

**THE FOLLOWING MINUTES WERE ADOPTED AT THE OCTOBER 8, 2015 MEETING
OF THE MANDEVILLE CITY COUNCIL.MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF SEPTEMBER 24, 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, David Ellis, Carla Buchholz, Ernest Burguieres

ABSENT: Clay Madden

ALSO PRESENT: Mayor Villere; Edward Deano, City Attorney; David deGeneres, Public Works Director; Frank Oliveri, Finance Director; Kim Chatelain, Times Picayune; Faimon Roberts, Advocate; John Walker, St. Tammany Farmer

MINUTES:

1. Adoption of the September 10, 2015 Meeting Minutes.

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis to adopt the minutes of September 10, 2015. There being no further questions or comments, the motion passed 4-0.

REPORTS AND ANNOUNCEMENTS:

Mr. Danielson wanted to remind everyone of the Planning & Zoning meeting next Tuesday at 7pm where they will be discussing the Port Marigny project, all are invited to attend.

Also, great concerts this weekend can be found at the Dew Drop and Trailhead, which have started their fall concert series.

OLD BUSINESS:

1. Adoption of Ordinance No. 15-23; AN ORDINANCE TO ENACT AN AMENDMENT OF THE CITY OF MANDEVILLE MUNICIPAL CODE TO REPEAL SECTIONS 11.83.4 AND 11.83.9 OF THE CITY ALARM SYSTEMS ORDINANCE 97-33 AND OTHER MATTERS, TO AUTHORIZE ENFORCEMENT OF THIS ORDINANCE WITHIN THE CITY OF MANDEVILLE BY THE CITY OF MANDEVILLE, LOUISIANA; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Clay Madden, Council Chairman)

Ordinance No. 15-23 was read by title by Mr. Danielson. A motion was made by Mrs. Buchholz and seconded by Mr. Burguieres. Mr. Danielson stated this is a housekeeping issue. A few years back there were some changes made to the alarm system ordinance and these two sections did not get repealed. Capt. Ruple confirmed this keeps the City in line with responding to activated alarms in the city limits. There being no further discussion, the motion to adopt Ordinance No. 15-23 passed 4-0.

2. Adoption of Ordinance No. 15-24; 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 Rick Danielson, Council-at-Large)

Ordinance No. 15-24 was read by title by Mr. Danielson. A motion was made by Mr. Ellis and seconded by Mrs. Buchholz. Mr. Danielson said this is a donation of two city vehicles to the Bogalusa Police Department. Mr. Ellis asked why we have two separate ordinances for vehicles. Mr. Oliveri stated this ordinance is for public service vehicles which can be donated.

The next ordinance is for city used vehicles that cannot be donated and must go to auction. There being no further discussion, the motion to adopt Ordinance No. 15-24 passed 4-0.

3. Adoption of Ordinance No. 15-26; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE DECLARING CERTAIN ITEMS AND VEHICLES AS SURPLUS AND NO LONGER NEEDED FOR CITY USE; ACCEPTANCE OF BIDS FOR SAID ITEMS AND VEHICLES; AUTHORIZING THE SALE OF SAID ITEMS AND VEHICLES TO THE HIGHEST BIDDER; AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Clay Madden, Council Chairman)

Ordinance No. 15-26 was read by title by Mr. Danielson. A motion was made by Mr. Ellis and seconded by Mrs. Buchholz. Mr. Danielson said this ordinance is something we have done every year, surplus items go on the auction block. The Mayor stated we use a third party for the auction because we can get a better price and it is transparent. There being no further discussion, the motion to adopt Ordinance No. 15-26 passed 4-0.

NEW BUSINESS:

1. Approval of Special Event Permit for the City of Mandeville's Winter on the Water's Christmas Parade, Lighting of the Trees and Boat Parade on Saturday, December 12, 2015 from 4 – 6 p.m., no rain date, actions on the departmental costs, and waiver of eating and drinking on the lakefront

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the approval of the City of Mandeville's Winter on the Water's Christmas Parade, Lighting of the Trees and Boat Parade on Saturday, December 12, 2015 from 4 – 6 p.m., no rain date, actions on the departmental costs, and waiver of eating and drinking on the lakefront. There being no further discussion, the motion passed 4-0.

