



**NOTICE OF REGULAR MEETING AND AGENDA
Nacogdoches City Council**

5:30 p.m., Tuesday, March 20, 2012

City Council Room – City Hall - 202 E. Pilar Street

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

1. Call to order.
2. Invocation.
3. **PRESENTATIONS AND RECOGNITIONS:**
4. Items to be removed from Consent Agenda.
5. **CONSENT AGENDA:** Items included under the Consent Agenda require little or no deliberation by the Council. Approval of the 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 regular session of March 6, 2012. (City Secretary)
 - B. Consider Resolution canceling the Southwest Ward City Council election scheduled for May 12, 2012 and declaring the unopposed candidate elected. (City Secretary)
 - C. Consider the purchase of a 2011 Ford F-750 XLT from Chastang Ford. (Water Utilities Manager)

REGULAR AGENDA:

6. Consider City support for the 2012 Texas Blueberry Festival and authorize a resolution requesting TxDOT to close Main Street for the event. (City Planner)
7. Consider an ordinance amending Chapter 50 "Historic Preservation", Article III "Redevelopment" of the Nacogdoches Code of Ordinances to readopt the historic preservation tax abatement program. (City Planner)
8. Consider dropping from Stage 2 to Stage 1 of the Drought Contingency Plan. (City Engineer)
9. Consider cost of living adjustment for full-time City employees. (City Manager)
10. Consider adoption of budget amendment to cover cost of living adjustment for full-time City employees. (Finance Director)

11. Adjourn.


Lila Fuller, 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 936/559-2504 or visit the City of Nacogdoches web site at www.ci.nacogdoches.tx.us.

The 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) 559-2504 or FAX (936) 559-2912 for further information.

CERTIFICATION

I certify that the above notice of meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on Friday, March 16, 2012 at 5:00 p.m.

Lila Fuller, City Secretary

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the directory outside of City Hall on the ____ day of March 2012.

Name: _____ Title: _____

ITEM NO. 5-A

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **CONSENT AGENDA:** Consider approval of minutes from regular session of March 6, 2012.

MEETING DATE: **March 20, 2012**

CITY CONTACT: **Lila Fuller, City Secretary - 559-2504**

ATTACHMENTS: **Minutes**

DRAFT

MINUTES
Regular Session
Nacogdoches City Council
March 6, 2012 – 5:30 p.m.
City Council Room – City Hall
202 E. Pilar Street

Regular Session:

Those Present:

Mayor Roger Van Horn, Council members Shelley Brophy, William Sanders, Bob Dunn and David Norton; City Manager Jim Jeffers, City Attorney Rob Atherton and City Secretary Lila Fuller.

Call to Order.

Mayor Van Horn at 5:30 p.m. A quorum was established.

2. Invocation.

Council member Dunn gave the invocation.

3. Presentations and Recognitions.

A. Receive “Heart and Stroke Healthy City” recognition from the Texas Council on Cardiovascular Disease and Stroke.

Kinnie Douglas with the Healthy Nacogdoches Coalition stated the city applied for and received the Heart and Stroke Healthy City award for the second time. She explained the function of the Healthy Nacogdoches Coalition and their mission to promote healthy living for the citizens of Nacogdoches.

Ann Quinn-Todd with the Texas Council on Cardiovascular Disease and Stroke reviewed the criteria for the Gold Award, congratulating the Nacogdoches community for this very prestigious award and presented a plaque to Mayor Van Horn. Members of the Nacogdoches Community Coalition were also recognized.

Boy Scouts and Girls Scouts in attendance lead the audience in the Pledge of Allegiance to the Flag.

Mayor Van Horn presented a proclamation to Crystal and Canita representing The Burk Center recognizing March as “Development Disabilities Awareness Month” in Nacogdoches.

Mayor Van Horn presented a proclamation to area San Jacinto Council Girls recognizing March 12 “Girl Scouts Centennial Day”.

Mayor Van Horn presented a proclamation to the SFA Student Athletic Trainers recognizing March as “Athletic Training Month”.

