



Notice is hereby given of a Regular Meeting of the Nacogdoches City Council to be held **December 15, 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. Items to be removed from Consent Agenda.
3. **CONSENT AGENDA:** Items included under Consent Agenda require little or no deliberation by Council. Approval of 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 December 1, 2015 regular session. (City Secretary)

REGULAR AGENDA:

4. Consider approval of resolution supporting funding for the US 59 direct connect at the intersection of South US 59 and Loop 224. (City Manager)
5. Consider bid award for new Grit Chain at the Waste Water Treatment Plant. (City Engineer)
6. Consider updating public safety radio system. (Police Chief)

For audience convenience, Council may conduct Executive Session deliberation in Room 112, of City Hall. Reconvening 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.

7. **EXECUTIVE SESSION:**

- A. Personnel - Review City Attorney Applications as per G.C. 551.074.
- B. Deliberation regarding Economic Development negotiations under Local Government Code Section 551.087 as follows:
 1. Discuss or deliberate regarding commercial or financial information the City received from business projects 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.

- C. Deliberation Regarding Security Devices or Security Audits under G.C. 551.076 (1) the deployment, or specific occasions for implementation, of security personnel or device.
8. Open for action, if any, on Item 7-A.
9. Open for action, if any, on Item 7-B-1.
10. Open for action, if any, on Item 7-B-2.
11. Open for action, if any, on Item 7-C.
12. Consider amendment to Resolutions 576-12-95 and 825-9-03 regarding licensed open or concealed carrying of handguns in Council Chambers during Council meetings and possession of other firearms on City premises or in City vehicles. (City Attorney)
13. Consider approval of contract for City Attorney. (City Manager)
14. Adjourn.



Jan Vinson, 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 936-559-2506 or visit the City of Nacogdoches web site at www.ci.nacogdoches.tx.us.

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) 559-2506 or FAX (936) 559-2912 for further information.

CERTIFICATION

I certify the notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on December 9, 2015 at 5:00 p.m. and remained posted until meeting convened.

Jan Vinson, City Secretary

ITEM NO. 3-A

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: CONSENT AGENDA: Consider approval of minutes from regular session of December 1, 2015.

MEETING DATE: December 15, 2015

CITY CONTACT: Jan Vinson
City Secretary
vinsonj@ci.nacogdoches.tx.us
559-2506

ATTACHMENTS: Minutes

MINUTES
Regular Session
Nacogdoches City Council
December 1, 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, David Norton and Mike Keller, City Manager Jim Jeffers, City Attorney Rob Atherton and City Secretary Jan Vinson.

Mayor Van Horn called meeting to order at 5:30 p.m.

2. Items to be removed from Consent Agenda.

None.

3. CONSENT AGENDA: Items included under Consent Agenda require little or no deliberation by Council. Approval of 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 November 17, 2015 regular session.

B. Consider approval of Special Warranty Deed from City of Nacogdoches to Pilgrim's Pride Corporation of 0.77 acres of Pilgrim's campus.

Council Member Norton moved to approve consent agenda as presented. Motion seconded by Council Member Keller and unanimously passed.

REGULAR AGENDA:

4. Consider Chapter 380 Economic Development Program Policy and Procedure.

Municipal Services Director Larissa Philpot reports Texas State Law requires the City to re-adopt its Tax Abatement Policy every two years. The City takes this opportunity to review its 380 Economic Development Agreement Program Policy. The only change requested to the current 380 Economic Development Agreement Program Policy is to remove the resolution requirement in (e) under section III. Program Requirements Ms. Philpot also gave a brief review of the differences between Tax Abatement and Chapter 380 Agreements.

Council Member Shelley Brophy made a motion to approve suggested changes as presented on the City's 380 Economic Development Agreement Program Policy. Motion seconded by Council Member Boldon and unanimously passed.

