



June 21, 2022

Notice is hereby given of a Regular Meeting of Nacogdoches City Council to be held on the above date in the City Council Chambers of City Hall, 202 E. Pilar Street, Nacogdoches, Texas, beginning at 4:30 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 on a listed agenda item by telephone must contact the City Secretary's office by email at vinsonj@nactx.us or by calling 936-559-2506 and providing their name, telephone number and relevant agenda item upon which they wish to speak. All requests to make comments must be received by 12:00 p.m. on June 21, 2022. 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. Hold a discussion and give staff direction regarding the consideration of a property tax ceiling and property tax exemptions for homeowners age 65 and older and for disabled persons. (City Manager and Interim Chief Appraiser of Nacogdoches Central Appraisal District).
4. OPEN FORUM. Open Forum is an opportunity for citizens to speak about items not listed on the agenda. In order to address City Council please complete the Open Forum Form and submit it to the City Secretary prior to the start of the meeting. In accordance with the Texas Open Meetings Act, City Council shall not discuss, deliberate, or make any decisions on items discussed during Open Forum. Comments are limited to 3 minutes per person. Open Forum is limited to the first 5 citizens who submit an Open Forum Form.
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 June 7, 2022 regular meeting. (City Secretary)

- B. Consider acceptance of a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) - Operation Slow Down grant. (NPD Special Operations Lieutenant)
 - C. Consider approval of a resolution to appoint Council Member Chad Huckaby to the Comprehensive Plan Committee and reassign Council Member Roy Boldon to the Downtown Master Plan Committee. (City Manager)
7. REGULAR AGENDA: City Council will receive staff recommendations and public input on the following items, and may deliberate and take formal action on the item.
- A. **Public Hearing:** Consider approval of a Zone Change from PD, Planned Development District to R-4, Multi-Family for approximately 3 acres, being Lots 5 and 6, Block 4, of the Creek Bend Subdivision – Unit 2, generally located at the southeast corner of South Steen Drive and Creek Bend Blvd. This request has been submitted by Mario Wesley. Case File ZON2022-03. **(THE APPLICANT FORMALLY WITHDREW THIS ZONE CHANGE REQUEST ON JUNE 14, 2022)** (City Planner)
 - B. **Public Hearing:** Consider a request to amend and/or revoke the Specific Use Permit, pursuant to Section 118-174 of the Code of Ordinances, for a 'Garden Shop & Plant Sales – Display or Greenhouse', in a B-1 Local Business zoning district, for Lot 1, Block 1 of The Plant Shed Subdivision, located at 3123 Appleby Sand Rd. This request has been initiated by the Nacogdoches City Planner. **(PLEASE NOTE THAT DUE TO SCHEDULING CONFLICTS THE PROPERTY OWNER HAS REQUESTED TO POSTPONE THIS ITEM TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 19TH, 2022.)** (City Planner)
 - C. Consider approval of a contract by and between the City of Nacogdoches and Halff Associates, Inc. for professional engineering services on the 2022 Water and Wastewater SCADA System Master Plan in a not-to-exceed amount of \$95,000.00 (Director of Public Works)
 - D. Consider appointing members to the Deep East Texas Council of Governments (DETCOG) Board of Directors. (Mayor)
 - E. Hold a discussion and give staff direction regarding the manner in which planning, zoning, and land use action items are presented to the Planning & Zoning Commission and City Council (City Manager and City Planner).
 - F. Hold a discussion and give staff direction regarding the City's Strategic Studies (Comprehensive Plan Update and Downtown Master Plan), which includes a project and expenditures update and the roles and responsibilities of the committees and its members. (City Manager)
 - G. Receive a report, hold a discussion, and give staff direction regarding the City's brush collection service. (Director of Public Works)

- H. Hold a discussion and give staff direction regarding communication between City staff, City Council and the community. (Council Member Southwest Ward)

8. 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 June 15, 2022 at 4:45 p.m. and remained posted until meeting convened.

Jan Vinson, City Secretary



City Council Meeting

Date: June 21, 2022

Agenda Item: 3.A.

PRESENTER: Mario Canizares, City Manager

ITEM/SUBJECT: Hold a discussion and give staff direction regarding the consideration of a property tax ceiling and property tax exemptions for homeowners age 65 and older and for disabled persons. (City Manager and Interim Chief Appraiser of Nacogdoches Central Appraisal District).

SUMMARY/BACKGROUND: At the May 17, 2022 City Council meeting, Council Members Huckaby and Belanger requested that information be brought back before the City Council regarding freezing property taxes for home owners that are seniors (65 and older) and those with disabilities.

Texas laws allow for cities to institute a tax ceiling (property tax freeze) for certain members of the population.

Also, at a recent Town Hall meeting within the Northeast Ward, Council Member Belanger asked that staff also bring forward a discussion for City Council to possibly increase the property tax exemption rate for seniors and those with disabilities.

Jason Malott, Interim Chief Appraiser for Nacogdoches Central Appraisal District will be providing an overview of the program, the timeline for which action should be taken, and will attempt to demonstrate the financial impact on the City's revenues.

No formal action is being requested for this discussion item but staff is seeking direction from City Council on how to proceed.

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. Exemptions in Nacogdoches County

Partial Exemptions

	Nacogdoches CAD	Homestead Exemption (Minimum \$5,000)	Homestead Exemption	Disabled Person Homestead Exemption	or Age 65 or Older Homestead Exemption	Tax ceiling for disabled person or age 65 or older	Disabled Veteran Exemption
	Nacogdoches County	20%		\$ 40,000	\$ 40,000	Yes	\$5,000 - \$12,000
	Central Heights ISD	20%	\$ 40,000	\$ 30,000	\$ 30,000	Yes	\$5,000 - \$12,000
	Chireno ISD	20%	\$ 40,000	\$ 35,000	\$ 35,000	Yes	\$5,000 - \$12,000
	Cushing ISD	20%	\$ 40,000	\$ 35,000	\$ 35,000	Yes	\$5,000 - \$12,000
	Douglass ISD	20%	\$ 40,000	\$ 35,000	\$ 35,000	Yes	\$5,000 - \$12,000
	Etoile ISD	20%	\$ 40,000	\$ 60,000	\$ 60,000	Yes	\$5,000 - \$12,000
	Garrison ISD	20%	\$ 40,000	\$ 35,000	\$ 35,000	Yes	\$5,000 - \$12,000
	Martisville ISD	20%	\$ 40,000	\$ 35,000	\$ 35,000	Yes	\$5,000 - \$12,000
	Nacogdoches ISD	20%	\$ 40,000	\$ 20,000	\$ 20,000	Yes	\$5,000 - \$12,000
	Woden ISD	20%	\$ 40,000	\$ 35,000	\$ 35,000	Yes	\$5,000 - \$12,000
	City of Cushing	20%		\$ 20,000	\$ 20,000		\$5,000 - \$12,000
	City of Garrison				\$ 6,000		\$5,000 - \$12,000
	City of Nacogdoches	20%		\$ 20,000	\$ 20,000		\$5,000 - \$12,000
	Nacogdoches County ESD #1				\$ 17,500		\$5,000 - \$12,000
	Nacogdoches County ESD #2				\$ 17,500		\$5,000 - \$12,000
	Nacogdoches County ESD #3						\$5,000 - \$12,000
	Nacogdoches County ESD #4				\$ 17,500		\$5,000 - \$12,000
	Nacogdoches County ESD #6						\$5,000 - \$12,000
	Nacogdoches County MUD #1						\$5,000 - \$12,000

Exemptions are adopted by the governing body of each taxing unit or mandated by state law.



City Council Meeting

Date: June 21, 2022

Agenda Item: 6.A.

PRESENTER: Jan Vinson, City Secretary

ITEM/SUBJECT: Consider approval of minutes from June 7, 2022 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
June 7, 2022 – 5:30 p.m.
City Council Room – City Hall
202 East Pilar Street

DRAFT

City Council present in person: Mayor Jimmy Mize, Council Members Kathleen Belanger, Roy Boldon and Chad Huckaby.

1. Called to order at 5:31 p.m.
2. Pledge of Allegiance.
3. **RECOGNITIONS:**
 - A. Recognition of Holden Kelly and Eagle Scouts candidates from Troop 161 for their Eagle Scout Projects.

Eagle Scout Holden Kelly introduced additional Eagle Scouts also in attendance; Will Smith, David Taravella, Parker BoBo and Daniel Hook. Eagle Scout Kelly explained his Eagle Scout Project, Friends of the Forest Trail, which is an interactive education installation that will be going into Pioneer Park and Pecan Park.

4. Lenola Wyatt, Adjunct Faculty Teacher at SFASU and Nancy Niehaus spoke during Open Forum about a youth engagement program. A group of graduate students in the SFASU School of Social Work will present research in correlation with 21/7 Youth Engagement Project on June 14, 2022 at the C.L. Simon Recreation Center at 5 pm. Ms. Wyatt and Ms. Niehaus encouraged City Council and City staff to attend.
5. Council Member Chad Huckaby asked to remove Item 6.C. and Council Member Roy Boldon asked to remove Item 6.B. from the Consent Agenda for discussion.
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 for May 17, 2022 regular meeting.
 - B. Consider rejecting bids for Sterne-Hoya House Museum and Library roof replacement.
 - C. Consider approval of a change order to the construction contract of the ongoing 2021 SWTP Filter 7 Rehabilitation Project in the amount of \$171,000.
 - D. Consider approval of a contract extension between the City of Nacogdoches and CERES Environmental for disaster debris collection, processing and disposal services.

Council Member Kathleen Belanger moved approval of Items 6.A. and 6.D.; motion duly seconded by Council Member Roy Boldon and carried by unanimous vote.

6.B. Jessica Sowell, Community Services Assistant Director, stated the original estimate to replace the cedar shingle roof at Sterne-Hoya House Museum and Library was approximately \$44,000. Unfortunately, the lowest bid received was \$94,000 therefore, staff is requesting City Council to reject both bids and staff will attempt to find a lower priced solution.

Council Member Chad Huckaby moved approval of Items 6.B.; motion duly seconded by Council Member Roy Boldon and carried by unanimous vote.

6.C. Steve Bartlett, Public Works Director, stated the change order is to replace additional valves that had failed.

Council Member Chad Huckaby moved approval of Items 6.C.; motion duly seconded by Council Member Kathleen Belanger and carried by unanimous vote.

Minutes unofficial until approved by City Council

7. **REGULAR AGENDA:**

- A. **Public Hearing:** Consider approval of a Zone Change from R-1, Single Family to R-4, Multi-Family for approximately 0.3 acres, being Lot 1, Block 3, of the Banita Subdivision, located at 1905 Pearl Street. This request has been submitted by Mario Wesley. Case File ZON2022-05.

Alaina Helton, City Planner, reviewed the request stating that there is currently a single family home on the property. The property owner is requesting approval to change the zoning to multi-family in order to construct a two story duplex at the back of the property.

Ms. Helton stated that the applicant originally requested to subdivide the lot but the request for a variance was denied by the Zoning Board of Adjustments in March 2022. Therefore, the applicant applied for a zone change from R-1 to R-4.

Mario Wesley stated the property owners want to add a duplex to the property with access on Ellington Street. He believes the additional rental space will be beneficial to the City due to affordable rental shortages.

Pat Castella spoke in opposition to the rezoning stating it is not compatible with the Comprehensive Plan or the current neighborhood zoning. She stated that it seems that the goal of the Planning Department staff is to destroy all of the older neighborhoods.

Ben Sullivan, property owner's interior designer, spoke in favor of the zone change. He stated the property owner does not have plans to sell the property.

Milton Moorer stated he is opposed to the zoning change. He said he has tried to work with the City to maintaining the integrity of R-1 zoning in this area.

Gary Woods who lives at 221 Ellington Street presented two letters to City Council from two homeowners within the 200 foot notification area who are opposed to the zoning request.

Philip Blackburn who lives on Logansport Street spoke in opposition to the zone change stating that if approved the rezoning would be illegal and it is against the Comprehensive Plan. Mr. Blackburn also stated the letters that Mr. Woods presented to City Council in opposition to the rezoning should invoke the super majority vote or 20% rule as stated in City Ordinances.

City Planner Alaina Helton did confirm that this would require a super majority vote which would be four affirmative votes of City Council.

Council Member Boldon stated he is not in favor of this zone change.

Council Member Belanger stated the City's policies concerning zoning seem to be inconsistent and approving this item would be against the proposed land use. Council Member Belanger also said she is concerned that City staff is recommending approval of this item when the majority of the neighborhood is R-1. She said that she has heard the City Manager state that the City would never recommend rezoning from R-1 to R-4 because it is too big of a jump in zoning yet staff is recommending approval of rezoning from R-1 to R-4. Council Member Belanger asked staff to discuss the principals and standards the City is following regarding planning and zoning at a future City Council meeting.

City Manager Mario Canizares discussed property rezoning in past years. He also stated that he believed the statement he made about not rezoning from R-1 to R-4 was in reference to low income housing tax credit properties.

Council Member Huckaby agrees with Council Member Belanger's in that we have to discuss the City's policies regarding planning and zoning, and that the City's zoning codes need to be revised. Council Member Huckaby also stated the City needed to stop up zoning single family to multi family. Council Member Huckaby said that he is not in favor of changing the zoning of this property from R-1 to R-4.

Mayor Mize also stated he is not in favor of this rezoning request.

Council Member Chad Huckaby moved to deny; motion duly seconded by Council Member Kathleen Belanger and carried by unanimous vote.

- B. Consider approval to name the new disc golf course at Lake Nacogdoches West Park "Iron Leaf Disc Golf Course".

John Anderson, Chair of the Naming Committee, stated that the Naming Committee met to discuss this request and recommended approval.

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

- C. Consider approval of a contract between the City of Nacogdoches and Schaumburg & Polk, Inc. for the final completion of engineering plans and specifications for various sanitary sewer projects, in an amount not to exceed \$118,780.00.

Steve Bartlett, Director of Public Works stated this project started approximately seventeen years ago and the design is 85% complete. Staff would like to reengage Schaumburg and Polk to complete the design on the projects. Once design is complete ARPA funds will be used to complete the projects.

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

- D. Consider appointment of Mayor Pro Tempore and Vice Mayor Pro Tempore.

Mayor Mize proposed that Council Member Roy Boldon remain Mayor Pro Tempore and Amelia Fischer remain Vice Mayor Pro Tempore based on tenure.

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

8. Adjourned 6:38 p.m.

ATTEST:

Mayor Jimmy Mize
City Council
City of Nacogdoches

Jan Vinson, City Secretary

PRESENTER: Nick Stewart, Police Lieutenant

ITEM/SUBJECT: Consider acceptance of a Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) - Operation Slow Down grant. (NPD Special Operations Lieutenant)

SUMMARY/BACKGROUND: The Texas Department of Transportation (TxDOT) STEP OpSlow (Operation Slow Down) grant is funding for law enforcement agencies to increase police presence on public roadways with the intent of reducing serious injury and fatal vehicle crashes specific to speeding violations. To fulfill the STEP- OpSlow grant, The City of Nacogdoches Police Department will adopt goals to increase effective enforcement and adjudication of traffic safety-related laws to reduce fatal and serious injury crashes. Also, the City of Nacogdoches Police Department will implement strategies to increase enforcement of traffic safety-related laws, increase public education campaigns, and increase enforcement of traffic laws to achieve the adopted goals. In conclusion, the grant from TXDOT covers overtime costs for the police department up to \$5860.91.

The City will be responsible for costs up to but not to exceed \$1590.36. This is an 80/20% match agreement.

FINANCIAL:

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

Account No.: 01.560.37

Account Name: *STEP Grant Revenue*

Amount: \$5,861.00

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

Account No.:01.15.601.40

Account Name: *Police Department Overtime*

Amount: \$1,591.00

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

Not Applicable

CITY CONTACT: Nick Stewart, Special Operations Lieutenant
stewartn@nactx.us
936-559-2688

ATTACHMENTS: 1. Budget Amendment Ordinance

AN ORDINANCE AMENDING ORDINANCE NO. 1881-09-21 APPROPRIATING VARIOUS AMOUNTS IN ACCORDANCE WITH BUDGET ADOPTED FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022.

WHEREAS, the City Council of the City of Nacogdoches, Texas has approved and adopted the budget for said city for the ensuing fiscal year beginning October 1, 2021 and ending September 30, 2022.

WHEREAS, the City of Nacogdoches applied for Texas Department of Transportation (TxDOT) Selective Traffic Enforcement Program (STEP) – Operation Slow Down Grant; and the grant proposal has been approved by the Texas Department of Transportation (TXDOT); and

WHEREAS, acceptance of this grant will reimburse officers wages incurred during STEP wave enforcement periods; and

WHEREAS, The City of Nacogdoches Police Department will adopt goals to increase effective enforcement and adjudication of traffic safety-related laws to reduce fatal and serious injury crashes; and

WHEREAS, The City of Nacogdoches Police Department will implement strategies to increase enforcement of traffic safety-related laws and increase public education campaigns to achieve the adopted goals.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Nacogdoches that sums of money as herein set forth in said budget are hereby appropriated and amended for the receipt of funds and payment of operations of the city government of the City of Nacogdoches as follows:

Fund	Dept.	Acct.	Department	Description	Amt.
01		560.37	General Fund STEP Grant Revenue	STEP WAVE Grant Revenue	\$5861.00
01	15	601.40	Police Dept Overtime	STEP WAVE Grant Expenditures	\$1591.00

PASSED AND APPROVED this the 21st day of June, 2022.

Jimmy Mize, Mayor
City of Nacogdoches

ATTEST:

Jan Vinson, City Secretary

Approved as to form: _____
Steven Kirkland, City Attorney

Approved as to content: _____
Pamela Curbow, Director of Finance

PRESENTER: Mario Canizares, City Manager

ITEM/SUBJECT: Consider approval of a resolution to appoint Council Member Chad Huckaby to the Comprehensive Plan Committee and reassign Council Member Roy Boldon to the Downtown Master Plan Committee. (City Manager)

SUMMARY/BACKGROUND: In December 2021, a Comprehensive Plan Review Committee and a Downtown Master Plan Review Committee were created via resolution. At that time, Jay Anderson, Southwest Ward Council Member, was appointed to the Downtown Master Plan Review Committee where he served until the May 2022 City Council Election.

In May 2022, Chad Huckaby was elected as the Southwest Ward City Council Member. During discussions with the City Manager, Council Member Huckaby requested to be appointed to the Comprehensive Plan Review Committee.

City Manager Mario Canizares spoke with Council Member Roy Boldon, who was on the Comprehensive Plan Review Committee, to see if he would be willing to be reassigned to the Downtown Master Plan Review Committee to prevent a quorum of City Council members from being appointed to either committee. Council Member Boldon did agree to the reassignment.

If approved, Council Member Huckaby will be appointed to the Comprehensive Plan Review Committee and Council Member Boldon will be appointed to the Downtown Master Plan Review Committee.

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

ATTACHMENTS: 1. Resolution

A RESOLUTION OF THE CITY OF NACOGDOCHES, TEXAS, PROVIDING FOR THE CREATION OF TWO AD HOC ADVISORY COMMITTEES TO GUIDE THE CITY IN THE PLANNING PROCESS REGARDING UPDATES FOR COMPREHENSIVE PLAN AND THE DOWNTOWN MASTER PLAN; ESTABLISH VOTING STANDARDS FOR THE COMMITTEES RELATED TO THIS REVIEW PROCESS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council created two ad hoc, advisory committees called the Comprehensive Plan Review Committee and the Downtown Master Plan Review Committee (the “Committees”) on December 7, 2021 to guide the city in the planning process regarding the Comprehensive Plan (the “Comprehensive Plan”) and the Downtown Master Plan (the “Downtown Plan”) during the current Plan review process; and

WHEREAS, the City Council appointed members to serve on each committee, with each council member and the mayor appointing two members to each committee as shown on Exhibit A; and

WHEREAS, the City Council accepted the recommendations from the City Manager and Planner and appointed chairs for the committees as shown on Exhibit A; and

WHEREAS, the Committee liaison is a qualified consultant in city planning, who will continue to work to facilitate the Comprehensive Plan Review and Downtown Master Plan Review process in collaboration with city staff. The consultant and staff will report regularly to the City Council and interact with the Planning & Zoning Commission (the “P&Z”) and the Main Street Advisory Committee (“Main Street”) on Review related issues; and

WHEREAS, the Committees will continue to act as a community sounding board for the Plans and provide input and feedback on policy recommendations from the Planning & Zoning Commission and the Main Street Advisory Committee. The Committees will also act as advisors and ambassadors of the planning process; and

WHEREAS, it is the intent that all policies are reached by consensus prior to moving forward; and

WHEREAS, the work of the Committees is complex and knowledge is cumulative, regular attendance and continuity of Committee members is critical to the effective performance of each member; and

WHEREAS, the Committees and this resolution will sunset at the conclusion of the associated planning process, or as determined by the City Council may be reconstituted as a Plan Oversight Committee; and

WHEREAS, Chad Huckaby was elected as Council Member Southwest Ward in May 2022 replacing Jay Anderson and Council Member Chad Huckaby desires to be appointed to the Comprehensive Plan Review Committee; and

WHEREAS, Council Member Roy Boldon is willing to be reassigned to the Downtown Master Plan Review Committee;

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

Section I. The City Council hereby appoints such members and the Chairs of each Committee as listed in the attached exhibit A.

Section II. Any member of the Committees may be removed with or without cause by the appointing council member. Committee meeting attendance shall be reported to the City Council. After the first meeting date of the Committee, if a Committee member is no longer willing to serve, or is removed, that Committee member may be replaced or the position left vacant.

Section III. The Committee members shall act as a community sounding board for the Plan and provide input and feedback on policy recommendations to the Planning & Zoning Commission, the Main Street Advisory Committee and the City Council. The Committee will also act as advisors to and ambassadors of the planning process.

Section IV. All policies of the Plans must be supported by a consensus of the responsible committee before the policy moves forward as a recommendation to the Planning & Zoning Commission for the Comprehensive Plan and the Main Street Advisory Committee for the Downtown Master Plan. The Planning & Zoning Commission and the Main Street Advisory Committee will follow their customary procedures to advance a policy recommendation to the City Council.

Section V. The Committees and this Resolution will sunset at the conclusion of the planning process associated with this Resolution, or as determined by the City Council may be reconstituted as a Plan Oversight Committee.

Section VI. This Resolution is effective upon adoption.

DULY PASSED AND APPROVED THE 21st DAY OF JUNE, 2022.

Jimmy Mize, MAYOR

ATTEST:

Jan Vinson, CITY SECRETARY

APPROVED AS TO FORM:

Steven Kirkland, CITY ATTORNEY

Exhibit A:

Comprehensive Plan Review Committee:

- **P&Z Commission:** *Ken Deppisch, Chair*
- **NEDCO Representative:** *Steele Wright, Vice-Chair*
- Council Members: Chad Huckaby and Kathleen Belanger
- Jimmy Mize appointment: Ed Pool and Juan Gonzales
- Roy Boldon appointment: James Montoya and Mable Cannings
- Amelia Fischer appointment: Denise McDonald and Michara DeLaney-Fields
- Jay Anderson appointment: Paul Jackson and Sydney Register
- Kathleen Belanger appointment: Brad Maule and Larry King
- SFASU Representative: Carrie Charley
- NISD Representative: Jacob Lusk
- Bright Foundation Representative: Kurt Sutton
- Parks Advocacy League Representative: Nicole Ivancic
- Federation of Women's Club Representative: Marilyn Walton
- SFA Student Representative: *Name to be determined.*

Downtown Master Plan Review Committee:

- **Main Street Representative:** *Miles McCall, Chair*
- **Bright Foundation Representative:** *Greg Williams, Vice-Chair*
- Council Members: Amelia Fischer and Roy Boldon
- Jimmy Mize appointment: Susie Patterson and Ramsey Parr
- Roy Boldon appointment: Mario Torres and G.W. Neal
- Amelia Fischer appointment: Evelyn Saucedo and Anne Kelly
- Jay Anderson appointment: John Anderson and Jeff Abt
- Kathleen Belanger appointment: Ben Sullivan and Laura Culpepper
- HLPC Representative: Perky Beisel
- CVB Representative: Shay Runnels
- Parks Advocacy League Representative: Brandi Cartwright
- Federation of Women's Club Representative: Betty Shinn
- SFA Student Representative: *Name to be determined.*

PRESENTER: Alaina Helton, City Planner

ITEM/SUBJECT: Public Hearing: Consider approval of a Zone Change from PD, Planned Development District to R-4, Multi-Family for approximately 3 acres, being Lots 5 and 6, Block 4, of the Creek Bend Subdivision – Unit 2, generally located at the southeast corner of South Steen Drive and Creek Bend Blvd. This request has been submitted by Mario Wesley. Case File ZON2022-03. **(THE APPLICANT FORMALLY WITHDREW THIS ZONE CHANGE REQUEST ON JUNE 14, 2022)** (City Planner)

SUMMARY/BACKGROUND: SUMMARY/BACKGROUND: The request is for a zone change from PD, Planned Development District to R-4, Multi-Family for approximately 3 acres located at the southeast corner of S. Steen Drive and Creek Bend Blvd. The R-4, Multi Family district is intended for higher density residential areas which may contain a mixture of single-family, two-family, and multiple-family dwellings. District regulations are designed to protect residential characteristics of the area and to prevent the overcrowding of land.

This property is part of a larger area that was zoned from R-1 to PD in the 1980's for high density residential development. The original plans for development of the area have lapsed, necessitating the approval of new development plans, or a change in zoning in order for the property to be developed. Since the original approval of the PD, the area included in the original concept plan has seen little development.

Adjacent Land Use & Zoning

The subject property is zoned PD, Planned Development and is currently undeveloped. The surrounding zoning and land uses are as follows:

Direction	Comprehensive Plan	Zoning	Land Use
North (Across Creek Bend Blvd.)	Multi-Family Residential	PD, Planned Development	Sorority Houses
South	Single Family Residential	A, Agricultural	Undeveloped
East	Commercial	B-2, General Business	Office & Multi-Family
West	Multi-Family Residential	PD, Planned Development	Fraternity House & Undeveloped

The large tracts to the north across Creek bend Blvd. have been developed for sorority houses with a couple of duplexes located on the north side of N. Steen Drive. The remainder of the property in the PD are undeveloped, with the exception of a vacant fraternity house to the west along S. Steen Drive. Property to the south is zoned Agriculture and undeveloped, and property to the east is zoned Commercial and is developed as office and multifamily.

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

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

The proposed R-4, Multi Family zoning district permits similar land uses as those approved for the original PD development plans, as well as the existing development located along Creek Bend Blvd.

Orderly Growth and Development: The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;

The property is bounded by Creek Bend Blvd. to the north and S. Steen Drive to the west. Property to the east is developed, and property to the south has access to a public street and utilities.

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

The subject properties take direct access from Creek Bend Blvd. and S. Steen Drive, which functions as primary access for the property and adjacent development. The property also has access to public utilities, with a 8-inch water main and 6-inch sewer main and a 8-inch water line along the public streets.

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

Future development will meet all current driveway and parking requirements.

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

Future development will comply with City regulations regarding the prevention of offensive odor, fumes, dust, noise and vibrations.

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

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

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

Multifamily construction is subject to commercial district landscaping requirements and the screening requirements for commercial sites with residential adjacency.

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

Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the subject property as *Multi Family Residential*. This FLUP category is described as, “Attached dwellings with three or more units, including apartments, townhouses, condominiums, patio homes, rooming/ boarding houses, and nursing homes and assisted-living developments.”

Thoroughfare Plan

This section of Creek Bend Drive is built as a minor collector road, with the section of Creek Bend Blvd. to the east of the subject property designated as a future major collector.

COMMUNITY INPUT:

Staff mailed 12 notices to property owners within the 200-foot notification area. Of these 12 notices, Staff has received one (1) written response in favor of the zone change and one (1) written response in opposition of the zone change request.

The applicant held a neighborhood meeting for the property owners within 500 feet of the subject property on June 1, 2022 to discuss the rezoning request. The applicant, property owner, City staff and six (6) residents from the North Gate Subdivision attended the meeting, one (1) of which resides within the 200-foot notification area. The residents in attendance did express opposition to the zone change, citing concerns regarding privacy, noise, and traffic. The neighborhood residents expressed the desire for the applicant to maintain the property as Planned Development and amend the PD Development Plan to incorporate the development.

Based on input from the neighborhood, Planning Staff encouraged the applicant to withdraw the zone change request and submit a PD amendment application. The applicant has chosen to move forward with the request to change the zoning to R-4, Multi-Family. This item is scheduled to be heard by City Council on Tuesday, June 21st.

RECOMMENDATION:

Planning & Zoning Commission: The Planning & Zoning Commission considered this item at their regular meeting on June 13, 2022 and voted unanimously (4-0) to deny the request. The vote for denial was based on the concerns raised by the residents of the North Gate subdivision regarding noise, traffic and the additional density permitted by the proposed R-4 zoning district. The Commission also recommended that the applicant maintain the current PD zoning designation of the property, and amend the PD Development Plan to incorporate the proposed development.

