



November 16, 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, with a Work Session beginning at 4:00 p.m. and Regular Session beginning at 5:30 p.m. for the purpose of considering the following agenda items.

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

Members of the public who wish to submit comments by telephone 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 by telephone must be received by 12:00 p.m. on November 16, 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. WORK SESSION:
 - A. Discuss and consider development of redistricting plans for the City Council wards. (City Planner)
4. Open Forum.
5. Items to be removed from Consent Agenda.
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. Consider approval of minutes from November 2, 2021 regular meeting. (City Secretary)
 - B. Quarterly Investment Report for quarter ended September 30, 2021 (Finance Director)
 - C. Consider confirmation of hiring Bonita Hall as the Human Resource Director. (City

Manager)

- D. Consider tax resale authorization for Lot 18-2, Block 43 outlet, in the City of Nacogdoches, as described in warranty deed, Record Volume 104, Page 547, on instrument filed May 14, 1927, in Nacogdoches County, Texas under Parcel Number 23669. (17-043-1018-020000) (City Manager)
- E. Consider approval of City of Nacogdoches Boards/Commissions Handbook amendment. (City Secretary)
- F. Consider purchase of six (6) fleet vehicles. (Finance Director)
- G. Consider approval of an interlocal agreement between the City of Nacogdoches, the County of Nacogdoches and Stephen F. Austin State University to allow SFA's University Police Department to share servers and data. (I.T. Manager)

7. **REGULAR AGENDA:**

- A. Consider a resolution casting City of Nacogdoches' votes for the Nacogdoches Central Appraisal District Board of Directors. (City Manager)
- B. **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) **(AT THE OCTOBER 12, 2021 MEETING THIS ITEM DELAYED TO THE NOVEMBER 16, 2021 MEETING)**
- C. **Public Hearing:** Consider an ordinance establishing a PD, Planned Development District and approving a Concept Plan for Lots 1, 1-A & 1-B, City Block 64, located at 2827 Railroad Street. This request has been submitted by Warren Sparks. Case File PD2021-04. (City Planner)

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.

8. **EXECUTIVE SESSION:**

- A.
 - 1. Personnel Matters – Pursuant to Texas Government Code Section

551.074, deliberations regarding the appointment or employment of a public officer or employee. The subject of this executive session is to discuss appointment or employment related matters if necessary concerning confirmation of Bonita Hall as HR Director.

9. Open for action, if any, on Executive Session item(s).

10. 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 November 10, 2021 at 2 p.m. and remained posted until meeting convened.

Jan Vinson, City Secretary

PRESENTER: Alaina Helton, City Planner

ITEM/SUBJECT: Discuss and consider development of redistricting plans for the City Council wards. (City Planner)

SUMMARY/BACKGROUND: The City has contracted with Bickerstaff Heath Delgado Acosta LLP, to provide redistricting services. These services include an initial assessment (consisting of post-census initial data analysis), as well as developing redistricting plans, and public input, deliberation, and adoption of a final plan.

On November 2nd, the Firm presented and discussed their findings and recommendations with the City Council. The Firm determined that the City Council wards are out of balance, and outlined the City's obligations, and presented a timeline for completing the remainder of the redistricting process.

During the November 16th work session, the Firm will use their GIS and demographic capabilities to work with City Council to develop the redistricting plans that will take into account legal and practical considerations and that follow the prior adopted redistricting guidelines and criteria. Upon conclusion of the work session, the public may comment on any proposed plans, and modifications or refinements may be required before a particular plan is determined to be acceptable.

A second drawing session will provide an additional opportunity for public comment and will be conducted on December 6th. Prior to final adoption of the redistricting plan, City staff will host public meetings and present the City Council's proposed plan to the community. The City will coordinate with Nacogdoches ISD to host two joint public meetings to present the final redistricting plans for both the City and the school district at the same time.

Redistricting Timeline

- 1st Drawing Work Session: November 16, 2021
- 2nd Drawing Work Session: December 6, 2021
- Public Presentations (Coordinated with NISD): January 5 and 6, 2022
- Final Adoption: January 18, 2022

FINANCIAL:

No financial impact associated with this item

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

Community Engagement/Diverse Environment

CITY CONTACT: Alaina Helton, AICP, Director of Planning & Neighborhood Services
heltona@nactx.us
936-559-2572

ATTACHMENTS:



City Council Meeting

Date: November 16, 2021

Agenda Item: 6.A.

PRESENTER: Jan Vinson, City Secretary

ITEM/SUBJECT: Consider approval of minutes from November 2, 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



Regular Session
Nacogdoches City Council
November 2, 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 Roy Boldon, Jay Anderson and Kathleen Belanger. **Present by videoconference:** Amelia Fischer

1. Called to order at 5:30 p.m.
2. Pledge of Allegiance.
3. No one spoke during Open Forum.
4. No items were removed from the 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. Minutes from October 19, 2021 regular meeting.
 - B. Consider approval of an agreement by and between the City of Nacogdoches and the Nacogdoches Convention and Visitors Bureau which outlines the terms by which employees of the CVB are employees of the City and thereby subject to the policies and guidelines established by the City.
 - C. Consider approval of an interlocal agreement between the City of Nacogdoches and Nacogdoches County relating to emergency mass notification system purchase and usage.
 - D. Consider approval of a contract by and between the City of Nacogdoches and Drewery Construction Co., Inc. for the 2021 Martin Luther King, Jr. Boulevard Paving Project in a not to exceed amount of \$64,925.00.

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

6. REGULAR AGENDA:

- A. Receive and discuss Initial Assessment regarding whether redistricting is required for City Council member districts considering the new 2020 census data; and, if so, discuss and consider a resolution adopting criteria for use in the 2021 redistricting process, and a resolution adopting guidelines for public participation in the redistricting process.

Phillip Arnold with Bickerstaff Heath Delgado Acosta LLP reviewed the redistricting process to include criteria and guidelines, timeline, applicable law, deviation calculations, criteria, current ward populations and ethnicity, and implementation.

City Council discussed current wards, ward population and growth, redistricting criteria and voter age population.

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

- B. Receive an update and hold a discussion regarding the 87th Texas Legislative Session and subsequent Special Sessions.

Kelly Barnes with HillCo Partners presented information regarding the 87th Texas Legislative Session. Mr. Barnes discussed State Agency Assistance to include Texas Commission on Environmental Quality, Texas Department of Emergency Management, Texas Department of Agriculture and Texas Alcoholic Beverage Commission. He also discussed the February 2021 Winter Storm, revolving loan

Minutes unofficial until approved by City Council

funds, COVID funds and restrictions, economic development, electricity, property tax, budget, local control and redistricting.

City Council discussed ARPA funds, TDA funding, SB3, the power grid and PUC, ERCOT reform and exterior building materials that can be used in residential construction.

- C. Receive a report, hold a discussion, and give staff direction regarding the establishment of an advisory Comprehensive Plan Review Committee and Downtown Master Plan Review Committee.

City Manager Mario Canizares discussed the Comprehensive Plan and Downtown Master Plan process and the creation of review committees for each plan.

Council Member Belanger discussed the City's Strategic Priorities and requested that the citizens be allowed to comment and recommend changes to the strategic priorities prior to their use in the Comprehensive Plan.

City Manager Canizares continued his presentation and discussed committee responsibilities, committee governance and committee makeup.

Betty Shinn spoke during public comment suggesting that a representative from the Federation of Women's Clubs be placed on both committees. Ms. Shinn will provide names to Mayor Mize.

Brandi Cartwright spoke during public comment suggesting a parks advocate representative be placed on the committees.

Aaron Heidel spoke during public comment suggesting that SFASU students be represented on the committees.

Pat Castella also spoke during public comment regarding the date that City Council will vote on the consultant contract. Mayor Mize explained the process to Ms. Castella.

City Council discussed public input on strategic priorities, appointing chair and vice-chair, adding members to both committees and appointing City Council Members to each committee.

City Council agreed to the following:

- Both review committees will choose their chair and vice-chair
- Review committee meetings will be open to the public
- Committees must have a quorum to conduct business
- Consensus is required to move an item forward
- Continue the committees after the plans are complete to make sure plans are implemented
- Adding 4 additional people to each committee which will include one person from the Federation of Women's Clubs, Parks Advocacy League, Bright Foundation and one SFASU student
- Council Members Belanger and Boldon will be on the Comprehensive Plan Review Committee
- Council Members Fischer and Anderson will be on the Downtown Master Plan Review Committee

City Manager Canizares will present the final committee members to City Council at the December 7, 2021 City Council meeting for approval.

- D. Receive a report, hold a discussion, and give staff direction on purging uncollectible fines and cases.

City Attorney Steve Kirkland explained the warrant and collection process for Municipal Court. He discussed fines that are considered uncollectable and purging those uncollectable cases. Mr. Kirkland stated that capias pro fine cases which are over fifteen years old are being purged from the Municipal Court system as well as failure to appear cases that are over ten years old.

- E. Consider approval of a Public Forum/Public Comment Policy for City Council meetings.

At the City Council meeting of September 21, 2021 City Council discussed creating a Public Forum/Public Comment Policy for City Council meetings. The City Attorney and City Secretary worked together to create a draft policy. City Attorney Steve Kirkland reviewed the draft policy and asked City Council for clarification on time limits.

City Council discussed citizens being allowed to pooling time, limiting number of times a citizen can pool time and allowing a citizen to request additional time to speak.

Council Member Kathleen Belanger made a motion to limit open forum to three minutes per person and allowing one person to donate his/her time to another person for a maximum of six minutes; duly seconded by Council Member Amelia Fischer. No vote was taken to allow for public comment.

Pat Castella spoke during public comment regarding time limitations. She suggested citizens sign up in advance of the meeting if they need more than three minutes to speak on an agenda item.

Vickie Lunell spoke during public comment stating that limiting open forum to one minute per speaker is insulting to the citizens. She also believes being able to donate time is beneficial. Ms. Lunell asked that a time limit not be placed on public comment after agenda items.

Brandi Cartwright also spoke during public comment stating that one minute is not enough for open forum comments or public comment and at times three minutes is not enough.

Council Member Belanger withdrew her motion and Council Member Fischer withdrew her second.

City Council directed staff to amend the Open Forum/Public Comment Policy to limit open forum to three minutes per person and allowing one person to donate his/her time to another person for a maximum of six minutes. They also asked staff to look at what other cities are doing in regards to open forum and public comment. City staff will present a revised policy at a future City Council meeting.

City Council convened into Executive Session at 8:11 p.m.

7. 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 has 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.

City Council reconvened in open session taking no action.

8. Adjourned 8:50 p.m.

ATTEST:

Mayor Jimmy Mize
City Council
City of Nacogdoches

Jan Vinson, City Secretary



City Council Meeting

Date: November 16, 2021

Agenda Item: 6.B.

PRESENTER: Pam Curbow, Finance Director

ITEM/SUBJECT: Quarterly Investment Report for quarter ended September 30, 2021 (Finance Director)

SUMMARY/BACKGROUND: Presentation of the quarterly investment report for the quarter ended September 30, 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: Pamela Curbow, Director of Finance
curbowp@nactx.us
936-559-2526

ATTACHMENTS: 1. 4th Quarter Investment Report 2021

Investment Report

July 1, 2021 – September 30, 2021



This report is presented in accordance with the Texas Government Code Title 10 Section 2256.023. The below signed hereby certify that, to the best of their knowledge on the date this report was created, that this report is in compliance with the state policies and Investment Policy of the City of Nacogdoches.

A handwritten signature in black ink, appearing to read "Pam Curbow", is written over a horizontal line.

Pam Curbow
Investment Officer

**Investment Position
City of Nacogdoches
September 30, 2021**

As of September 30, 2021, the City of Nacogdoches had investments in the following accounts:

- \$9.3 million in Southside Bank earning a rate of 0.075%,
- \$42.1 million invested in TexPool accounts earning a rate of 0.02%,
- \$1.5 million in a Fidelity Money Market Account with Regions Bank earning a rate of 0.01%,
- \$6.5 million invested in a Money Market Account with Veritex Bank at 0.12% (variable, Texas Pools average +.10%)
- \$4 million invested in a Money Market Account with Southside Bank at .375%
- \$20 million invested in Certificates of Deposit with an average rate of .75%
- The City's average yield for FY21 is 0.25%.

City of Nacogdoches Strategy Summary September 30, 2021

Quarter End Results by Investment Category:

Asset Type	September 30, 2021		September 30, 2021		June 30, 2021		June 30, 2021		June 30, 2021
	Book Value	Market Value	Book Value	Market Value	Book Value	Market Value	Book Value	Market Value	APR
Southside Bank	\$ 8,829,211.43	\$ 9,365,897.77	\$ 3,041,991.16	\$ 3,041,991.16	\$ 2,787,277.04				0.075%
Southside Money Market Account	\$ 4,007,626.87	\$ 4,007,626.87	\$ 4,003,791.00	\$ 4,003,791.00	\$ 4,003,791.00				0.375%
Veritex Bank Money Market Account	\$ 6,499,075.17	\$ 6,499,075.17	\$ 6,497,764.85	\$ 6,497,764.85	\$ 6,497,764.85				0.12%
Regions Bank Fidelity Money Market Account	\$ 1,490,776.81	\$ 1,490,776.81	\$ 1,491,391.71	\$ 1,491,391.71	\$ 1,491,391.71				0.01%
TexPool Accounts	\$ 45,734,103.27	\$ 42,182,070.69	\$ 46,804,179.10	\$ 46,804,179.10	\$ 47,409,683.52				0.02%
Certificates of Deposit	\$ 18,194,419.25	\$ 20,289,839.58	\$ 20,255,006.91	\$ 20,255,006.91	\$ 20,255,006.91				0.75%
Totals	\$ 84,755,212.80	\$ 83,835,286.89	\$ 82,094,124.73	\$ 82,094,124.73	\$ 82,444,915.03				

Current Quarter Average Yeild

Total Portfolio .22%

Fiscal Year to Date Average Yeild

Total Portfolio

0.25%

Interest Earnings

Quarterly Interest Income	\$46,571.36
Year to date Interest Income	\$197,739.01

Note: Bank balances represent pooled cash accounts. Cash balances are unaudited.

Summary Statement City of Nacogdoches 7/01/2021 –9/30/2021

Beginning Balance 07/01/2021	\$ 82,444,915
Ending Balance 09/30/2021	\$ 83,835,287
Increase/(Decrease)	\$ 1,390,372
Total Interest	\$ 46,571
Avg Yield for Qtr	0.22%

Certificates of Deposit

- Austin Bank \$2,000,000 2.33% APR 24 Month CD
Maturity Date – September 30, 2021
Sanitation Fund - \$2,000,000
- Austin Bank \$2,000,000 0.30% APY 12 Month CD
Maturity Date – January 26, 2022
Utility Fund - \$2,000,000
- Austin Bank \$2,000,000 0.35% APY 18 Month CD
Maturity Date – July 26, 2022
Utility Fund - \$2,000,000

Certificates of Deposit

- Austin Bank \$2,000,000 0.45% APY 24 Month CD
Maturity Date – January 26, 2023
Utility Fund - \$2,000,000
- Austin Bank \$2,000,000 0.25% APY 12 Month CD
Maturity Date – April 30, 2022
Utility Fund - \$2,000,000
- Citizens State Bank \$2,000,000 0.60% APY 18 Month CD
Maturity Date – February 24, 2022
General Fund - \$2,000,000

Certificates of Deposit

- Citizens State Bank \$2,000,000 0.60% APY 21 Month CD

Maturity Date – May 24, 2022

Sanitation Fund - \$2,000,000
- Citizens State Bank \$2,000,000 0.60% APY 24 Month CD

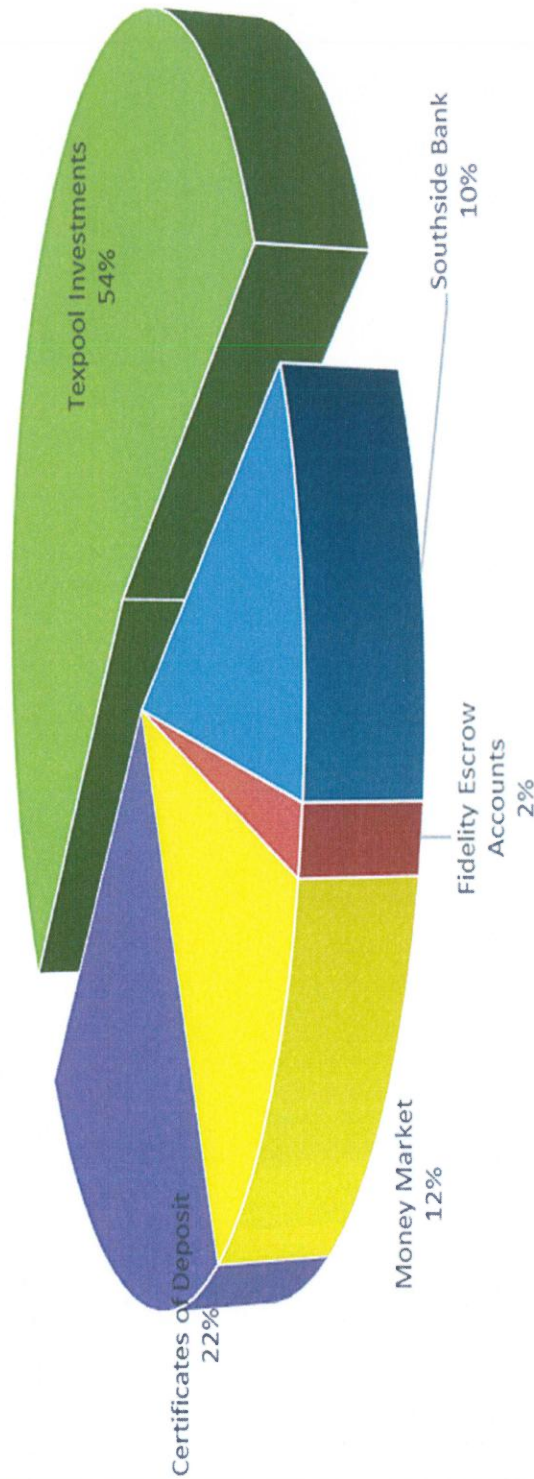
Maturity Date – August 24, 2022

Sanitation Fund - \$2,000,000
- Citizens 1st Bank \$2,000,000 0.60% APR 24 Month CD

Maturity Date - August 27, 2022

General Fund \$1,000,000 Utility Fund - \$1,000,000

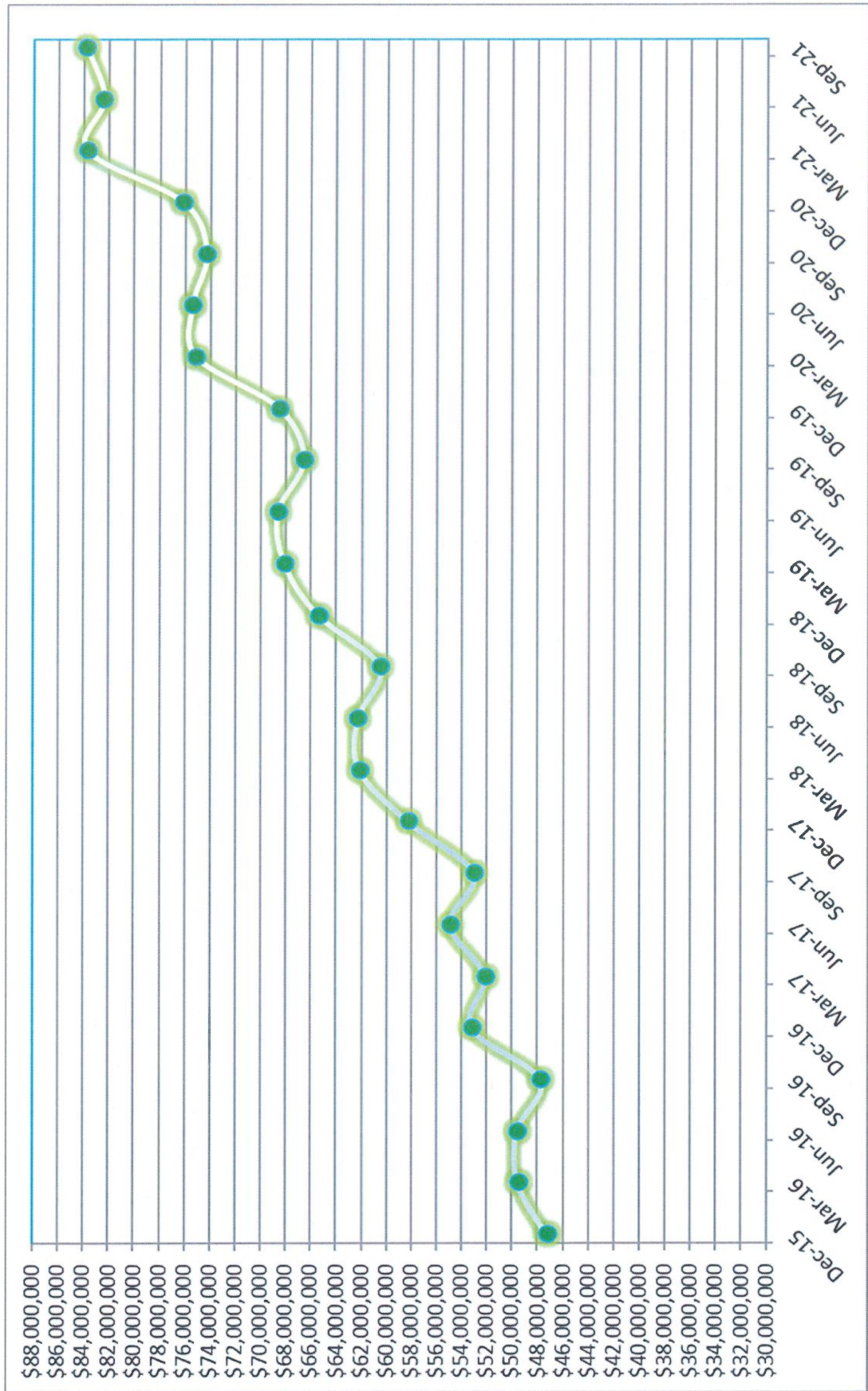
Ending Book Value City of Nacogdoches September 30, 2021



■ Southside Bank ■ Fidelity Escrow Accounts ■ Money Market ■ Certificates of Deposit ■ Texpool Investments

Investment	Value	Rate	% Total
Southside Bank	\$ 8,829,211.43	0.075%	10.42%
Fidelity Escrow Accounts	\$ 1,490,776.81	0.994%	1.76%
Money Market	\$ 10,506,702.04	1.103%	12.40%
Certificates of Deposit	\$ 18,194,419.25	1.805%	21.47%
Texpool Investments	\$ 45,734,103.27	1.003%	53.96%
Total	\$ 84,755,212.80		100.00%

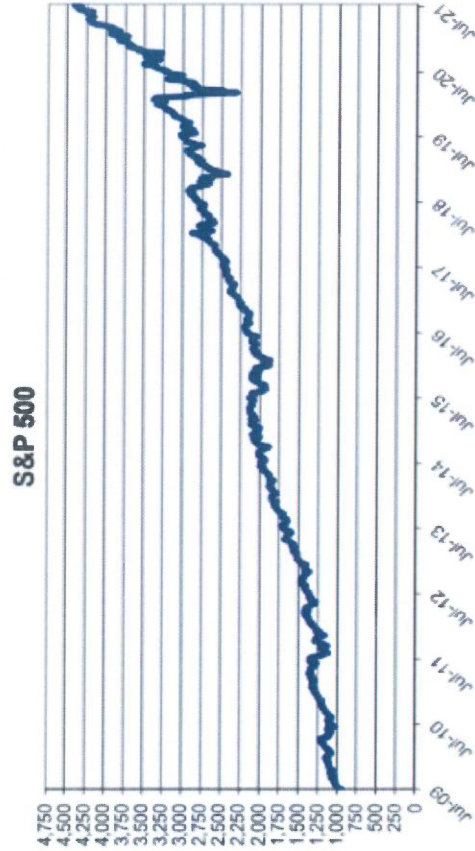
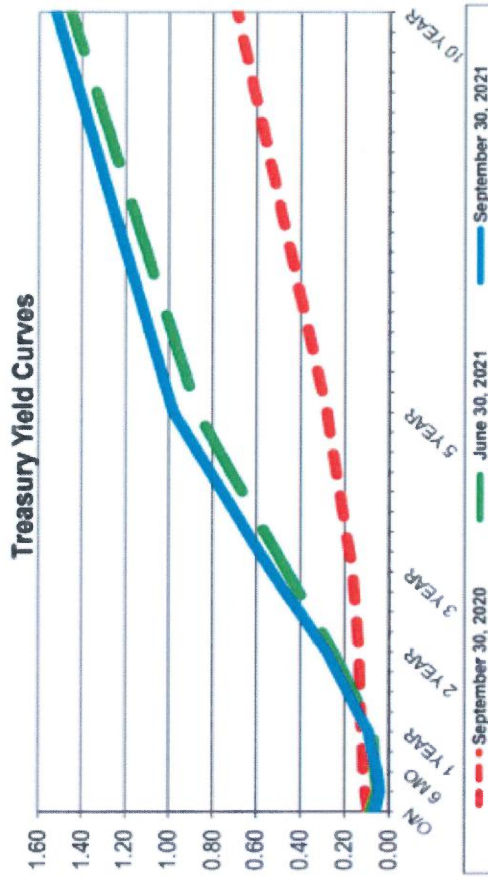
Portfolio Balance History City of Nacogdoches



