



October 12, 2021

Notice is hereby given of a Regular Meeting of Nacogdoches City Council to be held on the above date in the City Council Chambers of City Hall, 202 E. Pilar Street, Nacogdoches, Texas, beginning at 5:00 p.m. for the purpose of considering the following agenda items.

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

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 October 12, 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.

Council may conduct Executive Session deliberation, reconvening open session for action, if any, on Executive Session items. Regular Session agenda items appropriate for Executive Session consideration may be moved into Executive Session for deliberation, but not action, upon proper announcement at the meeting by presiding officer.

3. **EXECUTIVE SESSION:**

- A. Consultation with City Attorney - Pursuant to Texas Government Code Section 551.071, deliberation regarding attorney's advice concerning pending or contemplated litigation or settlement offer, or on a matter in which the duty of the attorney to the governmental body under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. The subject of this Executive Session relates to zoning matters in the vicinity of Logansport Street.

4. Open for action, if any, on Executive Session item(s).
5. **Open Forum.** In order to address City Council please complete the Open Forum Form and submit to the City Secretary prior to the start of the meeting. Open Forum is an opportunity for citizens to speak about items not listed on the agenda. Comments are limited to 3 minutes per person. Open Forum is limited to the first 5 citizens who submit an Open Forum Form.

6. Items to be removed from Consent Agenda.
7. **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 September 14, 2021 special meeting and September 21, 2021 regular meeting. (City Secretary)
 - B. Consider an ordinance amending Ordinance No. 1835-09-20 appropriating various amounts in accordance with the annual budget adopted for the fiscal year beginning October 1, 2020 and ending September 30, 2021. (Director of Finance)
8. **REGULAR AGENDA:**
 - A. **Public Hearing:** Consider a resolution directing City staff to file an application under Code of Ordinance 118-137(c)(1) to amend the boundaries of a zoning district within the City of Nacogdoches from R-4 Multi-Family to R-2 Single Family, for Lot 12 City Block 41 located at 1102 Logansport Street which was previously considered by the City Council at the request of R.J. Bohac, on August 18, 2020. (Council Member - Northeast Ward) **(THIS ITEM WAS POSTPONED AT THE JULY 20, 2021 MEETING)**
9. **EXECUTIVE SESSION:**
 - A. Personnel Matters – Pursuant to Texas Government Code Section 551.074, deliberations regarding the duties of a public officer or employee. The subject of this Executive Session is to discuss and give feedback to the City Manager regarding his annual evaluation.
10. Open for action, if any, on Executive Session item(s).
11. 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 October 6, 2021 at 3 p.m. and remained posted until meeting convened.

Jan Vinson, City Secretary



City Council Meeting

Date: October 12, 2021

Agenda Item: 3.A.

PRESENTER: Steven Kirkland, City Attorney

ITEM/SUBJECT: Consultation with City Attorney - Pursuant to Texas Government Code Section 551.071, deliberation regarding attorney's advice concerning pending or contemplated litigation or settlement offer, or on a matter in which the duty of the attorney to the governmental body under Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter. The subject of this Executive Session relates to zoning matters in the vicinity of Logansport Street.

SUMMARY/BACKGROUND:

FINANCIAL:

No financial impact associated with this item

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

Neighborhood Revitalization and Attainable Housing

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

ATTACHMENTS:



City Council Meeting

Date: October 12, 2021

Agenda Item: 7.A.

PRESENTER: Jan Vinson, City Secretary

ITEM/SUBJECT: Consider approval of minutes for September 14, 2021 special meeting and September 21, 2021 regular meeting. (City Secretary)

SUMMARY/BACKGROUND:

FINANCIAL:

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

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

ATTACHMENTS: 1. Minutes for 09.14.21
2. Minutes for 09.21.21



Special Session
Nacogdoches City Council
September 14, 2021 – 5:30 p.m.
City Council Room – City Hall
202 East Pilar Street

DRAFT

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

1. Called to order at 5:30 p.m.
2. Pledge of Allegiance.
3. Mike Strong who lives in Nacogdoches County spoke during Open Forum in support of the Comprehensive and Downtown Master Plans. Mr. Strong stated a plan is necessary to determine how money is spent, assist with setting goals and attaining goals. The City will benefit from working with outside professionals skilled in their fields and we will get fresh ideas.