Based on the concerns and recommendations of the Commission as outlined above, **the applicant formally withdrew their zone change application on June 14, 2022. As stated in the attached withdrawal letter, the applicant intends to apply for an amendment to the current Planned Development.**

FINANCIAL:

No financial impact associated with this item

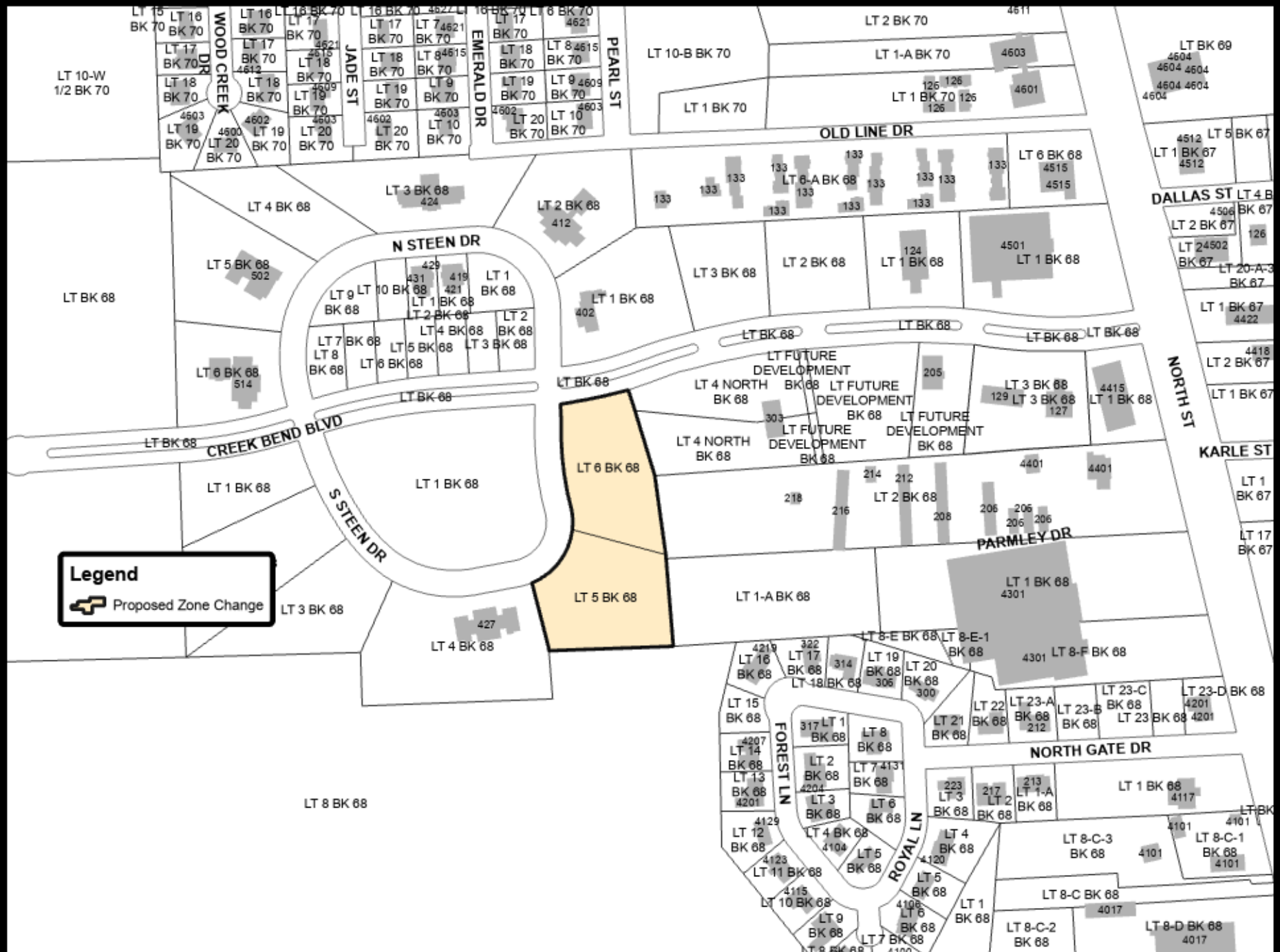
COUNCIL PRIORITIES: THIS AGENDA ITEM IS CONSISTENT WITH THE FOLLOWING CITY COUNCIL PRIORITIES

Neighborhood Revitalization and Attainable Housing

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

- ATTACHMENTS:**
1. Location Map
 2. Aerial Map
 3. Zoning Map
 4. Future Land Use Map
 5. Notification Map
 6. Written Responses
 7. Site Photos
 8. Withdrawal Letter
 9. Ordinance

ZON 2022-03



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



0 75 150 300 Feet

Date Created: April 20, 2022 Software: ArcGIS Pro 2.9.2



ZON 2022-03



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



0 75 150 300 Feet

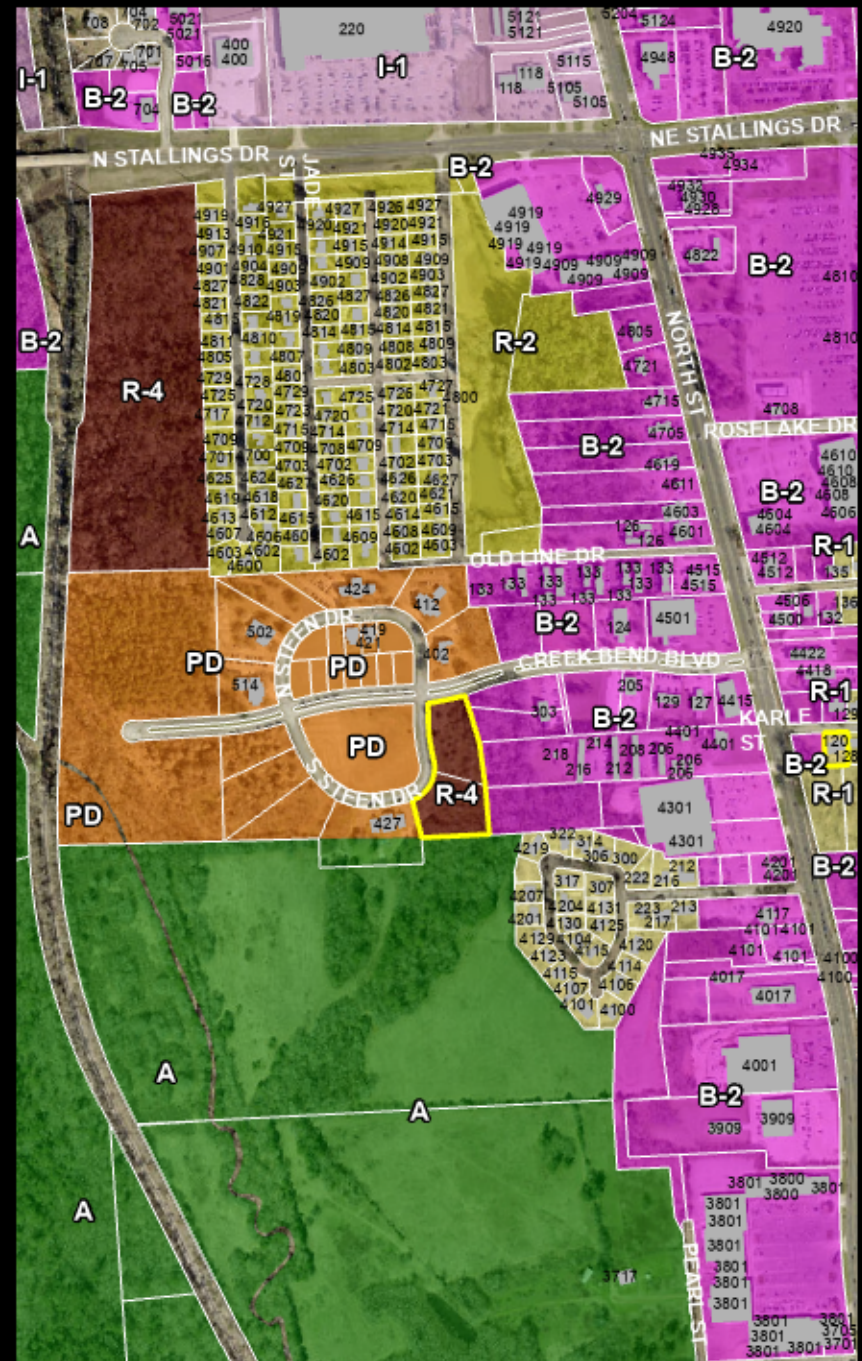
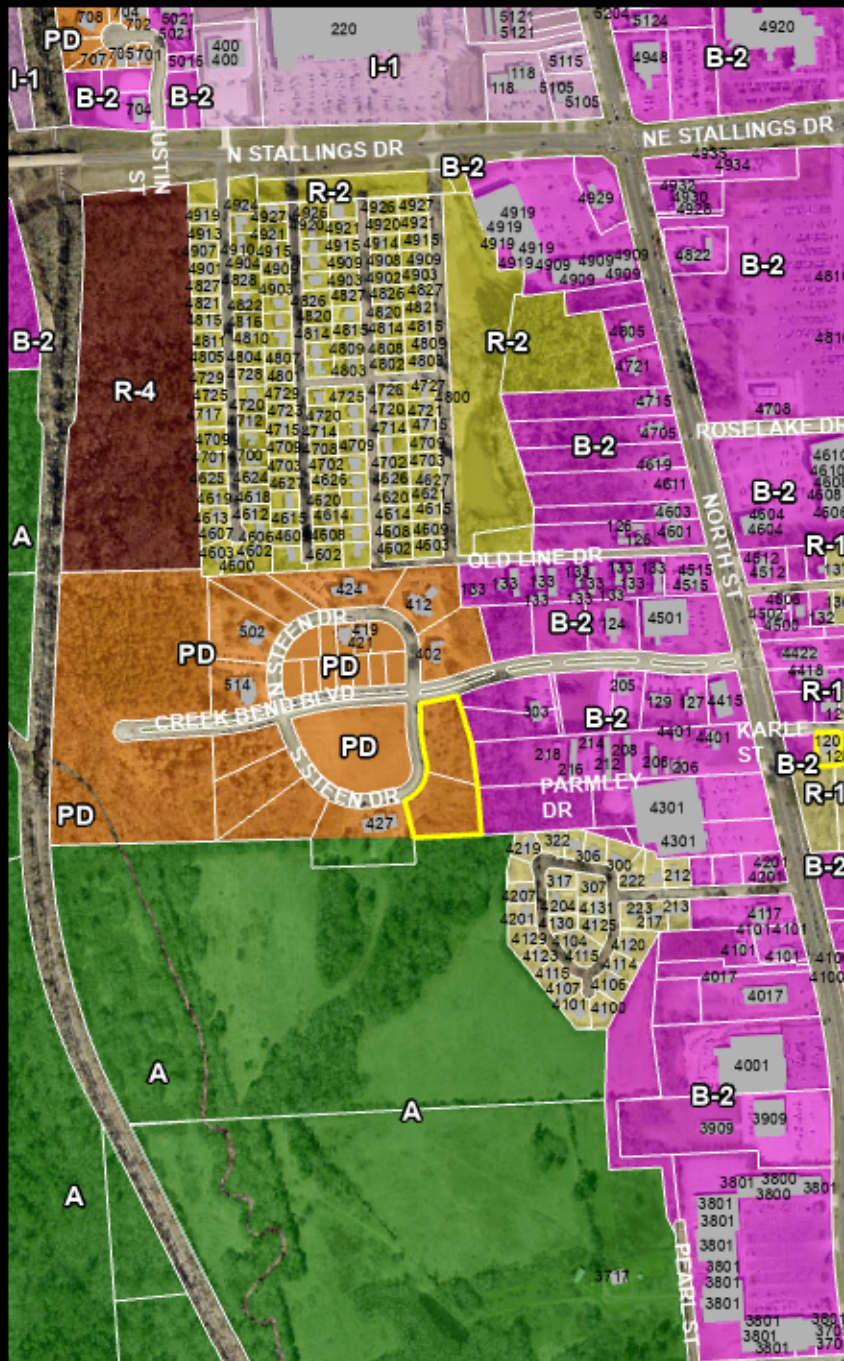
Date Created: April 19, 2022 Software: ArcGIS Pro 2.9.2



Existing Zoning

ZON 2022-03

Proposed Zoning



Notice: This product is for informational purposes only 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.

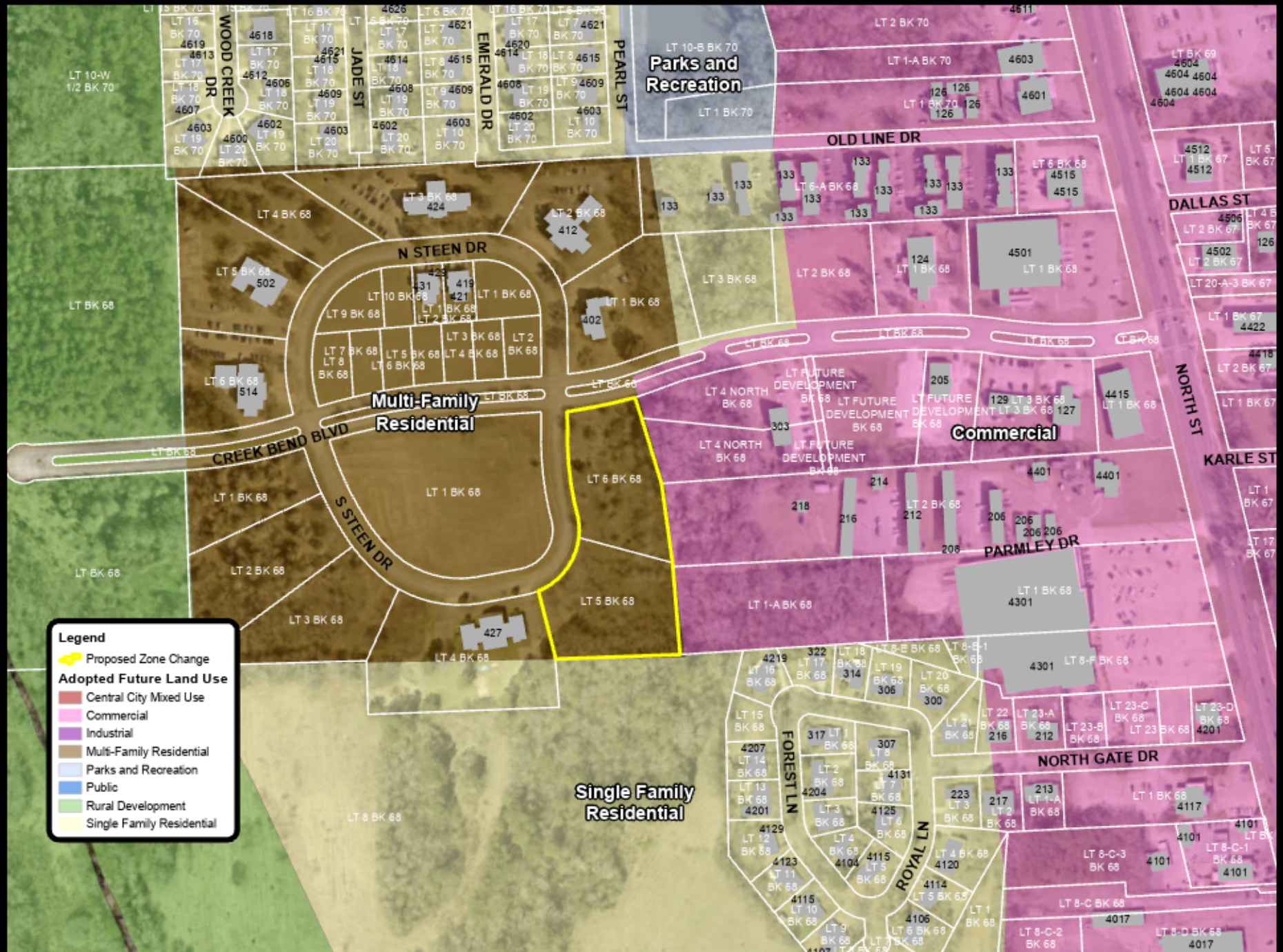


Date Created: April 20, 2022 Software: ArcGIS Pro 2.9.2

0 200 400 800 Feet



ZON 2022-03



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



0 75 150 300 Feet

Date Created: April 20, 2022 Software: ArcGIS Pro 2.9.2



200 Foot Notification Map

Legend



200 Foot Buffer



Proposed Zone Change



Commercial



Sorority/Fraternity



Multifamily

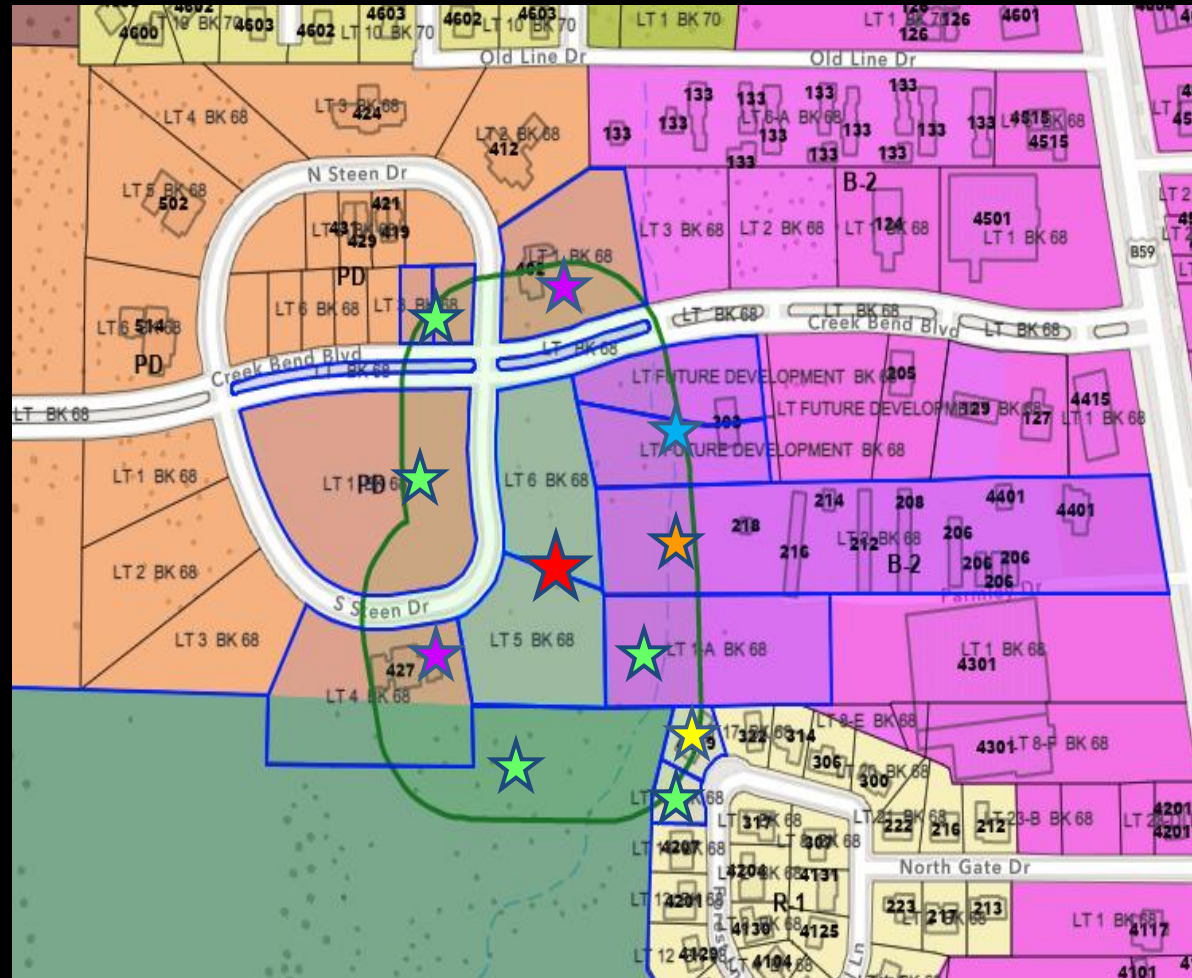


Single Family-
Owner Occupied



Undeveloped

ZON2022-03: Lots 5&6 S. Steen Dr.





Response Form

Project Number: ZON2022-03
S. Steen Drive – Creek Bend Subdivision

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

City of Nacogdoches Planning & Zoning Department
Attn: Rhonda Lewis
PO Drawer 635030
Nacogdoches, TX 75963

You may also email a copy to Rhonda Lewis, lewisr@nactx.us

Project Number: ZON2022-03

Please circle one: ☒ In favor of request ☐ Opposed to request

Comments:

Signature: _____

Printed Name: DAVID COWEE

Street Address: 303 CREEK BEND BLVD STE B

City, State and Zip Code: NACOGDOCHES TX 75965

Phone Number: 936-559-1123

Email Address: DAVID@PIKEWOODSFINANCIAL.COM

Physical Address of Property within 200 Feet: _____

City of Nacogdoches

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

Nacogdoches

the oldest town in Texas

Response Form

Project Number: ZON2022-03
S. Steen Drive – Creek Bend Subdivision

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Attn: Rhonda Lewis
PO Drawer 635030
Nacogdoches, TX 75963

You may also email a copy to Rhonda Lewis, lewisl@nactx.us

Project Number: ZON2022-03

Please circle one: ☐ In favor of request ☒ Opposed to request

Comments:

I have resided at 216 Northgate Dr. for 50 years. I am the Neighbor Hood Watch Coordinator, and I oppose the zone change from P.D. to R4 multi family, because of noise increase, crime, Lower Property values.

Signature: Daniel Weaver Jr.

Printed Name: Daniel Weaver Sr.

Street Address: 216 Northgate Dr.

City, State and Zip Code: Nacogdoches, Texas 75965

Phone Number: 936-569-7688

Email Address: None

Physical Address of Property within 200 Feet: (NOT WITHIN 200 FT) BUT CONCERNED RESIDENT OF NEIGHBOR HOOD.

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

Zoning Department. You may also make your views known in person by attending the public hearings. Please complete and return form to:

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Attn: Rhonda Lewis
PO Drawer 635030
Nacogdoches, TX 75963

You may also email a copy to Rhonda Lewis, lewisr@nactx.us

Project Number: ZON2022-03

Please circle one: ☒ In favor of request ☐ Opposed to request

Comments:

Signature: _____

Printed Name: _____

Street Address: _____

City, State and Zip Code: _____

Phone Number: _____

Email Address: _____

Physical Address of Property within 200 Feet: _____

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



Response Form

Project Number: ZON2022-03

S. Steen Drive – Creek Bend Subdivision

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

City of Nacogdoches Planning & Zoning Department

Attn: Rhonda Lewis

PO Drawer 635030

Nacogdoches, TX 75963

You may also email a copy to Rhonda Lewis, lewisr@nactx.us

Project Number: ZON2022-03

Please circle one:

☐ In favor of request

☒ Opposed to request

Comments:

Signature: _____

Printed Name: _____

Street Address: _____

City, State and Zip Code: _____

Phone Number: _____

Email Address: _____

Physical Address of Property within 200 Feet: _____

City of Nacogdoches

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

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

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

Nacogdoches

the oldest town in Texas

Response Form

Project Number: ZON2022-03
S. Steen Drive – Creek Bend Subdivision

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

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Attn: Rhonda Lewis
PO Drawer 635030
Nacogdoches, TX 75963

You may also email a copy to Rhonda Lewis, lewisr@nactx.us

Project Number: ZON2022-03

Please circle one: ☐ In favor of request ☒ Opposed to request

Comments: As a new homeowner with two children
we do not want to increase traffic & noise nor
do we want decreased security & privacy

Signature: Alyssa Dietrich

Printed Name: Alyssa Dietrich

Street Address: 306 Northgate

City, State and Zip Code: Nacogdoches, TX 75965

Phone Number: 936-652-2572

Email Address: alyssa.dietrich24@gmail.com

Physical Address of Property within 200 Feet: 306 Northgate, Nac, TX 75965

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

Northgate Subdivision

We the undersigned, as residents and homeowners, rigorously,
Oppose the proposed zoning change as identified in Project
number ZON2022-03

- | | NAME | ADDRESS | CELL# |
|----|--------------------|------------------|----------------|
| 1. | Mahli Canning | 4207 Forest Lane | 936-652-7801 |
| 2. | Glo Maner | 213 Northgate | 564-3940 |
| 3. | Darrell W Benjamin | 4130 FOREST LN | 936-554-6092 |
| 4. | John Canning | 4207 Forest Ln | (936) 615-3877 |
| 5. | | | |
| 6. | | | |
| 7. | | | |
| 8. | | | |



Pollette, Juan <pollettej@nactx.us>

Fwd: Project #ZON2022-03. S. Steen Drive-Creek Bend Subdivision

1 message

Lewis, Rhonda <lewisr@nactx.us>
To: Juan Pollette <pollettej@nactx.us>

Wed, May 11, 2022 at 8:36 AM

*Rhonda K. Lewis
Office Assistant II
Planning & Zoning Department
City of Nacogdoches
(936) 559-2574
lewisr@nactx.us*

----- Forwarded message -----

From: **Judith Cooper** <jacooper0344@gmail.com>
Date: Sat, May 7, 2022 at 1:49 PM
Subject: Project #ZON2022-03. S. Steen Drive-Creek Bend Subdivision
To: <lewisr@nactx.us>

Please seriously consider that the neighborhood within 200 feet of this proposal is now a secure area where children are free to play within this subdivision. This neighborhood is a treasure here in Nacogdoches. It is peaceful and quiet with only one entrance/exit. Ordinarily, the only people who enter here are residents or guests except for service vehicles needed to maintain homes. The properties are surrounded by vacant green areas where nature like deer, raccoons, opossums, and birds may safely live. Presently, it is not a neighborhood with criminal disturbances. With this proposed change building an apartment complex in this neighborhood would create many unpleasant issues for all concerned such as decreased property values and increased crime, etc. There are many apartment complexes from which to choose as a residence here in Nacogdoches. This proposed change doesn't appear to be positive for the neighborhood or for Nacogdoches. We have grave concerns about the continued safety in this neighborhood and those involved in making this proposed change should, too. Our vote would be a resounding "NO". Judith Cooper [4106 Royal Lane, Nacogdoches 75965](https://www.google.com/maps/place/4106+Royal+Lane,+Nacogdoches,+TX+75965)

ZON2022-03 Site Photos

Street view from Creek Bend Blvd.



Vacant fraternity house
to the southwest along S.
Steen Dr.





Sorority houses &
duplexes to the north
on N. Steen Dr.





Helton, Alaina <heltona@nactx.us>

Steen Drive Zoning

1 message

mwesley mwesleyrealty.com <mwesley@mwesleyrealty.com>

Tue, Jun 14, 2022 at 9:40 AM

To: "heltona@nactx.us" <heltona@nactx.us>, "Pollette, Juan" <pollettej@nactx.us>, "lewisl@nactx.us" <lewisl@nactx.us>

We would like to remove the request for r-4 zoning and apply to amend the PD

Thank You

Mario Wesley, Broker/Owner

M.Wesley & Associates Real Estate

Office: 936.559.1120

Cell: 936.615.3449

Fax: 936.559.1135

REAL ESTATE: BUYERS-SELLERS-PROPERTY MANAGEMENT-RENTERS

www.mwesleyrealty.com

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<https://www.facebook.com/mwesleyrealty>



IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

ORDINANCE NO. 1915-06-22

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING THE BOUNDARIES OF A ZONING DISTRICT WITHIN THE CITY OF NACOGDOCHES FROM PD, PLANNED DEVELOPMENT TO R-4, MULTI-FAMILY FOR LOTS 5 AND 6, BLOCK 4, OF THE CREEK BEND SUBDIVISION – UNIT 2, BEING APPROXIMATELY 3 ACRES, IN NACOGDOCHES, TEXAS; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the property described above and depicted in “**Exhibit A**” is currently zoned PD, Planned Development; and

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

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

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

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

SECTION I

Findings.