5. Consider amendment to Nacogdoches Convention and Visitors Bureau Bylaws.

Nacogdoches Convention and Visitors Bureau (CVB) Executive Director Carl Watson requested Council approve changes to the CVB bylaws which were previously approved by the CVB Board at a regular meeting. Changes include Article III-Place of Business naming the Executive Director as its Registered Agent and Article IV-Officers of the Board of Directors specifically stating term of office be one year but may be reelected annually for up to three years.

Council Member Keller made a motion to approve amendments to the CVB Bylaws as presented. Motion seconded by Council Member Brophy and unanimously passed.

City Council went into Executive Session at 5:41 p.m.

Minutes unofficial until approved by City Council

6. EXECUTIVE SESSION:

- A. Personnel – Review City Attorney Applications as per G.C. 551.074.
- 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 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.
- C. Deliberation Regarding Security Devices or Security Audits under G.C. 551.076 (1) the deployment, or specific occasions for implementation, of security personnel or device.

City Council reconvened Open Session at 6:49 p.m.

7. Open for action, if any, on Item 6-A.

No action taken in open session.

8. Open for action, if any, on Item 6-B.

No action taken in open session.

9. Open for action, if any, on Item 6-C.

No action taken in open session.

10. Adjourn.

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

Mayor Roger Van Horn
City Council
City of Nacogdoches

ATTEST:

Jan Vinson, City Secretary

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider a resolution supporting funding for the US 59 direct connect at the intersection of South US 59 and Loop 224.

MEETING DATE: December 15, 2015

DESCRIPTION: In 2013 TxDOT performed a robust public outreach process to inform local citizens of alignment options for I-69 in their counties and to solicit comments and input. Nacogdoches County Committee members recommended upgrading the existing US 59 alignment as far north as possible before moving onto a new location alignment west of Nacogdoches. In 2014, TxDOT performed additional studies of I-69 alignment options and conducted further public outreach. Public input received during these efforts indicated over 70 percent of participants supported support the direct connect at South US 59 and Loop 224.

The Nacogdoches County Committee selected the direct connect at South US 59 and State Loop 224 as the first propriety for the City of Nacogdoches and Nacogdoches, County

COST: N/A

RECOMMENDED ACTION: Approve Resolution 1184-12-15.

CITY CONTACT: Jim Jeffers, City Manager
jeffers@ci.nacogdoches.tx.us
936-559-2501

ATTACHMENTS: Resolution

RESOLUTION NO. 1184-12-15

A RESOLUTION OF THE CITY OF NACOGDOCHES, TEXAS SUPPORTING FUNDING FOR THE US 59 (FUTURE I-69) DIRECT CONNECT AT THE INTERSECTION OF SOUTH US 59 AND STATE LOOP 224.

WHEREAS, TxDOT and I-69 Segment Committees performed robust public outreach to inform local citizens of alignment options for I-69 in Nacogdoches County including the direct connect project at South US 59 and State Loop 224; and

WHEREAS, residents of the City of Nacogdoches and Nacogdoches County overwhelmingly supported the proposed US 59 alignment including the direct connect at South US 59 and State Loop 224; and

WHEREAS, public input received during 2013 and 2014 indicated over 70% of participants supported the US 59 upgrade option including the direct connect at South US 59 and State Loop 224; and

WHEREAS, the Nacogdoches County Committee selected the direct connect at South US 59 and State Loop 224 as the first propriety for the City of Nacogdoches and Nacogdoches, County.

NOW THEREFORE BE IT RESOLVED by Nacogdoches City Council the city supports Texas Department of Transportation's efforts for upgrading the US 59 alignment to interstate standards through Nacogdoches and selected the direct connect at South US 59 and State Loop 224 as the first propriety for the City of Nacogdoches and Nacogdoches, County.

NOW THEREFORE BE IT FURTHER RESOLVED the City of Nacogdoches is seeking funding from Texas Department of Transportation for the South US 59 direct connect at State Loop 224 in 2019.

PASSED AND APPROVED this _____ day of December 2015.

