



**NOTICE OF REGULAR MEETING AND AGENDA
Nacogdoches City Council**

5:30 p.m., Tuesday, April 19, 2011

City Council Room – City Hall - 202 E. Pilar Street

**PLEASE LIMIT PRESENTATIONS TO THREE MINUTES
(UNLESS PRIOR APPROVAL IS OBTAINED)**

1. Call to order.
2. Invocation.
3. **Presentations and Recognitions:**
4. Items to be removed from the Consent Agenda.
5. **CONSENT AGENDA:** Items included under the Consent Agenda require little or no deliberation by the Council. Approval of the Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations as reflected in the minutes of this meeting.
 - A. Consider approval of minutes from the regular session of April 5, 2011. (City Secretary)

REGULAR AGENDA:

6. **PUBLIC HEARING:** Consider the request for a specific use permit to operate an assembly/light manufacturing operation in a B-2, General Business District on Lots 15-A-3 and 16-3, City Block 66 located at 330 NW Stallings Drive. This request has been made by Mast Motorsports. SUPO2011-001. (Planning)
7. Authorize United Way to install signage and sidewalk stencils establishing a “Born Learning Trail” at the Hoya Soccer Complex near the intersection of Main Street and University Drive. (Recreation Supervisor)
8. Consider videotaping City Council meetings and streaming on the web. (City Manager)
9. Receive mid-year budget report. (City Manager)
10. FYI (For Your Information)
 - A. Municipal Court Report – March
11. Adjourn.


Lila Fuller, City Secretary



This agenda is posted as required under G. C. Section 551.041. For more information or a copy of the Open Meetings Act, please contact the Attorney General of Texas at 1-800-252-8011; the City Secretary at 936/559-2504 or visit the City of Nacogdoches web site at www.ci.nacogdoches.tx.us.

The Nacogdoches City Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (936) 559-2504 or FAX (936) 559-2912 for further information.

CERTIFICATION

I certify that the above notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on Friday, April 15, 2011 at 5:00 p.m.

Lila Fuller, City Secretary

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the directory outside of City Hall on the ____ day of April 2011.

Name: _____ Title: _____

ITEM NO. 5-A

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: CONSENT AGENDA: Consider approval of minutes from regular session of April 5, 2011.

MEETING DATE: April 19, 2011

CITY CONTACT: Lila Fuller, City Secretary - 559-2504

ATTACHMENTS: Minutes

**MINUTES
Regular Session
Nacogdoches City Council**

April 5, 2011 – 5:30 p.m.
City Council Room – City Hall
202 E. Pilar Street

Regular Session:

Those Present: Mayor Van Horn; Council members Shelley Brophy, William Sanders, and David T. Norton; City Manager Jim Jeffers, City Attorney Rob Atherton and City Secretary Lila Fuller.

1. Call to Order.

Mayor Van Horn at 5:30 p.m. Council member Partin was not present. A quorum was established.

2. Invocation.

Mayor Van Horn gave the invocation.

3. Presentations and Recognitions:

A. Recognize Keith Kiplinger for being awarded the Texas Fire Chief's Association "Fire Chief of the Year".

Mayor Van Horn recognized Fire Chief Keith Kiplinger for the honor of being named the 2011 Texas Fire Chief of the Year by the Texas Fire Chiefs Association.

B. Present Proclamation designating April 10-16, 2011 as "Volunteer Week".

Mayor Van Horn presented a proclamation to Samantha Mora with the Nacogdoches Convention and Visitors Bureau designating April 10-16, 2011 as "Volunteer Week" in Nacogdoches.

4. Items to be removed from the Consent Agenda.

None.

5. CONSENT AGENDA: Items included under the Consent Agenda require little or no deliberation by the Commission. Approval of the Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations as reflected in the minutes of this meeting.

A. Consider approval of minutes from the regular session of March 15, 2011.

Approved as presented.