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

SECTION II

Approval of Zoning Change

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

SECTION III

Repeal

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

SECTION IV

Effective Date

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

SECTION V

Severability

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

SECTION VI

Proper Notice and Open Meetings

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

SECTION VII

Filing

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

PASSED AND APPROVED, this the ____ day of _____, 2022, by a vote of ____ (ayes) to ____ (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

By: _____
JIMMY MIZE, Mayor

ATTEST:

APPROVED AS TO FORM:

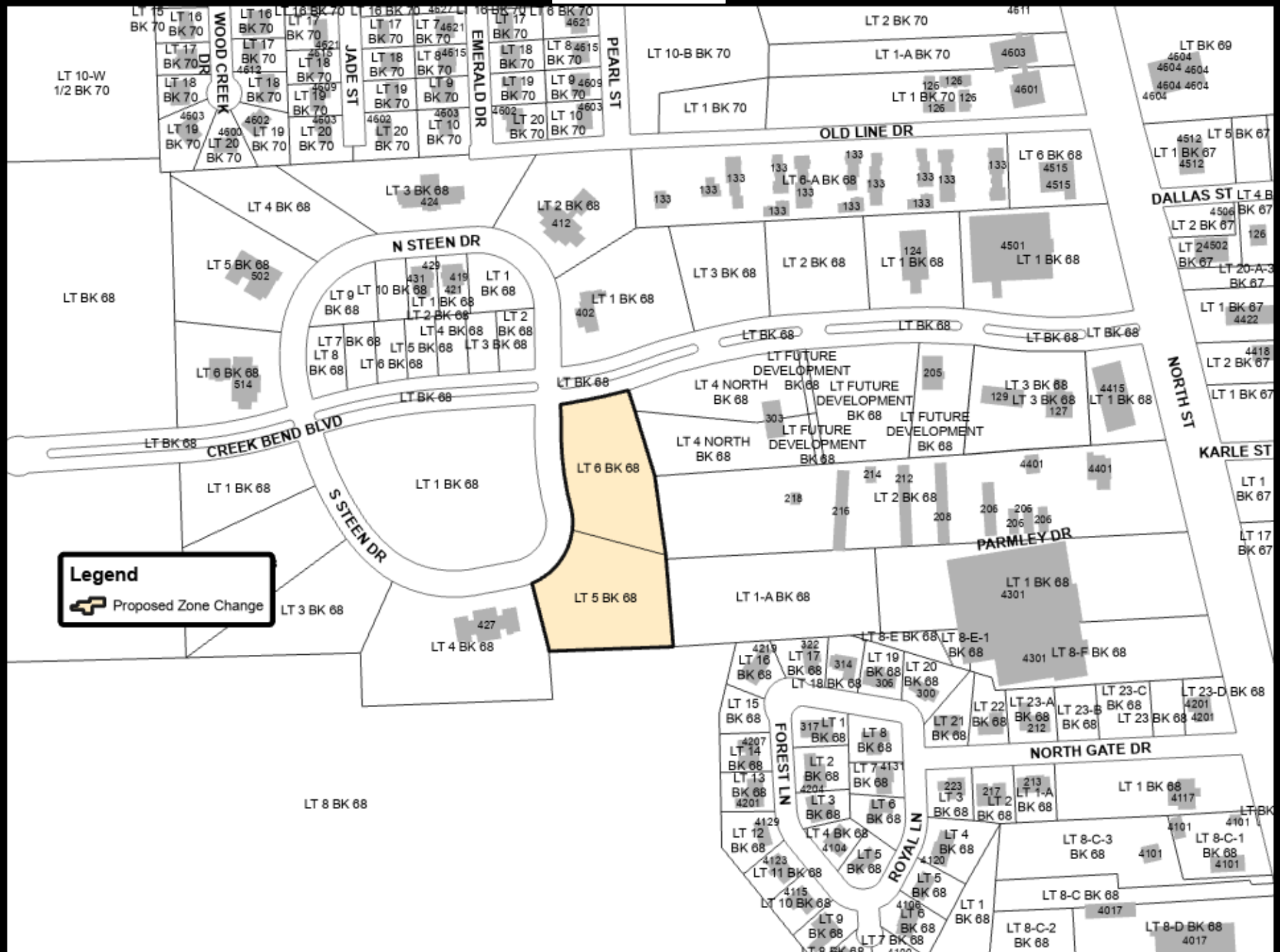
JAN VINSON, City Secretary

STEVEN KIRKLAND, City Attorney

APPROVED AS TO CONTENT:

ALAINA HELTON, City Planner

Exhibit A



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



0 75 150 300 Feet

Date Created: April 20, 2022 Software: ArcGIS Pro 2.9.2



PRESENTER: Alaina Helton, City Planner

ITEM/SUBJECT: Public Hearing: Consider a request to amend and/or revoke the Specific Use Permit, pursuant to Section 118-174 of the Code of Ordinances, for a ‘Garden Shop & Plant Sales – Display or Greenhouse’, in a B-1 Local Business zoning district, for Lot 1, Block 1 of The Plant Shed Subdivision, located at 3123 Appleby Sand Rd. This request has been initiated by the Nacogdoches City Planner. **(PLEASE NOTE THAT DUE TO SCHEDULING CONFLICTS THE PROPERTY OWNER HAS REQUESTED TO POSTPONE THIS ITEM TO THE REGULAR MEETING OF THE CITY COUNCIL ON JULY 19TH, 2022.)** (City Planner)

SUMMARY/BACKGROUND: *Please note that due to scheduling conflicts the property owner has requested to postpone this item to the regular meeting of the Planning & Zoning Commission on July 11th, 2022. The adjacent neighbors are also amendable to this request.

On May 19, 2020, the City Council granted approval of a Specific Use Permit (SUP) for the operation of a “Garden Shop & Plant Sales - Display or Greenhouse” at the location referenced above. The approved ordinance (Ord.1826-05-20) for this SUP allows the construction and operation of a “Garden Shop & Plant Sales - Display or Greenhouse” facility at the above-described location, with the following conditions:

1. The applicant will provide a plan to control sediment and runoff that is acceptable to the City Engineering Department.

Upon approval of the SUP, development plans were submitted to the City for review and the City Engineer determined that the development satisfied the conditions of the SUP. These development plans were approved by Staff in July, 2020. Since that time, City Staff has received multiple complaints of substantial drainage and sediment runoff issues from a number of the residents located northwest of the subject property. City Staff met with the property owner onsite to observe the drainage patterns on the property, at which time Staff noted substantially more semi-impervious gravel installed on the property than what was depicted on the approved development plans.

Upon completion of the site visit Staff requested additional documentation from the property owner to demonstrate the property drainage and runoff is still functioning in accordance with the development plans. Based on the summary letter of the inspection by the engineering firm who designed the site, the development is no longer in compliance with the conditions of the SUP. City Staff has requested that the property owner provide a plan for compliance that must address the addition of impervious surface since the original approval of the SUP and show a plan to mitigate the increased drainage to surrounding properties. Since this initial request, the property owner has failed to respond in a timely manner, which resulted in two (2) violation notices.

Since the property owner has failed to rectify the violation, pursuant to Section 118-174(c) of the Code of Ordinances, City Staff has initiated proceedings to revoke and/or amend the terms of

the SUP.

Zoning & Existing Land Use

The subject property is zoned B-1 Local Business and is currently vacant. The surrounding zoning and land uses are as follows:

Direction	Zoning	Land Use
North	B-1 Local Business	Hair Salon
East (Across Appleby Sand Rd.)	R-1 Single Family	Single Family & Disabled American Veterans (DAV) Building
South (Across East Austin St.)	B-1 Local Business	Duplex & Convenient Store with Gasoline Pumps
West	B-1 Local Business & R-1 Single Family	Vacant & Single Family

Property located immediately the north of the subject property is zoned B-1 and is currently being used as a hair salon. A portion of the property to the west located along East Austin Street is zoned B-1 and is vacant, while the remaining property to the west is zoned R-1 Single Family and is developed as a single family neighborhood known as the Colonial Hills Subdivision. The subject property abuts Appleby Sand Road to the east and East Austin Street to the south.

COMMUNITY INPUT:

Staff mailed 14 notices to property owners within the 200-foot notification area. At the time of this report Staff has received four (4) written responses from property owners within the 200-foot notice area, citing specific concerns about drainage. Staff also mailed courtesy notices to property owners within 500 feet of the subject property.

FINANCIAL:

No financial impact associated with this item

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

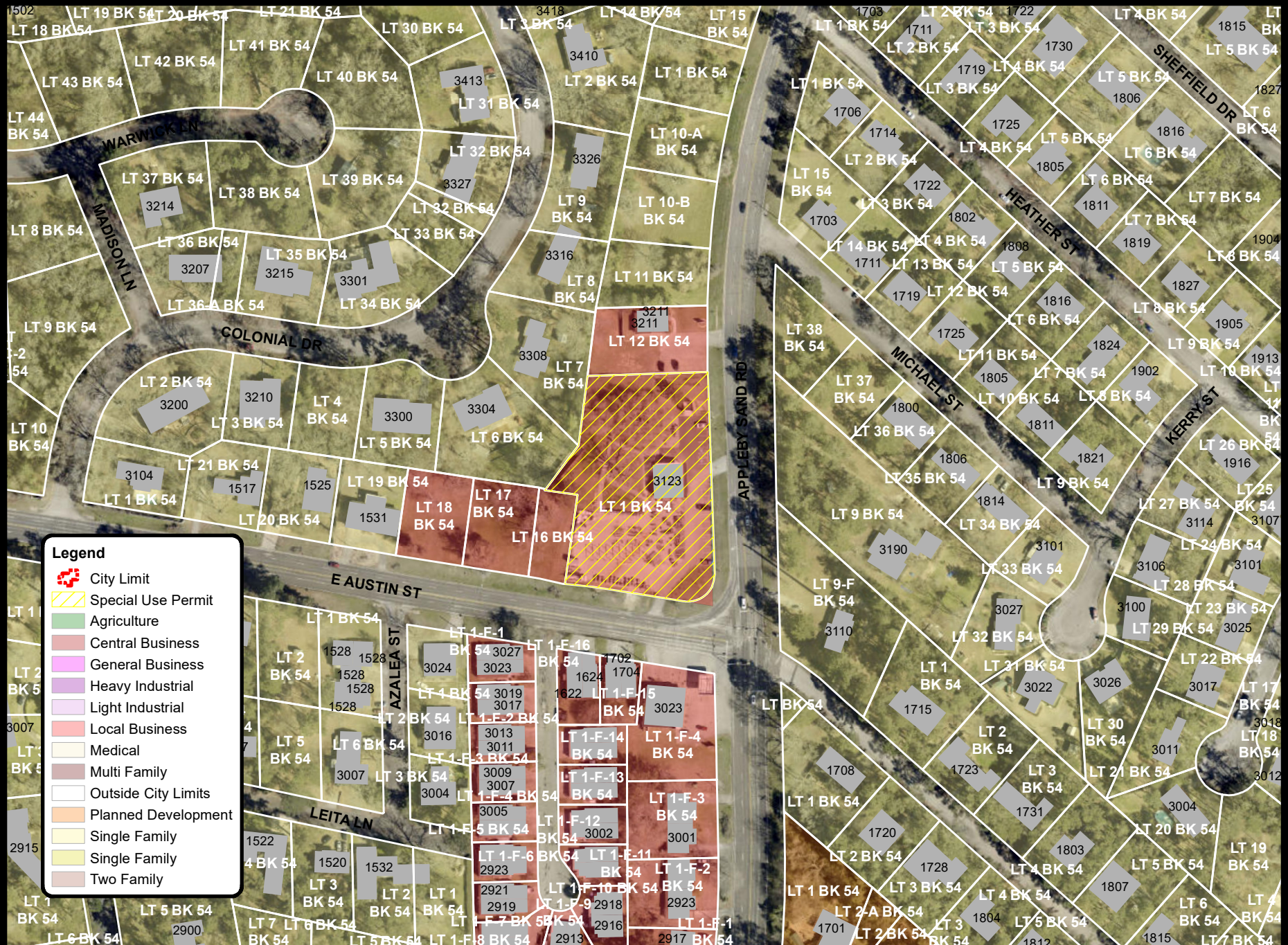
Not Applicable

CITY CONTACT: Alaina Helton, City Planner
heltona@nactx.us
936-559-2572

ATTACHMENTS:

1. Zoning & Aerial Map
2. Ordinance 1826-05-20
3. Approved Site Plan
4. Plant Shed Response Letter (05.13.22)
5. Notification Map
6. Written Responses
7. Site Photos

SUP 2020-03



Legend

- City Limit
- Special Use Permit
- Agriculture
- Central Business
- General Business
- Heavy Industrial
- Light Industrial
- Local Business
- Medical
- Multi Family
- Outside City Limits
- Planned Development
- Single Family
- Single Family
- Two Family

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0 50 100 200 Feet

Date Created: June 7, 2022 Software: ArcGIS 10.8.1

ORDINANCE NO. 1826-05-20

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, GRANTING AN AMENDMENT TO A SPECIFIC USE PERMIT FOR A GARDEN SHOP AND PLANT SALES – DISPLAY OR GREENHOUSE, LOCATED AT THE NORTHWEST CORNER OF APPLEBY SAND ROAD AND EAST AUSTIN STREET WITHIN THE B-1 LOCAL BUSINESS ZONING DISTRICT, SAID TRACT BEING LOTS 13, 14, 15 AND A PORTION OF LOT 16, BLOCK 1, SECTION 1 OF THE COLONIAL HILLS SUBDIVISION RECORDED IN VOLUME 2536, PAGE 264 OF THE DEED OF RECORDS OF NACOGDOCHES COUNTY, TEXAS, CONTAINING APPROXIMATELY 8.1 ACRES LOCATED IN NACOGDOCHES, TEXAS, PROVIDING REQUIREMENTS AND CONDITIONS FOR SAID SPECIFIC USE PERMIT; CONTAINING FINDINGS; PROVIDING A REPEAL CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Charles Shugart of StarTex Ventures, filed an application for a Specific Use Permit for a Garden Shop & Plant Sales - Display or Greenhouse facility on property that is currently zoned as Local Business (B-1); located at the northwest corner of Appleby Sand Road and East Austin Street, said tract being legally described as Lots 13, 14, 15 and a portion of Lot 16, Block 1, Section 1, of the Colonial Hills Subdivision recorded in Volume 2536, Page 264 of the Deed of Records of Nacogdoches County, Texas (the “Property”), and situated within the corporate limits of the City of Nacogdoches, Texas (the “City”), being more particularly described in **Exhibit “A”** and **Exhibit “B”**, attached hereto and made a part hereof for all purposes; and

WHEREAS, the Owner of the Property, through its above mentioned and duly authorized representatives, has presented an application to the City for the granting a Specific Use Permit to use said Property for the purpose of a Garden Shop & Plant Sales - Display or Greenhouse facility (the “Specific Use”), as authorized by the City's Zoning Ordinance; and

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

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

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

SECTION I

Findings.

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

SECTION II

Approval of Specific Use Permit

Pursuant to the requirements of Chapter 118 of the Code of Ordinances of the City of Nacogdoches, Texas, a Specific Use Permit is hereby approved allowing for the construction, operation and maintenance of a Garden Shop & Plant Sales - Display or Greenhouse facility at the above described location, with the following conditions:

1. The applicant will provide a plan to control sediment runoff that is acceptable to the City Engineering Department.

SECTION III

Repeal

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

SECTION IV

Effective Date

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

SECTION V

Severability

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

SECTION VI

Proper Notice and Open Meetings

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

SECTION VII
Filing

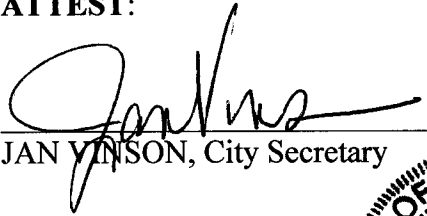
The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches, Texas.

PASSED AND APPROVED, this the 19 day of May, 2020, by a vote of 5 (ayes) to 0 (nays) of the City Council of the City of Nacogdoches, Texas.

CITY OF NACOGDOCHES

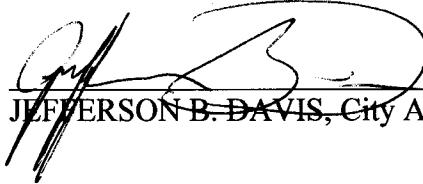
By: 
SHELLEY BROPHY, Mayor

ATTEST:


JAN VINSON, City Secretary



APPROVED AS TO FORM:


JEFFERSON B. DAVIS, City Attorney

APPROVED AS TO CONTENT:

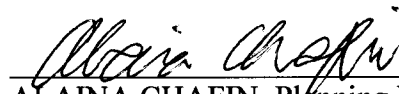
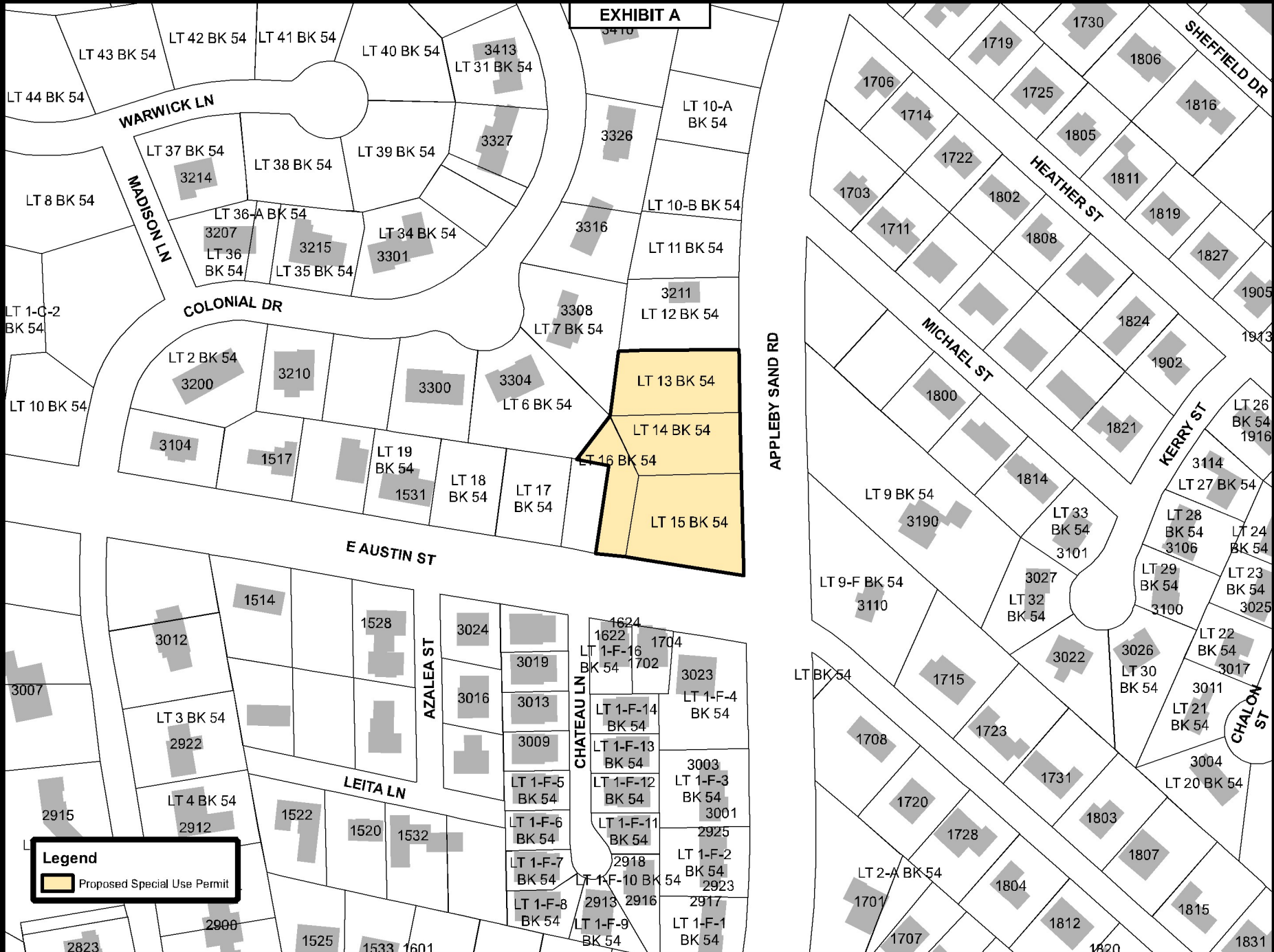

ALAINA CHAFIN, Planning Director

EXHIBIT A



Legend

Proposed Special Use Permit

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



0 50 100 200 Feet

Proposed Site Plan

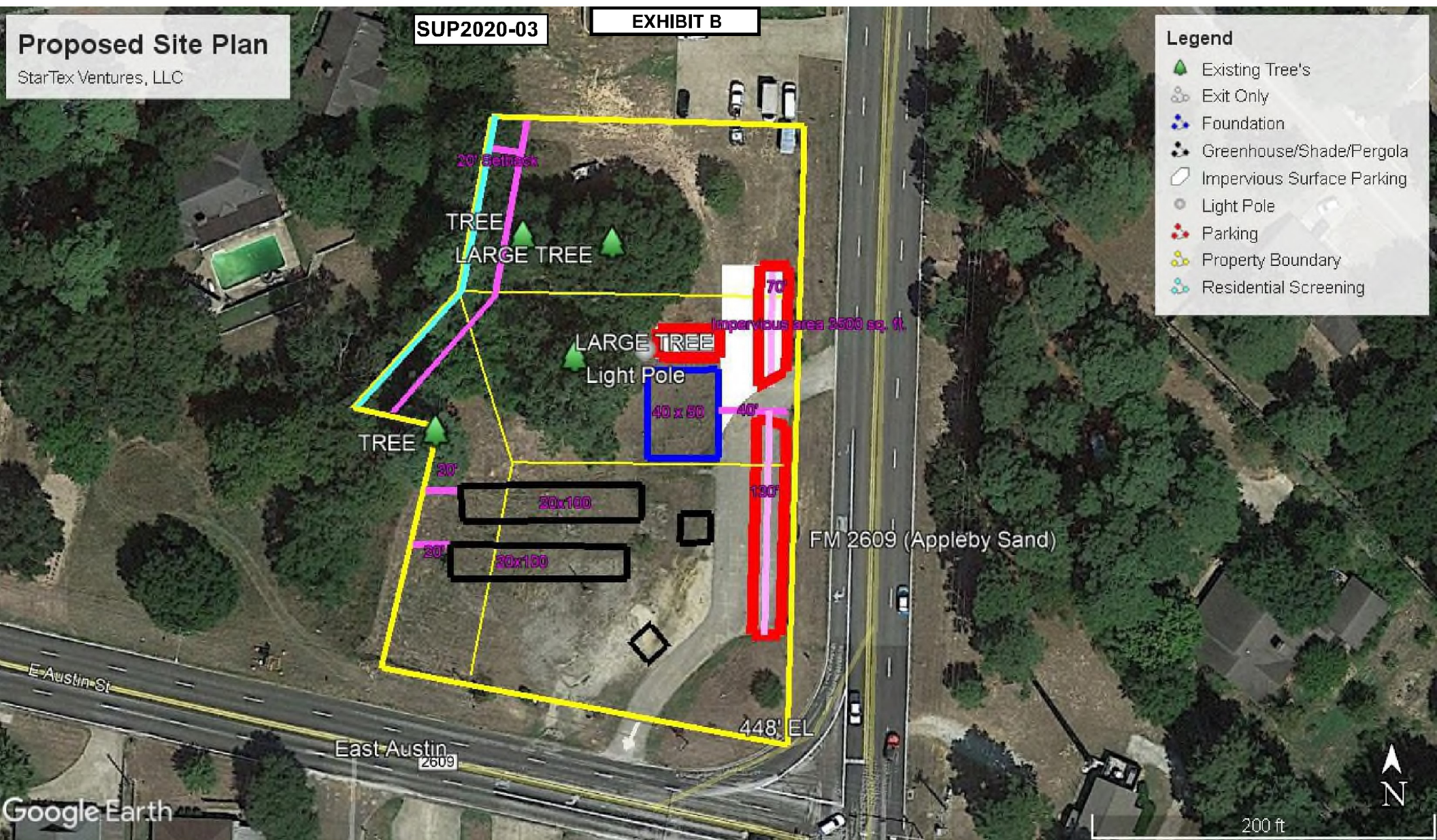
StarTex Ventures, LLC

SUP2020-03

EXHIBIT B

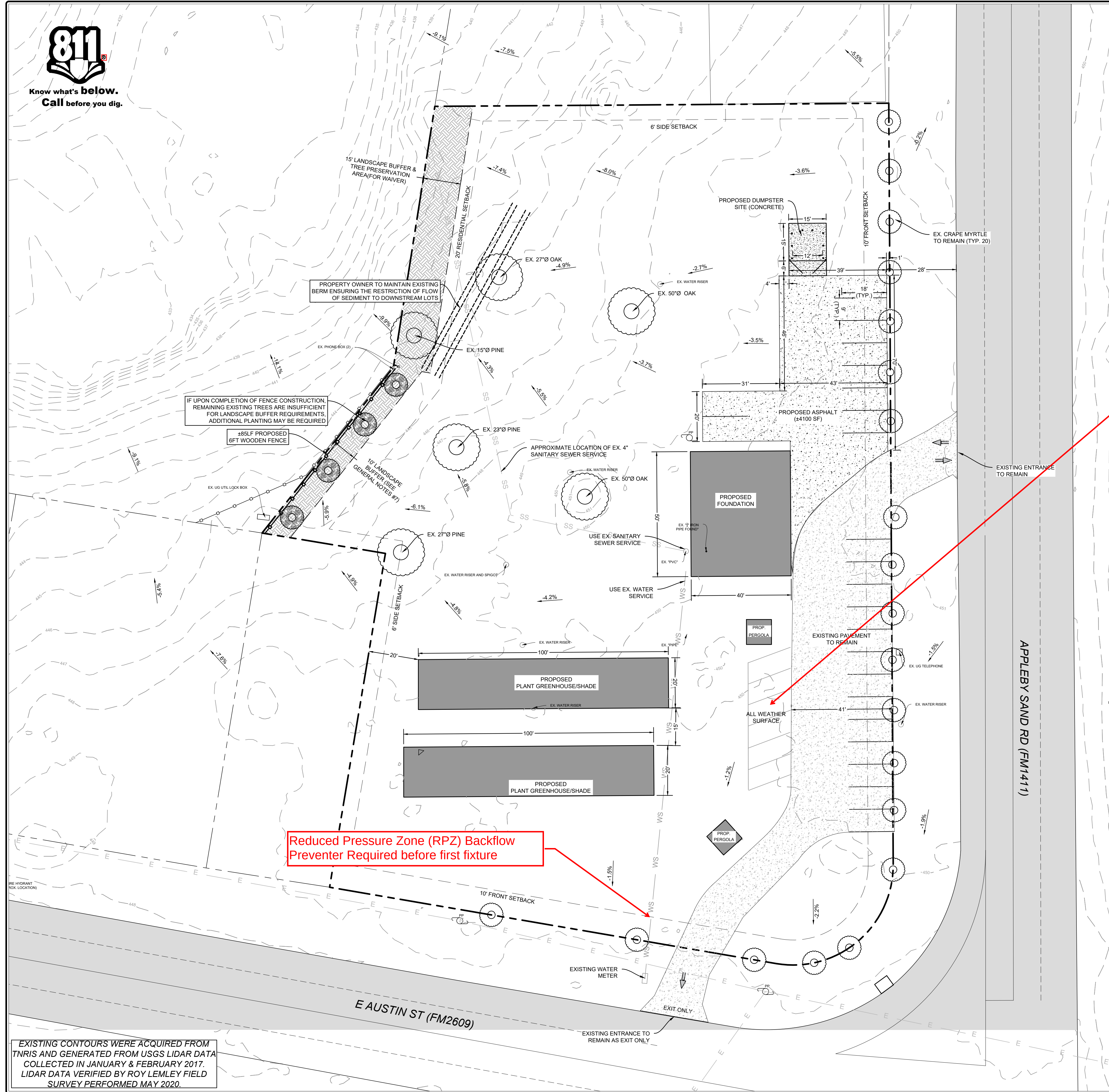
Legend

- Existing Tree's
- Exit Only
- Foundation
- Greenhouse/Shade/Pergola
- Impervious Surface Parking
- Light Pole
- Parking
- Property Boundary
- Residential Screening

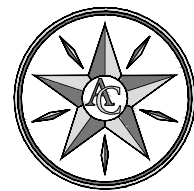




Know what's below.
Call before you dig.

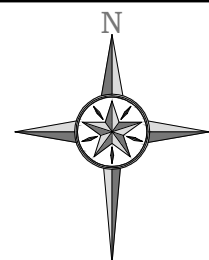


EXISTING CONTOURS WERE ACQUIRED FROM
TNRIS AND GENERATED FROM USGS LIDAR DATA
COLLECTED IN JANUARY & FEBRUARY 2017.
LIDAR DATA VERIFIED BY ROY LEMLEY FIELD
SURVEY PERFORMED MAY 2020.



AKRON CONSULTING, LLC.
431 N. CENTER ST.
LONGVIEW, TX 75601
TBE Firm Reg. # 14014
(O) 903-236-9744
(F) 903-236-9745
www.akron-consulting.com

0 20' 40'
1"=20'
CONTOUR INTERVAL 1 FOOT



NO.	REVISION	BY	DATE

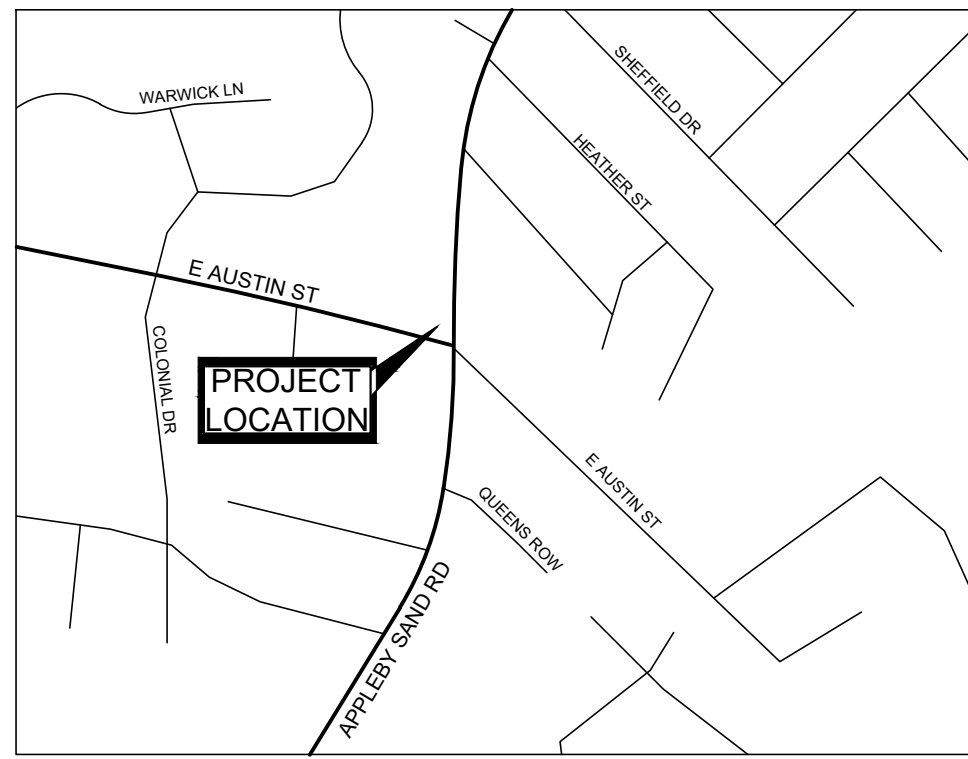
PIPE AND FITTING SCHEDULE
ALL 2" - 3" PVC WATER PIPE SHALL BE ASTM D-2241 SDR 21
ALL PVC SANITARY SEWER PIPE SHALL BE SDR 26 ASTM D-3034
ALL PVC SANITARY SEWER FITTINGS SHALL BE SDR 26

PARKING COUNT		
PARKING SPACES	REQUIRED	PROVIDED
	31	28

*1 SPACE PER 1,000 SQ FT OF
SITE AREA (330,000 SQ FT)
*LANDSCAPE CREDIT
REDUCTION OF 10% (3
SPACES)

Planning Review:
Alaina Chafin
Approved
as Noted

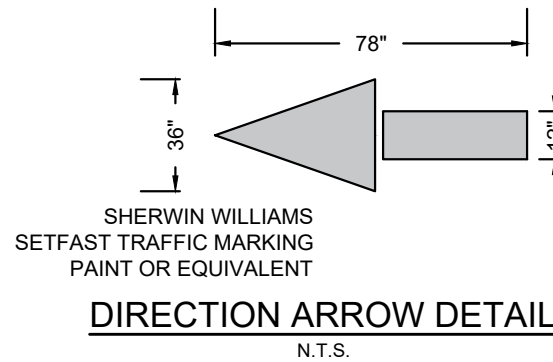
REVIEWED
By Case at 11:39 am, 7/17/20



VICINITY MAP
N.T.S.