Roger Van Horn, Mayor
City of Nacogdoches, Texas

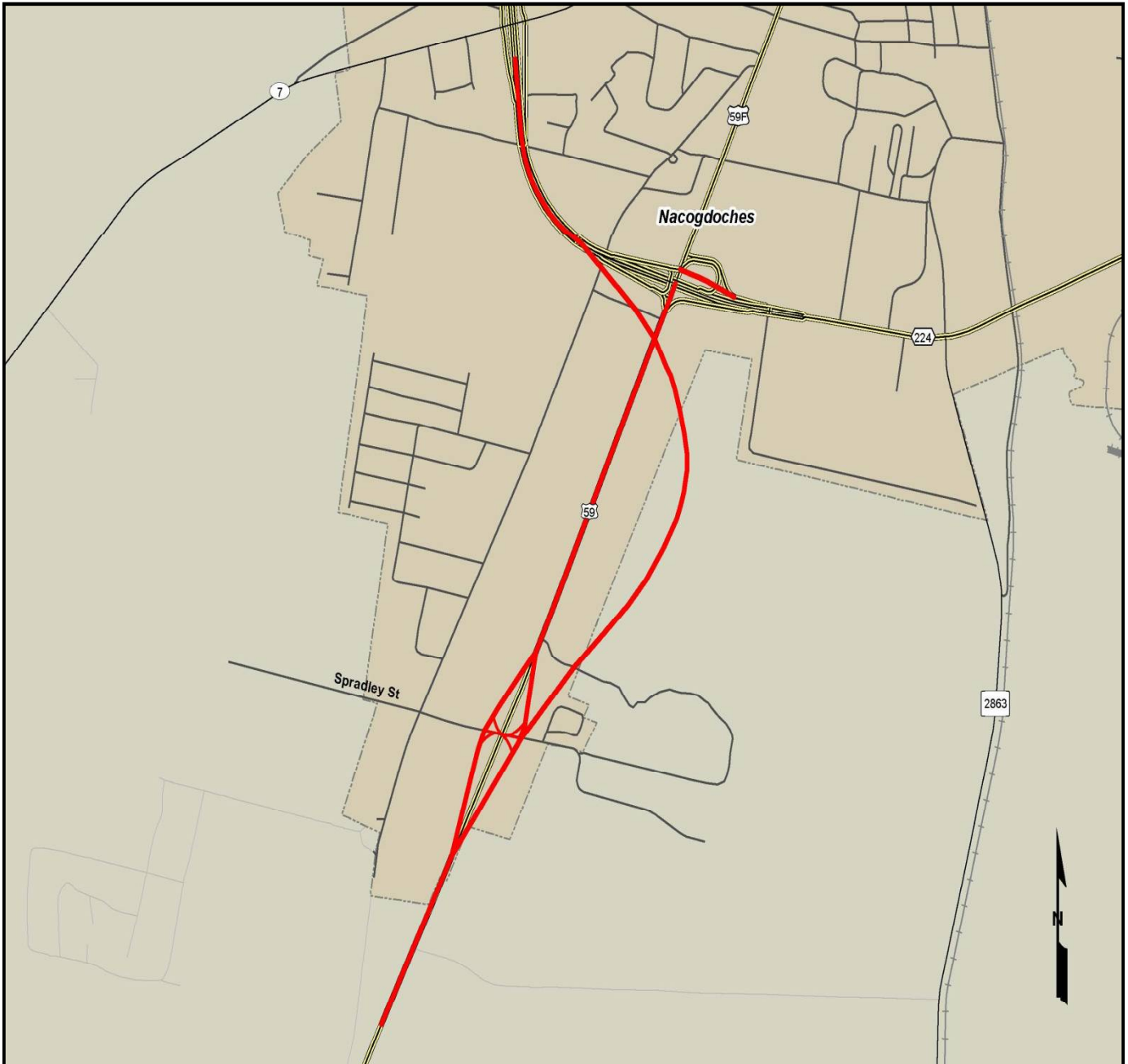
ATTEST:

Jan Vinson, City Secretary

Approved as to Content:

Jim Jeffers, City Manager

US 59/State Loop 224 (Future I-69) Project Location Map



— Proposed improvement areas

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider bid award for new Grit Chain at the Waste Water Treatment Plant.

