



Notice is hereby given of a Regular Meeting of the Nacogdoches City Council to be held **June 4, 2013, beginning at 5:30 p.m.** in the Council Chambers of City Hall, 202 E. Pilar Street, Nacogdoches, Texas, for the purpose of considering the following agenda items. All agenda items are subject to action.

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

1. Call to order.
2. Invocation.
3. Administer Oath of Office to Mayor Roger Van Horn. (City Attorney)
4. **PRESENTATIONS AND RECOGNITIONS:**
5. Items to be removed from Consent Agenda.
6. **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 May 21, 2013. (City Secretary)
 - B. Consider co-sponsorship of the 2013 Freedom Fest. (Main Street Manager)
 - C. Consider co-sponsorship of Scare on the Square 2013. (Main Street Manager)

REGULAR AGENDA:

7. Consider draft recommendation of the Nacogdoches I-69 Scoping Committee for consideration in the environmental impact study. (City Manager)
8. Consider annual appointment of Mayor Pro Tempore and Vice Mayor Pro Tempore. (Mayor)
9. Review budget process for FY 2013-2014. (City Manager)
10. 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, May 31, 2013 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 June 2013.

Name: _____ Title: _____

ITEM NO. 6-A

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **CONSENT AGENDA:** Consider approval of minutes from regular session of May 21, 2013.

MEETING DATE: June 4, 2013

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

ATTACHMENTS: Minutes

MINUTES
Regular Session
Nacogdoches City Council
May 21, 2013 – 5:30 p.m.
City Council Room – City Hall
202 E. Pilar Street

Regular Session:

Those Present:

Mayor Pro Tem David Norton; Council members Shelley Brophy, Roy Boldon, Bob Dunn and Mike Keller; City Manager Jim Jeffers, City Attorney Rob Atherton and City Secretary Lila Fuller.

1. Call to Order.

Mayor Pro Tem Norton at 5:30 p.m. A quorum was established. Mayor Van Horn had an excused absence.

2. Invocation.

Council member Boldon gave the invocation.

3. Presentations and Recognitions.

Mayor Pro Tem Norton recognized City Council member Bob Dunn for his years of service as City Council member Northwest Ward and presented him with a plaque and Proclamation.

4. Consider adoption of a resolution canvassing the results of the general election held on May 11, 2013 to elect City Council member for the Northwest Ward.

Considerar la adopción de una Resolución para el escrutinio de los resultados de la elección general celebrada el 11 de mayo, 2013 para elegir un miembro del Concilio de la Ciudad, para el Distrito Noroeste.

City Secretary Lila Fuller reviewed with the city council returns of the May 11, 2013 election. Upon review, Council member Dunn moved to accept the results of the May 11, 2013 election as official and adopt a Resolution canvassing the results as follows:

FOR CITY COUNCIL – NORTHWEST WARD

Mike Koenig	44
Mike Keller	55

FOR CITY COUNCIL - NORTHEAST WARD

Shelley Brophy	UNOPPOSED
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FOR CITY COUNCIL – AT LARGE (MAYOR)

Roger Van Horn	UNOPPOSED
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The motion was seconded by Council member Brophy and unanimously passed.
(Resolution No. 1139-5-13)

Minutes unofficial until approved by City Council

5. Administer Oath of Office to newly elected City Council members.

City Attorney Atherton administered the Oath of Office to Council members Keller and Brophy. Both took their seats on the dais.

6. Items to be removed from the Consent Agenda.

Council member Keller asked for clarification on Item 7-B.

7. 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 May 7, 2013.

Approved as submitted.

B. Consider amending the 90/10 TxDOT Grant Airport Project Participation Agreement CSJ Number 1211NACOG total project amount from \$420,000 to \$732,110.

Approved as submitted.

C. Consider approving a recommendation to award an annual retail fuel card service contract.

Approved awarding the contract to Morgan Oil Company as follows:

Item No. 1 Price per Gallon - \$2.967

Item No. 2 Price per Gallon - \$3.294

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

REGULAR AGENDA:

8. PUBLIC HEARING: Consider approval of a zone change from B-2, General Business, to R-4, Multi-Family Residential, for the southern half of Lot 2 of the W. M. Clark No. 1 Subdivision, City Block 56 located at 3008 Liles Boulevard. This request has been submitted by Carra Liles. ZON2013-03.

Larissa Philpot, city planner, stated this lot had been re-platted and a portion of it rezoned, but the remaining portion needed to be rezoned in order to conform to the planned use of the remaining property. Ms. Philpot stated the Planning and Zoning Commission voted unanimously to approve the request.

A public hearing was opened by Mayor Pro Tem Norton. There being no one present desiring to be heard, the public hearing was closed.