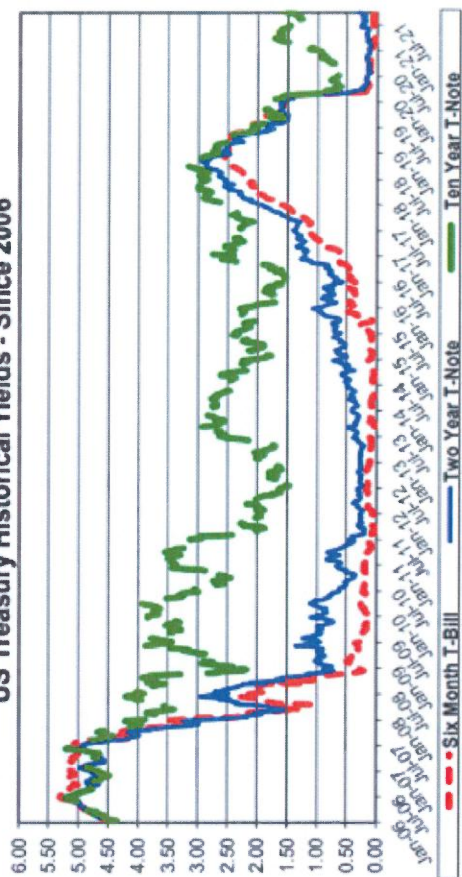
Economic Overview

9/30/2021

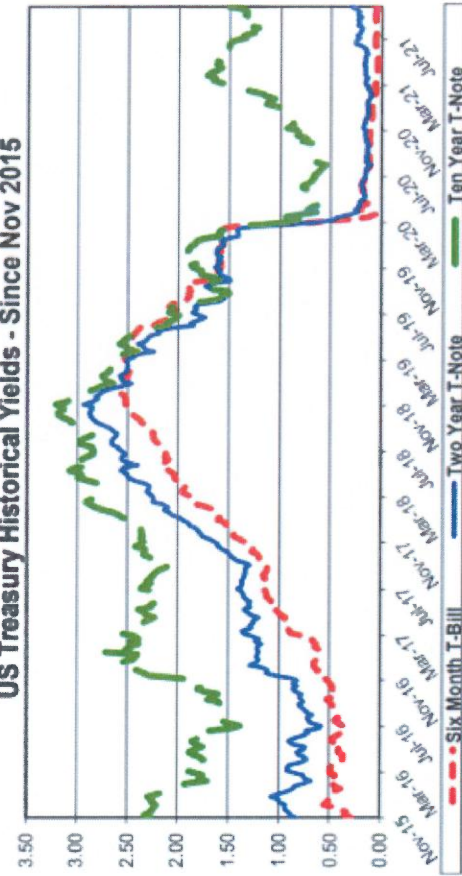
The Federal Open Market Committee (FOMC) maintained the Fed Funds target range at 0.00% to 0.25% (Effective Fed Funds are trading <0.10%), and projects that reduced rates could remain into 2023. Monthly government security purchases may begin tapering as early as Nov 2021. Second Quarter GDP posted +6.7% (Final). Employment recovery/growth has moderated, but job openings remain high. August Non-Farm Payroll only added 194k net new jobs. Crude oil bounced up to +/\$77 per barrel, with fuel shortages in England and other countries. The Stock Markets reached new highs, but have retrenched slightly. Housing, Industrial Production, Durable Goods, Consumer Spending, and other indicators remain positive but constrained. The Biden administration and Congress continue to negotiate infrastructure, fiscal and debt limit packages. Inflation remained over the FOMC 2% target and may not be as temporary as initially projected. The Yield Curve rose slightly from two years to ten years.



US Treasury Historical Yields - Since 2006



US Treasury Historical Yields - Since Nov 2015



PRESENTER: Mario Canizares, City Manager

ITEM/SUBJECT: Consider confirmation of hiring Bonita Hall as the Human Resource Director. (City Manager)

SUMMARY/BACKGROUND: Since June 2021, the City has been without a permanent Human Resources Director. The recruitment process began on July 1. In August, Lashon Ross was hired to serve as a part-time interim Human Resources Director to assist the organization in operating the department and with the recruitment process.

A total of 61 people applied for the Human Resources Director position and the field was narrowed to three candidates to interview on October 18 by two employee panels consisting of 17 individuals. One candidate dropped out at the last moment and the panels interviewed the two remaining candidates. At the conclusion of the process, both panels unanimously agreed on recommending a final candidate. **After completing reference and background checks, Bonita Hall was selected as the City's Human Resources Director. Her start date is Monday, December 6, 2021.** Ms. Hall is very experienced in all facets of municipal human resources and currently holds the Director's position at the City of Pflugerville, Texas. She has previously held Director positions with the cities of Celina, Odessa, Pearland, and Longview. She has a Bachelor of Arts from Southwest Texas State University in San Marcos, a Masters in Public Administration from the University of North Texas in Denton and holds certifications in her respective field. Ms. Hall has previously served as President of the Texas Municipal Human Resources Association, the HR affiliate for the Texas Municipal League (TML).

A requirement of the City Charter is that the City Council approves the appointment of department heads before they can begin their duties. This will take place at the November 16, City Council meeting.

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

ATTACHMENTS:



City Council Meeting

Date: November 16, 2021

Agenda Item: 6.D.

PRESENTER: Mario Canizares, City Manager

ITEM/SUBJECT: Consider tax resale authorization for Lot 18-2, Block 43 outlet, in the City of Nacogdoches, as described in warranty deed, Record Volume 104, Page 547, on instrument filed May 14, 1927, in Nacogdoches County, Texas under Parcel Number 23669. (17-043-1018-020000) (City Manager)

SUMMARY/BACKGROUND: A bid was received from Steven Santos in the amount of \$900 for the property located in the Nacogdoches Independent School District being Lot 19-2, Block 43 outlot, which is identified on the Nacogdoches Central Appraisal District tax roll as Parcel Number 23669. This property is located on North Sanders Street, Nacogdoches, Texas.

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. MALONE-STRUCK OFF BID

STRUCK OFF PROPERTY ACCEPT OR REJECT NOTICE BID ANALYSIS REVIEW

Thursday, November 04, 2021

Bid Received from: Steven Santos

Bid in the amount of: \$900.00

Cause #: C1934877 NACOGDOCHES COUNTY, ET AL VS. ROBERTA MALONE FORNEY NORRIS MCNEESE ESTATE

Original Owner: ROBERTA MALONE FORNEY NORRIS MCNEESE

Property Description: BEING LOT 18-2, BLOCK 43 OUTLOT, IN THE CITY OF NACOGDOCHES, NACOGDOCHES COUNTY AS DESCRIBED IN WARRANTY DEED, RECORD IN VOLUME 104, PAGE 547, ON INSTRUMENT FILED MAY 14, 1927, IN NACOGDOCHES COUNTY, TEXAS, AND BEING FURTHER IDENTIFIED ON THE TAX ROLL AND RECORDS OF NACOGDOCHES CENTRAL APPRAISAL DISTRICT UNDER PARCEL NUMBER 23669

Physical Address: N. SANDERS STREET, NACOGDOCHES, TEXAS

TAX ENTITY	TAX YEARS	AMOUNT DUE	JUDGMENT INFORMATION
NACOGDOCHES COUNTY:	1992-2020	\$1,940.23 (18%)	Tax Sale Date: 9-7-2021
NACOGDOCHES ISD:	1992-2020	\$6,494.00 (59%)	Appraised Value at Judgment: \$8,280.00
CITY OF NACOGDOCHES:	1992-2020	\$2,590.98 (23%)	Current appraised Value: \$9,940.00
TOTAL		\$ 11,025.21 (100%)	Minimum Bid at Sale: \$8,280.00

NOTE:

No Bidders – Struck off to NACOGDOCHES ISD Trustee; Balance due to jurisdictions after Texas Property Tax Code Sec. 34.02 Distribution of Proceeds is met in requirement by Texas State Law.

BILL OF COSTS

Publication In Newspaper	\$50.00
Attorney Ad Litem Cost	\$350.00
DISTRICT CLERK COURT COST	\$631.82
Sheriffs Deed	\$30.50
Title Search Fee	\$350.00
TAX RE-SALE DEED	\$38.00
TOTAL DUE –COURT COST AND FEES	\$1,450.32

PROPOSED TAX DISTRIBUTION

		<u>Amount</u>	<u>Percentage of bid amount after cost: \$0.00</u>
NACOGDOCHES COUNTY:	1992-2020	\$ 0	18%
NACOGDOCHES ISD:	1992-2020	\$ 0	59 %
CITY OF NACOGDOCHES:	1992-2020	\$ 0	23%
Total Due:		\$ 0	

The bid on the above-referenced property was:

_____ **Accepted**

_____ **Rejected**

Signed: _____

Title: _____

Date: _____

(Please Mail Final Accept/Reject Notice in the enclosed paid self-addressed envelope to the Nacogdoches Office of Perdue, Brandon, Fielder, Collins, & Mott, LLP Law Firm)

Property ID: 23669

Owner: MALONE ROBERTA FORNEY

Property ID: 23669	Account Number: 17-043-1018-020000
Property Legal Description: OUTLOT 18-2 BK 43	Deed Information:
	Volume: 104
	Page: 547
	File Number:
	Deed Date: 5/14/1927
Property Location: N SANDERS ST NACOGDOCHES TX	Block: 43
Survey / Sub Division Abstract: CITY OF NAC	Section / Lot: OL-18-2
Owner Information: MALONE ROBERTA FORNEY **SEE LETTER IN IMAGES**	Property Detail:
	Property Exempt:
	Category / SPTB Code: C1
	Total Acres: 0.280
	Total Living Sqft: See Detail
	Owner Interest: 1.000000
	Homestead Exemption:
Previous Owner: BERGER ROBERT	Homestead Cap Value: 0
	Land Ag / Timber Value: 0
	Land Market Value: 9,940
	Improvement Value: 0

Jur Code	Jur Name	Total Market	Homestead	Total Exemption	Taxable
01	NACOGDOCHES COUNTY	9,940		0	9,940
12	CITY OF NACOGDOCHES	9,940		0	9,940
36	NACOGDOCHES ISD M&O	9,940		0	9,940
3615	NACOGDOCHES ISD I&S	9,940		0	9,940

Property ID: 23669

Owner: MALONE ROBERTA FORNEY

Land Detail

Land Sequence 1		
Acres: N/A	Market Class: FV-SV06	Market Value: 9,940
Land Method: FV	Ag/Timber Class:	Ag/Timber Value: 0
Land Homesiteable: NO	Land Type:	Ag Code:
Front Foot: N/A	Rear Foot: N/A	Lot Depth: N/A
Front Ft Avg: N/A	Lot Depth %: N/A	Land Square Ft: N/A

Total Land Value: \$ 9,940

Property ID: 23669

Owner: MALONE ROBERTA FORNEY

Previous Owner Information

Parcel ID	Seller	Buyer	Volume	Page	File Number	Deed Date
23669	BERGER ROBERT	FORNEY ROBERTA	104	547		5/14/1927

SPECIAL RESALE DEED

STATE OF TEXAS §
COUNTY OF NACOGDOCHES §

NOTICE OF CONFIDENTIALITY RIGHTS:

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

KNOW ALL MEN BY THESE PRESENTS that NACOGDOCHES INDEPENDENT SCHOOL DISTRICT, TRUSTEE, in trust for the use and benefit of itself, NACOGDOCHES COUNTY AND CITY OF NACOGDOCHES, hereinafter called GRANTORS, each acting by and through its duly elected official ("GRANTOR") as authorized by Section 34.05, Texas Property Tax Code, for and in consideration of **NINE HUNDRED DOLLARS AND 00/100 (\$900.00)** and other good and valuable consideration, in hand paid by **STEVEN SANTOS**, Grantee, the receipt of which is hereby acknowledged and confessed, has conveyed and quitclaimed and by the presents do convey and quitclaim unto said GRANTEE all right, title and interest of the GRANTORS, acquired by tax foreclosure sale heretofore held in **CAUSE SUIT NO. C1934877 NACOGDOCHES COUNTY, ET AL vs. ROBERTA MALONE FORNEY NORRIS MCNEESE ESTATE, ET AL.**, said property being described as follows:

BEING LOT 18-2, BLOCK 43 OUTLOT, IN THE CITY OF NACOGDOCHES, NACOGDOCHES COUNTY AS DESCRIBED IN WARRANTY DEED, RECORD IN VOLUME 104, PAGE 547, ON INSTRUMENT FILED MAY 14, 1927, IN NACOGDOCHES COUNTY, TEXAS, AND BEING FURTHER IDENTIFIED ON THE TAX ROLL AND RECORDS OF NACOGDOCHES CENTRAL APPRAISAL DISTRICT UNDER PARCEL NUMBER 23669

This conveyance is made and accepted subject to the following matters to the extent that the same are in effect at this time: any and all rights of redemption, restrictions, covenants, conditions, easements, encumbrances and outstanding mineral interests, if any, relating to the hereinabove mentioned County and State, and to all zoning laws, regulations and ordinances of municipal and/or governmental authorities, if any but only to the extent that they are still in effect, relating to the hereinabove described property.

TO HAVE AND TO HOLD said premises, together with all and singular the rights, privileges and appurtenances thereto in any manner belonging unto the said **STEVEN SANTOS**, Grantee, their heirs and assigns forever, so that neither NACOGDOCHES INDEPENDENT SCHOOL DISTRICT, TRUSTEE, in trust for the use and benefit of itself, NACOGDOCHES COUNTY AND CITY OF NACOGDOCHES, nor any person claiming under them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances or any part thereof, but not otherwise.

Grantee accepts the property in "AS IS" condition and subject to any environmental conditions that might have or still exist on said property.

Taxes for the 2022 and the current year are assumed by the Grantee.

IN TESTIMONY WHEREOF, NACOGDOCHES INDEPENDENT SCHOOL DISTRICT, TRUSTEE, in trust for the use and benefit of itself, NACOGDOCHES COUNTY AND CITY OF NACOGDOCHES Grantors, have caused the presents to be executed on this _____ day of _____, 2021.

NACOGDOCHES COUNTY

BY: _____
NACOGDOCHES COUNTY JUDGE

THE STATE OF TEXAS

COUNTY OF NACOGDOCHES

BEFORE ME, the undersigned authority, on this day personally appeared _____, NACOGDOCHES COUNTY JUDGE, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed and, in the capacity, therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2021

NOTARY PUBLIC

IN TESTIMONY WHEREOF, NACOGDOCHES INDEPENDENT SCHOOL DISTRICT, TRUSTEE, in trust for the use and benefit of itself, NACOGDOCHES COUNTY AND CITY OF NACOGDOCHES Grantors, have caused the presents to be executed on this _____ day of _____, 2021

NACOGDOCHES INDEPENDENT SCHOOL DISTRICT

BY: _____
PRESIDENT, BOARD OF TRUSTEES

THE STATE OF TEXAS

COUNTY OF NACOGDOCHES

BEFORE ME, the undersigned authority, on this day personally appeared _____, PRESIDENT, BOARD OF TRUSTEES, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed and, in the capacity, therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2021

NOTARY PUBLIC

IN TESTIMONY WHEREOF, NACOGDOCHES INDEPENDENT SCHOOL DISTRICT, TRUSTEE, in trust for the use and benefit of itself, NACOGDOCHES COUNTY AND CITY OF NACOGDOCHES Grantors, have caused the presents to be executed on this _____ day of _____, 2021

CITY OF NACOGDOCHES

BY: _____
MAYOR, CITY OF NACOGDOCHES

THE STATE OF TEXAS

COUNTY OF NACOGDOCHES

BEFORE ME, the undersigned authority, on this day personally appeared _____, MAYOR, CITY OF NACOGDOCHES, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed same for the purposes and consideration therein expressed and, in the capacity, therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2021

NOTARY PUBLIC

GRANTEE'S MAILING ADDRESS:
STEVEN SANTOS
404 CASA LINDA, ENNIS, TX 75119

RETURN TO:
PERDUE, BRANDON, FIELDER, COLLINS AND MOTT, LLP
220 W. HOSPITAL ST., NACOGDOCHES, TX 75961

Thursday, November 04, 2021

Nacogdoches Independent School District
P.O. Box 631521
Nacogdoches, TX 75760

RE: Bid for Struck off Property

Enclosed please find the bid information received from **STEVEN SANTOS**, on the property located in the Nacogdoches Independent School District that was struck off at the **September 7, 2021 at the Nacogdoches County Sheriff's Tax Sale**. If possible, please include this offer on the next agenda for consideration. The property being more fully described as the following:

Cause #: C1934877 NACOGDOCHES COUNTY, ET AL VS. ROBERTA MALONE FORNEY NORRIS MCNEESE ESTATE
Original Owner: ROBERTA MALONE FORNEY NORRIS MCNEESE
Property Description: BEING LOT 18-2, BLOCK 43 OUTLOT, IN THE CITY OF NACOGDOCHES, NACOGDOCHES COUNTY AS DESCRIBED IN WARRANTY DEED, RECORD IN VOLUME 104, PAGE 547, ON INSTRUMENT FILED MAY 14, 1927, IN NACOGDOCHES COUNTY, TEXAS, AND BEING FURTHER IDENTIFIED ON THE TAX ROLL AND RECORDS OF NACOGDOCHES CENTRAL APPRAISAL DISTRICT UNDER PARCEL NUMBER 23669
Physical Address: N. SANDERS STREET, NACOGDOCHES, TEXAS

If you need further information, please do not hesitate to call.

Thank you,



Maria Sutterfield
Litigation Clerk

Enclosures

Thursday, November 04, 2021

Nacogdoches County Judge: Sowell
Nacogdoches County Courthouse
101 W. Main Street, Ste. 170
Nacogdoches, TX 75961

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Physical Address: N. SANDERS STREET, NACOGDOCHES, TEXAS

If you need further information, please do not hesitate to call.

Thank you,



Maria Sutterfield
Litigation Clerk

Enclosures

Thursday, November 04, 2021

City of Nacogdoches
Mayor, Jimmy Mize
P. O. Box 635030
Nacogdoches, TX 75963

RE: Bid for Struck off Property

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Cause #: C1934877 NACOGDOCHES COUNTY, ET AL VS. ROBERTA MALONE FORNEY NORRIS MCNEESE ESTATE

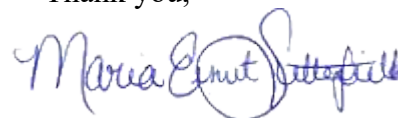
Original Owner: ROBERTA MALONE FORNEY NORRIS MCNEESE

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Physical Address: N. SANDERS STREET, NACOGDOCHES, TEXAS

If you need further information, please do not hesitate to call.

Thank you,



Maria Sutterfield
Litigation Clerk

Enclosures

PRESENTER: Jan Vinson, City Secretary

ITEM/SUBJECT: Consider approval of City of Nacogdoches Boards/Commissions Handbook amendment. (City Secretary)

SUMMARY/BACKGROUND: The City of Nacogdoches encourages citizens to take part in city governance and one way to do that is by serving on a city board or commission. The City's Boards/Commissions are important to the governmental process.

The City of Nacogdoches Boards/Commissions Handbook is a guide to the responsibilities of each board and/or commission member. The City's handbook was last revised in December 2016. The City's Executive Staff reviewed the current handbook and suggested several revisions in order to be more transparent and give the board/commission members the information necessary to be successful.

The following changes will clearly identify the board/commission members' responsibilities, identify the staff liaison for each board/commission, identify how the board was created and clearly state required training, ethical standards and conflicts of interest.

- *The eligibility requirements, duties and responsibilities of each board/commission were taken directly from the City Code of Ordinances.*
- *There is a reference to the ordinance and/or resolution which created each board/commission.*
- *Each board/commission lists the City liaison responsible for each board/commission.*
- *Moved the Board and Commission Appointment Policy to the beginning of the handbook.*
- *Added a section titled Boards and Commissions Training, Ethics and Conflicts of Interest.*

The City of Nacogdoches Boards/Commission Handbook is located on the City's website and will be made available in print to each board/commission member. The staff liaison is responsible for making sure each new board/commission member receives orientation to become familiar with the procedures and protocol of the board they will be serving on.

FINANCIAL:

No financial impact associated with this item

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

Community Engagement/Diverse Environment

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

ATTACHMENTS: 1. Current Boards and Commissions Handbook
2. Proposed Boards and Commissions Handbook

City of Nacogdoches

BOARDS/ COMMISSIONS Handbook



City Council

Jimmy Mize – Mayor

Roy Boldon - S/E Ward

Jay Anderson - S/W Ward

Kathleen Belanger - N/E Ward

Amelia Fischer - N/W Ward

Administrative Staff

Mario Canizares - City Manager

Jan Vinson – City Secretary

City of Nacogdoches

202 East Pilar Street

Nacogdoches, Texas 75961

Phone: 936-559-2506 Fax: 936-559-2912

Email: vinsonj@ci.nacogdoches.tx.us

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Airport Advisory Board

COMPOSITION: Five (5) regular members and two (2) alternate members

TERMS: Two (2) years

CITY DEPARTMENT: Airport

DUTIES AND RESPONSIBILITIES:

Airport Advisory Board shall be an advisory board to City Council. It may establish its own rules and regulations for meetings and proceedings. Its recommendations may be presented to City Council as needed. Airport Advisory Board shall advise City Council and make recommendations on the following matters:

- Master planning for use, expansion and development of the airport and its property;
- Construction, expansion, improvements, maintenance and operation of the airport;
- Consultant selection for various planning and construction projects;
- Selection of all fixed base operators and other lessees of airport property;
- Terms, conditions, duties, responsibilities, consideration and other lease provisions to be contained in all lease arrangements concerning airport property;
- Methods and matters in recruiting and creating interest at the airport;
- Planning and developing airport services and working toward general improvement of the airport as an air transportation center; and
- All other matters that may arise regarding the operation, facilities or services provided at the airport.

MEETINGS: Once per quarter.

Building Standards Commission

COMPOSITION: Six (6) regular members and two (2) alternate members

To the extent possible, members of the Building Standards Commission should be qualified in one or more fields of fire prevention, building construction, sanitation, plumbing, electricity, mechanical systems, engineering, architecture or public health. Failure to be qualified in any of said fields shall not prevent or disqualify a person from sitting on the commission.

TERMS: Two (2) years

CITY DEPARTMENT: Inspection Services

DUTIES AND RESPONSIBILITIES:

The purpose and responsibilities of the commission shall include:

- Hear appeals of decisions and interpretations of the building official;
- Hear appeals of decisions and interpretations of the fire marshal regarding City fire code;
- Consider or grant variances for special conditions and periodically review construction and fire codes;
- Suspend building trade licenses issued by the City for due cause;
- Hear appeals of decisions and interpretations of the city engineer regarding City's driveway access policy;
- Make recommendations to City Council pertaining to minimum construction, fire code safety standards and amendments; and,
- Make recommendations to City Council pertaining to condemning of dilapidated structures.

In addition, the Commission shall be the successor to all authority, responsibility and functions as set out in any and all ordinances of the City of Nacogdoches previously exercised by the Building Code Board of Adjustments and Appeals, Plumbing Appeals and Advisory Board, Heating/Air Conditioning and Mechanical Refrigeration Board, Board of Electrical Examiners, Fire Prevention Board, and Urban Standards Board of Adjustments and Appeals.

MEETINGS: Four (4) members shall constitute a quorum and majority vote of members present is required to take action. To take official action, affirmative votes of the majority of members present shall be required. Meetings are held as needed.

City Naming Committee

COMPOSITION: Five (5) members

TERMS: Ad Hoc Committee

CITY DEPARTMENT: City Council

DUTIES AND RESPONSIBILITIES:

Review applications for naming/renaming of City facilities, streets and park land and make a recommendation to City Council for final approval.

MEETINGS: As needed.