B. Consider approval of a grant application to the Texas Water Development Board on behalf of Region I Water Planning Group for Round 4 Regional Water Planning.

Approved as presented.

C. Consider approval of contract between the City of Nacogdoches and Alan Plummer Associates, Inc. on behalf of Region I Water Planning Group for consultant services.

Approved as submitted.

Council member Sanders moved to accept the Consent Agenda as presented. The motion was seconded by Council member Brophy and unanimously passed.

Minutes unofficial until accepted by City Commission

REGULAR AGENDA:

- 6. Authorize United Way to install signage and sidewalk stencils establishing a “Born Learning Trail” at the Hoya Soccer Complex near the intersection of Main Street and University Drive.**

This item was pulled from the agenda.

- 7. Consider public/private partnership with Leadership Nacogdoches in providing bus shelters for the public transit system operated by Brazos Transit District.**

Randy Coe, representing the Chamber’s Leadership Nacogdoches Class of 2010-2011 appeared and explained the class had decided to raise funds for two (2) bus shelters as their class project. He stated they partnered with the East Texas Area Foundation and raised \$9,350 toward the purchase and installation of two (2) bus shelters and presented a check to Mayor Van Horn.

Council member Brophy moved to authorize the city manager to enter into an agreement with the Chamber of Commerce to provide two (2) bus shelters as described. The motion was seconded by Council member Norton and unanimously passed.

- 8. Consider an endorsement for the concept of a consolidated public safety communications center with Nacogdoches County.**

Police Chief Jim Sevey appeared and stated that the concept of a consolidated public safety communications center had been in progress for many years. He stated the consolidation would increase the size of the Nacogdoches Police Department Communications Division so that the unit could receive calls for service at one answering point and dispatch services throughout the county from one single location. The effort, he explained, would unify and reduce the public safety answering points that were currently divided into three locations – the city, county and EMS – into one point. Chief Sevey explained the concept was being presented to receive the city council’s support before moving forward with the project.

County Judge Joe English appeared and stated that this concept was one more example of the good working relationship between the city and county. He stated no cost estimates had been developed at this point, but the consolidation would provide a means to have an improved dispatch for the city and county, of which neither entity could afford individually. Judge English asked for endorsement of the concept, which would also be considered by the County Commissioner’s Court on a future agenda.

Council member Brophy moved to endorse the concept of a consolidated public safety communications center as presented. The motion was seconded by Council member Sanders and unanimously passed.

- 9. Consider amendments to Chapter 102 “Traffic and Vehicles”, Article X “Tow Truck and Vehicle Storage Business Regulations” of the City of Nacogdoches Code of Ordinances.**

Police Chief Jim Sevey stated the amendments requested would bring the language of the ordinance in line with language used in the Texas Occupational Code and Texas Department of Licensing and Regulation. He further explained a drop fee had been added and all non-consent tows were set at the same price.

City council member Norton moved to adopt the Ordinance amending Chapter 102 regarding tow truck regulations as presented. The motion was seconded by Council member Brophy and unanimously passed. (Ordinance No. 1570-4-11)

- 10. Consider approval of a sole source purchase of a modular firearms training house by the Nacogdoches Police Department.**

Police Chief Jim Sevey stated a grant had been received to purchase a modular firearms training house to be located on city property on Lone Star Road. He stated the purchase would be funded by the Department of Justice grant not to exceed \$306,405. He stated the purchase would be through a sole source vendor, Action Target.

Minutes unofficial until accepted by City Commission

Council member Norton moved to approve the purchase of a modular firearms training house by the Nacogdoches Police Department from Action Target, a sole source vendor, in an amount not to exceed \$306,405. The motion was seconded by Council member Sanders and unanimously passed.

11. Consider budget amendment and authorize approval for the purchase of two (2) Administration vehicles for the Nacogdoches Police Department.

