



AGENDA

CITY OF NEVADA

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



AGENDA CITY COUNCIL MEETING

Tuesday, June 18, 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

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 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.

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.

REPORTS

5. Reports:
 - a. City Secretary Report
 - b. City Attorney Report
 - c. Code Enforcement Report
 - d. P&Z Report
 - e. EDC Report
 - f. Financial Report (2nd Council Meeting)
 - g. Mayor Pro Tem Report
 - h. Mayor's Report/Status
 - i. NVFD Report (2nd Council Meeting)

CONSENT AGENDA: ACTION

6. Approval of Previous Meeting Minutes – June 4, 2024

REGULAR AGENDA

7. Discuss and consider the required repairs for the sinkhole on West Street.
Summary: A significant sinkhole has developed on West Street, posing a safety hazard and requiring immediate attention. City Engineer, Chris Donnan has conducted an assessment and provided repair options along with cost estimations.
8. Discuss and consider action on the Nevada EDC application received from Amanda Wilson.
9. Discuss any updates on the City Hall Renovation Project.
Summary: The oversight committee consists of Council Member Laughter, Council Member Deering, and P&Z Commissioner Little.
10. Discuss and consider action on the Ordinance No. O061824 (Adopting a Tax Rate for 2023) to establish the property tax rate required as a result of the rollback election which passed on May 4, 2024.
11. Discuss and consider action on the upcoming budget process.
Summary: Council is recommended to outline the allocation of resources and setting financial priorities for the upcoming fiscal year.

12. Review and acknowledgement of the final numbers of waste removed during Nevada’s first Xtreme Green Event with CWD.

Summary: Council is recommended to discuss the success and areas for improvement of the event.

13. Discuss and consider action on Ordinance No. O091923A (Property Maintenance Amendment - Trees).

Summary: An ordinance of the city of Nevada, Collin County, Texas, amending the property maintenance and community appearance ordinance regarding maintenance of trees in the parkway.

FUTURE AGENDA ITEMS

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 council 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. |

Executive Session - Time: _____

As authorized by Section 5 5 I.07 I (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.

1. *“Confidential legal advice regarding city requirements and legal issues as a result of state eminent domain proceedings on FM6 in the city limits and ETJ of the city.*
2. *Confidential legal advice regarding litigation contesting new ETJ removal process passed in the 2023 legislative session, and related city liabilities.”*

Regular Session: Reconvene from Executive Session - Time: _____

If required, take any action deemed necessary as the result of any executive session deliberations.

Adjournment / Closing - Time: _____

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, June 14, 2024, at 5:00 pm** pursuant to Chapter 551 of the Texas Government Code.

Morgan Kowaleski

Morgan Kowaleski, City Secretary



REPORTS

- a. City Secretary Report**
- b. City Attorney Report**
- c. Code Enforcement Report**
- d. P&Z Report**
- e. EDC Report**



**FINANCIAL
REPORT**

City of Nevada - General Fund
2023-2024 Actual Vs. Budget Financial Report
For the eight months ended May 31, 2024

	B	C	D	N	C	AD	A	AF	A	AH	A	AR	A	BH	B	BJ	B	BL
1				Current Period Revenue and Expenses					Prior Period Revenue and Expenses									
2				May 2024	Current YTD	% of Budget	FY 2023-2024	May 2023	Prior YTD	% of Budget	FY 2022-2023							
				Actuals	Actuals	Current YTD	Budget	Actuals	Actuals	Prior YTD	Budget							
4	Revenue																	
5			City Sales Taxes	\$ 18,105	\$ 123,445	64%	\$ 193,057	\$ 14,300	\$ 91,567	73%	\$ 125,000							
6			Franchise Fees															
7			Electric Franchise Fee		62,812	103%	61,000		60,666	96%	63,000							
8			Gas Franchise Fee		4,685	85%	5,512		5,512	122%	4,500							
9			Telephone Franchise Fee	237	709	35%	2,000	226	694	69%	1,000							
10			Trash Service Franchise Fee	304	13,656	78%	17,600	1,531	11,864	66%	18,000							
11			Franchise Fees - Other		-	%	-		-	%	-							
12			Total Franchise Fees	541	81,863		86,112	1,757	78,736	95%	86,500							
13			Other Revenue															
14			Interest Income	6,873	47,997	47997%	100		16	%	-							
15			Credit Card Fee Revenue	43	1,179	52%	2,270	1,303	1,498	%	-							
16			Donation		-	%	-		-	%	-							
17			Miscellaneous Income		6	%	-		269	538%	50							
18			Tax attorney/collector			%	1,100											
19			Total Other Revenue	6,916	49,182	1417%	3,470	1,303	1,783		50							
20			Property Taxes															
21			General Property Taxes	(188,833)	405,480	64%	637,802	2,171	365,317	99%	370,536							
22			Total Property Taxes	(188,833)	405,480	64%	637,802	2,171	365,317	99%	370,536							
23			Total Revenue from Administration	(163,271)	659,969	72%	920,441	19,531	537,402	92%	582,086							
25			Fees															
26			Building Permit and Inspections	54,832	84,951	45%	188,186	27,899	140,291	116%	121,000							
27			Contractor Registration	110	2,970	96%	3,090	880	1,540	%	-							
28			Health/Food Permit Fees		600	20%	3,000		975	177%	550							
29			Subdivision/Development Fees		9,473	17%	55,000	13,105	16,526	30%	55,000							
30			Septic Permit Fees	1,200	4,850	16%	30,980		3,645	15%	24,750							
31			Permit Fees - Other		996	74%	1,340	325	940	%	-							
32			Total Permit Fees	56,142	103,839	37%	281,596	42,209	163,916	37%	201,300							
34			Code and Traffic Enforcement															
35			Property Code Enforcement		-	%	8,000		-	0%	4,500							
36			Traffic Violations		-	%	2,000		-	%	-							
37			Total Code and Traffic Enforcement		-	%	10,000		-	0%	4,500							
39			Total Revenue from City Services	56,142	103,839	36%	291,596	42,209	163,916	80%	205,800							
41			Total Revenue	(107,129)	763,808	63%	1,212,037	61,740	701,319	89%	787,886							
43			Expenses															
44			City Administration Expenses															
45			City Council Expenses															
46			Consultant Fees		-	%	0		-	%	0							
47			Council Meeting Supplies	72	1,063	532%	200	26	144	176%	82							
48			Dues and Memberships		946	47%	2,000	190	1,512	209%	725							
49			Election Fees and Supplies	3,850	4,125	86%	4,800		2,475	78%	3,163							
51			Training/Seminars		-	%	1,200		-	%	-							

