



Notice is hereby given of a Regular Meeting of the Nacogdoches City Council to be held **July 7, 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:**
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 June 16, 2015. (City Secretary)
 - B. Consider authorization for tax resale for property described as: Being Lot 41, Block 53 in the City of Nacogdoches, Nacogdoches County, TX; more fully described in Volume 465, Page 623, Deed Records, Nacogdoches County, Texas located at 1023 Fulham. GEO (17-053-0041-000000). (City Secretary)
 - C. Consider authorization for tax resale for property described as: Being Lot 3-B, JM Martinez Survey, Allen Seale Subdivision in the City of Nacogdoches, Nacogdoches County, TX; more fully described in Volume 519, Page 495 Deed Records, Nacogdoches County, Texas located at 1700 Railroad Street. GEO (18-524-5800-003020). (City Secretary)
 - D. Consider authorization for tax resale for property described as: Tract 2: Being Lot 8-D, Block 43 in the City of Nacogdoches, Nacogdoches County, Texas; also referred to as Third Tract and more fully described in Volume 1004, Page 0-69 Official Public Records, Nacogdoches County, Texas located at 1213 Powers Street. GEO (17-043-1008-040000). (City Secretary)

REGULAR AGENDA:

5. Consider approval of a Chapter 380 Economic Develop Agreement with Crisp Construction, Inc. for retail space at 111 N. Pecan Street. (City Planner)
6. Consider authorizing the Mayor to execute documents in connection with Pilgrim's Pride Texas Capital Fund contracts. (City Attorney)
7. Consider 2015 Street Paving Project Bid Dismissal. (City Engineer)
8. Consider the award of a contract for the construction of Utility Relocations on East Starr Avenue. (City Engineer)

9. Consider award for the purchase of a 2016 Mack LEU-613 Sanitation Collection Truck. (Public Works Manager)
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 Personnel under Local Government Code Section 551.074 as follows:
 1. Consider annual City Manager evaluation and consider contract extension; and
 2. Consider amendment to City Manager and City Attorney contracts to provide for cost of living adjustments paid to other employees to apply to City Manager and City Attorney.
- B. 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. Open for action, if any, on Item 11-B-1.
15. Open for action, if any, on Item 11-B-2
16. 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 Thursday, July 2, 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 July 2015.

Name: _____ Title: _____

ITEM NO. 4-A

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **CONSENT AGENDA:** Consider approval of minutes from regular meeting of June 16, 2015.

MEETING DATE: **July 7, 2015**

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

ATTACHMENTS: **Minutes**

MINUTES
Regular Session
Nacogdoches City Council
June 16, 2015 – 5:30 p.m.
City Council Room – City Hall
202 E. Pilar Street

DRAFT

Regular Session:

Those Present:

Mayor 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 recognized SFA students in the audience and welcomed them to the meeting.

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 June 2, 2015.

Approved as presented.

B. Consider authorization for tax resale for property described as: Being 1.0 acres, more or less, Lot 5, Brookhollow Subdivision, City of Nacogdoches, Nacogdoches County, TX; more fully described in Volume 363, Page 690 Deed Records, Nacogdoches County, TX located at 3303 Brookhollow Drive. GEO (18-087-5600-005000).

Approved as presented.

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

REGULAR AGENDA:

5. PUBLIC HEARING: Consider the request for a specific use permit to operate a microbrewery on Lots 1, 1-B and 1-C, City Block 6, located at 140 N. Mound Street. This request has been submitted by Paul Murray. SUP2015-001.

Larissa Philpot, city planner, explained the request was for a specific use permit to operate a microbrewery on property located at Mound and Hospital Street, the former Dragonfly Nursery. She stated in 2009 the city's zoning ordinance was amended to allow microbrewery operations in business districts. She went on to explain the proposed business would not include a restaurant at this time, and would only be operating two days per week and possibly special events such as festivals. Ms. Philpot stated all distance restrictions of 300 feet for the church property located on E. Hospital had been met, and all property owners within 200 feet of the property line had been

notified. She explained how the distance was measured for the property. The Planning and Zoning Commission voted 4-1 to approve the request.

Paul Murray, 605 Sarah Ann, applicant, appeared and explained they were proposing business hours on the weekend from possibly 2:00pm – 8:00 pm. He explained the business would be small and would be operated by his partner and himself for the brewing operation, so hours they would be open to the public would be limited. He explained they would work to get their product to the local restaurants as a unique draw to the area.

Council member Keller stated he would like to see the proposed structure have more of a historic look.

Mr. Murray described the atmosphere of the microbrewery and the idea that it would be a casual meeting place free from TV's and distractions you experience in other bar-like establishments. He stated they would not have a restaurant, but would invite food trucks in to sell food items to their customers to enjoy with their beer.

