



Notice is hereby given of a Regular Meeting of the Nacogdoches City Council to be held **December 16, 2014, 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. **PRESENTATIONS AND RECOGNITIONS:**
3. Items to be removed from Consent Agenda.
4. **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 December 2, 2014. (City Secretary)
  - B. Consider abandonment of a portion of an undeveloped alley located west of Burk Street. (City Engineer)
  - C. Consider award of contract to Environmental Systems Research Institute (ESRI) for the site license of ArgGIS software. (City Engineer)
  - D. Clarify and/or partially release City sanitary sewer easements possibly affecting the two (2) HEB tracts at the SE and SW corners of the intersection of NE Stallings Drive (Loop 224) and N. University Drive. (City Attorney)
  - E. Accept easement from HEB as to the City's 12" water lines affecting the two HEB tracts at the SE and SW corners of the intersection of NE Stallings Drive (Loop 224) and N. University Drive. (City Attorney)

**REGULAR AGENDA:**

5. Consider Revolving Loan Fund agreement with Etech, Inc. (City Manager)
6. Consider Resolution supporting the Texas Department of Transportation's (TxDOT) recommendation to upgrade existing US 59 alignment to interstate standards through Nacogdoches, Texas to US 259. (City Manager)
7. Consider Resolution requesting state legislature to permit a local option election to increase road and bridge fees with revenues to fund local share of I-69 right-of-way construction. (City Manager)
8. Consider adoption of an ordinance regulating a no parking zone on Rusk Street from North Street to Pearl Street. (City Planner)
9. Consider selection process for Convention and Visitors Bureau board members. (City Manager)

For the convenience of the audience, the Council may conduct Executive Session deliberation in the first floor conference room, Room 112, of City Hall. Re-opening of the open session for action, if any, on Executive Session items will be in City Council Chambers. Regular Session agenda items appropriate for Executive Session consideration may be moved into Executive Session for deliberation, but not action, upon proper announcement at the meeting by the presiding officer.

10. **EXECUTIVE SESSION:**

A. Deliberation regarding Economic Development negotiations under Local Government Code Section 551.087 as follows:

1. Discuss or deliberate regarding commercial or financial information that the City has received from a business projects that the City body seeks to have locate in the City of Nacogdoches and with which the City is conducting economic development negotiations; and
2. Deliberate the offer of a financial or other incentive to business prospects described by Subdivision 1 above.

11. Open for action, if any, on Item 10-A-1.

12. Open for action, if any, on Item 10-A-2.

13. 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](http://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 notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on Friday, December 12, 2014 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 December 2014.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

ITEM NO. 4-A

## **CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:**

**PROJECT:**                   **CONSENT AGENDA:** Consider approval of minutes from regular meeting of December 2, 2014.

**MEETING DATE:**       **December 16, 2014**

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

**ATTACHMENTS:**       **Minutes**

**MINUTES**  
**Regular Session**  
**Nacogdoches City Council**  
**December 2, 2014 – 5:30 p.m.**  
City Council Room – City Hall  
202 E. Pilar Street

DRAFT

**Regular Session:**

**Those Present:**

Mayor Roger Van Horn; Council members Shelley Brophy, Roy Boldon, Michael Keller and David 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. A quorum was established.

**2. Invocation.**

Mayor Van Horn led in a moment of silence. Boy Scout Troop 103 led the Pledge of Allegiance.

**3. PRESENTATIONS AND RECOGNITIONS:**

None.

**4. Items to be removed from 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 the regular session of November 18, 2014.

*Approved as presented.*

- B. Consider approval of chemical contract for Water and Wastewater Treatment Polymer.

*Awarded to Polydyne, Inc. as recommended in amounts as follows:*

<i>Water Treatment Polymer</i>	<i>\$3.00 per dry pound</i>
<i>Wastewater Treatment Polymer</i>	<i>\$2.56 per dry pound</i>

- C. Consider award of treatment chemical contracts for the Water Utilities Department.

*Awarded as follows:*

<i>Aluminum Sulfate-Liquid</i>	<i>Chemtrade</i>	<i>\$0.0912 per dry pound</i>
<i>Anhydrous Ammonia</i>	<i>DPC, Inc.</i>	<i>\$0.94 per dry pound</i>
<i>Chlorine</i>	<i>DPC, Inc.</i>	<i>\$593.00 per 1-ton cylinder</i>
<i>Caustic Soda</i>	<i>Brenntag</i>	<i>\$0.24 per dry pound</i>
<i>Sulfur Dioxide</i>	<i>Brenntag</i>	<i>\$752.00 per 1-ton cylinder</i>

Minutes unofficial until approved by City Council

- D. Consider approval for purchase of forty-five (45) tablets with needed accessories to outfit patrol vehicles.

Approved purchase of forty-five (45) Motion R12 tablets through DIR-SDD- 2191 contract from Synergy Electronics in the amount of \$3,484.00 per unit for a total of \$156,780.00. (Acct 24.15.610.35 to be reimbursed through the 2014 SHSP-LETPA Project 149-08.