City of Nevada - General Fund
2023-2024 Actual Vs. Budget Financial Report
For the eight months ended May 31, 2024

	B	C	D	N	C	AD	A	AF	A	AH	A	AR	A	BH	B	BJ	E	BL
1				Current Period Revenue and Expenses						Prior Period Revenue and Expenses								
2				May 2024	Current YTD	% of Budget	FY 2023-2024	May 2023	Prior YTD	% of Budget	FY 2022-2023							
				Actuals	Actuals	Current YTD	Budget	Actuals	Actuals	Prior YTD	Budget							
52			Total City Council Expenses	3,922	6,134	75%	8,200	216	4,131	104%	3,970							
54			City Government Expenses															
55			Accounting Services	1,500	16,205	60%	27,000	1,500	17,250	64%	27,000							
56			Animal Control		2,343	75%	3,125		2,344	75%	3,125							
57			Bank Service Fee	5	60	%	-	1,213	1,393	%	-							
58			Credit Card Service Fee (Intuit)	584	3,057	133%	2,305											
59			Central Appraisal District	1,088	3,264	131%	2,498		2,498	114%	2,199							
60			City Property Maintenance	83	3,824	73%	5,265	3,711	15,950	327%	4,875							
61			Contingency		-	%	-		-	%	-							
62			Contracted Services		-	%	-		-	0%	3,163							
63			Dues and Subscriptions		-	%	-		-	%	-							
64			Electricity	1,364	7,760	149%	5,200	882	6,505	49%	13,265							
65			Equipment and Furniture	146	4,261	213%	2,000		2,952	155%	1,910							
66			Financial Audit		7,550	94%	8,000		7,250	38%	18,840							
67			Fundview		4,867	50%	9,700		-									
68			Insurance		4,274	171%	2,500		2,356	98%	2,415							
69			Infrastructure			%	100,000		-									
70			Internet		386	284%	136		68	16%	441							
71			Legal Fees	3,750	30,943	62%	50,000	4,250	32,250	57%	56,161							
72			Legal Notices		1,105	44%	2,500	191	2,426	62%	3,885							
73			Miscellaneous Expense		106	%	-	276	276	0%	-							
76			Office Supplies	177	8,907	318%	2,800	456	11,514	418%	2,757							
77			Annex Office Space Rent	2,000	10,000	42%	24,000											
78			Postage	360	941	537%	175	49	137	55%	249							
79			Property Tax Collection Fees		-	%	700		620	88%	706							
80			Software/Cloud Services	251	1,048	20%	5,361	200	7,940	222%	3,572							
81			Storage Rent	107	749	%			-									
82			Technical/Legal Books		-	%	300		300	42%	715							
83			Telephone	231	1,910	116%	1,650	267	888	40%	2,200							
84			Training/Seminars		1,220	102%	1,200	533	1,017	142%	715							
85			Travel & Lodging Expenses	501	808	%	-		-	%	-							
86			Water	34	295	45%	650	39	429	86%	500							
87			Website		-	0%	2,750		115	%	-							
88			Total City Government Expenses	12,181	115,882	45%	259,815	13,567	116,477	78%	148,693							
90			Payroll Expenses															
91			Salaries	9,462	68,302	46%	149,000	9,252	61,672	54%	115,000							
92			Payroll Taxes	667	4,969	44%	11,400	708	4,718	54%	8,798							
93			Unemployment Taxes		237	324%	73	18	72	8%	920							
94			Employee Health Insurance	1,717	12,742	51%	25,000	1,873	6,367	41%	15,600							
95			TMRS	940	6,782	61%	11,074	919	2,646	%	-							
96			Payroll Processing Fees		-	%	-		17	3%	630							
97			Total Payroll Expenses	12,785	93,031	47%	196,547	12,770	75,491	47%	140,948							

