

**THE FOLLOWING MINUTES WERE ADOPTED AT THE MAY 26, 2016 MEETING OF
THE MANDEVILLE CITY COUNCIL. MANDEVILLE CITY COUNCIL MINUTES
FOR THE MEETING OF MAY 12, 2016**

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, Clay Madden

ABSENT:

ALSO PRESENT: Mayor Villere; David Cressy Assistant Attorney; David deGeneres, Public Works Director; Frank Oliveri, Finance Director; Laurie Pennison, Assistant Attorney; Louissette Scott, Planning Director; Chief Richard

MINUTES:

1. Adoption of the April 28, 2016 Meeting Minutes.

A motion was made by Mrs. Buchholz and seconded by Mr. Ellis to adopt the minutes of April 28, 2016. There being no further questions or comments, the motion passed 5-0.

PRESENTATION:

The Mayor presented a proclamation to Sean Noel, 8th grader from St. Paul's, for receiving the Prudential Spirit Award.

Dr. Barbara Hebert with Hope House gave a presentation regarding their organization and its dedication to end child abuse. She discussed what the advocacy center does and how it works with children in our community. They are the only agency to provide these types of services that begin and continue the healing process for children.

NEW BUSINESS:

Mr. Madden asked if he could have Troy Dugas speak regarding the millage ordinance procedures (new business #3). With no objections from the Council, Mr. Madden skipped to #3 new business.

3. Introduction of [Ordinance No. 16-03](#); AN ORDINANCE OF THE CITY OF MANDEVILLE LEVYING AND IMPOSING TAXES ON PROPERTY SUBJECT TO TAXATION IN THE CITY OF MANDEVILLE, STATE OF LOUISIANA, FOR THE YEAR 2016 IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE VII, SECTION 23(B) AND (C) OF THE 1974 LOUISIANA CONSTITUTION AND R.S. 47:1705 (B) (1) AND (2). (Offered by Clay Madden, Council-at-Large).

Ordinance No. 16-03 was read by title by Mr. Madden. A motion was made by Mr. Burguieres and seconded by Mr. Ellis for its introduction. Ordinance No. 16-03 will be discussed and voted on at a later date. Mr. Madden introduced Mr. Dugas who gave a presentation about the procedural and re-assessment process. Mr. Dugas stated our last reassessment year was 2012 and this year, 2016, is the current reassessment year. Reassessment has two components. First, the effect it has on the value of your home/business. Second, the effect it has on the millage of the taxing body. The assessor's office does not set millage; they just deal with the assessed value of your home. The City has 4 years before the next reassessment (2020) and the City will decide whether to increase, decrease or keep the millage the same. Mr. Dugas has provided Mr. Oliveri with the statistics for the City and those estimates will be used to determine if changes to millage will be recommended to the Council.

REPORTS AND ANNOUNCEMENTS:

Mr. Madden wanted to remind everyone about the Crawfish Cookin' for a Cause this Saturday at the Harbor from 11-5pm. Also, concerts this weekend at the Trailhead and Dew Drop and Mandeville Family Reunion will be held memorial weekend.

OPENING OF THE AGENDA:

Mr. Madden made a motion to open the agenda to discuss the liquor license for Another Broken Egg. This was seconded by Mrs. Buchholz. Without further comment or questions, the motion to open the agenda passed 5-0. Mr. Madden announced Another Broken Egg which will be located at 1901 Hwy 190 Ste. 7 is applying for a liquor license. They are scheduled to open on May 23rd. Without further comment or questions, the motion to approve the liquor license for Another Broken Egg was approved 5-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. Approval of the substantial completion for Lift Stations 22,23 &33, Contractor Gottfried Contracting, LLC as of April 22, 2106. (Offered by David Ellis, Council District I)

A motion was made by Mr. Danielson and seconded by Mr. Ellis. Mr. Ellis stated these lift stations are located at St. Ann, Heavens, and Cedarwood. Mr. deGeneres informed the council t here is a minor change order of \$21K that will be on the next council agenda for minor punch list items. The project will still come under budget. Without further comment or questions, the motion passed 5-0.

2. Approval of Task Order No. 4, 2015 Sewer and Water Maintenance Contract in the amount of \$222,108.00 (Offered by Rick Danielson – Council-at-Large)

A motion was made by Mrs. Buchholz and seconded by Mr. Danielson for the approval of Task order No. 4, 2015 Sewer and Water Maintenance Contract Mr. Danielson stated this is for the upgrades to 3 water mains located at Moores Road, Lafitte Street and Foy Street. Without further comment or questions, the motion passed 5-0.