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

**REGULAR AGENDA:**

**6. Consider an agreement with TxDOT for minor maintenance on Starr Avenue between North Street and University Drive.**

Steve Bartlett, city engineer, explained TxDOT is advancing plans to widen East Starr Avenue from North Street to Clark Boulevard, causing the City to relocate all utilities within this section at an estimated expense to the City of \$427,000. TxDOT has proposed the City consider accepting responsibility for minor maintenance and repairs (seal coating; striping, etc.) of East Starr from North Street to University Drive after improvements are complete. Accepting this street for minor maintenance will allow the City to leave existing utilities in their current location and will greatly reduce the pending near-term costs to the City. Long-term costs and liabilities for street maintenance for a forty-year period are estimated at \$600,000. Any major repairs will continue to be performed by TxDOT.

The maintenance contract with TxDOT would be renewable, routinely done on a 5-year schedule.

City Manager Jeffers stated if maintenance is taken over by the City, funds would be shifted from the Utility Fund to the General Fund to cover such costs, possibly putting a strain on the General Fund budget in future years.

After considerable discussion on this issue, Mayor Van Horn moved to move City utilities as part of the East Starr widening, and not take over minor maintenance of Starr Avenue between North Street and University Drive as proposed by TxDOT. The motion was seconded by Council member Norton and unanimously approved.

**7. Consider amendments to Nacogdoches Convention and Visitors Bureau Bylaws, Article II – Purpose; Article IV – Board of Directors, Composition and Terms; Article VI – Meetings, Voting; and Article VIII – Committees – Nominating Committee.**

City Manager Jeffers explained the CVB Board had approved the amended Bylaws as recommended by consultants, Young Strategies, by reducing the board of directors from 11 to 7 members; setting four members as a quorum; designating when the nominating committee shall meet; and reorganizing the composition of the board to the following categories: Three (3) representatives from retail merchants, including restaurants; three (3) representatives from the hotel/motel and/or bed and breakfast industry; and one (1) representative from University interests.

Jeffers stated the city council was not bound by the Bylaws during the appointment process.

Council member Boldon asked why the minority interest category was eliminated. Jeffers stated that it was not necessarily eliminated, but when the number was reduced from 11 to 7, more focus was on interests rather than gender or race.

After discussion, Council member Brophy moved to approve the CVB Bylaws as presented. The motion was seconded by Council member Keller and passed by the following vote:

AYES: Mayor Van Horn, Council members Brophy, Keller and Norton  
NOES: Council member Boldon

**8. Consider an ordinance amending Section 94-23 “Convention and Visitors Bureau Board” addressing the appointment of individuals to serve on the Convention and Visitors Bureau Board, and Section 94-234 regarding “Quorum”.**

City Manager Jeffers stated with approval of the CVB Bylaws, an ordinance should be adopted amending the appropriate chapters in the City’s Code of Ordinances. He stated the CVB Board was the only city appointed board that manages city money, and therefore it was recommended by Young Strategies that greater vetting be implemented of board members appointed to this board.

Jeffers gave options to the council for developing an appointment process for the CVB Board. He stated the current process could be continued; staff could assist with vetting of applicants; or the city council could be more involved in the process.

Mr. Jeffers asked that the City Council 1) adopt an ordinance amending the appropriate chapters in the Code of Ordinances to reflect the changes to the CVB Bylaws; and 2) give direction to staff for the CVB Board selection process to be brought back to the City Council for final approval. He stated the CVB Board was still discussing how they would like to see the board reduced from 11 members to 7 members. It was stated regular appointments are scheduled for July.

Council member Brophy suggested that they start over with a new board, inviting current members to apply, and make the appointments in January if possible.

Council member Keller agreed, and stated job descriptions were needed for the board positions and he would like to see staff’s input in the selection process. He felt they needed to take their time to address this important issue.

Mayor Van Horn suggested a staff committee be created with one council member serving on the committee.

After discussion, it was the consensus of the city council they not wait until July to make the appointments, but make them as soon as January, if possible. They directed the city manager to form a staff committee to vet the applicants, with one city council member serving on the committee, bringing a recommendation back to the city council.

There being no further discussion, Council member Norton moved to adopt the ordinance amending Section 94-231 and Section 94-243 of the Nacogdoches Code of Ordinance regarding the Convention and Visitors Bureau Board. The motion was seconded by Council member Keller and unanimously passed. (Ordinance No. 1689-12-14)

**9. Consider Resolution in support of Lake Columbia.**

City Manager Jim Jeffers gave a brief history of the Lake Columbia project, stating the proposed resolution would show continued support for Lake Columbia and pursue initiatives to successfully secure the Clean Water Act, Section 404 permit from the US Army Corp of Engineers; and requesting state and federal agencies to develop an adequate and complete environmental impact statement that meets federal law.

He reminded the city council that the City of Nacogdoches currently has 10% of the allocation of the lake and a total investment to date of \$280,165. The City’s current annual payment is \$11,410.42, with an anticipated increase in 2017 to \$20,864.58. He explained the City was not expected to need water for at least 20 years.

