



NOTICE OF REGULAR MEETING AND AGENDA
Nacogdoches City Council
5:30 p.m., Tuesday, December 4, 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 November 20, 2012. (City Secretary)
 - B. Consider Resolution to approve revisions to current Section 3 Policy in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, as required by Grant Recipients using TxCDG funding for housing or other public construction to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the project area. (Grant Coordinator)

REGULAR AGENDA:

6. Consider entering into a program with United Service Partners, Inc. to offer private water and sewer line repair and replacement warranties. (City Attorney)
7. **EXECUTIVE SESSION:** Consider the appointment in the event of the absence of City Manager one or more persons to perform the duties of said office. (City Manager)
8. Open for action, if any, one Item No. 7.
9. 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, November 29, 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 December 2012.

Name: _____ Title: _____

ITEM NO. 5-A

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **CONSENT AGENDA:** Consider approval of minutes from regular session of November 20, 2012.

MEETING DATE: **December 4, 2012**

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

ATTACHMENTS: **Minutes**

MINUTES
Regular Session
Nacogdoches City Council
November 20, 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, Roy Boldon, 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.

Mayor Van Horn gave the invocation.

3. Presentations and Recognitions.

None.

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 recommendations as reflected in the minutes of this meeting.

- A. Consider approval of minutes from regular session of November 6, 2012.**

Approved as submitted

- B. Consider approval of the Historic Restoration Grant budget for FY 2012-2013.**

Approved as submitted in the amount of \$9,794.09.

- C. Consider budget amendment for FY 2012-2013 for replacement of air conditioning unit at airport.**

Approved as submitted in the amount of \$3,850.00 (Acct. 32-13-620.20)

Council member Brophy moved to accept the consent agenda as presented. The motion was seconded by Council member Norton and unanimously passed.

REGULAR AGENDA:

- 6. PUBLIC HEARING: Consider the request for a Zone Change from A, Agricultural to I-1, Light Industrial, for all parcels contained within the A.L. Mangham, Jr. Regional Airport, located on FM 225. This is a City-initiated request. A more detailed property description may be obtained by contacting the Nacogdoches City Planner. ZON2012-06.**

Larissa Philpot, city planner stated when the airport was annexed into the City in 2007 it was annexed as Agriculture as all annexations are handled. There are no plans in the

Minutes unofficial until approved by City Council

immediate future for development of the airport, but the I-1 Light Industrial Zoning will give the widest range of options.

Mayor Van Horn opened the public hearing. There being none present desiring to be heard, the public hearing was closed.

Council member Norton moved to approve the zone change from A to I-1 for all parcels contained within the A.L. Mangham, Jr. Regional Airport located on FM 225 as requested by City staff. The motion was seconded by Council member Boldon and unanimously passed. (Ordinance No. 1613-11-12)

7. Consider renaming the area which encompasses 505 S. Fredonia; 507 S. Pecan and 102 Cox Street, known as “Festival Plaza” to “Festival Park”; and adopting an ordinance amending Chapter 74 “Parks and Recreation”, Article III “Regulations” making the name change.

Sarah O’Brien, main street manager, explained the area initially designated as Festival Plaza contained three different areas – Kiwanis Park, Festival Plaza and Banita Creek Park South, and by definition was not a plaza. She stated staff would like to rename all three areas “Festival Park” to eliminate confusion.

Council member Dunn moved to rename the areas at 505 S. Fredonia; 507 S. Pecan and 102 Cox Street “Festival Park”, and to adopt an ordinance making the name change. The motion was seconded by Council member Norton and unanimously passed. (Ordinance No. 1614-11-12)

8. Consider approving contract between public library and Overdrive, an electronic books vendor for libraries.

Mercedes Franks, library director, explained staff had selected Overdrive as the electronic books vendor because they were most compatible with the various e-reader devices. She stated anyone that held a library card with the Judy B. McDonald Public Library would have access to check out electronic books for use on their personal devices. She explained when the book was due back to the library, it would simply be inaccessible from your device and you would not incur any late fees.

Ms. Franks stated “app” classes and electronic books classes have recently been held in anticipation of being able to provide this service, and the classes would continue as the program is implemented sometime in late December 2012.

Council member Brophy moved to approve the contract between the public library and Overdrive for electronic books for the library. The motion was seconded by Council member Dunn and unanimously passed.

9. Adjourn.

Mayor Van Horn adjourned the meeting at 5:39 p.m.

Mayor Roger Van Horn
City Council
City of Nacogdoches

ATTEST:

Lila Fuller, City Secretary

Minutes approved December 4, 2012

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: CONSENT AGENDA: Consider Resolution to approve revisions to current Section 3 Policy in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended.

MEETING DATE: December 4, 2012

DESCRIPTION: Grant recipients using CDBG funds for housing or other public construction are required to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the project area. The proposed Resolution adopts the revised Section 3 Policy which outlines what the City of Nacogdoches will do to meet the requirements.

COST: None

SCHEDULE: Implement upon approval.

RECOMMENDED ACTION: Approve Resolution revising current Section 3 Policy as presented.

CITY CONTACT: Stacy Corley, Grant Coordinator, 559-2570

ATTACHMENTS: Section 3 Policy is available for review in the City Secretary's Office.