**City of Nevada - General Fund
2023-2024 Actual Vs. Budget Financial Report
For the eight months ended May 31, 2024**

	B	C	D	N	C	AD	A	AF	A	AH	A	AR	A	BH	B	BJ	E	BL
1				Current Period Revenue and Expenses						Prior Period Revenue and Expenses								
2				May 2024	Current YTD	% of Budget	FY 2023-2024	May 2023	Prior YTD	% of Budget	FY 2022-2023							
3				Actuals	Actuals	Current YTD	Budget	Actuals	Actuals	Prior YTD	Budget							
99			Public Safety															
100			Ambulance Service	2,892	8,675	72%	12,000		7,260	60%	12,000							
101			Fire Department Service		42,000	100%	42,000		38,000	100%	38,000							
102			Police Services		-	%	290,000		-	0%	25,000							
103			Total Public Safety	2,892	50,675	15%	344,000	-	45,260	15%	75,000							
105			Streets and Roads															
106			City Park/development/upkeep			%	50,000											
107			Ditch and culvert upkeep		-	%	25,000		-	0%	45,000							
108			Signs		-	%	16,000		16,032	321%	5,000							
109			Street Repairs		32,105	64%	50,000		12,000	13%	96,000							
110			CR 537 Improvements			%	40,000		-	0%	35,000							
111			Eugene/city share with county			%	90,000		-	0%								
112			Trim bushes/trees		-	%	8,000		-	%	-							
113			Total Streets and Roads		32,105	12%	279,000	-	28,032	12%	181,000							
115			Inspections and P&D Expenses															
116			Building Inspections	1,251	25,515	34%	75,584	7,164	58,080	53%	110,000							
117			Septic Inspections	1,400	8,170	82%	10,000		4,950	22%	22,275							
118			Septic Reporting to TCEQ		270	4%	6,750		-									
119			Health/Food Inspections	150	1,950	79%	2,477		2,027	405%	500							
120			P&D Legal Fees		-	%			-									
121			Planning and Development		-	%	45,000		-	0%	49,500							
122			Engineering Fees	3,432	41,001	114%	36,000	7,610	53,868	150%	36,000							
123			Other Inspections		760	152%	500		475	0%	-							
124			Total Inspections/P&D Expenses	6,233	77,666	44%	176,311	14,773	119,401	55%	218,275							
126			Municipal Court & Code Enforcement															
127			Clean up of Properties		3,200	160%	2,000	2,600	2,600	130%	2,000							
128			Code Enforcement Services	3,861	25,804	123%	21,000		11,168	372%	3,000							
129			Judge Fees		-	0%	7,500		-	0%	4,000							
130			Court Clerk Fees			%	3,800		-									
131			City Attorney Fees		2,097	28%	7,500		-	0%	11,000							
132			Mileage Reimbursement	196	363	%	-		-	%	-							
133			Total Municipal Court Code Enf Exp	4,057	31,464	75%	41,800	2,600	13,768	69%	20,000							
135			Total City Expenses	42,069	406,957	31%	1,305,673	43,926	402,559	51%	787,886							
137			Transfer from Fund Balance				93,636											
139			Surplus / (Deficit)	(149,198)	356,851		-	17,814	298,759		-							

City of Nevada - Economic Development Corporation
2023-2024 Actual vs. Budget Financial Report
For the eight months ended May 31, 2024

	B	C	D	N	C	AD	A	AF	A	AH	AI	AR	A	BH	B	BJ	B	BL
2				<i>Current Period Revenue & Expenditures</i>							<i>Prior Period Revenue & Expenditures</i>							
3				May 2024 Actuals	Current YTD Actuals	% of Budget Current YTD	FY 2023-2024 Budget				May 2023 Actuals	Prior YTD Actuals	% of Budget Prior YTD	FY 2022-2023 Budget				
5	Revenue																	
6																		
7		City Sales Taxes		\$ 9,053	\$ 61,722	95%	\$ 65,000				\$ 7,150	\$ 45,785		\$ -				
8		Other Revenue										-						
9		Interest Income		1,656	\$ 6,353	1549%	410					180						
10	Total Revenue			10,709	68,075	104%	65,410				7,150	45,964						
12	Expenses																	
13		City Government Expenses																
14		Accounting & Legal Services		56	2,885	19%	15,000											
15		Bank Service Charges			-	%	100											
16		Director Certification			1,600	13%	12,152											
17		Economic Development			(7,500)							-						
18		Equipment and Furniture			(774)	-21%	3,650					-						
19		Office Expense			-	0%	300											
20		Office Supplies			848	57%	1,500					-						
21		Software			-	0%	1,368											
22		Travel, Meals and Lodging		58	1,137	%												
23		Website		93	4,143	83%	5,000					-						
25	Total Expenses			207	2,339	6%	39,070				-	-						
26		Capital Expenditures			-		100,000											
27		Transfer from Prior Year Surplus			-		(73,660)											
28	Surplus / (Deficit)			10,502	65,736		-				7,150	45,964		\$ -				

**City of Nevada
Bank Balance Report
As of May 31, 2024**

	A	B	C	D	E	F	G	H
1								
2								
3		Bank Account Balances		General Fund		EDC Fund		ARPA Special Fund
4								
5		Operating Account Balance as of 05/31/2024		\$299,903		\$206,489		\$311,776
6		Fund Index Account Balance as of 05/31/2024		\$1,332,210				
7		Certificate of Deposit		\$12,887		\$266,523		\$0
8		Pending ARPA Funds Transfer						\$0
9		Pending Sales Tax Transfer to EDC		-\$8,978		-\$8,978		
10		Working Balance		\$1,636,022		\$464,034		\$311,776



REPORTS

g. Mayor Pro Tem Report

h. Mayor's Report

i. NVFD Report



AGENDA ITEM

#6



MINUTES

CITY COUNCIL MEETING

Tuesday, June 4, 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 Secretary, Morgan Kowaleski
City Attorney, Jim Shepherd
Code Enforcement Officer, Dennis Wagner
CPA, Ray Smith

Citizens:

Russell Newton, Bruce Mathews,
Chris Fuller, Chavez Wilson,
Walt Newell,

REGULAR MEETING

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

Time: 7:01PM

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.

Those in attendance pledged allegiance to the United States of America.

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 –**

Cass Silvia addressed the Council.

Pat Dobyms addressed the Council.

REPORTS

5. Reports:

a. City Secretary Report –

After the multiple storms we have had, the city received multiple calls regarding down trees & branches along East St & Collin. We had Chief Landscaping go out and remove those that were blocking the road or hanging down.