Council member Keller moved to adopt a resolution showing continued support for the Lake Columbia project. The motion was seconded by Council member Brophy and unanimously passed. (Resolution No. 1165-12-14)

**10. Consider Letter of Intent between Angelina Neches River Authority and City of Nacogdoches supporting construction of Lake Columbia.**

City Manager Jeffers stated ANRA was responsible for construction of Lake Columbia and could not advance without more partners. He stated ANRA was collecting Letters of Intent from larger cities to continue with the project. Jeffers recommended approving the Letter of Intent and keeping the City’s 10% allotment.

Council member Keller moved to authorize execution of the Letter of Intent for continued participation in the Lake Columbia project and retaining the City's 10% allotment. The motion was seconded by Council member Boldon and unanimously passed.

**11. Receive informational presentation regarding The Buy Board and police vehicles.**

Police Chief Jim Sevey gave a brief presentation providing basic information, governance and uses of the Buy Board, the Local Government Purchasing Cooperative created to increase the purchasing power of government entities and to simplify their purchasing by using a customized electronic purchasing system. He reviewed the benefits of being a member of The Buy Board and the rationale and decision-making process his department used for the purchase of police patrol vehicles, which was a major expense for his department.

*Informational purposes only – no action necessary.*

**12. Consider approval for purchase of a 2014 TYMCO Model 600 Regenerative Air Sweeper for the Street Department.**

Cary Walker, public works manager, appeared requesting authorization for purchase of a street sweeper to replace a 2009 TYMCO Model 600 street sweeper. He stated the purchase would be through The Buy Board for a price of \$197,563.50, with a 2% rebate. When asked, he stated the new equipment had a 5-year life expectancy due to the high volume of use.

Council member Boldon moved to authorize the purchase of a 2014 TYMCO Model 600 Regenerative Air Sweeper for the Street Department as presented in the amount of \$197,563.50 through the Buy Board. The motion was seconded by Council member Norton and unanimously passed.

**13. Consider award of bid to Horton Excavating LLC for construction of chlorination and piping facilities to connect Wells 13 and 16.**

Steve Bartlett, city engineer, explained bids had been received for construction of disinfection equipment and other yard piping to connect new Wells 13 and 16 into the City's distribution system. He stated staff was recommending the low bid of Horton Excavating, LLC in the amount of \$518,530 based on their low bid and qualified experience on similar projects.

Council member Keller moved to award the bid to Horton Excavating, LLC for construction of chlorination and piping facilities to connect Wells 13 and 16 in the amount of \$518,530 as presented. The motion was seconded by Council member Norton and unanimously passed.

*The City Council went into Closed Session at 6:35 p.m.*

**14. EXECUTIVE SESSION:**

**A. Deliberation regarding Economic Development negotiations under Local Government Code Section 551.087 as follows:**

- 1. Discuss or deliberate regarding commercial or financial information that the City has received from a business projects that the City body seeks to have locate in the City of Nacogdoches and with which the City is conducting economic development negotiations; and**
- 2. Deliberate the offer of a financial or other incentive to business prospects described by Subdivision 1 above.**

*The City Council returned to Open Session at 6:42 p.m.*

**15. Open for action, if any, on Item 14-A-1.**

*No action.*

**16. Open for action, if any, on Item 14-A-2.**

*No action.*

**17. Adjourn.**

Mayor Van Horn adjourned meeting at 6:42 p.m.

ATTEST:

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Mayor Roger Van Horn  
City Council  
City of Nacogdoches

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Lila Fuller, City Secretary



**CITY OF NACOGDOCHES  
AGENDA INFORMATION SHEET:**

**PROJECT:** CONSENT AGENDA: Consider abandonment of a portion of an undeveloped alley lying West of Burk Street between the properties of Bessie Wade and John Anderson.

**MEETING DATE:** December 16, 2014

**DESCRIPTION:** A portion of a 25' wide alley approximately 213' feet in length lies West of Burk Street and between the properties of Bessie Wade and John Anderson. A portion of the undeveloped alley has already been abandoned by the City. Abandonment of the remainder of the undeveloped alley as described in the proposed ordinance would not deny access to any person. The adjoining property owners of records have petitioned the City for abandonment of that portion of the alley. No City utilities lie within the portion of the alley to be abandoned.

**COST:** \$0.00

**BUDGET AMENDMENT REQUIRED?:**

<b>FUNDING:</b>	<b>N/A</b>	<b>Acct. Name &amp; No.</b>	<b>Original Budget</b>	<b>Requested</b>
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**SCHEDULE:** Immediate

**RECOMMENDED ACTION:** Approval of abandonment

**CITY CONTACT:** Steve Bartlett, City Engineer; Rob Atherton, City Attorney

**ATTACHMENTS:** Proposed Ordinance

STATE OF TEXAS §  
COUNTY OF NACOGDOCHES §  
CITY OF NACOGDOCHES §

**STREET CLOSURE ORDINANCE**

**ORDINANCE NO. 1690-12-14**

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, FINDING THAT THE PORTION OF AN ALLEY LOCATED WITHIN THE CITY OF NACOGDOCHES, TEXAS, WEST OF BURK STREET IN BLOCK 48 IS NOT NECESSARY FOR PUBLIC USE AS A THOROUGHFARE; PROVIDING FOR THE VACATION, ABANDONMENT AND CLOSURE OF THAT PORTION OF THE ALLEY; AND RELEASING ANY AND ALL PUBLIC RIGHTS, TITLE AND INTEREST IN SUCH CLOSED PORTION.

