



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

5:30 p.m., Tuesday, April 2, 2013
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:**
 - A. Consider Proclamation designating April as "Parkinson's Disease Awareness Month" in Nacogdoches. (Mayor)
 - B. Present Nacogdoches Mayor's Committee on Disabilities Accessibility Awards. (Mayor/NMCPD Representatives)
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 19, 2013. (City Secretary)
 - B. Consider award of Engineering Contract in connection with the 2012 CDBG Contract 712249. (City Engineer)
 - C. Consider authorization for Tax Resale of property described as Lot 24-A, Greenwood Subdivision, City Block 42, Nacogdoches, Nacogdoches County, Texas located on Main Street. (City Manager)
 - D. Consider adoption of an anti-NIMBY Policy. (City Planner)
 - E. Consider a budget amendment to replace two HVAC units at the C. L. Simon Recreation Center. (City Manager)

REGULAR AGENDA:

6. Receive presentation regarding housing issues. (City Planner)

7. Consider a Proclamation declaring April "Fair Housing Month". (City Planner)
8. **EXECUTIVE SESSION:** Personnel – Confirm appointment of Director of Finance, as per G.C. Sec. 551.074. (City Manager)
9. Open for action, if any, on Item No. 8.
10. 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 29, 2013 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 April 2013.

Name: _____ Title: _____

ITEM NO. 5-A

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **CONSENT AGENDA:** Consider approval of minutes from regular session of March 19, 2013.

MEETING DATE: **April 2, 2013**

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

ATTACHMENTS: **Minutes**

MINUTES
Regular Session
Nacogdoches City Council
March 19, 2013 – 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.

Council member Dunn gave the invocation.

3. Presentations and Recognitions.

Mr. Jesse Williams with the Texas State Fire Marshal's Office presented a plaque for the City's recent improved ISO Rating from a "4" to a "2".

4. Items to be removed from the Consent Agenda.

Council member Dunn requested that Item 5-B be pulled for discussion. Mary Uresti, airport manager stated a request for proposals for aviation fuel had been sent to Chevron, AvFuel and Eastern Aviation (Shell), with Eastern Aviation, the current fuel provider, being the only one to submit a proposal.

Council member Dunn asked why Texaco wasn't mailed a bid, to which Ms. Uresti stated she was not contacted by Texaco showing their interest in bidding.

City Manager Jeffers stated all bid proposals are advertised in the local paper and on the City's website, which met the bid requirements and City policy. The City Council was given the option to reject all bids and a bid proposal could be sent to Texaco as well.

Staff was encouraged in the future to send bids to a larger pool of vendors.

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 5, 2013.

Approved as submitted.

B. Consider approving new five-year contract with Eastern Aviation Fuels, Inc. (Shell Aviation Branding) which would allow continued aviation fuel services to the A.L. Mangham, Jr. Regional Airport's City Fuel Fixed Base Operation (FBO).

Awarded to Eastern Aviation, Inc. (Shell) as recommended.

C. Consider ordinance canceling the Northeast Ward and At Large (Mayor) City Council races scheduled for May 11, 2013 and declaring the unopposed candidates elected.

Approved as presented. (Ordinance No. 1621-3-13)

Minutes unofficial until approved by City Council

Considerar una ordenanza cancelando las elecciones del Distrito Noreste (Northeast Ward) y de Alcalde General (At Large Mayor) del Concilio de la Ciudad, programadas para el 11 de mayo, 2013; y declarando electos a los candidatos sin oposición.

Aprobado como presentado. (Ordenanza No. 1621-3-13)

D. Consider placement of a historical marker on the north façade of the Gladys Hampton Building.

Approved as presented designating City Hall as the location of Sam Houston's first home site in Texas.

E. Consider the closing of Main Street (SH 21) beginning at 5:00 p.m. on Friday, June 7, 2013 through 7:00 p.m. June 8, 2013 for the 24th Annual Texas Blueberry Festival. Event Organizers are also requesting Sunday, June 9, 2013 for a potential rain date.

Approved as submitted.

Council member Norton moved to accept the Consent Agenda as presented. The motion was seconded by Council member Boldon and passed by the following vote:

AYES: Mayor Van Horn, Council member Brophy, Boldon and Norton
NOES: Council member Dunn

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

REGULAR AGENDA:

6. Consider an Ordinance of the City of Nacogdoches, Texas, finding that adoption of extended hours for the sale and public consumption of alcoholic beverages is in the public interest; amending the City of Nacogdoches Code of Ordinances to allow such extended hours; providing penalties; providing a severability clause and providing an effective date. (Establishments serving alcohol may serve alcohol seven days a week until 2:00 a.m.)

