

CITY OF CROWLEY
REGULAR MEETING
JANUARY 9TH, 2018

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 9th day of January 2018 at the regular meeting place of said Mayor and Board of Aldermen, the Council Chambers, 426 North Avenue F, Crowley, Louisiana.

Mayor Greg Jones presided with the following Aldermen present: J. Elliot Doré, Jeff Doré, Tim Monceaux, Steven Premeaux, Lyle Fogleman, Jr., Vernon Martin and Alderwomen Ezora J. Proctor. Kitty Valdetero and Bryan Borill were absent

Alderman Vernon Martin led the Pledge of Allegiance to the flag. Alderman Jeff Doré gave the invocation.

AGENDA AMENDMENTS:

Alderman Elliot Doré offered a motion to amend the agenda to consider the 2018 Beer and Liquor License Class A Retail Outlet for the Vanilla Bean, located at 414 N. Parkerson Avenue, Crowley, LA 70526. Seconded by Alderman Steven Premeaux and duly adopted after a unanimous vote.

READING & APPROVAL OF MINUTES / BILLS:

Alderman Vernon Martin moved to dispense with the reading of the minutes of the December 12th, 2017 regular council meeting and approve them as written and distributed. Seconded by Alderman Jeff Doré and duly adopted.

Alderwoman Ezora Proctor moved to approve all bills presented for payment. Seconded by Alderman Steven Premeaux and duly adopted.

MAYOR'S REPORTS:

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

Mayor presented the monthly budget-to-actual comparisons that report the spending of major funds.

STANDING COMMITTEE REPORTS:

PUBLIC WORKS COMMITTEE:

Chairperson – Alderman Tim Monceaux
Vice-Chairperson – Alderwoman Ezora Proctor
Members – Aldermen Jeff Doré, Lyle Fogleman, Jr. and Vernon Martin

A motion was offered by Alderman Tim Monceaux and seconded by Alderwoman Ezora Proctor to authorize Mader Engineering to prepare a City-Wide Street Inventory and Cost Analysis. Motion carried.

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 Elliot Doré to approve Partial Payment Estimate No. 13 to Cecil Perry Improvements, LLC in the amount \$281,187.21 for “Restoration of the Rock Filter at the Waste Water Treatment Facility”. Motion carried.

PUBLIC SAFETY COMMITTEE:

Chairperson – Alderman Lyle Fogleman, Jr.
Vice-Chairperson – Alderman Bryan Borill
Members – Aldermen Vernon Martin, Tim Monceaux and Steven Premeaux

A motion was offered by Alderman Lyle Fogleman and seconded by Alderman Elliot Doré to authorize the city attorney to prepare resolution to introduce ordinance for consideration of four way stops on West Third and Avenue B and West Fourth Street and Avenue B. Motion carried.

A motion was offered by Alderman Lyle Fogleman and seconded by Alderman Steven Premeaux to approve the following 2018 beer and liquor license renewals:

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|----|---|--|
| 1. | Rice Palace, Inc.
Rice Palace, Inc.
2015 N. Cherokee Dr. | 2018 Class B Retail Package Beer Permit
2018 Class B Retail Package Liquor Permit |
| 2. | Silver Overseas, Inc.
Rice City Chevron
530 N. Eastern Avenue | 2018 Class B Retail Package Beer Permit
2018 Class B Retail Package Liquor Permit |
| 3. | The Vanilla Bean
414 N Parkerson Avenue
Motion Carried. | 2018 Class A Retail Outlet Beer Permit
2018 Class A Retail Outlet Liquor Permit |

ZONING & ANNEXATION COMMITTEE:

Chairperson – Alderwoman Kitty Valdetero
Vice-Chairperson – Alderman Vernon Martin
Members – Aldermen Bryan Borill, J. Elliot Doré and Steven Premeaux

A motion was offered by Alderman Vernon Martin and seconded by Alderman Jeff Doré to accept the Planning Commission recommendation for approval of a Variance for fence height of additional 24” for a masonry fence and location within 35-foot setback located at 220 Glenwood Avenue described as Lot 19 Clark Place S/D Ext #1 owned by Terry Osborne. Motion carried.

ORDINANCE:

The following ordinance was offered by Alderman Elliot Doré and seconded by Steven Premeaux, and adopted.

AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE, THE RIGHT AND PRIVILEGE TO LOUISIANA WATER COMPANY (“LAWCO”), ITS SUCCESSORS AND ASSIGNS FOR A PERIOD OF FIFTEEN (15) YEARS BEGINNING JANUARY 11, 2018, FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF WATER UTILITIES AND/OR WATER TRANSMISSION AND DISTRIBUTION SYSTEMS IN, THROUGH AND ACROSS THE CITY OF CROWLEY, LOUISIANA, AND FOR THE USE OF STREETS, ALLEYS AND PUBLIC PLACES WITHIN THE LIMITS OF SAID MUNICIPALITY AS SAME MAY BE NOW OR HEREAFTER LAWFULLY EXIST; TO PROVIDE FOR THE

PROVISIONS THEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

WHEREAS, a non-exclusive franchise to construct, maintain and operate a water utility system in the City of Crowley granted to LAWCO will expire on January 11, 2018; and

