



January 17, 2017

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

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

1. Call to order.
2. Open Forum.
3. Items to be removed from Consent Agenda.
4. **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 December 20, 2016 regular session and board interview session of January 5, 2017.
 - B. Consider **resolution** for FY 2017 SHSP application – Night Vision Project.
 - C. Consider **resolution** for PY 2018 Criminal Justice Division NIBRS application – Software.
 - D. Consider **tax resale** authorization for property located at 602 South Pecan Street, Nacogdoches, Texas.

REGULAR AGENDA:

5. Consider **board appointments** for Airport Advisory Board, Building Standards Commission, Health Code Advisory Committee, Industrial Development Authority, Main Street Advisory Board and Pine Grove Cemetery Board. (Council Member Shelley Brophy)
6. Consider amendment to the Chapter 380 Economic Development Program and Agreement between the City of Nacogdoches and **HEB Grocery Company, LP.** (City Attorney)
7. Review pros and cons of **red light cameras** and receive direction from City Council. (Police Chief)
8. Consider **ordinance amending Chapter 28 “Taxi Cabs”** and Chapter 110 “Vehicles for Hire” of the City of Nacogdoches Code of Ordinance. (City Secretary)

For the convenience of the audience, Council may conduct Executive Session deliberation in the first floor conference room, Room 112, of City Hall. Reconvening open session for action, if any, on Executive Session items will be in City Council Chambers. Regular Session agenda items appropriate for Executive Session consideration may be moved into Executive Session for deliberation, but not action, upon proper announcement at the meeting by the presiding officer.

9. **EXECUTIVE SESSION:**

A. Deliberation regarding **Economic Development** negotiations under Local Government Code Section 551.087 as follows:

1. Discuss or deliberate regarding commercial or financial information the City received from business projects the City body seeks to have locate in the City of Nacogdoches and with which the City is conducting economic development negotiations; and
2. Deliberate the offer of a financial or other incentive to business prospects described by Subdivision 1 above.

10. Open for action, if any, on Item 9-A-1.

11. Open for action, if any, on Item 9-A-2.

12. 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 the Attorney General of Texas at 1-800-252-8011; the City Secretary at 936/559-2506 or visit the City of Nacogdoches web site at www.ci.nacogdoches.tx.us.

Nacogdoches City Council Chambers are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (936) 559-2506 or FAX (936) 559-2912 for further information.

CERTIFICATION

I certify the notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on January 10, 2017 at 5:00 p.m. and remained posted until meeting convened.

Jan Vinson, City Secretary

ITEM/SUBJECT: CONSENT AGENDA - Consider approval of minutes from regular session of December 20, 2016 and board interview session of January 5, 2017.

SUMMARY/BACKGROUND:

FINANCIAL:

- There is no financial impact associated with this item
 Item is budgeted: (____ - ____ - ____) In the amount of \$_____
 Item is not budgeted (Budget Amendment required; please attach BA ordinance)
Amount: \$_____ GL Account #: _____
 Item is estimated to generate additional revenue: _____

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

ATTACHMENTS: Minutes

MINUTES
Regular Session
Nacogdoches City Council
December 20, 2016 – 5:30 p.m.
City Council Room – City Hall
202 E. Pilar Street

DRAFT

Regular Session:

Those Present: Mayor Pro Tem Shelley Brophy, Council Members Roy Boldon, Mike Keller, David Norton and City Attorney Jeff Davis.

Mayor Van Horn had an excused absence.

1. Mayor Pro Tem Shelley Brophy called meeting to order at 5:31 p.m.

2. Open Forum.

Michael Ironsmith, Boy Scout, shared with City Council his Eagle Scout project to make the Eyes of Margil ADA accessible.

3. Items to be removed from Consent Agenda.

None.

4. 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 December 6, 2016 regular session.**
- B. Consider a resolution to close Main Street for Nacogdoches Wine Swirl.**

Mayor Pro Tem Brophy noted a sentence structure error in the December 6, 2016 minutes. Council Member Norton moved to approve consent agenda with the suggested corrections to the minutes. Motion seconded by Council Member Keller and unanimously passed.

REGULAR AGENDA:

5. Consider confirmation of Naming Committee recommendation to name part of Banita Creek Trail as Ab's Park.

John Anderson, Naming Committee Chair, presented the Naming Committee's recommendation to name a part of Banita Creek Trail as Ab's Park. Mr. Anderson also asked Council to consider appointing a new member to replace the late A.L. Mangham on the Naming Committee.

