

THE FOLLOWING MINUTES WERE ADOPTED AT THE AGUST 27, 2015 MEETING OF THE MANDEVILLE CITY COUNCIL. MANDEVILLE CITY COUNCIL MINUTES FOR THE MEETING OF AUGUST 13, 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

ABSENT: Ernest Burguieres

ALSO PRESENT: Mayor Villere, Assistant Police Chief Ron Ruple; Lori Pennison. Asst. City Attorney; David deGeneres, Public Works Director; Frank Oliveri, Finance Director; Louissette Scott, Planning Director; Gretchen McKinney, Human Resources Director; 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 July 23, 2015 City Council Meeting Minutes.

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis to adopt the minutes of July 23, 2015. There being no further questions or comments, the motion passed 4-0.

2. Adoption of the July 27, 2015 Budget Session Meeting Minutes.

A motion was made by Mrs. Buchholz and seconded by Mr. Danielson to adopt the minutes of July 27, 2015. There being no further questions or comments, the motion passed 4-0.

PRESENTATIONS:

The Mayor declared September and October, Woman's' Cancer Awareness Months. He presented a proclamation to Kristianne Stewart, creator of Compassion that Compels, for all of her dedication and for the creation of her "Compassion bags" for women diagnosed with Cancer. The Mayor presented a proclamation to Jacob Butcher, owner of Leftees, declaring August 13, 2015 Left-Hander's Day. There are only 10% of the population that are left handed, and this is to raise awareness of the everyday issues that lefties face as they live in a world designed for right-handers.

Mr. Danielson presented a certificate of recognition to Shaan Duke for his selfless and heroic efforts during the theater tragedy in Lafayette. Mr. Duke, a member of our community and head coach at Athletic Republic, was in the theater at the time of the shooting and assisted a woman who grew up in this community. Mr. Duke is also veteran of our armed forces and we cannot thank him enough for putting service above self.

REPORTS AND ANNOUNCEMENTS:

Mr. Madden wanted to remind everyone that school has started so please be aware of school zones. Also, applications are still being accepted for the Bicycle and Pedestrian Committee. The deadline is Friday, August 21, 2015.

OLD BUSINESS:

1. Adoption of [Ordinance No. 15-14](#); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ADOPTING THE JOB CLASSIFICATION, AND PAY SCALE FOR REPLACING THE POSITION TITLE OF CORPORAL, SERGEANT, LIEUTENANT, AND CAPTAIN WITHIN THE POLICE DEPARTMENT AND

PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Rick Danielson, Council-At-Large)

Ordinance No. 15-14 was read by title by Mr. Madden. A motion was made by Mr. Danielson and seconded by Mr. Ellis.

Mr. Danielson stated this is taking each police position and bumping them up one level. The reason is to bring them in line and keep them competitive with other area police departments.

This does not have an effect on pay; it just brings them to an equal level.

Without further comments or questions, roll was called. Ordinance No. 15-14 passed 4-0.

2. Adoption 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 Mrs. Buchholz. Mr. Danielson stated we have gone through 4 budget work sessions. The Council wants to thank all of the department heads and administration who have assisted with the budget process. The fiscal year begins September 1, 2015. Mr. Madden wanted to go through the amendments and ask Mr. Oliveri if they have been added to the budget.

Amendments 1-3 were the same from last year – ok. Amendment #4, \$5K added for Northshore Task Force – yes, added to budget. Amendment #5, \$8K for Council on Aging – yes. Amendment #6, \$25K for code enforcement position under contract labor – yes. Amendment #7, employee pay and salaries 2.5% merit and approximate 11.6% cost of living adjustment for civil service, not including directors – yes, all people on the civil service scales are included. Chief 5% and the rest of the directors 2.5%. Mr. Danielson asked about Chief and Asst. Chief. Mr. Oliveri stated we would have to do a budget adjustment after re-evaluating the directors. Mrs. Buchholz asked about Mrs. Casborne. Mr. Oliveri stated she, Ms. Peachey and Ms. Scherer were included in the civil service scale increase.

Mr. Madden read amendment #1-3; all worded the same as last year. A motion was made by Mr. Danielson and seconded by Mr. Ellis. Mrs. Pennison stated the comments from Mr. Deano regarding these amendments. Amendment #1 was approved, amendment #3 was approved as it applies to professional contracts, however, anything beyond professional contract does impinge upon the executive authority of the Mayor to manage and supervise employees. (RS39:1311). So he recommends the change to include “within the scope of the City Charter to whom the contract is awarded”. Amendment #2 was approved.

