



Notice is hereby given of a Regular Meeting of the Nacogdoches City Council to be held **May 19, 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. Canvass results of May 9, 2015 City Council election and administer Oath of Office to newly elected City Council members.
3. **PRESENTATIONS AND RECOGNITIONS:**
4. Items to be removed from Consent Agenda.
5. **CONSENT AGENDA:** Items included under the Consent Agenda require little or no deliberation by the Council. Approval of the Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendations as reflected in the minutes of this meeting.
 - A. Consider approval of minutes from regular session of May 5, 2015. (City Secretary)
 - B. Receive Quarterly Investment Report for quarter ended March 31, 2015. (Director of Finance)

REGULAR AGENDA:

6. **PUBLIC HEARING:** Consider the request for a zoning change from B-1, Local Business to B-2, General Business for Lots 1 & 2, C. L. Simon No. 1 Subdivision, City Block 64 located on the southeast corner of Woden Road and SE Stallings Drive. This request was initiated by Thary Por. ZON2015-002. (City Planner)
7. Receive update on collection services conducted by law firm of McCreary, Veselka, Bragg & Allen, PC for Municipal Court. (McCreary, Veselka, Bragg & Allen, PC)
8. Consider budget amendment and approval to purchase a 1-ton dump bed, 4-door truck and ½ ton truck for Parks Department (Director of Community Services)
9. Consider annual appointments to the Deep East Texas Council of Governments (DETCOG) Board of Directors for one year terms. (Mayor)
10. Receive budget presentation. (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.

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.

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, May 15, 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 May 2015.

Name: _____ Title: _____

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Canvass results of May 9, 2015 City Council Election and administer Oath of Office to newly elected City Council members.

MEETING DATE: May 19, 2015

DESCRIPTION: The regular city council election was held on May 9 and the city council must canvass the votes and adopt an ordinance declaring the results. Upon completion, the newly elected council members will be sworn in by the City Attorney.

COST: NA

RECOMMENDED ACTION: Canvass votes and adopt Resolution declaring the results of the May 9 City Council election.

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

ATTACHMENTS: Unofficial election results
Resolution

Precinct Report — Official

NACOGDOCHES COUNTY, TEXAS — GENERAL AND SPECIAL ELECTION — May 09, 2015

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05/12/2015 05:04 PM

al Number of Voters : 1,694 of 0 = 0.00%

Precincts Reporting 7 of 7 = 100.00%

| Party | Candidate | Early | | Election | | Total | |
|---|---------------------|-------|--------|----------|--------|-------|--------|
| Precinct Nacogdoches - NW (Ballots Cast: 192) | | | | | | | |
| COUNCILMEMBER - NORTHWEST WARD, Vote For 1 | | | | | | | |
| | Mike Keller | 90 | 73.17% | 43 | 65.15% | 133 | 70.37% |
| | Jo Ellen H. Carlson | 33 | 26.83% | 23 | 34.85% | 56 | 29.63% |
| | Cast Votes: | 123 | 98.40% | 66 | 98.51% | 189 | 98.44% |
| | Over Votes: | 0 | 0.00% | 0 | 0.00% | 0 | 0.00% |
| | Under Votes: | 2 | 1.60% | 1 | 1.49% | 3 | 1.56% |

Precinct Report — Official
NACOGDOCHES COUNTY, TEXAS — GENERAL AND SPECIAL ELECTION — May 09, 2015

Page 2 of 7

05/12/2015 05:04 PM

al Number of Voters : 1,694 of 0 = 0.00%

Precincts Reporting 7 of 7 = 100.00%

| Party | Candidate | Early | | Election | | Total | |
|---|----------------|-------|---------|----------|--------|-------|--------|
| Precinct Nacogdoches - NE (Ballots Cast: 395) | | | | | | | |
| COUNCILMEMBER - NORTHEAST WARD, Vote For 1 | | | | | | | |
| | Terry Courtney | 56 | 22.22% | 23 | 16.43% | 79 | 20.15% |
| | Shelley Brophy | 196 | 77.78% | 117 | 83.57% | 313 | 79.85% |
| | Cast Votes: | 252 | 100.00% | 140 | 97.90% | 392 | 99.24% |
| | Over Votes: | 0 | 0.00% | 0 | 0.00% | 0 | 0.00% |
| | Under Votes: | 0 | 0.00% | 3 | 2.10% | 3 | 0.76% |

RESOLUTION CANVASSING RETURNS AND DECLARING RESULTS OF THE REGULAR CITY COUNCIL ELECTION FOR THE NORTHEAST WARD, NORTHWEST WARD AND AT LARGE POSITIONS HELD MAY 9, 2015.

WHEREAS, under and by virtue of the Resolution duly passed by the City Council of the City of Nacogdoches, Texas on February 3, 2015 calling for the regular election of City Council members for the Northeast Ward, Northwest Ward and At Large positions held on May 9, 2015; and,

WHEREAS, upon consideration of the returns of said election, it appears that the same was in all respects legally held; that due notice had been given; that returns thereof were duly and legally made; and that there were cast at said election:

| FOR CITY COUNCILMEMBER | NORTHEAST WARD |
|------------------------|----------------|
| Terry Courtney | 79 |
| Shelley Brophy | 313 |
| FOR CITY COUNCILMEMBER | NORTHWEST WARD |
| Mike Keller | 133 |
| Jo Ellen H. Carlson | 56 |
| FOR CITY COUNCILMEMBER | AT LARGE |
| Roger Van Horn | UNOPPOSED |

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

SECTION 1: AND IT APPEARING to the City Council of the City of Nacogdoches, Texas that Shelley Brophy received a majority of the votes for the City Councilmember Northeast Ward and that she is therefore duly elected.

SECTION 2: AND IT APPEARING to the City Council of the City of Nacogdoches, Texas that Mike Keller received a majority of the votes for the City Councilmember Northwest Ward and that he is therefore duly elected.

SECTION 3: AND IT APPEARING to the City Council of the City of Nacogdoches, Texas that Roger Van Horn received a majority of the votes for the City Council member At Large (Mayor) and that he is therefore duly elected.

SECTION 4: THAT THE AFORESAID ELECTION was duly and legally called and notice thereof given in accordance with the laws of the State of Texas and the resolution calling said election; that said election was held in strict conformity with the Constitution and laws of the State of Texas; and the returns thereof have been properly made to the officials of the City entitled to receive same; and that only qualified voters of the City were permitted to vote at said election, and properly represents the desires of those qualified to vote as aforesaid.

