

**THE FOLLOWING MINUTES WERE ADOPTED AT THE JULY 23, 2015 MEETING OF THE
MANDEVILLE CITY COUNCIL. MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF JULY 9, 2015**

The regular meeting of the Mandeville City Council was called to order by the Council Chairman at 6:00 p.m. Following the call to order, a moment of silence was observed and the Pledge of Allegiance was recited.

PRESENT: Rick Danielson, Clay Madden, David Ellis, Carla Buchholz, Ernest Burguieres

ABSENT:

ALSO PRESENT: Mayor Villere, Assistant Police Chief Ron Ruple; Frank Oliveri, Finance Director; Edward Deano, City Attorney; Henry DiFranco, City Engineer; Kim Chatelain, Times Picayune; Betsy Swenson, Tammany West; Faimon Roberts, Advocate; John Walker, St Tammany Farmer

MINUTES:

1. Adoption of the June 25, 2015 Regular Meeting Minutes.

A motion was made by Mr. Ellis and seconded by Mrs. Buchholz to adopt the minutes of June 25, 2015. There being no further questions or comments, the motion passed 5-0.

PRESENTATION:

HUB presentation. Mayor Villere presented an issue that may affect the City which is the Cadillac Tax of premium charge on top of the premium for benefits. Jim Casadaban & Shannon Beardin from HUB are here to explain the tax and answer any questions. Cadillac Tax is effective on January 1, 2018. It is a tax in addition to what is being paid with your premiums over and above certain thresholds. Mr. Burguieres asked assuming the Cadillac Tax goes into effect and nothing changes, what is the dollar amount the employer would pay? Mr. Casadaban responded \$50K if nothing else changes. Mayor Villere said presentation will be provided to the employees. There was an employee committee to review health care plans as well as wellness program. We don't want Cadillac tax and any additional costs to become a surprise to the employees.

Rebecca Rohrbough asked what was the reasoning for a Cadillac Tax and why are employers penalized for offering good benefits. Mr. Casadaban stated the law tried to reduce the pace of increased health care costs, the thought was if you put a penalty too high it would cause people to watch increases as time went by. It can't be too expensive and if exceeded maximum define parameters. It is a way to control overall costs.

OPENING OF THE AGENDA:

Mr. Madden made a motion to call Executive Session to discuss the Deepwater Horizon Oil Spill in the Gulf of Mexico, which occurred on April 20, 2010, and its case in the US Eastern District Court of Louisiana MDL NO. 2179. A motion was made by Mr. Danielson and seconded by Mr. Ellis to call an Executive Session. The motion passed 5-0. A motion was made by Mrs. Buchholz to temporarily recess the meeting until Executive Session was over, this was seconded by Mr. Ellis. The motion to recess and move into Executive Session passed 5-0. The City Council, Mayor, City Attorney and Mr. Tom Thornhill entered into the Executive Session.

Mr. Danielson requested to open for Resolution 15-42, seconded by Mr. Ellis. The motion to enter Resolution No. 15-42 was passed 5-0. Mr. Madden wanted to announce that during Executive Session there were no votes taken and no minutes were taken. Mr. Danielson motioned to introduce Resolution No. 15-42; this was seconded by Mr. Burguieres. Mr. Danielson read Resolution No. 15-42: A resolution of City of Mandeville accepting a full and final settlement of all claims against BP and others resulting from the Deep Water Horizon Oil Spill, authorizing the execution and delivery of a general release and other necessary documents and

providing and immediate effective date; and providing for other matters in connection therewith.

Mr. Danielson said the final dollar amount agreed upon was \$2,121,977.74 upon execution of the agreement with Mayor. It will be settled with BP within 45-60 days and will be wired to City's account. Mayor Villere offered gross amount of the settlement, attorney's fees and expenses come out of it. Mr. Danielson wanted to add an amendment to include wiring instructions at the end of the resolutions so it gets processed properly; this was seconded by Mr. Burguières. There being no further questions or public comments, the motion to amend Resolution No. 15-42 passed 5-0. There being no further questions or public comment, the motion to adopt Resolution No. 15-42 passed 5-0.

