**MINUTES**

**FOR THE CITY COUNCIL MEETING OF MAY 13, 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

**Absent**: Skelly Kreller

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

**MINUTES:**

Adoption of the April 22, 2021 Meeting Minutes.

A motion was made by Mrs. Bush and seconded by Mrs. McGuire to adopt the minutes of April 22, 2021. There being no further questions or a comment, the motion was approved 4-0. (Dr. Kreller absent)

**REPORTS AND ANNOUNCEMENTS**:

Mr. Danielson announced this is National Police Wek and wanted to thank all of our officers for their service. Mr. Danielson also welcomed our new Planner, Lauren Brinkman, and the council looks forward to working with her in the future.

The mayor announced the Trailhead Concerts are back starting tomorrow night, then June 4th and June 11th. The City will also have our 4th of July Light Up the Lake event on the Lakefront.

**NEW BUSINESS:** Mr. Danielson asked the council if there were any objections to moving some items from new business to the top of the agenda due to other commitments. With no objections from the council, the items were moved up on the agenda.

1. Approval of the special event application for the [Recreation District #1 Father’s Day Fishing Rodeo](https://www.cityofmandeville.com/wp-content/uploads/2021/05/fishing-rodeo.pdf) to be held on Saturday, June 19, 2021 from 8am – noon at the Sunset Point Fishing Pier. Registration opens Friday, May 14, 2021. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mr. Danielson explained this is a great partnership opportunity with Pelican Park. He introduced Ms. Margie Lewis and Ms. Erica Lerman who discussed the event. They are anticipating 50 families and around 200 attendees. Registration fee is $35 for a guardian and child, and also includes a t-shirt. More information can be found at [www.pelicanpark.com](http://www.pelicanpark.com). With no further questions from the council or the audience a vote was taken and the event application passed 4-0 (Dr. Kreller absent).

6. Adoption of [Resolution 21-18](https://www.cityofmandeville.com/wp-content/uploads/2021/05/res-21-18.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 RICHARD C. LAMBERT CONSULTANTS, LLC, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH A motion was made by Mrs. McGuire and seconded by Mrs. Bush. Mr. Danielson explained this is for an emergency preparedness plan. His understanding, everything listed in the contract, is more FEMA requirements and a guide for the city.

The mayor explained this plan covers catastrophic events when the President declares an emergency. The parish has had 2 such events in the past 9 years. FEMA funding will be available as long as the city adheres to the requirements. The project was competitively bid to establish a plan that aligns with the Parish Plan. Once the plan is adopted, which will coordinate with the parish plan, training will take place with key City employees. Task orders will be issued on an as needed basis. Mr. Zuckerman appreciates the administration answering some of his questions. He has not had the chance to review the mayor’s email from last night, but he still has questions about terms of the agreement, corresponding budget adjustment, and funding for this contract. He does see a need but has not had enough time to get his questions answered. He is concerned about the budget adjustment which is up for introduction - he knows that won’t be voted upon until the next meeting. But he does not see how you can vote on a resolution without having all of the funding. Mrs. Sides stated we currently have $15K allocated for emergency preparedness so we could start on the contract. The $60K budget adjustment is for the plan; we want to get the project started before hurricane season. The mayor stated the budget adjustment was supposed to be introduced last meeting but due to a technicality it was held up. Mr. Zuckerman explained if we have $15K for emergency preparedness to date, the budget adjustment is for another $60K that brings the total to $75K but this contract is for $99K? Mrs. Sconzert explained under the Stafford act the contract must have a not to exceed amount and the amount not to exceed is $99K. Mr. Zuckerman has many questions about the response and recovery portion. Article 1 is a set of deliverables, Sections 2-3 are the emergency response, those we get reimbursed from FEMA. He is still having trouble with article 3, terms of agreement. For the year 2021 the agreement shall not exceed $99K, for the next two years following, the agreement shall not exceed $76K, is this for the fixed deliverables vs FEMA…Mrs. Sides corrected herself and stated the budget adjustment was for $29K on top of the requested $60K so that gets you close to the $99K not to exceed amount. Mrs. McGuire stated the council only had a few days to look at this and she needs more time to respond to citizen questions. Since the budget adjustment is not up for a vote at this meeting she would like to have more time to review this resolution. She is not prepared to vote yet. Mr. Danielson stated the only costs mandatory at this point is the first year. If there is no catastrophic event, we don’t expend any more money. Mr. Ben Plia, subcontractor with Richard Lambert, stated that is not correct. The city will also have the $76K for the following two years for annual review and rehearsal of the plan’s execution. Mr. Plia feels it will take 45-60 days from approval to have a plan in place. His fees are not reimbursable from FEMA, only his actions done during a declared Presidential emergency. Mr. Zuckerman and Mrs. McGuire both do not have a problem with the plan or have any concerns with Richard Lamberts firm, they are just asking for more time and to get information earlier to the council.

