



August 17, 2021

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

In accordance with Orders of the Governor due to the COVID-19 pandemic, the City of Nacogdoches City Council meeting will be deemed as being conducted via teleconference or videoconference. However, some City Council Members may attend virtually, while others may be present in the above-stated physical location. Regardless, 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 either by teleconference or in person in Council Chambers. For those attending in person, strict adherence to COVID-19 related CDC guidelines will be enforced at all times.

Members of the public who wish to submit comments on a listed agenda item must contact the City Secretary's office by email at vinsonj@nactx.us or by calling 936-559-2506 and providing their name, telephone number and relevant agenda item upon which they wish to speak. All requests to make comments must be received by 12:00 p.m. on August 17, 2021. For all timely requests received, staff will call the submitted phone numbers directly during the meeting when the corresponding item comes up for comment. NOTE: The incoming phone call from City staff will be an unfamiliar number.

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

1. Call to order.
2. Pledge of Allegiance.
3. Open Forum.
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 approval of minutes for August 3, 2021 regular meeting. (City Secretary)
 - B. Consider adopting Ordinance No. 1872-08-21 amending Section 74-62 of Code of Ordinances, City of Nacogdoches, Texas to provide hours of operation and correcting the name of Festival Park. (Community Services Director)
 - C. Consider Resolution No. 1277-08-21 expressing intent to reimburse certain expenditures, specifically the purchase of a 100' Pierce Ascendant tower truck and associated equipment for the Fire Department and the cost of professional services incurred in connection therewith. (Fire Chief)
6. **REGULAR AGENDA:**

- A. **Public Hearing:** Consider a Specific Use Permit for Liquor By the Drink for Lots 30, 49, 49-A & 49-B, and Outlot 47-A, City Block 43, as described in a deed dated July 17, 2020, recorded in Document Number 2020-4460 of the Real Property Records of Nacogdoches County, located on the southwest corner of Bremond Street and W. Main Street. This request has been submitted by Brent Ivy of Ivy Gott Property LLC. Case File SUP2021-03.
- B. **Public Hearing:** Consider a Zone Change from B-2, General Business to R-4, Multi-Family for Lot 3, City Block 56, of the Alvarez Subdivision No.1, located at 3327 Old Lufkin Road. This request has been submitted by Bryan Omar Rojo. Case File ZON2021-06.
- C. **Public Hearing:** Consider a Zone Change from B-2, General Business to R-2, Single Family for Lots 8-16 & Lots 19-23, City Block 56, Section One of the Brookhollow Addition. This request has been submitted by Damon Register of Double D Land Investments, LLC. Case File ZON2021-07.
- D. Receive a presentation, hold a discussion and give staff direction regarding the proposed 2021-2022 budget. (Finance Director)
- E. City Council record vote on Proposed Tax Rate for the 2021-2022 fiscal year.(Finance Director)
- F. Consider approval of an interlocal agreement between Nacogdoches County and the City of Nacogdoches to provide assistance to the City from the Justices of the Peace in the event that the City Judge is unable or unavailable to perform magistrate duties. (City Attorney)

7. 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 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 August 11, 2021 at 1 p.m. and remained posted until the meeting is convened.

Jan Vinson, City Secretary



City Council Meeting

Date: August 17, 2021

Agenda Item: 5.A.

PRESENTER: Jan Vinson, City Secretary

ITEM/SUBJECT: Consider approval of minutes for August 3, 2021 regular 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

Not Applicable

CITY CONTACT: Jan Vinson, City Secretary
vinsonj@nactx.us
936-559-2506

ATTACHMENTS: 1. Minutes



Regular Session
Nacogdoches City Council
August 3, 2021 – 4:30 p.m.
City Council Room – City Hall
202 East Pilar Street

DRAFT

City Council present in person: Mayor Jimmy Mize, Council Members Roy Boldon, Jay Anderson and Kathleen Belanger. **Absent:** Council Member Amelia Fischer

1. Called to order at 4:30 p.m.

2. Pledge of Allegiance.

3. **WORK SESSION:**

- A. Receive an update, hold a discussion and give staff direction regarding proposed economic development policies.

Larissa Philpot, Economic Development Director, defined economic development and discussed community development, business development, recruitment, infrastructure, leadership and entrepreneurialism. Economic policies should be agile, responsive, reflect community values, identify specific industries and support desired economic development. Ms. Philpot outlined the objectives, eligible projects, criteria, incentives, timeline and process of the proposed Chapter 380 Program Policy. The process will include an initial review of the submitted application, the application will then go to a Economic Investment Review Committee, to the City Manager, to the City Attorney and then to City Council for consideration.

Council Member Belanger asked that City Council has ample time for review of each project along with detailed reports to City Council throughout the process.

Ms. Philpot reviewed the history of the Economic Development Fund which was created in 2017 and currently has a balance of \$1,068,000. This fund can be used for incentives and grants from 380 Agreements, planning documents tied to economic development, entrepreneurial training and workforce training.

Other discussions included limitations regarding site availability, funding and evaluation measures.

Convened in Executive Session at 5:06 p.m.

4. **EXECUTIVE SESSION:**

- A. Deliberation regarding Economic Development negotiations under 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.

5. City Council reconvened in open session at 5:23 p.m. taking no action.

City Council recessed for seven minutes.

Began Regular Agenda at 5:30 p.m.

6. Tracie Lasater spoke during Open Forum regarding the Inclusion and Diversity Program recommended by Council Member Fischer at a previous City Council meeting. Mrs. Lasater presented City Council with a petition signed by citizens who are against the Inclusion and Diversity Program. Mrs. Lasater stated that approximately 400 tax payers had signed the petition and she believes the program is unnecessary and wasteful.

Chris Englert also spoke during Open Forum asking that the City take action regarding overgrown property at the intersection of Industrial Boulevard and Hwy 259.

7. No items were removed from the Consent Agenda.

Minutes unofficial until approved by City Council

Council Member Belanger inquired about Items 8B and 8C stating she hopes the City will contract with local businesses as often as possible.

Council Member Boldon also spoke regarding Items 8B and 8C. Council Member Boldon asked if the employees hired by Oak Creek Center for litter pick-up were local and what wages were they paid. Brian Bray, Community Services Director, said Oak Creek Center employee people from the surrounding area who are disabled. Mr. Bray will gather wage information and report back to City Council.

8. 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. Minutes from July 13, 2021 special meeting and July 20, 2021 regular meeting.
- B. Consider contract award to WorkQuest and Oak Creek Center for City roadside clean-up.
- C. Consider contract award to WorkQuest and Oak Creek Center for City park clean-up.
- D. Quarterly Investment Report for quarter ended June 30, 2021.

Council Member Roy Boldon moved approval; motion duly seconded by Council Member Jay Anderson and carried by unanimous vote.

9. REGULAR AGENDA:

- A. Receive a presentation on the 2021 Texas Blueberry Festival.

Grace Handler with the Blueberry Festival Committee discussed new events added to the Blueberry Festival this year, entertainment, volunteers, promotion/media and the multitude of sponsors who assisted with the event.

Scott Waller and Angela Wiederhold who are part of the Bluegrass Committee reported on the Blueberry Bluegrass Concert in the park which is held the evening before the Blueberry Festival. This event brings many visitors to Festival Park.

- B. Consider Ordinance No. 1874-08-21 establishing an economic development program pursuant to Chapter 380 of the Local Government Code, to be administered by the Economic Development Department.

Larissa Philpot, Economic Development Director, stated approval of this ordinance will create the Economic Development Incentive Policy for the City which was discussed in the earlier Work Session item.

Council Member Jay Anderson moved approval; motion duly seconded by Council Member Roy Boldon and carried by unanimous vote.

- C. Consider approval of Resolution No. 1276-08-21 creating a Chapter 380 Economic Development Program and authorizing agreement by and between the City of Nacogdoches and HCH Aviation, LLC regarding development of a flight school at A.L. Mangham, Jr. Regional Airport.

Larissa Philpot, Economic Development Director, stated that Nacogdoches Economic Development Corporation and Stephen F. Austin State University have been working with HCH Aviation, LLC on developing an Aviation Science Program Flight School.

Shannon Conklin with HCH Aviation, LLC reviewed the mission and the five phases of the flight school. Mr. Conklin stated the first year goal is to enroll twenty-seven students, second year to enroll fifty students, third year to enroll seventy-five students and the fourth year to enroll more than one hundred twenty-five students. He discussed fleet size and type, simulators, youth outreach, drone program, technical training, maintenance operation, airplane charters, and new and used aircraft sales.

Ms. Philpot reviewed the specifics of the agreement with HCH Aviation, LLC including expectations and economic impact.

Council Member Kathleen Belanger moved approval; motion duly seconded by Council Member Jay Anderson and carried by unanimous vote.

- D. Consider approval of the purchase of one Pierce 100' Ascendant Aerial Tower from Siddons-Martin Emergency Group, LLC through the HGAC-Buy Cooperative Purchasing Program in the amount of \$1,430,500 and associated equipment not to exceed \$50,000.

Fire Chief Keith Kiplinger stated this purchase will replace the Fire Department's twenty-five year old ladder truck that was damaged in an automobile accident earlier this year. A repayment resolution will be on the August 17, 2021 City Council agenda for this item.

Council Member Kathleen Belanger moved approval; motion duly seconded by Council Member Jay Anderson and carried by unanimous vote.

- E. Presentation of proposed 2021-2022 budget and calculated property tax rates.

Pam Curbow, Finance Director, discussed property tax rate that is proposed to be 0.6160/\$100 which will generate \$553,545 in new revenue. Ms. Curbow reviewed proposed revenues and expenses for the General Fund, Utility Fund and Sanitation Fund. Budget items to note are no premium increase for health/dental insurance, 1% cost of living adjustment for all employees, minimum wage increase to \$13.33, additional employees added to Code Enforcement, Customer Service, Historic Sites, Streets, Utility and Sanitation Operations, and community outreach and engagement is not included in the proposed budget at this time.

City Council discussed assessed values, interfund transfers, employee salaries and the employee compensation plan.

Council Member Boldon stated he does not want the Community Engagement and Outreach Program to be forgotten but he does not see this program needing a full-time employee.

Council Member Belanger asked staff to add the detailed proposed budget and budget presentations on the City's website. Council Member Belanger also asked if the property tax increase could be reduced. City Manager Canizares and Finance Director Curbow explained the only way to reduce the proposed property tax increase is to cut items from the proposed budget. Council Member Belanger also inquired about the American Rescue Plan Act (ARPA) funds and how those funds could be used.

City Council recommended staff proceed with posting Code Enforcement position and Customer Service position.

Ms. Curbow also reviewed the timeline and budget calendar.

- F. Set public hearing dates for both budget and tax rate.

Pam Curbow, Finance Director, recommended the public hearing for the budget be set for September 7, 2021 and the public hearing for the tax rate be set for September 14, 2021.

Council Member Roy Boldon moved approval; motion duly seconded by Council Member Jay Anderson and carried by unanimous vote.

10. Adjourned 6:55 p.m.

ATTEST:

Mayor Jimmy Mize
City Council
City of Nacogdoches

Jan Vinson, City Secretary



City Council Meeting

Date: August 17, 2021

Agenda Item: 5.B.

PRESENTER: Brian Bray, Community Services Director

ITEM/SUBJECT: Consider adopting Ordinance No. 1872-08-21 amending Section 74-62 of Code of Ordinances, City of Nacogdoches, Texas to provide hours of operation and correcting the name of Festival Park. (Community Services Director)

SUMMARY/BACKGROUND: In recent months, Parks and Cemetery Department and Police Department have seen an increase in unlawful camping in our city parks. In order to remedy this problem, Police Department staff have requested signs stating the uniform opening and closing times for the parks; however, there were no such hours listed in the Code of Ordinances under Chapter 74 - Parks. Staff would like to establish that city parks are closed between the hours of 10:00 PM and 6:00 AM and that it is unlawful, outside of scheduled and approved events, for any person to enter or be found in city parks during those hours.

Further, Ordinance No. 1872-08-21 will change several mentions of "Festival Plaza" to "Festival Park," the correct name for the park located at 507 S. Pecan Street in Nacogdoches, Texas.

Nacogdoches Parks and Recreation Advisory Board voted to recommend adopting Ordinance No. 1872-08-21 on August 5th, 2021.

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: Brian W. Bray, Community Services Director
brayb@nactx.us
936-559-2935

ATTACHMENTS: 1. Ordinance No. 1872-08-21

ORDINANCE NO. 1872-08-21

ORDINANCE AMENDING CHAPTER 74 OF THE CODE OF ORDINANCES TO PROVIDE FOR HOURS OF OPERATION AND TO CORRECT THE NAME OF FESTIVAL PARK

WHEREAS, the City of Nacogdoches, Texas (the “City”) owns and operates parks throughout the City; and

WHEREAS, the City desires to provide for the orderly management and operation of the parks by providing for uniform opening and closing times for the parks; and

WHEREAS, the City owns a park south of Pilar Street that is commonly referred to and is known in the community as Festival Park; and

WHEREAS, signage in the park and directional signs around town refer the park as Festival Park; and

WHEREAS, Code of Ordinances, Section 74-62 for the City of Nacogdoches currently refers to Festival Park as Festival Plaza; and

WHEREAS, City Council desires to avoid confusion and reconcile the name of the park in the Code to match the common usage and current signage;

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

SECTION I

All of the above recitals are found to be true and correct legislative and factual findings.

SECTION II

Chapter 74 is amended to add the following section:

Section 74-67 – Hours of Operations.

The city parks shall be closed to the public between the hours of 10:00 p.m. and 6:00 a.m. on the following day, and it shall be unlawful for any person to enter or be found in city parks between such hours, except for events approved or scheduled by the parks and recreation department or city council.

SECTION III

Sec. 74-62 of Chapter 74 of the Code of Ordinances is amended to read as follows, with any struck through text being deleted and any underlined text being inserted into the Code:

Sec. 74-62. - Consumption and possession of alcoholic beverages.

- (a) It shall be unlawful for any person to possess or consume alcoholic beverages within any city-owned property, without the appropriate permissions:
- (b) Alcoholic beverages may be allowed in foregoing areas provided the appropriate application and deposit, and a reservation agreement is issued.
- (c) The following guidelines and procedures apply to alcoholic beverages in all areas listed in subsection 74-62(a) above, except for the designated area of Festival Park:
 - (1) Consumption of alcohol on these properties is permitted during special events that are approved by the City of Nacogdoches.
 - (2) Applicant must submit an event application at least ten days prior to the proposed event.
 - (3) Alcoholic beverages must only be consumed in accordance with state law.
- (d) The following guidelines and procedures apply to alcoholic beverages in the designated area of Festival Park:
 - (1) Alcohol is allowed only during a festival or event that is approved by the City of Nacogdoches.
 - (2) Applicant must submit a festival/event permit application at least 90 days prior to the proposed festival that includes the following documentation:
 - a. A map depicting the following:
 - 1. The boundaries of the festival area;
 - 2. Locations of fencing and type of fencing material to be approved by the city manager;
 - 3. Locations of entrance and exit points; and
 - 4. Locations of alcohol sales.
 - b. Proof of required licenses, permits and paid fees mandated by state and local law for the sale of alcoholic beverages.
 - (3) Applicant must present the request to the city council for consideration.
 - (4) The sale and/or consumption of alcoholic beverages shall be limited to the area(s) indicated on the festival/event permit application.
 - (5) If the event is gated with controlled access:
 - a. Alcohol may be sold throughout the gated, controlled access area of Festival Park.
 - b. The gating and access control must be approved by the city manager.
 - (6) If the event is not gated with controlled access:

- a. Alcohol may only be sold in areas designated in the festival/event permit application.
 - b. Each designated area shall be "double-fenced" of a material approved by the city manager with a four-foot space between fences for security personnel and minimum height of 48 inches.
 - c. The designated area shall meet all applicable health and safety codes.
 - d. The designated area shall have no more than one public entrance.
- (7) Peace officers licensed in the state must be on site throughout the event's operation and outside the perimeter to provide security. The city manager shall determine the number of officers required for the event. The event holders will pay for the service of the peace officers.
- (8) Alcoholic beverages may only be sold or consumed in accordance with state law.
- (9) No glass containers will be allowed in Festival Park.
- (10) The applicant will be responsible for the proper disposal of all trash on any property, public or private, which was utilized by the organizer during the event. Proper disposal of trash shall occur no later than 24 hours following the end of the event.

