

JANUARY 8, 2007

The City Council of the City of Sulphur, Louisiana, met in regular session at its regular meeting place at City Hall, Sulphur, Louisiana, on January 8, 2007, at 5:30 p.m., after full compliance with the convening of said meeting with the following members present:

DRU ELLENDER, Council Representative of District 1
MIKE KOONCE, Council Representative of District 2
CHRIS DUNCAN, Council Representative of District 3
NANCY TOWER, Council Representative of District 4
STUART MOSS, Council Representative of District 5

After the meeting was called to order and the roll called with the above result, prayer was led by Rev. Don Walker, Oliver Baptist Church, followed by the reciting of the Pledge of Allegiance led by Mr. Moss.

The Chairman asked if there were any changes to the minutes of the previous meeting. With no changes made, motion was made by Mr. Moss seconded by Mrs. Ellender that the minutes stand as written. Motion carried.

The Chairman then asked if there were any changes to the agenda. Motion was made by Mr. Koonce seconded by Mr. Moss that items 6, 7, 8 and 9 be removed from the agenda.

A vote was then called with the results as follows:

YEAS: Mr. Koonce, Mr. Duncan, Mrs. Tower, Mr. Moss
NAYS: Mrs. Ellender
ABSENT: None

And the said changes were made to the agenda.

ATTEST:

ARLENE BLANCHARD, Clerk

CHRISTOPHER L. DUNCAN, Chairman

The first item on the agenda a resolution amending the November 13, 2006 Resolution for the City Council authorizing application to the State Bond Commission for approval to issue, sell and deliver negotiable, interest bearing paving certificates of the City of Sulphur. Jay Delafield, Bonding Attorney, addressed the Council and stated that when this resolution was first adopted in November, 2006, the Bond Commission did not require wording concerning "swap policy". Last month they changed the rules and now they require this wording not only in the first resolution but also in the last resolution when dealing with public debt. *(See Section 1 of the resolution below)* Motion was made by Mrs. Tower seconded by Mr. Moss that the following resolution be adopted to-wit:

RESOLUTION NO. 1952, M-C SERIES

A RESOLUTION AMENDING THE NOVEMBER 13, 2006 RESOLUTION OF THE CITY COUNCIL AUTHORIZING APPLICATION TO THE STATE BOND COMMISSION FOR APPROVAL TO ISSUE, SELL AND DELIVER NEGOTIABLE, INTEREST BEARING PAVING CERTIFICATES OF THE CITY OF SULPHUR, LOUISIANA

WHEREAS, on November 13, 2006, the report of Meyer and Associates, Inc., Consulting Engineers for the City of Sulphur, Louisiana, was received with respect to paving improvements to Quince Street within the City of Sulphur, Louisiana; and

WHEREAS, on November 13, 2006, the City authorized application to the State Bond Commission for authority and permission to proceed with issuance, sale and delivery of negotiable interest bearing paving certificates; and

WHEREAS, the City desires to amend its November 13, 2006 resolution and its application to the State Bond Commission to comply with the Bond Commission's policy with respect to implementation or use of any swap(s) or other products(s) or enhancement(s);

NOW, THEREFORE, BE IT RESOLVED by the City Council, as the governing authority of the City of Sulphur, Louisiana, as follows:

SECTION 1. Section 1 of the November 13, 2006 Resolution the City of Sulphur, Louisiana, is hereby amended to read as follows:

“The Mayor of the City of Sulphur, Louisiana, be and he is hereby authorized and directed to apply to the State Bond Commission for approval of and permission to proceed with the issuance, sale and delivery of negotiable interest bearing certificates to bear interest at a rate not exceeding 7%, or the maximum rate provided for conventional interest by Article 2924 of the Louisiana Civil Code as now exists or may be hereafter amended, and to mature serially over a period not to exceed ten (10) years, in the total amount of the installments or deferred payments due under assessments levied by the City of Sulphur, Louisiana, on the property abutting said respective improvements.

By virtue of the Issuer’s application for, acceptance and utilization of the benefits of Commission’s approval(s) resolved and set forth herein, the Issuer resolves that it understands and agrees that such approval(s) are expressly conditioned upon, and it further resolves that it understands, agrees and binds itself, its successors and assigns, to full and continuing compliance with the “State Bond Commission Policy on Approval of Proposed Use of Swaps, or other forms of Derivative Products Hedges, Etc.,” adopted by the Commission on July 20, 2007, as to the borrowing(s) and other matter(s) subject to the approval(s), including subsequent application and approval under said Policy of the implementation or use of any swap(s) or other products(s) or enhancement(s) covered thereby.