Robert Means, representing Applebee's restaurant appeared and appealed to the city council to adopt an ordinance allowing extended hours for the sale and consumption of alcohol. He stated this action would increase chances for the selection of Nacogdoches by other restaurant chains and the ordinance could be changed in the future if the city council desired.

City Manager Jim Jeffers gave a brief presentation, giving the city council the options to adopt an ordinance extending hours for the sale and public consumption of alcoholic beverages; deny the ordinance, or table the item for further study. He explained the ordinance would allow any establishment to observe late hours, and restaurants cannot be restricted by specific use permit, nor be restricted to weekend only hours.

Jim Sevey, police chief, stated when asked about the impact of extended hours that any time you add alcohol to a mixture there would be negatives – but what those negatives would be was an unknown. He stated there were no communities within 50 miles of Nacogdoches that had late hours, so it may bring people from outside the community into town.

The Mayor asked for those who wished to speak in favor of the proposed ordinance, to which there was no one desiring to speak.

Karen Montes – 292 Spring Creek Drive stated it set a poor precedent for a restaurant to come into a community and coerce to get what they want. She asked that the city council consider the safety and well-being of the citizens and oppose the ordinance.

David Alders, chair of NEDCO, stated NEDCO was pleased to work with Applebee's representatives, but recognized the decision the city had to make. He stated he did not

believe the city council's decision would hamper economic development in Nacogdoches and NEDCO would continue to work and support the city council.

After discussion, Council member Dunn moved to not adopt an ordinance to extend late hours. The motion was seconded by Council member Norton. On a call for the vote, the motion passed by the following:

AYES: Mayor Van Horn, Council members Boldon, Dunn and Norton

NOES: Council member Brophy

Council member Dunn stated they were charged to safeguard the welfare of the citizens and all angles he looked at revealed no redeeming factors to extend hours.

Council member Boldon stated he did not see the time difference bringing in that much revenue.

Council member Brophy stated this action could deter other businesses, reputable chains that have set policies, from coming in. She stated if this request was brought to them by NEDCO or the Chamber of Commerce, it might have been more palatable. She stated change was not an enemy, and she saw more positives in this issue than negatives.

Council member Norton stated more citizens contacted him who were against extending hours than for and he stood behind that.

Mayor Van Horn stated citizens opinions to him were both in favor and against. He stated Nacogdoches has ample character and opportunities and what we are now is not what we would be 10 years from now. He felt it was unwise to base an economic development decision on alcohol, and that was why he was opposed to extending hours.

7. PUBLIC HEARING: Consider the request for a Zone change from B-2 General Business to R-1 Single Family Residential for Lots 1 & 2 of the Redbird Acres Subdivision and Lot 5D2 and 5C2, all of City Block 54 located on Cardinal Street. This request has been submitted by Marvin Fausett – ZON2013-01.

Larissa Philpot, city planner explained the property owners wished to rezone three lots on Cardinal Street from B-2 to R-1 in order to rebuild a residence that was demolished on the property. The property was originally zoned B-2 in 1970 when zoning was established, and the property owners did not realize it until applying for a building permit.

Mayor Van Horn opened the public hearing. No one appeared to speak. The public hearing was closed.

Council member Dunn moved to approve the request for a zone change from B-2 General Business to R-1 Single Family Residential for Lots 1 & 2 of the Redbird Acres Subdivision and Lot 5D2 and 5C2, all of City Block 54 located on Cardinal Street as requested by Marvin Fausett. The motion was seconded by Council member Norton and unanimously passed. (Ordinance No. 1624-3-13)

8. Consider a consulting agreement with Meyers and Associates in providing representation and advice in legislative and administration matters in development of legislative projects, initiatives and activities with the United States Congress.

City Manager Jeffers stated for many years SFA and the City of Nacogdoches used a Washington consultant to work with Congress on legislative matters. Jeffers stated Meyers and Associates would contract with the City and SFA to secure funding for programs at SFA, and assist the City in identifying grants, seeking funding for I-69, securing designation as an entitlement City, and assistance in opposing negative legislation. The contract would be \$66,000 per year plus out of pocket expenses, with SFA paying 60% of the costs. Jeffers estimated the city's part to be \$26,400 plus expenses, and stated it was a budgeted item.