REPORTS AND ANNOUNCEMENTS:

Mr. Madden announced that Port Marigny will be introduced and no discussion will be held. Planning & Zoning will meet on the item Tuesday, July 14th at 7:00 p.m.

Mr. Madden said we had a great 4th of July Celebration. There were few complaints, but many compliments from constituents. There are some small things to build upon for next year.

City Council is soliciting resumes for an opening on the Planning & Zoning Board. Applications are due by Friday, August 7, 2015 at 4:30pm. They will make their appointment at the August 13, 2015 Council Meeting. Planning Commission is made up of 7 members and every year there is an opening for a rotating commission.

Mr. Danielson thanked and congratulated Alia Casborne' for the 4th of July event. He also congratulated two police employees for big anniversaries: Lt. Gerald Sticker 20 years, and Charles Simoneaux, IT, 20 years; please thank them for their service.

Ms. Buchholz wanted to thank Keep Mandeville Beautiful for receiving a \$4,200 grant for education in the schools. Mrs. Buchholz was also recently elected to Keep Louisiana's executive board.

Mr. Madden announced he was suspending the jacket rules due to heat in the chamber (A/C broken).

OLD BUSINESS:

1. Adoption of [Ordinance No. 15-13](#); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE DECLARING CERTAIN VEHICLES AS SURPLUS AND NO LONGER NEEDED FOR CITY USE; AUTHORIZING THE MAYOR TO EXCHANGE OR DONATE SURPLUS VEHICLES; AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Clay Madden, Council at Large).

Ordinance No. 15-13 was read by title by Mr. Madden. A motion was made by Mr. Ellis and seconded by Mrs. Buchholz for its adoption. Mr. Madden offered this ordinance that was with surplus vehicles. These vehicles are being donated to Bogalusa Police Department. Mr. Danielson said this is for two vehicles. With no further public comment, questions or Council discussion, the motion passed 5-0.

NEW BUSINESS:

1. Waiver of eating and drinking in the Harbor area for the St. Vincent de Paul Society walk on September 26, 2015, no rain date, from 7 a.m. (set-up) to noon.

A motion was made by Mrs. Buchholz and seconded by Mr. Danielson for introduction. There being no further discussion or questions, the approval of the waiver of eating and drinking in the Harbor area for the St. Vincent

de Paul Society walk on September 26, 2015, no rain date, from 7 a.m. (set-up) to noon passes 5-0.

2. Approval of the Substantial Completion for Girod Street Intersection Improvements A/E Project No. 1006A36, Contractor: Command Construction Inc., as of June 29, 2015. (Offered by Ernest Burguières, Councilman District III)

A motion was made by Mr. Burguières and seconded by Mrs. Buchholz. Mr. Burguières stated this completes the intersections for drainage and curb improvements along with the brick pavers on all corners. Mr. DiFranco wanted to add this is a deduction of \$65,000. There being no further discussion or comments, the motion to approve the Substantial Completion for Girod Street Intersection Improvements A/E Project No. 1006A36 passed 5-0.

3. Approval of the Substantial Completion for the Storm Drain Check Valves Installation A/E Project No. 1401A12-1, Contractor: Advanced Quality Construction, Inc. as of June 24, 2015 for a deduction amount of \$64,312.03. (Offered by Ernest Burguières, Councilman District III).

A motion was made by Mr. Burguières and seconded by Mr. Danielson. Mr. Burguières stated the City has been working on the storm valves for several years and came in under budget. Mr. Danielson said this is one of the recommendations from the GEC Study. This will help with the flood protection for the City. Since we are in the budget process, he would like to look at taking some money from the BP settlement to go to additional flood plain measures. He feels that would be the right use of the money. There being no further discussion or comments, the motion to approve the Substantial Completion for the Storm Drain Check Valves Installation A/E Project No. 1401A12-1, passed 5-0.