TxDOT blocked off a portion of 1138 for a couple of days due last week to a down power line and they diverted traffic to Warren St. During those few days, the stop sign at Warren & Collin was run over. TXDOT has told us they will replace the pole & sign as soon as possible.

West St – A portion of West St has been closed until further notice due to a 4ft sink hole that has opened. I saw a post on Facebook, late Friday evening and alerted the Mayor who called in the Nevada Fire Department and Collin County. City Engineer, Chris Donnan will make a site visit and the develop a scope of the work to be completed and the costs associated.

We were also able to borrow barricades from the City of Lavon, to lessen thru traffic and prevent any vehicles, but especially large trucks from having to turn around in private property. I did get a quote from Dallas Lite & Barricade for the city to purchase our own barricades. For (2) Type three barricades, sandbags, and “closed to thru traffic” signs the total is \$867.80 including delivery.

Revize – Completed the second and final training with Revize. We have now moved into the phase of making edits. We can go live at any time now, however I would prefer a few more weeks of editing to ensure all documents/information carried over.

Remote Deposit – I spoke with the bank regarding remote deposit, the treasury department will be issuing a check scanner. There are no recurring fees, but there is a 1-time fee of \$500 for the scanner itself.

Xtreme Green – We hosted our first Xtreme Green event this past Saturday. We had at least 121 vehicles & trailers come through the event, but CWD will send us a report of the exact tonnage before the next City Council meeting. Overall, I believe this was a successful event! And I am working with CWD to schedule our next event in the fall.

b. City Attorney Report –

N/A

c. Code Enforcement Report –

Code Enforcement Officer, Dennis Wagner provided the Council with an updated report and answered any questions.

d. P&Z Report –

N/A

- e. **EDC Report –**
EDC President, Bruce Mathews updated the Council on EDC activities including the potential addition of a new EDC director.
- f. **Financial Report (2nd Council Meeting) –**
N/A
- g. **Mayor Pro Tem Report –**
N/A
- h. **Mayor’s Report/Status –**
Addressed the public regarding the Extreme Green Event.
Commended the Nevada Volunteer Fire Department for their assistance in ensuring the safety of the public with the sink hole on West St.
- e. **NVFD Report (2nd Council Meeting) –**
N/A

CONSENT AGENDA

- 6. **Approval of Previous Meeting Minutes – May 21, 2024 –** Council Member Laye made a motion to accept the minutes as written. Council Member Laughter seconded the motion. Motion carried unanimously.

REGULAR AGENDA

- 7. **Discuss and consider action on the upcoming budget process –**
CPA, Ray Smith presented to the Council a schedule and guidelines for the upcoming budget process. Michael Laye made a motion to table this agenda item. Council Member Deering seconded the motion. Motion passed unanimously.
- 8. **Discuss and take any appropriate action on the variance request submitted to the City of Nevada –**
The Council reviewed and discussed the variance request. Council Member Deering made a motion to reject the variance request as submitted and refund the associated costs. Council Member Longoria seconded the motion. Motion carried unanimously.
- 9. **Discuss any updates on the City Hall Renovation Project.**
The agenda item was tabled by Mayor Ponce.
- 10. **Discuss and consider action on the adoption of Ordinance No. O060424 (Schedule of Fees) –**
Council Member Laye made a motion to accept the schedule of fees with revisions. Council Member Longoria seconded the motion. Motion carried unanimously.
- 11. **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. Planning for Budget Meeting Before/After July 25th
2. City Hall Renovation/Improvements
3. Court Clerk
4. Property Maintenance Ordinance
5. Pot Holes
6. No Truck Signs on West St.
7. West Street Sinkhole Repair
8. Budget
9. CWD Report

12. Executive Session –

Time: 8:39 PM

Govt. Code 551.071 Legal advice, regarding obligations, liabilities, possible agreements and other legal issues with proposed Municipal Utility Districts in the Extra Territorial Jurisdiction area of the City.

13. Regular Session: Reconvene from Executive Session –

Time: 9:35 PM

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

No action taken.

15. Adjournment/Closing –

Time: 9:52

Benito Ponce, Mayor

Attest:

Morgan Kowaleski, City Secretary



AGENDA ITEM

#7

RE: West St. - Sink hole

Chris M. Donnan <cdonnan@haytereng.com>

Tue 6/4/2024 8:39 AM

To: Benito Ponce <mayor@cityofnevadax.org>

Cc: Morgan Kowaleski <citysecretary@cityofnevadax.org>; Heather Schell <asst.citysecretary@cityofnevadax.org>; Kerrie Longoria <kerrie.longoria@cityofnevadax.org>; Nevada Code Enforcement <codeenforcement@cityofnevadax.org>

Mayor,

Based on these photos it appears to me that the corrugated metal pipe (CMP) culvert rusted out and during the rainfall events the roadway base and eventually the HMAC was pulled down and through the culvert creating a sinkhole. With that in mind, it is my initial opinion that all three culverts should be replaced. The question becomes how the City would like to go about replacing them. There are several options:

- Replace the existing CMP culverts with three new CMP culverts that are the same size.
 - Other than everything being new, the crossing would look much the same.
 - This would be the most economical solution as the City could certainly forgo any design and just have a contractor come out and set three new culverts and repair the road.
 - However, even with this option, I would always recommend developing a design as it holds the contractor accountable and ensures the City gets a good final product.
 - I would put a preliminary cost estimate at \$60,000.
- Replace with the existing CMP culverts with three new HDPE culverts.
 - <https://www.adspipe.com/pipe/n-12-dual-wall-pipe>
 - HDPE pipe is corrosion resistant (unlike CMP) and long lasting.
 - I would recommend adding headwalls if the City chooses to go this route to help with performance and longevity.
 - This would be the option that I would recommend.
 - I would put a preliminary construction cost estimate at \$110,000.
- Replace the existing CMP culverts with an equivalent concrete box culvert (CBC).
 - I would recommend adding headwalls with this option.
 - This would be the most expensive option most likely approaching \$200,000.

