



Notice is hereby given of a Regular Meeting of the Nacogdoches City Council to be held **April 21, 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:** Receive presentation regarding the 2015 Azalea Fly In at the A. L. Mangham, Jr. Regional Airport. (Judge Campbell Cox)
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 April 7, 2015. (City Secretary)

**REGULAR AGENDA:**

5. **PUBLIC HEARING:** Consider TxDOT Transportation Alternatives Program (TAP) to construct sidewalks on North Street. (Planning Director)
6. Consider request by the Nacogdoches County Senior Center Board for reimbursement of permit fees in the amount of \$504 for a new building. (Fire Chief)
7. Consider a resolution closing Main Street beginning at 2 p.m. on Saturday, September 26<sup>th</sup> until 11 p.m. on Saturday, September 26<sup>th</sup> for the 2<sup>nd</sup> Annual Boots & Brew event
8. Consider change in the approval process for overnight camping on City property to an administrative process by amendment to Ordinance 1535-11-09 and Chapter 86 "Streets, Sidewalks and Other Public Places", Article II, "Public Places", Section 86-27, "Camping" of the Code of Ordinances. (City Attorney)
9. Consider budget amendment to authorize receipt and expenditure of award from the FY2015 DETCOG Texas Commission on Environmental Quality (TCEQ) Regional Solid Waste Grants Program. (Public Works Manager)
10. Receive Mid-Year Financial Update. (Director of Finance)

**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.**

**11. 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.

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

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

14. 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, April 17, 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 April 2015.

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

**CITY OF NACOGDOCHES  
AGENDA INFORMATION SHEET:**

**PROJECT:** Receive presentation on 2015 Azalea Fly In to be held at the A. L. Mangham, Jr. Regional Airport

**MEETING DATE:** April 21, 2015

**DESCRIPTION:**

**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 April 7, 2015.

**MEETING DATE:**       **April 21, 2015**

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

**ATTACHMENTS:**       **Minutes**

**MINUTES**  
**Regular Session**  
**Nacogdoches City Council**  
**April 7, 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:** Mayor Van Horn presented a Proclamation recognizing the SFA Men's Basketball team for their successful season.

- 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 March 17, 2015.

*Approved as presented.*

- B. Consider proclaiming April "Fair Housing Month" pursuant to Title VIII of the Civil Rights Act of 1968, as amended, prohibiting discrimination in housing and declaring a national policy to provide, within constitutional limits, for fair housing in the United States.

*Approved as presented.*

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

**REGULAR AGENDA:**

- 5. PUBLIC HEARING: Consider the request for a zoning change from A, Agricultural to R-3, Two-Family Residential, for Lot 7-A, City Block 61 located at 3220 Old Tyler Road. This request was initiated by Johanna and Chris Blackmon. ZON2015-001.**

Larissa Philpot, city planner, presented the request and explained there was currently a home on this property and the property owners wished to build another home on the property for a family member to reside in. In order to have two residences, the property must be subdivided. Ms. Philpot stated the Planning and Zoning Commission voted unanimously in favor of approving the request.

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

Council member Boldon moved to approve the request for a zone change from Agricultural to R-3 for Lot 7-A, City Block 61 located at 3220 Old Tyler Road as requested by Johanna and Chris Blackmon. The motion was seconded by Council member Keller and unanimously passed. (Ordinance No. 1696-4-15)

**6. Consider co-sponsorship of the 2015 Freedom Fest.**

Sarah O'Brien, main street manager, stated this year the Nacogdoches Jaycees would take the lead in the annual Freedom Fest celebration on July 4 and have asked the City to continue to co-sponsor the event by providing use of Festival Plaza, the city parking lots and use of water and electricity.

Bruce Mayberry, chair of the 2015 Freedom Fest appeared and stated this year's event promises to be bigger and better with more fireworks that previously used.

Council member Keller moved to approve co-sponsorship of the 2015 Freedom Fest with the Nacogdoches Jaycees. The motion was seconded by Council member Brophy and unanimously passed.

**7. Receive FY 2015-2016 budget presentation.**

City Manager Jim Jeffers gave a brief review of current operational revenue.

*No action necessary.*

**8. Consider approval for purchase of Caterpillar D4K Dozer for the Landfill.**

Cary Walker, public works manager, requested approval for purchase of a small dozer for the landfill to be purchased through Buy Board for \$138,245. He explained they were only quoted \$15,000 as trade-in on the current dozer, so they were planning on selling the current dozer by auction to get a \$5000-15,000 greater return.

Council member Norton moved to authorize the purchase of a Caterpillar D4K Dozer for the Landfill as presented. The motion was seconded by Council member Keller and unanimously passed.

**9. Approve and accept a Developer Agreement with Hunter Perry for the reimbursement of a sanitary sewer line extension in the 2800 block of NW Stallings Drive.**

Rob Atherton, city attorney, stated ordinance provides property owners the opportunity to participate in utility line extensions up to 500 feet from the main line for public use. Hunter Perry has proposed to extend a new 6" sewer line at the 2800 block of NW Stallings Drive to provide sewer service for an undeveloped tract. He is requesting a developer agreement that outlines the procedures and requirements for the utility extension work, which will bore under Loop 224, and quantifies the maximum reimbursement cost of \$50,000.

Council member Keller moved to approve and accept a developer agreement with Hunter Perry for the reimbursement of a sanitary sewer line extension in the 2800 Block of NW Stallings Drive at a maximum reimbursement of \$50,000. The motion as seconded by Council member Brophy and unanimously passed. (Acct. 30.179.03)

**10. Consider and possibly act on a Partial Release of Easement clarifying a city sewer easement does not apply to 6.06 acres of real property on N. University Drive owned by NG Realty Holdings, LLC.**

Steve Bartlett, city engineer, explained the city had a 1973 easement for a 12" sanitary sewer line which is a "blanket" over what was a large tract. The affected tract has long since been subdivided into smaller tracts, most of which are unaffected by the actual location of the sewer line. NG Realty Holdings, LLC, the owner of a 6.06 acre portion on North University Drive has requested the easement be abandoned for this tract to clean up the title to its land and the line is not located on any portion of the 6.06 acres tract. Abandonment of the easement as to the 6.06 acre tract will not adversely affect the line in its actual location.

