



MINUTES

COUNCIL MEETING

Tuesday, March 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
Morgan Kowaleski, City Clerk
Jim Shepherd, City Attorney
Chris Donnan, City Engineer

Citizens:

Russell Newton
Randy DeMauro
Kathleen Martinez
Johnny Rudisill
Charles Iiams
Jeanne Carlson

REGULAR MEETING

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

Time: 7:08pm. Council Member Fisher was absent. All other Council Members were present.

2. **Invocation-**

Mayor Ponce 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.

Ms. Kathleen Martinez turned in a request to appear before the City Council and spoke about bringing a Farmers Market to the City of Nevada. Ms. Martinez requested for the City Council to consider placing this on the next City Council Agenda.

Mr. Randy DeMauro turned in a request to appear before City Council but requested to speak on Agenda Item #10.

REPORTS

6. Reports:

a. City Secretary Report-

1. Good evening, Mayor, Council, and citizens. I am sure everyone has seen the potholes are being repaired. The Wopac Construction Foreman, James came by today and advised that they are working hard to finish up. I have received several compliments about this and look forward to working with Wopac Construction in the future. I have asked Wopac Construction to quote us on asphaltting the parking lot and they advised that they will get us a quote as soon as possible. I also have asked Austin Bridge and Road who is performing the work on FM 6 to provide us with a quote and the project manager, Bryan Scott came by and measured up the parking lot and advised that he will get us a quote soon as well.
2. As many of you know, phase one of the street signs have gone up and although there was a couple of misprints, for the most part I have received some great compliments on them as well. I am working on a list now for phase two and will get Crossroads to quote us. In regard to the "No Thru Trucks" sign placed on the county's pole at the end of Eugene Street at CR543, Collin County Forman, Denton Sturdivan, who took our sign down at this intersection, advised that we will only be able to put those up on our portion of Eugene Street. Mr. Sturdivan advised that no county roads can't be closed to truck traffic.
3. I have received a quote from Tavira's Group Painting to clean up and sand our front door, paint the front door enclosure, pressure wash the front of the building and the front porch concrete for \$700.
They also quoted to prime and paint the entire exterior of the City Hall Building at \$2800 and to paint the stop and park poles for \$575.00. All quotes include all materials. I will get our City logo installed on the door along with the numerical address numbers.

4. Code Enforcement Officer Dennis Wagner has been working diligently on several high priority cases in addition to the junk motor vehicles and trash/debris across the City of Nevada. He has also been working hand in hand with other BCCS employees to resolve issues.
5. I am working with several vendors to get quotes on Citation Books, door hangers and stop work order signs. This is a multi-faceted because we need to make sure that the documents are functional for the Code Enforcement Officer and the Building Inspectors but understandable for the public and have the proper legal language on them.
6. We will be having a meeting later this week with our Finance Department on Thursday to find out what it will take to implement the credit card system to make payments for permits and contractor registrations.
7. We will be having our Nevada Economic Development Corporation Meeting tomorrow night at 7:00pm. EDC Director Mark Hill advised that he will be feeding everyone dinner.
8. Now let's not talk about the Elephant in Room but rather the Cubicle in the Room. As you can see, we got our cubicle installed on Friday of last week and here's why. Not long ago we started looking for someone to fill the City Clerk's position. The Mayor, Mayor Pro Tem and I had several meetings about the position. We had some great candidates that applied for the position, and we found someone that is confident and very much competent with the attitude to do this job. I don't think there is anyone more excited about our new hire than I am. I was planning on some intro music with smoke, but I just put up the smoke detectors and besides the Fire Chief is here and that probably wouldn't go over well. So finally, what everyone has been waiting for tonight, I would like to introduce Mrs. Morgan Kowaleski as our new City Clerk for the City of Nevada.

b. City Attorney Report-

City Attorney, Jim Shepherd advised that the Telecommunications tax increase that was approved last city council meeting is now coming before the council in ordinance form to make it official.

City Attorney Shepherd advised that the Fee Schedule Ordinance that was observed by the City Council at the last meeting is also before the council in ordinance form to make it official.

City Attorney Shepherd advised that he will speak on the Zoning Board of Adjustments when it comes up on the agenda later.

City Attorney Shepherd advised that the Municipal Court will need to be set up when there are citations issued.

c. **Code Enforcement Report (1st Council Meeting)-**

No report at this meeting.

d. **Financial Report (2nd Council Meeting)**

The City Council reviewed the financial report sent to City Secretary Waters by Ray Smith CPA.

e. **Mayor Pro Tem Report-**

Mayor Pro Tem Longoria advised that she has found a vendor that will come out to clean up properties when there is a Code Enforcement violation.