4. REGULAR AGENDA:

- A. Public Hearing: Hold a public hearing and receive citizen input on FY 2021-2022 Proposed Tax Rate.

Pam Curbow, Finance Director, attended the meeting via videoconference. Ms. Curbow reviewed assessed value, prior year tax rate, calculated no-new-revenue tax rate and the voter-approved tax rate. The proposed tax rate for 2021/2022 will be \$0.6160/\$100 which is estimated to generate \$553,545 in new revenue.

Mayor Mize opened the Public Hearing. No one spoke for or against and the Public Hearing was closed.

- B. Consider an ordinance ratifying the property tax revenue increase in the 2021-2022 budget as a result of the City receiving more revenues from property taxes in 2021-2022 budget than in previous fiscal year; and providing an effective date.

Council Member Jay Anderson moved to ratify the property tax revenue increase in the 2021-2022 budget as a result of the City receiving more revenue from property taxes in the 2021-2022 budget than in the previous fiscal year; motion duly seconded by Council Member Amelia Fischer and carried by the following vote:

Ayes: Mayor Mize, Council Members Anderson, Boldon, Fischer and Belanger
Nays: None

- C. Consider an ordinance ratifying and setting tax rate on all taxable property for tax year 2021 at a rate of \$0.6160 per one hundred dollars (\$100.00) valuation on all taxable property within the corporate limits of the City of Nacogdoches as of January 1, 2021, the said tax rate having a maintenance and operations component and a debt service component; and provide an effective date.

Council Member Amelia Fischer moved that the property tax rate be increased by the adoption of a tax rate of \$0.6160 per \$100 valuation, which is effectively a 3.7 percent increase in the tax rate; motion duly seconded by Council Member Roy Boldon and carried by the following vote:

Ayes: Mayor Mize, Council Members Anderson, Boldon, Fischer and Belanger
Nays: None

5. Meeting adjourned at 5:42 p.m.

ATTEST:

Mayor Jimmy Mize
City Council
City of Nacogdoches

Minutes unofficial until approved by City Council

Jan Vinson, City Secretary



Regular Session
Nacogdoches City Council
September 21, 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, Amelia Fischer and Kathleen Belanger.

1. Called to order at 4:31 p.m.

2. Pledge of Allegiance.

3. **WORK SESSION:**

- A. Receive a report, hold a discussion, and give staff direction regarding the proposed Comprehensive Land Use Plan and Downtown Master Plan studies.

Mario Canizares, City Manager, gave a brief overview of the studies and timeline, and asked City Council for direction on how to proceed.

Council Member Belanger discussed information she gathered from talking to other cities that have done comprehensive and downtown plans. Only one city completed all tasks outlined in their comprehensive plan with most of them only implementing one third or less of their plans. Council Member Belanger believes City Council should be thoughtful about how the City proceeds and suggested using a contractor who is familiar with cities similar to Nacogdoches. She recommended looking at Ian Lockwood with Toole Design Group who completed a comprehensive plan for the City of Sulphur Springs.

Council Member Boldon stated he has received comments from citizens that the City Manager and City Planner can lead us through this process without hiring a consultant and that SFASU could prepare the plan. Council Member Boldon stated that the City needs a comprehensive plan and a downtown master plan. Council Member Boldon also mentioned that Halff and Associates is a company that other area cities have used for their comprehensive plans.

City Manager Mario Canizares stated the City Planner and City Manager do not have the expertise to complete a Comprehensive Plan or Downtown Master Plan. He said the City would need to hire additional staff with a background in long range planning, additional engineering staff and marketing staff to complete the plans. When the plans are complete the additional staff would then be laid off. Mr. Canizares also reminded City Council that DTJ Designs will be utilizing KSA Engineering and Two Fifteen Consulting, which are local companies, as consultants on these plans.

