**MINUTES**

**FOR THE CITY COUNCIL MEETING OF JULY 8, 2021**

The regular meeting of the Mandeville City Council was called to order by the Council Chairman at 6:00 p.m. followed by roll call.

**ROLL CALL - present:** Jason Zuckerman, Jill McGuire, Rick Danielson, Rebecca Bush, Skelly Kreller

**Also present:** Mayor Madden, Keith LaGrange, Director Public Works, Cara Bartholomew, Dir. of Planning, Kathleen Sides, Finance Director, Elizabeth Sconzert, City Attorney

**MINUTES:**

Adoption of the June 24, 2021, Meeting Minutes.

A motion was made by Mrs. Bush and seconded by Mr. Zuckerman to adopt the minutes of June 24, 2021. There being no further questions or a comment, the motion was approved 5-0.

**REPORTS AND ANNOUNCEMENTS**:

Mr. Danielson thanked everyone for their work for the 4th of July Celebration, it was a great success. He also reminded everyone the Council is soliciting resumes for their appointment to the Mandeville Planning & Zoning Commission. Please send your resume to the attention of: Mandeville City Council Clerk, 3101 East Causeway Approach, Mandeville, LA 70448 or [kscherer@cityofmandeville.com](mailto:kscherer@cityofmandeville.com). Deadline: Monday, August 2, 2021.

The mayor announced concerts will resume in the fall and the Trailhead Market is still open on Saturday’s. The mayor also announced the appointment of Mr. Jeff Bishop to the Historic District Commission, he will replace Mr. John Crane. Also, the reappointment of Lucinda Beacham and Vaughan Sollberger to the Commission. Mr. Zuckerman made a motion to confirm the appointments, seconded by Mrs. McGuire. With no further questions, the confirmation passed 5-0.

**PRESENTATIONS:**

Mr. Bryan Huval presented the findings of the 2020 Fiscal Year Audit. The city received a clean report with no significant deficiencies or non-compliance.

**OLD BUSINESS**: none

**NEW BUSINESS:**

1.Approval of special event and special event liquor for [OMBA Sips of the Season](https://www.cityofmandeville.com/wp-content/uploads/2021/07/OMBA.pdf), Friday, December 3, 2021 – 5:00p.m. – 9:00 p.m. with Rain Date: Saturday, December 4, 2021 – 6:00p.m. – 9:00 p.m. (notice start time1 hr. later). Location on Girod St. – map attached. A motion was made by Dr. Kreller and seconded by Mrs. Bush. Mrs. McGuire explained event was canceled last year due to covid. She encourages everyone to attend and support local businesses. With no further questions from the council or the audience a vote was taken, and the event application passed 5-0.

2.Approval of liquor license for [Papillon’s by Gio](https://www.cityofmandeville.com/wp-content/uploads/2021/06/Papillon-Liquor-License-App_Redacted.pdf), LLC to be located at 690 Lafitte St, Mandeville. A motion was made by Mrs. McGuire and seconded by Mrs. Bush. Mrs. McGuire explained this is at the location of Gio’s. Mr. Gio is now retiring, and this restaurant is now under new ownership. With no further questions from the council or the audience a vote was taken, and the liquor license passed 5-0.