Convention and Visitors Bureau Board

COMPOSITION: Seven (7) members appointed or removed by City Council and may represent the following: retail merchants, including restaurants; hotel/motel and/or bed and breakfast industry; university interests.

TERMS: Three (3) years

CITY DEPARTMENT: Convention and Tourism

DUTIES AND RESPONSIBILITIES:

The Convention and Visitors Bureau (CVB) shall promote, market and sell convention and tourism-related business in the Nacogdoches area; to further the promotion of tourism and publicity for the area; and promote Nacogdoches as a tourist destination through the state, region, nationally and internationally. The CVB Board of Directors is the governing body of the CVB, setting policies, goals and objectives. The CVB Board of Directors is responsible for hiring the CVB Executive Director.

MEETINGS: The CVB Board meets monthly on the 3rd Wednesday at 8:30 a.m. at the Convention and Visitors Bureau.

Health Code Advisory Committee

COMPOSITION: Nine (9) members

TERMS: Three (3) years

CITY DEPARTMENT: Inspection Services

DUTIES AND RESPONSIBILITIES:

The Health Code Advisory Committee's primary function is to advise City Council of any issues involving health and safety of the citizens of Nacogdoches. The committee will review City health department and animal control department ordinances and is composed of City Health Officer, one licensed veterinarian, at least one representative from an animal welfare organization, at least one member from food service industry, and at least one member from child-care service industry. The committee, at a minimum, shall provide guidance to promote:

- Environmental health programs for enforcement of health and safety laws relating to food, water, waste control, general sanitation, and vector control;
- Personal health promotion;
- Animal health promotion; and
- Environmental health education and information services.

MEETINGS: As needed.

Historic Landmark Preservation Committee

COMPOSITION: Seven (7) members

TERMS: 3 year terms

CITY DEPARTMENT: Community Services

DUTIES AND RESPONSIBILITIES:

All members of the Historic Landmark Preservation Committee (HLPC), regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the City. Consideration will be given to the following recommended professions: architecture, planning or other design profession; historian; licensed real estate broker; property owner of a landmark or in a historic district; attorney; or archaeologist or related discipline. The powers of HLPC shall include:

- Prepare rules, procedures, reports and specific design guidelines;
- Adopt criteria, conduct surveys, maintain inventory and recommend designation of historic, architectural and cultural landmarks;
- Prepare rules and procedures, create subcommittees and maintain minutes recording all actions of HLPC;
- Make recommendations for use of funds to promote preservation of landmarks and historic districts;
- Approve or disapprove certificates of appropriateness;
- Prepare and submit annual report to City Council and prepare design guidelines; and
- Recommend incentive programs and acquisition of landmark structure.

MEETINGS: NHLPC shall meet on the first Monday of each month at 4 p.m. Special meetings may be called at any time by the chair or at the written request of two committee members.

Housing Authority Board

COMPOSITION: Five (5) members

SPECIAL REQUIREMENTS: Members cannot have tenants in Section 8 HUD Housing Program.

TERM: Two (2) years

CITY DEPARTMENT: City Secretary

DUTIES AND RESPONSIBILITIES:

On April 22, 1975 the Housing Authority of the City of Nacogdoches was created by resolution of Nacogdoches City Council. City Council appoints members of the Housing Authority Board who serve voluntarily as the policy-making body for Nacogdoches Housing Authority. Once appointed, this Board serves and functions autonomously from City Council. Nacogdoches Housing Authority provides safe, decent and sanitary housing for low income families throughout Nacogdoches County, and works toward providing home ownership opportunities and self-sufficiency for these families.

MEETINGS: As needed.

Industrial Development Authority

COMPOSITION: Five (5) members

TERM: Three (3) years

CITY DEPARTMENT: NEDCO

DUTIES AND RESPONSIBILITIES:

The Industrial Development Authority was created in the 1970's as a non-profit corporation to act as a conduit

through which all Industrial Revenue Bonds are channeled under the Texas Industrial Revenue Bond Program. This program provides tax exempt financing of land and depreciable property for eligible industrial or manufacturing projects. The purpose of the Industrial Development Authority is to issue taxable and tax exempt bonds for eligible projects within the City of Nacogdoches.

MEETINGS: Bylaws require the Industrial Development Authority to meet annually on the 1st Monday of December at 1:30 p.m. or at such time and place as shall be fixed by the consent in writing of all the directors. Special meetings may be called as needed.

Main Street Advisory Committee

COMPOSITION: Eleven (11) members

TERM: Three (3) years

CITY DEPARTMENT: Historic Sites/Main Street

DUTIES AND RESPONSIBILITIES:

The Main Street Advisory Committee's mission is to preserve and promote historic downtown Nacogdoches through economic, historic and cultural revitalization. Envisioning a year round destination where visitors and locals experience the heart of our community rich with history, commerce, entertainment, cultural, and educational opportunities.

The Main Street Advisory Committee works directly with the Main Street Manager.

MEETINGS: Meeting times and dates will be set by agreement of the Committee.

Mayor's Committee on People with Disabilities

COMPOSITION: Eleven (11) members

TERM: Two (2) years

CITY DEPARTMENT: City Secretary

DUTIES AND RESPONSIBILITIES:

Mayor's Committee on People with Disabilities (NMCPD) envisions a community dedicated to inclusion of citizens at whatever level of ability they possess. The mission of the NMCPD is to keep City Council advised of living conditions and needs of people with disabilities in the community and to further opportunities for people with disabilities to enjoy a life of independence, productivity, and self-determination. NMCPD is an affiliate of the Texas Governor's Committee on People with Disabilities and operates at the discretion of City Council. The committee objectives are to:

- Promote better public understanding concerning needs and contributions of persons with disabilities;
- Promote increased enjoyment of workers with disabilities on a year-round basis;
- Encourage retention and advancement of those workers presently employed;
- Develop better understanding by persons with disabilities of services available to them;
- Encourage persons with disabilities to use these services;
- Remove all architectural barriers; and
- Promote participation in community life by people with disabilities.

MEETINGS: The committee shall meet at least four times per year. Regular meetings are held every three months in March, June, September and December. The committee may meet more often if needed. Currently, the committee meets monthly on the 2nd Thursday at 12:00 noon.

Parks and Recreation Advisory Board

COMPOSITION: Seven (7) members

TERM: Three (3) years

CITY DEPARTMENT: Community Services

DUTIES AND RESPONSIBILITIES:

Parks and Recreation Advisory Board shall be consulted regarding advice on operation and general administration of the parks, park playgrounds and other recreational property and facilities as may be requested by City Council. The Board shall never obligate the City in any manner or for any purpose. The Board works closely with the Director of Community Services, or designee on matters involving parks, trails and other recreation activities in the City of Nacogdoches.

MEETINGS: The Parks and Recreation Advisory Board meets as needed.

Pine Grove Cemetery Board

COMPOSITION: Five (5) members

TERMS: Two (2) years

CITY DEPARTMENT: Community Services

DUTIES AND RESPONSIBILITIES:

The mission of the Pine Grove Cemetery Board is to maintain and beautify Pine Grove Cemetery in honor of those interred.

MEETINGS: The Pine Grove Cemetery Board meets quarterly.

Planning and Zoning Commission

COMPOSITION: Five (5) members

TERMS: Two (2) years

CITY DEPARTMENT: Planning and Zoning

DUTIES AND RESPONSIBILITIES:

Actions of the Planning and Zoning Commission on zoning related items are to conduct public hearings and make recommendations to City Council on:

- Zoning changes and map amendments, including reclassification of zoning designation on land, planned developments, and overlay districts;
- Amendments to the comprehensive plan and thoroughfare plan;
- Specific use permit applications; and
- Make final determinations on detailed site plans for planned development districts.

MEETINGS: The Planning and Zoning Commission holds regular meetings on the second Monday of each month at 5:00 p.m.

Zoning Board of Adjustment

COMPOSITION: Five (5) regular members and four (4) alternate members

TERMS: Two (2) years

CITY DEPARTMENT: Planning and Zoning

DUTIES AND RESPONSIBILITIES:

Zoning Board of Adjustment has the power to decide appeals of decisions of the Director of Municipal Services, to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Director of Municipal Services in the enforcement of the zoning ordinance and City rules and regulations. Alternative members serve in the absence of one or more regular board members when required to do so. City Council may remove a member or alternate member of the board for cause, as found by City Council on a written charge, after a public hearing.

MEETINGS: The Zoning Board of Adjustments meets the third Thursday at 4:00 p.m. as needed



Board and Commission Appointment Policy

Purpose:

Twice a year, City Council considers appointments for the City's various Boards and Committees. Upcoming openings are posted at www.ci.nacogdoches.tx.us, with further information available through the City Secretary.

Application/Appointment Process

Individuals interested in seeking appointment may submit application via:

- Email: vinsonj@nactx.us
- Mail: Nacogdoches City Secretary / PO Box 635030 / Nacogdoches, TX 75963-5030,
- Fax: 936-559-2912
- In person to: Nacogdoches City Hall—202 E. Pilar Street, Room 320

Applications will be held for nine months from the date of submission. Individuals must reapply if their application is more than nine months old.

All appointees serve at the will of the City Council (Ord. No. 1534-11-09, § 3, 11-17-2009).

Eligibility

Eligible voters residing or working in Nacogdoches (City or County) may serve on the various Boards and Committees.

Attendance Requirement

Board members are expected to maintain excellent attendance at meetings. Failure to do so may result in removal by City Council.

Selection Process

City Council will interview applicants. If an applicant cannot make the interview, they may submit a letter further explaining their qualifications and interest in serving.

Texas Public Information Act

Information submitted by applicants is subject to the Texas Public Information Act. All board members are required to complete Texas Open Meetings Act training within 90 days of being appointed and must produce a certificate of completion to the appropriate City staff or the City Secretary upon completion of training.

Applications must be received by end of business the 2nd Friday in June for July appointments and the 2nd Friday in December for January appointments.

Approved by City Council 12/6/2016



City of Nacogdoches **Boards/Commissions Handbook**

City Council

Jimmy Mize – Mayor

Roy Boldon - S/E Ward

Jay Anderson - S/W Ward

Kathleen Belanger - N/E Ward

Amelia Fischer - N/W Ward

Administrative Staff

Mario Canizares - City Manager

Jan Vinson – City Secretary

City of Nacogdoches

202 East Pilar Street

Nacogdoches, Texas 75961

Phone: 936-559-2506 Fax: 936-559-2912

Email: vinsonj@nactx.us

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INTRODUCTION

Congratulations on your appointment to one of our City's boards, commissions, or City Council committees! Boards and commissions are essential to the successful function of City government, and your contributions will help shape the future of Nacogdoches. The basic duty of each board is to apply City policy as expressed in the City Charter, its Code of Ordinances, and through Council directives to individual circumstances and issues placed before the board. Should a policy or directive require clarification, the board should request such from City Council.

The handbook consolidates provisions of the City Charter, Code of Ordinances, and other regulations into one place to assist you as a board member. It will provide a general introduction to topics and processes that directly affect members of boards. Discussion in the handbook applies to all City Council appointed citizen boards and commissions and all City Council committees unless stated otherwise. Keep in mind, not all the provisions will apply equally to every board. While no one document could adequately cover all aspects of serving on a board, the handbook has been designed as a basic reference point from which a board member can build an extensive knowledge of his/her responsibilities to the citizenry of Nacogdoches. If any provision of the handbook is in conflict with any Code or Ordinance of the City, then such Code or Ordinance shall prevail.

The City Secretary, City Attorney, and staff liaisons are available as resources to all boards. Any requests for assistance should be coordinated through the staff liaison assigned to the board on which you serve.

Thank you for your interest in serving your community. Your efforts will make Nacogdoches a better place to live and work.



Board and Commission Appointment Policy

Purpose:

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- Email: vinsonj@nactx.us
- Mail: Nacogdoches City Secretary / PO Box 635030 / Nacogdoches, TX 75963-5030,
- Fax: 936-559-2912
- In person to: Nacogdoches City Hall—202 E. Pilar Street, Room 320

Applications will be held for nine (9) months from the date of submission. Individuals must reapply if their application is more than nine months old.

All appointees serve at the will of the City Council (Charter – Sect. 2-201).

Eligibility

Eligible voters residing or working in Nacogdoches (City or County) may serve on the various Boards and Committees.

Attendance Requirement

Board members are expected to maintain excellent attendance at meetings. Failure to do so may result in removal by City Council.

Selection Process

City Council will interview applicants. If an applicant cannot attend the interview contact the City Secretary to make other arrangements. All board/commission members are appointed by City Council.

Texas Public Information Act

Information submitted by applicants is subject to the Texas Public Information Act.

The Public Information Act (PIA) helps provide a legal framework for open government and establishes a legal process for the disclosure and protection of public information. The PIA protects the ability of the citizens to access information maintained by governmental bodies and obtain a more complete understanding of how their government works. The TPIA helps to ensure governmental bodies in Texas remain open and accountable to the people they serve because open government elevates the public to their proper role as partners in leadership with governmental bodies.

Board and Commission Training, Ethics and Conflicts of Interest

All Board members are expected to complete required training, adhere to high ethical standards and avoid all conflicts of interest!

Required Training on the Texas Open Meetings Act

Texas Government Code Section 551.005 imposes a mandatory educational requirement that applies to council members and members of the city's boards, commissions, and committees to attend one hour of training on the Texas Open Meetings Act within ninety (90) days from the date appointed to such board.

The training includes instruction in:

1. The general background of the legal requirements for open meetings;
2. Procedures and requirements regarding quorums, notice and recordkeeping;
3. Procedures and requirements for holding an open meeting and for holding a closed meeting; and
4. Penalties and other consequences for failure to comply.

The training is available online at the Texas Attorney General's webpage

www.texasattorneygeneral.gov/open-government

When the training is completed, print the certificate of completion and provide to the City Secretary.

Ethics

A board or commission member is considered a Public Servant, a Local Public Official, and a City Officer. Board members are responsible for knowing and adhering to the ethical standards set forth by the City of Nacogdoches.

Board members are expected to act with integrity and moral courage. Decisions must be made with the best interest of the entire city in mind.

Decisions must be impartial and free of any bribes, unlawful gifts, narrow political interests, and other personal interests that might impair independence of judgment.

Board members are expected to be service-oriented while caring about the needs and issues of all citizens.

Board members are expected to be fiscally responsible, make prudent decisions, and take into account the long term financial needs and financial stability of the City of Nacogdoches.

Board members are expected to be communicative and approachable, while fostering an open mind. Being receptive of new ideas and diverse opinions will prove valuable to the City of Nacogdoches.

Board members shall not use their office for private advancement or gain or to secure special privileges or exemptions for themselves or others.

Board members shall not grant any special consideration, treatment or advantage to any person or group beyond that which is available to others generally.

Conflicts of Interest

Chapter 171 of the Local Government Code requires a board member with a conflict of interest to file an affidavit with the City and abstain from voting on the matter before the board. The board member should not be involved in presenting the matter in which he or she has a conflict of interest to the board and many instances should not be present.

A board member has a conflict of interest if he or she has “substantial” interest in a business entity or real property in any matter that comes before the board for a vote. A substantial interest exists when action on the matter will have a special economic effect on the business entity distinguishable from the effect on the public, or if it is foreseeable that the action on the matter will have a special economic effect on the value of the real property, distinguishable from its affect on the public.

For example, the Attorney General has opined that a special economic effect on the value of real property distinguishable from the affect on the public exists when a Planning and Zoning board member has an interest in real property located within 200 feet of property being rezoned. However, the Attorney General made it clear that these evaluations are highly fact intensive. Ask yourself the question, will this action before my board affect the value of my real property in a manner that is different from public at large?

A person has a substantial interest in a business entity (non-profit or government entity is not a business entity) if:

1. They own 10 percent or more of the voting shares of the business entity or own either 10 percent or more or \$15,000 or more of its fair market value; or
2. They received funds from the business entity exceeding 10 percent of your gross income for the previous year.

A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.

A person has a substantial interest if their close relative (within the first degree of consanguinity and affinity) has a substantial interest.

A violation of Chapter 171 is a Class A misdemeanor.

There are times you will have a perceived conflict of interest even though it is not a conflict that is prohibited by law. In those cases you should make a judgment call as to whether you should abstain from the matter. You have a duty to participate and vote on all matters that come before the board, unless you have a conflict or you lack information to decide the issue. Do not hesitate to consult with the City Attorney’s office or the City Secretary’s office for guidance.

If you think you have a Chapter 171 conflict contact the staff liaison prior to the meeting to make arrangements for the signing of the required affidavit. The affidavit must be signed prior to the item being considered. You should announce that you have a conflict at the meeting and excuse yourself from the room while the item is being considered. You should not participate on the matter, including contacting members of the board or staff concerning the matter.

Airport Advisory Board

COMPOSITION: Five (5) regular members and two (2) alternate members

TERMS: Two (2) years

CITY DEPARTMENT: A.L. Mangham Jr. Regional Airport

CITY LIAISON: Airport Manager

DUTIES AND RESPONSIBILITIES:

Airport Advisory Board shall be an advisory board to City Council. It shall select from its membership a chair. It may establish its own rules and regulations for meetings and proceedings. Its recommendations may be presented to City Council as needed. Airport Advisory Board shall advise City Council and make recommendations on the following matters:

- Master planning for use, expansion, and development of the airport and its property;
- Construction, expansion, improvements, maintenance, and operation of the airport;
- Consultant selection for various planning and construction projects;
- Selection of all fixed base operators and other lessees of airport property;
- Terms, conditions, duties, responsibilities, consideration, and other lease provisions to be contained in all lease arrangements concerning airport property;
- Methods and matters in recruiting and creating interest at the airport;
- Planning and developing airport services and working toward the general improvement of the airport as an air transportation center; and
- All other matters that may arise regarding the operation, facilities, or services provided at the airport.

MEETINGS: Once per quarter or as needed.

Code of Ordinances - Section 10.56-10.57

Building Standards Commission

COMPOSITION: Seven (7) regular members and two (2) alternate members

To the extent possible, members of the Building Standards Commission should be qualified in one or more fields of fire prevention, building construction, sanitation, plumbing, electricity, mechanical systems, engineering, architecture, or public health. Failure to be qualified in any of said fields shall not prevent or disqualify a person from sitting on the commission.

OFFICERS: The board shall select from its membership a chair, vice chair, and secretary. The chairperson of the commission may designate an alternate to serve in the event of the absence or resignation of a regular member. Neither members nor alternates shall be employees of the city.

TERMS: Two (2) years

CITY DEPARTMENT: Inspection Services

CITY LIAISON: Chief Building Official

DUTIES AND RESPONSIBILITIES:

The purpose, functions, and responsibilities of the commission shall include:

- Serve as the board of appeals for Building, Mechanical, Electrical, Plumbing, Energy Conservation, Fire, and Fuel Gas codes as may be adopted by the City Council;
- Hear appeals of decisions and interpretations of the building official;
- Hear appeals of decisions and interpretations of the fire marshal regarding City fire code;
- Consider or grant variances for special conditions and periodically review construction and fire codes;
- Suspend building trade licenses issued by the City for due cause;
- Hear appeals of decisions and interpretations of the city engineer regarding City's driveway access policy;
- Periodically review the construction and fire codes to make recommendations to City Council pertaining to minimum construction, fire code safety standards and amendments;

- Make recommendations to City Council pertaining to condemning of dilapidated structures.

In addition, the Commission shall be the successor to all authority, responsibility and functions as set out in any and all ordinances of the City of Nacogdoches previously exercised by the Building Code Board of Adjustments and Appeals, Plumbing Appeals and Advisory Board, Heating/Air Conditioning and Mechanical Refrigeration Board, Board of Electrical Examiners, Fire Prevention Board, and Urban Standards Board of Adjustments and Appeals.

MEETINGS: Four (4) members shall constitute a quorum and majority vote of members present is required to take action. To take official action, affirmative votes of the majority of members present shall be required. Meetings are held as needed. All meetings shall be conducted as open meetings following timely postings of notice and agenda in conformity with the Texas Open Meetings Law. Additionally, the Chairman or Housing Official may call meetings.

Code of Ordinances - Section 14.2

City Naming Committee

COMPOSITION: Five (5) members

TERMS: Ad Hoc Committee

CITY DEPARTMENT: City Council

CITY LIAISON: City Manager

DUTIES AND RESPONSIBILITIES:

Review applications for naming/renaming of City facilities, streets, and park land and make a recommendation to City Council for final approval.

MEETINGS: As needed.

City Council created – October 18, 2011 minutes

Convention and Visitors Bureau Board

COMPOSITION: Seven (7) members.

Three (3) representatives from retail merchants, including restaurants; Three (3) representatives from the hotel/motel and/or bed and breakfast industry; One (1) representative from university interests. Four (4) members of the CVB shall constitute a quorum for the conduct of business.

TERMS: Three (3) years

CITY DEPARTMENT: Convention and Tourism

CITY LIAISON: Convention and Tourism Director

DUTIES AND RESPONSIBILITIES:

The Convention and Visitors Bureau (CVB) shall promote, market and sell convention and tourism-related business in the Nacogdoches area; to further the promotion of tourism and publicity for the area; and promote Nacogdoches as a tourist destination through the state, region, nationally and internationally. The CVB Board of Directors is the governing body of the CVB, setting policies, goals and objectives.

MEETINGS: The CVB Board meets monthly on the 3rd Wednesday at 8:30 a.m. at the Convention and Visitors Bureau.

Code of Ordinances - Section 94.231-94.246

Health Code Advisory Committee

COMPOSITION: Nine (9) members

TERMS: Three (3) years

CITY DEPARTMENT: Planning and Neighborhood Services

CITY LIAISON: Planning and Neighborhood Services Director

DUTIES AND RESPONSIBILITIES:

The Health Code Advisory Committee's primary function is to advise City Council of any issues involving health and safety of the citizens of Nacogdoches. The committee will review City health department and animal control department ordinances and is composed of City Health Officer, one licensed veterinarian, at least one representative from an animal welfare organization, at least one member from food service industry, and at least one member from child-care service industry. The committee, at a minimum, shall provide guidance to promote:

- Environmental health programs for enforcement of health and safety laws relating to food, water, waste control, general sanitation, and vector control;
- Personal health promotion;
- Animal health promotion; and
- Environmental health education and information services.

MEETINGS: As needed.

Code of Ordinances - Section 46.61-46.68

Historic Landmark Preservation Committee

COMPOSITION: Seven (7) members to be appointed by the City Council

TERMS: 3 year terms, staggered

CHAIR & VICE-CHAIR: Shall be selected annually by a majority of committee members

CITY DEPARTMENT: Community Services

CITY LIAISON: Director of Community Services

DUTIES AND RESPONSIBILITIES:

All members of the Historic Landmark Preservation Committee (HLPC), regardless of background, shall have a known and demonstrated interest, competence, or knowledge in historic preservation within the City. Consideration will be given to the following recommended professions: architecture, planning, or other design profession; historian; licensed real estate broker; property owner of a landmark or in a historic district; attorney; or archaeologist or related discipline. The powers of HLPC shall include:

- Recommendation for employment of staff and professional consultants as necessary to carry out the duties of the committee;
- Prepare rules and procedures as necessary to carry out the business of the committee, which shall be ratified by City Council;
- Adopt criteria, for the designation of historic, architectural, and cultural landmarks and the delineation of historic districts, which shall be ratified by City Council;
- Conduct surveys and maintain an inventory of significant historic, architectural, and cultural landmarks and all properties located in historic historical districts within the city;
- Recommend the designation of resources as landmarks and historical districts;
- Confer recognition upon the owners of landmarks or within districts by means of certificates, plaques, or markers;
- Increase public awareness of the value of historic, cultural, and architectural preservation by developing public education programs;
- Prepare rules and procedures, create subcommittees and maintain minutes recording all actions of

HLPC;

- Make recommendations to city government concerning the use of state, federal, or private funds to promote preservation of landmarks and historic districts within the City;
- Approve or disapprove applications for certificates of appropriateness;
- Prepare and submit annual report to City Council and prepare design guidelines; and
- Proposes preservation incentive programs for landmarks or districts;
- Recommends acquisition of a landmark structure by the city government where its preservation is essential.

MEETINGS: NHLPC shall meet on the first Monday of each month at 4 p.m. Special meetings may be called at any time by the chair or at the written request of two committee members.

Code of Ordinances - Section 50.61-50.68

Housing Authority Board

COMPOSITION: Five (5) members

SPECIAL REQUIREMENTS: Members cannot have tenants in Section 8 HUD Housing Program.