PASSED AND APPROVED this the 19th day of May 2015.

Mike Keller, Mayor Pro Tem
City Council
City of Nacogdoches

ATTEST:

Lila Fuller, City Secretary

APPROVED as to form: _____
Rob Atherton, City Attorney

RESOLUCIÓN SOBRE LAS BOLETAS DE CAMPAÑA Y DECLARANDO LOS RESULTADOS DE LA ELECCIÓN REGULAR DE DESEMPATE DEL CONCILIO DE LA CIUDAD EL DISTRITOS NORESTE (NORTHEAST), NOROESTE (NORTHWEST) Y COMISIONADO ALCALDE CELEBRADA EL 9 DE MAYO, 2014.

CONSIDERANDO QUE, por virtud y bajo la Resolución debidamente aprobada por la mayo de Comisionados de la Ciudad de Nacogdoches, Texas en 3 de febrero del 2015, convocando una elección regular de Comisionados de la Ciudad para los Distritos Noreste (Northeast), Noroeste (Northwest) y Alcalde celebrada el 9 de mayo del 2015; y,

CONSIDERANDO QUE, sobre la evaluación de las boletas de dicha elección, parece ser que la misma, fue, en todos sus aspectos, legalmente celebrada; que debido aviso ha sido dado; que las boletas de la misma fueron debida y legalmente hechas; y que fueron repartidas en dicha elección:

| PARA COMISIONADO DE LA CIUDAD | DISTRITO NORTHEAST |
|-------------------------------|--------------------|
| Terry Courtney | 79 |
| Shelley Brophy | 313 |
| PARA COMISIONADO DE LA CIUDAD | DISTRITO NORTHWEST |
| Mike Keller | 133 |
| Jo Ellen H. Carlson | 56 |
| PARA | ALCALDE |
| Roger Van Horn | UNOPPOSED |

AHORA, POR LO TANTO, SEA RESUELTO POR LA JUNTA DE COMISIONADOS DE LA CIUDAD DE NACOGDOCHES, TEXAS:

SECCIÓN 2: Y QUE PARECIERA a la Junta de Comisionados de la Ciudad de Nacogdoches, Texas que Shelley Brophy recibió una mayoría de los votos para el puesto de Comisionado de la Ciudad del Distrito Noreste (Northeast) y que él es, por lo tanto, debidamente electo.

SECCIÓN 1: Y QUE PARECIERA a la Junta de Comisionados de la Ciudad de Nacogdoches, Texas que Mike Keller un como electos de Comisionado de la Ciudad del Distrito Noroeste (Northwest) y que ella es, por lo tanto, debidamente electo.

SECCIÓN 3: Y QUE PARECIERA a la Junta de Comisionados de la Ciudad de Nacogdoches, Texas que Roger Van Horn un como electos de Comisionado de la Ciudad Alcalde y que é les, por lo tanto, debidamente electo.

SECCIÓN 4: QUE LA ELECCIÓN ANTERIORMENTE MENCIONADA fue debida y legalmente convocada y aviso de la misma fue dado en cumplimiento con las leyes del Estado de Texas y la resolución convocando a dicha elección; que dicha elección fue llevada a cabo en estricto cumplimiento con la Constitución y las leyes del Estado de Texas; y las boletas de la misma han sido propiamente hechas para los oficiales de la Ciudad con derecho para recibirlas; y que sólo a votantes calificados de la Ciudad les fue permitido votar en dicha elección, y de manera apropiada representa los deseos de tales votantes calificados como anteriormente se dijo.

PASADA Y APROBADA este día 19 de mayo, 2015.

ATESTIGUA:

Roger Van Horn, Alcalde
Ciudad de Nacogdoches

Lila Fuller, Secretaria de la Ciudad

ITEM NO. 5-A

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **CONSENT AGENDA:** Consider approval of minutes from regular meeting of May 5, 2015.

MEETING DATE: **May 19, 2015**

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

ATTACHMENTS: **Minutes**

MINUTES
Regular Session
Nacogdoches City Council
May 5, 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, 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: Receive presentation on 2015 Texas Book Festival Grant for the Judy B. McDonald Public Library.

Mercedes Franks, library director, gave a brief presentation on the grant received from the Texas Book Festival in the amount of \$1,500 that would be used to expand the eBooks collection in an effort to reach underserved populations such as the Spanish-speaking adults and reluctant young adult readers.

Councilmember Boldon congratulated Mercedes for their efforts in the adult technology area, and Mayor Van Horn recognized the creative ideas and programs that the library staff offered.

General Mike Butcko appeared representing the American Red Cross and read a letter thanking the City of Nacogdoches for again giving the Red Cross a visible presence in Nacogdoches by their help in establishing an office in City Hall. He stated the Red Cross had been serving Nacogdoches since 1917 and thanked the City Council and staff for their support.

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 April 21, 2015.

Approved as presented.

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

REGULAR AGENDA:

5. Consider authorizing the City of Nacogdoches to participate in the Texas Enterprise Zone Program by adoption of a resolution providing tax incentives, designating a liaison for communication with the interested parties, and nominating Pilgrim's Pride to the Economic Development and Tourism Division of the Governor's Office through the economic development bank as a Texas Enterprise Project.

Larissa Philpot, city planner, appeared stating Pilgrim's Pride had requested to participate in the enterprise zone program requiring the City of Nacogdoches to serve as sponsor. She stated they were proposing a \$38 million investment to expand a new line

Minutes approved May 19, 2015

Minutes unofficial until approved by City Council

of product requiring new equipment and rail spur improvements. She stated 125 new employees would be hired and 375 current employees retained through the project. As part of the program, Pilgrim's Pride would get a rebate of State sales and use taxes. Philpot stated adoption of the resolution would authorize the City's submission of an application to the State on behalf of Pilgrim's Pride.

John Thomason with Pilgrim's Pride reviewed the proposed project which would move the processing plant to a more commercial product requiring larger birds. He stated the decision by the company to invest in the Nacogdoches Plant reflected well on the Nacogdoches community.

The City Council asked questions of Mr. Thomason regarding hardships in hiring workers. He stated they were excited to be working with Goodwill on a new training program that would allow workers who were part of the Goodwill program to attain employment and benefits through their company.