Council member Brophy moved to approve a consulting agreement with Meyers and Associates as presented. The motion was seconded by Council member Boldon and unanimously passed.

9. Consider the award of bid for the SW Pump Station Improvements Project (TWDB DWSRF 61250).

Steve Bartlett, city engineer stated 8 bids were received for this project, and staff recommended the low bid of Duplichain Contractors in the amount of \$2,319,166.22. He stated the project included major pump piping and electrical control upgrades for the SW Pump Station located on FM 225.

Council member Norton moved to award the bid for the SW Pump Station Improvements Project (TWDB DWSRF 61250) to Duplichain Contractors in the amount of \$2,319,166.22 a recommended. The motion was seconded by Council member Dunn and unanimously passed. (Acct. 62035 – Water & Wastewater Treatment Facilities).

10. Consider the award of bid for the Powers Street 500,000 gallon ground storage tank.

Steve Bartlett, city engineer, stated this was the last project under the SRF loan. He stated 10 bids were received for this project and staff was recommending the low bid of Duplichain Contractors in the amount of \$506,300. He stated the project included installation of a new 500,000 gallon ground storage tank located at the Power Street water plant site.

Council member Dunn moved to award the bid for the Powers Street 500,000 gallon ground storage tank to Duplichain Contractors in the amount of \$506,300 as recommended. The motion was seconded by Council member Brophy and unanimously passed. (Acct. 30.175.03 Tanks & Wells (funded from Utility Reserves as part of the Drought Groundwater Utilization Project)

11. Consider budget amendment to fund a portion of the portable restroom trailer facility.

Sarah O'Brien, main street manager stated for over 10 years the CVB and City had been planning to construction a permanent restroom facility in Festival Park for use at events. Due to Festival Park being located in a floodplain, construction of a permanent restroom facility would be cost prohibitive. The proposed portable restroom trailer would allow the city to use the facilities at events across the city, and to rent the trailer for use by other event organizers when not in use, with proceeds to go into a depreciation account for future maintenance.

Ms. O'Brien stated \$58,554.32 had already been raised, with the remaining amount of \$47,045.68 being split between the City of Nacogdoches and the Nacogdoches Convention and Visitors Bureau.

Council member Brophy moved to authorize the purchase of a portable restroom trailer as presented, with the city paying \$23,522.84 toward the purchase cost and authorizing the storage, delivery and cleaning of the trailer after use by the City. The motion was seconded by Council member Dunn and unanimously passed.

12. Adjourn.

Mayor Van Horn adjourned the meeting at 6:44 p.m.

Mayor Roger Van Horn
City Council
City of Nacogdoches

ATTEST:

Lila Fuller, City Secretary

Minutes approved March 19, 2013

ITEM NO. 5-B

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: **CONSENT AGENDA:** Consider selection and award of a Professional Engineering contract for the construction phase services of the Douglass Road Sewer Line (2012 Community Development Block Grant Contract 712249).

MEETING DATE: April 2, 2013.

DESCRIPTION: Consider award of 2012 CDBG Sewer Improvement Contract 712249 Engineering Contract. City received the following RFQs: SPI and KSA.

COST:

BUDGET AMENDMENT REQUIRED?: No

FUNDING:	Acct. Name & No	Adopted Budget	Balance	Requested
	24.39.680.80	\$295,066		
	Sewer Mains & Taps			

SCHEDULE: Notice to proceed upon award.

RECOMMENDED ACTION: Approve award of 2012 CDBG Contract 712249 Engineering Contract as presented by the Selection Committee.

CITY CONTACT: Steve Bartlett, P.E., City Engineer

ATTACHMENTS: Selection Committee tabulation sheet available upon request.

ITEM NO. 5-C

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: **CONSENT AGENDA:** Consider authorization for tax resale for property described as Lot 24-A, Greenwood Subdivision, City Block 42, City of Nacogdoches, Nacogdoches County, Texas located on Main Street

MEETING DATE: April 2, 2013

DESCRIPTION: The City of Nacogdoches, as a taxing entity, has been requested on behalf of Nacogdoches ISD to approve the sale of property described above.