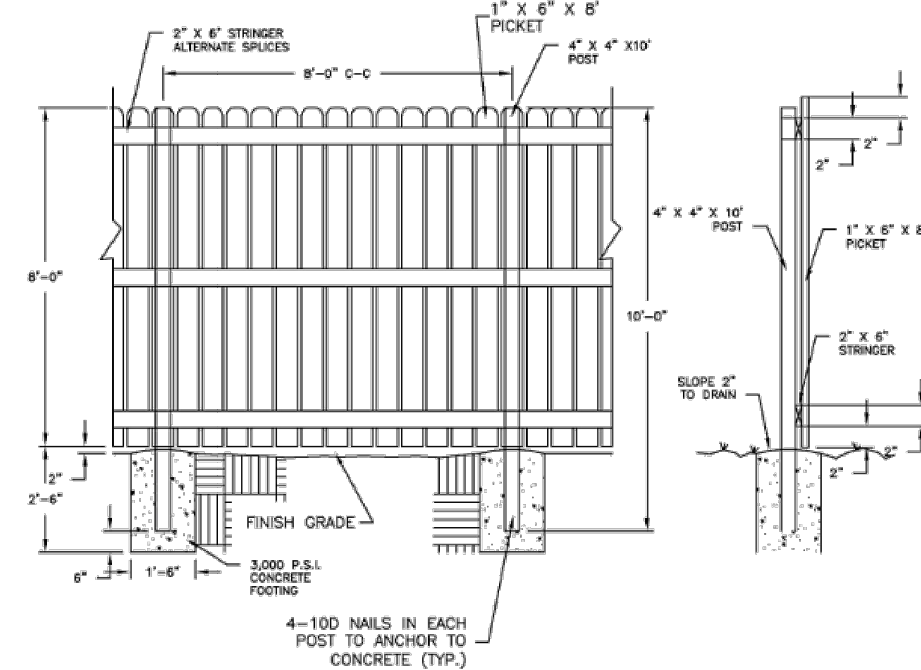
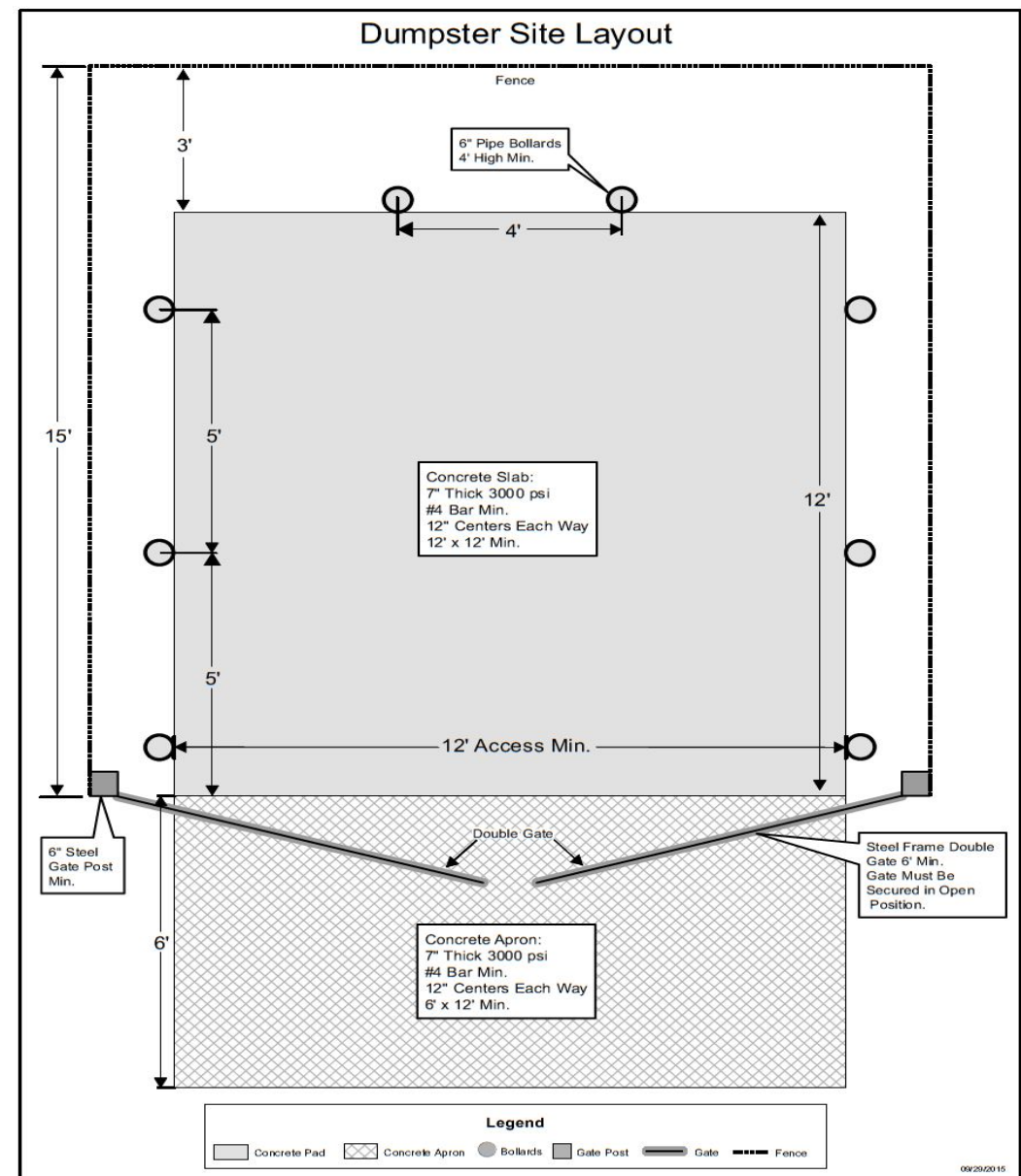
STRIPING GENERAL NOTES

- ALL PAVEMENT STRIPING SHALL UTILIZE SHERWIN WILLIAMS
SETFAST TRAFFIC MARKING PAINT OR EQUIVALENT.
- ALL PAVEMENT STRIPING SHALL BE WHITE IN COLOR
UNLESS OTHERWISE NOTED.



SHERWIN WILLIAMS
SETFAST TRAFFIC MARKING
PAINT OR EQUIVALENT
DIRECTION ARROW DETAIL
N.T.S.

All required parking must be hard surface pavement
(ex. asphalt, concrete)



GENERAL NOTES

- PRIOR TO STARTING CONSTRUCTION, THE GENERAL
CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY THAT ALL
NECESSARY PERMITS AND APPROVALS HAVE BEEN OBTAINED.
NO CONSTRUCTION SHALL BEGIN UNTIL ALL PERMITS HAVE BEEN
RECEIVED.
- IF THE CONTRACTOR, IN THE COURSE OF THE WORK, FINDS ANY
DISCREPANCIES BETWEEN THE PLANS AND THE PHYSICAL
CONDITIONS OF THE LOCALITY, OR ANY ERRORS OR OMISSIONS
IN THE PLANS OR IN THE LAYOUT AS GIVEN BY THE ENGINEER, IT
SHALL BE HIS DUTY TO IMMEDIATELY INFORM THE ENGINEER, IN
WRITING, AND THE ENGINEER WILL PROMPTLY VERIFY THE
SAME. ANY WORK DONE AFTER SUCH DISCOVERY, UNTIL
AUTHORIZED, WILL BE AT THE CONTRACTOR'S RISK.
- CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF
ALL SETBACKS, EASEMENTS, AND DIMENSIONS SHOWN HEREON
BEFORE BEGINNING CONSTRUCTION.
- ALL CONSTRUCTION MATERIALS AND WORKMANSHIP SHALL BE
IN ACCORDANCE WITH THE STATE AND AUTHORITY HAVING
JURISDICTION'S LATEST CONSTRUCTION SPECIFICATIONS AND
DETAILS.
- ALL HANDICAP SITE FEATURES SHALL BE CONSTRUCTED TO
MEET ALL FEDERAL AND STATE CODES.
- THE CONTRACTOR SHALL CAREFULLY PRESERVE BENCHMARKS,
REFERENCE POINTS, AND STAKES.
- CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER TO
PREVENT INJURY TO WORKMEN AND THE PUBLIC AND TO
PREVENT DAMAGE ON ADJOINING PROPERTY.
- CONTRACTOR IS RESPONSIBLE FOR DAMAGE TO ANY EXISTING
ITEM AND/OR MATERIAL INSIDE OR OUTSIDE CONTRACT LIMITS
DUE TO THE CONSTRUCTION OPERATION.
- CONTRACTOR SHALL CONTACT DIGTESS (811) PRIOR TO ANY
CONSTRUCTION ACTIVITIES.
- CONTRACTOR TO FIELD VERIFY ALL EXISTING UTILITIES..
- DIMENSIONS SHOWN ARE FROM FACE OF CURB TO FACE OF
CURB, UNLESS OTHERWISE NOTED.
- SIZE AND LOCATION OF EXISTING TREES WERE PROVIDED BY
THE OWNER.
- IN ACCORDANCE WITH SECTION 118-429 OF THE ZONING
ORDINANCE, EXISTING TREES SHOULD BE PRESERVED IN THE
10-FOOT LANDSCAPE BUFFER REQUIRED ALONG THE PROPERTY
LINE ADJACENT RESIDENTIAL NEIGHBORHOOD TO MEET THE
COMMERCIAL SCREENING PLANTING REQUIREMENTS. HOWEVER,
THESE TREES (NEW OR EXISTING) MUST BE NON-DECIDUOUS
(EVERGREEN) IN ORDER TO PROVIDE YEAR-ROUND SCREENING
AND SHALL BE OF A TYPE AND SPECIES LISTED IN SUBSECTION
118-430(F)(2).

THIS DOCUMENT IS RELEASED
FOR REVIEW PURPOSES ONLY
UNDER THE AUTHORITY OF
LANE D. ROBERTS, P.E. 105135
IN JULY, 2020. IT IS NOT TO BE
USED FOR CONSTRUCTION.

THE PLANT SHED
3123 APPLEBY SAND RD
MACDOUGHERS, TEXAS

SITE & UTILITY PLAN

DR. BY DE DATE 07/13/2020 DWG. NAME c1.0 site plan.dwg SHEET: C1.0



StarTex Ventures LLC
dba: The Plant Shed
3123 Appleby Sand Rd.
PO BOX 632171
Nacogdoches, TX 75963

May 13, 2022

Director of Planning & Neighborhood Services
Alaina Helton
202 E. Pilar. PO BOX 635030
Nacogdoches, TX 75963

Dear Alaina Helton,

In response to your letter dated April 29, 2022, StarTex Ventures LLC secured the services of Two Fifteen Consulting LLC in October 2021. They will be addressing the drainage concerns and analysis of the property in question. They expect to have recommendations/results of the analysis in 4 – 6 weeks. We will update the Director of Planning and Neighborhood Services when this report is completed.

Sincerely,

Charles E. Shugart

CC: Two Fifteen Consulting LLC

200 Foot Notification Map

Legend



200 Foot Buffer



Existing SUP



Single Family-Rental



Two Family- Rental



Single Family-
Owner Occupied

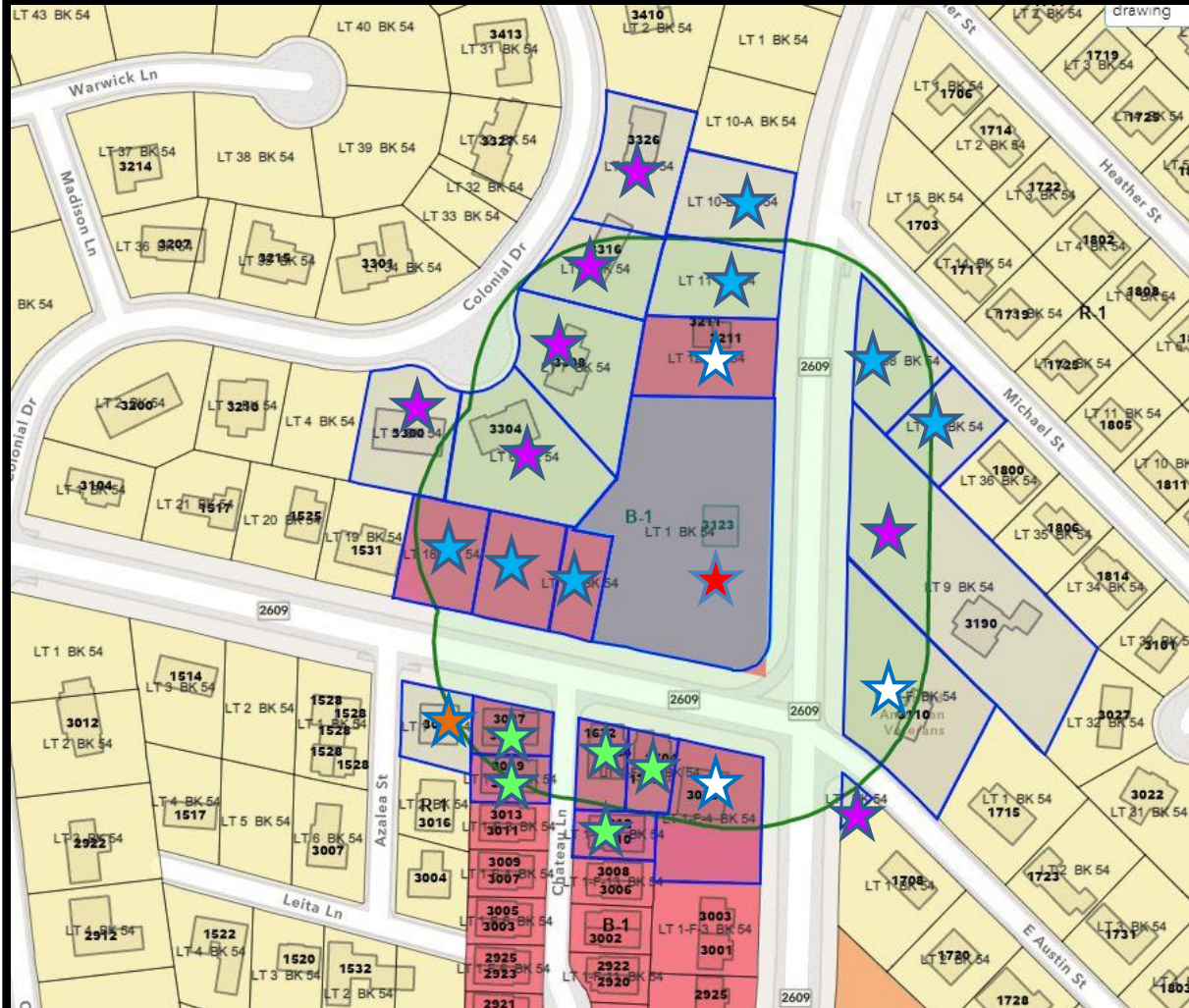


Commercial



Undeveloped

SUP2020-03: 3123 Appleby Sand Rd.





Response Form

Project Number: SUP2020-03: The Plant Shed
3123 Appleby Sand Rd.

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

City of Nacogdoches Planning & Zoning Department
Attn: Rhonda Lewis
PO Drawer 635030
Nacogdoches, TX 75963

You may also email a copy to Rhonda Lewis, lewisr@nactx.us

Project Number: SUP2020-03: The Plant Shed

Please circle one: ☐ In favor of request ☐ Opposed to request

Comments:

*I recommend the business work
with an engineer to develop ~~xxx~~ and
implement a viable plan to properly
deal with this.*

Signature: Bud Wright

Printed Name: Bud Wright, Mgr: Five Star Real Estate

Street Address: 915 S. Fredonia

City, State and Zip Code: Nacogdoches, Tx 75964

Phone Number: 936-554-4455

Email Address: bwright@tfnutrition.com

Physical Address of Property within 200 Feet: _____

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

Project Number: SUP2020-03: The Plant Shed

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

My home suffers continual damage from the ongoing water and sand runoff from the lots on Appleby Sand Rd. and East Austin St. behind my property. I have spent approx. \$9000. on a drainage system repair.

Signature: Janet Wyatt Fults

Printed Name: Janet Wyatt Fults

Street Address: 3316 Colonial Drive

City, State and Zip Code: Nacogdoches, TX 75965

Phone Number: 936) 615-4540 (cell)

Email Address: jbrad01@suddenlink.net

Physical Address of Property within 200 Feet: 3316 Colonial Dr. LT 8 BK 1 Colonial H:
Section 1

City of Nacogdoches

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



Response Form

Project Number: SUP2020-03: The Plant Shed
3123 Appleby Sand Rd.

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

City of Nacogdoches Planning & Zoning Department
Attn: Rhonda Lewis
PO Drawer 635030
Nacogdoches, TX 75963

You may also email a copy to Rhonda Lewis, lewisl@nactx.us

Project Number: SUP2020-03: The Plant Shed

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

I have incurred many expenses, especially my backyard retaining wall landscape timbers have rotted, fell off - I put in concrete steps at back porch years ago, drains installed in back yard + on lots 4 + 5. Blk 54.

Signature: Vera C. Schwab

Printed Name: Vera C. Schwab

Street Address: 3300 Colonial Dr.

City, State and Zip Code: Nacogdoches, TX 75965-3079

Phone Number: 936-564-4527 (home); 936-615-6335 (cell)

Email Address: mimschwab@suddenlink.net

Physical Address of Property within 200 Feet: 3300 Colonial Dr.

Lots 4 + 5 BK 1
Colonial Hills
Section 1

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

Lots 4 + 5 in Blk. 54 are mine, were shown separately but now together in Nacogdoches appraisal district. See attachd.



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



0 50 100 200 Feet

Date Created: May 25, 2022 Software: ArcGIS 10.8.1



Nacogdoches Central Appraisal District
216 W HOSPITAL ST
NACOGDOCHES, TX 75961
Phone: (936)560-3447
Fax: (936)560-1894

NOTICE OF APPRAISED VALUE

This is NOT a Tax Statement - Do NOT Pay From This Notice.

Appraisal Year - 2022

Location of ARB Hearings:

216 W HOSPITAL ST

NACOGDOCHES, TX 75961

IF YOU HAVE GENERAL QUESTIONS

PLEASE CALL THE CENTRAL APPRAISAL DISTRICT

AT: (936) 560-3447

Protest Deadline: 06/10/2022

ARB Hearings to Begin: 6/7/2022 9:00:00AM

Owner ID: 65109

Website: www.nacocad.org

Postmark Date: 05/11/2022

Dear Property Owner:

We have appraised the property listed below for the 2022 tax year. The appraisal is for the following property:

Beginning August 7th, visit [Texas.gov/PropertyTaxes](https://www.texas.gov/PropertyTaxes) to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information regarding the amount of taxes that each entity that taxes your property will impose if the entity adopts its proposed tax rate. Your local property tax database will be updated regularly during August and September as local elected officials propose and adopt the property tax rates that will determine how much you pay in property taxes.

Percent difference from 2017 is a 28.00% increase.

APPRAISAL INFORMATION	LAST YEAR	PROPOSED THIS YEAR	PROPOSED 2022 TAXABLE VALUE	ACCOUNT NUMBER / PROPERTY DESCRIPTION
Total Market Value	210,240	252,270		ACCT #: 18-148-5401-005000 PARCEL: 28214
HS Land Market Value	59,620	71,540		ADDR: 3300 COLONIAL DR
HS Structures(Buildings) Value	150,620	180,730		NACOGDOCHES, TX
Total Homestead Cap Value	210,240	231,260	231,260	ABST/Block/Lot: COLONIAL HILLS SEC 1-01/089 1-4,5
Total Proposed Taxable Value (with Homestead Limit)	210,240		231,260	LEGAL: LTS 4 & 5 BK 1 COLONIAL HILLS SECTION 1
Exemptions: OVER 65		* HOMESTEAD CAP APPLIED		ACRES: 0.000 INTEREST: 1.000000
				CATEGORY: A1

Taxing Units	Exemption Type for Last Year	Exemption Amount for Last Year	Exemption Type for Current Year	Exemption Amount for Current Year	Exemption Amount Cancelled or Reduced from Last Year	Last Year Taxable Value (less exemptions)	Current Year Taxable Value (less exemptions)
NAC COUNTY - HS Ceiling Freeze	OVER65	82,050	OVER65	86,250	0	128,190	145,010
CITY OF NAC	OVER65	62,050	OVER65	66,250	0	148,190	165,010
NAC ISD I&S - HS Ceiling Freeze	OVER65	87,050	OVER65	91,250	0	123,190	140,010
NAC ISD M&O - HS Ceiling Freeze	OVER65	87,050	OVER65	91,250	0	123,190	140,010

The Texas Legislature does not set the amount of your local taxes. Your property tax burden is decided by your locally elected officials, and all inquiries concerning your taxes should be directed to those officials.

If you qualified your home for an age 65 or older or disabled person homestead exemption for school taxes, the school taxes on that property cannot increase as long as you own and live in that home. The tax ceiling is the amount you pay in that year that you qualified for the age 65 or older or disabled person exemption. The school taxes on your home may not go above the amount of the ceiling, unless you improve the home (other than normal repairs or maintenance).

Enclosed are copies of the following documents published by the Texas Comptroller of Public Accounts: (1) Property Taxpayer Remedies; and (2) notice of protest. The Appraisal Review Board will begin hearing protests on 6/7/2022 9:00:00AM. To file a protest, complete the notice of protest form by following the instructions included on the form and, no later than 06/10/2022, mail or deliver the form to the appraisal review board at the following address: 216 W HOSPITAL ST, NACOGDOCHES, TX 75961.

Property owners who file a notice of protest with the appraisal review board (ARB) may request an informal conference with the appraisal district to attempt to resolve a dispute prior to a formal ARB hearing. In counties with populations of 1 million or more, property owners may request an ARB special panel for certain property protests. Contact your appraisal district for further information.

Sincerely,
Chief Appraiser - Nacogdoches Central Appraisal District

If you currently receive a residence homestead exemption, the exemption amounts shown on this notice are those provided by law as of the date of this notice. If Texas voters approve the proposed constitutional amendment to increase the general residence homestead exemption for school taxes from \$25,000 to \$40,000, your exemption amount will automatically increase, and school districts will compute your taxes using the greater exemption amount.

Cynthia Pettit German

3308 Colonial Dr.

Nacogdoches, TX 75965

I am writing in regards to the June 13, 2022 Planning & Zoning meeting. I will be in Washington State, have a two hour time difference, and where I am staying internet is unavailable.

I am definately in favor of revoking the Plant Shed's license to do business until they correct the problem. I don't even know what the purpose of the meeting. The Plant Shed owner's engineer's were allowed to open with certain conditions. An approved engineer plan and design was supposed to be submitted before they opened in November of 2020. These conditions have not been met. The Plant Shed is in clear violation and has been.

I would like to know who approved and signed off on what they have done? I have had a four inch PVC pipe pointed directly at my yard since May 10, 2021 that is causing flooding my yard and home as well as Katheryn Cox's home at 3304 Colonial Dr. I sent pictures and a video on 5-10-2021 of the water shooting out of the pipe showing the water's path to Steve, and he told me there were no pipes on site plan. Another sign that no one from the City was following through with checking for an acceptable plan presented by an engineer. The pipe is still there, funnelling massive amounts of water into my yard with each rain. Since the Plant Shed went in, it has been a constant ongoing battle.

On 4-13-2022, we flooded again so I called Alaina again to inquire what The Plant Shed had done to correct the problem. She apologized and told me the city had "dropped the ball", and that no one had been there to check. She told me she was going to meet with Steve. On 4-21-2022 Steve came to my home to look again. He also apologized on behalf of himself and the city. He told me he had talked to Alaina, and the city would be sending a letter to Plant Shed that would give them fifteen days to come up with an inspection letter ASAP. After Alaina, Steve, the City Manager and City Attorney met, I was told the zoning meeting has to happen first. We shouldn't have to start over. It's been over a year and a half so far.

The following is a list of dates where I contacted Steve or Alaina. I can provide texts, pictures and videos if needed.

5-20-21 I forwarded video of flooding as well as pipe pointing at me. Part of Steve's response was "the site has changed since it was first occupied. We will be working with them to get it back to approved condition". When I asked about a time frame, he stated he wasn't sure but that it needed immediate attention.

6-1-21 I texted Steve again asking about Plant Shed's pipe pointing at us.

6-3-21 I received a message from Steve stating that Alaina and Case Opperman were going to meet with Charles about the excursions from the approved plan. He also stated they have an evaluation and remediation plan.

6-29-21 Steve sent me an update that Plant Shed received their engineering report and would be forwarding to the city to review.

8-18-21 Reached out to Steve again and he referred me to Alaina. I called her office and left multiple messages with no response.

The city has been well aware of the problem and have done nothing to enforce the decisions they made.

My parents bought this home in 2002, and it had runoff issues on the north side of backyard. My dad paid over \$10,000 to install a retaining wall and catch basins. My basins were working until we flooded, and they filled up with sand. My retaining wall is leaning, and I need to replace it but it's a \$13,000.00 investment I don't want to make until the issues are addressed with the Plant Shed. Since they have gone into business, and have paved and/or covered so much square footage, I have spent close to \$3000.00 on rocks, grass, topsoil, and labor.

On 5-24-22, I went to CAD office to protest my property tax increase. I showed Paul the pictures and he told me it will be reduced, and I'm still suffering the effects of erosion and flooding, and the consequences of nothing being done to correct the situation. I also found out the Plant Shed bought .81 acre which measures out at 35,283.6 square feet. It now is well covered over half of the property. Another violation? I forwarded the information to Alaina and Kathleen Balenger. Any help with this matter is greatly appreciated.

