



Notice is hereby given of a Regular Meeting of the Nacogdoches City Council to be held **March 17, 2015, 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:** Present the Nacogdoches Mayor's Committee one People with Disabilities 2015 Accessibility Awards to local businesses. (Mayor)
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 March 3, 2015. (City Secretary)
 - B. Consider an ordinance canceling the At Large (Mayor) City Council race scheduled for May 9, 2015 and declaring the unopposed candidate elected. (City Secretary)
 - C. Consider rescheduling City Council meeting dates for the month of September 2015. (Finance Director)
 - D. Consider allowing overnight "camping" in Pecan Park for the Boy Scout Naconiche District Camporee April 24-26, 2015 per section 86-27 of the City of Nacogdoches Code of Ordinances. (Main Street Manager)

REGULAR AGENDA:

5. Receive presentation of the 2013-2014 fiscal year audit for the City of Nacogdoches. (Pattillo, Brown & Hill, LLP)
6. Consider removal of current Convention and Visitors Bureau Board members in anticipation of appointing a new 7 member board. (Council member Brophy)
7. Consider appointments to the Convention and Visitors Bureau Board of Directors. (Council member Brophy)
8. Review of last year ending fund balance. (Finance Director)

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.

9. 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.

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

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

12. 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 notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on Friday, March 13, 2015 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 March 2015.

Name: _____ Title: _____

ITEM NO. 2

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: Present the Nacogdoches Mayor's Committee on People with Disabilities 2015 Accessibility Awards to local businesses

MEETING DATE: March 17, 2015

PROJECT

DESCRIPTION:

Annually, the NMCPD presents awards to local businesses who have addressed accessibility issues in their places of business to better serve the disabled in our community. Accessibility surveys are performed by SFA students through the Disabilities Services department and scored by members of the NMCPD. Awards are presented in three categories: Non-profit, Large business and small business.

This year's recipients are as follows:

Family Dollar (Corporation)

Morning Glory Yoga (Independent business)

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

ITEM NO. 4-A

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **CONSENT AGENDA:** Consider approval of minutes from regular meeting of March 3, 2015.

MEETING DATE: **March 17, 2015**

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

ATTACHMENTS: **Minutes**

MINUTES
Regular Session
Nacogdoches City Council
March 3, 2015 – 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, Mike 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. PRESENTATIONS AND RECOGNITIONS:

3. Items to be removed from Consent Agenda.

None.

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 the regular session of February 17, 2015.

Approved as presented.

B. Consider authorization for tax resale for property described as:
TRACT 1: Lot 8-A, Block 43, City of Nacogdoches, Nacogdoches County, Texas; also referred to as Second Tract and more fully described in Volume 1004, Page 069 Official Public Records of Nacogdoches County, TX located on Powers Street.

Approved as presented.

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

REGULAR AGENDA:

5. Consider closing Main Street beginning at 4:00 p.m. on Friday, June 12, 2015 through 9:00 p.m. on Saturday, June 13, 2015 for the 26th Annual Texas Blueberry Festival. Event organizers are also requesting Sunday, June 14, 2015 for a potential rain date.

Sarah O'Brien, main street manager stated the Chamber of Commerce was requesting the closure of Main Street for the Texas Blueberry Festival, which would require approval by TxDOT.

Grace Holder, chair of the 2015 Texas Blueberry Festival appeared and thanked all who make the event a success. She stated they were requesting Main Street be closed From Friday, June 12 at 4:00 p.m.to Saturday June 13 at 9:00 pm, as well as designating Sunday, June 14 as a rain day.

Council member Keller moved to approve the request for street closure as presented. The motion was seconded by Council member Brophy and unanimously passed.