Council Member Norton made a motion to approve the naming of Ab's Park. Council Member Boldon seconded the motion and unanimously passed. Appointing a new member to the Naming Committee will be on a future agenda.

6. Consider contract award for tub grinding and chip removal services.

Cary Walker, Public Works Manager, stated the City received one bid from TOR Texas, LLC for tub grinding and chip removal services for the City of Nacogdoches. TOR Texas' bid was \$2.50 per cubic yard. The contract allows for the City to retain 200 CY of ground material per grinding event.

Council Member Boldon made a motion to approve the contract as presented. Council Member Keller seconded the motion and unanimously passed.

7. Consider adoption of the Alliance for I 69 Texas goals and objectives for 2017 for both the state and federal levels.

The City has been a member of the Alliance for I 69 Texas for approximately 25 years. Each year the City of Nacogdoches adopts the goals and objectives of the Alliance for I 69 Texas. City Manager Jim Jeffers reviewed the 2017 state and federal goals and objectives. There was also discussion regarding the FAST Act.

Minutes unofficial until approved by City Council

Council Member Keller made a motion to adopt Alliance for I 69 Texas goals and objectives as presented. Council Member Norton seconded the motion and unanimously passed.

8. Consider adoption of the Texas Municipal League Annual Legislative Program.

City Manager Jim Jeffers reviewed the TML Annual Legislative Program stating the three most important issues are opposing the erosion of Home Rule, opposing the unfunded mandates and to defeat legislation deemed detrimental to cities.

Council Member Boldon made a motion to adopt the TML Legislative Program as presented. Council Member Norton seconded the motion and unanimously passed.

9. Review of the City of Nacogdoches Revolving Loan Fund history and the anticipation of dissolution of the fund.

City Manager Jim Jeffers reviewed the history of the City's Revolving Loan Fund. Revolving Loan Funds are Federal Grant dollars to be loaned to business/industry creating jobs for low to moderate income. The Texas Department of Agriculture (TDA) has expressed a desire to discontinue Revolving Loan Fund programs and the City is currently negotiating with TDA on how monies might be spent. There was discussion regarding outstanding loans the City has with Etech and T-Rex-S.

No action necessary.

10. EXECUTIVE SESSION:

A. Deliberation regarding Economic Development negotiations under Local Government Code Section 551.087 as follows:

- 1. Discuss or deliberate regarding commercial or financial information that the City has received from business projects that the City body seeks to have locate in the City of Nacogdoches and with which the City is conducting economic development negotiations; and**
- 2. Deliberate the offer of a financial or other incentive to business prospects described by Subdivision 1 above.**

No executive session was held.

11. Open for action, if any, on Item 10-A-1.

No Action.

12. Open for action, if any, on Item 10-A-2.

No Action.

13. Adjourn.

Mayor Van Horn adjourned meeting at 6:15 p.m.

Mayor Pro Tem Shelley Brophy
City Council
City of Nacogdoches

ATTEST:

Jan Vinson, City Secretary

MINUTES
Board Interviews
Nacogdoches City Council
January 5, 2017 – 4 p.m.
City Council Room – City Hall
202 E. Pilar Street

DRAFT

Regular Session:

Those Present:

Mayor Roger Van Horn; Council Members Shelley Brophy, Roy Boldon, David Norton, Mike Keller and City Secretary Jan Vinson.

Mayor Van Horn called meeting to order at 4:00 p.m.

The Board Interview Committee, consisting of City Council Members, interviewed the following applicants interested in serving on City boards/commissions:

Samantha Mora
Jon Hughes
Shari Thomason
Rebecca Gall
Sandy Slone
Fatima Naeem

No final appointments were made at this meeting.

Adjourned at 5:35 p.m.

Mayor Roger Van Horn
City Council
City of Nacogdoches

ATTEST:

Jan Vinson, City Secretary

Minutes unofficial until approved by City Council

PRESENTER: Mike Kelly, Assistant Police Chief

ITEM/SUBJECT: **CONSENT AGENDA:** Resolution for FY 2017 SHSP application ☐ Night Vision Project

SUMMARY/BACKGROUND: The NPD Night Vision Project will greatly expand the capabilities of an established Special Weapons and Tactics team. Currently, the team meets all of the FEMA Resource Typing Requirements for a Type II SWAT/Tactical Team EXCEPT the equipment requirement for night vision goggles and IR Illuminators. The multi-agency team consists of sworn law enforcement officers from the Nacogdoches Police Dept, Nacogdoches County Sheriff's Office, Nacogdoches IDS and the Nacogdoches Fire Dept. The primary area served is Nacogdoches County. The secondary area served is surrounding DETCOG cities and counties with mutual aid agreements. The team consists of 16 tactical operators, a command and support element of five (5) and a crisis negotiations element of eight (8). Team capabilities currently include special skills such as armored vehicle operations, explosive breaching, hostage rescue, emergency medical aid in a hot zone and other high risk special skills. The addition of the grant funded night vision equipment would allow operators to be fully functional in dark and low light conditions.

