



MINUTES
COUNCIL MEETING

Tuesday, January 17, 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:

Russell Newton
Chief Thad Anderson

REGULAR MEETING

1. Call to Order and Declaration of Quorum-

Time: 7:14pm. Mayor Ponce was not in attendance.

2. Invocation-

Mayor Pro Tem (MPT) Longoria 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. Council Member McBride came up Monday January 9, 2023, and installed the Public Information and Display Board. (Thank you for your help, sir).
2. I was briefly locked out of the safe last week and have gained access back into it. In a roundabout way it was a good problem to have because now we actually have a combination and I know exactly how the safe works.
3. My wife and I came up last weekend and removed most of the mismanaged documentation out of the office, placed them in boxes and semi-organized it back into the office. This process will take some time to get organized and filed correctly. While going through all the documents, I will be comparing it to the TSLAC retention schedule and see if it is past its retention dates, once again starting a shred pile. While doing so, we rearranged the office and got rid of the one table that was being held up by a 1x2 board. We made some room and found our printing problem, where the ethernet cable jacket was stripped back exposing the wires. That cable has been replaced.
4. The auditors at Murrey, Paschall, & Caperton, P.C. reached out to me needing permitting documentation. I have provided that to them and do believe as of now they have everything they need to complete the audit. I have been advised that we are very close to having the audit complete.
5. Frontier Fiber Optics has been installed and we have great internet speed. The Mayor is working on finding tablets for the Council Members so yall can view the agenda and supporting documents electronically. I am looking at all our current contracts to make sure we are getting what we are paying for in these contracts. This includes our website provider, building inspections, health inspections, code enforcement, landscaping, printers, and permit tracking. I have been in constant communication with Ray Smith, it's been determined that we will be able to save nearly \$4000.00 a year on eliminating Fund View.

The permit tracking can be done in Quick Books which will be beneficial for Ray and his team because they can keep up with our revenue better and easier. Mr. Smith advised he is getting this process set up so we can do some dry runs before bringing it before the Council.

6. I have developed a job description for the City Clerk's position and once I get approval from the Mayor, I will get it posted and start the interview process.
7. Spoke with John Godfrey about the signs and have a schedule worked out. Mr. Godfrey advised that he will first call-in line locates, then install the posts. Mr. Godfrey then advised that they will then begin removing the old signs and hanging the new ones. Mr. Godfrey advised that he hopes they are going to start next Monday January 23, 2023, or possibly the following Monday January 30, 2023.
8. We have had some citizens from the Kings Bridge subdivision reach out to the city for some information regarding the gas line that is owned by Atmos Gas Company and the easement that comes along with it. We had a Zoom Meeting with Atmos, and the developer of Kings Bridge and it was agreed moving forward we needed to locate the gas line. On December 27, 2022, at 4:45pm I placed a line locate with 811 to find out where in fact the gas line was buried. from the front of the subdivision to the rear of the subdivision. The Atmos Superintendent for this area called me and advised that the line locate was completed. He also advised that the line is a 24-inch-high pressure line that travels in an approximate straight line in a northerly direction and went to a distribution center, from there it traveled towards Farmersville, Texas. (City Attorney Shepherd to add to this.)
9. 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)-

MPT Longoria briefed the City Council on the report that was sent to City Secretary Waters. MPT Longoria stated that the Code Enforcement Officer has advised that when we start up our Municipal Court, she will not be able to attend. MPT Longoria advised that there has been ongoing violations around the City of Nevada and the number of violations are growing. MPT Longoria advised that we cannot keep issuing Notice of Violations with no accountability and that we need a Code Enforcement Officer to attend our Municipal Court. MPT Longoria asked City Attorney Shepherd if we can enter into a contract with another Code Enforcement Service Company such as Building Code Consulting Services (BCCS) and City Attorney Shepherd advised that he would need to examine the contract and will advise when he does. City Secretary Waters advised that he would reach out to the BCCS General Manager, Jennifer Allen for the contract.

c. Financial Report (2nd Council Meeting)-

MPT Longoria briefed the City Council on the report that was sent to City Secretary Waters.