TERM: Two (2) years

CITY DEPARTMENT: City Secretary

CITY LIAISON: City Secretary

DUTIES AND RESPONSIBILITIES:

On April 22, 1975 the Housing Authority of the City of Nacogdoches was created by resolution of Nacogdoches City Council. City Council appoints members of the Housing Authority Board who serve voluntarily as the policy-making body for Nacogdoches Housing Authority. Once appointed, this Board serves and functions autonomously from City Council. Nacogdoches Housing Authority provides safe, decent and sanitary housing for low income families throughout Nacogdoches County, and works toward providing home ownership opportunities and self-sufficiency for these families. They also work to promote drug abuse elimination and prevention and healthy lifestyles for participants.

MEETINGS: As needed.

Resolution April 22, 1975

Industrial Development Authority

COMPOSITION: Five (5) members

TERM: Three (3) years

CITY DEPARTMENT: City Manager

CITY LIAISON: Economic Development Department

DUTIES AND RESPONSIBILITIES:

The Industrial Development Authority was created by resolution in November of 1979 as a non-profit corporation to act as a conduit through which all Industrial Revenue Bonds are channeled under the Texas Industrial Revenue Bond Program. This program provides tax exempt financing of land and depreciable property for eligible industrial or manufacturing projects. The purpose of the Industrial Development Authority is to issue taxable and tax exempt bonds for eligible projects within the City of Nacogdoches.

MEETINGS: Bylaws require the Industrial Development Authority to meet annually on the 2nd Thursday of February at 1:30 p.m. or at such time and place as shall be fixed by the consent in writing of all the directors. Special meetings may be called as needed.

Main Street Advisory Committee

COMPOSITION: Eleven (11) members

TERM: Three (3) years

CITY DEPARTMENT: Historic Sites/Main Street

CITY LIAISON: Assistant Director of Community Services

DUTIES AND RESPONSIBILITIES:

The Main Street Advisory Committee's was created in November 1997 by City Council. Their mission is to preserve and promote historic downtown Nacogdoches through economic, historic and cultural revitalization. Envisioning a year round destination where visitors and locals experience the heart of our community rich with history, commerce, entertainment, cultural, and educational opportunities.

The Main Street Advisory Committee works directly with the Main Street Manager.

BOARD MEMBER REQUIREMENTS:

- A demonstrated interest in Nacogdoches Main Street's purpose and its goals;
- Specific experience in and/or knowledge of preservation, tourism development, fundraising, finance, advertising, public relations, marketing, nonprofit development, or economic development;
- 4-5 hours per month of available time outside of board meetings
- Serve on at least one of the four Main Street Subcommittees

MEETINGS: Meeting times and dates will be set by agreement of the Committee.

City Council created – November 18, 1997 minutes

Mayor's Committee on People with Disabilities

COMPOSITION: Eleven (11) members

TERM: Two (2) years, Chairman will serve three (3) years

CITY DEPARTMENT: City Secretary

CITY LIAISON: City Secretary

DUTIES AND RESPONSIBILITIES:

Mayor's Committee on People with Disabilities (NMCPD) envisions a community dedicated to inclusion of citizens at whatever level of ability they possess. The mission of the NMCPD is to keep City Council advised of living conditions and needs of people with disabilities in the community and to further opportunities for people with disabilities to enjoy a life of independence, productivity, and self-determination. NMCPD is an affiliate of the Texas Governor's Committee on People with Disabilities and operates at the discretion of City Council. The committee objectives are to:

- Promote better public understanding concerning needs and contributions of persons with disabilities;
- Promote increased enjoyment of workers with disabilities on a year-round basis;
- Encourage retention and advancement of those workers presently employed;
- Develop better understanding by persons with disabilities of services available to them;
- Encourage persons with disabilities to use these services;
- Remove all architectural barriers; and
- Promote participation in community life by people with disabilities.

MEETINGS: The committee shall meet at least four times per year. Regular meetings are held every three months in March, June, September and December. The committee may meet more often if needed. Currently, the committee meets monthly on the 2nd Thursday at 12:00 noon.

City Council created - February 2, 1988 minutes

Parks and Recreation Advisory Board

COMPOSITION: Seven (7) members

TERM: Three (3) years

CITY DEPARTMENT: Community Services

CITY LIAISON: Community Services Director

DUTIES AND RESPONSIBILITIES:

Parks and Recreation Advisory Board shall be consulted regarding advice on operation and general administration of the parks, park playgrounds and other recreational property and facilities as may be requested by City Council. The Board shall never obligate the City in any manner or for any purpose.

The Duties of the board as it relates to the care and maintenance of public trees shall be as follows:

- Assist with development of future public arboreal policies and initiatives
- Act as a board of appeals
- Recommend policies and guidelines
- Seek out ways to implement policies, achieve goals and provide educational material to the public

The Board works closely with the Director of Community Services, or designee on matters involving parks, trails and other recreation activities in the City of Nacogdoches. It shall be the responsibility of the Parks and Recreation Advisory Board to advise the city on the preservation, trimming, planting, replanting, removal, and disposition of trees and shrubs on public property. The Parks and Recreation Advisory Board shall not make a recommendation to the city until the board has reviewed a report regarding the situation from a person that has experience and training in all issues regarding trees. Such experience may include a bachelor's degree from an accredited college or university in urban forestry or agriculture with training in arboriculture or equivalent experience.

MEETINGS: The Parks and Recreation Advisory Board meets as needed.

Code of Ordinances - Section 74.26-74.35

Pine Grove Cemetery Board

COMPOSITION: Five (5) members

TERMS: Two (2) years

CITY DEPARTMENT: Community Services

CITY LIAISON: Community Services Director

DUTIES AND RESPONSIBILITIES:

The mission of the Pine Grove Cemetery Board is to maintain and beautify Pine Grove Cemetery in honor of those interred.

MEETINGS: The Pine Grove Cemetery Board meets quarterly.

City Council created - October 7, 1947 minutes

Planning and Zoning Commission

COMPOSITION: Five (5) members

TERMS: Two (2) years

CITY DEPARTMENT: Planning & Neighborhood Services

CITY LIAISON: Planning & Neighborhood Services Director

DUTIES AND RESPONSIBILITIES:

Actions of the Planning and Zoning Commission on zoning related items are to conduct public hearings and make recommendations to City Council. Planning and Zoning Commission shall have the power and duty to:

- Advise the City Council and make recommendations concerning adoption of or amendments to the city's comprehensive plan and thoroughfare plan, and implementation thereof;
- Serve as an advisory body to the City Council concerning the adoption of, or amendments to, the zoning regulations and zoning map, and to make recommendations thereon;
- To call a public hearing to determine proper zoning for a tract of land or for an area;
- Undertake such actions as are necessary to exercise its delegated powers, as indicated by the adopted ordinance.

MEETINGS: The Planning and Zoning Commission holds regular meetings on the second Monday of each month at 5:00 p.m.

Code of Ordinance - Section 118.66-118.69

Zoning Board of Adjustment

COMPOSITION: Five (5) regular members and four (4) alternate members

TERMS: Two (2) years, staggered

CITY DEPARTMENT: Planning & Neighborhood Services

CITY LIAISON: Planning & Neighborhood Services Director

DUTIES AND RESPONSIBILITIES:

Zoning Board of Adjustment has the power to hear and decide appeals where it is alleged there is an error made by the City Planner in any order, requirement, decision or determination. The board of adjustments may permit in any district modifications/variances as the board may deem necessary to secure appropriate development.

OFFICERS: The board of adjustment shall meet and organize as soon as practicable, shall elect one of its members as chair, and shall have a secretary.

MEETINGS: The Zoning Board of Adjustments meets the third Thursday at 4:00 p.m. as needed.

Code of Ordinance - Section 118.96-118.101

Applications must be received by end of business the 2nd Friday in June for July appointments and the 2nd Friday in December for January appointments.

Approved by City Council 12/6/2016
Revisions approved by City Council _____

PRESENTER: Pam Curbow, Finance Director

ITEM/SUBJECT: Consider purchase of six (6) fleet vehicles. (Finance Director)

SUMMARY/BACKGROUND: The City's 2021-2022 adopted budget includes the purchases of eleven (11) fleet vehicles. City staff has spent the last month working with several car dealerships to determine the potential availability of fleet vehicles. Due to current market conditions, several manufacturers are limiting production of certain fleet vehicles. We have determined six (6) fleet vehicles that we are able to order through the BuyBoard state contract with Caldwell County Ford. Purchasing Staff will issue an Invitation To Bid on the remaining five (5) fleet vehicles in hopes of securing bids for the next available manufacture dates.

FINANCIAL:

Item is budgeted:

Account No.: 01.86.680.20

Account Name: General Fund Reserves Vehicle Capital

Amount: \$110,000.00

Account No.: 30.39.680.20

Account Name: Wastewater Treatment Dept Vehicle Capital

Amount: \$60,000

Account No.: 31.40.680.20

Account Name: Sanitation Collections Dept Vehicle Capital

Amount: \$55,000

Account No.: 31.41.680.20

Account Name: Sanitation Disposal Dept Vehicle Capital

Amount: \$55,000

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. BuyBoard Contract #601-19

2. Fleet Vehicle Quotes
3. BuyBoard Vehicle Order 11 16 2021



P.O. Box 400
Austin, TX 78767-0400
800.695.2919 | 512.467.0222 | Fax: 800.211.5454
buyboard.com

November 6, 2019

Sent Via Email: aknapp@caldwellcountry.com

Averyt Knapp
Rockdale Country Ford, LLC
P.O. Box 72
Rockdale, TX 76567

Welcome to BuyBoard!

Re: Notice of The Local Government Purchasing Cooperative Award

Proposal Name and Number: Vehicles, Heavy Duty Trucks, Police Motorcycles, Parts and Service Labor, Proposal No. 601-19

Congratulations, The Local Government Purchasing Cooperative (Cooperative) has awarded your company a BuyBoard® contract based on the above-referenced Proposal. The contract is effective 12/1/2019 through 11/30/2020, with two possible one-year renewals. The contract documents are those identified in Section 3 of the General Terms and Conditions of the specifications.

To view the items your company has been awarded, please review the proposal tabulation No. 601-19 on the following web-site: www.buyboard.com/vendor. Only items marked as awarded to your company can be sold through the BuyBoard contract. In addition, on this website you will find the membership list which will provide you with the names of all entities with membership in our purchasing cooperative.

Enclosed with this letter you will find the following documents:

1. Vendor Quick Reference Guide
2. BuyBoard License and Identity Standards

You are advised that receipt of a purchase order directly from a Cooperative member is not within the guidelines of the Cooperative. Accepting purchase orders directly from Cooperative members may result in a violation of the State of Texas competitive bid statute and termination of this Cooperative BuyBoard contract. **Therefore, all purchase orders must be processed through the BuyBoard in order to comply.** Please forward by email to info@buyboard.com any order received directly from a Cooperative member. If you inadvertently process a purchase order sent directly to you by a Cooperative member, please email the order info@buyboard.com and note it as **RECORD ONLY** to prevent duplication.

As an awarded vendor a BuyBoard user id and password will be sent via e-mail 2 to 3 business days prior to the start of your contract.

On behalf of the Texas Association of School Boards, we appreciate your interest in the Cooperative and we are looking forward to your participation in the program. If you have any questions, please contact **Cooperative Procurement Staff** at 800-695-2919.

Sincerely,

Arturo Salinas
Department Director, Cooperative Procurement

v.6.5



November 5, 2020

Sent via email to: aknapp@caldwellcountry.com

Averyt Knapp
Caldwell Country Ford DBA Rockdale Country Ford, LLC
P.O. Box 72
Rockdale TX 76567

Re: Vehicles, Heavy Duty Trucks, Police Motorcycles, Parts, and Service Labor
BuyBoard Contract 601-19

The Local Government Purchasing Cooperative (BuyBoard) awarded your company a contract under Vehicles, Heavy Duty Trucks, Police Motorcycles, Parts, and Service Labor, Contract 601-19 effective December 1, 2019 through November 30, 2020 with two possible one-year renewals. At this time, the BuyBoard is renewing your contract through November 30, 2021.

All discounts, terms, and conditions of your contract will remain the same. If you agree to this renewal, there is nothing you need to do. However, if you do not agree to this renewal, you must notify me via email at lisa.maraden@tasb.org prior to the start of the renewal term.

Reminder: Once a BuyBoard contract is awarded, vendors must generate a minimum of \$15,000 annually or they may not be offered a contract renewal.

If you have questions or comments concerning this renewal, please contact me as soon as possible at lisa.maraden@tasb.org. We appreciate your interest in The Local Government Purchasing Cooperative.

Sincerely,

Lisa Maraden
Contract Administrator

1st renewal v.02.13.2020



November 1, 2021

Sent via email to: aknapp@caldwellcountry.com

Averyt Knapp
Caldwell Country Ford DBA Rockdale Country Ford, LLC
P.O. Box 72
Rockdale, TX 76567

Re: Vehicles, Heavy Duty Trucks, Police Motorcycles, Parts, and Service Labor
BuyBoard Contract 601-19

The Local Government Purchasing Cooperative (BuyBoard) awarded your company a contract under Vehicles, Heavy Duty Trucks, Police Motorcycles, Parts, and Service Labor, Contract 601-19, for which the current term is set to expire November 30, 2021. At this time, the BuyBoard is renewing your contract through November 30, 2022. This will be the final renewal of this contract.

All discounts, terms, and conditions of your contract will remain the same. If you agree to this renewal, there is nothing you need to do. However, if you do not agree to this renewal, you must notify me via email at lisa.maraden@tasb.org prior to the start of the renewal term.

If you have questions or comments concerning this renewal, please contact me as soon as possible at lisa.maraden@tasb.org. We appreciate your interest in The Local Government Purchasing Cooperative.

Sincerely,

Lisa Maraden
Contract Administrator

final renewal v.02.13.2020

CALDWELL COUNTRY FORD

PO BOX 72, ROCKDALE, TX 76567

BUYBOARD BID 601-19

End User: CITY OF NACOGDOCHES

Caldwell Rep: BEN LAUREANO QUOTE# BL21345

Contact: CARY WALKER 936-559-2582

Phone: 979-567-6155

Phone/email: WALKERCL@NACTX.US

Date: Monday, November 1, 2021

Product Description: FORD F-250

email: ben@caldwellcountry.com

A. Bid Series: 125

A. Base Price: \$ 38,443.00

B. Published Options [Itemize each below]

Code	Options	Bid Price	Code	Options	Bid Price
W2B	2022 FORD F250 XL 4WD CREW	INCL	TBM	TIRES, 245/75R 17E BSW A/T	INCL
	6.75' BOX	INCL		RADIO, AM/FM W/ MP3	INCL
153	FRONT LICENSE BRACKET	INCL		FULL VINYL FLOOR COVERING	INCL
43C	110V/400W OUTLET	INCL		BACK UP CAMERA	INCL
17X	FX4 OFF ROAD PACKAGE	INCL		REMOTE KEYLESS ENTRY	INCL
41P	TRANSFER CASE/FUEL SKID PLATES	INCL			
44G	TRANS, 10-SPEED AUTO	INCL			
52B	TRAILER BRAKE CONTROLLER	INCL			
90L	POWER EQUIPMENT GROUP	INCL			
99N	ENGINE, 7.3L V8	INCL			
AS	MEDIUM EARTH GRAY, VINYL	INCL			
Total of B. Published Options:					\$ -

C. Unpublished Options [Itemize each below, not to exceed 25%]

\$= 0.0 %

Options	Bid Price	Options	Bid Price
		Z1-OXFORD WHITE	COLOR
		Q2-Q3 2022	DELIVERY
		(SANITATION COLL)	
Total of C. Unpublished Options:			\$ -

D. Registration, Inspection, Paperwork, Postage cost, Courthouse time, & Runner time:

\$ -

E. UPFITTERS:

F. Manufacturer Destination/Delivery:

G. Floor Plan Interest (for in-stock and/or equipped vehicles):

\$ -

H. Lot Insurance (for in-stock and/or equipped vehicles):

\$ -

I. Contract Price Adjustment:

\$ -

J. Additional Delivery Charge: 150 miles

\$ 300.00

K. Subtotal:

\$ 38,743.00

L. Quantity Ordered 1 x K =

\$ 38,743.00

M. Trade in:

N. BUYBOARD FEE PER PURCHASE ORDER

\$ 400.00

O. TOTAL PURCHASE PRICE WITH BUYBOARD FEE

\$ 39,143.00

CALDWELL COUNTRY FORD

PO BOX 72, ROCKDALE, TX 76567

BUYBOARD BID 601-19

End User: CITY OF NACOGDOCHES

Caldwell Rep: BEN LAUREANO QUOTE# BL21346

Contact: CARY WALKER 936-559-2582

Phone: 979-567-6155

Phone/email: WALKERCL@NACTX.US

Date: Monday, November 1, 2021

Product Description: FORD F-350

email: ben@caldwellcountry.com

A. Bid Series: 126

A. Base Price: \$ 40,544.00

B. Published Options [Itemize each below]

Code	Options	Bid Price	Code	Options	Bid Price
W3B	2022 FORD F350 XL 4WD CREW	INCL	TBM	TIRES, 245/75R 17E BSW A/T	INCL
	8' BOX	INCL		RADIO, AM/FM W/ MP3	INCL
153	FRONT LICENSE BRACKET	INCL		FULL VINYL FLOOR COVERING	INCL
43C	110V/400W OUTLET	INCL		BACK UP CAMERA	INCL
17X	FX4 OFF ROAD PACKAGE	INCL		REMOTE KEYLESS ENTRY	INCL
41P	TRANSFER CASE/FUEL SKID PLATES	INCL			
44G	TRANS, 10-SPEED AUTO	INCL			
52B	TRAILER BRAKE CONTROLLER	INCL			
90L	POWER EQUIPMENT GROUP	INCL			
99N	ENGINE, 7.3L V8	INCL			
AS	MEDIUM EARTH GRAY, VINYL	INCL			
Total of B. Published Options:					\$ -

C. Unpublished Options [Itemize each below, not to exceed 25%]

\$= 0.0 %

Options	Bid Price	Options	Bid Price
		Z1-OXFORD WHITE	COLOR
		Q2-Q3 2022	DELIVERY
		(STREETS X2)	
		(SANITATION DISP X1)	
Total of C. Unpublished Options:			\$ -

D. Registration, Inspection, Paperwork, Postage cost, Courthouse time, & Runner time:

\$ -

E. UPFITTERS:

F. Manufacturer Destination/Delivery:

G. Floor Plan Interest (for in-stock and/or equipped vehicles):

\$ -

H. Lot Insurance (for in-stock and/or equipped vehicles):

\$ -

I. Contract Price Adjustment:

\$ -

J. Additional Delivery Charge: 150 miles

\$ 300.00

K. Subtotal:

\$ 40,844.00

L. Quantity Ordered 3 x K =

\$ 122,532.00

M. Trade in:

N. BUYBOARD FEE PER PURCHASE ORDER

\$ 400.00

O. TOTAL PURCHASE PRICE WITH BUYBOARD FEE

\$ 122,932.00

CALDWELL COUNTRY FORD

PO BOX 72, ROCKDALE, TX 76567

BUYBOARD BID 601-19

End User: CITY OF NACOGDOCHES

Caldwell Rep: BEN LAUREANO QUOTE# BL21347

Contact: CARY WALKER 936-559-2582

Phone: 979-567-6155

Phone/email: WALKERCL@NACTX.US

Date: Monday, November 1, 2021

Product Description: FORD F-150

email: ben@caldwellcountry.com

A. Bid Series: 123

A. Base Price: \$ 27,287.00

B. Published Options [Itemize each below]

Code	Options	Bid Price	Code	Options	Bid Price
F1C	2022 FORD F150 XL 2WD REG 6.5'	INCL		TIRES, 245/70R17 BSW A/S	INCL
101A	EQUIPMENT GROUP	INCL		RADIO, AM/FM W/ MP3	INCL
153	FRONT LICENSE BRACKET	INCL		FULL VINYL FLOOR COVERING	INCL
44G	TRANS, 10-SPEED AUTO	INCL		BACK UP CAMERA	INCL
50S	CRUISE CONTROL	INCL		REMOTE KEYLESS ENTRY	INCL
53B	CLASS IV TRAILER HITCH REC.	INCL			
64C	WHEELS, 17" SILVER STEEL	INCL			
76R	REVERSE SENSING SYSTEM	INCL			
85A	POWER EQUIPMENT GROUP	INCL			
99B	ENGINE, 3.3L V6	INCL			
CS	MEDIUM EARTH GRAY, CLOTH	INCL			
Total of B. Published Options:					\$ -

C. Unpublished Options [Itemize each below, not to exceed 25%]

\$= 0.0 %

Options	Bid Price	Options	Bid Price
		YZ-OXFORD WHITE	COLOR
		Q2-Q3 2022	DELIVERY
		WWTP unit # 625	
		WWTP unit # 627	
Total of C. Unpublished Options:			\$ -

D. Registration, Inspection, Paperwork, Postage cost, Courthouse time, & Runner time:

\$ -

E. UPFITTERS:

F. Manufacturer Destination/Delivery:

G. Floor Plan Interest (for in-stock and/or equipped vehicles):

\$ -

H. Lot Insurance (for in-stock and/or equipped vehicles):

\$ -

I. Contract Price Adjustment:

\$ -

J. Additional Delivery Charge: 150 miles

\$ 300.00

K. Subtotal:

\$ 27,587.00

L. Quantity Ordered 2 x K =

\$ 55,174.00

M. Trade in:

N. BUYBOARD FEE PER PURCHASE ORDER

\$ 400.00

O. TOTAL PURCHASE PRICE WITH BUYBOARD FEE

\$ 55,574.00

City of Nacogdoches
Fleet Vehicle Purchases 2021-22

BUYBOARD CONTRACT

Dept	Budget GL#	Notes	Vehicle Type	Budgeted Amount	Caldwell BuyBoard	(Over)/Under Budget
Streets	01.86.680.20	Street Crew	1 ton -4 door 4WD	\$ 55,000.00	\$ 40,977.34	\$ 14,022.66
Streets	01.86.680.20	Sign Truck	1 ton- 4 door 4WD	\$ 55,000.00	\$ 40,977.33	\$ 14,022.67
WWTP	30.39.680.20	Unit 625	1/2 ton single cab 2WD	\$ 30,000.00	\$ 27,787.00	\$ 2,213.00
WWTP	30.39.680.20	Unit 627	1/2 ton single cab 2WD	\$ 30,000.00	\$ 27,787.00	\$ 2,213.00
Sanitation Collection	30.40.680.20	Unit 341	3/4 ton- 4 door 4WD	\$ 55,000.00	\$ 39,143.00	\$ 15,857.00
Sanitation Disposal	30.41.680.20	Crew	1 ton- 4 door 4WD	\$ 55,000.00	\$ 40,977.33	\$ 14,022.67
				\$ 280,000.00	\$ 217,649.00	\$ 62,351.00



City Council Meeting

Date: November 16, 2021

Agenda Item: 6.G.

PRESENTER: Michael Donnell, I.T. Manager

ITEM/SUBJECT: Consider approval of an interlocal agreement between the City of Nacogdoches, the County of Nacogdoches and Stephen F. Austin State University to allow SFA's University Police Department to share servers and data. (I.T. Manager)

SUMMARY/BACKGROUND: The City and County of Nacogdoches have operated a shared police server and data since 2008. This interlocal agreement will allow the Stephen F. Austin State University Police Department to not only participate, but also share in technology responsibilities. Such changes to the existing interlocal between City and County include SFASU hosting the primary shared server, the City hosting the disaster recovery server and the County hosting the associated GIS servers that work in conjunction with the Spillman computer-aided dispatch system.

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: Michael Donnell, I.T. Manager
donnellm@nactx.us
936-559-2531

ATTACHMENTS: 1. Interlocal Agreement

**INTERLOCAL AGREEMENT REGARDING
SERVER FOR SPILLMAN SOFTWARE
(Stephen F. Austin State University, County of Nacogdoches, and City of Nacogdoches)**

THE STATE OF TEXAS

COUNTY OF NACOGDOCHES

THIS INTERLOCAL AGREEMENT ("Agreement") is made and entered into by and between Stephen F. Austin State University ("SFASU"), an institution of higher education of the State of Texas, Nacogdoches County ("the County"), a political subdivision of the State of Texas, and the City of Nacogdoches, Texas ("the City"), a municipal corporation within Nacogdoches County, (collectively, "the Parties") for establishing and maintaining a joint server for the use of public safety software provided by Spillman Technologies, Inc., and licensed to each party.