FINANCIAL:

There is no financial impact associated with this item

Item is budgeted: (_____-_____-_____) In the amount of \$_____

Item is not budgeted (Budget Amendment required; please attach BA ordinance)

Amount: \$_____ GL Account #: _____

Item is estimated to generate additional revenue: _____

CITY CONTACT: Mike Kelly, Assistant Police Chief
kellym@ci.nacogdoches.tx.us
936-559-2603

ATTACHMENTS: Resolution No. 1195-1-17

RESOLUTION AUTHORIZING THE FY 2017 STATE HOMELAND
SECURITY PROGRAM GRANT (SHSP) APPLICATION SUBMISSION

WHEREAS, the City Council of the City of Nacogdoches, Texas agrees that the establishment, development and maintenance of programs to effectively plan, manage, and allocate resources and to encourage information sharing to reduce the incidence of crime and drug abuse, to provide responsive law enforcement services, to enhance local courts, enhance local corrections and offender reentry is critical; and

WHEREAS, the FY 2017 State Homeland Security Program Grant (SHSP) would provide benefits to the community in the form of equipment: night vision goggles to help prevent acts of terrorism and protect its citizens against threats of terrorism; and

WHEREAS, funds have been authorized by the Homeland Security Act of 2002 and made available through a Congressional appropriation to the US Department of Homeland Security to assist local efforts to prevent or reduce crime and violence; and

WHEREAS, under the, FY 2017 State Homeland Security Program Grant (SHSP), the Office of Governor will reimburse the City of Nacogdoches for all eligible costs as defined in the approved project budget up to \$145,280.

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

1. That the FY 2017 State Homeland Security Program Grant (SHSP) agreement is hereby authorized to be filed on behalf of the City of Nacogdoches with the Office of Governor.
2. That the City Council directs and designates the City Manager as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the FY 2017 State Homeland Security Program Grant (SHSP) program.
3. That the City Council has reviewed and hereby agrees to comply with all assurances executed in connection with the agreement.

PASSED AND APPROVED this 17th day of January 2017.

Roger Van Horn, Mayor
City of Nacogdoches

ATTEST:

Jan Vinson, City Secretary

PRESENTER: Mike Kelly, Assistant Police Chief

ITEM/SUBJECT: CONSENT AGENDA: Consider Resolution for PY 2018 Criminal Justice Division NIBRS application ☑ Software

SUMMARY/BACKGROUND: the PY 2018 Criminal Justice Division Incident-Based Reporting System would provide benefits to the community in the form of software to enable officers to provide a fast and efficient way to create a detailed and valid Law Incident Records while in the field. Narratives and Supplements can be easily created and edited; and the arrest form will be used to complete an arrest report while in the field all on one form. The information collected in the field from the arrest form can be provided to the jail as an arrest summary report. The software would save the officers time in completing their reports while assuring more accurate data is saved into the IBR record.

FINANCIAL:

There is no financial impact associated with this item

Item is budgeted: (_____-_____-_____) In the amount of \$_____

Item is not budgeted (Budget Amendment required; please attach BA ordinance)

Amount: \$_____ GL Account #: _____

Item is estimated to generate additional revenue: _____

CITY CONTACT: Mike Kelly, Assistant Police Chief
kellym@ci.nacogdoches.tx.us
936-559-2603

ATTACHMENTS: Resolution No. 1196-1-17

RESOLUTION AUTHORIZING THE PY 2018 CRIMINAL JUSTICE DIVISION
INCIDENT-BASED REPORTING SYSTEM (NIBRS) APPLICATION

WHEREAS, the City Council of the City of Nacogdoches, Texas agrees that the establishment, development and maintenance of programs to effectively plan, manage, and allocate resources and to encourage information sharing to reduce the incidence of crime and drug abuse, to provide responsive law enforcement services, to enhance local courts, enhance local corrections and offender reentry is critical; and