- WHEREAS,** pursuant to Chapter 311 of the Texas Transportation Code, a home rule municipality such as the City of Nacogdoches has exclusive control over the highways, streets and Streets of the municipality; and
- WHEREAS,** pursuant to Chapter 311 of the Texas Transportation Code, the City of Nacogdoches has the authority to vacate, abandon, and close streets within the City; and
- WHEREAS,** within the City of Nacogdoches there is a portion of an Alley which runs west from Burk Street and is undeveloped and is described in more detail in *Exhibit A* (hereafter referred to as the “portion of the Alley”);
- WHEREAS,** the City Council has determined that the portion of the Alley has not been used as a public thoroughfare, is not necessary as a public thoroughfare, carries no utilities, and has no other public use; and
- WHEREAS,** the City Council finds that vacating the portion of the Alley would have no adverse effect on adjacent properties; and
- WHEREAS,** the City Council finds that John Anderson and Bessie Wade own all property abutting the portion of the Alley not previously quitclaimed and are the owners of the fee underlying the portion of the Alley; and
- WHEREAS,** the City Council has determined that it is in the best interest of the City of Nacogdoches to vacate, abandon, and close the portion of the Alley; and
- WHEREAS,** John Anderson and Bessie Wade have petitioned for closure of the portion of the Alley, and they are all the adjoining owners of record.

**NOW THEREFORE, be it ordained by the City Council of the City of Nacogdoches:**

1. **Finding of Fact:** That the foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if set forth herein at length.
2. **Street Closure:** The City Council hereby vacates, abandons, and closes the portion of the Alley, which is more particularly described in *Exhibit A* as the portion of the Alley.
3. **Abandonment of Rights:** The City Council hereby abandons any and all public rights, title and interest, if any, to the portion of the Alley referenced as the portion of the Alley and described on *Exhibit A*, Page 1 incorporated herein by reference, the effect being a quitclaim to the adjoining property owners of record from the centerline of the portion of the Alley.
4. The City Council declares that this Ordinance shall have no effect whatsoever on any other part or portion of the Alley other than what is described in *Exhibit A* defined as the portion of the Alley and that access will not be denied to any third party.
5. **Official Public Records:** The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches and in the Official Public Records of Nacogdoches County, Texas.
6. **Severability:** If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.
7. **Effective Date:** This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.
8. **Proper Notice & Open Meeting:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED, this the \_\_\_\_ day of \_\_\_\_\_, 2014, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) of the City Council of the City of Nacogdoches.**

**CITY OF NACOGDOCHES**

By: \_\_\_\_\_  
ROGER VAN HORN, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
LILA FULLER, City Secretary

\_\_\_\_\_  
ROB ATHERTON, City Attorney

## ACKNOWLEDGMENT

STATE OF TEXAS )

COUNTY OF NACOGDOCHES )

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2014 by ROGER VAN HORN Mayor of City of Nacogdoches, a Texas municipal corporation, on behalf of said corporation.

NOTARY PUBLIC, STATE OF TEXAS

AFTER RECORDING, RETURN TO:

City of Nacogdoches  
Attn.: Lila Fuller  
P. O. Box 635030  
Nacogdoches, Texas 75963-5030

## EXHIBIT A

All that certain tract or parcel of real property lying and being situate in the City of Nacogdoches, Nacogdoches County, Texas, in City Block 48 more particularly described as that portion of an alley lying and being adjacent to and south of the SBL of Lot 55-I of City Block 48 and lying adjacent to and north of the northern boundary lines of Lots 33-A and 34, City Block 48, and joining the West margin of Burk Street, such alley being approximately 213 feet in length and 25 feet in width.

ITEM NO. 4-C

**CITY OF NACOGDOCHES  
AGENDA INFORMATION SHEET:**

**PROJECT:** CONSENT AGENDA: Consider the award of a contract to Environmental Systems Research Institute (ESRI) for the site license of ArcGIS software.

**MEETING DATE:** December 16, 2014

**DESCRIPTION:** ArcGIS from ESRI is a proprietary software that is the backbone of our current Graphic Information System (GIS) which is used by every department across the City. It is the basis for all of our mapping data including water utilities, planning, engineering, fire, police and streets. Our ArcGIS maps and data are also available to the public through our web site. This software contract establishes an annual subscription fee of \$35,000 for a total 3 year term commitment of \$105,000. Under this agreement, the ArcGIS software can be used on any computer within the City.

Funds for this year's license installment were included in the approved FY 14/15 budget.