SECTION IV

All ordinances, resolutions, or parts thereof, that are inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matter regulated.

SECTION V

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 the provisions of this Ordinance are declared to be severable.

SECTION VI

All provisions of Chapter 74 of the Code of Ordinances of the City of Nacogdoches not specifically amended or repealed herein remain in full force and effect. 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 of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION VII

This Ordinance shall take effect immediately upon its passage.

SECTION VIII

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

SECTION IX

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 _____, 2021, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____
JIMMY MIZE, Mayor

ATTEST:

APPROVED AS TO FORM:

Jan Vinson, City Secretary

Steven Kirkland, City Attorney

PRESENTER: Keith Kiplinger, Fire Chief

ITEM/SUBJECT: Consider Resolution No. 1277-08-21 expressing intent to reimburse certain expenditures, specifically the purchase of a 100' Pierce Ascendant tower truck and associated equipment for the Fire Department and the cost of professional services incurred in connection therewith. (Fire Chief)

SUMMARY/BACKGROUND: Council previously authorized the purchase of a 100' Pierce Ascendant Aerial Tower Truck from Siddons-Martin Apparatus Group. Part of the financing process is approval of a reimbursement/refunding resolution to allow the City to issue Tax Anticipation Notes or other financing for the purchase of the vehicle. This resolution will authorize that refunding. The Finance Director will present a budget amendment financing for approval at a future date after all necessary documents have been completed and the terms are finalized.

FINANCIAL:

Item is not budgeted (*Budget Amendment required – see attached*)

Account No.: Budget amendment will be presented at a future date.

Account Name:

Amount:

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

Infrastructure

Economic Development

CITY CONTACT: Keith Kiplinger, Fire Chief

kiplingerk@nactx.us

936-559-2540

ATTACHMENTS:

1. Aerial Tower Explanation Page
2. Reimbursement_Resolution_2021_Fire_Ladder_Truck
3. Reimbursement Resolution Presentation



The City's current ladder truck is 25 years old and currently has 158,347 miles and 16,877 hours of service. Originally staff planned to budget for a replacement in the 2021-2022 fiscal year for delivery in late 2022. The truck was involved in an accident on June 14 and the City received a repair estimate of \$122,000 which exceeds the actual cash value of the vehicle. Our insurance carrier is currently processing the claim but expect the vehicle to be totalled. The Pierce dealer who we regularly purchase from has provided two options, purchasing a demonstrator truck or getting an earlier production slot for a new build, both of which have been competitively bid on the HGAC cooperative purchasing platform. The demonstrator offers a higher level of vehicle at a lower cost and is available much sooner than the new build. The cost for the demonstrator, including \$50,000 in loose equipment (hose, fans, saws, etc), would total \$1,480,500.

Options	2020 Demo	New Order
Cab	Velocity	Enforcer
Aerial System	Ascendant 100'	Ascendant 100'
Mileage	12,000 +/-	1,000 +/-
Delivery	Aug-21	Nov-22
Engine	Cummins X15 600HP	Cummins X12 500HP
Transmission	Allison EVS 4500	Allison EVS 4000
Seating	6	6
Warranty	Starts at delivery	Starts at delivery
Current Price	\$1,565,000	\$1,481,698
Demo Price	\$1,430,500	-

RESOLUTION EXPRESSING INTENT TO
REIMBURSE CERTAIN EXPENDITURES

WHEREAS, the City of Nacogdoches, Texas (the “City”) is a political subdivision of the State of Texas authorized to finance its activities by issuing obligations; and

WHEREAS, the City will make, or has made not more than 60 days prior to the date hereof, payments with respect to the projects listed on Exhibit A attached hereto (collectively, the “Financed Projects”); and

WHEREAS, in certain circumstances, federal and/or state law requires that the City express its official intent to issue obligations to reimburse itself for expenditures paid prior to the issuance of such obligations in order for such expenditures to be eligible for reimbursement from proceeds of such obligations; and

WHEREAS, Section 1.150-2(d)(2) of the Treasury Regulations sets forth limitations regarding the timing of reimbursements made from the proceeds of certain tax-exempt obligations.

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

Section 1. The City reasonably expects to reimburse itself for costs that have been or will be paid subsequent to the date that is 60 days prior to the date hereof and that are to be paid in connection with the Financed Projects from the proceeds of the obligations to be issued subsequent to the date hereof.

Section 2. The City reasonably expects that the maximum principal amount of obligations issued to reimburse the City for the costs associated with the Financed Projects will be \$1,525,000. Such obligations may be issued in one or more series.

Section 3. Unless otherwise advised by bond counsel, any reimbursement allocation will be made not later than 18 months after the later of (1) the date the original expenditure is paid or (2) the date on which the Financed Project to which the expenditure relates is placed in service or abandoned, but in no event more than three years after the original expenditure is paid.

[Execution Page to Follow]

PASSED AND APPROVED on this the 17th day of August, 2021.

CITY OF NACOGDOCHES, TEXAS

Jimmy Mize, Mayor

ATTEST:

Jan Vinson, City Secretary

APPROVED AS TO FORM AND CONTENT:

Steven Kirkland, City Attorney

EXHIBIT A

DESCRIPTION OF PROJECTS

<u>Purpose/Projects</u>	<u>Amount</u>
The purchase of a 100' Pierce Ascendant tower truck and associated equipment for the Fire Department and the cost of professional services incurred in connection therewith.	\$1,525,000

Consider Resolution

No. 1277-08-21

**Reimbursement Resolution for
the purchase of a 100' Pierce
Ascendant tower truck and
associated equipment for the
Fire Department and the cost
of professional services**

Refunding Resolution is part of the financing package to purchase the new Aerial Tower





Budget Amendment and Tax Anticipation Note on future agenda (Finance Director)

**Staff recommends
approval of Resolution
1277-08-21.**

PRESENTER: Alaina Chafin, City Planner

ITEM/SUBJECT: Public Hearing: Consider a Specific Use Permit for Liquor By the Drink for Lots 30, 49, 49-A & 49-B, and Outlot 47-A, City Block 43, as described in a deed dated July 17, 2020, recorded in Document Number 2020-4460 of the Real Property Records of Nacogdoches County, located on the southwest corner of Bremond Street and W. Main Street. This request has been submitted by Brent Ivy of Ivy Gott Property LLC. Case File SUP2021-03.

SUMMARY/BACKGROUND: The request is for a Specific Use Permit (SUP) for Liquor By the Drink. The property is zoned B-2, General Business and I-1, Light Industrial, and is currently vacant. Per the Zoning Ordinance, should the location at which Liquor By the Drink is closer than 300 feet from a single family zoning district, the owner must first obtain an SUP. The subject property abuts R-1, Single Family to the south, therefore an SUP is required. The SUP process allows Staff, the Commission, and the City Council the opportunity to review and impose conditions, if necessary, on such development.

The purpose of this SUP is to develop the property into an indoor/outdoor bar and food service establishment with a family-friendly outdoor recreation area. The applicant is also proposing to accommodate local food trucks and live entertainment on the property.

Adjacent Land Use & Zoning

The subject property is zoned B-2, General Business and I-1, Light Industrial, and is currently vacant. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North (across W. Main St.)	Single Family Residential	I-1, Light Industrial & B-2, General Business	Office & Undeveloped
South	Single Family Residential	I-1, Light Industrial & R-1, Single Family	Vacant & Industrial
East (across Bremond St.)	Rural Development	I-1, Light Industrial	Industrial
West	Single Family Residential	B-2, General Business	Single Family & Undeveloped

The area consists of a mix of zoning districts and land uses, including commercial and industrial development, and a number of legal nonconforming single family residences located along W. Main Street that are also zoned B-2, General Business. The property located immediately to the south is vacant, but was previously developed as an industrial use, taking access from Bremond Street.

REVIEW CRITERIA:

Per Section 118.173 of the Zoning Ordinance, a Specific Use Permit may be approved if all of the following conditions have been found:

Compatibility. The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;

The applicant intends to develop the property as an indoor/outdoor bar and food service establishment with a family-friendly outdoor recreation area. The bar and food service area will be approximately 1,500 sq. ft., with 2,500 sq. ft. of outdoor covered seating area. There will also be a small stage for live music on the southeast corner of the building, located away from the residential areas to the south and west. The outdoor recreation area will be approximately 2,000 square feet and will include games such as corn hole, washers, darts, bocce ball, etc. The applicant is also proposing to accommodate local food trucks on the property. The proposed operating hours for this establishment are between 11:00AM and 10:00PM.

Common nuisances associated with these types of uses include light and noise that could be generated by the live entertainment and outdoor activities. These nuisances may have a greater impact when they are located in close proximity to residential areas. Property located immediately to the west of the subject property is currently developed as a single family residence, as well as properties located further south along Weaver Street.

The applicant is proposing to mitigate any adverse impacts from the proposed outdoor activities by preserving the existing large trees and vegetated area located along the southern and western boundaries of the property as a natural buffer. This natural buffer will range from 30 to 70 feet in width, and should provide a more effective barrier than would be required by the screening standards found in Zoning Ordinance ***Sec. 118-429. - Commercial sites with residential adjacency***, which requires the installation of a wooden screening fence and 10-foot landscape buffer

Orderly growth and development. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The properties located immediately to the south include both developed and vacant industrial sites (a portion of which is zoned R-1, Single Family) taking direct access to Bremond Street. Property to the west is zoned B-2, General Business, but is developed as a single family residence. The SUP should not impede the normal and orderly development of surrounding vacant property.

Supporting Facilities. Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

The subject property fronts onto W. Main Street and takes direct access from Bremond Street. W. Main Street is designated as an Existing Major Arterial on the City's Thoroughfare Plan, and functions as the primary access for the residential and commercial uses in the area. This section of W. Main Street is constructed as a four-lane arterial street, with a right-of-way (ROW) ranging from 65-75 feet, curb and gutter drainage design and 45 feet of pavement width. The

roadway is adequate to accommodate the nature and volume of traffic typically generated by the proposed use. Bremond Street is a Local Street which functions as primary access for the commercial uses in the area. Bremond Street is a two-lane curbed street with 60 feet of ROW and 27 feet of pavement width.

The property has access to public utilities, with 6-inch water main located along W. Main Street, and a 4-inch sewer main that runs along the southern boundary of the subject property.

Additionally, per the FEMA Floodplain Map, there is a portion of the subject property along the eastern boundary that falls within the 500-Year Flood Zone. There are no structures proposed in the floodplain area.

Drives and Parking. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

The applicant is utilizing the existing driveway and parking lot along Bremond Street. All of the proposed driveways and parking areas comply with the City's current land development design standards.

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

The applicant is proposing to mitigate any nuisances from light and noise that might be generated by the development by preserving the existing large trees and vegetated area located along the southern and western boundary of the property as a natural buffer. The size of this natural buffer will range from 30 to 70 feet in width. The proposed stage for live music is also proposed to be located on the southeast corner of the building, away from the residential areas to the south and west, and the applicant proposes to limit the operating hours from 11:00AM to 10:00PM.

Lighting. Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;

Outdoor lighting must meet the City's lighting ordinance restrictions, i.e. only downlighting, no spillover lighting onto neighboring properties is permitted.

Landscaping. Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;

This development will be subject to Zoning Ordinance *Sec. 118-430. - Commercial district landscaping*, which requires the installation of trees to be planted along the street frontage. This development will also be subject to *Sec. 118-429. - Commercial sites with residential adjacency*, which requires the installation of a screening fence and 10-foot landscape buffer along shared property lines where nonresidential sites are immediately adjacent to residentially zoned properties; this standard would only apply to the portion of the southern property boundary abutting R-1, Single Family zoning districts.

The property has a large vegetated area with several large mature trees located along the southern and western boundary lines of the property. In lieu of the fencing and 10-foot landscape buffer referenced above, the applicant is proposing to preserve this vegetated area as a natural buffer. This natural buffer will range from 30 to 70 feet in width, and should provide a more effective barrier than would be required by the screening standards found in Zoning Ordinance *Sec. 118-429. - Commercial sites with residential adjacency*.

Comprehensive Plan. The proposed use is in accordance with the comprehensive plan.
Future Land Use

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the subject property and the surrounding area as *Single Family Residential*, with property to the east designated as *Rural Development*. The *Single Family Residential* Future Land Use category is described as, “Conventional one-family detached dwellings (also includes duplexes).” The *Rural Development* Future Land Use category is described as, “Sparsely-populated areas with limited development that are still distinct from more urbanized areas. This typically encompasses relatively large tracts of unsubdivided land used for agriculture, forestry...widely-scattered homesteads...natural open space, or activities not requiring permanent structures or improvements. This *Rural* designation is likely due to the proximity to Banita Creek and the significant floodplain in this area.

The Future Land Use designation is not consistent with the current zoning of the property, nor is it consistent with the zoning of the majority of the properties fronting W. Main Street, which are zoned and developed for commercial uses. Approval of the SUP will not change the land uses permitted by the current underlying zoning district.

Thoroughfare Plan

Bremond Street is a Local Street. Local streets are all other roads which are not included in higher functional classes, and therefore not identified on the Thoroughfare Plan.

Land Use Policies, Goals & Objectives

This request furthers the Land Use Policies of the 2003 Comprehensive Plan, specifically:

- Potential negative land use impacts (noise, odor, pollution, excessive light, traffic, etc.) should be considered and minimized.
- Compatibility with existing uses should be maintained. Well planned, mixed uses which are compatible are to be encouraged.
- Residential and commercial areas may be adjacent if separated by a buffer.

Staff finds that while the FLUP designation is not consistent with the current zoning of the property, the request is otherwise in compliance with the Comprehensive Plan.

NOTICES:

Staff mailed 11 notices to property owners within the 200 foot notification area. This zoning application was also subject to the additional noticing practices that were approved by City Council in January, 2021. These included: a zoning notice sign located on the subject property; notices published on the City’s Planning & Zoning webpage and social media platforms; and, mailed courtesy notices to property owners within 500 feet of the subject property.

At the time that this report was written, there were two (2) responses received in favor of the request. These responses are from the property owner who resides at 715 W. Main, located immediately to the west of the subject property, and the property owner of the two vacant lots located on the north side of W. Main Street, immediately across from the subject property.