Mr. McGuire believes that item #2 limits the contracts the Mayor can propose. Mr. Madden stated this was the same wording from last year and it was approved by the City Attorney then and also now. Mrs. Pennison believes it mirrors the state statute.

Without further comments or questions a vote was taken for the amended changes. The vote passed 4-0.

Mr. Madden now wanted to address the amended operating budget, Ordinance No. 15-15.

Without further comments or questions, roll was called. Ordinance No. 15-15 passed 4-0.

Mrs. McKinney said the ordinance 15-15 must include the approved language of ordinance 15-14 in the operations budget for the police pay scale since we rolled up the ranks. A motion was made by Mr. Danielson and seconded by Mr. Ellis. Without further discussion or questions, a vote was taken for the amended language to be included in the Ordinance 15-15, roll was called. The amendments added to Ordinance No. 15-15 were passed 4-0. Mr. Madden asked if there were any questions regarding the now amended Ordinance No. 15-15. Without further discussion or questions, a vote was taken and Ordinance No. 15-15 passed 4-0.

3. Adoption 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. Ellis. Mr. Danielson thought doing the operating budget first was worth the effort. Mr. Madden though meeting with the Public Works Director first was very efficient and made the process smooth easily. Mr. Madden wanted to read the six amendments and ask for comments. A motion was made by Mr. Danielson and seconded by Mrs. Buchholz. Mr. Madden asked to go through them with Mrs. Pennison and Mr. Oliveri. Amendment #1 – approved. Amendment #2 – approved. Amendment #3- must be considered as a Charter amendment and should be done in a separate ordinance or resolution. Mr. Danielson said the thought process was just a “good faith” estimate so they don’t have a problem and this will be removed. Amendment #4- the Mayor does not want to have to have this on an agenda, he will notify the Council of the contracts he has signed. He would like strike “by placing on a regular Council agenda”. The Mayor is fine with informing the Council, just not on an agenda. The Mayor does not want to have to wait to get approval before executing a contract from the Council. He wants to be able to execute a contract and then inform the Council, “it just slows up the process”. Mrs. Pennison believes you also need to strike out “prior to the execution”. She also recommends adding “unless it impinges upon the Mayor’s ability to carry out his duties”. Mr. Ellis would like to keep the notification of the Council prior to the execution of the contract. The Mayor said this is against the law, he will notify the Council, but it is against the Charter. Mr. Ellis would like to be notified as soon as possible, it does not have to be in a Council meeting, it can just be an email/phone call. Mr. Danielson made a motion to amend #4 by removing “by placing on a regular Council agenda”, and “unless it impinges upon the Mayor’s ability to carry out his duties” seconded by Mrs. Buchholz. Mr. Madden still likes the “prior to the execution of a contract”, unless it’s an emergency, the Council should be notified. Mr. Danielson said normally these contracts take weeks to process, so we should be notified, and he is ok with the proposed changes. The instance with the roof leaks with City Hall was a perfect example. The City had to contract with Serve-Pro and the City Council received an email after the fact of the situation. Without further comments or questions, a vote was taken for the amendment with corrections and passed 4-0. Amendment #6 should mirror the amendment #3 in the operating budget per Mr. Danielson. A motion was made by Mr. Danielson and seconded by Mrs. Buchholz. Without further comments or questions, a vote was taken for the amendment with corrections and passed 4-0. Mr. Madden made a recap: Amendment #4 was just changed and adopted; amendment #3 was deleted so we are left with #1, 2, 5 and 6 to vote on. Amendments #1, 2, 5 and 6 are all approved per Mrs. Pennison. Mr. Madden asked for final questions on the amended ordinance. A motion was made by Mr. Ellis and seconded by Mr. Danielson to adopt the above stated amendments. Without further comments or questions, a vote was taken for the amended capital ordinance. Roll was called and Ordinance No. 15-16 passed 4-0.

Mr. Madden wanted to thank the administration and Mr. Oliveri for all their assistance with the budget process.

NEW BUSINESS:

1. Veto of [Ordinance No. 15-12](#); AN ORDINANCE TO AMEND THE CITY OF MANDEVILLE CODE OF ORDINANCES BY ESTABLISHING THERETO SECTION 11-136.11 (S); TO PROVIDE FOR THE LOCATION OF PERMITTED SPECIAL EVENTS WITHIN THE CITY LIMITS OF MANDEVILLE AND TO PROVIDE FOR RELATED MATTERS (Submitted by Kristine Scherer, Council Clerk). According to the Mandeville Code of Ordinances, Section 2-12,

Part c: Ordinances vetoed by the mayor shall be submitted by the clerk to the council at the next regular meeting held after publication of the veto statement. Should the council vote, not later than the second regular meeting held after receipt of the vetoed ordinance to readopt the ordinance by the favorable vote of at least three-fourths ($\frac{3}{4}$) of its authorized membership, said ordinance shall be considered finally enacted and become law irrespective of the veto by the mayor. The same procedure shall apply to individual appropriation items in the operating and capital improvement budgets vetoed by the mayor.

Veto of Ordinance No. 15-12 was read by Mr. Madden. Mr. Madden has officially received the veto for the Council and stated the Council could vote tonight, the August 27th meeting or the September 10th meeting. No action was taken tonight.

2. Approval of special event liquor license for 30 by Ninety Theatre, Inc. located at 880 Lafayette Street Mandeville for the following dates:
Schoolhouse Rock: Live!

- a. September 11th, 12th, and 13th 2015.
- b. September 18th, 19th, and 20th 2015.
- c. September 25th, 26th, and 27th 2015.

Always a Bridesmaid:

- d. November 6th, 7th, and 8th 2015.
- e. November 13th, 14th, and 15th 2015.
- f. November 20th, 21st, and 22nd 2015.

It's a Wonderful Life:

- g. December 10th, 11th, and 12th 2015.
- h. December 13, 2015 at 2:30 pm.
- i. December 18th, 19th, and 20th 2015

Thursday, Friday and Saturday shows are held at 8:00pm and Sunday is 2:30pm

A motion was made by Mr. Ellis and seconded by Mrs. Buchholz. Mr. Rodrigues states this is in a new location and tickets can be purchased on their Facebook account or 30by90.com. Without further comments or discussion, the special event liquor license was approved 4-0.

3. Appointment of a member to the Planning & Zoning Board

A motion was made by Mr. Madden and seconded by Mrs. Buchholz. There were two applicants for the P&Z Board: Simmie Fairley and William Sones Jr. The terms are staggered and they serve a 7 year term. Resumes were submitted and after a hand raised vote, the Council voted to reappointment of Simmie Fairley.

4. Approval of the change order No. 2 and Contract Close-Out for Lotus Drive and Village Lane South Drainage Improvements in the amount of \$28,998.25 (Offered by David Ellis, Council District I)

A motion was made by Mr. Ellis and seconded by Mrs. Buchholz for the approval of change order No. 2. Mr. Ellis stated this is the second change order, this relates to additional fencing, sodding and other materials. Mr. DeFranco said this change order represents about 6% of the total contract price and is the contract close-out. The City held the contractor responsible for certain items totaling \$15,500 and \$8400 liquidated damages for a total of about 24K. There was a large change order made which was unforeseen and in conflict with the design. There being no further discussion or questions, the motion to approve change order No. 2 and Contract Close-Out for Lotus Drive and Village Lane South Drainage Improvements Project passed 4-0.

5. Approval of Task Order No 4, 2013 Roadway Maintenance Contract, \$984,434.40 (Offered by Clay Madden, Council Chairman)

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the approval of Task Order No 4, 2013 Roadway Maintenance Contract. Mr. Madden stated this is for a variety of roads throughout the city and sidewalks for west approach, Mandeville High and Girod street parking. The Girod Street parking timeline will be forwarded to the Council for approval because it relates to servitude agreements. If property owners do not agree to the servitude agreements, it will change the amount of spots, currently there are 13 spots proposed. Mr. Ellis asked that all information be listed on the website. There being no further discussion or questions, the motion to approve Task Order No 4, 2013 Roadway Maintenance Contract Project passed 4-0.

6. Adoption of [Resolution No. 15-47](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE BIDS FOR THE LAFAYETTE STREET DRAINAGE REPAIR PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Rick Danielson, Council-At-Large)

Resolution No. 15-47 was read by title by Mr. Madden. A motion was made by Mr. Danielson and seconded by Mrs. Buchholz. Mr. Danielson stated this is the replacement of some damaged culverts and drain boxes on Lafayette in the amount of \$231K with Subterranean Construction. Mr. deGeneres asked to strike the first “whereas” from the resolution”, clerical error. Mr. Danielson made a motion to strike the first “whereas”, seconded by Mrs. Buchholz. Without further comments or questions, a vote was taken and Resolution No. 15-47 passed 4-0.

7. Adoption of [Resolution No. 15-45](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE BIDS FOR THE PAUL CORDES PARK PLAYGROUND PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE RECOMMENDED PROPOSER; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Carla Buchholz, District II)

Resolution No. 15-45 was read by title by Mr. Madden. A motion was made by Mrs. Buchholz and seconded by Mr. Ellis. Mrs. Buchholz stated this to improve the playground behind City Hall. A committee reviewed the proposals and this was on the budget for this year. Mrs. Buchholz asked Mr. deGeneres if the picnic table that was to be removed will be relocated. Mr. deGeneres said they moved the picnic table to accommodate some handicapped accessible equipment, so the table will be relocated. Mrs. Buchholz also said on the weekends, the picnic tables with the canopies are more utilized, is there a way to increase the amount of tables with canopies. Mr. deGeneres said they will look at adding more canopies if possible. Without further comments or questions, a vote was taken and Resolution No. 15-45 passed 4-0.

8. Introduction of [Ordinance No. 15-18](#); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ADOPTING THE JOB POSITION DESCRIPTION FOR THE POSITION TITLE OF SUPERINTENDENT-UTILITIES AND PLANT OPERATOR WITHIN PUBLIC WORKS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Rick Danielson, Council –At-Large)

Ordinance No. 15-18 was read by title by Mr. Madden. A motion was made by Mrs. Buchholz and seconded by Mr. Ellis. Ordinance 15-18 will be up for discussion at the next Council meeting on August 27, 2015.

9. Introduction of [Ordinance No. 15-19](#); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO ACQUIRE A SERVITUDE OF PASSAGE INCLUDING THE RIGHT TO CONSTRUCT AND MAINTAIN DRAINAGE IMPROVEMENTS AND

DRAINAGE SYSTEM THEREON AND FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Rick Danielson, Council –At-Large)

Ordinance No. 15-19 was read by title by Mr. Madden. A motion was made by Mr. Danielson and seconded by Mr. Ellis. Ordinance 15-19 will be up for discussion at the next Council meeting on August 27, 2015.

10. Introduction of [Ordinance No. 15-20](#); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO AUTHORIZE THE ACQUISITION OR OWNERSHIP OF THE LIFT STATION PRIVATELY OWNED BY MARINER’S ISLAND CONDOMINIUM ASSOCIATION, AND TO ACQUIRE A SERVITUDE OF PASSAGE INCLUDING THE RIGHT TO CONSTRUCT AND MAINTAIN SEWER LINES THEREON AND FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Carla Buchholz, Council District II)

Ordinance No. 15-20 was read by title by Mr. Madden. A motion was made by Mrs. Buchholz and seconded by Mr. Ellis. Ordinance 15-20 will be up for discussion at the next Council meeting on August 27, 2015.

PUBLIC COMMENT:

FINANCE REPORT:

Mr. Oliveri said we are above the 80% requirement in the general fund. Revenue is within the 5% budget act and we should end up the year at about 96% of revenue budgeted. The Mayor announced to the Council the City has received the money from BP and it was placed into the fund balance today.

PROJECTS IN PROGRESS (STATUS REPORT):

CAPITAL ROADWAY MAINTENANCE PROJECT
TASK ORDER 3

- Asphalt roadway work complete
- Culvert, driveway, and sidewalk replacement in progress.

TASK ORDER 4

- Acceptance on Council agenda

LOTUS DR/VILLAGE LANE DRAINAGE

- Final closeout documentation on Council Agenda

RAPATEL WATER TOWER

- Field painting is complete, electrical controls and mechanical equipment remains.

LIFT STATION 21

- Contractor currently working to get the new station running.

DEW DROP FIRE SUPPRESSION

- Electrical service installation complete for fire suppression system

LIFT STATION 19 RELOCATION

- New station up and running

LIFT STATIONS 22, 23 & 33

- Project expected to begin in mid-August due to lead time of materials

OLD GOLDEN SHORES WATERLINES

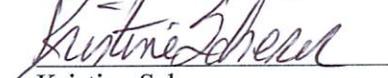
- Notice to proceed issued for 9-1-15.

Mrs. Buchholz asked Mr. deGeneres if the landscaping will be replaced on West Causeway approach. This was made available to KMB through a grant and due to the construction,

plants have been damaged. Mr. deGeneres stated the landscaping will be replaced to its original state once the project is over.

ADJOURNMENT:

Mr. Burguieres made a motion to adjourn the meeting, seconded by Mr. Ellis. Mr. Madden adjourned the meeting at 8:35 p.m.



Kristine Scherer
Council Clerk



Clay Madden
Council Chairman