4. Adoption of [Resolution No. 15-39](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE APPROVING THE APPOINTMENT OF TWO COUNCIL MEMBERS TO SERVE ON THE MANDEVILLE FINANCIAL OVERSIGHT COMMITTEE FOR THE TERM OF JULY 1, 2015 THROUGH JUNE 30, 2016; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Clay Madden, Council at Large)

Resolution No. 15-39 was read by title by Mr. Madden. A motion was made by Mr. Ellis and seconded by Mr. Burguières. Mr. Madden wanted to state the way the MFOC committee is structured is one At- Large serves as the Chair. There was an agreement that the Council Chair and the MFOC Chair would alternate between the At Large. This would be to appoint Mr. Danielson as the MFOC Chair. They meet the third Wednesday of the month. There will be no meeting this month due to budget sessions. The District member representative was Mr. Burguières and will now be Mrs. Buchholz. There are citizen members on the committee and all meetings are open to the public. Mr. Danielson stated since we are in the budget sessions, we will resume the monthly meetings in September. He stated we have additional budget hearings scheduled and held our first meeting two nights ago. Mr. Danielson encouraged the MFOC members to attend budget work sessions. Mr. Madden recognized Vince Talazac, who is a board member. There being no further discussion or comments, the adoption of Resolution No. 15-39 passed 5-0.

5. Adoption of [Resolution No. 15-40](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE APPOINTMENT OF A CONSULTANT TO EVALUATE THE PRE STRESSED/PORT MARIGNY PROJECT; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Ernest Burguières, Councilman District III)

Resolution No. 15-40 was read by title by Mr. Madden. A motion was made by Mr. Burguières and seconded by Mr. Danielson. Mr. Burguières stated six weeks ago, concern came up about the need for consultants to advise the Port Marigny. Mr. Burguières met with Mr. Danielson and Mr. Deano and it was agreed that it

would be a Council opinion to approve this plan. A resolution was prepared and today there were objections and concerns. It was told that the charter required this to be done by ordinance and not resolution, so he would like to make a motion to withdraw this by resolution and start the process to draw up an ordinance; this was seconded by Mr. Ellis. Mr. Danielson said could this be done through budget process. This project has a tremendous impact on the entire area and we want to proceed in a timely manner with P&Z and Council, but we need someone quickly. Doing it through the budget process, does it give us enough time? Mr. Burguières said he could not think of anyone in South Louisiana doing this except on one project, so he contacted David Wagner a contractor in New Orleans and found the City Manager of Rosemary Beach, Florida, who was an architect. He has been involved in similar large projects. He visited Mandeville and got a feel for Mandeville. He agreed to be a consultant and would give questions to ask the developer and evaluate for the right decision. The more Mr. Burguières talked to Mr. Bailey and others in the area, the more he realized how little we knew how to do the projects. He has agreed to an hourly basis, read the package and had many questions. Since there were concerns with the agreement he held off appearing tonight. Mr. Burguières wishes he could slow down the P&Z process. He does not feel it is good form to go into the process without a consultant; we would be having hearings without an expert. He would like to expedite the process to have someone in place in the next few weeks. The faster the owner knew of our questions, the faster they could be answered. He has already received questions on traffic study from constituents and he has passed those on to our traffic consultant. Mr. Danielson said if we do it by ordinance, it would be introduced in July and voted on in August. Mr. Deano said the resolution drafted was calling for a professional services contract since you are hiring an architect. Mr. Burguières said he is not doing architectural services. Mr. Bailey is not licensed in LA and would only be consulting. Mr. Deano said we need to define the scope. Mr. Madden asked about timeline – when Mr. Burguières met with City Attorney, six weeks ago, why was this not previously discussed. Mr. Burguières said Mr. Deano had not been able to move forward on this. Mr. Deano said at the end of discussion, he asked if Council could hire its own people and answered yes and that was the end of the conversation. When he looked at the agenda and saw the resolution, he saw that it had problems. He discussed with Mr. Danielson to amend the resolution to give Council opportunity for scope and the process to go through the mechanism of the charter. Mr. Madden said if we go by ordinance, was it in Council purview to ask P&Z not to take up the case Ordinance 15-17 until this matter was resolved. Mr. Burguières asked if they could delay introduction. Mr. Deano said introduced tonight. Mr. Burguières said why not defer the introduction. Mr. Deano said Council can choose when introduce. Mr. Burguières said he would like to wait 2-4 weeks. Ms. Buchholz said what do we need in an ordinance to get a consultant, she feels it is an excellent idea and welcomes someone. We want to do it right in an expedited manner and could we do it. Mr. Deano said yes, but special meeting. Mr. Burguières said the dilemma was do we slow down the P&Z process, and/or expedite consultant. Mr. Deano said the fastest way was amendment to the resolution. Just make it work together and get a professional services contract and put funding in the new budget. Make it a line item and put the requirements in the resolution. Also, it will leave flexibility to expand the scope to fulfill policies to have a RFQ. Mr. Burguières requests to add in contract, no architectural services period. Ms. Pennison said you are asking specifically for an architect as a consultant in planning. He is currently a city planner and we are asking for expertise which is a professional contract. Mr. Madden said things to be worked out. Mr. Danielson said we either withdraw the resolution and work on a new ordinance, or look at resolution amendments to start the process. The biggest difference is timing to get it in place before September 1st; we have to appropriate the money. Mr. Deano said appropriate the funding; decide scope of contact with resolution dealing with other services. Mr. Burguières asked if could do it in two weeks. Mr. Madden questions about the ordinance, his question was to withdraw and intro pre stress if done and ask not to deliberate until worked out. Mr. Deano said you could request P&Z to cooperate while we go through the RFQ process.

