

**MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF DECEMBER 18, 2014**

The regular meeting of the Mandeville City Council was called to order 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 Burguières

ABSENT:

ALSO PRESENT: Mayor Villere, Chief Richard; Frank Oliveri, Finance Director; Edward Deano, City Attorney; David deGeneres, Public Works Director; Kim Chatelain, Times Picayune; Betsy Swenson, Tammany West
Faimon Roberts, Advocate

MINUTES:

1. Adoption of the November 13, 2014 Regular Meeting Minutes.

A motion was made by Mr. Ellis and seconded by Mr. Burguières for the adoption of the November 13, 2014 regular meeting minutes. The motion passed 5-0.

PRESENTATIONS:

1. Plaquemines Parish President Billy Nungesser gave the Council a presentation on coastal restoration efforts in Plaquemines Parish.

OPENING OF THE AGENDA:

1. Adoption of Resolution No 14-66, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AMENDING THE CITY'S FLEXIBLE BENEFIT PLAN TO CONTINUE QUALIFICATION AS A CAFETERIA PLAN WITHIN THE MEANING OF CODE SECTION 125, 105(b), 129 and 137; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mrs. Buchholz and seconded by Mr. Burguières to add the above item under the opening of the agenda. The motion to open the agenda passed 5-0.

REPORTS AND ANNOUNCEMENTS:

1. Mr. Danielson announced that the Council seeks to appoint a board member to the Parks and Parkways Committee. Candidates interested in being considered for this appointment should submit a letter of consideration and/or a resume to the City Council Clerk by Friday, January 9, 2015, 4:00 p.m. The appointment will be made at the January 22, 2015 Council meeting. Ms. Karin Crosby announced that she would like to be considered for reappointment.

OLD BUSINESS:

1. Adoption of Ordinance No. 14-39, ORDINANCE FOR THE CITY OF MANDEVILLE TO PROVIDE FOR A MORATORIUM ON THE ISSUANCE OF PERMITS FOR THE DEVELOPMENT AND CONSTRUCTION OF GROUND FLOOR RESIDENTIAL UNITS IN THE TOWN CENTER ZONING DISTRICT OF THE CITY OF MANDEVILLE AND TO PROVIDE FOR RELATED MATTERS

A motion was made by Mr. Burguières and seconded by Mr. Ellis for the adoption of Ordinance No. 14-39. Mr. Danielson stated that a special meeting was held last evening for discussion on this item where the Council received input from the property owners and others from the Town Center area. Mr. Burguières stated that he did not think it was ready for consideration, based on new issues that were raised, and moved to withdraw the ordinance. The motion to withdraw received a second from Mr. Ellis. Mr. Danielson stated that Mr. Perschall announced last night that he has a five year lease on the Acadian Millwork property which eliminated some of the issues and concerns of the Council members and Planning and Zoning Commissioners. Mr. Deano asked for clarification on the motion to withdraw. Mr. Burguières stated that his intention was to kill the ordinance and take it off the agenda. The motion to withdraw passed 5-0.

2. Adoption of Ordinance No. 14-48, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REZONE FROM PRD, PLANNED RESIDENTIAL DISTRICT TO R-1, SINGLE FAMILY RESIDENTIAL DISTRICT A PARCEL OF LAND CONSISTING OF 13.661 ACRES SITUATED IN SECTIONS 4 AND 44, TOWNSHIP 8 SOUTH, RANGE 11 EAST, COMPRISING PROPOSED PHASE 4B OF THE SANCTUARY DESCRIBED IN ACCORDANCE WITH A TENTATIVE SUBDIVISION PLAN BY GEC DATED AUGUST 15, 2014 ATTACHED AS EXHIBIT "A," HEREINAFTER REFERRED TO AS "SUBJECT PROPERTY."

A motion was made by Mr. Burguières and seconded by Mrs. Buchholz for the adoption of Ordinance No. 14-48. Mr. Madden stated that the Ordinance received a favorable recommendation from the Planning and Zoning Commission at their public hearing last Tuesday. This Ordinance places the property back to R1 zoning which makes it more restrictive and less dense. Mr. Burguières requested that, in the future, the Ordinance include the street address. Mr. John Crosby stated that the street does not exist yet. Mr. Burguières stated that a cross street

reference would be helpful, as a house keeping item. There being no further questions or discussion, the motion to adopt Ordinance No. 14-48 passed 5-0.

