

CITY OF CROWLEY
REGULAR MEETING
MARCH 13, 2012

The Mayor and Board of Aldermen of the City of Crowley, Louisiana, the governing authority of the City of Crowley, met in a regular session at 6:00 p.m. Tuesday the 13th day of March, 2012 at the regular meeting place of said Mayor and Board of Aldermen, the Council Chambers, 426 North Avenue F, Crowley, Louisiana.

Mayor Greg A. Jones presided with the following Aldermen present: Bryan Borill, J. Elliot Doré, Jeff Doré, Lyle Fogleman Jr., Vernon Martin, Mary Melancon, Laurita Pete, Steven Premeaux and Kitty Valdetero. Alderwoman Laurita Pete was absent.

Alderman Steven Premeaux led the Pledge of Allegiance to the flag and Alderman Lyle Fogleman gave the invocation.

READING & APPROVAL OF MINUTES / BILLS:

Alderman Bryan Borill moved to dispense with the reading of the minutes of the February 14th, 2012 regular council meeting and approve them as written and distributed. Seconded by Alderman Elliot Doré and duly adopted.

Alderwoman Kitty Valdetero moved to approve all bills presented for payment. Seconded by Alderwoman Mary Melancon and duly adopted.

MAYOR'S REPORT:

Mayor Greg A. Jones presented the Sales Tax chart and User Fee chart that track the collection trend.

STANDING COMMITTEE REPORTS:

UTILITY COMMITTEE:

Chairperson – Alderman Vernon Martin
Vice-Chairperson – Alderwoman Kitty Valdetero
Members – Aldermen J. Elliot Doré, Jeff Doré, and Lyle Fogleman, Jr.

A motion was offered by Alderman Vernon Martin and seconded by Alderman J. Elliot Doré to approve Partial Payment No. 7 to E. B. Feucht & Sons, Inc. for the LCDBG FY 2010-11 Project for “Sewerage Repairs in Northeast and Southeast Crowley” in the amount of \$15,531.03. Motion carried.

INSURANCE & PERSONNEL COMMITTEE:

Chairperson – Alderwoman Laurita Pete
Vice-Chairperson – Alderman Jeff Doré
Members – Aldermen Bryan Borill, Vernon Martin, and Kitty Valdetero

A motion was offered by Alderman Jeff Doré and seconded by Alderman Vernon Martin to accept the recommendation from Mark Landry of Landry, Harris and Company and change to Alternative No. 2 for plan design and to implement all cost containment, pre-

authorization and specialty management programs as recommended by Caremark for the medical and prescription plan of city employees, effective May 1, 2012. Motion carried.

RECREATION COMMITTEE:

Chairperson – Alderman Steven Premeaux
Vice-Chairperson – Alderman J. Elliot Doré
Members – Aldermen Lyle Fogleman, Jr., Mary Melancon and Laurita Pete

A motion was offered by Alderman Steven Premeaux and seconded by Alderman J. Elliot Doré to approve Partial Payment No. 2 to Trans Texas Tennis, Ltd. for the Gladys Trahan Tennis Center in the amount of \$57,489.30. Motion carried.

A motion was offered by Alderman Steven Premeaux and seconded by Alderman Vernon Martin to approve Change Order No. 2 to the Construction Contract with Trans Texas Tennis, Ltd for the Gladys Trahan Tennis Centre, to increase contract time from 90 days to 144 days. Motion carried.

RESOLUTIONS:

The following resolution was offered by Alderwoman Mary Melancon, duly seconded by Alderman Lyle Fogleman, and adopted.

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS AND AUTHORIZING THE ADVERTISEMENT FOR BIDS AND DESIGNATING THE TIME AND PLACE THAT THE BIDS WILL BE RECEIVED FOR THE “E. CEDAR ST. AT E. ANDRUS ST. STREET RECONSTRUCTION” PROJECT.

BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley that the Plans and Specifications for the “E. CEDAR ST. AT E. ANDRUS ST. STREET RECONSTRUCTION” Project prepared by Mader Engineering are hereby approved and;

BE IT FURTHER RESOLVED that the Advertisement For Bids for said Project is hereby authorized, that bids will be received at 10:00 a.m. on April 10th, 2012 at Crowley City Hall, located at 425 N. Parkerson Avenue, Crowley, LA 70527, at which time the bids will be publicly opened and read aloud, and that said date, time, and location may be amended as long as changes are processed in accordance with the Public Bid Law.

ADOPTED: March 13, 2012

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CLERK

The following resolution was offered by Alderman Lyle Fogleman, duly seconded by Alderwoman Mary Melancon, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, ORDERING AND ISSUING A RULE TO SHOW CAUSE FOR CONDEMNATION OF PROPERTY.

WHEREAS, the City Inspector has notified the Mayor and Board of Aldermen of a violation(s) of the Building and Safety Codes of the City of Crowley; and

WHEREAS, Notice of Violations has been issued to the property owner, Lee V. Blount Estate et al c/o David Bernard Sr, by the City Inspector's office for repairs and/or demolition to be made of the improvements situated on Lot 3 and the North 50' of Lot 9 of Block 58 of the West Crowley Subdivision of the City of Crowley, having a municipal address of 414 North Avenue A, Crowley, Louisiana, and was received by the property owner via Certified Mail Return Receipt Requested on the 17th day of November, 2011; and

WHEREAS, no action has been taken and the City Inspector has requested a public hearing for the condemnation of the said property;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that the Notice of Rule to Show Cause should be issued to Lee V. Blount Estate et al c/o David Bernard Sr for a public hearing to be held by the Mayor and Board of Aldermen on the 10th day of April, 2012, in regular session at 6:00 o'clock p.m. and that said notice be properly recorded and served upon the property owner pursuant to law;

THUS DONE AND ADOPTED in regular session duly convened on the 13th day of March, 2012 at Crowley, Acadia Parish, Louisiana at which a quorum was present and acting throughout.

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CLERK

The following resolution was offered by Alderman Lyle Fogleman, duly seconded by Alderwoman Kitty Valdetero, and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, ORDERING AND ISSUING A RULE TO SHOW CAUSE FOR CONDEMNATION OF PROPERTY.

WHEREAS, the City Inspector has notified the Mayor and Board of Aldermen of a violation(s) of the Building and Safety Codes of the City of Crowley; and

WHEREAS, Notice of Violations has been issued to the property owner, Louise Jolivette Estate, by the City Inspector's office for repairs and/or demolition to be made of the improvements situated on Lot 14 of Block 27 of the West Crowley Subdivision of the City of Crowley, having a municipal address of 617 West 2nd Street, Crowley, Louisiana, and was mailed to the property owner via Certified Mail Return Receipt Requested but was returned to the City Inspector marked "Return to Sender; Vacant; Unable to Forward"; and

WHEREAS, no action has been taken and the City Inspector has requested a public hearing for the condemnation of the said property;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that the Notice of Rule to Show Cause should be issued to Louise Jolivette Estate for a public hearing to be held by the Mayor and Board of Aldermen on the 10th day of April, 2012, in regular

session at 6:00 o'clock p.m. and that said notice be properly recorded and served upon the property owner pursuant to law;

THUS DONE AND ADOPTED in regular session duly convened on the 13th day of March, 2012 at Crowley, Acadia Parish, Louisiana at which a quorum was present and acting throughout.

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CLERK

The following resolution was offered by Alderman J. Elliot Doré, duly seconded by Alderman Vernon Martin, and adopted.

RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, DECLARING AN EMERGENCY AND ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF CROWLEY, STATE OF LOUISIANA ON THE 19TH DAY OF MAY, 2012, TO AUTHORIZE THE LEVY OF A SPECIAL TAX THEREIN AND THE ADOPTION OF AN ORDINANCE TO PROVIDE FOR A SPECIAL TAX OF ONE-HALF OF ONE PERCENT (1/2 OF 1%) ON SALES AND USE AS DEFINED BY LAW FOR A PERIOD OF FIFTEEN (15) YEARS EFFECTIVE JULY 1, 2012, THE PROCEEDS OF WHICH SHALL BE DEDICATED AND USED FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, MAINTAINING AND IMPROVING INFRASTRUCTURE AND CAPITAL IMPROVEMENTS WITHIN THE CITY; FURTHER AUTHORIZING THE USE OF THE PROCEEDS OF THE TAX TO BE FUNDED INTO BONDS FROM TIME TO TIME FOR ANY OF THE AFORESAID PURPOSES AND PROVIDE FOR MAKING APPLICATION TO THE BOND COMMISSION FOR APPROVAL OF THE DECLARATION OF EMERGENCY, THE CALLING OF THE ELECTION AND THE PROPOSITON AND PROVIDING FOR ALL OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of Crowley presently levies a One-Half of One Percent (1/2 of 1%) Sales and Use Tax which will expire on the 31st day of March, 2012; and

WHEREAS, a special election to rededicate and continue the said tax was held in the City of Crowley on the 22nd of October, 2011 however the majority of voters voted against the said proposition; and

WHEREAS, under the provisions of Article VI Section 30(B) of the Louisiana Constitution of 1974, same tax proposition(s) or new tax proposition(s) cannot be submitted to the electorate more than once within a six-month period except in the case of an emergency as determined by the governing authority of the political subdivision; and

WHEREAS, under the provisions of the constitution and laws of the State of Louisiana, the dates on which proposition elections are authorized to be scheduled for the year 2012 include the 21st day of April, 2012, which is less than six (6) months after the election held on October 22, 2011, and the next available date on November 6, 2012; and

WHEREAS, the One-Half of One Percent (1/2 of 1%) Sales and Use Tax will expire more than eight (8) months prior to the November 6, 2012 election resulting in a substantial loss of revenue to the governing authority and causing a drastic impact to the Fiscal Year

2012 Budget of the City of Crowley which commences on the 1st day of September, 2012; and

WHEREAS, the effects of the drastic loss of revenue to the Fiscal Year 2012 Budget will require substantial cuts and reductions to all departments in order to shift available undedicated sources of revenue to maintain essential infrastructure, employees and services and will prohibit all necessary capital improvements and capital acquisitions and eliminate current services; and

WHEREAS, it is necessary that the governing authority declare that an emergency exists in accordance with the provisions Article VI, Section 30(B) of the Louisiana Constitution of 1974 in order to resubmit the same or a similar proposition to the electors; and

WHEREAS, under the provisions of Louisiana Revised Statute 18:402(F)(7), a Special Emergency Election cannot be held on the same date of a regularly scheduled election is specified under the provisions of said statute therefore it is necessary that a special emergency date be fixed for the said Special Election to submit the proposition to the voters; and

WHEREAS, under the provisions of Louisiana Revised Statute 18:402(F)(7), special consent and approval of the Governor and the State Bond Commission is necessary to hold the Special Election to submit the proposition to the voters; and

WHEREAS, the governing authority of the City of Crowley finds that the circumstances recited herein constitute an emergency within the provisions of Article VI, Section 30(B) of the Louisiana Constitution of 1974 and Louisiana Revised Statute 18:402(F)(7) and requests approval and consent of the Governor and State Bond Commission;

NOW THEREFORE BE IT RESOLVED, by the Board of Aldermen of the City of Crowley, Parish of Acadia, State of Louisiana, (the "governing authority"), in regular session duly convened, with a quorum present and acting throughout as the governing authority of the City of Crowley, that:

SECTION 1: Declaration of Emergency and Request for Special Consent. They do hereby declare that pursuant to the provisions of Article VI, Section 30(B) of the Constitution of the State of Louisiana of 1974, the governing authority of the City of Crowley does find the circumstances constitute an emergency and does hereby declare an emergency within the provisions of Article VI, Section 30(B) of the Constitution of the State of Louisiana of 1974 and Louisiana Revised Statute 18:402(F)(7) that a Special Election must be called on a date specified by the said statute to submit the same or a similar proposition to the electors of the City of Crowley to hold an election to authorize the levy a One-Half of One Percent (1/2 of 1%) Sales and Use Tax which failed on October 22, 2011 and they do hereby request special consent and approval of the Honorable Bobby Jindal, Governor of the State of Louisiana, and the State Bond Commission of said emergency and fixing of the Special Election.