Staff Recommendation

Based on the above findings, Staff recommends approval of the Specific Use Permit.

Planning & Zoning Commission Recommendation

This item was heard by the Planning & Zoning Commission on Monday, August 9th, where they recommended approval of the Specific Use Permit unanimously (4-0).

FINANCIAL:

Not Applicable

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

Downtown Entertainment District

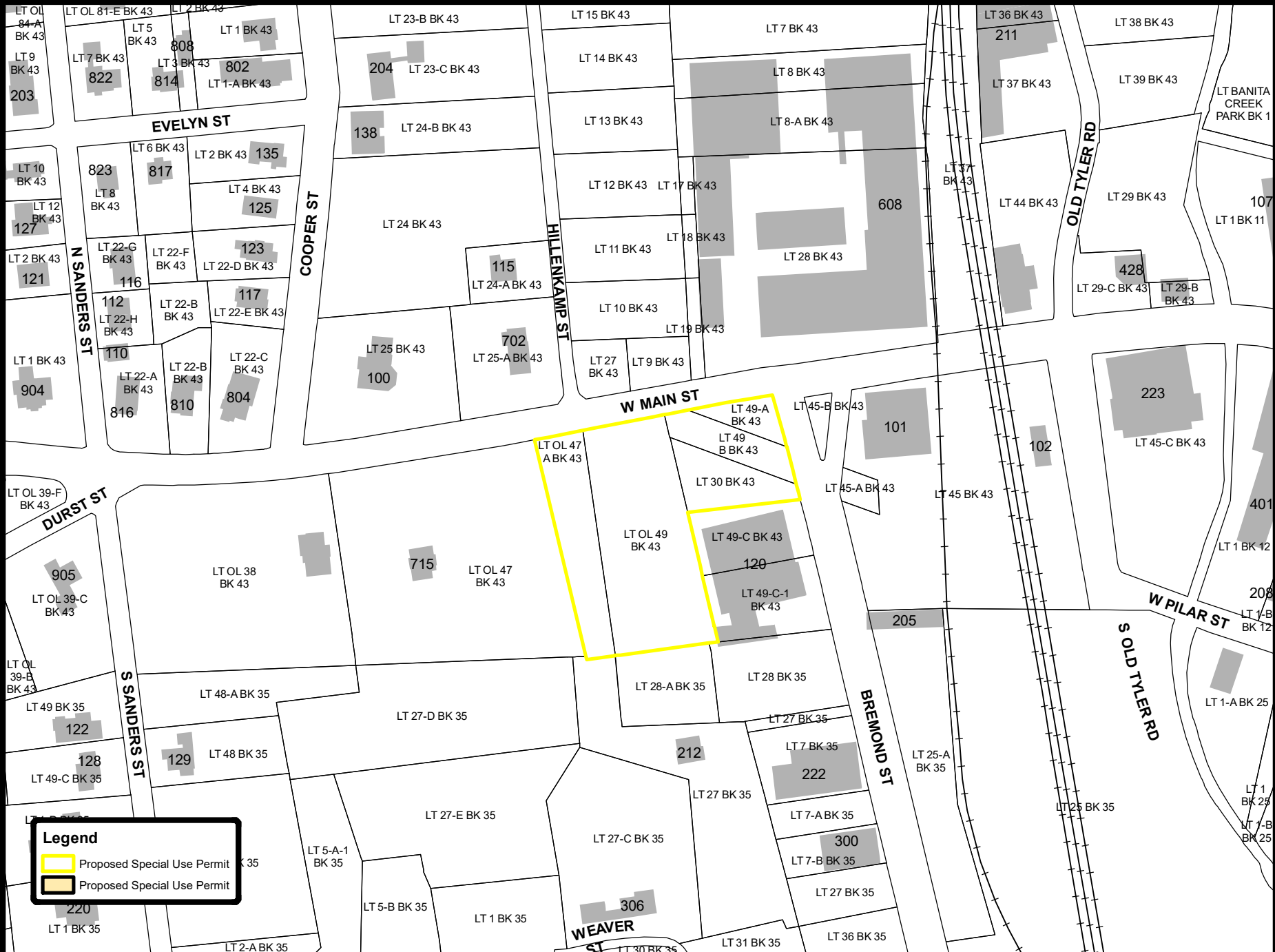
Economic Development

CITY CONTACT: Alaina Chafin, AICP, City Planner
chafina@nactx.us
(936) 559-2572

ATTACHMENTS:

1. Location Map
2. Aerial Map
3. Zoning Map
4. FLUP Map
5. Notification Map
6. Site Plan Exhibit
7. Site Photos
8. Response Letters
9. Ordinance

SUP 2021-03



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



0 50 100 200 Feet

Date Created: July 28, 2021 Software: ArcGIS 10.8.1

SUP 2021-03

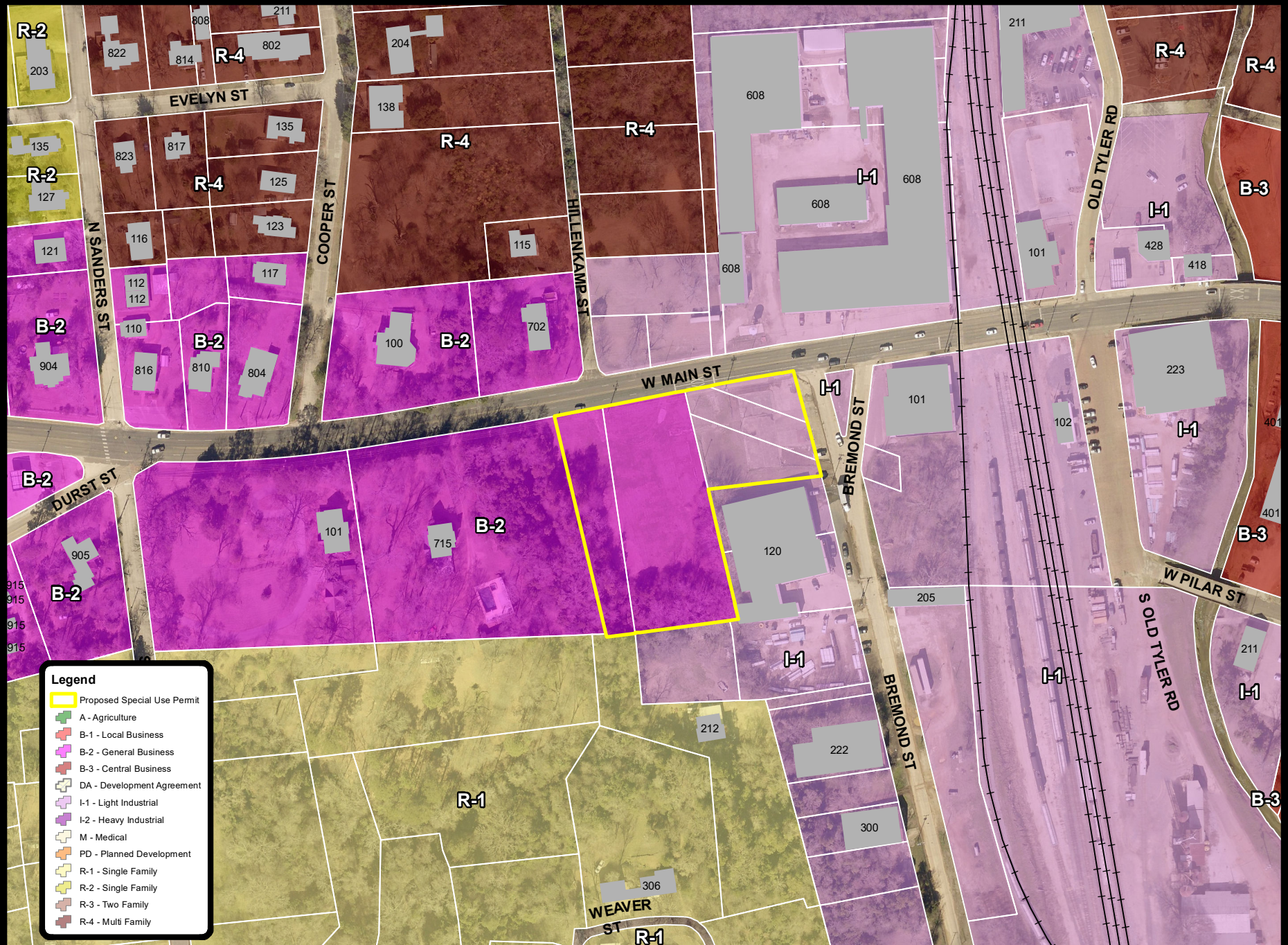


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0 70 140 280 Feet

Date Created: July 28, 2021 Software: ArcGIS 10.8.1

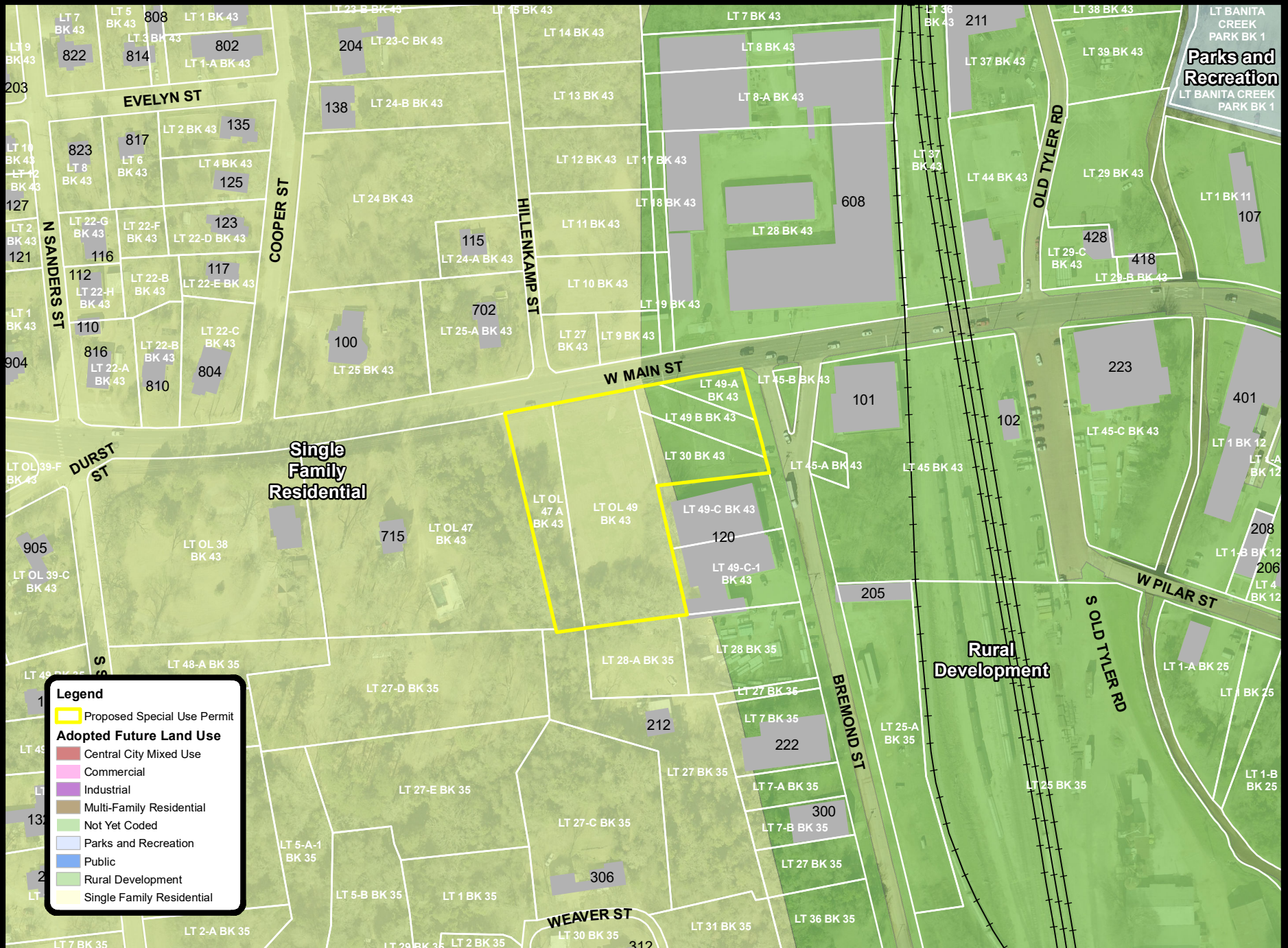


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0 50 100 200 Feet

SUP 2021-03



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0 50 100 200 Feet

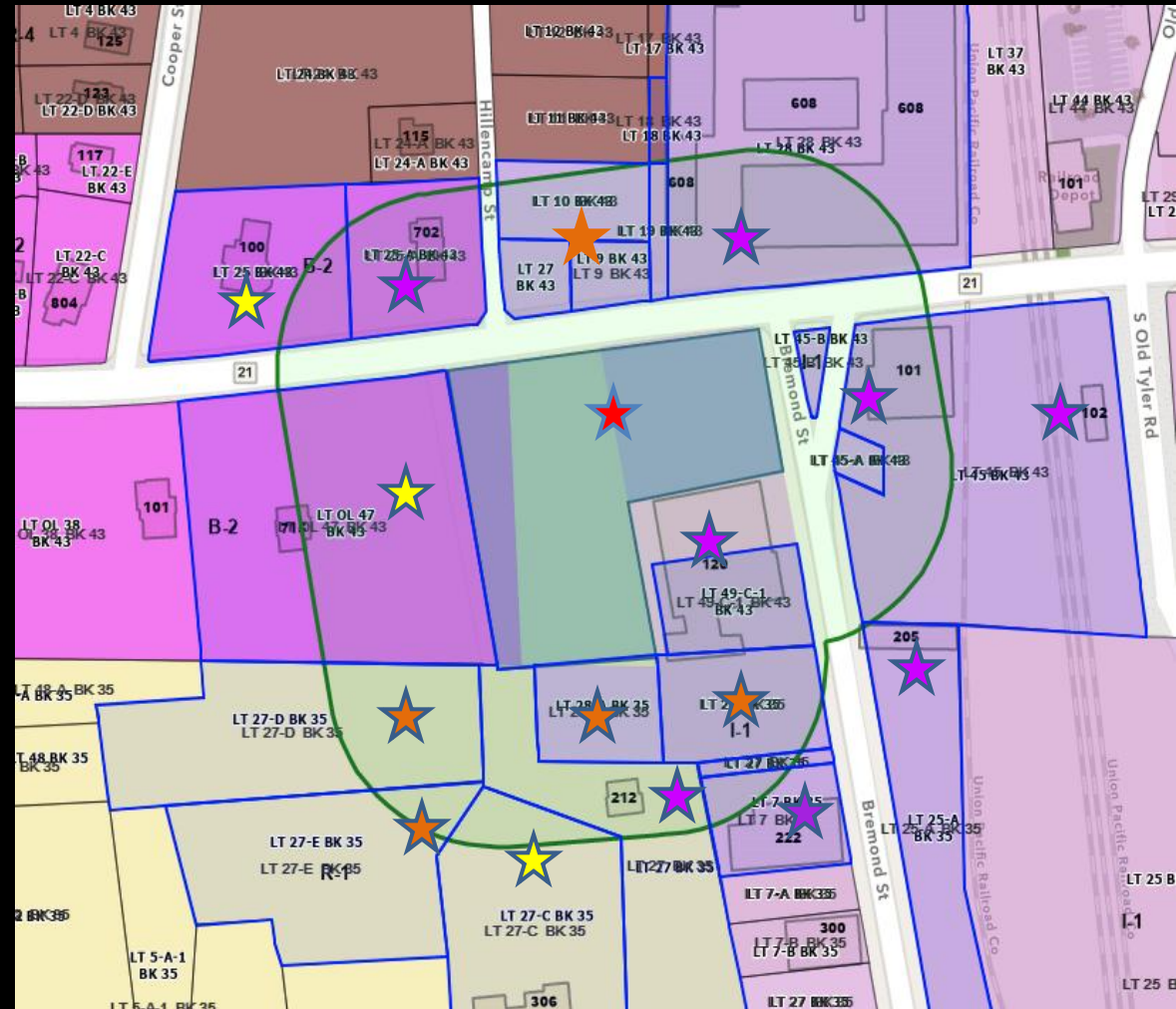
Date Created: July 28, 2021 Software: ArcGIS 10.8.1

200 Foot Notification Map

SUP2021-03: W. Main St.