3. Adoption of Ordinance No. 14-49, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REZONE FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT TO B-2, HIGHWAY BUSINESS DISTRICT, A PORTION OF ARPENT LOTS 78 AND 79, CITY OF MANDEVILLE AS REFERENCED IN RESUBDIVISION PLAT BY KELLY McHUGH AND ASSOCIATES, INC., DATED SEPTEMBER 25, 2003 AND RECORDED IN MAP FILE NUMBER 3322A, HEREINAFTER REFERRED TO AS "SUBJECT PROPERTY."

A motion was made by Mr. Burguières and seconded by Mr. Madden for the adoption of Ordinance No. 14-49. Mr. Madden stated that this Ordinance makes the property uniformly zoned B2 to clear up a typographical error. There being no questions or discussion, the motion to adopt Ordinance No. 14-49 passed 5-0.

4. Adoption of Ordinance No. 14-50, AN ORDINANCE TO AMEND AND REORDAIN SECTION 17-30 OF THE MANDEVILLE CODE OF ORDINANCES TO REGULATE THE MOVING OF CITY SEWER AND WATER SERVICE TO PROPERTIES LOCATED OUTSIDE THE CITY OF MANDEVILLE AND TO PROVIDE FOR RELATED MATTERS

A motion was made by Mr. Ellis and seconded by Mr. Burguières for the adoption of Ordinance No. 14-39. A motion was made by Mr. Ellis and seconded by Mr. Burguières to defer the adoption of Ordinance No 14-50 to January 8, 2015 for further review by the City Attorney. He stated that the language needs more clarification. There being no discussion, the motion to defer passed 5-0.

NEW BUSINESS:

1. Approval 2015 City Council Schedule of regular meetings

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the approval of the 2015 City Council schedule of regular meetings. The motion passed 5-0.

2. Approval of the final change order in the deductive amount of \$9,000 and an addition of 40 days to the contract and certificate of substantial completion as of October 27, 2014 for the Isaac Recovery Sewer Lift Station Electrical Rehabilitation Project, Project No. PW-CMA006F

A motion was made by Mrs. Buchholz and seconded by Mr. Burguières for the approval of the final change order in the deductive amount of \$9,000 and an addition of 40 days to the contract and certificate of substantial completion as of October 27, 2014 for the Isaac Recovery Sewer Lift Station Electrical Rehabilitation Project, Project No. PW-CMA006F. The motion passed 5-0.

3. Approval of the certificate of substantial completion as of November 3, 2014 for the Isaac Recovery – Bridge Replacement Project, Project No. PW-CMA007G

A motion was made by Mr. Ellis and seconded by Mr. Burguières for the approval of the certificate of substantial completion as of November 3, 2014 for the Isaac Recovery – Bridge Replacement Project, Project No. PW-CMA007G. The motion passed 5-0.

4. Approval of the final change order in the additive amount of \$20,446.50 and the certificate of substantial completion as of November 7, 2014 for the Mariner's Village Slope Stabilization Project, Project No. 1301A8

A motion was made by Mrs. Buchholz and seconded by Mr. Madden for the approval of the final change order in the additive amount of \$20,446.50 and the certificate of substantial completion as of November 7, 2014 for the Mariner's Village Slope Stabilization Project, Project No. 1301A8. Mr. deGeneres stated that additional concrete and base course was needed to complete the project which added the additional amount to the final change order. The motion passed 5-0.

5. Approval of the Parade Application for The Krewe of Eve Parade to be held on Friday, February 6, 2015, with a rain date Monday, February 9, 2015. Action on departmental city costs of \$42,650. Issuance of the permit would be pending the receipt of an insurance certificate naming the City of Mandeville as an additional insured, receipt of the parade line up by January 23, 2015 and execution of a Cooperative Endeavor Agreement.

A motion was made by Mr. Ellis and seconded by Mr. Burguières for the approval of the Parade Application for The Krewe of Eve Parade to be held on Friday, February 6, 2015, with a rain date Monday, February 9, 2015. Action on departmental city costs of \$42,650. Issuance of the permit would be pending the receipt of an insurance certificate naming the City of Mandeville as an additional insured, receipt of the parade line up by January 23, 2015 and execution of a Cooperative Endeavor Agreement. Mayor Villere stated that the departmental cost is more accurate this year and reflects the overtime for police trade-offs with other municipalities. This is a more accurate look at the comprehensive cost. The motion passed 5-0.