Henry DiFranco said this RFQ would be a onetime advertisement and could be one week. Mr. Deano said now is the time to appropriate the funding. Mr. Danielson said as a budget adjustment. Mr. Ellis said the Mayor advised him he probably should have recused himself from a prior vote and he is going to ask the Ethics Board if he should recuse himself from this vote. He has relatives that own land north of Monroe and between Carrol and Coffee. He would like to recuse himself from this vote.

Mr. Madden said delay P&Z. Mr. Deano said until we exactly know scope of consultant, we don't know where they fit, into the definition of an employee or contract for services. Both have different provisions of the charter. He recommends adopting the resolution with amendments and expediting RFQ, then you are moving right away. If you deal with as an amendment to budget, you have a second chance for scope and more details on how it is going to be administered. Mr. Danielson said this will allow us to start the process. We could develop scope in the next few days, advertise and select at the next meeting. Mr. Deano could further amend to cover the instance if it is not professional governed under policies of council and administrative requirements. We could introduce the ordinance to amend the budget and add any other provisions at that time. Mr. Burguières said he would be a city employee and not a Council employee and Mr. Deano disagreed. He would be an advisor to Council, responsibility and advise to Council and could add P&Z. Mrs. Buchholz reiterated she wants to make sure the consultant works with Council and there is no glitch in the time frame and how to hire the consultants. She wants to make sure everyone understands we want this done in the correct process. Mr. Deano recommends amending the resolution to cover professional services and governed by charter, which deals with contracts for services, being council and administrative policies, and the scope be to advise the Council. Council will decide who else the consultant would advise.

Mayor Villere said provision in the charter identified employees and this was a contract for a specific service for a specific time limit. He thinks it would speed up the process if Council did what they normally do, which is to allow the administration through the selection process to hire someone to advise Council, P&Z, and Planning Department. If the Council has specific items to be added to scope of work it would be included. It would move it along in faster fashion. As far as having specific monies in a line item or adjustment to the budget, he feels we already have some money that can be utilized to pay for this service. This person/company would advise Council, P&Z and Planning Department.

Mr. Danielson asked about the process, Port Marigny is an ordinance so final approval is done by City Council. Why not have the responsibility of hiring the consultant be with the Council? He understood the Mayor's point, but what if we don't like those qualifications. This amendment to the resolution puts the Mayor and City Council together. We could put together a committee to review qualifications which would consist of members from P&Z, the Council and the Mayor and anyone else, but the Council had the final vote on the selection. He would like to move forward on input and execute the contract in the most efficient process. Mayor felt efficient was what he described. Mr. Frankowicz was in the same situation, the administration brought his position to the Council, and it was reviewed and approved. He feels the contract should be with the administration through the City Attorney. Looking at Michael Lauer, that was administration hiring and he gave good service to the Council.

Mr. Burguières said the City has not had any RFQ's issued in last two to three months for this project. Mr. Bailey was around for four weeks and administration was not ready with someone else. Mr. Burguières wanted to coincide the consultant with the ordinance introduction. Mr. Deano said the Council can do it this way; he is trying to save time and get a consultant for all of us. He does not see it necessary for an administrative contract and he would like to offer an amendment to Mr. Deano's amendment that no architectural services would be required. Mr. Bailey cannot practice in Louisiana.