Council member Brophy moved to authorize a partial abandonment of easement clarifying a city sewer easement does not apply to 6.06 acres of real property on N. University Drive owned by NG Realty Holdings, LLC as requested. The motion was seconded by Council member Keller and unanimously passed.

*The City Council went into Executive Session at 6:03 p.m.*

**11. 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 reconvened in open session at 6:35 p.m.*

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

None.

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

None

**14. Adjourn.**

Mayor Van Horn adjourned meeting at 6:35 p.m.

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Mayor Roger Van Horn  
City Council  
City of Nacogdoches

ATTEST:

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Lila Fuller, City Secretary

## CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

**PROJECT:** PUBLIC HEARING: Consider TxDOT Transportation Alternatives Program (TAP) to construct sidewalks on North Street.

Approve resolution supporting an application for the TxDOT Transportation Alternatives Program (TAP) to be used to construct sidewalks on North Street.

**MEETING DATE:** April 21, 2015

### DESCRIPTION:

TxDOT's Transportation Alternatives Program provides funding for alternative transportation projects such as sidewalks. The program provides an 80/20 match of city funds, exclusive of engineering costs. Staff recommends applying for funds to construct a sidewalk on the east side of North Street, beginning at Austin Street. This project was selected based upon citizen requests, the existence of visible paths pedestrians are using where there are no sidewalks, the origins and destinations on the route, and the feasibility of the project. TAP funds may not be utilized for acquisition, therefore a project had to be selected that would not require the purchase of any additional right of way. Considerations were also given to topography and existing conditions that could greatly increase the budget for the project.

Sidewalks currently exist on North Street, from Austin Street south to Craven Street. If funded, this grant has the potential to build upon the existing sidewalk network and complete a walkable and bikeable path from North Stallings to south of the downtown area. The greatest leveraging of federal funds and thus benefit to the City is achieved by applying for funds to construct a sidewalk from Austin Street to North Stallings Drive, which is a length of 1.43 miles.

Staff prepared estimates for a sidewalk from Austin to North Stallings, with shorter, less expensive alternatives. Each option is for a sidewalk on the east side of North Street. The data below is cumulative. The "City funds required" listed below is the required cash match and cost associated with the engineering design.

Project Segment	Federal Funds Requested	City Funds Required
Austin St. to N. Stallings Dr.	\$606,376	\$79,210
Alternatives		
Austin St. to Parker St.	\$212,941	\$29,909
Austin St. to Roselake St.	\$530,435	\$69,362

**COST:** \$79,210



**BUDGET AMENDMENT REQUIRED?:** Yes - if the grant is accepted

**FUNDING FROM CURRENT BUDGET**

**FUNDING:** This project will be built into the General Fund's CIP for the 2016 fiscal year.

**SCHEDULE:** The application will be submitted to TxDOT by May 4, 2015.  
TxDOT will award projects by September 2015.

**RECOMMENDED ACTION:** Conduct public hearing and approve resolution to request \$606,376 in federal funds.

**CITY CONTACT:** Larissa Philpot, City Planner; 559-2571, [philpotl@ci.nacogdoches.tx.us](mailto:philpotl@ci.nacogdoches.tx.us)  
Steve Bartlett, City Engineer; 559-2522, [bartletts@ci.nacogdoches.tx.us](mailto:bartletts@ci.nacogdoches.tx.us)

**ATTACHMENTS:** Resolution  
Maps

RESOLUTION NO. 1174-4-15

A RESOLUTION OF THE CITY OF NACOGDOCHES, TEXAS CERTIFYING FUNDING AND SUPPORT FOR THE 2014 TRANSPORTATION ALTERNATIVES PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION, AUTHORIZING THE DIRECTOR OF MUNICIPAL SERVICES TO SUBMIT AN APPLICATION TO RECEIVE FUNDING TO CONSTRUCT SIDEWALKS THROUGH THE GRANT PROGRAM AND, IF THE GRANT IS APPROVED, TO EXECUTE THE GRANT AGREEMENT AND TAKE OTHER ACTIONS NECESSARY TO IMPLEMENT THE GRANT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Nacogdoches has an opportunity to expand its sidewalk network through the Texas Department of Transportation's Transportation Alternatives Program; and

WHEREAS, the City Council of the City of Nacogdoches has concluded that the extension of sidewalks on North Street (Business 59) from East Austin Street to North Stallings Drive will improve pedestrian safety by providing a continuous pathway for non-vehicular access.

WHEREAS, the City Council of the City of Nacogdoches finds the improvements:

1. Are consistent with the Comprehensive Plan's transportation goals of upgrading facilities to enhance mobility and safety and providing for non-vehicular circulation.
2. Would directly improve pedestrian access to the high density commercial district along North Street (Business 59).
3. Would provide network continuity by tying directly into the currently funded Texas Department of Transportation project to improve and add sidewalks to East Austin Street (FM 2609).
4. Will be located in census tracts which contain greater percentages of minorities and low income households compared to the state average and will improve non-motorized access for persons in these census tracts.
5. Will support the state's tourism by improving non-vehicular access between two of the city's and region's largest tourist attractions, the downtown area and Stephen F. Austin State University, and the restaurants, hotels, and retail stores on North Street (Business 59).

WHEREAS, THE City of Nacogdoches plans to submit a Transportation Alternative Project application for the North Street (Business 59) sidewalk project; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NACOGDOCHES, TEXAS, THAT:

SECTION I. The City of Nacogdoches City Council supports funding this project as described in the TAP 2015 Nomination Form (including the construction budget, the department's 15% administrative costs, and the required local match).