Council Member Fischer addressed a statement that was made at a previous City Council meeting that the employee salary adjustments were a meritless blanket pay raise. She discussed the wage study and its results which showed many of the positions were underpaid. She stated the employees deserved the raise. Council Member Fischer also addressed the comprehensive and downtown plans stating the NEDCO plan was an industry attraction study not a comprehensive plan, the Parks Master Plan only addresses parks and trails and the old comprehensive plan is out of date. Council Member Fischer stated she does not believe SFASU has experts in all of the fields needed for the comprehensive plan. She went on to say that this plan can be tailored to what this community needs and if the City continues to delay this process it will have an impact on the community.

Council Member Anderson stated once the comprehensive plan is completed the City will qualify for state, federal and private grant monies that would offset the cost of the plan. He said we need to plan for our future and we are running out of time to prepare for the I-69 corridor. Council Member Anderson also stated that we don't want Nacogdoches to be different but we do want it to be better.

Mayor Mize inquired about the cost of completing the Downtown Master Plan, I-69 Corridor Plan and a Capital Improvement Plan rather than a full Comprehensive Plan.

City Manager Canizares stated that the City would have to negotiate with the consultants if the scope of the project changes but he believes DTJ Designs is the right firm for Nacogdoches. He discussed narrowing the scope of the project, downtown building needs, I-69 corridor, Hwy 59 flyover and changing traffic patterns.

Minutes unofficial until approved by City Council

Council Member Belanger stated everyone agrees we need to plan but how we plan is the issue. We can use the resources in our community to contribute to the comprehensive plan, lay the groundwork before the comprehensive plan is started, review the 2003 Comprehensive Plan and do some of our own research. She believes there is consensus to do the downtown master plan. But, she is not sure there is consensus to do the comprehensive plan nor does she believe that doing the comprehensive plan is a wise investment. Council Member Belanger stated the cost of the plan can be reduced by laying the groundwork now to complete a larger comprehensive plan in the future. She also stated the consultant selection process should be more inclusive and that DTJ Designs wouldn't do our city justice.

Council Member Boldon stated the City does need a comprehensive plan from an outside consultant that has the expertise. He stated generations to come will pay for our mistake of doing nothing today, and if not now, when.

Council Member Fischer stated that the implementation strategy of a comprehensive plan is prioritization of certain things, therefore trying to prioritize the City's needs without a comprehensive plan does not make sense. She reviewed the process by which DTJ Designs was chosen stating she believes it was done in a careful considered manner.

Council Member Anderson stated he understood the concern about cost but he has concerns with the piece meal approach that is almost guaranteed to cost significantly more. He said DTJ Designs was recommended by our staff, the staff we trust. Mr. Anderson also said that Nacogdoches has suffered significantly by putting things off.

Mayor Mize, Council Members Boldon, Fischer and Anderson are in agreement that staff will proceed by bringing a contract for consideration to a future City Council meeting including consideration of committee appointments. Council Member Belanger stated she disagrees and believes we need to consider other options.

Closed Work Session at 5:38 p.m.

Regular meeting began at 5:49 p.m.

4. No one spoke during Open Forum.
5. Council Member Anderson pulled Consent Agenda Item 6I for discussion and clarification. Council Member Belanger pulled Consent Agenda Item 6E for discussion and clarification.
6. **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 August 24, 2021 special meeting and September 7, 2021 regular meeting.
 - B. Consider approval of multiple Indefinite Deliverable Indefinite Quantity contracts by and between the City of Nacogdoches and Longview Asphalt, Inc. and East Texas Asphalt Co. for asphalt products and limestone base material used in Public Works operations in a not to exceed total budgeted amount of \$250,000.00.
 - C. Consider approval of multiple Indefinite Deliverable Indefinite Quantity contracts by and between the City of Nacogdoches and Affinity Chemical, LLC, DXI Industries, Inc., Univar Solutions, Napco Chemical Company and SNF Polydyne, Inc. for various chemicals used in water and wastewater treatment in a not to exceed total budgeted amount of \$1,002,543.00.
 - D. Consider Request for Proposal (RFP) award and leasing agreement to XETX Business Solutions for copier leasing and services in the amount of \$24,076 annually for five years.
 - E. Consider approval of the Nacogdoches Economic Development Corporation (NEDCO) professional services contract.
 - F. Consider the appointment of a Communications Taskforce for improving communications between the City and residents.
 - G. Consider a resolution closing Main Street for the Dia de los Muertos Event on November 6, 2021.

