



October 15, 2024

Notice is hereby given of a Regular Meeting of Nacogdoches City Council to be held on the above date in the City Council Chambers of City Hall, 202 E. Pilar Street, Nacogdoches, Texas, beginning at 5:30 p.m. for the purpose of considering the following agenda items.

Some City Council Members may attend via videoconference but a quorum of the City Council and the Presiding Officer will be present at the above-stated physical location. The meeting will be streamed live at: <https://www.nactx.us/21>. There will be an opportunity for the public to comment on agenda items in person in Council Chambers.

**PLEASE LIMIT PRESENTATIONS TO THREE MINUTES
(UNLESS PRIOR APPROVAL IS OBTAINED)**

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. OPEN FORUM. Open Forum is an opportunity for citizens to address the City Council about items listed on the agenda, as well as on matters that are not specifically listed on the agenda. Alternatively, a citizen may address the City Council about an agenda item when the item comes up for consideration during the meeting. In order to address the City Council, please complete the Public Comment Form and submit it to the City Secretary prior to the start of the meeting. In accordance with the Texas Open Meetings Act, the City Council will not discuss, deliberate, or make any decisions on items not listed on the agenda. Comments are limited to 3 minutes per person.
4. ITEMS TO BE REMOVED FROM CONSENT AGENDA.
5. 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 an Interlocal Cooperation Contract between Texas State University and the City of Nacogdoches to conduct controlled buy/stings of tobacco. (Chief of Police)
 - B. Consider approval of minutes for the September 30, 2024, Special City Council Meeting and the October 8, 2024, Regular Rescheduled City Council Meeting. (City Secretary)
6. REGULAR AGENDA: City Council will receive staff recommendations and public input on the following items, and may deliberate and take formal action on the item.
 - A. Consider selection of Two Fifteen Consulting and KSA Engineers, Inc. for Professional Engineering Services for Storm Drainage Improvement Projects.

(Director of Public Works)

- B. Discuss and consider proposed updates to Chapter 50 of the Nacogdoches Code of Ordinances. (Community Services Director)
- C. Discuss and consider a Professional Services Contract between Cunningham Recreation and the City of Nacogdoches for playground design and construction at Robert McCrimmon Park for an amount not to exceed \$240,000. (Community Services Director)
- D. Discuss and consider supplement to Nacogdoches Historic District Design Guidelines related to murals. (Community Services Director)

7. ADJOURN.



Rhonda Lewis
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 Attorney General of Texas at 1-800-252-8011; City Secretary at (936) 559-2506 or visit City of Nacogdoches web site at www.nactx.us.

CERTIFICATION

I certify the notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on October 11, 2024 at 5:00 p.m. and remained posted until the meeting convened.

Rhonda Lewis, City Secretary



City Council Meeting

Date: October 15, 2024

Agenda Item: 5.A.

PRESENTER: Scott Weems, Police Chief

ITEM/SUBJECT: Consider an Interlocal Cooperation Contract between Texas State University and the City of Nacogdoches to conduct controlled buy/stings of tobacco. (Chief of Police)

SUMMARY/BACKGROUND: This Interlocal Agreement between Texas State University and the City of Nacogdoches will conduct 45 controlled buy/stings and follow-ups of tobacco permitted retail outlets and sales and use tax permitted e-cigarette retail outlets using minors as decoys to determine compliance with applicable laws in accordance with the Texas Health and Safety Code.

Performing parties shall be paid \$125.00 for each correct and completed controlled buy/sting and follow up and shall not exceed \$5,625.00. The contract will be effective upon the date of execution and will terminate August 31, 2025.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Not Applicable

CITY CONTACT: Scott Weems, Chief of Police
weemss@nactx.us
936-559-2619

ATTACHMENTS: 1. Interlocal Texas State University Tobacco

INTERLOCAL COOPERATION CONTRACT

THE STATE OF TEXAS
COUNTY OF HAYS

This Interlocal Cooperation Contract (this "Contract") is entered into by and between the Contracting Parties shown below pursuant to authority granted in and in compliance with the *Interlocal Cooperation Act, Chapter 791, Texas Government Code*.

I. Contracting Parties

The Receiving Party: **Texas State University ("Texas State")** an institution of higher education and agency of the State of Texas.

*Texas School Safety Center
601 University Dr.
San Marcos, Texas 78666*

The Performing Party: **City of Nacogdoches** a local government of the State of Texas

*Nacogdoches Police Department
202 E Pilar St
Nacogdoches, TX 75961-5508*

II. Statement of Services to be Performed

Performing Party will perform the following service(s):

Conduct **45** controlled buy/stings and follow-ups of tobacco permitted retail outlets and sales and use tax permitted e-cigarette retail outlets using minors as decoys, to determine compliance with applicable laws in accordance with *Texas Health and Safety Code §161.082 – Sale of cigarettes, e-cigarettes, or tobacco products to persons younger than 21 years of age prohibited: Proof of age required*. Work shall be performed following the details outlined in attached **Exhibit A – Scope of Work**, and **Exhibit B – Performance Measures**.

III. Basis for Calculating Reimbursable Costs

Performing Party shall be paid \$125.00 for each correct and completed controlled buy/sting and follow-up reported on the Cigarette, E-cigarette, and Tobacco Controlled Buy/Sting Report form (TEP-102 (Rev 9/2023)) **(for a maximum of 45 Controlled Buy/Stings and Follow-ups x \$125.00 each for a total of \$5,625.00)**. Payment will be based on the receipt and approval of an invoice for services following the details outlined in attached **Exhibit C – Payment for Services**.

IV. Contract Amount

The total amount of this Contract shall not exceed FIVE THOUSAND SIX HUNDRED TWENTY-FIVE DOLLARS AND NO/100 CENTS (\$5,625.00). This is the maximum amount collectable under the Contract as written.

V. Payment of Services

Receiving Party will remit payments to Performing Party for services satisfactorily performed under this Contract in accordance with the *Texas Prompt Payment Act, Chapter 2251, Texas Government Code*.

Payments made under this Contract will (1) fairly compensate Performing Party for the services performed under this Contract, and (2) be made from current revenues available to Receiving Party in the form of a contract from the Department of State Health Services and/or the Texas Health and Human Services Commission to fund local law enforcement agencies to enforce *Texas Health and Safety Code §161.082 – Sale of cigarettes, e-cigarettes, or tobacco products to persons younger than 21 years of age prohibited: Proof of age required*.

VI. Warranties

Receiving Party warrants that (1) the services are necessary and authorized for activities that are properly within its statutory functions and programs; (2) it has the authority to contract for the services under authority granted in *Texas Government Code 403.105 – Permanent Fund for Health and Tobacco Education and Enforcement*; (3) it has all necessary power and has received all necessary approvals to execute and deliver this Contract; and (4) the representative signing this Contract on its behalf is authorized by its governing body to sign this Contract.

Performing Party warrants that (1) it has authority to perform the services under authority granted in *Chapter 161.088, Texas Health and Safety Code and Chapter 791, Texas Government Code*; (2) it has all necessary power and has received all necessary approvals to execute and deliver this Contract; and (3) the representative signing this Contract on its behalf is authorized by its governing body to sign this Contract.

VII. Term of the Contract

This Agreement is effective upon execution of this contract and shall terminate on **August 31, 2025**.

VIII. Termination

In the event of a material failure by a Performing Party to perform its duties and obligations in accordance with the terms of this Contract, the other party may terminate this Contract upon **30 days'** advance written notice of termination setting forth the nature of the material failure; provided that, the material failure is through no fault of the terminating party. The termination will not be effective if the material failure is fully cured prior to the end of the **30-day** period.

IX. Other Provisions

Entire Contract; Modifications. This Contract supersedes all prior agreements, written or oral, between Receiving Party and Performing Party and shall constitute the entire agreement and understanding between the parties with respect to the subject matter of this Contract. This Contract and each of its provisions shall be binding upon the parties and may not be waived, modified, amended or altered except by a writing signed by Receiving Party and Performing Party.

Assignment. This Contract is not transferable or assignable except upon written approval by Receiving Agency and Performing Agency.

Severability. If any one or more of the provisions contained in this Contract shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof, and this Contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained in this Contract.

Public Records. It shall be the independent responsibility of Receiving Party and Performing Party to comply with the provisions of Chapter 552, *Texas Government Code* (the "*Public Information Act*"), as those provisions apply to the parties' respective information. Receiving Party is not authorized to receive public information requests or take any action under the *Public Information Act* on behalf of Performing Party. Likewise, Performing Party is not authorized to receive public information requests or take any other action under the *Public Information Act* on behalf of Receiving Party.

Certification. The Receiving Party and the Performing Party certify that, (1) the services specified above are necessary and essential for activities that are properly within the statutory functions and programs of the affected agencies, (2) the proposed arrangements serve the interest of efficient and economical administration of the State of Texas, and (3) the services, supplies or materials contracted for are not required by Section 21, Article 16 of the *Texas Constitution* to be supplied under contract given to the lowest responsible bidder.

Duly authorized representatives of the Performing Party and the Receiving Party have executed and delivered this Contract to be effective as of the Effective Date.

PERFORMING PARTY
City of Nacogdoches

By 
Name Scott Weems
Title Chief of Police
Date 10-03-24

By _____
Name Rick Beverlin
Title City Manager
Date _____

RECEIVING PARTY
Texas State University

By _____
Name _____
Title _____
Date _____

EXHIBIT A SCOPE OF WORK

The Performing Party shall diligently render the following performance:

Contract funds shall be used to support the enforcement activities and additional program requirements outlined below. The Performing Party shall meet the assigned Performance Measures assigned in Exhibit B.