WHEREAS, LAWCO has requested a non-exclusive franchise be granted by the City of Crowley for a period of fifteen (15) years and that at the end of the 15-year term, the said franchise may be extended for an additional five (5) years upon determination by the Board of Aldermen of the City of Crowley that LAWCO has complied with all the terms of the agreement; and

WHEREAS, the Mayor and Board of Aldermen find that it is in the best interest of the City of Crowley and the citizens to grant a non-exclusive franchise to operate and maintain a water utility system within the corporate limits; and

WHEREAS, the Mayor and Board of Aldermen desire to grant a non-exclusive franchise to LAWCO subject to the terms, limitations and conditions provided for herein; and

WHEREAS, this ordinance was duly introduced and notice of this ordinance and of the public hearing having been published; and

WHEREAS, a public hearing having been held in accordance with law on the 12th day of December 2017, at 6:00 o'clock p.m. in the Council Chambers, 2nd Floor, Criminal Justice Building, 426 North Avenue F, Crowley, Louisiana; and

WHEREAS, LAWCO has requested changes to the ordinance including the term of fifteen (15) years with the authority to extend same for an additional five (5) years and the Board of Aldermen agreed to same;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, IN REGULAR SESSION DULY CONVENED THAT:

SECTION 1: That Louisiana Water Company, hereinafter designated as "LAWCO", a Louisiana Corporation domiciled and doing business in the State of Louisiana, its successors and assigns, be and it is hereby granted the right, privilege and franchise of producing and/or otherwise acquiring, transmitting, distributing and selling water to said municipality and the inhabitants thereof, with right, authority and privilege to construct, maintain and operate in, along and upon the present and future streets, alleys, bridges and public ways and places of said municipality, lines with all necessary appurtenances for the purpose of supplying and/or selling water to the said municipality and the inhabitants thereof.

SECTION 2: That LAWCO, its successors and assigns, shall at all times maintain its water transmission and distribution systems in good condition, shall comply with all reasonable safety regulations in the operation therefor, shall maintain water in sufficient amount and pressure at all times to give adequate service commensurate with the demands thereof, shall comply with all reasonable safety practices in the operation thereof, shall protect and save harmless the City from all claims and damages due to its negligence or its failure to comply with any obligations of this Franchise. The said LAWCO, its successors or assigns shall extend said water transmission and distribution systems from time to time as may be necessary to the end that the said municipality and the inhabitants thereof shall be given adequate service, commensurate with the demands therefor, provided the estimated earnings from any required extensions shall be sufficient to pay the cost of service therefrom, including depreciation and a fair return on the property used and useful in providing such service.

SECTION 3: That all construction done and/or excavations made by LAWCO in connection with its water distribution system shall be performed under the provisions and regulations of Chapter 13, Article 2 of the Code of Ordinances of the City of Crowley and other

regulations and guidelines of the City of Crowley subject to inspection by the municipal engineer and City Inspector. LAWCO shall without undue delay and a minimum of inconvenience to the public, restore to their former condition any sidewalks, streets, roads, bridges, alleys and other public places caused by the construction or maintenance of said distribution system.

SECTION 4: That LAWCO, its successors and assigns shall have the right to formulate and publish rules and regulations under which service will be furnished, subject to the approval of the legally constituted authorities having jurisdiction over such matters which regulations may provide for the payment on or before a specified day each month for all services furnished for the preceding month with the right to disconnect and discontinue service to all delinquents. Nothing herein contained shall be construed however as imposing any liability whatever on municipality for any acts or omissions of LAWCO resulting from any rules or regulations it may hereafter promulgate as a result hereof even though same may have been approved by municipality.

SECTION 5: LAWCO agrees that it will from and after the effective date hereof, remit on a quarterly basis a franchise tax to the City of Crowley which shall equal four (4%) percent of the gross water service revenues realized from metered sales during the preceding quarter to water customers located within the corporate limits of the City of Crowley. This franchise tax shall be in lieu of any and all other excise and/or gross receipts taxes.

SECTION 6: The franchise and the rights, authorities and privileges herein granted are not exclusive and are granted for a period of fifteen (15) years beginning January 11, 2018. At the end of the 15-year term, said franchise may be extended for an additional five (5) years upon determination by the Board of Aldermen of the City of Crowley that LAWCO has complied with all the terms, conditions and requirements of the agreement and the laws and regulations of the State of Louisiana during the initial term of the agreement.

SECTION 7: 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 or other provisions 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 8: All ordinance or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed.

SECTION 9: The ordinance shall become effective January 11, 2018.

THUS DONE, SIGNED AND ADOPTED in regular session duly convened on this the 9th day of January 2018, at Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout, after a roll call vote as follows:

YEAS: Elliot Doré, Jeff Doré, Tim Monceaux, Steven Premeaux, Lyle Fogleman, Jr., Vernon Martin and Alderwomen Ezora J. Proctor

NAYS: None

ABSENT: Bryan Borill and Kitty Valdetero

GREG A. JONES, MAYOR

ATTEST:

ERIN S. CRADEUR, CITY CLERK

OTHER BUSINESS:

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

Presented rough draft to Mayor on January 10th, 2018 at 9:00 a.m.

Presented for Mayor's signature on January 10th, 2018 at 9:00 a.m.

Mayor signed & returned to City Clerk on January 10th, 2018 at .m.

Publish in newspaper on January 17th, 2017