Legend

-  200 Foot Buffer
-  Proposed SUP
-  Commercial
-  Single Family-Owner Occupied
-  Vacant



● Building & Seating

● Outdoor Games

● Natural Buffer

- Parking



SUP2021-03 (W. Main St.)



SUP2021-03 (W. Main St.)



SUP2021-03 (W. Main St.)





Response Form

Project Number: SUP2021-03

SW Corner of Bremond & W. Main St.

You may make your views known by completing this form and returning it to the Planning & Zoning department. You may also make your views known in person by attending the public hearings. **Please complete and return form to:**

City of Nacogdoches Planning & Zoning Department

Attn: Juan Pollette

PO Drawer 635030

Nacogdoches, TX 75963

You may also email a copy to Juan Pollette, pollettej@nactx.us

Project Number: SUP2021-03

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

- No Comments

Signature: _____

Josh Evans

Printed Name: _____

Josh Evans

Street Address: _____

915 S. Fredonia St

City, State and Zip Code: _____

Nacogdoches, TX 75964

Phone Number: _____

936-564-3711

Email Address: _____

JEvens@TFP Nutrition.com

Physical Address of Property within 200 Feet: _____

101 Bremond St.

City of Nacogdoches

202 E. Pilar – PO Drawer 635030 – Nacogdoches, TX 75963

936-559-2574 Fax 936-559-2910 www.nactx.us

Home of Stephen F. Austin State University www.sfasu.edu



Response Form

Project Number: SUP2021-03

SW Corner of Bremond & W. Main St.

You may make your views known by completing this form and returning it to the Planning & Zoning department. You may also make your views known in person by attending the public hearings. **Please complete and return form to:**

City of Nacogdoches Planning & Zoning Department

Attn: Juan Pollette

PO Drawer 635030

Nacogdoches, TX 75963

You may also email a copy to Juan Pollette, pollettej@nactx.us

Project Number: SUP2021-03

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

Signature: _____

Printed Name: _____

Street Address: _____

City, State and Zip Code: _____

Phone Number: _____

Email Address: _____

Physical Address of Property within 200 Feet: _____

City of Nacogdoches

202 E. Pilar – PO Drawer 635030 – Nacogdoches, TX 75963

936-559-2574 Fax 936-559-2910 www.nactx.us

Home of Stephen F. Austin State University www.sfasu.edu

ORDINANCE NO. 1875-08-21

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, GRANTING AN AMENDMENT TO A SPECIFIC USE PERMIT FOR LIQUOR BY THE DRINK LOCATED WITHIN THE B-2, GENERAL BUSINESS AND I-1, LIGHT INDUSTRIAL ZONING DISTRICT, BEING LOTS 30, 49, 49-A & 49-B, AND OUTLOT 47-A, CITY BLOCK 43, AS DESCRIBED IN A DEED DATED JULY 17, 2020, RECORDED IN DOCUMENT NUMBER 2020-4460 OF THE REAL PROPERTY RECORDS OF NACOGDOCHES COUNTY, LOCATED ON THE SOUTHWEST CORNER OF BREMOND STREET AND W. MAIN STREET IN NACOGDOCHES, TEXAS, PROVIDING REQUIREMENTS AND CONDITIONS FOR SAID SPECIFIC USE PERMIT; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Specific Use Permit process allows the Planning and Zoning Commission and City Council to consider the conditions specific to individual tracts of land and operational characteristics of various businesses; and

WHEREAS, Brent Ivy of Ivy Gott Property LLC, filed an application for a Specific Use Permit for Liquor By the Drink on property that is currently zoned as B-2, General Business and I-1, Light Industrial; located at the southwest corner of Bremond Street and W. Main Street, said tract being legally described as Lots 30, 49, 49-A & 49-B, and Outlot 47-A, City Block 43, as described in a deed dated July 17, 2020, recorded in Document Number 2020-4460 of the Real Property Records of Nacogdoches County (the "Property"), and situated within the corporate limits of the City of Nacogdoches, Texas (the "City"), being more particularly described in **Exhibit "A"** and **Exhibit "B"**, attached hereto and made a part hereof for all purposes; and

WHEREAS, the Owner of the Property, through its above mentioned and duly authorized representatives, has presented an application to the City for the granting a Specific Use Permit to use said Property for the purpose of Liquor By the Drink (the "Specific Use"), as authorized by the City's Zoning Ordinance; and

WHEREAS, after satisfaction of all conditions precedent required by law, the Planning and Zoning Commission held a public hearing and did make recommendation to City Council for approval of the Specific Use Permit application submitted for the above referenced site; and

WHEREAS, after satisfaction of all conditions precedent required by law and receiving the recommendation of the Planning and Zoning Commission, the City Council conducted a public hearing, and immediately thereafter approved the application for a Specific Use Permit allowing for the construction, operation and maintenance of Liquor By the Drink.

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

SECTION I
Findings.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and same are deemed to be in furtherance of a public purpose.

SECTION II

Approval of Specific Use Permit

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a Specific Use Permit is hereby approved allowing for the construction, operation and maintenance of Liquor By the Drink at the above described location, as outlined in **“Exhibit B”**, with the following conditions:

1. The operating hours of the Liquor By the Drink establishment will be from 11:00AM to 10:00PM.

SECTION III

Repeal

This Ordinance shall in no manner repeal, amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting of the Specific Use Permit as herein provided.

SECTION IV

Effective Date

This Ordinance shall take effect following its passage and publication as may be required by governing law.

SECTION V

Severability

If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VI

Proper Notice and Open Meetings

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

SECTION VII

Filing

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, Texas.

PASSED AND APPROVED, this the ____ day of _____, 2021, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____
JIMMY MIZE, Mayor

ATTEST:

JAN VINSON, City Secretary

APPROVED AS TO FORM:

STEVEN KIRKLAND, City Attorney

APPROVED AS TO CONTENT:

ALAINA CHAFIN, City Planner

PRESENTER: Alaina Chafin, City Planner

ITEM/SUBJECT: Public Hearing: Consider a Zone Change from B-2, General Business to R-4, Multi-Family for Lot 3, City Block 56, of the Alvarez Subdivision No.1, located at 3327 Old Lufkin Road. This request has been submitted by Bryan Omar Rojo. Case File ZON2021-06.

SUMMARY/BACKGROUND: The request is for a zone change from B-2, General Business to R-4, Multi-Family for approximately 0.9 acre of land located at 3327 Old Lufkin Road. The R-4, Multi-Family district is intended for higher density residential areas which may contain a mixture of single-family, two-family, and multiple-family dwellings. District regulations are designed to protect residential characteristics of the area and to prevent the overcrowding of land. R-4 is considered a commercial zoning district in locating and mapping this district, and in determining residential adjacency.

The applicant owns the subject property, which is currently developed as a single family residence and has served as the applicant's primary residence for the last seven (7) years. This single family home was constructed in 1970, prior to the adoption of the City's first zoning ordinance and zoning map. After adoption of the zoning map, the subject property and all of the tracts with frontage on the east side of Old Lufkin Road, between the subject property and W. Spradley Street, were zoned R-4, Multi Family. The subject property was subsequently rezoned to B-2, General Business in 1985, along with the eight (8) tracts located immediately to the south along the east side of Old Lufkin Road.

Single Family is not a permitted land use under the B-2, General Business zoning district, therefore the zone change to B-2 in 1985 rendered the property legal nonconforming. The legal nonconforming status of the property impacts the appraisal and the ability of the property owner to refinance the home, as well as the ability to expand or renovate the home in the future.

Adjacent Land Use & Zoning

The subject property is zoned B-2, General Business and is currently developed as a single family residence. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North	Commercial/Rural Development	B-2, General Business	Undeveloped
South	Commercial/Rural Development	B-2, General Business	Vacant & Undeveloped

East	Commercial	B-2, General Business	Hotel
West (Across Old Lufkin Rd.)	Rural Development	R-4, Multi-Family	Single Family & Undeveloped

The area includes a mix of zoning, including B-2, General Business to the north, east and south, and R-4, Multi-Family to the west and farther south along Old Lufkin Road. Surrounding land uses consist of primarily single family residences and undeveloped tracts along Old Lufkin Road. The two (2) lots located between the subject property and Old Lufkin Road, being Lots 1 and 2 of the Alvarez Subdivision, were developed as a gas station and a church between 1985 and 1994, but are not currently occupied. The R-4, Multi-Family zoning is compatible with the zoning in the area and should not adversely impact the adjacent land uses.

REVIEW CRITERIA: Per Section 118.139 of the Nacogdoches Zoning Ordinance, the following conditions shall be considered when reviewing an application for zoning change:

Compatibility. The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;

The R-4, Multi-Family zoning is compatible with the zoning in the area and should not adversely impact the adjacent land uses.

Orderly growth and development. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The vacant properties to the north and south both have public street and utility access. The proposed zone change will not impede or directly obstruct the development of surrounding vacant property.

Supporting Facilities. Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

The subject property takes direct access to Old Lufkin Road, which is designated as an Existing Major Collector on the City's Thoroughfare Plan, and functions as primary access for the residential and commercial uses in the area. This section of Old Lufkin Road is generally constructed as a two-lane local street, with 100 feet of right-of-way (ROW), and an open ditch drainage design with 22 feet of pavement width. The proposed zoning from commercial to multifamily would decrease the overall traffic demand in this area, thereby increasing the traffic and volume capacity of Old Lufkin Road. Based on the current traffic demand of this roadway being primarily single family residences, coupled with the decrease in intensity of the zone change request, Staff finds that the current pavement width is adequate to serve the design purpose of collecting and distributing traffic from this residential area to the larger, arterial roadway network.

The property has access to public utilities, with a 6-inch water main and sewer main located along Old Lufkin Road. Additionally, per the FEMA Floodplain Map, there is no floodplain located on the subject property.

Drives and Parking. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without

adversely affecting the general public or adjacent developments;

The existing driveway meets the City's dimensional and design standards for residential driveways.

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

The proposed zone change is less intense than the current B-2, General Business zoning designation of the property, and should not create a nuisance to the surrounding properties.

Lighting. Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;

Outdoor lighting must meet the City's lighting ordinance restrictions, i.e. only downlighting, no spillover lighting onto neighboring properties.

Landscaping. Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;

Single family development is not subject to commercial district landscaping requirements. However, any new multifamily construction on the property would be subject to the City's commercial district landscaping requirements.

Comprehensive Plan. The proposed use is in accordance with the comprehensive plan.

Future Land Use

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the majority of the subject property as *Rural Development*, and a portion along the eastern boundary as *Commercial*. The *Commercial* FLUP category is described as "Shopping and service facilities for the sale of goods and services, including small shops and larger retail stores and centers, restaurants, hotels and motels, service stations, and various other customer-oriented establishments...Also appropriate for places of worship and other non-government facilities where people frequently gather (private schools, lodges, meeting halls)." This Commercial designation is due to the proximity of the property to South Street and SW Stallings Drive, which are two of the City's primary commercial corridors.

The *Rural Development* FLUP category is described as, "Sparsely-populated areas with limited development that are still distinct from more urbanized areas. This typically encompasses relatively large tracts of unsubdivided land used for agriculture, forestry...widely-scattered homesteads...natural open space, or activities not requiring permanent structures or improvements." This *Rural* designation is likely due to the proximity to the City Limits, as well as the low density development of properties along the east side of Old Lufkin Road, and the large unsubdivided tracts located at the southwest corner of Old Lufkin Road and SW Stallings Drive.

Per the 2003 Comprehensive Plan, the FLUP Map, "...is not a rigid, parcel-specific mandate for how land shall be developed...", rather it's a guide to help visualize the desired development pattern in a given area. In the desire to harmonize land uses in an area, it is always relevant to consider the predominant use or zoning and then allocate future use or zoning that will blend and integrate better. The FLUP designation of the majority of the property is not consistent with the current zoning of the property, nor is it consistent with the zoning of the majority of the properties fronting Old Lufkin Road.

Thoroughfare Plan

Per the 2003 Nacogdoches Comprehensive Plan, the Thoroughfare Plan designates Old Lufkin Road as an Existing Major Collector. These streets are generally designed and intended to carry

higher traffic volumes than local/residential streets.

Land Use Policies, Goals & Objectives

This request furthers the Land Use Policies of the 2003 Comprehensive Plan, specifically: Compatibility with existing uses should be maintained. Well planned, mixed uses which are compatible are to be encouraged.

Staff finds that while the FLUP designation of the property is not consistent with the zone change request, the request is otherwise in compliance with the Comprehensive Plan.

NOTICES:

Staff mailed 11 notices to property owners within the 200 foot notification area. This zoning application was also subject to the additional noticing practices that were approved by City Council in January, 2021. These included: a zoning notice sign located on the subject property; notices published on the City's Planning & Zoning webpage and social media platforms; and, mailed courtesy notices to property owners within 500 feet of the subject property.

Since the time of this report, Staff has received zero (0) contacts regarding the request.

Staff Recommendation

Based on the above findings, Staff recommends approval of a change of zoning for the subject property from B-2, General Business to R-4, Multi-Family.

Planning & Zoning Commission Recommendation

This item was heard by the Planning & Zoning Commission on Monday, August 9th, where they recommended approval of the zone change request unanimously (4-0).

