

# CITY OF NEVADA

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



## MINUTES

### COUNCIL MEETING

Tuesday, February 21, 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  
Morgan Kowaleski

### REGULAR MEETING

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

Time: 7:02pm. Council Member Laye was not present at the time of the meeting but arrived later in the meeting.

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. I am getting more interest from the TML website for the position of City Clerk. I have interviewed several potential candidates for the position and settling in on a select few.
2. We had a great meeting with Building Code Consulting Services (BCCS) on Friday of last week and later this evening they will come forward and answer any questions the Council may have as we move forward with their services.
3. After the meeting with BCCS I have started working on a new and updated Schedule of Fees since their pricing is different than our last vendor. If all goes well, I will have some options to bring to the first meeting we will have in March for your approval.
4. I have taken numerous complaints about the potholes in Nevada. I reached out to Streamline Property Maintenance who has charged us a \$750.00 trip charge just to provide a quote, and they never returned my call. I had reached out to Collin County Public Works Assistant Director, Mark Hines, about an Inter-Local Agreement to repair our potholes in our City Limits. Mr. Hines advised that he believes we already have an ILA in place and that their department is extremely behind in its schedule of taking care of their own responsibilities and that they are not supporting any other entities at the moment. Mr. Hines advised of contractors that Collin County sub-contracted out in the past which were Wopac Construction and Rose Contracting. I contacted Rose Contracting, Mr. Tommy Rose advised that he would visit the office on Monday to provide a quote and never showed. I contacted Mr. Leach, and he responded by coming by the office the next day. Mr. Leach provided a quote of \$8,800 to repair the potholes by using 16 tons of asphalt. Mr. Leach advised his crew will clean tack and install asphalt to the potholes on the following streets: East Street, from FM 6 to CR 592, Collin Street, from East Street to FM 1138, W. South Street, from FM 1138 to West Street, and Eugene Street, from approximately 400 feet south of Lake Drive to the Collin County Maintenance Sign.

5. The filing deadline has passed on Friday February 17, 2023, at 5:00pm. That said, there are three citizens that applied for Nevada City Council. One for Place #3, One for Place #4, and One for Place #5. They will be on the ballot running unopposed and elected.

6. Crossroads Barricades and Traffic Safety Services, Superintendent advised that they will be starting to replace the signs starting tomorrow.

b. **Code Enforcement Report-**

Code Enforcement Officer (CEO), Dennis Wagner gave a report on his work that he is already performing. CEO Wagner advised that he is using the old Code Enforcement Violation List as notes and is making contact with the several habitual violators.

c. **Financial Report (2<sup>nd</sup> Council Meeting)-**

Council Member McBride advised that the Permits portion of the Financial Report looks much better and is coming more in line with where it needs to be.

d. **Mayor Pro Tem Report-**

Mayor Pro Tem Longoria advised that she had no report at this time.

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

Mayor Ponce advised that we have our first Municipal Court set for March 22, 2023, at 4:00pm here at City Hall.

f. **NVFD Report (2<sup>nd</sup> Council Meeting)-**

Nevada Volunteer Fire Department (NVFD) Chief Anderson advised that in January 2022 they had 59 calls for the month and this year in January 2023 they had 50 calls. Chief Anderson advised that the NVFD is down four members and that they are actively recruiting now. Chief Anderson presented a plaque to Mayor Ponce in token of appreciation for the support the City of Nevada City council provides for the NVFD.

**CONSENT AGENDA: ACTION**

7. **Approval of previous meeting's minutes- February 7, 2023, Minutes-**

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

## REGULAR AGENDA

8. **Discuss and take appropriate action on the applications of Walt Newell, Russell Newton, Thad Anderson, and Mark Hill, for the Nevada Economic Corporation Board-**

Council Member Laye made a motion to approve all applicants with Thad Anderson as an alternate. Council Member Longoria seconded the motion. The motion carried with a unanimous vote. 5-0.

9. **Discuss the use of Building Code Consulting Services (BCCS) for Code Enforcement and Building Inspections-**

City Secretary Waters advised that Mayor Ponce, Mayor Pro Tem Longoria, City Attorney Shepherd and Chief Anderson met with BCCS Building Inspector, James Chumley and Code Enforcement Officer Dennis Wagner. Mr. Chumley and Mr. Wagner explained to the council and the public the service they will be providing for the City of Nevada. Mr. Chumley and Mr. Wagner answered questions the Council had.

10. **Discuss and take appropriate action on Ordinance No. 022123, an ordinance of the City of Nevada, Texas adopting the construction, conservation, energy electric and related codes listed herein, as the official codes of the city as modified by the regional changes to the code records by the North Central Texas Council of Governments; providing a severability clause; providing penalty of a fine not to exceed \$2,000.00 per day, for each day of violation; repealing conflicting ordinances; and establishing an effective date-**

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

11. **Discuss and take appropriate action on the Joint Election Services Contract with Collin County Elections Administration and the City of Nevada-**

City Secretary Waters advised that he reached out to Collin County Deputy Elections Administrator, Kaleb Breaux, who sent the contract for Council approval. City Secretary Waters advised that he sent the contract to City Attorney Shepherd for review.

Council Member Longoria asked why are we having to pay the \$2700.00 for the contract just for the public to vote on the tax issue since we have all three places running unopposed? Council Member Longoria advised that we need to let the public know we need their support for the tax issue that will be on the ballot.

Council Member Deering made a motion to approve. Council Member McBride seconded the motion. The motion carried with a 4-1 vote where Council Member Longoria voted against.

12. **Discuss and take appropriate action on the replat of 5.001 acres of land in Community Corners known as tract 2A-1 and tract 2A-2 as requested by Carroll Consulting Group. The property is generally located .16 miles east from North FM 1138 on Community Drive and .46 miles west from County Road 939 on Community Drive in Collin County and the ETJ of Nevada, Texas 75173-**

Planning and Zoning (P&Z) Chairman Russell Newton came forward and spoke on this agenda item. P&Z Chairman Russell advised that the P&Z Commission approved the replat.

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

13. Discuss and take appropriate action on the Telecom Sales Tax Ordinance.

City Attorney Shepherd explained in detail what the State of Texas Comptroller's Office requires for the Telecommunications Sales Tax.

Council Member Laye made a motion to approve the Telecom Sales Tax Ordinance. Council Member McBride seconded the motion. The motion carried with a unanimous vote. 5-0.

#### **FUTURE AGENDA ITEMS**

14. **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.**

Bids for Culverts.

Discussion about Nevada Economic Corporation.

Discussion about the Steinbaugh Property.

Discussion about the budget.

Discussion about the Over 65 Tax breaks.

15. **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.

- 16. Regular Session: Reconvene from Executive Session - Time: N/A
- 17. If required, act on items reviewed in Executive Session- N/A
- 18. Adjournment / Closing –  
Time: 8:59pm.

  
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Ben Ponce, Mayor

Attest:

  
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Deuce Waters, City Secretary