SECTION II. The City of Nacogdoches City Council is willing to commit to the project's development, implementation, construction, maintenance, management, and financing.

SECTION III. The City of Nacogdoches City Council is willing and able to enter into an agreement with the department by resolution or ordinance, should the project receive TAP funding.

SECTION IV. The City of Nacogdoches hereby specifically authorizes the Director of Municipal Services to act for the City of Nacogdoches in dealing with the Texas Department of Transportation for the purpose of participating in the 2014 Transportation Alternatives Program and to make application for financial assistance; and the Director of Municipal Services is hereby officially designated as the representative in this regard.

SECTION V. This Resolution shall become effective immediately upon its passage.

**PASSED AND APPROVED** this the 21<sup>st</sup> day of April, 2015.

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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:

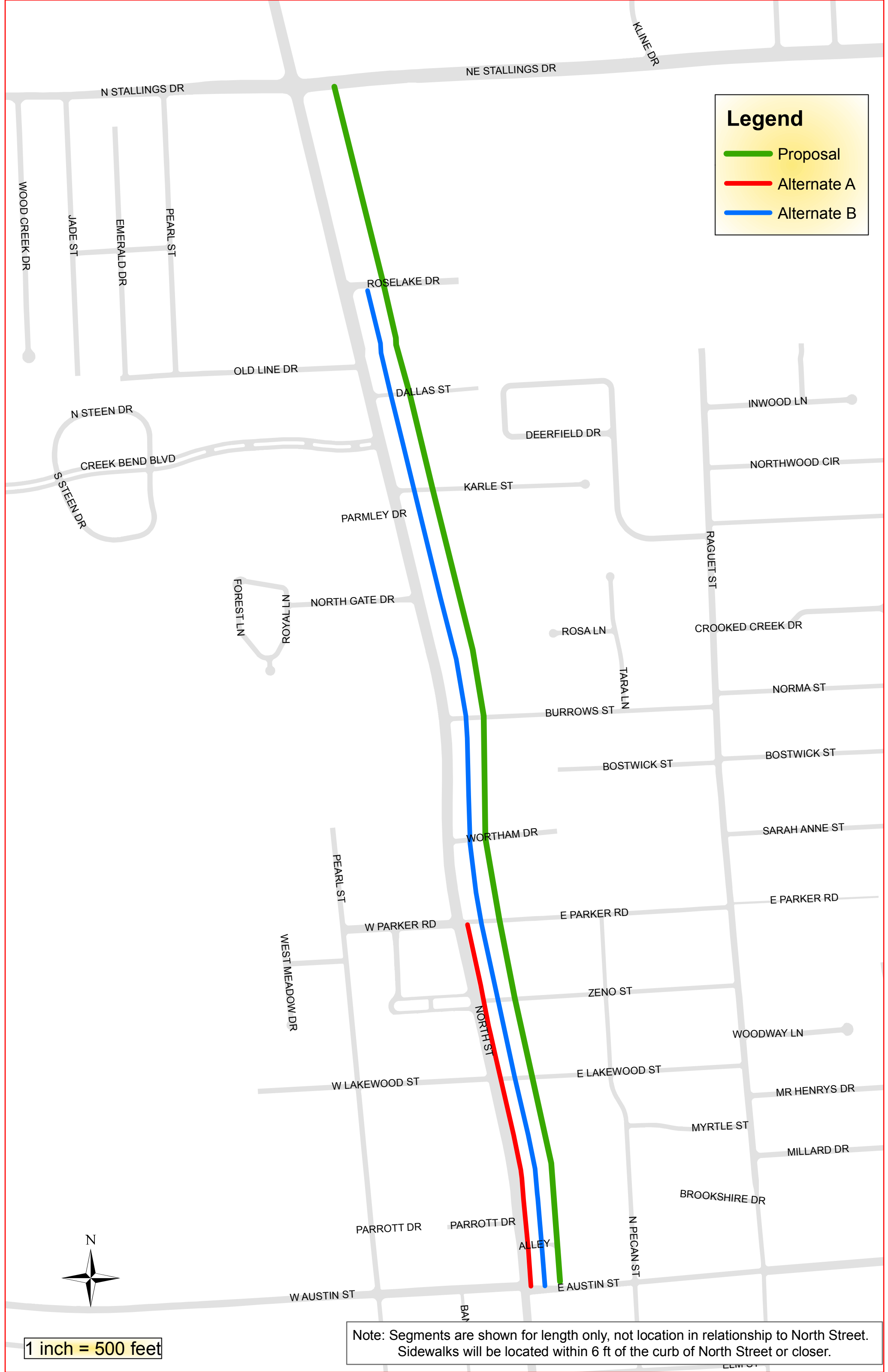
Approved as to Form:

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Larissa Philpot, Director of Municipal Services

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Rob Atherton, City Attorney



**CITY OF NACOGDOCHES  
AGENDA INFORMATION SHEET:**

**PROJECT:** Consider a request by the Nacogdoches County Senior Center Board for reimbursement of permit fees in the amount of \$504 for a new building.

**MEETING DATE:** April 21, 2015

**DESCRIPTION:** The Nacogdoches County Senior Center Board is in the process of constructing a new building to house fitness and education classes for senior citizens at their facility on Harris Street. The Board has requested that the City reimburse permit fees for the new building. The building will be owned by Nacogdoches County and the facility has a solely public purpose of supporting the elderly population in our community.

It is anticipated that this project will provide many opportunities for healthy, educational interaction by senior citizens.

The total cost of all permit and plan review fees for this project to be reimbursed is \$504.