6. Approval of the Parade Application for the Have A Heart Thru Art/Children's Hospital Mardi Paws parade to be held on Sunday, February 22, 2015, with a rain date of Sunday, February 27, 2015. Action on departmental city costs of \$5,300 and waiver of eating and drinking on the lakefront from noon until 4:30 p.m. Issuance of the permit

would be pending receipt of an insurance certificate naming the City of Mandeville as an additional insured and execution of a Cooperative Endeavor Agreement.

A motion was made by Mr. Madden and seconded by Mr. Burguières for the approval of the Parade Application for the Have A Heart Thru Art/Children's Hospital Mardi Paws parade to be held on Sunday, February 22, 2015, with a rain date of Sunday, February 27, 2015. Action on departmental city costs of \$5,300 and waiver of eating and drinking on the lakefront from noon until 4:30 p.m. Issuance of the permit would be pending receipt of an insurance certificate naming the City of Mandeville as an additional insured and execution of a Cooperative Endeavor Agreement. The motion passed 5-0.

7. Adoption of Resolution No. 14-62, AN RESOLUTION OF THE CITY COUNCIL URGING AND REQUESTING THE CITY PLANNER OF THE CITY OF MANDEVILLE TO ALLOW SNIPE SIGNS UNDER CERTAIN CIRCUMSTANCES ALONG US HWY 190 FROM BAYOU CHINCHUBA TO NORTH CAUSEWAY BOULEVARD THROUGH FEBRUARY 1, 2015

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the adoption of Resolution No. 14-62. Mrs. Buchholz stated that this was to assist the businesses in the construction area through February. Mr. Danielson added that the City will allow directional and informational signs to move people through the primary construction area of Highway 190. Mr. Deano stated that there still was a punch list of tasks happening in that area and the purpose was to extend the original resolution to take care of any wrap up construction items. There being no further discussion, the motion to adopt Resolution No. 14-62 passed 5-0.

8. Adoption of Resolution No. 14-63, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE CONFIRMING THE CITY ATTORNEY'S APPOINTMENT FOR AN ASSISTANT CITY ATTORNEY

A motion was made by Mr. Burguières and seconded by Mr. Ellis for the adoption of Resolution No. 14-63. Mr. Danielson stated that this will give the Council and the Administration the flexibility to use an assistant attorney if needed and Mr. Deano is requesting that we appoint Mr. David Cressy, former City Attorney. Mr. Deano added that the Mayor has requested that we also appoint Mr. Victor Franckiewicz. A motion was made by Mr. Burguières and seconded by Mrs. Buchholz to amend Resolution No 14-63 to add the appointment of Mr. Victor Franckiewicz as assistant City Attorney. Mr. Deano stated that the legal department was building the ability to handle a board array of topics from construction law to intergovernmental law. The motion to amend passed 5-0. There being no further discussion, the motion to adopt Resolution No. 14-63, as amended, passed 5-0.

9. Adoption of Resolution No. 14-64, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE IN SUPPORT OF DECLARING BOTH FRIDAY, DECEMBER 26, 2014 AND FRIDAY, JANUARY 2, 2015 A LEGAL HOLIDAY AND A DAY OF REST FOR CITY OF MANDEVILLE EMPLOYEES IN KEEPING WITH GOVERNOR JINDAL'S PROCLAMATIONS OF OCTOBER 14, 2014; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mrs. Buchholz and seconded by Mr. Burguières for the adoption of Resolution No. 14-64. There being no questions or discussion, the motion to adopt Resolution No. 14-64 passed 5-0.

