

CITY OF NEVADA

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



MINUTES

COUNCIL MEETING

Tuesday, January 3, 2023

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:

Walt Newell
Bob Carlson
Jeanne Carlson
Russell Newton
Clayton Laughter
NVFD Chief Anderson
Whitney Rae
Adrian Diaz

REGULAR MEETING

1. **Call to Order and Declaration of Quorum-**

Time: 7:06pm. All Council Members were present.

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.

There was none.

REPORTS

6. Reports:-

a. City Secretary Report-

1. The ball valve on the cold-water line was defective and flooded the building. I found it this morning and immediately called Lavon Plumbing, who did not hesitate to arrive and repair the problem. It only flooded the bathroom, kitchen area and behind the Council Members seats.
2. Council Member McBride came up this morning and we have a game plan to install the Public Information and Display Board. (Thank you for your help sir).
3. The locks have been changed out to the front and back door.
4. The large rut has been repaired by the mailbox in the parking lot. (Nevada SUD)
5. 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.)
6. I have made contact with Kevin Long with Cross Roads about getting the signs replaced and he advised that he will get with John Godfrey the Field Superintendent when he gets back from vacation. Mr. Godfrey will be contacting me when they are coming out to start our project.
7. The meeting with Nevada SUD General Manager, Johnny Rudisill went well. Very informative. Mr. Rudisill advised that they renewed the contract with SWIFT REACH 911 recently and that we can partner with them, which will not cost us at all. When the

contract comes up for renewal again, he advised that we could revisit this. I spoke with Nevada Volunteer Fire Department, Chief Thad Anderson and he advised that the NVFD would definitely like to be involved with this and will help out in any way possible.

8. To allow us to go to the tablets for the Council Members to get the agenda electronically we have Frontier Fiber Optics being installed on January 6, 2023.
9. I have submitted The Nevada Economic Development Corporation 4B Report to the Texas Comptroller of Public Accounts.
10. The City of Nevada public accounts audit contract with Murrey Paschall & Caperton has been executed and I have been in contact with Kyle Caperton who has started the audit itself.
11. The update on the progression of the City Sales Tax moving from 7.75% to 8.25% for the City of Nevada that was voted on by this council on November 15, 2022, will need more clarification from City Attorney, Jim Shepherd. City Attorney Shepherd advised the Council of what needed to transpire to move the City Sales Tax to 8.25%.
12. Election season is coming up and there are some important dates that need to be mentioned.

Monday, December 19, 2022 (30th day before Wednesday, January 18, 2023, first day to file an application for a place on the ballot)

- Deadline to Post Notice of Deadline to File Applications for Place on the Ballot in a building in which the authority maintains an office.

Wednesday, January 18, 2023 (30th day before Friday, February 17, 2023, regular filing deadline for a place on the ballot)

- First day to file an application for a place on the ballot or a declaration of write-in candidacy.
 - Application for Place on City/School/Other Political Subdivision Ballot (PDF)
 - If your home rule city or special law district allows for a petition, the following petition may be used: Petition for Place on the City General Election Ballot (PDF)
 - Declaration of Write-In Candidacy for City, School, or other Political Subdivisions (PDF)

Friday, February 17, 2023 (78th day before election day)

- **5:00 p.m.** - Last day for a candidate in a political subdivision (other than a county) to file an application for a place on the ballot for general election for officers for most political subdivisions.
- Deadline for political subdivisions to order a general election to be held on Saturday, May 6, 2023, unless otherwise provided by the Election Code. (Sec. 3.005).

- Order of Election for Municipalities
 - Order of Election for Other Political Subdivisions (Including Schools)
- b. Code Enforcement Report (2nd Council Meeting)
- c. Financial Report (2nd Council Meeting)
- d. **Mayor Pro Tem Report-**
- Mayor Pro Tem Longoria had nothing to report at this time.
- e. **Mayor's Report/Status-**
- Mayor Ponce advised that the frequency and intensity of the accidents at FM 1138, FM 541 and FM 590 were getting worse. Mayor Ponce advised that he has reached out to TxDot and provided the increasing number of accidents at this intersection and has partnered with Chief Anderson with the Nevada Volunteer Fire Department to bring light to the problem.
- Mayor Ponce advised that he wanted the City Sales Tax discussion to be on the next Nevada City Council agenda.
- f. NVFD Report (2nd Council Meeting)

Chief Anderson advised that he gave the Council Members a copy of the report he will be presenting at the next City Council Meeting so they could come with questions for him. Chief Anderson advised that in regards to working with Mayor Ponce on the accidents at the Intersection of FM 1138, FM 541 and FM 590, there has been 57 accidents. Chief Anderson advised that he is committed to doing whatever it takes to eliminate the accidents at this dangerous intersection.