Please circle one:

☒ In favor of request

☐ Opposed to request

Comments:

I will be out of state but have provided my neighbor + Kathleen Balanger a copy of my letter and concerns - Please let me know before

Please on 6th

Signature:

Cathy German

Printed Name:

Cynthia Pettit GERMAN

Street Address:

3308 Colonial Dr.

City, State and Zip Code:

Nacogdoches, TX 75965

Phone Number:

360-941-0869

Email Address:

cp9german2000@yahoo.com

Physical Address of Property within 200 Feet:

3123 Appleby Sand Rd

City of Nacogdoches

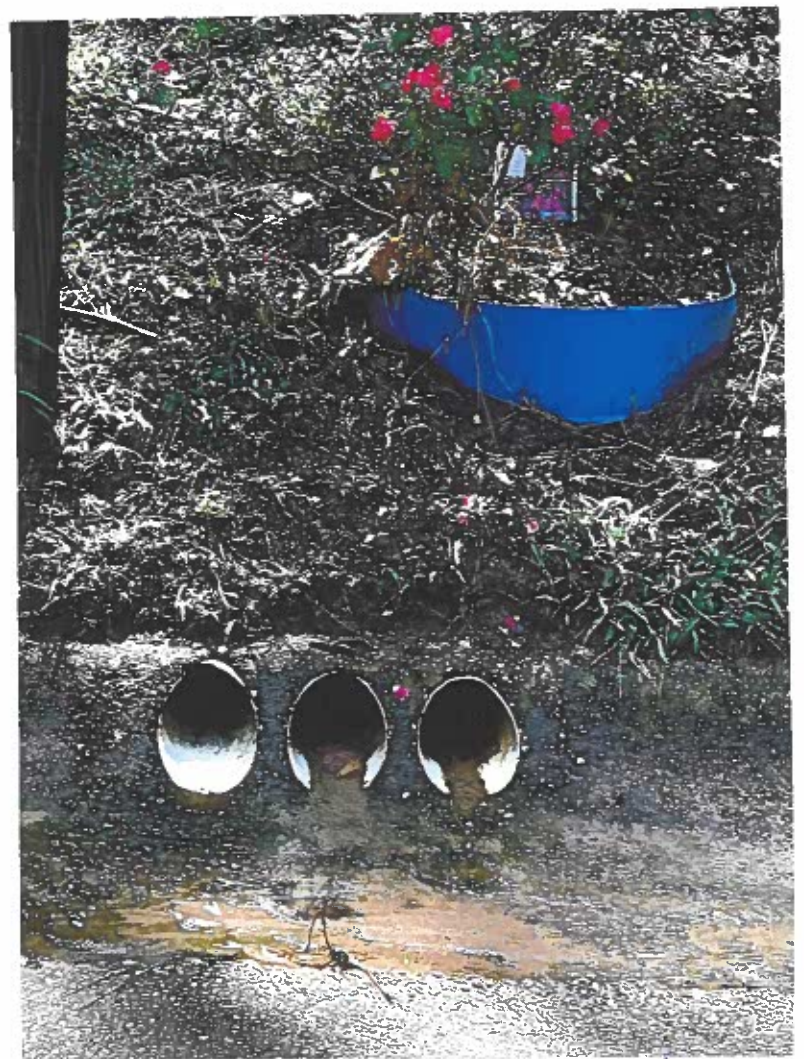
202 E. Pilar – PO Drawer 635030 – Nacogdoches, TX 75963

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

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



TAKEN FROM MY FENCE



3 CATCH BASINS FILLED WITH SAND - HAVE TO REPLACE



RETAINING WALL IS COMING DOWN DUE TO RUN OFF
HAVE A \$13,500.00 BID TO REPLACE



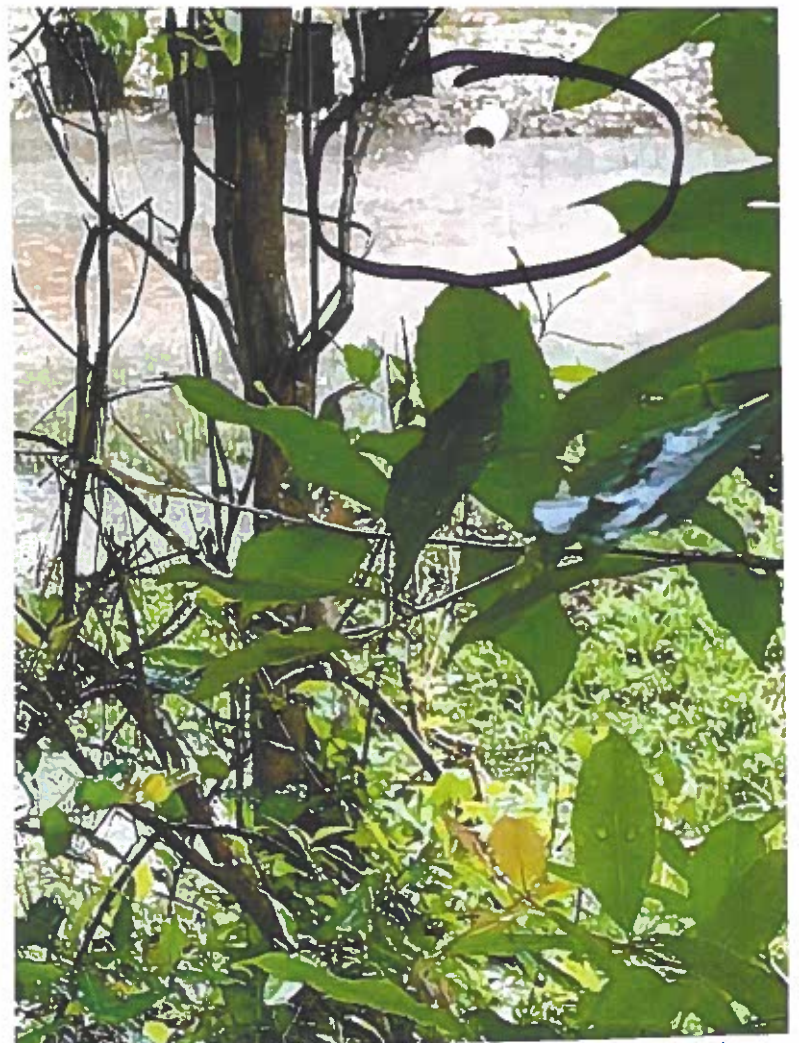
RUN OFF



Water comes over and under retaining wall



RUN OFF between 3304 + 3308
Colonial Dr.



TAKEN FROM MY back yard
fence. PIPE POINTED AT US.



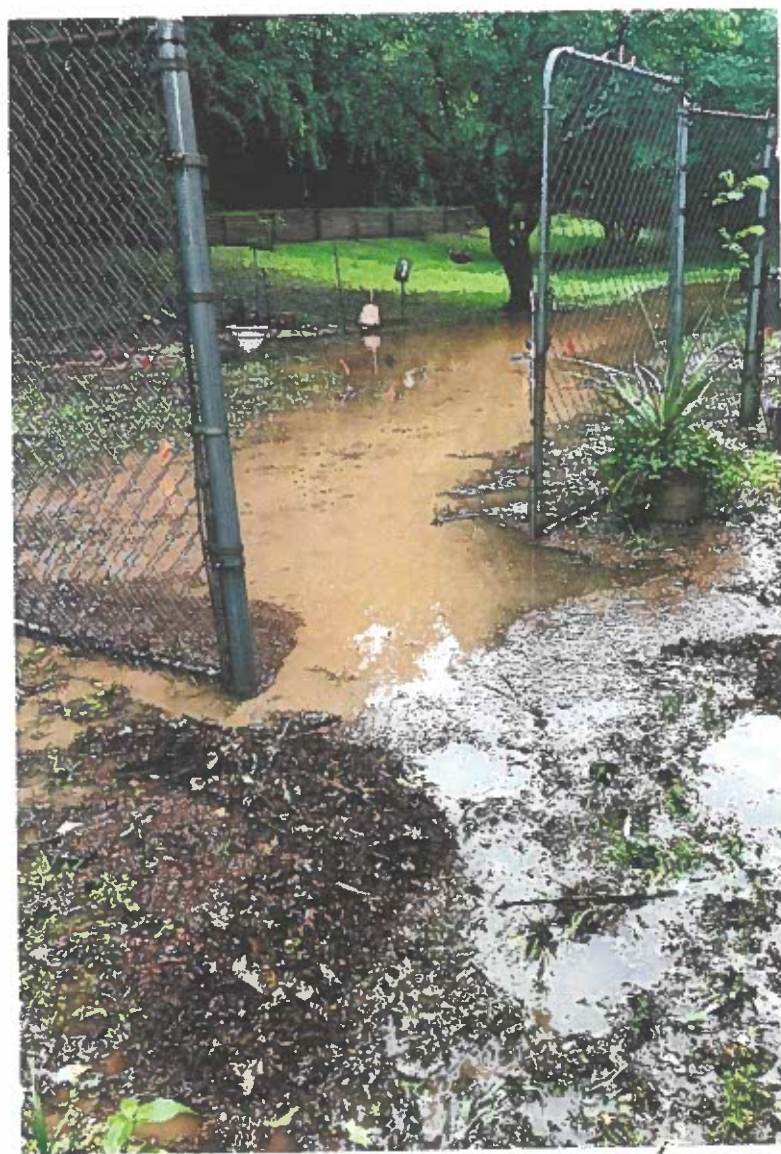
12/30/21 - PLANT SHED HAD BEEN
OPENED SINCE NOV 2020



NOTE AMOUNT OF SAND ON driveway
WE NEVER HAD A PROBLEM
WITH STANDING WATER



BACK PORCH FLOODING
4-13-2022



RUNOFF FILLED CATCH BASIN
LAST YEAR



4/14/2022



4/14/22



SUP 2020-03



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

Date Created: May 25, 2022 Software: ArcGIS 10.8.1

SUP2020-03: Site Photos

Street View: Corner of Appleby Sand & E. Austin St.



Street View: E. Austin St.



Street View: Appleby Sand Rd.



Office/Sales Building



Parking Area



Outdoor Sales Area: Facing E. Austin St.



Gravel walkway: South/ West side of building



Silt fencing & drainage area: West side of property



PRESENTER: Steve Bartlett, Public Works Director

ITEM/SUBJECT: Consider approval of a contract by and between the City of Nacogdoches and Halff Associates, Inc. for professional engineering services on the 2022 Water and Wastewater SCADA System Master Plan in a not-to-exceed amount of \$95,000.00 (Director of Public Works)

SUMMARY/BACKGROUND: Supervisory Control and Data Acquisition (SCADA) is used to provide operator monitoring and controls of all facets of water distribution and sewer treatment systems. Our current water distribution SCADA system is over thirty (30) years old, using irreplaceable components and antiquated programs, and our wastewater treatment plant and pump stations have very limited SCADA systems. A top-to-bottom evaluation of these systems is necessary to identify all needed upgrades and modifications to the systems to correct deficiencies and maintain functionality of our water distribution and sewer treatment processes.

Staff has selected Halff Associates, Inc. to study the current systems and develop a master plan with recommendations for these improvements. Due to Halff's expertise in SCADA system evaluation and implementation, staff has determined that they are the best candidate for this study. This master plan study will identify new hardware and software for installation and implementation, as well as critical security system improvements which, when implemented, will provide a streamlined flow of information during emergencies and offer higher protection against threats. This study is expected to generate several hundred thousand dollars worth of necessary upgrades to these systems over the next few years.

Halff Associates' services will include evaluation of and recommendations for the SCADA systems, recommendations for electrical backup power, telemetry and security at water and wastewater facilities, periodic progress meetings, project phasing and scheduling, as well as project funding grant recommendations. These services will be provided for a lump sum fee of \$95,000 and the anticipated completion of the plan is the end of this year.. There are adequate funds in the current year's budget for this project.

FINANCIAL:

Item is budgeted:

Account No.: 30 173.02

Account Name: Utility Fund - Equipment and Machinery

Amount:Item is budgeted: \$ 500,000

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

Infrastructure

CITY CONTACT: Steve Bartlett, Director of Public Works

bartletts@nactx.us
936-559-2522

ATTACHMENTS: 1. PowerPoint
2. Contract

ENGINEERING CONTRACT AWARD

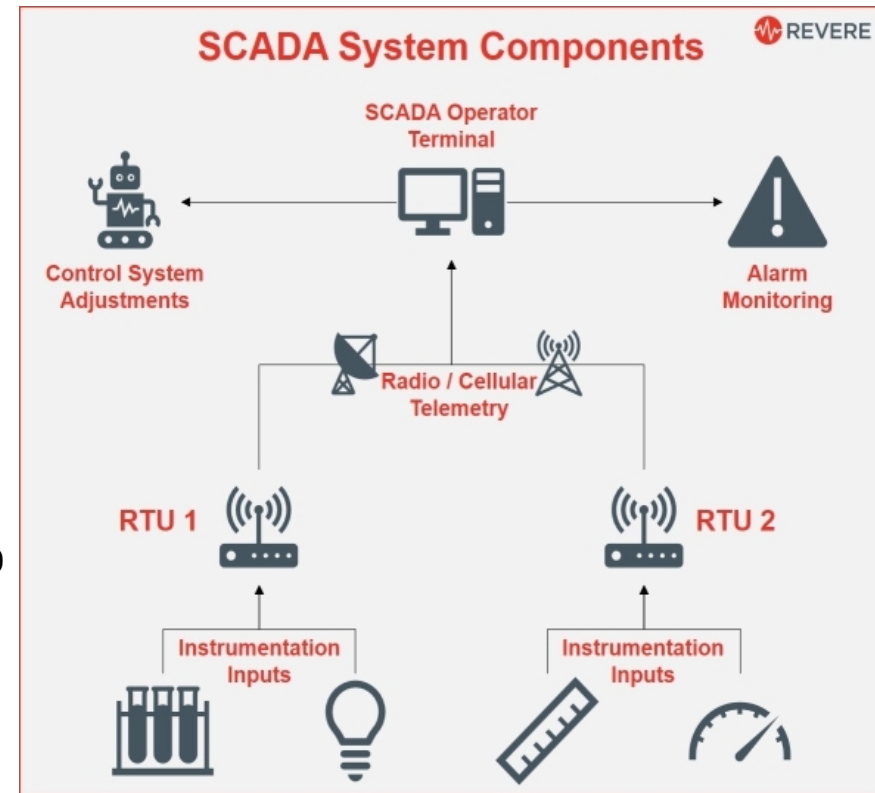
WATER AND WASTEWATER SCADA SYSTEM MASTER PLAN

HALFF ASSOCIATES, INC.

- Existing SCADA for water system over 30 years old
- Limited SCADA for wastewater system
- Master Plan to identify upgrades for streamlined information flow and critical security system improvements, higher protection against threats

LUMP SUM SERVICES

Progress Meetings	\$ 7,000
Coordination/Admin of Work Products	\$ 5,000
Rockwell Automation Installed Base Eval./Recommend.	\$ 44,254
Electric Backup, Telemetry, Security Recommend.	\$ 29,500
Project Phasing and Scheduling	\$ 4,246
Project Funding Grant Recommendations	\$ 5,000
Total Fee	\$ 95,000



**CITY OF NACOGDOCHES
ARCHITECTURAL & ENGINEERING
PROFESSIONAL SERVICES CONTRACT**

This Contract is between the **City of Nacogdoches**, a Texas home-rule municipal corporation, (the “City”) and **Halff Associates, Inc.** (the “Consultant”), whereby the Consultant agrees to provide the City with certain professional services as described herein and the City agrees to pay the Consultant for those services.

**ARTICLE I
Scope of Services**

- 1.01 In consideration of the compensation stated in paragraph 2.01 below, the Consultant agrees to provide the City with the professional services as described in **Exhibit A**, the Scope of Services, which is incorporated herein by reference for all purposes, and which services may be more generally described as follows: **2022 Water and Wastewater SCADA System Master Plan** (the “Project”).

**ARTICLE II
Payment**

- 2.01 In consideration of the Consultant’s provision of the professional services in compliance with all terms and conditions of this Contract, the City shall pay the Consultant according to the terms set forth in **Exhibit B**. Except in the event of a duly authorized change order, approved by the City as provided in this Contract, the total cost of all professional services provided under this Contract may not exceed **Ninety-Five Thousand and 00/100 Dollars (\$ 95,000.00)**.

**ARTICLE III
Time of Performance and Construction Cost**

- 3.01 The Consultant shall complete the professional services within the times set forth in **Exhibit B**. Consultant expressly agrees that such times are as expeditious as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

- 3.02 The Consultant shall be prepared to provide the professional services in the most expedient and efficient manner possible in order to complete the work by the times specified. Promptly after the execution of this Contract, the Consultant shall prepare and submit for the City to approve in writing, a detailed schedule for the performance of the Consultant's services to meet the City's project milestone dates which are included in this Contract. The Consultant's schedule shall include allowances for periods of time required for the City's review and for approval of submissions by authorities having jurisdiction over the Project. The schedule will also specify payment milestones associated with design tasks.
- 3.03 The Consultant's services consist of all of the services required to be performed by Consultant, Consultant's employees and Consultant's sub-consultants under the terms of this Contract. Such services include normal civil, structural, mechanical and electrical engineering services, acoustical and landscape services, and any other design services that are normally or customarily furnished and reasonably necessary for the Project. The Consultant shall contract and employ at its expense sub-consultants necessary for the design of the Project, and such sub-consultants shall be licensed as required by the State of Texas and approved in writing by the City.
- 3.04 The Consultant shall designate a principal of the firm reasonably satisfactory to the City who shall, for so long as acceptable to the City, be in charge of Consultant's services to be performed hereunder through to completion, and who shall be available for general consultation throughout the Project. Any replacement of that principal shall be approved in writing (which shall not be unreasonably withheld) by the City, prior to replacement.
- 3.05 Consultant shall be responsible for the coordination of all drawings and design documents relating to Consultant's design and used on the Project, regardless of whether such drawings and documents are prepared by Consultant. Consultant shall be responsible for the completeness and accuracy of all drawings and specifications submitted by or through Consultant and for its compliance with all applicable codes, ordinances, regulations, laws and statutes.
- 3.06 Consultant's evaluations of the City's project budget and the preliminary estimates of construction cost and detailed estimates of construction cost represent the Consultant's best judgment as a design professional familiar with the construction industry.

ARTICLE IV

Conceptual Design

- 4.01 Consultant shall meet with the City for the purpose of determining the nature of the Project. The Consultant shall inquire in writing as to the information it believes the City may have in its possession that is necessary for the Consultant's performance. The City shall provide the information within its possession that it can make available to the Consultant. The City shall designate a representative to act as the contact person on behalf of the City.

- 4.02 The Consultant shall determine the Project needs, including, but not limited to, tests, analyses, reports, site evaluations, surveys, comparisons with other municipal projects, review of budgetary constraints and other preliminary investigations necessary for the Project. Consultant shall verify the observable existing conditions of the Project and verify any existing as-built drawings. Consultant shall confirm that the Project can be designed and constructed within the time limits outlined in this Contract. Consultant shall prepare a detailed design phase schedule which includes all review and approval periods during the project phases from Conceptual Design to Construction, design development and construction document phases. Consultant shall confirm that the Project can be designed and constructed for the dollar amount of the Project budget, if applicable. Consultant shall generally review the City's available budget for the Project and provide an early opinion of the adequacy of funds for the intended scope of work.
- 4.03 The Consultant shall prepare a Conceptual Design that shall include preliminary schematic layouts, alternative ideas, surveys, sketches and exhibits demonstrating the considerations involved in the Project. The Conceptual Design shall contemplate compliance with all applicable laws, statutes, ordinances, codes and regulations. Upon the City's request, the Consultant shall meet with City staff and/or City Council to make a presentation of its report.

ARTICLE V

Preliminary Design

- 5.01 The City shall direct the Consultant to commence work on the Preliminary Design by sending to the Consultant a letter of authorization to begin work on the Preliminary Design pursuant to this Contract. Upon receipt of the letter of authorization to commence Preliminary Design, the Consultant shall meet with the City for the purpose of determining the extent of any revisions to the Conceptual Design.
- 5.02 The Consultant shall prepare the Preliminary Design of the Project, including, but not limited to, the preliminary drawings and specifications and other documents to fix and describe the size and character of the Project as to civil, architectural, structural, mechanical and electrical systems, materials and such other elements as may be appropriate. The Consultant shall submit to the City a detailed estimate of the construction costs of the Project, based on current area, volume, or other unit costs. This estimate shall also indicate costs for allowances, contingencies, fees, permits, and all other costs involved in constructing the Project and the time required for construction of the Project from commencement to final completion.
- 5.03 Upon completion of the Preliminary Design of the Project, the Consultant shall so notify the City. Upon request the Consultant shall provide a Preliminary Engineering Report and meet with the City staff and/or City Council to make a presentation of its Preliminary Design of the Project. The Consultant shall provide an explanation of the Preliminary Design and cost estimate and shall verify that, to the best of Consultant's belief, the Project requirements and construction can be completed within the Project budget and schedule.

ARTICLE VI

Final Design

- 6.01 The City shall direct the Consultant to commence work on the Final Design of the Project by sending to the Consultant a letter of authorization to begin work on the Final Design phase of the Project. Upon receipt of the Letter of Authorization to proceed with Final Design of the Project, the Consultant shall immediately prepare the Final Design, including, but not limited to, the bid documents, contract, drawings, and specifications, to fix and describe the size and character of the Project as to civil, structural, mechanical, and electrical systems, materials, and such other elements as may be appropriate. The Final Design of the Project shall comply with all applicable laws, statutes, ordinances, codes and regulations.
- 6.02 Notwithstanding the City's approval of the Final Design, the Consultant represents that the Final Design will be sufficient and adequate to fulfill the purposes of the Project. Additionally, Consultant will provide technical criteria, written descriptions and design data for the City's use in filing applications for permits from other governmental authorities or entities. Consultant shall assist the City in the preparation of permits and consultations with other entities having jurisdiction over the Project.
- 6.03 The Consultant shall prepare and separately seal the special provisions, the technical specifications, and bid proposal form(s) in conformance with the City's current pre-approved, "Standard Form of Construction Agreement" for the construction contract between the City and the construction contractor. The Consultant hereby agrees that no changes, modifications, supplementations, alterations, or deletions will be made to the City's standard form without the prior written approval of the City.
- 6.04 The Consultant shall provide the City with complete construction design plans and contract documents sufficient to be advertised for bids by the City. The contract documents shall include the design and specifications and other changes that are required to fulfill the purpose of the Project. Upon completion of the Final Design of the Project, with the submission of the complete contract documents, and upon request of the City, the Consultant shall meet with City staff and/or the City Council to present the Final Design of the Project. The Consultant shall provide an explanation of the Final Design and cost estimate.

ARTICLE VII

~~Bid Preparations & Evaluation~~

- ~~7.01 The Consultant shall assist the City in advertising for and obtaining bids or negotiating proposals for the construction of the Project. Upon request, the Consultant shall meet with City staff and/or the City Council to present, and make recommendations on, the bids submitted for the construction of the Project.~~
- ~~7.02 The Consultant shall review the construction contractors' bids, including subcontractors, suppliers, and other persons required for completion of the Project. The Consultant shall~~

~~evaluate each bid and provide these evaluations to the City along with a recommendation on each bid. The Consultant shall also review the qualifications and references of the lowest responsible bidder. A written evaluation of the bids shall be provided to the City by Consultant and shall include any bidding irregularities subject to waiver. If the lowest bid for the construction of the Project exceeds the final cost estimate set forth in the Final Design of the Project, then the Consultant, at its sole cost and expense, shall revise the construction documents so that the total construction costs of the Project will not exceed the final cost estimate contained in the Final Design of the Project.~~

~~7.03 Where substitutions are requested by a construction contractor, the Consultant shall review the substitution requested and shall recommend approval or disapproval of such substitutions.~~

ARTICLE VIII

Construction Administration

~~8.01 The Consultant shall be a representative of, and shall advise and consult with, the City (1) during construction, and (2) at the City's direction from time to time during the correction or warranty period described in the construction contract. The Consultant shall have authority to act on behalf of the City only to the extent provided in this Contract unless modified by written instrument.~~

~~8.02 The Consultant shall make visits to the site, with a frequency appropriate to the scope of the Project, to inspect the progress and quality of the executed work of the construction contractor and its subcontractors and to determine if such work is proceeding in accordance with the contract documents. Consultant shall periodically review the as-built drawings for accuracy and completeness, and shall report its findings to the City.~~

~~8.03 Resident Project Representative (RPR): The Consultant shall provide the services of an RPR to support more frequent and extensive observations of the contractor's work. The presence of the RPR will not diminish the responsibilities of the Consultant's design professionals to provide site visits to monitor the progress of the project. Duties and responsibilities of the RPR include:~~

- ~~a. The RPR will generally deal directly with the contractor and report to the Consultant, who in turn will report to the City. The RPR works under the direction of the Consultant. The RPR may communicate directly with the City, but only with the knowledge of the Consultant.~~
- ~~b. The RPR will not normally direct the work of the contractor but shall observe its compliance with the plans and specifications and report such directly to the Consultant. The RPR can communicate any concerns directly to the contractor, but all observed conditions will always be given to the Consultant as well.~~
- ~~c. If the RPR observes unsafe conditions, or other potentially hazardous conditions that might risk life and safety to anyone, he/she will immediately report such to the~~

~~contractor, Consultant, and City. In such circumstances, the RPR will have the authority to stop the work of the contractor until the issue can be resolved.~~

- ~~d. The RPR shall, on behalf of the Consultant, make and keep as-built drawings in the field to record any variances from the original designs shown in plans and specifications.~~
- ~~e. The RPR shall keep and maintain inspection reports for each day he/she is present on the project site. These reports shall be made available to the City at the end of the project. The daily reports shall include times of observations, activities observed, materials used or delivered to the job, problems encountered and solutions or adjustments made in the field.~~
- ~~f. The RPR shall review pay estimates from the contractor, on behalf of the Consultant, to verify the quantity and quality of work requested for payment. At no time will the RPR approve pay estimates, contract addendums, modifications, or change orders involving changes in the contract price.~~
- ~~g. The RPR shall be present to observe and witness all testing of on-site equipment and installed materials under the direction of the Consultant.~~

~~8.04 The Consultant shall keep the City informed of the progress and quality of the work through periodic project meetings and written monthly status reports. The Consultant shall employ the professional skill and care ordinarily provided by competent engineers or architects practicing in the same or similar locality and under the same or similar circumstances and professional license in discovering and promptly reporting to the City any defects or deficiencies in such work and shall disapprove or reject any work failing to conform to the contract documents.~~

~~8.05 The Consultant shall review and approve shop drawings and samples, the results of tests and inspections, and other data that each construction contractor or subcontractor is required to provide. The Consultant's review and approval shall include a determination of whether the work complies with all applicable laws, statutes, ordinances and codes and a determination of whether the work, when completed, will be in compliance with the requirements of the contract documents.~~

~~8.06 The Consultant shall determine the acceptability of substitute materials and equipment that may be proposed by construction contractors or subcontractors. The Consultant shall also receive and review maintenance and operating instruction manuals, schedules, guarantees, and certificates of inspection, which are to be assembled by the construction contractor in accordance with the contract documents.~~

~~8.07 The Consultant shall issue all instructions of the City to the construction contractor as well as interpretations and clarifications of the contract documents pertaining to the performance of the work. Consultant shall interpret the contract documents and judge the performance thereunder by the contractor constructing the Project, and Consultant shall,~~

~~within a reasonable time, render such interpretations and clarifications as it may deem necessary for the proper execution and progress of the work. Consultant shall receive no additional compensation for providing clarification of the drawings and specifications.~~

- ~~8.08 The Consultant shall review the amounts owing to the construction contractor and recommend to the City, in writing, payments to the construction contractor of such amounts. The Consultant's recommendation of payment, being based upon the Consultant's on-site inspections, observations, and its experience and qualifications as a design professional, shall constitute a recommendation by the Consultant to the City that the quality of such work is in accordance with the contract documents and that the work has progressed to the point reflected in Consultant's recommendation for payment.~~
- ~~8.09 Upon notification from the construction contractor that the Project is substantially complete, the Consultant shall conduct an inspection of the site to determine if the Project is substantially complete. The Consultant shall prepare a checklist of items that shall be completed prior to final acceptance. Upon notification by the construction contractor that the checklist items designated by the Consultant for completion have been completed, the Consultant shall inspect the Project to verify final completion.~~
- ~~8.10 The Consultant shall not be responsible for the work of the construction contractor or any of its subcontractors, except that the Consultant shall be responsible for the construction contractor's schedules or failure to carry out the work in accordance with the contract documents if such failures result from the Consultant's negligent acts or omissions. This provision shall not alter the Consultant's duties to the City arising from the performance of the Consultant's obligations under this Contract.~~
- ~~8.11 The Consultant shall conduct at least one on-site inspection during the warranty period and shall report to the City as to the continued acceptability of the work.~~
- ~~8.12 The Consultant shall recommend and prepare change orders, work directives and clarification notices on behalf of the City but shall not execute and issue such documents or otherwise alter the financial scope of the Project without an advance, written authorization from the City.~~
- ~~8.13 The Consultant shall perform all of its duties under this Article VIII so as to not cause any delay in the progress of construction of the Project.~~
- ~~8.14 The Consultant shall assist the construction contractor and City in obtaining a Certificate of Occupancy by accompanying governing officials during inspections of the Project if requested to do so by the City.~~

ARTICLE IX

Change Orders & Documents & Materials

- 9.01 No changes shall be made, nor will invoices for changes, alterations, modifications, deviations, or extra work or services be recognized or paid to Consultant except upon the

prior written order from authorized personnel of the City. The Consultant shall not execute change orders on behalf of the City or otherwise alter the financial scope of the Project, except upon the prior written approval from authorized personnel of the City.

9.02 a. When the original contract amount plus all change orders is less than \$50,000, the City Manager or his delegate may approve the written change order provided the change order does not increase the total amount set forth in the contract to more than \$50,000. For such contracts, when a change order results in a total contract amount that exceeds \$50,000, the City Council must approve such change order prior to commencement of the services or work.

b. When the original contract amount plus all change orders is equal to or greater than \$50,000, the City Manager or his delegate may approve the written change order provided the change order does not exceed \$50,000, and provided the sum of all change orders does not exceed 25% of the original contract amount. For such contracts, when a change order exceeds \$50,000 or when the sum of all change orders exceeds 25% of the original contract, the City Council must approve such change order prior to commencement of the services or work.

c. **Any request by the Consultant for an increase in the Scope of Services and an increase in the amount listed in paragraph two of this Contract shall be made and approved by the City prior to the Consultant providing such services or the right to payment for such additional services shall be waived.** If there is a dispute between the Consultant and the City respecting any service provided or to be provided hereunder by the Consultant, including a dispute as to whether such service is additional to the Scope of Services included in this Contract, the Consultant agrees to continue providing on a timely basis all services to be provided by the Consultant hereunder, including any service as to which there is a dispute.

9.03 The Consultant shall furnish the City **two (2)** hard copies and a digital copy of each Master Plan. It is hereby agreed that additional copies shall be provided to the City at the City's expense. ~~The Consultant shall provide the City _____ (—) sets of reproducible, mylar record drawings that clearly show all the changes made during the construction process, based upon the marked up prints, drawings, and other data furnished by the construction contractor to the Consultant.~~ The Consultant shall provide copies of documents, computer files if available, surveys, notes, and tracings used or prepared by the Consultant. The foregoing documentation, the Consultant's work product, and other information in the Consultant's possession concerning the Project shall be the property of the City from the time of preparation. ~~The Consultant shall furnish one set of digital files representing the final record drawings.~~

ARTICLE X

Indemnification & Release

10.01 Pursuant to Section 271.904(d) of the Texas Local Government Code, the Consultant shall perform the services with the professional skill and care ordinarily provided by

competent engineers or architects practicing under the same or similar circumstances and professional license and as expeditiously as is prudent considering the ordinary skill and care of a competent engineer or architect. The Consultant represents that the information provided by the Consultant, the design, the preparation of drawings, the designation or selection of materials and equipment, the selection and supervision of personnel, and the performance of all other services under this Contract are performed with the professional skill and care ordinarily provided by competent engineers or architects practicing in the same or similar circumstances and professional license. Approval of the City shall not constitute, or be deemed, a release of the responsibility and liability of the Consultant, its employees, agents, or associates for the exercise of skill and diligence to promote the accuracy and competency of their designs, information, plans, specifications or any other document, nor shall the City's approval be deemed to be the assumption of responsibility by the City for any defect or error in the aforesaid documents prepared by the Consultant, its employees, associates, agents, or subcontractors.

