



MINUTES
COUNCIL MEETING

Tuesday, December 20, 2022
7:00PM at City Hall

Mayor – Ben Ponce

Council Member Place 1 – Mike Laye

Council Member Place 2– Donald Deering

Council Member Place 3– Kerrie Longoria

Council Member Place 4– Karl Fisher

Council Member Place 5– John McBride

City Staff:

Deuce Waters, City Secretary

Jim Shepherd, City Attorney

Citizens:

April Waters

Cody Waters

Bob Carlson

Jeanne Carlson

Russell Newton

Clayton Laughter

Shane Brinton

NVFD Chief Anderson

Jennifer Allen

James Chumley

REGULAR MEETING

1. Call to Order and Declaration of Quorum-

Time: 7:01pm. Mayor Ponce and Council Member Fisher were not present.

2. Invocation-

Mayor Pro Tem Longoria asked Council Member Deering 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.

There was none.

REPORTS

6. **Reports:**

a. **City Secretary Report-**

1. Public Information and Display Board came in I will be working to get it installed soon.
2. Podium came in placed here in the meeting room for presenters and speakers to use while addressing the Council/P&Z Commission/Courts and the public. I have affixed instructions to the podium, requiring the speaker to give their name and address or who they are associated with for recording of the minutes accurately.
3. There is a new sign in sheet for those that attend our City Council Meetings. I use those to accurately put in the minutes of all who was here. If they choose not to sign in, and I do not know them, I will not include them in the minutes. Also, there is a new "Speaker Form". This form will allow me/us to know what agenda item(s) they would like to speak too.
4. The locks came in, I will have those installed soon.
5. I will be ordering the books that we need here at City Hall soon.
6. The Shred Company will be here on January 3rd to take our documents that have been past retention and shred them. (Heather Miller- Secure Shredding & Recycling- \$100 for first 10 boxes then \$7 for each additional box.)
7. The electrical outlets have been installed (Birdsong Electrical) in the four corners of the building to allow for complete coverage of cameras. The projector and screen have been installed. I am waiting on the HDMI cable to come in so we can run it to the wall allowing

for computers to connect for presentations that the Council and the Public can see. The lights on the flags and signs out front are working now. We have emergency exit signs above the exterior doors that have been installed.

8. I will be purchasing two battery operated smoke detectors and will install them soon.
9. We have hot water here at City Hall in the kitchenette and the bathroom.
10. I have reached out to the Communications Director with CISD, Cooper Welch about an idea that would involve the Art Students at Community ISD. Having a possible contest to have the students come up with some artistic sign that represents the City of Nevada and have the City Council “judge” and pick the sign.
11. I have spoken to the General Manager at the Nevada S.U.D., Johnny Rudisill, about helping us out by filling in the big rut outside in front of City Hall and he advised that he will have one of the workers come here and fill it in with rock. The cost of the rock will be added to our water bill (Approximately \$140.00).
12. Due to our recent inclement weather, with the tornadoes here in North Texas, and knowing our history of a tornado wiping Nevada, Texas off the map on May 9, 1927, killing 27 people and injuring 75 others with approximately \$1 million in property damage, and now knowing about the inclement weather we are being warned about with the extreme cold, I have been in contact with “Nixle” to find out what we need to do real time notify our citizens of these hazards. That said, I mentioned this to Mr. Rudisill and found out that he has put in for a grant for an emergency broadcast system for our citizens. I have a meeting with “Nixle” tomorrow at 10:00am and Mr. Rudisill will be sitting in with me for that meeting. More to come on this when I get more information.
13. City Attorney Jim Shepherd asked City Secretary Waters to introduce some of the distinguished guests in the audience. City Secretary Waters introduced his wife, April Waters and youngest son Cody Waters who was in on leave for Christmas break from Kaiserslautern, Germany while serving in the United States Army.

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

Mayor Pro Tem (MPT) Longoria stated that the Code Enforcement Officer (CEO), Stephanie Flores with Safe Built, added more information to the report but that the report appears to be for the month of October. MPT Longoria asked City Secretary Waters if CEO Flores has been back to since then and City Secretary Waters advised that he does not know when she comes to enforce our ordinances.

City Secretary Waters advised that he is still waiting on one more quote to come in pertaining to the issue that Mr. Walt Newell advised about at the last City Council Meeting, and he would inform the Council at the next available meeting.