Mr. Zuckerman made a motion to defer this item until the next council meeting; this was seconded by Mrs. McGuire. Mrs. Sconzert explained there are many things in the contract which cannot be changed. Mr. Zuckerman stated he just needs time to digest the contract. It is a large and complex contract. He does not feel two weeks will make a big difference- this is a $250K contract for the next three years. Mr. Burguieres stated he has heard of numerous questions from citizens and wanted to know if they could forward their questions to the council for answers. Mrs. Alleman feels the council should trust the experts and approve the resolution. There is a sense of urgency and wishes the council to not delay. Mrs. Bush is against the deferment. She is comfortable with the contract and wants to vote tonight. Mr. Danielson stated the council needs to be comfortable with the contract and reiterated this has nothing to do with Mr. Lambert’s company.

Without further questions or comments, a vote was taken and the deferral passed 3-1(Zuckerman, McGuire, Danielson for; Bush, against)

**OLD BUSINESS**:

1.Adoption of [Ordinance No. 21-02;](https://www.cityofmandeville.com/wp-content/uploads/2021/05/ord-21-02.pdf) AN Ordinance for the City of Mandeville to enact a twelve month amortization on SECTION 10.5.3.11 ELECTRONIC MESSAGE CENTERS OR DIGITAL SIGNS OF THE LAND USE REGULATIONS OF APPENDIX A- COMPREHENSIVE LAND USE REGULATIONS OF THE CITY OF MANDEVILLE AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mr. Danielson and seconded by Mr. Zuckerman. Mr. Danielson explained this was introduced at the March 11th meeting and was referred to the P&Z Commission where they had two work sessions on the ordinance. There are four main components: (1) full review of the sign ordinance, not just digital and electronic signs; (2) suggestion to hire an expert/consultant to assist; (3) extension of the amortization period through the review process for all signs with an EMC of less than 50%of the sign panel and (4) prohibition of EMC sign greater than 50% of the sign panel. Mr. Danielson stated during the P&Z meetings he reiterated this has never only been about digital signs but a review of the sign ordinance and looking at a reasonable solution to small scale digital signs. The P&Z commission bifurcated the ordinance and section 1 – to review the sign ordinance and hire a subject matter expert; section 2- was t not recommend an additional amortization schedule, opining that the amortization period has passed and section 10.5.3.11 will be enforced as written.

Mr. Danielson made a motion to accept the P&Z recommendations; this was seconded by Mrs. McGuire. Mr. Zuckerman asked if this needed to be done by ordinance since we are now only doing a review and that does not need to be done by ordinance. Ms. Bartholomew stated she is requesting in the budget to review the sign code. Currently it is in the short term work program. Ms. Bartholomew stated we don’t need an ordinance for the Planning commission to hire a consultant.

Mr. Danielson withdrew his prior motion and made a new motion to withdraw ordinance 21-02 as it has been written; seconded by Mrs. McGuire. Ms. Wilson asked since this is now going to be withdrawn, who will do the enforcement of the sign code. Mr. Danielson stated the city has a code enforcement officer. During covid the city waived the enforcement period and while this ordinance was pending they did not enforce the code. Now that this is settled, any violators will have to deal with code enforcement. Mrs. Smith would like the public to be aware when the sign review will take place so they can participate. The mayor suggests forming a subcommittee of citizens. Mr. Burguieres suggested the review in addition to the resiliency plan already in the short term work program. Ms. Bartholomew stated she wants to do the resiliency plan first then review the CLURO.

With no further comments or questions, a vote was taken and the withdrawal of Ordinance 21-02 passed 4-0 (Dr. Kreller absent).