1. Enforcement Activities

The Performing Party shall:

- a. Conduct Controlled Buy/Stings and Follow-ups of tobacco permitted retail outlets and sales and use tax permitted e-cigarette retail outlets using youth as decoys, to determine compliance with applicable laws in accordance with *Texas Health and Safety Code §161.082 – Sale of cigarettes, e-cigarettes, or tobacco products to persons younger than 21 years of age prohibited: Proof of age required. Refer to Exhibit B Schedule – Performance Measures*, for the number of controlled buy/stings to be conducted.
- b. Conduct controlled buy/stings and follow-ups in target areas to include high retail density, low socio economic, high risk areas, and local perspective of previous sales to youth and/or complaints received.
- c. Record the results of the controlled buy/stings conducted using the Cigarette, E-cigarette, and Tobacco Controlled Buy/Sting Report form (TEP-102 (Rev 9/2023)) provided by the Texas School Safety Center at Texas State University.
- d. Use non-smoking male and female youth ages **16 –20** in accordance with *Texas Health and Safety Code, Chapter 161.088 – Enforcement; Announced Inspections*.
- e. Use the State Comptroller of Public Accounts most recent Tobacco Permitted Retail Outlet List and Sale and Use Tax Outlet List of e-cigarette retail outlets for the controlled buy/stings to obtain retail outlet name, address, and tobacco permit numbers.
- f. Conduct follow-up controlled buy/stings of retail outlets found to be in violation of the sale of cigarettes, e-cigarettes, or tobacco products to youth. Reasons for follow-up may include: 1) repeated violations, 2) knowledge of historical perspective of previous sales to youth, and /or 3) complaints received where a follow-up is needed. Follow-up controlled buy/stings shall be conducted within two to ten (2-10) days of original controlled buy/sting.

2. Training Activities

The Performing Party shall:

- a. Participate in a web-based training session conducted by Texas School Safety Center at Texas State University prior to implementation of contract activities. Representative(s) shall include the person(s) assigned to the implementation of the contract activities, and/or the supervisor overseeing the day-to-day activities of this contract, and the person(s) conducting the enforcement activities outlined in Exhibit A – Scope of Work.
- b. Participate in any and all ongoing technical assistance and training activities offered by the Texas School Safety Center at Texas State University.

3. Reporting Requirements

The Performing Party shall:

- a. Submit a completed Monthly Summary and Invoice form (TEP-101 (Rev 9/2024)) provided by the Texas School Safety Center at Texas State University that tallies the number of controlled buy/stings and follow-ups conducted and number of citations issued within the performance reporting period.
- b. Submit billing information for services provided in the invoice section of the Monthly Summary and Invoice form (TEP-101 (Rev 9/2024)). Payment amount for services is outlined in **Exhibit C – Payment for Services**. The Monthly Summary and Invoice form (TEP-101 (Rev 9/2024)) shall be signed by the designated authorized official.
- c. Attach completed Cigarette, E-cigarette, and Tobacco Controlled Buy/Sting Report forms (TEP-102 (Rev 9/2023)) for each controlled buy/sting conducted for the performance reporting period. The total activity reported shall correspond to the pre-established monthly goal listed in the Work Plan (TEP-100 (Rev 9/2024)).
- d. The Monthly Summary and Invoice form (TEP-101 (Rev 9/2024)) shall be submitted to the Texas School Safety Center on the first day of the month. The report may be mailed to the Texas School Safety Center, Attn. Bea Pyle, 601 University Dr., San Marcos, Texas 78666 or emailed to beapyle@txstate.edu.
- e. Texas School Safety Center forwards violation information to the Comptroller of Public Accounts as required by law, (*Texas Health & Safety Code, Section 161.090 Reports of Violation*) by the 10th working day of the month for activity of the previous month.

4. Additional Program Requirements

The Performing Party shall:

- a. Assign a minimum of one (1) agency representative to the implementation of the activities of this contract, and provide the name(s) of any key personnel changes that impact the requirements of this contract to via email: beapyle@txstate.edu or phone: 512-408-0405.

- b. Coordinate enforcement activities with other law enforcement agencies within the Performing Party's area. Coordination of services shall include but not limited to resources such as officers and youth decoys to maintain integrity of the undercover operation in testing compliance with tobacco sales to youth.
- c. Performing Party shall maintain specific, detailed supporting documentation of all programmatic records used in the course of conducting the Controlled Buy/Stings for a minimum of 4 years.

EXHIBIT B PERFORMANCE MEASURES

The following performance measures will be used to measure compliance with the services rendered as described in Exhibit A, Scope of Work.

The Performing Party shall:

1. Conduct the number of activities for this contract period as follows:
 - a. Total number of controlled buy/stings and follow-ups using youth as decoys: **45**
 - i. In at least 50% of all controlled buy/stings conducted, the youth must attempt to purchase an e-cigarette, component, part, or accessory.
 - ii. Minimum number of e-cigarette attempts: **23**
 - b. A performance measure will not be assigned for follow-up of controlled buy/stings as a result of local perspective of previous sales to minors and/or complaints received. However, contractor is required to conduct follow-up of retail outlets not in compliance and report the activity monthly.
2. The Performing Party shall follow the Work Plan's (TEP-100 (Rev 9/2024)) monthly goals as pre-established upon the execution of the contract. The Work Plan (TEP-100 (Rev 9/2024)) outlines monthly goals to follow from **September 2024 to August 2025**.
 - a. Deviation from the pre-established Contractor's Program Work Plan requires **prior** approval from the Texas School Safety Center at Texas State University via email: beapyle@txstate.edu or phone: 512-408-0405.
 - b. Failure to complete and/or update the Work Plan (TEP-100 (Rev 9/2024)) may result in payment being withheld until completion or submission.

EXHIBIT C
PAYMENT FOR SERVICES

Payment will be based on the receipt and approval of Monthly Summary and Invoice form (TEP-101 (Rev 9/2024)) and attached Cigarette, E-cigarette, and Tobacco Controlled Buy/Sting Report forms (TEP-102 (Rev 9/2023)).

The Performing Party shall:

1. Be paid monthly upon submission of completed Monthly Summary and Invoice form (TEP-101 (Rev 9/2024)) and attached Cigarette, E-cigarette, and Tobacco Controlled Buy/Sting Report forms (TEP-102 (Rev 9/2023)) as confirmation of services rendered.
2. Be paid \$125.00 for each correct and completed controlled buy/sting reported on the Cigarette, E-cigarette, and Tobacco Controlled Buy/Sting Report form (TEP-102 (Rev 9/2023)). All costs incurred for the purpose of conducting a complete control buy/sting are the responsibility of the contractor. In order to receive full payment for the controlled buy/stings including follow-ups billed for each performance reporting period, a completed Cigarette, E-cigarette, and Tobacco Controlled Buy/Sting Report form (TEP-102 (Rev 9/2023)) must be attached for each.
3. Submit invoices and attachments to the Texas School Safety Center, Attn. Bea Pyle, 601 University Dr., San Marcos, Texas 78666 or emailed to beapyle@txstate.edu.

The Monthly Summary and Invoice form (TEP-101 (Rev 9/2024)) will be reviewed by the receiving agency and submitted for payment if information included in the report and attachments are correct. Payment shall be subject to laws of the State of Texas including Prompt Payment.

Notwithstanding the foregoing, the cumulative amount of Service Fees remitted by University to Contractor shall not exceed **\$5,625.00** without prior written approval from the Texas School Safety Center at Texas State University.



City Council Meeting

Date: October 15, 2024

Agenda Item: 5.B.

PRESENTER: Rhonda Lewis, City Secretary

ITEM/SUBJECT: Consider approval of minutes for the September 30, 2024, Special City Council Meeting and the October 8, 2024, Regular Rescheduled City Council Meeting. (City Secretary)

SUMMARY/BACKGROUND:

FINANCIAL:

No financial impact associated with this item.

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

CITY CONTACT: Rhonda Lewis, City Secretary
lewisi@nactx.us
(936) 559-2506

ATTACHMENTS:

1. City Council Meeting Minutes 09.17.24
2. City Council Meeting Minutes 10.08.24



Regular Session
Nacogdoches City Council
September 17, 2024 – 5:30 p.m.

City Council Chambers
202 E. Pilar Street, Nacogdoches, TX

City Council present: Mayor Randy Johnson; Council Members: Blane Williams; Chad Huckaby, and Brad Maule

Attending remotely: Councilwoman Kathleen Belanger

1. Called to order at 5:30 p.m.
2. Pledge of Allegiance.
3. Open Forum:

Jason Harrison from Melrose provided City Council with Thin Blue Line merchandise, and praised the Nacogdoches Police and Fire Departments.

Robert Martin of Nacogdoches presented handouts to Council, stating his upsetting experience with viewing a banner with profanity printed on it. He also stated that the political orientation had nothing to do with his dislike for the sign, but the profanity was unacceptable for public viewing.

4. ITEMS TO BE REMOVED FROM THE CONSENT AGENDA.

There were no items removed from the Consent Agenda.

5. CONSENT AGENDA:

Councilman Maule made a motion to approve the Consent Agenda. Councilman Huckaby duly seconded the motion, and the motion carried unanimously.

6. REGULAR AGENDA:

- A. **Public Hearing:** Hold a public hearing and receive citizen input on FY 2024-2025 Proposed Tax Rate.

