

Minutes Of The

November 14, 2006

Broussard City Council Meeting

Present: Mayor Charles Langlinais
Tina G. Denais, City Clerk
Councilman Terry Guilbeau, District I
Councilman David Bonin, District II
Councilman Keith Rousseau, District III
Councilman Harold Johnson, District IV
Councilman Kenny Higginbotham, District V
Councilman Albert Romero, District VI
Councilman Johnnie Foco, At Large
Don Landry, City Attorney
Oscar Reed, City Attorney
Jerry Grooms, City Engineer
Larry Champagne, City Supervisor
Mel Bertrand, City Foremen
Elmer Girouard, City Supervisor
Officer Cody Flemming, BPD
J. L. Sonnier, City Auditor
Gene Chiarulli, City Bookkeeper
Bob Boese, City Attorney/Environmental
Paul Myers, Engineer
Quinn Ducharme/Developer
Representatives from KLFY/TV10
Ms. Gertrude Batiste, Councilwoman District IV
Guy Cormier, St. Martin Parish President

Councilman Foco called the meeting to order and Oscar Reed lead with the Pledge of Allegiance and a silent prayer was done for our boys that are still overseas and Councilman Foco asked to everyone to keep Ms. Girouard in their prayers who recently passed away.

Adopt minutes of the October 24, 2006 Regular Meeting = Moved by Councilman Rousseau and second by Councilman Guilbeau to adopt the minutes of the October 24, 2006 Regular Meeting City Council Meeting. Roll call:

District I = Yea	District IV = Yea
District II= Yea	District V = Yea
District III= Yea	District VI = Yea
At Large = Yea	

NEW BUSINESS:

Mr. Quinn Ducharme re: Property Purchase/Title Problems at old Shorty's Truck Stop = Attorney Landry stated that Mr. Ducharme wants us to table this item tonight and he will come back later with this if he cannot resolve it. Mr. Ducharme explained that there is a 50 foot piece of property at 311 North Morgan that he is purchasing. At one time Third Street would cut across that 2 acre tract if the other acreage would have been sold, but that never happened. It was mapped for a city street and it was recorded. That same owner sold that property and a correction was done. That was common thing back then to do and it wasn't undone. Attorney Landry stated he spoke to Mr. Ducharme about this several times and he sees no reason why the city should keep it. There was no claim on it. Therefore it was moved by Councilman Bonin and second by Councilman Rousseau to abandon that tract or claim to that piece of property that the city may have, which is located at 300 North Morgan. Roll call:

District I = Yea	District IV = Yea
District II= Yea	District V = Yea
District III= Yea	District VI = Yea
At Large = Yea	

Approval of Servitude Agreement with Lafayette Consolidated Gov't for LUS to offer fiber communications for the Lafayette Parish Schools in Broussard = Mayor Langlinois stated several months ago, Terry Huval telephoned him about this. It is being done as a public service. Attorney Landry stated he has no problem with it; the purpose is to service the schools. It will be in our right of ways. Councilman Higginbotham asked if they will have to do any boring? Mayor Langlinois stated it is all above ground cable attachments. Attorney Landry stated if they decide to go underground they will have to abide by the ordinance that we previously adopted for the boring of utilities. Therefore it was moved by Councilman Rousseau and second by Councilman Higginbotham to approve the servitude agreement between the Lafayette City-Parish Consolidated Government and the City of Broussard, which would grant LUS permission to construct, operate, improve and/or maintain fiber communications lines and its necessary appurtenances within the City of Broussard, for the schools of Katherine Drexel Elementary and Broussard Middle School. Roll call:

District I = Yea	District IV = Yea
District II= Yea	District V = Yea
District III= Yea	District VI = Yea
At Large = Yea	

Introduce Ordinance #06-305/Enacting Comprehensive Building Regulations for the City of Broussard relative to Building Codes = Mayor Langlinois stated that Ted Martin and Raymond Hollier have been attending these schools for the new codes. Ted Martin informed him that the instructors are informing him that they will probably not implement these regulations till 2008. Attorney Landry recommended that we introduce it tonight, even though it may not be implemented till 2008. Therefore it was moved by Councilman Johnson and second by Councilman Guilbeau to introduce Ordinance #06-305, which enacts the comprehensive building regulations for the City of Broussard, Louisiana relative the building code and to provide related matters. Roll call:

District I = Yea	District IV = Yea
District II= Yea	District V = Yea
District III= Yea	District VI = Yea

At Large = Yea

Hiring a New Employee for Storm Water Pollution Prevention =Bob Boese addressed the council. Bob stated we are we will be running into problems with the Federal Government stating that we have environmental issues because we are turning into a big city. We have to have in place a program that there is no extraordinary pollution caused by runoff. This happens on construction sites. A suspended solid is created that finds it way into larger water bodies. Our way of fixing it is making sure that the people fixing it should be doing what there permits say. There are two phases of this. You get a storm-water pollution permit, which is what a contractor or business owner must abide with the state. We enforce the swap, which says what they will do in the construction process with their plan in our hand. Bob stated that this all came about when we sent two employees to Shreveport to this training seminar. With our storm-water we do not have a choice. The storm water pollution ordinance basically tells the builder who does a land disturbance that they cannot cause a problem. There is a separate engineering ordinance that is already an ordinance. Someone has to look at the plan and someone has to look at the site. Someone have to go out on a periodic basis and make sure they are abiding by it. The plan is ready to go. Our program will be carved in stone. We have to be able to go out and monitor these changes. He has prepared the initial documentation to be given to the builders and an inspection form. This contains a full enforcement provision. Bob recommends that we put this on the table and invite the builders and the public for public comment. Councilman Higginbotham asked who else has such an ordinance? Bob stated that Lafayette Parish has one that includes them and Carencro and other entities. Youngsville may be in Lafayette's plan. Councilman Higginbotham stated this we are creating a big government, which we don't want to do. Councilman Bonin stated he feels that something needs to be done, because we are finding paint cans, paint brushes and other trash in the culverts when they are being cleaned. Mayor Langlinais stated that is for there information and he feels maybe we should have a meeting with the builders about this. Mayor Langlinais stated regarding the hiring of an employee to monitor this; he did ask Ted if he could handle this position along with doing the revised codes and he stated yes. Mayor Langlinais stated we will have to factor in the extra cost in the permits. Bob stated we have no other choice.

Bob stated also we will have permit for new pond in the middle of January, at that time Broussard Environmental will be able to discharge. We have to prohibit certain things from going into our sewage. There are categorical industries that aren't allowed to discharge. Part of the process we have to do is insure we will not take categorical or hazardous waste. This other ordinance imposes on industries in Broussard. There are a large group of exempt businesses. If you have the potential you are regulated under this. We right now don't run around cleaning equipment thru our lines. The two things this does is you can't put bad stuff in and you can't have fatty oils and grease. The only other aspect is that it goes in concert with the sewage and building ordinance. Bob stated the last pages are the enforcement. His recommendation is we set up a process for this. This ordinance has to be in placed by the middle of January 2007. He will meet with everyone that he needs to meet with to discuss this. Councilman Johnson questioned about the chemical companies? Bob stated the chemicals that companies dispose of will to show where they go, both good and bad chemicals. The time frame for the adoption of the first ordinance will probably be about 180 days.

Introduce Ordinance # 06-308 Storm Water Ordinance = Moved by Councilman Rousseau and second by Councilman Guilbeau to introduce Ordinance #06-308, which establishes minimum storm-water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. Roll call:

District I = Yea
District II = Yea
District III = Yea
At Large = Yea

District IV = Yea
District V = Yea
District VI = Yea

J. L. Sonnier re: Sales Tax Issue = Before Mr. Sonnier started explaining the situation, Councilman Foco recognized Guy Cormier, St. Martin Parish President and informed him that this may effect St. Martin Parish also. Mr. Sonnier explained to the council that Mayor Langlinais received a phone from Carl Meche with the School Board/Sales Tax Office. In our Parish the School Board collects the Sales Tax and then disburses it to the city. The school board decides which vendors need to be audited. The school board wanted to audit Baker Hughes. It was continuously put off by Baker. At that time the School Board was concerned. Then the School Board decided if they kept putting the audit off, they would have to sign a saying an agreement saying certain periods would be audited. Then the School Board sent in the auditors. They turn up over \$300,000 overpayment that was paid by Baker and collected for the city of Broussard. In the process of doing that exam the auditors were presented with a list of all of the businesses. There were also underpayments. In the negotiations process the offer was to collect interest from Baker Hughes for the underpayment of the taxes and also refund the school board for audit costs. The net number is \$324,000 Jan 2001 thru June 30, 2003. Basically the 2% the statue requires us to pay the underpayment has been waived. J. L. stated that Carl Meche has a reporting problem. This has nothing to do with our people or the collection division at the school board. Attorney Landry stated he would like to conduct research on the waiver that is signed by the School Board to see if we are binded by that. In addition Gene will go in and do some basic checking. We are strictly relying on Carl Meche and his staff. Potentially we are talking \$1.7 million dollars of repayment of the collected sales tax. Mr. Sonnier stated from June 2003 till April 2006 there is another figure. That number has not been reduced yet. They will find some amounts going the other way. Councilman Foco questioned if it is not there responsibility to actually report their taxes correctly? Attorney Landry suggested that we do some research here. Mr. Sonnier stated that this is nationwide problem with their tax accrual. Mayor Langlinais asked the council to give Don and Gene direction to check into this further. This is to bring the council to up to date. Mr. Sonnier stated that the way this re-cap reads he is dividing it between the School Board and Broussard, which would make a difference. Mr. Sonnier stated he has been doing this since 1974 and he has never seen anything like this before. Attorney Landry and Gene will check into this matter further. Furthermore, Councilman Higginbotham requested that when the yearly audit is done, he would like J. L. to come in and address the concerns in the audit if there are any.

Introduce Ordinance #06-306 RE: Creation of TIF District = Oscar Reed addressed the council about this. After contacting our bonding attorney they suggested we go under a different statute because it is more clean and easier. We will have 3 public meetings regarding this ordinance. We will then meet with the legislative budget

committee and bond commission. We anticipate getting it adopted at the December 12, 2006 meeting. There is 1900 acres in the TIF District. This council will be the administrative for the TIF District. Councilman Guilbeau questioned about the map sent to the council? Mayor Langlinais stated that is the other 5 million contributed by the State. We will still only put 5 million. Oscar stated they will put up the match. Mayor Langlinais stated that Matt Stuller has been successfully in winning the governor over on this. He also met with John Kennedy, State Treasurer and he said he sees no reason to oppose this. This TIF opposed to the Lafayette TIF will be for retail development which will be promoted in a 5-year period in the target development. The economic impact will be very significant. Mayor Langlinais stated he sees no resistance whatsoever. He feels we will get a 15 million match on that side for water, sewer and the road for Caffery. Therefore it was moved by Councilman Rousseau and second by Councilman Higginbotham to introduce Ordinance #06-306 creating an Economic Development District within the City of Broussard to be named the "Broussard Ambassador Caffery Extension District" (The "District"); defining the boundaries thereof from which certain local sales tax increments will be determined and used to finance multiple economic development projects within the district (each project hereinafter, approved being referred to herein as a "project" or "projects"), to be financed with revenue bonds to be issued by the City of Broussard or any other entity designated by the City of Broussard, City Council, payable from Sales Tax Increments within the district, as authorized by Part II of Chapter 27 of Title 33 of the Louisiana revised Statutes of 1950, as amended (the "Act"); and providing for other matters in connection with the foregoing.

Roll call:

District I = Yea	District IV = Yea
District II= Yea	District V = Yea
District III= Yea	District VI = Yea
At Large = Yea	

Introduce Ordinance #06-307 RE: Levying Sales Tax in TIF District =
 Moved by Councilman Rousseau and second by Councilman Romero to introduce Ordinance #06-307 levying an additional one (1) cent sales tax in the Economic Development District named the "Broussard Ambassador Caffery Extension District" (the "District"); designating such increase in sales tax as the sales tax increments in the district which will be used to secure revenue bonds to be issued by the City of Broussard or any other entity designated by the Broussard city to finance multiple economic development projects within the district (each project hereinafter approved being referred to herein as a "project" or "projects") as authorized by Part II of Chapter 27 of Title 33 of the Louisiana Revised Statues of 1950, as amended (thee "Act"); designating the initial annual baseline collection rate and establishing a monthly baseline collection rate for the district; pledging and dedicating the sales tax increments to the payment of revenue bonds' and providing for other matters in connection with the foregoing. Roll call:

District I = Yea	District IV = Yea
District II= Yea	District V = Yea
District III= Yea	District VI = Yea
At Large = Yea	

Paul Myers re: Flood Zone Maps = Mr. Myers addressed the council. He brought a couple of exhibits of the existing flood maps. The city of Broussard has funded

a more detail study of the maps the Core of Engineers is doing. In March the Core came in with a draft map. It was some huge increases in the southern part of the parish including the Broussard area. The Core in turn went back and studied their results and they went thru the maps again. There were 27 different channels studied in Lafayette Parish. They came back with another preliminary map. The areas that are covered are similar to the old maps. We have questioned the area where Ambassador Caffery is proposed. The elevations are slightly higher. We do not have the study yet. We have not received that information yet. Right now the Core will submit this data to FEMA by November 17 and FEMA will run it thru their procedures and that will result in maps being published by FEMA that are only for review and preliminary. At that time we will be able to review the maps and perhaps at that time amendments will be done. At that time we will have better information to study these maps. We may be able to put those improvements on those maps that will change the elevations. The ultimate goal is to make sure we have the right information that will not penalize us. We are getting closer to receiving the information that will help us. We may be able to do the detail study and go back to them. We will get information from the studies and we will also be able to have the tools to study a particular area in town. The ultimate goal once the overall study is accepted, is the entire program will be given to UL and when additional projects are done or improved we can provide it to UL at that time they can add those modules. Myers stated that the Mayor has been successful in making the Core aware of some of the concerns we have, like the major problems are on Highway 90. We have asked the Core to add these areas in their study. These maps are coming out and they will have a substantial impact on Broussard for the next 10 – 15 years. Mayor Langlinais questioned the section of Cypress Bayou north of Heart D Farm Road which is not blued. Myers stated that is still in their study. Councilman Foco questioned when does he expect a final map will be released? Myers stated that they are saying February, but he thinks it will be the end of March. Councilman Foco stated that people are being miss-lead into buying flood insurance now and believing your rates will stay the same if you are in a flood zone? Myers stated they are telling them something different. There will be no preferred rates. The Core did not do the studies; they are just a management group. Myers stated we are trying to apply for a certificate that will give us credit for what we have done for ahead of time. We will have the tool to make those analyses, but we may not be able to use them. Estimated cost is about \$10,000 - \$20,000 for the study. Hopefully the study can start within the next 30 days and then they can have some information within 2 – 3 months. He will keep the Mayor and Council up to date about this.

OLD BUSINESS:

Adopt Ordinance #06-302/Loul Street Park Annexation = Moved by Councilman Rousseau and second by Councilman Johnson to adopt Ordinance #06-302, which provides for the annexation of certain property located in section 28, township 10 south, range 5 east, Lafayette Parish, Louisiana, being known as the Loul Street Area Annexation. Roll call:

District I = Yea
District II= Yea
District III= Yea
At Large = Yea

District IV = Yea
District V = Yea
District VI = Yea

Adopt Ordinance #06-303/East Fairfield/St. Julien Trust Annexation = Moved by Councilman Higginbotham and second by Councilman Romero to table Ordinance #06-303, which provides for the annexation of certain property located in section 3, township 11 south, range 5 east, Lafayette Parish, Louisiana, being known as the East Fairfield/St. Julien Trust Annexation till the December 12th meeting. Roll call:

District I = Yea	District IV = Yea
District II= Yea	District V = Yea
District III= Yea	District VI = Yea
At Large = Yea	

Adopt Ordinance #06-304/South Morgan Street/St. Julien Trust Annexation
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Moved by Councilman Higginbotham and second by Councilman Romero to table Ordinance #06-304, which provides for the annexation of certain property located in section 33, township 10 south, range 5 east, Lafayette Parish, Louisiana, being known as the South Morgan Street/St. Julien Trust Annexation. Roll call:

District I = Yea	District IV = Yea
District II= Yea	District V = Yea
District III= Yea	District VI = Yea
At Large = Yea	

ENGINEER'S REPORT:

Jerry's Report:

Bids for Sanitary Sewer and Sewage Force Main Materials = Jerry stated that we had two bids for the Sanitary Sewage and Sewage Force Main Materials. This contract is on an as needed basis, which can be renewed after one year. Moved by Councilman Rousseau and second by Councilman Guilbeau to approve the low bid from Lafayette Winwater for \$238,104.90 for the Sanitary Sewer and Sewage Force Main Materials. Roll call:

District I = Yea	District IV = Yea
District II= Yea	District V = Yea
District III= Yea	District VI = Yea
At Large = Yea	

Bids for Bedding Limestone = Jerry stated that we did not receive any bids for the limestone. Mayor Langlinais stated he thinks it is because of the cost of the transportation; that is why we have no bids. Jerry stated that this material was basically for the road to the pond, which has been done. Larry stated he spoke to a vendor who said they will not guarantee a price for more than 3 months. This is a material bid on a per ton basis.

Al's Report:

Ambassador Caffery Relocation of Utilities = Al stated that the adjustment of the city utilities effected by Ambassador Caffery have started. He has started off of Highway 90.

St. Nazairre Road Project = Al stated that on the St. Nazairre project we are about 2 – 3 weeks before getting the plans finished. After they are finished we will get to the State for approval and then we will be doing right of way maps for St. Nazairre. We will then furnish them to the utility companies so they can start their relocation. Councilman Bonin stated he thought that was all Billeaud property? Reaux stated yes it is, but it still needs to be done. Councilman Higginbotham questioned if Walmart closed the deal? Mayor Langlinais stated Walgreens should be finalized next month and Walmart and Home Depot should be early January 2007.

AUDITOR'S REPORT:

Gene stated that he had nothing to report on.

ATTORNEY'S REPORT:

Attorney Landry stated that he had nothing to report on.

FIRE DEPARTMENT:

No one from the Fire Department was present.

POLICE DEPARTMENT:

Monthly Report = Officer Flemming stated that he is only standing in for the Chief, being he is out of town and he has nothing to report on.

Drug Bust = Councilman Foco complimented them on the drug bust that they recently did. They seized \$45,000 in money. Officer Flemming thanked the council for the congratulations.

COUNCIL BUSINESS:

District V/Councilman Higginbotham:

Culverts Installed on Albertson Parkway = Councilman Higginbotham stated that he noticed a contractor is putting culverts near the old Storage Max. Councilman Foco stated the installation has stopped and he was assured by Mr. Comeaux nothing will be done till a drainage study is done.

District III/Councilman Rousseau:

Flood Zone Map Presentation = Councilman Rousseau thanked Paul Myers for the presentation.

Sewage Discharge Ordinance = Councilman Rousseau stated he also works in the environmental field as a profession. He feels we developed over a million dollar sewage pond; that we definitely need to monitor what is being dumped into the pond.

District II/Councilman Bonin:

Contractors Building Up Property = Councilman Bonin stated that Mr. Myers mentioned about FEMA overriding the Core. He has quite of few of his constituents that have asked him how we can allow builders to build property up to run off onto other properties. Attorney Landry stated this basically is a civil matter.

District I/Councilman Guilbeau:

Red Light at Main Street and Morgan Street = Councilman Guilbeau stated on Main and Morgan in reference to the arrows and the timing of the light, he spoke to Mr. Tekell and he said the state has to come in and set the timer in the box. Councilman Guilbeau stated in the morning it is a traffic jam and also in the afternoons. Tekell did the study for the times, but the state changes the timer. Councilman Foco stated he agrees with Councilman Guilbeau that we need to talk to Tekell about this. It needs to be changed about 7 times in a day. Councilman Guilbeau stated he doesn't understand how Tekell can check the times and set it and then the state comes in and change it again. He was supposed to meet with Tekell in the afternoon and Tekell didn't come out, because he had already met with Councilman Bonin earlier in the day. Councilman Guilbeau stated he tried calling Mr. Tekell, but he hasn't had any luck. Mayor Langlinais stated he will try contacting Mr. Tekell tomorrow.

At Large/Councilman Foco:

Thanks for Mr. Cormier = Councilman Foco thanked Guy Cormier for coming to the meeting. Mr. Cormier congratulated the council on their re-election. He also congratulated Ms. Batiste. He complimented the council on the way they handle themselves. He appreciates the help he gets from the city. He thanked Councilman Foco for the heads up on Baker Hughes. Mr. Cormier invited the council to their meetings on the first and third Tuesday of each month.

Mayor Langlinais:

Parish Intergovernmental Agreement for South Girouard Road = Councilman Guilbeau questioned Mayor Langlinais if he spoke to the parish about the Intergovernmental Agreement for South Girouard Road. Mayor Langlinais stated City Parish Government is about to do an Intergovernmental Agreement, therefore they will do their own section.

Retirement Supper for Councilman Johnson = Mayor Langlinais stated he wants to invite the public to a sit down supper for Councilman Johnson on December 12 after the meeting at Nash's Restaurant. It is not on town expense, everyone pays their own.

LUS Combining with Broussard & Youngsville = Mayor Langlinais stated he met with Mayor Wilson Viator and he will have a meeting next week with Terry Huval to combine the systems of water and sewage. He feels the time is right. This will enable us to share employees. He will inform the council when the meeting is.

Pumping equipment for water well#1 = Mayor Langlinais stated that the pumping equipment for well#1 for the city needs to be repaired. Gene stated as long as it under \$100,000 we can do with a 3 proposals. It is a labor and materials contract. The end result is it is our back up well. Councilman Foco questioned a new well cost? Jerry stated about \$300,000. Moved by Councilman Guilbeau and second by Councilman Rousseau to amend the budget for \$83,000 and get the well fixed after 3 proposals are received. Roll call:

District I = Yea
District II= Yea
District III= Yea
At Large = Yea

District IV = Yea
District V = Yea
District VI = Yea

Councilman Foco thanked the employees and all the guests attending.

ADJOURN:

Adjourn the meeting = Moved by Councilman Johnson and second by Councilman Rousseau to adjourn the meeting. Roll call:

District I = Yea
District II= Yea
District III= Yea
At Large = Yea

District IV = Yea
District V = Yea
District VI = Yea

**S/Charles E. Langlinais, MAYOR
CLERK**

S/Tina G. Denais, CITY