

**MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF SEPTEMBER 25, 2014**

The regular meeting of the Mandeville City Council was called to order by the Mayor Pro Tem 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; Louissette, Kidd, Planning Director; Edward Deano, City Attorney; David deGeneres, Public Works Director; Gretchen McKinney, Personnel Director; Kim Chatelain, Times Picayune; Betsy Swenson, Tammany West

MINUTES:

1. Adoption of the September 11, 2014 Regular Meeting Minutes.

A motion was made by Mr. Ellis and seconded by Mrs. Buchholz for the adoption of the September 11, 2014 regular meeting minutes. The motion passed 5-0.

2. Adoption of the August 27, 2014 Budget Work Session Minutes

A motion was made by Mr. Burguières and seconded by Mrs. Buchholz for the adoption of the August 27, 2014 regular meeting minutes. The motion passed 5-0.

PRESENTATIONS:

1. Mayor Villere presented a proclamation to Chief Tassin, Mandeville Fire District 4, in recognition of Fire Prevention Week, Oct. 5-11.

REPORTS AND ANNOUNCEMENTS:

1. Mayor Villere and Mr. deGeneres announced that three Public Works employees were retiring at the end of the month: Dave Wittner, Superintendent of the Water Department, 24 years; Richard Smith, Assistant Superintendent of Water Department, 33 years; and Tom Hudman, 11 years. Plaques were presented in recognition of their service to the City.

2. Mrs. Buchholz announced that DOTD has been working six days per week on the Hwy 190 project and just added Sunday this past weekend. Some of the medians will close at night and reopen in the morning in front of the K-Mart shopping Center. They are anticipating completion of the road work by Thanksgiving.

3. The Council congratulated City Hall student intern, C.J. Klein of Mandeville High School, and all 17 St Tammany Parish semi-finalists of the National Merit Scholarship program. Finalists will be announced in February.

4. Mayor Villere introduced the "Geaux Vote" app for phones. The app will give individuals their registration information and specific ballot propositions.

OLD BUSINESS:

1. Adoption of Resolution No. 14-41, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REQUEST AN OPINION FROM THE LOUISIANA ATTORNEY GENERAL FOR AN OPINION ON THE PUBLIC RECORDS REQUEST TO THE CITY OF MANDEVILLE, DATED FEBRUARY 28, 2014 AND REVISED ON APRIL 4, 2014

A motion was made by Mr. Ellis and seconded by Mr. Burguières for the adoption of Resolution No. 14-41. Mr. Burguières stated that the City Attorney has reviewed and incorporated his suggestions into one question for the AG which he will add to his original questions that were sent to the AG on September 5th. Together they reviewed the questions outlined in the Resolution, the City Attorney's responses and the law. He added that it appears this Resolution is no longer needed. As a side, the Louisiana Fifth Circuit Court of Appeals in Gretna just decided a public records request issue that offers guidance on our public records request. The City Attorney will review this recent decision to determine if it answers some of our original questions and forward a copy to the AG to be incorporated with his original letter of September 5th. A motion was made by Mr. Burguières and seconded by Mrs. Buchholz to withdraw Resolution No. 14-41. Mr. Madden asked for clarification. Mr. Deano stated that a lot of these questions outlined in the Resolution were contained in the September 5th letter to the AG. Mr. Burguières stated that the recent court decision considers the "right of privacy", carries more weight than an AG opinion and may provoke additional questions to the AG, once Mr. Deano has reviewed it. He added that he received the court decision today. There was additional discussion on whether to withdraw or defer the Resolution in order to give the rest of the Council a chance to review the recent court decision. Emails and texts were not originally contemplated by the law, which makes this issue complex. Mr. Ellis asked if the additional question, mentioned by Mr. Burguières, was going to go to the AG next week. Mr. Deano stated yes. He added that he agreed with the motion to withdraw; if an additional Resolution is needed he and Mr. Burguières would draft that for Council consideration. Mr. Danielson asked Council members to forward their questions and/or concerns to Mr. Deano in light of the new court decision. There being no further questions, the motion to withdraw Resolution No. 14-41 passed 5-0.

2. Adoption of Ordinance No. 14-41, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

MANDEVILLE ADOPTING THE JOB CLASSIFICATION, POSITION DESCRIPTION, AND PAY FOR THE POSITION OF CLERK II – ADMINISTRATIVE COORDINATOR AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Madden and seconded by Mr. Ellis for the adoption of Ordinance No 14-41. Mr. Danielson stated that this was for a job reclassification of a secretary position to Clerk II – Administrative Coordinator in the Department of Public Works. Mrs. McKinney stated that the new position, which is currently vacant, was on the same pay scale; there was no dollar differential paid to this position. She read through and highlighted certain duties of the new job description which included working closely with the Public Works management team. There are three administrative staff positions in this department; a receptionist, Clerk I and, if approved, Clerk II. All three positions were needed, but there was no need for another secretary. There being no further discussion, the motion to adopt Ordinance No. 14-41 passed 5-0.