Council member Boldon voiced concerns with the distance to the church if the property was used for parties.

Mayor Van Horn opened the public hearing.

Kendall Rogers, 517 W. Cox Street, spoke in support of the request from an economic perspective, stating this would help in the push to bring tourism to Nacogdoches by providing a unique entertainment experience for a local product. He stated he felt the location was a good fit to put a new business on a vacant lot.

Marty Prince, 517 W. Cox Street, spoke in support, stating as director of the Forest Trail Region, she knew first-hand these concepts for tourism and it would bring people to the downtown.

Jim Stallworth, 3600 Buckingham, spoke in support, stating this would be another step in the right direction and needs to be tried, stating it was a good project.

There being no one else desiring to speak, Mayor Van Horn closed the public hearing.

After some discussion on the benefits of the project, its location in relation to the church, and the trend toward microbreweries and their draw for tourism, Council member Norton moved to approve the specific use permit to operate a microbrewery on Lots 1, 1-BG and 1-C, City Block 6 located at 140 N. Mound Street as requested by Paul Murray. The motion was seconded by Council member Brophy and passed by the following votes:

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

6. Consider authorizing the Mayor to execute documents in connection with Pilgrim's Pride Texas Capital Fund contracts.

Mayor Van Horn stated this item would be tabled until a future meeting.

7. Consider annual appointment of Mayor Pro Tem and Vice Mayor Pro Tem.

Mayor Van Horn reviewed the current appointment of Mike Keller serving as Mayor Pro Tem and David Norton serving as Vice Mayor Pro Tem.

Mayor Van Horn moved that Shelley Brophy be appointed as Mayor Pro Tem and Roy Boldon be selected as Mayor Pro Tem for a one-year term, unless someone wanted to discuss a different process.

Council member Keller stated the Mayor Pro Tem position needed someone on a consistent basis and he would like to serve in that position for another year because he had time to dedicate to it.

Mayor Van Horn called for a vote on the motion on the floor and it passed by the following vote:

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

NOES: Council member Keller

8. Receive budget presentation.

Pam Curbow, director of finance, gave a brief presentation on the Utility Fund and how the current budget year was projected to end.

No action necessary.

Executive Session Item 9-A was considered in open session.

9. A. Personnel – Consider appointment of Municipal Court Judge, as per G.C. Section 551.074.

City Manager Jeffers stated Judge Juanita Springer had done an extraordinary job and he wished to nominate Judge Springer for an additional two-year term.

Judge Springer thanked the City Council for the confidence in her and allowing her to continue serving.

Council member Keller moved to re-appoint Judge Juanita Springer to an additional 2-year term as Municipal Court Judge. The motion was seconded by Council member Norton and unanimously passed.

No Executive Session was held.

9. EXECUTIVE SESSION:

B. 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-B-1.

None

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

None

12. Adjourn.

Mayor Van Horn adjourned meeting at 6:23 p.m.

Mayor Roger Van Horn
City Council
City of Nacogdoches

ATTEST:

Lila Fuller, City Secretary

ITEM NO. 4-B

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **CONSENT AGENDA:** Consider authorization for tax resale for property described as:

Being Lot 41, Block 53 in the City of Nacogdoches, Nacogdoches County, TX; more fully described in Volume 465, Page 623 Deed Records, Nacogdoches County, TX. GEO (17-053-0041-000000), 1023 Fulgham.

MEETING DATE: **July 7, 2015**

DESCRIPTION: The City of Nacogdoches, as a taxing entity, has been requested on behalf of Nacogdoches ISD to approve the sale of property described above.