- H. Consider a resolution closing Main Street for the Nine Flags Festival and Lighted Christmas Parade on December 4, 2021.
- I. Consider approval of an agreement between the City of Nacogdoches and the Convention and Visitor's Bureau for professional services.

Council Member Kathleen Belanger moved approval for Consent Agenda Items 6A, 6B, 6C, 6D, 6F, 6G and 6H; motion duly seconded by Council Member Roy Boldon and carried by unanimous vote.

Consent Agenda Item 6E: City Manager Mario Canizares stated the contract between the City of Nacogdoches and Nacogdoches Economic Development Corporation (NEDCO) for professional services is approved annually by City Council. The contract includes a \$25,000 annual increase for services bringing the total the City will pay NEDCO to \$120,000 annually.

Council Member Jay Anderson moved to approve Consent Agenda Item 6E; motion duly seconded by Council Member Amelia Fischer and carried by unanimous vote.

Consent Agenda Item 6I: City Manager Mario Canizares stated the contract between the City of Nacogdoches and the Convention and Visitor's Bureau (CVB) for professional services is approved annually by City Council. Mr. Canizares has been working on organizational changes which include the Convention and Visitor's Bureau. Within the next forty-five to sixty days these organizational changes will be presented to the CVB Board for approval and then to City Council for approval.

Council Member Roy Boldon moved to approve Consent Agenda Item 6I; motion duly seconded by Council Member Jay Anderson and carried by unanimous vote.

7. REGULAR AGENDA:

- A. Receive annual report from Keep Nacogdoches Beautiful (KNB).

Ashley Villareal, KNB Executive Director, discussed the mission of KNB, partnerships, Board of Directors and volunteers. Due to the pandemic KNB was not able to hold as many events as in prior years. Some of the events KNB holds and/or participates in are Techcycle, Adopt-A-Highway, MLK Day of Service, Lanana Creek clean-up, SFA Big Event, Earth Day at Pecan Park, festival litter abatement and Tire Recycling Day. The next Techcycle will be November 13, 2021.

Council Member Fischer discussed the need for recycling educational material that can be distributed to citizens. She requested education material and outreach to local restaurants regarding recycling and reducing the use of plastics and foam.

- B. Consider approval of an agreement between the City of Nacogdoches and Keep Nacogdoches Beautiful for essential services.

Brian Bray, Community Services Director, stated that through this agreement Keep Nacogdoches Beautiful is to promote recycling efforts, conduct and promote general beautification efforts and to conduct and promote education activities to further recycling and beautification efforts in the City of Nacogdoches. The City will provide \$24,000 annually to Keep Nacogdoches Beautiful for services provided, and collect and distribute donations received via the City's sanitation bill.

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

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

Steve Davidson, President of the Boys and Girls Club, discussed the contract between the City and the Boys and Girls Club to provide an aquatic center to service the community. The aquatic center is used by both Nacogdoches High School and Middle School and the citizens of Nacogdoches. The Boys and Girls Club also provides lifeguard training, CPR training, swim lessons and water aerobics. Mr. Davidson reviewed the hours of operation, statistical numbers of pool usage, general membership, membership demographics, programs provided, events and revenue streams.

Mr. Davidson also stated that the Boys and Girls Club received a 21st Century Grant in partnership with Nacogdoches ISD, Crockett ISD and Livingston ISD which will allow for six additional sites to open. Three of the six new sites are afterschool learning centers at Fredonia Elementary, Brooks Quinn Jones Elementary and Emeline Carpenter Elementary.

- D. Consider approval of an agreement between the City of Nacogdoches and the Boys and Girls Club of Nacogdoches for essential services.