Police Chief Sevey appeared requesting approval for the purchase of two administration vehicles through state contract. He explained that the vehicles would be funding from existing forfeiture money and would not come from General Fund. The vehicles would be purchased from Caldwell Country Chevrolet at a price of \$28,272 per vehicle, complete with emergency lights and sirens. A 5-year/100,000 mile power train warranty was also included in the price.

Council member Brophy moved to authorize a budget amendment in the amount of \$56,544 to purchase two (2) administration vehicles for the Police Department from forfeiture funds. The motion was seconded by Council member Norton and unanimously passed.

12. Authorize budget amendment for purchase of e-Civis grant search and management software.

City Manager Jeffers stated that grant funds were used to purchase equipment, repair sewer lines and to establish the recently formed spay/neuter clinic at the animal shelter. He explained that a tremendous amount of staff time was needed to research potential grants and there were limited methods to complete the task. Mr. Jeffers stated the e-Civis web-based software would allow staff to search by key work for government and private sector funding and would cut research time tremendously, allowing staff to spend time developing competitive grants. He stated staff was confident that the start-up amount would be recouped in one year from new grants received.

After some discussion, Council member Brophy moved to authorize a budget amendment to enter into a one-year contract with e-Civis for the grant search and management software, with funding to be transferred equally from General Fund, Utility Fund and Sanitation Fund reserves in the amount of \$12,850. The motion was seconded by Council member Sanders and unanimously passed.

13. Receive presentation on the City's Substandard Building Program.

Fire Chief Keith Kiplinger gave a brief presentation on the City's Substandard Building Program. He stated that 100 structures were identified in April 2010 after the city council adopted a revised building standards ordinance, with the following results to date:

- 10 structures were addressed by Historic Sites as they were in the Historic Overlay.
- 33 Structures were demolished or repaired by the property owner
- 18 structures currently have permits for repair or demolition
- 24 structures have had their cases heard by the Building Standards Commission and the status is pending (awaiting the time limits allowed by the Commission)
- 8 structures are currently ready for the City to perform demolitions
- 10 structures will receive hearings by the Commission in April and the remaining 5 in May.

The City Council commended Chief Kiplinger and his staff for their dedicated work on the program and encouraged them to continue their efforts to clean up the City.

14. FYI (For Your Information)

- A. Financial Report – February**
- B. Municipal Court report – February**
- C. Job Postings**

No action necessary.

15. Adjourn.

Minutes unofficial until accepted by City Commission

Mayor Van Horn adjourned the meeting at 6:33 p.m.

Mayor Roger Van Horn
City Council
City of Nacogdoches

ATTEST:

Lila Fuller, City Secretary

DRAFT

Minutes unofficial until accepted by City Commission

Minutes approved _____

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **PUBLIC HEARING:** Consider the request for a specific use permit to operate an assembly/light manufacturing operation in a B-2, General Business District on Lots 15-A-3 & 16-3, City Block 66, located at 330 NW Stallings Drive. This request has been made by Mast Motorsports. SUP2011-001.

MEETING DATE: April 11, 2011

DESCRIPTION: Mast Motorsports, located at 330 NW Stallings Drive currently produces high performance engines by upgrading existing engines. The applicant wishes to expand their current facility to fabricate in house the parts utilized to upgrade the engines. This expansion meets the definition of assembly/light manufacturing, which is permitted in the current zoning district, with the approval of a specific use permit.

COST: N/A

SCHEDULE: This request will be heard by the City Council on April 19th. If the City Council approves the request, it will become effective immediately.

**RECOMMENDED
ACTION:**









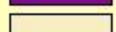

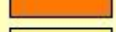

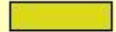
- Planning and Zoning Commission voted unanimously to recommend approval.
Conditions for approval to be considered (conditions found in the zoning ordinance, followed by Staff comments in bold):
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Conditions for approval to be considered (conditions found in the zoning ordinance, followed by Staff comments in bold):
1. Compatibility. The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;
The use is compatible with the other property in the vicinity. Other properties in the vicinity, and on the West Loop especially, while they are zoned B-2, General Business, are actually heavy commercial type uses.
 2. Orderly growth and development. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
This proposal is a slight change to an existing use. The establishment of an assembly/light manufacturing use will not impede the normal development of the surrounding vacant property.
 3. Supporting facilities. Adequate utilities, access roads, drainage, and other necessary supporting facilities have been or will be provided.
Adequate supporting facilities have been provided for this property.