* 3.Approval of [Task Order #4A Seawall, Culvert, & Check Valve Condition Assessment; and Task Order #4B Old Mandeville Tidal Protection Decision Facilitation & Scoping](https://www.cityofmandeville.com/wp-content/uploads/2021/06/5.-Principal-Task-Order-No.-4.pdf) with a total value of NTE $250,000 unless increased by amendment. A motion was made by Mrs. Bush and seconded by Dr. Kreller. Mr. LeBreton explained this task order is divided into two parts. The first consists of mainly $161K for divers to inspect the sea wall, repairs, valve, and culvert inspection and then about $30K for an assessment and report of the findings. The second component, Task $B, is for tidal protection collection of data, facilitate decision and scoping for a NTE of $22.5K.Mrs. McGuire asked if there has ever been an evaluation done on the sea wall. Mr. LeBreton stated he is not aware of a full assessment. If there ever was a problem that specific area was addressed only. Mr. LeGrange stated currently there are 4 places where the wall is failing, just in the past 6 months, so he wants the divers to check out the wall’s integrity and be proactive. Mrs. McGuire asked what the life of the sea wall is. Mr. LeBreton explained this task order will make that determination. Mr. Zuckerman stated the task order illudes to suitability and use of the flood wall. Based upon some previous conversations with the city, he was led to believe the check valves may not work properly or that they are the wrong valves. He is concerned with spending the $250K on an inspection not on a repair when the sea wall is currently serving its purpose. Mr. Zuckerman would like to see a comprehensive team put together and a comprehensive strategy before we do something like this task order. Mr. LeGrange would like to see where we are with the sea wall before a study would be done. This Task Order is for the inspection, cleaning, and minor repairs. Mrs. McGuire explained under Task Order 4 it states it, generally deals with inspection and assessment of the existing seawall components. However, under the subcontractor scope it says combination of cleaning so are we paying for cleaning and inspection – this is not clear. Mr. Zuckerman stated based upon some of the prior conversations, he still does not understand why we are spending the money on valves that may/may not work. Mr. LaGrange said most of the money in Task Order 4A would involve hiring a dive team for the inspection, not particularly dealing with the check valves. The entire task order is worth approximately $250,000. Mrs. McGuire stated Principal Engineering designed the check valve system and this task order would have had them do the inspection too. Mrs. McGuire stated she has heard from constituents who have concerns that an outside firm was not being contracted to do the inspection. Mr. LaGrange explained Principal Engineering is to conduct seawall, culvert and check valve assessment of the wall then propose options to address flooding based on previous analyses. They decided to use Principal because they are familiar with the history and the process. Dr. Kreller agrees with Mr. Zuckerman and feels the City of Mandeville needs to form a task force to study the lakefront flooding situation as a whole and not be locked into previous proposals. Dr. Kreller asked how many failures the sea wall has experienced in the past. He understands the sea wall is failing but he agrees we need a team of experts to do the study. The valves are probably clogged and may not even work but he cannot justify spending $161K for divers to say the wall is failing. Dr. Kreller explained we need an overall plan 3-5 years out. This needs to be developed by a team of coastal engineers, environmentalists, land planners, hydrologists, etc.…he does not want to piece meal this project. Mr. Zuckerman also has concerns with Task Order 4B- he does not see we will get anything new. We have seen the GEC study and Principal’s recommendations in the past. Mr. Zuckerman feels these two task orders, the way they are presented are intertwined and are very confusing. He feels we need to develop a team and come up with some solutions before we spend money for something that may lock us into a plan we have not fully analyzed. Mrs. McGuire stated Task 4A she understands the assessment, but Task Order 4B, she prefers a third-party inspector. She also wants to know if under 4B we have any new information, what are we committing to? Mr. Zuckerman explained paragraph 2 under task order 4B, states “After the City has identified a Tidal Protection Alternative, Engineer (Principal Engineering) shall prepare a written scope and graphical exhibits, for use by the City to solicit and engineering fee proposal for design and construction documents.” He is concerned what is being presented verbally is an inspection but the written task order leads to a proposed design.

Andre Monot, Principal Engineering, explained they did the contract documents for the project, and they feel they can be objective in this process. Mrs. McGuire expressed her citizen’s concern with Principal doing the inspection. Mr. Zuckerman asked if what was installed was in fact what was designed? Mr. Monet stated the valves should work as designed but he cannot determine if any are obstructed. Mr. Zuckerman wants to see the inspection of the valves, but not anything more at this time until a team has been established. Mr. Monet explained the divers will tell the city what the options are with the current condition of the sea wall. Dr. Kreller stated if no one has inspected the sea wall under water and it is cracking on top of the water, then the wall should be cracked under the water due to conditions. Why then spend $161K to know something we probably already know – its failing.

Mrs. Bush explained this is part of the contract from 2020 to retain Principal. Mr. Zuckerman stated this task order was not included in the 2020 contract. Mrs. Bush wants to know what the harm is if we approve/not approve this. Mr. LeGrange explained this would be a preventative measure instead of PW being reactive when a failure occurs.