Brian Bray, Community Services Director, stated this agreement is for the Boys and Girls Club to provide necessary facilities, supplies, staff and volunteer support to provide recreational facilities including a year round indoor swimming facility for the citizens of the City. The City agrees to pay the Boys and Girls Club \$70,000 annually for these facilities and services.

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

- E. **Public Hearing:** Consider an ordinance amending the boundaries of a zoning district within the City of Nacogdoches from R-4, Multi Family to PD, Planned Development and adoption of a Development Plan for Lot 12-A, City Block 40, located at 813 N. Mound Street. This request has been submitted by Robin Miller of Hettie Legg & Associates, LLC. Case File PD2021-03.

Alaina Helton, Planning Director, reviewed the purpose and approval process of a Planned Development District. This ordinance was over advertised by including 817 N. Mound Street however this request is only for 813 N. Mound Street. The applicant owns both 817 N. Mound Street which is a medical office and 813 N. Mounds Street which is currently developed as multi-family apartments. Due to the demand for services Hettie Legg and Associates has outgrown the current building and are requesting to remodel the existing structures at 813 N. Mound Street for medical offices, a gym and a breezeway to connect the two buildings. The second building located at 813 N. Mound Street will be used as storage, offices or apartments. No new buildings or expansion of existing buildings will be permitted and occupancy will be limited to the current footprint of the existing buildings. To mitigate the concerns raised by neighbors regarding the land uses permitted under the Medical Zoning District, the applicant proposes to eliminate the following uses that would be permitted on the property: Retail or Convenience Store with Gasoline, Service Station, Hotel or Motel, Health Club or Studio.

Planning and Zoning Commission heard this item on September 13, 2021 and recommended approval of the Development Plan for the Planned Development District with the following conditions: 1) The land uses permitted on the property will be limited to multi-family apartments, storage, medical office and associated speech, occupational and physical therapy services; and 2) Repairs and replacements of the existing fence located along the south side of 813 N. Mound Street will comply with the Zoning Ordinance Section 118-429 – Commercial sites with residential adjacency as it relates to minimum height for screening walls.

City Council discussed parking, drainage, property modifications, historic buildings and fencing.

Hettie Legg, applicant, spoke during the Public Hearing regarding the growth of her business and the services provided which led her to apply for the Planned Development District.

Brad Maule also spoke during the Public Hearing. Mr. Maule's property abuts the subject property. Mr. Maule inquired about the fence that will separate 813 N. Mound Street from his property, the proposed breezeway connecting the two buildings and the footprint of the buildings.

Melisa Lummus spoke during the Public Hearing stating she has worked for Hettie Legg and Associates for twelve years. She explained reasons for needing to expand and spoke in favor of the zone change.

Tina Grimes, owner of Stepping Stones Early Learning Center, spoke during the Public Hearing in support of the zone change.

Caroline Garner, who lives on Mound Street, spoke during the Public Hearing about the history of Nacogdoches and Mound Street.

Tory Fanguy, who is employed by Hettie Legg and Associates, spoke during the Public Hearing in favor of the zone change.

Mayor Mize closed the Public Hearing.

Council Member Kathleen Belanger moved to approve the conditions outlined by the Planning and Zoning Commission with the modifications outlined during staff's presentation including the extension of the existing fence on the south side of the property and the removal of the condition to preserve the existing trees; motion duly seconded by Council Member Roy Boldon and carried by unanimous vote.

- F. **Public Hearing:** Consider an ordinance amending Chapter 18, "Zoning," Article II, "Administration", Division I, "Generally," of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal clause; and providing an effective date. **(PLEASE NOTE THAT AT THE REGULAR MEETING OF THE PLANNING & ZONING COMMISSION HELD ON SEPTEMBER 13TH, 2021, THE COMMISSION VOTED UNANIMOUSLY TO POSTPONE THE PUBLIC HEARING TO THE REGULAR MEETING OF THE PLANNING & ZONING COMMISSION ON OCTOBER 11TH, 2021.)**

Mayor Mize stated there is no action needed on this item because the public hearings were postponed by the Planning and Zoning Commission.