2. Approval of Special Event Permit for the City of Mandeville's LPO Concert on Saturday, October 24, 2015, rain date Sunday, October 25, 2015, from 4 – 8 p.m., actions on the departmental costs, and waiver of eating and drinking on the lakefront

A motion was made by Mr. Ellis and seconded by Mr. Burguières for the approval of City of Mandeville's LPO Concert on Saturday, October 24, 2015, rain date Sunday, October 25, 2015, from 4 – 8 p.m., actions on the departmental costs, and waiver of eating and drinking on the lakefront. This year it is going to be held on a Saturday instead of Sunday. The Mayor said this the 6th year with the LPO and will include the Greater New Orleans Youth Orchestra. Mrs. Buchholz stated this draws a huge crowd every year. Mr. Danielson commented, Ms. Casborne does a great job organizing this event. There being no further discussion, the motion passed 4-0.

3. Approval of the Special Event Permit for Our Lady of the Lake Church Festival on Friday, October 16 – Sunday, October 18, 2015, no rain date, approval of closure of Lafitte Street from Madison to Jefferson Streets, with the submittal of a letter of no objection from the neighbors affected by the closure, police are paid details.

A motion was made by Mr. Burguières and seconded by Mrs. Buchholz for the approval for Our Lady of the Lake Church Festival on Friday, October 16 – Sunday, October 18, 2015, no rain date, approval of closure of Lafitte Street from Madison to Jefferson Streets, with the submittal of a letter of no objection from the neighbors affected by the closure, police are paid details. Mrs. Buchholz asked why there was a letter sent to the neighbors, she had never seen this request before. Father Lomax

stated they close the street and OLL owns all but a two properties along the area so OLL sent the letter to the residents as a courtesy. There being no further discussion, the motion passed 4-0.

4. Waiver of eating and drinking on the lakefront for the Pure Barre fitness class on Saturday, October 24, 2015, rain date October 25, 2015, from 9:45 to 11:00 a.m.

A motion was made by Mr. Ellis and seconded by Mrs. Buchholz for the approval for the Waiver of eating and drinking on the lakefront for the Pure Barre fitness class on Saturday, October 24, 2015, rain date October 25, 2015, from 9:45 to 11:00 a.m. Ms. Prieto stated this is a free exercise class for those 16 yrs. and up and she expects around 15 people. Pure Barre is a combination of Pilates, yoga and ballet based movements. She requested the waiver for eating and drinking for the sole purpose of attendees bringing water bottles. Mrs. Buchholz reminded Ms. Prieto she is required to have a recycle container for the disposal of trash for the event. There being no further discussion, the motion passed 4-0.

5. In accordance with Ordinance 12-32, Mayor Villere would like to re-appointment Mike Pulaski as Commissioner to the Historic Preservation District Commission. Term to be another four (4) year term from 2-28-2015 to 2-28-2019.

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the approval for re-appointment Mike Pulaski as Commissioner to the Historic Preservation District Commission. Term to be another four (4) year term 2-28-2015 to 2-28-2019. The mayor wanted to say that Mr. Pulaski has been a valuable member on the committee and we do have another opening on the committee. The Mayor appoints all positions so any interested parties should contact his office. Mr. Burguieres stated all members are appointed by the Mayor and three must live in the district. Ms. O'Brien just resigned and that is why they are looking for someone from the district. Interested parties must also have some experience/interest in historic preservation. Mr. Ellis stated these terms are all staggered. Mr. Pulaski said has enjoyed serving on the committee and feels they have done a great service to the citizens and he requests to continue for another term. There being no further discussion, the motion passed 4-0.

6. Adoption of [Resolution No. 15-51](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE BIDS FOR THE PUBLIC WORKS EQUIPMENT SHELTER PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE LOWEST RESPONSIBLE BIDDER; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Carla Buchholz, Council District II)

Resolution No. 15-51 was read by title by Mr. Danielson. A motion was made by Mrs. Buchholz and seconded by Mr. Ellis. Mrs. Buchholz stated this is for a 16,200 sq. ft. steel equipment shelter at Public Works and the lowest bid came in at \$199K and was budgeted two budgets ago. Mr. Danielson asked Mr. deGeneres when he though the project would start. Mr. deGeneres said once the steel has been purchased, the shelter should be finished by the end of the year. There being no further discussion, the motion to approve Resolution No. 15-51 passed 4-0.

7. Adoption of [Resolution No. 15-52](#): A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE REQUESTING THAT THE CITY ADMINISTRATION PROCESS THE APPROVED \$8000 PAYMENT FOR THE ST. TAMMANY PARISH NON-EMERGENCY, DEMAND RESPONSE TRANSPORTATION SERVICE BY SEPTEMBER 30, 2015 (Offered by Rick Danielson, Council-at-Large)

Resolution No. 15-52 was read by title by Mr. Danielson. A motion was made by Mr. Burguieres and seconded by Mr. Ellis. Mr. Danielson stated this is for the non-emergency demand transit service that would be administered by the Parish operated by Coast and serves the residents of the parish. The funding was provided through a grant that has expired and the new program is scheduled to start Oct 1, 2015. After a study which looked at ridership, it was determined that our cost would be an annual \$5K for the program with \$3K for the purchase of vehicles for a total cost this year of \$8K. This was budgeted and approved for this budgeted year and we are asking for the payment to be made. Mrs.

Buchholz stated this was budgeted for this fiscal year. The Mayor said he has concerns and is still waiting on information from St. Tammany as to how this is not double taxation. The Mayor read a statement on his opinion regarding this transportation service and what benefit or enhanced services the citizens of Mandeville will receive. He has not received any answer from the Parish, he requests the Council to propose a budget amendment to remove the budgeted item. He is not aware of any other city that is participating in this program. Mr. Danielson stated the parish is putting up around \$100K and has asked each municipality to participate. Some may have not participated yet because of budgetary issues. Mr. Danielson asked what is the difference between this and the taxes the citizens pay for the city police and the sheriff's department. The Mayor said citizens are willing to pay for an additional police department, is an enhancement. Mr. Danielson feels this is an enhancement for our residents. Mr. Ellis said we are the first municipality to participate and questions what will happen if the other municipalities do not contribute. Mr. Deano commented that he is seeing the relationship between the parish and municipalities and there is a renegotiation of the status quo. This is in the context of other issues and is similar to say the parish libraries (for example) and if the parish decided to tax the cities for its use. He sees this as a continuing issue in more than just one context. He would like for them to be resolved at one time. Mr. Burguières asked Mr. Deano to provide a listing of issues that we have going on so we can try and resolve them. Mr. Burguières asked about the sales tax issue and Mr. Oliveri said the City is in the process of resolving that with the Parish. Mr. Danielson asked the Mayor if he has addressed the double taxation with the parish – he has told them how he feels but has not gotten a response back. He asked if the Mayor can get an answer for the Council for next week. Mr. Danielson feels this is an important program and would like to see it resolved. The Mayor stated without an enhanced service to the residents it will be hard for him to sign a cooperative endeavor agreement for this transit program, he wants it removed from the appropriation. Mr. Burguières said he recalls the Attorney General Opinion that said if it is a legitimate appropriation the administration has to use good faith to carry it out. Mr. Burguières asked Mr. Deano if there is a reason why the administration would not proceed with the appropriation. Mr. Deano stated the appropriation has to be carried out, but the time and context of the budget can be decided by the administration. He stated this resolution is in keeping with the Attorney General Opinion and the Mayor cannot refuse to pay. There being no further discussion, the motion to approve Resolution No. 15-52 passed 4-0.

8. Introduction of [Ordinance No. 15-28](#); AN ORDINANCE FOR THE CITY OF MANDEVILLE ADOPTING BUDGET ADJUSTMENT NO. 1; FISCAL YEAR 2015-2016 BUDGET AND TO PROVIDE FOR RELATED MATTERS. (Offered by Rick Danielson, Council-at-Large)
Ordinance No. 15-28 was read by title by Mr. Danielson. A motion was made by Mr. Ellis and seconded by Mrs. Buchholz for its introduction.

9. Introduction of [Ordinance No. 15-29](#); AN ORDINANCE AMENDING THE COMPREHENSIVE LAND USE REGULATIONS ORDINANCE, SECTION 5.1.15 UNSAFE BUILDINGS, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. (Offered by Carla Buchholz, Council District II)
Ordinance No. 15-29 was read by title by Mr. Danielson. A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for its introduction. Ordinance No. 15-29 will be referred to the Planning & Zoning Department for review.