NEW BUSINESS:

1. Approval of Special Event Liquor License Application for Old Mandeville Business Association for the Christmas Past Festival to be held on December 13, 2014, with no rain date, from 9:00 to 3:00pm, on Girod Street between Woodrow and Jefferson.

A motion was made by Mr. Madden and seconded by Mr. Burguières for the approval of the special event liquor license application for Old Mandeville Business Association for the Christmas Past Festival to be held on December 13, 2014, with no rain date, from 9:00 to 3:00pm, on Girod Street between Woodrow and Jefferson. The motion passed 5-0.

2. Approval of Special Event Application for The City of Mandeville for the Winter on the Water event to be held on December 13, 2014, 4:00pm – 6:00 pm, at the gazebo on the lakefront, with no rain date. Approval of the waiver of eating and drinking on the lakefront during the event and the waiver of \$2,015 in costs for Public Works and \$1,300 in costs for the Police.

A motion was made by Mrs. Buchholz and seconded by Mr. Burguières for the adoption of the special event application for The City of Mandeville for the Winter on the Water event to be held on December 13, 2014, 4:00pm – 6:00 pm, at the gazebo on the lakefront, with no rain date. Approval of the waiver of eating and drinking on the lakefront during the event and the waiver of \$2,015 in costs for Public Works and \$1,300 in costs for the Police. The motion passed 5-0.

3. Approval of Special Event Application for The Louisiana Philharmonic Symphony for their annual concert to be held on Saturday, October 11, 2014, 3:30 – 7:00 pm, on Lakeshore Drive at Coffee Street, with no rain date. Approval of the waiver of eating and drinking on the lakefront during the event, and the waiver of \$1,160 in costs for Public Works.

A motion was made by Mrs. Buchholz and seconded by Mr. Burguières for the approval of the special event application for The Louisiana Philharmonic Symphony for their annual concert to be held on Saturday, October 11, 2014, 3:30 – 7:00 pm, on Lakeshore Drive at Coffee Street, with no rain date. Approval of the waiver of eating and drinking on the lakefront during the event, and the waiver of \$1,160 in City costs. The motion passed 5-0.

4. Approval of a new factor for sewer rates from .0051786 to .0056394. The proposed rate will increase the monthly average residential sewer bill of 7,380 gallons by \$0.63.

A motion was made by Mr. Burguières and seconded by Mr. Ellis for the approval of a new factor for the sewer rates from .0051786 to .0056394. Mr. Burguières stated that in his research and discussions with Mr. Oliveri, he found that the factor as not increased from 2006 to 2011. Mr. Oliveri stated that the Council approved an increase in 2012 and 2013. He added that the goal was to roll the rate up slightly each year to avoid a major increase. Mr. Burguières explained that in years past funding from special sales tax was used appropriately for sewer operating expenses. The question becomes should we try to make the sewer operation self-sustaining. Many believe that is what should happen. He added that he thought the Administration's proposal of a slight increase was appropriate. Mr. Madden stated that increasing the rates was an undesirable option and added that another option would be to cut costs. We should solve the problem by cutting costs. He added that his suggestion would be to cut funded positions that were not filled, as discussed in the budget work sessions. Mr. Oliveri stated that the costs have been maintained the last four years. Costs are managed. Mr. deGeneres stated that the missing positions have been a deterrent to his department and the remaining staff is over worked. He added that we cannot keep up; we are putting out fires daily. We are not getting the maintenance work done. Mayor Villere stated that each vacant position is evaluated to see if out-sourcing is a viable option. He added that they were looking into a reorganization plan. Mr. Burguières stated that if we want to save costs, we first need to look at what is driving the costs. Mr. Oliveri stated that this increase in the fee will reduce the shortfall by approximately \$55,000. Grant funding was used to increase the capacity of the treatment plant and the Parish is expected to tie into the system, sometime in the future, which will generate additional revenue. At this point, the plan to generate additional revenue is driven by the Parish and not by the City. There being no further discussion, the motion passed 4-1, with Mr. Madden voting against.

5. Adoption of Resolution No. 14-54, 'A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO EXECUTE A CONTRACT WITH FONTENOT BENEFITS & ACTUARIAL CONSULTING FOR \$4,000 PER YEAR FOR FISCAL YEARS 2014 TO 2016, FOR ACTUARIAL SERVICES TO COMPLY WITH GOVERNMENT ACCOUNTING

STANDARDS BOARD (GASB) STATEMENT NO. 43/45

A motion was made by Mr. Ellis and seconded by Mr. Burguieres for the adoption of Resolution No 14-54. Mr. Danielson stated that we have used this firm for the last three years as part of our audit process. This was a renewal of the agreement we currently have with Fontenot Benefits. Mr. Oliveri stated that they prepare our footnote for GASB 43 & 45 for the City's audit. There being no further discussion, the motion to adopt Resolution No. 14-54 passed 5-0.