- G. **Public Hearing:** Consider an ordinance amending Chapter 18, “Zoning,” Article V, “Planned Developments,” of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal clause; and providing an effective date. **(PLEASE NOTE THAT AT THE REGULAR MEETING OF THE PLANNING & ZONING COMMISSION HELD ON SEPTEMBER 13TH, 2021, THE COMMISSION VOTED UNANIMOUSLY TO POSTPONE THE PUBLIC HEARING TO THE REGULAR MEETING OF THE PLANNING & ZONING COMMISSION ON OCTOBER 11TH, 2021.)**

Mayor Mize stated there is no action needed on this item because the public hearings were postponed by the Planning and Zoning Commission.

- H. **Public Hearing:** Consider an ordinance amending Chapter 18, “Zoning,” Article II, “Administration”, Division II, “Off-Street Parking Standards,” of the City of Nacogdoches, Texas Code of Ordinances, providing a severability clause; providing a repeal clause; and providing an effective date.) **(THIS ITEM WILL BE PULLED DUE TO ERROR IN LEGAL ADVERTISEMENT.)**

Mayor Mize stated there is no action needed on this item because there was an error in the legal advertisement.

- I. Consider approval of the 2022 TxDOT Routine Airport Maintenance Program (RAMP) grant project proposal.

Joe Cefalu, Airport Manager, stated the City accepts federal grant funds for routine airport maintenance and is required to participate in the TxDOT RAMP grant program which finances approved projects up to a maximum of \$100,000. The grant funds are a total of \$50,000 with a City match of \$50,000. The project will include maintaining the Storm Water Pollution Prevention Plan, herbicide and pesticide application, light repair and maintenance, fencing maintenance, completing a structural analysis and fuel farm maintenance.

The Airport Advisor Board met on September 2, 2021 and voted unanimously to recommend approval.

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

- J. Consider approval of an agreement between the City of Nacogdoches and Stephen F. Austin State University to transfer ownership of a sanitary trailer.

Brian Bray, Community Services Director, discussed the acquisition of the sanitary trailer in 2013 by the City. Originally the trailer was to be used as an alternative to a permanent restroom facility in Festival Park and for other festivals. The City is not using the trailer as often as originally anticipated and officials at SFASU expressed an interest in acquiring the sanitary trailer from the City. As part of the agreement the City will be able to utilize the sanitary trailer at no charge, other than towing and cleaning costs, for ten days annually.

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

- K. Consider a resolution nominating a representative from the City of Nacogdoches to Nacogdoches Central Appraisal District Board of Directors.

City Manager Mario Canizares explained the nominating process.

Mayor Jimmy Mize moved to nominate Council Member Jay Anderson; motion duly seconded by Council Member Roy Boldon and carried by unanimous vote.

- L. Receive an update regarding public comment during City Council meetings.

City Attorney Steve Kirkland reviewed the process by which the City currently manages the public comment portion and the open forum portion of City Council meetings. He also discussed the importance of consistency in handling public comment and open forum. Currently, the Open Forum Policy states that all presentations by citizens are limited to no more than three minutes per person and limited to the first five citizens who submit a participation form. Mr. Kirkland recommended continuing with the time limit of three minutes per person on both open forum and public comment sections of the agenda but removing the section that limits the number of people who can speak during open forum.

Mr. Kirkland also discussed public comment during and after consent agenda, regular agenda and executive session.

Council Members Fischer and Anderson directed staff to create a policy limiting the time a person can speak to three minutes per person in open forum or public comment portions of the City Council agenda. Mayor Mize will contact Texas Municipal League regarding limiting the number of speakers during open forum or public comment. If necessary Mayor Mize will request an Attorney General opinion regarding the ability to limit the number of speakers during the open forum or public comment portion of the agenda.

City Council requested to continue allowing public comment via remote technology.

The City Attorney will create a policy as directed which will include the Open Forum Policy which will be presented for approval at a future City Council meeting.

City Council discussed ability to respond to citizens speaking during Open Forum.

City Manager Mario Canizares postponed the Executive Session.