WHEREAS, the PY 2018 Criminal Justice Division Incident-Based Reporting System would provide benefits to the community in the form of software to enable officers to provide a fast and efficient way to create a detailed and valid Law Incident Records while in the field. Narratives and Supplements can be easily created and edited; and the arrest form will be used to complete an arrest report while in the field all on one form. The information collected in the field from the arrest form can be provided to the jail as an arrest summary report. The software would save the officers time in completing their reports while assuring more accurate data is saved into the IBR record; and

WHEREAS, the source of funds is a state appropriation for the 2016-2017 biennium under Article V, Rider 44, General Appropriations Act, House Bill 1 (84R); and

WHEREAS, under the, PY 2018 Criminal Justice Division Incident-Based Reporting System the Office of Governor will reimburse the City of Nacogdoches for all eligible costs as defined in the approved project budget up to \$13,749.00.

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

1. That the PY 2018 Criminal Justice Division Incident-Based Reporting System Application agreement is hereby authorized to be filed on behalf of the City of Nacogdoches with the Office of Governor.
2. That the City Council directs and designates the City Manager as the City's Chief Executive Officer and Authorized Representative to act in all matters in connection with this application and participation in the PY 2018 Criminal Justice Division Incident-Based Reporting System Program.
3. That the City Council has reviewed and hereby agrees to comply with all assurances executed in connection with the agreement.

PASSED AND APPROVED this 17th day of January 2017.

Roger Van Horn, Mayor
City of Nacogdoches

ATTEST:

Jan Vinson, City Secretary

PRESENTER: Jim Jeffers, City Manager

ITEM/SUBJECT: **CONSENT AGENDA** ☑ Consider tax resale authorization for property at 602 South Pecan Street, Nacogdoches, Texas.

SUMMARY/BACKGROUND: The City of Nacogdoches, as a taxing entity, has been requested on behalf of Nacogdoches ISD to approve the sale of property listed below:

Tract 2: Being described as Lot 8 B, Block 32, and more particularly described in Vol. 2554, Pg 28, Official Property Records; Nacogdoches County, Texas. (17-032-0008-02000)
Physical address being 602 South Pecan Street, Nacogdoches, Texas (Parcel ID: 23165)

FINANCIAL:

- There is no financial impact associated with this item
- Item is budgeted: (___-___-___) In the amount of \$_____
- Item is not budgeted (Budget Amendment required; please attach BA ordinance)
Amount: \$_____ GL Account #: _____
- Item is estimated to generate additional revenue: _____

CITY CONTACT: Jim Jeffers, City Manager
jeffers@ci.nacogdoches.tx.us
936-559-2501

ATTACHMENTS: Deed
Map

SPECIAL RESALE DEED

STATE OF TEXAS §
COUNTY OF NACOGDOCHES §

NOTICE OF CONFIDENTIALITY RIGHTS:

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

KNOW ALL MEN BY THESE PRESENTS that NACOGDOCHES INDEPENDENT SCHOOL DISTRICT, TRUSTEE, in trust for the use and benefit of itself, NACOGDOCHES COUNTY AND CITY OF NACOGDOCHES, hereinafter called GRANTORS, each acting by and through its duly elected official ("GRANTOR") as authorized by Section 34.05, Texas Property Tax Code, for and in consideration of **ONE THOUSAND DOLLARS AND 00/100 (\$1,000.00)** and other good and valuable consideration, in hand paid by **GEORGE BARHAM IV AND AMANDA BARHAM**, Grantee, the receipt of which is hereby acknowledged and confessed, has conveyed and quitclaimed and by the presents do convey and quitclaim unto said GRANTEE all right, title and interest of the GRANTORS, acquired by tax foreclosure sale heretofore held in **CAUSE Suit NO. C1228097, styled NACOGDOCHES COUNTY CENTRAL APPRAISAL DISTRICT VS. RICHARD M. MUCKLERROY, ET AL**, said property being described as follows:

TRACT 2: BEING DESCRIBED AS LOT 8 B, BLOCK 32, AND MORE PARTICULARLY DESCRIBED IN VOLUME 2554, PAGE 28, OFFICIAL PROPERTY RECORDS; NACOGDOCHES COUNTY, TEXAS. ACCOUNT NO (17-032-0008-020000)

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

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

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

Taxes for the 2017 and the current year are assumed by the Grantee.

