

CITY OF NEVADA

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



MINUTES COUNCIL MEETING Tuesday, May 2, 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
Thad Anderson
Mark Hill
Paul Liston
Deborah Waters
Frank Hudson
Rob Baldwin
Randy McQuiston
Norman Barnes
Jada Graff
Tracey Ponce
Sarah Ortega

REGULAR MEETING

1. Call to Order and Declaration of Quorum-

Time: 7:03pm. 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 decal came in and we believe it really sets the entry off. The maintenance on the City Hall septic system has been completed and it's in good shape now. The lateral lines have been flagged and risers have been installed above ground to access the two tanks. The flagpole in front of City Hall has been straightened and plumbed to the earth as well as the light pole at Caldwell Park.
2. As far as the second phase of the pothole repairs that I advised that I would get back to the council with answers from the previous council meeting, I spoke to Adam Leach, the owner of Wopac who advised that they could place flex base in the pot holes but the first rain would beat them back out again quickly.

I don't know of any other method to repair the potholes except using asphalt to fill them the way we are doing it. We are using the same method as TX DOT would use.

As far as Warranty, it is hard to warranty pothole repairs since the roads that they are on are in bad shape. For example, if new potholes came up after we finished with a street, I would be hard to tell if the potholes were new or if they were previously repaired potholes that we needed to Warranty. Also, the potholes that were repaired could grow

larger around the potholes and that would not be a warranty issue. The only way it would be a warranty issue is if the asphalt that we put in the pothole raveled out and there was no question that it was a pothole that we repaired.

I think that pricing on a cut out would have to be determined on a per repair area basis - There would be some variables, such as depth of repair, sub grade stabilization, (if needed) and quantity to determine a price. It could range from \$16.00 Sf to \$28.00 Sf.

We will prepare a rehab quote for South Street. Adam also advised that James, the Forman for his crew, will tentatively start on the repairs early next week barring any inclement weather.

b. City Attorney Report-

City Attorney Jim Shepherd reported on the following:

The Senate Committee on Local Government will meet tomorrow, Thursday, April 27 at 8:45 a.m. in Room E1.016 to hear the bills below. The bills would limit cities' use of certificates of obligation and other non-voter-approved debt (S.B. 976 and S.B. 977) and also limit property tax rate adoption flexibility for cities under 30,000 population (S.B. 976 and S.B. 978) by deleting the de minimis rate, known by many as the "fire truck exception." If you have any concerns, we strongly urge you to contact your senator especially if your senator sits on the committee.

S.B. 976 (Middleton) - Tax Rate Adoption: would, among other things: (1) change the definition of "debt" for purposes of the tax rate calculation to include only debt approved at an election; (2) repeal the de minimis property tax rate calculation (the "fire truck exception") for taxing units, including cities under 30,000 population; and (3) repeal the section that provides that a taxing unit that adopts a tax rate that exceeds the voter approval rate but does not exceed the de minimis rate is not subject to an automatic election and is instead subject to a petition election.

S.B. 977 (Bettencourt) - Definition of Debt: would change the definition of "debt" for purposes of the tax rate calculation to include only debt approved at an election.

S.B. 978 (Bettencourt) - Tax Rate Elections: would, among other things, repeal: (1) the de minimis property tax rate calculation (the "fire truck exception") for taxing units, including cities under 30,000 population; and (2) the section that provides that a taxing unit that adopts a tax rate that exceeds the voter approval rate but does not exceed the de minimis rate is not subject to an automatic election and is instead subject to a petition election.

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

Code Enforcement Officer, Dennis Wagner presented his report.

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

No report at this time.

e. **Mayor Pro Tem Report-**

Mayor Pro Tem Longoria advised that she has went back and looked at the estimates on the roads that City Engineer Chris Donnan provided over a year ago which was \$6 ½ Million and while we continue on talking about the possible bond package that amount has easily risen to \$7 ½ Million if not more.

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

Mayor Ponce advised that he had nothing to report at this time.

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

No report at this time.

CONSENT AGENDA: ACTION

7. **Approval of previous meeting's minutes- April 18, 2023, Minutes-**

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

REGULAR AGENDA

8. **Discuss and recognize Council Members Fisher and McBride for their many years of service and contributions to the City of Nevada-**

Mayor Ponce advised that Council Member Fisher could not be with us tonight but thanked Council Member McBride for his service to the City of Nevada and provided him with a plaque and the book "Preserving Collin County History" written by Linda Hess. The City also provided a Charcuterie Box Council Member McBride.

