

CITY OF NEVADA

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



MINUTES

JOINT CITY COUNCIL & PLANNING AND ZONING MEETING

Tuesday, November 21, 2023

7:00PM at City Hall

Mayor – Benito Ponce

Council Member Place 1 – Mike Laye

Council Member Place 2 – Donald Deering

Council Member Place 3 – Kerrie Longoria

Council Member Place 4 – Clayton Laughter

Council Member Place 5 – Frank Hudson

P&Z Chairman – Russell Newton

Commissioner – Jeff Cook

Commissioner – Shane Brinton

Commissioner – Judy Hudson

Commissioner – Karl Fisher

Commissioner – Jose Valencia

Commissioner - OPEN

City Staff:

Morgan Kowaleski, City Secretary

Jim Shepherd, City Attorney

Chris Donnan, City Engineer

Dennis Wagner, Code Enforcement Officer

Citizens:

James Gracy Nathan Olson

Russell Newton, Shane Brinton,

Jeff Cook, Judy Hudson,

Jose Mier, Heather Schell,

Jim Woomer, Bruce Mathews,

Mel Foust, Al Longoria, Philip Varughese,

Alcia Baugh

JOINT MEETING

1. Call to Order and Declaration of Quorum for Nevada City Council –

Time: 7:03PM

2. Call to Order and Declaration of Quorum for Nevada Planning & Zoning Commission –

P&Z Commission Karl Fisher was absent.

Time: 7:04PM

3. **Invocation –**

Mayor Benito Ponce led the invocation.

4. **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.

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. **Discuss and take action on the replat for CISD High School –**

City Engineer, Chris Donnan and Planning & Zoning Chairman, Russell Newton spoke on this agenda item and provided their recommendation. P&Z Commissioner Brinton made a motion to recommend the City Council approve the replat with the changes recommended by City Engineer, Chris Donnan. Commissioner Hill seconded the motion. The motion was carried with 4-0 vote.

6. **Zoning Public Hearing by the Planning and Zoning Commission.**

Summary: First Public Hearing- Conduct a Public Hearing relative to a request made by Cope Equities for zoning of ½ acre minimum lot size to be applied to the Bear Creek proposed subdivision, 88 lots, 73.335 acres. Located at FM 6 Nevada, TX 75173; BEING 71.79 acres of land situated in the W. Rogers Survey, Abstract No. 748, Collin County, Texas, being a part and out of that certain called 74.16-acre tract of land described in deed to Mobley Family Living Trust, recorded in Instrument No. 2001-0105554, Official Public Records, of Collin County, Texas –

Planning and Zoning Chairman Newton opened the Public Hearing at: 7:20PM

City Attorney, Jim Shepherd spoke on this agenda item to advise both the Council & citizens in attendance on the proper protocol for a public hearing. Cope representatives, Nathan Olsen & Jim Woomer answered questions from citizens and Council members and spoke on requested variances:

- a) No Park – 87 lots
- b) Park fee \$500 per lot
- c) No creation of HOA
- d) Front entry garage vs. J-swing garage
- e) OSSF

Planning and Zoning Chairman Newton closed the Public Hearing at 8:55PM

Commissioner Brinton made a motion that the P&Z recommend an approval of the variances requested by Cope Homes. Commissioner Cook seconded the motion. Motion carries with a 4-0 vote.

7. **Zoning Public Hearing by the City Council.**

Summary: Second Public Hearing- Conduct a Public Hearing relative to a request made by Cope Equities for a ½ acre minimum zoning of the property legally known as Bear Creek Addition; BEING 71.79 acres of land situated in the W. Rogers Survey, Abstract No. 748, Collin County, Texas, being a part and out of that certain called 74.16-acre tract of land described in deed to Mobley Family Living Trust, recorded in Instrument No. 2001-0105554, Official Public Records, of Collin County, Texas –

Mayor Ponce opened the Public Hearing at: 8:58 PM

Mayor Ponce closed the Public Hearing at: 8:59 PM

After much discussion, Council Member Laye made a motion to accept variances requested by Cope Homes. Council Member Laughter seconded the motion.

Mayor Ponce called on each Council Member for their vote which is as follows:

Council Member Laye: Yes

Council Member Deering: No

Council Member Laughter: Yes

Council Member Hudson: Yes

Council Member Longoria: No

The motion carried with a 3:2 vote.

8. P&Z Adjournment / Closing - Time: 9:01 PM

REPORTS

9. **Reports:**

a. **City Secretary Report –**

No report.

b. **City Attorney Report –**

City Attorney Shepherd spoke briefly to the Council and provided an update about new state laws regarding zoning ordinances.

c. **Code Enforcement Report –**

Code Enforcement Officer Wagner provided a report and an update to the Council on Code Enforcement activities in the City of Nevada. City Attorney Shepherd answered questions regarding Chapter 54.

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

The council reviewed the October financial report provided by the City CPA, Ray Smith.

e. **Mayor Pro Tem Report –**

No report.

f. **Mayor's Report/Status –**

Mayor Ponce provided an update following his meeting with TX regarding the FM 6 expansion project.

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

No report.

CONSENT AGENDA: ACTION

10. **Approval of Previous Meeting(s) Minutes – November 7, 2023 –**

Council Member Laye made a motion to approve the minutes as written. Council Member Deering seconded the motion. Motion carried with a 4-0 vote.

REGULAR AGENDA

11. **Discuss and take action on the replat for CISD High School –**

City Engineer, Chris Donnan and Planning & Zoning Chairman, Russell Newton spoke on this agenda item and provided their recommendation. City Council Member Laye made a motion to approve the replat with the changes recommended by City Engineer, Chris Donnan. Council Member Longoria seconded the motion. The motion was carried with 5-0 vote.

12. **Discuss and consider any action on the Wastewater Treatment Plant Exploration –**

City Engineer, Chris Donnan spoke on options available to the City of Nevada for a Wastewater Treatment Plant in preparation of potential commercial developments. Mayor Ponce tabled Agenda Item #12 for a future City Council meeting.

FUTURE AGENDA ITEMS

13. 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. Bear Creek Ordinance/Variances
2. State Law/Zoning Ordinance
3. WWTP
4. CARDS Waste

14. Executive Session –

Time: 9:54PM

Texas Government Code 551.074 Personnel---deliberation regarding the Assistant 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 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.

15. Regular Session: Reconvene from Executive Session –

Time: 10:03PM

16. If required, act on items reviewed in Executive Session –

No action taken.

17. Adjournment / Closing –

Time: 10:04PM



Benito Ponce, Mayor

Attest:



Morgan Kowaleski, City Secretary