MEETING DATE: December 15, 2015

DESCRIPTION: The City has received the following bids for construction and installation of a new Grit Chain at the Waste Water Treatment Plant. Bid totals are as follows:

Pepper-Lawson Waterworks	\$976,000
Duplichain Contractors	\$990,800
Allco	\$1,031,000

Pepper-Lawson Waterworks was found to be the lowest qualified bidder. Pepper-Lawson Waterworks is a qualified and experienced utility contractor with an excellent work history on similar projects including prior work with the City.

This project includes removal and installation of the grit collection system at the headworks of the sewer plant. This bid is below the amount budgeted for FY 2015-2016.

COST: \$976,000.00

FUNDING FROM CURRENT BUDGET

FUNDING:	Acct. Name & No.	Adopted Budget	Balance	Requested
	30.171.01	\$1,200,000	\$1,200,000	\$976,000
	Sewer Plant Facilities			

SCHEDULE: Notice to proceed immediately after Council approval of contract award.

RECOMMENDED ACTION: Award bid to Pepper-Lawson Waterworks for construction and installation of new Grit Chain in the total amount of \$976,000.

CITY CONTACT: Steve Bartlett, P.E., City Engineer
936-559-2522

ATTACHMENTS: The bid tabulation is available for review in the engineering office.



ITEM NO. 6

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider updating public safety radio system.

MEETING DATE: December 15, 2015

DESCRIPTION: The current public safety radio system is nearing its end of life and will be obsolete and unserviceable within the next two years. Information will be provided for Council information purposes.

COST: Approximately \$1,300,000

SCHEDULE: Calendar year 2016

**RECOMMENDED
ACTION:** For consideration

CITY CONTACT: Jim Sevey, Chief of Police
936-559-2601
jsevey@ci.nacogdoches.tx.us

ATTACHMENTS: Current radio system summary and recommendation.

City of Nacogdoches
Nacogdoches Police Department
Interoffice Memorandum

Date: September 28, 2015
To: Jim Jeffers, City Manager
From: Jim Sevey, Chief of Police
Subject: Public Safety Radio System

The current Nacogdoches Public Safety radio system serves police, fire, emergency management and to a lesser extent EMS including Nacogdoches County. The system was installed in 2002 replacing an older analog system that could not keep up with technology such as the transmission of data and could not track units using GPS (global positioning satellites.) Radio systems are no longer merely “radios” anymore- they are complex computer driven systems.

Our system is obsolete and will not be serviceable in the coming years. By 2018 all communication equipment in our public safety system will be off warranty and the equipment will no longer be serviced by the manufacturer. In case of equipment failure the only recourse will be to buy new and updated equipment which will in all likelihood not be compatible with the older equipment.

In a case of a major failure such as a repeater or console the replacement cost would be in the hundreds of thousands of dollars. Again, warranties will be expired and maintenance has already been discontinued on most of the equipment. All portable radios were replaced in 2014 due to maintenance and software issues with a cost nearing \$100,000.00.

The City of Nacogdoches hired a consultant to assess our current Public Safety radio system and the recommendation is to completely replace the system. The estimated cost ranged as high as 5.5mil dollars. Efforts began to locate a vendor to work on options for our failing system.

NPD was introduced to the LCRA (Lower Colorado River Authority) by our consultant. As it turns out, LCRA is a Quasi-State of Texas Agency. Quasi only because LCRA does not have taxing authority. LCRA has three key objectives: 1- Manage floods along the Colorado River; 2-Generate Electricity for Communities and Wholesale Electric Cooperatives, and; 3- provide Community Services. LCRA operates a large radio system to support its field organization, and the Texas Legislature has enabled LCRA to offer its excess capacity to communities, law enforcement, and first responders. LCRA offered to do a no-cost study of the Nacogdoches radio system including propagation maps (signal strength/coverage) and a proposed system build-out. At the conclusion of the

study LCRA proposed a 700 MHz system with trunking capabilities. In short, the 700 MHz spectrum has recently been reserved for public safety by United States Homeland Security and will eliminate interference with the public communications spectrum. The trunking capability will allow our system to grow by providing additional “channels” without purchasing additional space in the spectrum.