6. Introduction of Ordinance No. 14-42, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO AMEND SECTION 18 OF THE MANDEVILLE CODE OF ORDINANCES, TO AMEND SECTION 18-2(8) THEREIN TO EXPAND THE SCOPE OF DUTIES OF THE MANDEVILLE FINANCIAL OVERSIGHT COMMITTEE TO INCLUDE ALL FINANCIAL MATTERS AS DEEMED APPROPRIATE BY A SIMPLE MAJORITY VOTE OF THE MANDEVILLE CITY COUNCIL AND TO PROVIDE FOR RELATED MATTERS

Ordinance No 14-42 was read by title by Mr. Danielson. A motion was made by Mr. Burguieres and seconded by Mr. Madden for its introduction.

7. Introduction of Ordinance No. 14-43, AN ORDINANCE TO AMEND THE MANDEVILLE CODE OF ORDINANCE TO ESTABLISH SECTION 6-11(B) TO PROVIDE FOR THE COLLECTION FOR REIMBURSEMENT FOR THE REPAIR OF TOMBS, GRAVES, HEADSTONES AND GRAVE SITES AND TO PROVIDE FOR RELATED MATTERS

Ordinance No 14-43 was read by title by Mr. Danielson. A motion was made by Mr. Burguieres and seconded by Mr. Madden for its introduction.

8. Introduction of Ordinance No. 14-44, AN ORDINANCE TO ACQUIRE PEDESTRIAN SERVITUDES BY THE CITY OF MANDEVILLE AND TO PROVIDE FOR RELATED MATTERS

Ordinance No 14-44 was read by title by Mr. Danielson. A motion was made by Mr. Ellis and seconded by Mr. Burguieres for its introduction.

PROJECTS IN PROGRESS (STATUS REPORT):

1. Capital Roadway Maintenance Project – A small drainage project is in progress on Kleber Street. Cindy Lou drainage project is the next scheduled project under Task Order No. 2.
2. Girod Street Landscaping & Lighting Project, Phase III – DOTD has a new manager running this department who has required modifications of the original plans.
3. Lotus Drive/Village Lane Drainage Project – AT&T finished relocating their lines on September 24th and the contractor is currently moving the sewer lines. The project should be completed in one month.
4. Hurricane Isaac Recovery Bridge Replacement – The bridge is in place. The contractor is finishing the railings and the asphalt on the path. It should be completed in approximately one week.
5. Isaac Recovery Sewer Lift Station Electrical Rehabilitation – Nine of eleven stations are complete.
6. Rapatel Water Tower – The 16" water main has been installed from the tank site to Dupre Street. Two probe piles have been driven.
7. WWTP Headworks Rehabilitation & Sluice Gates – The headworks section is approximately 75% complete. Five of the seven sluice gates have been completed.
8. Mariner's Village Slope Stabilization – The concrete work is expected to begin next week. The ditch work is nearly complete. The fabric has been installed to prevent erosion.
9. Fire Hydrant Replacement Project – The pre-construction meeting was held on September 17, 2014. The notice to proceed is anticipated for October 6th.
10. Fire Suppression System for Dew Drop - We are awaiting approval of plans from the Fire Marshall.
11. Lift Station 21 Relocation - We are awaiting completion of contractual paperwork.
12. Flap Valves – Two vales were delivered today; three are expected to be delivered next week. The contractor has evaluated the sites at low tide. The next low tide and installation is expected October 3-5.

FINANCE REPORT:

Total FY revenues came to \$21,665,401 and came in 101.17% over budget. Total FY expenditures were

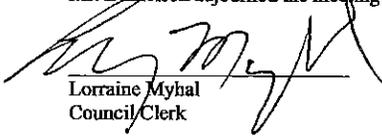
\$15,949,705 and \$23,511,722 was budgeted. The year-end general fund balance was \$11,024,234. We have \$1,244,826 committed to capital projects as discussed in our budget process, leaving an uncommitted fund balance of \$9,779,408. Based on the current fund balance policy of 20% of expenditures, the estimated general fund balance to maintain is \$3 million. Using the uncommitted balance of \$9.7 million, we currently have a 3.24 ratio. The proprietary (water and sewer) revenue for the 12 months of operation total \$3.2 million, which is 106.92% over budget. Total proprietary expenditures came to \$3,964,455, including depreciation. The grant revenue is trailing since the water tower and other FEMA related projects were just contracted. These projects are expected to be completed in FY 2015.

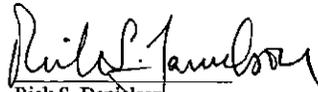
PUBLIC COMMENT:

Mr. Madden stated that on September 15th he sent a letter to the Mayor requesting a list of capital projects since September 1, 2010 with the following information: the original budgeted amount, a list of change orders per project, the contractor names and amounts of the top 3 lowest bids per project, and the final cost of each capital project requiring a change order. The reason for his request was for financial analysis. He stated that the response he received from the Mayor was that the analysis was not necessary. The Mayor clarified his response and stated that he did not have the staff hours to gather four years of data; we are all busy. He added that he asked if there was a specific question he could provide information on. Mayor Villere reiterated that we do not have time to do busy work; all of the information and contracts can be found on our City's website. We do not have the time to put together a report without any reason for the report. Mr. Madden stated we disagree; I do not consider it busy work, it is my fiduciary duty.

ADJOURNMENT:

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


Lorraine Myhal
Council/Clerk


Rick S. Danielson
Mayor Pro Tem