RECITALS

WHEREAS, Texas Government Code, Chapter 791, the Texas Interlocal Cooperation Act, provides that one or more public agencies may contract with each other for governmental functions and services, including police protection services; public health and welfare; administrative functions; and other governmental functions in which the contracting Parties are mutually interested, in order to provide a governmental function or service that each Party to the contract is authorized to perform individually;

WHEREAS, the Parties intend to individually purchase licenses for the use of Spillman public safety software and share data and a mutual server; and

WHEREAS, the Parties have all contributed capital to this project such as servers, licenses, fiber lines and other computer hardware and software;

NOW, THEREFORE in consideration of the above recitals, mutual benefits and promises each to the other made herein, the Parties named above do hereby agree as follows:

PUBLIC PURPOSE

The Parties intend to enter into an agreement to establish and maintain a joint server for the use of Spillman software licensed to each party. This Agreement is designed to align the interest of SFASU, the City, and County and combine resources for a mutually beneficial service to the community.

SCOPE OF INTERLOCAL COOPERATION

I. DEFINITIONS

- a. Spillman System. All references to the system, software, or Spillman System refer to any version of the public safety software application provided by Spillman Technologies, Inc.
- b. Authorized Individual. An Authorized Individual is one who has been given a unique username and password login to the Spillman System. Any Authorized Individual must be a current employee at the City of Nacogdoches Police Department, Nacogdoches

County, or the Stephen F. Austin State University Police Department, including all affiliated IT, GIS, Court, and other related departments.

II. DATA ENTRY AND USE

a. STANDARDS COMMITTEE

- i. A Standards Committee will be formed consisting of participants from all parties. Minimum required members for this committee shall consist of:
 1. City of Nacogdoches Police Department:
 - a. Spillman System Applications Administrator (SAA)
 - b. Assistant Spillman System Applications Administrator (SAA)
 - c. Any authorized individuals assigned by the City of Nacogdoches Police Department Police Chief
 2. Nacogdoches County Sheriff's Office:
 - a. Spillman System Applications Administrator (SAA)
 - b. Assistant Spillman System Applications Administrator (SAA)
 - c. Any authorized individuals assigned by the Nacogdoches County Sheriff's Office
 3. Stephen F. Austin State University Police Department
 - a. Spillman System Applications Administrator (SAA)
 - b. Assistant Spillman System Applications Administrator (SAA)
 - c. Any authorized individuals assigned by the Stephen F. Austin State University Police Department

b. DATA ENTRY STANDARDS

- i. Prior to the system implementation, the Standards Committee will meet to define mutually-agreeable standards for system consistency between the parties. Terms of consistency are to include consistent vocabulary and references throughout the Spillman System as well as definitions for all code tables throughout the system. Prior to system implementation, this committee will meet weekly unless otherwise agreed to by the parties.
 1. After system implementation, the Standards Committee will meet semi-annually unless otherwise agreed to by the parties to review necessary changes and to ensure continuous consistency between the vocabulary and definitions between the parties' systems.
 2. Should members of the Standards Committee disagree on any standard for the Spillman System, each committee member will vote with a simple majority needed to decide the issue.

c. GEODATABASE SETUP AND ONGOING MAINTENANCE

i. Geospatial Data

1. It will be the responsibility of the county GIS office, city GIS Division within the city Engineering Department, and Stephen F. Austin State University, individually, to maintain their respective geospatial data within their jurisdiction. This includes road centerlines, 911 addresses, fire districts, fire response districts, fire reporting districts, law districts, law response district, law reporting district, medical districts, medical response district, medical reporting district, city code district, boundaries (city limits, ETJ, county boundary) and any other GIS files needed by Spillman to operate efficiently. If one of these parties does not own or maintain their geospatial data and wants additional geospatial data, then it will be the responsibility of the requesting

party to provide that data. Each party shall maintain or provide data of sufficient quality that it can be effectively used by the Spillman system.

2. Each party shall make their relevant geospatial data available to the other parties at a mutually agreed upon frequency, in a mutually agreed upon standard geospatial data format and schema, readable by ESRI ArcGIS software.

ii. Primary Spillman-GIS Server

1. The county will be responsible for providing and maintaining the hardware and operating system software for the server regularly used by the Spillman system for geobase operations. The hardware and operating system will be maintained such that, at a minimum, it meets system requirements for such a server as published by Spillman for the current version of Spillman in use and as published by ESRI for a version of the ArcGIS for Server software supported by the current version of Spillman in use.
2. The city will be responsible for providing and maintaining software support for the ESRI licenses necessary to run the ArcGIS Server software. Additionally the city shall assist the county, as required, with the initial installation of such software.
3. The county will be the primary party responsible for operation and maintenance of this server. This includes the provisioning of data updates to this server at a mutually agreed upon frequency as well as configuring the ArcGIS Server software to interface with Spillman.
4. In the event the county cannot maintain the primary Spillman-GIS Server and Spillman Geobase sufficient for the effective operating of the Spillman system, then the city shall provide this maintenance, on a temporary basis. This temporary term shall not exceed more than 90 days, at which point the county will be responsible for resuming these maintenance duties or arranging a new agreement with the city for these maintenance duties to be performed.

iii. Backup Spillman-GIS Server

1. The County will be responsible for providing and maintaining the hardware and operating system software for a server that can be used by the Spillman system for geobase operations in the event the primary Spillman server is temporarily unavailable or malfunctioning. This server must be such that, within a mutually agreed upon reasonable time frame, it can be operating and configured to meet at least the hardware and operating system minimum system requirements for such a server as published by Spillman for the current version of Spillman in use and as published by ESRI for a version of the ArcGIS for Server software supported by the current version of Spillman in use.
2. The city will be responsible for providing and maintaining software support for the ESRI licenses necessary to run the ArcGIS Server software. Additionally the city shall be responsible for the installation and configuration of such software.
3. The County will be the primary party responsible for operation and maintenance of this server. This includes the provisioning of data

updates to this server at a mutually agreed upon frequency as well as configuring the ArcGIS Server software to interface with Spillman.

4. The county will be responsible for ensuring that as data is provisioned to the primary Spillman-GIS server, the data is also made available to the city such that they can provision it to the backup Spillman-GIS server.
- iv. New Software—Should it become necessary to purchase new geobase software to maintain compatibility with the Spillman system, the Parties agree to negotiate that expense at that time.
- v. Permissions and Access
 1. Mutually agreed upon personnel from both the city and county shall have virtual access to the primary and secondary Spillman-GIS Servers and shall either be provided physical access to both servers or be provided an after-hours available point of contact for obtaining physical access to each server.
 2. Mutually agreed upon personnel from both the city and county shall be provided access within the Spillman system sufficient for them to perform maintenance and troubleshooting of Geobase and Mapping related matters, and will be provided an after-hours point of contact for relevant IT and Spillman Administrator personnel, as well as sufficient permissions/credentials to use the servers.
 3. Each party shall ensure sufficient network security, firewalls, routing, and other similar systems to allow sufficient virtual access to their respective GIS servers from Spillman servers and/or clients as necessary for the effective functioning of the Spillman system.
- d. DATA AVAILABLE
 - i. SFASU shall allow the County and the City to maintain separate records and data specific to each party's Spillman System. Because data for each party is stored on the same server, each party will have access to computer programs and stored data within the Spillman System. Access to the County and the City's data will be established and directed by SFASU and in cooperation with the County and the City's participation and approval. Data entered into the system by any party becomes a part of the server database and will be subject to maintenance or archival procedures as determined by the Standards Committee. Access to the servers at SFASU shall be limited only to the retrieval, modification, and use of information contained in the Spillman System.
 - ii. Extent of access shall conform to the regulations set forth in applicable federal, state, and local law.
 - iii. No party will sell, give, loan, lease or otherwise transfer title, possession, or allow access or use of any of the data or screens by any person, firm, corporation, or association without prior written approval of the other parties. Any party may refuse to approve any such sale, gift, loan, access or transfer of data.
- e. PROPRIETARY INFORMATION—Proprietary information disclosed by any party to another party for the purposes of this Agreement, which is clearly so identified in writing as proprietary, shall be protected by the recipient in the same manner and to the same degree that the recipient protects its own proprietary information. Such information will be disclosed only to those employees of the recipient requiring access

thereto in order to perform this Agreement. All information or data on any party's network shall be treated as proprietary regardless of ownership.

- f. **AUTHORIZED USE**—This Agreement is intended for use by current employees at the City of Nacogdoches Police Department, the Nacogdoches County Sheriff's Office, and Stephen F. Austin State University Police Department, including all affiliated IT, GIS, Court, and other related departments. The Standards Committee must approve all user accounts.
- g. **INDIRECT ACCESS**—Each party will take measures to prevent unauthorized third-party indirect access to the shared Spillman System. Examples of this would be gateways, dial-up, or cascaded Telnet sessions where the originator is not an Authorized Individual of SFASU's network, but whose resultant IP address would appear to the network as being an Authorized Individual's address. Should unauthorized access occur in a manner prohibited in Section II.d. (DATA AVAILABLE) occur, any damages or costs of litigation including attorney's fees incurred as a result of such unauthorized access shall be allocated between the parties by the Standards Committee
- h. **USER ACCOUNT ACCESS TO SPILLMAN SYSTEM**—Each user of the Spillman System shall have a unique user account with a unique password, thereby identifying the user as an Authorized Individual. This account is used within the Spillman System to determine system rights of the user and to provide a method of accounting for access to information. Sharing of accounts within an agency for the purposes of reducing access cost is expressly prohibited.

III. SECURITY

- a. **SECURITY PRIVILEGES**—The parties reserve the right to make all decisions and establish all security privileges pertaining to the individual party's data stored in the Spillman System. Each agency is entitled to full system access to administer the Spillman System and the specifications for each Authorized Individual user. Each agency is prohibited from modifying any part of the other party's data without written consent.
- b. **AUTHORIZED INDIVIDUAL USERS**—Each party has full authorization to add, modify, and delete any information or system access for the party's own users within the Spillman System. Each agency is prohibited from modifying any aspect of an Authorized Individual's access rights and privileges for the other agency without written consent.
- c. **USER PERMISSIONS**—Each party reserves the right to establish the permissions granted to each individual user employed by the party. Authorized Individual permissions include accessibility to specific modules and applications, ability to view, modify, delete, and print any aspect of the Spillman System as defined by the parties' approved permissions for the Authorized Individual. Each party also maintains the right to partition specific records and information within any record that is deemed private and inaccessible by the other party.

IV. EQUIPMENT & CONNECTIVITY

- a. **EXISTING EQUIPMENT AT SFASU**—SFASU already maintains an existing server. Upon installation of the Spillman System, the County and the City are authorized to access said server to maintain the Spillman System for the party's individual system and to produce any minor modifications that do not directly affect SFASU or its data. The access permitted by this agreement for the County and the City is limited solely to the access necessary for the purposes of utilizing the Spillman System.
- b. **REPLICATION SERVER**—A replication server shall be located at the Nacogdoches Police Department. The City shall bear the cost associated with this server.
- c. **SERVER AND CLIENT CONNECTIVITY**—The Parties agree that there shall be redundant connectivity to the main server at all times. This shall be through at least one fiber

connection maintained by SFASU and the City. SFASU will maintain the permanent fiber connection, once established. The other connection or connections shall be either fiber or internet. Each party is individually responsible for maintaining client connectivity and hardware specific to the individual agency. SFASU is responsible for maintenance of the WAN.

- d. **HARDWARE MAINTENANCE**—SFASU agrees to either obtain or maintain a maintenance contract with all hardware vendors at all times, including backup generator(s) or reserved power supplies. SFASU is responsible to renew these hardware contracts as necessary with all involved entities. Connected computers (laptops or PCs) with access to the Spillman System will comply with the “Minimum Specifications” document provided by System Technologies, Inc. Each party will be responsible to maintain hardware to meet these specifications
- e. **ACCESS TO SPILLMAN SYSTEM**—SFASU will take reasonable steps to ensure that the County and the City retain access to the Spillman System 24 hours a day, 7 days a week. Should availability to the Spillman System be terminated for any reasons whatsoever, SFASU will immediately notify the County and the City of the lapse in system access. Each party is responsible for the agency’s access to the server. Should access to the server lapse for a party, the individual party is responsible to work with appropriate parties to restore system availability, and to further provide notification to the other party when system availability is restored. SFASU will maintain and publish on call 24/7 contact names and numbers which will be updated each Friday and issued to the site’s Spillman System Applications Administrator.
- f. **SPILLMAN SYSTEM/NETWORK AVAILABILITY**—The Spillman System availability objective is 99.8%, 24 hours a day, seven days a week.
- g. **SPILLMAN SYSTEM/NETWORK MAINTENANCE**—The Spillman System and SFASU networks will be available as set forth in this section with the following exceptions:
 - i. **SCHEDULED MAINTENANCE**—SFASU reserves the right to schedule preventative maintenance on all systems. Preventative maintenance will be scheduled a minimum two weeks in advance in order to attempt to minimize impacts to the County and the City. SFASU must provide written notice of any scheduled maintenance to the County and the City a minimum of two weeks in advance. The County or the City must notify SFASU’s IT Department one week prior to the scheduled maintenance window if the County or the City requires the Spillman System to be available or “live” during scheduled maintenance. The parties agree and acknowledge that scheduled maintenance may result in loss of service to the Spillman System for a period of time.
 - ii. **SOFTWARE AND HARDWARE UPGRADES OR MODIFICATIONS**
 - 1. A Technology Review Committee will be formed consisting of participants from the parties. This committee will meet regularly (at least once quarterly) to jointly determine which upgrades, additional module purchases, or hardware acquisitions the parties will implement. In addition, if upgrades, additional modules, or new hardware are determined necessary and acceptable by the parties, the committee will determine the most appropriate time for scheduled modifications to minimize the impact to the parties.
 - 2. Software and hardware upgrades or modifications differ from normally scheduled maintenance, in that the Spillman System will be unavailable for the duration of the upgrade. It is conceivable that an upgrade may take a couple of days. In the event that the Technology

Review Committee agrees to an upgrade for the parties, SFASU will notify the County and the City of the scheduled upgrade at least one month prior to the scheduled upgrade time. SFASU will make every reasonable attempt to schedule the upgrade to minimize impacts to the County and the City.

3. The Technology Review Committee shall consist of the same membership as the Standards Committee, set out above, in Section II.a. Voting and membership shall be identical to the Standards Committee.
- iii. EMERGENCY MAINTENANCE—SFASU will coordinate emergency maintenance with the County and the City.
- iv. SFASU'S INFRASTRUCTURE SUPPORT—SFASU will provide infrastructure support for the Spillman server environment. Each Agency's SAA is responsible for application support for their respective agency. A contact list will be provided to the County and the City's IT Departments. The County and the City are responsible for providing a current contact list to the SFASU's IT Department
- v. CONFIGURATION MANAGEMENT—All configuration changes to the Spillman System will be made by SFASU's IT Department in coordination with the County and the City's IT Departments. The County and the City will provide SFASU's IT department with a primary and alternate contact name of authorized personnel who can coordinate/request changes to the current network. No party shall have authorization to perform any configuration changes to the server that will affect the other parties without written consent from the other parties prior to performing the configuration or modification.
- vi. DISASTER RECOVERY, BACKUP, & ARCHIVING--SFASU'S IT Department will perform system snapshots and backups of servers at an interval to be agreed upon by the Standards Committee.
- vii. SECURITY AND INTEGRITY—SFASU'S network is protected from the Internet with firewall security to prevent unauthorized access from the Internet. The County and the City are responsible for securing their computer resources against all unauthorized access.
- viii. COSTS FOR SERVER MAINTENANCE, EQUIPMENT AND SECURITY—Each party shall be responsible for the costs of maintenance, equipment, and security of equipment owned by the party. If any additional costs become necessary, the parties will at that time negotiate the division of those expenses.

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 Party 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.

Joint Venture and Agency. Nothing in this Agreement shall at any time be construed so as to create the relationship of employer and employee, principal and agent, partnership, or joint

venture as between SFASU, Nacogdoches County, and City. No party shall have any authority to incur any obligation or bind or commit the other party to any agreement, contract, or commitment or to waive, modify, or amend any rights of either party under any agreement, contract, or commitment, except as expressly authorized in writing by the other party. No party shall in any manner be answerable or accountable for: (i) any violation by the other party of any federal, state or local laws, regulations, ordinances, rules or orders; or (ii) for any injury, loss or damage arising from or out of any act or omission of the other party.

Termination. This Agreement may be terminated by any party without cause by tender of a thirty (30) day written notice. At the end of that thirty (30) day period, all equipment acquisitions purchased pursuant to this agreement shall remain the sole property of the party making the original purchase.

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. Such notice shall be tendered to the President of SFASU, the County Judge of the County, and the City Manager of the City.

Limitation of Liability. By entering into this Agreement, no 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. Each party agrees to accept full responsibility for the acts, negligence and/or omissions of that party's employees, agents, subcontractors and/or contract laborers and for all persons doing work under a contract or agreement with that party. No party hereto will be liable or responsible to the other for any loss or damage or for any delays or failure to perform arising out of or caused, directly or indirectly, by circumstances beyond its reasonable control including acts of God, strikes, epidemics, war, riots, flood, fire, sabotage, governmental authority, or any other circumstances ("Force Majeure Occurrence"). Provided, however, in the event of a Force Majeure Occurrence all parties agree to use their best efforts to mitigate the impact of the occurrence so that each party may continue to provide mission critical services during the Force Majeure Occurrence.

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.

Confidentiality. During the course of the work and/or services to be provided under this agreement, the parties may come in contact with confidential information of the other. The Parties agree to treat as confidential the information or knowledge that becomes known to them during performance of this Agreement and not to use, copy, or disclose such information to any third party unless authorized in writing by the other party. This provision does not restrict the disclosure of any information that is required to be disclosed under applicable law. The Parties shall promptly notify the other party of any misuse or unauthorized disclosure of the confidential information and upon expiration of this agreement shall return to the other party all confidential information in its possession or control.

Access to Public Information. All parties required to make any information created or exchanged with any other party pursuant to this Agreement, and not otherwise excepted from disclosure under the Texas Public Information Act, available in PDF or other format that is accessible by the public at no additional charge to the other party. All parties acknowledge that another party may be required to post a copy of the fully executed Agreement on its internet website in compliance with Section 2261.253(a)(1), *Texas Government Code*.

Entire Agreement. This Agreement represents the entire agreement of the parties and supersedes any verbal or written representations of, to or by the parties to each other. All parties agree that if it becomes necessary to make additional capital expenditures to maintain this agreement, the parties shall negotiate the allocation of those expenses.

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.

STEPHEN F. AUSTIN STATE UNIVERSITY

By: _____
President

NACOGDOCHES COUNTY, TEXAS

By: _____
Nacogdoches County Judge

Attest: _____
Nacogdoches County Clerk

CITY OF NACOGDOCHES, TEXAS

By: _____
Mayor, City of Nacogdoches

Attest: _____
City Secretary



City Council Meeting

Date: November 16, 2021

Agenda Item: 7.A.

PRESENTER: Mario Canizares, City Manager

ITEM/SUBJECT: Consider a resolution casting City of Nacogdoches' votes for the Nacogdoches Central Appraisal District Board of Directors. (City Manager)

SUMMARY/BACKGROUND: City of Nacogdoches is entitled to 750 votes for Nacogdoches Central Appraisal District Board of Directors. In the past, the City has cast all its votes for the City nominee. There are five vacancies on the Nacogdoches Central Appraisal District Board of Directors and the nominees to fill those vacancies are as follows:

- Jonathan Adams
- Jay Anderson, City of Nacogdoches
- Robin Dawley, Nacogdoches County
- Rev. James Ervin
- Mindy Winslow

The term is for two-years and each term begins on January 1 of an even-numbered year.

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: Mario Canizares, City Manager

canizaresm@nactx.us

936-559-2501

ATTACHMENTS:

1. Board of Directors voting allocation
2. Ballot
3. Resolution Casting Vote

VOTING ENTITLEMENT FOR 2022-23 BOARD OF DIRECTORS

ENTITY	LEVY	% OF TOTAL LEVIES	VOTE BASIS PER 1,000	TOTAL VOTE ALLOCATION TIMES 5
NACOGDOCHES COUNTY	20,006,150	27%	270	1,350
CITY OF CUSHING	67,390	1%	10	50
CITY OF GARRISON	110,230	1%	10	50
CITY OF NACOGDOCHES	11,007,670	15%	150	750
CENTRAL HEIGHTS ISD	1,681,500	2%	20	100
CHIRENO ISD	2,343,560	3%	30	150
CUSHING ISD	2,169,600	3%	30	150
DOUGLASS ISD	1,542,580	2%	20	100
ETOILE ISD	825,970	1%	10	50
GARRISON ISD	1,535,800	2%	20	100
MARTINSVILLE ISD	852,280	1%	10	50
NACOGDOCHES ISD	27,977,930	38%	380	1,900
WODEN ISD	2,907,320	4%	40	200
TOTALS	73,027,980	100%	1000.00	5,000

Voting entitlement is derived by using 2020 tax levies

Official Ballot
Board of Directors
Nacogdoches Central Appraisal District
Term of Office
January 2022 thru December 2023

Candidate	Number of Votes
Jonathan Adams	_____
Jay Anderson	_____
Robin Dawley	_____
Rev. James Ervin	_____
Mindy Winslow	_____

Name of Taxing Entity

RESOLUTION NO. 1284-11-21

A RESOLUTION CASTING CITY OF NACOGDOCHES' VOTES FOR NACOGDOCHES CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS

WHEREAS, the City of Nacogdoches has been allocated 750 votes for this entitlement for Central Appraisal District Board of Directors; and

WHEREAS, the Nacogdoches City Council meeting in regular session on November 16, 2021 is in agreement that all votes should be cast for the City's nomination in order to increase the chances of having a City representative elected to the Board; and

WHEREAS, Jay Anderson is the City's nomination to the Central Appraisal District Board of Directors.

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

City Council of the City of Nacogdoches does hereby cast all 750 votes for Jay Anderson to serve on the Central Appraisal District Board of Directors.

PASSED AND APPROVED THIS 16TH DAY OF NOVEMBER, 2021.

Mayor Jimmy Mize
City of Nacogdoches

ATTEST:

Jan Vinson, City Secretary

Approved as to form: _____
Steven Kirkland, City Attorney

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)
(AT THE OCTOBER 12, 2021 MEETING THIS ITEM DELAYED TO THE NOVEMBER 16, 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.

This item was placed on the October 12, 2021 City Council meeting but was delayed to the November 16, 2021 meeting because R.J. Bohac could not attend. City Council will hear a presentation from citizens who are requesting that 1102 Logansport Street be zoned back to R-2 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. PowerPoint Presentation submitted by Philip Blackburn
2. Resolution

***This following PowerPoint was
submitted to the City of
Nacogdoches by
Philip Blackburn via email on
November 12, 2021***

LOGANSPORT STREET

Conflict of Interest and Preferential Treatment

Texas Law

- The cardinal rule of public service enshrined in the Texas Municipal Code is that public servants must put the people's interests above their own.
- Planning commissioners are *prohibited* from *participating* in matters related to real property where they have a substantial interest.
 - Section 171.004 Texas Local Government Code

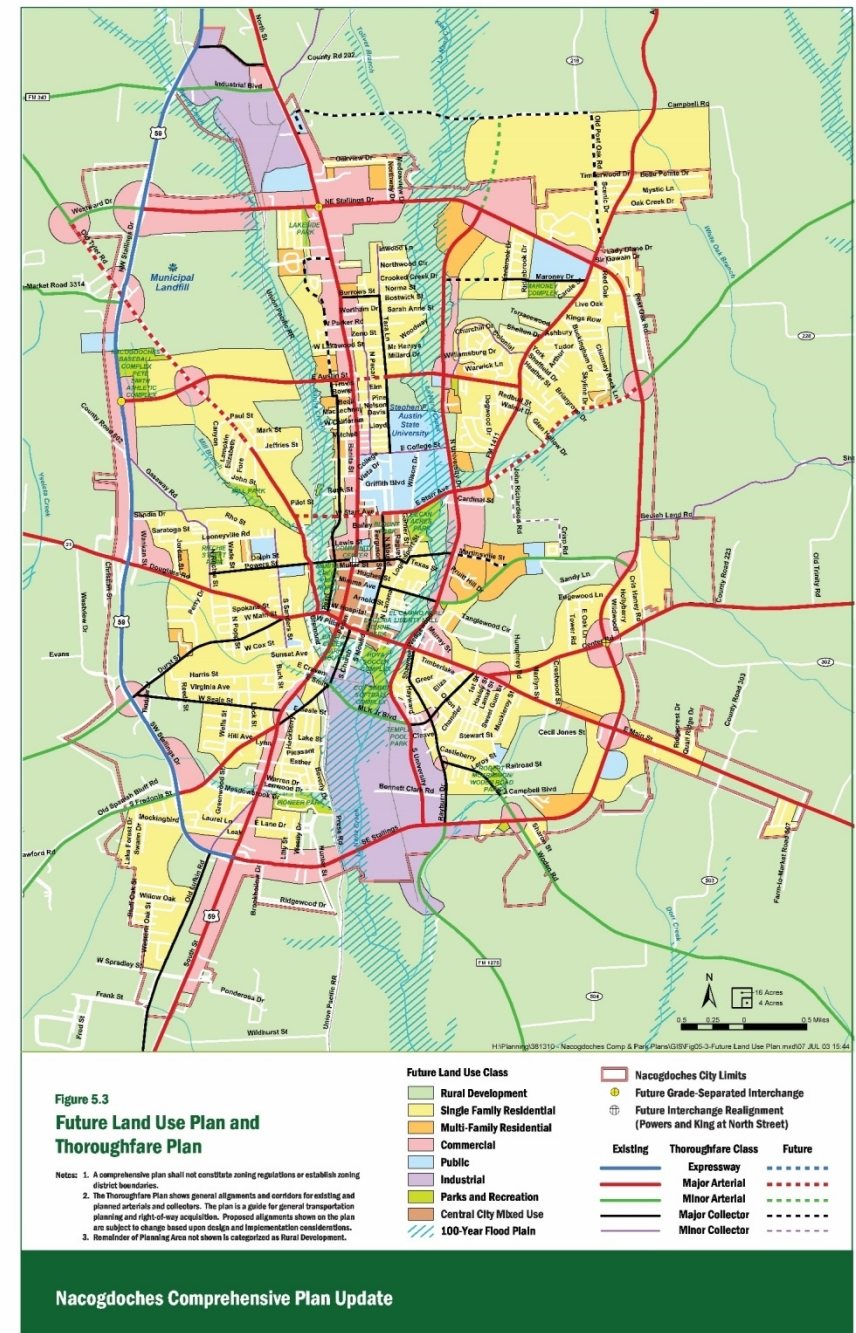
- Mr. Bohac was chairman of Planning and Zoning Commission and also applicant for this rezoning.
- Mr. Bohac was required to submit a letter explaining why the Comprehensive Plan should be changed for rezoning contrary to the Future Land Use Map. This step was skipped.
- Mr. Bohac recused himself at Planning and Zoning hearing but turned gavel over to business colleague, now business partner; he did not even leave the Planning and Zoning hearing.
- There were no questions or discussion by any Planning and Zoning members before approving drastic change from R-2 to R-4.