Richard Muller, represents the Drs. Pittman, he asked assuming best case, what does this do to the time? Where are we on time? Mr. Burguières said in his opinion, we would be set back just a few weeks, if we can clear up tonight and move forward. Mr. Muller said Drs. Pittman are pleased to see hiring a consultant because it is a large project; they are just concerned about the timeline. Mr. Burguières asked Mr. Muller to get the Mayor to help them move forward. Mr. Muller said he did not seem to think \$5-6,000 would affect the budget. If Mr. Bailey already did work and would move forward expecting a contract, he could consider doing so not to delay trying to accommodate procedure. Mr. Burguières asked if Drs. Pittman would pay for Mr. Bailey until contract in order. Drs. Pittman was in agreement for a couple of months.

Mrs. Buchholz had a problem with that; for the sake of transparency. If the consultant is paid by the developer, we are trying to be totally transparent and letting the constituents know we are vetting through this process. She feels the consultant should not be paid by developer. Mr. Deano agreed and said that could be a legal problem. Mr. Muller stated he was just trying to expedite the process; he does not want it to cause a problem. He said assuming we are not able to expedite, what was the timeline since Tuesday would not be a P&Z meeting. When would be the prospect of time for meeting to decide on a consultant? That was open ended that was a concern. Mr. Madden suggested to Mr. Muller the Council would be able to answer that question better once they decide what to do with this resolution. Mr. Madden agreed with Mrs. Buchholz, that the developer should not be paying for City's consultant; he felt the Council should pick the consultant not the administration. Mr. Madden asked Mr. Danielson if he could read the amendment he would like to submit.

Mr. Danielson read amendment to Resolution No. 15-40, the last 3 "therefore be resolved" It states:
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Mandeville in regular session assembled on the 9th day of July, 2015 hereby requests that the Mayor work with the City Council to present a service contract to the City Council to provide the services needed to advise the City Council and Planning & Zoning Commission on the design, including but not limited to architectural, infrastructure planning and other quality of life considerations on the development of Port Marigny.
BE IT FURTHER RESOLVED that the City Council make use of the request for qualification procedures currently used by the City to award professional services contracts.
BE IT FURTHER RESOLVED that the Mayor is urged and requested that the committee that reviews the qualifications of those firms responding have substantial representation of members of the City Council who shall be selected by the president of the City Council."

Mr. Burguières motioned to remove his withdrawal, seconded by Mr. Danielson. Without further discussion or comment, the motion was approved 4-0-1 (Mr. Ellis abstaining). Mr. Danielson made a motion to amend the Resolution No. 15-40, seconded by Mrs. Buchholz. Mr. Burguières wants to add something to the amended amendment. Mr. Deano asked if you wanted two amendments or this could just be a friendly amendment. Mr. Danielson accepts this as a friendly amendment. Mr. Burguières wants to include P&Z in places where there is Council; for professional services substitute consultant. At the end of the first paragraph, add consultant not to provide architectural services. Mr. Deano suggested have amendment and put in "should there not be professional services" that we follow Council and administrative policies, and say Council policy anyone advising Council must be approved by the Council. You then cover everything within the scope of the contract, not the professional contract, approved by the City Council. Make the scope of contract the responsibility of the person is to the Council and to follow instructions of the Council. Mayor would have to sign the contract. Mr. Madden said if the Council approves and the Mayor does not sign it what happens? Mr. Danielson would take out of the friendly amendment to take out professional services, add Council and P&Z piece. This then gives you the option to decide the scope. Mr. Burguières would accept Mr. Deano's suggestions. Mr. Deano suggested adopting the amendment and including, "should the scope not include professional service, it must abide by Council policy to will be approved by the Council."

Mr. Danielson reiterated amendment as written, motion, seconded by Mr. Burguières. Mr. Burguières questioned if RFQ should be done tonight and how long for advertisement to expedite the process. Mr. Deano stated this should be a separate amendment, he is drafting it right now to say "should scope not include professional services, it is Council policy that is must be approved by the Council". With no further discussion or comment, the first amendment passed 4-0-1 (Mr. Ellis abstain).