4. Items to be removed from the Consent Agenda.

None.

5. CONSENT AGENDA: Items included under the Consent Agenda require little or no deliberation by the Council. Approval of the Consent Agenda authorizes the City Manager or his designee to proceed with conclusion of each in accordance with staff recommendation as reflected in the minutes of this meeting.

A. Consider approval of minutes from regular session of February 21, 2012.

Minutes unofficial until accepted by City Council

Approved as presented.

B. Consider award of bid for the installation of a perimeter fence at the Wastewater Treatment Plant.

Bid awarded to T & K Fence Co. in the amount of \$78,850 (Acct 30.171.01)

Council member Norton moved to approve the Consent Agenda as presented. The motion was seconded by Council member Sanders and unanimously passed.

REGULAR AGENDA:

6. Consider approval of design/build contract with Exhibit Concepts, Inc. for permanent exhibits at the Durst-Taylor Historic House and Gardens.

City Manager Jim Jeffers reviewed the appropriate uses of the Hotel Motel Tax Fund and stated a portion of hotel tax was used for historic preservation in the City. Jeffers stated a review panel from SFA and the city selected Exhibit Concepts to research, design, fabricate and install permanent exhibits in the Visitor Center at the Durst-Taylor Historic House and Gardens. He stated the total contract of \$149,998 would be paid from hotel tax revenue.

Steven Lowry with Exhibit Concepts was present and stated they were an Ohio company who were partnering with Texas companies for this project. He stated they do a large majority of their work in Texas, and was working with a company that had already done work for the City on the Durst-Taylor House and Gardens. He explained the designs were not final, but stated preliminary ideas included interpretive exhibits, artifacts and interactive displays depicting the history of the Durst and Taylor families and history of the property. Mr. Lowry stated the project would be complete within a year.

Council member Brophy moved to approve the design/build contract with Exhibit Concepts, Inc. in the amount of \$149,998 for permanent exhibits at the Durst-Taylor Historic House and Gardens. The motion was seconded by Council member Sanders and unanimously passed. (Acct 18.49.680.00)

7. Consider award of bid for the rehabilitation of Well #4 and Well #5.

Steve Bartlett, city engineer stated the project under consideration at this time was for flushing, cleaning and testing of Wells #4 and #5 to determine what would be required for rehabilitation of the wells.

Bartlett explained two bids had been received and staff was recommending the low bid of Weisinger Water Well Service in the amount of \$105,060 for this project.

Council member Dunn moved to award the bid to Weisinger Water Well Service for the flushing, cleaning and testing of Wells #4 and #5 in the amount of \$105,060 as presented. The motion was seconded by Council member Norton and unanimously passed. (Acct 30.175.03)

8. Discuss enforcement of the Noise Ordinance.

Police Chief Jim Sevey reviewed the Noise Ordinance and gave a brief history. He stated the latest amendment was adopted in May 2011 which allowed for better enforcement by his staff.

Sevey stated the greatest enforcement is done between the hours of 11:00 p.m. and 7:00 a.m., with 82 citations being issued in 2011. He stated it was extremely difficult to enforce the noise ordinance for moving violators, such as cars with loud stereos. Sevey stated most stationary noise citations are preceded by 3-4 warnings to the offender in an effort to promote a positive resolution to the violation. Response time to noise violations calls was discussed.

Ida Sanders, 813 Lucas appeared and asked Chief Sevey if all of his officers were knowledgeable in the noise ordinance, to which he stated they were and that he personally had provided training to his officers regarding the recent amendments to the Noise Ordinance.

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Jim Blackburn appeared and stated he felt the noise ordinance could be addressed more vigorously, feeling 82 citations in a year were not very many citations.

Joshua Norman appeared and stated he also did not feel the noise ordinance, based on the number of citations given, was adequately enforced, but did understand how difficult it would be to issue a citation to violators in vehicles. Norman asked Chief Sevey if it would help enforcement if a citizen got a vehicle license plate number of the violator prior to calling in the complaint.