- There were misrepresentations, misleading statements, and omissions in City Planner's Report to justify rezoning.
- Mr. Bohac appeared at City Council meeting to advocate for his rezoning request.
- Mr. Bohac said that he plans to build duplexes, which only require R-3 zoning, but was granted R-4 zoning for apartments in order to avoid platting costs and appeals to Zoning Board of Adjustments.
- City agreed to upgrade the part of Logansport Street in front of Mr. Bohac's property at taxpayer's expense.
- Thirty-nine neighbors signed a petition for a reconsideration but were denied.

Comprehensive Plan and City Ordinances Disregarded

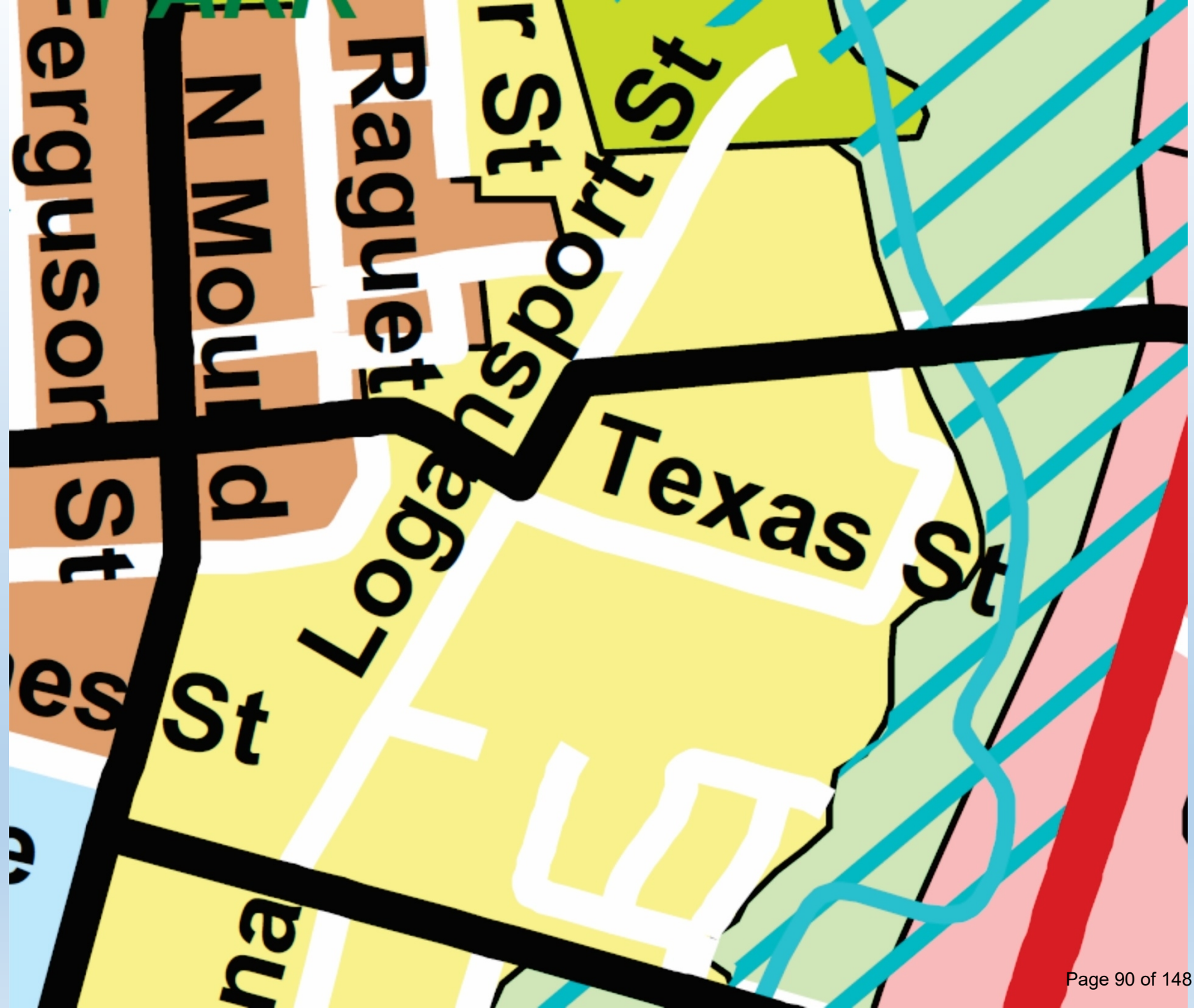
Future Land Use Map

- Single-Family Residential (Yellow): Conventional one-family detached dwellings (also includes duplexes). (R-1, R-2, and R-3).
- Multi-Family Residential (Orange): Attached dwellings with three or more units, including apartments, townhouses, condominiums, patio homes, rooming/ boarding houses, and nursing homes and assisted-living developments. (R-4)



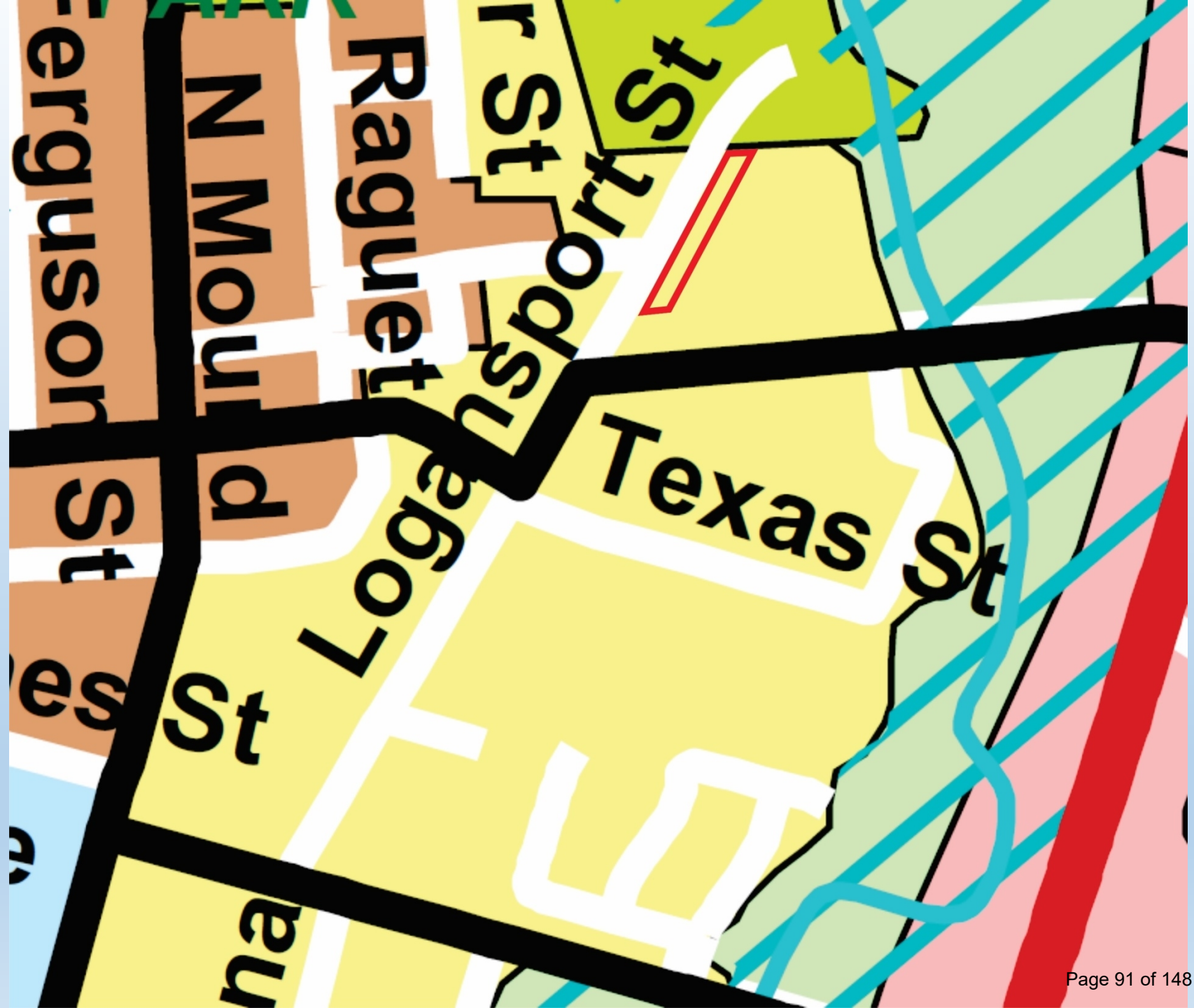


Single-Family
Residential
(R-1, R-2, & R-3)





Single-Family
Residential
(R-1, R-2, & R-3)



- **Sec. 211.004** of Texas Local Government Code states that zoning regulations must be in accordance with a Comprehensive Plan.
- **City Ordinance Sec. 118-138** – City council may approve rezoning “only if the city council determines that the request or amendment is consistent with the comprehensive plan.”

R-4 IS CONTRARY TO FUTURE LAND USE MAP IN COMPREHENSIVE PLAN.

- **City Ordinance Sec. 118-139** – Condition for approval of zoning change is: “The proposed use is in accordance with the comprehensive plan.”

R-4 IS CONTRARY TO FUTURE LAND USE MAP/COMPREHENSIVE PLAN.

- **City Ordinance Sec. 118-173** – Zoning change may be approved if all of the following conditions have been found:

“(3) *Supporting facilities.* Adequate utilities, access roads...”

STREET IS CLEARLY INADEQUATE; CITY HAS TO UPGRADE AT TAXPAYER'S EXPENSE. CITY STAFF FAILED TO ADDRESS STREET DEFICIENCY IN STAFF REPORT.

“(8) *Comprehensive plan.* The proposed use is in accordance with the comprehensive plan.”

R-4 IS CONTRARY TO FUTURE LAND USE MAP/COMPREHENSIVE PLAN.





- **City Ordinance Sec. 118-4** – If zone change request differs from what the Comprehensive Plan recommends, the City Planner will request from applicant a “written letter stating the reasons the comprehensive plan should be changed.”

REQUIRED LETTER WAS NOT REQUESTED OR PROVIDED.

THIS IS A PROCEDURAL ERROR THAT MAY HAVE IMPACTED THE RESULTING DECISION BY COUNCIL.

Staff Report Wrong

- “This rezoning is in response to current needs for housing.”

FALSE

THIS REZONING IS IN RESPONSE TO MR. BOHAC'S NEED FOR RENTAL INCOME; THERE IS NO SHORTAGE OF STUDENT HOUSING.

- “adequate infrastructure exists”

FALSE

THE SECTION OF LOGANSPOUT STREET IN FRONT OF MR. BOHAC'S PROPERTY IS BARELY PASSABLE BY TWO VEHICLES. THERE IS NO CURB AND GUTTER. THERE ARE DEEP DITCHES. IT IS NOT PAVED.

- R-4 zoning “should not adversely impact the adjacent land uses.”

FALSE

THE ENTIRE NEIGHBORHOOD OPPOSED REZONING BECAUSE OF INCREASED TRAFFIC AND CHANGE OF CHARACTER AND APPEARANCE OF HISTORIC NEIGHBORHOOD.

- “Comprehensive Plan and Future Land Use Map is not to be used on a parcel-by-parcel level.”

MISLEADING

CITY ORDINANCE SAYS THAT APPLICANT MUST SUBMIT WRITTEN EXPLANATION FOR REZONING CONTRARY TO WHAT THE COMPREHENSIVE PLAN RECOMMENDS.

- “Logansport Street is a local street which functions as primary access for the residential uses in the area.”

MISLEADING

NORTH PART OF LOGANSPORT STREET IN FRONT OF MR. BOHAC’S PROPERTY IS A NARROW UNIMPROVED LANE THAT IS ACCESS TO PECAN ACRES PARK.

- Every single lot on Logansport Street used for single-family residences.

OMITTED

R-4 REZONING IS DRASTIC CHANGE ON STREET WHERE EVERY LOT IS SINGLE-FAMILY RESIDENCE.

- Reason Comprehensive Plan should be changed.

OMITTED

NO CHANGED CIRCUMSTANCE OR OTHER
REASON GIVEN FOR CHANGING FUTURE
LAND USE MAP IN COMPREHENSIVE PLAN.

Adverse Impact

- Apartment buildings (not just duplexes) will be permitted in R-4 zone. Mr. Bohac's stated development plan is irrelevant because Mr. Bohac can sell the property or just change his mind and decide to build apartments.
- Adjacent 4.5 acres can now be rezoned from R-2 to R-4.
- If apartments placed on Mr. Bohac's property then more apartments will follow on adjacent property and historic character of Logansport Street will be endangered.

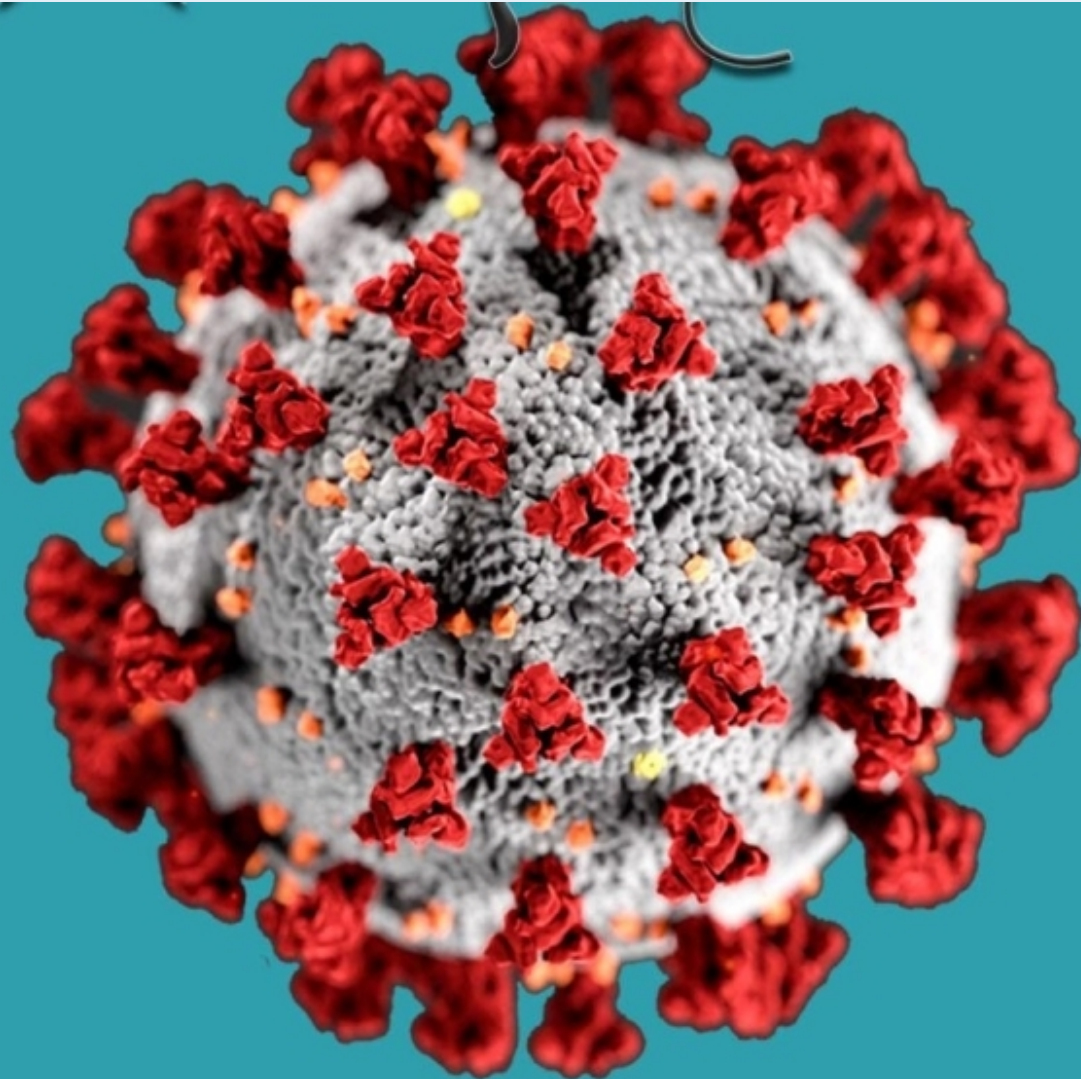
- There will be substantial costs to taxpayers for necessary street improvements in front of Mr. Bohac's property.
- The historic entrance to Pecan Acres Park will be destroyed.
- There will be increased traffic on Logansport Street which is now entirely single-family residences with young children and elderly.

Spot Zoning

The Texas Supreme Court describes spot zoning as an unacceptable amendment of the zoning ordinance that singles out a small tract for preferential treatment contrary to the comprehensive plan. All of the elements of unlawful spot zoning apply to this rezoning:

- Single Lot ✓
- Preferential Treatment ✓
- Contrary to Comprehensive Plan ✓
- Current zoning suitable for existing use ✓
- Rezoning not justified by changed circumstances ✓
- Substantial adverse impact on surrounding land ✓

The Role of Covid-19



Nacogdoches
COVID-19
coverage

The notification period was at the peak of the Covid-19; people were less aware and had less contact. Nearly every other public entity took these circumstances into consideration in its procedures. But the city provided the bare minimum notice of this application.

Active cases, fatalities continue to rise

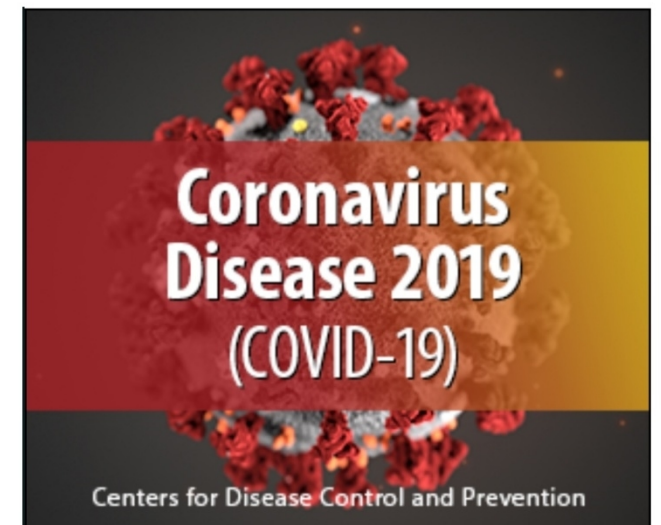
From staff reports Nov 27, 2020  0



The number of active coronavirus cases in Nacogdoches County continued to rise this week along with fatalities of county residents.

Texas Health and Human Services on Friday estimated 120 active cases, up from 56 estimated in the middle of November. Active cases peaked in July and early August, when they were estimated at more than 400.

Since Wednesday, the state has added two more fatalities, bringing the total for Nacogdoches County residents to 84.



The city recognized that extra measures needed to be taken because of Covid-19 to inform and engage citizens in other matters, but those measures were not taken for this rezoning notification.

By [T'Ebonie Tanner](#)

Updated: Aug. 20, 2020 at 6:02 PM CDT



NACOGDOCHES, Texas (KTRE) - The City of Nacogdoches is working to increase outreach efforts in order to get residents to complete their 2020 census.

With COVID-19 changes underway, city officials are discussing the current impact on this year's numbers.

"It is very important that we get an accurate count. So that not only do we get the federal funds that we need to support our community, but we also ensure equal representation at the state and federal level," said Alaina Chafin, Nacogdoches' City Planner.

Chafin says the census deadline was set for October 31st. Now the deadline has been pushed to September 30th, which makes public outreach efforts more challenging.

"Then with the resurgence of covid-19, it limits our in-person activities. So, we are relying on a digital presence. We are relying on mail outs. We're relying on all those contactless strategies to engage our residents," Chafin said.

Conclusion

The City Council has the authority to initiate a request for zoning map amendments per City Ordinance Sec. 118-137 (c) (1). Due to the numerous problems with this rezoning, the City Council should exercise their authority and initiate a request to restore the zoning of this property from R-4 back to R-2.

Problems With This Rezoning

- conflict of interest and preferential treatment of Mr. Bohac
- disregard of Comprehensive Plan and violation of City ordinances
- procedural error regarding letter
- inaccurate and incomplete information provided to Planning and Zoning Commission and City Council by City staff
- adverse impact on a historic neighborhood and costs to taxpayers
- creation of spot zoning
- inadequate changes to the zoning process to accommodate for Covid-19

**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 LOGANSPOUT 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

PRESENTER: Alaina Helton, City Planner

ITEM/SUBJECT: Public Hearing: Consider an ordinance establishing a PD, Planned Development District and approving a Concept Plan for Lots 1, 1-A & 1-B, City Block 64, located at 2827 Railroad Street. This request has been submitted by Warren Sparks. Case File PD2021-04. (City Planner)

SUMMARY/BACKGROUND: The request is to consider a change in zoning from R-1, Single Family and R-3, Two Family to PD, Planned Development District to develop a *Contractor Yard* for approximately 27 acres of land located at 2827 Railroad Street. The Zoning Ordinance states that the purpose of the Planned Development district is to:

1. Provide greater flexibility in land use, density, and other regulations, and more closely reflect special conditions of development sites in a manner which is consistent with the comprehensive plan and community objectives;
2. Preserve the natural amenities and environmental assets of the land, and character of the community;
3. Provide an appropriate balance between intensity of development and the ability to provide adequate supporting facilities and services; and
4. Facilitate a more effective arrangement of buildings, land uses and utilities, and protect contiguous land uses.

The applicant owns the subject property and the lots located immediately to the west, including a private lake. The property currently serves as the applicant's primary residence and existing improvements include a single family dwelling, shop, and office building. The shop and office building are currently being used to support the activities of a *Contractor Yard*, to support the applicant's commercial construction business. The Zoning Ordinance defines a *Contractor or maintenance yard* as an open storage yard for supplies and operational equipment, including buildings, but not constituting a junkyard, wrecking yard or salvage yard. The applicant's business includes the transportation and storage of roadway construction materials and equipment on the subject property.

The applicant has stated that he has been operating this business at this location for over 10 years. The property is zoned for single family and two family residential purposes, while a Contractor Yard is only permitted in the B-2, General Business, the I-1, Light Industrial, and I-2, Heavy Industrial zoning districts. Earlier this year, the City issued a zoning violation to the applicant for conducting commercial activities in a residential zoning district. In response to the zoning violation, the applicant requested to change the zoning designation of the property from residential to B-2, General Business. City Council denied the zone change request due to the potential for the zone change to qualify as "spot zoning", the traffic impact on Railroad Street of the additional commercial land uses and activities permitted under the B-2 district, and the potential adverse impacts of those commercial uses on the existing residential properties in the

area. The applicant is requesting a PD in order to continue operating his business at this location, and address the concerns expressed by City staff, City Council, and the neighboring residents.

