



MINUTES

CITY COUNCIL MEETING

Tuesday, January 23, 2024
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:

City Engineer, Chris Donnan

City Attorney, Jim Shepherd

City CPA, Ray Smith

Citizens:

James Gracey, Russell Newton,

Bruce Mathews, Jim Woomer,

Bart Carroll, Gary Fuller,

Shawn Pharr, Chris Fuller,

Brian Pfahning, Kyle Caperton,

Nathan Olson

REGULAR MEETING

1. Call to Order and Declaration of Quorum –

Time: 7:09PM

2. Invocation –

Mayor Benito Ponce asked EDC President Bruce Mathews 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. Reports:

a. City Secretary Report –

Good evening citizens and council,

Council Places 1 & 2 are up for re-election, as well as the mayor for the City of Nevada. The deadline to apply for the ballot is February 16th.

TMCA Clerk's Certification – I have completed all the required homework for Course 1, and my first exam is scheduled for January 26th. Heather is now also enrolled in the Clerk's Certification program so she can begin her courses as well.

Street Signs – I have been unsuccessful in getting a call or email back from the company Deuce was in contact with. However, I have been in contact with a few surrounding municipalities who provided their recommendations. I provided the list of street signs needing repair or replacement, as well as our street sign ordinance to three companies and requested a quote. I am hopeful to have those back to present to the council at the next meeting. MPT suggested I reach out to Cope Homes, so I have also sent an email to Jim Woormer to see if he could direct me to the company they have used in Lexington Heights.

Revize website – I have sent back to Revize a revised site map, adding in a "Mayor's Blog" section and am awaiting their response. Once the sitemap has been finalized, they will provide us with a demo site to review.

WOPAC Repairs – I reached out to Adam from WOPAC last week asking for a tentative start date for the pothole repairs that were approved at the last council meeting. He did get back with me very quickly with a response letting me know that he will provide that to me ASAP, pending the upcoming weather.

Flags – With all of the high winds we had a week or so ago, the clips that attached the flags to the rope broke so I took them down. I have reached out to a couple of local Scout troops to see if any would be available to replace the rope/flags (provided by the City) and do a flag raising ceremony.

b. **City Attorney Report –**

N/A

c. **Code Enforcement Report –**

N/A

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

Council reviewed the December 2023 Financial Report. Mayor Pro Tem Longoria asked that infrastructure fees collected from Developers/Builders be delineated on the future financial reports.

e. **Mayor Pro Tem Report –**

N/A

f. **Mayor's Report/Status –**

- Mayor Benito Ponce shared a few updates with the council & citizens:
- The recent compromise of the Assistant City Secretary's email.
- The meeting and tour of the city with Senior Developer for Corporate Chick Fil A.

- TXDOT will break ground on the FM 6 expansion in December 2026.
- There is a development outside of Nevada city limits, but in the SUD's CCN that is building a wastewater treatment facility for future commercial enterprises.
- There is a citizen that wants to petition for alcohol sales in Nevada city limits.

g. NVFD Report (2nd Council Meeting) –
N/A

CONSENT AGENDA

6. Approval of Previous Meeting Minutes – January 2, 2024 –

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

REGULAR AGENDA

7. Deliberate and take any appropriate action on the Downtown Drainage Project –

City Engineer Chris Donnan spoke on this agenda item and proposed two potential starting locations for the downtown drainage project. No action was taken.

8. Deliberate and take any appropriate action on the audit conducted by Murrey, Paschall & Caperton, P.C. –

Kyle Caperton spoke on this agenda item; the audit report was on display for council and citizens to view. Council Member made a motion to approve the audit report. KL seconded the motion. Motion passed 5:0 vote.

9. Deliberate and take any appropriate action on the Nevada Economic Development Committee (NEDC) application received from Nevada citizen, Shawn Pharr –

City Council will revisit this application when a position opens on the EDC. No action was taken.