COST: None

SCHEDULE: Upon approval, a Tax Resale Deed will be executed by all taxing entities.

RECOMMENDED ACTION: Approve sale of property as presented.

CITY CONTACT: Jim Jeffers, City Manager - 559-2501

ATTACHMENTS: Description of Property
Tax Resale Deed is available from the City Secretary

**NACOGDOCHES INDEPENDENT SCHOOL DISTRICT
STRUCK OFF PROPERTY LIST**

March 18, 2013

Bid received from John and Sharon Conner in the amount of \$ 500.00.

Original Owner: Unknown Heirs of William Glenn and Mary Elizabeth Barrus, et al

Suit No: C0925087

Being .254 acres, more or less, also called Lot 24-A GREENWOOD SUBDIVISION, City of Nacogdoches, Nacogdoches County, TX; more fully described in Volume 635, Page 752 Real Property Records of Nacogdoches County, TX. GEO (18-236-4200-024010)

Tax Sale Date: September 4, 2012

Minimum Bid: \$ 3,750.00 + \$ 1,000.00(for tree removal 12/12)= \$ 4,750.00

Appraised Value: \$ 6,000.00

No Bidders – Struck Off to Nacogdoches ISD

Nacogdoches County (2006, 2008-2012)	\$ 416.00
City of Nacogdoches (2006, 2008-2012)	\$ 540.89
Nacogdoches Independent School District (2006, 2008-2012)	\$ 1,434.96
Total Due	\$ 2,391.85

The bid on the above-referenced property was:

_____ **accepted**

_____ **rejected (Rejection notices may be faxed
to Clardy Davis & Knowles at 936 560-0642.)**

Signed: _____

Title: _____

Date: _____

Notice of Confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your social security number or your driver's license number.

TAX RESALE DEED

STATE OF TEXAS

X

COUNTY OF NACOGDOCHES

X

X

KNOW ALL MEN BY THESE PRESENTS

That **NACOGDOCHES INDEPENDENT SCHOOL DISTRICT**, Trustee, for the Nacogdoches County, City of Nacogdoches, Nacogdoches Independent School District, and acting through the presiding officer of its governing body, hereunto duly authorized by resolution and order of said governing body which is duly recorded in its official Minutes, hereinafter called Grantor, for and in consideration of the sum of \$ **500.00**, cash in hand, paid by

John and Sharon Conner
1216 Harris St.
Nacogdoches, TX 75961

hereinafter called Grantee(s), the receipt of which is acknowledged and confessed, has quitclaimed and by these presents do quitclaim unto said Grantee all of the right, title and interest of all other taxing units interested in the tax foreclosure judgment against the property herein described, acquired by tax foreclosure sale heretofore held under **Cause No. C0925087, Nacogdoches County Central Appraisal District vs. Unknown Heirs of William Glenn and Mary Elizabeth Barrus, Et Al**, in the district court of said county, said property being located in Nacogdoches Independent School District, Nacogdoches County, and City of Nacogdoches, and described as follows:

Being .254 acres, more or less, also called Lot 24-A GREENWOOD SUBDIVISION, City of Nacogdoches, Nacogdoches County, TX; more fully described in Volume 635, Page 752 Real Property Records of Nacogdoches County, TX. GEO (18-236-4200-024010)

TO HAVE AND TO HOLD the said premises, together with all and singular the rights, privileges, and appurtenances thereto in any manner belonging unto the said Grantee, their heirs and assigns forever, so that neither grantor, nor any other taxing unit interested in said tax foreclosure judgment, nor any person claiming under it and them, shall at any time hereafter have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part thereof.

SUBJECT however to the following covenant, condition and restriction:

- (a) The above-described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which discriminates against any person because of his race, color or national origin, regardless of whether such discrimination be effected by design or otherwise.
- (b) The above described realty, or any part thereof, shall not be used in the operation of, or in conjunction with, any school or other institution of learning, study or instruction which creates,

maintains, reinforces, renews, or encourages, or which tends to create, maintain, reinforce, renew or encourage a dual school system.

These restrictions and conditions shall be binding upon Grantees, **John and Sharon Conner**, or his successors and assigns for a period of fifty (50) years from the date hereof; and in case of a violation of either or both of the above restrictions, the estate herein granted shall, without entry or suit, immediately revert to and vest in Nacogdoches Independent School District hereinafter referred to as Grantor, and its successors, this instrument shall be null and void, and Grantor and its successors shall be entitled to immediate possession of such premises and the improvements thereon; and no act or omission upon the part of grantor herein and its successors shall be a waiver of the operation or enforcement of such condition.