**COST:** Staff time and materials related to plans review and inspections.

**BUDGET AMENDMENT REQUIRED?:** No

**SCHEDULE:** Immediately upon adoption

**RECOMMENDED**

**ACTION:** Staff recommends approval of the request.

**CITY CONTACT:** Keith Kiplinger, Fire Chief (936) 559-2541

**ATTACHMENTS:** Letter from Board Chair Greg Sowell

----- Forwarded message -----

From: **Sowell, Greg** <[sowellg@ci.nacogdoches.tx.us](mailto:sowellg@ci.nacogdoches.tx.us)>

Date: Wed, Apr 8, 2015 at 10:11 AM

Subject: Senior Center

To: Jim Jeffers <[jjeffers@ci.nacogdoches.tx.us](mailto:jjeffers@ci.nacogdoches.tx.us)>

Greetings Sir,

You may have heard that the Senior Center received a grant for the construction of a much needed annex building. The building is an 1800 sq.ft. free standing building.

The building is to be constructed on county property, and will become county property when completed.

Over the past 5 years, the Senior Center has added many programs to enhance physical fitness and wellness. Exercise equipment, a walking trail, physical exercise classes and Tai Chi classes have been added, which has drastically increased our participation level. At present, the physical fitness class meets in one third of the dining room which has been temporarily partitioned off. This class has been split, and two sessions are conducted due to the facility being too small. Approximately 100 seniors participate in this class alone. The Tai Chi exercise class has approximately 120 participants and they have also been split and are currently utilizing the activity room.

The new building will house these classes, freeing up much needed room in the dining area. Plans for the future include some remodeling of the existing building to expand the kitchen area and have a physician evaluation area.

It is worthy of note that all of these program additions have been made without cancelling any existing programs. Dominoes, computer skills, meals (both in house and home delivered) continue to grow.

On behalf of the board of directors of the Nacogdoches Senior Center, I am requesting that the City of Nacogdoches waive permit fees in connection with this project. Any assistance will be appreciated.

The Nacogdoches Senior Center and the senior population of Nacogdoches County is thankful to you, city staff, and the city council for your past and present support.

Sincerely,

Greg Sowell  
Chairman  
Nacogdoches County Senior Center Board.

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

**PROJECT:** Consider a resolution closing Main Street beginning at 2 p.m. on Saturday, September 26<sup>th</sup> until 11 p.m. on Saturday, September 26<sup>th</sup> for the 2<sup>nd</sup> Annual Boots & Brew event.

**MEETING DATE:** April 21, 2015

**DESCRIPTION:** The Main Street Program and the Nacogdoches Jaycees have teamed up to present the 2<sup>nd</sup> annual Boots & Brew event in downtown Nacogdoches. Different from the annual Wine Swirl, where alcoholic beverages are served inside retail locations, Boots & Brew will feature 7 craft beer samples and 5 wine samples on the downtown square. We are hoping to expand the festival area therefore requesting the closure of SH 21. The event will feature samples from local restaurants, vendors selling their wares and live entertainment on the Plaza Principal Stage. The event will allow for limited access to the festival area for ticketed attendees 21+ of age and older. TABC rules & regulation allow the consumption of alcoholic beverages on public streets. Staff has met with TABC about this event and will be in compliance with all applicable TABC rules and regulations.

**COST:** N/A

**BUDGET AMENDMENT REQUIRED?:** No

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

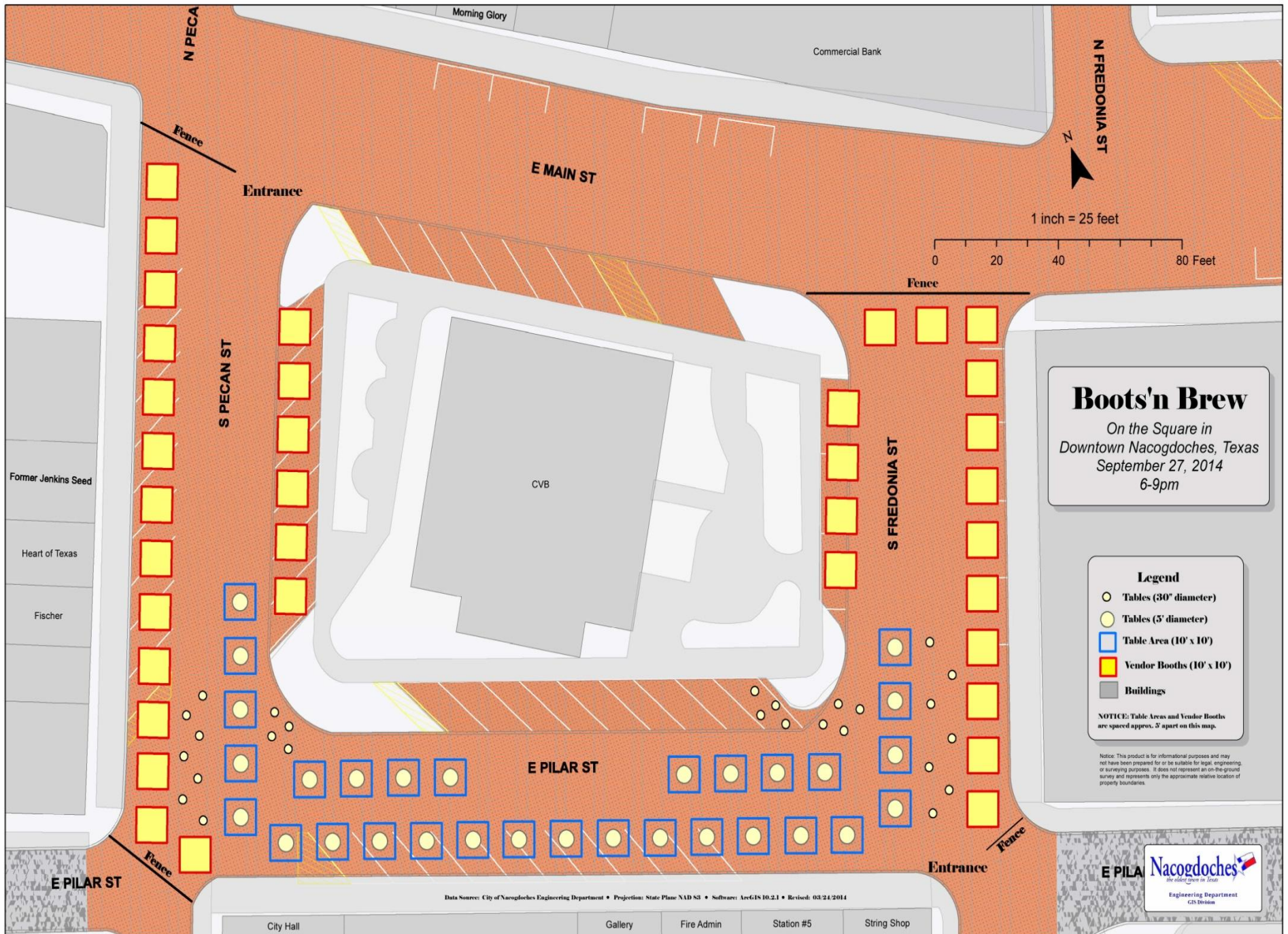
**SCHEDULE:** Boots & Brew will take place on Saturday, September 26, 2015.