Council member Keller moved to authorize the City of Nacogdoches to participate in the Texas Enterprise Zone Program by adoption of a Resolution providing tax incentives, designating a liaison for communication with the interested parties, and nominating Pilgrim's Pride to the Economic Development and Tourism Division of the Governor's Office through the economic development bank as a Texas Enterprise Project. The motion was seconded by Council member Norton and unanimously passed. (Resolution No. 1176-5-15)

6. Consider ordinance to abandon and quit claim the unused and unusable reserved utility easement crossing Lots 1 and 2 of the Camila Subdivision south of Loop 224.

Steve Bartlett, city engineer, explained that in platting the Camila Subdivision south of Loop 224 in the City it was discovered that an unused thirty-foot (30') wide utility easement cut through the property. The easement was reserved at the time Wicker Street was abandoned, but Wicker Street was never constructed. The reserved Utility Easement predates Loop 224 and is unused by a utility. Further, it is located in a way that no utility would want to use such easement and impairs the appropriate location of a proposed home across these lots.

Council member Norton moved to adopt an ordinance to abandon and quit claim the unused and unusable reserved utility easement crossing Lots 1 and 2 of the Camila Subdivision south of Loop 224. The motion was seconded by Council member Keller and unanimously passed. (Ordinance No. 1697-5-15)

7. Consider two (2) appointments to the Main Street Advisory Board to fill vacancies.

Council member Brophy moved to table the appointments to the Main Street Advisory Board until July when other board appointments are made. The motion was seconded by Council member Boldon and unanimously passed.

8. Receive budget presentation.

City Manager Jeffers gave a brief presentation on budget opportunities in the 2015 budget and beyond.

The City Council responded that they must find a way to responsibly find more revenue to meet budget needs in the future.

No action necessary.

The City Council went into Executive Session at 6:24 p.m.

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 9-A-1.

None

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

None

12. Adjourn.

Mayor Van Horn adjourned meeting at 6:37 p.m.

Mayor Roger Van Horn
City Council
City of Nacogdoches

ATTEST:

Lila Fuller, City Secretary

ITEM NO. 5-B

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: CONSENT ~ Quarterly Investment Report for quarter ended March 31, 2015.

MEETING DATE: May 19, 2015

DESCRIPTION: Presentation of Quarterly Investment Report for quarter ended March 31, 2015.

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. |
|------------------|----------------|---------|--------------|
|------------------|----------------|---------|--------------|

SCHEDULE:

**RECOMMENDED
ACTION:** None

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

ATTACHMENTS: Quarterly Investment Report ended March 31, 2015

Investment Report

Jan 1, 2015 - Mar 31, 2015



This report is presented in accordance with the Texas Government Code Title 10 Section 2256.023. The below signed hereby certify that, to the best of their knowledge on the date this report was created, that this report is in compliance with the stated policies and strategies of the City of Nacogdoches.

Pam Curbow
Investment Officer

**Investment Position
City of Nacogdoches
March 31, 2015**

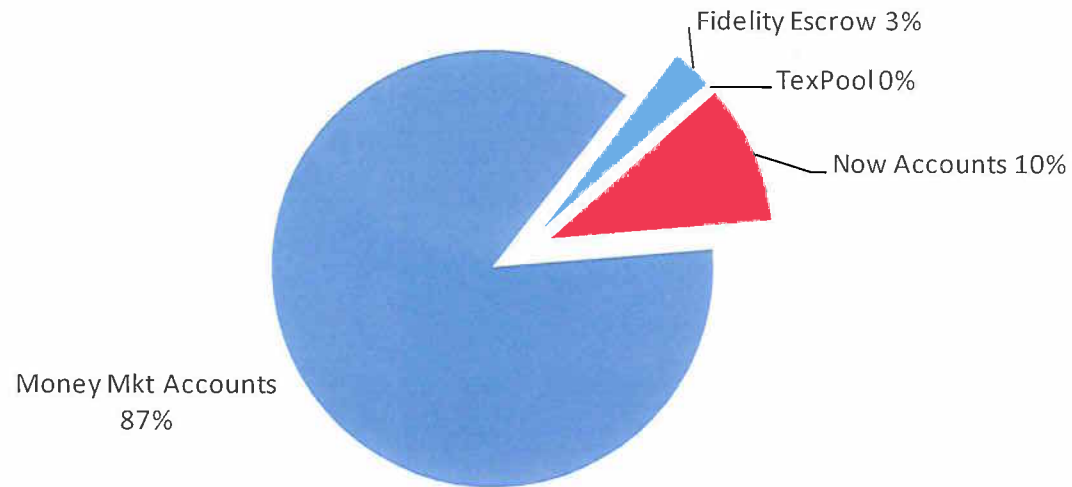
As of March 31, 2015, the City of Nacogdoches had a total of \$5 million in non-interest bearing NOW Accounts at Regions Bank, \$42.2 million invested in Money Market accounts earning a contracted rate of 0.55%, and \$1.4 million in a Fidelity Money Market Escrow account earning a rate of 0.01%. The City's average yield for FY15 is 0.27%.

The City did not have any money invested in Treasuries, Bonds, or other investments with a stated maturity date.

**Summary Statement
City of Nacogdoches
1/1/2015 – 3/31/2015**

| | |
|----------------------------|--------------|
| Beginning Balance 1/1/2015 | \$48,078,865 |
| Ending Balance 3/31/2015 | \$48,591,389 |
| Increase/(Decrease) | \$512,524 |
| Total Interest | \$30,893 |
| Avg Yield | 0.25% |