Mr. Danielson made a motion to accept Mr. Deano's recommendation for the professional services and approval by the Council, seconded by Mrs. Buchholz. With no further discussion or comment, the second amendment passed 4-0-1 (Mr. Ellis abstain).

Mr. Burguieres requests to amend a time line issue to advertise for Thursday of next week close on Friday of next week. Mr. DiFranco said yes. Mr. Danielson stated to close RFQ's Monday, have on agenda in two weeks for a selection; that would be a decision on July 23rd. Mr. Deano said legally you can do that, the selections are not made for another week, but recommended to close on 5:00 p.m. Tuesday, July 21, 2015 with the selection on July 23, 2015.

Mr. Burguieres reiterated the amendment: advertisement shall be done by July 16, 2015; all qualifications submitted to Clerk of Council by July 21, 2015 at 4:30 p.m., A motion was made by Mr. Danielson and seconded by Mrs. Buchholz to adopt the third amendment. Without further discussion or comment, the third amendment passed 4-0-1 (Mr. Ellis abstain).

Mr. Burguieres wanted to work on the scope of work for the consultant. The consultant will play a supporting role to the City staff in the formal evaluation of the project as it moves through the staff review and public hearing process that is anticipated to take 2-3 months. Mr. Deano wants the scope to mention they are to provide advice to Council on issues that arise and are relevant to the project. Mayor suggested the Council and P&Z should like the qualifications they would like to see and then together come up with something.

Mr. Burguieres requests: minimum 20 years professional experience in progressively responsible work relating to the production and review of complex master plan documents, urban redevelopment including public and private partnership and multi-faced projects; organizing and responding to extensive public hearing processes, understanding and complying with local and state regulatory requirements; development and oversight of feasibility studies; production of detailed reports to public bodies; professional interaction with the media; experience in the design of new urban projects; experience in dealing with public officials. This was seconded by Mr. Madden. Mr. Danielson asked if this is the scope and qualifications. Mrs. Scott said we need to work on the scope; we can finalize the scope tomorrow. Mr. Danielson said if the amendment includes a scope of work do we need to vote on the scope tonight. Mr. Deano said there should be a scope and could name a Councilman and Head of Planning to draft the scope. Mayor said you could name two people on committee to draft the scope with Ms. Scott. Ms. Scott asked to include a planning commissioner. Mr. Madden nominated two members of council on committee to decide consultant: Mrs. Buchholz and Mr. Burguieres along with Mrs. Scott and a commissioner. Mr. Madden asked Mr. Adams to represent the board for Friday scope.

Mr. Madden made the motion to form the committee to meet at 10:00 a.m. Friday to finalize the scope for the Port Marigny Consultant; seconded by Mr. Burguieres. With no further discussion or public comment, the amendment passed 4-0-1 (Mr. Ellis abstain).

Mr. Madden asked if there were any further comments or discussion regarding any of the amendments made to the resolution. With no further comments, the adoption of Resolution No. 15-40 passed 4-0-1 (Mr. Ellis abstain).

6. Adoption of [Resolution No. 15-41](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REQUEST AN OPINION FROM THE LOUISIANA ATTORNEY GENERAL FOR THEIR OPINION ON THE INCORPORATION OF THE EJCDC QUALIFICATIONS STATEMENT AND/OR AIA DOCUMENT A305 IN THE PUBLIC BID CONTRACTS FOR THE CITY OF MANDEVILLE (Offered by Ernest Burguieres, Councilman District III).

Resolution No. 15-41 was read by title by Mr. Madden. A motion was made by Mr. Burguieres and seconded by Mr. Ellis. Mr. Burguieres stated this is regarding public bid contracts. He feels the City has no vehicle to determine the most responsible lowest bidder. He has talked to New Orleans, who referred him to the Audubon Institute who used AIA contract. The administration would prefer an engineering contract, which does the same thing. Mr. Burguieres requested an opinion from the legal department, and Ms. Pennison said to use the

AIA letter was illegal which was contrary to an informal letter he received from the Attorney General. He is asking for formal request from the Attorney General to resolve this contract. Mr. Deano said not sure Audubon Institute was a public body. He reviewed Ms. Pennison's opinion which was solid; it referenced other Attorney General opinions on the same point. Juris prudence he has not seen anything contrary. Mrs. Buchholz asked about the letter from the Assistant Attorney General. Mr. Deano said the AG told Mr. Burguières he could do what he was seeking. Ms. Pennison said they told him he could put whatever you wanted, but this was limited to public bids. Mr. Burguières said he would like to clarify if Ms. Pennison was right, or if the attorney general was wrong.