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

Mayor Ponce thanked everyone for being here tonight and that there are many projects happening at City Hall and in the City of Nevada.

g. **NVFD Report (2nd Council Meeting)**

Nevada Volunteer Fire Department Chief, Thad Anderson gave his report of the activity his department performed in the month of March.

CONSENT AGENDA: ACTION

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

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

REGULAR AGENDA

8. **Discuss and consider taking action on Nevada, Texas citizen Janella Deer's three-page letter titled, "Junk Yards, Clogged Ditches and Smashed Culvert Complaints" sent to the City Secretary's office via email on Tuesday March 7, 2023, at 3:35pm. Summary: City Secretary Waters received a request via email from Janella Deer to be placed on the agenda 14 days before the City Council Meeting and is here tonight to speak on this agenda item-**

Ms. Janella Deer explained her letter that she sent to City Secretary Waters along with the pictures. Ms. Deer explained that she has an extensive drainage problem that floods her home at 419 Kerens, and she wants to have the culverts and ditches cleaned out and replaced. Ms. Deer advised that she has been promised by city councils in the past that her problem was going to be fixed and it never has happened. Ms. Deer advised that she wanted to bring this problem to the attention of this City Council and requests that something be done about the drainage issues.

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

9. **Discuss and consider taking action on the drainage project number 9.**

Summary: City Engineer, Chris Donnan will speak on this agenda item and provide a recommendation on how to move forward with the drainage project work-

City Engineer, Chris Donnan provided information about the drainage project and reported that there were no contractors that placed bids for Project #9. Mr. Donnan advised that he will research the reason why there were no bids and also reach out to contractors he has worked with in the past for possible bids. Mr. Donnan advised that this particular project will provide relief to Ms. Deer once completed. Mr. Donnan advised he will set another date for bid.

After much discussion about a plan forward, Council Member Longoria made a motion to take no action. Council Member Laye seconded the motion. The motion carried with a unanimous vote. 4-0.

10. **Discuss and consider taking action on the Horseshoe Drive issue that Mr. Randy DeMauro brought to the City Council on Tuesday March 7, 2023.**

Summary: City Secretary Waters asked City Engineer Donnan to look at the issue on Horseshoe Drive and will speak on this agenda item-

Mr. DeMauro spoke and provided more information to the City Council about Horseshoe Drive. City Engineer Donnan advised that he will research the jurisdiction of the roadway and report his findings.

After much discussion about this agenda item, Council Member Longoria made a motion to table. Council Member Deering seconded the motion. The motion carried with a unanimous vote. 4-0.

11. **Discuss and consider taking action on the negotiations of a sewer line to be ran from the future site of the Hidden Creek development in the City of Josephine's ETJ on County Road 637.**

Summary: Nevada Special Utility District General Manager (GM), Johnny Rudisill requested a meeting on Thursday March 16, 2023, at 9:00am at City Hall with the developer of the future development and City Administration. GM Rudisill is present to speak on this agenda item-

Mayor Ponce spoke about the meeting he was present at with the developer that is not in the Extra Territorial Jurisdiction of Nevada but in the City of Josephine's ETJ. Mayor Ponce advised that the sewer tap would run along FM 6 in front of City Hall for a potential development across the street. City Attorney Shepherd advised that we would need to get City Engineer Chris Donnan to estimate what area of the City of Nevada would need for future growth. Nevada Special Utility District General Manager, Johnny Rudisill provided information about the installation, maintenance, and operation of the future wastewater treatment plant. Mayor Ponce asked if a letter of intent or these set of minutes would be sufficient to express interest in the sewer tap and General Manager Rudisill advised that yes it would.

After much discussion about this agenda item, Council Member McBride made a motion to table. Council Member Longoria seconded the motion. The motion carried with a unanimous vote. 4-0.

12. **Discuss and consider taking action on the contractor for the property maintenance and landscaping on the 12 City of Nevada owned properties-**

Summary: City Secretary Waters reached out to a company that he has had previous professional experience in the past who provides property maintenance and the owner and manager of Chief Landscaping, Jorge Figueroa is here tonight to give a presentation on what his company can offer-

After much discussion about this agenda item, Council Member Longoria advised that she wants a revised estimate for only the properties that need to be mowed and trimming of trees.