The cost for a complete replacement is estimated to be \$1.3mil dollars and includes all console radios, all mobile radios, all portable radios and tower equipment for the City of Nacogdoches. The lower cost is due to LCRA’s being authorized by the legislature to provide radio service on a cost recovery basis.

LCRA radio services use Harris Radio products which is the same make that we elected to move to in our recent portable radio purchase in 2014. Harris has a different marketing strategy in that they continue to service Harris radios through the life of the equipment even after manufacturing of a specific model is shut down making this a desirable feature as opposed to planned obsolescence as practiced by other manufacturers.

LCRA is being used by a number of public safety agencies including New Braunfels, Kendall County/Boerne, Hays County/San Marcos and 45 other agencies and has a proven record in the communications field. Several LCRA customers were contacted and reported good results with their systems including ease of build-up, quality of the system, and excellent customer service. The LCRA system will include appropriate interfaces for interoperability with all public safety agencies in our county. The system will also be designed to easily expand as agencies choose to move to the 700MHz system.

In February 2015 LCRA and the City of Nacogdoches entered into an interlocal agreement for certain engineering assistance as it pertains to our communication system. The agreement allowed LCRA to undertake an extensive study of the public safety radio system and compatibility with LCRA and, equally important, the State of Texas. LCRA has agreed to make personnel available at our convenience to discuss any issues related to the project.

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: EXECUTIVE SESSION:

- A. Personnel – Review City Attorney Applications as per G.C. 551.074.**
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 - 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**
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MEETING DATE: December 15, 2015

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

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Amendment to prior resolutions regarding firearms on City property

MEETING DATE: December 15, 2015

DESCRIPTION: Recent State legislation has both limited the Council's ability to regulate licensed carry of handguns and allowed licensed open carry of handguns beginning January 1, 2016. Resolutions by prior Councils now overreach in permissible regulation and do not address open carry. Firearms regulation by the City as to type, location, and persons needs to be revisited to get direction from Council.

SCHEDULE: Council discretion

RECOMMENDED ACTION: Approval by City Council

CITY CONTACT: Rob Atherton, City Attorney

ATTACHMENTS: Possible resolution with alternatives amending and restating Resolutions 576-12-95 and 825-9-03

CITY OF NACOGDOCHES

RESOLUTION NO. _____

A RESOLUTION AMENDING AND RESTATING RESOLUTIONS NUMBERS 576-12-95 AND 825-9-03 REGARDING THE CITY'S PROHIBITION OF THE CARRYING OF [CONCEALED OR] OPENLY CARRIED HANDGUNS IN CITY COUNCIL CHAMBERS IN CITY HALL, PROHIBITING FIREARMS IN CITY BUILDINGS, PROHIBITING CITY EMPLOYEES WITH A LICENSE TO CARRY A HANDGUN FROM OPENLY CARRYING A HANDGUN WHILE ON DUTY, AUTHORIZING THE CITY MANAGER TO TAKE REASONABLE AND NECESSARY STEPS TO ACCOMPLISH THE INTENT OF THIS RESOLUTION, PROVIDING AN EFFECTIVE DATE, AND A SEVERABILITY CLAUSE.

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

I.