MPT Longoria asked if City Secretary Waters has contacted Safe Built and City Secretary Waters advised that he has reached out several times to the Administration of Safe Built over the last three weeks and no one from the company has called him back. City Secretary Waters advised that the only recent contact he has had with Safe Built is the report before them for Code Enforcement which was sent on Monday December 19th.

Council Member Laye asked City Secretary Waters if he knows how far behind Safe Built CEO is and if the Council will get another updated report? City Secretary Waters advised that he has not received any communication from Safe Built and has repeatedly reached out to them. Council Member Laye advised that this is the first report they have received in four months.

MPT Longoria stated that she believes it is safe to say that it is hard to contact them when they will not call you back but would like to know if they could send November data for Code Enforcement if they have it. City Secretary Waters advised that he will request it from the CEO and report his findings.

Council Member McBride advised that the report is an improvement but still needs more context.

Council Member Deering advised that the Council also needs to know how long these violations have been ongoing and if any actual enforcement other than a notice of violation has occurred.

c. Financial Report (2nd Council Meeting)-

MPT Longoria advised that sometime during the summer that Collin County is going to work on Eugene Street and the City is to fund half of it. MPT Longoria advised the other Council Members of this in regard to the budget when allocating money.

Council Member McBride asked MPT Longoria what improvements are going to be made to Eugene Street because it is sinking. MPT Longoria advised that we would need to contact Collin County to see but that she believes that at the price point that was agreed to, that it was going to be like the last road repair they did in Nevada.

d. Mayor Pro Tem Report-

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

e. Mayor's Report/Status-

Mayor Ponce was not present and had nothing to report at this time.

f. NVFD Report (2nd Council Meeting)-

Chief Anderson advised that during the month of November that the Nevada Volunteer Fire Department made 45 runs, 31 one of those were EMS related, 12 were Fire related and 1 miscellaneous. Chief Anderson advised that at the intersection of FM 541 and Fm 1138 continues to be a hot spot for accidents. Chief Anderson advised that he submitted the total count of these accidents to Mayor Ponce who in turn submitted it to TxDot for a traffic light study. Chief Anderson advised that he has had better coverage across the shifts of 24 hours a day by the volunteers at the Fire Station. Chief Anderson advised that the raffle for NVFD is going well. Chief Anderson asked that everyone keep the Farmersville Fire Department in your prayers because their Chief recently passed away. City Attorney Jim Shepherd asked Chief Anderson how the new facility is coming along, and the Chief advised that they are transitioning very well. Chief Anderson advised that the Royse City Chamber of Commerce recognized Nevada Volunteer Fire Fighter, Chavez Wilson as Fire Fighter of the year.

CONSENT AGENDA: ACTION

7. Approval of previous meeting's minutes- December 6, 2022, Minutes-

Council Member Laye made a motion to approve the minutes. Council Member Deering seconded the motion. The motion carried with a unanimous vote. 4-0.

REGULAR AGENDA

8. Public Hearing: To discuss the amendment of the Comprehensive Zoning Ordinance to include a one-half acre zoning district.

Time Started: 7:45pm

Planning and Zoning Chairman Russell Newton, Planning and Zoning Commissioners, Shane Brinton and Clayton Laughter all spoke in favor of the amendment of the Comprehensive Zoning Ordinance to include a one-half acre district. Chairman Newton provided the City Council members a copy of the amended ordinance specifications. City Attorney Shepherd advised that the provided paperwork was not in ordinance form but only a list of specifications to discuss. City Attorney Jim Shepherd advised of the possibilities of what would likely happen without moving forward with this amendment.

Council Member Laye asked City Attorney Shepherd if there could be any other specifications added that would require the builder to give some type of amenity back to the future occupants of the new developments. City Attorney Shepherd advised yes that there are several possibilities that can be added to the amended ordinance such as parks, walking trails, playgrounds, swimming pools, tennis courts, and even a marquis entrance.

Mayor Pro Tem Longoria stated that she believes that the developer needs to give something back to the residents of the subdivision that they are requesting to build.

Council Member Laye advised that he would like to see oversized streets with malleable curbs and for approximately every 75 homes that they put in a park or some type of amenity on one acre in the development and possibly a green space.

Council Member McBride advised that if it were a half-acre lot, he would want to see the homes set back on the property and it would look just as nice. Council Member McBride advised that he likes side garages as well as long as the homes were set back on the half-acre.

City Attorney Shepherd advised that he has compiled a list that will be confirmed by City Engineer Donnan on the "wish list" for the ordinance amendment.

Time Ended: 8:16pm

9. Presentation by Jennifer Allen with Building Code Consulting Services, LLC.

Ms. Allen reached out to City Secretary Waters about providing professional services for the City of Nevada for Code Enforcement and Building Inspections. Ms. Allen gave a presentation of what these services would provide and how those services could benefit the City of Nevada.

10. Presentation by City Engineer Chris Donnan for rural development grants.

City Secretary Waters advised the Council that City Engineer Donnan could not attend the meeting but did provide information in an email that was in the Council's packet for review.

Council Member McBride advised that the provided documentation for the grants would not be an option for the City of Nevada because our demographics do fit the requirements.

No action taken.

11. City Engineer Chris Donnan presenting options to spend \$125,000.00 per phase of street drainage.

After much discussion, the Council decided that they want City Engineer Chris Donnan to get bids for project number nine from the map that he provided in the agenda documents.

Council Member Laye made a motion to approve. Council Member McBride seconded the motion. The motion carried with a unanimous vote. 4-0.

12. Use of the Stinebaugh Property across the street from City Hall on FM 6.

City Secretary Waters advised that he has made contact with the Stinebaugh Family, and they advised that that were not able to attend this meeting but will be here for the January 3, 2022, meeting.

13. City Secretary Waters provide costs for playground material, lights, parking and speak with TML about property liability and casualty insurance costs for the playground.

City Secretary Waters gave rough estimates to the Council for a park in the amount \$214,323.56. City Secretary advised that he then contacted Texas Municipal League about insurance coverage and they advised that it would be \$250.00 a year. City Secretary Waters also advised that he reached out to Collin County Precinct #2 Commissioner, Cheryl Williams for information about the Collin County Project Funding Assistance Program and have not heard back from her yet.

Mayor Pro Tem Longoria advised that the Council needs to decide which city owned property that the park would be constructed on. Mayor Pro Tem Longoria asked City Secretary Waters if he could look into contacting the Community ISD Trades Department about building the picnic tables for the park once it is decided on where it will go. City Secretary Waters advised that he will reach out to the CISD about that.

14. Discuss and consider the budgeted expenditure not to exceed the amount of \$5000.00 that the Mayor or Mayor Pro Tem will be allowed to approve. Any budgeted expenditure above the amount of \$5000.00 will require a second approval.

City Secretary Waters advised the Council that he has spoke with CPA, Ray Smith, about going fully electronic with our City of Nevada bill payments. CPA Smith advised to do this, the Council would have to vote on and approve providing the City Secretary access to approve up to \$5000.00. City Secretary Waters asked CPA Smith if he could provide those recommendations in an email so they could be provided directly to the City Council.

City Secretary Waters advised that the CPA, Ray Smith provided an email that was placed in the agenda packet that has recommendations that include budgeted expenditures not to exceed \$5,000.00 which would only need approval by the City Administrator/City Secretary, any budgeted expenditures over \$5000.00 would require a first approval by the City

Administrator/City Secretary and second approval from another designated person, and that any budgeted expenditures exceeding \$25,000.00 would require a first approval by the City Administrator/City Secretary, a second approval from a designated person and at least three (3) competitive bids.

City Attorney Shepherd advised that by law, a municipality does not have to go out for bids unless the expenditure is \$50,000.00 or higher. City Attorney Shepherd advised that there is nothing wrong with setting that limit lower at \$25,000.00, as suggested by CPA Smith.

Mayor Pro Tem Longoria advised that she thinks that the \$25,000.00 limit may be recommended by CPA Smith may have been to be more in line with the budget.

Council Member Deering advised that he would like to see the amount aligned with the law. As suggested by City Attorney Shepherd and raise the recommended amount from \$25,000.00 to \$50,000.00.

Council Member Deering made a motion to approve budgeted expenditures not to exceed \$5,000.00 which would only need approval by the City Administrator/City Secretary, any budgeted expenditures over \$5000.00 would require a first approval by the City Administrator/City Secretary and second approval from another designated person, and that any budgeted expenditures exceeding \$50,000.00 would require a first approval by the City Administrator/City Secretary, a second approval from a designated person and at least three (3) competitive bids. Council Member Laye seconded the motion. The motion carried with a unanimous vote. 4-0.

15. **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.

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

17. **If required, act on items reviewed in Executive Session**- N/A

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. Use of the Stinebaugh Property across the street from City Hall on FM 6.
- b. To discuss and consider the amendment of the Comprehensive Zoning Ordinance to include a one-half acre zoning district.

18. **Adjournment / Closing** - Time: 9:37pm



Ben Ponce, Mayor

Attest:


Deuce Waters, City Secretary