This is also the time to upsize the culverts or add additional barrels if this crossing frequently overtopped. I'd be happy to analyze the crossing to better determine what size and how many culverts are needed.

We performed a similar design last year, although it did exclude any hydrologic and hydraulic analysis of the crossing. In other words, we already knew what size the culverts needed to be. This design included the following major scope items:

- Survey Phase Services - \$2,600
- Design Phase Services - \$25,000
- Bid Phase Services - \$8,000
- Construction Review Services - \$15,000

I am providing this information for budgetary purposes only. This was a detailed design, and the West Street crossing should be more straight forward. After I make a site visit, I will sit down and develop a scope and fee specifically for the West Street crossing.

Thank you,

Chris Donnan, P.E. CFM
Principal / Project Manager



RE: West St. Sink Hole

Chris M. Donnan <cdonnan@haytereng.com>

Thu 6/13/2024 4:56 PM

To:Morgan Kowaleski <citysecretary@cityofnevadatx.org>

To chip seal South Street, I would estimate a construction cost of \$202,400 to \$220,000.

With either option, to develop engineering plans, bid the job out and be involved in construction review Hayter's fee would be in the neighborhood of \$45,000.

Thank you,

Chris Donnan, P.E. CFM
Principal / Project Manager



AGENDA ITEM

8



Board & Committee Application

PLEASE NOTE: This application is considered to be public record.

I am interested in being considered for appointment to the following Boards & Committees:

Planning & Zoning Committee Economic Development Committee Land Use Committee

Name of Nominee: _____

Home Address: _____

City: _____ State: _____ Zipcode: _____

E-mail: _____

Number of years as a Nevada Resident: _____

Nominated by (if not nominated by self): _____

Occupation: _____

Business/Company Name: _____

Work Address: _____

City: _____ State: _____ Zipcode: _____

Work Phone: _____ Cell Phone: _____

Degree(s) Earned and School Attended *(i.e. Bachelor of Science from UTA)*

Professional experience: *(include professional memberships and previous employment)*

Community activities: *(include civic clubs, volunteer activities, service organizations, etc.)*

Comments/Special qualifications:



Amanda Wilson



(469) 363-0647



AmandaBWilson2015@gmail.com



[linkedin.com/in/amanda-wilson-4ba1412b/](https://www.linkedin.com/in/amanda-wilson-4ba1412b/)



DFW, Texas

Profile

- Senior **product, operations & marketing leader** with a background in both B2B and B2C industries
- Specialized and launching and evolving **products, departments & processes** while keeping the customer and team top of mind
- Over 14 of years experience in a **subscription/recurring revenue** business model and 20 years in **marketing/customer experience**
- Respected coach, mentor and leader in **hybrid and remote work** environments
- Passionate **sustainability & ESG** advocate
- Driven by providing the **customer voice, passion, dedication** and **drive** to every project.

Education

University of North Texas

Business Administration (2009)

- Dean's and President's List - 4 Years
- Beta Gamma Sigma Honors Fraternity Member
- New Venture Creation Contest Winner

Kellogg Executive Education

Product Strategy Course (2022)

Decker Communications

Master Certificate, Marketing Communications (2022)

Application Experience



Work Experience

Service Experts (Brookfield Infrastructure Company)

February 2016- Present

Promoted to Leadership Team over Product as the Director of Product & Pricing, supporting a growing business of 850 MM in annual revenue with ~290,000 loyal customers and 4,000 employees while reporting directly to the Chief Marketing Officer.

Director, Product & Pricing

June 2020 - Present

- Leader of the Product Team that develops programs, product roadmaps, pricing, process development, marketing content, and improved knowledge in coordination with various functional departments across all residential products
- Driver of product success for the North American portfolio covering ~85 locations with 4.87 Google ratings and EBITDA growth of 23% and revenue of 28% YOY
- Responsible for aligning the customer needs and business goals while tracking success, rallying the teams to execute the vision across the org, and celebrating wins
- Key player in the securitization of our lease program portfolio and support in ongoing improvements
- Team member in the core group tasked with launching a new CRM across the US organization and the launch of a membership program and pricing refresh
- Charged with the company's ESG effort and reporting
- Team awarded "2023 Whole Home Visionary"

Product Manager- Lease Program & Memberships

July 2019 - June 2020

- Lead product and growth of an industry disruptor of the Advantage lease program with ~130,000 leased units across the North America market
- Maintain and grow a loyal recurring customer base with on membership programs through growth and renewal efforts
- Responsible for guiding a cross-department team to create, implement, train, and market new products
- Oversee various products life cycle and identify opportunities in simplifying processes while allowing an easier selling process and anticipating potential problems
- Co-creator of the corporate location culture organization



Amanda Wilson



(469) 363-0647



[linkedin.com/in/amanda-wilson-4ba1412b/](https://www.linkedin.com/in/amanda-wilson-4ba1412b/)



AmandaBWilson2015@gmail.com



DFW, Texas

Work Experience – (Continued)

Business Operation Supervisor

February 2016 - June 2019

- Completion of lease program roll-out for the US market for multiple products
 - Mange long term road map, process flows, id improvement opportunities, develop a go-to-market plan and guide product owners to implement
 - Exceed sales goal at 220% with scaling a back-office support team
- Lead a program team of 11 team members through recruiting, training, and leading employees via counseling employees; planning, monitoring, and appraising job results
- Developing and building different applications for multiple departments to; decrease time spent on tasks, streamline processes while creating checks and balances
- Organizing and communicating training programs within the company

ReachLocal (USA TODAY Company)

April 2010 -February 2016

Provided leadership and support to the Inside Sales and Account Executive teams. Our group offered a all-inclusive suite of online marketing solutions for small and medium sized businesses throughout North America consisting of over 1500+ clients representing over \$30MM.