Todd Simoneaux, Interim Director of Finance, commented on this public hearing and reiterating the current property tax rate (47.44 cents) and the proposed tax rate (52.87 cents) the Council will vote on.

Mayor Johnson opened the floor for public comment.

Brandi Cartwright pointed out that the tax rate has been higher in previous years.

Mayor Johnson closed public comment for this item.

- B. Consider approval of an ordinance approving and adopting the annual budget for fiscal year beginning October 1, 2024 and ending September 30, 2025; providing that said expenditures for said fiscal year shall be made in accordance with said budget, unless otherwise authorized by an ordinance adopted by City Council; providing for a repeal clause; providing a severability clause; providing an effective date.

Todd Simoneaux, Interim Director of Finance, clarified the process of approving the annual budget for the next fiscal year.

Councilman Huckaby moved to approve the FY24-25 Budget. Rhonda Lewis, City Secretary, took a record vote on Item 6.B. The motion was approved unanimously 5-0.

- C. Consider an ordinance ratifying and setting tax rate on all taxable property for the tax year 2024 at a rate of \$0.52877 per one hundred dollars (\$100.00) valuation on all taxable property within the corporate limits of the City of Nacogdoches as of January 1, 2024, the said tax rate having a maintenance and operations component and a debt service component; and providing an effective date.

Todd Simoneaux, Interim Director of Finance, clarified the state law on voting on a tax rate that is above a no-new-revenue rate.

Councilman Maule made a motion to approve setting the tax rate at 0.52877 cents per hundred dollars. Rhonda Lewis, City Secretary, took a record vote on Item 6.C. The motion was approved unanimously 5-0.

- D. Consider approval of multiple Indefinite Deliverable Indefinite Quantity contracts by and between the City of Nacogdoches and Hawkins, Inc. and SNF Polydyne, Inc. for various chemicals used in water and wastewater treatment in a not-to-exceed total budgeted amount of \$225,000.

Case Opperman, City Engineer, presented this item to Council stating that renewal options for certain chemicals were up for bid from suppliers. Mr. Opperman indicated on a slide, the lowest bidder to supply the chemicals.

Mayor Johnson moved to approve the contracts for Item 6.D. Councilman Maule duly seconded the motion and the item was approved unanimously.

- E. Receive the annual report from the Boys and Girls Club of Deep East Texas.

Steve Davidson, President – Boys and Girls Club of Deep East Texas, provided a presentation to Council which included a history of the Club, a report on the aquatic center, and visitor and member statistics.

- F. Receive the annual report from Keep Nacogdoches Beautiful.

Ashley Villareal, Keep Nacogdoches Beautiful Director, provided a presentation to Council on the activities of KNB. She provided overviews of programs and events throughout the year.

- G. Consider approval of the Nacogdoches Convention & Visitors Bureau FY 2024-25 Budget and Marketing Plan.

Ashley Morgan, Executive Director of Visit Nacogdoches and the Convention and Visitors Bureau Director, presented her budget to City Council for the first time since her appointment. She provided statics on the activities and attendance of various events in the City, and the successes of the CVB throughout the year.

Councilman Huckaby moved to approve the FY24-25 Budget and Marketing Plan for the CVB. Councilman Williams duly seconded the motion and the motion carried unanimously.

A full recording of the Special City Council Meeting for September 17, 2024, may be viewed here: [Regular City Council Meeting 20240917 315361](#)

7. **ADJOURNED:** 6:38 p.m.

ATTEST:

Mayor, Randy Johnson
City Council
City of Nacogdoches

Rhonda Lewis, City Secretary



Special Session
Nacogdoches City Council
September 30, 2024 – 12:00 p.m.
City Council Chambers
202 E. Pilar Street, Nacogdoches, TX

City Council present: Mayor Randy Johnson; Council Members, Kathleen Belanger; Blane Williams; and Brad Maule

Council Members in attendance via videoconference: Councilman Chad Huckaby

1. Called to order at 12:00 p.m.
2. Pledge of Allegiance.
3. Open Forum:

There were no comments in Open Forum.

4. **REGULAR AGENDA:**

- A. Consider approval of an ordinance amending Chapter 106 "Utilities" of the City of Nacogdoches, correcting Water and Sewer Rate tables effective October 1, 2024.

Finance Director, Rebecca Elliott, presented an update to the Water and Waste/Water Sewer Rate tables.

City Manager, Rick Beverlin, clarified that the Ordinance still reflected the same percentage rate, and the does not change the rate increase.

- B. An official ballot for the Region 15 Director of the TML Board of Directors will be heard by City Council, and a vote will be taken on the nominees.

City Secretary, Rhonda Lewis, asked for City Council's approval to submit the voting form to the Texas Municipal League for the nomination of Chad Huckaby to Region 15 Director Board of Directors. Councilman Huckaby recused himself from the meeting room and vote.

The remainder of City Council voted to nominate Chad Huckaby to the TML Board of Directors for Region 15.

A full recording of the Special City Council Meeting for September 30, 2024, may be viewed here: [Special City Council Meeting - 20240930](#)

5. **ADJOURNED:** 12:06 p.m.

ATTEST:

Rhonda Lewis, City Secretary

Mayor, Randy Johnson
City Council
City of Nacogdoches

PRESENTER: Case Opperman, Director of Public Works

ITEM/SUBJECT: Consider selection of Two Fifteen Consulting and KSA Engineers, Inc. for Professional Engineering Services for Storm Drainage Improvement Projects. (Director of Public Works)

SUMMARY/BACKGROUND: The City recently sent out a Request for Qualifications (RFQ) for professional engineering services for bond-funded storm drainage improvement projects. Six submissions were received for these services. City staff evaluated the submissions based on criteria such as firm experience in similar projects, competence and qualification of project team leaders, history of accuracy of cost estimates and working within budget constraints. Staff decided, based on the number of projects needing design, to propose a contract award to two design firms. An accumulation of independent scoring by staff found Two Fifteen Consulting and KSA Engineers, Inc. to be the top two firms most qualified to perform these services and staff recommends selection for these design contracts. Once selected, an engineering contract would be negotiated with each firm and brought to City Council for approval.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Infrastructure

CITY CONTACT: Case Opperman, Director of Public Works/City Engineer
oppermanc@nactx.us
(936) 559-2515

ATTACHMENTS:

1. Scoring
2. PowerPoint Slide

City of Nacogdoches 2024 Storm Drainage Engineering RFQ Evaluation

		Halff Associates	Kimley-Horn	KSA	SPI	Stokes	Two Fifteen
100	Firm or Team Introduction Summary of administration, organization and staffing of firm Organizational Chart	94	95	94	94	91	95
125	Competence and Qualifications of Project Team Leaders Team leaders' experience as project manager on similar projects Project management experience, technical competency, qualifications and compliance with legal requirements	112	116	118	116	105	121
175	Experience of Prime Firm and Sub-Consultants on Similar Projects List five projects of similar nature within past 10 years Description of projects, team leader, description of Firm's role, cost of projects, year of the work and agency contact information	146	159	160	155	129	159
25	Firm's History of Accuracy of Cost Estimates and Budget Constraints List project budgets, pre-bid cost estimates and bid ranges for projects Provide summary of measures taken by Firm to ensure projects remained within budget	16	23	24	24	17	22
75	Workload Capacity and History of Performing Work Within Schedule Capabilities and resources available	67	71	72	71	68	72
500	TOTAL POINTS	435	464	468	460	410	469

Storm Drainage Improvements – Engineer Selection

- Bond-funded storm drainage improvements
- Six firms submitted qualifications for engineering design services
- Top two firms selected – Two Fifteen Consulting, KSA Engineers
- Design contracts to be negotiated and presented to City Council





City Council Meeting

Date: October 15, 2024

Agenda Item: 6.B.

PRESENTER: Jessica Sowell, Community Services Director

ITEM/SUBJECT: Discuss and consider proposed updates to Chapter 50 of the Nacogdoches Code of Ordinances. (Community Services Director)

SUMMARY/BACKGROUND: The section in red is a proposed addition to Chapter 50 (Historic Preservation) of the Nacogdoches Code of Ordinances. The intent of this update is to address Certificate of Appropriateness re-applications and create parameters for re-application.

These proposed updates were presented to the Historic Landmark Preservation Committee at their September 11th meeting. The members of HLPC agreed that the 180-day timeframe was sufficient and passed along their recommendation of the proposed updates to City Council.

FINANCIAL:

No financial impact associated with this item

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

CITY CONTACT: Jessica Sowell, Community Services Director
sowellj@nactx.us
936-559-2935

Jerry Baker, City Attorney
baker@nactx.us
936-559-2503

ATTACHMENTS:

1. DRAFT Ordinance - HLPC_Reapplying COA
2. Draft HLPC 9_11_24 Minutes

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING CHAPTER 50 “HISTORIC PRESERVATION”, ARTICLE II “LANDMARKS AND HISTORIC DISTRICTS”, OF THE CITY OF NACOGDOCHES, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONTINUATION CLAUSE; PROVIDING A REPEAL CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City Council of the City of Nacogdoches has designated and zoned certain sites, districts, areas, buildings, and lands located in the City as historic landmarks to be protected, enhanced, and preserved in the interest of culture, prosperity, education, and general welfare of the people;

WHEREAS, the City Council has adopted ordinances deemed necessary for protection, enhancement, and perpetuation of these landmarks and historic districts; and

WHEREAS, the City Council has determined the need to amend certain portions of these Historic Preservation ordinances.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF NACOGDOCHES:

SECTION I

All above premises are hereby found to be true and correct legislative and factual findings.