FINANCIAL:

Not Applicable

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

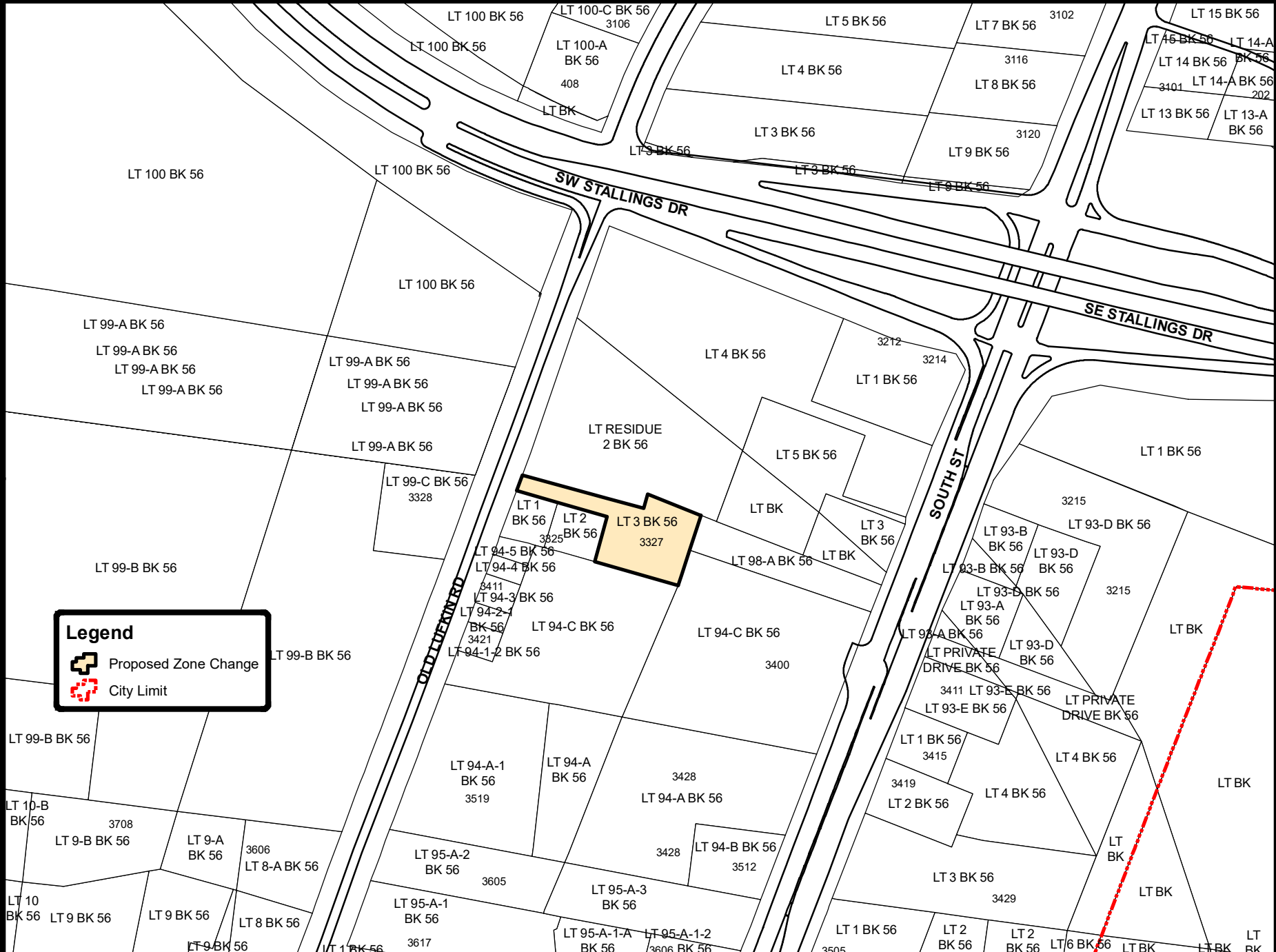
Not Applicable

CITY CONTACT: Alaina Chafin, AICP, City Planner
chafina@nactx.us
(936) 559-2572

ATTACHMENTS:

1. Location Map
2. Aerial Map
3. Zoning Map
4. FLUP Map
5. Notification Map
6. Site Photos
7. Neighborhood Photos
8. Ordinance

ZON 2021-06



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



0 75 150 300 Feet

Date Created: June 28, 2021 Software: ArcGIS 10.8.1

ZON 2021-06



Legend



Proposed Zone Change

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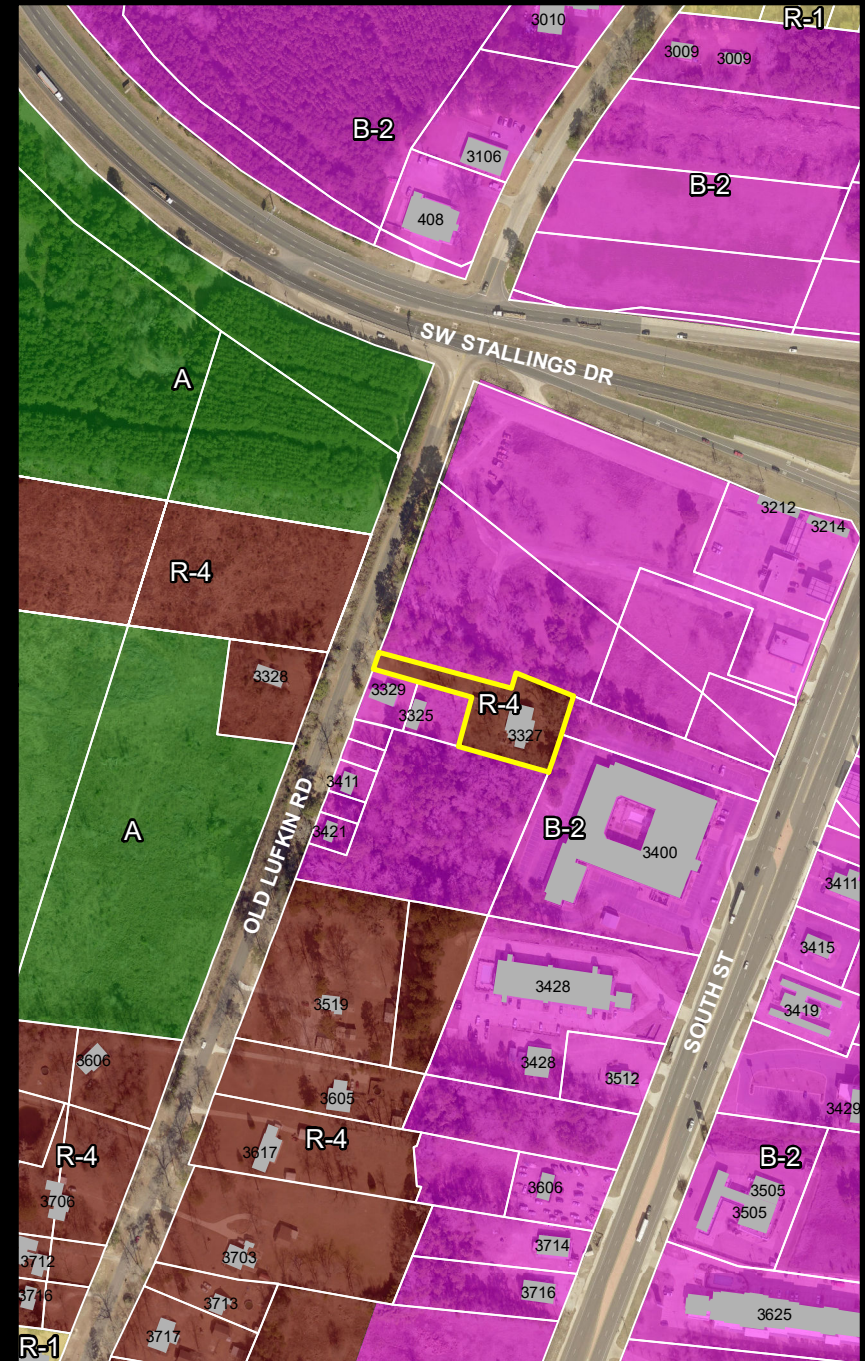
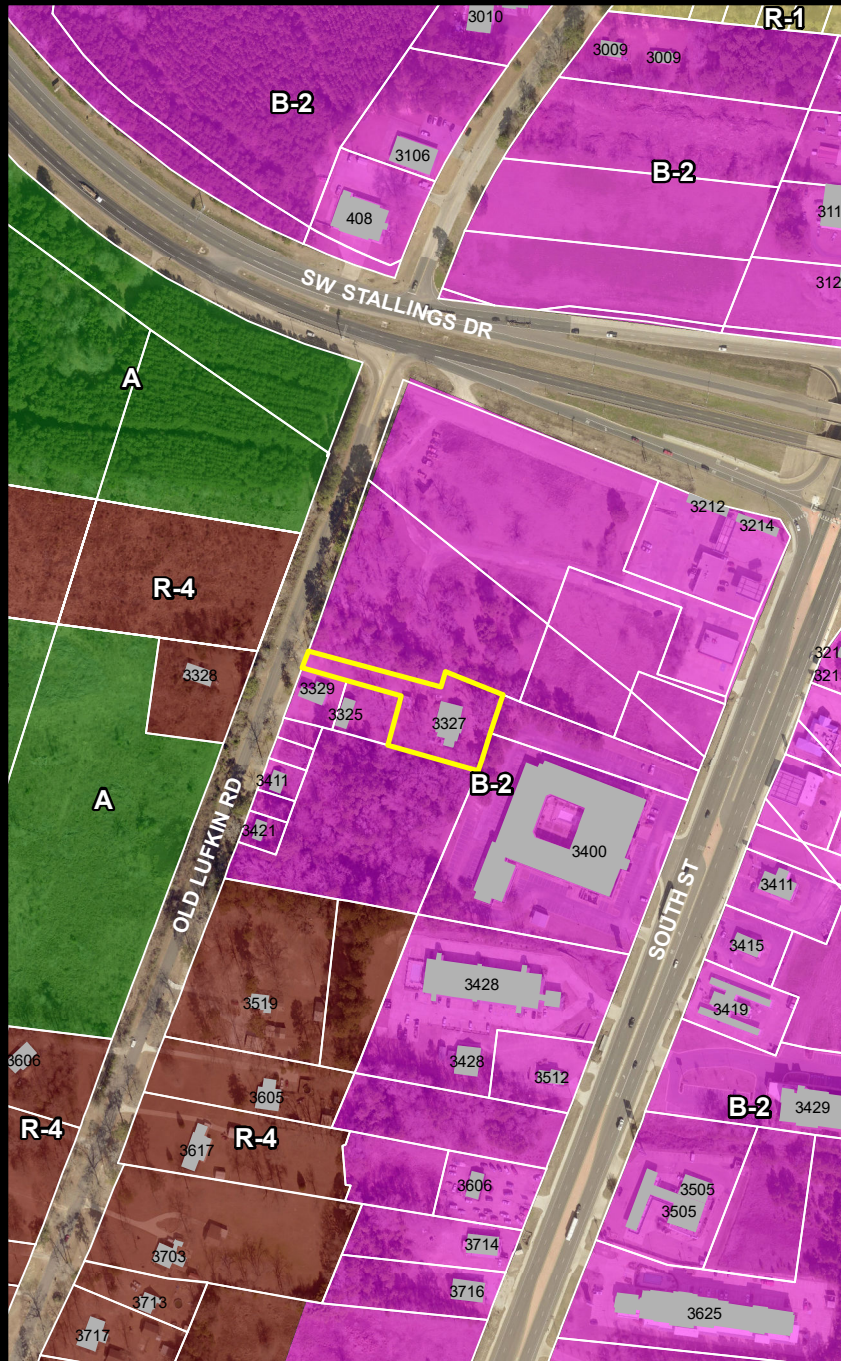
0 75 150 300 Feet

Date Created: July 28, 2021 Software: ArcGIS 10.8.1

Existing Zoning

ZON 2021-06

Proposed Zoning



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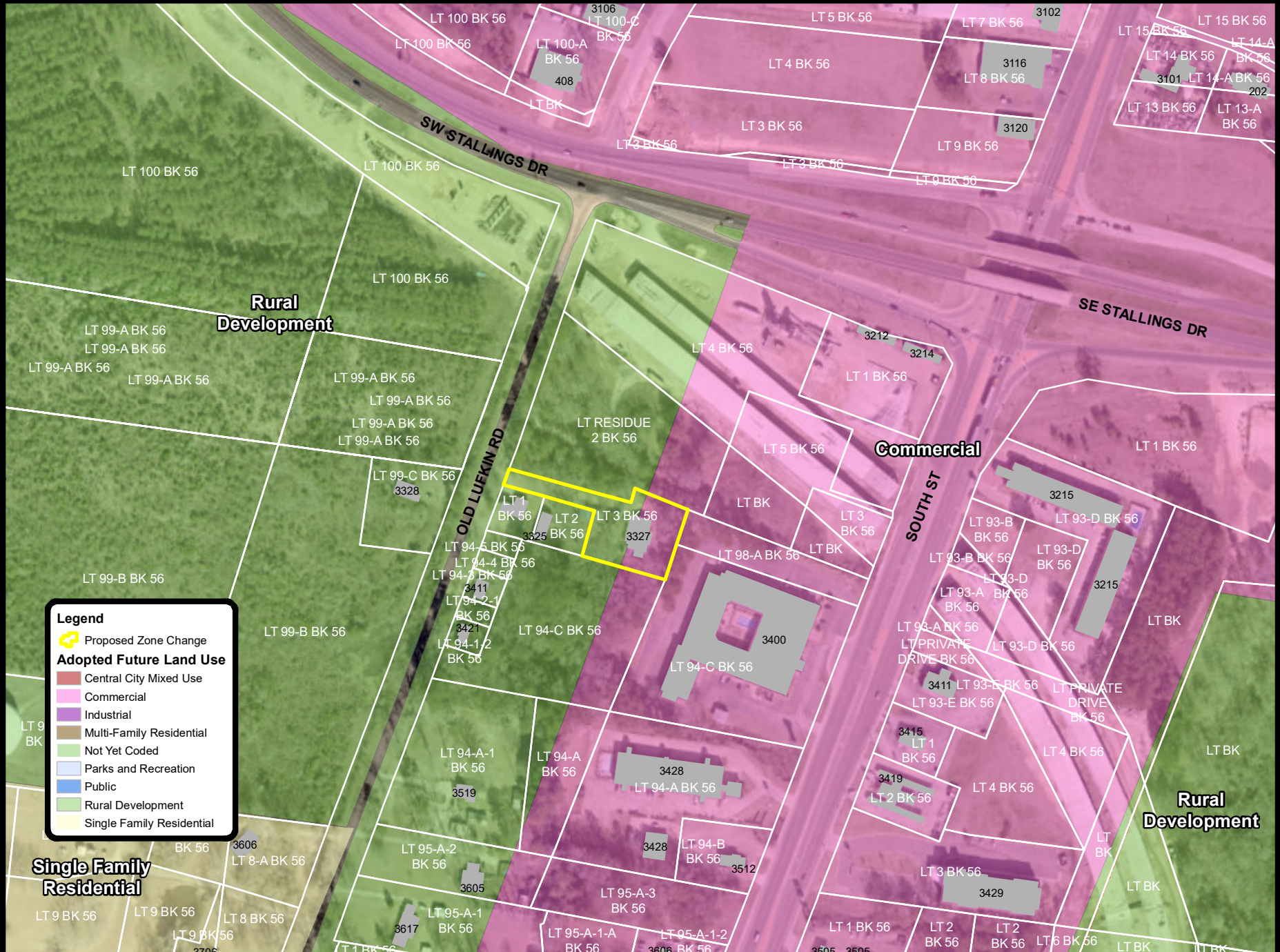


Date Created: July 28, 2021 Software: ArcGIS 10.8.1

0 100 200 400 Feet



ZON 2021-06



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0 75 150 300 Feet

Date Created: July 28, 2021 Software: ArcGIS 10.8.1

200 Foot Notification Map

Legend

-  200 Foot Buffer
-  Proposed Zone Change
-  Commercial
-  Single Family- Rental
-  Single Family- Owner Occupied
-  Vacant

ZON2021-06: 3327 Old Lufkin Rd.