Operations Manager

July 2015 –February 2016

- Consistently managing the leadership and sales team to hit team quotas
 - Helping decrease unrealized revenue by 1.8%
 - Completing final quarter for the Sales team at 175% to sales goal and 123% to goal for Account Executives
- Partner with other leaders to oversee operations and client development
 - Conducted area and program wide online marketing trainings
- Coordinating an entire division reorganization as the company changed focus
 - Developing a client experience touchpoint process and tracking for Account Executives
 - Assisting in program development and launches across a multitude of initiatives including; CRM implementations (Salesforce), AE utilization (time study), training systems, etc.
- Direct and indirect leader for 3 different teams
- Awarded Global All Star Award by my leaders and peers

Operations Lead, Account Services

Novemeber 2013- July 2015

- Key focus on operations, special projects, and performance of the account management team including reporting and forecasting of current accounts
 - Developed Centralized Sales Executive and Account Executive policy and procedures
 - Developed incentive and rewards programs for top performing account managers
- Achieved an 18% increase in client retention, 106% of target and exceed sales targets by 125% monthly by creating best practices for online campaign management and client communications
- Managed new product enablement which cover beta testing, training, and issue resolution
- Organized LEAN event to streamline processes and eliminate waste and excess time

Senior Digital Marketing Account Manager, ReachLocal, 2011-2013

Business Operations Specialist, ReachLocal, 2010 - 2011

Campaign Manager, Texas State Representative, 2009 –2010

Marketing & Radio Promotions Intern, Navigator Company, 2007 -2009

Extra Curricular Activities

Volunteering

North Texas Wildlife Rescue & Daughters of the Nile

Free Time

Mom, Hobby Farm, Gardening, Yoga, Lake Life

A light blue silhouette of the state of Texas is centered in the background of the page. The text is overlaid on this map.

AGENDA ITEM

#9

NO DOCUMENTS



AGENDA ITEM

#10

**§26.05(b) of Property Tax Code
Steps Required for Adoption of Tax Rate & Budget**

Entity Name: City of Nevada

Date: 05/28/2024 09:55 AM

Language Required in the Motion Setting This Year's Tax Rate:

This year's proposed tax rate exceeds the no-new-revenue tax rate. The vote on the ordinance, resolution, or order setting the tax rate must be a record vote and 60% of the governing body must vote in favor of the adoption of the tax rate. A motion to adopt the ordinance, resolution, or order must be made in the following form:

I move that the property tax rate be increased by the adoption of a tax rate of 0.214781, which is effectively a 3.90 percent increase in the tax rate.

Statement Required in the Ordinance, Resolution, or Order Setting:

This year's levy to fund maintenance and operations expenditures exceeds last year's maintenance and operations tax levy. The following statements must be included in the ordinance, resolution, or order setting this year's tax rate. The statements must be in larger type than the type used in any other portion of the document.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.50 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-15.41.

Statement That Must be Posted on the Home Page of Any Internet Website Operated by the Taxing Unit:

This year's levy to fund maintenance and operations expenditures exceeds last year's maintenance and operations tax levy. The following statements must be included in the ordinance, resolution, or order setting this year's tax rate. The statements must be in larger type than the type used in any other portion of the document.

City of Nevada ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE.

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.50 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$-15.41.

Section 26.05(b) of Property Tax Code
Worksheet for Determination of Steps Required for Adoption of Tax Rate
City of Nevada

M&O Tax Increase in Current Year	
1. Last year's taxable value, adjusted for court-ordered reductions. Enter Line 8 of the No-New-Revenue Tax Rate Worksheet.	\$167,762,094
2. Last year's M&O tax rate. Enter Line 28 of the Voter-Approval Tax Rate Worksheet.	\$0.230187/\$100
3. M&O taxes refunded for years preceding tax year 2022. Enter Line 31A of the Voter-Approval Tax Rate Worksheet.	\$495
4. TIF Adjustment. Enter Line 31B of the Voter-Approval Tax Rate Worksheet.	\$0
5. Last year's M&O tax levy. Multiply line 1 times line 2 and divide by 100. To the result, add line 3 and subtract line 4.	\$386,661
6. This year's total taxable value. Enter line 21 of the No-New-Revenue Tax Rate Worksheet.	\$199,313,229
7. This year's proposed M&O tax rate. Enter the proposed M&O tax rate approved by the Governing Body.	\$0.214781/\$100
8. This year's M&O tax levy. Multiply line 6 times line 7 and divide by 100.	\$428,087
9. M&O Tax Increase (Decrease). Subtract line 5 from line 8.	\$41,426
Comparison of Total Tax Rates	
10. No-New-Revenue Total Tax Rate.	\$0.206713/\$100
11. This year's proposed total tax rate.	\$0.214781/\$100
12. This year's rate minus No-New-Revenue rate. Subtract line 10 from line 11.	\$0.008068
13. Percentage change in total tax rate. Divide Line 12 by line 10.	3.90%
Comparison of M&O Tax Rates	
14. No-New-Revenue M&O Tax Rate. Enter line 39 of the Voter-Approval Tax Rate Worksheet.	\$0.207518/\$100
15. This year's proposed M&O tax rate.	\$0.214781/\$100
16. This year's rate minus No-New-Revenue rate. Subtract line 14 from line 15.	\$0.007263
17. Percentage change in M&O tax rate. Divide line 16 by line 14.	3.50%
Raised M&O Taxes on a \$100,000 Home	
18. This year's taxable value on a \$100,000 home.	\$100,000
19. Last year's M&O tax rate.	\$0.230187/\$100
20. This year's proposed M&O tax rate.	\$0.214781/\$100
21. This year's raised M&O taxes. Subtract line 19 from line 20 and multiply result by line 18.	\$-15.41

