



# MINUTES

## COUNCIL MEETING

Tuesday, April 4, 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  
Jorge Figueroa  
Kathleen Martinez  
Bart Carroll  
Connie Barnett

### REGULAR MEETING

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

Time: 7:08pm. Council Member Deering was absent. All other 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-**

**NOTE: The City of Nevada, Texas, City Council meets regularly on the first and third Tuesday of each month at 7:00 P.M. The Council adheres to the printed Agenda for official action. Any individuals desiring official action on a matter should submit a request for the item to be considered for inclusion on a future Agenda to the office of the City Secretary no later than fourteen (14) days prior to the Council Meeting.**

**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.

<b>REPORTS</b>
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6. **Reports:**

a. **City Secretary Report-**

1. Good evening, Mayor, Council, and citizens. We have received a quote to asphalt the parking lot in front of City Hall and that is to the tune of \$78,916.16 by Austin Bridge & Road. I have not received the quote from Wopac Construction yet. That said, our potholes have been repaired.
2. City Engineer, Chris Donnan researched the Horseshoe Drive issue that Mr. DeMauro brought forward to the last City Council Meeting which was agenda item #10. Mr. Donnan provided evidence that the road is in fact a private drive and not in the jurisdiction of the City of Nevada. I took that evidence and contacted Mr. and Mrs. DeMauro and advised them of the findings. Mrs. DeMauro emailed me back and advised that they themselves conducted some research and came to the same conclusion. Mrs. DeMauro thanked the City of Nevada for looking into this.
3. Tavira's Group Painting has pressure washed the exterior of the building to include the front porch sidewalk. Due to the recent humidity, they will also be coming back to sand and paint the front entry way and the stop/parking poles. City Clerk, Morgan Kowaleski is designing our front door sign and we should have it in and up soon.
4. We have received our Citations for Code Enforcement Violations, Warnings, Door Hangers and Stop Work Orders. (Show the examples.)
5. We met with our Finance Department on Thursday to start the process to implement the credit card system to make payments for permits and contractor registrations.

6. We had a great meeting with our Nevada Economic Development Corporation where Mark Hill provided supper. I swore in six Directors. City Attorney Jim Shepherd supplied guidance and invaluable advice that was well received by the Directors. The EDC Directors agreed that Director Mark Hill will serve as the President and Director Russell Newton would serve as the Secretary. (Ask the Mayor for permission to have the Directors to stand, then offer up a round of applause for them). These Gentlemen are going to work hard to bring Economic Development to our great City.

**b. City Attorney Report-**

City Attorney, Jim Shepherd advised that he made contact with the new Nevada Municipal Court Judge and that the Code Enforcement Officer has citations and will issue them at his discretion. Mr. Shepherd advised that the Judge agreed to waive the Municipal Court date for Wednesday April 3, 2023. City Attorney Shepherd advised that the Court would resume on the first Wednesday of May.

Council Member Fisher asked City Attorney Shepherd to please explain what the context is with Code Enforcement as in regard to what we have not done and what we are trying to do. City Attorney Shepherd advised that our Code Enforcement has been a hobbled process through the lack of a Code Enforcement Officer who was legally authorized and enabled to issue citations. Mr. Shepherd advised that if the word got out that there is not a court to enforce the possible citation, then there are no repercussions to the violations and therefore the reason why this Municipal Court will be in effect. Mr. Shepherd went on to say that the goal is for compliance but, if need be, there will be warnings issued and a proper amount of time allowed to correct the violation and after that time if the violation is not in compliance a citation may be issued.

Council Member Longoria asked Mr. Shepherd if there needs to be some type of agreement with the Judge on the fines and City Attorney Shepherd answered that we pay the Judge by the hour and that he will bring his own forms for the Court and once the minor legal detail is worked out with pertaining to the Judge's Court Administrator, we should be set to start the Court process.

**c. Code Enforcement Report (1<sup>st</sup> Council Meeting)-**

Code Enforcement Officer (CEO), Dennis Wagner submitted his report to City Secretary Waters who presented it to City Council. The City Council as a whole was pleased with the report and complimented CEO Wagner for his hard work.

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

No Report currently.

e. **Mayor Pro Tem Report-**

No Report currently.

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

Mayor Ponce thanked all the citizens for being in attendance tonight. Mayor Ponce advised that over the past weekend he was approached by a citizen that used some colorful language about the enforcement of the codes that was happening and the Mayor reiterated that the goal of the Code Enforcement was not to hassle the citizens but rather to bring the City up to a standard that the City will be proud of. Mayor Ponce advised that if we want to be a City then we need to act like a City. The Mayor advised that the citizen came back at a later time and apologized to the Mayor for his language and approach.

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

No Report currently.

**CONSENT AGENDA: ACTION**

7. **Approval of previous meeting's minutes- March 21, 2023, Minutes and March 30, 2023 Minutes-**

Council Member Longoria made a motion to approve both sets of minutes. Council Member Laye seconded the motion. The motion was carried with a unanimous vote. 4-0.

