



NOTICE OF REGULAR MEETING AND AGENDA
Nacogdoches City Council
5:30 p.m., Tuesday, October 2, 2012
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 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 regular session of September 18, 2012. (City Secretary)
 - B. Consider purchase of one (1) Caterpillar CAT 816F2 Trash Compactor for Sanitation Disposal. (Public Works Manager)
 - C. Consider purchase of one (1) Caterpillar CAT D6T XW WHA Dozer for Sanitation Disposal. (Public Works Manager)
 - D. Consider purchase of one (1) Heil 30-yard CP Python Automated Side Loader; and one (1) Heil 28-yard Half Pack, Extra Duty Fully Eject Front Loader for Sanitation Collection. (Public Works Manager)
 - E. Consider purchase of two (2) Mack cab and chassis for Sanitation Collection. (Public Works Manager)

REGULAR AGENDA:

6. Consider an ordinance amending Chapter 94 "Taxation", Article V. "Economic Development Tax Abatement and Utility Extension Policy", of the Nacogdoches Code of Ordinances to readopt the economic development tax abatement program. (City Planner)
7. Consider dismissal of bids received regarding Safe Routes to School Project (TxDOT CSJ 0911-08-040). (City Engineer)
8. Consider dismissal of bids received regarding Southwest Pump Station Improvements – TWDB DWSRF No., 61250). (City Engineer)
9. Consider appointments to serve on the I-69 Stakeholder Committee. (City Manager)
10. Adjourn.


Lila Fuller, City Secretary



his 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, September 28, 2012 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 October 2012.

Name: _____ Title: _____

ITEM NO. 5-A

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **CONSENT AGENDA:** Consider approval of minutes from regular session of September 18, 2012.

MEETING DATE: **October 2, 2012**

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

ATTACHMENTS: **Minutes**

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**MINUTES
Regular Session
Nacogdoches City Council
September 18, 2012 – 5:30 p.m.
City Council Room – City Hall
202 E. Pilar Street**

Regular Session:

Those Present:

Mayor Roger Van Horn; Council members Shelley Brophy, Roy Boldon, Bob Dunn and David Norton; City Manager Jim Jeffers, City Attorney Rob Atherton and City Secretary Lila Fuller.

Call to Order.

Mayor Van Horn at 5:30 p.m. A quorum was established.

2. Invocation.

Mayor Van Horn gave the invocation.

3. Presentations and Recognitions.

None.

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 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 regular session of September 4, 2012.

Approved as submitted.

B. Consider co-sponsorship of the Nine Flags Christmas Festival.

Approved as presented.

C. Consider approving recommendation to award debris removal contract to Ceres Environmental Services, Inc.

Approved as submitted. This contract is for disaster-generated debris from City right-of-ways, public properties, and residential areas after a natural or man-made disaster event.

D. Consider a Resolution authorizing submission of a grant application for 2013-2014 Texas Community Development Block Grant Program and authorizing the City Manager to act as the Executive Officer and authorized representative in all matters pertaining to the participation in the Texas Community Development Block Grant Program.

Approved as submitted. (Resolution No. 1132-9-12)

Minutes unofficial until approved by City Council

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E. Consider Resolution to designate official authorized representative; and designate authorized signatories for contractual documents and requests for payment for 2012 TDA-CDBG Contract 712249.

Approved as submitted. (Resolution No. 1131-9-12)

Council member Brophy moved to accept the consent agenda as presented. The motion was seconded by Council member Norton and unanimously passed.

REGULAR AGENDA:

6. PUBLIC HEARING: Consider the request of John Session, dba Elite Cab Company, to operate a Taxi Franchise to run three (3) taxicabs in Nacogdoches.

Lila Fuller, city secretary stated Mr. Session currently operated two (2) cabs in Nacogdoches. His request was to add an additional cab in the event one of his other cabs had mechanical problems and had to be out of service. Ms. Fuller stated Mr. Session was in full compliance of the taxicab regulations.

Mayor Van Horn opened the public hearing. There being no one present desiring to be heard, Mayor Van Horn closed the public hearing.

Council member Dunn moved to grant the request for Elite Cab Company to run three (3) taxicabs as requested. The motion was seconded by Council member Boldon and unanimously passed.

7. PUBLIC HEARING: Consider appeal of demolition denial by the Historic Landmark Preservation Committee to allow the demolition of the building located at 321 W. Main Street. This request was made by Nacogdoches County – HD 2012-002.

Brian Bray, director of community services, explained that the Historic Landmark Preservation Committee denied the request for demolition under the “no economically viable use of the property exists” criteria for the building located at 321 W. Main Street that is owned by Nacogdoches County. He stated an Economic Review Panel was appointed, as required by the ordinance, and this panel recommended to HLPC approval of the demolition request, stating “the building cannot be adapted for any other use, which would result in a reasonable economic return.”

Bray further stated that after consideration by the HLPC, a motion was made to deny the request finding that sections a and b [of the Ordinance Section 50-198(2)] had not been met. Bray reviewed Section 50-198(2) which states as follows:

- a) The structure is incapable of earning a reasonable economic return unless the demolition or removal is allowed. A reasonable economic return does not have to be the most profitable return possible.
- b) The structure cannot be adapted for any other use, which would result in a reasonable economic return.
- c) The owner has failed during the last two years to find a developer, financier, tenant, or purchaser that would enable the owner to realize a reasonable economic return, despite reasonable efforts to do so.

He stated the structure was designated as “non contributing” on the State and National historic registers, but the historical designation was not part of the criteria that could be considered for this demolition process.

Mayor Van Horn opened the public hearing.

John Fleming, Nacogdoches County attorney, appeared and stated studies were done by the County for the use of the building. Office space was suggested at a conservative cost of \$690,000 just to bring the structure up to Code. Additional repairs would need to be made to address ADA issues and parking issues, which was not included in the estimate. Fleming stated it was not an economical option for the county to renovate the structure for office use and a reasonable viable return was not possible. He stated that the minutes from the HLPC meeting where this request was denied did not indicate the Economic Review Panel’s recommendation was considered. When asked by Council

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member Boldon for what use the property was purchased, Mr. Fleming stated to expand the courthouse footprint in some way, whether by additional space or parking.

Scott Runnels (207 Pine Street), chair of the HLPC, appeared and stated that the HLPC based its decision on the fact that the county claimed a reasonable economic return could not be obtained within the 10 year period it projected, but a value at the time of purchase was not submitted. He stated that the committee felt the 10-year time period was too short to get a reasonable return and the County did not prove this fact in their request. He stated the committee was not comfortable approving the request based on the information presented. He further stated they did not base their decision on the historic significance of the structure.

Tom McKinney (3515 Ashbury Lane), also a member of the HLPC, appeared and stated the committee's decision was based on deficient information provided by the County in their application.

Latoya Teat (119 Harold Drive, Ruston, LA), an SFA student, asked what the use of the building was prior to the County purchasing it, and how long the building had been vacant before the County purchased it.

Scott Runnels appeared again and stated tabling the item was never discussed because the County was in a hurry to get an answer.

Ed Pool (3505 North Street), a member of the Economic Review Panel for this demolition request, explained the engineer's and architect's reports were reviewed by the panel and they also made an on-site visit. The panel felt the renovation estimates were low. The reports indicated the County did not need additional office space. He also stated the renovations did not include ADA accessibility, which would hinder any future leasing of the building. Mr. Pool explained how the value and return was considered by the panel, which was what the panel based its recommendation on.

Marilyn Eanes (609 E. Hospital) asked the city council to look at other cities such as San Antonio, who were able to preserve historic buildings and model policies after them.

After further discussion, Council member Norton moved to grant the appeal for demolition of the building at 321 W. Main Street as requested by Nacogdoches County. The motion was seconded by Council member Dunn and unanimously passed.

Council member Brophy stated her appreciation for the idea of incorporating some of the brick materials from the old structures into the new construction.

Mayor Van Horn felt the ordinance should be amended, as it has the historic committee making decisions based on economics, rather than their expertise of historical significance.

8. Consider award of bid for construction of Water Well No. 16.

Steve Bartlett, city engineer, gave an update on the well projects. He explained bids had been received for construction of Well No. 16, and the low bidder was Weisinger, Inc. at a contract amount of \$627,900.

Council member Dunn moved to award the bid for construction of Well No. 16 to Weisinger, Inc. in the contract amount of \$627,900. The motion was seconded by Council member Brophy and unanimously passed.

9. Consider approval of Contract 712249 between the City of Nacogdoches and Texas Department of Agriculture for TxCDBG 2012 Community Development Block Grant Program funding for the Douglass Road area sewer line project - \$275,000 federal funds and \$19,066 City matching funds.

City Engineer Steve Bartlett stated the city had been awarded a grant for sewer line improvements in the Douglass Road area of \$275,000. He stated the contract was standard with no issues identified by staff.

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Council member Brophy moved to approve Contract 712249 for the TxCDBG 2012 Community Development Block Grant Program for the Douglass Road area sewer line as presented. The motion was seconded by Council member Boldon and unanimously passed.

10. Consider purchasing phone system equipment from Datavox.

Michael Donnell, IT Manager, stated the city's current telephone system was 13 years old and had become obsolete. He explained five RFPs had been received and a review committee consisting of various city department staff, Datavox at a cost of \$186,000 was recommended. He stated the price was well under the budgeted price, and was the same brand of phones that were currently being used.

Council member Dunn moved to authorize the purchase of a new phone system for city offices from Datavox in the amount of \$186,000. The motion was seconded by Council member Boldon and unanimously passed.

The City Council went into closed session at 6:30 p.m.

11. EXECUTIVE SESSION: Personnel – Consider city attorney employment contract, as per G.C. Section 551.074.

The City Council reconvened in open session at 6:45 p.m.

12. Open for action, if any, on Item 11.

Council member Dunn moved to approve the employment contract with Rob Atherton, city attorney, as presented. The motion was seconded by Council member Brophy and unanimously passed.

13. Adjourn.

Mayor Van Horn adjourned the meeting at 6:46 p.m.

Mayor Roger Van Horn
City Council
City of Nacogdoches

ATTEST:

Lila Fuller, City Secretary

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: CONSENT AGENDA: Approve the purchase of one(1) Caterpillar CAT 816F2 Trash Compactor

MEETING DATE: October 2, 2012

DESCRIPTION: Recommendation to award the purchase of one(1) Caterpillar CAT 816F2 Trash Compactor for Sanitation Disposal.

COST: \$432,269*

*Price could possibly change, decreasing if delivered before January 1, 2013.

BUDGET AMENDMENT REQUIRED? No

BUDGET AMENDMENT

FUNDING: Acct. Name & No. Requested

FUNDING FROM CURRENT BUDGET

FUNDING:	Acct. Name & No.	Adopted Budget	Balance	Requested
Sanit Disp	Capital Equip/31.41.173.02	\$432,269	\$432,269	\$432,269

SCHEDULE: Award purchase of Caterpillar CAT 816F2 Trash Compactor thru Buyboard.
RECOMMENDED

ACTION: Award bid for purchase of above Caterpillar CAT 816F2 Trash Compactor to Holt Cat via Buyboard contract# 268.07 for total price of \$432,269

CITY CONTACT: Wayne Shepherd, Public Works Manager, (936) 559-2582

ATTACHMENTS: Quotation/specifications available for review.

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: CONSENT AGENDA: Approve the purchase of one (1) Caterpillar CAT D6T XW WHA Dozer

MEETING DATE: October 2, 2012

DESCRIPTION: Recommendation to award the purchase of one(1) Caterpillar CAT D6T XW WHA Dozer for Sanitation Disposal.

COST: \$405,715*

*Price could possibly change, decreasing if delivered before January 1, 2013.

BUDGET AMENDMENT REQUIRED? No

BUDGET AMENDMENT

FUNDING: Acct. Name & No. Requested

FUNDING FROM CURRENT BUDGET

FUNDING:	Acct. Name & No.	Adopted Budget	Balance	Requested
Sanit Disp	Capital Equip/31.41.173.02	\$405,715	\$405,715	\$405,715

SCHEDULE: Award purchase of Caterpillar CAT D6T XW WHA Dozer thru Buyboard.

RECOMMENDED

ACTION: Award bid for purchase of above Caterpillar CAT D6T XW WHA Dozer to Holt Cat via Buyboard contract# 268.07 for total price of \$405,715

CITY CONTACT: Wayne Shepherd, Public Works Manager, (936) 559-2582

ATTACHMENTS: Quotation/specifications available for review.

**CITY OF NACOGDOCHES
 AGENDA INFORMATION SHEET:**

PROJECT: CONSENT AGENDA: Consider purchase of one (1) Heil 30 yd CP Python Automated Side Load garbage body; and one (1) Heil 28 yd Half Pack, Extra Duty, Full Eject Front Load garbage body for Sanitation Collection.

MEETING DATE: October 2, 2012

DESCRIPTION: Recommendation to award the purchase of the side load and front load bodies for Sanitation Collection

COST: 1) \$121,152.00
 2) \$111,388.78

BUDGET AMENDMENT REQUIRED? No

BUDGET AMENDMENT

FUNDING: Acct. Name & No. Requested

FUNDING FROM CURRENT BUDGET

FUNDING:	Acct. Name & No.	Adopted Budget	Balance	Requested
<i>Sanitation Coll.</i>	<i>Capital Equip/31.40.174.00</i>	<i>\$262,138.20</i>	<i>\$262,138.20</i>	<i>\$232,540.78</i>

SCHEDULE: Award purchase of one (1) Side Load body and one (1) Front Load body as described above for Sanitation Collection thru Heil of Texas via Buyboard.

RECOMMENDED ACTION: Award bid for purchase of above Front & Side Load to Heil of Texas for total price of \$232,540.78.

CITY CONTACT: Wayne Shepherd, Public Works Manager, (936) 559-2582

ATTACHMENTS: Quotation/specifications available for review.

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: CONSENT AGENDA: Approve the purchase of Two (2) Mack (cab & chassis)

MEETING DATE: October 2, 2012

DESCRIPTION: Recommendation to award the purchase of these two (2) Mack cab & chassis' for Sanitation Collection

COST: \$142,809.00 - LEU613 (for side load body)
\$143,100.00 - MRU613 (for front load body)

BUDGET AMENDMENT REQUIRED? No

BUDGET AMENDMENT

FUNDING: Acct. Name & No. Requested

FUNDING FROM CURRENT BUDGET

FUNDING:	Acct. Name & No.	Adopted Budget	Balance	Requested
Sanitation Coll.	Capital Equip/31.40.174.00	\$285,909.00	\$285,909.00	\$285,909.00

SCHEDULE: Award purchase of two (2) 20 Mack for Sanitation Collection thru HGAC.

RECOMMENDED

ACTION: Award bid for purchase of above Cab/Chassis' to Grande Truck Center via Buyboard for total price of \$285,909.00

CITY CONTACT: Wayne Shepherd, Public Works Manager, (936) 559-2582

ATTACHMENTS: Quotation/specifications available for review.

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: Consider an ordinance amending Chapter 94 "Taxation", Article V. "Economic Development Tax Abatement and Utility Extension Policy," of the Code of Ordinances to readopt the economic development tax abatement program.

MEETING DATE: October 2, 2012

DESCRIPTION: The economic development tax abatement program allows property owners in designated enterprise zones to apply for an abatement of taxes owed on increases in property value due to improvements/restorations/renovations of their structures.