SECTION II

Chapter 50, “Historic Preservation,” ARTICLE II of the Code of Ordinances of the City of Nacogdoches, Texas, is hereby amended, as set hereafter to include as follows:

Sec. 50-161. - Decisions of committee.

- A. All decisions of the historic landmark preservation committee on the application for a certificate of appropriateness shall be in writing. The committee’s decision shall state its findings pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant. Additional copies shall be filed as part of the public record on that property and dispersed to appropriate city departments.
- B. If an application for a certificate of appropriateness is denied, a new application involving the same subject matter shall not be considered for a period of 180 days from the date of the denial. An applicant may submit an application for an entirely new project or a revised application that specifically addresses to the reasons for denial as indicated by the historic landmark preservation committee or historic preservation officer, as applicable, at any time.

SECTION III

Severability. If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional, such holding shall in no way affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end provisions of this Ordinance are declared to be severable.

SECTION IV

Continuation. All provisions of Chapter 50 of the Code of Ordinances existing prior to the date of passage of this Ordinance remain in full force and effect.

SECTION V

Repeal. This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Nacogdoches, and this Ordinance shall not operate to repeal or affect any such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with provisions of this Ordinance, in which such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION VI

Effective Date. This Ordinance shall take effect ten (10) days from its passage and publication as may be required by governing law.

SECTION VII

Proper Notice & Open Meeting. It is hereby officially found and determined the meeting at which this Ordinance was passed was open to the public as required and public notice of time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII

Official Public Records. The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches.

PASSED AND APPROVED this the ____ day of _____, 2024, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches.

ATTEST:

CITY OF NACOGDOCHES

BY: _____

Rhonda Lewis, City Secretary

Randy Johnson, Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Jerry Baker, City Attorney

Jessica Sowell, Community Services
Director

MINUTES
Nacogdoches Historic Landmark Preservation Committee
September 11, 2024 - 4:00 p.m.
City Council Chambers

Commissioners Present: John Sloane, Vickie Winthrop, Charles Bradberry, Jeff Abt, Mitzi Blackburn, Zee Whitehead and Chris LaBauve (virtual).

Commissioners Absent: Eric Gaylord and Joanne Shofner.

Others Present: Jessica Sowell (City Staff), Carlie Allen (City Staff), Jerry Baker (City Staff), Tori Huddleston (City Staff), Rhonda Lewis (City Staff), Jimmy Mize, Jaime Carrillo, Scott Runnels, Rusty Arreguin, Robyn Gillespie, Jeff Whitfield.

Call to Order: 4:06pm

1. Agenda Item 2. Oath of Office

Commissioners Bradberry, Winthrop, Whitehead, and Abt were sworn in as HLPC committee members.

2. Agenda Item 3A - Approval of Minutes: August 5, 2024

Commissioner Bradberry makes a motion to approve the minutes as written. Commissioner Sloane seconds the motion, and it passes unanimously.

3. Agenda Item 4A- Discuss and consider Certificate of Appropriateness request for property located at 418 E. Main St. COA #2024-027

Mrs. Sowell explains that the applicant is requesting to install a 3'x3' aluminum sign with printed vinyl, to be hung from the existing sign pole above the awning. The sign will feature purple and gold colors. This installation will utilize existing sign hardware and will not result in additional attachments to brick. Staff find that City Ordinance Criteria B, C, D, E, F and G relate to the proposed construction.

There is no public comment.

Applicant Scott Runnels adds that the attachment won't pierce the pole itself.

Commissioner Sloane asks if they will paint the pole.

Mr. Runnels explains that they are looking into methods for this that are cost effective and will not require it to be removed from the building. They are not taking this step before installing the sign but hope to do so in the future.

Commissioner Winthrop makes a motion to approve COA #204-027 based on the criteria B, C, D, E, F, and G. Commissioner Sloane seconded the motion, and it passed unanimously.

4. Agenda Item 4B- Discuss and consider Certificate of Appropriateness request for property located at 510 N. Mound St. COA #2024-028

Mrs. Sowell explains that the applicant is requesting to replace rotten wood in multiple areas throughout the property and repaint window trim in the "urban bronze" color supplied. Additionally, the applicant is requesting to add a guest house addition, covered porch and fireplace to the backyard. The existing addition extends 34 feet beyond the back of the house and has a wood siding exterior. The applicant would like to build a 15 foot extension to the guest house, add a 20 foot covered porch and an outdoor fireplace. The roof line of the additional footage and covered porch would match the guest house roof line and would have a stucco exterior rather than wood siding in order to better match the style of the house. The project also includes replacing the wooden privacy fence to match the neighbors' fence, and adding a pool in the backyard. These additions will not be seen from the street. Staff find that City Ordinance Criteria B, C, D, E, F, J and K relate to the proposed construction.

There is no public comment.

Robyn Gillespie (owner) and Jamie Carillo (designer) are present to answer questions.

Commissioner Winthrop asks if the addition will be along the back of the house.

Ms. Gillespie states it will be.

Winthrop asks if that will be facing North to South or East to West, and Gillespie answers East to West, the same direction as the current guest house.

Commissioner Sloane asks if the applicant will be preserving the original blown glass windows.

Ms. Gillespie states they will be preserving them and repairing the ones that need it.

Commissioner Sloane states he is excited about the project and hopes to see it on a future Tour of Homes.

Commissioner Winthrop asks where the pool will be, and Gillespie answers beside the guest house as shown on the layout drawing.

Commissioner Sloane makes a motion to approve COA #2024-028 based on criteria B, C, D, E, F, J, and K. Commissioner Bradberry seconds the motion, and it passes unanimously.

5. Agenda Item 4C - Discuss and consider Certificate of Appropriateness request for property located at 110 N. Pecan St. COA #2024-029

Mrs. Sowell explains the applicant is requesting to remove an existing roll-top garage door and replace it with a glass and metal door to match an existing door on the building. They are also

requesting to remove two doors and match the color and style of two other doors on the building. Adding a concrete walkway from the sidewalk to the back door. They would also like to paint the building to match paint on other parts of the building. Staff find that City Ordinance Criteria B, D, E, F, J and K relate to the proposed construction.

There is no public comment.

Jimmy Mize (applicant) comes forward to explain that the building has been used for storage for years and events in recent years. CBTx acquired the second half of the building and wants to make both sides of the building match. There has been a flooding problem with the existing building that will be fixed and the new exterior doors are needed. They also plan to add an interior door to be able to move between the two sides of the building. They will paint the building to match the red color and add the garage door to match the one with glass on the other side of the building.

Commissioner Bradberry makes a motion to approve COA #2024-029 based on criteria B, D, E, F, J, and K. Commissioner Winthrop seconds the motion, and it passes unanimously.

6. Agenda Item 4D - Discuss and consider Certificate of Appropriateness request for properties located along W. Cox, Virginia, Sunset and Bremond St. COA #2024-026

The applicant is requesting to bore 6 to 8 feet under areas of West Cox, Virginia, Sunset and Bremond Street consistent with lines marked on the attached map. Fiber optic cable will run parallel to existing City utilities and will be 6" off the edge of sidewalks, curbs and existing poles. In addition to boring under the surface, the applicant is requesting to install 11 flush mounted permanent utility boxes. Staff find that City Ordinance Criteria B, C, I and K relate to the proposed construction.

There is no public comment.

Rusty Arreguin (applicant) is present to answer questions. He states it is very important to him to make everything look nice after the project.

Commissioner Whitehead asks if the last COA for a similar project required an archaeologist to be on call.

Mrs. Sowell states that yes, they did, and they can request one this time. However, the last area being worked in was the Washington Square District which is listed as a State Archaeological Landmark as a district. Virginia Avenue District is listed as a historical district because of the homes and history of the district rather than the archeology.

Commissioner Abt asks how deep the boreholes are, and Arreguin answers they are about 6 to 8 feet deep. The green boxes are just deep enough where the lids are visible.

Commissioner Sloane makes a motion to approve COA #2024-026 based on criteria B, C, I, and K. Commissioner Winthrop seconds the motion, and it passes unanimously.

7. Agenda Item 4E - Receive presentation and discuss proposed updates to Chapter 50 of the Nacogdoches Code of Ordinances.

Mrs. Sowell explains that this item is related to a proposed addition to Chapter 50 (Historic Preservation) of the Nacogdoches Code of Ordinances. The intent of this update is to address Certificate of Appropriateness re-applications and create parameters for re-application. Formal adoption of these updates will be done through the Nacogdoches City Council. Currently, applicants can reapply for COAs indefinitely after denial. With this ordinance update, the applicant would have to wait 180 days to reapply unless significant changes were made to address the reason for denial. Applicants would be able to apply for other projects or properties unrelated to the original application.

Commissioner Abt asks when the rule originally changed as during his prior time on HLPC, applicants who were denied brought the appeals to City Council.

Mrs. Sowell explains that this has generally been what happened in practice, but there was not a rule in place to prevent applicants from bringing the item back the next month to HLPC. There have been several applicants recently who have reapplied to HLPC for the exact same projects after denial.

Jerry Baker, City Attorney, states that it is not stated, so it is a technicality that allows applicants to continue to bring the same COAs back to HLPC. In order to address this, Baker looked at other cities with historic districts to see how they addressed it in ordinances. Baker was asked by a city councilperson to put this in ordinance.