**REGULAR AGENDA**

8. **Discuss and consider taking action on the Community Farmers Market that Mrs. Kathleen Martinez spoke about at the last Nevada City Council Meeting.**  
**Summary: Mrs. Martinez is here tonight to speak on this agenda item-**

Mrs. Martinez advised that she was denied the use of the parking lot at the Community Independent School District.

Ms. Connie Barnett advised that she is one of the owners of Braves Nutrition that is inside the business In Bounds here in Nevada, Texas and that she is here tonight as a representative of Kevin Owens, who owns the business In Bounds here in Nevada, Texas. Ms. Barnett advised that Mr. Owens owns three acres at the corner of County Road 596 and North FM 1138 and wants to rent or lease the space out to mobile food vendors. Ms. Barnett advised that the site is

already set up to accept mobile food vendors and would like to speak with Mrs. Martinez about the possible future site of the Community Farmers Market and this being the location.

Mrs. Martinez and Ms. Barnett advised that they would get a plan together and will report back to the City Council on 04/18/2023.

There was no action taken on this agenda item.

9. **Discuss and consider taking action on the contractor for the property maintenance and landscaping on the 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. The owner and manager of Chief Landscaping, Jorge Figueroa is here tonight to give a presentation on what his company can offer-**

Mr. Figueroa spoke to the Council and advised of what his company can and will offer to maintain the properties that the city of Nevada is responsible for.

Council Member Laye made a motion to approve the bi-weekly quote and establish a contract with Chief Landscaping. Council Member Longoria seconded the motion. The motion was carried with a unanimous vote. 4-0.

10. **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: City Engineer, Chris Donnan has rough estimates drawn up that he can discuss on this agenda item-**

City Engineer, Chris Donnan explained the rough estimates and how he came to his conclusion of the rough estimates of wastewater flows.

Council Member Laye made a motion to accept the recommendation from City Engineer Chris Donnan of 200,000 gallons per day. Council Member Laye then made a motion to amend his previous motion to accept the recommendation from City Engineer Chris Donnan of 150,000 gallons per day. Council Member Fisher seconded the amended motion. The motion was carried with a unanimous vote. 4-0.

11. **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-**

After much discussion, Council Member McBride made a motion to table. Council Member Fisher seconded the motion. The motion was carried with a unanimous vote. 4-0.

12. **Discuss and consider taking action on Capital Improvements such as the issuance of bonds for roads, drainage etc.**

**Summary: City Attorney, Jim Shepherd and City Engineer, Chris Donnan can speak on this agenda item-**

City Attorney, Jim Shepherd explained the process of the issuance of bonds. Mr. Shepherd advised that he has been in contact with Hilltop Securities, which is a firm that specializes in the guidance and process of issuance of bonds.

Nevada citizen Mark Hill advised that as a citizen, he is in full support for a big bond that will attract businesses to come to the City of Nevada

Council Member Laye made a motion to approve Mr. Shepherd to move forward with Hilltop Securities to get information on the process for bonds at 5 and 10 million dollars. Council Member McBride seconded the motion. The motion was carried with a unanimous vote. 4-0.

13. **Discuss and consider taking action on Government Grant opportunities from the Federal, State and County level.**

**Summary: City Engineer, Chris Donnan has information and will speak on this agenda item-**

City Engineer, Chris Donnan explained several grant opportunities that would be helpful for the City of Nevada. After much discussion, Council Member Fisher made a motion to table this agenda item until the 4<sup>th</sup> quarter 2023. Council Member Laye seconded the motion. The motion was carried with a unanimous vote. 4-0. Council Member Longoria made a motion to amend the previous carried motion to table this agenda item until the 3<sup>rd</sup> quarter 2023. Council Member McBride seconded the amended motion. The amended motion was carried with a unanimous vote. 4-0.

14. **Discuss and consider taking action on Ordinance No. 040423, an ordinance of the city of Nevada, Collin County, Texas regulating property maintenance and community appearance; providing a savings clause; providing a repealer clause; providing a penalty clause based on state law and the type of violation not to exceed \$200.00, \$500.00; or \$2000.00 for each violation; and providing an effective date-**

City Attorney, Jim Shepherd explained the ordinance and how the ordinance will regulate property maintenance and community appearance. After much discussion, Council Member Laye made a motion to approve. Council Member Longoria seconded the motion. The motion was carried with a unanimous vote. 4-0.

**FUTURE AGENDA ITEMS**

**15. 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-**

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|-------------------------------|--------------------------|-----|
| 1. Community Farmers Market   | 6. Barnes Waste Disposal | 11. |
| 2. Planner Rob Baldwin        | 7. Fee Schedule Update   | 12. |
| 3. Hilltop Securities         | 8.                       | 13. |
| 4. Drainage Project #9        | 9.                       | 14. |
| 5. Chief Landscaping Contract | 10.                      | 15. |

16. **Executive Session** - Time: N/A

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

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

19. **Adjournment / Closing** – 9:51pm.



Ben Ponce, Mayor

Attest:  
  
Deuce Waters, City Secretary