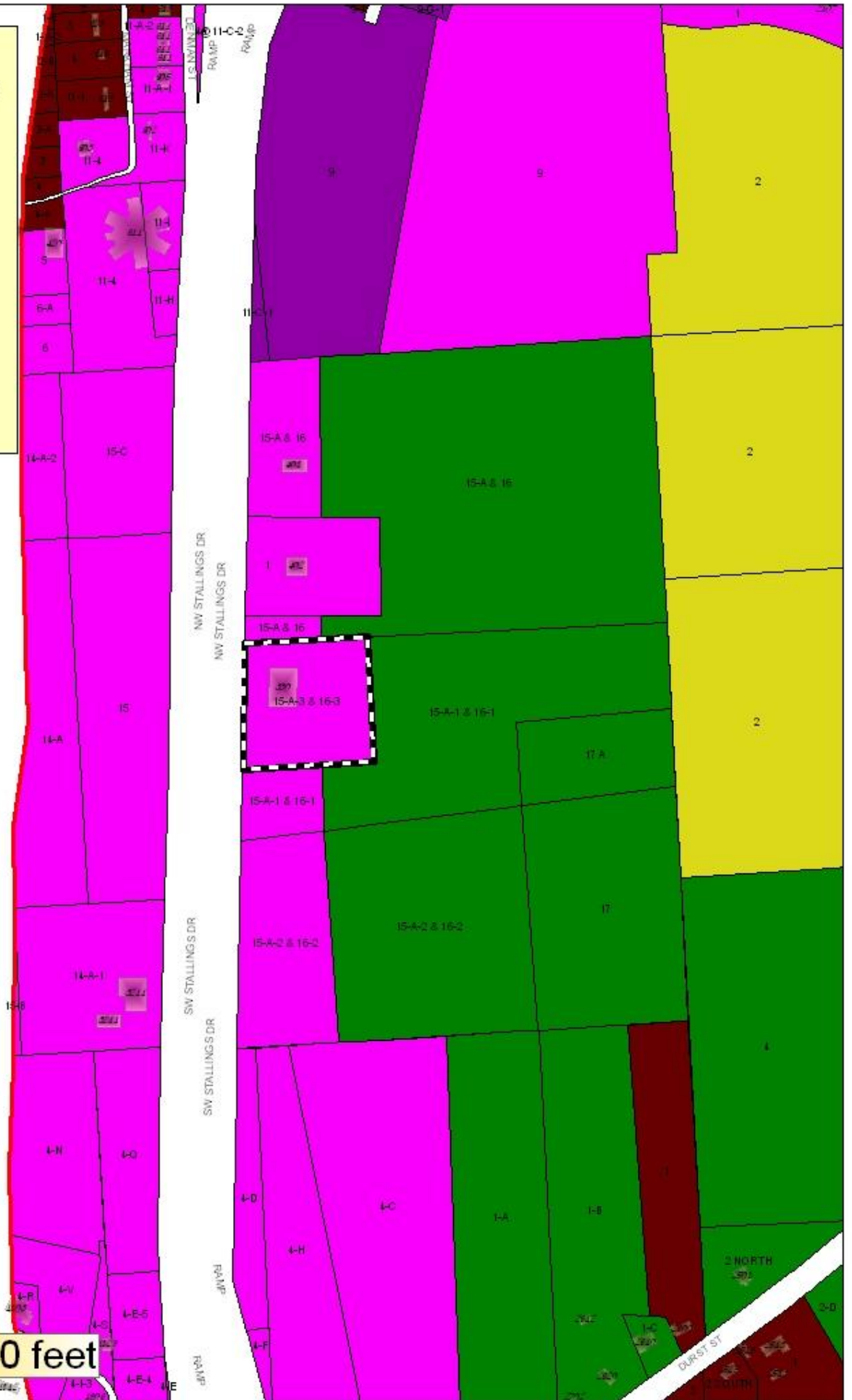
4. Drives and parking. The design, location, and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent development.
Any expansions of the building must go through the construction permitting process, including approval of site design items such as parking and driveway access.
5. Nuisances. Adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration.
City ordinances regarding nuisance abatement will apply. This use is not expected to produce odor, fumes, dust, noise, or vibration.
6. Lighting. Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties.
The City's lighting ordinance ensures no lighting will disturb neighboring properties.
7. Landscaping. Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided.
If/when new structures or expansion of an existing structure is built, the property must comply with the landscaping ordinance.
8. Comprehensive plan. The proposed use is in accordance with the comprehensive plan.
**The comprehensive plan recommends rural development for this area. Rural Development is defined in the Comprehensive Plan as "sparsely populated areas with limited development that are still distinct from more urbanized areas. This typically encompasses relatively large tracts of unsubdivided land used for agriculture, forestry, resource extraction, widely-scattered homesteads or business establishments, natural open space, or activities not requiring permanent structures or improvements. Also includes areas that are gradually transitioning into urban uses and development."
This property is representative of widely scattered business establishments, and has been subdivided out of a large tract of unsubdivided land in the last ten years. This portion of Stallings Drive is gradually transitioning into heavy commercial uses, similar to that of the other portions of the West Loop.**