**RECOMMENDED ACTION:** N/A

**CITY CONTACT:** Sarah O'Brien, Main Street Manager 936-559-2573

**ATTACHMENTS:** Event Map





## Boots'n Brew

On the Square in  
Downtown Nacogdoches, Texas  
September 27, 2014  
6-9pm

### Legend

- Tables (30" diameter)
- Tables (5' diameter)
- Table Area (10' x 10')
- Vendor Booths (10' x 10')
- Buildings

NOTICE: Table Areas and Vendor Booths are spaced approx. 5' apart on this map.

Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.





ITEM NO. 8

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

**PROJECT:** Change the approval of a request for overnight camping on City property to an administrative process by an amendment to Ordinance 1535-11-09 and Chapter 86, Streets, Sidewalks and Other Public Places, Article II, Public Places, Section 86-27, Camping, of the Code of Ordinances

**MEETING DATE:** April 21, 2015

**DESCRIPTION:** Ordinance 1535-11-09, Code Section 86-27, Camping, prohibits overnight camping on any city-owned property, unless permitted by the city council. Whereas, requests for overnight camping are infrequent and need to be addressed in a more timely manner than presentation to the City Council, it is believed that approval should be an administrative process. Thus, the amendment will change the wording from "*unless permitted by the city council*" to "*unless permitted by the City Manager or his/her designee.*"

**COST:** \$0.00

**BUDGET AMENDMENT REQUIRED?:** No

<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 the City Council

**CITY CONTACT:** Rob Atherton, City Attorney

**ATTACHMENTS:** Draft Ordinance Amendment

**ORDINANCE AMENDING ARTICLE II, PUBLIC PLACES, SECTION 86-27.  
CAMPING OF CHAPTER 86, STREETS, SIDEWALKS AND OTHER PLACES**

**ORDINANCE NO. 1695-4-15**

AN ORDINANCE AMENDING ORDINANCE 1535-11-09 AND CHAPTER 86, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES", ARTICLE II., PUBLIC PLACES, SECTION 86-27, CAMPING, OF THE CODE OF ORDINANCES OF THE CITY OF NACOGDOCHES, TEXAS, TO CHANGE THE GRANTING OF APPROVAL FROM THE "CITY COUNCIL" TO THE "CITY MANAGER OR HIS/HER DESIGNEE."

**WHEREAS,** Ordinance 1535-11-09, Code Section 86-27, Camping, prohibits overnight camping on any city-owned property, unless permitted by the city council; and

**WHEREAS,** requests for overnight camping on city-owned property are infrequent and need to be addressed in a more timely manner than presentation to the City Council; and

**WHEREAS,** the City Council finds that the permitting of overnight camping on City Property should be an administrative process by the City Manager or his/her designee rather than presentation and approval by the City Council; and

**WHEREAS,** the City Council finds that is in the best interest of the citizens of Nacogdoches to revise the current approval process for overnight camping on City Property.

**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. Chapter 86, "Streets, Sidewalks and Other Public Places," Article II, Public Places, Section 86-27, Camping is hereby amended as follows:

**Section 86-27. Camping** *No overnight camping is permitted on any city-owned property, unless permitted by the City Manger or his/her designee.*

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.** Ordinance Number 1535-11-09 shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. 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 \_\_\_\_ day of \_\_\_\_\_, 2015, 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

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

**PROJECT:**                    Consider adoption of a Budget Amendment to authorize receipt and expenditure of award from the FY2015 DETCOG Texas Commission on Environmental Quality (TCEQ) Regional Solid Waste Grants Program.

**MEETING DATE:**        April 21, 2015

**DESCRIPTION:**        The Deep East Texas Council of Governments in cooperation with the Texas Commission on Environmental Quality is providing funding for eligible local and regional municipal solid waste management projects in support of the goals and objectives of the adopted Regional Solid Waste Management Plan (RSWMP) for the Deep East Texas Council of Governments region. Funding for this program is provided through a grant from the Texas Commission on Environmental Quality (TCEQ), under the authority of §361.014, Texas Health and Safety Code.

Grant funds would purchase six (6) 240 gallon, double walled recycled oil containers, three (3) oil filter collection containers to renovate existing oil recycle facilities located at the City landfill, City Fire Station #3 and construct a new oil recycle facility at the City Fire Station #4.

**COST:**                    DETCOG will fund \$20,500 of the total proposed project cost of \$24,550. \$4,050 will be funded from Sanitation Fund reserves.

**BUDGET AMENDMENT:**        YES

### **BUDGET AMENDMENT**

FUNDING:	Acct. Name & No.	Adopted Budget	Amended Budget Amount
Sanitation Fund	31.75.680.90	\$0	(\$24,550)
Sanitation Fund	31.560.45	\$0	\$20,500

**SCHEDULE:**            Upon approval of budget amendment authorizing receipt and expenditure of grant funds.

**RECOMMENDED ACTION:**        Adopt Budget Amendment Ordinance

**CITY CONTACT:**        Cary Walker, Public Works Manager

**ATTACHMENTS:**        Budget Amendment Ordinance

AN ORDINANCE AMENDING ORDINANCE NO. 1680-9-14 APPROPRIATING VARIOUS AMOUNTS IN ACCORDANCE WITH BUDGET ADOPTED FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015.