3327 Old Lufkin Road



3327 Old Lufkin Road



Old Lufkin Road: Existing Character



ORDINANCE NO. 1876-08-21

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING THE BOUNDARIES OF A ZONING DISTRICT WITHIN THE CITY OF NACOGDOCHES FROM B-2, GENERAL BUSINESS TO R-4, MULTI-FAMILY FOR LOT 3, CITY BLOCK 56, OF THE ALVAREZ SUBDIVISION NO.1, LOCATED AT 3327 OLD LUFKIN ROAD IN NACOGDOCHES, TEXAS; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Zoning Ordinance of the City of Nacogdoches allows the City Council to amend the official zoning map; and

WHEREAS, the property described above and depicted in “**Exhibit A**” is currently zoned B-2, General Business; and

WHEREAS, the property owner has requested the zoning classification of said property to be changed to R-4, Multi-Family; and

WHEREAS, the City Council of the City has conducted, in the time and manner and after the notice required by law and the Zoning Ordinance of the City, a public hearing on such request for change in zoning classification; and

WHEREAS, the City Council now deems it appropriate to grant such requested change in classification.

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

SECTION I

Findings.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and same are deemed to be in furtherance of a public purpose.

SECTION II

Approval of Zoning Change

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a change in Zoning Classification from B-2, General Business to R-4, Multi-Family is hereby approved by the City Council.

SECTION III

Repeal

This Ordinance shall in no manner repeal, amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting change in Zoning Classification as herein provided.

SECTION IV

Effective Date

This Ordinance shall take effect following its passage and publication as may be required by governing law.

SECTION V

Severability

If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VI

Proper Notice and Open Meetings

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

SECTION VII

Filing

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, Texas.

PASSED AND APPROVED, this the ____ day of _____, 2021, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____
JIMMY MIZE, Mayor

ATTEST:

APPROVED AS TO FORM:

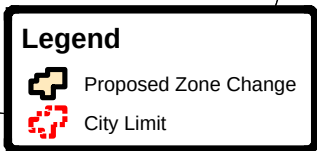
JAN VINSON, City Secretary

STEVEN KIRKLAND, City Attorney

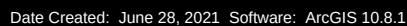
APPROVED AS TO CONTENT:

ALAINA CHAFIN, City Planner

ZON 2021-06



8



PRESENTER: Alaina Chafin, City Planner

ITEM/SUBJECT: Public Hearing: Consider a Zone Change from B-2, General Business to R-2, Single Family for Lots 8-16 & Lots 19-23, City Block 56, Section One of the Brookhollow Addition. This request has been submitted by Damon Register of Double D Land Investments, LLC. Case File ZON2021-07.

SUMMARY/BACKGROUND: The request is for a zone change from B-2, General Business to R-2, Single Family for 14 contiguous lots located along the east and west side of Brookhollow Drive. The R-2, Single Family district is intended to provide for slightly higher density residential areas. Lots in this area must be 6,000 square feet or larger.

Section One of the Brookhollow Addition is located at the intersection of Brookhollow Drive and SE Stallings Drive and was established as a residential subdivision in 1970, prior to the adoption of the City's first zoning ordinance and zoning map. Deed restrictions for the subdivision were then established to limit development of the area to single family residences. Upon adoption of the zoning map, several properties along the City's major commercial corridors were zoned B-2, General Business; including properties with frontage along North Street, South Street, SW Stallings Drive and this portion of SE Stallings Drive. The last remaining undeveloped lots in the subdivision include the subject properties, four (4) lots at the entrance of the subdivision, and the three (3) lots located at the southern end of Brookhollow Drive. The remaining lots on Brookhollow Drive are developed as single family residences. The applicant owns the subject properties and intends to develop them as single family residences.

Adjacent Land Use & Zoning

The subject properties are zoned B-2, General Business and are currently undeveloped. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North	Rural Development & Commercial	B-2, General Business	Single Family
South	Rural Development	B-2, General Business	Undeveloped
East	Rural Development	B-2, General Business	Undeveloped

West	Rural Development	Outside City Limits	Undeveloped & Single Family
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Section One of the Brookhollow Addition is zoned B-2 but developed as single family residences. Property to the east includes a single, large undeveloped tract zoned B-2, General Business, and property to the west of the subdivision is undeveloped and located outside of the City Limits. The adjoining Brookhollow Addition, Section Two, is located along Ridgewood Drive and is also zoned B-2, General Business. This subdivision is primarily developed with manufactured homes, with approximately 40-45% of the lots being undeveloped.

REVIEW CRITERIA: Per Section 118.139 of the Nacogdoches Zoning Ordinance, the following conditions shall be considered when reviewing an application for zoning change:

Compatibility. The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;

The proposed R-2, Single Family zoning district is consistent with the existing development in the area. The subject property, and all of the remaining lots within the subdivision, consist of lots that are 0.18 acre (8,240 sq. ft.) in size. The zoning ordinance requires at least 0.13 acres (6,000 sq. ft.) for each dwelling unit in an R-2, Single Family neighborhood. The construction of single family residences on these lots will not significantly affect the density of the neighborhood, and thus is compatible with the surrounding single family properties.

Orderly growth and development. The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The large undeveloped tract located to the east has direct access to SE Stallings Drive, as well as public water and sewer utilities along SE Stallings Drive and a 6-inch sewer main that runs through the property. The tract to the west, located outside the City Limits, also has direct access to SE Stallings Drive, and public utilities located along this frontage road. All other undeveloped lots within the subdivision have street frontage and access to public utilities.

Supporting Facilities. Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

The subject properties take direct access from Brookhollow Drive, a Local Street which functions as primary access for the residential uses in the area. Brookhollow Drive is a two-lane local residential street, with 50 feet of right-of-way (ROW), traditional curb and gutter drainage design, and 28 feet of pavement width. The roadway is adequate to accommodate the nature and volume of traffic typically generated by the uses permitted under the R-2, Single Family zoning district.

The property has access to public utilities, with a 6-inch water main and a 6-inch sewer main located along Brookhollow Drive. Per the FEMA Floodplain Map, there is no floodplain located on the subject properties.

Drives and Parking. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

All future driveways and parking areas will meet the City's current driveway and parking design standards for single family development.

Nuisances. Adequate nuisance-prevention measures have been or will be taken to prevent or

control offensive odor, fumes, dust, noise and vibration;

The proposed zone change is less intense than the current B-2, General Business zoning designation of the property, and should not create a nuisance to the surrounding properties.

Lighting. Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;

If the zone change request is approved, any new outdoor lighting would be subject to the City's current standards, which requires light fixtures to utilize a downlighting design, and prohibits fixtures that directly project light in all directions.

Landscaping. Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided;

Single family construction is not subject to commercial district landscaping requirements.

Comprehensive Plan. The proposed use is in accordance with the comprehensive plan.

Future Land Use

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the subject properties as *Rural Development*. The *Rural Development* FLUP category is described as, "Sparsely-populated areas with limited development that are still distinct from more urbanized areas. This typically encompasses relatively large tracts of unsubdivided land used for agriculture, forestry...widely-scattered homesteads...natural open space, or activities not requiring permanent structures or improvements. This also includes areas that are gradually transitioning into urban uses and development." This *Rural* designation is likely due to the proximity of the subject properties to the City Limits, as well as the low density development of properties along Brookhollow Drive, and the large unsubdivided tracts located to the east, west and south of the subdivision.

Thoroughfare Plan

Brookhollow Drive is a Local/residential street. Local streets are all other roads which are not included in higher functional classes, and therefore not identified on the Thoroughfare Plan.

Land Use Policies, Goals & Objectives

This rezoning is a response to current needs for housing and therefore fits into the goals of the Comprehensive Plan; specifically, the goal to encourage *Growth Inward- Long-term growth in appropriate areas to achieve an efficient, diverse and balanced pattern of land uses both within the City and urbanizing portions of its extraterritorial jurisdiction*. Some of the targeted objectives include:

- Encourage infill development where appropriate (utilities, compatibility, etc.).
- Plan for mixing and/or separation of land use types based on desired, location, density and pattern of development.
- Promote growth where adequate infrastructure exists.

This request also furthers the Land Use Policies of the 2003 Comprehensive Plan, specifically: Compatibility with existing uses should be maintained. Well planned, mixed uses which are compatible are to be encouraged.

Staff finds that while the FLUP designation of the property is not consistent with the current underlying zoning of the subject property or zone change request, the request is otherwise in compliance with the Comprehensive Plan.

NOTICES:

Staff mailed 11 notices to property owners within the 200 foot notification area. This zoning application was also subject to the additional noticing practices that were approved by City Council in January, 2021. These included: a zoning notice sign located on the subject property; notices published on the City's Planning & Zoning webpage and social media platforms; and, mailed courtesy notices to property owners within 500 feet of the subject property.

At the time that this report was written, there was one (1) response received in favor of the request. The response is from the property owner of the four (4) lots located at the intersection of Brookhollow Drive and Ridgewood Drive.

Staff Recommendation

Based on the above findings, Staff recommends approval of a change of zoning for the subject property from B-2, General Business to R-2, Single Family.

Planning & Zoning Commission Recommendation

This item was heard by the Planning & Zoning Commission on Monday, August 9th, where they recommended approval of the zone change request unanimously (4-0).

FINANCIAL:

Not Applicable

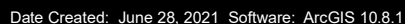
COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Neighborhood Revitalization and Attainable Housing

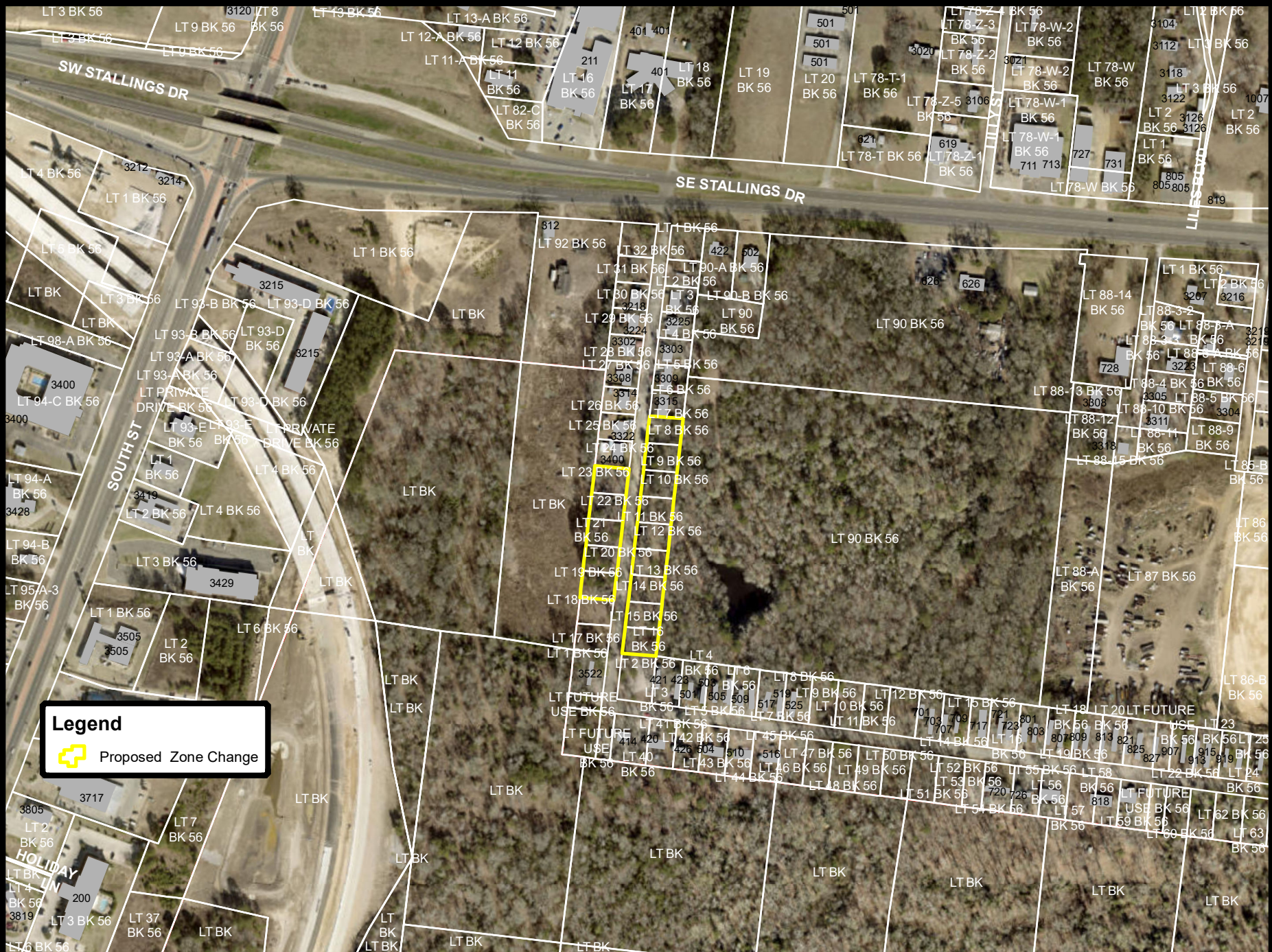
CITY CONTACT: Alaina Chafin, AICP, City Planner
chafina@nactx.us
(936) 559-2572

ATTACHMENTS:

1. Location Map
2. Aerial Map
3. Zoning Map
4. FLUP Map
5. Notification Map
6. Site Photos
7. Neighborhood Photos
8. Response Letter
9. Ordinance

[illegible]