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| CONSENT AGENDA: ACTION |
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7. **Approval of previous meeting's minutes- December 20, 2022, Minutes-**

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

REGULAR AGENDA

8. Discuss the use of the Stinebaugh Property across FM 6 from City of Nevada City Hall-

Whitney Rae who is part owner along with other family members, gave a presentation of what their vision is for the property. Ms. Rae advised that the property is now owned by a business as an LLC that her and her siblings created. Ms. Rae advised that they have hired a real estate broker, Ashely Smith, and have researched possibly creating a Municipal Utility District (M.U.D.) on the property but wanted to take everything into consideration to include what the City of Nevada would like to see developed on the property. Ms. Rae advised that she was wanting feedback from the City Council and wanted to see more infrastructure to support bringing in commercial development.

Council Member Longoria commented that she appreciates the opportunity that Ms. Rae is soliciting the City of Nevada feedback from the City Council Members but advised that the city would not get any revenue from a M.U.D. and would like to see a commercial development on the property.

City Attorney Shepherd explained how the M.U.D. operated and how it would not create any generated revenue for the City of Nevada. City Attorney Shepherd advised that the City of Nevada is in a position to be able to issue a bond package that would be far less tax rate than a M.U.D.

Mayor Ponce advised that what the City of Nevada is needing is a destination for citizens to identify with.

9. Discuss and consider an application for the Collin County Project Funding Assistance Program-

City Secretary Waters spoke to the agenda item and advised that Collin County Commissioner Williams forwarded the request to Collin County Engineer, Tracy Homfeld. City Secretary Waters advised that Ms. Homfeld provided the documentation under this agenda item and that we will need to complete the application and get it turned in by July where we should have an answer by the end of September. There was no action taken on this agenda item.

10. Discuss and consider Ordinance No. 010323, an ordinance of the city of Nevada, Texas, amending the comprehensive zoning ordinance of the City of Nevada as heretofore amended, by establishing and providing regulations for a half-acre minimum single family zoning district (sf-1/2/20) as set forth herein; providing for special conditions; providing a severability clause; providing a repealer clause; providing for a penalty of a fine not to exceed the sum of \$2,000.00 for each offense; providing a publication clause; and providing an effective date-

The discussion continued with the Council Members from the previous Council Meeting on this agenda item in which the Council Members relayed to City Attorney Shepherd what they wanted to see in the ½ acre ordinance. City Attorney Shepherd took copious notes and advised that he will update the ordinance and bring it back before the City Council at the next City Council Meeting. There was no action taken on this agenda item.

11. Discuss and consider the clean up on West Street-

City Secretary Waters advised that he made contact with the resources the City Council requested and received the following quotes:

Junk Masters/Kyle Sainz - \$825.00.

Joe's Lawn & Tree Service - \$650.00.

Derrick's Disposal – Never called back.

Barnes Disposal/Jayda DeGraf – Advised that they do not have the manpower to complete the task at this time.

Council Member Laye made a motion to approve Joe's Lawn & Tree Service at a quote of \$650.00. Council Member Longoria seconded the motion. The motion carried with a unanimous vote. 5-0.

FUTURE AGENDA ITEMS

12. Future Agenda Items

- a. City Sales Tax Rate.
- b. Stinebaugh Property.
- c. Over 65 Exemption.
- d. Pressuring TxDot about FM 1138, FM 541 and FM 590.

13. Executive Session - Time: 9:13pm.

Texas Government Code 551.074 Personnel---deliberation regarding the City Secretary and City Clerk's positions or other personnel for city staff.

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.

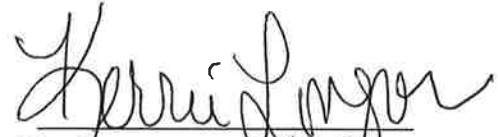
Texas Govt. Code 551.071 of the Texas Government Code legal advice from the City Attorney, regarding legal process requirements for code enforcement, building permits, inspections, and municipal court appointment and process.

14. Regular Session: Reconvene from Executive Session - Time: 9:45pm.


15. If required, act on items reviewed in Executive Session-

No action required on executive session items.

16. Adjournment / Closing - Time: 9:48pm.


Kerrie Longoria, Mayor Pro Tem

Attest:


Deuce Waters, City Secretary