The foregoing restrictions and the other covenants hereafter set out are covenants running with the land, and each and every parcel thereof, and shall be fully binding upon any person firm partnership, corporation, trust, church, club, governmental body, or other organization or entity whatever (whether private or governmental in nature), without limitation hereinafter acquiring any estate, title, interest or property in said land, whether by descent, devise, purchase or otherwise; and no act or omission upon the part of grantor herein, its successors and assigns, shall be a waiver of the operation or enforcement of such restriction; but neither restriction shall be construed to be a condition subsequent or special limitation on the estate thereby conveyed.

It is further covenanted, that third party beneficiaries of the restrictions set forth above shall be as follows:

- 1) As to the restrictions set out in (a) above, any person prejudiced by its violation;
- 2) As to the restriction set out in (b) above, any public school district or any person prejudiced by its violation; and
- 3) As to either or both of the restrictions set out in (a) and (b) above, the United States of America, as plaintiff, and the America G.I. Forum, the League of the United Latin American Citizens (LULAC), and the National Association for the Advancement of Colored People (NAACP), as intervenors, in the U.S. v. Texas, Civil Action No. 5281, Tyler Division, U.S. District Court, Eastern District of Texas; reported in U.S. v. Texas, 321 F. Supp. 1043 (E.D. Tex. 1970); U.S. v. Texas, 330 F. Supp. 235 (E.D. Tex 1971); aff'd with modifications sub. Nom. U.S. v. State of Texas and J. W. Edgar, et al., 447 F2d 441 (5 Cir. 1971); stay den. Sub. Nom. Edgar v. U.S., 404 U.S. 1206 (1971); cert den. 404 U.S. 1016 (1972).

It is further covenanted that in case of violation of any of the above restrictions, any of the third party beneficiaries above alluded to is authorized and empowered to prosecute proceedings at law or in equity against any person, firm, partnership, corporation, trust, church, club, governmental body or other organization or entity whatever (whether private or governmental in nature), without limitation:

- A) To enforce either or both of such restrictions relating to the use of the above-described realty;
- B) To abate or prevent violations of either or both of such restrictions; and
- C) To recover damages for a breach of either or both such restrictions.

It is further covenanted, that if any third party beneficiary referred to above shall prosecute proceedings at law or in equity for the aforesaid purposes, such third party beneficiary may recover reasonable attorney's fees from the violator or violators of either or both of such restrictions, if the Court finds that the proceedings were necessary to bring about compliance therewith.

Taxes for the present year are to be paid by Grantee herein.

This deed is given expressly subject to any existing right of redemption remaining in the former owner of the property under the provisions of law and also subject to any recorded restrictive covenants running with the land, and valid easements of record as of the date of this sale, if such covenants or easements were recorded prior to January 1 of the year the tax lien(s) arose.

IN TESTIMONY WHEREOF the Nacogdoches Independent School District, City of Nacogdoches, and Nacogdoches County, Texas has caused these presents to be executed this _____ day of _____, 2013.

