

CITY OF NEVADA

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



MINUTES

COUNCIL MEETING

Tuesday, April 18, 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
Kathleen Martinez
Bart Carroll
Frank Hudson
April Waters
Cathy Sox
Tracey Ponce

REGULAR MEETING

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

Time: 7:00pm. Council Member Fisher was absent. All other Council Members were present.

2. **Invocation-**

Mayor Ponce led 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.

REPORTS

6. **Reports:**

a. **City Secretary Report-**

1. Good evening, Mayor, Council, and citizens. As you have seen tonight, our front door has been freshly painted. The Knox Box has been reinstalled and City Clerk, Morgan Kowaleski has been working on the decal to go on the front door. The door handles on both the front and rear door have been repaired.
2. Outside, the stop/parking poles have been painted and there is a new mailbox stand that has been installed. The flagpole and the light pole at Well House Park are being looked at to have them plumbed. There is also an outside HD surveillance camera that has been installed. Also, the outside flood lights have been updated and are now L.E.D. and brighter. I have been in constant communication with John Godfrey Crossroads Barricade & Traffic Safety Services. John advised that his company is dealing with internal personnel issues that has made them completely rearrange their scheduling. However, John did advise that he is working on drawing up the standard for our signs so new developers will know what to install when they get to that point. We will talk later on agenda item #14 about the remainder of the pothole repair.
3. Also, as you can see, the appearance here inside City Hall has changed. We have a new refrigerator, coffee bar, reporting desk, and entry way sign in table. We have installed a fire extinguisher and a first aid kit. We are getting closer to bringing our City Hall up to ADA compliance. We will be installing a swinging poster panel display that will hold all our maps in one central location that will go here on the wall.
4. We had White Eagle locate our conventional septic tanks and have a company from Quinlan that works on conventional septic systems coming out this week to check our septic system out.

5. As you can see our City Clerk has been diligently working on getting all our documents separated and ready to be digitized. Morgan is non-stop here. I know you have heard me say it before, but she is a great addition to our team and by far one of the best decisions we have made.
6. We have been working with our Finance Team on the acceptance of Credit Cards. We have the credit card system card reader installed and Morgan has already been accepting credit card payments.
7. If you have driven down Center Street recently, I am sure you have seen the extremely large leaning tree in front of 134 Center Street. This has been a concern of several citizens for several years because of the danger of it falling over. The tree was in the bar ditch and appeared to me that it was affecting the drainage flow. I sent City Engineer, Chris Donnan a picture of the tree and he advised that the tree would need to be removed when the drainage was corrected on that street. I then sent the picture to City Attorney, Jim Shepherd who advised that yes in fact we need to remove the tree. I had the tree removed on Wednesday 4/12/23 and Thursday 4/13/23.
8. Throughout the day the City Clerk and I are concentrating on bringing the City Administration forward as you can see from all we have done thus far. While doing so we also must prioritize the following Inputs: Phone Calls, walk in requests, Email complaints/requests, Contractor Registrations, Permits Applications, receiving back Plan reviews & inspections, just to name a few. When you have inputs, we must produce outputs to match the inputs. Those outputs consist of sending out plans to be reviewed, permits/plans uploaded weekly to CCAD, Permit Report uploaded monthly to CCAD, completing the minutes from the previous council meeting and P&Z meeting, completing the agenda for the upcoming Council meeting and P&Z Meeting also compiling the documents for the agenda items on those agendas.

Recently I have had several meetings with our OSSF Inspector, Terry Williams, about the process that needs to take place regarding our authorized agent status with TCEQ. We are to be reporting to TCEQ through the On-site Activity Reporting System or commonly known as the Oars Program. This reporting is supposed to be done monthly and there are also fees associated with this. From what I have gathered since going through our documents is that this has not been happening nor can I say that I have found any evidence that it has ever happened.

