

**MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF MAY 8, 2014**

The regular meeting of the Mandeville City Council was called to order by the Mayor Pro Tem at 7:00 p.m. Following the call to order, a moment of silence was observed and the Pledge of Allegiance was recited.

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

ABSENT:

ALSO PRESENT: Mayor Villere, Chief Richard; Frank Oliveri, Finance Director; Louisette, Kidd, Planning Director; David deGeneres, Director of Public Works; Edward Deano, City Attorney; Gretchen McKinney, Personnel Director; Tim Dunn, St. Tammany Farmer; Kim Chatelain, Times Picayune; Faimon Roberts, The Advocate; David Folse, Tammany West

MINUTES:

1. Adoption of the April 24, 2014 Regular Meeting Minutes

A motion was made by Mr. Danielson and seconded by Mrs. Buchholz for the adoption of the April 24, 2014 regular meeting minutes. The motion passed 5-0.

2. Adoption of the April 14, 2014 Public Hearing Minutes

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the adoption of the public hearing minutes. The motion passed 5-0.

REPORTS AND ANNOUNCEMENTS:

1. Mrs. Buchholz presented Mayor Villere with an ornament from the Covington Hope House as a thank you and in recognition of the City's support.

2. MPD Meet and Greet Event will be held at PMOlink on Lakeshore Drive and Girod Street on Friday, May 23, 2014 from 5:00pm – 7:00 pm.

3. The Mayor and Council will be participating in a celebrity softball game for charity at Pelican Park on Friday, May 16, 2014 at 5:00.

PRESENTATIONS:

1. Chief Richard recognized Sgt. Paul Bourque who was retiring this month from MPD after 28 years of service in law enforcement.

OLD BUSINESS:

NEW BUSINESS:

5. Proposed Home Rule Charter Amendments - Continue discussion of recommended changes; prioritize and package together technical and substantive changes for ordinances to be introduced at the May 22, 2014 regular City Council meeting.

Package 1: Technical Changes

- a. Charter consistency: Expressly limit any actions inconsistent with the charter. Section 1-05.
- b. Cooperative endeavors: Allow cooperative agreements with non-governmental entities and individuals. Section 1-06.
- c. Redistricting timing: Revising timing after the 2020 census to work with local election schedule. Section 2-01(E). Mr. Madden questioned if this change could be removed. Mr. Franckiewicz stated that he would research and follow up.
- d. Vacancy election timing changes: Technical revisions to track state statutes. Section 2-03(B) and other related sections.
- e. Obsolete term limit language: Eliminate obsolete term limit trigger date, which is 12 years old. Sections 2-01(B) and 3-03.
- f. Mayor pro tempore: Change official title to "council chairman" Section 2-06(A) and other related sections.
- g. Internet publication: require publication of public materials (agendas, notices, etc.) on the internet as well as in the official journal. Various sections.
- h. Open meetings: Track state open meetings law for amending council agendas. Section 2-06(D).
- i. Council membership and supermajorities: Clarify meaning of "authorized membership" of council and change all two-thirds vote requirements to three-fourths. Section 2-06(G), and other places throughout.
- j. Mayor's absence: Clarify language governing procedures in mayor's absence from the city. Section 3-08.
- k. Emergency powers: Allow temporary suspension of or modification of existing ordinances for limited periods during an emergency. Section 2-13. Formerly characterized as a substantive change.
- l. Electronic signatures: Allow mayor to use electronic signatures, if authorized by ordinance. Section 3-08(E). Formerly characterized as a substantive change.

Package 2: Council Procedures, Organization, and Governance

- a. Council vacancy appointments: If council fails to fill a council vacancy in 20 days, change the appointing power from the Governor to the Mayor. Section 2-03(C).
- b. Council salary changes: Require any change in council salary to be made 90 days before the qualifying deadline for the next term. Section 2-04(B).
- c. Open Meetings: Expressly require councilmembers-elect to comply with Open Meetings Act. Section 2-06(B).
- d. Council organization and presiding officer: Allow council to change initial organization and elect chair by majority vote rather than two-thirds. Section 2-06(E).

The Council agreed to remove (from package two) the council rule on agendas which protects the right of any single council member to place an item on the council agenda under section 2-06(D). There was consensus that each future council could determine their own rules by resolution.