CITY OF NACOGDOCHES

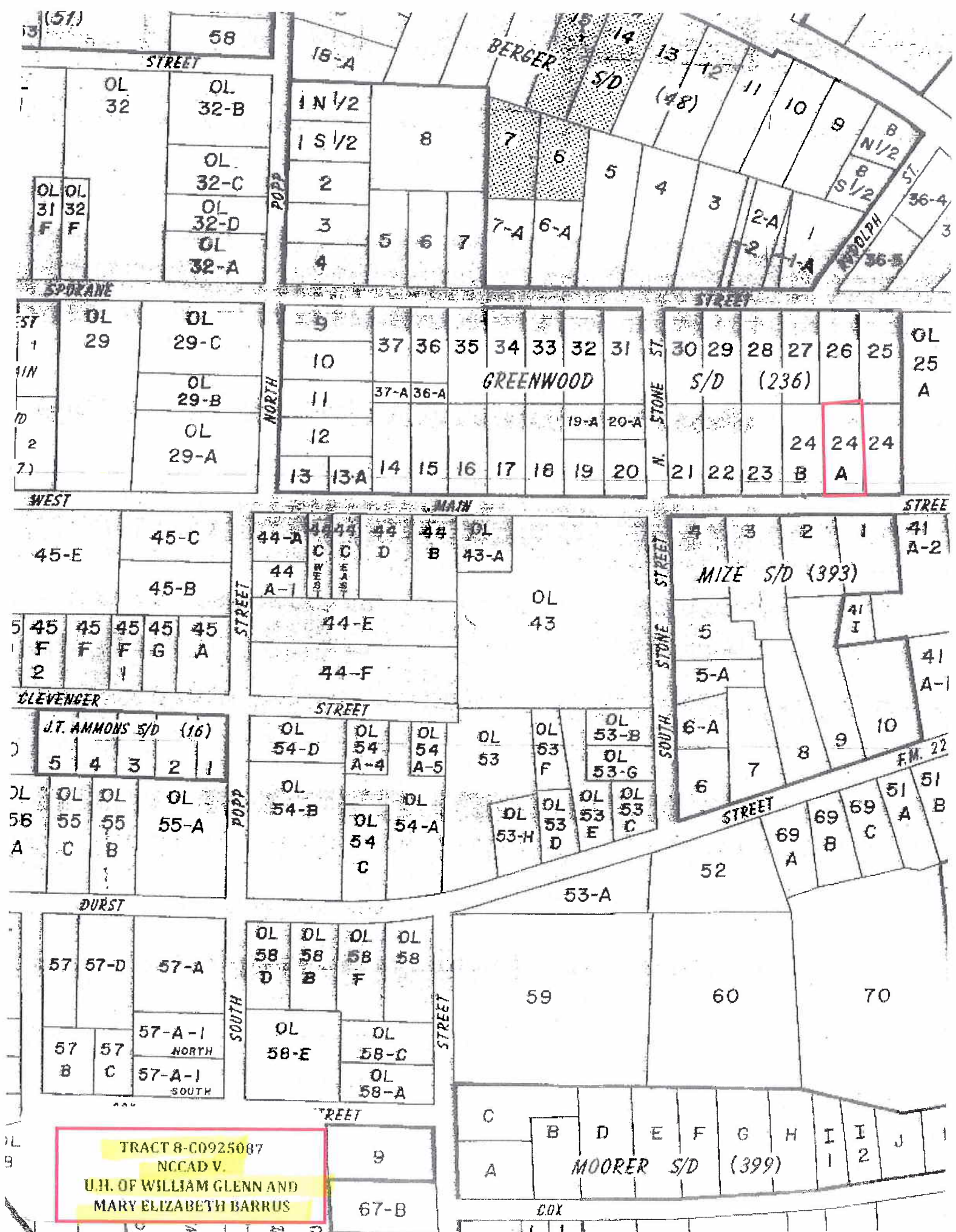
BY _____
MAYOR

STATE OF TEXAS
COUNTY OF NACOGDOCHES

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE _____ DAY OF _____, 2013.

Notary Public, State of Texas
Commission Expires: _____



ITEM NO. 5-D

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: CONSENT AGENDA: Consider adoption of an anti-"Not in My Back Yard"ism policy.

MEETING DATE: April 2, 2013

DESCRIPTION: The FFAST (Fair Housing Action Statement - Texas) adopted by the City Council in 2011 called for the Council to adopt several policies to further fair housing in Nacogdoches. One of these policies aims to combat NIMBYism. The text of the anti-NIMBYism plan is below.

The U.S. Department of Housing and Urban Development defines NIMBYism (NIMBY stands for Not In My Back Yard) as "a mentality adopted by those who reject certain changes to their communities." The NIMBY mentality is dangerous to communities, as it represents a refusal to compromise, a refusal to recognize personal property rights, and/or consideration of alternatives all which can stifle growth and development.

Often, NIMBYism is reflective of residents' fears of the "worst case scenario" effects of proposed development or falsehoods which are circulating amongst those who oppose the project.

It is the goal of the City of Nacogdoches to combat NIMBYism by providing residents with information and public forums to discuss changes in the City. The goal is new development will be met with cooperation and understanding rather than opposition and misinformation.

To combat NIMBYism, the City of Nacogdoches will:

- Develop and distribute clear and accurate information on the development through the press and social networking sites and responding to community concerns at public forums. .
- Encourage developers to construct well-designed buildings that complement surrounding neighborhoods.
- Inform developers of potential NIMBY attitudes during pre-development meetings with City staff. Staff will share previous experiences with issues which provoked NIMBYism in the community and encourage the developer to work within the adjoining neighborhoods to ensure the proposed project compliments the neighborhood and is an asset to the City.