Minutes approved March 17, 2015

Minutes unofficial until approved by City Council

6. Consider a budget amendment for purchase of E-Citation hardware, software and professional services.

Officer Darrell Trawick, court bailiff, appeared and presented a budget amendment for the purchase of ticket writing software, hardware and professional services for the police department and court. He presented the benefits of the electronic handheld ticket writers in assisting the police department to be more efficient, as well as municipal court. He stated 12 units would be purchased and the money would come out of the Technology Fund, which was restricted for items that used technology to benefit the court. Because this purchase was not budgeted, a budget amendment would be required in the amount of \$63,181.

Judge Juanita Springer introduced Dawn Wilson, recently hired as the Assistant Judge/Associate Court Clerk.

There being no further discussion, Council member Brophy moved to approve a budget amendment in the amount of \$63,181 for the purchase of E-Citation hardware, software and professional services as requested. The motion was seconded by Council member Keller and unanimously passed. (Acct. 01.87.82.680.10 Ordinance No. 1692-3-15)

7. Consider a resolution in opposition to revenue caps and legislative interference with local services.

City Manager Jeffers presented a resolution opposing revenue caps for property tax rates and proposed legislation requiring mandatory elections on an increase over 4%. Jeffers explained that in recent years the city had not gone over the roll-back rate of 8%, but would have gone over the proposed rate requiring an election under the new legislation.

Jeffers stated reducing the roll-back rate for city property taxes did not provide meaningful tax relief and robs cities of the flexibility to meet local needs and diverts attention from the real cause of higher property tax rates.

James R. Stewart appeared and referenced the March issue of *Texas Monthly* magazine and a book review of *Coming to Our Census*. He encouraged the council to read the review and felt the city should support the legislation and allow the citizens to vote on property taxes, stating he opposes the City's position.

Council member Keller moved to adopt a resolution in opposition of revenue caps and legislative interference with local services as presented. The motion was seconded by Council member Boldon and passed by the following vote:

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

(Resolution No. 1172-3-15)

8. Review Hotel/Motel Tax Expenditure by Historic Sites

City Manager Jeffers reviewed hotel taxes spent on historic sites and the programs that were covered. He stated historic sites uses hotel tax revenues for museum maintenance and exhibits, giving relief to the General Fund, budgeting.

Council member Keller stated the city needed to continue to preserve historic structures as the Oldest Town in Texas.

9. EXECUTIVE SESSION:

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

The City Council went into closed session at 6:11 p.m.

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 reconvened in open session at 6:48 p.m.

10. Open for action, if any, on Item 9-A-1.

None.

11. Open for action, if any, on Item 9-A-2

None

12. Adjourn.

Mayor Van Horn adjourned meeting at 6:50 p.m.

ATTEST:

Mayor Roger Van Horn
City Council
City of Nacogdoches

Lila Fuller, City Secretary

ITEM NO. 4-B

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: **CONSENT AGENDA: Consider Ordinance canceling the At Large (Mayor) City Council race scheduled for May 9, 2015 and declaring the unopposed candidate elected.**

MEETING DATE: **March 17, 2015**

DESCRIPTION: Because no one filed to run against Mayor Van Horn, the City Council should take action to cancel the At Large (Mayor) race scheduled for May 9, 2015 and declare Roger Van Horn elected.

To initiate the cancellation process, the City Secretary must certify the unopposed status to the Mayor. The City Council must then accept this certification, and issue an order declaring the race cancelled and the unopposed candidate elected. Mayor Van Horn will take the oath of office after the official canvass of votes for the general election scheduled during the canvassing period.

