

13. **Adjournment / Closing - Time: 9:30pm**

Attest:


Deuce Waters, City Secretary


Kerrie Longoria, Mayor Pro Tem