The attached PD Narrative outlines a description of the applicant's current business operations and the standards of the Planned Development and associated Concept Plan, including:

- Land uses will be restricted to the existing single family residence, office, shop, and proposed outdoor storage area with screening;
- Property owner will share the cost of maintenance and repair of Railroad Street;
- Development will include additional landscaping and screening along Railroad Street and around the outdoor storage area;
- Phasing plan with a schedule to reduce business activities over the next 10 years, including a description of quantity and type of equipment and materials stored onsite, number of employees, and operating hours.

Adjacent Land Use & Zoning

The subject property is zoned R-1, Single Family and R-3, Two Family, and is currently being used as a single family residence and a Contractor Yard. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North	Rural Development	R-3, Two Family	Manufactured Home
South (across Railroad St.)	Rural Development	R-1, Single Family & R-3, Two Family	Single Family & Vacant
East	Rural Development & Public	R-1, Single Family	Vacant & Private Lake
West	Rural Development	R-2, Single Family	Vacant

The area primarily consists of low to medium density residential zoning districts; including R-3, Two Family to the north, R-1, Single Family to the east, R-1, Single Family and R-3, Two Family to the south, and R-2, Single Family to the west. The area is sparsely populated, and surrounding land uses include undeveloped properties to the east, single family and manufactured home residences to the north and south, and the Carpenter Elementary facility located just to the west of the subject property.

Future Land Use

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan designates the property and the surrounding area as Rural Development, which is described as:

“Sparsely-populated areas with limited development that is 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. It also includes areas that are gradually transitioning into urban uses and development.”

The proposed PD restricts land uses on the property to the existing single family residence,

office, shop, and proposed outdoor storage area.

Access & Utilities

The subject property has access to water utilities, with a 6-inch water main located along Railroad Street. The property is currently being served by an on-site septic system, however there is an 8-inch sanitary sewer line located on the adjacent tract to the west (Lot 12-A). No new utilities are proposed with this PD.

Railroad Street is a local residential street with a 12-foot pavement width, and open ditches on each side. Local streets are intended to carry lower volumes of traffic and serve as direct access to residential and neighborhood-scale commercial development. The City's current construction standards for high volume local streets require a minimum pavement width of 32 feet with two travel lanes, and a right-of-way (ROW) width of 50 feet.

Commercial activities, such as Contractor Yard, are intended to be located along Collector and Arterial streets, which have greater capacity to accommodate the truck access typically generated by this use. The minimum pavement width for a collector street is 37 feet with two travel lanes, and a ROW width of 60 feet.

Flood Damage Prevention

Per the FEMA Floodplain Map, there is no floodplain located on the subject property. However, the subject property is adjacent to a private lake located to the west, which is designated by the U.S. Fish & Wildlife (USFW) Service as a freshwater pond which may be subject to State and Federal regulations and permitting for activities in or adjacent to these designated waterways.

REVIEW CRITERIA: Per Section 118.392 of the Nacogdoches Code of Ordinances, based upon the concept plan or development plan, the planning and zoning commission in making its recommendations to the city council, and the city council, in determining whether the planned development district should be established, shall consider whether the following criteria have been met:

a. The plan of development is generally consistent with the future land use policies and map in the adopted comprehensive plan.

Per the 2003 Comprehensive Plan, the Future Land Use Plan (FLUP) map designates the property and the surrounding area as Rural Development. This rural designation is likely due to the sparse population and general lack of infrastructure in this area. While the FLUP designation is not consistent with the current zoning of the property or the proposed uses in the PD, the request does further a number of the Land Use Policies, Goals and Objectives of the 2003 Comprehensive Plan, specifically:

- Avoiding undesirable development outcomes by encouraging high-quality development that respects community character and the natural environment and does not overburden public services and infrastructure.
- Ensuring compatible development when differing land use types or intensities are located in close proximity.
- Potential negative land use impacts (noise, odor, pollution, excessive light, traffic, etc.) should be considered and minimized.
- Compatibility with existing uses should be maintained.
- Residential and commercial areas may be adjacent if separated by a buffer.

b. Proposed uses and the configuration of uses are compatible with existing and planned adjoining uses.

To mitigate the concerns raised regarding the compatibility of the commercial activities with the neighboring residents, the applicant has proposed to limit the land uses permitted in the PD to the following:

- Existing single family residence (2,600 sq. ft.)
- Existing workshop/office (2,000 sq. ft.)
- Contractor Yard (10,000 sq. ft. outdoor storage area with screening)

There are no new commercial buildings, or expansions of existing commercial buildings, and all activities associated with the Contractor Yard will be limited to the existing office, shop, and outdoor storage area. To reduce the noise of the equipment, the applicant has replaced the mufflers of the Mack dump trucks with low noise exhaust mufflers. To further reduce the noise and visibility of the commercial activities, the applicant has proposed the following PD standards:

- All equipment and materials will be relocated to the north side of the existing shop/office in an outdoor storage area that will be screened with a 6-foot wooden fence.
- No clearing will be permitted within the vegetated area located between the shop/office and Railroad Street, and this area will be preserved and maintained in its current state.
- Additional shrubs will be planted along the southern boundary of the subject property located adjacent to Railroad Street.
- Drivers' schedules have been modified to a 7:30 a.m. start time, and the belly dump truck drivers will leave the premises no earlier than 6:00 a.m., and return to the property no later than 6:00 p.m.

c. The general arrangement of streets conforms to the adopted thoroughfare plan.

There are no new streets proposed with the PD, and the applicant is proposing to share the cost of maintenance and repair of Railroad Street.

d. Proposed uses and development densities and intensities are consistent with the purposes and standards of the planned development district regulations.

The PD proposes to restrict land uses on the property to the existing single family residence, office, shop, and a Contractor Yard.

e. The proposed plan for development furthers the public health, safety and general welfare of the community.

Staff has identified concerns with the heavy construction equipment used by the applicant and its impact on Railroad Street, which could result in increased damage to the roadway, and therefore increased maintenance and repairs by the City. As a condition of the PD, the applicant is proposing to share the costs of maintenance and repair of Railroad Street. The shared maintenance agreement will include the section of Railroad Street located between the entrance to the subject property and Leroy Street.

Notices

Staff sent out six (6) notices to property owners within the 200 foot notification area. Since the time of this report, the staff has received one (1) written response in support of the request, and one (1) written response in opposition to the request. Copies of the written responses have been included as attachments to this item. This zoning application was also subject to the additional

noticing practices that were approved by City Council during their regular meeting in January, 2021.

RECOMMENDATION:

Staff Recommendation

Based on the above findings, the staff recommends approval of the change of zoning for the subject property from R-1, Single Family and R-3, Two Family to PD, Planned Development including the associated Concept Plan.

P&Z Commission Recommendation

The Planning & Zoning Commission heard this item at their regular meeting on Monday, November 8th, and unanimously (4-0) recommended approval of the change of zoning for the subject property from R-1, Single Family and R-3, Two Family to PD, Planned Development including the associated Concept Plan, with the following conditions:

1. As part of the shared maintenance agreement of Railroad Street, the applicant will repair the hump (or raised mass) located in the right-of-way immediately in front of the residence located at 2620 Railroad Street.
2. A 6-foot mesh screening fence will be installed along the southern boundary of the property to block the views of commercial activity from the existing residents located on the south side of Railroad Street.

FINANCIAL:

No financial impact associated with this item

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

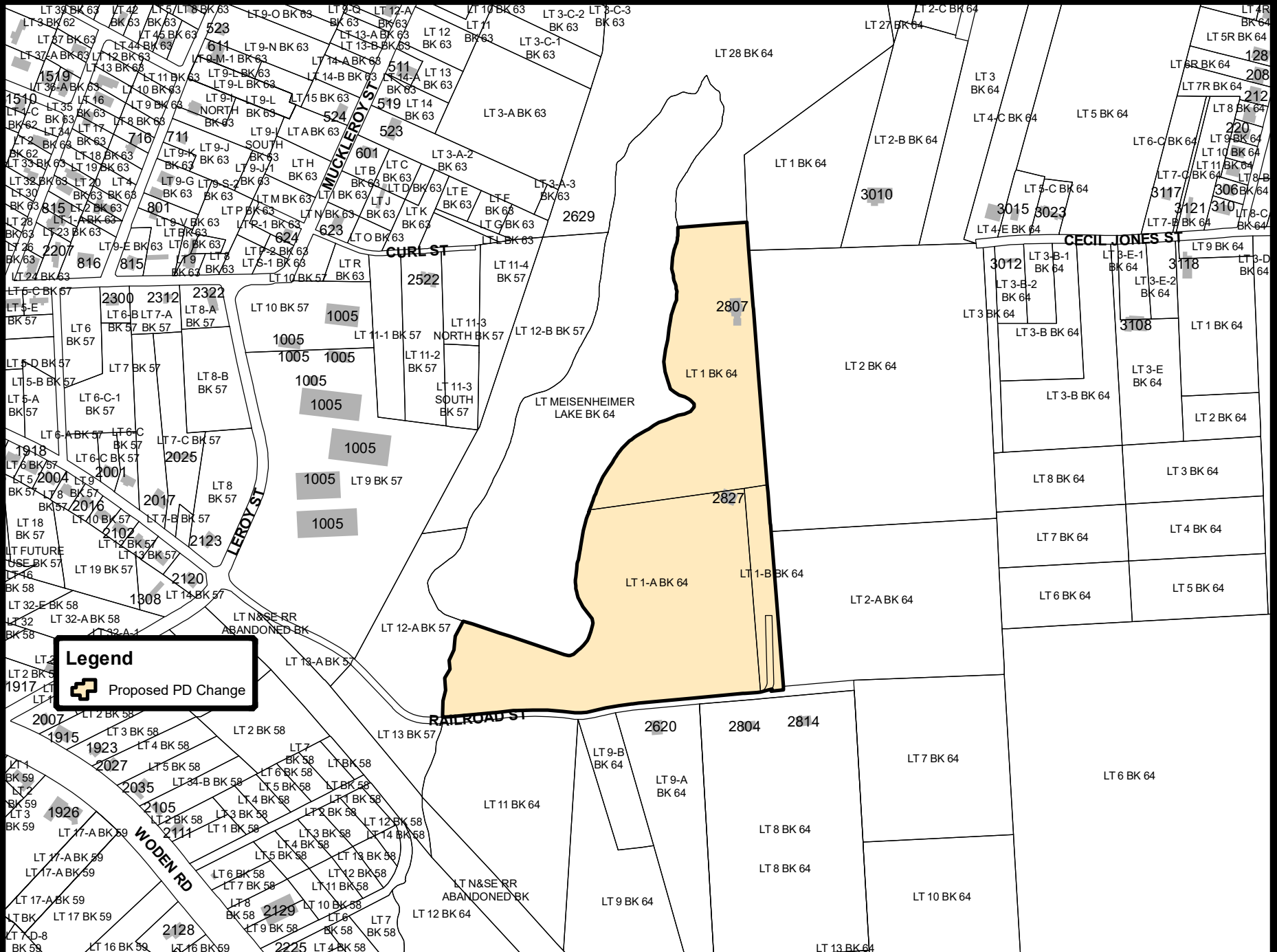
Not Applicable

CITY CONTACT: Alaina Helton, AICP, Director of Planning & Neighborhood Services
heltona@nactx.us
936-559-2572

ATTACHMENTS:

1. Location, Aerial, Zoning, FLUP, & Notification Maps
2. Site Photos
3. PD Concept Plan
4. PD Narrative
5. Response Letters from 200-Foot Notification Area
6. Ordinance (As Presented)
7. Ordinance (P&Z Conditions)

PD 2021-04



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: October 20, 2020 Software: ArcGIS 10.8.1

PD 2021-04



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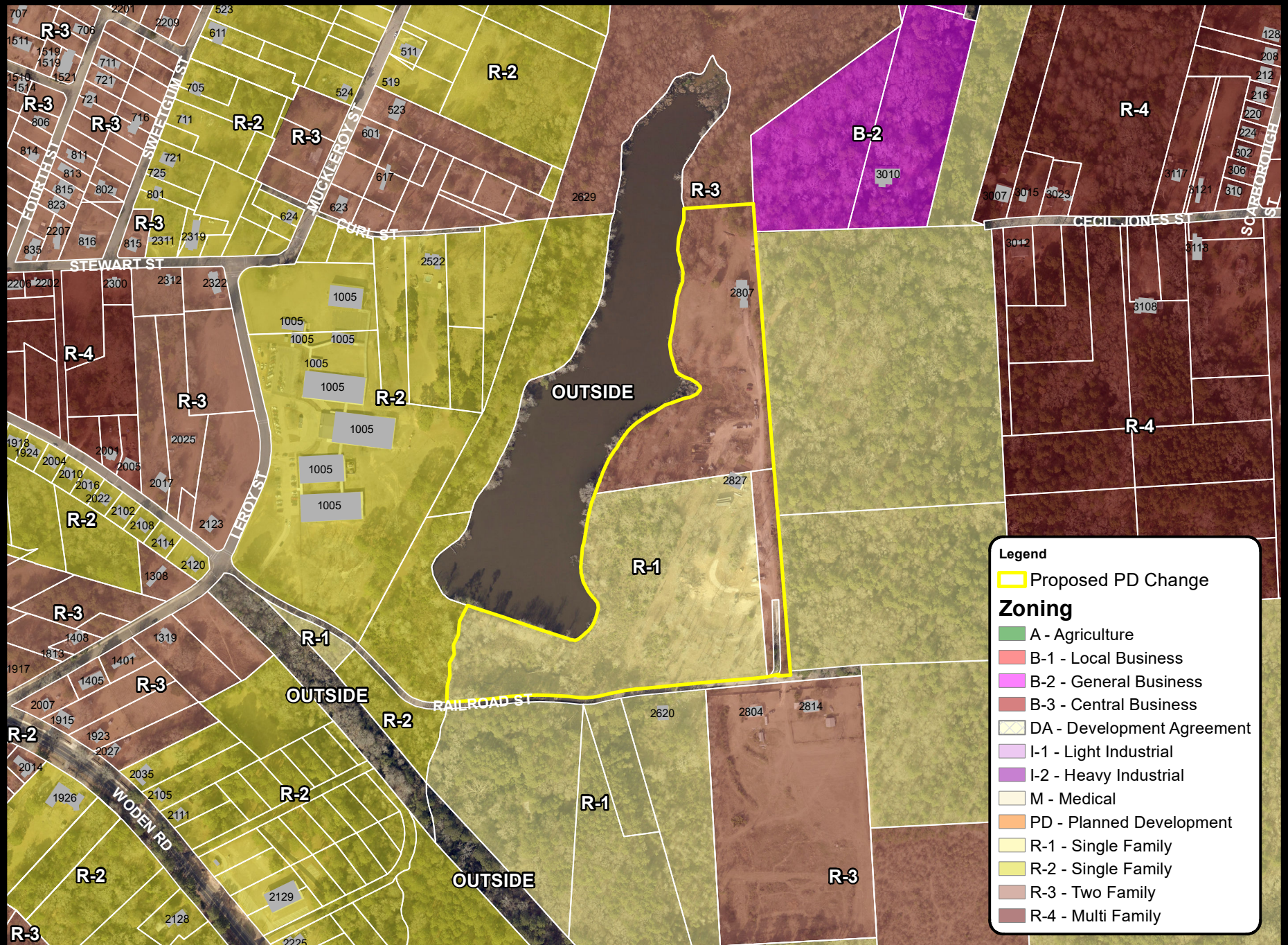


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Date Created: October 20, 2021 Software: ArcGIS 10.8.1



PD 2021-04



Legend

Proposed PD Change

Zoning

- A - Agriculture
- B-1 - Local Business
- B-2 - General Business
- B-3 - Central Business
- DA - Development Agreement
- I-1 - Light Industrial
- I-2 - Heavy Industrial
- M - Medical
- PD - Planned Development
- R-1 - Single Family
- R-2 - Single Family
- R-3 - Two Family
- R-4 - Multi Family

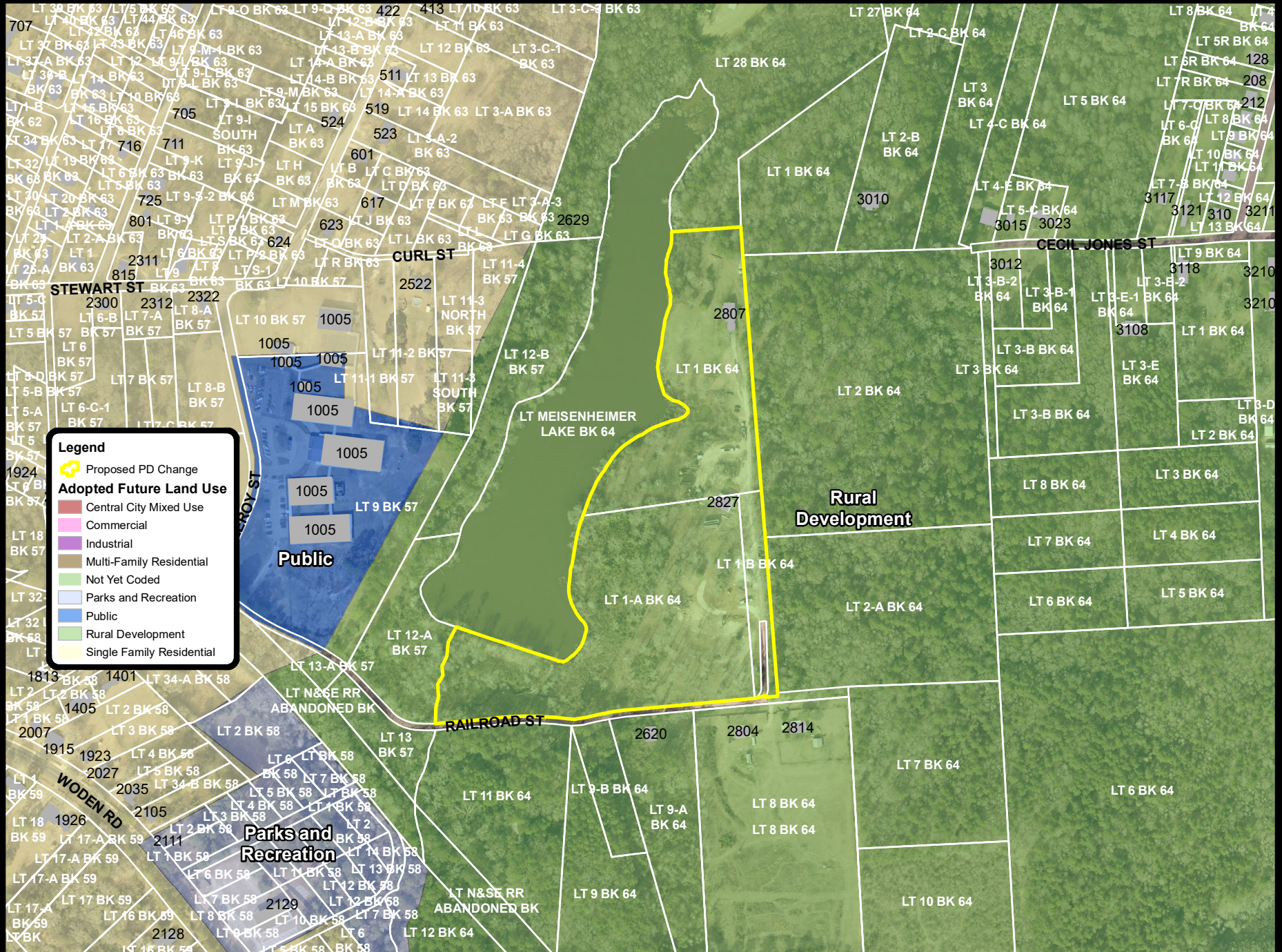
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0 100 200 400 Feet

Date Created: October 20, 2021 Software: ArcGIS 10.8.1



PD 2021-04



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0 100 200 400 Feet

Date Created: October 20, 2021 Software: ArcGIS 10.8.1



200 Foot Notification Map

PD2021-04: 2827 Railroad St.

Legend



200 Foot Buffer



Manufacture Home



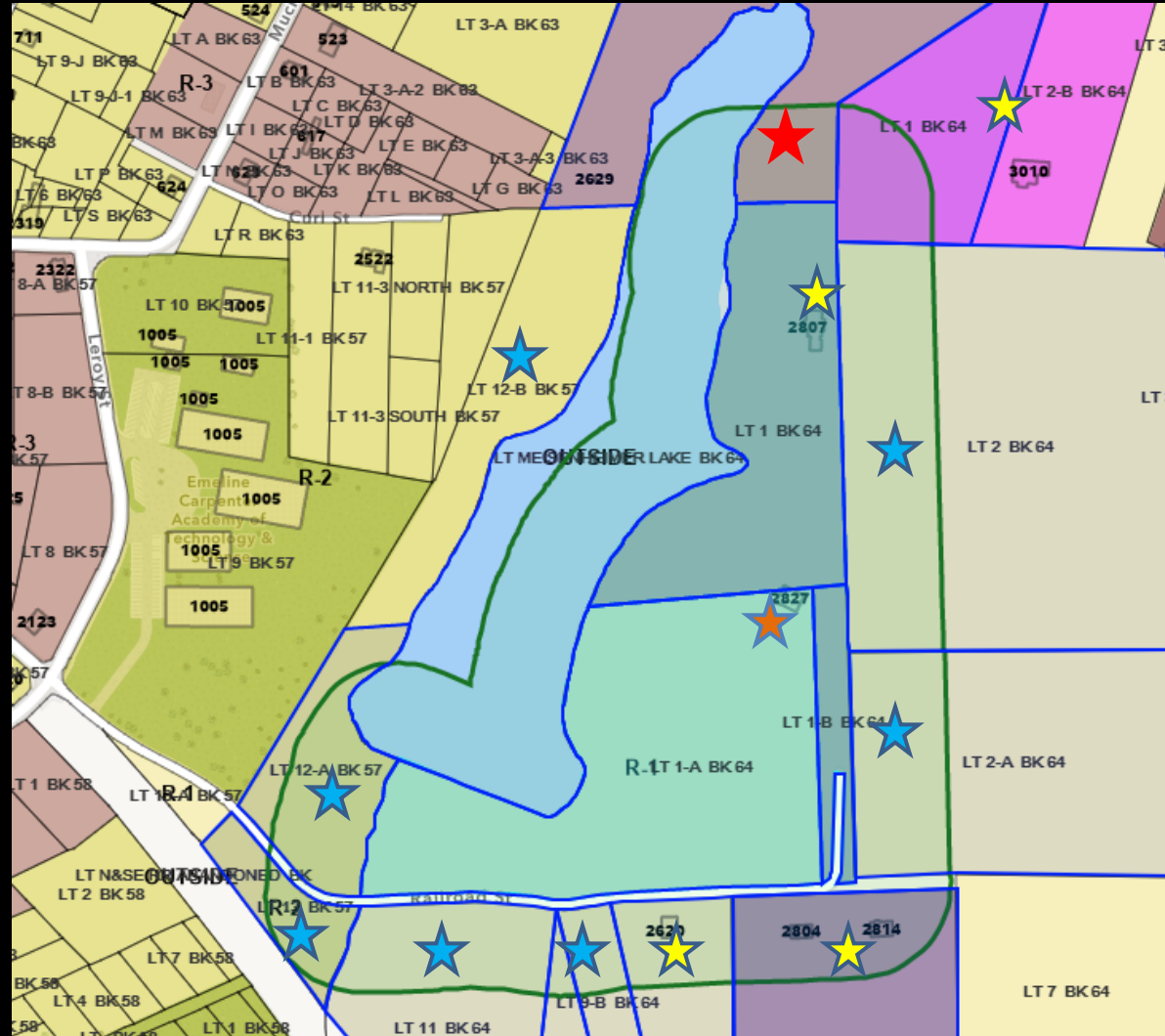
Undeveloped/Vacant



Single Family-
Owner Occupied



Shop



PD2021-04 Site Photos



Railroad Street
View



Driveway Entrance



Equipment & Materials



Equipment & Materials



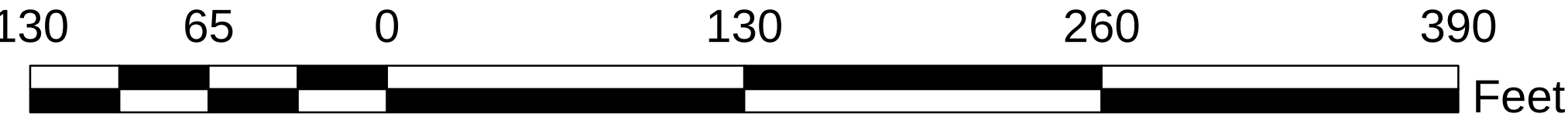
Shop & Office





Planned Development Concept Plan: PD2021-04

- Proposed PD
- Parcels
- Buildings
- Streets
- Proposed Outdoor Storage
- Fence



Railroad Street Planned Development (PD2021-04)

The Planned Development (PD) and Concept Plan propose to utilize the subject property as a Contractor Yard, and includes an existing shop and office, and a proposed outdoor storage area with screening. The PD also proposes to continue to use the existing single family structure located on the property as the applicant's primary residence. The Contractor Yard will support the applicant's business which includes the transportation and storage of roadway construction materials and equipment on the subject property. The development standards listed below outline the conditions of the PD, including a phasing plan with a schedule to reduce the business activities over the next 10 years.