9. **Discuss and consider action on Ordinance No. O05223, an ordinance of the city of Nevada, Texas establishing and adopting rules and regulations adopting and governing the establishment of a municipal court of record of the City of Nevada, Texas; adopting state authorized procedures for the court, its personnel, jurisdiction, and enforcement; providing severability and savings clauses and declaring an effective date-**

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

10. **Discuss and consider action on Ordinance No. O05223A, an ordinance of the City council of the city of Nevada, Collin County, Texas, appointing a municipal judge of the municipal court of record of the city of Nevada for a term of two years; approving a contract for judicial services; appointing the city attorney as the prosecutor in the municipal court; providing a severability clause; providing a repealing clause and providing for an effective date-**

Attorney Paul Liston provided a brief introduction of his qualifications to be the City of Nevada Municipal Court Judge. Mr. Liston also introduced the recently retired Court Administrator Deborah Waters who he recommends to be his Court Administrator if the Council approved the agenda item.

Council Member Laye made a motion to approve the ordinance without the contract for the Judge. Council Member Longoria seconded the motion. The motion was carried with a unanimous vote. 4-0. Council Member Laye amended his motion to approve not only the ordinance without the contract but to also appoint the Municipal Court Clerk, Deborah Waters. Council Member Longoria seconded the amendment by Council Member Laye. The motion was carried with a unanimous vote. 4-0.

11. **Swear in Judge Liston and Court Prosecutor Shepherd-**

City Secretary Waters swore in the newly appointed City of Nevada Municipal Court Judge, Paul Liston. City Secretary Waters swore in the newly appointed City of Nevada Municipal Court Clerk, Deborah Waters. City Secretary Waters swore in the newly appointed City of Nevada Municipal Court Prosecutor, Jim Shepherd. All three individuals signed their Oath of Office paperwork.

12. **Public Hearing: Notice is hereby given to all interested persons, that the City of Nevada, Texas proposes to institute annexation proceedings to enlarge and extend the boundary limits of said city to include the following described territory, to-wit: Approximately 71.726 Acres between Brooks Drive of Nevada Lakes Subdivision, and County Road 537, and adjacent to properties on Water Fall Lane-**

Mayor Ponce opened the Public Hearing at 7:46pm and offered for anyone to come forward to speak on the agenda item. No one came forward. Mayor Ponce closed the Public Hearing at 7:47pm.

13. Discuss and consider action on the preliminary plat for Lone Tree Estates-

City Engineer, Chris Donnan and P&Z Commissioner Russell Newton provided comments on this agenda item. Randy McQuiston provided comments on this agenda item.

After much discussion, Council Member Laye made a motion to accept the preliminary plat for Lone Tree Estates with the conditions provided by City Engineer, Chris Donnan. Council Member Longoria seconded the motion. The motion was carried with a unanimous vote. 4-0.

14. Discuss and consider action on the services provided by Municipal Planner Rob Baldwin-

Mr. Baldwin explained what services he could provide for the City of Nevada and how they can benefit the City of Nevada.

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

15. Discuss and consider action on ordinance No. O05223B, an ordinance amending ordinance no. 21-05 of the city of Nevada, Texas, regarding abandoned and junked vehicles; providing definitions and regulations for such vehicles; adopting the definitions and regulations of the Texas transportation code for the abatement, hearings, fines and disposition of such vehicles; providing a repealer clause, a severability clause, a penalty clause of two hundred dollars per day for each violation; publication and an effective date-

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

16. Discuss and consider action on the contract received from Chief Landscaping for the property maintenance and landscaping on the City of Nevada owned properties-

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

17. Discuss and consider action on the contract received from Wylie Auto Towing that will allow them to be the official Tow Company for the City of Nevada-

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

18. Discuss and consider action on the street sign detail standard-

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

19. Discuss and consider action on Barnes Waste Disposal contract-

Mayor Ponce advised that this agenda item was going to be discussed with City Attorney, Jim Shepherd in Executive Session.

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.

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| 1. Lone Tree Service Plan | 6. | 11. |
| 2. Ordinance for Lone Tree | 7. | 12. |
| 3. Amended Ordinance/Signs | 8. | 13. |
| 4. Ordinance for Canvassing | 9. | 14. |
| 5. | 10. | 15. |

21. Executive Session - Time: 8:56pm


- Government Code section 551.071, Consultation with city attorney regarding legal rights and responsibilities related to judicial matters related to the Municipal court.*
- Government Code section 551.074 regarding deliberation on personnel evaluation, review, duties, and compensation---- City Secretary.*

22. Regular Session: Reconvene from Executive Session - Time: 9:38pm

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

Council Member Laye made a motion to approve agenda item #19. Council Member McBride seconded the motion. The motion was carried with a unanimous vote. 4-0.

24. Adjournment / Closing - Time: 9:45pm


Ben Ponce, Mayor

Attest:

Deuce Waters, City Secretary





The City of Nevada City Council

Sign In Sheet

Name:	Address:	Contact#
Thad Anderson	110 W. FM 6	972-977-5241
MARK Hill	381 Cedar Elm	469 870 2225
Paul Liston		
Deborah Waz		
FRANK Hudson		
Rob Baldwin	3904 Elm # 13 75226	241/708-7894
RANDY McCRISTON	17305 CR 537, 75173	972-762-2627
Norman Barnes	9122 CR 449 Princeton	
Jade Gruff	"	"