

Minutes of The

May 28, 2008

Broussard City Council Meeting

Present: Sarah Hebert, Clerk
Councilman Terry Guilbeau, District I
Councilman David Bonin, District II
Councilwoman, Gertrude Batiste, District IV
Councilman Kenny Higginbotham, District V
Councilman Albert Romero, District VI
Councilman Johnnie Foco, At Large
Mr. Donald Landry, Attorney
Jerry Grooms, City Engineer
Al Reaux, City Engineer
Walter Comeaux, III, City Engineer
Gene Chiarulli, Bookkeeper
Chief Brannon Decou, Police Chief
Chief Blair Rivette, Fire Chief
Elmer Girouard, City Supervisor
Larry Champagne, City Supervisor
Mel Bertrand, City Foreman
Larry Hebert – Hebert & Ottinger
Donald Champagne – Citizen
Roy Brown- Citizen

Absent: Mayor Charles E. Langlinais
Councilman Keith Rousseau, District III

Councilman Foco called the meeting to order and Attorney Landry led with the Pledge of Allegiance and a silent prayer was done for the boys and girls still overseas.

Councilman Foco - Before we start our meeting Ms. Gertrude Batiste brought something to me that she wants to read for Chelsea Flugence who is a native of Broussard, Councilman Foco, went on to read, this little girl has maintained a 4.0 average for 4 years, Councilman Foco then read about some of her accomplishments. Chelsea Flugence she is the daughter of Danny, Sr and Rene Flugence. She is a senior at Ovey Comeaux High School. Chelsea is rated number 1 in a class of 382 students. She is one of three Valedictorians in her graduating class. Chelsea has received several honors and

academic awards. She has volunteered at the Children's Museum, La Belle Maison, Community Pride Club and St Josephs Senior Youth Group. Applause by all
Mr. Foco – Congratulations – Like Ms. Gertrude says “there is always so much bad news in the paper’, there is not a lot of good news, and this is great news. Danny ya’ll did a good job.

Adopt minutes of the May 14, 2008 Meeting = Moved by Councilman Higginbotham and second by Councilwoman Batiste to adopt the minutes of the May 14, 2008 meeting.

Roll Call:

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

OLD BUSINESS:

Adopt Ordinance # 08-331 Changing Meeting Dates from Wednesday to Tuesday = Moved by Councilman Guilbeau and second by Councilman Bonin to Change meeting dates from Wednesday to Tuesday. Beginning in June 2008.

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

NEW BUSINESS:

Mr. Larry Hebert

RE: Bidding/Oil & Gas Lease – PRIDE OIL and Gas

Mr. Hebert with the firm of Ottinger and Hebert - The City has been approached to – there is an interest in leasing some of the land owned by the City. The party that has shown interest is PRIDE OIL and Gas, a local brokerage firm from Lafayette. We have negotiated certain provisions in the lease; the way this works is that, it’s a state agency lease form. Either you as a state agency can do it yourself or you can get the State. We are suggesting that the City of Broussard Lease the land itself. It still has to be approved by the State Mineral Board.

Attorney Don Landry stated that this would be an Introductory Resolution authorizing letting out the publication and calling for bids on property belonging to the City of Broussard and in that Resolution you would also authorize the Mayor to negotiate with whoever the bidding party might be.

Councilman Foco – This is just an introductory we can reject it if we are not comfortable with it.

Attorney Don Landry – You can reject all bids.

Councilman Higginbotham made a motion to make the Introductory Resolution Authorizing letting out the publication and calling for bids on property belonging to the City of Broussard and in that resolution authorizing the Mayor to negotiate with whoever the bidding party might be. Second by Councilman Romero

Roll Call:

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

Attorney Don Landry I will get will Larry Hebert and prepare the resolution with the proper language.

Introduce Ordinance #08-332 = Operating Budget for 07/01/07 – 06/30/08 and Proposed Budget for 07/01/08-06/30/09

Councilman Foco – This is just an introductory ordinance.
Councilman Guilbeau moved to introduce Ordinance #08-332 Operating Budget for 07/01/07 – 06-30-08 and Proposed Budget for 07-01-08 – 06-30-09

Gene Chiarulli – We need to establish the date that the public meeting will be. This will be at 5:30 p.m. on the second meeting of June. The Fourth Tuesday of June 2008, which is June 24, 2008.

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

Adopt Resolution #228-08 = Opposing State Collection of Local Sales Tax

Attorney Don Landry explained that an email was sent to all Mayors to do a Resolution of the City Council opposing some house bills, 440, 442, 453 and 646, urging the legislator and the state to avoid the consequences that would result from the appointment of the Louisiana Department of Revenue to Collect, Distribute and Disburse local sales tax and matters relating thereto.

Councilwoman Batiste moved to adopt resolution #228-08 – Opposing State Collection of Local Sales Tax, second by Councilman Bonin.

Roll Call:

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

Revising Ordinance #149 = Proposed Amendments to Ordinance #149/ Use of Public Sewers.... Requested by Bob Boese

Councilman Foco – Mr. Boese ask that we table this, he is not here.

Attorney Landry – My understanding that he requested a member of the Council move to table and he would notify us when he is available to discuss this.

Councilman Guilbeau motioned to table this discussion, second by Councilman Romero.
Roll Call:

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

Ordinance #133/GTR Ordinance and Ordinance # 146/ Junk Item Ordinance = Councilman Bonin requesting ordinances are revised.

Councilman Bonin- Did ya'll get a copy of these ordinances? Did ya'll take a glance at them? What was the newest ordinance?

Councilman Foco – The junk vehicle ordinance.

Attorney Landry – It pretty much supersedes -

Councilman Bonin – Both of these?

Attorney Landry – The GTR Ordinance was really passed many years ago with a deal with a solid waste company that had a transfer station here. I don't see why we should have any concerns with that ordinance having any effect on any junk or those kinds of things. The other ordinance that you asked for a copy of Ordinance 146 talks about junk items, but the junk vehicle ordinance that we passed with the notices to the citizens and so forth, the stickers being applied to the vehicles etc. supersedes a lot of Ordinance 146. Since it was the last ordinance passed, that is the one that would really be in control.

Attorney Landry – You are referring to the Ordinance of the Broussard City Council, ordaining the procedures for removal of junked motor vehicles, right?

Councilman Bonin- Right

Attorney Landry – When it comes to a motor vehicle- the ordinance that the Broussard City Council – Ordinance # 7-322 will oversee this one. To the extent that it is different from that, yes, this would be the controlling ordinance.

Councilman Bonin – Now anything besides junk vehicles, this ordinance 146 would pertain to, right? Anything that is not a junk vehicle.

Attorney Landry – 146 would apply, I don't know if we would have others that would apply.

Councilman Bonin – That is what I wanted to know. So, the junk vehicle ordinance supersedes just the junk vehicle part of ordinance 146?

Attorney Landry – Well Ordinance #7-322 which is the ordinance ordaining the procedures for removal of junk motor vehicles talks about junk motor vehicles.

And describes this, we are talking about motor vehicles, that what this ordinance is for.

Councilman Guilbeau – I think we should put that on hold, since Lafayette's was found unconstitutional –

Attorney Landry – No, the judge did not find it unconstitutional; he found a section of the ordinance unconstitutional. That is being appealed by the City. It has no effect on ours. Our ordinance is not unconstitutional nor has any section of our ordinance been found unconstitutional.

Councilman Guilbeau made a motion that we suspend the ordinance until we find out what the appellate court's decision is going to be on the ordinance. Second by Councilman Romero.

Councilman Foco – we will vote by Districts

Councilman Higginbotham – You want to suspend our Ordinance?

Councilman Guilbeau- Until we get a ruling from the appellate court.

Councilman Foco – that is just a section of the ordinance.
We have an ordinance on the floor by Terry to suspend our Ordinance – Part of our ordinance- that is in question – with the City of Lafayette's Ordinance – with the appellate court, correct Don?

Attorney Landry – I don't know if his motion is just for a particular section of the ordinance or the entire ordinance.

Councilman Guilbeau – the entire ordinance, until we find out what the appellate court decides.

Councilman Higginbotham – can we get verification on what that section on, what violation is in question?

Attorney Landry – It has to do with the covering of the vehicles, with a carport type structure. That is what I was told – I have not have reviewed the records.

Chief Brannon Decou- It was the part about, that it is not fair for people that had garages on their property to be able to store junk vehicle per say verses people that don't have garages.

Councilman Higginbotham – That has not been and issue with any here.
Have they suspended there ordinance with this litigation or no?

Attorney Landry – I don't think so.

Councilman Foco – Ok, let’s put it to a vote. Sarah we are going to vote by districts. Yes vote puts our ordinance on hold. No vote keeps it the way it is.

Roll Call:

District I - Yes District V- Yes
District II – Yes District VI –Yes District III – Absent
District IV – Yes
At Large – No, I want to keep it the way it is.

Councilman Bonin – We are not changing anything we are just putting it on hold. Until we see what the judge determines.

Attorney Landry – You moved to suspend the Ordinance

Councilman Bonin – Until we get a reading from the judge.

Attorney Landry – You are not changing anything?

Councilman Bonin – No, we are just suspending it.

Councilman Foco – Only until we get clarification.

Introduce Ordinance #08-333 = Authorizing the Mayor to sign change orders with H & S Construction for St. Nazaire Road Project to accomplish maintenance.

Al Reaux – Certain items in the existing contract are going to be included in this maintenance. There is one particular item that is not in the current contract. Which is soil cement base and we have to get a price from H & S to do that before we can come up with the final actual number. Martin brought the council up to date with regard to the status of that change order.

Councilman Foco – This is just the introductory ordinance for the Mayor to sign the change-order; they still have to come back to us to amend the budget.

Gene Chiarulli – The ordinance is to amend the budget to authorize the expenditure Up to \$225,000.00. Nothing can be signed until the next meeting when you adopt this ordinance.

Councilman Guilbeau moved to Introduce Ordinance #08-333 authorizing the Mayor to sign change orders with H & S Construction for St. Nazaire Road Project to accomplish maintenance second by Councilman Bonin.

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

Engineers Report

Jerry Grooms – I have given you a bid tabulation, pertaining to Prime Marine Services. This is for our road way construction, it is an LCDBG project, and it is not a development funding. Attached to the letter, we have received 3 bids, upon opening the bids the apparent lowest bid, was Lege Construction however, there was a conditional letter attached to it. You do have a copy of that. Basically, it was saying that they want to reserve the right to make adjustments to the unit prices affected by the increase of the prices of liquid asphalt and diesel fuel, if that price increase is more than 5%. The difference in the bid is \$1977.00. Mark's recommendation which is included in the letter is recommending that the bid actually be awarded to the second low bidder, because there are no conditions with the bids.

Attorney Landry – It is not really a low bid – he bided on something that no body else bided.

Councilman Guilbeau – I make a motion that we go with the second apparent low bidder without conditions. Second by Councilman Higginbotham.

District I = Yea

District II = Yea

District III = Absent

At Large= Yea

District IV = Yea

District V = Yea

District VI = Yea

Al Reaux – Sewer pond contractor continues to work – he was slowed down by a few rain events in past couple of weeks, we will have an estimate of payment at the end of this week so we will have a percentage of complete for the next meeting.

Walter Comeaux III – I worked up some cost estimates for the S Bernard – Fairfield extension, this will be placed as a discussion item on the next agenda.

Accountants Report

Gene Chiarulli – You have your monthly reports.

Attorney's Report

We have covered everything

Police Department

We did solve the Towne Pharmacy burglary from Dec 2005 through DNA.

Fire Department

Council Business

Councilman Guilbeau – I went to Vegas with Charlie and it was very interesting. We met with some people, they convert Garbage into Electricity. They should be coming into Broussard and attending a meeting to explain this to us.

Councilman Bonin – Nothing at this time

Councilwoman Batiste- I would like to give recognition to the deceased boxer Timothy “Sugar” Rabon. Sr.

Councilman Foco then went on to read some of the obituary

Councilman Higginbotham – Going Back to the issue about the junk car ordinance – this thing being in litigation in Lafayette could drag on a while, we will have to consider that down the road on how long you want to keep it in limbo as this process is going on. I would just like to have a short-term moratorium.

Councilman Romero – Nothing

Donald Champagne – Citizen of Broussard – I have a problem with a contractor, he has put a house 5 foot, ya’ll have an ordinance that is 10 foot. Is that going to affect my lots down the line?

Attorney Landry – I will have to look at the Ordinance on setbacks.

Councilman Foco - The only thing I have, I went to the Grand Opening for the new Walgreens and they are very excited about coming to Broussard and Terry went to the open house/awards at Broussard Middle School, I also attended Lynn Inzerella’s she doubled her size at the physical therapy group. I am getting to go to a lot of these businesses that have been here and that are coming here and they are really upbeat about Broussard. I know we have more traffic, I know we have more noise, but we have more Fire Department vehicles, more police vehicles, we have more backhoes, more maintenance and we have more jobs. People know that Broussard is on the map. Any one has anything else.

Donald Champagne – I think that ya’ll are doing a good job, doing what ya’ll are doing, but ya’ll need to work on the old part of Town. Don’t loose the old part of Town

Councilman Foco- We have done drainage work and street repairs and are constantly doing.

Councilwoman Batiste – I have been working in District IV for the past year and a half and I have quite a few of the residents, families that are not cooperating, not working with me and I find that very hard. But, I will continue to do what I think is best to make improvements in District IV.

Adjourn

Councilman Romero moved to adjourn, Second by Councilwoman Batiste.

Roll Call:

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

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

S/Charles E. Langlinais, Mayor

S/Sarah Hebert, Clerk