SCHEDULE: Upon adoption by the City Council, staff will publish the policy on the City's website

RECOMMENDED ACTION: Adoption of the policy.

CITY CONTACT: Larissa Philpot, AICP, City Planner; 559-2571, philpotl@ci.nacogdoches.tx.us

ATTACHMENTS: None

ITEM NO. 5-E

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: **CONSENT AGENDA:** Consider adoption of Budget Amendment to replace two HVAC units at the Recreation Center.

MEETING DATE: April 2, 2013.

DESCRIPTION: Two HVAC units need to be replaced at the Recreation Center. Both units are 1996 models and past their usefulness. The unit that feeds into the office area has stopped working completely and the lobby unit is temporarily patched for an uncertain amount of time. Staff has secured an estimate of \$11,500 to replace the units. The majority of the cost is for the crane to lift the units onto the roof.

COST: \$11,500

BUDGET AMENDMENT REQUIRED?: Yes

FUNDING:	Acct. Name & No.	Original Budget	Requested
	General Fund Reserve		\$11,500

(Detail Budget Amendment is Attached)

SCHEDULE: If approved, staff will solicit bids.

**RECOMMENDED
ACTION:** Approval of budget amendment

CITY CONTACT: Brian W. Bray, Director of Community Services, 559-2935

ATTACHMENTS: Detail Budget Amendment is available from the Recreation Center

CITY OF NACOGDOCHES AGENDA INFORMATION SHEET:

PROJECT: Receive presentation regarding housing issues.

MEETING DATE: April 2, 2013

DESCRIPTION: Nacogdoches, like all college towns, has struggled with providing rental housing for all its residents in a way that meets the lifestyle choices of each population group. Additionally, Nacogdoches' large cohort of college aged residents fuels a need for a high percentage of rental housing. As traditional single family neighborhoods age, the rate of owner occupied homes tends to decrease, converting to rental properties. This transformation inevitably causes rifts between the long time full-time residents and the new renters in the neighborhood. University towns have the additional issue of the large population of student renters who are living on their own for the first time, and might be naïve to the issues of renter's rights to safe housing, property maintenance, and zoning laws.

Several options exist to attempt to resolve these diverse issues related to housing. None of these options will resolve the issues entirely on their own. Likely, a combination of several options will provide the best results for our community.

Staff will present pieces of the housing issue at several Council meetings. The first presentation will cover demographics and housing statistics. The second presentation will provide options for Council to consider and provide direction to staff to pursue. Then, at a later meeting, the Council will be presented ordinances and programs to adopt. Additional public hearings at Planning and Zoning Commission meetings and town hall meetings will also be held.

COST: N/A

SCHEDULE: Demographics and Statistics - April 2, 2013
Ordinance and program options - April 16, 2013
Ordinance and program adoption - May 7, 2013

**RECOMMENDED
ACTION:** None at this time

CITY CONTACT: Larissa Philpot, City Planner; 559-2572, philpotl@ci.nacogdoches.tx.us

ATTACHMENTS: None

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: Consider a proclamation declaring April Fair Housing Month

MEETING DATE: April 2, 2013

DESCRIPTION: The FFAST (Fair Housing Action Statement - Texas) adopted by the City Council in 2011 called for the Council to educate the public to ensure our community is aware of fair housing issues.

This proclamation declares April as Fair Housing month. During April, the City will be joining Nacogdoches County, SFASU, Nacogdoches County Board of Realtors, and the Pineywoods Apartment Association in activities promoting fair housing.

COST: \$0

SCHEDULE: None

RECOMMENDED ACTION: Reading of the proclamation.

CITY CONTACT: Larissa Philpot, AICP, City Planner; 559-2571, philpotl@ci.nacogdoches.tx.us

ATTACHMENTS: None

ITEM NO. 8

**CITY OF NACOGDOCHES
AGENDA INFORMATION SHEET:**

PROJECT: EXECUTIVE SESSION: Personnel - Consider confirmation of appointment of
Director of Finance as per G. C. Section 551.074.

MEETING DATE: April 2, 2013

Information will be provided
At Tuesday's meeting