Commissioner Blackburn asks how 180 days was determined.

Mrs. Sowell explains that after looking at other cities, 180 days seemed like a common timeframe. Some cities had shorter or longer timeframes, but 180 seemed common and like a good length of time on the staff side as it is longer than immediately coming back to the next meeting but not too long to discourage historic preservation.

All members agree that the timeline is good, and Sowell will pass along the recommendation to the City Council. She will let HLPC know when the item will be on the City Council meeting agenda.

8. Agenda Item 4F - Discuss and consider supplement to Nacogdoches Historic District Design Guidelines related to murals

Mrs. Sowell explains that members of the Historic Landmark Preservation Committee have expressed a desire to have further guidance on Certificates of Appropriateness (COA) involving murals in the historic overlay districts. This agenda item is intended to discuss the potential adoption of principles for COAs involving murals. Principles for certificates of appropriateness involving murals could be used similarly to the 1991 Nacogdoches Design

Guidelines which, according to the document, "are presented as an aid to property owners in Nacogdoches who wish to protect and enhance the historic resources of the community". These potential principles, just as with the Design Guidelines, would be supplementary and would not supersede or take precedence over the Criteria for Approval laid out in City of Nacogdoches Ordinances Chapter 50, Section 50-157. Any potential principles would be recommended by the Historic Landmark Preservation Committee to the Nacogdoches City Council for formal adoption. With guidance from HLPC members and community comments from the August 5th Historic Landmark Preservation Committee meeting, staff have drafted potential supplemental guidelines relating to murals.

Sowell gives an overview of the 4 considerations listed in the proposed guidelines and explains that other sections of the design guidelines will be updated to include links, QR codes, new contact information, maps, etc. as discussed in previous HLPC meetings. After HLPC approval of the mural additions, these updates will be presented to the City Council.

Commissioner Bradberry comments that staff listened well to HLPC concerns. Commissioner Blackburn asks if they had mentioned something about advertisements on murals in the past meeting. Commissioner Sloane confirms and adds some of these ads could be more historically accurate than a traditional mural. Sowell asks if commissioners would like to add something to Consideration 2 of the guidelines about preserving ghost murals and discouraging new ads. Commissioner Abt comments that those could be handled as they come. Sloane comments that they do not want a mural on every wall in Nacogdoches.

Commissioner Winthrop asks who determines what is considered sexually explicit. Baker explains that it is essentially the courts. This is the case whether it is inside or outside of the historic districts. He explains it is not definitive and comes down to the eye of the judge and jury. Abt asks about the process of denying something that was sexually explicit. Baker explains that Sowell would first warn the applicant that the piece was probably not appropriate. If they insisted, it would be brought to HLPC, and if denied, could be brought to City Council and potentially a court. Winthrop asks if it would help if it stated "nudity and sexually explicit". Baker explains that this could open the doors further as nudity is often considered art. Sexually explicit is more defensible in the eyes of the law as there is case law referencing regulations being upheld related to this. Sloane comments this is a moving target as it changes with the times. Baker replies that is a great point as the decisions of courts across the country could affect this, and it is often a gray area as it deals with freedom of expression. Abt comments this could be regional as well.

Sloane comments that Brushing Up Nacogdoches is a professional organization and asks if there is any way that all murals could be coordinated through them. Sowell comments that is not something we can require, but she can recommend they talk to them as to not duplicate any efforts or art. Abt comments this could add another level of bureaucracy unofficially to put in the way of applicants. Commissioner Bradberry comments that as people see more projects approved through Brushing Up Nacogdoches, they will naturally gravitate toward asking them for help. Sloane says it seems they are focusing on what is historically accurate. Sowell is happy to tell applicants they may want to coordinate with them to try to help them be more successful. Commissioner LaBauve comments that this would be like requiring applicants go

through a certain contractor, but encouraging them to coordinate will help get everyone on the same footing.

Abt asks if building permits in the historic district automatically flag Sowell. Sowell explains that this is something done internally, and although some fall through the cracks, she is confident most come through staff before the building permit is issued and work begins.

Sowell asks if adding the preservation of ghost murals is something they want to add. Abt comments that that could likely be covered in the considerations listed. Winthrop likes adding something about the ghost murals. Winthrop states there are only a few left. Abt doesn't mind that addition, and Sowell states there are still a few left.

Commissioner Bradberry makes a motion to endorse the guidelines as written with that addition. Commissioner Winthrop seconds the motion, and it passes unanimously.

9. Agenda Item 4G - Discuss and consider draft Historic Landmark Preservation Committee meeting procedures.

Mrs. Sowell explains at the February 5, 2024 Historic Landmark Preservation Committee meeting the committee members discussed the creation of meeting procedures for HLPC. The Committee requested that staff prepare draft meeting procedures that included information on the types of applications that come before HLPC as well as the meeting procedures for clarity. City staff have prepared the attached meeting procedure draft based on other city meeting procedures and those of other historic committees. These procedures were discussed briefly at the August 5th HLPC meeting. Staff is requesting feedback on the existing draft. If the draft is acceptable to the committee, it can be adopted as presented or additional changes can be made.

Commissioner Abt comments he thinks these procedures are fine. Commissioner Winthrop asks if it needs to say members must be "present in person" for a quorum as this can be a question with members joining meetings virtually. Sowell commented she can add a note that the members must be "physically present" as a quorum for meetings to proceed. Commissioner Bradberry asks about being able to be a member of HLPC without living in city limits. Sowell clarifies that in our City of Nacogdoches Boards and Commissions Handbook, it is stated that members must live or work within the city.

Sowell explains that if the committee agrees, they could make a motion to adopt the procedures, and she will get them sent out to the committee. Most of these procedures are already being followed, so it wouldn't be a big change, and she is happy to make any edits as well.

Commissioner Winthrop makes a motion to adopt the procedures with the addition of the clarification about members being "physically present" for a quorum. Commissioner Sloane seconds the motion, and it passes unanimously.

10. Adjourn @ 5:03 pm

Attest: Carlie Allen
Community Services Assistant Director

DRAFT



City Council Meeting

Date: October 15, 2024

Agenda Item: 6.C.

PRESENTER: Jessica Sowell, Community Services Director

ITEM/SUBJECT: Discuss and consider a Professional Services Contract between Cunningham Recreation and the City of Nacogdoches for playground design and construction at Robert McCrimmon Park for an amount not to exceed \$240,000. (Community Services Director)

SUMMARY/BACKGROUND:

FINANCIAL:

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

CITY CONTACT: Jessica Sowell, Community Services Director
sowellj@nactx.us
(936) 559-2940

ATTACHMENTS:

PRESENTER: Jessica Sowell, Community Services Director

ITEM/SUBJECT: Discuss and consider supplement to Nacogdoches Historic District Design Guidelines related to murals. (Community Services Director)

SUMMARY/BACKGROUND: Members of the Historic Landmark Preservation Committee have expressed a desire to have further guidance on Certificates of Appropriateness (COA) involving murals in the historic overlay districts. The Historic Landmark Preservation Committee discussed guidance for murals in historic overlay districts during the August 5th HLPC meeting as well as the September 11th HLPC Meeting.

The committee agreed that principles for certificates of appropriateness involving murals could be used similarly to the 1991 Nacogdoches Design Guidelines which, according to the document, "are presented as an aid to property owners in Nacogdoches who wish to protect and enhance the historic resources of the community".

These potential principles, just as with the Design Guidelines, would be supplementary and would not supersede or take precedence over the Criteria for Approval laid out in City of Nacogdoches Ordinances Chapter 50, Section 50-157.

With guidance from HLPC members and community comments from the August 5th Historic Landmark Preservation Committee meeting, City staff drafted potential supplemental guidelines relating to murals. The drafted guidelines were presented to and discussed by HLPC on September 11th and the committee voted to endorse the guidelines as written.

The supplement to the Nacogdoches Historic District Design Guidelines is now being presented to the Nacogdoches City Council for final approval.

FINANCIAL:

COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

CITY CONTACT: Jessica Sowell, Community Services Director
sowellj@nactx.us
936-559-2935

ATTACHMENTS:

1. CHAPTER 11_ MURAL GUIDELINES DRAFT
2. August HLPC Minutes
3. September HLPC Minutes

CHAPTER 11: MURAL GUIDELINES

Property owners and artists seeking to incorporate murals in the City's historic district should seek collaboration with the City staff and HLPC throughout the application process. All parties should work together to resolve any differences of opinion related to the proposed work and seek to find solutions that will satisfy the concerns of all involved.

1. Consideration should be made for how the mural will conform to the overall historic overlay district.
 - Determine how the mural will appear in relation to the surrounding historic properties.
 - Consider whether the mural will attract visitors to the community or detract from their experience.
 - Ask if the mural is something that residents and visitors to Nacogdoches will want to see again.
 - Applicants should consider the history and period of significance for the historic district in which the mural will be placed.
2. Murals of an historic nature should strive to be historically accurate.
 - Aim for mural to highlight the rich and diverse history and the beauty of this community.
 - Emphasis should be placed on murals that relate to Nacogdoches, East Texas, or the State of Texas.
3. Murals shall be kept in good condition for the life of the mural.
 - Property owners and artists should ensure that the mural is properly maintained and is not faded or otherwise in a state of disrepair.
 - Consideration should be made as to the types of paints, materials, and processes used during the installation of the mural to ensure longevity.
 - "Ghost" murals should be preserved in their current state
4. The following are inappropriate in the historic district:
 - Murals which imitate or appear to imitate an official traffic sign or device.
 - Murals containing sexually explicit images.
 - Murals containing gang affiliation symbols.
 - Murals containing a political message should be avoided. Any such murals will be treated as political signs, and must comply with Sec. 78-96(4) of the Code of Ordinances and other provisions of the Sign Ordinance.