Ms. Pennison said Mr. Burguières asked for an opinion, which she narrowed it down to public bids, specifically could he use AIA or EGC, this is limited strictly to public bids, not proposals or request for proposals that was what was important. Public bid law, minimum qualifications, you must have a property right that allows people to bid; you cannot put too many owners qualifications on people. The State of LA has requirements in order to license a person/company, they make sure they are qualified, they are basically screened. The law said you cannot ask for these particular documents in a public bid. Mr. Burguières said the contracts he wants to use only come into play after the bids are evaluated. Ms. Pennison read the 9-847 Attorney General opinion.

Mr. Deano commented that the public bid law was designed to take subjectivity out of the bidding and make sure you have the lowest bidder. As soon as you start adding things into it, you take the subjectivity out of it and this is his concern. If there was a miscommunication with the AG opinion, we are dealing with something much more serious, let's deal with this in house. But to ask for an AG opinion based on an informal letter is not the basis to move forward, you need something more substantial as to why there was a problem with the opinion delivered to you.

Mrs. Buchholz asked to amend the resolution that we do take Ms. Pennison up on her offer to have this opinion go through the legal department, not from a Council person. Mr. Madden said City requires it through the City Attorney. If Mr. Burguières wants to get an opinion himself, it would be as a citizen, not a Councilman.

Claudia Seligman, 44 Tradewinds Courts East, attended a seminar on public bid law and came in contact with Michael Valin. He offered his assistance with any questions instead of going to Baton Rouge. His name is Michael Valin, Section Chief. Mr. Burguières did the same thing, he called the AG's office.

Mr. Madden asked if there were any further comments or discussion. Without further comments, the adoption of Resolution No. 15-41 passed 5-0.

7. Introduction of [Ordinance No. 15-15](#); AN ORDINANCE TO APPROPRIATE FUNDS RELATIVE TO AND FOR ADOPTION OF THE OPERATING BUDGET FOR THE CITY OF MANDEVILLE; AND TO ESTABLISH THE ADMINISTRATION OF EXPENDITURES THEREOF AND TO PROVIDE FOR RELATED MATTERS (Offered by Rick Danielson, Councilman at Large).

Ordinance No. 15-15 was read by title by Mr. Madden. A motion was made by Mr. Danielson and seconded by Mr. Ellis. Mr. Madden wanted to state there are at least 2 more budget workshops with the intention of passing the budget in August if possible. Next budget workshop will be Monday, July 27, 2015 at 6:00 pm in the Council Chambers.

8. Introduction of [Ordinance No. 15-16](#); AN ORDINANCE TO APPROPRIATE FUNDS RELATIVE TO AND FOR ADOPTION OF THE CAPITAL IMPROVEMENT BUDGET FOR THE CITY OF MANDEVILLE; AND TO ESTABLISH THE ADMINISTRATION OF EXPENDITURES THEREOF AND TO PROVIDE FOR RELATED MATTERS (Offered by Rick Danielson, Councilman at Large).

Ordinance No. 15-16 was read by title by Mr. Madden. A motion was made by Mrs. Buchholz and seconded by Mr. Danielson.