**RECOMMENDED
ACTION:** **Adopt Ordinance and Order of Cancellation.**

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

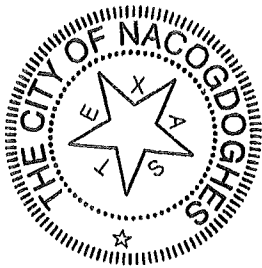
ATTACHMENTS: **Certificate of Unopposed Candidates
Ordinance Cancelling Election (English and Spanish)
Order of Cancellation**


CERTIFICATION OF UNOPPOSED CANDIDATES

Certification of Unopposed Candidates
By the City Secretary

I, Lila Fuller, certify that I am the city secretary of the City of Nacogdoches, Texas and the authority responsible for preparing the ballot for the May 9, 2015 city election. I further certify that no person has made a declaration of write-in candidacy, and all of the following candidates are unopposed:

Roger Van Horn – At Large (Mayor) position





City Secretary
City of Nacogdoches, TX

Dated this the 2nd day of March 2015

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 9, 2015 GENERAL CITY ELECTION ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Resolution No. 1169-2-15 passed on February 3, 2015 called the regular election of Commissioners for the Northeast Ward, Northwest Ward and At Large (Mayor) positions in and for the City of Nacogdoches, Texas; and,

WHEREAS, at the deadline to file application for a place on the ballot and the deadline to file as a declared write-in candidate, only one candidate had filed to run for the following positions:

Commissioner At Large (Mayor)

WHEREAS, as prescribed in Section 2.052(a) of the Texas Election Code, the City Secretary has certified that:

- 1) Each candidate whose name is to appear on the ballot is unopposed;
- 2) no candidate's name is to be placed on a list of write-in candidates for the above described offices under applicable law;
- 3) no proposition will appear on the ballot

NOW, THEREFORE BE IT ORDAINED by the City Commission of the City of Nacogdoches, Texas that based on information received and in accordance with Section 2.053, the City Commission hereby authorizes the cancellation of election of City Commissioner At Large (Mayor) called for May 9, 2015 and hereby declares the unopposed candidate elected to the office, and shall be issued a certificate of election following the time the election would have been canvassed; and,

FURTHER, the City Secretary is directed to cause a copy of this ordinance to be posted on election day at the polling place that would have been used in the election; and,

FURTHER, it is declared to be the intent of the city commission that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance since the city commission would have enacted them without the invalid portion.

FURTHER, this ordinance shall take effect upon its final passage.

PASSED AND APPROVED this the 17th day of March 2015.

Roger Van Horn, Mayor
Nacogdoches City Council

ATTEST:

Lila Fuller, City Secretary

Approved as to form: _____
Rob Atherton, City Attorney

UNA ORDENANZA DECLARANDO QUE LOS CANDIDATOS ELEGIDOS PARA LOS PUESTOS EN LA ELECCIÓN GENERAL DE LA CIUDAD DEL 9 DE MAYO, 2015, NO TIENEN OPOSICIÓN; CANCELANDO LA ELECCIÓN; PROPORCIONANDO UNA CLÁUSULA DE DIVISIBILIDAD; Y PROPORCIONANDO UNA FECHA DE ENTRADA EN VIGENCIA.

CONSIDERANDO QUE, la Resolución No. 1169-2-15 aprobada el 3 de febrero, 2015 convocó la elección regular de miembros del Concilio para los puestos de los distritos Sureste y Suroeste de y para la ciudad de Nacogdoches, Texas; y,

CONSIDERANDO QUE, al cumplirse el plazo para presentar la solicitud para un lugar en la boleta electoral; y al cumplirse el plazo para presentar solicitud como Otro Candidato Declarado, solamente un candidato se ha registrado para postularse para cada uno de dichos puestos:

Comisionado En General (Alcalde)

CONSIDERANDO QUE, según lo prescrito en la Sección 2.052(a) del Código Electoral de Texas, la Secretaria de la ciudad ha certificado que:

- 1) Cada candidato cuyo nombre debe aparecer en la boleta electoral no tiene oposición;
- 2) No hay nombre para ser colocado en la lista de Otro Candidato Declarado para los puestos descritos anteriormente bajo las leyes aplicables;
- 3) No aparecerá opositor en la boleta electoral.