IN TESTIMONY WHEREOF, NACOGDOCHES INDEPENDENT SCHOOL DISTRICT, TRUSTEE, in trust for the use and benefit of itself, NACOGDOCHES COUNTY, AND CITY OF NACOGDOCHES, Grantors, have caused the presents to be executed on this _____ day of _____, 2017

CITY OF NACOGDOCHES

BY: _____
MAYOR, CITY OF NACOGDOCHES

THE STATE OF TEXAS
COUNTY OF NACOGDOCHES

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2017

NOTARY PUBLIC

GRANTEE'S MAILING ADDRESS:

GEORGE BARHAM IV AND AMANDA BARHAM
924 N. UNIVERSITY DR.
NACOGDOCHES, TX 75961

Return to:
Perdue, Brandon, Fielder, Collins and Mott, LLP
220 W. Hospital St.
Nacogdoches, TX 75961

PRESENTER: Shelley Brophy, Council Member

ITEM/SUBJECT: Consider the following board appointments:

Airport Advisory Board
Building Standards Commission
Health Code Advisory Board
Industrial Development Authority
Main Street Advisory Board
Pine Grove Cemetery Board

SUMMARY/BACKGROUND: Twice per year City Board interviews are conducted. The Interview Committee has completed the interviews for the above boards and will make a recommendation to fill vacant/termed positions.

FINANCIAL:

There is no financial impact associated with this item
 Item is budgeted: (____ - ____ - ____) In the amount of \$_____
 Item is not budgeted (Budget Amendment required; please attach BA ordinance)
Amount: \$_____ GL Account #: _____
 Item is estimated to generate additional revenue: _____

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

ATTACHMENTS: None

PRESENTER: Jeff Davis, City Attorney

ITEM/SUBJECT: Consider amendment to the Chapter 380 Economic Development Program and Agreement between the City of Nacogdoches and HEB Grocery Company, LP.

SUMMARY/BACKGROUND: On November 18, 2014, the City entered into a Chapter 380 Economic Development Program and Agreement with HEB Grocery Company, LP for construction of a grocery store at University Drive and Loop 224. At the time of execution of the Chapter 380 Economic Development Agreement, the anticipated completion date for the project was 2018.

Recently, representative of HEB contacted the City requesting a one year extension of the original completion date in order to appropriately address necessary permitting and site preparation requirements. The proposed amendments will in no way diminish the development requirements set forth in the original Chapter 380 Economic Development Program and Agreement. With the exception of the one year extension for completion of construction of qualified expenditures, obtaining from the City a certificate of occupancy and satisfaction of job creation and retention, all remaining terms and conditions contained in the original Chapter 380 Agreement will remain in full force and effect.

FINANCIAL:

- There is no financial impact associated with this item
 Item is budgeted: (____ - ____ - ____) In the amount of \$_____
 Item is not budgeted (Budget Amendment required; please attach BA ordinance)
Amount: \$_____ GL Account #: _____
 Item is estimated to generate additional revenue: _____

CITY CONTACT: Jeff Davis, City Attorney
davisj@ci.nacogdoches.tx.us
936-559-2503

ATTACHMENTS: Chapter 380 Agreement Amendment

**FIRST AMENDMENT TO THE
CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AND AGREEMENT**

This First Amendment (this “*Amendment*”) to the “Chapter 380 Economic Development Program and Agreement” is made and entered into by and between the City of Nacogdoches, a Texas home-rule city (the “*City*”) and HEB Grocery Company, LP, a Texas limited partnership, its successors and assigns (“*Developer*”), whom together may sometimes be referred to herein as the “*Parties*.”

WITNESSETH:

WHEREAS, the Parties entered into that certain “Chapter 380 Economic Development Program and Agreement” (the “*Agreement*”), dated November 18, 2014; and

WHEREAS, the Agreement provides for incentives to be paid by the City to Developer in order to encourage development of a certain Project, as defined in the Agreement; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties hereby agree to amend the Agreement as follows:

- (1) All defined terms used herein shall have the same meaning ascribed thereto in the Agreement unless another meaning is clearly indicated herein.
- (2) Subsections (a), (b) and (c) of Section 4 of the Agreement shall be amended to reflect the addition of text shown **underlined** and the deletion of text marked with a **~~strikethrough~~**, as follows:

(a) Construction of Qualified Expenditures. Developer shall have developed or caused to be developed the Project for an amount no less than Fifteen Million Dollars (\$15,000,000) and shall submit to the City invoices, receipts, or other similar documentation for the Qualified Expenditures in an amount of no less than Fifteen Million Dollars (\$15,000,000), and in a form reasonably acceptable to the City by December 31, **2019** ~~2018~~.