STATE OF TEXAS §

CITY OF NACOGDOCHES §

**RESOLUTION
TO ADOPT REVISED
City of Nacogdoches Section 3 Policy**

WHEREAS, the City Council of the City of Nacogdoches, Texas orders compliance with 24 CFR, Part 135 of the United States Department of Housing and Urban Development Act of 1968 (12 U S C 1701u) (Section 3) to further the goal of ensuring that federal funds benefit the residents of projects funded wholly or in part by those funds; and

WHEREAS, Part 135 of Section 3 is to establish the standards and procedures to be followed to ensure that the objectives of Section 3 are met; and

WHEREAS, the City Council desires that the City of Nacogdoches revised Section 3 Policy be considered an element of the Local Certifications as required by each applicant for CDBG Disaster Recovery and/or federal funding; and

WHEREAS, the staff of the City of Nacogdoches has revised the current Section 3 Policy in adherence to 24 CFR, Part 135 that addresses the standards and procedures prescribed in the Act; and

WHEREAS, the revised Section 3 Policy has been reviewed by the City Attorney and approved as to form; and recommends adoption of the revised Section 3 Policy as presented to the City Council; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Nacogdoches, Texas that it adopts the City of Nacogdoches revised Section 3 Policy.

SIGNED and ENTERED this 4th day of December 2012.

Mayor Roger Van Horn
City of Nacogdoches, Texas

ATTEST:

Lila Fuller, City Secretary

APPROVED TO FORM:

Rob Atherton, City Attorney

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider entering into a program with United Service Partners, Inc. to offer private water and sewer line repair and replacement warranties

MEETING DATE: December 4, 2012

DESCRIPTION: Water and sewer lines running between a customer's home and the water meter or connection to the City main or lateral line are the responsibility of the customer to install, repair and replace. Some customers do not understand that and want the City to repair or replace such private lines, which the City cannot do. Also, the cost of such repair and replacement can be extensive.

United Service Partners, Inc. ("USP") through various subsidiaries offers warranties at fairly low premium which homeowners can obtain to pay the cost of repair or replacement of such water or sewer lines. The standard price homeowners pay per month range between \$4.75 - \$6.75 per month for water line coverage and \$6.75 - \$8.75 per month for sewer line coverage.

The policies are marketed with the explicit endorsement of the municipalities. Example marketing materials use the City logo, refer to the program as a partnership with the City, include endorsement by the Mayor and a press release referring questions about the program to City employees. The company has indicated some flexibility in its promotional materials. A number of major cities have signed on with USP. It is possible for cities to either receive a portion of warranty premiums or refuse the portion and pass on the savings to those who buy the warranties.

There is some concern that the close relationship with USP may create confusion as to liability/responsibility for completed repairs or the conduct of USP's contractors. USP offers a limited indemnity to the City from such claims

COST: None

SCHEDULE: Undetermined

RECOMMENDED: Staff makes no recommendation

ACTION: If Council is interested, direct City Manager and City Attorney to negotiate contract and promotional materials to be brought back to Council for final approval

CITY CONTACT: Rob Atherton, City Attorney
athertonr@ci.nacogdoches.tx.us
936-559-2503

ATTACHMENTS:



Serving your local community



All repair work is performed by licensed, local plumbers who will contact the customer within one hour of filing a claim, and perform the repair, typically within 24 hours. USP provides a personally staffed 24/7 repair hotline for residents, 365 days a year.

Overview

The NLC Service Line Warranty Program, administered by Utility Service Partners, Inc. (USP), helps city residents save thousands of dollars on the high cost of repairing broken or leaking water or sewer lines. This program is offered at no cost to the city.

Based on implementation in more than one hundred cities, the program has proven to be an important educational tool, informing city residents of their responsibility for maintenance and repair of service lines on their property. The program offers the city an opportunity to educate residents and offers a voluntary warranty program through a reputable company.

“ This program is a win-win for the city. Implementation is easy because USP takes care of everything – from the marketing to the billing and customer service. It’s great to be able to bring such a valuable program to our residents, they appreciate the peace of mind this coverage provides. ”

*Emmett Pugh,
Mayor of Beckley, WV*

The Solution

Most residents do not have money set aside for an unexpected, expensive utility line repair. The NLC Service Line Warranty Program offers an affordable solution: a low-cost warranty that will cover the expense of repairs, with no deductibles, service fees or lifetime or annual coverage caps.



Implementation

Once the city has approved participation in the program, the start-up process is simple. USP administers the program and is responsible for all aspects of the program including marketing, billing, customer service, contractor management and completion of all repairs according to local code.

The Implementation Process is Easy:

- 1 Execute a simple, one-page contract, provided by USP
- 2 Provide a few pieces of information for use in the marketing materials:
 - City seal artwork, if available
 - Name/title of designated signor and their signature
 - City address for outer envelope
- 3 Approve the marketing materials



Program Benefits

- NO COST for the city to participate
- Educates residents on their responsibility
- Affordable rates for residents that are discounted further during the campaign outreach
- Service from trusted, local contractors keeps dollars in the community
- All repairs are performed to local code
- Timely water line repairs conserve water and reduce city water loss
- Timely sewer line repairs minimize community water pollution
- 24/7 customer service, 365 days a year
- Peace of mind for residents
- Reduces local official’s frustration because of fewer resident complaints
- Potential to generate revenue for the city through royalty payments
- Easy access to monthly reporting details via the web

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: EXECUTIVE SESSION: Consider the appointment in the event of the absence of City Manager one or more persons to perform the duties of said office.

MEETING DATE: December 4, 2012

DESCRIPTION: City Council will consider appointing one or more individuals to perform the duties of the City Manager in the event of routine absences.

RECOMMENDED ACTION: Appoint one or more individuals to perform the duties of the City Manager in his absence.

CITY CONTACT: Jim Jeffers, City Manager
936-559-2506
jeffers@ci.nacogdoches.tx.us