10. Adoption of Resolution No. 14-65, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE BIDS FOR THE GIROD STREET INTERSECTION IMPROVEMENTS PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Ellis and seconded by Mr. Burguières for the adoption of Resolution No. 14-65. A motion was made by Mr. Burguières and seconded by Mr. Madden to defer the adoption of Resolution No. 14-65 to January 22, 2015 due to concerns and questions that have been raised. Mr. Danielson stated that due to legal time constraints the deferral date should be moved up to January 8, 2015. Mr. Danielson stated that he was not opposed to the deferral in order to have the opportunity to review with the City Engineer and City Attorney, from a contract and planning stand point. Mayor Villere stated that the bid was out and we have a certain number of limited days to start. The business owners would like this project to start at the beginning of January and a deferral could move the project to the spring. He added that he has not received any questions from the Council in the last week. Mayor Villere stated that January 8th is a three week extension which could be used for preparing contracts. He stated that the project was smaller in scope than the Hwy 190 project and there was a desire by both the City and Command Construction to work closer together on the project. Mr. Thomas Toomey, 111 Sandra Lee Drive, stated that he has read in the newspaper that Command Construction has been disqualified from State contracts. He added that it seems to him that if they were disqualified from working with the State they should also be disqualified from working with the Parish and City. Mr. Danielson stated that the City Engineer has the responsibility, with all bids that come in, to disqualify a non-responsible bidder. They were deemed qualified to bid and they were the lowest bidder. Mr. Toomey stated that he thought their contract should be reconsidered until their issues with the State are settled. He added that the delays on Hwy 190 could be justified due to errors of the State, but until the matters are settled with the State, it might not be wise to proceed. Mr. Burguières stated that the litigation was pending and thought the deferral was in order. There being no further questions on the motion to defer, the motion passed 5-0.

11. Introduction of Ordinance No. 14-51 – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ADOPTING THE POSITION TITLE CHANGE ON THE POLICE PAY SCALE FOR THE

POSITIONS OF PERSONNEL DIRECTOR AND PERSONNEL ASSISTANT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

Ordinance No. 14-51 was read by title by Mr. Danielson. A motion was made by Mr. Burguières and seconded by Mr. Ellis for its introduction.

12. Introduction of Ordinance No. 14-52 - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ADOPTING THE JOB CLASSIFICATION, POSITION DESCRIPTION, AND PAY FOR THE POSITION OF ELECTRICAL TECHNICIAN WITHIN THE ADMINISTRATION AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

Ordinance No. 14-52 was read by title by Mr. Danielson. A motion was made by Mrs. Buchholz and seconded by Mr. Burguières for its introduction.

13. Introduction of Ordinance No. 14-53- AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ADOPTING THE JOB CLASSIFICATION, POSITION DESCRIPTION, AND PAY FOR THE POSITION OF SUPERINTENDENT UTILITIES, SUPERINTENDENT BUILDINGS AND GROUNDS, AND SUPERINTENDENT OPERATIONS AND MAINTENANCE WITHIN THE ADMINISTRATION AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

Ordinance No. 14-53 was read by title by Mr. Danielson. A motion was made by Mr. Ellis and seconded by Mrs. Buchholz for its introduction.

14. Introduction of Ordinance No. 14-54, AN ORDINANCE OF THE CITY OF MANDEVILLE RELATIVE TO THE REMOVAL AND DISPOSAL OF JUNKED MOTOR VEHICLES, TO AMEND AND RE-ORDAIN SECTIONS 10-84 AND 10-97 AND 10-98 OF THE MANDEVILLE CODE OF ORDINANCES AND TO PROVIDE FOR RELATED MATTERS.

Ordinance No. 14-54 was read by title by Mr. Danielson. A motion was made by Mr. Burguières and seconded by Mr. Danielson for its introduction.

15. Introduction of Ordinance No. 14-55, AN ORDINANCE TO AMEND THE HISTORIC SURVEY OF LOUISIANA PREPARED BY SALLY REEVES DATED FEBRUARY 4, 2009 BY ADDING THERETO CERTAIN ACCESSORY STRUCTURES LOCATED AT 2525 LAKESHORE DRIVE

Ordinance No. 14-55 was read by title by Mr. Danielson. A motion was made by Mrs. Buchholz and seconded by Mr. Burguières for its introduction.

OPENING OF THE AGENDA:

1. Adoption of Resolution No 14-66, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AMENDING THE CITY'S FLEXIBLE BENEFIT PLAN TO CONTINUE QUALIFICATION AS A CAFETERIA PLAN WITHIN THE MEANING OF CODE SECTION 125, 105(b), 129 and 137; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the adoption of Resolution No. 14-66. Mr. Danielson stated that this was an update for the IRS for our employee's cafeteria plan. Mr. Oliveri stated that the IRS will allow an increase in the amount that the employee can deduct from their pay check for medical expenses. They will also be allowed to carry over from one calendar year to the next. There being no questions, the motion to adopt Resolution No. 14-66 passed 5-0.