- 10.02 The Consultant shall promptly correct defective designs or specifications furnished by the Consultant at no cost to the City. The City's approval, acceptance, use of, or payment for, all or any part of the Consultant's services hereunder or of the Project itself shall in no way alter the Consultant's obligations or the City's rights hereunder.
- 10.03 In all activities or services performed hereunder, the Consultant is an independent contractor and not an agent or employee of the City. The Consultant and its employees are not the agents, servants, or employees of the City. As an independent contractor, the Consultant shall be responsible for the professional services and the final work product contemplated under this Contract. Except for materials furnished by the City, the Consultant shall supply all materials, equipment, and labor required for the professional services to be provided under this Contract. The Consultant shall have ultimate control over the execution of the services it is to provide under this Contract. The Consultant shall have the sole obligation to employ, direct, control, supervise, manage, discharge, and compensate all of its employees or subcontractors, and the City shall have no control of or supervision over the employees of the Consultant or any of the Consultant's subcontractors.
- 10.04 The Consultant must at all times exercise reasonable precautions on behalf of, and be solely responsible for, the safety of its officers, employees, agents, subcontractors, licensees, and other persons, as well as its personal property, while in the vicinity of the Project or any of the work being done on or for the Project. It is expressly understood and agreed that the City shall not be liable or responsible for the negligence of the Consultant, its officers, employees, agents, subcontractors, invitees, licensees, and other persons.
- 10.05 INDEMNITY. THE CONSULTANT SHALL INDEMNIFY, AND HOLD HARMLESS THE CITY, ITS OFFICERS, AGENTS, EMPLOYEES, REPRESENTATIVES, CONTRACTORS, ASSIGNEES AND/OR DESIGNEES (SEPARATELY AND COLLECTIVELY REFERRED TO IN THIS PARAGRAPH AS "INDEMNITEE"), FROM LIABILITY, ACTIONS, CLAIMS, DEMANDS OR**

SUITS, AND RELATED DAMAGES, COSTS, REIMBURSEMENT OF REASONABLE ATTORNEY FEES, AND EXPENSES CAUSED BY, ARISING OUT OF, OR RESULTING FROM THE NEGLIGENCE, INTENTIONAL TORTS, WILFULL MISCONDUCT, PERSONAL INJURY OR DAMAGE TO PROPERTY AND OTHERWISE RELATED TO CONSULTANT'S PERFORMANCE, AND/OR FAILURES TO PAY A SUBCONTRACTOR OR SUPPLIER COMMITTED BY THE CONSULTANT OR ITS AGENTS, EMPLOYEES, SUB-CONTRACTORS, ORDER FULFILLERS, OR CONSULTANTS UNDER CONTRACT TO CONSULTANT, OR ANOTHER ENTITY OVER WHICH THE CONSULTANT EXERCISES CONTROL, OR SUPPLIERS OF SUBCONTRACTORS IN THE EXECUTION OR PERFORMANCE OF THE CONTRACT.

10.06 CONSULTANT SHALL INDEMNIFY AND HOLD HARMLESS THE CITY FROM AND AGAINST ANY AND ALL CLAIMS, VIOLATIONS, MISAPPROPRIATIONS OR INFRINGEMENT OF ANY PATENT, TRADEMARK, COPYRIGHT, TRADE SECRET OR OTHER INTELLECTUAL PROPERTY RIGHTS AND/OR OTHER INTANGIBLE PROPERTY, PUBLICITY OR PRIVACY RIGHTS AND/OR IN CONNECTION WITH OR ARISING FROM: (1) THE PERFORMANCE OR ACTIONS OF CONSULTANT PURSUANT TO THIS CONTRACT; (2) ANY DELIVERABLE, WORK PRODUCT, CONFIGURED SERVICE OR OTHER SERVICE PROVIDED HEREUNDER; AND/OR THE CITY'S AND /OR CONSULTANT'S USE OF OR ACQUISITION OF ANY REQUESTED SERVICES OR OTHER ITEMS PROVIDED TO THE CITY BY CONSULTANT OR OTHERWISE TO WHICH THE CITY HAS ACCESS AS A RESULT OF CONSULTANT'S PERFORMANCE UNDER THE CONTRACT.

10.07 CONSULTANT AND THE CITY AGREE TO FURNISH TIMELY WRITTEN NOTICE TO EACH OTHER OF ANY SUCH CLAIM UNDER 10.05 OR 10.06. CONSULTANT SHALL BE LIABLE TO PAY, INCLUDING REIMBURSEMENT OF REASONABLE ATTORNEY'S FEES. THE DEFENSE OF ANY LAWSUIT SHALL BE COORDINATED BY THE CONSULTANT WITH THE CITY ATTORNEY WHEN THE CITY IS NAMED DEFENDANT IN ANY LAWSUIT AND CONSULTANT MAY NOT AGREE TO ANY SETTLEMENT WITHOUT FIRST OBTAINING THE CONCURRENCE FROM THE OFFICE OF THE CITY ATTORNEY. IF THE CITY DETERMINES THAT A CONFLICT EXISTS BETWEEN ITS INTERESTS AND THOSE OF CONSULTANT OR IF THE CITY IS REQUIRED BY LAW TO SELECT SEPARATE COUNSEL, THE CITY WILL BE PERMITTED TO SELECT SEPARATE COUNSEL AND THE CONSULTANT WILL PAY REASONABLE COSTS OF THE CITY'S COUNSEL.

10.08 Release. The Consultant releases, relinquishes, and discharges the City, its officers, agents, employees, and volunteers from all claims, demands, and causes of action, including the cost of defense thereof, for any injury to, sickness or death of the Consultant or its employees and any loss of or damage to any property of the

Consultant or its employees that is caused by or alleged to be caused by, arises out of, or is in connection with the Consultant's work to be performed hereunder. Both the City and the Consultant expressly intend that this release shall apply regardless of whether said claims, demands, and causes of action are covered, in whole or in part, by insurance and in the event of injury, sickness, death, loss, or damage suffered by the Consultant or its employees, but not otherwise, this release shall apply regardless of whether such loss, damage, injury, or death was caused in whole or in part by the City, any other party released hereunder, the Consultant, or any third party.

- 10.09 It is agreed with respect to legal limitations now or hereafter in effect and affecting the validity or enforceability of the indemnification, release or other obligations under Paragraphs 10.05, 10.06, 10.07 and 10.08 such legal limitations are made a part of the obligations and shall operate to amend same to the minimum extent necessary to bring the provision(s) into conformity with the requirements of such limitations, and as so modified, the obligations set forth therein shall continue in full force and effect.**

ARTICLE XI

Insurance

- 11.01 The Consultant shall procure and maintain at its sole cost and expense for the duration of this Contract insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, volunteers, employees or subcontractors. The policies, limits and endorsements required are as set forth on Exhibit C.**

ARTICLE XII

Use of Drawings, Specifications and Other Documents

- 12.01 The drawings, specifications and other documents prepared by the Consultant and Consultant's sub-consultants for this Project shall become the property of the City whether the Project is completed or not. The City shall be furnished and permitted to retain reproducible copies and electronic versions of Consultant's drawings, specifications and other documents.**
- 12.02 The documents prepared by Consultant may be used as a prototype for other facilities by the City. The City may elect to use the Consultant to perform the site adaptation and other architectural or engineering services involved in reuse of the prototype. If so, the Consultant is obligated to perform the work for an additional compensation that will fairly compensate the Consultant and its sub-consultants only for the additional work involved. It is reasonable to expect that the fair additional compensation will be significantly less than the fee provided for under this Contract. If the City elects to employ a different architect or engineer to perform the site adaptation and other architectural or engineering services involved in reuse of the prototype, that architect or engineer will be entitled to use Consultant's sub-consultants on the same basis that**

Consultant would have been entitled to use them for the work on the reuse of the prototype, and such architect or engineer will be entitled, to the extent allowed by law, to duplicate the design and review and refer to the construction documents, approved shop drawings and calculations, and change order drawings in performing its work. The Consultant will not be responsible for errors and omissions of a subsequent architect or engineer. The Consultant shall commit its sub-consultants to the terms of this subparagraph. The provisions of this section shall survive termination of this Contract.

- 12.03 In the event of termination of this Contract for any reason, the City shall receive all original documents prepared to the date of termination and shall have the right to use those documents and any reproductions in any way necessary to complete the Project.
- 12.04 Only the details of the drawings relating to this Project may be used by the Consultant on other projects, but they shall not be used as a whole without written authorization by the City. The City-furnished forms, conditions, and other written documents shall not be used on other projects by the Consultant.

ARTICLE XIII

Termination

- 13.01 The City may terminate this Contract at any time upon **thirty (30)** calendar days' written notice. Upon the Consultant's receipt of such notice, the Consultant shall cease work immediately. To the extent of funds appropriated or otherwise legally available for such purposes, the Consultant shall be compensated only for the services satisfactorily performed prior to the termination date.
- 13.02 If, through any cause, the Consultant fails to fulfill its obligations under this Contract, or if the Consultant violates any of the agreements of this Contract, the City has the right to terminate this Contract by giving the Consultant **five (5)** calendar days written notice to the Consultant. The Consultant will be compensated for the services satisfactorily performed prior to the termination date.
- 13.03 No term or provision of this Contract shall be construed to relieve the Consultant of liability to the City for damages sustained by the City because of any breach of contract and/or negligence by the Consultant. The City may withhold payments to the Consultant for the purpose of setoff until the exact amount of damages due the City from the Consultant is determined and paid.

ARTICLE XIV

Miscellaneous Terms

- 14.01 This Contract has been made under and shall be governed by the laws of the State of Texas. The parties agree that performance and all matters related thereto shall be in Nacogdoches County, Texas.

- 14.02 The City, or if State funds are used to pay any part of this contract, the State Auditor, may conduct an audit or investigation of any entity receiving funds directly under this contract or indirectly through a subcontract under the contract. Acceptance of funds under the contract or through a subcontract under the contract acts as acceptance of the authority of the City or the State Auditor to conduct an audit or investigation. Consultant agrees to cooperate and must provide the City and/or State Auditor with access to any information the City and/or State Auditor considers relevant to the investigation or audit. The Consultant agrees to refund to the City any overpayments disclosed by any such audit.
- 14.03 The Consultant shall retain all such records for a period of four (4) years after final payment on this Contract or until all audit and litigation matters that the City has brought to the attention of the Consultant are resolved, whichever is longer.
- 14.04 Consultant hereby assigns to the City claims for overcharges associated with this Agreement which arise under the antitrust laws of the United States, 15 USCA Section 1 et seq., and/or which arise under the antitrust laws of the State of Texas, Business and Commerce Code Ann., Section 15.01, et seq.
- 14.05 Notices shall be mailed to the addresses designated herein or as may be designated in writing by the parties from time to time and shall be deemed received when sent postage prepaid U.S. Mail to the following addresses:

City of Nacogdoches
Attn: City Manager
202 East Pilar Street
P.O. Box 635030
Nacogdoches, Texas 75961

Consultant:
Halff Associates, Inc.
Attn: Michael Medford, Vice President
1121 ESE Loop 323, Suite 117
Tyler, Texas 75701

- 14.06 No waiver by either party hereto of any term or condition of this Contract shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.
- 14.07 This Contract represents the entire and integrated agreement between the City and the Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral. This Contract may only be amended by written instrument approved and executed by the parties.
- 14.08 This Contract and all rights and obligations contained herein may not be assigned by the Consultant without the prior written approval of the City.

- 14.09 If any provision of this Contract shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court of competent jurisdiction finds that any provision of this Contract is invalid or unenforceable, but that by limiting such provision it may become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.
- 14.10 The Consultant, its agents, employees, and subcontractors must comply with all applicable federal and state laws, the charter and ordinances of the City of Nacogdoches, and with all applicable rules and regulations promulgated by local, state, and national boards, bureaus, and agencies. The Consultant must obtain all necessary permits and licenses required in completing the work and providing the services required by this Contract.
- 14.11 **Contractor Affirmations:** If this contract is funded in whole or in part by money from the State of Texas, State law requires the following certifications, representations. Regardless of funding by the State, by signature hereon affixed, the Contractor hereby certifies that:
- (a) Contractor has not given, offered to give, nor intends to give at any time hereafter any economic opportunity, future employment, gift, loan, gratuity, special discount, trip, favor, or service to a public servant in connection with this Contract.
 - (b) Contractor represents that it has no actual or potential conflicts of interest in the services described in the scope of work to this contract.
 - (c) **Antitrust.** Pursuant to 15 U.S.C. §1, et seq. and Tex. Bus. & Comm. Code §15.01, et seq. neither the contractor nor the firm, corporation, partnership, or institution represented by the contractor, or anyone acting for such a firm, corporation or institution has violated the antitrust laws of this state, federal antitrust laws, nor communicated directly or indirectly the bid made to any competitor or any other person engaged in such line of business.
 - (d) **Debarment.** Contractor certifies that Contractor and its principals are eligible to participate in this transaction and have not been subjected to suspension, debarment, or similar ineligibility determined by any federal, state or local governmental entity and that Contractor is in compliance with the State of Texas statutes and rules relating to procurement. Entities ineligible for state procurement are listed on the State of Texas Debarred Vendor List maintained by the Texas Comptroller of Public Accounts and the System for Award Management (SAM) maintained by the General Services Administration. Entities ineligible for federal procurement are listed at <http://www.sam.gov/content/exclusions>.
 - (e) **Terrorism Watch List.** Contractor represents that it does not do business with Iran, Sudan or a foreign terrorist organization as prohibited by Texas Government Code 2252.152. Contractor certifies that it is not listed on the federal government's terrorism watch list as described in Executive Order 13224.

(f) **Convictions.** Under Sections 2155.006, 2155.0061 and 2261.053 of the Texas Government Code, Contractor certifies that it is not ineligible to receive the specified contract and may be terminated and payment withheld if this certification is inaccurate. These sections prohibit contracts that include proposed financial participation by an individual or business entity who has been convicted in the past five years of (a) violating a federal law or assessed a penalty in connection with a contract involving relief for Hurricane Rita, Hurricane Katrina, or any other disaster, as defined by §418.004, Gov't Code, occurring after September 24, 2005; and (b) of any offense related to the direct support or promotion of human trafficking.

(g) **COVID Vaccinations.** Contractor certifies that it does not require its customers to provide any documentation certifying the Customer's COVID-19 vaccination or post-transmission recovery on entry to, or to receive service from the Contractor's business.

(h) **Boycotts.** (a) To the extent this Contract is considered a Contract for goods or services subject to § 2270.002 Texas Government Code, Contractor verifies that it: (i) does not boycott Israel; and (ii) will not boycott Israel during the term of this Contract.

(b) To the extent this Contract has a value of \$100,000 or more and Contractor is an organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit that employs 10 or more full time employees, Contractor certifies that it: (i) does not and will not boycott energy companies during the term of the contract (*See Texas Government Code 2274.002, et seq.*); and (ii) does not and will not discriminate against a firearm entity or firearm trade association (*See Texas Government Code 2274.002, et seq.*).

14.12 The parties acknowledge that they have read, understood, and intend to be bound by the terms and conditions of this Contract. If there is a conflict between a provision in any documents provided by Consultant made a part of this Contract and any other provision in this Contract, the latter controls.

14.13 This Contract will be effective when signed by the last party whose signing makes the Contract fully executed. The parties may execute this Contract in duplicate originals, each of equal dignity.

14.14 **Notice of Indemnification.** City and Consultant hereby acknowledge and agree that this Contract contains certain indemnification obligations and covenants.

HALFF ASSOCIATES, INC.
1121 ESE Loop 323, Suite 117
Tyler, Texas 75701

By: W. Hicks
Printed Name: Bill Hicks, PE
Title: Senior Vice President
Date: 06/1/2022
Firm Registration No.: 312

CITY OF NACOGDOCHES
P. O. Box 635030
Nacogdoches, Texas 75963-5030

By: _____
Printed Name: _____
Title: City Manager
Date: _____

APPROVED AS TO CONTENT:

Director of Public Works

APPROVED AS TO FORM:

City Attorney

Exhibit A Scope of Services

TASK 1: PROJECT MANAGEMENT & COORDINATION

1.1 Progress Meetings, Reports, and Invoicing

For the work performed, Engineer will prepare Monthly Progress Reports and advise the City as to the progress of the work. These Reports will include:

- Tasks completed during the reporting period.
- Tasks planned for upcoming periods.
- Issues encountered and recommended actions to address them.
- Overall Project status and development progress, including a tabulation of Tasks showing percentage complete and supporting documentation.
- Meetings with the City and City's third-party consultants on the overall Project.
 - In person meetings - One at Project Kickoff
 - All additional progress meetings will be virtually via MS Teams.

1.2 Coordination and Administration of Work Products

- Coordination - Engineer shall designate one Texas Registered Professional Engineer as the Project Manager responsible for Project management, coordination, and communications.
- Administration - Engineer will manage Project activities (including sub-consultants), direct the project team/staff, attend monthly meetings with City staff/team, handle deliverables, and keep records of project communications/files.

TASK 1 Deliverables:

- Monthly progress reports and meeting minutes

TASK 2: SCADA INSTALLED BASE EVALUATION (IBE) AND RECOMMENDATIONS

2.1 Local Controls Field Investigation

Refer to Rockwell Automation's Installed Base Evaluation (IBE) scope of work. Rockwell Automation will be visiting each of the sites and providing a condition assessment report. The report will include an executive summary with ranking and prioritization of tasks from all evaluations, with more detailed rankings within each individual evaluation report.

2.2 SCADA Automation System Upgrades Recommendation

Refer to Rockwell Automation's Installed Base Evaluation (IBE) scope of work. The recommendations will be based on industry leading automation products proven in the water and wastewater market. The recommendations will include managing asset lifecycle, spare parts and inventory and maximizing asset performance.

2.3 SCADA PLC Hardware Recommendations

In this task, the design team will review best and latest technology PLC hardware with the processing power required for each site.

2.4 SCADA Software Suite Recommendations

In this task, the design team will review and provide best recommended SCADA software that is most user friendly, secure and offers best customer support services.

2.5 SCADA System Opinion of Probable Construction Cost

This task includes providing a detailed opinion of probable construction costs in today's dollars to implement the recommended upgrades. The OPCC will be provided per site. A cost matrix will be provided with a point system to identify the most critical sites to upgrade. The following cost analysis criteria are to be included in the OPCC:

- Capital costs in present day dollars (2022)
- Annual O&M costs in present day dollars
- Separate software licensing and software upgrades fees, annualized then in present day \$\$\$
- Service life of main SCADA system components

TASK 3: ELECTRICAL, TELEMETRY AND SECURITY UPGRADES RECOMMENDATIONS

3.1 Electrical and Backup Power Recommendations

This task includes recommendations to increase electrical power resiliency to each site. It will also provide recommendations to increase power quality at each site.

3.2 Telemetry Strategy Recommendations

In this task, Engineer will provide a preliminary radio path study to identify best RF antenna locations and heights. Engineer will also review the option of providing a redundant telemetry strategy with cellular service.

3.3 Electronic Security Best Practices recommendations

In this task, the design team will provide a general overview of recommended access control equipment, CCTV cameras and burglary security systems for the water treatment plants and wastewater treatment plants.

TASK 4: PROJECT PHASING AND SCHEDULING

4.1 Conceptual and Ultimate Scheduling

Engineer will develop a conceptual design schedule for Tasks identified within this proposal. The conceptual schedule shall identify critical Project milestones, expected durations of conceptual design aspects and establish sequencing of design and construction of the Master Plan. Additionally, based on the conceptual design sequencing, Engineer will develop a preliminary schedule for the ultimate Master Plan project. This draft ultimate phasing schedule will be coordinated with the City for review and approval.

4.2 Project Phasing

In conjunction with Task 5.1, Engineer will develop preliminary Phasing for the Ultimate Project. Preliminary Phasing intended to be discussed, coordinated and concurred with by the City and City's third-party consultants and contractor. The phasing will follow a 5-year CIP plan for the City. Engineer will develop the Ultimate Project Phasing as determined by aspects of the Project such as most critical to least critical sites required to be upgraded in a sequential order and critical major SCADA components required for the overall project functionality.

TASK 5: PROJECT FUNDING GRANT CONSULTING

Engineer will provide guidance to obtain funding moneys through state and local entities such as TWDB, USDA and FEMA. This task assumes the client will be applying for grants and Engineer will be a guide to identify available grants only.

DELIVERABLES

The Master Plan study will be delivered as follows:

Task 1 – PMP presented at Workshop, progress reports and meeting minutes

Task 2 – Summary memo of the existing facilities and status presented via MS Teams at a monthly progress meeting

Task 3 – Draft Report presented at Workshop 2 and modified based on input

Task 4 – Draft Report presented at Workshop 3 and modified based upon input

Task 5 – Memorandum appended to Final Report

Final deliverable will be a comprehensive report and implementation plan incorporating results, recommendations and Engineer's Opinion of Probable Construction Costs.

ITEMS PROVIDED BY THE CITY TO ENSURE SCHEDULE

For the purposes of development of this proposal, it is assumed that City will provide an electrician to walk the site(s) with Engineer's team members. The electrician will provide tools and personal protective equipment to safely open existing electrical and controls equipment.

ITEMS EXCLUDED FROM THE SCOPE OF SERVICES

- Approved permits
- Coordination with local governmental entities or attendance of public meetings
- Construction and bidding documents.
- Construction staking

Any additional services required beyond those specifically identified in this proposal are beyond the scope of services to be provided under this agreement. A scope and commensurate fee for any required additional services would be negotiated and provided under a separate supplemental agreement to this contract.

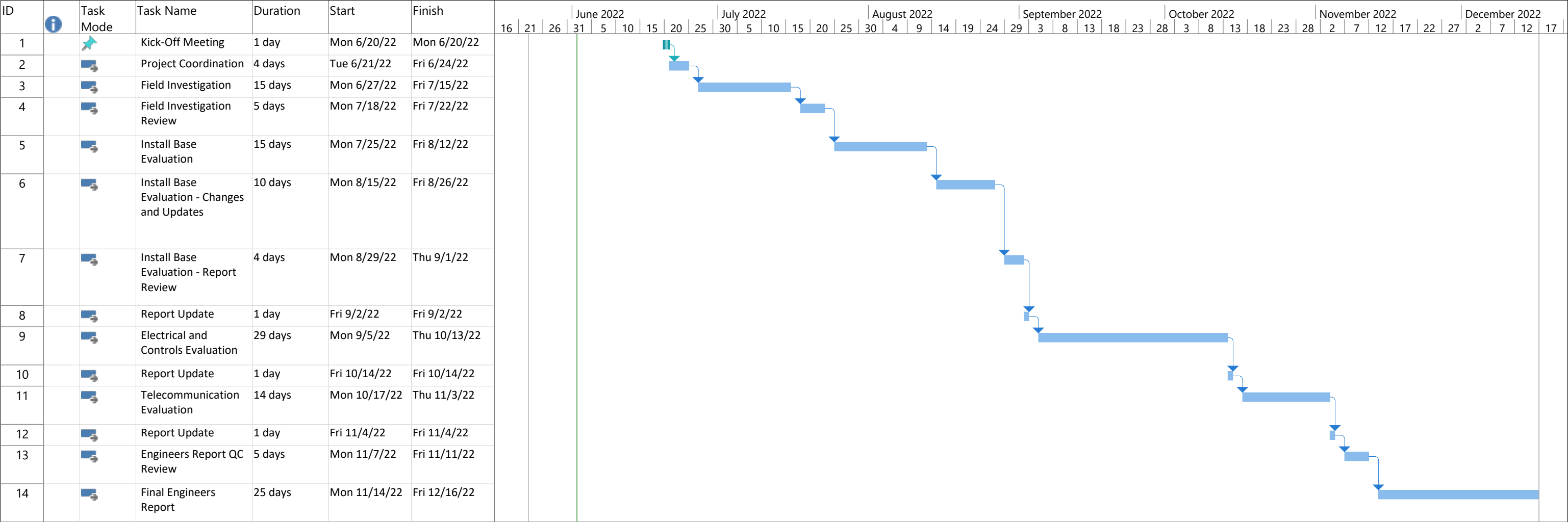
Exhibit B
Payment Terms and Schedule

Payment is a fixed fee in the amount listed in paragraph 2.01 of this Contract. This amount shall be payable by the City pursuant to the schedule listed below and upon completion of the services and acceptance by the City. The City will pay invoices according to its normal payment procedures.

Schedule of Payment for each phase:

Task 1: Progress Meetings, Reports and Invoicing	\$ 7,000
Coordination and Administration of Work Products	\$ 5,000
Task 2: Rockwell Automation Installed Base Evaluation/Recommendations	\$ 44,254
Task 3: Electrical Backup Power, Telemetry and Security Recommendations	\$ 29,500
Task 4: Project Phasing and Scheduling	\$ 4,246
Task 5: Project Funding Grant Recommendations	\$ 5,000
Total	\$ 95,000

Halff Rate Schedule		
Employee	Level	Hourly Rate
Engineer	I	\$ 124.07
	II	\$ 149.61
	III	\$ 191.58
	IV	\$ 253.61
Field Tech	I	\$ 68.31
	II	\$ 91.08
	III	\$ 112.90
	IV	\$ 144.98
Office Tech	I	\$ 73.05
	II	\$ 91.08
	III	\$ 115.75
	IV	\$ 143.26
Intern		\$ 72.11
Administrative	II	\$ 90.68



Project: Nacogdoches - Program
Date: Thu 6/2/22

Task		Project Summary		Manual Task		Start-only		Deadline	
Split		Inactive Task		Duration-only		Finish-only		Progress	
Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
Summary		Inactive Summary		Manual Summary		External Milestone			

Exhibit C

Insurance Requirements

During the term of this Contract all Consultants' insurance policies shall meet the following requirements:

- I. Standard Insurance Policies Required:
 - A. Commercial General Liability
 - B. Business Automobile Liability
 - C. Workers' Compensation
 - D. Professional Liability

- II. For each of these policies, the Consultant's insurance coverage shall be primary insurance with respect to the City, its officials, agents, employees and volunteers. Any self-insurance or insurance policies maintained by the City, its officials, agents, employees or volunteers, shall be considered in excess of the Consultant's insurance and shall not contribute to it. No term or provision of the indemnification provided by the Consultant to the City pursuant to this Contract shall be construed or interpreted as limiting or otherwise affecting the terms of the insurance coverage. All Certificates of Insurance and endorsements shall be furnished to the City's Representative at the time of execution of this Contract, attached hereto as **Exhibit D**, and approved by the City before any letter of authorization to commence planning will issue or any work on the Project commences.

- III. General Requirements Applicable to All Policies
 - A. Only insurance carriers licensed and authorized to do business in the State of Texas will be accepted.
 - B. Deductibles shall be listed on the Certificate of Insurance.
 - C. "Claims made" policies will not be accepted, except for Professional Liability insurance.
 - D. Coverage shall not be suspended, voided, canceled, or reduced in coverage or in limits except after thirty (30) calendar days prior written notice has been given to the City of Nacogdoches.
 - E. The Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent on the most current State of Texas Department of Insurance-approved forms.
 - F. The City of Nacogdoches, its officials, employees and volunteers, are to be named as "Additional Insured" to the Commercial General, Umbrella and Business Automobile Liability policies. The coverage shall contain no special limitations on the scope of protection afforded to the City, its officials, employees or volunteers.
 - G. Waiver of subrogation in a form at least as broad as ISO form 2404 shall be provided in favor of the City on all policies obtained by the Contractor in compliance with the terms of this Agreement.

IV. Commercial (General) Liability requirements:

- A. Coverage shall be written by a carrier rated "A:VIII" or better in accordance with the current A. M. Best Key Rating Guide.
- B. Minimum Limit of \$1,000,000 per occurrence for bodily injury and property damage with a \$2,000,000 annual aggregate.
- C. No coverage shall be excluded from the standard policy without notification of individual exclusions being attached for review and acceptance.
- D. The coverage shall not exclude premises/operations; independent contracts, products/completed operations, contractual liability (insuring the indemnity provided herein), and where exposures exist, Explosion Collapse and Underground coverage.
- E. The City shall be included as an additional insured and the policy shall be endorsed to waive subrogation and to be primary and non-contributory.

V. Business Automobile Liability requirements:

- A. Coverage shall be written by a carrier rated "A:VIII" or better in accordance with the current A. M. Best Key Rating Guide.
- B. Minimum Combined Single Limit of \$1,000,000 per occurrence for bodily injury and property damage.
- C. The Business Auto Policy must show Symbol 1 in the Covered Autos portion of the liability section in Item 2 of the declarations page.
- D. The coverage shall include owned autos, leased or rented autos, non-owned autos, any autos and hired autos.

VI. The worker's compensation insurance requirements:

- 1. Employer's Liability shall be no less than the required statutory minimum limits for each accident, each disease and cover all employees of Consultant, the Consultant, and all employees of any and all subconsultants or subcontractors of Consultant providing services on the Project.
- 2. "Texas Waiver of Our Right to Recover From Others Endorsement, WC 42 03 04" shall be included in this policy.
- 3. Texas must appear in Item 3A of the Workers Compensation coverage or Item 3C must contain the following: All States except those listed in Item 3A and the States of NV, ND, OH, WA, WV, and WY.

VII. Professional Liability requirements:

- A. Coverage shall be written by a carrier rated "A:VIII" or better in accordance with the current A.M. Best Key Rating Guide.
- B. Minimum of \$1,000,000 per claim and \$2,000,000 aggregate, with a maximum deductible of \$100,000.00. Financial statements shall be furnished to the City of

- Nacogdoches when requested.
- C. Policy must include availability of a two-year extended reporting period.
- D. Retroactive date must be shown on certificate.