(b) Certificate of Occupancy. Developer shall have obtained or caused to be obtained from the City a Certificate of Occupancy for the Project by October 31, **2019** ~~2018~~, subject to Force Majeure.

(c) Job Creation and Retention. On or before December 31, **2019** ~~2018~~, and thereafter during the Term of this Agreement, Developer shall employ and maintain a minimum of seventy-five (75) Full-Time Equivalent Employment Positions working at the Project (the “*Employment Commitment*”). It is understood and agreed that Developer may satisfy the Employment Commitment by an aggregation of all hours worked at all employment positions at the Project, both full time and part time, over the subject twelve month period.

The Employment Commitment shall be maintained thereafter during the Term of this Agreement, subject to Force Majeure.

- (3) Except as specifically provided to the contrary herein, all remaining terms and conditions of the Agreement are hereby ratified and affirmed and shall remain in full force and effect.

EXECUTED by both Parties and effective as of last date indicated below.

HEB Grocery Company, LP
a Texas limited partnership

By: _____
Name: Todd A. Piland
Executive Vice President

Date: _____

CITY:

The City of Nacogdoches, Texas

By: _____

Name: _____

Title: _____

Date: _____

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

PRESENTER: Jim Sevey, Police Chief

ITEM/SUBJECT: Review pros and cons of red light cameras and receive direction from City Council.

SUMMARY/BACKGROUND: At the request of a Council Member, this item is a summary of red light cameras and their possible use in Nacogdoches.

FINANCIAL:

There is no financial impact associated with this item

Item is budgeted: (_____-_____-_____) In the amount of \$_____

Item is not budgeted (Budget Amendment required; please attach BA ordinance)

Amount: \$_____ GL Account #: _____

Item is estimated to generate additional revenue:

Less than \$75,000.00 per year.

CITY CONTACT: Jim Sevey, Police Chief
jsevey@ci.nacogdoches.tx.us
936-559-2601

ATTACHMENTS: None

PRESENTER: Jan Vinson, City Secretary

ITEM/SUBJECT: Consider ordinance amending Chapter 28 [Taxi Cabs] and Chapter 110 [Vehicle for Hire] of the City of Nacogdoches Code of Ordinances.

SUMMARY/BACKGROUND: Currently the Code of Ordinance for Taxi Cabs states an application must be filed with the City Secretary and a public hearing must be held each time a taxicab franchise owner wishes to add additional taxicabs to their fleet. In order to set forth a more orderly process the ordinance amendment states the City Manager shall approve subsequent requests by the grantee for additional vehicles. Additionally, taxi franchise owners will not be required to have an off-street taxi stand unless they have more than five (5) taxicabs.

The only other changes in Chapter 28 and Chapter 110 of the Code of Ordinance are obsolete outdated terms which would be repealed.

FINANCIAL:

- There is no financial impact associated with this item
- Item is budgeted: (____ - ____ - ____) In the amount of \$_____
- Item is not budgeted (Budget Amendment required; please attach BA ordinance)
Amount: \$_____ GL Account #: _____
- Item is estimated to generate additional revenue: _____

CITY CONTACT: Jan Vinson, City Secretary
vinsonj@ci.nacogdoches.tx.us
559-2506

Jefferson Davis, City Attorney
davisj@ci.nacogdoches.tx.us
936-559-2503

ATTACHMENTS: Amended Ordinance

Ordinance No. _____

AN ORDINANCE OF THE CITY OF NACOGDOCHES, TEXAS, AMENDING CHAPTER 28 "TAXI CABS," and CHAPTER 110 "VEHICLES FOR HIRE" OF THE CODE OF ORDINANCES OF THE CITY OF NACOGDOCHES, TEXAS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, currently an application must be filed with the City Secretary and a public hearing must be held each time a taxicab franchise owner wishes to add additional taxicabs to their fleet; and,

WHEREAS, staff the City Council of the City of Nacogdoches has determined this process can be abbreviated and improved by allowing an application seeking the addition of adding additional taxicabs to a current franchise to be approved administratively; and

WHEREAS, current taxi stand requirements should be amended to comport with technological advances and to set forth a more orderly streamline the process of for acquiring a taxi stand; and

WHEREAS, obsolete and/or outdated terms and sections of Chapter 28 and Chapter 110 should be repealed; and

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Nacogdoches that Chapter 28 "Taxi Cabs," and Chapter 110 "Vehicles for Hire" of the Code of Ordinances of the City of Nacogdoches, Texas shall be amended to read as follows: Any sections and/or subsections not referenced in this amendment will remain unchanged.

Section 1. Findings. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Amendment. Chapter 28 of the Code of Ordinances of the City of Nacogdoches, Texas is amended so that henceforth same shall read as follows:

Sec. 28-6. and Sec. 110-27. - Duties of city council generally.

(c) To prescribe, via original franchise, the number of vehicles to be operated by such grantee, applying thereto the principles of public necessity and convenience. Subsequent requests by grantee for additional vehicles shall be approved by the City Manager and are subject to appeal to City Council if denied.

Sec. 28-8. and Sec. 110-162. - Taxi stands.

(a) Taxi franchise owners with five (5) or fewer taxicabs operating in the city limits are not required to maintain an off-street taxi stand or terminal. If operated as a home

occupation, the franchise shall not be operated in such a way as to violate the terms of a home occupation, as defined in section 118-1 of the Code of Ordinances.

- (b) Taxi franchise owners with more than five (5) taxicabs operating inside the city limits shall maintain within the city limits an off-street taxi stand or terminal of sufficient size to accommodate all of the franchise owner's taxicabs. The franchise owner shall have such taxi stand open to the general public from 8:00 a.m. to 5:00 p.m. Monday through Friday, and shall be available via telephone 24 hours per day.
- (c) The location and type of building must be in compliance with zoning regulations. The form and type of taxi stand shall be of such a nature as best meets public convenience and necessity and affords a safe, sanitary and lawful operation of transportation by taxicabs. The site, location and type of proposed buildings and the sanitary conditions of the taxi stand shall be reflected in an application to the chief of police. The equipment, site and place of a taxi stand must be found by the chief of police to best meet public convenience and necessity prior to an authorization to a franchise holder to operate such taxi stand.

Sec. 28-32. ~~and Sec. 110-57.~~ - Criteria for determination of public convenience and necessity.

- (a) In determining whether public convenience and necessity require the licensing of taxicab, limousine or shuttle services for which application may be made; the city council shall take into consideration:
 - (1) Whether the demands of public convenience and necessity require such proposed taxicab, limousine or shuttle service within the city.
 - (2) Kind and type of equipment or vehicles and color scheme to be used by the applicant.
 - (3) Increased traffic congestion on the streets of the city which may result from licensing taxicabs, limousines or shuttles.
 - (4) Whether the safe use of the streets of the city by the public, both vehicular and pedestrian, will be unduly endangered by the granting of such license.
 - (5) Whether the applicant is fit, able and willing to perform transportation by taxicab, limousine or shuttle.
 - (6) Other relevant facts as the city council may deem advisable or necessary, which may throw light on public necessity and convenience.

Sec. 28-35. ~~and Sec. 110-60.~~ – Hearing on application.

All holders of existing taxicab, limousine or shuttle franchises or any other citizens shall be entitled to file any complaints or protests that such party may have to the issuance of any taxicab, limousine or shuttle franchise. At the time of the holding of the investigation and hearing, with reference to whether public convenience and necessity require operation of such **vehicle or** vehicles covered in the application for a taxicab, limousine or shuttle franchise, city council shall consider all complaints and protests and in conducting the hearing shall have the right to call such witnesses as they see fit. In all such hearings, the burden of proof shall be upon the applicant to establish by clear, cogent and convincing evidence that the public convenience and necessity require such operation of the vehicle or vehicles for which such application has been made and that the applicant is fit, able and willing to perform such

transportation of persons and property by taxicab, limousine or shuttle as proposed in such application.

Additionally, Chapter 110 of the Code of Ordinances of the City of Nacogdoches, Texas is amended so that henceforth same shall read as follows:

Sec. 110-27. - Duties of city council generally.

- (c) To prescribe, via original franchise, the number of vehicles to be operated by such grantee, applying thereto the principles of public necessity and convenience. Subsequent requests **by grantee** for additional vehicles shall be approved by the City Manager and are subject to appeal to City Council if denied.

Sec. 110-162. - Taxi stands.

- (a) Taxi franchise owners with five (5) or fewer taxicabs operating in the city limits are not required to maintain an off-street taxi stand or terminal. If operated as a home occupation, the franchise shall not be operated in such a way as to violate the terms of a home occupation, as defined in section 118-1 of the Code of Ordinances.
- (b) Taxi franchise owners with more than five (5) taxicabs operating inside the city limits shall maintain within the city limits an off-street taxi stand or terminal of sufficient size to accommodate all of the franchise owner's taxicabs. The franchise owner shall have such taxi stand open to the general public from 8:00 a.m. to 5:00 p.m. Monday through Friday, and shall be available via telephone 24 hours per day.
- (c) The location and type of building must be in compliance with zoning regulations. The form and type of taxi stand shall be of such a nature as best meets public convenience and necessity and affords a safe, sanitary and lawful operation of transportation by taxicabs. The site, location and type of proposed buildings and the sanitary conditions of the taxi stand shall be reflected in an application to the chief of police. The equipment, site and place of a taxi stand must be found by the chief of police to best meet public convenience and necessity prior to an authorization to a franchise holder to operate such taxi stand.

Sec. 110-57. - Criteria for determination of public convenience and necessity.

- (a) In determining whether public convenience and necessity require the licensing of taxicab, limousine or shuttle services for which application may be made; the city council shall take into consideration:
 - (1) Whether the demands of public convenience and necessity require such proposed taxicab, limousine or shuttle service within the city.
 - (2) Kind and type of equipment or vehicles and color scheme to be used by the applicant.
 - (3) Increased traffic congestion on the streets of the city which may result from licensing taxicabs, limousines or shuttles.
 - (4) Whether the safe use of the streets of the city by the public, both vehicular and pedestrian, will be unduly endangered by the granting of such license.
 - (5) Whether the applicant is fit, able and willing to perform transportation by taxicab, limousine or shuttle.
 - (6) Other relevant facts as the city council may deem advisable or necessary, which may throw light on public necessity and convenience.

Sec. 110-60. – Hearing on application.

All holders of existing taxicab, limousine or shuttle franchises or any other citizens shall be entitled to file any complaints or protests that such party may have to the issuance of any taxicab, limousine or shuttle franchise. At the time of the holding of the investigation and hearing, with reference to whether public convenience and necessity require operation of such **vehicle or** vehicles covered in the application for a taxicab, limousine or shuttle franchise, city council shall consider all complaints and protests and in conducting the hearing shall have the right to call such witnesses as they see fit. In all such hearings, the burden of proof shall be upon the applicant to establish by clear, cogent and convincing evidence that the public convenience and necessity require such operation of the vehicle or vehicles for which such application has been made and that the applicant is fit, able and willing to perform such transportation of persons and property by taxicab, limousine or shuttle as proposed in such application.

BE IT FURTHER ORDAINED by City Council of the City of Nacogdoches that the following **sections** be repealed from **Chapter 28 of** the City of Nacogdoches Code of Ordinances:

Sec. 28-1. Definition.

*Only the definition for **Subtaxi stand** is repealed*

Sec. 28-9. Subtaxi stands.

The complete section is repealed

Moreover, the City Council of the City of Nacogdoches repeals the following sections from Chapter 110 of the City of Nacogdoches Code of Ordinances:

Sec. 110-26. Definition.

*Only the definition for **Subtaxi stand** is repealed*

Sec. 110-163. Subtaxistands.

The complete section is repealed

Section 3. Continuance. All provisions of Chapter 28 and Chapter 110 of the Code of Ordinances of the City of Nacogdoches, Texas, not specifically herein amended or repealed remain in full force and effect.

Section 4. 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. 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 5. Effective Date. This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

Section 6. Proper Notice & Open Meeting. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and 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 7. Official Public Records. The City Secretary is hereby authorized and instructed to file a signed and sealed copy of this Ordinance in and among the records of the City of Nacogdoches and in the Official Public Records of Nacogdoches County, Texas.

~~Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, which shall remain in full force and effect.~~

PASSED AND APPROVED this the _____ day of _____, 2016.

Roger Van Horn, Chairman
City Council

ATTEST:

Jan Vinson, City Secretary

Approved as to form: _____
Jefferson Davis, City Attorney

Approved as to content: _____
Jim Sevey, Police Chief

ITEM/SUBJECT:

EXECUTIVE SESSION:

- A. Deliberation regarding Economic Development negotiations under Local Government Code Section 551.087 as follows:
 - 1. Discuss or deliberate regarding commercial or financial information the City has received from business projects the City body seeks to have locate in the City of Nacogdoches and with which the City is conducting economic development negotiations; and
 - 2. Deliberate offer of financial or other incentive to business prospects described by Subdivision 1 above.