

CITY OF NEVADA

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



MINUTES

COUNCIL MEETING

Tuesday, February 7, 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: 7:06pm. 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 closest light to the parking lot was damaged sometime last week during the ice storm. I had it repaired today, and it is back working properly.
2. After working with City Attorney Shepherd on the contract with BCCS, we have finally got an executed contract with BCCS. I will be setting a meeting up between BCCS and the City of Nevada that will concentrate on the internal process and communications of code enforcement and building inspections.
3. I have listed the position of City Clerk on the TMRC website and have yet to get any applicants from it. That said, I have been interviewing potential candidates for the position of City Clerk and have one prominent prospect thus far. I am leaving the position open until the end of this week and if I have no other candidates, I will discuss with the Mayor and MPT about moving forward with the potential candidate.
4. The Mayor and myself are working on a plan to get a cubicle installed for the City Clerk and hope to have this done before we make a decision on the new hire.
5. You will see on your agenda that the Code Enforcement Report has been moved to the first meeting in the month. I checked with Chief Anderson and Ray Smith about moving their reports to the first meeting. Chief Anderson advised that he would not be able to accurately report his numbers at the first of the month and Ray advised that he would not be able to run an accurate report at the first of the month.
6. Election season is here and there are some important dates that need to be mentioned.

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.

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

7. We have had one candidate pick up an elections packet.

8. Signs are moving a week behind due to the ice storm. John Godfrey advised starting next week.

b. Code Enforcement Report-

City Secretary Waters advised that he sent an email to the current Code Enforcement Officer requesting the most updated Code Enforcement Report and there was no response as of this meeting. City Secretary Waters advised that since she failed to send an updated Code Enforcement Report, he placed the one that was sent out for the last meeting.

c. Financial Report (2nd Council Meeting)-

No report at this time.

d. Mayor Pro Tem Report-

Mayor Pro Tem advised that our City Engineer, Chris Donnan has completed his research and will be taking the necessary steps to put the process out for bid to get the drainage issues corrected in the City of Nevada.

e. Mayor's Report/Status-

Mayor Ponce advised that this is the first meeting the Council Members are using the computer tablets to follow the agenda. Mayor Ponce thanked the Mayor Pro Tem for coming up on the weekend to help set them up and he also thanked City Secretary Waters for getting us to this point with the Tablets.

Mayor Ponce advised that there will be a Zoom meeting with TXDOT on Thursday February 9, 2023, and he will provide an update at the next Council Meeting.

Mayor Ponce advised that today was the 90-day anniversary for City Secretary Waters and offered up a congratulations.

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

There is no report at this time.

CONSENT AGENDA: ACTION

7. **Approval of previous meeting's minutes- January 17, 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. 5-0.

REGULAR AGENDA

8. **Discuss and take appropriate action on the audit conducted by Murrey, Paschall & Caperton, P.C.-**

Summary: Certified Public Accountant with Murrey, Paschall & Caperton, P.C., Kyle Caperton spoke about the audit he conducted on the City of Nevada's Finance standing. Mr. Caperton advised that the City of Nevada's finances are presented fairly and went through the entire document explaining the outcome of the audit. Mr. Caperton answered questions that the City Council had about the audit process.

Council Member Laye made a motion to approve the audit as written. Council Member Longoria seconded the motion. The motion carried with a unanimous vote. 5-0.

9. **Discuss and take appropriate action on Resolution No. 020723, a resolution of the city council of the city of Nevada, Collin County, Texas, terminating the positions of City Fire Marshall and Deputy Fire Marshall of the City of Nevada; providing a severability clause; providing a repealing clause and providing for an effective date-**

City Attorney Jim Shepherd advised that this resolution terminates the individuals occupying the Fire Marshal and Deputy Fire Marshal's position and does not terminate the position of Fire Marshal and Deputy Fire Marshal.

Nevada Volunteer Fire Chief Thad Anderson advised that he fully supports this resolution.

Council Member Deering made a motion to approve Resolution No. 020723 as written. Council Member Laye seconded the motion. The motion carried with a unanimous vote. 5-0.

10. **Discuss and take appropriate action on the application/petition for annexation of approximately 91.8 acres of property generally located at the corner of County Road 591 and County Road 592, Nevada, Texas 75173, also known as the “Ranchettes of Nevada”-**

City Attorney Shepherd advised that the petition has not been delivered to the City Secretary as of yet because the representatives for the Ranchettes of Nevada are still negotiating about a screening wall with the representatives of the property owner of the future development of the Wigeon Whistle Green Energy site.

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

11. **Discuss and take appropriate action on the Texas Municipal Retirement System Ordinance No. 020723, an ordinance providing for the participation in the Texas Municipal Retirement System and the supplemental death benefits fund by the city of Nevada Texas; and to make current service and prior service contributions to the city’s account in the benefit accumulation fund of the Texas municipal retirement system at the actuarially determined rate of total employee compensation-**

Mayor Pro Tem Longoria presented the Texas Municipal Retirement System (TMRS) for city staff members. After much discussion of the several plans available, Council Member Longoria made a motion to approve Ordinance No. 020723 at 7% of the full earnings of each employee, with the City of Nevada providing for each member at the time of retirement a sum that is 100% of the member’s accumulated deposits, the City of Nevada matching the employee’s contributions at a ratio of a 2 to 1 match, and at a rate of 100% of the base credit of the member’s prior service credit. Council Member Deering seconded the motion. The motion carried with a unanimous vote. 5-0.

12. **Discuss and take appropriate action the Telecom City Sales Tax-**

City Attorney Shepherd advised of what would need to happen to increase the Telecommunications Sales Tax in the City of Nevada. There was much discussion about the increasing of the taxes. There was no action taken by the City Council.

FUTURE AGENDA ITEMS

13. **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. BCCS Update
2. Permit Fees
3. Code Books Ordinance
4. Telecommunications Sales Tax

14. **Executive Session-**

Time: 8:40pm.

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 the Nevada Economic Development Corporation.

15. **Regular Session: Reconvene from Executive Session--**


Time: 9:30pm.

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


N/A

17. **Adjournment / Closing-**

Time: 9:32pm.


Ben Ponce, Mayor

Attest:


Deuce Waters, City Secretary