WHEREAS, the City Council of the City of Nacogdoches, Texas has approved and adopted the budget for said city for the ensuing fiscal year beginning October 1, 2014 and ending September 30, 2015; and

WHEREAS, with the adoption of this ordinance, the City is authorized to accept funding from the Deep East Texas Council of Governments through a grant from the Texas Commission on Environmental Quality in the amount of \$20,500; and

WHEREAS, with the adoption of this ordinance, the Public Works Department is authorized to expend a total of \$24,050 to purchase six (6) recycled oil containers and three (3) oil filter collection containers for various locations within the City; and

WHEREAS, the unreimbursed portion of this project in the amount of \$4,050 will be funded with Sanitation Fund reserves.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Nacogdoches that sums of money as herein set forth in said budget are hereby appropriated and amended for the payment of capital outlays of the city government of the City of Nacogdoches as follows:

<b>Fund</b>	<b>Dept.</b>	<b>Acct.</b>	<b>Department</b>	<b>Description</b>	<b>Amt.</b>
31	75	680.90	Sanitation Non-Departmental	Recycle Containers	(\$24,550)
31		560.45	Sanitation Revenues	DETCOG Grant Revenue	\$20,500

PASSED AND APPROVED this the 21st day of April 2015.

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

ATTEST:

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

Approved as to form: \_\_\_\_\_  
Rob Atherton, City Attorney

Approved as to content: \_\_\_\_\_  
Pamela Curbow, Director of Finance

ITEM NO. 10

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

**PROJECT:** Receive Mid-Year Financial Update.

**MEETING DATE:** April 21, 2015

**DESCRIPTION:** Overview of City's Financial Reports as of March 31, 2015

**Items to Note:** REVENUES AT 3/31/2015

- General Fund within expectations
- Utility Fund down 4%
- Sanitation Fund down 2%

EXPENSES AT 3/31/2015

- All Department Budgets in All Funds are within expectations

**COST:**

**BUDGET AMENDMENT REQUIRED?** No

## BUDGET AMENDMENT

**FUNDING:** Acct. Name & No. Requested Amount

### FUNDING FROM CURRENT BUDGET

Acct. Name & No.	Adopted Budget	Balance	Request Amt.
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**SCHEDULE:**

**RECOMMENDED ACTION:** None

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

**ATTACHMENTS:** Mid-Year Financial Report - Major Funds only  
Mid-Year Financial Report PowerPoint Presentation

# Nacogdoches

*the oldest town in Texas*



## **Mid-Year Financial Update (Major Funds)**

### **March 2015**

## General Fund

	Adopted Budget	Amended Budget	Actual YTD March 2015	% Used
<b><u>Revenues</u></b>				
Taxes:				
Property - Current	\$ 6,926,500	\$ 6,926,500	\$ 6,849,552	99%
Property - Delinquent	\$ 115,000	\$ 115,000	\$ 79,865	69%
Property - Penalty & Interest	\$ 115,000	\$ 115,000	\$ 71,436	62%
Property - Other Personal	\$ 11,000	\$ 11,000	\$ -	0%
Sales Tax	\$ 5,412,000	\$ 5,412,000	\$ 2,824,237	52%
Sales Tax - Mixed Beverage	\$ -	\$ 45,000	\$ 21,931	49%
Franchise - Elec	\$ 1,600,000	\$ 1,600,000	\$ -	0%
Franchise - Cable	\$ 400,000	\$ 400,000	\$ 193,796	48%
Franchise - Gas	\$ 300,000	\$ 300,000	\$ 123,278	41%
Franchise - Communication	\$ 195,000	\$ 195,000	\$ 92,668	48%
Franchise - Mixed Beverage	\$ -	\$ 35,000	\$ 17,603	50%
Licenses & Permits:				
Alcoholic Beverage	\$ 90,000	\$ 10,000	\$ 1,905	19%
Inspection Permits	\$ 130,000	\$ 130,000	\$ 49,918	38%
Animal Adoption Fees	\$ 20,000	\$ 20,000	\$ 10,345	52%
Animal Microchip Fees	\$ 3,500	\$ 3,500	\$ 2,890	83%
Animal Spay/Neuter Fees	\$ 20,000	\$ 20,000	\$ 32,325	162%
Other Licenses & Permits	\$ 70,000	\$ 70,000	\$ 52,597	75%
Fines:				
Adm Fee State Court Costs	\$ 60,000	\$ 60,000	\$ 29,997	50%
Court Fines	\$ 800,000	\$ 800,000	\$ 368,970	46%
Arrest Fees	\$ 140,000	\$ 140,000	\$ 64,255	46%
Charges for Services:				
County Fire Protection	\$ 10,000	\$ 10,000	\$ 5,000	50%
Library	\$ 18,000	\$ 18,000	\$ 7,832	44%
Recreation Fees	\$ 250,000	\$ 250,000	\$ 108,352	43%
Cemetery Lot Sales	\$ 70,000	\$ 70,000	\$ 50,973	73%
Intergovernmental Receipts	\$ 44,050	\$ 44,050	\$ 1,050	2%
Investment Earnings	\$ 25,000	\$ 25,000	\$ 13,944	56%
Rents & Royalties	\$ 2,000	\$ 2,000	\$ 180	9%
Miscellaneous Revenues	\$ 93,500	\$ 93,500	\$ 95,792	102%
Contributions & Donations	\$ 369,300	\$ 369,300	\$ 194,416	53%
Total Operating Revenues	\$ 17,289,850	\$ 17,289,850	\$ 11,365,104	66%
<b><u>Inter-Fund Transfers In</u></b>				
Transfer Misc	\$ -	\$ -	\$ -	#DIV/0!
Transfer Water / Wastewater Franchise Fee	\$ 1,304,000	\$ 1,304,000	\$ 651,999.96	50%
Transfer Sanitation Franchise Fee	\$ 372,000	\$ 372,000	\$ 186,000.00	50%
Transfer Utility Fund Overhead Cost	\$ 2,228,956	\$ 2,228,956	\$ 1,114,477.98	50%
Transfer Sanitation Fund Overhead Cost	\$ 1,552,486	\$ 1,552,486	\$ 776,242.98	50%
Transfer - Sunset Cemetery Fund	\$ 1,000	\$ 1,000	\$ -	0%
Total Inter-Fund Transfers In	\$ 5,458,442	\$ 5,458,442	\$ 2,728,720.92	50%
Total Revenues	\$ 22,748,292	\$ 22,748,292	\$ 14,093,825.40	62%