PUBLIC COMMENT:

FINANCE REPORT:

1.6 million collected from BP settlement, so the year is 102.5% over budget. The City has Argent bank to handle our investments, the Lamp fund and other local institutions. He will ask them to provide a presentation of the status of our investments. We follow the state law as what the City can invest in. Other revenue line is \$3.3million and includes: garbage collection, occupational license and other smaller items. Overall we are at \$15 million in general fund ending balance, still have commitments rolling in. Special sales tax fund is impacted because of the operating of the sewer and

water system. The money is intergovernmental, so construction projects show up as a revenue until its finished. Mr. Ellis asked about the variance in grant revenue. Mr. Oliveri said we are still waiting for FEMA to release money, if it gets released soon then it will show up in last fiscal year. If not, it will show up this fiscal year and we will have to do a budget adjustment. Mr. Burguieres asked if he state's shortfall will affect our accounts. Mr. Oliveri said he does not think so because once a project is appropriated that money is set aside as bond money and is in a holding account.

PROJECTS IN PROGRESS (STATUS REPORT):

CAPITAL ROADWAY MAINTENANCE PROJECT

TASK ORDER 3

- Asphalt roadway work complete. Drainage and concrete work in progress.

TASK ORDER 4

- Working to begin when Task Order 3 is near completion under Barrie 's sub.

RAPATEL WATER TOWER

- Electrical and mechanical equipment installation is in progress. Cleco brought power to it today.

LIFT STATION 21

- New station up and running. Demolition of old stations and roadwork remains.

DEW DROP FIRE SUPPRESSION

- Waiting on final connection of air compressor.

LIFT STATIONS 22, 23 & 33

- Construction began on 9/15/15. Contractor currently working on LS 22.

OLD GOLDEN SHORES WATERLINES

- Contractor working on Sandra Lee, exploring for existing utilities.

LAFAYETTE STREET DRAINAGE

- Mobilizing, Construction to begin this week, they have taken before construction pictures.

PAUL CORDES PLAYGROUND EQUIPMENT

- Colors selected and the equipment is being ordered.
- Notice to proceed issued on 9-21.

Mr. Burguieres stated the Monroe Street water tower is decommissioned but is still used as cell tower. Mr. deGeneres said that is correct, the well is still active and any maintenance costs come from the collection of the cell tower fees. Mr. Ellis asked about the West Approach sidewalk repairs, where is that located. Mr. deGeneres said they have some drainage issues by Garden Avenue so they have to put some catch basins under the sidewalk. Mr. Danielson asked when West Causeway would be finished. Mr. deGeneres does not have a time, due to the limited time constraints during the day. Mr. Ellis and Mr. Danielson asked about the status of the Dalwill Drive servitudes. Mr. deGeneres said there is an issue with servitude agreements being signed so they cannot move forward at this time. Mr. Deano commented there are in negotiations with one property owner and another owner does not look like they want to sign with the City.. Mr. Ellis asked if we have considered changing the location of the crosswalk? This was the ideal place per Mr. deGeneres and the safest place to cross. Mr. Burguieres asked if there is some leverage the City can use to assist with this crosswalk. Mr. Deano said one owner is looking for a zoning concession, if we work with them they may be willing to sign. Mr. Deano said they first did a servitude of passage, then there was a liability issue, so then it changed to a property donation. The issue is now with a clause in the mortgage. Mr. Deano said there

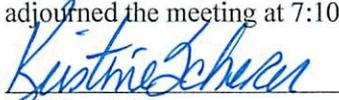
is some clause in the mortgage paperwork for one property owner that relates to liability. The owners own half of the street so why would they not want the City to accept that liability. Mr. Ellis asked if we have contacted the mortgage company because it would reduce the property owner's liability not increase it, he feels this should still be pursued . Mr. Deano has not contacted any of the mortgage companies as of yet.

The Mayor stated the contract with Barrie is at the upper limit. He wants to ask for an extension to the contract limit so they can do task order 5 and get it under the existing contract. He is looking for a renewal of \$1 million to the current contract. The contract is good until December. Mr. Burguires asked why not rebid. Mr. deGeneres recommends not to rebid because it is based upon unit prices with a fuel costs built into it. Mr. deGeneres is having Mr. Deano look at the contract to see if it can be extended. It would allow the roads to be done before the holidays. A rebid would result in road projects not starting until next year.

Mr. Ellis asked the Mayor about the West Park – Mayor had no comment.

ADJOURNMENT:

Mr. Burguires made a motion to adjourn the meeting, seconded by Mrs. Buchholz. Mr. Danielson adjourned the meeting at 7:10 p.m.



Kristine Scherer
Council Clerk



Clay Madden
Council Chairman