ORDINANCE NO. O061824
(Adopting a Tax Rate for 2023
After the May 4, 2024 Rollback
Election)

AN ORDINANCE OF THE CITY OF NEVADA, COLLIN COUNTY, TEXAS LEVYING THE AD VALOREM TAXES FOR THE YEAR 2023 AT A RATE OF \$0.214781 PER ONE HUNDRED DOLLARS (\$100) ASSESSED VALUATION ON ALL TAXABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF NEVADA AS OF JANUARY 1, 2023, REVISING THE TAX RATE LOWER FROM \$0.32 PER HUNDRED TO THE VOTER APPROVAL RATE AS A RESULT OF THE OUTCOME OF THE MAY 4, 2024 ROLLBACK ELECTION; SUCH RATE TO PROVIDE REVENUE FOR THE PAYMENT OF CURRENT EXPENSES; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of the Texas Tax Code relevant to property tax rollback elections, the budget and tax rate of \$0.32 cents per hundred was voted to be reduced to \$0.214781 cents per hundred (“ the voter approval rate”), and

WHEREAS, the reduction in the tax rate will hinder the City in hiring law enforcement personnel to protect the citizens and their property in Nevada; and

WHEREAS, the reduction in the tax rate will make the maintenance and operations budget of the city one of the smallest in Collin County, clearly noting that other cities in Collin County are unable to operate on such limited revenue, and

WHEREAS, the Maintenance and Operations tax rate effective for property assessed as of January 1, 2023 was \$0.32000 per hundred dollars.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, COLLIN COUNTY, TEXAS AS FOLLOWS:

SECTION 1. There be and is hereby levied for the year 2023 on all taxable property, real, personal and mixed, situated within the corporate limits of the City of Nevada, and not exempt by the Constitution of the State and valid State laws, a tax of **\$0.214781** on each one hundred dollars (\$100) assessed valuation of taxable property, and shall be apportioned and distributed as follows:

- (a) For the purpose of defraying the current expenditures of the municipal government of the City of Nevada, a tax of **\$0.214781** on each one hundred dollars (\$100) assessed value on all taxable property.

- (b) There is no need of creating a sinking fund to pay the interest and principal maturities of all outstanding debt of the City of Nevada, not otherwise provided for, as the City does not have outstanding debt that requires it.
- (c) **THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE BY \$41,426.00 BY 3.50%, AND OF THAT AMOUNT, \$27,895.00 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.**

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 3.90 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY --\$15.41.

SECTION 2. All ad valorem taxes shall become due and payable on October 1, 2023, and all ad valorem taxes for the year shall become delinquent if not paid prior to February 1, 2024. There shall be no discount for payment of taxes prior to February 1, 2024. A delinquent tax shall incur all penalty and interest authorized by law.

SECTION 3. Taxes are payable to the Collin County Assessor-Collectors Office. The City shall have available all the rights and remedies provided by law for the enforcement of the collection of taxes levied under this ordinance.

SECTION 4. The tax roll as presented to the City Council, together with any supplements thereto, be and the same are hereby approved.

SECTION 5. All ordinances of the City of Nevada in conflict with the provisions of this Ordinance be, and the same are hereby, repealed and all other provisions of the ordinances of the City of Nevada not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 6. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part thereof decided to be unconstitutional, illegal or invalid.

SECTION 7. This ordinance shall take effect immediately from and after its passage, as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Nevada, Texas, on the 18th day of June, 2024.

Voting in favor: _____

Voting in opposition _____

APPROVED:

Ben Ponce, Mayor

CORRECTLY ENROLLED:

Morgan Kowaleski
City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney



AGENDA ITEM

#11

City of Nevada, TX

FY 2024-2024 Budget Preparation Calendar

Steps	Action Item	Assigned to:	Date
1	Insert May 2024 actual results into Budget Worksheet	RSCPA	6/13/2024
2	Project Jun thorough Sep for highlighted line items on worksheet	City	6/24/2024
3	Complete FY 2024 Projection, prepare Amended 2024 Budget and 1st Draft of 2025 Budget with the assumption that the Property Tax Rate will not exceed the Voter Approval Rate	RSCPA	7/1/2024
4	Provide edits to 1st Draft; indicate whether the Council intends to adopt a Tax Rate that exceeds the Voter Approval Rate	City	7/8/2024

The remainder of the calendar will be completed based on whether the property tax rate exceeds the Voter Approval Rate

2024 Projections for 2025 Budget

Ray Smith <ray@raysmithcpa.biz>

Wed 6/12/2024 6:37 PM

To: Morgan Kowaleski <citysecretary@cityofnevadax.org>; Benito Ponce <mayor@cityofnevadax.org>; Kerrie Longoria <kerrie.longoria@cityofnevadax.org>
Cc: Clients <Clients@raysmithcpa.biz>

 1 attachments (162 KB)

Nevada FY2025 Budget Preparation Template.xlsx;

Morgan, Kerrie and Ben

Attached is the FY2025 Budget Template. As we discussed at the last council meeting, we're asking you to fill in the cells for June – September that have been highlighted. You can input specific amounts, or you can put a note in Column A saying "Use Trend" and we will make that calculation. Additionally, use Column A to note any changes or questions you may have regarding the amounts we've already entered. Please return to us by June 24th at the latest.