Mr. Burguières stated that he did not think the amendment on section 2-06(B) regarding the open meetings law for council-elect members was necessary. He stated that meeting together before taking office was very helpful and educational. He added that without taking office, the council-elect has no power. Mr. Franckiewicz stated that the open meetings law does not require advertising of such meetings but does imply that they should be advertised. There was consensus to leave this amendment in package two.

The council agreed to remove council selection of the city auditor from the amendments because it can be accomplished by ordinance.

Package 3: Budget Matters

- a. Prohibit targeting specific employees for salary reduction. Section 2-05(B).
- b. Authority to acquire real estate: Clarify that authority can be provided in the budget ordinance in lieu of a separate ordinance for each acquisition. Section 2-10(12).
- c. Capital budget: Require disclosure of prior unexpended balances for capital projects, and expressly provide authority to rescind prior authorizations. New Section 5-03(B)(5), revised Section 5-05

Mr. Franckiewicz stated that currently the charter requires a separate ordinance for each acquisition of immovable property (out-right purchases or servitudes). All of that could be authorized through the capital budget ordinance to make it convenient and easy to administer. Mr. Burguières asked if we have to attach our city budget to every property acquisition. Mr. Franckiewicz stated that when the council authorizes a city project they may also authorize any acquisitions necessary. Mr. Deano stated that the Local Budgetary Act (passed after the city's home rule charter) states that once an item is budgeted, then that is the authority for the executive to spend. So it is a matter of whether our charter is in sync with the Local Budgetary Act. If the property is specifically in the budget then that is the authority to buy that property and the right-of-ways. Mr. Franckiewicz stated that the council has complete authority through the budget ordinance simply by using the language "this ordinance authorizes no purchase of immovable properties which shall be by specific and separate ordinance". Mr. Burguières stated that he thought that this amendment invites confusion. He added that he did not feel that strongly about servitudes. Mr. Franckiewicz stated that we could tailor this to only authorize servitudes. Mr. Burguières requested an amendment with more details from Mr. Franckiewicz one week before its introduction. Mr. Franckiewicz agreed to make it clear that the council could authorize by the budget ordinance or by separate ordinance.

Package 4: Council term limits: Increase from two to three consecutive terms; eliminate "musical chairs" by counting any council position, regardless of district or at large. Section 2-01(B).

Mayor Villere stated that he was not in support for increasing the terms from two to three. Mrs. Buchholz stated that she was not in favor of changing the language to add lifetime term limits.

Package 5: Chief Administrative Officer: Allow (but not require) establishment of CAO position by ordinance. New Section 4-01(E).

Mr. Madden and Mr. Burguières stated that they were not in favor of this amendment. Mr. Ellis added that he did not think our city was large enough to support a CAO position, was not in favor of the amendment, but would offer it on the ballot for the voters to decide. Mayor Villere added that Covington has a CAO.

Package 6: Special Attorney for Council: Allow the appointment of a special counsel to advise the city council under specified circumstances and with four affirmative votes. Section 4-02(E) and new Section 4-02(F).

Mr. Franckiewicz stated that in his research he found that a vast majority of cities in the state have the same wording that is currently in our charter regarding independent counsel for the legislative body. Mr. Burguières stated that both Hammond and New Orleans have successfully had an open provision to allow for legal counsel for the legislative body without imposing specific limitations. Mr. Deano pointed out that he thought this was flawed because if a conflict does arise between the council and the mayor this provision does not address the legal representation for the mayor. If there is a conflict, the city attorney should not represent either side; this is governed by the code of professional conduct. He added that if you (council) do not like what the administration is doing, you deal with it through the budgetary process. Mr. Franckiewicz stated that the city attorney (by the charter and rules of professional conduct) represents the city as a corporate entity not individuals (the mayor or the council). If there was a conflict, under the current charter, the city attorney could recuse himself and appoint assistant attorneys to represent both sides. Essentially the city would be suing itself. The limitations would provide hiring special counsel by a super majority vote, for a specific issue and for a limited timeframe. Mr. Franckiewicz reemphasized that he thought this provision without those limitations would be very dangerous. Mrs. Buchholz stated that she was not in

favor of the amendment.