MINUTES
Nacogdoches Historic Landmark Preservation Committee
August 5, 2024 - 4:00 p.m.
City Council Chambers

Commissioners Present: John Sloane, Vickie Winthrop, Charles Bradberry, Jeff Abt, Mitzi Blackburn, Zee Whitehead and Chris LaBauve.

Commissioners Absent: Eric Gaylord and Joanne Shofner.

Others Present: Jessica Sowell (City Staff), Cecilia Sarmiento (City Staff), Carlie Allen (City Staff), Jerry Baker (City Staff), Tori Huddleston (City Staff), Rhonda Lewis (City Staff), Kathleen Belanger, Brad Maule, Rikki Leigh Willoughby, Brandon Lee Rowell, Danielle Labauve, Alex Ortega, Robert McCandless and Gail McCandless.

Call to Order: 4:00pm

1. Agenda Item 2. Oath of Office

Commissioners LaBauve, Blackburn and Sloane were sworn into HLPC.

2. Agenda Item 3A - Approval of Minutes: July 1, 2024

Commissioner Winthrop makes a motion to approve the minutes as written. Commissioner LaBauve seconds the motion, and it passes unanimously.

3. Agenda Item 4A- Discuss and consider draft Historic Landmark Preservation Committee meeting procedures.

Mrs. Sowell reviews the draft Historic Landmark Preservation Committee meeting procedures.

Commissioner LaBauve states that the procedures look good to him.

Commissioner Blackburn states she has not had a chance to look through it all completely.

The board wishes to discuss and consider the procedures at the next upcoming meeting.

4. Agenda Item 4B- Discussion of potential adoption of principles for applications for certificates of appropriateness involving murals in historic districts.

Mrs. Sowell explains that there have been some questions and concerns from HLPC members, requesting additional clarification on COAs that deal with murals in our historic district. Information in the packet is taken from the September 7th, 2023 meeting that was between City Council and the Main Street department. Initially, murals started as a function of the Main Street Department, which is why the discussion started with that department. Since that time, the Brushing Up Nac organization has formed a 501(c)3 so they are now a separate

organization. This was a discussion item, and none of these guidelines were adopted. This is a discussion of potential principles, once these are endorsed by HLPC, they will have to be taken to City Council for formal adoption.

Commissioner Bradberry asked if there was a possibility of including something like a contract when applying that they would be expected to maintain the integrity and the beauty of that particular mural or whatever that may be. Commissioner Winthrop asks to add if the building were to be owned by someone new, will that new person be required to maintain and keep up that mural. Commissioner Abt asks to add that they should consider murals based on if it significantly changes the look of a building. Commissioner Abt also states there needs to be clarification that the property owner has seen and approved what is being brought to the board and how it affects the historic district as a whole.

Commissioner Abt opens the meeting for public comment.

Kathleen Belanger would like to clarify more on the meeting that took place September 7th. She provided the board members with a simplified version of the powerpoint and she went over the principles they did arrive at. Murals should be positive, nice to look at, and people will want to see it again. They should be historically accurate, highlight rich and diverse history, highlight current creativity, highlight the beauty of the city, region and state and encourage exploration. They should relate directly to Nacogdoches, East Texas and then Texas in that order. They should be collaborative with the staff, city council, community, the artist and the property owners to work together to resolve differences and find solutions and no politics in the middle of it all. There was also a suggestion of a collaborative recommendation process so that people could see what was proposed ahead of time instead of coming straight to the board after a lot of work has been done and being told no or yes. She encourages the board to get a subcommittee to discuss these things.

Brandon Rowell, president of Brushing Up Nac, states for the foreseeable future, besides the murals that have already been approved, they are not going to be doing any more murals in the historic overlay. He would like to make sure to include HLPC in future murals, he thinks it was a mistake not to in the past. Brushing up Nac is here to tell a visual history of Nacogdoches through art, it has to be pertinent to the history of Nacogdoches. He will send the board a copy of their mission statement.

Mrs. Sowell asks the boards if the present principles are what they would like to use as a jumping off point. Staff could use the powerpoint Mrs. Belanger went over and write it up in a more formal way and have the committee review it again.

Staff will work with the City Attorney and write up draft guidelines to bring back in the September meeting for the board to review.

5. Agenda Item 4C - Discuss and consider Certificate of Appropriateness request for property located at 708 Park St. COA #2024-019

Mrs. Sowell explains the applicant is requesting to install a 18' x 20' metal storage building at the end of the driveway of the new home located at 708 Park Street. The proposed building will closely resemble the home in terms of colors. This is a new build located in the Zion Hill Historic Overlay District. The proposed storage building was brought before the Historic Landmark Preservation Committee at the July 1, 2024 meeting. There was a motion to approve the application, but it failed during the vote. The applicant, Mr. Ortega, has provided more accurate examples of the proposed color of the building. During discussion at the July meeting, the color was brought up as a concern. Staff find that City Ordinance Criteria B, J and K relate to the proposed construction.

Commissioner Abt opens the meeting for public comment.

Kathleen Belanger states they are neighbors to the applicant and think they are doing a great job and are very supportive of what they are doing.

Commissioner Abt asks if the building is the size of the concrete slab that is there now.

Alex Ortega, the applicant, states yes it is.

Commissioner Blackburn asks if the applicant has decided what materials would be used on the outside.

Alex Ortega answers it will be an all metal building.

Commissioner Blackburn asked if there has been any opposition to it being metal instead of using brick to match the house.

Alex Ortega states the slab that is currently there fits perfectly with the proposed shed, the brick would not fit on the slab, it would hang off. He also states that in the picture, the neighbor also has a shed that is made of metal.

Commissioner Abt says there are things in the Historic District that the board has never approved.

Commissioner Abt closes public comment.

Commissioner Winthrop makes a motion to approve COA 2024-019 based on the City Ordinances B, J, and K. Commissioner Whitehead seconds the motion.

Commissioner Bradberry states he made comments the last time this application came before the board that it would look much more appropriate that the shed looks more like the house itself since it is sitting out on the front of the street. This is a historic district and it should be compatible with the home and for that reason he will be voting against it.

Commissioner LaBauve asks if the house itself had to go through the COA process and was it separate from the shed.

Mrs. Sowell states this house was actually built when Parks Street was closed for construction and due to a communication error staff did not bring this before HLPC. This house did not receive a review by HLPC. Traditionally it would have, but the home was completed by the time the street had opened back up and staff knew about it.

Commissioner LaBauve, Blackburn, Winthrop and Whitehead vote in favor of the motion. Commissioner Sloane, Abt and Bradberry vote against it. The motion passes 4 - 3.

6. Agenda Item 4D - Discuss and consider Certificate of Appropriateness request for property located at 108 East Hospital. COA #2024-017

Mrs. Sowell explains the applicant is requesting to install 7 - 4' x 4' butterflies painted on light weight ACM Board on the west facade of the building located at 108 East Hospital Street. The applicant is also requesting to install a 3' x 8' ACM Board on the west facade with wording. The substrate will be anchored into the existing brick. This application was reviewed at the July 1, 2024 Historic Landmark Preservation Committee. A motion was made and seconded to approve the request. There were two votes in favor of the application with three members not voting on the motion. Staff find that City Ordinance Criteria B, C, D, H, J and K relate to the proposed construction.

Commissioner Abt opens the meeting for public comment.

Rikki Leigh Willoughby, speaks on behalf of her father Richard Herd the owner of the building.

Commissioner Abt asks if her father is supportive of the mural and knows everything about it.

Mrs. Willoughby answers yes.

Commissioner Abt closes public comment.

Commissioner Winthrop clarifies that in the last meeting, the applicant stated they will keep it in good condition, and they were the ones that wanted to attach it instead of painting it on the building. She states it is just down the street from the garden mural and thinks they both go together.

Commissioner Blackburn asks whether the owner approached Brushing up Nac or was approached.

Rikki Leigh Willoughby states they approached an artist about doing this mural. The Mayors Monarch's pledge is with the National Wildlife Federation and in order to do conservation efforts to protect monarch butterflies and local earth cities across the state could participate, and Nacogdoches is one of those cities that has chosen to participate in the mayor's monarch pledge and conservation efforts for monarch butterflies.

Brandon Rowell states Brushing up Nac is not a part of this mural.

Commissioner Abt would like to clarify if the Mayors Monarch Pledge is specific to the current or a past Nacogdoches Mayor.

Mrs. Sowell states she believes it was Mayor Brophy who originally started the project. It is something that the individual cities and the Mayor, whoever is in the office at the time, takes that pledge. She is unclear of how often they have to renew it.

Commissioner LaBauve makes a motion to approve COA #2024-017 based on city ordinance B, C, D, H, J and K. Commissioner Winthrop seconds the motion.

Commissioner Abt thinks the board should consider how it would be attached to the wall and what the wall will look like in 10 years when they are taken down.

Mrs. Sowell states at the last meeting it was discussed that they would be screwed or bolted into the wall that then can be filled in afterwards when they are removed.

Commissioner Sloane states if they go by the principles and philosophies of murals, it needs to be historically accurate, needs to be highly rich in diverse history, and it needs to relate directly to Nacogdoches. He asks how butterflies relate directly to Nacogdoches, East Texas or Texas.