9. Introduction of [Ordinance No. 15-17](#): AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE WITH RESPECT TO ARPENT LOTS 14, 15, 16, 17, 18, 20, 21, A PORTION OF ARPENT LOT 19, (NOT INCLUDING THE SUBDIVIDED LOTS DESIGNATED AS LOTS 1-14, INCLUSIVE, FORMING THE SOUTHWEST CORNER OF KLEBER STREET AND MONROE STREET), PARCELS A AND B, AND A PORTION OF KLEBER STREET, LOCATED IN SECTIONS 46 & 47-T8S-R11E, CITY OF MANDEVILLE, ST. TAMMANY PARISH, LOUISIANA, MORE PARTICULARLY DESCRIBED ON THE PLAT AND SURVEY PREPARED BY KELLY J. MCHUGH & ASSOCIATES, INC., CIVIL ENGINEERS & LAND SURVEYORS, DATED 12/03/13, REVISED THROUGH JUNE 30, 2015, DWG. NO. 13-136-BS, CONTAINING 76.648 ACRES (THE "PRESTRESSED CONCRETE SITE"); AMENDING THE OFFICIAL ZONING MAP AND COMPREHENSIVE LAND USE REGULATION ORDINANCE (CLURO) OF THE CITY TO CLASSIFY THE FORMER PRESTRESSED CONCRETE SITE AS A PLANNED COMBINED USE DISTRICT ("PCUD"); APPROVING THE SITE PLAN, MASTER PLAN AND GUIDING PRINCIPLES PREPARED BY ARCHITECTS SOUTHWEST, INC., DATED JUNE 25, 2015, ENTITLED "PORT MARIGNY TND" (COLLECTIVELY THE "MASTER PLAN"); REQUIRING THAT THE MASTER PLAN AND ITS PROVISIONS, TOGETHER WITH THE RESTRICTIVE COVENANTS, BE COVENANTS RUNNING WITH THE LAND; APPROVING THE DEVELOPMENT OF THE PCUD IN ACCORDANCE WITH THE MASTER PLAN AND ACCOMPANYING SUBMITTALS; REVOKING CERTAIN CONSTRUCTION, DRAINAGE AND SEWERAGE SERVITUDE(S) AND GRANTING A SERVITUDE OF PASSAGE AND FOR UTILITIES; GRANTING VARIANCES AS NEEDED TO GIVE FULL EFFECT TO THE MASTER PLAN; ESTABLISHING PROCEDURES FOR ADMINISTERING THE MASTER PLAN; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. (Offered by Carla Buchholz, Council District II).

Ordinance No. 15-17 was read by title by Mr. Madden. A motion was made by Mrs. Buchholz and seconded by Mr. Danielson. Mr. Madden will refer this to P&Z and asked that this not be taken up until the July 28th meeting, when the consultant issue is cleared up. Ms. Scott was in agreement.

PUBLIC COMMENT:

Claudia asked assurances of P&Z hold off. Ms. Scott asked if applicant would consider tabling the case until 7/28. Mr. Muller said he did not have much choice. Their preference was to move forward as quickly as possible. Ms. Scott requested a letter from Mr. Muller to update postings and the website to say it is tabled. Ms. Scott said the Council has 120 days to take action, they will not be losing any time. Mr. Danielson asked Mrs. Scott if it would be beneficial to set dates for the public hearing. Ms. Scott said they have a light agenda and it would be in regular meeting. If it is a lengthy submittal, they may schedule special meetings, but they would do that when the public was present. Mr. Madden apologized for the technicality and it is only a one meeting delay.

PROJECTS IN PROGRESS (STATUS REPORT):

Mr. DeFranco updated the Council on the following projects:

Task Order 3 - Asphalt work completed, task order is 70% complete. Ms. Buchholz disagreed. Mr. DiFranco will check on the asphalt work.

Lotus Dr./Village Lane Drainage - Driveway in process 70% complete.

Rapatel Water Tower - painting 2 weeks, electrical mechanical work to start in six weeks, finish mid-September.

Lift station 21 - in place, 65% complete.

Dew Drop - complete this week.

Lift station 19 - up and running, dismantling old station 80% complete.

Lift station 22, 23, 33 - just starting in early August, material on order.

Girod street - substantially complete, under budget.

Storm drain - substantially complete, under budget.

Old Golden Shores water line- receives insurance next week and then notice to proceed

Cross walk on Dalwill Drive - Mr. Deano said everyone in agreement, it's a donation so not liable and now lawyers want to do it the other way, Mayor working with one of the attorneys.

ADJOURNMENT:

Mr. Burguieres made a motion to adjourn the meeting, seconded by Mrs. Buchholz. Mr. Madden adjourned the meeting at 8:20 p.m.

/S/

Kristine Scherer
Council Clerk

/S/

Clay Madden
Council Chairman