Phillip Blackburn asked for clarification on whether charges could be filed against a violator if a license plate was provided.

City Attorney Rob Atherton stated if a complainant was willing to go to the police department and file a complaint and provide a license plate number and be willing to testify to the violation, then charges could be filed against the owner of the vehicle.

9. Adjourn.

Mayor Van Horn adjourned the meeting at 6:50 p.m.

Mayor Roger Van Horn
City Council
City of Nacogdoches

ATTEST:

Lila Fuller, City Secretary

Minutes unofficial until accepted by City Council

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: CONSENT AGENDA: Consider Resolution canceling the Southwest Ward City Council election scheduled for May 12, 2012 and declaring the unopposed candidate elected.

MEETING DATE: March 20, 2012

DESCRIPTION: Because the candidate that filed to run for Council member Southwest Ward is unopposed, the City Council should take action to cancel the Southwest Ward Council member race scheduled for May 12, 2012 and declare David T. Norton elected.

The Southeast Ward Council member race has opposition, so that election will still be held on May 12.

To initiate the cancellation process, the City Secretary must certify the unopposed status to the Mayor. The City Council must then accept this certification, and issue an order declaring the Southwest Ward race cancelled and the unopposed candidate elected. Mr. Norton will take the oath of office after the official canvass of votes for the Southeast Ward election scheduled for May 15.

**RECOMMENDED
ACTION:** **Adopt Ordinance and Order of Cancellation.**

CONTACT: Lila Fuller, City Secretary - 559-2504

ATTACHMENTS:

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 12, 2012 GENERAL CITY ELECTION, ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Resolution No. 1117-2-12 passed on February 7, 2012 called the regular election of Council members for the Southeast Ward and Southwest Ward positions in and for the City of Nacogdoches, Texas; and,

WHEREAS, at the deadline to file application for a place on the ballot and the deadline to file as a declared write-in candidate, only one candidate had filed to run for the following positions:

Council member Southwest Ward

WHEREAS, as prescribed in Section 2.051(d) of the Texas Election Code, the City Secretary has certified in writing that:

- 1) Each candidate whose name is to appear on the ballot is unopposed;
- 2) no candidate's name is to be placed on a list of write-in candidates for the above described offices under applicable law;
- 3) no proposition will appear on the ballot

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Nacogdoches, Texas that based on information received and in accordance with Section 2.053, the City Council hereby authorizes the cancellation of election of City Council member Southwest Ward called for May 12, 2012 and hereby declares the unopposed candidate elected to the office, and shall be issued a certificate of election following the time the election would have been canvassed; and,

FURTHER, the City Secretary is directed to cause a copy of this ordinance to be posted on election day at the polling place that would have been used in the election; and,

FURTHER, it is declared to be the intent of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance is declared invalid by the judgment or decree of a court of competent jurisdiction, the invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance since the City Council would have enacted them without the invalid portion.

FURTHER, this ordinance shall take effect upon its final passage.

PASSED AND APPROVED this the 20th day of March 2012.

Roger Van Horn, Mayor
City of Nacogdoches

ATTEST:

Lila Fuller, City Secretary

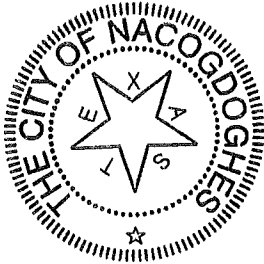
Approved as to form: _____
Rob Atherton, City Attorney


CERTIFICATION OF UNOPPOSED CANDIDATES

Certification of Unopposed Candidates
By the City Secretary

I, Lila Fuller, certify that I am the city secretary of the City of Nacogdoches, Texas and the authority responsible for preparing the ballot for the May 12, 2012 city election. I further certify that no person has made a declaration of write-in candidacy, and all of the following candidates are unopposed:

David T. Norton, Southwest Ward





City Secretary
City of Nacogdoches, TX

Dated this the 6th day of March, 2012.