Package 7: Professional services and other non-low bid contracting: Establish minimum competitive procurement and process standards for discretionary procurements (when state law does not require award to lowest bidder). Section 5-08, substantial revisions.

Mr. Franckiewicz stated that this amendment could be accomplished by ordinance. Mr. Danielson stated that he was in favor of the ordinance form and specifically providing language in the annual budget ordinance. Mr. Burguières stated that he was in agreement with Mr. Deano's purchasing language to define corporate contracts in the charter. Mr. Burguières suggested that section 5-08(B) include the following language "Contracts for the service of architects, attorneys, certified public accountants, engineers or physicians or other persons retained to manage or direct activities on city owned or controlled property or city sponsored events shall be submitted to the council by the mayor for review and recommendation as to the party to whom the contract shall be awarded." He also suggested using the same definition of independent contractor as used in Jefferson Parish. Mr. Deano stated that he found the Jefferson Parish language too restrictive. Mr. Burguières stated that he would circulate his suggested wording by email. Mr. Deano suggested that if a contract is not adopted then it is up to the mayor to come back with another contract. It would make it easier for the council to take action. Mr. Franckiewicz stated that removing the words "or to disapprove" would accomplish this and could be a technical change.

Package 8: Personnel Officer: Provide civil service protection for the Personnel Officer by making it a civil service position under the Civil Service Commission

Package 9: Personnel policies to be adopted by the Municipal Civil Service Board: Remove the Council's responsibility for personnel rules and procedures and place that responsibility under the Municipal Employees Civil Service Board.

Package 10: Lifetime Term Limits (12 years) for the Mayor and Council

Mr. Madden stated that he would like to propose this amendment separately from package four on term limits. Mrs. Buchholz stated that she was not in favor of lifetime term limits. Mr. Franckiewicz stated that this ordinance was already drafted and proposed in 2013 and can be reintroduced on May 22nd. Mr. Madden stated that this amendment would apply to both the mayor and council and would become effective July 1, 2016. Mr. Ellis stated that there would be more buy in from constituents if the term limits were retroactive to July 1, 2012. Mr. Burguières agreed. There was additional discussion on retroactivity and Mr. Madden stated he would address this in time for its introduction.

1. Adoption of Resolution No. 14-24, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AMENDING THE ENGINEERING AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND KYLE ASSOCIATES, LLC FOR THE MONROE STREET SEWER LIFT STATION AND FORCE MAIN IMPROVEMENTS PROJECT, A/E No. 1006A8, FOR ADDITIONAL FUNDING OF \$21,345 FOR ADDITIONAL SERVICES TO BE PERFORMED BY THE ENGINEER; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mrs. Buchholz and seconded by Mr. Danielson on the adoption of resolution No. 14-24. Mrs. Buchholz stated that there were additional services required by Kyle Associates because the lift station was replaced rather than upgraded. The additional funding covers estimated hours to complete the job. There being no questions, the motion to adopt resolution No. 14-24 passed 5-0.

2. Adoption of Resolution No 14-25, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE RECOMMENDING THAT THE MANDEVILLE FINANCIAL OVERSIGHT COMMITTEE RESEARCH A LIST OF TOPICS TO BE INCORPORATED INTO THE FISCAL YEAR 2014/2015 OPERATING AND CAPITAL BUDGET ORDINANCES

A motion was made by Mr. Ellis and seconded by Mr. Danielson for the adoption of Resolution No. 14-25. Mr. Danielson stated that as we prepare for this year's budget cycle we have an opportunity to make the process as efficient and effective as possible. There are some areas we need recommendations on and areas that we can include in the budget ordinance. He asked to open discussion on topics that the council and administration would like to refer down to the finance committee for further review and recommendations back to the council. For example, topics can include (1) possible change of the City's fiscal year, (2) the independent audit process, (3) technical changes to improve the process to acquire immovable property on behalf of the City, (4) section 5-08 of the Home Rule Charter on purchasing, (5) look at limiting surplus and determine how much of a balance should be maintained in the City's different funds as either a percentage or dollar figure. Mr. Danielson asked the Council for feedback. Mr. Burguières offered that the MFOC should propose suggestions on the budget process when they see them. Mrs. Buchholz stated that she thought this was a very vague resolution; she would have liked a list of topics to review prior to the meeting. She added that a lot of these topics mentioned can be handled directly between the council and the administration. Mr. Danielson stated that there were areas of the budget process that need more time and attention. The focus would be on improving the budget process. The MFOC's recommendations would still have to come back to the council for their approval. Mrs. Buchholz stated that although she does read the MFOC minutes, there is frequent email communication between MFOC members and the council that she is intentionally not included in. She asked Mr. Danielson to address her concern with the MFOC committee member. There was further discussion on deferring the resolution, giving the council opportunity to supplement the list of topics to refer to the MFOC, or amending this resolution and introducing a second resolution with additional suggestions. A