NEW BUSINESS:

16. Discussion Item: Code Enforcement – Offered by Clay Madden, Council at Large

Mr. Madden stated that he added this topic to the agenda as a result of meetings with different homeowner associations. Code enforcement has been a common topic in these group meetings. He stated that it was his understanding that our building inspector is called out when a code enforcement call is received at the City. It may be reactive and may be the best way to handle these situations. We have heard from the Mandeville Homeowners Association over the years who have requested code sweeps. Are those sweeps practical? How often should they occur, annually? Mr. Madden asked - how can we improve code enforcement issues in Mandeville. Mr. Burguières suggested hiring a contract person on an as needed basis. Mayor Villère stated that this was an administrative issue and not for discussion at a council meeting. He added that his office was open if the Council wished to discuss code enforcement issues. Mr. Madden disagreed; he stated that this was a concern and a topic of discussion for the council and administration. He added that he wanted to look at proactive measures, rather than reactive responses. Mr. Burguières suggested budgeting funds for a code sweep and let the administration decide if they want to spend the funding. Mr. Madden stated that he has heard from constituents in all three districts so the code sweep would apply to the entire City. Mrs. Buchholz stated that a little over two months ago she met with a contract company to gather information, research solutions, and investigate potential costs. That information is pending. Mr. Burguières stated that we all have a common goal (council and administration) we just need to work on the process. Mr. Ellis agreed. Mr. Deano stated that issues have been handled and resolved on a case by case basis; he cautioned using a general sweep method.

FINANCE REPORT:

Mr. Oliveri stated that, for the new 2014/2015 fiscal year, the City has collected \$4.4 million in revenue and spent \$3.8 million, including capital outlay. The majority of property taxes will be collected in January and February 2015. We have a \$7.6 million unencumbered balance in the General Fund and an overall governmental fund balance of \$44 million. Based on our current fund balance policy of 20% of the expenditures, we currently have a 2.80 ratio based on the uncommitted balance of \$7.6 million. In the last three months, the Sewer & Water Fund received \$819,000 in revenue and spent \$678,000 in operational expenditures, without depreciation. The grant revenue for the water tower and FEMA related projects is expected to be collected in FY 2015. The annual audit is moving along in a timely fashion. The audit is expected to be submitted to the Legislative Auditors Office in late January or the first week of February. It should be completed thirty days earlier than last year's audit.

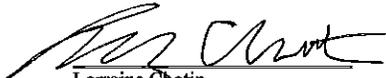
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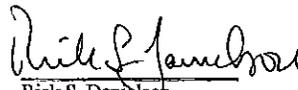
PROJECTS IN PROGRESS (STATUS REPORT):

1. Capital Roadway Maintenance Project – There are a small number of asphalt street patches remaining. Task Order Two is expected to be complete next week with the approval of Task Order Three on the January 8, 2015 Council agenda for approval.
2. Girod Street Landscaping & Lighting Project, Phase III - No change.
3. Lotus Drive/Village Lane Drainage Project – The contractor has mobilized and begun work in the drainage servitude at Lotus and Garden Ave. The project is expected to be complete by January 31, 2015.
4. Rapatel Water Tower – The foundation has been completed and the steel delivered. The erection by crane is in progress.
5. Fire Hydrant Replacement Project – The project is 50% complete.
6. Fire Suppression System for Dew Drop – The Louisiana State Fire Marshall has provided comment to the contractor submittal. The contractor must revise and resubmit prior to approval and construction.
7. Lift Station 21 Relocation – Site work is expected to begin on January 5, 2015.
8. Lift Station 19 Relocation – Site work is expected to begin on January 5, 2015.
9. Girod Street Overlay Improvements – The bid opening was held on December 3, 2014. The acceptance of the low bidder was deferred to the January 8, 2015 Council Meeting.

ADJOURNMENT:

Mr. Danielson adjourned the meeting at 7:20 p.m.


Lorraine Chotin
Council Clerk


Rick S. Danielson
Council Chairman