8. **EXECUTIVE SESSION:**

A. Personnel Matters – Pursuant to Texas Government Code Section 551.074, deliberations regarding duties of a public officer or employee. The subject of this Executive Session is to discuss and give feedback to the City Manager regarding his annual evaluation.

9. No action taken.

10. Adjourned 8:24 p.m.

ATTEST:

Mayor Jimmy Mize
City Council
City of Nacogdoches

Jan Vinson, City Secretary



City Council Meeting

Date: October 12, 2021

Agenda Item: 7.B.

PRESENTER: Pam Curbow, Finance Director

ITEM/SUBJECT: Consider an ordinance amending Ordinance No. 1835-09-20 appropriating various amounts in accordance with the annual budget adopted for the fiscal year beginning October 1, 2020 and ending September 30, 2021. (Director of Finance)

SUMMARY/BACKGROUND: Consider adoption of Budget Amendments to cover overages of expenditures and/or unanticipated revenues for fiscal year 2020-2021.

FINANCIAL:

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

Account No.: *see attached*

Account Name: *see attached*

Amount: *see attached*

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

Not Applicable

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

ATTACHMENTS: 1. Ordinance for Year End BA for 2021

AN ORDINANCE AMENDING ORDINANCE NO. 1835-09-20 APPROPRIATING VARIOUS AMOUNTS IN ACCORDANCE WITH BUDGET ADOPTED FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021.

WHEREAS, the City Council of the City of Nacogdoches, Texas has approved and adopted the budget for said city for the ensuing fiscal year beginning October 1, 2020 and ending September 30, 2021, and

WHEREAS, the City Manager of the City of Nacogdoches has submitted to the City Council a proposed budget amendment of revenues and expenditures of the City of Nacogdoches for the fiscal year ending September 30, 2021, and

WHEREAS, the City Council of the City of Nacogdoches desires to amend the approved Budget Ordinance of the 2020-2021 Fiscal Year;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Nacogdoches that sums of money as herein set forth in said budget are hereby appropriated and amended for the receipt of revenues, payments of operating expenses and capital outlays of the city government of the City of Nacogdoches as follows:

Fund	Dept	Acct.	Department	Description	Amt.
01		580.00	General Fd Revenue	Issue 2021 Tax Notes for Fire Truck	\$1,521,000
01	03	601.10	Municipal Court	Judge Salary Adjustment & re-hire frozen OAI	30,275
01	09	630.15	Planning	Increased cost due to zoning change notifications	3,250
01	17	601.40	Fire	Deployment & COVID response	345,500
01	17	601.70	Fire	Deployment & COVID response	16,500
01	17	601.80	Fire	Deployment & COVID response	63,500
01	17	630.20	Fire	Deployment Travel expense	10,250
01	17	620.20	Fire	Multiple repairs to fire engines	32,500
01	75	610.91	Non-Departmental	COVID Vaccine Clinic & Infusion Center	136,800
01	75	610.91	Non-Departmental	CARES purchases (Fire Gear, Building Access)	260,250
01	75	610.91	Non-Departmental	Winter Storm	95,500
01	75	641.95	Non-Departmental	Issue 2021 Tax Notes for Fire Truck	39,940
01	86	610.25	General Fd Reserves	Salt Spreader & Concrete Saw	12,820
01	86	630.70	General Fd Reserves	Asbestos Removal House at Baseball Park	9,850
01	86	680.25	General Fd Reserves	Fire Kawasaki Mule	15,500
01	86	680.25	General Fd Reserves	AC Recovery Machine	6,250
01	86	680.40	General Fd Reserves	Baseball & Basketball Scoreboards	32,500
01	86	680.40	General Fd Reserves	Disc Golf Improvements	30,790
01	86	680.90	General Fd Reserves	Street - Safety Bollards	17,520
01	86	680.90	General Fd Reserves	Street Sign Inventory	53,850
01	86	680.90	General Fd Reserves	Polemount Cabinet	12,100

PASSED AND APPROVED this the 12th day of October 2021.