ITEM NO. 5-C

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: CONSENT AGENDA: Consider the purchase of a 2011 Ford F-750 XLT from Chastang Ford

MEETING DATE: March 20, 2012

DESCRIPTION: The 2011 Ford F-750 will be used to replace the 1992 Ford F-700 Crane Truck for the Water Utilities Department. The existing vehicle has 50687 miles is worn out and replacement parts are obsolete. This vehicle is used to lift heavy equipment for the Water Utilities Department such as pumps and motors at water pump stations and sewer lift stations and lifting pumps, motors, gearboxes, and aeration shafts at the wastewater treatment plant. The existing crane has been adequately maintained, is in good condition and possibly get several more years of service. This purchase will be made through the HGAC Buyboard and Chastang Ford was awarded the state bid on this equipment. The existing crane and flatbed will be removed from the existing F-700 and installed on the new F-750.

COST: \$55,986.00

BUDGET AMENDMENT REQUIRED: NO

FUNDING FROM CURRENT BUDGET

FUNDING:	Acct. Name & No.	Adopted Budget	Balance	Requested
	Capitol Utility Vehicles 30.174.00	\$60,000.00	\$60,000.00	\$55,986.00

SCHEDULE: Immediately upon City Council approval

RECOMMENDED ACTION: Purchase the 2011 Ford F-750 from Chastang Ford.

CITY CONTACT: Russell D. Grubbs, Water Utilities Manager

ATTACHMENTS: None

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider city support for the 2012 Texas Blueberry Festival and authorize resolution requesting TX DOT to close Main Street for the event.

MEETING DATE: March 20, 2012

DESCRIPTION: The Texas Blueberry Festival is the only state sanctioned blueberry festival in Texas. The Festival serves as both a celebration of Nacogdoches County's place as the top blueberry-producing county in the state, as well as a fundraiser for the Nacogdoches County Chamber of Commerce. 2012 marks the 23rd anniversary of the festival, which brings in approximately 20,000 attendees to downtown.

Organizers of the Texas Blueberry Festival are requesting the following

- The use of downtown, festival plaza, and city parking for the event
- On-site support of City Electrician and Public Works Department
- Use of water and electrical services downtown
- Closure of Main Street (SH 21) from its intersection with North Street eastwardly to its intersection at Mound Street 5:00 p.m. Friday, June 8, 2012 until 6:00 p.m. Saturday, June 9, 2012 in order to provide safety for the vendors and participants.

RECOMMENDED ACTION: Consider approving the resolution.

CITY CONTACT: Sarah O'Brien, Main Street Manager 559-2573

ATTACHMENTS: Resolution

Resolution No. 1121-3-12

WHEREAS, organizers of the Texas Blueberry Festival desire to have a safe and successful event for all vendors and participants and,

WHEREAS, organizers of the Texas Blueberry Festival are requesting that the city of Nacogdoches close Main Street (SH 21) from its intersection with North Street eastwardly to its intersection at Mound Street from 5:00 p.m. Friday, June 8, 2012 until 6:00 p.m. Saturday, June 9, 2012 in order to provide safety for the vendors and participants; and,

WHEREAS, after duly considering such request, it is the consent of the City Commission that a resolution be adopted requesting the Texas Department of Transportation to allow the closing of Main Street for the Texas Blueberry Festival.

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Nacogdoches, Texas that this resolution be adopted requesting the Texas Department of Transportation to allow the closing of Main Street (SH 21) from its intersection with North Street eastwardly to its intersection at Mound Street from 5:00 p.m., Friday, June 8, 2012 until 6:00 p.m., Saturday, June 9, 2012 for the Texas Blueberry Festival.

BE IT FURTHER RESOLVED that Jim Jeffers, City Manager be authorized to execute an agreement with the Texas Department of Transportation for the closing of Main Street (SH 21).

PASSED AND APPROVED this the 20th day of March, 2012.

Mayor Roger Van Horn
City Commission
City of Nacogdoches

ATTEST:

Lila Fuller, City Secretary

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider an ordinance amending Chapter 50 "Historic Preservation", Article III. "Redevelopment," of the Code of Ordinances to readopt the historic preservation tax abatement program.