Definitions:

1. *Council Chambers* is the first floor northwest corner room of City Hall, 202 E. Pilar Street, where the City Council customarily meets or other room or rooms in City Hall where and when the City Council is actually meeting as a governmental entity.
2. *Peace Officer* is a person licensed by TECOLE as a peace officer or any officer appointed by a federal law enforcement agency who, as a part of his or her duties, has authority to be armed and to make arrests for federal law violations.
3. *License to carry a handgun* is the Texas license issued to persons allowed to carry a handgun either concealed or openly in a belt or shoulder holster [Texas Government Code Subchapter H, Chapter 411], or is a license recognized by agreement or proclamation under Texas Government Code Section 411.173(b).
4. *Firearm* means any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to such use. [Texas Penal Code §46.01(a)(3)] The term *firearm* shall also include air guns, air pistols, air rifles and all other firearms using air or gas pressure to propel a projectile.
5. *Handgun* means any firearm designed, made or adapted to be fired with one hand. [Texas Penal Code §46.01(a)(5)]

6. *Concealed handgun* means a handgun, the presence of which is not openly discernible to the ordinary observation of a reasonable person. [Texas Government Code §411.171(3)]
7. *Open or Openly Carrying a handgun* means a handgun carried in a belt or shoulder holster partially or fully in plain view.
8. *Premises* means a building or portion of a building. The term does not include any public or private driveway, street, sidewalk, parking lot, parking garage or other parking area. [Texas Penal Code 46.035(f)(3)]

II.

Section 1:

It is the intent of the City Council to prevent persons from carrying or possessing firearms including [concealed and] openly carried handguns by persons licensed to carry a handgun in Council Chambers during meetings therein of the City Council during open meetings subject to the Texas Open Meetings Act.

Section 2:

The prohibition in Section 1 does not apply to peace officers and other persons specifically allowed by law to carry firearms other than by a license to carry a handgun or specifically allowed by law or afforded an affirmative defense to prosecution by law for possession of firearms at meetings of a governmental entity not generally available to the public. (Section 1 further does not apply to carrying in Council Chambers of a concealed handgun by persons licensed to carry a handgun.)

III.

Section 3:

It is the intent of the City Council to prevent persons other than those licensed to carry a handgun from carrying or possessing a firearm on any City premises. It is not the intent of this section to allow persons licensed to carry a handgun to do so contrary to Section 1; however, this Section 3 is not intended to limit the rights of persons licensed to carry a handgun to do so on other City premises where otherwise allowed by law. It is the intent of this section to prohibit unlicensed carrying of handguns as well as rifles, shotguns, and other firearms on City premises.

Section 4:

The prohibition in Section 3 does not apply to peace officers and other persons specifically allowed by law to carry firearms or afforded an affirmative defense to prosecution by law for possession of firearms at meetings of a governmental entity not generally available to the public.

IV.

Section 5:

It is the intent of the City Council to prevent the open carry of handguns by employees of the City of Nacogdoches while on duty on any City premises, property, vehicle, or any other public or private place.

Section 6:

The prohibition of Section 5 does not apply to any City employee who is a peace officer or other persons specifically allowed by law to carry firearms other than by a license to carry a handgun or specifically allowed by law or afforded an affirmative defense to prosecution by law for possession of firearms at meetings of a governmental entity not generally available to the public.

V.

The City Council directs the City Manager (or his or her designee) to properly and prominently post appropriate signage and to provide such other notice, including that specified in Texas Penal Code Sections 30.05, [30.06], and 30.07, to carry out the Council's intent stated above. Further, the City Manager (or his or her designee) is to make appropriate notices and changes to the City of Nacogdoches personnel policies, manuals, and handbooks to inform City employees present and future of this Resolution and particularly with IV, Sections 5 and 6, and to enforce the same.

VI.

The City Council directs the City Manager to take all steps reasonable and necessary to enforce the prohibitions and preventions intended by the Council in this Resolution which shall be the policy of the City, including prosecutions of such violations for the offense of criminal trespass or other applicable laws.

VII.

It is the intention of the City Council that this Resolution, and every provision thereof, shall be considered severable, and the invalidity or unconstitutionality of any section, clause, provision or portion of this Resolution shall not affect the validity or constitutionality of any other portion of this Resolution.

VIII.

That this Resolution shall take effect immediately from and after its date of passage.

PASSED AND APPROVED by the Council this ____ day of _____, 2015.

ROGER VAN HORN, Mayor

ATTEST:

APPROVED AS TO FORM:

JAN VINSON, City Secretary

ROB ATHERTON, City Attorney