The Fair Housing Activity Statement - Texas (FHAST) form adopted by Council in 2011 requires the City to adopt and implement a policy requesting recipients of publicly financed housing incentives to engage in affirmative marketing. HUD defines affirmative marketing as "a program to inform the minority community of the homes listed for sale or rent by Realtists, of the services offered by Realtists in selecting a home for purchase, and of the availability of these homes and servies to all buyers without regard to race, color, religion, sex or national origin." Examples of affirmative marketing are:

- Communicating the equal housing opportunity message, or the equal housing opportunity logotype or slogan, in outreach to the general community. This can be inserted into all written outreach tools such as newsletters, brochures, advertisements, direct mail solicitations, and related advertising.
- Identifying populations that are least likely to apply without special outreach, and tailoring affirmative marketing requirements to project owners accordingly.

This affirmative marketing requirement is not a requirement to set rental or sales prices at any level. This simply requires the developer to reach out to a diverse population for sale or rental of the properties.

With the exception of the affirmative marketing requirements described above (and found in Section 94-278), the proposed ordinance has no changes from the existing ordinance.

The State of Texas Property Tax Code section 212.02c requires cities to readopt their tax abatement ordinance every two years. The most recent adoption of the Historic Preservation tax abatement ordinance was in 2003, therefore the ordinance must be adopted again.

COST: None

BUDGET AMENDMENT REQUIRED?: No

FUNDING FROM CURRENT BUDGET

FUNDING:	Acct. Name & No.	Adopted Budget	Balance	Requested
	N/A			

SCHEDULE: The ordinance will go into effect 10 days after publication. The ordinance will remain in effect until 2010.

RECOMMENDED ACTION: Adoption of the ordinance

CITY CONTACT: Larissa Philpot, AICP, City Planner; 559-2571, philpotl@ci.nacogdoches.tx.us

ATTACHMENTS: For a complete copy of the ordinance, please contact Larissa Philpot.

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider dismissal of bids received regarding Safe Routes to School Project (TxDOT CSJ 0911-08-040)

MEETING DATE: October 2, 2012

DESCRIPTION: Bids were received on July 26, 2012 for Safe Routes to School Project (TxDOT CSJ 0911-08-040). All bids received for this project exceeded the budget.

RECOMMENDED ACTION: Dismiss all bids received for Safe Routes to School Project (TxDOT CSJ 0911-08-040)

CITY CONTACT: Steve Bartlett, City Engineer
936-559-2522
bartletts@ci.nacogdoches.tx.us

ATTACHMENTS: N/A

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider dismissal of bids received regarding Southwest Pump Station Improvements - TWDB DWSRF NO. 61250

MEETING DATE: October 2, 2012

DESCRIPTION: August 16, 2012 bids were received for Southwest Pump Station Improvements - TWDB DWSRF NO. 61250. All bids received for the project exceeded the budget.

RECOMMENDED ACTION: Dismiss all bids received for Southwest Pump Station Improvements - TWDB DWSRF NO. 61250

CITY CONTACT: Steve Bartlett, City Engineer
936-559-2522
bartletts@ci.nacogdoches.tx.us

ATTACHMENTS: N/A

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider appointments to serve on I-69 Stakeholder Committee.

MEETING DATE: October 2, 2012

DESCRIPTION: TxDOT Lufkin has requested Nacogdoches and Angelina Counties appoint ten (10) individuals from each county to serve on the I-69 Stakeholder Committee. These individuals will prepare an I-69 Scoping Study. The purpose of the Study is to evaluate efficient and effective ways to bring US 59 up to Interstate quality. The Stakeholder Committees will: evaluate various improvement options that consider cost and timelines; give guidance on public outreach process; assess community need and support for highway improvements. The Scoping Committee will also: prepare program of environmental projects; determine necessary level of environmental study/documents; and advise TxDOT on the retention of consultants to conduct environmental studies and prepare designs.

RECOMMENDED ACTION: Appoint ten (10) individuals to serve on the I-69 Stakeholder Committee in cooperation with Nacogdoches County.

CITY CONTACT: Jim Jeffers, City Manager
jeffers@ci.nacogdoches.tx.us
936-559-2501

ATTACHMENTS: