

**MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF JULY 10, 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, Captain Ruple; Frank Oliveri, Finance Director; Louisette, Kidd, Planning Director; Edward Deano, City Attorney; David deGeneres, Public Works Director; Henry DiFranco, City Engineer; Kim Chatelain, Times Picayune; Faimon Roberts, The Advocate; David Folse, Tammany West

MINUTES:

1. Adoption of the June 26, 2014 Regular Meeting Minutes.

A motion was made by Mr. Madden and seconded by Mr. Ellis for the adoption of the June 26, 2014 regular meeting minutes. The motion passed 5-0.

PRESENTATIONS:

1. Presentation and discussion by Mayor Villere on salary scale increases for Mandeville City Employees

Mayor Villere presented the Council with information on wages and benefits since 2008 and a look at Mandeville's financial status. The Mayor asked for the Council's favorable consideration for a proposal that would provide a \$500.00 increase for every Civil Service classification at the bottom of the scale. Each step on the scale would increase by 2.5% to the top, step 25. Employees that are above step 25 would receive the step 25 amount which is approximately \$782 (35 hour week) or \$894 (40 hour week). Directors who earn over \$60,000 per year and the Mayor are not included in the adjustment. Directors below \$60,000.00 and the Council Clerk would receive \$750.00. All adjustments are spread throughout the 2015 fiscal year, not in a lump sum. The last step increase was approved by the Council in 2012.

Current employee headcount is down by 10: 2 in Police Department that are anticipated to be hired, 1 part time in Cultural Development under evaluation and 7 in Public Works where 3 would be hired and 4 are under evaluation.

Mayor stated that the modest scale adjustment serves to help keep pace with rising inflation and amounts to \$.24 per hour. The total cost of \$125,000, for 2014/2015 would cover wages, retirement and FICA of approximately 116 employees.

NEW BUSINESS:

7. Adoption of Resolution No. 14-38, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE INFORMING THE LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OF ACTIONS TAKEN BY THE CITY COUNCIL OF THE CITY OF MANDEVILLE REGARDING THE WASTE WATER TREATMENT PLANT

A motion was made by Mr. Madden and seconded by Mr. Burguières for the adoption of Resolution No. 14-38. Mike Curtis with Curtis Environmental Services, Inc. gave the Council a summary of the City's Municipal Water Pollution Prevention (MWPP) annual environmental audit that was submitted to DEQ. The audit scores seven areas of the waste water treatment system, generating points and a total score. The audit points, in each of the seven categories, are intended to communicate to the City the actions necessary to prevent effluent violations. Mr. Curtis stated that Mandeville received a good score, with a slight increase from last year due to the increase in the treatment plant's age. The overflow and bypass score is being addressed through the upgrade of lift stations. The disposition of sludge will not be a problem for the next 15 to 20 years. There being no questions, the motion to adopt Resolution No. 12-32 passed 5-0.

OLD BUSINESS:

1. Adoption of Ordinance No. 14-29, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE SUPPLEMENTING AND AMENDING THE COMPREHENSIVE LAND USE REGULATIONS ORDINANCE OF THE CITY OF MANDEVILLE, APPENDIX "A" OF THE CODE OF ORDINANCES OF THE CITY OF MANDEVILLE BY ADDING PROVISIONS TO THE FLOOD HAZARD PREVENTION ORDINANCE TO REGULATE THE PLACEMENT OF DUMPSTERS, DRAINS AND GREASE TRAPS IN ORDER TO PREVENT DAMAGES CAUSED BY PERIODIC FLOODING

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the adoption of Ordinance No. 14-29. Mr. Burguières stated that he just received the recommendations from the Planning and Zoning Commission a few hours before the meeting and needed more time for review. A motion was made by Mr. Burguières and seconded by Mr. Madden to defer the adoption of Ordinance No. 14-29 until the July 24th regular meeting. The motion to defer passed 5-0.

2. Adoption of Ordinance No. 14-30, AN ORDINANCE TO ORDAIN SECTION 2-3 OF THE CITY OF MANDEVILLE CODE OF ORDINANCES TO PROVIDE FOR THE STARTING TIME OF THE MONTHLY MANDEVILLE CITY COUNCIL MEETINGS

A motion was made by Mr. Madden and seconded by Mrs. Buchholz for the adoption of Ordinance No. 14-30. There being no discussion, the motion to adopt Ordinance No. 14-30 passed 5-0.

NEW BUSINESS:

1. Approval of the waiver of eating and drinking on the lakefront for the St. Timothy on the Northshore Skeeter Race on Saturday October 11, 2014, no rain date, to allow for one water station for the race.

A motion was made by Mr. Ellis and seconded by Mr. Madden for the approval of the waiver of eating and drinking on the lakefront for the St. Timothy on the Northshore Skeeter Race on Saturday October 11, 2014, no rain date, to allow for one water station for the race. The motion passed 5-0.

2. Approval of the waiver of eating and drinking on the lakefront for the Mandeville Sports Club race benefiting Safe Harbor on Saturday, November 15, 2014, no rain date from 8 a.m. to noon to allow for one water station and food and drink at the Harbor Pavilion.

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis for the approval of the waiver of eating and drinking on the lakefront for the Mandeville Sports Club race benefiting Safe Harbor on Saturday, November 15, 2014, no rain date from 8 a.m. to noon to allow for one water station and food and drink at the Harbor Pavilion. The motion passed 5-0.

3. Approval of the waiver of eating and drinking on the lakefront for the 15th Street Flyers Keeping up with the Jones Race benefiting the Methodist Children's Home on Saturday, October 18, 2014, no rain date, to allow for one water station for the race.

A motion was made by Mr. Madden and seconded by Mr. Burguières for the approval of the waiver of eating and drinking on the lakefront for the 15th Street Flyers Keeping up with the Jones Race benefiting the Methodist Children's Home on Saturday, October 18, 2014, no rain date, to allow for one water station for the race. The motion passed 5-0.

4. Approval of the waiver of eating and drinking on the lakefront for the Keep Mandeville Beautiful Clean up and Beautification on Saturday, September 20, 2014, no rain date, and waiver of Department of Public Works fees of \$1,775.

A motion was made by Mr. Ellis and seconded by Mrs. Buchholz for the approval of the waiver of eating and drinking on the lakefront for the Keep Mandeville Beautiful Clean up and Beautification on Saturday, September 20, 2014, no rain date, and waiver of Department of Public Works fees of \$1,775. The motion passed 5-0.

5. Approval of the waiver of eating and drinking on the lakefront for the American Cancer Society Gleaux Run on Friday, August 15, 2014 at 6:00 p.m. with a rain date of August 16, 2014.

A motion was made by Mr. Madden and seconded by Mr. Ellis for the approval of the waiver of eating and drinking on the lakefront for the American Cancer Society Gleaux Run on Friday, August 15, 2014 at 6:00 p.m. with a rain date of August 16, 2014. The motion passed 5-0.

6. Adoption of Resolution No. 14-37, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO ESTABLISH PUBLIC MEETING DATES FOR BUDGET WORK SESSIONS AT MANDEVILLE CITY HALL

A motion was made by Mr. Madden and seconded by Mr. Ellis for the adoption of Resolution No. 14-37. There being no questions, the motion to adopt Resolution No. 14-37 passed 5-0.

8. Presentation by Principal Engineering on the SSES (Sanitary Sewer Evaluation Study)

Andre Monnot with Principal Engineering gave the Council a summary of the Sewer System Evaluation Study and a basic overview of the sanitary sewerage collection process. Rain water and sanitary sewer flow through two separate pipes. Gravity mains flow to sanitary pumping stations or lift stations. Submersible pumping stations are preferred and easier to maintain. Mandeville has 62 lift stations. The last system-wide rehabilitation was conducted in the 1980's. Deterioration has occurred over time even with diligent maintenance. The quality and quantity of effluent is influenced by the sewerage collection system and is regulated by DHH and DEQ. The first step in the City's sewerage rehabilitation was to inventory and map the entire system. Next, the evaluation and investigation study provided the data needed to create and prioritize projects. The approximate replacement value of the City's collection system is \$80 million, not including the treatment plant. Pumping stations can be evaluated by direct observation. Gravity systems are evaluated indirectly through infiltration and inflow (I&I) measurement and limited observation. Gravity system evaluation studies include lift station flow monitoring, basin smoke testing, and segment dye testing. To date, four SSES task orders have resulted in 1700 pages of investigation results and 20 hours of CCTV footage. This data will indicate how to proceed with executable rehabilitation and reconfiguration projects. A total of \$8.95 million of projects have been defined by Principal Engineering. The value of projects under design is estimated at \$3 million. The City can expect about \$5 million of projects over the next several years to complete identified requirements.

9. Adoption of Resolution No. 14-39, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE PROPOSALS FOR THE EMERGENCY DEBRIS REMOVAL AND DISPOSAL PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE RESPONSIBLE OFFEROR AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Burguières and seconded by Mrs. Buchholz for the adoption of Resolution No. 14-39. Mr. Danielson stated that this was an annual requirement that we need in place before the height of the storm season, in the event of a natural disaster where we would need removal of storm debris. The City received five proposals which were reviewed by a criteria committee. The highest grade was received by Stranco. Mr. Burguières asked if the selection process would cause a delay in reimbursement. Do we need to coordinate with the Corp of Engineers? Mr. deGeneres stated no, the process has been refined since Katrina. The Mayor added that he and other Department Heads receive training on this every year. There being no further questions, the motion to adopt Resolution No. 14-39 passed 5-0.

10. Adoption of Resolution No. 14-40, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ACCEPTING THE PROPOSALS FOR THE IP NETWORK SURVEILLANCE MONITORING SOFTWARE AND CAMERA INFRASTRUCTURE PROJECT AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE RESPONSIBLE OFFEROR AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Ellis and seconded by Mrs. Buchholz for the adoption of Resolution No. 14-40. Mrs. Buchholz stated that the Chief gave the Council a power point presentation on this topic several months ago. As a result, an RFP was issued. The City received \$200,000 of grant money from the State specifically for this purpose. Mayor Villere stated this was an upgrade to our current technology. Capt. Ruple added that it serves as an investigation tool. The project includes 32 cameras covering 11 locations. There being no further discussion, the motion to adopt Resolution No. 14-40 passed 5-0.

11. Introduction of Ordinance No. 14-31, 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

Ordinance No. 14-31 was read by title by Mr. Danielson. A motion was made by Mr. Ellis and seconded by Mr. Madden for its introduction.

12. Introduction of Ordinance No. 14-32, 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

Ordinance No. 14-32 was read by title by Mr. Danielson. A motion was made by Mr. Madden and seconded by Mrs. Buchholz for its introduction.

13. Discussion on Public Records Requests

Mr. Danielson stated that the five members of the Council and the members of the Financial Oversight Committee have been named in a public records request. There have been questions on how to proceed so it was added to the agenda to be discussed collectively. The request covers government emails, city of Mandeville.com emails, text messages and personal emails. Mr. Madden stated that citizen members, named in the request, are unclear of the procedure and their role in the process. Mr. Deano stated that the request covers city email, personal email and text messages between Council members and MFOC members beginning July 2012 to the date of the request. It is clear that matters that have to do with City business are a matter of public record and under the LA Public Records Act and applies to advisory committees. But we get into situations that deal with legislative privilege which is a very complicated legal matter in a cutting edge technical inquiry. The requestor has been made aware of how complicated and burdensome the request is and he has been very cooperative. Mr. Danielson asked if the request was for specific financial matters. Mr. Deano stated yes, it states "financial matters". The request was revised on April 4, 2014 to adjust the initial timeframe to November 2012. Mr. Deano added that communication between Council members prior to July 2012 is not being considered. Mr. Burguières asked - what was the process to determine if each communication is responsive to the request. Mr. Oliveri stated that the City emails have already been gathered by the City IT Department based on the criteria in the request. The City Attorney will review those emails a second time. Ms. Karlin Riles, Assistant City Attorney, stated that the Council will have an opportunity to review the emails and dispute any before they are released. She added that each Council member was the custodian of their own personal emails and text messages. Hopefully, the personal emails are segregated in folders. City related emails are required to be kept for three years. Council members need to print out, or store on a disc, personal emails related to City Business. City business related text messages can be emailed to yourself or to the Legal Department so they can be printed out for review. The Legal Department will then weed through all emails and text messages and eliminate anything irrelevant, and meet with each Council or MFOC Member and explain what is part of the request (or not part of the request) and why. From that point, the Council is the custodian of record and it is up to each member to turn them over. As representatives of the City, we will tell the Council what we believe is public record according to the law. Mr. Deano added that the State law mentions that each Council member is the custodian of record but our own City Code of Conduct states that these requests have to be dealt with through the City Attorney's office. Ms. Osborn, MFOC member, stated that she considered the scope of the request an invasion

of privacy, an umbrageous over stepping of authority and invasion of civil liberties. She asked the Council to formally request an Attorney General's opinion. Mr. Deano stated that there was an AG opinion directed at the City of Mandeville that specifically states that these are public records. It is clear under the law that advisory boards are subject to the request. There was further discussion regarding how to gather personal text messages for review by legal staff. Mr. Burguieres asked who bears the cost, if there are costs involved in gathering all the messages. Would the requestor bear the cost since it is an unusual request? Mr. Deano stated that if in the regular course of business, the City would have to bear the cost. At this point, we do not know what the cost will be and we are taking this unusual request into consideration. We are in uncharted waters. Mr. Burguieres stated that we should ask each carrier what the cost would be to retrieve this data and then ask the AG to clarify who bears the cost because it is not a typical request. This could potentially be a huge time burden. Mr. Deano stated that if the requestor is not satisfied with the outcome produced, his remedy is to go to court; ultimately, a judge will make a decision on what is reasonable and what is unreasonable. Ms. Riles stated that the law imposes on the Council to keep and segregate this information for expedient production. Just because the Council has not segregated the information doesn't mean that the requestor has to bear the cost of those man hours to find the information. Mr. Madden requested that our legal staff write a letter to the State Board of Ethics with a request to include the Public Records Act in the ethics training. Mr. Glen Runyon, MFOC member, made the point that text messages apply to the records request if they are in the conduct of specific duties of the public body. The original request had no qualifications and the revision made some timeframe modifications and requested items regarding City of Mandeville financial business. He added that his advisory role on the MFOC has a very specific scope of work and "financial business" is very broad. He disagreed with the City Attorney's interpretation of Mandeville's AG opinion that every text message that has to do with City business is in fact a public record. Mr. Runyon referred to AG opinion No. 10-272, which reflected that the definition of a public record requires a content driven analysis for the connection between the record and the conduct of the public business or functioning of a public body. In another AG opinion, No. 79-242, only the writings which are used in the performance of the functions of the public body should be classified as public records. He quoted "We do not believe that the Legislature meant to include everything (e.g. memo, work papers) which any public official may happen to reduce to writing. It is our opinion that the statute, R.S. 44:1, includes only those writings which are used in the performance of the functions of the public body." He added that he should be able to self-certify his own personal emails and text messages to determine if they are responsive to the request. Mr. Runyon asked the Council to seek an AG opinion to find out if the request has to be more specific; it should be content driven specific to the public body's function. The second critical question - who is going to pay for it? Mr. Talazac, MFOC member, asked when was the public records guide created and has its contents been tested. He stated that Boards and Commissions need training on the Public Records Act and specifically what their responsibilities were in retaining records and for how long. There was further discussion on the internal process of obtaining an AG opinion and consensus that he needed to be done through the adoption of a Resolution by the Council.

FINANCE REPORT:

1. Revenue Forecasting - The 12 month moving average as of April 2014 was \$1.2 million per month and trending upward. This figure does not consider the sales tax re-dedication which is up for a vote in November. However, the revenue projection, in the draft of the 2014/2015 budget, addresses both scenarios. Sales tax revenue is estimated to total \$14.1 million in FY 2014 and future estimates increase conservatively at 1.5% per year. Mr. Talazac recommended that any time revenues are forecasted, costs should be super imposed. There is a benefit in seeing the forecast relative to one another for a complete picture.

2. Progress Report on Audit Findings

Accounting and Financial Reporting: The Council has been receiving monthly financial reports accompanied by a memo of explanation. The Administration will perform quarterly reviews of the budget to actual variance for the revenues and expenditures of the Sales Tax Fund and amend accordingly. The Administration will also implement new policies and procedures concerning the reconciliations of accounts.

Segregation of Duties: The Administration has made the following process changes: (1) the maintenance of all bank accounts except the payroll account was shifted from the Accountant to the Accounts Payable Clerk, (2) a manual review of payroll changes by the Finance Director was instituted, (3) a review, by the Mayor, of all wires initiated by the Finance Director.

Escheatment of un-negotiated items: A formal policy has been drafted. After the fiscal year ends, the Administration will process the stale dated checks and remit to the State.

Capital Assets: The Administration is looking to automate the purchase order system and accounts payable system to integrate with the fixed asset system. It will be 12-24 months before these systems and related procedures are in place and operational.

Bank Reconciliations: The Finance Director is reviewing these reports monthly and resolving any differences.

Interfund Receivables/Payables: The Administration has set in place a procedure to pay all interfund receivable and payables on at least a quarterly basis.

PUBLIC COMMENT:

PROJECTS IN PROGRESS (STATUS REPORT):

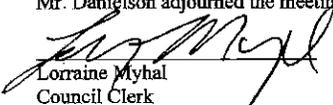
1. Capital Roadway Maintenance Project - Task Order 1 is substantially complete. Drainage improvements on Lambert Street and part of Cindy Lou are complete. The Carondelet sidewalk addition between Florida and Villere is in progress.

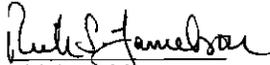
2. Girod Street Landscaping & Lighting Project, Phase III - No change in status.

3. Tyler Thomas Park Restrooms - The contractor is working on trim carpentry. We are waiting on the final electrical inspection and expect to open on July 17th. The anticipated maintenance plan will be to clean them three times per week.
4. Lotus Drive/Village Lane Drainage Project - The contractor is installing a cross drain on Village Lane. Utilities need to be moved on Lotus Drive causing a delay on the drainage crossing. Anticipated delay is two weeks. A subcontractor was brought in to move the water line.
5. West Beach Park Playground - The concrete slab is in place and takes 28 days to cure. Playground equipment will be delivered in 2-3 weeks.
6. Hurricane Isaac Recovery Bridge Replacement - The contractor will mobilize and start this week. Fabrication of the bridge is nearly complete. The pedestrian bridge will be out of commission for 4-6 weeks during construction.
7. Isaac Recovery Sewer Lift Station Electrical Rehabilitation - Control panels have been manufactured and are ready for installation. The contractor is performing site work and preparations for the control panels.
8. Rapatel Water Tower - The clearing is 80% complete and the temporary access road from US 190 to the site is 60% complete.
9. WWTP Headworks Rehabilitation & Sluice Gates - The headworks portion is 80% complete. The Sluice gates replacement project is expected to begin in a few weeks.

ADJOURNMENT:

Mr. Danielson adjourned the meeting at 9:15 p.m.


Lorraine Myhal
Council Clerk


Rick S. Danielson
Mayor Pro Tem