With the addition of the extensive OSSF reporting that needs to be done, having no evidence of that it has never been done means we have to catch up with what we already have since we are 100% OSSF. Also, knowing that we have more developments coming to Nevada, we need a third employee. Morgan and I have spoken about this and will continue to serve the citizens of Nevada with the highest standard excellence, but we are also realists and know that if we continue with just the two of us, we fear there are going

to be things that will start to fall through the cracks, not intentionally but from being stretched too thin. I nor Morgan are not looking for a pity party because it comes with the territory, I say all that for this! It takes literally every minute from the time we arrive at 7:45am until the time we walk out the door at 5:00pm sometimes later, to handle the current day with the premier servanthship that the citizens of Nevada deserve and should expect. I have spoken to the Mayor about this and have tried to figure out a different approach but after my meetings with Terry Williams, I do not see a path forward without another employee. I believe we are starting to get some wind behind our sails and the future of Nevada is bright and I do not want us to stall out if we can avoid it.

b. City Attorney Report-

City Attorney Jim Shepherd provided an update of the State of Texas 88th Legislature and how that would affect the City of Nevada.

City Attorney Shepherd advised the Council that there will be a Junk Motor Vehicle Ordinance that will be on the May 2 Council Agenda and if the Council Members have any questions to let him know.

Mr. Shepherd advised that the Wylie Auto Towing Ordinance requires a lot of changes but asks that the Council consider tabling the Ordinance until the changes have been met.

c. Code Enforcement Report (1st Council Meeting)

No report currently.

d. Financial Report (2nd Council Meeting)-

Mayor Pro Tem Longoria asked if the logging and allocation of the funds was annotated in the financial report.

Finance Director, Ray Smith answered the question that was asked by Mayor Pro Tem Longoria, advising that moving forward that a more detailed categorizing will be implemented since our finances are coming online with our fee schedule.

e. Mayor Pro Tem Report-

No report currently.

f. Mayor's Report/Status-

No report currently.

g. NVFD Report (2nd Council Meeting)-

Nevada Volunteer Fire Department Chief Thad Anderson updated the City Council on the hard work that they have performed in the last month.

CONSENT AGENDA: ACTION

7. Approval of previous meeting's minutes- April 4, 2023, Minutes.

Council Member Longoria made a motion to approve the minutes. Council Member McBride seconded the motion. The motion was carried with a 3-0 vote. Council Member Deering abstained.

REGULAR AGENDA

**8. Discuss and consider taking appropriate action on the presentation of the "Finance Discussion" presented by Hilltop Securities Managing Director, Erick Macha.
Summary: Mr. Macha will be discussing what steps are needed for a bond package-**

Hilltop Securities Managing Director, Erick Macha along with Christopher Vazquez presented his PowerPoint presentation that explained the bond package process and how the City of Nevada would negotiate it.

Mr. Macha answered the several questions that the City Council Members had.

Council Member Longoria made a motion to table the agenda item. Council Member Deering seconded the motion. The motion was carried with a unanimous vote. 4-0.

**9. Discuss and consider taking appropriate action on updating the schedule of fees.
Summary: City Secretary, Deuce Waters and City Financial Director, Ray Smith can speak on this agenda item-**

City Secretary Waters advised the Council that the schedule of fees was re-worked to be more in line with surrounding municipalities. City Secretary Waters advised that he had Finance Director, Ray Smith, review the new schedule of fees and was present to speak on the agenda item. Finance Director, Ray Smith, advised that the new schedule of fees is in fact more in line to be beneficial for the City of Nevada since it was a main source of revenue.

Council Member McBride asked City Attorney Shepherd about Section 4 of the Ordinance and if someone would be in violation of the Ordinance. City Attorney Shepherd advised that he add a section in Section 4 of the Ordinance that will provide a fine of \$500.00 and that there will be

an assessed fine of twice the fee amount if a permit has not been secured prior to the construction work.