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 spoke to the City Council and gave his report. Chief Anderson advised that he took over the Nevada Volunteer Fire Department (NVFD) in January 2022. Chief Anderson advised that in the past year that the NVFD received their ALS designation. Chief Anderson advised that he has observed a significant increase in

response time from AMR. Chief Anderson advised that in 2022 the NVFD 1167 hours of Departmental Training which is in house training that does not include outside training. Chief Anderson advised that the NVFD is now a TCFP certified department. Chief Anderson advised that the NVFD has contracted with Lexipol. Chief Anderson advised that the NVFD has had a reduction in response times with a 30% increase in call volume. Chief Anderson advised that at the end of the year of 2022 the NVFD answered 667 incidents with a reduction time of “out the door” by 1 minute and 53 seconds with an “On Scene” reduction time of 50 seconds. Chief Anderson advised that his 2023 goals are to purchase 2-4 acres somewhere to construct a new fire station. Chief Anderson advised that he has started the process of designing a new apparatus which is 24-25 months out to start building.

CONSENT AGENDA: ACTION

7. **Approval of previous meeting’s minutes- January 3, 2023, 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. **Discuss and consider Ordinance No. 011723, an ordinance of the city of Nevada, Collin County, Texas, calling for an election to be held on May 6, 2023, to permit voting for or against the proposition: “the adoption of a local sales and use tax in Nevada at the rate of one- and one-half percent (1.50%).”**

MPT Longoria called on each Council Member to record their vote which was as follows:
Council Member McBride voted for Ordinance No. 011723
Council Member Fisher voted for Ordinance No. 011723
Council Member Deering voted for Ordinance No. 011723
Council Member Laye voted for Ordinance No. 011723
Council Member Longoria voted for Ordinance No. 011723

9. **Discuss and consider the “Over 65 Exemption” information provided by Collin County Chief Appraiser, Bo Daffin-**

Summary: City Secretary Waters reached out to Collin County Chief Appraiser, Bo Daffin via email. Mr. Daffin provided an example in the email chain that was provided in the agenda packet.

Council Member McBride explained the example that Collin County Chief Appraiser, Bo Daffin. After much discussion amongst the City Council Members and staff, there

was no action taken on this agenda item. However, City Secretary Waters was instructed to get examples from the Collin County Chief Appraiser.

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-

City Attorney Shepherd updated the language in the ordinance that was aligned with what the City Council advised they wanted in the ordinance at the last City Council meeting. After much discussion amongst the City Council Members and the staff about the updated ordinance, there was no objections to the ordinance as written.

Council Member Laye made a motion to approve the ordinance. Council Member McBride seconded the motion. The motion carried with a 3-1 vote where Council Member Deering voted against the ordinance. 3-1.

11. Public Hearing: Discuss and consider a possible update to the City's Master Thoroughfare Plan (MTP) –(1) Realignment of East Street with FM 1138 N at the FM 6 intersection. (2) other city or county roadway revisions-

MPT Longoria opened the public hearing at 9:48pm. No one came forward to speak for or against the update of the City's Master Thoroughfare Plan (MTP) –(1) Realignment of East Street with FM 1138 N at the FM 6 intersection, (2) other city or county roadway revisions.

MPT Longoria closed the public hearing at 9:48pm.

FUTURE AGENDA ITEMS

12. 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.

1. City Sales Tax Ordinance.
2. Texas Municipal Retirement System.
3. Codes for Fire Marshal.
4. Executive Session- Discussion about the future of the Nevada Economic Development Corporation.


13. Executive Session - Time: N/A
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: N/A

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

16. Adjournment / Closing - Time: 9:54pm


Ben Ponce, Mayor

Attest:


Deuce Waters, City Secretary