motion was made by Mr. Danielson and seconded by Mr. Ellis to amend the resolution by adding five (5) topics to refer to the MFOC: (1) possible change of the City's fiscal year, (2) the independent audit process, (3) technical changes to improve the process to acquire immovable property on behalf of the City, (4) section 5-08 of the Home Rule Charter on purchasing, (5) look at limiting surplus and determine how much of a balance should be maintained in the City's different funds as either a percentage or dollar figure. The motion to amend passed 5-0. The motion to adopt Resolution No. 14-25 failed 4-1, with Mrs. Buchholz voting against. Mr. Deano stated that the resolution required a unanimous vote.

3. Introduction of Ordinance No 14-12, AN ORDINANCE OF THE CITY OF MANDEVILLE ADOPTING BUDGET ADJUSTMENT NO. 14-03, FISCAL YEAR 2013-2014 BUDGET

Ordinance No. 14-12 was read by title by Mr. Madden. A motion was made by Mr. Burguieres and seconded by Mr. Danielson for its introduction.

4. Introduction of Ordinance No. 14-13, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE REPEALING ORDINANCE 87-7, WHICH SPECIFIED THE EMPLOYEE BENEFITS TO BE PROVIDED TO THE CITY COUNCIL MEMBERS IN ACCORDANCE WITH THE HOME RULE CHARTER

Ordinance No. 14-13 was read by title by Mr. Madden. A motion was made by Mr. Ellis and seconded by Mr. Burguieres for its introduction.

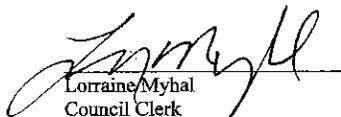
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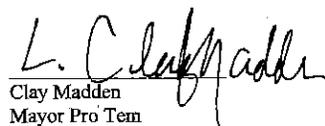
PROJECTS IN PROGRESS (STATUS REPORT):

1. Capital Roadway Maintenance Project – Drainage is being installed on Carroll Street under Task Order No. 1. The Task Order No. 2 contracts are in progress. Mr. Ellis stated that he would like to continue with the gray crack seal in the Fontainebleau subdivision as discussed with the administration. Mr. deGeneres stated that under this roadway contract they will use gray sealer on concrete and black on asphalt.
2. Girod Street Landscaping & Lighting Project, Phase III – No change.
3. Monroe Street Sewer Lift Station – CLECO has installed electrical service. The demolition of existing pump station is underway.
4. Tyler Thomas Park Restrooms - The framing has been completed. The contractor is installing exterior siding.
5. Hurricane Isaac Water Meter Replacement Project – The installations are substantially complete.
6. Community Center Rehabilitation – The plumbing work is complete. Installation of partitions and interior finishes are in progress.
7. Hurricane Isaac Pile Cap Replacement Project – The contractor is forming and placing steel this week.
8. Lotus Drive/Village Lane Drainage Project – The contractor is installing drainage pipe on Village Lane South. AT&T will relocate fiber optic cable near intersection of Garden and Lotus to allow for the next phase of work.
9. West Beach Playground – The City is finalizing the contractual paperwork.
10. Isaac Recovery Bridge Replacement – The precast concrete vendor will begin bridge fabrication next week.

ADJOURNMENT:

The Mayor Pro Tem adjourned the meeting at 9:45 p.m.


Lorraine Myhal
Council Clerk


Clay Madden
Mayor Pro Tem