Council Member Deering made a motion to approve the agenda item with the amendment of Section 4 where there will be a \$500.00 fine along with twice the fee amount of the permit. Council Member Longoria seconded the motion. The motion was carried with a unanimous vote. 4-0.

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

Summary: City Secretary Waters received the contract from the owner of Chief Landscaping, Jorge Figueroa. The contract provides details of how the property maintenance will be taken care of for the City of Nevada owned properties. The contract was sent to City Attorney Jim Shepherd for review and comment-

City Secretary Waters advised that the signed contract has not been received by Chief Landscaping but will have it by the next Council Meeting.

Council Member Longoria made a motion to table the agenda item. Council Member Deering seconded the motion. The motion was carried with a unanimous vote. 4-0.

11. **Discuss and consider taking appropriate action on the Community Farmers Market that Mrs. Kathleen Martinez spoke about at the last Nevada City Council Meeting.**

Summary: Ms. Kathleen Martinez is here tonight to provide an update on the Community Farmers Market-

Ms. Kathleen Martinez provided an update on the Community Farmers Market and advised that she has been in contact with Nevada Economic Development Corporation President, Mark Hill who will be working with her to find an alternate place to operate the Community Farmers Market.

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

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

Summary: City Engineer, Chris Donnan sent a memo explaining where the City of Nevada stands with this agenda item-

Council Member Laye made a motion to table the agenda item. Council Member McBride seconded the motion. The motion was carried with a unanimous vote. 4-0.

13. **Discuss and consider taking appropriate action on providing an official Tow Company for the City of Nevada.**

Summary: Wylie Auto Towing owner, Vik Singh is here to present to the Council what services they provide-

Mr. Singh provided a brief presentation about the services that his company, Wylie Auto Towing, would be able to provide for the City of Nevada.

City Secretary Waters advised that the signed contract has not been received from Wylie Auto Towing but will have it by the next Council Meeting.

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

14. **Discuss and consider taking appropriate action on phase two of the pothole repair that includes repairing potholes and installing asphalt level ups in low areas on the following streets: West Street from Hwy 6 to the County Maintenance sign, County Road 589 from the end of West Street to the County Maintenance Sign, Kerens Street from FM 1138 to East Street, Eve Street from Hwy 6 to Kerens Street and Cole Street North and South of Hwy 6-**

After much discussion, Council Member Laye made a motion to approve the agenda item. Council Member McBride seconded the motion. The motion was tied with Council Member Longoria and Council Member Deering voting against the motion. 2-2. Mayor Ponce broke the tie and voted for the motion where the motion carried 3-2.

15. **Discuss and consider taking appropriate action on resolution R041823 setting a Public Hearing on a proposed annexation-**

Council Member Laye made a motion to approve the agenda item set the public hearing on the proposed annexation for May 2, 2023. Council Member Longoria seconded the motion. The motion was carried with a unanimous vote. 4-0.

16. **Discuss and consider taking appropriate action on removing Planning and Zoning Commissioners, Jeanne Carlson and Joe Cleveland-**

Council Member Laye made a motion to accept the resignation letter of Jeanne Carlson and remove Joe Cleveland as a Commissioner on the Planning and Zoning Commission. Council Member Deering seconded the motion. The motion was carried with a unanimous vote. 4-0.

FUTURE AGENDA ITEMS

17. 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. JMV Ordinance | 6. Bond Package | 11. |
| 2. Wylie Auto Towing Contract | 7. Judge, Court Clerk | 12. |
| 3. Chief Landscaping Contract | 8. South Street/Wopac | 13. |
| 4. Community Farmers Market | 9. | 14. |
| 5. Rob Baldwin- Planner | 10. | 15. |

18. **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.

19. **Regular Session: Reconvene from Executive Session** - Time: N/A

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

19. **Adjournment / Closing** - Time: 9:45pm.



Ben Ponce, Mayor

Attest:



Deuce Waters, City Secretary