ZON 2021-07



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



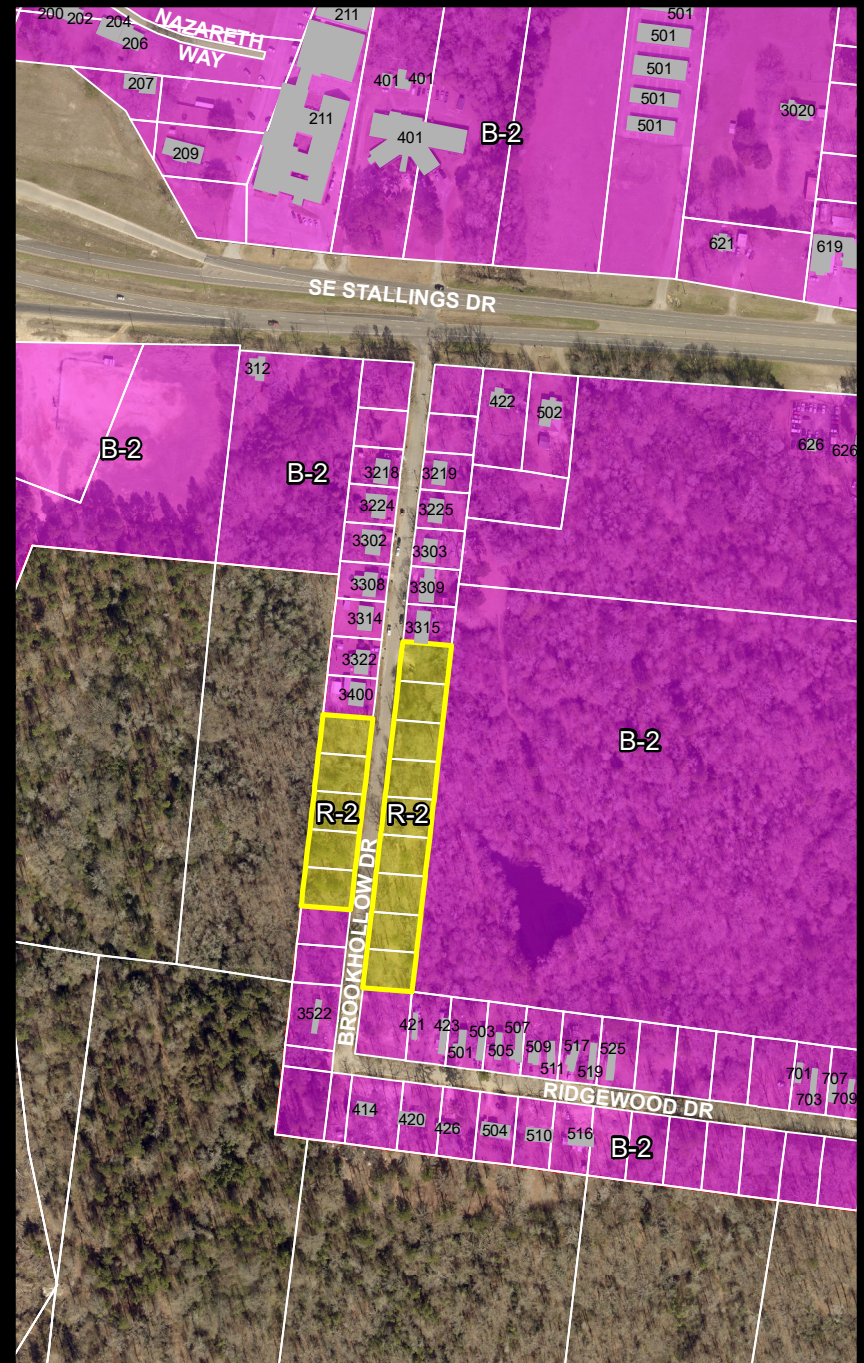
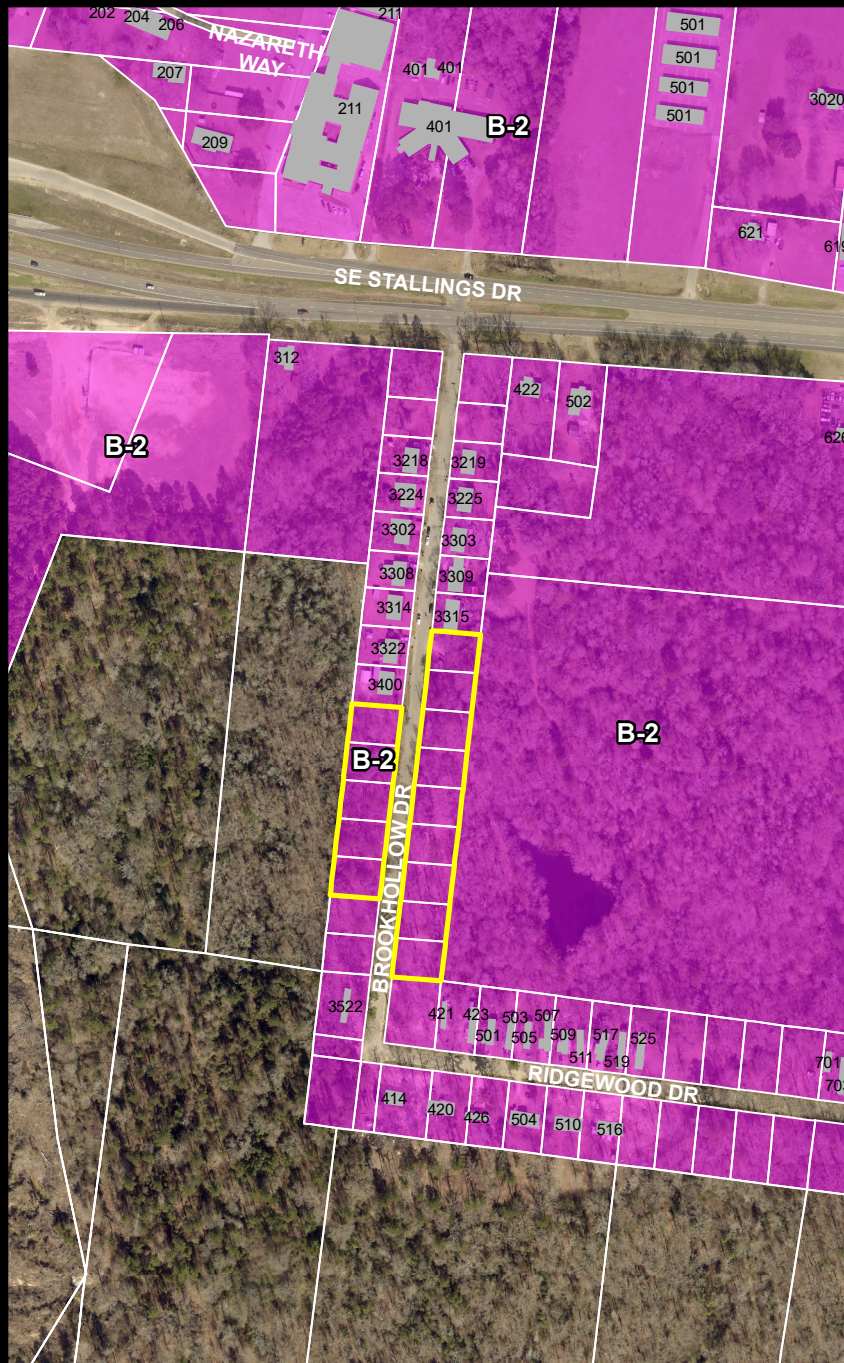
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Date Created: July 28, 2021 Software: ArcGIS 10.8.1

Existing Zoning

ZON 2021-07

Proposed Zoning



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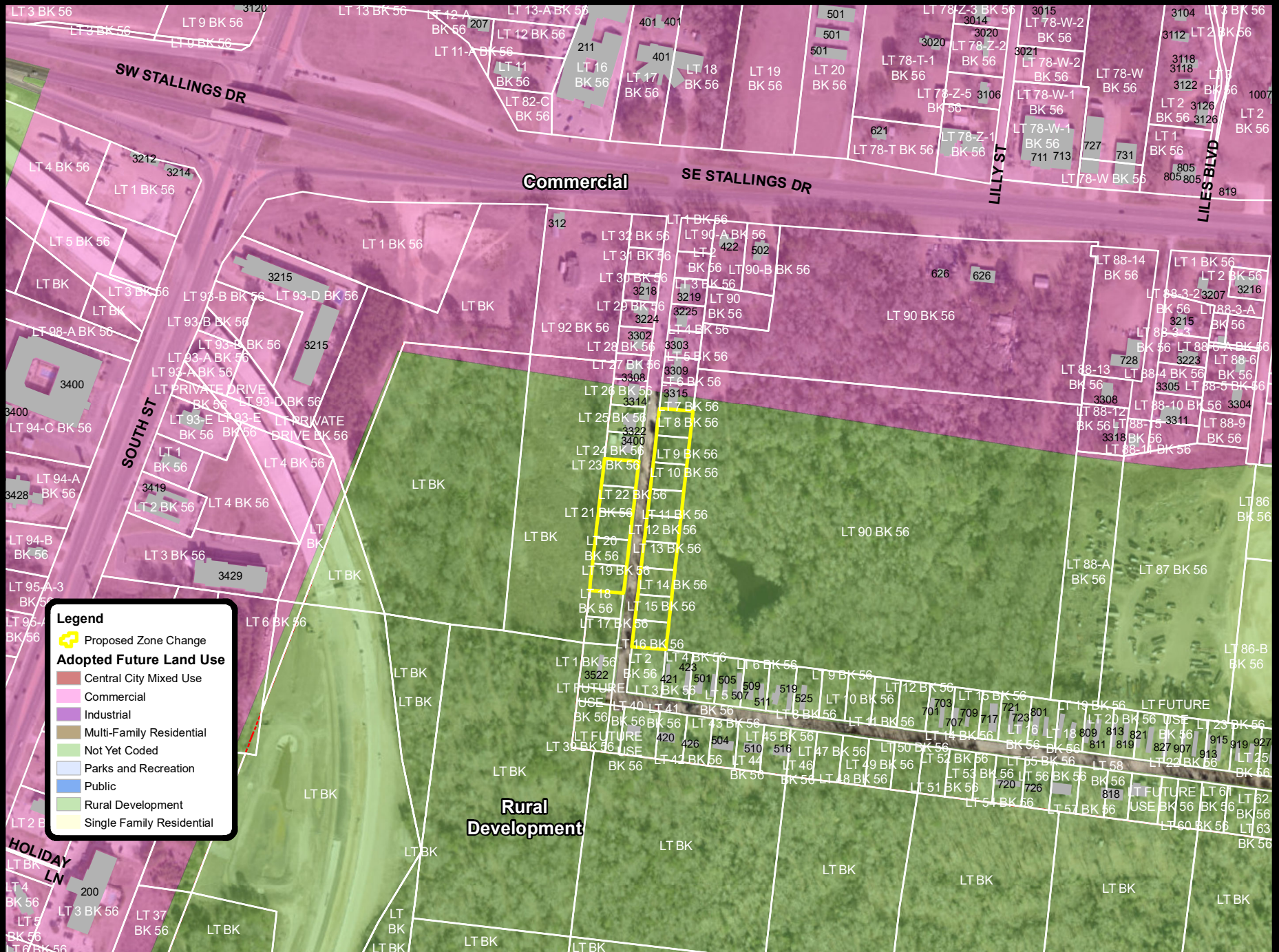


Date Created: July 28, 2021 Software: ArcGIS 10.8.1

0 100 200 400 Feet



ZON 2021-07



Legend

- Proposed Zone Change
- Adopted Future Land Use**
- Central City Mixed Use
- Commercial
- Industrial
- Multi-Family Residential
- Not Yet Coded
- Parks and Recreation
- Public
- Rural Development
- Single Family Residential

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



0 100 200 400 Feet

Date Created: July 28, 2021 Software: ArcGIS 10.8.1



200 Foot Notification Map

ZON2021-07: Brookhollow SD

Legend



200 Foot Buffer



Proposed Zone Change



Single Family-Rental



Single Family-Owner Occupied



Manufactured Home



Vacant



Subject Property



Brookhollow Drive: Existing Character



Ridgewood Drive: Existing Character





Response Form

Project Number: ZON2021-07
Brookhollow Subdivision, Section 1

You may make your views known by completing this form and returning it to the Planning & Zoning department. You may also make your views known in person by attending the public hearings. **Please complete and return form to:**

City of Nacogdoches Planning & Zoning Department
Attn: Juan Pollette
PO Drawer 635030
Nacogdoches, TX 75963

You may also email a copy to Juan Pollette, pollettej@nactx.us

Project Number: ZON2021-07

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

This makes perfect sense.

Signature: Bud Wright

Printed Name: Bud Wright, on behalf of Five Star Real Estate

Street Address: 915 S. Fredonia

City, State and Zip Code: Nacogdoches, Tx 75964

Phone Number: 936-560-8201

Email Address: bwright@tfnutrition.com

Physical Address of Property within 200 Feet: not sure of address

City of Nacogdoches
202 E. Pilar – PO Drawer 635030 – Nacogdoches, TX 75963
936-559-2574 Fax 936-559-2910 www.nactx.us
Home of Stephen F. Austin State University www.sfasu.edu

ORDINANCE NO. 1877-08-21

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING THE BOUNDARIES OF A ZONING DISTRICT WITHIN THE CITY OF NACOGDOCHES FROM B-2, GENERAL BUSINESS TO R-2, SINGLE FAMILY FOR LOTS 8-16 & LOTS 19-23, CITY BLOCK 56, SECTION ONE OF THE BROOKHOLLOW ADDITION IN NACOGDOCHES, TEXAS; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Zoning Ordinance of the City of Nacogdoches allows the City Council to amend the official zoning map; and

WHEREAS, the property described above and depicted in “**Exhibit A**” is currently zoned B-2, General Business; and

WHEREAS, the property owner has requested the zoning classification of said property to be changed to R-2, Single Family; and

WHEREAS, the City Council of the City has conducted, in the time and manner and after the notice required by law and the Zoning Ordinance of the City, a public hearing on such request for change in zoning classification; and

WHEREAS, the City Council now deems it appropriate to grant such requested change in classification.

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

SECTION I

Findings.

The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct, and same are deemed to be in furtherance of a public purpose.

SECTION II

Approval of Zoning Change

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a change in Zoning Classification from B-2, General Business to R-2, Single Family is hereby approved by the City Council.

SECTION III

Repeal

This Ordinance shall in no manner repeal, amend, change, supplement, or revise any provision of any ordinance of the City, save and except the granting change in Zoning Classification as herein provided.

SECTION IV

Effective Date

This Ordinance shall take effect following its passage and publication as may be required by governing law.

SECTION V

Severability

If any word, article, phrase, paragraph, sentence, clause, or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION VI

Proper Notice and Open Meetings

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

SECTION VII

Filing

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, Texas.