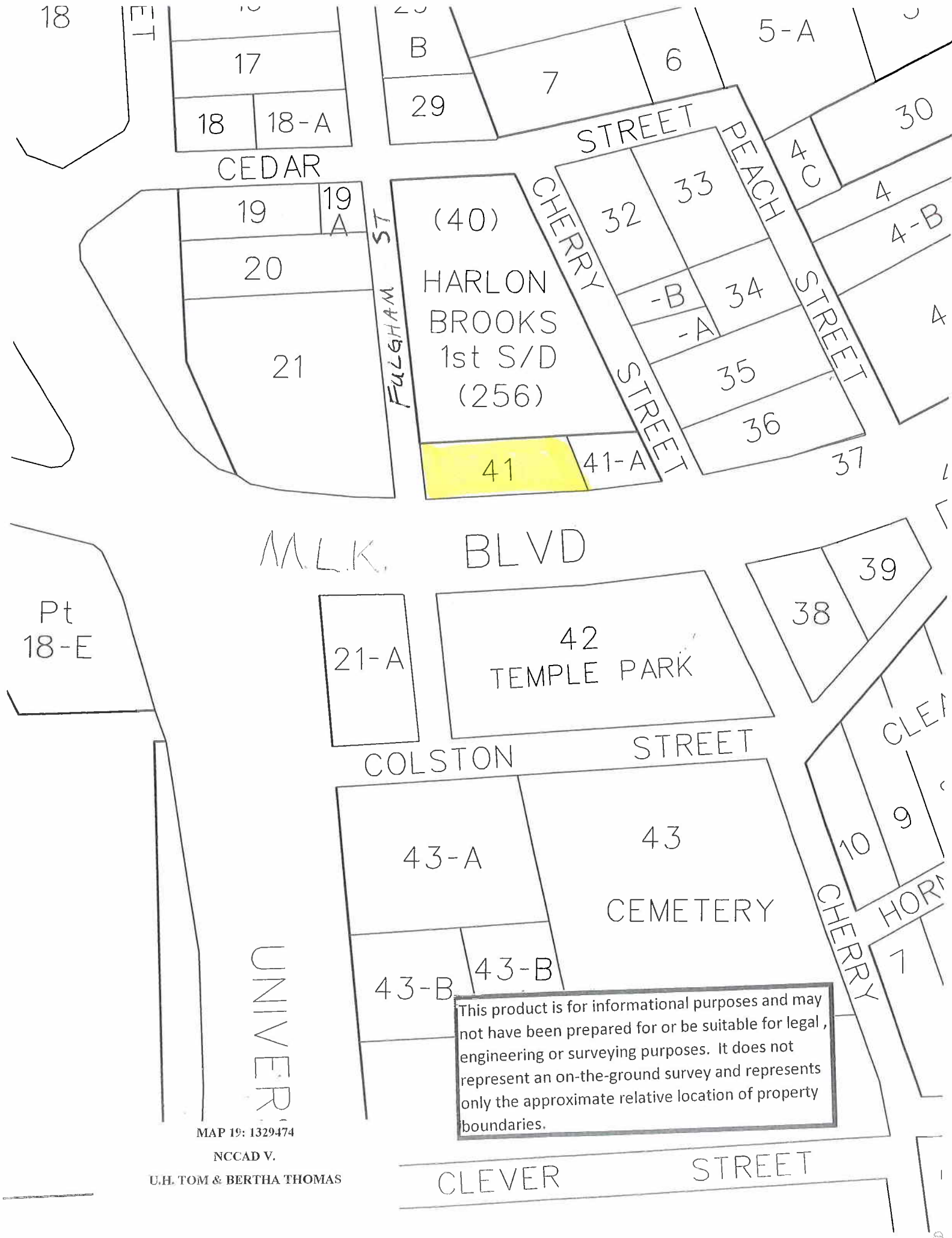
COST: None

SCHEDULE: Upon approval, a Tax Resale Deed will be executed by all taxing entities.

**RECOMMENDED
ACTION:** **Approve sale of property as presented.**

CITY CONTACT: **Jim Jeffers, City Manager - 559-2501**

ATTACHMENTS: Description of Property
Tax Resale Deed is available from the City Secretary



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.

MAP 19: 1329474

NCCAD V.

U.H. TOM & BERTHA THOMAS

17

Tract 2: Being LOT 26-4-A, BLOCK 32, of the THOMAS ESTATE SUBDIVISION, Nacogdoches County, Texas; more fully described in Volume 1973, Page 174, Official Public Records of Nacogdoches County, Texas. GEO (17-032-0026-040100) S. Fredonia St
Tax Sale Date: November 4, 2014
Minimum Bid at Auction: \$ 2,150.00
Appraised Value: \$ 3,000.00
Struck Off To: NACOGDOCHES ISD

18

Original Owner: Derek Crawford, et al

Suit No: 1228627

Property: Being Lots one (1) and two (2), Block Four (4) of Carrizo Creek Mobile Home Subdivision; more fully described in Volume 1554, Page 177 Official Property Records, of Nacogdoches County Texas. Also located on property a 16x76 Fleetwood Model Mobile Home, Label Number RAD1038184, Serial Number TXFLV12A29942FD11, Nacogdoches County, TX. GEO (06-085-0004-001000) Kevin St.

MOBILE HOME IS NO LONGER LOCATED ON PROPERTY

Tax Sale Date: May 5, 2015

Minimum Bid at Auction: \$15,935.00

Appraised Value: \$ 5,500.00

Struck Off To: NACOGDOCHES ISD

19

Original Owner: Unknown Heirs of Tom and Bertha Thomas, et al

Suit No: 1329474

Property: Being Lot 41, Block 53, in the City of Nacogdoches, Nacogdoches County, TX; more fully described in Volume 465, Page 623, Deed Records of Nacogdoches County, Texas. GEO (17-053-0041-000000) 1023 Fulgham St

Tax Sale Date: May 5, 2015

Minimum Bid at Auction: \$ 2,454.00

Appraised Value: \$ 5,000.00

Struck Off To: NACOGDOCHES ISD

20

Original Owner: Unknown Heirs of Pearl Johnson, et al

Suit No: 1329511

Property: Being Lot 5, Block 2, in the City of Nacogdoches, Texas; more fully described in Volume 98, Page 148, Nacogdoches County, Texas. GEO (17-022-0005-050000) 314 S Church St.