SECTION 2: Election Call. Subject to the approval and consent of the Honorable Bobby Jindal, Governor of the State of Louisiana, and the approval of the State Bond Commission of the State of Louisiana and under the authority conferred by Article VI, Sections 22, Section 30(A), Section 30(B) and Section 32 of the Constitution of the State of Louisiana of 1974, Louisiana Revised Statute 18:402(F)(7), and other applicable provisions of Chapter 5, Chapter 6-A and Chapter 6-B of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority supplemental thereto, (the "Act"), a special election, be and the same is hereby called and ordered to be held in the City of Crowley, Louisiana, on 19th day of May, 2012, between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m., in compliance with the provisions of the General Election Code of the State of Louisiana, at which election there shall be submitted to all registered voters of the City of Crowley, qualified and entitled to vote at said election under the

Constitution and laws of this State and the Constitution and laws of the United States, the following proposition, together with a simple and unbiased, concise **summary** in easily understood language which sets forth the substance of the proposition as required by Act 426 of 1993 Regular Session of the Louisiana Legislature, to-wit:

**PROPOSITION NO. 1 (ONE-HALF OF ONE PERCENT (1/2 OF 1%)
SALES AND USE TAX)
(City Infrastructure & Capital Improvements)**

SUMMARY: ONE-HALF OF ONE PERCENT (1/2 OF 1%) 15-YEAR SALES AND USE TAX FOR ACQUIRING, CONSTRUCTING, MAINTAINING AND IMPROVING INFRASTRUCTURE AND CAPITAL IMPROVEMENTS WITHIN THE CITY, WITH THE PROCEEDS OF THE TAX TO BE SUBJECT TO FUNDING INTO BONDS.

Shall the City of Crowley, State of Louisiana (the "City"), under the laws of Louisiana, be authorized to levy and collect, and adopt an ordinance providing for such levy and collection, a tax of one-half of one percent (1/2 of 1%) (an estimated \$1,334,888.00 reasonably expected at this time to be collected from the levy of tax for an entire year) (the "Tax") upon the sale at retail, the use, the lease or rental, the consumption and the storage for use or consumption of tangible personal property and on sales of services in the City, all as defined by law, for a period of fifteen (15) years from an effective first levy date of July 1, 2012, with the proceeds of the Tax to be dedicated and used for the purposes of acquiring, constructing, maintaining and improving infrastructure and capital improvements within the City; and further, shall the City be authorized to fund the proceeds of the Tax into bonds to be issued in series from time to time for any of the aforesaid capital purposes as permitted by the laws of Louisiana?

SECTION 3: Publication of Notice of Election. A Notice of Special Election shall be published in the "*Crowley Post-Signal*" a daily newspaper of general circulation within the City, published in Crowley, Louisiana, and being the official journal of the City, once a week for four consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date fixed for election, which Notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference the same as if it were set forth herein in full.

SECTION 4: Canvass. This Governing Authority shall meet at its regular meeting place, City Hall, Council Chambers, 425 North Parkerson Avenue, Crowley, Louisiana, in Special Session on Tuesday, May 22, 2012 at 6:00 p.m. and shall then and there in open and public session proceed to examine and canvass the returns and declare the results of the said special election.

SECTION 5: Polling Places. Said election on each said date shall be held between the hours of 6:00 a.m. and 8:00 p.m. in compliance with the provisions of the General Election Code at the following designated polling places in the City of Crowley, to-wit:

- Ward 6, Precinct 1(P) - North Crowley Middle School
- Ward 6, Precinct 2(P) - Notre Dame High School
- Ward 6, Precinct 3A(P) - North Crowley Kindergarten
- Ward 6, Precinct 3B(P) - North Crowley Kindergarten
- Ward 6, Precinct 4 - Acadia Parish Courthouse Lobby, First Floor
- Ward 6, Precinct 5 - Crowley City Hall
- Ward 6, Precinct 6 - Old Ross High School
- Ward 6, Precinct 7(P) - Rice Festival Building
- Ward 6, Precinct 8(P) - Immaculate Heart of Mary Church Hall
- Ward 6, Precinct 9 - South Crowley Elementary School
- Ward 6, Precinct 11(P) - Martin Luther King, Jr. Center
- Ward 6, Precinct 12(P) - School Board Media Center
- Ward 6, Precinct 13(P) - School Board Media Center

Ward 6, Precinct 14(P) - Acadia Animal Clinic
Ward 6, Precinct 16(P) - LSU Rice Experiment Station

SECTION 6: Election Commissioners; Voting Machines. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to Section 7 hereof, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said special election as herein provided, and shall make due returns of said election for the meeting to be held on May 22, 2012 as provided in Section 4 hereof. All registered voters in the City are entitled to vote at said special election and voting machines shall be used thereat.

SECTION 7: Authorization of Officers. The Governing Authority is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the Governing Authority is further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election, including but not limited to, appropriate submission to the Federal Department of Justice under Section 5 of the Federal Voting Rights Act of 1965, as amended.

SECTION 8: Furnishing Election Call to Election Officials. Certified copies of this resolution shall be forwarded to the Secretary of State, the Commissioner of Elections, the Clerk of Court and Ex-Officio City Custodian of Voting Machines in and for the City of Crowley, State of Louisiana, and the Registrar of Voters in and for said City, as notification of the special election herein called in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 9: Employment of Counsel. It is recognized, found and determined that a real necessity exists for the employment of Legal Counsel in connection with the election; accordingly, Thomas K. Regan is hereby employed as legal counsel to perform comprehensive, legal and coordinate professional work with respect to the election. Counsel shall (i) prepare and submit to the City for adoption of all the proceedings incidental to the election; and (ii) counsel and advise the City with respect to the election. The fee to be paid to Bond Counsel shall be an amount equal to the Attorney General's then current Bond Counsel Fee Schedule for hourly rate work and other guidelines for comprehensive, legal and coordinate professional work, together with reimbursement of out-of-pocket expenses incurred and advanced in connection with the election, said fee to be payable by the City subject to the Attorney General's written approval of said employment and fee.

SECTION 10: Application to State Bond Commission. Application is made to the State Bond Commission for special consent and concurrence of emergency and authority to hold the aforesaid special election as herein provided, and in the event said election carries for further consent and authority to levy and collect the special taxes provided for therein, and a certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of this Governing Authority, together with a letter requesting the prompt consideration and approval of this application.

SECTION 11: Invalidity and Severability. If any provision, part, word, section, subsection, sentence, clause or phrase of this ordinance should be held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance and do hereby declare the provisions hereof to be severable, then in that event, only that particular provision, part, word, section, subsection, sentence, clause or phrase shall be deemed unconstitutional or invalid and the remaining provisions, parts, words, sections, subsections, sentences, clauses and phrases will not be affected and shall continue in full force and effect;

SECTION 12: Repealer and Effective Date. All resolutions or parts of resolutions inconsistent with or in conflict herewith be and the same are hereby repealed. This resolution shall become effective immediately upon adoption.

The foregoing resolution was submitted to a vote and the vote thereon was as follows:

YEAS: Bryan Borill, J. Elliot Doré, Jeff Doré, Lyle Fogleman, Vernon Martin,
Mary Melancon, Steven Premeaux and Kitty Valdetero

NAYS: None

ABSTAIN: None

ABSENT: Laurita Pete

The Resolution was declared adopted on this the 13th day of March, 2012, at
Crowley, Acadia Parish, Louisiana.

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CLERK

OTHER BUSINESS:

There being no further business to come before the Council upon motion duly made
by Alderman J. Elliot Doré and seconded by Alderman Lyle Fogleman the meeting was
adjourned at 6:25 p.m.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

Presented rough draft to Mayor on March 14, 2012 at 10:00 a.m.

Presented for Mayor's signature on March 14, 2012 at 11:20 a.m.

Mayor signed & returned to City Clerk on March 14, 2012 at 11:20 a.m.

Published on March 20, 2012