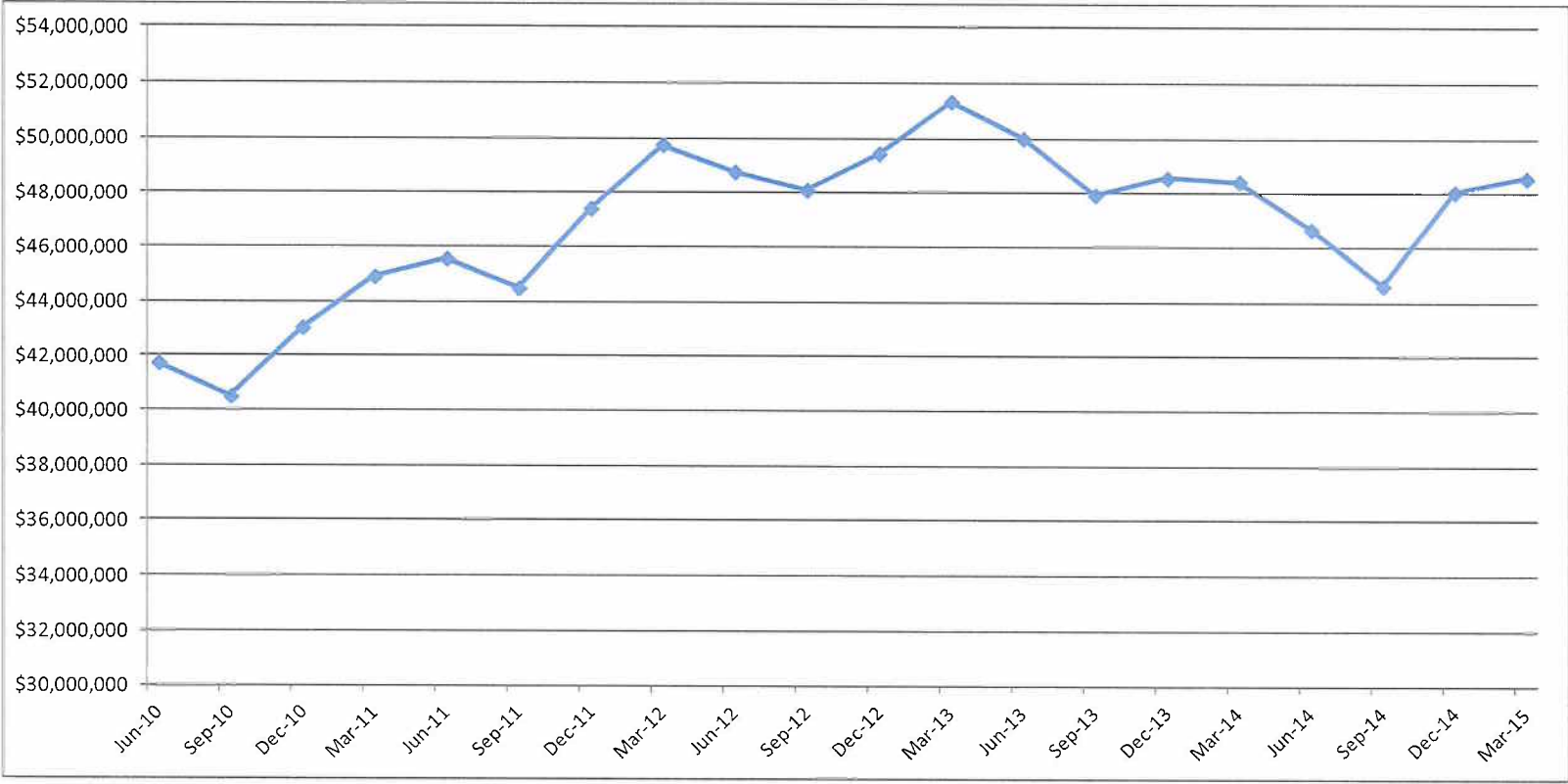
Ending Book Value City of Nacogdoches March 31, 2015



| Type | Interest | | |
|--------------------|----------|---------------|---------|
| | Rate | Value | % Total |
| TexPool | 0.05% | \$ 200 | 0% |
| Now Accounts | 0.00% | \$ 5,000,000 | 10% |
| Money Mkt Accounts | 0.55% | \$ 42,158,890 | 87% |
| Fidelity Escrow | 0.01% | \$ 1,432,299 | 3% |
| Total | | \$ 48,591,390 | 100% |

Portfolio Balance History

City of Nacogdoches



CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **PUBLIC HEARING:** Consider the request for a zoning change from B-1, Local Business, to B-2, General Business, for Lots 1 & 2, C.L Simon No. 1 Subdivision, City Block 64, located on the southeast corner of Woden Road and SE Stallings Drive. This request was initiated by Thary Por. ZON2015-002.

MEETING DATE: May 11, 2015

DESCRIPTION: This property was originally zoned R-1 in 1970. The property owners received a rezoning to B-1 in 1995, citing wishes to develop the property for commercial purposes.

The properties on the southwest and northwest corners of the intersection are zoned B-1. The properties on the northeast corner and the properties to the southeast of the subject property are zoned R-1, single family residential.

The zoning ordinance describes B-1 local business districts as an area intended to accommodate those business activities supplying the day-to-day commercial needs of nearby residents. The types and intensities of uses allowed in this district are limited so as to not adversely affect neighboring residential areas. B-1 districts are also sometimes referred to as neighborhood commercial districts. The ordinance describes B-2 general business districts as an area where business activities are geared toward the automobile. Generally B-2 districts are located along major traffic arteries where strip business develops.

The distinction between the existing zoning of the property (B-1 local business) and the requested zoning (B-2 general business) is the potential negative impact on the adjacent residential properties. The B-2 district is more inclusive, and allows a wider range of uses. Noise, truck traffic, and typical daily vehicle traffic are all items which influence if a use is permitted in a B-2 district, but not in a B-1 district. A comparison of land uses permitted in each district is attached. Land uses which are not permitted in either district were deleted from the chart. The uses which are permitted in one district but not in the other, or require a specific use permit in one district are highlighted.

The applicant has purchased the property, and wishes to construct a donut shop on the property. A donut shop is permitted under the current B-1 zoning, as an "eating place w/o drive-thru," but a drive through would not be permitted. The applicant has indicated they are applying for the zone change so that the donut shop may be constructed with a drive through.

A zoning change to B-2 General Business would represent spot zoning. Spot zoning is the application of zoning to a specific area that is not applied to the larger neighborhood. It provides unjustified privileges for that area the other properties are not granted, and privileges that may be

detrimental to the other properties in the area. Spot zoning can be avoided, by increasing the area of a rezoning. In this case, the intersection is zoned B-1 local business. Rezoning one corner to B-2 gives the owner of that one corner unjustified privileges not granted to the remaining B-1 zoned properties. If the city feels B-2 zoning is appropriate for this property, then rezoning of the entire intersection should be considered, under a separate request.

COST: N/A

BUDGET AMENDMENT REQUIRED?: No

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

SCHEDULE: If the request for rezoning is approved, it will become effective 10 days after publication in the newspaper.

RECOMMENDED ACTION: The property owner and building contractor appeared at the Planning and Zoning Commission meeting to represent the request. No one spoke in favor of or in opposition to the request.

Planning and Zoning Commission recommended approval of the request with a 3 to 1 vote. The commission directed staff to initiate a rezoning of the other properties at the intersection at the June Planning and Zoning meeting to address the spot zoning issue.

Conditions for approval to be considered (staff comments are underlined):

- (1) Compatibility. The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity.
Changing the zoning of this property to B-2 general business has the potential to negatively impact the adjacent residential property.
- (2) Orderly growth and development. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property.
The only surrounding vacant property is the residentially zoned property to the east. Changing the zoning of this property to B-2 general business has the potential to discourage residential development of these lots.
- (3) Supporting facilities. Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided.
Adequate supporting facilities already exist for the property, or can be provided with existing city policies.
- (4) Drives and parking. The design, location and arrangement of all driveways and parking spaces provided for the safe and convenient movement of vehicular and

pedestrian traffic without adversely affecting the general public or adjacent developments.

The properties currently do not have a paved driveway. Future driveways and curb cuts must be approved by the City. The City's access management guidelines require separation between other driveways and intersections, meaning a future driveway at this location would likely be permitted only on the far eastern side of the lot on Stallings Drive, or on the far southern side of the lot on Woden Road.

- (5) Nuisances. Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration.

Any future development must adhere to ordinance regulations regarding performance standards which do not permit offense odor, fumes, dust, noise or vibrations at levels that are a nuisance to adjacent property owners. An important difference between B-1 and B-2 permitted land uses is the limitation on uses that could produce noise or odor in B-1 districts.

- (6) Lighting. Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties.

The city's lighting ordinance will apply.

- (7) Landscaping. Sufficient landscaping and screening to ensure harmony and compatibility with adjacent properties exists or will be provided.

The city's landscaping ordinance will apply. Street trees will be required along the Stallings and Woden Road street frontages. A solid screening fence and a 6 foot wide landscaped buffer will be required between the commercially zoned property and the residentially zoned property.

- (8) Comprehensive plan. The proposed use is in accordance with the comprehensive plan.

The comprehensive plan recommends commercial development for this intersection. The comprehensive plan's future land use map doesn't differentiate between B-1 and B-2 commercial uses.

CITY CONTACT:

Larissa Philpot, City Planner; 559-2572, philpotl@ci.nacogdoches.tx.us

ATTACHMENTS:

Land Use Schedule B-1 vs. B-2

Current Zoning Map

Future Land Use Map

Aerial Photograph

LAND USE SCHEDULE

(*) Signifies Uses with Special Guidelines

(*Italic*) Signifies a Defined Use

| Permitted Use P=Permitted, A=Accessory Use, S=SUP | Commercial | |
|--|------------|-----|
| | B-1 | B-2 |
| AGRICULTURAL USES | | |
| <i>Farm, Ranch, Garden or Orchard</i> | | S |
| <i>Farm or Ranch for live stock and Animal Specialties</i> | | S |
| <i>Feed Store and Tack for live Stock - No Mill</i> | | P |
| RESIDENTIAL USES | | |
| Household Units | | |
| <i>Home Occupation</i> | P | P |
| <i>Multifamily - Apartments</i> | S | P |
| Special Unit Types | | |
| <i>Industrialized Building</i> | P | P |
| <i>Manufactured Home Park</i> | | S |
| <i>Mobile Home Park</i> | | S |
| <i>Travel Trailer/ RV Park</i> | S | S |
| Lodging/Group Quarters | | |
| <i>Bed and Breakfast* - 4 or Less Patrons</i> | P | P |
| <i>Bed and Breakfast* - 5-8 Patrons</i> | S | P |
| <i>Boarding or Rooming House</i> | S | P |
| <i>Accessory Apartment*</i> | P | P |
| <i>Convent or Monastery</i> | S | P |
| <i>Family Group Home</i> | S | P |
| <i>Family Home</i> | P | P |
| <i>Foster Home</i> | P | P |
| <i>Guest House (Detached)</i> | P | P |
| <i>Half-way House - Criminal</i> | S | P |
| <i>Hotel or Motel</i> | S | P |
| <i>Orphanage</i> | S | P |
| <i>Retirement Home</i> | P | P |
| <i>Pool House</i> | A | A |
| AMUSEMENT /RECREATION USES | | |
| General Recreation | | |
| <i>Amusement, Commercial - Indoors*</i> | | P |
| <i>Amusement, Commercial - Outdoors</i> | | S |
| <i>Billiard Parlor or Pool Hall*</i> | | P |
| <i>Carnival or Circus (Temporary)</i> | | S |
| <i>Country Club (Private Membership)</i> | S | P |
| <i>Fairground*</i> | | P |
| <i>Golf Course (Public or Private)</i> | P | P |
| <i>Golf Driving Range</i> | P | P |
| <i>Health Club or Studio</i> | P | P |
| <i>Ice or Roller Skating Rink*</i> | S | P |
| <i>Night Club or Dance Hall*</i> | | P |
| <i>Pool House</i> | P | P |
| <i>Race Track</i> | | S |
| <i>Recreation Club or Area (Private)*</i> | | P |
| <i>Recreation Facility (Public)</i> | P | P |
| <i>Teen Club*</i> | S | P |
| <i>Tennis Court (Lighted)</i> | S | P |
| <i>Tennis Court (No Lights)</i> | P | P |

LAND USE SCHEDULE

(*) Signifies Uses with Special Guidelines
(*Italic*) Signifies a Defined To

| Permitted Use P=Permitted, A=Accessory Use, S=SUP | Commercial | |
|--|------------|-----|
| | B-1 | B-2 |
| <i>Theater - Movie or Live (Enclosed)</i> | S | P |

LAND USE SCHEDULE

(*) Signifies Uses with Special Guidelines

(*Italic*) Signifies a Defined Use

| Permitted Use P=Permitted, A=Accessory Use, S=SUP | Commercial | |
|--|------------|-----|
| | B-1 | B-2 |
| INSTITUTIONAL, UTILITY and GOVERNMENTAL USES | | |
| Government / Utility | | |
| <i>Government Facility</i> | P | P |
| <i>Library, Art Gallery or Museum (Public)</i> | P | P |
| <i>Post Office</i> | S | P |
| <i>Postal Distribution Facility</i> | | P |
| <i>Radio or TV Trans. Station (Commercial)</i> | S | P |
| <i>Radio Tower (Non-Commercial)*</i> | P | P |
| <i>Relocatable Educational Facility</i> | P | P |
| <i>Radio, TV, Microwave, or Cellular Transmission Tower (Comm.)*</i> | P | P |
| <i>Satellite Dish*</i> | P | P |
| <i>Utility Facilities (Major)</i> | S | P |
| <i>Utility Lines and Transmission</i> | P | P |
| Schools / Organizations | | |
| <i>College or University</i> | S | P |
| <i>Daycare - 3 or less Attendees</i> | P | P |
| <i>Daycare - 4-6 Attendees</i> | P | P |
| <i>Daycare Center - 7 or more Attendees</i> | S | P |
| <i>School - Vocational</i> | S | P |
| <i>School, K-12 (Public or Private)</i> | P | P |
| <i>Church or Place of Worship</i> | P | P |
| <i>Club, Private</i> | P | P |
| <i>Community Center - Private</i> | P | P |
| <i>Community Center - Public</i> | P | P |
| <i>Fraternity / Sorority House</i> | S | S |
| <i>Lodge or Fraternal Organization</i> | S | P |
| OFFICE AND PROFESSIONAL | | |
| Office - General | | |
| <i>Advertising Agency</i> | | P |
| <i>Architectural / Engineering Services</i> | P | P |
| <i>Banks and Financial Institutions</i> | P | P |
| <i>Banks with Drive In Facilities</i> | S | P |
| <i>Legal Services</i> | P | P |
| <i>Offices - General or Professional</i> | P | P |
| | | |
| Medical / Healthcare | | |
| <i>Animal Hospital or Clinic</i> | | P |
| <i>Emergency Ambulance Service</i> | | P |
| <i>Hospice</i> | P | P |
| <i>Hospital - Acute Care</i> | S | P |
| <i>Hospital - Chronic Care</i> | S | P |
| <i>Medical or Dental Office or Clinic</i> | P | P |
| <i>Nursing/Convalescent Home</i> | S | P |
| <i>Psychiatric Hospital or Institution</i> | | S |
| <i>Veterinary Office (No Hosp. or Clinic)</i> | P | P |
| Business or Personal Services | | |
| <i>Auction - Goods & Equipment (Indoors)</i> | | P |
| <i>Beauty Parlor/Barbershop</i> | P | P |

LAND USE SCHEDULE

(*) Signifies Uses with Special Guidelines

(*Italic*) Signifies a Defined Use

| Permitted Use P=Permitted, A=Accessory Use, S=SUP | Commercial | |
|--|------------|-----|
| | B-1 | B-2 |
| Cabinet and Woodwork Shop (Custom) | S | P |
| <i>Caretaker/Security Quarters</i> | P | P |
| <i>Cemetery or Mausoleum</i> | P | P |
| Communications/Electronics Equipment - Installation and Repair | S | P |
| Conventions, Trade Shows or Exhibits | S | P |
| Exterminator Service | S | P |
| Household Appliance and Equipment Repair | S | P |
| Information Processing | | P |
| Laundry/Dry Cleaning - <4,000 s.f. w/ Customer Service | | P |
| Laundry/Dry Cleaning - Drop Off/Pick Up | P | P |
| <i>Laundry/Dry Cleaning -Self Service</i> | P | P |
| Locksmith | P | P |
| Mailing Service (Private) | P | P |
| Mortuary or Funeral Home | | P |
| Photocopying or Duplicating Services | S | P |
| Photographic Studio | P | P |
| <i>Sewing and Millinery (Custom)</i> | P | P |
| Shoe Repair | P | P |
| <i>Studio - Art, Drama, Dance, Music - Performing Arts</i> | P | P |
| Tailor Shop | P | P |
| Tattoo Salon/ Piercing Studio | S | S |
| Taxidermist | | S |
| Temporary Field or Construction Office | P | P |
| Temporary Retail Use | S | S |
| Travel Agency | P | P |
| Upholstery Shop or Furniture Repair (non-Auto) | | P |
| Food and Beverage Services | | |
| <i>Club (Private)</i> | S | P |
| Catering Service | S | P |
| <i>Eating Place w/ Drive-thru</i> | | P |
| <i>Eating Place w/o Drive-thru</i> | P | P |
| Food Preparation or Food Service | P | P |
| Liquor By the Drink* | S | P |
| Microbrewery | | S |
| Retail | | |
| Alcohol Sales - Off Premise Consumption | P | P |
| <i>Antique Shop</i> | P | P |
| Art Dealer | P | P |
| Art Gallery | P | P |
| Bait or Tackle Shop | S | P |
| Bakery Shop | P | P |
| Bicycle Sales or Repair | P | P |
| Book or Stationery Shop | P | P |
| Building Material Sales (Outside Storage) | | P |
| Camera or Photographic Supply Shop | P | P |
| Cloth or Fabric Store | S | P |
| Clothing Store | P | P |