Exhibit D
Certificates of Insurance

ACORD™

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

6/14/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer any rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Greyling Ins. Brokerage/EPIC 3780 Mansell Road, Suite 370 Alpharetta, GA 30022	CONTACT NAME: Carly Underwood	
	PHONE (A/C, No, Ext): 770.670.5324	FAX (A/C, No):
	E-MAIL ADDRESS: carly.underwood@greyling.com	
INSURED Half Associates, Inc. 1201 N. Bowser Richardson, TX 75081	INSURER(S) AFFORDING COVERAGE	
	INSURER A : National Union Fire Ins. Co.	
	INSURER B : The Continental Insurance Company	
	INSURER C : New Hampshire Ins. Co.	
	INSURER D : Allied World Surplus Lines Ins	
	INSURER E :	
INSURER F :		
	NAIC #	

COVERAGES

CERTIFICATE NUMBER: 21-22

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC OTHER:			GL5856923	08/01/2021	08/01/2022	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000 MED EXP (Any one person) \$25,000 PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$4,000,000 PRODUCTS - COMP/OP AGG \$4,000,000 \$
A	AUTOMOBILE LIABILITY ☒ ANY AUTO OWNED AUTOS ONLY ☒ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS NON-OWNED AUTOS ONLY			CA5717893	08/01/2021	08/01/2022	COMBINED SINGLE LIMIT (Ea accident) \$2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	☒ UMBRELLA LIAB ☒ EXCESS LIAB ☐ DED ☒ RETENTION \$10,000			7015026436	07/01/2021	08/01/2022	EACH OCCURRENCE \$5,000,000 AGGREGATE \$5,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☒ Y ☒ N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	WC014195843	08/01/2021	08/01/2022	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000
D	Professional Liab incl. Pollution			03113813	07/12/2021	08/01/2022	Per Claim \$1,000,000 Aggregate \$2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: AVO 43111.001, 2022 Water and Wastewater SCADA System Master Plan.

The above referenced liability policies with the exception of workers compensation and professional liability are primary & non-contributory where required by written contract.

Should any of the above described policies be cancelled by the issuing insurer before the expiration date thereof, 30 days' written notice (except 10 days for nonpayment of premium) will be provided to the (See Attached Descriptions)

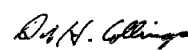
CERTIFICATE HOLDER

CANCELLATION

City of Nacogdoches
202 East Pilar St.
P.O. Box 635030
Nacogdoches, TX 75961

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



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DESCRIPTIONS (Continued from Page 1)

Certificate Holder. The City of Nacogdoches, its officials, employees and volunteers are named as Additional Insureds on the above referenced liability policies with the exception of workers compensation & professional liability where required by written contract. Waiver of Subrogation in favor of Additional Insured(s) where required by written contract & allowed by law.

Deductible:

PL \$25,000

GL \$0

WC \$0

Auto \$0

ENDORSEMENT

This endorsement, effective 12:01 A.M. 08/01/2021

forms a part of

Policy No. CA5717893

issued to Halff Associates, Inc.

by NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - WHERE REQUIRED UNDER CONTRACT OR AGREEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

SCHEDULE

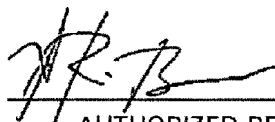
ADDITIONAL INSURED:

Any person or organization for whom you are contractually bound to provide Additional Insured status but only to the extent of such person's or organization's liability arising out of the use of a covered "auto".

I. SECTION II - COVERED AUTOS LIABILITY COVERAGE, A. Coverage, 1. - Who Is Insured, is amended to add:

- d. Any person or organization, shown in the schedule above, to whom you become obligated to include as an additional insured under this policy, as a result of any contract or agreement you enter into which requires you to furnish insurance to that person or organization of the type provided by this policy, but only with respect to liability arising out of use of a covered "auto". However, the insurance provided will not exceed the lesser of:

- (1) The coverage and/or limits of this policy, or
- (2) The coverage and/or limits required by said contract or agreement.



AUTHORIZED REPRESENTATIVE

ENDORSEMENT

This endorsement, effective 12:01 A.M. 08/01/2021 forms a part of

policy No. CA5717893 issued to Halff Associates, Inc.

by NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

Section IV - Business Auto Conditions, A. - Loss Conditions, 5. - Transfer of Rights of Recovery Against Others to Us, is amended to add:

However, we will waive any right of recover we have against any person or organization with whom you have entered into a contract or agreement because of payments we make under this Coverage Form arising out of an "accident" or "loss" if:

- (1) The "accident" or "loss" is due to operations undertaken in accordance with the contract existing between you and such person or organization; and
- (2) The contract or agreement was entered into prior to any "accident" or "loss".

No waiver of the right of recovery will directly or indirectly apply to your employees or employees of the person or organization, and we reserve our rights or lien to be reimbursed from any recovery funds obtained by any injured employee.



AUTHORIZED REPRESENTATIVE

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location(s) Of Covered Operations
Any person or organization where required by written contract provided that such contract was executed prior to the date of loss.	All Locations as required per written contract.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by:

1. Your acts or omissions; or
2. The acts or omissions of those acting on your behalf;

in the performance of your ongoing operations for the additional insured(s) at the location(s) designated above.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following additional exclusions apply:

This insurance does not apply to "bodily injury" or "property damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the location of the covered operations has been completed; or
2. That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

- C. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations;
whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – COMPLETED OPERATIONS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)	Location And Description Of Completed Operations
Any person or organization where required by written contract provided that such contract was executed prior to the date of loss.	All Locations as required per written contract.
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.	

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the Schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

SCHEDULE

Name Of Person Or Organization:

Any person or organization where required by written contract provided that such contract was executed prior to the date of loss (as permissible by law).

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of Section IV – Conditions:

We waive any right of recovery we may have against the person or organization shown in the Schedule above because of payments we make for injury or damage arising out of your ongoing operations or "your work" done under a contract with that person or organization and included in the "products-completed operations hazard". This waiver applies only to the person or organization shown in the Schedule above.

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

This endorsement changes the policy to which it is attached effective on inception date of the policy unless a different date is indicated below.

This endorsement, effective 12:01 AM 08/01/2021

forms a part of Policy No. WC014195843

Issued to **Half Associates, Inc.**

New Hampshire Ins. Co.

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.

This agreement shall not operate directly or indirectly to benefit any one not named in the Schedule.

Schedule

ANY PERSON OR ORGANIZATION TO WHOM YOU BECOME
OBLIGATED TO WAIVE YOUR RIGHTS OF RECOVERY
AGAINST, UNDER ANY WRITTEN CONTRACT OR AGREEMENT
YOU ENTER INTO PRIOR TO THE OCCURRENCE OF LOSS

Any person or organization for which the employer has agreed by written contract, executed prior to loss, may execute a waiver of subrogation. However, for purposes of work performed by the employer in Missouri, this waiver of subrogation does not apply to any construction group of classifications as designated by the waiver of right to recover from others (subrogation) rule in our manual.

This form is not applicable in California, Kentucky, New Hampshire, New Jersey, Texas, or Utah.

WC 00 03 13
(Ed. 04/84)

Countersigned by _____



Authorized Representative



City Council Meeting

Date: June 21, 2022

Agenda Item: 7.D.

PRESENTER: Jimmy Mize, Mayor

ITEM/SUBJECT: Consider appointing members to the Deep East Texas Council of Governments (DETCOG) Board of Directors. (Mayor)

SUMMARY/BACKGROUND: Deep East Texas Council of Governments (DETCOG) begins a new board membership on July 1, 2022. DETCOG bylaws state each member city with a population of 10,000 and up is eligible to select four (4) members to serve on the board who shall be the Mayor or City Council Members. Current DETCOG Board Members are Jimmy Mize, Roy Boldon, Kathleen Belanger and Jay Anderson. The members designated will serve a one year term from July 1, 2022 through June 30, 2023.

FINANCIAL:

No financial impact associated with this item

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

Not Applicable

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

ATTACHMENTS: 1. Member Designation Form



DETCOG Board Member Designation Form (For Cities and Counties)

To the DETCOG Member Addressed:

It's time for your City Council or County Commissioners Court to designate the members who will serve on the DETCOG Board of Directors. The members you designate will serve a one-year term from July 1, 2022 through June 30, 2023. There is no limit on the number of terms a person may serve. The following guidelines are from the DETCOG Bylaws.

Cities: DETCOG Board members are selected by the City Council and must be Mayors or members of the City Council.

Counties: DETCOG Board members are selected by the County Commissioners Court.

Note to Counties: This does NOT include your county's Minority Representative.

Entity: City of Nacogdoches

Number of Members: 4

Current Member(s):

1. Jimmy Mize
2. Roy Boldon
3. Kathleen Belanger
- 4.

Designation of Members to serve effective July 1, 2022:

☐

If there are no changes for the 2022-2023 year, you may check this box and not list everyone's name again.

Member(s) for 2022-2023

Name:

Email Address:

Phone:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CERTIFICATION: I certify that the information provided above accurately reflects the appointment(s) made by the governing body of _____.

Signature

Title

Date

PRESENTER: Mario Canizares, City Manager, Alaina Helton, City Planner

ITEM/SUBJECT: Hold a discussion and give staff direction regarding the manner in which planning, zoning, and land use action items are presented to the Planning & Zoning Commission and City Council (City Manager and City Planner).

SUMMARY/BACKGROUND: On June 7, Council Member Belagner requested that staff bring forward a discussion to City Council to address the following issues: 1. How does staff use the current Comprehensive Land Use Plan; and, 2. what are the principals being utilized to recommend the changing of zoning from R1/R2 to R3 and R4?

Staff's Use of the Comprehensive Land Use Plan:

The City Planner uses the current Comprehensive Land Use Plan (Comp Plan) that was adopted by City Council in 2003. The City Planner uses as a reference the Future Land Use map, which is a component of the Comp Plan, and is a graphic representation of the City's desired long-term growth pattern. As stated in the current Comp Plan, the Future Land Use map is supported by goals and objectives, plus more specific policy statements regarding the community's ongoing growth and development. All of these tools will serve as the basis for development review recommendations and decisions and potential adjustments to the City's development-related ordinances and growth management policies.

Since the time of its adoption in 2003, the Comp Plan and the Future Land Use map has never been updated or amended.

According to Zoning Code, Section 118-139, an application for a zone change shall consider certain conditions. The City Planner reviews these conditions and has provided their opinions to determine whether or not the zoning change application meets the conditions.

Sec. 118-139. - Conditions for approval.

The following conditions shall be considered when reviewing an application for zoning change.

- Compatibility.** The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;
- Orderly growth and development.** The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
- Supporting facilities.** Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
- Drives and parking.** The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
- Nuisances.** Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
- Lighting.** Any lighting to be provided will be directional so as not to disturb or adversely affect

neighboring properties;

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

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

Principals utilized for recommending R3 and R4 zoning requests:

Chapter 8 is the Housing and Neighborhood Section of the current Comp Plan. This chapter lays out goals, objectives, and actions to maintain the affordability of housing within Nacogdoches neighborhoods.

-The goal to maintain affordability is to have "a variety of quality housing options that are appropriately available to new and current residents of Nacogdoches and affordable at all income levels."

-An objective to maintain affordability, is to "implement and promote a variety of forms of affordable housing in appropriate locations throughout Nacogdoches."

-An action to maintain affordability, is to "consider incorporating townhomes, duplexes, modular housing and garden homes as part of various residential development projects to diversify the housing stock and inject affordable units into the market.

Going Forward:

City staff has tried to stay consistent with the Comp Plan's philosophy and the zoning code, but given that there are concerns regarding straight zoning of multifamily housing and duplexes by the community and the City Council, staff will be making adjustments to our approach to these zoning application requests.

1. Continue to have community meetings to gauge citizen feedback regarding zoning request changes for duplexes and multifamily housing.
2. Encourage applicants to utilize a Specific Use Permit (SUP) or Planned Development (PD) process as allowed per the zoning ordinance instead of straight zoning of R3 or R4.
3. Cease providing staff opinions within the analysis of the zoning case. Staff will only provide statements of facts within the review and analysis of the application.
4. Cease providing a staff recommendation when presenting a case to the Planning Commission and City Council.
5. Work with the Planning Commission to review and consider amending some outdated provisions of the zoning code and bring those recommendations to City Council.

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
Economic Development

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

ATTACHMENTS: 1. 2003 Comp Plan: Chapter 8 - Housing & Neighborhoods
2. PowerPoint



Nacogdoches Comprehensive Plan Update

Housing and Neighborhoods

CHAPTER 8

Residents credit the scenic, small town atmosphere of the community as one of the primary benefits of living in Nacogdoches. That atmosphere is reflected in many of the neighborhoods found throughout the community. In most places, trees have been maintained or grown once again in a way that makes even urban neighborhoods appear as rural hamlets. Interestingly, many of the neighborhoods also function similarly to hamlets – separate, serene and disconnected – but without the inclusive amenities.

Housing in Nacogdoches is an intriguing mix of age, type, cost, material and condition. Housing needs and issues in the community are a reflection of that diversity, as well as the substantial influences posed by the presence of Stephen F. Austin University and significant medical facilities. Nacogdoches is a community that is relatively affordable, yet needs affordable housing. During the majority of each year, it is the adopted home of a large number of college students with specific needs and impacts. It is an aging city that is looking to attract the aging. Nacogdoches is a community with fantastic scenic opportunities within close proximity to all major amenities, yet it is faced with – and promotes – sprawl.

Many of the issues faced by Nacogdoches are not unique. Issues such as student housing, manufactured housing, and sprawl are topics of debate in many communities around the country. On the other hand, few communities have the potential to create the housing environment that is available to Nacogdoches – or the residents and organizations with the desire and pride in their community to address each issue.

Key Issues

Analysis and observation of current conditions and trends, previous plans and studies, coupled with strong input by various community leaders, residents, elected officials, SFA students, and business owners has resulted in establishing six major issues related to housing and neighborhoods. Each issue is generally discussed as a means of determining broad goals, specific objectives and clear action statements that will become the basis for future housing policy for the community.

- ◆ **Maintaining Affordability** – Generally, Nacogdoches residents consider their community to be a fairly affordable place in which to live. Land is abundant, both within and outside of “the loop.” Housing costs are impacted by speculative land value, overheated demand, or special construction costs. Vacant homes are relatively available, indicating that the market is not facing an immediate shortage. New housing is being developed.

Yet, many Nacogdoches residents indicate a need for affordable housing. The issue is so prominent that the Mayor established a task force to address the issue and provide working material for the Comprehensive Plan Update. To some, it may seem odd that a community that is considered affordable and that offers no strong indicators of a housing shortage or scarcity of resources should indicate that affordability is a significant issue.

The reason is that affordability is not the only issue involved. Housing may be affordable, but as noted by the Affordable Housing Task Force, many residents live in “unsafe and substandard housing.” The need in Nacogdoches is *quality* affordable housing.

At the same time, some residents question the continued emphasis on “low income” housing. Concerns include the need to consider affordable housing in the overall plan, such as provision of adequate services, appropriate location, and proliferation of large-scale, low-income apartments.



Housing and Neighborhoods

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- ◆ **Embracing Student Housing** – As a “town and gown” community, the City of Nacogdoches must deal with the many unique needs and impacts that are associated with student housing. Students require proximity to the college or university, unless they have access to an automobile – as in the case of Nacogdoches. Student housing is seasonal and temporary because the majority of students will likely depart the community upon graduation. As a result, the vast majority of students rent homes and apartments.

Neighborhoods throughout Nacogdoches often raise both real and perceived concerns about student housing such as overcrowding, added congestion, hours of activity, general mischief, lack of concern for neighbors or property values, and lack of home maintenance. Residents are often concerned about the impact that student housing will have on surrounding property values and overall quality of life.

While the student population increases housing demand, particularly for rental units, it also enhances the argument for affordable housing. Few students attending Stephen F. Austin University have the capacity to afford high monthly payments or rent. As a result, students have a tendency to either occupy an extensive amount of the available, affordable housing stock or cover a higher cost of housing by adding roommates and creating an overcrowded environment.



- ◆ **Retiring to Home** – Many communities across the country have begun a campaign to establish a retirement atmosphere and capture the increasing market created by aging Baby Boomers. Nacogdoches offers a number of resources which may allow it to become a future haven for retirees. Stephen F. Austin State University provides access to culture and education while allowing residents to enjoy a relatively low cost of living; a natural, “small town” environment; quality medical facilities; proximity to major municipalities; and, historical context.

On the other hand, the majority of neighborhoods in Nacogdoches are not conducive to walking, nor do they offer connectivity to major destinations.

Likewise, most subdivisions within Nacogdoches do not offer the necessary amenities to cater to the retirement community, such as nearby shopping, community facilities, sidewalks, street furniture, or parks. New housing, including more recent assisted living facilities, are being developed away from downtown and other amenities, as well as in low densities.

- ◆ **Making Manufactured Housing Compatible** – Manufactured housing continues to be one of the most affordable means of entering into homeownership. It is particularly appealing when other new homes under construction appear out of reach. Unfortunately, manufactured housing has always carried a negative stigma for a variety of reasons. The appearance and quality of the typical “mobile home” has created a housing stock considered to be cheap, and temporary. Unlike, “stick-built” homes, mobile homes, and many of the types of newer, manufactured housing, have historically depreciated in value. To reduce negative impacts, mobile homes have largely been relegated to private mobile home parks or rural areas.

Residents of Nacogdoches have serious issues with the possibility of integration of manufactured housing into the community, largely based upon concerns for the potential impact on area property values. However, they also realize that manufactured housing is an affordable and necessary alternative.

Simply put, manufactured housing is expected to be “the lowest alternative” for homeownership. However, the manufactured housing industry has the capacity to develop manufactured homes that can meet or even exceed the expectations for “stick-built” homes. By requiring manufactured housing to meet appearance, quality, and permanence requirements expected of all single family detached units, Nacogdoches will have an affordable means of developing quality housing. Meeting such requirements may increase the cost of the manufactured home, but it will remain a more affordable option.

- ◆ **Creating and Keeping Neighborhoods** – Creating and maintaining quality neighborhoods begins by design and continues through enhancement, appreciation and diligence. The City of Nacogdoches is home to many attractive neighborhoods and subdivisions that cross the spectrum of cost, style, age, size, and location. Yet, while the community offers a strong housing stock, many neighborhoods lack some of the necessary ingredients to maximize potential and quality of life. Successful and dynamic neighborhoods share a number of key traits, including a pedestrian friendly environment, neighborhood focal points, access to services without the need to travel by automobile (although the option is certainly available), mixed housing, distinguishable community character, narrow residential streets, and community-oriented architecture. Interestingly, new subdivisions appear to only be concerned with the provision of housing, rather than the sense of environment and character available in many older neighborhoods.

Many of the area's neighborhoods have been well maintained, while others require revitalization and repair. Comments by Nacogdoches residents at public meetings indicate concerns about the upkeep and appearance of the housing stock, encroachment of potentially undesirable uses, and deterioration of quality of life in area neighborhoods. This is a significant issue because of the impact that appearance and condition can have on

the surrounding area. Housing that appears to need upkeep, is overcrowded by an excessive number of cars, lacks maintenance, or is simply out of character with the surroundings can be an indication of a neighborhood in a state of disrepair and decline. On the other hand, freshly painted and well-maintained homes are indicative of a positive neighborhood with a promising future. Appearance is also correlated to community pride and ownership, perception, area property value, maintenance costs, and quality of life.

Some residents have suggested the need for additional ordinances and better enforcement of existing requirements. Others emphasized the need to improve basic cleanliness and property maintenance.



- ◆ **Developing Housing Sensibly** – While Nacogdoches is witnessing significant housing growth, the vast majority of development appears to be taking place outside of the Loop. Oddly, this is occurring while significant developable land is available within closer proximity to services, downtown and SFA. This development pattern is certain to impact construction cost, maintenance cost, and the ability to provide public amenities, access to services, transportation options, overall quality of life and sense of community. While many may argue that these subdivisions offer increased personal quality of life, they come with significant social, physical and economic costs to all Nacogdoches taxpayers. Additionally, the value of property is based only upon cutting-edge quality, the appearance of the housing stock and the picturesque surrounding rural area – which is not a part of the subdivision and subject to future development.

Additionally, new development appears to ignore many of the more substantial opportunities offered by the natural environment of Nacogdoches. By simply adding creativity and conscientious design to development, neighborhoods may more appropriately address issues such as slopes, woodlands, rural farmland, and attractive viewsheds.

Goals, Objectives and Actions

Goals, objectives and actions that address housing and neighborhoods represent an effort by the general public, as directed through the Comprehensive Plan Advisory Committee (CPAC) to deal with the various issues facing the community. Goals are designed to specifically address housing and neighborhoods, but also complement efforts to address other topics, such as land use, the local environment, transportation, community facilities, historic preservation, and infrastructure.

Maintaining Affordability

Goal: A variety of quality housing options that are appropriately available to new and current residents of Nacogdoches and affordable at all income levels.

Objectives

- ◆ Implement and promote a variety of forms of affordable housing in appropriate locations throughout Nacogdoches.
- ◆ Establish strategic partnerships with existing housing related organizations and promote development of new entities as necessary to further create affordable housing opportunities.
- ◆ Seek a variety of funding sources to promote affordable housing.
- ◆ Utilize new and existing programs to make housing affordable to households earning less than the median area household income.
- ◆ Reduce any local barriers to development of affordable housing.
- ◆ Utilize sound, alternative development practices as means of achieving affordability and quality.

Actions

- Ensure that affordable apartment complexes are located within proximity to necessary services such as transit service, parks, libraries, schools and other amenities as needed.
- Consider incorporating townhomes, duplexes, modular housing and garden homes as part of various residential development projects to diversify the housing stock and inject affordable units into the market.
- Promote alternative site design to achieve affordable housing, including zero-lot line development, reduced setbacks, reduced street widths, reduced lot size, mixed use development, cluster housing, and increased density.
- Coordinate with organizations capable of becoming involved in development of affordable housing, including church organizations, Habitat for Humanity and other nonprofit institutions.
- Enhance opportunities available through the Nacogdoches Housing Authority and established nonprofits such as the Pineywoods HOME Team for site acquisition, new construction, and redevelopment.
- Establish and maintain relationships with area builders and financial institutions to determine interest in assisting in development of affordable housing through programs that allow builders to share responsibility for creation of affordable housing and financial institutions to establish a revolving loan fund for pre-construction loans to area builders in development of affordable housing.



Housing and Neighborhoods

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- Aid in application for funding sources from the Department of Housing and Urban Development that serve specific households that historically require affordable housing, such as the elderly and persons with disabilities.
- Coordinate with local financial institutions to establish a down payment and closing cost assistance program for households in need.
- Develop a grant program for “self-help” rehabilitation of substandard housing utilizing private resources such as financial institutions and foundation funds.
- Closely examine local regulations and the approval process to determine if either contributes substantial cost to housing projects.
- Establish an education and awareness program designed to inform persons with limited income about the various affordable housing options available throughout Nacogdoches, as well as standard processes to consider when owning a home such as timely mortgage payments and general home maintenance.
- Assist in creation of various Community Development Corporations (CDCs) that, as nonprofit organizations, can implement neighborhood revitalization projects and programs. Consider the necessity of developing specialized CDCs such as a Community Housing Development Organization (as the Pineywoods HOME Team has done) to best address housing issues.

Embracing Student Housing

Goal: A setting in which housing is appropriate to the needs of students and also sensitive to impacts upon surrounding neighborhoods.

Objectives

- ◆ Enhance relationship with Stephen F. Austin State University in regards to housing policies and plans.
- ◆ Seek out and take advantage of housing opportunities for students appropriate to their unique needs, demands and desires.
- ◆ Ensure that student housing is promoted within logical locations that promote immediate access to services and facilities without the need for an automobile.
- ◆ Promote student use of off-campus housing, but in a manner that maintains or enhances the integrity, character and values of the surrounding neighborhood.

Actions

- Develop a student housing plan, in coordination with Stephen F. Austin State University, that addresses the need for increased on and off-campus housing, including changes in policy, coordination with development, shared goals, specific and benchmarked actions.
- Consider adding the concept of “rooming house” as a land use that can be permitted only within certain districts.
- Develop off-campus student “villages” in coordination between local developers, SFA, and the City of Nacogdoches designed specifically for student needs and desires, but to also positively impact surrounding areas.

- Consider residential parking permits in designated areas as a means of reducing the number of automobiles permitted in low density, residential areas.

Retiring to Home

Goal: Housing and neighborhood design that successfully addresses the needs of an aging population while taking advantage of amenities attractive to retirees.

Objectives

- ◆ Promote availability of a variety of housing opportunities fitting to a diverse retirement population.
- ◆ Develop in proximity to services and facilities needed or actively utilized by seniors.
- ◆ Promote accessibility and design of housing and facilities that are sensitive to the needs of a variety of categories of seniors, including the frail elderly and the disabled.
- ◆ Utilize proximity to medical facilities, Stephen F. Austin, history of Nacogdoches, and natural setting as themes for marketing and developing senior housing and neighborhoods.

Actions

- Place senior housing opportunities within access of cultural opportunities and amenities such as downtown and major parks.
- Utilize many of the concepts promoted in neotraditional design in senior communities, such as incorporation of ample greenspace, trails, reduced street width, access to facilities and services (particularly by walking), sidewalks, and reduced setbacks.
- Create “live/work” programs for retirees seeking to actively utilize professional skills.
- Consider use of concepts such as cluster housing and zero-lot line development to improve appropriateness of design for seniors.
- Review existing ordinances and regulations to determine if barriers exist to development of subdivisions in a manner appropriate to the needs of seniors.
- Incorporate senior facilities, such as assisted living facilities, into neighborhood design, including placement of amenities, required materials/design, parking, lighting, and signage.

Making Manufactured Housing Compatible

Goal: Recognition of manufactured housing as a viable and affordable housing option that is acceptable upon meeting requirements regarding appropriate location, appearance, function and quality.

Objectives

- ◆ Maintain standards for manufactured housing that are similar to those for other housing types, including site standards and design guidelines.
- ◆ Promote additional affordable housing options to ensure that manufactured housing is not the only quality affordable homeownership opportunity in and around Nacogdoches.

- ◆ Encourage strategic placement of manufactured housing communities throughout Nacogdoches based on appropriate zoning, location criteria, and development standards.
- ◆ Encourage revitalization and increase standards for existing manufactured housing and mobile home communities.
- ◆ Educate the general public regarding the need for manufactured housing and dispel myths that create a negative image of manufactured housing communities.

Actions

- Require manufactured housing considered for placement in residential areas to meet design requirements standard for infill development regarding roof pitch, exterior materials, setbacks, proportion of structure (length, width and height), composition and location of front entry, site standards and other variables as a means of providing continuity in the neighborhood.
- Develop site design standards for manufactured housing communities that are similar in nature to subdivision requirements, including street and sidewalk requirements, setbacks, “lot” configuration, minimum yards, landscaping, parking, and other variables.
- Encourage development of manufactured housing communities as Planned Unit Developments with the option to encourage innovation in affordability and good site design that does not impede quality development.
- Require amenities for manufactured housing communities similar to those required of standard subdivisions, including parks, recreation areas, open spaces, and trails/sidewalks, community centers, and possibly schools, fire service and other variables.
- Encourage development of additional affordable housing options to provide alternatives outside of manufactured housing.
- Promote modular housing as a quality option that is more cost effective than Single Family Detached development, but does not necessarily suffer quality.
- Discourage aggregation and placement of all manufactured housing communities in a few limited locations.
- Permit development of manufactured housing communities in all districts in which standard subdivisions are permitted, *if community design requirements are met*.
- Consider limiting proliferation of manufactured housing communities through an annual cap on the number of units approved annually or the number of permits to be issued.
- Develop a manufactured housing community-to-standard program that offers incentives to community owners for improvement of existing communities including reduced rate financing, public provision of infrastructure and a streamlined approval process.
- Coordinate with local lenders and manufactured housing builders/retailers to develop a home “upgrade” option that allows for purchase/trade-in of new manufactured housing to replace an existing mobile home or otherwise substandard manufactured home.
- Coordinate with manufactured housing associations to create materials dispelling myths and perceptions regarding this housing option.

Creating and Keeping Neighborhoods

Goal: An attractive, quality housing stock within dynamic, well-maintained neighborhoods that promote Nacogdoches as a community with character and pride.

Goal: Neighborhoods that are protected through diligent enforcement and development of appropriate ordinances, regulations and incentives.

Objectives

- ◆ Ensure that quality neighborhoods are free of vacant lots, unsafe structures, and other potential health and safety risks.
- ◆ Promote strong and active neighborhood associations as a resource and an instrument for neighborhood revitalization.
- ◆ Encourage a variety of neighborhood protection and revitalization programs managed by neighborhood organizations, private organizations or local government.
- ◆ Protect neighborhood character and condition through enforcement and improvement of relevant codes and ordinances.



- ◆ Maintain interconnection paths and visual corridors between neighborhoods and other destinations.
- ◆ Ensure that sufficient amenities are available within proximity of residential development.
- ◆ Respect and promote the urban hamlet character of many Nacogdoches neighborhoods as a model for residential development.
- ◆ Ensure design consistency in neighborhood development to maintain a sense of continuity.