AHORA, POR CONSIGUIENTE SEA ORDENADO por el Concilio de la Ciudad de Nacogdoches, Texas, que basados en la información recibida y en cumplimiento de la Sección 2.053, el Concilio de la Ciudad, por medio de la presente, autoriza la cancelación de la elección del miembro del Concilio Comisionado En General (Alcalde), convocada para el 9 de mayo, 2015, y por medio de la presente, declara a los candidato sin oposición, electos al puesto, y un certificado de elección deberá ser emitido después del tiempo en que las boletas electorales habrían sido escrutinadas; y,

ADICIONALMENTE, se le ha indicado a la Secretaria de la Ciudad que haga que una copia de esta resolución sea colocada, el día de la elección, en el lugar de votación que hubiera sido utilizado durante la elección; y,

ADICIONALMENTE, es declarado que la intención del Concilio de la Ciudad, es que las frases, cláusulas, oraciones, párrafos, y secciones de esta ordenanza son divisibles, y si cualquier frase, cláusula, oración, párrafo o sección de esta ordenanza es declarado sin validez por fallo o decreto de un tribunal de jurisdicción competente, la invalidez no deberá afectar ninguna de las frases, cláusulas, oraciones, párrafos o secciones remanentes de esta ordenanza, ya que el Concilio de la Ciudad las habría promulgado sin la porción inválida.

ADICIONALMENTE, esta resolución tomará efecto al ser finalmente aprobada.

PASADA Y APROBADA este día 17 de marzo, 2015.

Roger Van Horn, Alcalde
Concilio de la Ciudad de Nacogdoches

ATTEST:

Lila Fuller, Secretaria de la Ciudad

ORDER OF CANCELLATION
EJEMPLO DE ORDEN DE CANCELACIÓN

The Nacogdoches City Council hereby cancels the At Large (Mayor) election scheduled to be held on May 19, 2015 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

El Concilio de la Ciudad de Nacogdoches por Comisionado del Distrito en General (Alcalde) cancela la elección que, de lo contrario, se hubiera celebrado el 9 de mayo, 2015 de conformidad, con la Sección 2.053(a) del Código Elecciones de Texas. Los siguientes candidatos han sido certificados como candidatos únicos y por la presente quedan elegidos como se haya indicado a continuación:

<u>Candidate (Candidato)</u>	<u>Office Sought (Cargo al que presenta candidatura)</u>
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Roger Van Horn	At Large (Mayor) (<i>en General – Alcalde</i>)
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A copy of this order will be posted on Election Day at each polling place that would have been used in the election.

El Día de las Elecciones se exhibirá una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la elección.

Mayor (Alcalde)

City Secretary (Ciudad de Secretario)

Date of adoption (Fecha de adopción)

ITEM NO. 4-C

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: CONSENT AGENDA: Consider rescheduling City Council meeting dates for the month of September 2015.

MEETING DATE: March 17, 2015

DESCRIPTION: Regularly scheduled City Council meeting dates in September are the 1st and 15th. Proposed meeting dates of the 8th and 22nd will give staff additional time to fully comply with advertising requirements related to budget and tax rate adoption for 2015-2016 fiscal year.

RECOMMENDED ACTION: Approve revised City Council meeting dates for September, 2015.

CITY CONTACT: Pam Curbow, Director of Finance

ATTACHMENTS:

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **CONSENT AGENDA:** Consider allowing overnight "camping" in Pecan Park for the Boy Scout Naconiche District Camporee April 24-26th per section 86-27 of our Code of Ordinances: Camping: No overnight camping is permitted on any city-owned property, unless permitted by the City Council.

MEETING DATE: March 17, 2015

DESCRIPTION: The Boy Scouts Naconiche District are requesting to be able to camp at Pecan Park April 24 and 25 for the Boy Scout Camporee with 100 campers and leaders expected. Our Code of Ordinances prohibits overnight camping on city-owned property unless permitted by the City Council.

COST: NONE

BUDGET AMENDMENT REQUIRED?: No

FUNDING:	Acct. Name & No.	Original Budget	Requested
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SCHEDULE: The event will take place in Pecan Park April 24-26th.