III. PERMISSIBLE USES

LAND USE SCHEDULE

(*) Signifies Uses with Special Guidelines

(*Italic*) Signifies a Defined Use

| Permitted Use P=Permitted, A=Accessory Use, S=SUP | Commercial | |
|---|------------|-----|
| | B-1 | B-2 |
| Confectionery Shop | P | P |
| Consignment Shop | P | P |
| <i>Convenience Store</i> | P | P |
| Drug Store or Pharmacy | P | P |
| <i>Farmers Market - Outdoor</i> | S | P |
| <i>Flea Market - Outdoor</i> | S | P |
| Florist Shop | P | P |
| Furniture Sales - New (Indoor Only) | S | P |
| <i>Garden Shop & Plant Sales</i> | S | P |
| Grocery | P | P |
| Hardware Store | S | P |
| Hobby, Handicraft or Art Supplies | P | P |
| Lawnmower Sales or Repair | S | P |
| Major Appliance Sales (Indoor) | S | P |
| Manufactured Home Dealer (Sales Only) | | S |
| Monument Sales Yard | | P |
| Optical Shop | P | P |
| Paint and Wallpaper Store | P | P |
| <i>Pawn Shop*</i> | | P |
| <i>Pet Shop</i> | S | P |
| Plumbing Shop (Retail & Wholesale) | | P |
| Retail or Convenience Store with Gasoline | P | P |
| Sporting Goods | | P |
| Swimming Pool Sales & Supply | | P |
| Used Merchandise (Inside) | S | P |
| TRANSPORTATION, AUTOMOBILE | | |
| and MARINE USES & SERVICES | | |
| Automobile Related | | |
| Auto Brake, Muffler, Glass, Seat Covers or Tire Sales & Service | | P |
| Auto Dealer - Primarily New/Used Autos | | P |
| Auto Dealer - Primarily Used Autos | | P |
| Auto Interior Shop | | P |
| Auto Paint/Body Repair | | S |
| Auto Rental | | P |
| Auto Repair - General | | P |
| Auto Supply - Used Parts Store with no On-Site Salvage | | P |
| Auto Supply Store for New and Rebuilt Parts | | P |
| Auto Wrecker Service | | A |
| Auto/Truck Parts and Accessories | | P |
| Car Wash | | P |
| Parking - Accessory to Another Use | | A |
| Parking - Commercial Lot or Garage | | P |
| Lube/Oil Change | | P |
| <i>Service Station</i> | S | P |
| State Vehicle Inspection | | P |
| Bus or Truck Related | | |
| Bus or Truck Parking or Storage | | S |
| Bus Station and Terminal | | S |