Housing and Neighborhoods

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- ◆ Enforce restrictions and regulations that protect property values, local quality of life as well as general health, welfare and safety.
- ◆ Develop policies that promote rehabilitation of existing structures and infill development in a manner that complements and enhances the surrounding residential area.
- ◆ New and existing residential development should be diverse and “walkable” including a variety of experiences that are accessible within ten minutes of home without an automobile.
- ◆ Incorporate a mix of uses into neighborhood design to provide a series of destinations and to add dynamic content to residential development.
- ◆ Ensure that adequate, affordable, quality housing is available for all ages and types of households, and promote the inclusion of a variety of housing types within new and existing residential development.
- ◆ Ensure that neighborhoods are identifiable through a strong focus and well-defined edges and adequately protected from negative impacts.



Actions

- Promote incorporation of deed restrictions or covenants into established neighborhoods along with development of a homeowners association with the capacity of enforcement.
- Consider a “covenant campaign” in which residents of a neighborhood seeking added restrictions convince neighbors to voluntarily agree to restrictions.
- Develop a voluntary “neighborhood conservation” overlay district designed to place additional maintenance, character, use, and appearance restrictions upon properties within the district.
- Consider development of taxable districts to correlate with neighborhood conservation districts in order to cover added costs for inspection and enforcement that would otherwise be borne by all taxpayers in Nacogdoches.

- Discuss the concept of annual rental registration requirement for all housing structures that will at least partially be available for lease. Registration may require an inspection of facilities prior to issuance of a permit.
- Examine and revise local health and building codes, as needed, to ensure that a streamlined process is in place to address unsafe or dilapidated structures and other potential health and safety risks, such as weeds, tires and heavy trash.
- Streamline the permit approval processes for builders and organizations that utilize existing vacant lots in a manner that complements and improves the neighborhood.
- Consider alternative uses for area vacant lots, such as creation of a neighborhood park or a neighborhood commercial establishment in strategically appropriate areas.
- Engage participation in neighborhood improvement and revitalization efforts from entities such as churches, civic organizations, schools, and businesses through programs such as neighborhood clean-up, home improvement, and beautification.
- Seek out resources from community revitalization organizations and foundations such as the Rural Local Initiatives Support Corporation (Rural LISC).
- Enhance zoning, subdivision and/or building regulations to ensure response to the special site design needs of infill housing and rehabilitation.
- Establish programs that local organizations can assist with that will improve the quality of life in neighborhoods, such as Crime Watch, neighborhood clean-up, assistance with code enforcement, programs for seniors and youth, and maintenance of public spaces and recreation areas.
- Examine code enforcement processes and regulations to ensure that enforcement is fair, expedient and utilized.



Nacogdoches Comprehensive Plan

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Housing and Neighborhoods

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- Develop a neighborhood-based Capital Improvements Plan that corresponds to area needs, the community-wide CIP, ability to obtain funding through the budget or other resources, and, if available, neighborhood plans.
- Incorporate sidewalks into all urban neighborhoods and repair those that impede pedestrian access.
- When possible, utilize natural areas, such as flood-prone areas, abandoned railways or other means to continue to establish a system of trails, streets and sidewalks that prevent neighborhoods from becoming isolated.
- Establish design guidelines that address issues such as materials, roof pitch, façade treatment, porches (if applicable), proportional dimensions, garage, and other elements necessary to ensure that new development and rehabilitation is consistent with the character of the area.
- Assist neighborhood organizations in development of deed restrictions and provide the training and support necessary for private enforcement.
- Educate homeowners, apartment owners and other interested parties in the importance of home maintenance and its impact upon community quality of life, as well as property value.



- Strategically mix uses, including limited neighborhood commercial development as well as major focal points such as schools, churches, parks, open spaces, day care, post office, and emergency service, and allow for each to be interconnected by pedestrian-friendly corridors.
- Consider increasing residential density as a means to preserve unique physical or cultural characteristics of an area, create green space, improve infrastructure efficiency, and increase housing affordability.
- Utilize Planned Unit Development provisions to encourage innovative and imaginative site design that minimizes adverse impacts on adjacent properties.

- Permit secondary dwellings with appropriate restrictions such as above-garage apartments and “granny flats” in all residential zoning districts by right to improve diversity, affordability and efficiency of area neighborhoods.
- Consider the pedestrian experience at the same level or higher than that provided to automobile traffic.
- Incorporate bus service into each neighborhood as a resource for travel between major destinations throughout Nacogdoches.
- Encourage gateways into the various residential areas and edges that are obvious, but do not inhibit interaction.
- Require parks, schools, churches, neighborhood centers, or other options as means of creating a community focal point. Consider appropriate zoning for these public and institutional uses.
- Residential areas should be appropriately buffered and screened from primary streets and adjacent commercial, office and community facility uses. Residential areas should not be next to industrial areas.
- Neighborhood retail and service uses should be located at intersections of arterial or collector streets or at the edge of logical neighborhood areas unless appropriately placed within a planned development.

Developing Housing Sensibly

Goal: Sensible growth in Nacogdoches that takes advantage of proximity to services and amenities and minimizes the strain on tax revenue.

Goal: Preservation and use of natural resources as design features incorporated into sensitive, creative neighborhood development.

Objectives

- ◆ Locate neighborhoods within proximity to other residential areas and non-residential uses with ample opportunity for interconnection and interaction.
- ◆ Encourage residential development to be located within proximity to existing services and resources as a means of reducing construction and development costs, as well as long-term cost to the community.
- ◆ Incorporate alternative design techniques into residential areas where sensitive or significant areas can be protected and marketed.

Actions

- Consider the use of incentives to entice development within or adjacent to established neighborhoods, including tax deferral, fee waivers, and a variety of other methods. Provide incentives to developers willing to develop adjacent to existing urban areas and to create points of interconnectivity, including streets, sidewalks, green spaces and paths.
- Eliminate incentives for housing development that occurs beyond close proximity to significant existing development, services and facilities.
- Avoid separation of residential areas through gated developments.
- Adjacent residential developments should be adequately linked with transportation arteries and pedestrian connections to encourage interaction and neighborhood mobility.
- Determine acceptable levels of service for all public services and facilities and make them a consideration in approval of new development to ensure that water, wastewater, law enforcement, fire protection, emergency

Housing and Neighborhoods

8-15

medical service, trash disposal, and recreational opportunities are adequately available.

- Establish a land trust that can be charged with acquiring and managing sensitive lands throughout Nacogdoches with particular emphasis on designated sensitive or significant areas.
- Encourage acquisition of development rights within designated sensitive or significant areas.
- Create an option to utilize cluster residential development as a means of reducing lot size, increasing open space and building upon the concept of "urban hamlets."
- Establish an areawide map that indicates primary conservation areas to be protected during subdivision design.
- Determine criteria for secondary conservation areas, conservation easements and concept plan approval.
- Revise ordinances as needed to allow for uncommon lot design in appropriate circumstances, including "flag" lots.



Use of the Comprehensive Land Use Plan

- Current Comp Plan was adopted in 2003.
- Future Land Use Map - a component of the Comp Plan, and is a graphic representation of the City's desired long-term growth pattern.
 - was adopted in 2003
- No updates or amendments in 19 years. Therefore all chapters and components in the Plan are still in use today. Unless it is preempted by state law.

Conditions of Approval for Zoning

Sec. 118-139. - Conditions for approval. The following conditions shall be considered when reviewing an application for zoning change.

1. *Compatibility.* The specific use will be compatible with and not injurious to the use and enjoyment of other property in the immediate vicinity, nor significantly diminish or impair property values within the immediate vicinity;
2. *Orderly growth and development.* The establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
3. *Supporting facilities.* Adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;
4. *Drives and parking.* The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

City Council Direction and Feedback

Sec. 118-139. - Conditions for approval. The following conditions shall be considered when reviewing an application for zoning change. **(Continued)**

5. *Nuisances.* Adequate nuisance-prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
6. *Lighting.* Any lighting to be provided will be directional so as not to disturb or adversely affect neighboring properties;
7. *Landscaping.* Sufficient landscaping and screening to ensure harmony and compatibility with adjacent property exists or will be provided; and
8. *Comprehensive plan.* The proposed use is in accordance with the comprehensive plan.

Staff Report Comparison: Zoning Review Criteria

Current Format

Compatibility...

The proposed R-4, Multi Family zoning district **is consistent with the land uses** approved for the original PD development plans, as well as the existing development located along Creek Bend Blvd.

Orderly Growth and Development...

The property is bounded by Creek Bend Blvd. to the north and S. Steen Drive to the west. Property to the east is developed, and property to the south has access to a public street and utilities. **The approval of this zone change would not impede the normal development of the surrounding properties.**

Proposed Format

Compatibility...

The proposed R-4, Multi Family zoning district **permits similar land uses as those** approved for the original PD development plans, as well as the existing development located along Creek Bend Blvd.

Orderly Growth and Development...

The property is bounded by Creek Bend Blvd. to the north and S. Steen Drive to the west. Property to the east is developed, and property to the south has access to a public street and utilities.

Staff Report Comparison: Zoning Review Criteria

Current Format

Comprehensive Plan...

Future Land Use: Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the subject property as *Multi Family Residential...*

Thoroughfare Plan: This section of Creek Bend Drive is built as a minor collector road, with the section of Creek Bend Blvd. to the east of the subject property designated as a future major collector. **The roadway is adequate to accommodate the nature and volume of traffic typically generated by the proposed use.**

Proposed Format

Comprehensive Plan...

Future Land Use: Per the 2003 Nacogdoches Comprehensive Plan, the Future Land Use Plan (FLUP) Map designates the subject property as *Multi Family Residential...*

Thoroughfare Plan: This section of Creek Bend Drive is built as a minor collector road, with the section of Creek Bend Blvd. to the east of the subject property designated as a future major collector.

Staff Report Comparison: Zoning Review Criteria

Current Format

Comprehensive Plan...Cont.

Land Use Policies, Goals & Objectives: This rezoning is a response to current needs for residential growth and fits into the goals of the Plan; specifically *Growth Inward* – Long-term growth in appropriate areas...objectives include: 1)Encourage infill development where appropriate 2)Plan for mixing and/or separation of land use...3)Promote growth where infrastructure exists.

Request furthers the Land Use Policies of the Plan, specifically...well planned, mixed uses which are compatible are to be encouraged.

Staff finds that the request is in compliance with the FLUP and the stated Goals and Objectives of the 2003 Comprehensive Plan.

Proposed Format

Comprehensive Plan...Cont.

Staff Report Comparison: Community Input

Current Format

NOTICES: Of the 12 notices mailed to property owners within the 200-foot notification area Staff has received 1 response in favor of the zone change. Staff also received 1 contact in opposition from a resident within the 500-foot courtesy notice area with concerns regarding privacy, noise, and traffic.

STAFFRECOMMENDATION: Based on the above findings, Staff recommends approval of a change of zoning for the subject property from PD, Planned Development District to R4, Multi-Family. This item is scheduled to be heard by City Council on Tuesday, May 17th.

Proposed Format

COMMUNITY INPUT: Staff mailed 12 notices to property owners within the 200-foot notification area. Of these 12 notices, Staff has received 1 written response in favor of the zone change and 1 written response in opposition of the zone change request.

The applicant held a neighborhood meeting for the property owners within 500 feet...on June 1, 2022...The residents in attendance expressed opposition...citing concerns with privacy, noise, and traffic...residents desire to maintain the property as Planned Development and amend the Development.

The applicant has chosen to move forward with the request to change the zoning to R-4, Multi-Family.

City Council Direction and Feedback

- Continue w/community meetings for citizen feedback on zoning request changes for duplexes and multifamily housing.
- Encourage applicants to utilize SUP or PD instead of straight zoning of R3 or R4.
- Providing only statements of facts within the analysis of the zoning case.
- No recommendation when presenting a case to P&Z and City Council.
- As a stop gap measure, work with P&Z to review and recommend amending some outdated sections of the zoning code.

PRESENTER: Mario Canizares, City Manager

ITEM/SUBJECT: Hold a discussion and give staff direction regarding the City's Strategic Studies (Comprehensive Plan Update and Downtown Master Plan), which includes a project and expenditures update and the roles and responsibilities of the committees and its members. (City Manager)

SUMMARY/BACKGROUND: Council Member Belanger requested that a discussion item be brought forward to update the City Council on the Comprehensive Plan update process that is currently underway.

The update should include the following:

- expenditures to date
- the amounts spent on the project's logo and the development of the logo
- an understanding of the survey construction
- the role of the committees

The expenditures billed to date through June 2022 are \$40,164.

The amount spent on the project's logo and the development of the logo was a flat fee of \$2,000. The process used for the logo development included an initial survey of the committee members and analyzing the survey responses. A first draft was presented to staff and committees, then redesigned. A second draft was presented to staff and the chairs/vice chairs and then the final logo was selected.

The survey construction: Topic-specific surveys will be included in the online engagement process. Survey questions will include topics that cover the various elements of the Plan(s), including land use, transportation, housing, historic preservation, etc. Survey questions will also reflect the characteristics of the community, and be designed to gather input regarding the issues and priorities that have been identified by the two committees and the community to-date.

The role of the committees was approved by resolution of the City Council on December 7, 2021. These include the following responsibilities:

- Maintain regular attendance at meetings, staying engaged, and being participatory.
- Represent and stay connected with the community in the planning process.
- Provide guidance and direction to staff and consultants at crucial steps in the process.
- Reviewing and making recommendations on plan elements.
- Serve as hosts and facilitate at public events when needed.
- Recruit hard-to-reach populations to share input and participate in the engagement process.
- Maintain decorum at all times.

The governance of the committees includes the following:

- City Council appoints the members, a Chair and a Vice Chair of each committee.
- Meetings are open to the public.
- A quorum is a simple majority to conduct business.
- Council members serve as resources and are voting members of the committees.
- Consensus is used to move forward recommended policy or plan elements to the next level.
- Final drafts are forwarded to the respective Advisory Boards (i.e. Planning & Zoning Commission and/or Main Street Committee)
- Committees may remain to track the progress of implementation of plan elements.

FINANCIAL:

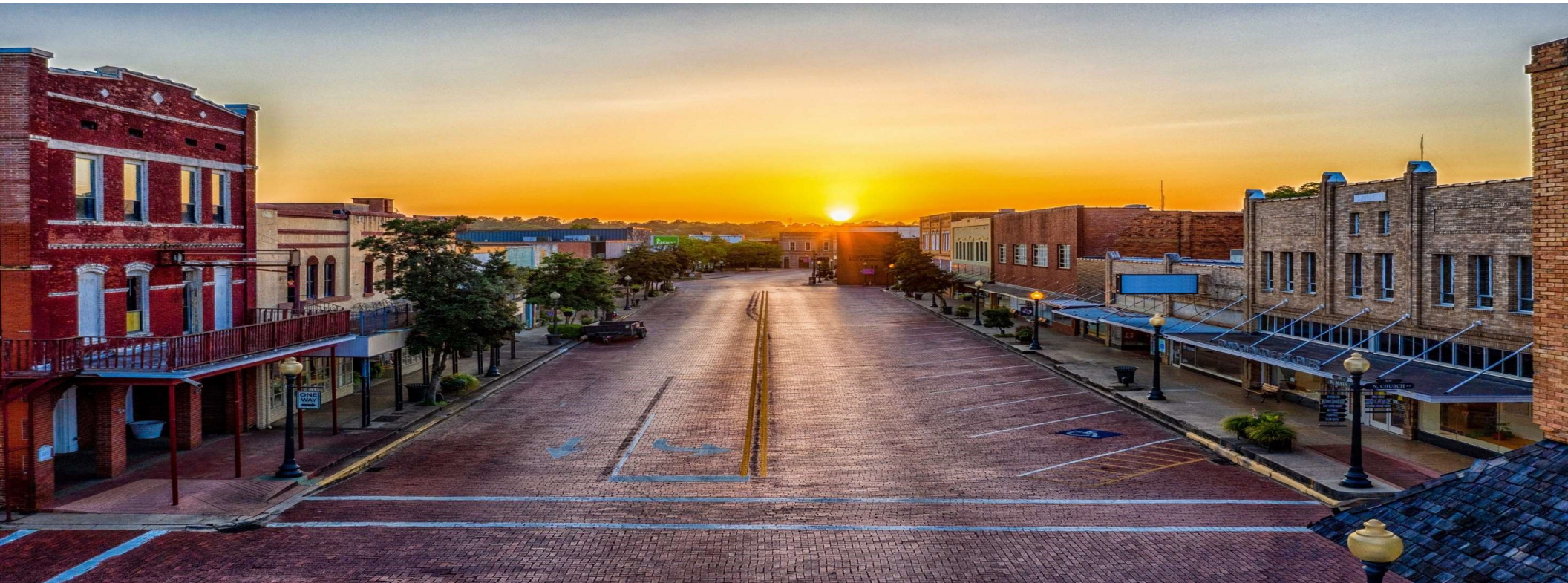
No financial impact associated with this item

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

Downtown Entertainment and Destination District
Community Engagement/Diverse Environment
I-69 Development

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

ATTACHMENTS: 1. PowerPoint
2. Strategic Studies Update 06.21.22 - costs



**Appointment of Advisory Committees for:
Downtown Master Plan
&
Comprehensive Land Use Plan
December 7, 2021**



Committee Responsibilities

- Maintain regular attendance at meetings, staying engaged, and being participatory.
- Represent and stay connected with the community in the planning process.
- Provide guidance and direction to staff and consultant at crucial steps in the process.
- Reviewing and making recommendations on plan elements.
- Serve as hosts and facilitate at public events when needed.
- Recruit hard-to-reach populations to share input and participate in the engagement process.
- Maintain decorum at all times.

Committee Governance

- City Council appoints the Members, a Chair and a Vice Chair of each committee.
- Meetings are open to the public.
- A quorum is a simple majority to conduct business.
- Council members serve as resources and are voting members of the committees.
- Consensus is used to move forward recommending policy or plan elements to the next level.
- Final drafts are forwarded to the respective Advisory Boards (i.e. Planning & Zoning Commission and/or Main Street Committee)
- Committees may remain to track progress of implementation of plan elements.



Committee Makeup:

Comprehensive Plan Review Committee – 20 persons

- Up to 2 City Council Members, NISD Rep, Planning & Zoning Commission Member, SFA Rep, NEDCO Board Rep, Bright Foundation Rep, PAL Rep, Federation of Women's Rep, SFA Student, and 10 from the community.

Downtown Master Plan Review Committee– 19 persons

- Up to 2 City Council Members, Nac Main Street Rep, NHLPC Rep, CVB Board Rep, Bright Foundation Rep, PAL Rep, Federation of Women's Rep, SFA Student, and 10 from the community.

- All committee meetings would be open to the public
- All committee members appointed by City Council



Comprehensive Plan Review Committee

- Council Members: Roy Boldon and Kathleen Belanger
- Jimmy Mize: Ed Pool and Juan Gonzales
- Roy Boldon: James Montoya and Mable Cannings
- Amelia Fischer: Denise McDonald and Michara DeLaney-Fields
- Jay Anderson: Paul Jackson and Sydney Register
- Kathleen Belanger: Brad Maule and Larry King
- SFASU Rep: Carrie Charley
- NISD Rep: Jacob Lusk
- P&Z Commission: *Ken Deppisch, recommended Chair*
- NEDCO Rep: *Steele Wright, recommended Vice-Chair*
- Bright Foundation: Kurt Sutton
- Parks Advocacy League: Nicole Ivancic
- Federation of Women's Club: Marilyn Walton
- SFA Student Rep: Name to be determined.



Downtown Master Plan Review Committee

- Council Members: Amelia Fischer and Jay Anderson
- Jimmy Mize: Susie Patterson and Ramsey Parr
- Roy Boldon: Mario Torres and G.W. Neal
- Amelia Fischer: Evelyn Saucedo and Anne Kelly
- Jay Anderson: John Anderson and Jeff Abt
- Kathleen Belanger: Ben Sullivan and Laura Culpepper
- Main Street Rep: *Miles McCall, recommended Chair*
- HLPC Rep: Perky Beisel
- CVB Rep: Shay Runnels
- Bright Foundation: *Greg Williams, recommended Vice-Chair*
- Parks Advocacy League: Brandi Cartwright
- Federation of Women's Club: Betty Shinn
- SFA Student Rep: Name to be determined.



Action and Next Steps

- Recommend to City Council to approve resolution that:
 - Establishes both Committees
 - Appoints the Chair and Vice-Chair for both Committee

Next Steps:

- Downtown Master Plan Committee to meet on: 12/8 for kickoff
- Comprehensive Land Use Plan Committee to meet on 12/9 for kickoff.
- Have committees meet with consultant on 12/13.
- Consultant contract brought to Council on 1/17/2022.



Q&A
Thank You!



Project Update

Comprehensive Land Use Plan
Downtown Master Plan

Tasks & Fees

TASKS	PERCENTAGE	FEE
1. PROJECT MANAGEMENT + PRE-PLANNING	16%	\$72,000
2. PUBLIC PARTICIPATION	25%	\$114,000
3. COMPREHENSIVE PLAN ELEMENTS	14%	\$65,000
4. DOWNTOWN MASTER PLAN	20%	\$90,000
5. FUTURE I-69 CORRIDOR STUDY	6%	\$29,000
6. OVERALL IMPLEMENTATION PLAN	4%	\$17,500
7. REPORT WRITING + PRESENTATIONS + ADOPTION	9%	\$40,000
Subtotal		\$427,500
Reimbursable Expenses @ 5%	5%	\$22,500
Project Total		\$450,000

SCHEDULE - COMPREHENSIVE PLAN & DOWNTOWN MASTER PLAN

TASK	MONTH													
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
PROJECT MANAGEMENT + PRE-PLANNING														
PUBLIC PARTICIPATION														
COMPREHENSIVE PLAN ELEMENTS														
DOWNTOWN MASTER PLAN														
FUTURE I-69 CORRIDOR STUDY														
OVERALL IMPLEMENTATION PLAN														
REPORT WRITING + PRESENTATIONS + ADOPTION														

Project Costs To-Date

Total Project Fees = **\$450,000**

Fee for Logo & Brand dev. = **\$2,000**

Billed Monthly Based on % Completion:

BILLING DATE	TASK(S)	DESCRIPTION	% TOTAL PROJECT	INVOICE COST	OVERALL PROJECT COSTS
Mar-22	Task 1: Project Mgmt & Pre-Planning	•Establish and conduct Staff coordination meetings. •CPAC & DTAC in-person meetings • City driving tour • Prepare and provided RFI • Provided personas Mural • Provided branding concepts & subsequent revisions.	2.67%	\$11,765	\$11,765
	Task 2: Public Participation				
Apr-22	Task 1: Project Mgmt & Pre-Planning	• Regular meetings with staff • Prepare Neighborhood Unit exercise for CPAC • Review persona spreadsheet on a continual basis • Draft revisions and presentation of final branding concepts to Committee Chairs and staff..	4.30%	\$7,395	\$19,160
	Task 2: Public Participation				
May-22	Task 1: Project Mgmt & Pre-Planning	• Regular meetings with staff • Prepare and present project website with final branding and logos to Committees in May. • Prepare and presentation draft Existing Conditions Report. • Prepare Neighborhood Unit exercise for CPAC • Perform meeting-in-a Box training, including supplemental materials, created and presented to Committees in May • Review persona spreadsheet on a continual basis.	9.22%	\$21,004	\$40,164
	Task 2: Public Participation				

Logo & Branding

Total Project Fees = **\$450,000**

Fee for Logo & Brand dev. = **\$2,000**

Branding Development Process:

- Branding survey completed by Committees – Feb. 9 & 10
- 1st Draft logo concepts presented to Committees – Feb. 23 & 24
- 2nd Draft presented to Committee Chairs & Staff – April 7
- Final draft completed and submitted to Staff – April 20
- Final logo/brand design presented to Committees – May 11 & 12

PRESENTER: Steve Bartlett, Public Works Director

ITEM/SUBJECT: Receive a report, hold a discussion, and give staff direction regarding the City's brush collection service. (Director of Public Works)

SUMMARY/BACKGROUND: The City currently provides curbside brush and bagged leaf pick up for all residential customers. Several years ago, we migrated from a single brush truck crew and one rear load garbage truck for leaves to a second brush truck crew. Volumes of brush are increasing and a second brush became necessary to keep response times reasonable.

With normal weather and minimal mechanical problems, the brush pickup cycle is about 4 weeks or less. Wind storms, hurricanes and ice events create elevated brush loads which delay our collection efforts, causing longer periods between pickup times for each neighborhood.

During April, we experienced multiple storm events that significantly increased our brush and leaf debris volumes. At that time, our Sanitation Department was also short 3 drivers which caused us to reassign the leaf truck crew to help drive regular garbage truck routes, leaving only the two brush trucks to pickup both leaves and limbs. During May our oldest brush truck had five (5) separate breakdowns which took it out of service for a total of 12 days. Brush collection cycle times grew to 7 or 8 weeks by mid-June.

Both brush trucks are currently back in service. Several Street Department crews have been diverted to help collect brush using tractors and dump trucks. Brush truck crews will temporarily work overtime on Saturdays to help cover more streets each week. We anticipate that collection cycle times will be back to 4 or 5 weeks by the end of the month.

Council Member Chad Huckaby has requested this item to discuss issues facing our brush and leaf pickup efforts.

FINANCIAL:

No financial impact associated with this item

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

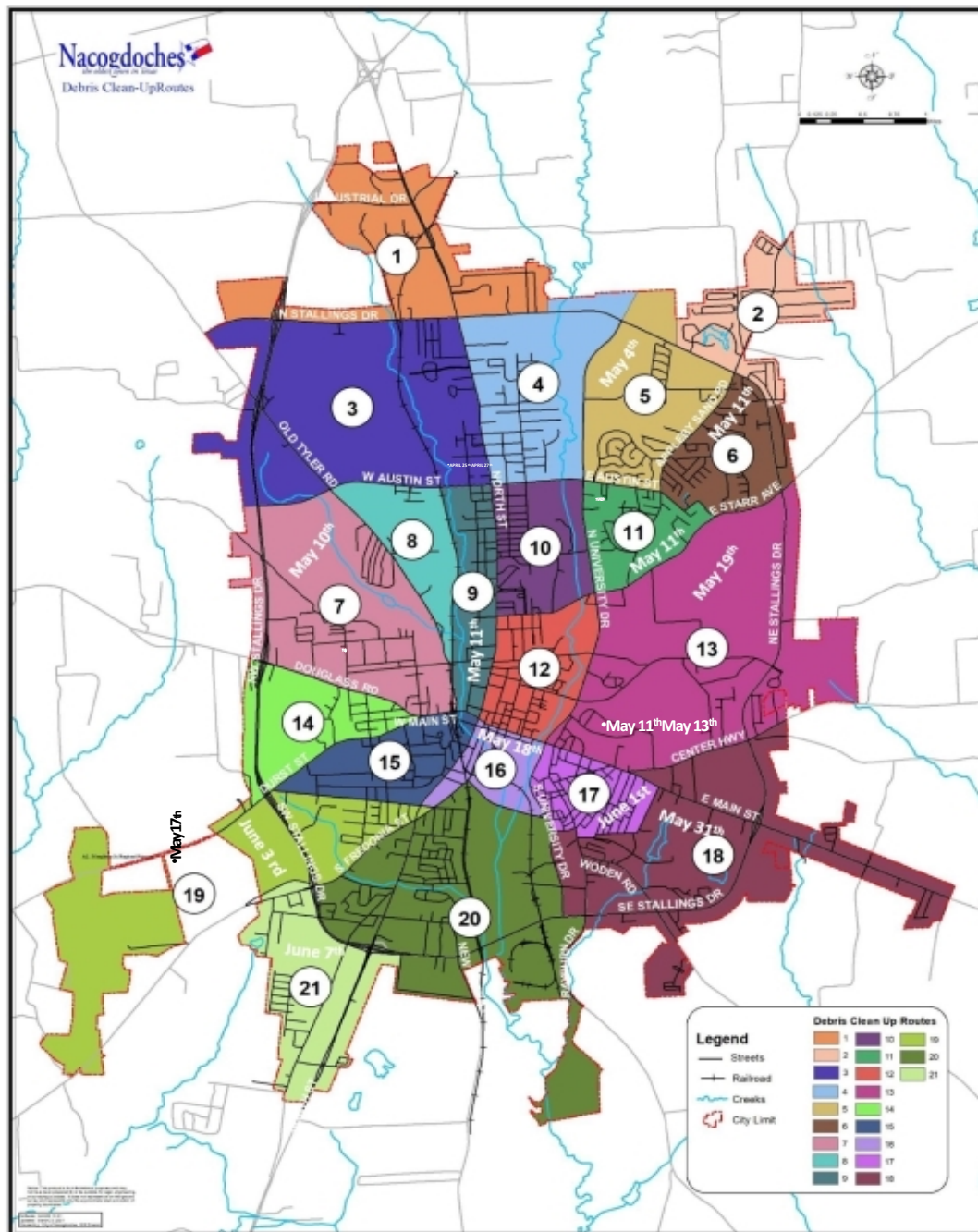
CITY CONTACT: Steve Bartlett, Director of Public Works
bartletts@nactx.us
936-559-2522

ATTACHMENTS: 1. PowerPoint

BRUSH AND LEAF PICKUP SERVICE

- Fleet can include 2 brush trucks and 1 rear-load leaf truck
- Cycle times between pickups can be 4 weeks or as high as 8 weeks
- Challenges include a lack of trained CDL operators and dependable equipment







City Council Meeting

Date: June 21, 2022

Agenda Item: 7.H.

PRESENTER: Mario Canizares, City Manager

ITEM/SUBJECT: Hold a discussion and give staff direction regarding communication between City staff, City Council and the community. (Council Member Southwest Ward)

SUMMARY/BACKGROUND: The item is being brought forward at the request of Council Member Huckaby. The request was made to have a general discussion of communications between City staff/administration and City Council. This would also include a general discussion regarding improving communication from City administration to the public.

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

ATTACHMENTS: