

# Agenda



## AGENDA

### CITY COUNCIL MEETING

Tuesday, December 19, 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

### REGULAR MEETING

1. Call to Order and Declaration of Quorum- Time:
2. 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.***

Pledge of Allegiance to the Texas Flag -

***Honor the Texas flag, I pledge allegiance to thee, Texas, one state under God, one and indivisible.***

4. Public Comment –

*Citizens are invited to address the meeting with public comments. Comments regarding items for which notice has not been given will be limited to three minutes. 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 when recognized by the Chair. An intentional act intended to disrupt a government meeting is a violation of law.*

## REPORTS

5. Reports:
  - a) City Secretary Report
  - b) City Attorney Report
  - c) Code Enforcement Report
  - d) Financial Report (2<sup>nd</sup> Council Meeting)
  - e) Mayor Pro Tem Report
  - f) Mayor's Report/Status
  - g) NVFD Report (2<sup>nd</sup> Council Meeting)

## CONSENT AGENDA: ACTION

6. Approval of Previous Meeting(s) Minutes – December 19, 2023

## REGULAR AGENDA

7. Discuss and consider the quote provided by WOPAC for the pothole repairs and level up repairs on various streets in the city limits of Nevada.  
**Summary:** James from WOPAC can speak on this agenda item.
8. Discuss the concern brought before Council by Nevada citizen Eric Welwood regarding anonymous complaints being filed against Cedar Ridge Estates residents.  
**Summary:** Mayor Ponce can speak on this agenda item.

## FUTURE AGENDA ITEMS

9. 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. | 6.  | 11. |
| 2. | 7.  | 12. |
| 3. | 8.  | 13. |
| 4. | 9.  | 14. |
| 5. | 10. | 15. |

10. Executive Session - Time: \_\_\_\_\_

11. Regular Session: Reconvene from Executive Session - Time: \_\_\_\_\_

12. If required, act on items reviewed in Executive Session.

13. Adjournment / Closing - Time: \_\_\_\_\_

14. CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 551.001 et seq. At any time during the meeting, the Council reserves the right to adjourn into executive session on any of the above-posted agenda items in accordance with the sections 551.071 [litigation and certain consultation with attorney], 551.072 [acquisition of an interest in real property], 551.073 [contract for gift to City], 551.074 [certain personnel deliberations] or 551.076 [deployment/ implementation of security personnel or devices] 551.087 [deliberation regarding economic development negotiations].

The City of Nevada is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.

**Please call the City Secretary at (469) 788-7610 Ext: 102 for information.**

Attendance by Other Elected or Appointed Officials: It is anticipated that members of other city boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the other boards, commissions and/or committees shall not deliberate or decide any matters relating to items listed on this agenda and no minutes shall be prepared.

A member or member of the government body holding this meeting may attend via videoconference pursuant to the provisions of Tex. Gov't Code 551.127. In the event that a member or members of the government body holding this meeting attends via videoconference, a quorum of the government body holding this meeting will be physically present at the location identified above.

I certify that the above agenda for this meeting of the City Council of the City of Nevada, Texas, was posted on the bulletin board at City Hall, in Nevada, Texas, on **Friday, December 15, 2023, at 5:00 pm** pursuant to Chapter 551 of the Texas Government Code.



  
Morgan Kowaleski, City Secretary

**Agenda Item #5a.**  
**City Secretary**  
**Report**

**Agenda Item #5b.**  
**City Attorney**  
**Report**

**Agenda Item #5c.**

**Code**

**Enforcement**

**Report**

# **Agenda Item #5d.**

## **Financial Report**



City of Nevada - General Fund  
2023-2024 Actual Vs. Budget Financial Report  
For the two months ended November 30, 2023

	B	C	D	Z	A	AD	A	AF	A	AH	A	BD	E	BH	E	BJ	E	BL	E
					Current Period Revenue and Expenses							Prior Period Revenue and Expenses							
				Nov 2023	Current YTD	% of Budget			FY 2023-2024			Nov 2022	Prior YTD	% of Budget				FY 2022-2023	
				Actuals	Actuals	Current YTD			Budget			Actuals	Actuals	Prior YTD				Budget	
5	Revenue																		
6		City Sales Taxes		\$ 14,165	\$ 28,133	15%			\$ 193,057			\$ 10,720	\$ 21,662	17%				\$ 125,000	
7		Franchise Fees																	
8		Electric Franchise Fee			-	%			61,000				-	0%				63,000	
9		Gas Franchise Fee			-	%			5,512				-	0%				4,500	
10		Telephone Franchise Fee		234	234	12%			2,000			212	236	24%				1,000	
11		Trash Service Franchise Fee			-	%			17,600			1,578	2,864	16%				18,000	
12		Franchise Fees - Other			-	%			-				-	%				-	
13		Total Franchise Fees		234	234				86,112			1,791	3,100	0%				86,500	
14		Other Revenue																	
15		Interest Income		4,569	9,263	9263%			100				-	%				-	
16		Credit Card Fee Revenue		126	244	11%			2,270				-	%				-	
17		Donation			-	%			-				-	%				-	
18		Miscellaneous Income			-	%			-				-	0%				50	
19		Tax attorney/collector				%			1,100										
20		Total Other Revenue		4,695	9,507				3,470				-					50	
21		Property Taxes																	
22		General Property Taxes		31,176	33,161	5%			637,802			21,998	26,873	7%				370,536	
23		Total Property Taxes		31,176	33,161				637,802			21,998	26,873	7%				370,536	
24		Total Revenue from Administration		50,270	71,034				920,441			34,508	51,634	9%				582,086	
26		Fees																	
27		Building Permit and Inspections		1,365	4,075	2%			188,186			6,985	9,705	8%				121,000	
28		Contractor Registration		440	770	25%			3,090				-	%					
29		Health/Food Permit Fees			-	0%			3,000				175	32%				550	
30		Subdivision/Development Fees		505	2,663	5%			55,000				-	0%				55,000	
31		Septic Permit Fees		1,800	2,125	7%			30,980				520	2%				24,750	
32		Permit Fees - Other		175	275	21%			1,340			110	110	%				-	
33		Total Permit Fees		4,285	9,907				281,596			7,095	10,510	4%				201,300	
35		Code and Traffic Enforcement																	
36		Property Code Enforcement			-	%			8,000				-	0%				4,500	
37		Traffic Violations			-	%			2,000				-	%				-	
38		Total Code and Traffic Enforcement			-	%			10,000			-	-	0%				4,500	
40		Total Revenue from City Services		4,285	9,907	3%			291,596			7,095	10,510	5%				205,800	
42		Total Revenue		54,555	80,942	7%			1,212,037			41,603	62,144	8%				787,886	
44	Expenses																		
45	City Administration Expenses																		
46		City Council Expenses																	
47		Consultant Fees			-	%			0				-	%				0	
48		Council Meeting Supplies		37	292	146%			200			9	9	11%				82	
49		Dues and Memberships			-	%			2,000				-	0%				725	
50		Election Fees and Supplies			-	%			4,800				-	0%				3,163	
52		Training/Seminars			-	%			1,200				-	%				-	
53		Total City Council Expenses		37	292				8,200			9	9	0%				3,970	

**City of Nevada - General Fund  
2023-2024 Actual Vs. Budget Financial Report  
For the two months ended November 30, 2023**

	B	C	D	Z	A	AD	A	AF	A	AH	A	BD	E	BH	E	BJ	E	BL	E
2				Current Period Revenue and Expenses						Prior Period Revenue and Expenses									
3				Nov 2023	Current YTD	% of Budget	FY 2023-2024	Nov 2022	Prior YTD	% of Budget	FY 2022-2023								
				Actuals	Actuals	Current YTD	Budget	Actuals	Actuals	Prior YTD	Budget								
55	City Government Expenses																		
56			Accounting Services	1,500	3,498	13%	27,000	1,500	3,000	11%	27,000								
57			Animal Control	781	781	25%	3,125		781	25%	3,125								
58			Bank Service Fee	6	8	%	-		-	%	-								
59			Credit Card Service Fee (Intuit)		505	22%	2,305												
60			Central Appraisal District	1,088	1,088	44%	2,498	2,498	2,498	114%	2,199								
61			City Property Maintenance		2,900	55%	5,265	185	555	11%	4,875								
62			Contingency		-	%	-		-	%	-								
63			Contracted Services		-	%	-	-	-	0%	3,163								
64			Dues and Subscriptions		-	%	-		-	%	-								
65			Electricity	1,236	1,868	36%	5,200	834	1,680	13%	13,265								
66			Equipment and Furniture		-	0%	2,000	225	225	12%	1,910								
67			Financial Audit		-	0%	8,000		-	0%	18,840								
68			Fundview			%	9,700		-										
69			Insurance		4,274	171%	2,500		2,356	98%	2,415								
70			Infrastructure			%	100,000		-										
71			Internet	59	386	284%	136	26	26	6%	441								
72			Legal Fees	4,062	8,128	16%	50,000	4250	8,500	15%	56,161								
73			Legal Notices		374	15%	2,500	256	767	20%	3,885								
74			Meals		32	%			-	0%									
75			Miscellaneous Expense		-	%	-		-	0%	-								
78			Office Supplies	634	1,068	38%	2,800	1,407	1,451	53%	2,757								
79			Annex Office Space			%	24,000												
80			Postage	9	75	43%	175		-	0%	249								
81			Property Tax Collection Fees		-	%	700		-	0%	706								
82			Software/Cloud Services	52	103	2%	5,361	2,870	3,290	92%	3,572								
83			Storage Rent	107	107	%			-										
84			Technical/Legal Books		-	%	300		-	0%	715								
85			Telephone	190	470	28%	1,650	88	176	8%	2,200								
86			Training/Seminars		-	%	1,200		-	0%	715								
87			Travel & Lodging Expenses		-	%	-		-	%	-								
88			Water		75	11%	650	31	63	13%	500								
89			Website		-	%	2,750		-	%	-								
90	Total City Government Expenses			9,722	25,739		259,815	14,169	25,369	17%	148,693								
92	Payroll Expenses																		
93			Salaries	4,846	9,109	6%	149,000	6,312	10,002	9%	115,000								
94			Payroll Taxes	371	697	6%	11,400	483	765	9%	8,798								
95			Unemployment Taxes		-	%	73	3	3	0%	920								
96			Employee Health Insurance		1,873	7%	25,000		-	0%	15,600								
97			TMRS	481	905	8%	11,074		-	%	-								
98			Payroll Processing Fees		-	%	-	6	10	2%	630								
99	Total Payroll Expenses			5,698	12,583		196,547	6,803	10,779	6%	140,948								
101	Public Safety																		
102			Ambulance Service		-	%	12,000	2,420	2,420	20%	12,000								

City of Nevada - General Fund  
2023-2024 Actual Vs. Budget Financial Report  
For the two months ended November 30, 2023

	B	C	D	Z	AD	AF	AH	AI	BD	BH	BJ	BL	
2					Current Period Revenue and Expenses					Prior Period Revenue and Expenses			
3				Nov 2023 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2023-2024 Budget		Nov 2022 Actuals	Prior YTD Actuals	% of Budget Prior YTD	FY 2022-2023 Budget	
103			Fire Department Service		-	%	42,000			-	0%	38,000	
104			Police Services		-	%	290,000			-	0%	25,000	
105			Total Public Safety	-	-		344,000		2,420	2,420	0%	75,000	
107			Streets and Roads										
108			City Park/development/upkeep			%	50,000						
109			Ditch and culvert upkeep		-	%	25,000			-	0%	45,000	
110			Signs		-	%	16,000			-	0%	5,000	
111			Street Repairs		-	%	50,000			-	0%	96,000	
112			CR 537 Improvements			%	40,000			-	0%	35,000	
113			Eugene/city share with county			%	90,000			-	0%		
114			Trim bushes/trees		-	%	8,000			-	%	-	
115			Total Streets and Roads	-	-		279,000		-	-	0%	181,000	
117			Inspections and P&D Expenses										
118			Building Inspections	2,789	5,579	7%	75,584		615	13,610	12%	110,000	
119			Septic Inspections		-	%	10,000		1,350	2,250	10%	22,275	
120			Septic Reporting to TCEQ			%	6,750			-			
121			Health/Food Inspections		750	30%	2,477		450	450	90%	500	
122			P&D Legal Fees			%				-			
123			Planning and Development		-	%	45,000			-	0%	49,500	
124			Engineering Fees	4,286	4,286	12%	36,000		3,399	7,400	21%	36,000	
125			Other Inspections		-	%	500			-	0%	-	
126			Total Inspections/P&D Expenses	7,076	10,615		176,311		5,814	23,709	11%	218,275	
128			Municipal Court & Code Enforcement										
129			Clean up of Properties		3,200	160%	2,000			-	0%	2,000	
130			Code Enforcement Services	4,155	8,095	39%	21,000			900	30%	3,000	
131			Judge Fees	42	42	1%	7,500			-	0%	4,000	
132			Court Clerk Fees			%	3,800			-			
133			City Attorney Fees	590	590	%	7,500			-	0%	11,000	
134			Mileage Reimbursement		-	%	-			-	%	-	
135			Total Municipal Court Code Enf Exp	4,787	11,927		41,800		-	900	5%	20,000	
137			Total City Expenses	27,320	61,156	5%	1,305,673		29,215	63,187	8%	787,886	
139			Transfer from Fund Balance				93,636						
141			Surplus / (Deficit)	27,235	19,786		-		12,388	(1,043)		-	