CITY CONTACT: Larissa Philpot, City Planner; 559-2572, philpotl@ci.nacogdoches.tx.us

ATTACHMENTS: None

Legend

-  SUP2011-001
-  A
-  B-1
-  B-2
-  B-3
-  I-1
-  I-2
-  M
-  PD
-  R-1
-  R-2
-  R-3
-  R-4



1 inch = 400 feet

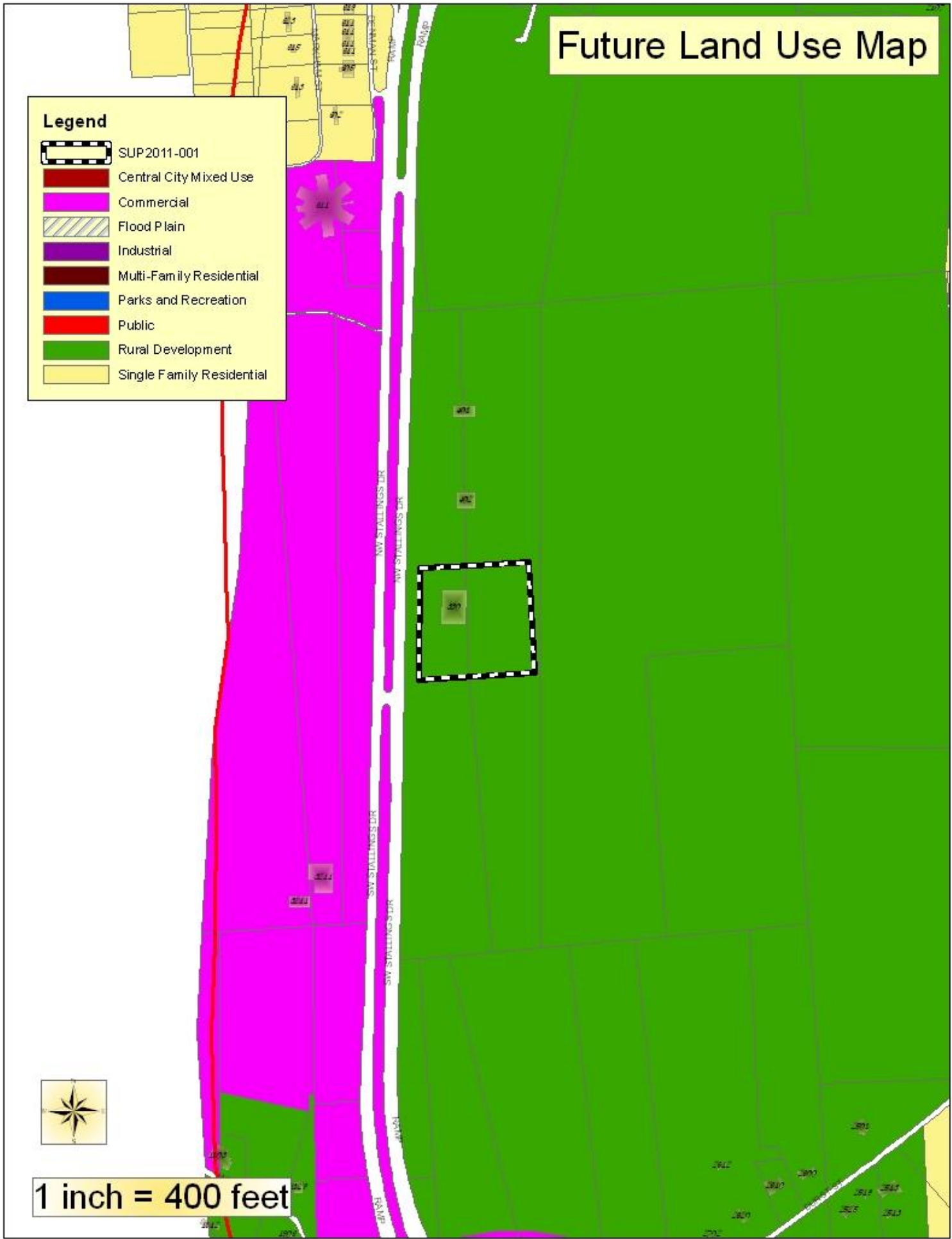
Future Land Use Map

Legend


-  SUP2011-001
-  Central City Mixed Use
-  Commercial
-  Flood Plain
-  Industrial
-  Multi-Family Residential
-  Parks and Recreation
-  Public
-  Rural Development
-  Single Family Residential



1 inch = 400 feet



Legend

 SUP2011-001



1 inch = 200 feet

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Authorize United Way to install signage and sidewalk stencils establishing a "Born Learning Trail"

MEETING DATE: April 19, 2011

DESCRIPTION: 10 metal signs in English and 10 metal signs in Spanish and four stencils to be painted on asphalt (trail) located at Hoya Soccer Complex near the intersection of Main St. and University Dr. as part of United Way of America's "Born Learning" public engagement campaign - Goal: to help parents, caregivers and communities create early learning opportunities for young children.

COST: Initial installation funding supported by Local United Way with regular maintenance by Parks Dept.

SCHEDULE: 2010 - 2011 Leadership Nacogdoches Class this Summer

RECOMMENDED Approval given by former NP&R Director Kathy Joslyn and voted and approval given by Parks Board during meeting in March.

ACTION: Authorize United Way to established a Born Learning Trail

CITY CONTACT: Tracy Rucker - Recreation Supervisor
Rayanne Schmid - Editor Daily Sentinel