Tax Sale Date: May 5, 2015

Minimum Bid at Auction: \$ 10,985.00

Appraised Value: \$ 15,950.00

Struck Off To: NACOGDOCHES ISD

21

Original Owner: Unknown Heirs of Nina Dixon Ferguson, et al

Suit No: 1430034

Property: Being Lot 22 Block 52 in the Wiley P. Rusk Survey, located in the City of Nacogdoches, Nacogdoches County, Texas; more particularly described in Volume 255, Page 351, Deed Records of Nacogdoches County, Texas. GEO (17-052-0022-000000) 1014 Devereaux St.

Tax Sale Date: May 5, 2015

Minimum Bid at Auction: \$ 2,892.00

Appraised Value: \$ 1,500.00

ITEM NO. 4-C

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **CONSENT AGENDA:** Consider authorization for tax resale for property described as:

Being Lot 3-B, JM Martinez Survey, Allen Seale Subdivision in the City of Nacogdoches, Nacogdoches County, TX; more fully described in Volume 519, Page 495 Deed Records, Nacogdoches County, TX. GEO (18-524-5800-003020), 1700 Railroad Street.

MEETING DATE: **July 7, 2015**

DESCRIPTION: The City of Nacogdoches, as a taxing entity, has been requested on behalf of Nacogdoches ISD to approve the sale of property described above.

COST: None

SCHEDULE: Upon approval, a Tax Resale Deed will be executed by all taxing entities.

**RECOMMENDED
ACTION:** **Approve sale of property as presented.**

CITY CONTACT: **Jim Jeffers, City Manager - 559-2501**

ATTACHMENTS: Description of Property
Tax Resale Deed is available from the City Secretary

Tax Sale Date: July 7, 2009
Minimum Bid at Auction: \$ 7,918.00
Appraised Value: \$ 3,020.00
Struck Off To: NACOGDOCHES ISD

Original Owner: Unknown Heirs of Kenneth Chatman, et al

Suit No: 0925019

6 Property: Being Lot 35, Block 61 JAMES E. FORE SUBDIVISION 2nd ADDITION, City of Nacogdoches, Nacogdoches County, TX; more fully described in Volume 365, Page 530 Deed Records of Nacogdoches County, TX. GEO (18-202-6100-035000) Randolph St.

Tax Sale Date: June 1, 2010

Minimum Bid at Auction: \$ 9,428.00

Appraised Value: \$ 2,000.00

Struck Off To: NACOGDOCHES ISD

Original Owner: Frederick Bennard Whitaker and Vernell Whitaker Washington, et al

Suit No: 0925579

7 Property: Tract 2: Being Lot 8-D, Block 43 in the City of Nacogdoches, Texas; also referred to as Third Tract and more fully described in Volume 1004, Page 069 Official Public Records of Nacogdoches County, TX. GEO (17-043-1008-040000) 1213 Powers St

Tax Sale Date: November 4, 2014

Minimum Bid at Auction: \$ 12,524.00

Appraised Value: \$ 13,360.00

Struck Off To: NACOGDOCHES ISD

Original Owner: Unknown Heirs of Willie Lee and Berniece Bonner, et al

Suit No: 0925608

8 Property: Being lot 3 B in the JM Martinez Survey in the ALLEN SEALE SUBDIVISION SOUTH, City of Nacogdoches; more fully described in Volume 519, Page 495, Deed Records of Nacogdoches County, TX. GEO (18-524-5800-003020) 1700 Railroad Street

Tax Sale Date: September 4, 2012

Minimum Bid at Auction: \$8,197.00

Appraised Value: \$ 15,080.00

Struck Off To: NACOGDOCHES ISD

Original Owner: Unknown Heirs of Emmitt Patton, et al

Suit No: 1025986

9 Property: Being described as Lot 13, Block 6, Section 4 of ARBOR OAKS SUBDIVISION, City of Nacogdoches, as set out and delineated on the map and plat of said subdivision as recorded in Volume 2, Page 52, Plat Records of Nacogdoches County, TX; and also being described in conveyance from Joyce P. Andrews to Emmitt Patton in a deed dated October 16, 1991, recorded in Volume 794, Page 215, Real Property Records of Nacogdoches County, TX. GEO (18-022-5606-013000) GEORGIA OAK