SECTION 2. In all other respects, the November 13, 2006 Resolution shall remain unchanged.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mr. Duncan, Mrs. Tower, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 8th day of January, 2007.

ATTEST:

ARLENE BLANCHARD, Clerk

CHRISTOPHER L. DUNCAN, Chairman

The next item on the agenda a resolution authorizing the extension of a six month temporary permit which allows for temporary placement of travel trailers and/or mobile homes on residential property for living purposes during reconstruction of damages caused by Hurricane Rita for the following addresses:

6 month extensions – 1222 W. Burton Street, 1216 Post Oak 3A, 317 E. Brimstone, 805 W. Burton, 821 E. Burton, 210 E. Carlton, 304 W. Carlton, 202 Louisiana,

407 Morgan.

Motion was made by Mr. Moss seconded by Mrs. Ellender that the above addresses receive a 6 month extension. Motion carried.

No extension needed – 1816 Todd, 1428 Weekly, 1533 Ruby, 2031 Sherwood Drive B, 409 Garrett.

Motion was made by Mrs. Ellender seconded by Mrs. Tower that the above addresses receive no extension. Motion carried.

The next item on the agenda a presentation to Volunteer of the Month of January. Mayor LeLeux presented a certificate to Brooks Fleig.

The next item on the agenda a presentation to “Dare to be Different” for the Month of January. Mayor LeLeux presented a certificate to the following students: Sulphur High School- Erin Casteel, Sulphur High School 9th Grade- John Rider Wentzell, Our Lady’s School- Shannen Godeaux, LeBlanc Middle School- Codey Guidry, Maplewood Middle School- Devin Laughlin, WW Lewis Middle School- Tiffany Mclendon.

The next item on the agenda a presentation to Teachers of the Month for January. Mayor LeLeux presented certificates to the following teachers: Sulphur High School- Shane Benoit, Sulphur High 9th Grade School- Theresa LeDoux, LeBlanc Middle School- Jessica Czepiel and RW Vincent- Claire Sylvest.

The next item on the agenda a public hearing on ordinance amending Chapter 4 of the Code of Ordinances of the City of Sulphur (Animals-vicious). Motion was made by Mrs. Tower seconded by Mr. Moss that the following ordinance be adopted to-wit:

ORDINANCE NO. 754, M-C SERIES

ORDINANCE AMENDING CHAPTER 4, SECTION 69 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR – DECLARATION AS A PUBLIC NUISANCE; GROUNDS.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby amend Chapter 4, Section 69 of the Code of Ordinances of the City of Sulphur as follows:

Sec. 4-69. Declaration as a public nuisance; grounds.

Dogs and cats which are subject to being declared a public nuisance are as follows:

- (1) Dogs and cats which are habitually destructive of property belonging to other than the dog's or cat's owner; "habitually" is defined for purposes of this article as such destruction having occurred on more than one (1) occasion.
- (2) Dogs and cats which are vicious are as follows:
 - (a) Any animal having a mean or bad temper or that has demonstrated in overt ways a propensity to endanger the safety of humans or other animals by threatening, chasing, growling, biting, attacking, or inflicting bodily injury, without provocation, on or off the premises of the owner, whether or not requiring them to seek medical treatment is hereby deemed and declared a vicious animal by the director or his/her designated agent and shall be effectively confined and controlled at all times by its owner.
 - (b) The owner of any animal defined as vicious by this article shall be issued a written notice of confinement requirements stating the animal shall not be in violation of said requirements as defined by this article. Any owner

seeking to reclaim a vicious animal shall also be notified in writing of confinement requirements. Before the owner is allowed to reclaim the animal, an inspection will be done by an animal control officer to determine that all confinement requirements are met. Until confinement requirements are met, animal control will maintain custody of the animal at the expense of the owner, for a period not to exceed thirty days at which time the animal will be considered abandoned. The owner of any animal declared vicious shall immediately have the animal micro-chipped for identification and convey the information over to the City of Sulphur and parish animal services and adoption center. Additionally, no animal deemed vicious shall be sold, donated or otherwise removed from the known residence without immediate notification (next business day) to the City of Sulphur animal control department.

- (c) No person owning/harboring or having the care of a "vicious" dog shall permit such dog to go beyond said confinement unless such dog is securely leashed and muzzled or otherwise securely restrained and muzzled. Said muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.
- (d) Any animal found in violation of the confinement requirements after written notice declaring it vicious has been served to the owner, shall constitute a public nuisance and the Sulphur Animal Control is authorized to promptly impound said animal.
- (e) Any person found in violation of the confinement requirements shall be given notice and brought into court within ten (10) working days to answer to said violations. Failure to appear to answer said charges shall cause said animal to be promptly disposed of by euthanasia by the director or his/her designated agent without further notice to its owner who will be deemed to have abandoned the animal.
- (f) Confinement requirements shall mean a securely enclosed and locked pen or structure suitable to prevent the dog from coming into contact with a human being other than the owner or any other animal and designed to prevent the animal from escaping. The pen shall be constructed of 9 gauge material or stronger. The pen shall be no smaller than four (4) feet x ten (10) feet with sides no shorter than six (6) feet for the comfort of the animal. The sides must be imbedded into the ground not less than one (1) foot if the pen is not on a concrete slab. The pen or dog run area must also have a secure top connected to the side as to ensure that the animal cannot climb out. The pen shall provide a humane existence for the dog and protection from the elements.

- (3) Dogs and cats which create a disturbance of the peace by continued barking or howling, or by any other action in such a manner as to unreasonably disturb or alarm the public.
- (4) Dogs and cats impounded by animal control for and in excess of two (2) running at large violations, shall automatically be declared a public nuisance by the animal control officer.
- (5) Molests or chases passers-by or passing vehicles.
- (6) Attacks other animals.
- (7) Trespasses on school grounds while not under direct control of the responsible owner.
- (8) Damages private or public property.
- (9) Causes unsanitary conditions or odors about the premises of the owner through urination or defecation.

is deemed and declared a public nuisance. Any person shall be in violation of this article if two (2) witnesses, not in the same household, but in the immediate neighborhood, complain of the same violation and sign affidavits describing the activity. Upon possession of the signed affidavits, or upon witnessing the violation in person, the law enforcement officer may immediately issue a citation to the violator. A copy of the citation along with any affidavits shall be presented to the city prosecutor. Said animal may be seized by the director or his/her designated agents and impounded at the animal control shelter.

Provided further, upon the second offense of the same violation and/or subparagraph by the same animal, within six (6) months of each violation, the owner and/or caretaker of said animal shall be served written notice that upon the third offense of the same violation and/or subparagraph the animal will be impounded by the director or his/her designated agents and destroyed by euthanasia or placed with a suitable person upon proof that person shall prevent the animal from further nuisance offenses.

This ordinance shall become effective upon Mayor's signature.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mr. Duncan, Mrs. Tower, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 8th day of January, 2007.

ATTEST:

ARLENE BLANCHARD, Clerk

CHRISTOPHER L. DUNCAN, Chairman

The next item on the agenda a public hearing on ordinance amending Capital Projects and General Fund Budget for fiscal year ending 2006-2007 (paving of Arena Road). Motion was made by Mr. Moss seconded by Mrs. Tower that the following ordinance be adopted to-wit:

At this time Mrs. Ellender stated that she would like to amend the ordinance for the city to only pave the portion of street that will be located directly in front of the proposed hotels. The remaining portion of the road needs to be paved by the private entities. (With the advice of the City Attorney he recommended that Mr. Moss and Mrs. Tower either withdraw their motions or the Council could vote on the motions). With Mrs. Tower and Mr. Moss keeping their motions on the floor, the following ordinance was adopted to-wit:

ORDINANCE NO. 755, M-C SERIES

AN ORDINANCE AMENDING AND RE-ADOPTING THE GENERAL FUND BUDGET FOR THE FISCAL YEAR ENDING JUNE 30, 2007.

BE IT ORDAINED by the City of Sulphur, Louisiana, through its governing body, the City Council of the City of Sulphur, Louisiana, as follows:

SECTION 1. That the General Fund Budget of the City of Sulphur, Louisiana, for the fiscal year ending June 30, 2007, heretofore adopted by the City Council, be and the same is hereby amended and re-adopted in accordance with "Exhibit A" attached hereto and made a part hereof.

SECTION 2. All ordinances and resolutions or parts thereof in conflict herewith be and the same are hereby repealed.

BE IT FURTHER ORDAINED that this Ordinance shall become effective upon approval by the Mayor.

EXHIBIT "A"

GENERAL FUND

REDUCE FUND BALANCE **\$ 320,000**

AND

TRANSFER TO CAPITAL PROJECTS

New Project

Arena Rd. Paving Project **\$ 320,000**

A vote was then called with the results as follows:

YEAS: Mr. Koonce, Mr. Duncan, Mrs. Tower, Mr. Moss

NAYS: Mrs. Ellender

ABSENT: None

And the said ordinance was declared duly adopted on 8th day of January, 2007.

ATTEST:

ARLENE BLANCHARD, Clerk

CHRISTOPHER L. DUNCAN, Chairman

The next item on the agenda a public hearing on ordinance amending Section 12-31 (4) of the Code of Ordinances of the City of Sulphur (Junked Motor Vehicle). After discussion, motion was made by Mrs. Tower seconded by Mr. Moss that the following ordinance be adopted to-wit:

ORDINANCE NO. 756, M-C SERIES

ORDINANCE AMENDING CHAPTER 12, SECTION 31 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR – JUNKED MOTOR VEHICLE.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that Chapter 12, Section 31 of the Code of Ordinances of the City of Sulphur be amended to read as follows:

Sec. 12-31. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense shall include the future words; words used in the plural

number include the singular number; and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Junked item shall be:

- (1) Any unused major electrical appliance and/or parts thereof, including, but not limited to, washing machines(s), clothes dryer(s), refrigerators(s), and freezer(s).
- (2) Machinery and/or equipment or parts thereof other than junked motor vehicles and unused major electrical appliances which, by reason of deterioration through rusting, rotting or otherwise, have become inoperable and/or unreasonable for the purposes for which they were intended.
- (3) Construction debris.
- (4) Waste paper, boxes and crates and/or parts thereof.

Junked motor vehicle is any motor vehicle which does not have lawfully affixed thereto, both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate, and the condition of which is one (1) or more of the following:

- (1) Wrecked to the extent that it would not pass inspection;
- (2) Dismantled to the extent that it would not pass inspection;
- (3) Discarded on someone's property other than the vehicle owner's.
- (4) *Exceptions:* The provisions hereto shall not apply to:
 - a. Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways;
 - b. Any motor vehicle retained by the owner for antique collection purposes; provided that the vehicle is registered with the State of Louisiana as an antique automobile, rather than retained by the owner for salvage or for transportation; nor
 - c. Any motor vehicle upon which regular work is being conducted to make it inspection-ready providing that said work is complete within six months of date violation was communicated to property owner.
 - d. Any motor vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.

Person is any individual, firm partnership, association, corporation, company or organization of any kind.

City is the City of Sulphur, Louisiana, a municipal corporation organized under the laws of the State of Louisiana, acting pursuant to and under the police power vested in the city.

Director of Public Works is the Director of Public Works in and for the Sulphur Public Works Department, Sulphur, Louisiana.

Office of Ordinance Enforcement in and for the City of Sulphur, Louisiana, shall be the duly authorized agent of the director of public works for the enforcement of section 12-31.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mr. Duncan, Mrs. Tower, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 8th day of January, 2007.

ATTEST:

ARLENE BLANCHARD, Clerk

CHRISTOPHER L. DUNCAN, Chairman

The next item on the agenda a public hearing on ordinance amending Section 12-32 (Junked Motor Vehicles and/or Junked Items Declared as Public Nuisance). Motion was made by Mr. Moss seconded by Mrs. Tower that the following ordinance be adopted to-wit:

ORDINANCE NO. 757, M-C SERIES

ORDINANCE AMENDING CHAPTER 12, SECTION 32 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR – JUNKED MOTOR VEHICLES AND/OR JUNKED ITEMS DECLARED AS PUBLIC NUISANCE.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that Chapter 12, Section 32 of the Code of Ordinances of the City of Sulphur be amended to read as follows:

Sec. 12-32. Junked motor vehicles and/or junked items declared as public nuisance.

