

Minutes Of The December 12, 2006

Broussard City Council Meeting

Present: 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
Councilwoman Gertrude Batiste, District IV
Chief Brannon Decou, Chief of Police
Don Landry, Attorney At Law
Jerry Grooms, City Engineer
Al Reaux, City Engineer
Walter Comeaux III, City Engineer
J. L. Sonnier, City Auditor
Oscar Reed, City Attorney
Donnie Cunningham, Bonding Attorney
Larry Champagne, City Supervisor
Mel Bertrand, City Foremen
Elmer Girouard, City Supervisor

Absent: Mayor Charles Langlinais

Councilman Foco called the meeting to order and he stated that tonight we will honor Councilman Johnson and let him chair the meeting. Councilman Johnson asked Councilman Guilbeau to lead us with the Pledge of Allegiance and a silent prayer was done for our boys that are still overseas and prayers.

Adopt minutes of the November 28, 2006 Regular Meeting = Moved by Councilman Higginbotham and second by Councilman Rousseau to adopt the minutes of the November 28, 2006 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:

Cancellation of the Dec. 26th City Council Meeting = Moved by Councilman Rousseau and second by Councilman Guilbeau to cancel the December 26, 2006 City Council Meeting, due to the holidays. 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 #06-299/Garber Road—Paul Cummings Annexation = Moved by Councilman Rousseau and second by Councilman Romero to introduce Ordinance #06-299, which provides for the annexation of certain property located in sections 55 and 97, township 10 south, range 5 east, Lafayette Parish, Louisiana being known as the Garber Road/Paul Cummings Annexation. 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 06-310/LA 96—Troy Hebert Annexation = Moved by Councilman Guilbeau and second by Councilman Rousseau to introduce Ordinance #06-310, which provides for the annexation of certain property located in section 35, township 10 south, range 5 east, Lafayette Parish, Louisiana, being known as the LA 96/Troy Hebert Annexation. 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 06-311/East Fairfield-Jerry Speer Annexation = Moved by Councilman Rousseau and second by Councilman Higginbotham to introduce Ordinance #06-311, which provides for the annexation of certain property located in section 4, township 11 south, range 5 east, Lafayette Parish, Louisiana, being known as the East Fairfield Road/Jerry Speer Annexation. 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 #06-312/South Bernard—Randal Pitre Annexation = Councilman Guilbeau stated that he would like to see us incorporate the entire road with this annexation. Jerry stated the property across the street is in the city limits. Jerry stated it is up to the council if they want to take more or less of the road. Jerry stated we will always be in that position where we have only a portion of the road. Therefore it was moved by Councilman Bonin and second by Councilman Rousseau to introduce Ordinance #06-312, which provides for the annexation of certain property located in

section 57, township 10 south, range 5 east, Lafayette Parish, Louisiana, being known as the South Bernard/Randal Pitre Annexation. Roll call:

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

Mr. Steve Wright/Central Industries....RE: Surplus Property on Albertson Parkway = Councilman Foco stated that Mr. Wright is interested in purchasing the sandbag next to the nursing home. He is doing it for the nursing home. We will have to get an appraisal on it, and then bid it out. Councilman Guilbeau questioned where will we move the sandbag location? Councilman Foco stated we are looking at some property on Albertson Parkway that is owned by the Billeaud Companies. Mr. Wright was not present to discuss this matter; therefore Councilman Guilbeau moved and Councilman Bonin second to table this being Mr. Wright is not present to discuss this matter. Roll call:

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

OLD BUSINESS:

Adopt Ordinance #06-305/Enacting Comprehensive Building Regulations for the City of Broussard relative to Building Codes = Moved by Higginbotham and second by Councilman Guilbeau to adopt 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	

Adopt Ordinance #06-303/East Fairfield/St. Julien Trust Annexation = Moved by Councilman Rousseau and second by Councilman Romero to adopt 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. 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 Rousseau and second by Councilman Higginbotham to adopt 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	

Adopt Ordinance #06-306 RE: Creation of TIF District = Moved by Councilman Rousseau and second by Councilman Higginbotham to adopt Ordinance #06-306, which creates 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 here as a “project” or “projects”), to be financed with revenue bonds to be issued by 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	

Mr. Brown questioned if the money generated from that district will be used only in the TIF District? Councilman Foco stated we can use that money to connect roads to that district. It can only be used for infrastructure to the district.

Adopt Ordinance #06-307 RE: Levying Sales Tax in TIF District = Councilman Higginbotham questioned if we will increase the sales tax on Ambassador Caffery? Donnie Cunningham stated if there are no registered voters in the TIF District; so you can levy an additional sales tax. There are a couple of businesses. The law allows us to collect an extra penny. Cunningham explained what we are doing is asking the State to give up there penny. We don’t have to collect it now or in the future. It will look better for the future when it goes to the bond commission. It is best we adopt the ordinance and look where we are in a couple of months. Councilman Higginbotham stated he just has a problem with increasing the taxes. Councilman Higginbotham questioned why do we have to pass this ordinance, if we don’t have to collect it? Cunningham explained it is the same sort of target that the City of Lafayette used for their business district on the north-side. This tax will enable us to extend a 4 lane highway from Verot School Road to Highway 90, which will open up the area. Cunningham stated DED has been in favor of this project from the start. Councilman Higginbotham stated he was intrigued to do this project; because of the match we would be getting from the State. Councilman Higginbotham questioned if we do not adopt this

ordinance, will jeopardize the whole TIF Project? Cunningham stated he was told it would probably be best if Broussard would pass these ordinances. Councilman Rousseau stated they will have to still approve it without coming back to the voters. Attorney Landry stated all of the complaints he has heard about the traffic, this would enable us to have a 4 four lane highway to get the people around; to him this would be good. Mr. Mouton stated as a property owner in the district; he feels it will be well worth the penny for not having to travel as far. Therefore it was moved by Councilman Rousseau and second by Councilman Romero to adopt Ordinance #06-307, which levies 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 Statutes 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	

Adopt Resolution #195-06/Authorizing the issuance of not exceeding \$30,000,000 Sales Tax Increment Bonds = Moved by Councilman Rousseau and second by Councilman Romero to approve Resolution #195-06, authorizing the issuance of not exceeding \$30,000,000 of the City of Broussard Sales Tax Increment Revenue Bonds (Broussard Ambassador Caffery Extension District Project) Series 2007 to finance certain improvements; authorizing Mayor and/or Clerk to sign any and all documents necessary to carry out the purposes of this resolution; 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	

Adopt Resolution #194-06/ Authorizing the issuance of \$10,000,000 Sales Tax Increment Bonds = Cunningham stated the bond commission won't look at this unless the council has approved this. Councilman Foco stated what we are trying to jump ahead of the line. Councilman Guilbeau questioned if we don't get any revenue for 5 years; we still have to make payment on those bonds? Cunningham stated it's the way the bank will look at. Councilman Foco stated he feels we can afford it. Councilman Higginbotham questioned if we have to have these TIF Districts before the road is built? Cunningham stated that this gets the ball rolling. Councilman Guilbeau stated that it still

has to come back to us approval. Councilman Guilbeau stated that he is just kind of cautious. Walter stated this is just prep work; but the money has to come from somewhere he agrees with that. You have to cash flow the project and you have the dead period until the project is completed. This is really preparatory work before the jump. Therefore it was moved by Councilman Rousseau and second by Councilman Romero to approve Resolution #194-06, which authorizes the issuance of not exceeding \$10,000,000 Sales Tax Increment Revenue Bonds (Broussard Ambassador Caffery Extension District Project) Series 2007; approving the form and authorizing the execution and delivery of a Trust Indenture and a Cooperative Endeavor Agreement; authorizing the appropriate officers of said Board of Aldermen to execute certain of the aforementioned instruments and all other documents and certificates deemed necessary in connection therewith; applying to the State Bond Commission and Secretary of Economic Development; and providing for other matter with respect to 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	

ENGINEER'S REPORT:

AI's Report:

Ambassador Caffery = AI stated the relocation of Ambassador Caffery testing for utilities was done today. The contractor will be moving on to Hardware Road now.

St. Nazairre Road Project = AI stated that it is the Mayor's intention to advertise for bids at the end of the December. After the 30 days we will open bids. The notice for bids include a paragraph stating the owner has to right to reject bids for just cause. The reason we are asking for the bids to include this is because of the major project that we are anticipating coming in. After the bids are opened we have 45 days to decide if we want the owner to do the project. The council agreed to advertise the bids. Therefore it was moved by Councilman Rousseau and second by Councilman Romero to advertise the project for bids for the St. Nazairre Road Widening Project. Roll call:

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

AI stated we need to get some instruction requirements regarding the insurance requirements. He has sent the Mayor a letter requesting what he wants to do. AI stated they can't recommend the type or amount of insurance coverage. The road project is estimated at \$2.8 million. The city will be reimbursed by the Billeaud Companies for the drainage ditch. We are looking at 9 – 12 months of project time. There is a timing problem right now, so we will do 12 months. Off of St. Nazairre Road at the curve we go from 5 lanes back to two lanes, so we will have to close the road for 3 – 4 weeks beyond

the 90 degree. They will have access to Highway 96 from the trailer park on one side and to highway 90 on the other side.

Jerry's Report:

Water Well Repair = The low bid was Layne Christensen Company in the amount of \$76,262.00. This is a 30 year old well. Jerry stated this is a risky project because of the age of the well, but it has always been a good well. Councilman Rousseau questioned Jerry the specifics? Jerry stated you will be going into the casing. You are working close proximity to the extreme. There is always the potential that something can go wrong. It is a good well though.

It was moved by Councilman Guilbeau and second by Councilman Bonin to accept the low bid from Layne Christensen Company for the Water Well No. #1 Repair in the amount of \$76,262.00. Roll call:

District I = Yea

District IV = Yea

District II = Yea

District V = Yea

District III = Yea

District VI = Yea

At Large = Yea

Councilman Bonin stated while we are the subject of water. They have decided to repair this well so that we are so dependent on Lafayette.

South Eola Road Pump Station = Jerry requested that they have additional time to review the bids, because they came in higher than what expected. They did go with bigger pumps and motors to lower the prices. We want to get as much as we can. Jerry stated we will try to take the equipment and move it to North Eola. Jerry asked for additional time to evaluate this and he will make a recommendation at the next meeting.

Bridge on South Girouard Road = The bridge was inspected. This bridge has piling problems. The pilings are deteriorating. The bridge itself is not overlaid. The overall rating is a 0. He feels the council needs to declare this an emergency to repair. Councilman Foco stated the rest of the road is for the parish, so maybe we could get some help from them. Attorney Landry stated we might have to consider closing the bridge. The bridge is on some creosote pilings. Councilman Foco stated maybe we can get some help from the parish. Larry stated in 1998 it was rejected and we repaired it partially for \$60,000. Estimate cost of repairing the bridge is \$150,000. Right now the City is totally responsible for it. Larry stated we need to act, we cannot wait. Councilman Guilbeau questioned if that price is with wooden pilings? Jerry stated yes, with concrete it would be more. Attorney Landry stated if we declare it an emergency we can bypass some part of the public bid law. Jerry will have to work on some specifications. Attorney Landry stated at the very least we need to declare an emergency and get some bids to repair it. If it is an emergency we may have to close the bridge. We have to make a decision based on our judgment. Councilman Higginbotham questioned about repairing the way it was repaired in 1998. Grooms stated we don't want to do that again. Jerry stated you would probably get 20 more years with changing out the pilings. The council would like to see the cost difference with the concrete pilings versus the creosote pilings. Councilman Higginbotham questioned Jerry if we should close the

bridge? Jerry stated it is the council's decision. Councilman Foco questioned how long would the repair work take? Larry stated about 30 – 60 days. Larry stated they are monitoring the situation of the bridge. Larry stated perhaps we can look at lowering the load limit on the bridge. Therefore it was moved by Councilman Higginbotham and second by Councilman Rousseau to approve Jerry to prepare the bids specs to get the bridge repaired on South Girouard Road. Roll call:

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

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

AUDITOR'S REPORT:

Audit Findings = J. L. Sonnier addressed the council. He wanted to review with the council the audit findings. The findings were as follows:

Item 06-1 is Inadequate Segregation of Accounting Functions.

J. L. stated that will entail us hiring 3 – 4 more personnel to segregate the functions within the accounting system. J. L. stated that it was determined that is not cost effective to achieve complete segregation of duties within the accounting department. Councilman Higginbotham stated he would like to see an asterisk showing that it's not management fault.

Item 06-2 is Noncompliance with LA Local Gov't Budget Act

The sales tax fund expenditures exceeded budgeted by more than 5%. The city was notified by its collection agent approximately four months after fiscal year end that a taxpayer was due a large refund of overpaid taxes for the years 2000 through 2006. It was not possible for city management to have anticipated the refund request, and therefore no corrective action is required.

Part III: Findings And Questioned Costs for Federal Awards Which Include Audit Finding as Defined in Section 510 (a) of Circular A-133.

Inadequate segregation of accounting functions. Corrective action is in plan of part II above.

Item 05-2 Reconciliation of Utility Customer Security deposits

The customer security deposits were not reconciled to the general ledger periodically. That problem has been resolved.

Item 05-3. Inaccurate Utility Billing Rates

Utility rates were inaccurately entered the billing systems. That problem has been resolved.

Councilman Higginbotham question about the inadequate segregation of accounting functions, if that can't just be left out? J. L. Sonnier stated it needs to be stated in the audit. Councilman Rousseau requested that J. L. address them after each audit at each meeting. Councilman Higginbotham stated he feels that with the last report in the findings and the corrective action were listed separate.

Baker Hughes = Councilman Higginbotham questioned if there is anything else on the Baker Hughes situation? Sonnier stated they won't have anything final from the school board till April. Councilman Foco stated he feels the next time we negotiate better

than we did. Councilman Bonin stated he doesn't appreciate the check being sent, the night the meeting they were slapped in the face with this. Councilman Foco stated we waited 5 years for the money; so they should have to wait for their money. Attorney Landry stated the way it was negotiated the interest was saved by sending it in one lump sum. Attorney Landry stated it was not just the City of Broussard, this was done nationwide. Councilman Guilbeau stated he feels they waited too long to audit. Councilman Higginbotham stated the problem he has a problem with the guy that did the negotiating for us, and he is negotiating and that is not his money he is negotiating with, it is their money. J. L. Sonnier stated that it is not too early to meet with Carl Meche with the School Board about this.

ATTORNEY'S REPORT:

Attorney Landry stated that he has nothing to report on.

FIRE DEPARTMENT:

No one was present.

POLICE DEPARTMENT:

Happy Holidays = Chief Decou wished everyone Happy Holidays.

Fatalities = Chief Decou stated that this past weekend they had two separate crashes with two different fatalities. He is asking everyone to be safe and watch for strangers in the neighborhoods.

Patrols = Councilman Foco commended Chief Decou and his officers for more patrol in the new construction areas.

COUNCIL BUSINESS:

District III/Councilman Rousseau:

Happy Holidays = Councilman Rousseau wished everyone a Merry Christmas and A Happy New Year. Councilman Rousseau stated that it has been a pleasure working with the city workers including the professionals throughout his term.

District IV/Councilman Higginbotham:

Tires on Highway 96 = Councilman Higginbotham question Larry about the on Highway 96 across from Macro Oil, there is two stacks of tires in the utility easement put by the farmer. Larry stated will call the farmer tomorrow about this.

District V/Councilman Johnson:

Fair-well Speech = Councilman Johnson stated this is his last meeting. He thanked the citizens of district 4 and all of the citizens. He gave a special recognition to all of the employees that were there and to those that weren't. Councilman Johnson stated that Councilman Foco has changed this council around. We have had differences and they were settled in here. It has been a pleasure working with everyone. He also congratulated Ms. Batiste. He asked the council to remember that the citizens are our bosses and we are working towards one goal for the citizens of Broussard. He also thanked the Chief for everything. After Councilman Johnson said his speech, Councilman Foco read the letter from the Mayor to Councilman Johnson, being Mayor Langlinais was unable to attend the meeting tonight due to the flu.

ADJOURN:

Adjourn the meeting = Moved by Councilman Foco 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