LAND USE SCHEDULE

(*) Signifies Uses with Special Guidelines

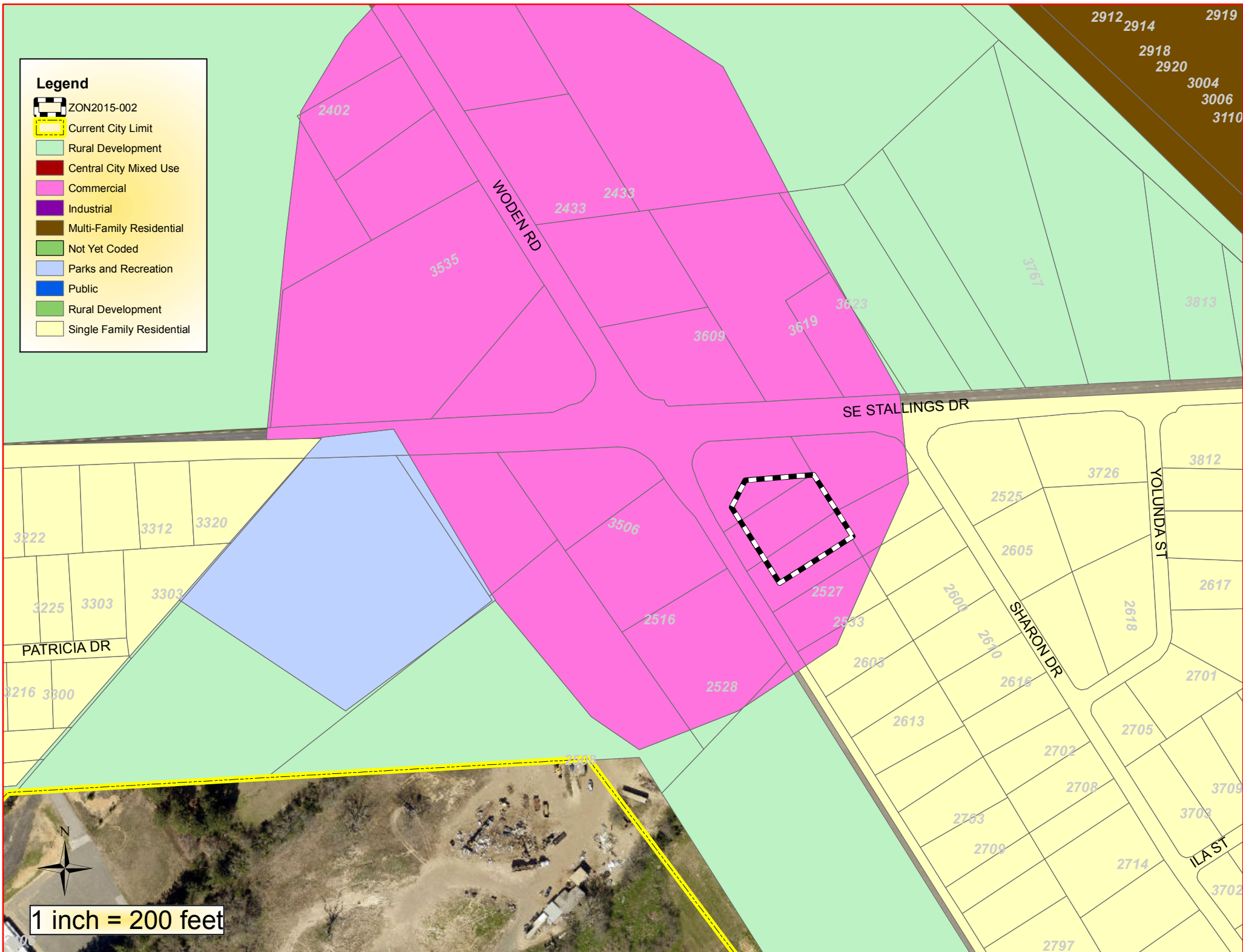
(*Italic*) Signifies a Defined Use

| Permitted Use P=Permitted, A=Accessory Use, S=SUP | Commercial | |
|--|------------|-----|
| | B-1 | B-2 |
| Truck Stop, Including Gas Sales | | P |
| Truck/Heavy Equipment Driving School | | S |
| Truck/Trailer Rental | | P |
| Trucking Company | | S |
| | | |
| Railroad or Airport Related | | |
| Airport or Landing Field | | S |
| Railroad Freight Depot | | S |
| Railroad Passenger Station | | P |
| Vehicle - General | | |
| Boat Dealer - Sales Only | | P |
| Boat Repair or Storage | | P |
| Motorcycle Sales or Service | | P |
| Transfer/Storage Terminal | | S |
| Vehicle Maintenance - Private | | A |
| Vehicle Wash - Private | | A |
| | | |
| WHOLESALE TRADE | | |
| and STORAGE USES | | |
| Wholesale Trade | | |
| Apparel, Piece Goods, Notions - Wholesale | | P |
| Groceries/Related Products - Wholesale | | P |
| Paper or Paper Products - Wholesale | | P |
| Petroleum Products Storage & Wholesale | | S |
| Tool or Equipment Rental - Indoor | | P |
| Tool or Equipment Rental - Outdoor | | P |
| Storage | | |
| <i>Contractor or Maintenance Yard</i> | | P |
| Mini Warehouse | S | S |
| <i>Open Storage (Screened)</i> | | P |
| <i>Warehouse/Storage (Inside)</i> | | P |
| MANUFACTURING | | |
| and MINING USES | | |
| Articles and Equipment | | |
| Cabinet & Woodworking Manufacturing | | P |
| Concrete or Asphalt Batch Plant - Temp. | S | S |
| Laboratory - Medical or Dental | | P |
| Laboratory - Scientific Testing | | P |
| Light Manufacturing/Assembly | | S |
| Printing Publishing and Allied Industries | | P |
| | | |
| Natural Resources | | |
| Petroleum Products Storage and Warehouse | | S |





Legend

-  ZON2015-002
-  Current City Limit
-  Rural Development
-  Central City Mixed Use
-  Commercial
-  Industrial
-  Multi-Family Residential
-  Not Yet Coded
-  Parks and Recreation
-  Public
-  Rural Development
-  Single Family Residential



Legend

-  ZON2015-002
-  Current City Limit



1 inch = 200 feet

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Update on collection services conducted by law firm McCreary, Veselka, Bragg & Allen, P.C. for Municipal Court

MEETING DATE: May 19, 2015

DESCRIPTION: A presentation of the collection rate for Municipal Court

COST: no cost to the court

BUDGET AMENDMENT REQUIRED?:

| FUNDING: | Acct. Name/Number | Adopted Budget | Total Requested |
|-----------------|--------------------------|-----------------------|------------------------|
|-----------------|--------------------------|-----------------------|------------------------|

**RECOMMENDED
ACTION:** Approval

CITY CONTACT: Juanita Springer, Judge/Court Administrator 559-2641

ATTACHMENTS:

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider approval to purchase a one-ton, dump bed, 4 door truck and a half-ton truck for Parks Department.

MEETING DATE: May 19, 2015

DESCRIPTION: The Parks Department is requesting approval for the purchase of two trucks totaling \$54,586.30. The Department was budgeted \$47,500.00 for the acquisition of the trucks. The \$7,086 deficit will be offset by the sale of the used trucks.

COST: \$54,586.30

BUDGET AMENDMENT REQUIRED: Yes

SOURCE OF FUNDING:

| <u>Item</u> | <u>Acct. Name & No.</u> | <u>Original Budget</u> | <u>Request</u> |
|----------------|-----------------------------|------------------------|----------------|
| Half-Ton Truck | 60.60.680.20 | \$20,000 | \$ 0 |
| One-Ton Truck | 60.60.680.20 | \$27,500 | \$ 7,100 |

SCHEDULE: Upon Council approval, the City of Nacogdoches will execute the purchase.

**RECOMMENDED
ACTION:** Approval of purchase

CITY CONTACT: Brian Bray, Director of Community Services 936-559-2960

ATTACHMENTS: Bid tabulation



City of Nacogdoches, Texas Bid Tabulation Sheet

DATE: 4/5/2015

REQUISITION NUMBER: 1234515

DEPARTMENT: Community Services Dept

| Item No. | Qty. | UOM | Description | BIDDER A | | BIDDER B | | BIDDER C | |
|----------|------|-----|---|-------------|-------------|-------------|-------------|-------------|-------------|
| | | | | Unit Cost | Extension | Unit Cost | Extension | Unit Cost | Extension |
| 1 | 1 | ea | Parks Truck unit 849, 1/2 ton | \$19,735.30 | \$19,735.30 | \$20,889.35 | \$20,889.35 | \$22,671.89 | \$22,671.89 |
| 2 | 1 | ea | Parks truck unit 841, 1-ton with dump bed | \$34,851.00 | \$34,851.00 | \$35,783.35 | \$35,783.35 | \$39,280.04 | \$39,280.04 |
| 3 | 0 | | | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 4 | 0 | | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| 5 | 0 | | | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| TOTAL: | | | | | \$54,586.30 | TOTAL: | \$56,672.70 | TOTAL: | \$61,951.93 |

BIDDER A:

Company Name: Silsbee Ford
Contact: Glen Angelle
Phone: 409-895-3859
Address: 1211 HWY 96 N. Silsbee TX 77656

BIDDER B:

Company Name: Caldwell Country Ford
Contact: Aaron Wiley
Phone: 254-773-8824
Address: 800 HWY 21 E. Caldwell TX 77836

BIDDER C:

Company Name: Tipton Ford
Contact:
Phone: 936-564-7337
Address: 1115 North St. Nacogdoches TX 75961

TABULATED BY: Jessica Ward

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.

WHEREAS, with the adoption of this ordinance, the Parks Department is authorized to purchase a one –ton truck with dump bed as presented.

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:

| Fund | Dept. | Acct. | Department | Description | Amt. |
|-------------|--------------|--------------|---------------------------|--|-------------|
| 60 | 60 | 680.20 | Gen Fd- Equip Replacement | Parks Dept one-ton truck with dump bed | \$7,100 |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

PASSED AND APPROVED this the 19th day of May 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. 9

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider the appointment of four (4) City Council members to the Deep East Texas Council of Governments Board of Directors for a one-year term.

MEETING DATE: May 19, 2015

DESCRIPTION: Currently Council members Brophy, Keller, Boldon and Norton are serving on the DETCOG Board.

RECOMMENDED ACTION: Consider appointments to the DETCOG Board

CITY CONTACT: Jim Jeffers - 559-2501 - jjeffers@ci.nacogdoches.tx.us

ATTACHMENTS:

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Receive FY 2015-2016 budget presentation

MEETING DATE: May 19, 2015

DESCRIPTION: A brief presentation on a particular aspect of the FY 2015-2016 budget will be presented.

CITY CONTACT: City Manager Jim Jeffers - Jeffers@ci.nacogdoches.tx.us

Presentation will be made
at Tuesday's meeting

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: May 19, 2015

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