City of Nevada  
Bank Balance Report  
As of November 30, 2023

	A	B	C	D	E	H
1						
2						
3		<div> <div>Bank Account Balances</div> <div>General Fund</div> <div>ARPA Special Fund</div> </div>				
4						
5		Operating Account Balance as of 11/30/2023		\$300,547		\$311,776
6		Fund Index Account Balance as of 11/30/2023		\$1,034,910		
7		Undeposited Funds		\$0		\$0
8		Pending ARPA Funds Transfer				\$0
9		Pending Sales Tax Transfer to EDC		-\$62,894		
10		Working Balance		\$1,272,562		\$311,776

**Agenda Item #5e.**  
**Mayor Pro Tem**  
**Report**

# **Agenda Item #5f.**

## **Mayor's Report**

# **Agenda Item #5g.**

## **NVFD Report**

# **Agenda Item # 6**



# CITY OF NEVADA

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



## MINUTES

### CITY COUNCIL MEETING

Tuesday, December 5, 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

#### City Staff:

Morgan Kowaleski, City Secretary  
Heather Schell, Assistant City Secretary  
Jim Shepherd, City Attorney

#### Citizens:

Russell Newton, Bruce Mathews,  
Walt Newell, Sam Carroll,  
Jasson Reed, Eric Wellwood,  
Rocky Turner.

## JOINT MEETING

1. **Call to Order and Declaration of Quorum for Nevada City Council –**  
Time: 7:08PM

2. **Invocation –**  
Mayor Benito 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.*

#### **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.

4. **Public Comment –**

Nevada Citizen Eric Welwood addressed the City Council about his concerns regarding potential anonymous complaints being filed against himself and his neighbors in Cedar Ridge Estates.

## REPORTS

### 5. 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 (2<sup>nd</sup> 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 (2<sup>nd</sup> Council Meeting) –

No report.

## CONSENT AGENDA: ACTION

### 6. Approval of Previous Meeting(s) Minutes – November 21, 2023 –

Council Member Laye made a motion to approve the minutes as written. Council Member Deering seconded the motion. Motion carried with a 5-0 vote.

## REGULAR AGENDA

**7. Review and discuss the Bond Update provided by Community Independent School District. Summary: CISD provided an update on the progress made in the 2022 bond program –**

The City Council reviewed and discussed the bond update that was provided by Community ISD. No action was taken.

**8. Discuss and consider action regarding the acceptance of proposals for waste management services for the City of Nevada. Summary: The City Council is to discuss and deliberate upon the consideration of potential bids for waste management services within the municipal boundaries of the City of Nevada –**

The City Council and city staff spoke on the complaints and concerns that have been raised by several citizens in Nevada. CARDS representative Jasson Reed, spoke with the Council to address the concerns. Mayor Ponce tabled the Agenda Item for the Council to review the performance of CARDS Waste Management in February 2024. Council Member Deering made a motion to table this agenda item. Council Member Laye seconded the motion. Motion carried with a 5-0 vote.

## **FUTURE AGENDA ITEMS**

**9. 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. CARDS February 2024
2. Annexation of ETJ homeowners with a tax break.
3. Anonymous Complaints to Cedar Ridge

**10. Executive Session –**

Time:

*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.*

**11. Regular Session: Reconvene from Executive Session –**

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


13. Adjournment / Closing –

Time: 8:33PM

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Benito Ponce, Mayor

Attest:

  
Morgan Kowaleski, City Secretary



# **Agenda Item # 7**

# WOPAC Const. Inc.

P.O. Box 819  
Prosper, TX 75078  
972-562-8316  
adamleachwopac@aol.com  
wopacconst.com

## Estimate

Estimate No:  
Date:

2355  
4/10/2023



### Quote To:

City of Nevada  
424 E. FM 6  
Nevada, TX 75173

WOPAC Construction Inc. hereinafter called the company, offers to furnish all labor, materials and equipment required for the performance of the following described work.

### Job and Location: Pot Hole repairs and Level up repairs on Various Streets in City. 12-12-23

Item	Description	Quantity	Unit	Rate	Amount
1	Repair potholes and Install asphalt Level ups in low areas on the following streets: West St. - from Hwy 6 South to County Maint Sign. Kerens St. - from FM 1138 to East St. Eve St. - from Hwy 6 to kerens St. Cole St. - North and South of Hwy 6.	1	LS	\$22,500.00	\$22,500.00
2	Repair Potholes on CR 589 from end of West St. to County Maint Sign.	1	LS	\$2,450.00	\$2,450.00
3	Repair potholes on Eugene, East, Collins and Evans Streets.	1	LS	\$3,100.00	\$3,100.00
4	Repair potholes on South St.	1	LS	\$3,600.00	\$3,600.00

**Grand Total**

**\$31,650.00**