Commissioner LaBauve states Nacogdoches has taken the Mayor's Monarch pledge. He also states that looking at it, he would not know what it represents and that adding a plaque explaining what the Monarchs are could help people better understand the meaning of it.

Commissioner Abt says he is grateful the applicant and the family have saved the Mize Department Store sign, it is historically significant. He personally thinks it detracts from the building greatly and that the mural does not fit.

Commissioner Abt calls for a vote on the motion to approve COA #2024-017. Commissioners LaBauve and Winthrop vote in favor of the motion. Commissioners Sloane, Blackburn, Abt, Bradberry and Whitehead vote no. The motion fails 2 -5.

City Attorney, Jerry Baker interjects that this is the second meeting that has now had two motions to approve this application that did not receive enough votes but there has not been a motion to deny the application. The application is still pending since there has not been a motion to deny and it falls under taking no action against it.

Commissioner Sloane makes a motion to deny the application. Commissioner Whitehead seconds the motion. Commissioners Sloane, Blackburn, Abt, Bradberry and Whitehead are in favor of the motion. Commissioners LaBauve and Winthrop are against the motion. The ayes carry the motion 5 - 2.

7. Agenda Item 4E - Discuss and consider Certificate of Appropriateness request for property located at 401 East Main Street. COA #2024-024

Mrs. Sowell explains the applicant is requesting to paint the plaster section of the west wall, facing Church Street, with a mural reminiscent of Nacogdoches' railroad history. The proposed painting will contain imagery of historic locomotives and the Nacogdoches Railroad Depot. The approximate size of the plaster area is 4' x 40'. The applicant has supplied some sample historic photos that would be used for reference in the painting. Staff find that City Ordinance Criteria B, C, D, F, H, J and K relate to the proposed construction.

Commissioner Abt opens the meeting for public comment.

Brad Maule states that the board has not adopted the principles yet, they just discussed them and now they are approving murals without principles. It is a 4ft mural on an unpainted wall and it seems like they are getting ahead of themselves if they have not adopted principles or guidelines.

Robert McCandless, Secretary of Brushing Up Nac states they do not want redundancy in murals throughout town and Brushing Up Nac has a railroad themed mural planned. They will not be doing murals for some time until they get funding and until they get HLPC involved in making sure things work right. He states the train painting is much more appropriate in another location. He thinks the size of the plaster of where the painting will be at does not fit visually or scalewise does not work for a train.

Commissioner Abt closes the meeting for public comment.

Commissioner Bradberry makes a motion to deny COA 2024-024 based on city ordinance B, C, D, F, H, J and K. Commissioner Winthrop seconds the motion.

Commissioner LaBauve thinks it is odd to make calls on murals based on potential murals people are thinking of doing. He pointed out the painting will also be painted on plaster that has never been painted on before and that it is newly restored plaster.

Commissioner Blackburn asked what if they come up with a different design other than the locomotive. Something that would actually be more appealing to that size.

Commissioner Abt states that it is going to be an elegant building and this might not be the place to put a mural.

Commissioner LaBauve states he would have more confidence in it if they had a mockup of an actual design. He trusts Robert McCandless' opinion of how it would not look great at the proposed scale.

Commissioner Abt says they should consider that blank spaces architecturally serve a purpose. A blank space isn't something that needs to be covered.

Commissioners Sloane, Blackburn, Abt, Bradberry, Winthrop and Whitehead vote in favor of the motion to deny COA #2024-024. Commissioner LaBauve votes no. The motion passes 6 - 1.

8. Agenda Item 4F - Discuss and consider Certificate of Appropriateness request for property located at 201 East Main Street. COA #2024-021

Mrs. Sowell explains the applicant is requesting to paint the west facade of the building located at 201 East Main Street with a painting of famous figures and "Have you ever been to Nacogdoches" wording. The west facade of the building is currently painted a tan/white base with black trim. This application was reviewed at the July 1, 2024 Historic Landmark Preservation Committee. A motion was made to approve the COA application but there was no second to the motion. Staff find that City Ordinance Criteria B, C, D, H, J and K relate to the proposed construction.

Commissioner Abt opens the meeting for public comment.

Brad Maule states he does not think Stevie Ray Von has ever driven through Nacogdoches to his knowledge nor has any history here. John Wayne said one line in a movie. The Marks Brothers chased a mule. It seems like they are just throwing paint to be throwing paint.

Commissioner Abt closes public comment.

Commissioner Braberry makes a motion to deny COA 2024-021 based on city ordinance B, C, D, H, J and K. Commissioner Sloane seconds the motion.

Commissioner Abt states this is a significant building and asks if it is a Diedrich Rulfs Building. The mural would change the architectural features of the building and it becomes domineering over it. He likes the concept but he thinks it changes the building significantly and changes the neighborhood in some way.

Mrs. Sowell is unsure if it is a Diedrich Rulfs building.

Commissioner Winthrop states it has been brought up in the last meeting that this wall has already been painted.

Commissioner Abts states that is correct. It would be even more convincing if the wall was still unpainted brick.

Commissioner Winthrop agrees it is distracting.

Commissioners Blackburn, Abt, Sloane, Braberry, Winthrop and Whitehead vote in favor of the motion to deny COA #2024-021. Commissioner LaBauve votes no. The motion passes 6 - 1.

9. Adjourn @ 5:18pm

Attest: Cecilia Sarmiento
Community Services Coordinator

Vice Chairman Abt

MINUTES
Nacogdoches Historic Landmark Preservation Committee
September 11, 2024 - 4:00 p.m.
City Council Chambers

Commissioners Present: John Sloane, Vickie Winthrop, Charles Bradberry, Jeff Abt, Mitzi Blackburn, Zee Whitehead and Chris LaBauve (virtual).

Commissioners Absent: Eric Gaylord and Joanne Shofner.

Others Present: Jessica Sowell (City Staff), Carlie Allen (City Staff), Jerry Baker (City Staff), Tori Huddleston (City Staff), Rhonda Lewis (City Staff), Jimmy Mize, Jaime Carrillo, Scott Runnels, Rusty Arreguin, Robyn Gillespie, Jeff Whitfield.

Call to Order: 4:06pm

1. Agenda Item 2. Oath of Office

Commissioners Bradberry, Winthrop, Whitehead, and Abt were sworn in as HLPC committee members.

2. Agenda Item 3A - Approval of Minutes: August 5, 2024

Commissioner Bradberry makes a motion to approve the minutes as written. Commissioner Sloane seconds the motion, and it passes unanimously.

3. Agenda Item 4A- Discuss and consider Certificate of Appropriateness request for property located at 418 E. Main St. COA #2024-027

Mrs. Sowell explains that the applicant is requesting to install a 3'x3' aluminum sign with printed vinyl, to be hung from the existing sign pole above the awning. The sign will feature purple and gold colors. This installation will utilize existing sign hardware and will not result in additional attachments to brick. Staff find that City Ordinance Criteria B, C, D, E, F and G relate to the proposed construction.

There is no public comment.

Applicant Scott Runnels adds that the attachment won't pierce the pole itself.

Commissioner Sloane asks if they will paint the pole.

Mr. Runnels explains that they are looking into methods for this that are cost effective and will not require it to be removed from the building. They are not taking this step before installing the sign but hope to do so in the future.

Commissioner Winthrop makes a motion to approve COA #204-027 based on the criteria B, C, D, E, F, and G. Commissioner Sloane seconded the motion, and it passed unanimously.

4. Agenda Item 4B- Discuss and consider Certificate of Appropriateness request for property located at 510 N. Mound St. COA #2024-028

Mrs. Sowell explains that the applicant is requesting to replace rotten wood in multiple areas throughout the property and repaint window trim in the "urban bronze" color supplied. Additionally, the applicant is requesting to add a guest house addition, covered porch and fireplace to the backyard. The existing addition extends 34 feet beyond the back of the house and has a wood siding exterior. The applicant would like to build a 15 foot extension to the guest house, add a 20 foot covered porch and an outdoor fireplace. The roof line of the additional footage and covered porch would match the guest house roof line and would have a stucco exterior rather than wood siding in order to better match the style of the house. The project also includes replacing the wooden privacy fence to match the neighbors' fence, and adding a pool in the backyard. These additions will not be seen from the street. Staff find that City Ordinance Criteria B, C, D, E, F, J and K relate to the proposed construction.

There is no public comment.

Robyn Gillespie (owner) and Jamie Carillo (designer) are present to answer questions.

Commissioner Winthrop asks if the addition will be along the back of the house.

Ms. Gillespie states it will be.

Winthrop asks if that will be facing North to South or East to West, and Gillespie answers East to West, the same direction as the current guest house.

Commissioner Sloane asks if the applicant will be preserving the original blown glass windows.

Ms. Gillespie states they will be preserving them and repairing the ones that need it.

Commissioner Sloane states he is excited about the project and hopes to see it on a future Tour of Homes.

Commissioner Winthrop asks where the pool will be, and Gillespie answers beside the guest house as shown on the layout drawing.

Commissioner Sloane makes a motion to approve COA #2024-028 based on criteria B, C, D, E, F, J, and K. Commissioner Bradberry seconds the motion, and it passes unanimously.