4. Introduction of [Ordinance No. 16-04](#) AN ORDINANCE TO AMEND THE CODE OF ORDINANCE OF THE CITY OF MANDEVILLE TO ESTABLISH SEC 2-5 THERETO: TO REQUIRE NOTIFICATION TO THE COUNCIL BY THE MAYOR OF ANY LITIGATION IN WHICH THE CITY IS A PARTY; AND TO PROVIDE FOR RELATED MATTERS (Offered by Ernest Burguieres, Council District III)

Ordinance No. 16-04 was read by title by Mr. Madden. A motion was made by Mr. Danielson and seconded by Mr. Burguieres for its introduction. Ordinance No. 16-04 will be discussed at the May 26th council meeting.

5. Adoption of [Resolution No. 16-12](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE APPOINTMENT OF A CONSULTANT FOR THE CITY COUNCIL TO EVALUATE THE PRE STRESSED/PORT MARIGNY PROJECT; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Ernest Burguieres, Council District III)

A motion was made by Mr. Burguieres and seconded by Mr. Danielson for the adoption of Resolution No. 16-12. Mr. Burguieres wants to recommend Lloyd Shields who has worked with the city regarding the Our Lady of the Lake case to be a consultant to the council for Port Marigny. He is an architect who is deeply involved in zoning issues, historic districts, real estate development and is familiar with the CLURO. Mrs. Buchholz asked if this is in the city budget. Mr. Burguieres stated the resolution has in the scope of work an estimated figure

of \$10K on an “as need basis”. Mrs. Buchholz inquired since we have Mr. Bailey and Mr. Cressy, why do we need another consultant. Mr. Burguieres stated he comes with a different skill set and he is familiar with the project. A discussion took place regarding the process for a consultant. The mayor stated since Mr. Shields is an attorney it needs to go through the administration as a professional service contract. The administration would pick the consultant and hire. Mr. Burguieres disagrees and wants to go through the RPQ process as the council did for Mr. Bailey. Mrs. Pennison stated these are two different uses of a consultant and the procedure as current is improper and illegal. Mr. Madden stated the person will not act as an attorney but will be a consultant. The council members are the ones who are going to vote on this project and they should be able to pick who they want. The mayor stated if the council needed guidance they needed to go to the administration with their wishes and the mayor would hire a person for the council, to hire is outside the council’s responsibility. Mr. Madden feels an RFQ should be advertised, Mr. Shields can submit his application and the committee will then select a recommendation to present to the council. The mayor disagrees. Mr. Bailey was an architect but not used for that purpose therefore it was not a professional service contract. Mr. Ellis stated the person we are hiring would not just be for legal background and David Bailey was still an architect. Mr. Madden made a motion to amend the resolution to use the same procedures as Mr. Bailey. Mrs. Buchholz stated it is already there in line 40 of the resolution, “to use the policy and procedures created” so Mr. Madden withdrew his motion. Mr. Danielson made a motion to amend line 52 to say “chairman” instead of president. This was seconded by Mrs. Buchholz. Mr. Oliveri commented the council just needs to create an RFP; the mayor says this will delay the process. Mr. Cressy informed the council next week they will get 4 documents: resolution from the P&Z commission, proposed addendum, developmental agreement and the P&Z findings. He told the council you don’t start the process over, look at what you are given and then you can ask questions. Mr. Madden wants to get the consultant as soon as possible, time is wasting. Mrs. Pennison reiterated the scope is wrong, it suggests legal advice and that would have to go through the administration. Mr. Madden stated there was no developmental agreement in the original ordinance. Mrs. Buchholz asked if they can have Mr. Shields review without giving a legal opinion, can that be added to the amendment. Mrs. Scott said the scope needs to be changed. Mrs. Pennison recommends deferring the resolution and reworking it. Mr. Danielson commented this might delay the hiring but not the process, he made a motion to defer the resolution which was seconded by Mrs. Buchholz that way they can work on the language of the scope. Mr. Danielson called a question on the deferral; this was seconded by Mrs. Buchholz. Without further comment or discussion, the call to question passed 4-1 (Mr. Burguieres against). Mr. Madden announced now the vote for the deferral. Without further comments, the vote for the deferral failed 2-3 (Mr. Ellis, Mr. Madden, Mr. Burguieres against deferral) The mayor stated the process for the resolution will not move forward unless the council identifies their requirements and works with the administration. Mr. Danielson called the question on the resolution; this was seconded by Mr. Burguieres. Without further comments, the call to question passed 3-2 (Mr. Madden and Mrs. Buchholz against). Mr. Madden asked for final comments and a vote was taken for the resolution. There being no further questions, the motion to adopt Resolution No. 16-12 passed 3-2 (Mr. Danielson and Mrs. Buchholz against).

6. Adoption of [Resolution No. 16-13](#); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO PROVIDE RULE THAT THE CITY COUNCIL BE

ADVISED BY JULY 1 OF EACH YEAR OF ALL LITIGATION TO BE CONSIDERED FOR THE BUDGET PROCESS AND REVIEW; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH (Offered by Ernest Burguieres, Council District III)

A motion was made by Mr. Burguieres and seconded by Mr. Ellis for the adoption of Resolution No. 16-13. Mr. Burguieres stated he feels the council should be aware of legal issues for budgetary purposes. There being no further questions, the motion to adopt Resolution No. 16-13 passed 5-0.

7. Call to an Executive Session to discuss the cases of Mandeville v. Dennis Ducree, 22nd Judicial District Court Case No. 2015-14238 “F”; City of Mandeville v. Municipal Employees Civil Service Board, Mandeville, Louisiana, 22nd Judicial District Court Case No. 2015-14450 “J”; and, In Re: Appeal of Dennis Ducree, Louisiana Court of Appeals, 1st Circuit, Case No. 2016-CA-0278 . Mr. Madden made a motion to call Executive Session to discuss the cases of Mandeville v. Dennis Ducree, 22nd Judicial District Court Case No. 2015-14238 “F”; City of Mandeville v. Municipal Employees Civil Service Board, Mandeville, Louisiana, 22nd Judicial District Court Case No. 2015-14450 “J”; and, In Re: Appeal of Dennis Ducree, Louisiana Court of Appeals, 1st Circuit, Case No. 2016-CA-0278. A motion was made by Mr. Burguieres and seconded by Mr. Ellis to call an Executive Session. The motion passed 5-0. A motion was made by Mrs. Buchholz to temporarily recess the meeting until Executive Session was over, this was seconded by Mr. Ellis. The motion to recess and move into Executive Session passed 5-0. The City Council, Mayor, and Mrs. Pennison, Assistant City Attorney entered into the Executive Session.

Mr. Madden wanted to announce that during Executive Session there were no votes taken and no minutes were taken. Mr. Madden called the meeting to order.

8. Schedule joint public special budget meeting with current and new council members and administration to discuss the budgetary process.

Mr. Madden scheduled a joint special meeting for Thursday June 2nd at 6pm along with 2 budget work sessions: July 7th and July 25th. All meeting are located at City Hall in the Council chambers at 6pm and the public is invited to attend.

9. Discuss and schedule the meeting dates for Ordinance No. 15-17 – Port Marigny

Mr. Madden scheduled the meeting for Port Marigny on May 31st at 6pm. This meeting is open to the public and will be held at City Hall in the Council chambers.

PUBLIC COMMENT:

Mr. Charles Goodwin wanted to comment about the consultant for Port Marigny. He feels if a person has 2 skill sets it is more beneficial. If the administration and council can work together to make this possible. Mrs. Buchholz commented the council wants all the advice possible but was told the resolution presented was not legal so they will have to resolve that issue.

Mr. Pulaski commented the RFQ needs to be changed but if the council wants someone to advise on a developmental agreement, that is a legal opinion, and they need to go through the administration. Mr. Burguieres stated the issue is not resolved yet; Mrs. Buchholz disagreed and told him they need to follow the policies and procedures stated. Mr. Pulaski stated what do you do if the council hires a person who happens to be an attorney does it now go through the administration and they need to say ok?

Mr. Keller asked what the role was for Mr. Bailey. Mrs. Scott replied he provided his expertise during the process not a legal opinion. Mr. Keller said if you are asking for legal advice you need to ask an attorney not a consultant and therefore you need to go through the city attorney’s office.

Mr. Madden suggested the council start to work on a revised RFQ and get with Mr. Deano on the process and procedure to move forward.

PROJECTS IN PROGRESS (STATUS REPORT):

TASK ORDER 4- Drainage work in progress

- Fontainbleau Subdivision drainage in progress. Mr. Ellis inquired when the spreadsheet he gave to the Mayor and Mr. deGeneres would be addressed. Mr. deGeneres stated this was part of a bigger project and it would be in the next few years. Anyone with immediate issues will be handled earlier.

WATER & SEWER MAINTENANCE TASK ORDER 3

- Sewer & water repair work in progress

LIFT STATIONS 22, 23 & 33

- Acceptance of substantial completion on Council Agenda. Final change order will be given next week.

OLD GOLDEN SHORES WATERLINES

- Abandoning old water mains, making final tie ins, and performing clean up.

Project expected to be complete within 3 weeks.

Mrs. Buchholz asked if a crew had been assigned regarding the grass on Antibes and Mariners Village. Mr. deGeneres said he has not received direction from the Mayor and they do not feel the city should maintain the green space. The Mayor commented the people need to get it done, not the city.

ADJOURNMENT:

Mr. Burguières made a motion to adjourn the meeting, seconded by Mr. Danielson. Mr. Madden adjourned the meeting at 9:20 p.m.



Kristine Scherer
Council Clerk



Clay Madden
Council Chairman