10. Deliberate and take any appropriate action on amending the ½ Acre Ordinance 010323; changing the Roof Pitch to 6:12 and the Accessory Building Roof Height to 20ft as recommended by the Planning & Zoning Commission –

P&Z Chairman Russell Newton, City Attorney Shepherd, and Bart Carroll spoke on this agenda item. No action was taken. A public hearing for the amendment of the ½ Acre Ordinance 010323 must be held before any action can be taken.

11. Deliberate and take any appropriate action on amending the Comprehensive Zoning Ordinance 17-09; changing the Roof Pitch to 6:12 and the Accessory Building Roof Height to 20ft as recommended by the Planning & Zoning Commission –

P&Z Chairman Russell Newton, City Attorney Shepherd, and Bart Carroll spoke on this agenda item. No action was taken.

12. Deliberate and take any appropriate action on the Bear Creek Preliminary Plat –

P&Z Chairman Russell Newton provided the P&Z's recommendation for approval to the Council. Cope Equities representative, Jim Woomer assured the Council that park fees will be paid at final plat recording. Nathan Olson from Olson Engineering, working with Cope spoke on the council's concerns regarding homeowners being able to build a fence on the water easement.

Council Member Laye made a motion to accept the Bear Creek Preliminary Plat pending a letter allowing homeowners to build on the easement from the water utility at Final Plat. Council Member Hudson seconded the motion. Motion passed with 4:1 (Nay – Council Member Longoria)

13. Deliberate and take any appropriate action on the proposed RFP for Waste Service vendors –

City Attorney Jim Shepherd recommended sending the RFP as soon as possible. The timeline agreed upon was:

Published in Wylie News on January 31, 2024.

Questions deadline – February 7, 2024.

Proposal deadline – February 28, 2024.

Review Bids – March 5, 2024.

The council discussed and agreed upon sending the termination letter with an official termination date of April 30, 2024. Council Member Laye made a motion to approve sending the 90-day termination letter to CARDS. Council Member Longoria seconded the motion to approve. Motion carried with a 5:0 vote.

14. Deliberate and take any appropriate action on the 90-day termination notice to be sent to CARDS.

City will begin to receive RFPs from Waste Service vendors –

City Attorney Jim Shepherd recommended sending the 90-day notice as soon as possible per the contract. The council discussed and agreed upon sending the termination letter with an official termination date of April 30, 2024.

Council Member Laye made a motion to approve sending the 90-day termination letter to CARDS. Council Member Longoria seconded the motion to approve. Motion carried with a 5:0 vote.

15. Deliberate and take any appropriate action on the quote provided by WOPAC for the asphalt level ups on Eugene Street –

After deliberation of the quote provided by WOPAC, Council Member Deering made a motion to reject the proposal. Council Member seconded the motion to reject the proposal. Motion carried with a 5:0 vote.

16. 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. *Maximum Roof Height ½ acre – joint meeting*
2. *Drainage Project Update*
3. *Public Meeting for Tax Rollback Election*
4. *ARPA Funds uses*
5. *City Hall Repairs*

17. Executive Session –

Time: 9:22PM

1. *As authorized by Section 551.071 Govt. Code 551.071 -- confidential legal advice regarding city legal position on development and roadways limited by legislation passed in the last legislative session regarding mandatory dedication of right of way.*
2. *As authorized by Section 551.071 Govt. Code 551.071 -- confidential legal advice regarding a lease for city office space at the B. Carroll building at 201 W FM 6, Nevada TX 75173.*

18. Regular Session: Reconvene from Executive Session –
9:54PM

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

Council Member Longoria made a motion to accept the lease agreement for the Annex Office space. Council Member Laughter seconded the motion to accept. Motion passed with a 4:1 vote (Nay – Council Member Laye)

20. Adjournment/Closing –
Time: 9:55PM



Benito Ponce, Mayor

Attest:



Morgan Kowaleski, City Secretary