PASSED AND APPROVED, this the ____ day of _____, 2021, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____
JIMMY MIZE, Mayor

ATTEST:

APPROVED AS TO FORM:

JAN VINSON, City Secretary

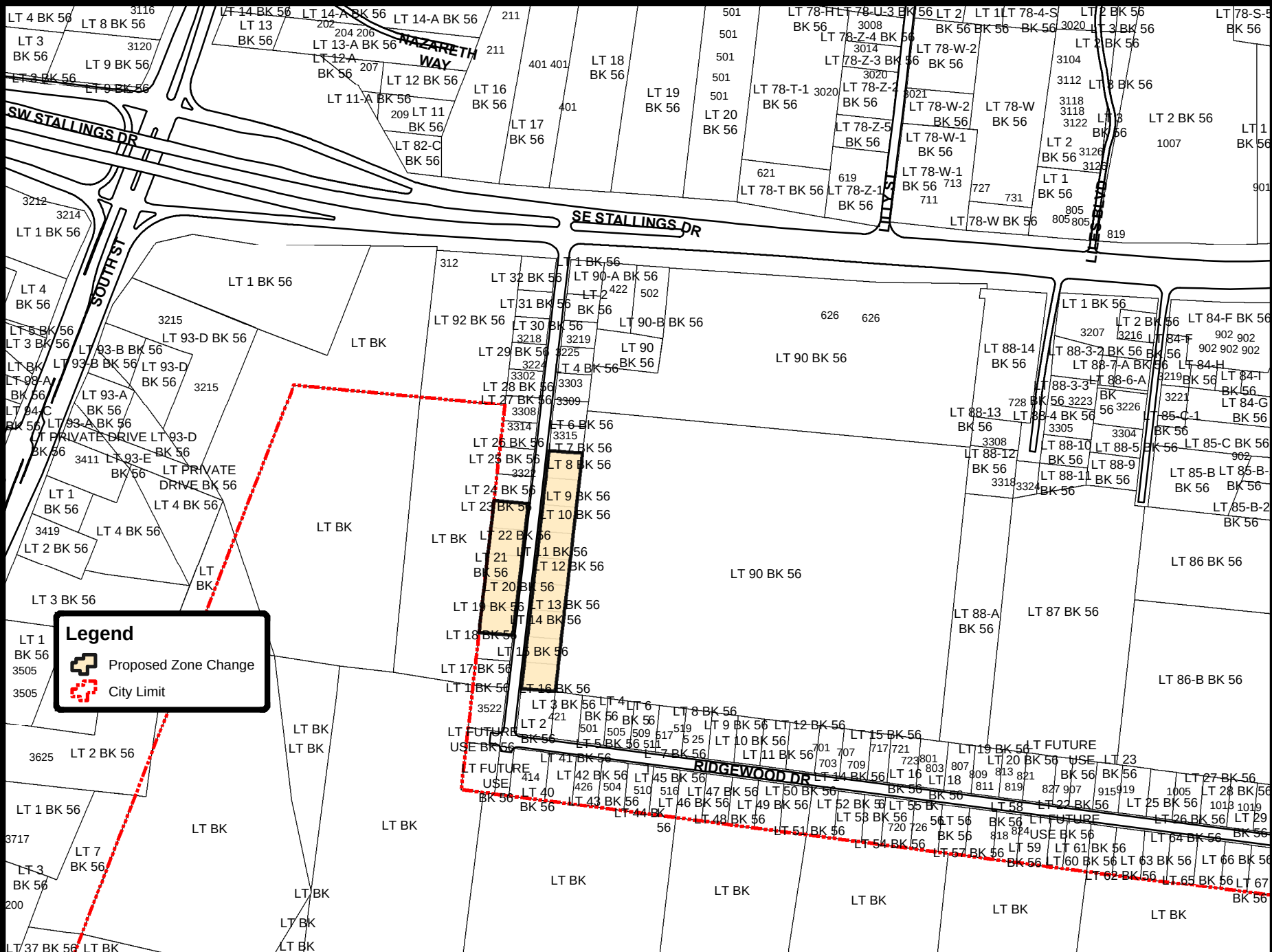
STEVEN KIRKLAND, City Attorney

APPROVED AS TO CONTENT:

ALAINA CHAFIN, City Planner

Exhibit A

ZON 2021-07



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

8

Date Created: June 28, 2021 Software: ArcGIS 10.8.1



City Council Meeting

Date: August 17, 2021

Agenda Item: 6.D.

PRESENTER: Pam Curbow, Finance Director

ITEM/SUBJECT: Receive a presentation, hold a discussion and give staff direction regarding the proposed 2021-2022 budget. (Finance Director)

SUMMARY/BACKGROUND: Presentation of the proposed 2021-2022 budget. There have been no changes made to the proposed budget but City Council will be given the opportunity to ask any questions or give any direction based on their review of the budget document since the initial presentation on August 3, 2021.

FINANCIAL:

No financial impact associated with this item

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

No financial impact associated with this item

CITY CONTACT: Pam Curbow, Finance Director
curbowp@nactx.us
936-559-2526

ATTACHMENTS: 1. Proposed Budget for Council 08 17 2021

2021 – 2022 Proposed Budget

August 17, 2021

General Fund

Proposed Operational Revenues

Property Taxes	\$	9,993,036
Sales Tax		7,055,000
Franchise Fees		2,328,000
Permits		207,500
Fines		400,000
Charges for Services		327,360
Interest		15,000
Miscellaneous Revenue		1,083,469
Intergovernmental Receipts		36,500
Inter - Fund Transfers		<u>5,796,925</u>
Total General Fund Revenues	\$	27,242,790

General Fund

Proposed Operational Expenditures

(By Classification)

Personnel Services	\$	21,496,752
Supplies & Materials		910,219
Maintenance		1,205,397
Contractual Services		2,852,245
Sundry Charges		518,177
Inter - Fund Transfers		<u>260,000</u>
Total Expenditures	\$	27,242,790

General Fund

Proposed Operational Expenditures

(By Function)

General Government	\$	6,316,321
Public Safety		16,233,365
Highways		1,414,725
Cultural & Recreational		3,018,379
Inter - Fund Transfers		<u>260,000</u>
Total Expenditures	\$	27,242,790

General Fund

Proposed Capital Expenditures

- Capital Equip/Projects \$930,200
 - Various Servers/ Software \$ 244,000
 - Facility Renovations \$ 108,600
 - Comprehensive Plan \$ 300,000
 - Vehicle Replacements \$ 277,600

- Capital Improvements \$715,000
 - Ritchie Street Park Playground \$ 180,000
 - Various Comm Serv Projects \$ 285,000
 - Street Rehab \$ 250,000

Utility Fund

Proposed Operational Revenues

Water Sales	\$	10,200,000
Sewer Sales		9,000,000
Misc Revenue		597,500
Permits		35,000
Interest		<u>38,500</u>
Total Revenue	\$	19,871,000

Utility Fund

Proposed Operational Expenses

Personnel Services	\$	3,062,668
Supplies & Materials		1,288,341
Maintenance		1,394,397
Contractual Services		2,232,832
Sundry Charges		4,140,997
Inter - Fund Transfers		<u>3,657,881</u>
Total Expenses	\$	15,777,116

Utility Fund

Proposed Capital Expenses

- Capital Equipment \$ 498,000
 - Utility Constr - Vehicles \$ 303,000
 - Wastewater - Vehicles \$ 195,000

- Capital Improvements \$ 6,980,000
 - Water System Improv. \$ 1,225,000
 - Wastewater System Improv. \$ 5,755,000

Sanitation Fund

Proposed Operational Revenues

Sanitation Charges	\$ 5,496,000
Sanitation Fuel Charges	222,000
Landfill Gate Receipts	680,000
Miscellaneous Revenue	375,000
Interest	<u>25,000</u>
Total Revenues	\$ 6,798,000

Sanitation Fund

Proposed Operational Expenses

Personnel Services	\$	1,564,225
Supplies & Materials		330,900
Maintenance		296,614
Contractual Services		751,420
Sundry Charges		0
Inter - Fund Transfers		<u>2,289,044</u>
Total Expenses	\$	5,232,203

Sanitation Fund

Proposed Capital Expenses

- Capital Equipment \$1,533,500
 - Garbage Trucks (3) \$890,000
 - Brush Truck \$195,000
 - D2 Dozer \$180,000
 - Crew Vehicles \$135,000
 - Software/Tools \$133,500

- Capital Improvements \$ 750,000
 - Landfill Expansion \$750,000

Budget Items to Note

- No premium increase for Health/Dental Insurance
- Increase City minimum wage from \$12.70/hr to \$13.33/hr
- 1% COLA for all employees
- Additional employees added in Code Enforcement, Customer Service, Historic Sites, Streets and Utility & Sanitation Operations
- Community Outreach & Engagement not included at this time.

2021 – 2022 Budget Calendar

- Aug. 17 Budget Workshop
Vote on Proposed Tax Rate
- Sept. 7 Public Hearing–Budget
Adopt Budget (or other action)
- Sept. 14 Adopt Budget (if needed)
Public Hearing - Tax Rate
Adopt/Ratify Tax Rate



City Council Meeting

Date: August 17, 2021

Agenda Item: 6.E.

PRESENTER: Pam Curbow, Finance Director

ITEM/SUBJECT: City Council record vote on Proposed Tax Rate for the 2021-2022 fiscal year.(Finance Director)

SUMMARY/BACKGROUND: As part of the new advertising requirements passed in SB2 relating to the property tax setting process, the City Council is required to take a record vote on the tax rate being proposed for the 2021-2022 fiscal year. That record vote will be included in the newspaper advertisement issued by the Nacogdoches Central Appraisal District listing the date, time and location of the public hearing.

The municipal property tax rates for the preceding fiscal year, and each municipal property tax rate that has been calculated for the current fiscal year, include:

Calculated Rates

The Property Tax Rate for the Preceding Fiscal Year - \$0.6160

The No-New-Revenue Tax Rate – \$0.59378

The Voter Approval Tax Rate - \$0.63777

Proposed Rates

Maintenance & Operations Tax Rate - \$0.53371

Debt Rate (Interest & Sinking Fund) - \$0.08229

Total Proposed Property Tax Rate - \$0.6160

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: Pam Curbow, Finance Director
curbowp@nactx.us
936-559-2526

ATTACHMENTS: 1. Vote on Proposed Tax Rate 08 17 2021

2021 – 2022 Proposed Tax Rate

August 17, 2021

2021-2022 Property Taxes

- Assessed Value - \$1,871,060,361
 - Includes \$17,287,580 in new property added to the tax roll
- Prior Year Tax Rate - \$0.6160/\$100
- No-New-Revenue Tax Rate - \$0.59378/\$100
- Voter-Approval Tax Rate - \$0.63777/\$100

2021-2022 Property Taxes

- Proposed Tax Rate - \$0.6160/\$100
 - O&M - \$9,986,036
 - Debt - \$1,539,696
- Generates \$553,545 in new revenue
 - From New Construction - \$106,492
 - From Certified Value Increase - \$447,053

2021-2022 Property Tax Liability

Avg Home Value \$121,800 (before exemptions)

- 2021-2022 Proposed Tax Rate $\$0.6160/\$100 = \$627.09$ tax liability
- 2021-2022 No-New-Revenue Tax Rate $\$0.59378/\$100 = \$604.47$ tax liability
- \$22.62 increase in annual tax liability

2021 – 2022 City Council Meeting Calendar

- Aug. 17 Budget Workshop
 Vote on Proposed Tax Rate
- Sept. 7 Public Hearing–Budget
 Adopt Budget (or other action) (super majority req'd)
- Sept. 14 Adopt Budget (if needed) (super majority req'd)
 Public Hearing - Tax Rate
 Adopt/Ratify Tax Rate



City Council Meeting

Date: August 17, 2021

Agenda Item: 6.F.

PRESENTER: Steven Kirkland, City Attorney

ITEM/SUBJECT: Consider approval of an interlocal agreement between Nacogdoches County and the City of Nacogdoches to provide assistance to the City from the Justices of the Peace in the event that the City Judge is unable or unavailable to perform magistrate duties. (City Attorney)

SUMMARY/BACKGROUND: In 2020, the City eliminated the position of Associate Judge for the City of Nacogdoches. The Municipal Court Judge handles all magistrate duties for the City of Nacogdoches 365 days a year. The City Attorney will present an interlocal agreement between the City of Nacogdoches and Nacogdoches County that will allow the four Justices of the Peace to be paid by the City in the event that they perform magistrate duties for the City of Nacogdoches if the Municipal Court Judge is unavailable for any reason.

Compensation shall be paid by the City to Justices, individually, at a fee of \$100 per detainee for which magistration is required. The City shall pay an additional \$100 if an emergency order for protection is requested or issued.

This agreement is valid for one year from the date the agreement is signed by all parties and may be renewed for additional terms upon proper authority by all parties.

FINANCIAL:

No financial impact at this time.

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

Not Applicable

CITY CONTACT: Steven Kirkland, City Attorney
kirklands@nactx.us
936-559-2503

ATTACHMENTS: 1. Interlocal Agr JP City Judge .final (2)

THE STATE OF TEXAS)
)
COUNTY OF NACOGDOCHES)

a Justice's banking information must be communicated to City in writing at least thirty (30) days before the effective date of the change and must include an executed IRS Form I-9.

Duration of Services. This Agreement shall be for a term of one (1) year from the effective date of the Agreement as signed by all parties. The Agreement may be renewed for additional terms upon proper authorization by all parties. This Agreement may be terminated for any reason upon thirty (30) days written notice to the other.

Scope of Work. Justices, if available, shall perform any magistrate duties in accordance with the law to include but not limited to:

- a. Setting a bond for release of a detainee;
- b. Informing the detainee of the pending charges;
- c. Informing the detainee of his or her constitutional rights;
- d. Informing the detainee of future dates and times for court appearances;
- e. Issuing emergency protective orders and filing them with the dispatch office for the Nacogdoches Police Department and Nacogdoches Sheriff's Office; and
- f. Obtaining signatures or detainee acknowledgements of any of the above.

All substitute magistrate duties performed by any of the Justices under this Agreement for the City Judge shall be performed separately (i.e., distinctly different sessions) from those duties typically conducted in their elected official capacity.

Best Efforts. The Justices and City Judge will use their best efforts to coordinate (1) scheduling of available Justices in the event a backup is needed as well as (2) the acceptable magistrate forms appropriate to perform the required duties.

GENERAL PROVISIONS

Severability Clause. The Parties intend for the various provisions of this Agreement to be severable so the invalidity, if any, of one or more sections of this Agreement shall not affect the validity of the remaining provisions of the Agreement.

Authority to Contract. Each power has the full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement.

Indemnity. To the extent permitted by law, the City indemnifies the County and Justices for any civil liability arising from the performance set forth herein.

Joint Venture and Agency. The relationship between the parties to this agreement does not create a partnership or joint venture. This agreement does not appoint any party as agent for the other party. Justices shall act as independent contractors and will have control of their work and the manner in which it was performed.

Termination. This Agreement may be terminated by either party without cause by tender of a

thirty (30) day written notice.

Notice. Any notice required under the provisions of this Agreement shall be in writing and delivered in person or deposited in the U.S. Mail, registered or certified, return receipt requested.

If to City: Heather Watts, Municipal Judge
Nacogdoches Municipal Court
217 Hospital Street
Nacogdoches, Texas 75961

Email: wattsh@nactx.us

With copy to: Steven Kirkland, City Attorney
City Hall
202 E. Pilar Street
Nacogdoches, Texas 75961

Email: kirklands@nactx.us

If to County: Hon. Greg Sowell
101 W. Main St., Suite 170
Nacogdoches, Texas 75961

Email: co.judge@nacogdoches.tx.us

With copy to: John Fleming, County Attorney
101 W. Main Street, Suite 230
Nacogdoches, Texas 75961

E-mail: jfleming@co.nacogdoches.tx.us

Limitation of Liability. By entering into this Agreement, neither party waives sovereign immunity defenses or any other limitation of liability. No provision of this agreement is intended to modify or waive any provision of the Texas Tort Claims Act, as amended. The City agrees to accept full responsibility for the acts, negligence and/or omissions of all City employees, agents, subcontractors and/or contract laborers and for all persons doing work under a contract or agreement with the City.

Dispute Resolution. The Parties acknowledge and agree that, in the event of a dispute, each may avail itself of alternate dispute resolutions as authorized by sec. 791.015 of the Gov't Code.

Entire Agreement. This Agreement represents the entire agreement of the parties and supercedes any verbal or written representations of, to or by the parties to each other.

Amendment. If the Parties desire to modify this Agreement during or after the initial term, any modifications may be either incorporated herein by a written amendment or set forth in an entirely

new written agreement. Any modifications must be properly approved and signed by authorized representatives of the Parties.

DATED to be effective this the _____ day of _____, 2021.

NACOGDOCHES COUNTY

By: _____
Hon. Greg Sowell

CITY OF NACOGDOCHES

By: _____
Mayor, City of Nacogdoches

Attest: _____
City Secretary