Jimmy Mize, Mayor
City of Nacogdoches

ATTEST:

Jan Vinson, City Secretary

Approved as to form:

Steven Kirkland, City Attorney

Approved as to content:

Pamela Curbow, Director of Finance



City Council Meeting

Date: October 12, 2021

Agenda Item: 8.A.

PRESENTER: Kathleen Belanger, Council Member

ITEM/SUBJECT: Public Hearing: Consider a resolution directing City staff to file an application under Code of Ordinance 118-137(c)(1) to amend the boundaries of a zoning district within the City of Nacogdoches from R-4 Multi-Family to R-2 Single Family, for Lot 12 City Block 41 located at 1102 Logansport Street which was previously considered by the City Council at the request of R.J. Bohac, on August 18, 2020. (Council Member - Northeast Ward) **(THIS ITEM WAS POSTPONED AT THE JULY 20, 2021 MEETING)**

SUMMARY/BACKGROUND: Planning and Zoning Case File ZON2020-06 was presented to City Council in a Public Hearing on August 18, 2020 to consider amending the boundaries of a zoning district from R-2 Single Family to R-4 Multi-Family for property located at 1102 Logansport Street. City Council unanimously voted to approve the item.

Since August 2020 citizens have expressed their opposition to the rezoning and have requested City Council to reconsider the rezoning.

At the request of Council Member Kathleen Belanger the item was placed on the July 20, 2021 agenda. Due to the lack of a full City Council present at the July 20, 2021 meeting, City Council voted to postpone the item to a future date.

City Council will hear a presentation from citizens who are requesting that 1102 Logansport Street be zoned back to R-1 Single Family. City Council may also hear from R.J. Bohac who owns 1102 Logansport Street.

FINANCIAL:

No financial impact associated with this item

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

Neighborhood Revitalization and Attainable Housing

CITY CONTACT: Mario Canizares, City Manager
canizaresm@nactx.us
936-559-2501

ATTACHMENTS: 1. Resolution

**CITY OF NACOGDOCHES, TEXAS
RESOLUTION NO. 1275-07-21**

A RESOLUTION DIRECTING CITY STAFF TO FILE AN APPLICATION UNDER CODE OF ORDINANCE 118-137(C)(1) TO AMEND THE BOUNDARIES OF A ZONING DISTRICT WITHIN THE CITY OF NACOGDOCHES FROM R-4 MULTI-FAMILY TO R-2 SINGLE FAMILY, FOR LOT 12 CITY BLOCK 41 LOCATED AT 1102 LOGANSPORT STREET WHICH WAS PREVIOUSLY CONSIDERED BY THE CITY COUNCIL AT THE REQUEST OF R.J. BOHAC, ON AUGUST 18, 2020.

WHEREAS, the City Council of the City of Nacogdoches seeks to promote orderly development of real property and neighborhoods within the City Limits, and

WHEREAS, the Zoning Ordinance of the City of Nacogdoches allows the City Council to initiate a zoning map amendment; and

WHEREAS, Council Member Belanger requested City Council to consider the zoning map amendment for the property described herein,

WHEREAS, the City has published notice of a hearing on the request on June 20, 2021 in the Nacogdoches Daily Sentinel; and

WHEREAS, the City Council has conducted a public hearing on the request; and

WHEREAS, the City Council now deems it appropriate to initiate the process for amending the zoning classification for the referenced property.

NOW, THEREFORE, be it resolved by the City Council of the City of Nacogdoches, Texas that:

1. The City Manager is directed to file an application pursuant to application under Code of Ordinance 118-137(c)(1) to amend the boundaries of a zoning district within the City of Nacogdoches from R-4 multi-family to R-2 single family, for Lot 12 City Block 41 located at 1102 Logansport street.

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



City Council Meeting

Date: October 12, 2021

Agenda Item: 9.A.

PRESENTER: Jimmy Mize, Mayor

ITEM/SUBJECT: Personnel Matters – Pursuant to Texas Government Code Section 551.074, deliberations regarding the duties of a public officer or employee. The subject of this Executive Session is to discuss and give feedback to the City Manager regarding his annual evaluation.

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: Jimmy Mize, Mayor
mizej@nactx.us
936-559-2506

ATTACHMENTS: