

CITY OF CROWLEY  
SPECIAL COUNCIL MEETING  
August 19<sup>th</sup>, 2020

The Mayor Pro Tem and Board of Aldermen of the City of Crowley, Louisiana, the governing authority of the City of Crowley, met in a special session at 6:00 p.m. Wednesday the 19<sup>th</sup>, day of August 2020 at the special meeting place of said Mayor and Board of Aldermen, the City Hall Council Chambers, 426 North Avenue F, Crowley, Louisiana, after the giving and posting of prior notice of said meeting in the manner provided by law.

Mayor Pro Tem Steven Premeaux presided with the presence of the following Aldermen: Jeff Cavell, Thompson Bradford Core, Clint Cradeur, Lyle Fogleman, Vernon Martin, Samuel J. Reggie, III, Kim Stringfellow, Jr., Byron Wilridge, Sr. Alderman Sammy Reggie led the Pledge of Allegiance to the flag and Alderman Lyle Fogleman gave the invocation.  
The following call was read:

August 19, 2020

City of Crowley  
Special Council Meeting Notice:

You are hereby notified that a Special Council Meeting of the Mayor and Board of Aldermen of the City of Crowley will be held on Wednesday, August 19<sup>th</sup>, 2020 at 6:00 p.m. in the City Council Chambers at 426 North Ave. F, Crowley, LA.

The purpose of said meeting will be to:

1. Consider an amending and supplemental resolution authorizing the City of Crowley, Louisiana, to proceed with financing acquisition and installation of artificial turf, ballfield lighting and various other athletic facility improvements; approving the form and authorizing execution of a cooperative endeavor agreemtn with Sustainability Partners, LLC; and providing for other matter in connection with the foregoing.

S/Tim Monceaux, Mayor

-In accordance with the Americans with Disabilities Act, if you need special assistance, please contact Erin S. Cradeur at (337) 788-4103, describing the assistance that is necessary.

- The Notice of Call was posted at City Hall on August 18, 2020 at 12:00 p.m.
- The call was circulated on August 18, 2020 at 12:00 p.m. and copies of the call were delivered to the following:

Jeff Cavell	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Brad Core	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Clint Cradeur	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Lyle Fogleman	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Vernon Martin	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Steven Premeaux	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Sammy Reggie	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Kim Stringfellow	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Byron Wilridge	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Jimmy Broussard	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Jody Viator	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
M'elise B. Trahan	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Glenn Deville	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Tony Duhon	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Erin Cradeur	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Albert John	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail

Gilbert Onezine	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Tim Cradeur	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Peter Kirsch	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Tom Regan	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Tim Mader	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Crowley Post Signal	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
KATC Channel 3	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
KLFY Channel 10	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Charles King	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Theresa Richard	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Margaret Young	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Crowley Main St.	August 18 <sup>th</sup> , 2020 at 12:00	o'clock p.m.	by e-mail
Erin Cradeur on August 13th, 2020 at 10:30	o'clock a.m. by personal service		

The following resolution was offered by Alderman Vernon Martin and seconded by Alderman Byron Wilridge and duly adopted.

AN AMENDING AND SUPPLEMENTAL RESOLUTION AUTHORIZING THE CITY OF CROWLEY, LOUISIANA TO PROCEED WITH FINANCING ACQUISITION AND INSTALLATION OF ARTIFICIAL TURF, BALLFIELD LIGHTING AND VARIOUS OTHER ATHLETIC FACILITY IMPROVEMENTS; APPROVING THE FORM AND AUTHORIZING EXECUTION OF A COOPERATIVE ENDEAVOR AGREEMENT WITH SUSTAINABILITY PARTNERS, LLC; AND PROVIDING FOR OTHER MATTERS IN CONNECTION WITH THE FOREGOING.

WHEREAS, the City Council ("**City Council**") of the City of Crowley, Louisiana (the "**City**"), on June 25, 2020, took affirmative official action to approve execution of an Equipment Lease Purchase Agreement with First Security Finance, Inc., as lessor ("**First Security**"), in an amount not to exceed \$5,200,000, for a term not exceeding thirteen and one-half (13.5) years, at an interest rate not exceeding 3.75%;

WHEREAS, following action of the City Council on June 25, 2020, the City was informed by representatives of First Security that its proposed financing of acquisition, installation and equipping of artificial turf, ballfield lighting and various other athletic facility improvements at Lessee's athletic facilities situated in the City (the "**Project**") would be delayed;

HEREAS, with the potential for untimely delays and at the request of GeoSurfaces, LLC, the City was contacted by representatives of Sustainability Partners, LLC , a Delaware limited liability company ("**SP**"), with a proposal to provide financing the Project, through execution of a Cooperative Endeavor Agreement (the "**Agreement**"), a copy of which is annexed hereto as "**Exhibit-SP-1**";

WHEREAS, the Agreement submitted by SP differs substantially from the lease financing proposed to the City by First Security in numerous details, a portion of the salient provisions of which are stated as follows:

- A. The estimated average monthly payments are expected to be about \$43,350, or about \$520,000 annually, commencing not later than thirty (30) days following completion of Project construction;
- B. During the first three (3) years of the Agreement with SP the total annual payment is capped at \$540,000. During the ensuing four (4) years of the Agreement the average of the annual payments cannot exceed \$540,000;

- C. SP shall provide Project maintenance for the duration of the Agreement;
- D. The City may choose to purchase the Project at any time for values stated within the Agreement; and
- E. The Agreement contains the required non-appropriations clause and does not contain an anti-substitution clause as required by Louisiana Revised Statutes 39:1410.60;

WHEREAS, the Agreement is more favorable to the City as opposed to the 13.5 year lease term previously offered by First Security.

WHEREAS, Article VII, Section 14(c) of the Louisiana Constitution provides, "For a public purpose, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other, with the United States or its agencies, or with any public or private association, corporation or individual";

WHEREAS, economic development constitutes a public purpose for expenditure of public funds as determined by the Louisiana State Legislature under various provisions of law, including but not limited to Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950 (the "*Cooperative Economic Development Law*"), as amended;

WHEREAS, Sections 9022, 9033.2, 9034, 9034.1, 9035.1, 9036 and 9037 of the Cooperative Economic Development Law in particular clearly authorize the participation by the parties hereto in economic development activities, including expenditure of public funds under certain circumstances;

WHEREAS, Part VII of Chapter 2 of Title 33 of the Louisiana Revised Statutes of 1950, as amended, (the "*Intergovernmental Functions Law*" and together with the Cooperative Economic Development Law, the "*Act*") authorizes certain intergovernmental functions by political subdivisions of the State of Louisiana ("*State*") including various undertakings and financing agreements for the furtherance of public undertakings and purposes;

WHEREAS, the terms and provisions of the Agreement offered to the City by SP have been reviewed by the Mayor and the City's staff as well as the City Attorney, the City Engineer, and Bond Counsel to the City, and as a result thereof the terms of the Agreement are recommended to the City Council for approval of same;

WHEREAS, the original Resolution of the City Council adopted on June 25, 2020, is hereby amended and supplemented to provide for (i) cancellation and termination of the prior approval of the Equipment Lease Purchase Agreement with First Security, and (ii) approval of the Agreement with SP; and

WHEREAS, other than amending and supplementing the original Resolution of the City Council adopted on June 25, 2020, as set forth hereinabove, the remaining provisions of the Resolution adopted on June 25, 2020, remain unchanged,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL**, in special session convened, that:

SECTION 1. The statements of fact expressly contained within the preamble to this Resolution have been specifically reviewed by the City Council and are found to be factually true and correct, and are made resolutions of the City.

SECTION 2. The Mayor of the City is hereby authorized to do any and all things necessary to effect the execution and delivery of the Agreement with SP, substantially in the form of **Exhibit-SP-I**, with such additions, omissions and changes as may be approved by the City Attorney and Bond Counsel to the City; provided, that, the principal amount financed pursuant to the Lease

Agreement shall not exceed \$5,200,000. The initial monthly payment will commence not later than thirty (30) days following completion of construction of the Project. The City affirmatively approves the Agreement which contains both a non- appropriations clause, as well as it does not contain an anti-substitution provision, as required by Louisiana Revised Statutes 39:1410.60.

All references in the original Resolution adopted on June 25, 2020, to the Lease Agreement are amended and supplemented to provide for replacement of same with the Agreement.

SECTION 3. The City Council hereby authorizes and directs the Mayor to do any and all things necessary for the performance of all other acts of whatever nature necessary to effect and carry out the authority conferred by this Amended and Supplemental Resolution. The Mayor is hereby authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

SECTION 4. The provisions of this Amended And Supplemental Resolution are hereby declared to be severable and, if any such provision shall for any reason be held illegal or invalid, such holding shall not affect the validity of the remainder of this Resolution.

SECTION 5. All resolutions, ordinances or orders in conflict herewith, be to the extent of such conflict, and they are hereby repealed.

SECTION 6. This Resolution shall take effect and be enforced from and after its adoption.

This Resolution adopted and passed on this 19<sup>th</sup> day of August, 2020.

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STEVEN PREMEAUX, Mayor Pro Tem

ATTEST:

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ERIN S. CRADEUR, City Clerk

Alderman Jeff Cavell made a motion to amend the agenda to authorize a resolution of the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, fixing the date of Monday August 31<sup>st</sup>, 2020 at 6:00 p.m., for a Public Hearing to be held to consider the adoption of the annual budget for fiscal year 2020-2021 and authorizing publication of notice of public hearing and availability of the proposed annual budget for fiscal year 2020-2021. Seconded by Alderman Lyle Fogleman. Motion failed with a 6-2 vote.

There being no further business to come before the Council upon motion duly made by Alderman Brad Core and seconded by Alderman Vernon Martin the meeting was adjourned at 6:30 p.m.

Presented rough draft to Mayor Pro Tem on August 20th, 2020 at 1:00 p.m.  
Presented for Mayor Pro Tem's signature on August 20th, 2020 at 1:00 p.m.  
Mayor Pro Tem signed & returned to City Clerk on August 20th, 2020 at 11:00 a.m.  
Publish in newspaper on September 3rd, 2020