You may have already received a preliminary tax roll from Collin County CAD. If you have, please send that to me. If not, please ask them if one is available.

Thanks.

Ray

Ray Smith

Principal at Ray Smith CPA PLLC

Phone 972.636.4014

Fax 972.483.2538

Web <https://www.raysmithcpa.biz>

Email ray@raysmithcpa.biz

1885 Quail Ln, Richardson, TX 75080

Office Hours: 9:00 AM - 4:00 PM, Monday through Thursday. Emails received outside of office hours will be addressed the next business day.

PRIVILEGED AND CONFIDENTIAL

This communication and any accompanying documents are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon this communication is strictly prohibited. Moreover, any such disclosure shall not compromise or waive the attorney-client, accountant-client, or other privileges as to this communication or otherwise. If you have received this communication in error, please contact me at the above email address. Thank you.

DISCLAIMER

Any accounting, business or tax advice contained in this communication, including attachments and enclosures, is not intended as a thorough, in-depth analysis of specific issues, nor a substitute for a formal opinion, nor is it sufficient to avoid tax-related penalties. If desired, Ray Smith CPA PLLC would be pleased to perform the requisite research and provide you with a detailed written analysis. Such an engagement may be the subject of a separate engagement letter that would define the scope and limits of the desired consultation services.

A light blue outline map of the state of Texas is centered on the page. The map is semi-transparent, allowing the text to be clearly visible over it.

AGENDA ITEM

#12



AGENDA ITEM

#13

**ORDINANCE NO. 0091923A
(Property Maintenance
Amendment --Trees)**

AN ORDINANCE OF THE CITY OF NEVADA, COLLIN COUNTY, TEXAS AMENDING THE PROPERTY MAINTENANCE AND COMMUNITY APPEARANCE ORDINANCE REGARDING MAINTENANCE OF TREES IN THE PARKWAY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE BASED ON STATE LAW AND THE TYPE OF VIOLATION NOT TO EXCEED \$200.00, \$500.00; OR \$2000.00 FOR EACH VIOLATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that welfare and safety of the citizens of Nevada would be improved with the requirement of property maintenance and community appearance as set forth below; and

WHEREAS, the City Council has determined that the obligation of the contiguous property owner to the Parkway of a city street is required under the maintenance of the parkway requirements also required to remove at the property owner's expense any broken, fallen or low hanging limbs in the Parkway, and which may fall or otherwise obstruct the parkway and/or the public street adjacent to the Parkway, such requirement to include the removal of fallen limbs and or the trunk of a fallen or dangerously leaning, or dead tree, or other vegetation that has become a nuisance; and

WHEREAS, the regulations below are authorized by the laws of the State of Texas, and are hereby adopted by the City Council of the City of Nevada, and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEVADA, COLLIN COUNTY, TEXAS AS FOLLOWS:

Section 1. The City Council finds the recitations above to be correct, and therefore Ordinance No. 0091923 is amended to add Section 2. (8) as follows:

“Section 2. (8) Tree maintenance---Dead or fallen trees and limbs.----In addition to the requirements in other sections of this Property Maintenance ordinance, a property owner of contiguous property to the Parkway of a city street is required under the maintenance of the Parkway requirements is required to remove at the property owner's expense any broken, fallen or low hanging limbs, including a fallen tree, in the Parkway, and/or which may fall or otherwise obstruct the Parkway and/or the public street adjacent to the Parkway,. This requirement includes the removal of fallen limbs and or the trunk of a fallen or dangerously leaning, or dead tree, or other vegetation that has become a nuisance.”

All other provisions of the Property Maintenance ordinance are ratified and approved.

SECTION 2. SAVINGS CLAUSE. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 3. REPEALER CLAUSE. This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 4. PENALTY.

General penalty for violations of code; continuing violations

- (a) Whenever in this code or in any ordinance of the City an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor or whenever in this code or such ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00).
- (b) A fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation, including the dumping of refuse, may not exceed two thousand dollars (\$2,000.00).
- (c) A person convicted of an offense under title 7, subtitle C, Transportation Code (the Uniform Act Regulating Traffic on Highways) for which another penalty is not provided shall be punished by a fine of not less than one dollar (\$1.00) or more than two hundred dollars (\$200.00) plus such other penalties and costs as may be provided by such subtitle C.
- (d) Unless otherwise specifically stated in this code, any violation of this code or of any ordinance that is punishable by a fine that does not exceed five hundred dollars (\$500.00) does not require a culpable mental state, and a culpable mental state is hereby not required to prove any such offense. Unless otherwise specifically stated in this code, any violation of this code or of any ordinance that is punishable by a fine that exceeds five hundred dollars (\$500.00) shall require a culpable mental state.
- (e) No penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.
- (f) Unless otherwise stated in this code or in any ordinance, each day any violation of this code or of any ordinance shall continue shall constitute a separate offense.
- (g) In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the City. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

State law references—Penalties for violations, V.T.C.A., Local Government Code, sec. 54.001; penalty for class C misdemeanor, V.T.C.A., Penal Code, sec. 12.23; requirement of culpability, V.T.C.A., Penal Code, sec. 6.02.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective upon publication of the caption as required by law.

PASSED AND APPROVED this _____ day of _____, 2024.

CITY OF NEVADA, TEXAS

By: _____
Ben Ponce

ATTEST:

Morgan Kowaleski, City Secretary

APPROVED AS TO FORM:

James E. Shepherd, City Attorney