2.Adoption of [Ordinance No. 21-03](https://www.cityofmandeville.com/wp-content/uploads/2021/05/ord-21-03.pdf); AN ORDINANCE OF THE COUNCIL OF THE CITY OF MANDEVILLE AMENDING SECTION 17-86 OF CHAPTER 17 OF THE CITY OF MANDEVILLE CODE OF ORDINANCES AND SECTION 5.1.15 OF APPENDIX A- COMPREHENSIVE LAND USE REGULATIONS OF THE CITY OF MANDEVILLE AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. McGuire and seconded by Mr. Zuckerman. Mr. Zuckerman explained this addresses the habitability of structures throughout the city. The definition of habitability previously did not address plumbing issues. This came with a recommendation of the Planning & Zoning Commission. There were questions about private water wells, but this has nothing to do with banning of private wells; the code already addresses this. This ordinance is to make sure a property has sufficient water supply. Mr. Zuckerman made a motion to amend to add two Whereas: “**WHEREAS,** Section 17-28 expressly addresses the limited use of private water wells within the City of Mandeville; and **WHEREAS**, the City Council appreciates that inhabited structures without sufficient water supply to ensure the proper function of plumbing fixtures, devices and appurtenances can pose risks that threaten the public health, safety and welfare.”; this was seconded by Mrs. McGuire. With no further questions from the council or the audience a vote was taken and the amendment passed 4-0 (Dr. Kreller absent). Mrs. McGuire asked if you can use wells for irrigating your land, this restriction just for the building itself? Mrs. Sconzert stated as long as they have sufficient volume and flow. Since there were no further questions from the council or the audience a vote was taken and the amended ordinance passed 4-0 (Dr. Kreller absent).

3.Adoption of [Ordinance No. 21-06](https://www.cityofmandeville.com/wp-content/uploads/2021/05/ord-21-06.pdf): AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO AFFECT THE ANNEXATION OF A PORTION OF GROUND IN SECTION 45, TOWNSHIP 8 SOUTH, RANGE 11 EAST, ST. TAMMANY PARISH, LOUISIANA ADJACENT TO GOLDEN SHORES SUBDIVISION, SECTION A, SQ 5, LOT 86A, INTO THE CORPORATE LIMITS OF THE CITY OF MANDEVILLE, DESIGNATING THE PROPERTY FOR PURPOSES OF ZONING AS A R-1, SINGLE FAMILY RESIDENTIAL DISTRICT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mr. Danielson explained the applicants currently own a lot in Old Golden Shores, however they purchased the adjacent parcel with the intent to add to their property and this parcel is not in city limits. Their request is to annex the vacant parcel so they can extend their back yard. With no questions from the council or the audience a vote was taken and the ordinance passed 4-0 (Dr. Kreller absent).

**NEW BUSINESS:**

2. Approval of [Change Order No. 1](https://www.cityofmandeville.com/wp-content/uploads/2021/04/Trans-Pkg-to-Council-CO-1-2101A01-042221.pdf) Bayou Castine Bulkhead Repair A/E Project No. 2101A01, formerly No. 1801A08 in the amount of $77,590.00 A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mr. Zuckerman explained this change order was for cutting and capping each piling, redoing two piers by the boat launch, adding a 4x4 bumper to each piling and various other items. With no further questions from the council or the audience a vote was taken and the change order passed 4-0 (Dr. Kreller absent).

3. Approval of [Substantial Completion](https://www.cityofmandeville.com/wp-content/uploads/2021/04/Trans-Pkg-to-Council-Sub-Comp-2101A01-042321.pdf) Bayou Castine Bulkhead Repair A/E Project No. 2101A01, formerly No. 1801A08 as of April 8, 2021 for the final construction cost of $999,814.00. A motion was made by Mrs. Bush and seconded by Mr. Zuckerman. Mr. Zuckerman explained this is the substantial completion of the Bulkhead Repair. The project looks great and is just in time for the summer. Mr. Runyon asked how much the budget for the project was. Mrs. Sides stated the budget was for $1million and it came in at $999,814. With no further questions from the council or the audience a vote was taken and the substantial completion passed 4-0 (Dr. Kreller absent).

4. Adoption of [Resolution No. 21-16](https://www.cityofmandeville.com/wp-content/uploads/2021/05/res-21-16.pdf); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO RENEW A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND COMPLIANCE ENVIROSYSTEMS, LLC FOR MANDEVILLE SANITARY SEWER EVALUATION AND REHABILITATION, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH A motion was made by Mrs. Bush and seconded by Mr. Zuckerman. Mr. Danielson explained this is a renewal of an existing contract. They provide testing for the sewer system, flush out lift stations, and other projects that Public Works cannot accomplish. Mrs. McGuire had a citizen question regarding the smoke test on the SSS regarding the lake water rising and water coming out of the man holes. He would like to know the results of the test and the city’s plan of action. Mr. LaGrange explained the city is treating more water than they had in the past. The storm water is coming from numerous gaps and holes in addition to normal rain water. Currently, the city is advertising for water and sewer maintenance contract and the smoke test results are first on their project list. Mr. Zuckerman asked if this contract has a not to exceed amount/ Mr. LeGrange stated these prices are three years old and the city has never reached their maximum. Work will be done via task orders unless there is an emergency. With no further questions from the council or the audience a vote was taken and the resolution passed 4-0 (Dr. Kreller absent).

5.Adoption of [Resolution No. 21-17](https://www.cityofmandeville.com/wp-content/uploads/2021/05/res-21-17.pdf); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE ESTABLISHING PROCEDURES ON HOW ORDINANCES, WITH RECOMMENDATIONS FROM THE PLANNING AND ZONING COMMISSION, ARE PLACED ON THE REGULAR COUNCIL MEETING AGENDAS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH A motion was made by Mrs. Bush and seconded by Mr. Zuckerman. Mr. Danielson explained this is a way to improve processing of certain items to the council. This does not affect the CLURO process. It establishes procedures to hope to make the process more efficient. Mr. Danielson made a motion to amend to add the word “commission” after the word Planning, and to add “follows the procedures set forth in Chapter 4 of the CLURO”; this was seconded by Mrs. Bush. Mrs. McGuire had some concerns about advertising and not having enough time to get information the residents. Currently, the P&Z agenda is distributed on Friday before the Tuesday meeting. Mrs. Bartholomew stated she will get the agenda distributed when it goes to the paper (1 ½ weeks out). This will give council and residents more time to review and ask any questions before the meeting date. Mr. Burguieres asked Ms. Bartholomew if she could add hyperlinks to the agenda so the packet information is available. She will work with IT on this request. With no further questions from the council or the audience a vote was taken and the amended ordinance passed 4-0 (Dr. Kreller absent).

7. Introduction [of Ordinance No. 21-13](https://www.cityofmandeville.com/wp-content/uploads/2021/05/ord-21-13.pdf); AN Ordinance for THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO AMEND ORDINANCE NUMBER 20-12, THE CAPITAL BUDGET OF THE CITY OF MANDEVILLE AND FOR OTHER MATTERS IN CONNECTION THEREWITH A motion was made by Mr. Zuckerman and seconded by Mrs. Bush. Mr. Danielson stated this will be voted upon at the next Council meeting.

8. Introduction of O[rdinance No. 21-14](https://www.cityofmandeville.com/wp-content/uploads/2021/04/ord-21-14.pdf); AN ORDINANCE OF THE CITY OF MANDEVILLE LEVYING AND IMPOSING TAXES ON PROPERTY SUB.JECT TO TAXATION IN THE CITY OF MANDEVILLE, STATE OF LOUISIANA, FOR THE YEAR 2021 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). THEREWITH A motion was made by Mr. Zuckerman and seconded by Mrs. Bush. Mr. Danielson stated this will be voted upon at the next Council meeting.

9. Introduction of [Ordinance No. 21-17](https://www.cityofmandeville.com/wp-content/uploads/2021/05/ord-21-17.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 THEREWITH A motion was made by Mr. Zuckerman and seconded by Mrs. Bush. Mr. Danielson stated this will be voted upon at the next Council meeting.

**PUBLIC COMMENT:** none

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

1. 2018 Roadway Maintenance Contract-See attached worksheets.

2. Bayou Castine Seawall Repair a. Contractor to address punch list items.

3. FD4 Station 42 Warning Signs a. Awaiting certificate of clear lien.

4. Lift Stations 12 & 24 - Awarded. a. Subterranean Construction, LLC @ $588,230.00

* 1. b. Notice to Proceed, 10/01/20.
  2. c. Contractor adjusting punch list items.

5. Effluent Pump Modifications a. DNA Underground LLC, Contractor; $176,700

* 1. b. Pre-construction meeting held March 31st.
  2. c. Notice to Proceed was issued April 5th; Contract time: 180 days

6. Sunset Point Restrooms a. Bids to be received Friday, May 7th.

* 1. b. Apparent low bidder is BSD Construction @ $234, 696.00.

7. Splash Pad / Trailhead a. Bids received yesterday, Wednesday, May 12th.

* 1. b. Apparent low bidder is Francis Horticultural Services @ $231,101

Mrs. McGuire asked Mr. LaGrange about port-o-lets pickups during storm events. Mr. LaGrange stated the city’s contract for port-o-lets is up for renewal and he will make sure this is addressed and enforced during storm events.

**ADJOURNMENT:**

Mrs. Bush made a motion to adjourn the meeting, seconded by Mrs. McGuire. Mr. Danielson adjourned the meeting at 8:25p.m.

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Kristine Scherer Rick Danielson

Council Clerk Council Chairman