**COST:** \$105,000 (\$35,000 in FY 14/15 Budget)

**BUDGET AMENDMENT REQUIRED?:** No

**FUNDING FROM CURRENT BUDGET**

<b>FUNDING:</b>	Acct. Name & No.	Adopted Budget	Balance
	Office Equipment	\$35,000	\$35,000
	& IT Maintenance		
	01.28.620.10		

**RECOMMENDED ACTION:** Staff recommends approval of this contract with ESRI pending a final review by the City Attorney

**CITY CONTACT:** Steve Bartlett, P.E., City Engineer

**ATTACHMENTS:** Copies of the contract agreement are available in Engineering.



ITEM NO. 4-D

## **CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:**

**PROJECT:** CONSENT AGENDA: Clarify and/or partially release City sanitary sewer easement possibly affecting the two (2) HEB tracts at the SE and SW corners of the intersection of NE Stallings Drive (Loop 224) and N. University Drive.

**MEETING DATE:** December 16, 2014

**DESCRIPTION:** The two tracts HEB purchased are part of much larger tracts totaling several hundred acres going from East Austin Street even beyond Loop 224. Over the years the City has obtained a number of sanitary sewer easements across the larger tract. The easements were very general, did not precisely locate the lines or always give easement widths or specify rights of repair, etc. Some of the easements could be considered "blanket easements" which affected the two HEB tracts. Blanket easements could affect HEB's ability to develop the property.

Our records and those of HEB's surveyors show that only two of the six easements has sanitary sewer lines on one HEB tract. The proposal is to agree that:

1. none of the easements is a blanket easement;
2. partially release the four inapplicable easements only as to the HEB tracts; and
3. define the location and standard width of the two sanitary sewer easement which affects the one tract.

**COST:** \$0.00

**SCHEDULE:** Act at this meeting

**RECOMMENDED ACTION:** Approve the clarification described above

**CITY CONTACT:** City Attorney, Rob Atherton; City Engineer, Steve Bartlett

**ATTACHMENTS:** Document clarifying, partially releasing and specifying sanitary sewer easements can be reviewed in the City Attorney's office

**CITY OF NACOGDOCHES  
AGENDA INFORMATION SHEET:**

**PROJECT:** Accept easement from HEB as to the City's 12" water lines affecting the two HEB tracts at the SE and SW corners of the intersection of NE Stallings Drive (Loop 224) and N. University Drive.

**MEETING DATE:** December 16, 2014

**DESCRIPTION:** In surveying the HEB property, it appears that the City's old 12 inch water lines may minorly intrude into the HEB tracts. The lines were to be wholly within Loop 224 and North University Drive right of way; however, the North University Drive right of way has some unusual configurations which fooled the contractor who apparently relied on the fence line.

The Loop 224 line lies largely within the right of way but may slightly intrude into one HEB tract in two places.

As the water line intrusions came about by error, the City has no easement for them.

In consideration of the clarification of City sanitary sewer easements, HEB is granting the City easement for the water line intrusions. The final easement document will be completed once the lines are exactly located.

**COST:** \$0.00

**SCHEDULE:** Act at this meeting

**RECOMMENDED ACTION:** Accept the form of the water line easement from HEB

**CITY CONTACT:** City Attorney, Rob Atherton; City Engineer, Steve Bartlett

**ATTACHMENTS:** Draft of HEB water line easement to the City can be obtained from the City Attorney's office



## **CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:**

**PROJECT:** Consider Revolving Loan Fund loan to Etech Texas, LLC for \$350,000 creating a minimum of 14 full time jobs.

**MEETING DATE:** December 16, 2014

**DESCRIPTION:** The Revolving Loan Fund is recaptured federal grant monies which may only be re-loaned to create and/or retain jobs within the community. Etech, Inc. proposes to create at least 14 jobs for the duration of the loan. Etech is contracted with Verizon Wireless to manage a large team of sales chat agents (150 total) located in Dallas and Nacogdoches providing consultive sales service to Verizon's customers who visit their website. This campaign is set up as a pay for performance model which means Etech only receives compensation for each sale made and no log in hours are compensated. In the short time the campaign has been active; Verizon has decided to remove another of its vendors in favor of Etech and scale the Etech head count up by 30 full time equivalents. Monies received by virtue of the Revolving Loan Fund will be used to provide the working capital needed for this project including dollars for training, computer equipment and expansion of Etech's telecommunication infrastructure. As one of the leading telecom providers, the Verizon brand is an enhancement to Etech's total client portfolio. As a revenue stream this new work will add to the top line of both centers where it is located. In accordance with policy the interest rate is 1.23% amortized over 10 years

**COST:** \$350,000 Revolving Loan Fund

**RECOMMENDED ACTION:** Approve Revolving Loan Fund loan to Etech Texas, LLC in the amount of \$350,000.

**CITY CONTACT:** Jim Jeffers, City Manager  
[jeffers@ci.nacogdoches.tx.us](mailto:jeffers@ci.nacogdoches.tx.us)  
936-559-2501