MEETING DATE: March 20, 2012

DESCRIPTION: The historic preservation tax abatement program allows property owners in the downtown historic overlay district to apply for an abatement of taxes owed on increases in property value due to improvements/restorations/renovations of their structures.

The proposed project must contain certain elements such as façade improvements, creation of residential dwelling space on the second floor, creation of retail space on the first floor, etc.

The State of Texas Property Tax Code section 212.02c requires cities to readopt their tax abatement ordinance every two years. The most recent adoption of the Historic Preservation tax abatement ordinance was in 2010, therefore the ordinance must be adopted again.

COST: None

SCHEDULE: The ordinance will go into effect 10 days after publication. The ordinance will remain in effect until 2014.

RECOMMENDED ACTION: Adoption of the ordinance

CITY CONTACT: Larissa Philpot, City Planner, 936-559-2572

ATTACHMENTS: None

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider dropping from Stage 2 to Stage 1 of the Drought Contingency Plan.

MEETING DATE: March 20, 2012

DESCRIPTION: The City Council implemented Stage 2 of the Drought Contingency Plan December 20, 2011 making it effective March 1, 2012. Recently, significant rain has resulted in a notable increase of the level of Lake Nacogdoches. The City Council will be discussing the merits of dropping from Stage 2 to Stage 1 of the Drought Contingency Plan.

RECOMMENDED ACTION: Consider dropping from Stage 2 to Stage 1 of the Drought Contingency Plan.

CITY CONTACT: Steve Bartlett, City Engineer
bartletts@ci.nacogdoches.tx.us

Jim Jeffers, City Manager
jeffers@ci.nacogdoches.tx.us

ATTACHMENTS: None

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider cost of living adjustment for full-time City employees

MEETING DATE: March 20, 2012

DESCRIPTION: Previously, City Council indicated the City might consider cost of living adjustments during the fiscal year, if finances warranted such. Raises have not been granted for three (3) consecutive years. If the City were to grant a 3% cost of living adjustment effective April 1, 2012 the total cost to the City would be \$214,050.

COST:	<u>Fund</u>	<u>Increase</u>
	General	\$ 172,040
	Utility	\$ 28,250
	Sanitation	\$ 10,320
	Other	\$ 3,440

RECOMMENDED ACTION: Consider cost of living adjustment for City employees for remainder of 2011-2012 fiscal year

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

ATTACHMENTS: None

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider adoption of Budget Amendment to cover cost of living adjustment for full-time City employees

MEETING DATE: March 20, 2012.

DESCRIPTION: Due to favorable financial condition of the City of Nacogdoches, management is requesting granting full time employees a 3% raise effective April 1, 2012.

COST: \$214,061

BUDGET AMENDMENT REQUIRED?: Yes

FUNDING:	Acct. Name & No.	Original Budget	Requested
	General Fund		\$172,040
	Utility Fund		\$ 28,250
	Sanitation Fund		\$ 10,320
	Other Funds		\$ 3,440
	(Detail Budget Amendment is Attached)		

SCHEDULE:

RECOMMENDED ACTION: Approval of budget amendment

CITY CONTACT: Jack C. Sparks, Finance Director - 559-2533

ATTACHMENTS: Detail Budget Amendment

<u>FUND</u>	<u>3% COLA</u> <u>eff 4/1/12</u>	<u>FICA Increase</u> <u>eff 4/1/12</u>	<u>TMRS Increase</u> <u>eff 4/1/12</u>	<u>TOTAL INCREASE</u>
General	\$ 139,500	\$ 10,640	\$ 21,900	\$ 172,040
Utility	\$ 22,800	\$ 1,760	\$ 3,690	\$ 28,250
Sanitation	\$ 8,300	\$ 710	\$ 1,310	\$ 10,320
Other	\$ 2,900	\$ 190	\$ 350	\$ 3,440
TOTAL:	\$ 173,500	\$ 13,300	\$ 27,250	\$ 214,050