## General Fund

	Adopted Budget	Amended Budget	Actual YTD March 2015	% Used
<b><u>Expenditures</u></b>				
<b><u>General Government</u></b>				
City Commission	\$ 21,525	\$ 21,525	\$ 14,489.98	67%
City Manager	\$ 316,435	\$ 316,435	\$ 154,500.55	49%
Municipal Court	\$ 307,395	\$ 307,395	\$ 133,138.99	43%
City Secretary	\$ 200,055	\$ 200,055	\$ 95,885.57	48%
Finance	\$ 395,200	\$ 395,200	\$ 187,449.29	47%
Information Technology	\$ 284,078	\$ 284,078	\$ 133,263.85	47%
Personnel	\$ 284,045	\$ 284,045	\$ 142,551.89	50%
Legal	\$ 248,430	\$ 248,430	\$ 121,022.27	49%
Planning & Zoning	\$ 166,870	\$ 166,870	\$ 82,609.79	50%
Building Maintenance	\$ 377,975	\$ 377,975	\$ 163,225.01	43%
Main Street	\$ 114,780	\$ 114,780	\$ 80,843.45	70%
Vehicle Maintenance	\$ 331,285	\$ 331,285	\$ 154,651.45	47%
Non-Departmental	\$ 1,344,651	\$ 1,344,651	\$ 648,328.71	48%
<b>Total General Government</b>	<b>\$ 4,392,724</b>	<b>\$ 4,392,724</b>	<b>\$ 2,111,960.80</b>	<b>48%</b>
<b><u>Public Safety</u></b>				
Police	\$ 7,344,527	\$ 7,344,527	\$ 3,549,506.49	48%
Fire	\$ 5,472,870	\$ 5,472,870	\$ 2,503,209.63	46%
Inspections	\$ 331,895	\$ 331,895	\$ 140,107.55	42%
Animal Control	\$ 452,890	\$ 452,890	\$ 254,689.94	56%
<b>Total Public Safety</b>	<b>\$ 13,602,182</b>	<b>\$ 13,602,182</b>	<b>\$ 6,447,513.61</b>	<b>47%</b>
<b><u>Cultural &amp; Recreational</u></b>				
Historic Sites	\$ 114,485	\$ 114,485	\$ 50,676.40	44%
City Library	\$ 503,568	\$ 503,568	\$ 228,416.62	45%
Recreation	\$ 600,435	\$ 600,435	\$ 237,966.21	40%
Parks	\$ 856,365	\$ 856,365	\$ 359,618.37	42%
Cemetery	\$ 320,760	\$ 320,760	\$ 126,110.96	39%
<b>Total Cultural &amp; Recreational</b>	<b>\$ 2,395,613</b>	<b>\$ 2,395,613</b>	<b>\$ 1,002,788.56</b>	<b>42%</b>
<b><u>Highways &amp; Streets</u></b>				
Public Works Admin.	\$ 220,730	\$ 220,730	\$ 96,738.80	44%
Streets	\$ 1,155,710	\$ 1,155,710	\$ 443,234.92	38%
Engineering	\$ 515,610	\$ 515,610	\$ 220,775.74	43%
<b>Total Highways &amp; Streets</b>	<b>\$ 1,892,050</b>	<b>\$ 1,892,050</b>	<b>\$ 760,749.46</b>	<b>40%</b>
<b>Total Expenditures</b>	<b>\$ 22,282,569</b>	<b>\$ 22,282,569</b>	<b>\$ 10,323,012.43</b>	<b>46%</b>
<b><u>Inter-Fund Transfers Out</u></b>				
Transfers - Eco Dev	\$ 25,000	\$ 25,000	\$ 25,000.00	100%
Transfers - Airport Construction	\$ 50,000	\$ 50,000	\$ -	0%
Transfers - Airport Operation	\$ 105,000	\$ 105,000	\$ 55,000.00	52%
Transfers - Special Grant	\$ 120,000	\$ 120,000	\$ -	0%
Transfers - Sunset	\$ 3,000	\$ 3,000	\$ -	0%
<b>Total Inter-Fund Transfers Out</b>	<b>\$ 303,000</b>	<b>\$ 303,000</b>	<b>\$ 80,000.00</b>	<b>26%</b>
<b>Total Expenditures</b>	<b>\$ 22,585,569</b>	<b>\$ 22,585,569</b>	<b>\$ 10,403,012</b>	<b>46%</b>