ATTACHEMENTS: Presentation

Born Learning Trail

An initiative of Nacogdoches County United Way



Learning through play

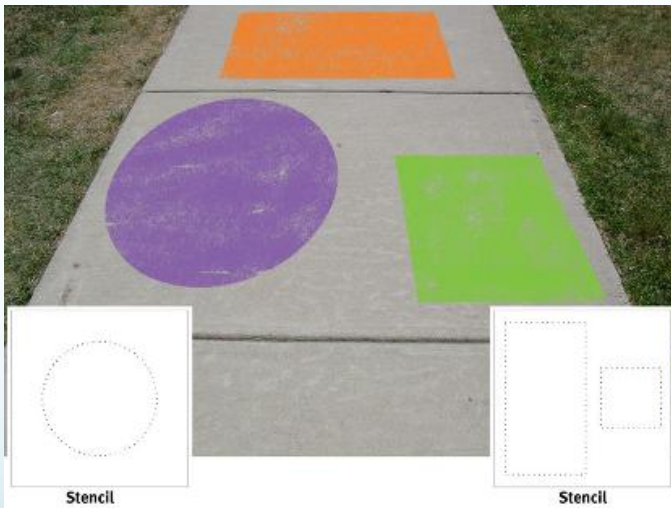


The concept

- *Born Learning* Trail is part of United Way of America's *Born Learning* public engagement campaign
- Goal of *Born Learning*: to help parents, caregivers & communities create early learning opportunities for young children
 - Offers tools to create visibility, add value to parent outreach & increase velocity to community mobilization efforts

Features of the trail Stencils

–Using stencils (shapes, letters, and hopscotch squares) can increase the physical fun for adults and children using the Trail.



- Stencils measure 3 feet by 3 feet, and are made of durable material that is washable and reusable.
- Hopscotch stencil is 12 feet long by 3 feet wide.

Trail planning

- Nacogdoches County United Way adopted the *Born Learning* initiative
- Installation of *Born Learning* Trail at Hoya Park to provide visibility for the initiative
- Stephen F. Austin University Early Childhood program funded majority of trail expenses
- Trail installation
 - 2010-11 Leadership Nacogdoches class in April
 - City of Nacogdoches assistance
- Kickoff event planning under way

Trail details

- Location: Hoya Park near the intersection of Main and University Drive
- Criteria for selection
 - Large family draw with soccer use
 - Paved sidewalks for stenciling
 - Desire to offer activities for non participating
- Site preparation
- Site maintenance agreements
 - Parks & Rec. provides typical maintenance
 - United Way, with help from Leadership Nacogdoches, responsible for sign & stenciling maintenance



Trail composition

- 10 metal signs in English and 10 in Spanish with life expectancy of 3-5 years
- Four signs are accompanied by stencils that would be painted on asphalt.
- The other signs do not require icons.

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider videotaping City Council meetings and streaming on the web.

MEETING DATE: April 19, 2011

DESCRIPTION: Nacogdoches ISD has agreed to provide videotaping services of City Council meetings and will stream them on their website. A link would be provided from the City of Nacogdoches website for the citizens to view each meeting.

COST: None

SCHEDULE:

RECOMMENDED ACTION: Authorize the city manager to work with NISD to provide videotaping services of City Council meetings and stream on the NISD website.

CITY CONTACT: Jim Jeffers, City Manager - 559-2501 jeffers@ci.nacogdoches.tx.us

ATTACHMENTS:

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Receive mid-year budget report.

MEETING DATE: April 19, 2011

DESCRIPTION: A mid-year budget report will be given providing information on the city's budget for the first half of the fiscal year.

CONTACT: Jim Jeffers, City Manager - 559-2501 jeffers@ci.nacogdoches.tx.us

ATTACHMENTS: Information will be provided at the meeting.