**ATTACHMENTS:**

## **CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:**

<b>PROJECT:</b>	<u>Consider a resolution supporting the Texas Department of Transportation's (TxDOT) recommendation to upgrade the existing US 59 alignment to interstate standards through Nacogdoches, Texas to US 259.</u>
<b>MEETING DATE:</b>	December 16, 2014
<b>DESCRIPTION:</b>	TxDOT and the I-69 Angelina & Nacogdoches County's Committees performed a robust public outreach process in 2013 to inform local citizens of alignment options for I-69 in their counties and to solicit comments and input. Nacogdoches County Committee members recommended upgrading the existing US 59 alignment as far north as possible before moving onto a new location alignment west of Nacogdoches. In 2014, TxDOT performed additional studies of I-69 alignment options and conducted further public outreach. Public input received during these efforts indicated over 70 percent of participants supported the US 59 Upgrade Option.
<b>COST:</b>	N/A
<b>RECOMMENDED ACTION:</b>	Approve resolution supporting TxDOT's recommendation to upgrade the existing US 59 alignment to interstate standards through Nacogdoches to US 259.
<b>CITY CONTACT:</b>	Jim Jeffers, City Manager <a href="mailto:jeffers@ci.nacogdoches.tx.us">jeffers@ci.nacogdoches.tx.us</a> 936-559-2501
<b>ATTACHMENTS:</b>	Resolution

RESOLUTION NO. 1166-12-14

A RESOLUTION OF THE CITY OF NACOGDOCHES, TEXAS SUPPORTING THE TEXAS DEPARTMENT OF TRANSPORTATION'S RECOMMENDATION TO UPGRADE THE EXISTING US 59 ALIGNMENT TO INTERSTATE STANDARDS THROUGH NACOGDOCHES, TEXAS TO US 259.

WHEREAS, in 2013, TxDOT and the I-69 Angelina & Nacogdoches County's Committees performed a robust public outreach process to inform local citizens of the alignment options for I-69 in their counties and to solicit comments and input; and

WHEREAS, the Nacogdoches County Committee members recommended upgrading the existing US 59 alignment as far north as possible before moving onto a new location alignment west of Nacogdoches; and

WHEREAS, in 2014, the Texas Department of Transportation performed additional studies of I-69 alignment options in Nacogdoches County and conducted additional public outreach to inform local citizens and to solicit comments and input; and

WHEREAS, public input received during both 2013 and 2014 indicated over 70 percent of participants supported the US 59 Upgrade Option.

NOW THEREFORE BE IT RESOLVED by Nacogdoches City Council the city supports the Texas Department of Transportation's efforts for upgrading the existing US 59 alignment to interstate standards through Nacogdoches to US 259. This section would be an access controlled highway widened to accommodate four travel lanes and frontage roads.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2014.

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Roger Van Horn, Mayor  
City of Nacogdoches, Texas

ATTEST:

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Lila Fuller, City Secretary

Approved as to Content:

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Jim Jeffers, City Manager

## **CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:**

**PROJECT:** Consider a resolution requesting State Legislature to increase the annual road and bridge fees.

**MEETING DATE:** December 16, 2014

**DESCRIPTION:** The City is on the proposed I 69 corridor and the public has expressed a preference for I 69 staying on the US 59 footprint. The City has over \$6,000,000 in potential expenses in right of way acquisition and utility relocation. Thereby requesting State Legislature, via a resolution, to increase the annual road and bridge fees from \$10 to \$20 per year dedicating those funds to financing I 69 and other transportation needs.

**COST:** N/A

**RECOMMENDED ACTION:** Approve resolution requesting State Legislature to increase the annual road and bridge fees.

**CITY CONTACT:** Jim Jeffers, City Manager  
[jeffers@ci.nacogdoches.tx.us](mailto:jeffers@ci.nacogdoches.tx.us)  
936-559-2501

**ATTACHMENTS:** Resolution

**RESOLUTION NO. 1167-12-14**

**A RESOLUTION OF THE CITY OF NACOGDOCHES, TEXAS REQUESTING STATE LEGISLATURE TO INCREASE THE ANNUAL ROAD AND BRIDGE FEES FROM TEN DOLLARS TO TWENTY DOLLARS PER ANNUM, DEDICATING THOSE FUNDS TO FINANCING I 69 AND OTHER TRANSPORTATION NEEDS.**

WHEREAS, the City of Nacogdoches is on the proposed I 69 corridor; and

WHEREAS, the City of Nacogdoches has been a long standing member of the Alliance for I 69; and

WHEREAS, the City Council has formally expressed support for I 69 on numerous occasions; and

WHEREAS, after extensive public hearings, surveys and other public input the public clearly expressed a preference for I 69 staying on the US 59 footprint through the City of Nacogdoches; and

WHEREAS, the Texas Department of Transportation has innovatively developed a preliminary design minimizing adverse economic impact to businesses along US 59; and

WHEREAS, the City of Nacogdoches has over \$6,000,000 in potential expenses in right of way acquisition and city utility relocations; and

WHEREAS, the City of Nacogdoches has limited funds to commit to constructing I 69.

NOW THEREFORE BE IT RESOLVED by the City of Nacogdoches requests the State Legislature to increase the road and bridge fees from ten dollars to twenty dollars per annum subject to the approval of local voters.

BE IT FURTHER RESOLVED the monies generated from the increase in road and bridge fees will be dedicated to funding I 69 projects and other transportation needs.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Roger Van Horn, Mayor  
City of Nacogdoches, Texas

ATTEST:

\_\_\_\_\_  
Lila Fuller, City Secretary

Approved as to Content:

\_\_\_\_\_  
Jim Jeffers, City Manager

## **CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:**

**PROJECT:** Consider adoption of an ordinance regulating a no parking zone on Rusk Street from North Street to Pearl Street.

**MEETING DATE:** December 16, 2014

**DESCRIPTION:** Staff received a request for a no parking zone for the block of Rusk Street located between North Street and Pearl Street. Several conditions on this street make on-street parking hazardous, including the width of the road, and the traffic entering and exiting the driveways on the street. There are several head-in parking spaces on the north side of the east end of Rusk Street, these spaces will not be affected, as they are offset from the road.

The traffic committee has reviewed the request and supports the request for a no parking zone, as shown on the attached map.

Council must adopt an ordinance to create a no parking zone so that municipal citations may be written to violators.

**COST:** \$0

**BUDGET AMENDMENT REQUIRED?:** No

### FUNDING FROM CURRENT BUDGET

<b>FUNDING:</b>	<b>Acct. Name &amp; No.</b>	<b>Adopted Budget</b>	<b>Balance</b>	<b>Requested</b>
	N/A			

**SCHEDULE:** Upon adoption by the City Council, the ordinance will become effective immediately. Public Works will be scheduled to install the signs immediately. The ordinance will not be enforced until the signs are installed.

**RECOMMENDED ACTION:** Adoption of the ordinance.

**CITY CONTACT:** Larissa Philpot, City Planner; 559-2571, [philpotl@ci.nacogdoches.tx.us](mailto:philpotl@ci.nacogdoches.tx.us)

**ATTACHMENTS:** Map of the area.





PEARL ST

RUSK ST

NORTH ST

18226

7 NORTH

7 SOUTH

1816

8

21-A

1811

21-A&22-B&22-D&21-D

22-D-1

1801

18129

126

22-C

218

222 10

2251

4 WEST

219

200

203

23-A

1717

1720 2

24

1703

4

24-B

1613

1 1/2-A-E

4-A

1 1/2-A WE

3



**STATE OF TEXAS** §  
§  
**COUNTY OF NACOGDOCHES** §  
§  
**CITY OF NACOGDOCHES** §

# ORDINANCE ESTABLISHING PARKING REGULATIONS

**ORDINANCE NO. 1686-12-14**

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, ESTABLISHING PARKING REGULATIONS ON A PORTION OF RUSK STREET, MAKING FINDINGS, PROVIDING FOR SAVING, SEVERABILITY, AND REPEALER CLAUSE, SETTING AN EFFECTIVE DATE, FINDING PROPER NOTICE, AND ORDERING FILING.

**WHEREAS,** it has been determined by the City Traffic Committee that parking should be restricted on Rusk Street, between North Street and Pearl Street, due to the location of head in parking and the width of the street; and

**WHEREAS,** the City Council of the City of Nacogdoches has studied this recommendation and believe that parking should be restricted and tow away zones be established in this area.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES:**

1. **Findings.** That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct and are adopted and incorporated in the body of this ordinance.
2. The parking shall be restricted on Rusk Street as follows and as shown on the attached Exhibit A:

**No Parking – Tow Away Zone**

North side of Rusk Street – west from the head-in parking area to Pearl Street

South side of Rusk Street – from North Street to Pearl Street.

3. **Severability:** If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.
4. **Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portion of conflicting ordinances shall remain in full force and effect.



5. **Effective Date:** This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.
6. **Proper Notice & Open Meeting:** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.
7. **Official Public Records:** The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches.

**PASSED AND APPROVED, this the 16<sup>th</sup> day of December, 2014, by a vote of \_\_\_\_ (ayes) to \_\_\_\_ (nays) of the City Council of the City of Nacogdoches.**

**CITY OF NACOGDOCHES**

By: \_\_\_\_\_  
Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
City Attorney

STATE OF TEXAS )

COUNTY OF NACOGDOCHES )

This instrument was acknowledged before me on \_\_\_\_\_, 2014 by ROGER VAN HORN, Mayor of City of Nacogdoches, a Texas municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

## **CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:**

**PROJECT:** Consider selection process for Convention and Visitor's Bureau board members.

**MEETING DATE:** December 16, 2014

**DESCRIPTION:** The Convention and Visitor's Bureau board size has been reduced from 11 to 7 via the CVB bylaws and City ordinance. In order to select 7 individuals to serve on the board the Council has the authority, per ordinance, to literally remove all members and appoint 7 new members.

Per the suggestion of Council it is recommended a 3 member committee be formed consisting of the City Manager, Director of Human Resources and 1 member of the Council appointed by the Council. The Committee will thoroughly vet CVB candidates. The committee will recommend 7 individuals to be appointed as well as share the list of all applicants with City Council.

Attached is a draft application and a draft Convention and Visitor's Bureau accountability agreement for Council consideration.