# Utility Fund

	Adopted Budget	Amended Budget	Actual YTD March 2015	% Used
<b><u>Revenues</u></b>				
<b><u>Charges for Sales &amp; Services:</u></b>				
Water Sales	\$ 8,300,000	\$ 8,300,000	\$ 3,714,413	45%
Sewer Sales	\$ 8,000,000	\$ 8,000,000	\$ 3,747,587	47%
Plumbing Permits	\$ 15,000	\$ 15,000	\$ 5,910	39%
Water / Wastewater Permits - Inspections	\$ 30,000	\$ 30,000	\$ 30,350	101%
Water Taps	\$ 25,000	\$ 25,000	\$ 21,847	87%
Sewer Taps	\$ 7,500	\$ 7,500	\$ 1,560	21%
Utility Service Fees	\$ 80,000	\$ 80,000	\$ 39,825	50%
Late Payment Penalties Fees	\$ 275,000	\$ 275,000	\$ 131,635	48%
Water Miscellaneous Receipts	\$ 10,000	\$ 10,000	\$ 2,060	21%
Sewer Miscellaneous Receipts	\$ 235,000	\$ 235,000	\$ 94,618	40%
Receipt on Bad Accounts	\$ 30,000	\$ 30,000	\$ 15,564	52%
Miscellaneous Receipts	\$ 30,000	\$ 30,000	\$ 6,593	22%
<b>Total Operating Revenues</b>	<b>\$ 17,037,500</b>	<b>\$ 17,037,500</b>	<b>\$ 7,811,961</b>	<b>46%</b>
<b><u>Nonoperating Revenues</u></b>				
<b><u>Investment Earnings:</u></b>				
Water / Sewer Interest	\$ 55,000	\$ 55,000	\$ 28,479	52%
Water / Sewer Reserve Interest	\$ 5,000	\$ 5,000	\$ 2,231	45%
Water / Sewer Debt Service Interest	\$ 6,000	\$ 6,000	\$ 3,721	62%
<b>Total Investment Earnings</b>	<b>\$ 66,000</b>	<b>\$ 66,000</b>	<b>\$ 34,431</b>	<b>52%</b>
<b>Total Revenues</b>	<b>\$ 17,103,500</b>	<b>\$ 17,103,500</b>	<b>\$ 7,846,392</b>	<b>46%</b>
<b><u>Operating Expenses</u></b>				
Water Billing	\$ 769,965	\$ 769,965	\$ 383,740	50%
Water Production	\$ 1,805,790	\$ 1,805,790	\$ 737,412	41%
Distribution & Collections	\$ 1,198,435	\$ 1,198,435	\$ 516,547	43%
Wastewater Treatment	\$ 2,151,200	\$ 2,151,200	\$ 1,098,500	51%
Non - Departmental	\$ 300,836	\$ 300,836	\$ 161,562	54%
<b>Total Operating Expenses</b>	<b>\$ 6,226,226</b>	<b>\$ 6,226,226</b>	<b>\$ 2,897,762</b>	<b>47%</b>
Debt Service - Principal	\$ 3,480,000	\$ 3,480,000	\$ 1,950,000	56%
Debt Service - Interest	\$ 1,507,035	\$ 1,507,035	\$ 756,752	50%
Transfer to Special Grant Fund	\$ 120,000	\$ 120,000	\$ -	0%
Transfer to General Fd - Franchise Fee	\$ 1,304,000	\$ 1,304,000	\$ 652,000	50%
Transfer to General Fd - Overhead Cost	\$ 2,228,956	\$ 2,228,956	\$ 1,114,478	50%
<b>Total Nonoperating Expenses</b>	<b>\$ 8,639,991</b>	<b>\$ 8,639,991</b>	<b>\$ 4,473,230</b>	<b>52%</b>
<b>Total Expenditures</b>	<b>\$ 14,866,217</b>	<b>\$ 14,866,217</b>	<b>\$ 7,370,992</b>	<b>50%</b>

## Sanitation Fund

	Adopted Budget	Amended Budget	Actual YTD March 2015	% Used
<b><u>Revenues</u></b>				
<b><u>Charges for Sales &amp; Services:</u></b>				
Sanitation Charges	\$ 4,750,000	\$ 4,750,000	\$ 2,336,213	49%
Sanitation Fuel Charge	\$ 320,000	\$ 320,000	\$ 114,249	36%
Landfill Gate Receipts	\$ 550,000	\$ 550,000	\$ 228,204	41%
Miscellaneous Receipts	\$ 50,000	\$ 50,000	\$ 28,680	57%
<b>Total Operating Revenues</b>	<b>\$ 5,670,000</b>	<b>\$ 5,670,000</b>	<b>\$ 2,707,345</b>	<b>48%</b>
<b><u>Nonoperating Revenues</u></b>				
Sanitation Fund Interest	\$ 20,000	\$ 20,000	\$ 8,495	42%
Gain from Disposal of Assets	\$ -	\$ -	\$ -	#DIV/0!
<b>Total Nonoperating Revenues</b>	<b>\$ 20,000</b>	<b>\$ 20,000</b>	<b>\$ 8,495</b>	<b>42%</b>
<b>Total Revenues</b>	<b>\$ 5,690,000</b>	<b>\$ 5,690,000</b>	<b>\$ 2,715,840</b>	<b>48%</b>
<b><u>Operating Expenses</u></b>				
Sanitation Collection	\$ 1,126,670	\$ 1,126,670	\$ 531,099	47%
Sanitation Disposal	\$ 894,951	\$ 894,951	\$ 314,927	35%
Non - Departmental	\$ 253,601	\$ 253,601	\$ 134,783	53%
<b>Total Operating Expenses</b>	<b>\$ 2,275,222</b>	<b>\$ 2,275,222</b>	<b>\$ 980,808</b>	<b>43%</b>
<b><u>Transfers Out</u></b>				
Transfer to Special Grant Fd	\$ 120,000	\$ 120,000	\$ -	0%
Transfer to General Fd - Franchise Fee	\$ 372,000	\$ 372,000	\$ 186,000	50%
Transfer to General Fd - Overhead Cost	\$ 1,552,486	\$ 1,552,486	\$ 776,243	50%
<b>Total Transfers Out</b>	<b>\$ 2,044,486</b>	<b>\$ 2,044,486</b>	<b>\$ 962,243</b>	<b>47%</b>
<b>Total Expenditures</b>	<b>\$ 4,319,708</b>	<b>\$ 4,319,708</b>	<b>\$ 1,943,051</b>	<b>45%</b>

ITEM NO. 11-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:** April 21, 2015

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