Tax Sale Date: January 4, 2011

Minimum Bid at Auction: \$8,060.00

Appraised Value: \$8,000.00

Struck Off To: NACOGDOCHES ISD

Original Owner: Unknown Heirs of Ernest Jackson, et al

Suit No: 1026121

10 Property: Being described as Lot 6, HOYA SUBDIVISION, City of Nacogdoches, Nacogdoches County, TX; more fully described in Volume 166, Page 23, Deed Records of Nacogdoches County, TX. GEO (18-298-5900-006000) 1524 Coleman Street

Tax Sale Date: August 2, 2011

Minimum Bid at Auction: \$8,648.00

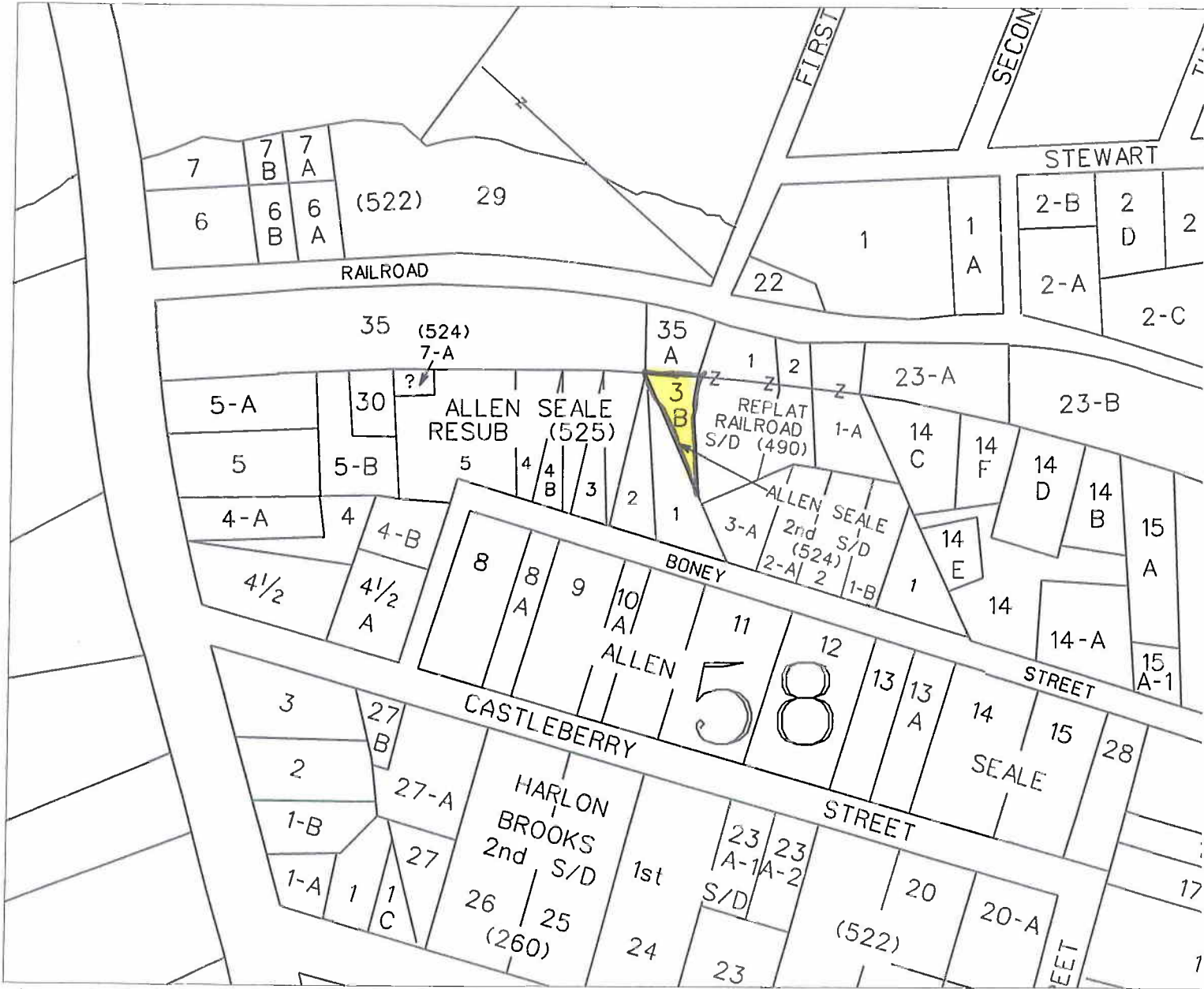
Appraised Value: \$14,300.00

Struck Off To: NACOGDOCHES ISD

Original Owner: Unknown Heirs of Fay Ola Hannible, et al

Suit No: 1026251

11 Property: Being described as Lot 4 1/2-A, Block 58, ALLEN SEALE #1 SUBDIVISION, Nacogdoches County, TX; more fully described in Volume 424, Page 735, Deed Records of Nacogdoches County, TX.