PD DEVELOPMENT STANDARDS

- Proposed Uses: Land Use will be limited to the following:
 - Existing single family residence (2,600 sq. ft.)
 - Existing workshop/office (2,000 sq. ft.)
 - Contractor Yard (10,000 sq. ft. outdoor storage area) with screening
- Buildings: No new commercial buildings or expansions of existing commercial buildings. All activities associated with the Contractor Yard will be limited to the existing office, shop, and outdoor storage area.
- Screening: All equipment and materials will be relocated to the north side of the existing shop/office and consolidated in an outdoor storage area that will be screened with a 6-foot wooden fence.
- No clearing will be permitted within the vegetated area located between the shop/office and Railroad Street, and this area will be preserved and maintained in its current state.
- Landscaping: Additional shrubs will be planted along the southern boundary of the property located adjacent to Railroad Street.
- Equipment: 13 vehicles/equipment in total: 4 Volvos (tractor trailers); 3 Belly dump trucks; 3 Dump trucks; 1 Backhoe; 1 Trackhoe; and, 1 Front-end loader.
- Materials: The storage of onsite materials includes limestone base (40 tons), and rip rap rock (30 tons).
- Employees: There are 5 employees in total, including 4 drivers and 1 secretary.
- Operating Hours: Drivers' schedules have been modified to a 7:30am start time, and the belly dump truck drivers will leave no earlier than 6:00a.m., and return to the property no later than 6:00p.m.
- The property owner will participate in the costs of the maintenance and repair of Railroad Street, to include the section of Railroad Street located between the property entrance and Leroy Street to the west.

- Phasing: The development will be phased out over 10 years as follows.

Phase	Year	Employees	Equipment & Materials						
1	2022 (Present-day)	4 Drivers	4 Volvos	3 Belly trucks	3 Dump trucks	Backhoe	Trackhoe	Front-end loader	Van trailer
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4	2028	3 Drivers	0	2 Belly trucks	3 Dump trucks	Backhoe	0	0	Van trailer
5	2030	2 Drivers	0	2 Belly trucks	2 Dump trucks	Backhoe	0	0	Van trailer
6	2032	0	0	0	0	0	0	0	0

Project Number: PD2021-04

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

Signature:

Clarence V. Yarbrough

Printed Name:

CLARENCE V. YARBROUGH

Street Address:

1300 Kourtney Lane

City, State and Zip Code:

Nacogdoches, TX 75961

Phone Number:

936-564-6849

Email Address:

guitarpicker@sbcglobal.net

Physical Address of Property within 200 Feet:

1300 Kourtney Lane

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



Helton, Alaina <heltona@nactx.us>

Sparks zoning

1 message

David Connolly <davennac@sbcglobal.net>
To: Alaina Helton <heltona@nactx.us>

Thu, Nov 4, 2021 at 1:37 PM

Ms. Helton,

I have some questions about Mr. Sparks' "Planned Development" application. Is the one page document with the header "Railroad Street PD Zoning" the entirety of your report for the P & Z board(excluding map)? There are some things in it that make no sense, and there is an inconsistency between what is stated in the summary at the top of the page, which was written by you or member of your staff, and the information below the header "PROPOSED DEVELOPMENT" which was submitted by Mr. Sparks. The summary says there will be a 5000 sq. ft. storage area that will house all equipment and materials, but Mr. Sparks says that only equipment would be stored in this area, and not that it really matters, but I am certain all of the equipment he has now would not come close to fitting in a 5000 sq. ft. area. Mr. Sparks said this area would be fenced on all sides, but it doesn't need to be fenced because that area can't be seen from Railroad St., the school property, or the properties north of it because of the trees and other vegetation growing on that side of the lake. You can barely get a glimpse of that area from the tree line.

There's only one good area for storing limestone road base and other materials, and that is on the top of the hill where it is now, visible from the street. Mr. Sparks says he would plant more shrubs along the fence line on Railroad St to reduce visibility, but also says "A 6-foot screening fence will be provided along the boundary of the development.." It makes no sense to do both. What would be the timeline for having the fence installed?

2022 is designated as Year 1/ Phase 1. Why is 2024 designated as Year 2/ Phase 2? What happened to 2023? Why isn't it Year 2?

With the number of drivers being the same in Phase 1 and Phase 2, the elimination of the four Volvo trucks is meaningless in terms of the amount of traffic. The number of dump trucks remains the same through 2025, which are the source of almost all of the heavy truck traffic-- for 5 years after his zoning violation was reported and 4 1/2 years after his zone change request was denied. And for the next 3 years, there's a reduction of only 1 driver and 1 belly-dump truck.

While the number of drivers employed is limited to four, Mr. Sparks can and does sometimes drive a truck himself, making the real number of drivers five in Phase 1 and Phase 2 and one more than specified in subsequent phases.

Regarding enforcement of the operation hours: If I call to complain of an early morning violation of the time restriction, who is going to provide enforcement policing? Would it be someone in the code enforcement department, or the police department? Have details of this enforcement policing been worked out and approved by Mr. Canizares and/or Chief Sevey? Mr. Sparks told me that if he can't get trucks to a job 75- 150 miles away very early in the morning, he won't get the job. Also, trucks returning with a load of road base is how he maintains his stockpile for local sale. Trucks have left as early as 3:30, but he has a wide window for trucks heading out, and he's not stupid. If he's violating the operation hours restriction, he's not going to send them out at close to the same time every morning. He'll vary it by 15- 30- 60 minutes every day. So to catch him, a police or code

enforcement officer would have to be watching for a truck leaving for 1- 2 hours. I don't believe this would ever be done. I believe the much better alternative is to install a game/ trail camera to monitor trucks leaving. Without effective policing action, the restriction on operation hours is a farce. If he is caught in this violation, what is going to be the penalty for first/ second/ third offense?

For the benefit of the P & Z board members, I will say again that with pasture leasing for \$15- 20 per acre per year, I think Mr. Sparks can find 2- 3 acres to move his business to by offering 10 times that amount and offering a "security deposit" of \$1000- 2000 to ensure that he restores the land to its present condition when he vacates the property. This would be a very modest expense for his business. And I would not object to his having permanent but limited use of his shop for major repairs.

David Connolly

ORDINANCE NO. 1886-11-21

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING THE BOUNDARIES OF A ZONING DISTRICT WITHIN THE CITY OF NACOGDOCHES FROM R-1, SINGLE FAMILY AND R-3, TWO FAMILY TO PD, PLANNED DEVELOPMENT FOR LOTS 1, 1-A & 1-B, CITY BLOCK 64, CONTAINING APPROXIMATELY 27 ACRES, GENERALLY LOCATED AT 2827 RAILROAD STREET. CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Zoning Ordinance of the City of Nacogdoches provides for Planned Development Districts; and

WHEREAS, the property described above and depicted in “**Exhibit A**” is currently zoned R-1, Single Family and R-3, Two Family; and

WHEREAS, Warren Sparks, filed an application for a Planned Development District for the development of a Contractor Yard for Lots 1, 1-A & 1-B, City Block 64, generally located at 2827 Railroad Street (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 property owner has requested the zoning classification of said property to be changed from R-1, Single Family and R-3, Two Family to Planned Development District to allow for a Contractor Yard for Lots 1, 1-A & 1-B, City Block 64, generally located at 2827 Railroad Street as shown in “**Exhibit A**” and “**Exhibit B**”; 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 establishment of a Planned Development District; 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 Development Plan

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, the Concept Plan for the Planned Development District as described in “**Exhibit B**” is hereby approved by the City Council.

SECTION III

Standards

- a) Use of the land in the Planned Development described by this ordinance shall be limited to the existing single family residence and a Contractor Yard generally consistent with the Concept Plan and development standards attached hereto as "Exhibit B."

SECTION IV

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 the uses permitted in and the requirements for development of the Planned Development District as herein provided.

SECTION V

Effective Date

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

SECTION VI

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 VII

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 VIII

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:

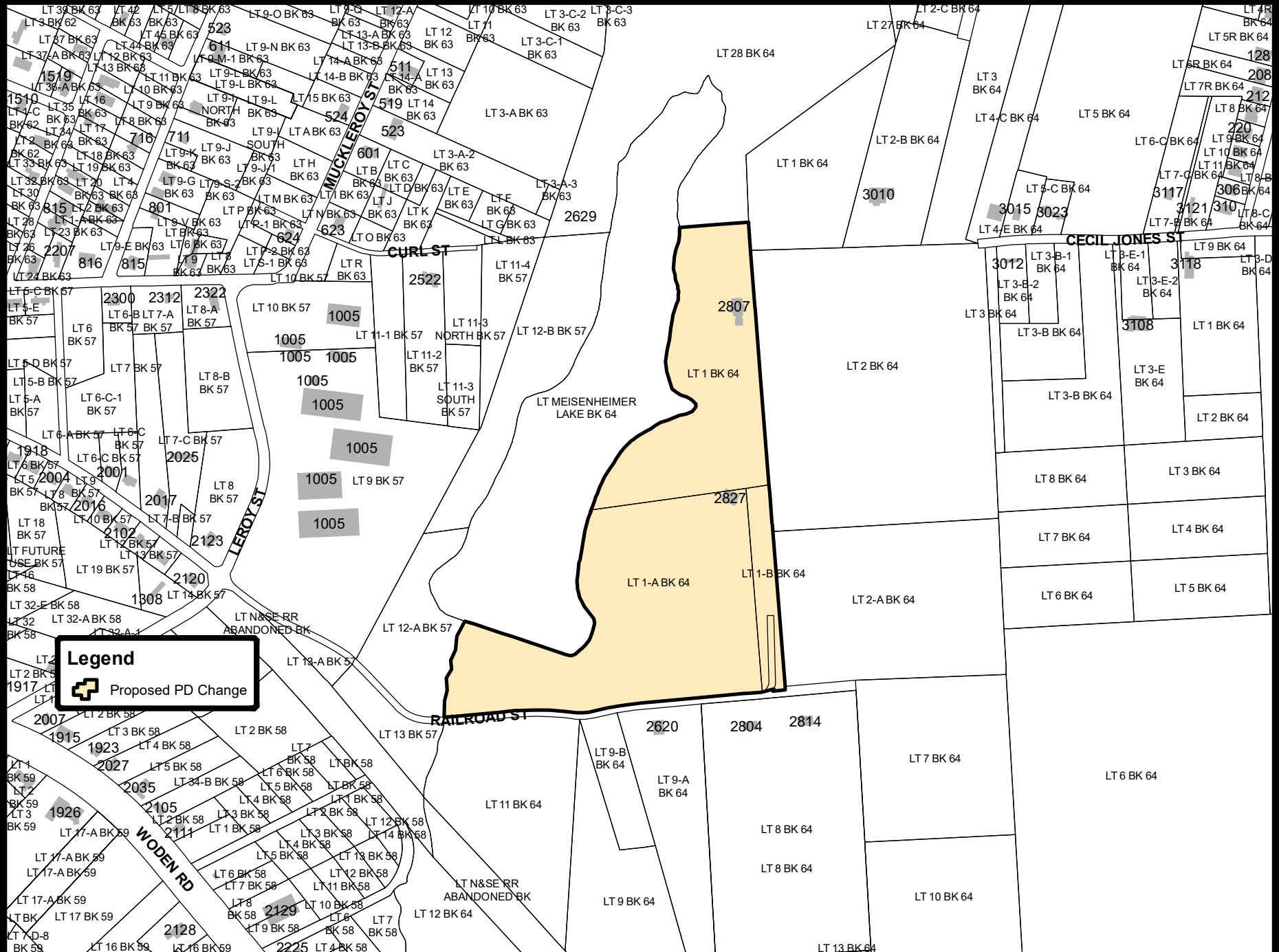
STEVE KIRKLAND, City Attorney

APPROVED AS TO CONTENT:

ALAINA HELTON, City Planner

Exhibit A

PD 2021-04



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0 100 200 400 Feet

Date Created: October 20, 2020 Software: ArcGIS 10.8.1

Exhibit B

Railroad Street Planned Development (PD2021-04)

The Planned Development (PD) and Concept Plan propose to utilize the subject property as a Contractor Yard, and includes an existing shop and office, and a proposed outdoor storage area with screening. The PD also proposes to continue to use the existing single family structure located on the property as the applicant's primary residence. The Contractor Yard will support the applicant's business which includes the transportation and storage of roadway construction materials and equipment on the subject property. The development standards listed below outline the conditions of the PD, including a phasing plan with a schedule to reduce the business activities over the next 10 years.

PD DEVELOPMENT STANDARDS

- Proposed Uses: Land Use will be limited to the following:
 - Existing single family residence (2,600 sq. ft.)
 - Existing workshop/office (2,000 sq. ft.)
 - Contractor Yard (10,000 sq. ft. outdoor storage area) with screening
- Buildings: No new commercial buildings or expansions of existing commercial buildings. All activities associated with the Contractor Yard will be limited to the existing office, shop, and outdoor storage area.
- Screening: All equipment and materials will be relocated to the north side of the existing shop/office and consolidated in an outdoor storage area that will be screened with a 6-foot wooden fence.
- No clearing will be permitted within the vegetated area located between the shop/office and Railroad Street, and this area will be preserved and maintained in its current state.
- Landscaping: Additional shrubs will be planted along the southern boundary of the property located adjacent to Railroad Street.
- Equipment: 13 vehicles/equipment in total: 4 Volvos (tractor trailers); 3 Belly dump trucks; 3 Dump trucks; 1 Backhoe; 1 Trackhoe; and, 1 Front-end loader.
- Materials: The storage of onsite materials includes limestone base (40 tons), and rip rap rock (30 tons).
- Employees: There are 5 employees in total, including 4 drivers and 1 secretary.
- Operating Hours: Drivers' schedules have been modified to a 7:30am start time, and the belly dump truck drivers will leave no earlier than 6:00a.m., and return to the property no later than 6:00p.m.
- The property owner will participate in the costs of the maintenance and repair of Railroad Street, located between the property entrance and Leroy Street to the west.

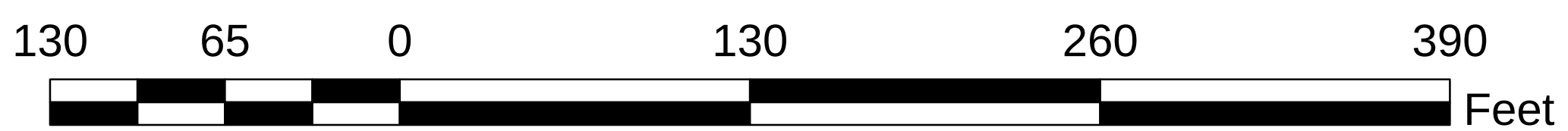
- Phasing: The development will be phased out over 10 years as follows.

Phase	Year	Employees	Equipment & Materials						
1	2022 (Present-day)	4 Drivers	4 Volvos	3 Belly trucks	3 Dump trucks	Backhoe	Trackhoe	Front-end loader	Van trailer
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Exhibit B



Planned Development Concept Plan: PD2021-04



ORDINANCE NO. 1886-11-21

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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 establishment of a Planned Development District; and

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SECTION III

Standards

- a) Use of the land in the Planned Development described by this ordinance shall be limited to the existing single family residence and a Contractor Yard generally consistent with the Concept Plan and development standards attached hereto as "Exhibit B."
- b) As part of the shared maintenance agreement for Railroad Street, the applicant will repair the hump (or raised mass) located in the right-of-way immediately in front of the residence at 2620 Railroad Street.
- c) A 6-foot mesh screening fence will be installed along the southern boundary of the property to block the views of commercial activity from the existing residents located on the south side of Railroad Street.

SECTION IV

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 the uses permitted in and the requirements for development of the Planned Development District as herein provided.

SECTION V

Effective Date

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SECTION VI

Severability

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CITY OF NACOGDOCHES

By: _____
JIMMY MIZE, Mayor

ATTEST:

JAN VINSON, City Secretary

APPROVED AS TO FORM:

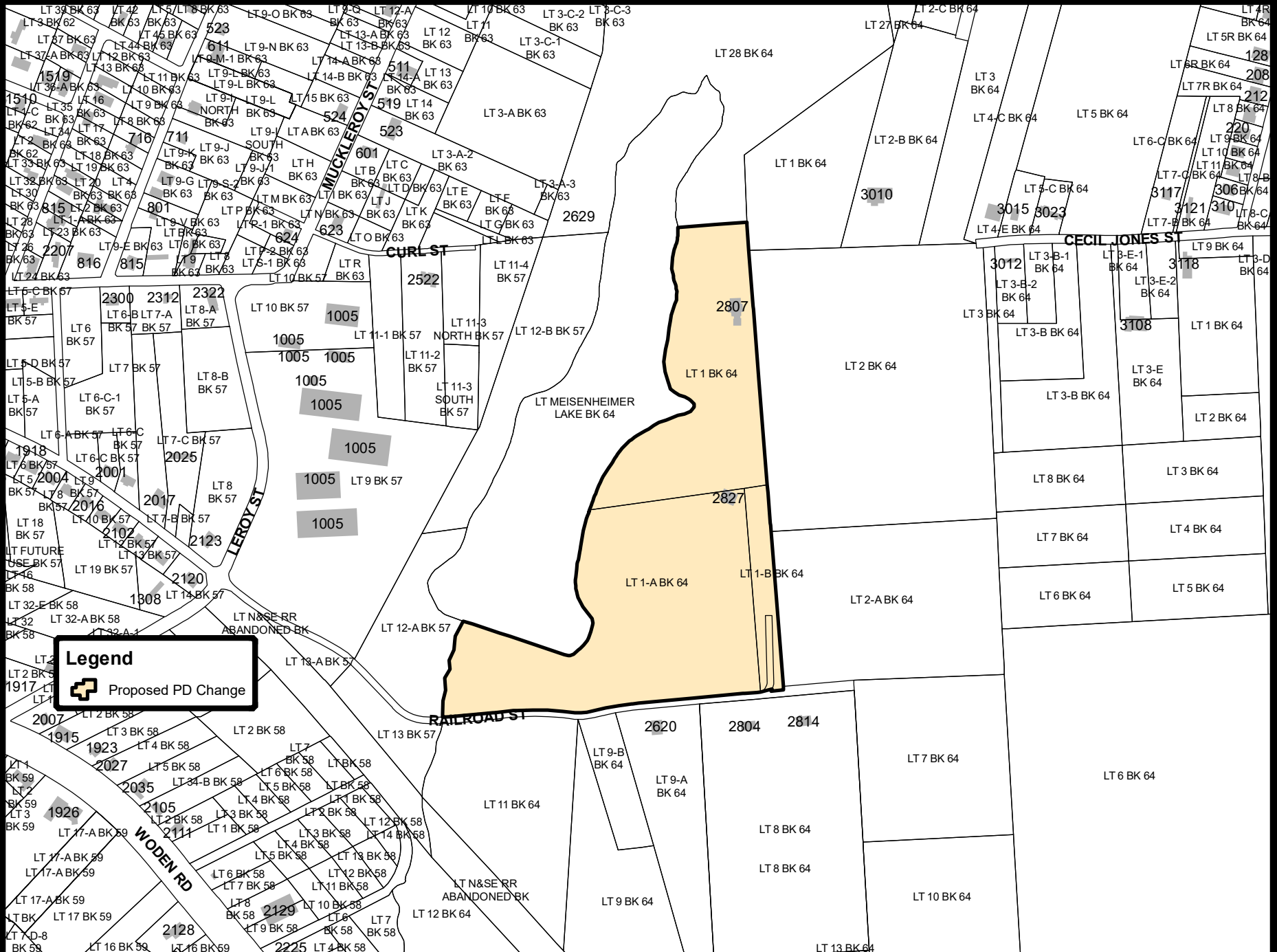
STEVE KIRKLAND, City Attorney

APPROVED AS TO CONTENT:

ALAINA HELTON, City Planner

Exhibit A

PD 2021-04



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Exhibit B

Railroad Street Planned Development (PD2021-04)

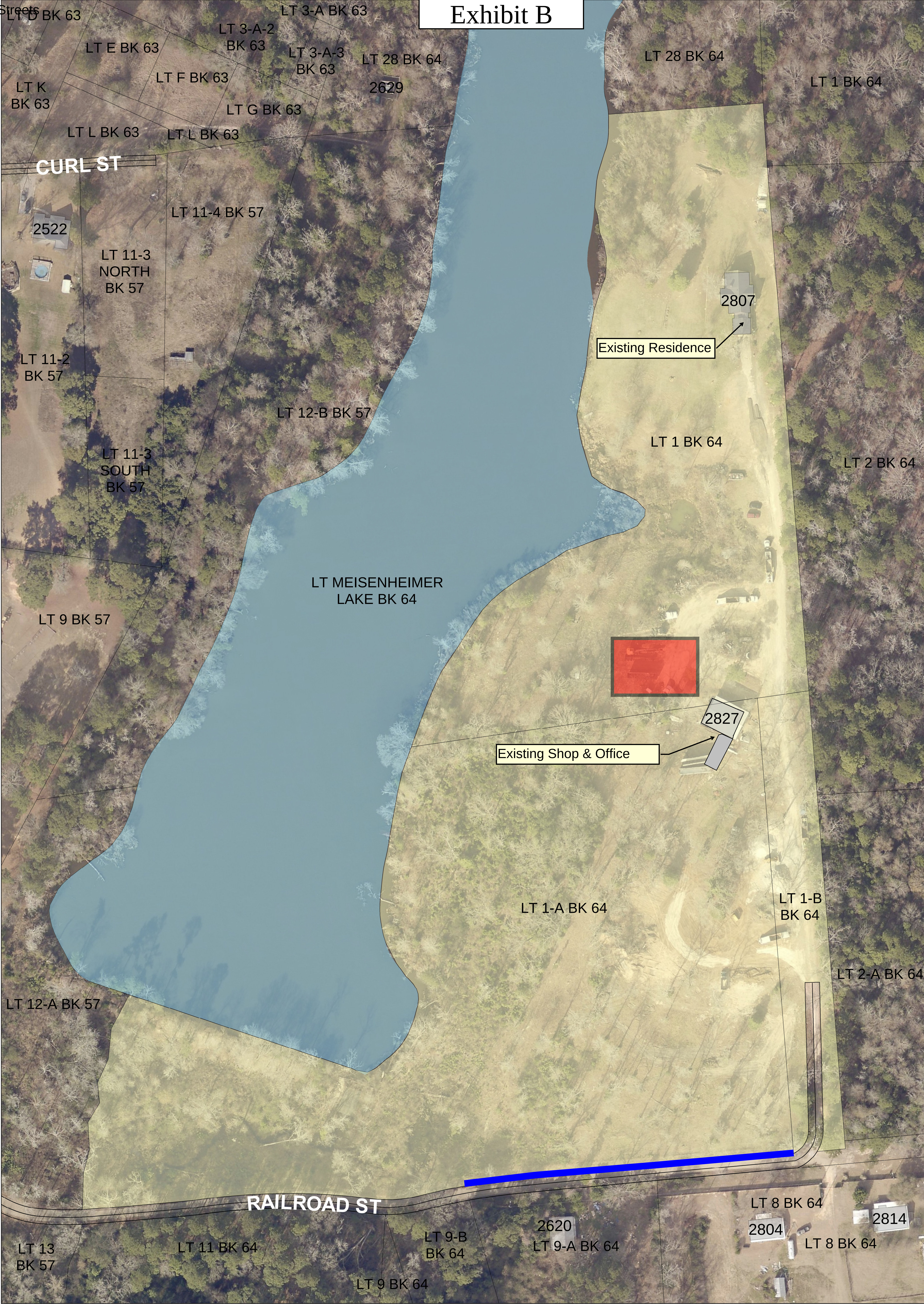
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Planned Development Concept Plan: PD2021-04

- Proposed PD
- Parcels
- Buildings
- Streets
- Proposed Outdoor Storage
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