**RECOMMENDED ACTION:** Approve selection process for CVB board.

**CITY CONTACT:** Jim Jeffers, City Manager  
[jeffers@ci.nacogdoches.tx.us](mailto:jeffers@ci.nacogdoches.tx.us)  
936-559-2501

**ATTACHMENTS:** Draft application and draft CVB Accountability Agreement



**EXHIBIT A**



**City of Nacogdoches**

**Application for Nacogdoches Convention & Visitors Bureau Board of Directors**

Name: \_\_\_\_\_  
(Title) (Last) (First) (Middle)

Permanent Residence Address: \_\_\_\_\_  
(Street) (City) (State) (Zip)

Preferred Mailing Address: \_\_\_\_\_  
(if different than above) (Street) (City) (State) (Zip)

Preferred Phone and Fax: \_\_\_\_\_  
(Phone) (Fax)

Email Address: \_\_\_\_\_

Occupation: \_\_\_\_\_

Employer: \_\_\_\_\_ Title: \_\_\_\_\_

Are you a registered voter in the City of Nacogdoches: \_\_\_\_ Yes \_\_\_\_ No

Are you a resident of the City of Nacogdoches: \_\_\_\_ Yes \_\_\_\_ No

Length of residence: \_\_\_\_\_

Do you, your spouse, or employer have any financial interest, direct or indirectly in any contact with the City of Nacogdoches or the Nacogdoches Convention & Visitors Bureau?

\_\_\_\_ Yes \_\_\_\_ No



If yes please explain: \_\_\_\_\_

\_\_\_\_\_

Do you, your spouse, or employer have any financial interest, direct or indirectly matters that may come before the Nacogdoches Convention & Visitors Bureau board or any of its committees?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes please explain: \_\_\_\_\_

\_\_\_\_\_

Please take a few moments to tell us some background information about yourself:

Education:

\_\_\_\_\_  
\_\_\_\_\_

Professional Organizations:

\_\_\_\_\_  
\_\_\_\_\_

Volunteer/Community Service:

\_\_\_\_\_  
\_\_\_\_\_

Travel & Tourism experience:

\_\_\_\_\_  
\_\_\_\_\_



Please specify membership on any other governmental Board or Committee.

List all Boards, Commissions, Corporations, Non-Profit Entities, Agencies, or other Entities of which you are currently or a past a member and/or officer and/or employed by, and give the title and dates of any position that you have held in such organization.

Organization: \_\_\_\_\_

Title: \_\_\_\_\_ Dates: \_\_\_\_\_

Organization: \_\_\_\_\_

Title: \_\_\_\_\_ Dates: \_\_\_\_\_

Organization: \_\_\_\_\_

Title: \_\_\_\_\_ Dates: \_\_\_\_\_

Organization: \_\_\_\_\_

Title: \_\_\_\_\_ Dates: \_\_\_\_\_

Organization: \_\_\_\_\_

Title: \_\_\_\_\_ Dates: \_\_\_\_\_

Please submit a copy of your most current resume and a cover letter with your application outlining your qualifications and interests for serving on the Convention & Visitors Bureau Board.

\*Applications without a resume and cover letter will not be considered.

I have read and understand the CVB Board Member Accountability agreement. The foregoing and any attached statements are true, accurate and complete; and I agree that any misrepresentation or omission of facts may result in my disqualification for appointment.

Signature \_\_\_\_\_

Date \_\_\_\_\_



## **EXHIBIT B**

### **CONVENTION & VISITORS BUREAU ACCOUNTABILITY AGREEMENT**

#### **JOB REQUIREMENTS**

Each board member should have or be able to develop most of the following skills:

- Demonstrated interest in the Nacogdoches Convention & Visitors Bureau goals.
- Ability to evaluate and contribute to development of the CVB's goals.
- Knowledge of historic preservation, tourism development, fundraising, administration, finance, advertising, special event promotion, public relations, communications, marketing, group sales, retail industry, convention servicing, nonprofit development, economic development, and/or leadership experience.
- At least 4 hours per month to serve on the board.

#### **INDIVIDUAL STANDARDS**

A responsible advisory board member:

- Supports board decisions and CVB Executive Director, even when he or she may disagree with the majority.
- Supports the mission & vision of the Convention & Visitors Bureau
- Attends 75% of board meetings.
- Volunteers time on CVB committees.
- Acknowledges the Executive Director reports to only one "boss."
- Offers opinions honestly, without reservation and in a constructive way.
- Delegates responsibilities to committees when appropriate.
- Promotes unity within the organization and seeks to resolve conflicts.
- Encourages orderly, systematic and incremental implementation of the CVB's destination vision plan avoiding being distracted by secondary issues or projects not included in the CVB's long term goals.
- Encourages staff and other board members to express opinions openly in board meetings.
- Supports ongoing training for staff and the board.

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Prospective Board Member

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Date

ITEM NO. 10-A

## **CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:**

**PROJECT:**

**EXECUTIVE SESSION:**

**A. Deliberation regarding Economic Development negotiations under Local Government Code Section 551.087 as follows:**

- 1. Discuss or deliberate regarding commercial or financial information that the City has received from a business projects that the City body seeks to have locate in the City of Nacogdoches and with which the City is conducting economic development negotiations; and**
- 2. Deliberate the offer of a financial or other incentive to business prospects described by Subdivision 1 above.**

**MEETING DATE:** December 16, 2014

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