Mr. Danielson explained [Task Order 4B](https://www.cityofmandeville.com/wp-content/uploads/2021/06/5.-Principal-Task-Order-No.-4.pdf) seems to revive the previous work and proposals done by Principal Engineering to propose future tidal protection solutions. He also questioned the need to combine the two issues into one item – there are a lot of moving pieces. He would like to see what needs to be done now and what can be done a little further out. He would like to see a revision of this task order. Mrs. McGuire still has concerns that Task Order 4B would lock in Principal Engineering and their previously proposed solution, that included building a one-foot wall on top of the existing seawall. She would like to see other kinds of ideas. If she approves task order 4B and a recommendation is presented is that our only option? Mrs. McGuire explained that she was under the impression that there would be a “Flood Summit” where experts from different fields would come together to discuss solutions. Mr. Zuckerman agreed with Mrs. McGuire. He would like to assemble a task force to explore all options and not continue down the path that this task order seemed to create. The mayor explained during his campaign he stated he would have a flood summit like his recent traffic summit but because of Covid he had several say please do not have a summit. The mayor feels if we had one meeting where we invited five different engineering firms to come and present, that meeting would last until one or two a.m. The mayor stated he would like to have “several flood summits” instead and hire a consultant to tie it all together and then present to the public what he is proposing. Mrs. McGuire would like to see new alternatives rather than the same suggestions that have been presented before. Her constituents have concerns and would like to be involved in the input before a direction has been finalized. Several residents spoke out in agreement with the Council. They feel there should be resident input and a resident from the Lakefront should be on the “team”. Lakefront residents are the ones who experience the flooding on a regular basis and have a wealth of knowledge to contribute to the conversations. They would like to see various options, possibly some natural solutions which do not rely on regular maintenance which we seem to have a challenge maintaining.

The mayor decided to Withdraw the task order so that it can be reworked to address concerns raised during discussion. Mr. Danielson made a motion to withdraw the task order; seconded by Mr. Zuckerman. With no further questions from the council or the audience a vote was taken, and the withdrawal passed 5-0.

4.To consider whether to move forward with a proposed zoning amendment. Z21-06-04. Livingston. Under CLURO Art. 4.3.1.2.4, the Council must make a final yea or nay vote on any proposed Zoning Amendment. Mr. Danielson explained this is a 4-plex in need of repair. The Previous property owner applied for a variance to repair and elevate the legally non-conforming structure. However, the permit was never applied for and the variances for the property run with the land. The structure lost its non-conforming use status due to being vacant for over 6 months, electrical meters removed in 2014, and no sewer and water connection since 2012. The Planning & Zoning Commission did not recommend the rezoning. Per Mrs. Sconzert, the Council needs to decide if they want to continue with the discussions of the variance request. If so, then the council would introduce an ordinance recommending the change in zoning and then vote upon that recommendation at a further council meeting. This would not go back to P&Z since they already denied the recommendation. Mr. Burguieres stated this is considered “spot zoning” if approved. Since it was denied by &Z why would the council continue discussions. Dr. Kreller agreed and felt the council would set a precedent if they approved “spot” zoning. Mr. Zuckerman does not see the need to further the discussion since the property has been out of commerce for some time. Mrs. McGuire was open to the idea of continuing a discussion, but she is not in favor of “spot zoning” and P&Z had denied the variance request. Several members of the audience were in support of P&Z’s decision. Mr. Danielson explained this would be a yea or nay vote. A yea vote would be in support of creating an ordinance and a nay vote would be to end any further discussions. With no further questions from the council or the audience a vote was taken, and the proposal to move forward with the zoning change failed 0-5.

5.Adoption of [Resolution No.21-29](https://www.cityofmandeville.com/wp-content/uploads/2021/07/res-21-29.pdf); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND NEEL-SCHAFFER AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH

A motion was made by Mr. Zuckerman and seconded by Mrs. Bush. Mr. Danielson explained this is for a traffic study from Carondelet to Jackson with a not to exceed amount of $400K. Mrs. McGuire asked if this study could research the possible addition of a red light at Jackson. Mr. Barry Brubacher explained this is the first stage of the study and the traffic work will begin once school is in session. The signalization is not a part of this project. Without further questions or comments, a vote was taken, and the resolution passed 5-0.

6.Discussion of scheduling budget work sessions**.**

Mr. Danielson explained the budget should be introduced at our next meeting on July 22nd.

The Council scheduled four budget work sessions:

Thursday, July 22nd from 5pm – 5:50pm

Wednesday, August 4th from 6pm – 8pm

Wednesday, August 11th from 6pm – 8pm

Thursday, August 12th from 5-5:50pm

The mayor stated the council should receive the first draft of the budget on Monday, July 12th.