F or Y our I nformation

April 19, 2011

City of Nacogdoches
Municipal Court
Fiscal Year 2010-2011

	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	TOTAL
New Cases Filed													
Traffic	863	895	620	735	875	819							4807
State Law	179	131	132	105	139	140							826
City Ordinance	34	18	8	37	29	15							141
Total	1076	1044	760	877	1043	974	0	0	0	0	0	0	5774
Cases on Court Docket													
Trial	88	95	102	24	71	55							435
Hearing (Minor, Adult, Juvenile, Show Cause)	52	281	202	253	288	230							1306
Total	140	376	304	277	359	285	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
Cases Dismissed Prior to Court													
Driving Safety	76	80	98	86	67	61							468
Deferred Disposition	54	61	50	43	50	23							281
Proof of Insurance	79	93	71	50	72	82							447
Compliance	214	234	166	168	207	217							1206
Prosecutor/Complainant/Non-Prosecution	39	139	52	34	8	50							322
Total	462	607	437	381	404	433	0	0	0	0	0	0	2724
Warrants Issued	692	539	317	573	344	331							2796
Warrants Served	225	328	232	249	365	405							1804
Convictions Reported to DPS	676	555	532	614	637	721							3735
Fines Paid / Receipts Issued	1747	1678	1438	1642	1881	1768							10154
Non-Cash / Jail Time Credit/Community Svc	\$ 52,618	\$ 36,860	\$ 33,378	\$ 61,215	\$ 68,572	\$ 39,939							\$ 292,581
Total Revenue Collected	\$ 151,532	\$ 142,389	\$ 123,389	\$ 149,153	\$ 224,266	\$ 210,560							\$ 1,001,289
Consolidated Court Cost -10% 34	\$ 23,989	\$ 23,773	\$ 18,258	\$ 20,921	\$ 27,575	\$ 27,732							\$ 142,248
State Juror Reimbursement Fee -10% 35	\$ 2,373	\$ 2,345	\$ 1,795	\$ 2,072	\$ 2,682	\$ 2,716							\$ 13,982
Indigent Defense Fee -10% 38	\$ 1,143	\$ 1,117	\$ 865	\$ 998	\$ 1,234	\$ 1,285							\$ 6,641
State Traffic Fee -5% 33	\$ 11,603	\$ 10,982	\$ 8,143	\$ 9,120	\$ 10,293	\$ 12,562							\$ 62,703
Omni Vendor Fee 39	\$ 215	\$ 199	\$ 202	\$ 596	\$ 782	\$ 687							\$ 2,680
DPS Omni Fee 40	\$ 716	\$ 642	\$ 672	\$ 1,985	\$ 2,606	\$ 2,291							\$ 8,912
Time Payment Fees	\$ 2,456	\$ 2,416	\$ 2,469	\$ 2,814	\$ 3,952	\$ 3,446							\$ 17,554
Judicial Support Fee 36	\$ 3,428	\$ 3,350	\$ 2,658	\$ 2,993	\$ 3,904	\$ 3,854							\$ 20,186
Child Seat Belt to State 41	\$ 397	\$ 537	\$ 229	\$ 323	\$ 560	\$ 716							\$ 2,760
MVBA (Collection Agency) 37	\$ 3,406	\$ 2,616	\$ 1,848	\$ 3,220	\$ 15,008	\$ 13,822							\$ 39,919
Net Revenue to City	\$ 101,807	\$ 94,413	\$ 86,251	\$ 104,112	\$ 155,670	\$ 141,450	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
Less: Security Fund (MCBS)	\$ 2,055	\$ 2,013	\$ 1,552	\$ 1,804	\$ 2,436	\$ 2,504							\$ 12,364
Technology Fund (TFC)	\$ 1,243	\$ 1,170	\$ 878	\$ 990	\$ 1,161	\$ 1,450							\$ 6,891
ChildSafety (CS2)	\$ 1,762	\$ 2,101	\$ 1,318	\$ 1,268	\$ 1,671	\$ 223							\$ 8,343
To General Fund	\$ 96,748	\$ 89,129	\$ 82,503	\$ 100,051	\$ 150,402	\$ 137,273	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
Outstanding Balance With Warrants	\$ 4,626,380	\$ 4,585,141	\$ 4,639,589	\$ 4,690,937	\$ 4,509,241	\$ 4,511,507							
Aged Outstanding Balance (One Year)	\$ 508,034	\$ 480,119	\$ 500,989	\$ 589,820	\$ 542,768	\$ 557,617							