RECOMMENDED

ACTION: Approval to allow the Boy Scouts to camp overnight in Pecan Park for the Boy Scout Camporee

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

ATTACHMENTS: None

ITEM NO. 5

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Presentation of 2013/2014 Audit for the City of Nacogdoches.

MEETING DATE: March 17, 2015

DESCRIPTION: Presentation of 2013/2014 audit by Pattillo, Brown, & Hill, LLP

**RECOMMENDED
ACTION:** Acceptance of audit for fiscal year 2013/20143

CITY CONTACT: Pam Curbow, Director of Finance 559-2526

ATTACHMENTS: 2013/2014 Audit will be sent under separate cover

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider removal of current Convention and Visitor's Bureau Board members in anticipation of appointing a new 7 member board.

MEETING DATE: March 17, 2015

DESCRIPTION: Section 94-231(a) of the City of Nacogdoches Code of Ordinances states City Council has the authority to remove Convention and Visitor's Bureau Board appointments. The appropriate section reads, "The city council shall appoint or remove an 11-member convention and visitors bureau board for the Nacogdoches Convention and Visitors Bureau (referred to as the "CVB") to administer the funds available under this division and to carry on the purpose of this division". The removal of the Board is in anticipation of appointment of a new board per the recommendations of Young Strategies, Inc. Travel Destination Research Report as well as the recommendation of the current Convention and Visitor's Bureau Board.

COST: N/A

RECOMMENDED ACTION: Approve removal of current Convention and Visitor's Bureau Board in anticipation of appointing a new 7 member board.

CITY CONTACT: Shelley Brophy, Council Member
sbrophy@ci.nacogdoches.tx.us
936-559-2506

ATTACHMENTS: N/A

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: Consider appointments to the Convention and Visitor's Bureau Board of Directors

MEETING DATE: March 17, 2015

DESCRIPTION: The appointment of a new 7 member Convention and Visitor's Bureau Board is per the recommendations of Young Strategies, Inc. Travel Destination Research Report as well as the recommendation of the current Convention and Visitor's Bureau Board.

The City Council appointed a 3 member committee chaired by Council Member Shelley Brophy to more thoroughly vet potential candidates for the Convention and Visitor's Bureau Board due to the amount of money the Convention and Visitor's Bureau is charged with spending from hotel/motel tax which averages \$939,426 for hotels and \$6,619 for bed and breakfast in a 5 year period along with the importance of the work of the Convention and Visitor's Bureau for tourism, conventions and economic development. The selection process was not open to the public, per the instructions of City Council, in order to provide an opportunity for a more thorough vetting by allowing potential candidates to share their views in private which typically results in more precise and accurate answers. The City received 13 board applications with one candidate withdrawing and each candidate received about a 30 minute interview. Council Member Brophy, as chair of the committee, directed the interview with the other two members of the committee being City Manager Jim Jeffers and Director of Human Resources Stephen Pearl. While interviews are complete the vetting of candidates continues with reference checks.

The committee will submit its recommendations from the 12 candidates and the City Council may accept, modify or reject those nominations.

RECOMMENDED ACTION: Approve appointment of 7 members to the Convention and Visitor's Bureau Board.

CITY CONTACT: Shelley Brophy, Council Member
sbrophy@ci.nacogdoches.tx.us
936-559-2506

ATTACHMENTS: N/A

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Review of prior fiscal year ending fund balance

MEETING DATE: March 17, 2015

DESCRIPTION: Part of ongoing budget preparation for 2015/2016. The Finance Director will present a report highlighting major fund balances as of the end of the prior fiscal year, including presentation of unencumbered fund balances available for appropriation during the 2015-2016 budget cycle.

COST: N/A

RECOMMENDED ACTION: N/A

CITY CONTACT: Pam Curbow, Director of Finance - 559-2526

ATTACHMENTS: N/A

ITEM NO. 9

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: **March 17, 2015**

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