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

13. **Discuss and consider taking action on Ordinance No. 032123, an ordinance of the city of Nevada, Texas, repealing the sales tax exemption on telecommunications as authorized by Texas Tax Code section 321.210 as set forth below; providing a severability clause; providing a repealer clause; providing for a penalty of a fine not to exceed the sum of \$500.00 for each offense; providing a publication clause; and providing an effective date.**
Summary: The Telecommunication Sales Tax terms were discussed and approved at the last City Council Meeting and his is the ordinance that makes it official-

After much discussion about this agenda item, Council Member Laye made a motion to approve. Council Member Longoria seconded the motion. The motion carried with a unanimous vote. 4-0.

14. **Discuss and consider taking action on Ordinance No. 032123A, an ordinance of the City of Nevada, Texas, adopting the city fee schedule; establishing fees, costs and expenses charged by the city; adopting penalty rates established by the state of Texas; and adopting a savings clause, a repealer clause, and a penalty clause.**
Summary: City Secretary Waters and Building Official, James Chumley have developed a new schedule of fees for the City Council's review and approval-

After much discussion about this agenda item, Council Member Laye made a motion to approve. Council Member Deering seconded the motion. The motion carried with a unanimous vote. 4-0.

15. **Discuss and consider taking action on Ordinance No. 032123B, an ordinance of the City of Nevada, Texas, ratifying and approving the operation of the City Council of Nevada to perform the duties of a board of adjustment for the City of Nevada, making provisions for changing the members of the board of adjustment from council members to non council members; repealing any conflicting provisions of other ordinances of the city; providing a severability clause; and providing for an effective date hereof-**

City Attorney Shepherd provided information about how the Zoning Board of Adjustments works.

After much discussion about this agenda item, Council Member Longoria made a motion to approve. Council Member Laye seconded the motion. The motion carried with a unanimous vote. 4-0.

16. **Discuss and consider taking action on setting a permanent Municipal court date.**
Summary: City Attorney Jim Shepherd is working with a Municipal Judge to conduct Nevada Municipal Court-

After much discussion about this agenda item, Council Member Laye made a motion to approve with a Municipal Court date of Wednesday April 29, 2023, or could be changed to whatever date the Judge wants. Council Member Longoria seconded the motion. The motion carried with a unanimous vote. 4-0.

17. **Discuss and consider taking action on the Over 65 Tax Exemption.**
Summary: Retired Collin County Chief Appraiser, Bo Daffin sent the email that is included in the City Council's packet to City Secretary Waters on January 18, 2023-

After much discussion about this agenda item, Council Member Longoria made a motion to table this agenda item. Council Member Deering seconded the motion. The motion carried with a unanimous vote. 4-0.

18. **Discuss and consider taking action on the Steinbaugh property.**

Summary: City Secretary Waters made contact with Whitney Rae who is one of the property owners for the 50 acres across the street from City Hall. Ms. Rae advised that her and her family decided to lease the property back to Gage Farm Solutions for the current growing season. Ms. Rae advised that she still wants to expand on the vision of putting a City of Nevada "Square" on the property. City Secretary Waters advised Ms. Rae about the Nevada Economic Development Corporation planned meeting and she advised that she would attend once they have had a chance to brainstorm on her family's property. Ms. Rae advised that she would like to have something in place before the end of the lease term with Gage Farm Solutions on September 1, 2023-

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

19. **Discuss and consider taking action on amending Ordinance No. 09-05, an ordinance of the city of Nevada, Texas, repealing ordinance no(s). 02-10 and 04-04, and establishing the regulation of construction, enlargement, alteration, and maintenance of all fences within the boundaries of the city of Nevada in order to provide a practical safe guarding of life, health, and property from hazards that may arise from improper construction of such installations. however, this section and the provisions here of shall not apply to fences erected or maintained in districts within the city which are zoned but are still under the agricultural use as undeveloped property; providing for the issuance of permits and the collection of fees, providing for a penalty clause, a severability clause, a repealing clause, and an effective date-**

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

FUTURE AGENDA ITEMS

20. **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. Steinbaugh Property
2. Sewer Tap
3. Culvert Bids
4. Grounds Keeping Bid
5. Horseshoe Drive

6. Farmers Market
7. Fence Ordinance
8. Capital Improvements/ Bond Package
9. Government Grants
10. Parkway Ordinance

11. Court Date

21. **Executive Session** – 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.

22. **Regular Session: Reconvene from Executive Session** – N/A

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

23. **Adjournment / Closing** – 9:56pm.



Ben Ponce, Mayor

Attest:



Deuce Waters, City Secretary