Council member Brophy moved to approve a zone change from B-2 to R-4 for the southern half of Lot 2 of the W.M. Clark No. 1 Subdivision, City Block 56 located at 3008 Liles Boulevard. The motion was seconded by Council member Keller and unanimously passed. (Ordinance No. 1630-5-13)

9. PUBLIC HEARING: Consider approval of a city initiated zone change from A, Agricultural, and B-2, General Business, to I-2, Heavy Industrial, for Lot 1 Rowen West Addition, Lots 2 & 3 Rowen West Addition #2, Lots 15-A-1, 15-A-2, 16-1, 16-2, 17, & 17-A, City Block 66, and Lots 4-C, 4-D, 4-F, and 4-H, City Block 65, located at 408, 402, 330 SW Stallings and the Northeast corner of SE Stallings and Durst Street. ZON2013-04.

Larissa Philpot, city planner explained city staff had recently received several inquiries regarding development in this area currently zoned B-2 General Business and Agricultural. Due to the areas location on US 59, the inquiries have been light industrial uses. Staff initiated this request from A and B-2 to I-2 Heavy Industrial to allow the

existing businesses to increase their operations should the need arise and allow for a wider range of land uses for the vacant properties.

Philpot stated that George Middlebrook, owner of Lots 4-D, 4-F and 4-H asked to remove these lots as there were already plans for development under the current zoning.

Philpot stated the Planning and Zoning Commission unanimously approved the recommendation presented by staff with the removal of Lots 4-D, 4-F and 4-H from the request.

Mayor Pro Tem Norton opened the public hearing. There being no one present desiring to be heard, the public hearing was closed.

Council member Brophy moved to approve a city initiated zone change from A, Agricultural, and B-2, General Business, to I-2, Heavy Industrial, for Lot 1 Rowen West Addition, Lots 2 & 3 Rowen West Addition #2, Lots 15-A-1, 15-A-2, 16-1, 16-2, 17, & 17-A, City Block 66, and Lots 4-C, City Block 65, located at 408, 402, 330 SW Stallings and the Northeast corner of SE Stallings and Durst Street. ZON2013-04. The motion was seconded by Council member Boldon and unanimously passed. (Ordinance No. 1631-5-13)

10. Consider adoption of an ordinance amending Chapter 34 “Environment” of the Nacogdoches Code of Ordinances to amend exemptions to the noise ordinance.

Larissa Philpot, city planner, stated the noise ordinance currently exempts people at stadiums, parades, festivals, religious activities, permissible protests or demonstrations, emergency vehicles and warning sirens, trains and outdoor music events or celebrations permitted, authorized, sanctioned, sponsored, or supervised by a political subdivision, school, church or non-profit organization.

Ms. Philpot explained the proposed amendment removes the words “permitted, authorized, sanctioned, sponsored or supervised by” and replaces with the word “of”. She stated this change would mean that an event may not simply donate a portion of the proceeds of the event to qualified entity to be exempted from the ordinance. The event must be organized and controlled by and benefit the qualified entity.

Also, the proposed amendment removed “non-profit organization” from the list of exempt entities and replaces the term “church” with “bona fide religious organization”.

There was some discussion on the definition of bona fide religious organization and who would make that determination. Philpot stated it would be determined by staff.

Council member Brophy moved to adopt the ordinance amending Chapter 34 “Environment” of the Nacogdoches Code of Ordinances to amend exemptions to the noise ordinance as presented. The motion was seconded by Council member Keller and unanimously passed. (Ordinance No. 1629-5-13)

11. Consider executing an abatement agreement for Reinvestment Zone 30 located at 201 E. Main Street.

Sarah O’Brien, main street manager, stated this action would allow the city manager to enter into an agreement with Kim and Angela Crisp, owners of the property at 201 E. Main Street, for tax abatement for Reinvestment Zone 30. She explained the property owners qualified for five-year tax abatement on the following schedule:

Year 1	100%
Year 2	100%
Year 3	75%
Year 4	50%
Year 5	35%

The proposed renovations to the property exceed \$160,000 and the property has an assessed value of \$99,260. Ms. O’Brien stated planned renovations included 3 apartment units on the second floor and retail space on the first floor.

Council member Brophy moved to approve the tax abatement agreement for Kim and Angela Crisp for property located in Reinvestment Zone 30 – 201 E. Main Street as presented. The motion was seconded by Council member Boldon and unanimously passed.

12. Consider the award of bids for the Safe Routes to Schools sidewalk project.

Steve Bartlett, city engineer, explained the TxDOT program that provided for construction of sidewalks from neighborhoods to schools. He stated sidewalks were proposed for Shawnee Street, Woden Road and Leroy Street and staff was recommending the contract be awarded to the low bidder, South Texas Illumination LLC in the amount of \$414,096.67. He stated no city funds were required, as the grant budget allows for \$500,000 in reimbursed construction costs.

Council member Boldon stated he would like to see the sidewalk extended from Cleaver Street to MLK if possible. Bartlett stated he would review the budget and see if that could be accommodated.

Council member Brophy moved to approve the award of bid for the Safe Routes to Schools project to South Texas Illumination, LLC in the amount of \$414,096.67 as presented. The motion was seconded by Council member Boldon and unanimously passed.

13. Consider the appointment of four (4) City Council members to the Deep East Texas Council of Governments Board of Directors.

Council member Boldon moved to appoint Council members Brophy, Boldon, Norton and Keller to the DETCOG Board for a one-year term. The motion was seconded by Council member Keller and unanimously passed.

14. Adjourn.

Mayor Pro Tem Norton adjourned the meeting at 6:04 p.m.

Mayor Pro Tem David Norton
City Council
City of Nacogdoches

ATTEST:

Lila Fuller, City Secretary

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: **CONSENT AGENDA:** Consider co-sponsorship of the 2013 Freedom Fest

MEETING DATE: June 4, 2013

DESCRIPTION: The tenth annual Freedom Fest will be held on Thursday, July 4, 2013. This festival has the largest 4th of July fireworks display in East Texas. The festival has made a positive impact on our local economy by attracting some 10,000 people last year and encouraging local residents to stay in town instead of traveling for the holiday.

The CVB and Nacogdoches Jaycees are requesting that the City continue to co-sponsor this festival. Through co-sponsorship the City agrees to the following: (1) hosting the event in the Downtown Festival Plaza; (2) Use of the City parking lot located south of City Hall between Pecan and Fredonia Streets; (3) On-site support from City Electrician; (4) Use, at no cost, of City water and electric services in the park; (5) authorization for an outdoor fireworks display in the city limits in accordance with City policy.

COST:

BUDGET AMENDMENT REQUIRED?: No

FUNDING:	Acct. Name & No.	Original Budget	Requested
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SCHEDULE:	Pecan and Fredonia Streets, and Cox Street, surrounding Festival Plaza, will need to be closed from 2:00 p.m. - 10:30 p.m.		
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RECOMMENDED ACTION: Consider co-sponsoring the 2013 Freedom Fest.

CITY CONTACT: Sarah O'Brien, City of Nacogdoches Main Street Manager 559-2573 and Mallori Brookshire, Meeting & Event Coordinator, CVB, 564-7351.

ATTACHMENTS: None

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: **CONSENT AGENDA:** Consider sponsorship of Scare On The Square 2013

MEETING DATE: June 4, 2013

DESCRIPTION: Scare On The Square is scheduled for Saturday, October 26th, 2013 from 5:00-8:00 p.m. Last year approximately 8,500 individuals attended this Community Halloween Carnival.

The Main Street Manger would like to request that Main Street be closed from 3:00 p.m. to 10:00 p.m. on Saturday, October 26th. A Resolution needs to be passed to approve the road closure request.

COST: None for street closure

BUDGET AMENDMENT REQUIRED?: No

FUNDING:	Acct. Name & No.	Original Budget	Requested
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SCHEDULE: Upon execution of the resolution, it will be submitted to TxDot for approval.

RECOMMENDED ACTION: Consider approving the resolution.

CITY CONTACT: Sarah O'Brien, City of Nacogdoches Main Street Manager 559-2573

ATTACHMENTS: None

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: Consider draft recommendation of the Nacogdoches I 69 Scoping Committee for consideration in the environmental impact study.

MEETING DATE: June 4, 2013

DESCRIPTION: The Nacogdoches County I 69 Scoping Committee recommends following for the environmental impact study. City Council is asked to review and comment on the recommendation.

Option refinements exercise:

New Location Option - From Angelina County line, upgrade existing US 59 alignment to as far north as possible before moving onto new location, passing either east or west of airport connecting back to existing US 59 alignment as soon as possible, south of US 259. The rationale is to make improvements along existing US 59 providing immediate safety and mobility benefits and as such, may be more likely to be funded; minimize potential affects to Wild Turkey Habitat and Wildlife Habitat. Locating I-69 close to the City of Nacogdoches may enhance economic development and minimize potential affects to Central Heights.

Priorities are as follows: 1. Improvements at the south interchange of US 59 and Loop 224, 2. From SH 21 to just north of the US 259 interchange; 3. From the Angelina County line to SH 7; 4. From SH 7 to SH 21; and 5. From north of US 259 to Appleby.

Nacogdoches County Committee members recognized the importance of enhanced connectivity between SH 204 and the I-69 System and preliminarily recommended the US 59 Upgrade Option including the suggested refinements, be carried forward in the environmental process.

RECOMMENDED

ACTION: Approve recommendation of Nacogdoches I 69 Scoping Committee for consideration in the environmental impact study.

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

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: Consider annual appointment of Mayor Pro Tempore and Vice Mayor Pro Tempore

MEETING DATE: June 4, 2013

DESCRIPTION: Article IV Section 7 of the City Charter states: "On an annual basis the City Council shall choose a Mayor Pro Tempore and Vice Mayor Pro Tempore to serve in the absence of the Mayor."

Currently Council member David Norton serves as Mayor Pro Tempore, with Council member Shelley Brophy as Vice Mayor Pro Tempore.

RECOMMENDED ACTION: Appoint Mayor Pro Tempore and Vice Mayor Pro Tempore per City Charter.

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

ATTACHMENTS: None

ITEM NO. 9

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Review budget process for FY 2013-2014

MEETING DATE: June 4, 2013

ATTACHMENTS: None

**Presentation will be made
At Tuesday's meeting**