5. Agenda Item 4C - Discuss and consider Certificate of Appropriateness request for property located at 110 N. Pecan St. COA #2024-029

Mrs. Sowell explains the applicant is requesting to remove an existing roll-top garage door and replace it with a glass and metal door to match an existing door on the building. They are also

requesting to remove two doors and match the color and style of two other doors on the building. Adding a concrete walkway from the sidewalk to the back door. They would also like to paint the building to match paint on other parts of the building. Staff find that City Ordinance Criteria B, D, E, F, J and K relate to the proposed construction.

There is no public comment.

Jimmy Mize (applicant) comes forward to explain that the building has been used for storage for years and events in recent years. CBTx acquired the second half of the building and wants to make both sides of the building match. There has been a flooding problem with the existing building that will be fixed and the new exterior doors are needed. They also plan to add an interior door to be able to move between the two sides of the building. They will paint the building to match the red color and add the garage door to match the one with glass on the other side of the building.

Commissioner Bradberry makes a motion to approve COA #2024-029 based on criteria B, D, E, F, J, and K. Commissioner Winthrop seconds the motion, and it passes unanimously.

6. Agenda Item 4D - Discuss and consider Certificate of Appropriateness request for properties located along W. Cox, Virginia, Sunset and Bremond St. COA #2024-026

The applicant is requesting to bore 6 to 8 feet under areas of West Cox, Virginia, Sunset and Bremond Street consistent with lines marked on the attached map. Fiber optic cable will run parallel to existing City utilities and will be 6" off the edge of sidewalks, curbs and existing poles. In addition to boring under the surface, the applicant is requesting to install 11 flush mounted permanent utility boxes. Staff find that City Ordinance Criteria B, C, I and K relate to the proposed construction.

There is no public comment.

Rusty Arreguin (applicant) is present to answer questions. He states it is very important to him to make everything look nice after the project.

Commissioner Whitehead asks if the last COA for a similar project required an archaeologist to be on call.

Mrs. Sowell states that yes, they did, and they can request one this time. However, the last area being worked in was the Washington Square District which is listed as a State Archaeological Landmark as a district. Virginia Avenue District is listed as a historical district because of the homes and history of the district rather than the archeology.

Commissioner Abt asks how deep the boreholes are, and Arreguin answers they are about 6 to 8 feet deep. The green boxes are just deep enough where the lids are visible.

Commissioner Sloane makes a motion to approve COA #2024-026 based on criteria B, C, I, and K. Commissioner Winthrop seconds the motion, and it passes unanimously.

7. Agenda Item 4E - Receive presentation and discuss proposed updates to Chapter 50 of the Nacogdoches Code of Ordinances.

Mrs. Sowell explains that this item is related to a proposed addition to Chapter 50 (Historic Preservation) of the Nacogdoches Code of Ordinances. The intent of this update is to address Certificate of Appropriateness re-applications and create parameters for re-application. Formal adoption of these updates will be done through the Nacogdoches City Council. Currently, applicants can reapply for COAs indefinitely after denial. With this ordinance update, the applicant would have to wait 180 days to reapply unless significant changes were made to address the reason for denial. Applicants would be able to apply for other projects or properties unrelated to the original application.

Commissioner Abt asks when the rule originally changed as during his prior time on HLPC, applicants who were denied brought the appeals to City Council.

Mrs. Sowell explains that this has generally been what happened in practice, but there was not a rule in place to prevent applicants from bringing the item back the next month to HLPC. There have been several applicants recently who have reapplied to HLPC for the exact same projects after denial.

Jerry Baker, City Attorney, states that it is not stated, so it is a technicality that allows applicants to continue to bring the same COAs back to HLPC. In order to address this, Baker looked at other cities with historic districts to see how they addressed it in ordinances. Baker was asked by a city councilperson to put this in ordinance.

Commissioner Blackburn asks how 180 days was determined.

Mrs. Sowell explains that after looking at other cities, 180 days seemed like a common timeframe. Some cities had shorter or longer timeframes, but 180 seemed common and like a good length of time on the staff side as it is longer than immediately coming back to the next meeting but not too long to discourage historic preservation.

All members agree that the timeline is good, and Sowell will pass along the recommendation to the City Council. She will let HLPC know when the item will be on the City Council meeting agenda.

8. Agenda Item 4F - Discuss and consider supplement to Nacogdoches Historic District Design Guidelines related to murals

Mrs. Sowell explains that members of the Historic Landmark Preservation Committee have expressed a desire to have further guidance on Certificates of Appropriateness (COA) involving murals in the historic overlay districts. This agenda item is intended to discuss the potential adoption of principles for COAs involving murals. Principles for certificates of appropriateness involving murals could be used similarly to the 1991 Nacogdoches Design

Guidelines which, according to the document, "are presented as an aid to property owners in Nacogdoches who wish to protect and enhance the historic resources of the community". These potential principles, just as with the Design Guidelines, would be supplementary and would not supersede or take precedence over the Criteria for Approval laid out in City of Nacogdoches Ordinances Chapter 50, Section 50-157. Any potential principles would be recommended by the Historic Landmark Preservation Committee to the Nacogdoches City Council for formal adoption. With guidance from HLPC members and community comments from the August 5th Historic Landmark Preservation Committee meeting, staff have drafted potential supplemental guidelines relating to murals.

Sowell gives an overview of the 4 considerations listed in the proposed guidelines and explains that other sections of the design guidelines will be updated to include links, QR codes, new contact information, maps, etc. as discussed in previous HLPC meetings. After HLPC approval of the mural additions, these updates will be presented to the City Council.

Commissioner Bradberry comments that staff listened well to HLPC concerns. Commissioner Blackburn asks if they had mentioned something about advertisements on murals in the past meeting. Commissioner Sloane confirms and adds some of these ads could be more historically accurate than a traditional mural. Sowell asks if commissioners would like to add something to Consideration 2 of the guidelines about preserving ghost murals and discouraging new ads. Commissioner Abt comments that those could be handled as they come. Sloane comments that they do not want a mural on every wall in Nacogdoches.

Commissioner Winthrop asks who determines what is considered sexually explicit. Baker explains that it is essentially the courts. This is the case whether it is inside or outside of the historic districts. He explains it is not definitive and comes down to the eye of the judge and jury. Abt asks about the process of denying something that was sexually explicit. Baker explains that Sowell would first warn the applicant that the piece was probably not appropriate. If they insisted, it would be brought to HLPC, and if denied, could be brought to City Council and potentially a court. Winthrop asks if it would help if it stated "nudity and sexually explicit". Baker explains that this could open the doors further as nudity is often considered art. Sexually explicit is more defensible in the eyes of the law as there is case law referencing regulations being upheld related to this. Sloane comments this is a moving target as it changes with the times. Baker replies that is a great point as the decisions of courts across the country could affect this, and it is often a gray area as it deals with freedom of expression. Abt comments this could be regional as well.

Sloane comments that Brushing Up Nacogdoches is a professional organization and asks if there is any way that all murals could be coordinated through them. Sowell comments that is not something we can require, but she can recommend they talk to them as to not duplicate any efforts or art. Abt comments this could add another level of bureaucracy unofficially to put in the way of applicants. Commissioner Bradberry comments that as people see more projects approved through Brushing Up Nacogdoches, they will naturally gravitate toward asking them for help. Sloane says it seems they are focusing on what is historically accurate. Sowell is happy to tell applicants they may want to coordinate with them to try to help them be more successful. Commissioner LaBauve comments that this would be like requiring applicants go

through a certain contractor, but encouraging them to coordinate will help get everyone on the same footing.

Abt asks if building permits in the historic district automatically flag Sowell. Sowell explains that this is something done internally, and although some fall through the cracks, she is confident most come through staff before the building permit is issued and work begins.

Sowell asks if adding the preservation of ghost murals is something they want to add. Abt comments that that could likely be covered in the considerations listed. Winthrop likes adding something about the ghost murals. Winthrop states there are only a few left. Abt doesn't mind that addition, and Sowell states there are still a few left.

Commissioner Bradberry makes a motion to endorse the guidelines as written with that addition. Commissioner Winthrop seconds the motion, and it passes unanimously.

9. Agenda Item 4G - Discuss and consider draft Historic Landmark Preservation Committee meeting procedures.

Mrs. Sowell explains at the February 5, 2024 Historic Landmark Preservation Committee meeting the committee members discussed the creation of meeting procedures for HLPC. The Committee requested that staff prepare draft meeting procedures that included information on the types of applications that come before HLPC as well as the meeting procedures for clarity. City staff have prepared the attached meeting procedure draft based on other city meeting procedures and those of other historic committees. These procedures were discussed briefly at the August 5th HLPC meeting. Staff is requesting feedback on the existing draft. If the draft is acceptable to the committee, it can be adopted as presented or additional changes can be made.

Commissioner Abt comments he thinks these procedures are fine. Commissioner Winthrop asks if it needs to say members must be "present in person" for a quorum as this can be a question with members joining meetings virtually. Sowell commented she can add a note that the members must be "physically present" as a quorum for meetings to proceed. Commissioner Bradberry asks about being able to be a member of HLPC without living in city limits. Sowell clarifies that in our City of Nacogdoches Boards and Commissions Handbook, it is stated that members must live or work within the city.

Sowell explains that if the committee agrees, they could make a motion to adopt the procedures, and she will get them sent out to the committee. Most of these procedures are already being followed, so it wouldn't be a big change, and she is happy to make any edits as well.

Commissioner Winthrop makes a motion to adopt the procedures with the addition of the clarification about members being "physically present" for a quorum. Commissioner Sloane seconds the motion, and it passes unanimously.

10. Adjourn @ 5:03 pm

Attest: Carlie Allen
Community Services Assistant Director