...page 51 Block 57 & 58.dgn 8/20/2012 4:55:50 PM

MAP 8: 0925608

NCCAD V.

U.H. WILLIE LEE & BERNICE BONNER

ITEM NO. 4-D

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **CONSENT AGENDA:** Consider authorization for tax resale for property described as:

Tract 2: Being Lot 8-D, Block 43 in the City of Nacogdoches, Nacogdoches County, TX; also referred to as Third Tract and more fully described in Volume 1004, Page 069 Official Public Records, Nacogdoches County, TX. GEO (17-043-1008-040000), 1213 Powers Street.

MEETING DATE: **July 7, 2015**

DESCRIPTION: The City of Nacogdoches, as a taxing entity, has been requested on behalf of Nacogdoches ISD to approve the sale of property described above.

COST: None

SCHEDULE: Upon approval, a Tax Resale Deed will be executed by all taxing entities.

**RECOMMENDED
ACTION:** **Approve sale of property as presented.**

CITY CONTACT: **Jim Jeffers, City Manager - 559-2501**

ATTACHMENTS: Description of Property
Tax Resale Deed is available from the City Secretary

Tax Sale Date: July 7, 2009
Minimum Bid at Auction: \$ 7,918.00
Appraised Value: \$ 3,020.00
Struck Off To: NACOGDOCHES ISD

Original Owner: Unknown Heirs of Kenneth Chatman, et al
Suit No: 0925019

- 6 Property: Being Lot 35, Block 61 JAMES E. FORE SUBDIVISION 2nd ADDITION, City of Nacogdoches, Nacogdoches County, TX; more fully described in Volume 365, Page 530 Deed Records of Nacogdoches County, TX. GEO (18-202-6100-035000) Randolph St.
Tax Sale Date: June 1, 2010
Minimum Bid at Auction: \$ 9,428.00
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Struck Off To: NACOGDOCHES ISD

Original Owner: Frederick Bennard Whitaker and Vernell Whitaker Washington, et al
Suit No: 0925579

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Minimum Bid at Auction: \$ 12,524.00
Appraised Value: \$ 13,360.00
Struck Off To: NACOGDOCHES ISD

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Suit No: 0925608

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Tax Sale Date: September 4, 2012
Minimum Bid at Auction: \$8,197.00
Appraised Value: \$ 15,080.00
Struck Off To: NACOGDOCHES ISD

Original Owner: Unknown Heirs of Emmitt Patton, et al
Suit No: 1025986

- 9 Property: Being described as Lot 13, Block 6, Section 4 of ARBOR OAKS SUBDIVISION, City of Nacogdoches, as set out and delineated on the map and plat of said subdivision as recorded in Volume 2, Page 52, Plat Records of Nacogdoches County, TX; and also being described in conveyance from Joyce P. Andrews to Emmitt Patton in a deed dated October 16, 1991, recorded in Volume 794, Page 215, Real Property Records of Nacogdoches County, TX. GEO (18-022-5606-013000) GEORGIA OAK
Tax Sale Date: January 4, 2011
Minimum Bid at Auction: \$8,060.00
Appraised Value: \$8,000.00
Struck Off To: NACOGDOCHES ISD

Original Owner: Unknown Heirs of Ernest Jackson, et al
Suit No: 1026121

- 10 Property: Being described as Lot 6, HOYA SUBDIVISION, City of Nacogdoches, Nacogdoches County, TX; more fully described in Volume 166, Page 23, Deed Records of Nacogdoches County, TX. GEO (18-298-5900-006000) 1524 Coleman Street
Tax Sale Date: August 2, 2011
Minimum Bid at Auction: \$8,648.00
Appraised Value: \$14,300.00
Struck Off To: NACOGDOCHES ISD

Original Owner: Unknown Heirs of Fay Ola Hannible, et al
Suit No: 1026251

- 11 Property: Being described as Lot 4 1/2-A, Block 58, ALLEN SEALE #1 SUBDIVISION, Nacogdoches County, TX; more fully described in Volume 424, Page 735, Deed Records of Nacogdoches County, TX.

STREET

NASH ST

BERGER HILL
ADDITION
(18-049)

POWERS

STREET

OL 8 A
OL 8 B
OL 8 D
OL 8 F
OL 8 G

OL 8 E
OL 8
OL 8-C

HERBERT

OL 19-B
OL 19-A

OL 19

OL 85
BLANKENSHIP &
JOHNSON S/D
(18-064)

OL

OL 84 J
OL 84 H
OL 84 G
OL 84 F

1

2

SANDERS

NORTH

OL 18-4
OL 18-5
OL 18-6
OL 18-7

OL 18-1

OL 18-2

OL 18-3

OL 80 A

OL 80

OL 81-A

OL 80-B

OL 81-B

81-C

OL 81-D

OL 81-E

OL 81-I
OL 81-J

OL 81-F

81-H

1

2

CITY OF NACOGDOCHES
WATER TOWER & PUMPING

Z

17-A

17

43

STREET

5

CARMEN TIPTON S/D
(18-597)

23-A

STREET

OL 84 E 2
OL 84 E 3
OL 84 E 4
OL 84-B
OL 84-A

17 15 13 11 9
HILLENKAMP S/D
HILLENKAMP

10

MAP 7: 0925579

NCCADV

FREDERICK WHITEAKER & VERNELL
WASHINGTON TRACT 2

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.

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: Consider approval of a Chapter 380 Economic Development agreement with Crisp Construction, Inc. for retail space at 111 N. Pecan Street

MEETING DATE: July 7, 2015

DESCRIPTION:

Crisp Construction, Inc. has requested the City consider an economic investment to support the proposed renovations to the building located at 111 N. Pecan Street. The proposed improvements restore and renovate the structure, to accommodate a retail store on the first floor and an event venue on the second floor.

The property is currently valued at \$98,000. The applicant estimates restoration costs will exceed \$275,000.

The planned renovations and restorations include:

- New signage, cleaning of brick exterior and sidewalks
- Refurbish and/or replacement of iron gates to alley
- Installation of period appropriate windows and doors
- Handicapped accessibility improvements
- Restoration of wooden balcony and supports
- Restoration of stairs and elevators
- Rewiring of electrical services
- Installation of a prep kitchen on the second floor
- Sealing of brick walls, wooden floors and ceiling

Staff recommends a 5 year ad valorem tax rebate, adopted through a Chapter 380 agreement. Chapter 380 agreements differ from traditional tax abatements, in that the business pays the ad valorem taxes due on the added value, and after confirming the improvements have been made, jobs and salaries have been added and increased, and taxes have been paid, the City makes a direct payment to the business, according to the schedule outlined below. This method of "tax abatement" provides the city greater protection, with less administrative paperwork.

The proposed agreement also contains a sales tax situs clause, requiring Crisp Construction to utilize a separated construction contract, and thus diverting all possible construction materials sales tax to Nacogdoches.

Year	One	Two	Three	Four	Five	Total
Valuation of	\$247,500	\$237,600	\$228,096	\$218,972	\$210,213	

Improvements						
Percent Abated	100%	100%	75%	50%	35%	
Taxes Abated	\$1,396	\$1,340	\$965	\$617	\$415	\$4,732
Taxes Retained by City	\$0	\$0	\$322	\$617	\$771	\$1,709

Without considering the added value of sales tax and utility revenue not currently being generated, the city will reach "break even" with this proposed abatement scenario in year 8. At that point, the city will have abated \$4,732 and retained \$4,989 in ad valorem taxes.

COST: No direct cost from budgeted funds. Approximately \$4,732 in ad valorem taxes will be returned to the property owner.

BUDGET AMENDMENT REQUIRED?: No

FUNDING FROM CURRENT BUDGET

FUNDING:	Acct. Name & No. N/A	Adopted Budget	Balance	Requested
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SCHEDULE:	If approved, staff will immediately move forward with execution of the agreement.
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RECOMMENDED ACTION:	Approval of the agreement.
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CITY CONTACT:	Larissa Philpot, City Planner; 559-2571, philpotl@ci.nacogdoches.tx.us
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ATTACHMENTS:	Agreement
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ITEM NO. 6

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: Consider authorizing the Mayor to execute documents in connection with Pilgrim's Pride Texas Capital Fund contracts

MEETING DATE: July 7, 2015

DESCRIPTION: In 1994 the City assisted Pilgrims (then Green Acres Foods) with a \$1.4 million economic development loan from the State. Essentially the City received the money and was deeded by Green Acres Foods a 0.99 acre tract of Green Acre Foods' land. In approximately 2000 the City entered into a similar arrangement with Pilgrims Pride on 0.2 acres upon which a blast freezer was constructed. The City "passed through" the money to Green Acres Foods and Pilgrims to pay for the construction. The land and freezer were leased back to the company for 20 year terms. Lease payments were sufficient to repay the loan over the life of the lease at which time the land and freezer would be deeded back to the company. This was the State's way of making a 0% interest loan which the City was responsible to pay back if the company defaulted.

Pilgrims has repaid all but about \$35,000.00 of the Green Acres Foods' loan, and the lease only has a few months to run. It still owes \$393,000.00 on the freezer loan. Pilgrims recently refinanced its assets for \$1.7 Billion dollars and its lender wants the City to effectively subordinate the lease to the new loan. In other words, if the bank forecloses on the loan it wants to be able to keep the leases and sell them, along with the rest of the plant, to a new buyer.

This is not new in that the City did such a subordination in 2009. We've worked with the Texas Department of Agriculture which now administers the contracts for the State, and it will sign off on the requested documents if the City does. Since the City is still on the hook for the remaining \$428,000.00, the State has no risk.

The requested and recommended action is consent to the documents and authorization for the Mayor to sign a (1) Lessor Estoppel and Consent; (2) Amended and Restated Leasehold Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing; and (3) UCC Financing Statement.

COST: \$0.00

SCHEDULE: As soon as possible

**RECOMMENDED
ACTION:**

The requested and recommended action is consent to the documents and authorization for the Mayor to sign a (1) Lessor Estoppel and Consent; (2) Amended and Restated Leasehold Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing; and (3) UCC Financing Statement.

CITY CONTACT: Rob Atherton, City Attorney

ATTACHMENTS: None

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: 2015 Street Paving Project Bid Dismissal

MEETING DATE: July 7, 2015

DESCRIPTION: On June 25, 2015, the City received only one bid for the 2015 Street Paving Project.

The following base bid was submitted:

Drewery Construction	\$1,473,984.00
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While Drewery is a capable and qualified local contractor who has successfully completed many street paving contracts for the City over the past 25 years, they have indicated that this bid was a "courtesy bid" and they could not even consider doing the work until the Spring or Summer of 2016.

TxDOT recently awarded hundreds of millions of dollars of paving related contracts resulting from Proposition 1 money which was approved by the voters. This flood of TxDOT work has tied up the contractors and suppliers to a point where municipal and commercial projects are not able to find a reasonable slate of bidders. Even the smaller contractors are now overloaded with commercial work that has been abandoned by the larger paving companies. This phenomena is complicated by the recent months of unusually heavy rain which has delayed all projects from moving forward causing a significant backlog of its own.

Staff is recommending that we formally dismiss this bid and work to pave several of the critical streets using in-house crews. We will focus on the worst streets first. Funds remaining in the budget for this effort are recommended to roll-over into the FY 15-16 budget. We will attempt to re-bid any remaining streets late next Spring.

RECOMMENDED

ACTION: It is recommended that the bid for the 2015 Nacogdoches Paving Project be dismissed.

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

ATTACHMENTS: A bid tabulation is available for review in the Engineering office.

ITEM NO. 8

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider the award of a contract for the construction of Utility Relocations on East Starr Avenue

MEETING DATE: July 7, 2015

DESCRIPTION: As a result of roadway improvements proposed by TxDOT, the City will be repairing and relocating water and sanitary sewer utilities along a portion of East Starr Avenue. Bids were opened on July 7th and a copy of the bid tabulation and a recommendation for award will be provided at the City Council meeting.

COST: To be presented at the Council Meeting

FUNDING FROM CURRENT BUDGET

FUNDING:	Utility Fund Water	<u>Adopted Budget</u>
	Utility Fund Sewer	\$550,000 combined

RECOMMENDED ACTION: Staff will provide award recommendations at the July 7th Council meeting.

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

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: Consider award for the purchase of 2016 Mack LEU-613 Sanitation Collection Truck

MEETING DATE: July 7, 2015

DESCRIPTION: Recommendation to award the purchase of 2016 Mack Sanitation Collection Truck for Public Works

COST: \$323,000

BUDGET AMENDMENT REQUIRED? No

FUNDING FROM CURRENT BUDGET

FUNDING:	Acct. Name & No.	Adopted Budget	Requested
Sanitation Vehicle Capital	31.40. 680.20	\$550,000	\$323,000

SCHEDULE: Award purchase of 2016 Mack LEU-613 San. Collection Truck thru Buy Board

ACTION: Award bid for purchase of above 2016 Mack LEU-613 Sanitation Collection Truck thru East Texas Mack Truck Sales LLC via Buy Board contract for total price of \$323,000

CITY CONTACT: Cary Walker, Public Works Manager, (936) 559-2582

ATTACHMENTS: Quotation/specifications available for review in Public Works.

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Receive FY 2015-2016 budget presentation

MEETING DATE: July 7, 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

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT:

EXECUTIVE SESSION:

A. Deliberation regarding Personnel under Local Government Code Section 551.074 as follows:

- 1. Consider annual City Manager evaluation and consider contract extension; and**
- 2. Consider amendment to City Manager and City Attorney contracts to provide for cost of living adjustments paid to other employees to apply to City Manager and City Attorney.**

B. 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: July 7, 2015

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