7.Introduction of [Ordinance No. 21-21](https://www.cityofmandeville.com/wp-content/uploads/2021/07/ord-21-21.pdf); AN Ordinance for THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO AMEND ORDINANCE NUMBER 20-13, THE OPERATING BUDGET OF THE CITY OF MANDEVILLE AND FOR OTHER MATTERS IN CONNECTION THEREWITH . A motion was made by Mrs. Bush and seconded by Mr. Zuckerman. Mr. Danielson explained this will be discussed and voted upon at our next meeting. Mrs. Rohrbough requested that this be referred to the historic district for review. Ms. Bartholomew explained design review has been working on this repair project and if they feel it needs to go to the Historic commission, she will inform the council.

**PUBLIC COMMENT:** Mr. Jeff Lyons wanted to thank the city employees who worked and prepared for the 4th of July event.

**FINANCE REPORT:** Mrs. Sides reviewed the financial report as of the end of May.

**PROJECTS IN PROGRESS (STATUS REPORT):**

* 1. **1. Bayou Castine Seawall Repair** (2101A01)– Close out.
  2. a. Gill’s Crane Services - $922,224.00
  3. b. Substantial completion approved by council.
  4. c. Change Order No. 1 approved by council for $77,590.00.
  5. d. Total Cost - $999,814.00
  6. e. Dirt and sod repair – Scheduled to come out the week of July 13. (Delayed due to all the rain.)
  7. f. Retainage to be paid - $49,965.70
  8. **2. FD4 Station 42 Warning Signs** (2101A02)**–** Close out
  9. a. Subterranean Construction LLC @ $28,400.00
  10. b. Substantial Completion approved April 9,2021 and registered with Clerk of Court.
  11. c. Retainage to be paid - $2,840
  12. **3. Lift Station 12 & 24** (2101A03)**–** Close out
  13. a. Subterranean Construction, LLC @ $588,230.00
  14. b. Substantial Completion – May 6, 2021, Approved and registered with Clerk of Court.
  15. c. Change order No.1 - $58,572.00 Approved and registered with Clerk of Court.
  16. d. Total Price - $646,802.00
  17. e. Retainage to be paid - $32,204.48
  18. **4. Effluent Pump Station** (2101A04)**–** Construction
  19. a. DNA Underground, LLC @ $176,700.00
  20. b. Change Order for bypass pumping - $32,100.00 Approved.
  21. c. Equipment on order. Expected delivery - mid July.
  22. **5. Sunset Point Restrooms** (2101A05) **–** Construction
  23. a. Awarded to BSD Construction LLC - $234,696.00
  24. b. Pre-construction Meeting held 6/15/21
  25. c. Starting date delayed until city permit is obtained. (V-zone designation)
  26. d. Need to adjust flood zone via LOMA or move building.
  27. e. Proposed flood zone is in public comment, so earliest start is Aug. 11, 2021.
  28. **6. Trailhead Splash Park Replacement** (2101A06) - Construction
  29. a. Awarded to Francise Horticultural Services, Inc. - $231,098.65
  30. b. Notice of Award sent 6/3/21
  31. c. Contract signed 6/9/21 – Contracts received 6/22/21
  32. d. Pre-construction Meeting held 6/25/21
  33. e. Notice to Proceed – 7/6/21
  34. **7. Wastewater Treatment Plant - Erosion Control Project** (2101A09)
  35. a. Change Order to increase contract amount to $1,845,000.00 approved by council 6/24/21.
  36. b. Task Order #2 approved by the Council 6/24/21 - $1,475,705.00.
  37. c. Task Order #2 documents and Change order routed for signatures.
  38. **8. 2018 Roadway Maintenance Contract** (2101A12)
  39. a. T.O. 4, 99% Complete – Substantial Completion 1. Substantial Completion approved by the council 6/24/21.
  40. 2. Certificate of Substantial Completion routed for signature.
  41. b. T.O. 5, 29% Complete - $790,000.00 1. Drainage improvements in Fontainebleau Subdivision.
  42. 2. Sidewalk improvements on Monroe Street.
  43. 3. Various concrete panel replacements.
  44. 4. Various asphalt surface patching.
  45. c. T.O. 6 – Ditch Cleaning and culvert Cleaning - $800,000.00 1. Approved by council 6/24/21.

**ADJOURNMENT:**

Mrs. Bush made a motion to adjourn the meeting, seconded by Mr. Zuckerman. Mr. Danielson adjourned the meeting at 8:50p.m.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kristine Scherer Rick Danielson

Council Clerk Council Chairman