The presence of any junked motor vehicle and/or any junked item on any private lot, tract or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, within the city shall be deemed and is hereby declared a public nuisance; and it shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any motor vehicle and/or junked item on the real property of another or to suffer, permit or allow any junked motor vehicle and/or junked item to be parked, left or maintained on his real property; provided that this section shall not apply with regard to:

- (1) Any junked motor vehicle and/or junked item in an enclosed building;
- (2) Any junked motor vehicle and/or junked item in an appropriate storage place or depository maintained at a location where such business is authorized under regulatory ordinances of the city.
- (3) Any junked motor vehicle and/or junked item maintained behind a six-foot fence, which meets the fencing requirements for aesthetics in that particular area of the city.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mr. Duncan, Mrs. Tower, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 8th day of January, 2007.

ATTEST:

ARLENE BLANCHARD, Clerk

CHRISTOPHER L. DUNCAN, Chairman

The next item on the agenda an introduction of certificate ordinance authorizing issuance, sale and delivery of Certificates for the paving of Quince Street. Mr. Koonce asked if anyone from this street approached the city for the city to pay for their paving. Mrs. Tower stated that this street is in her district and no one has contacted her. Motion was then made by Mrs. Tower seconded by Mr. Moss that the following ordinance be introduced:

AN ORDINANCE AUTHORIZING THE ISSUANCE, EXECUTION, NEGOTIATION, SALE AND DELIVERY OF \$83,362.42 CITY OF SULPHUR, LOUISIANA PAVING CERTIFICATES (QUINCE STREET PROJECT) SERIES 2007-1, PRESCRIBING THE FORM AND FIXING THE DETAILS THEREOF; PROVIDING FOR THE SECURITY AND PAYMENT OF SAID PAVING CERTIFICATES IN PRINCIPAL AND INTEREST; AND CERTAIN OTHER MATTERS IN CONNECTION THEREWITH.

Motion was then made by Mrs. Tower seconded by Mr. Moss that the said ordinance be filed and remain on file with the Clerk of the Council, in final form, for public inspection and that the Mayor is hereby authorized and instructed to publish the Public Notice of Introduction of the above proposed ordinance in “The Southwest Daily News”, the official journal of the City of Sulphur, Louisiana, and that the said Notice of Introduction of the above ordinance is substantially in the following form:

PUBLIC NOTICE

PUBLIC NOTICE is hereby given, in accordance with Section 2-12B of the Home Rule Charter of the City of Sulphur, the following ordinance:

AN ORDINANCE AUTHORIZING THE ISSUANCE, EXECUTION, NEGOTIATION, SALE AND DELIVERY OF \$83,362.42 CITY OF SULPHUR, LOUISIANA PAVING CERTIFICATES (QUINCE STREET PROJECT) SERIES 2007-1, PRESCRIBING THE FORM AND FIXING THE DETAILS THEREOF; PROVIDING FOR THE SECURITY AND PAYMENT OF SAID PAVING CERTIFICATES IN PRINCIPAL AND INTEREST; AND CERTAIN OTHER MATTERS IN CONNECTION THEREWITH.

A public hearing on said ordinance will be held at 5:30 p.m. on the 12th day of February, 2007, at City Hall in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: _____

CHRISTOPHER L. DUNCAN, Chairman

Motion carried.

The next item on the agenda a resolution authorizing the advertisement of bids for Jail Security Cameras and Recorders. Motion was made by Mr. Moss seconded by Mr.

Koonce that the following resolution be adopted to-wit:

RESOLUTION NO. 1954, M-C SERIES

Resolution authorizing the advertisement for bids for Jail Security Cameras and Recorders.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby authorize the advertisement for bids for Jail Security Cameras and Recorders.

BE IT FURTHER RESOLVED that the advertisement for bids will be in "The Southwest Daily News, the official journal of the City of Sulphur, in three separate Publications, giving notice as follows:

NOTICE TO BIDDERS

Separate and sealed bids for Jail Security Cameras and Recorders will be received by the Clerk of the Council until 10:00 a.m. on the 29th day of January, 2007, at which time bids will be opened and read aloud in an open and public bid opening

session to be conducted by the Director of Finance in the Conference Room at City Hall, and the City Council shall at a regular meeting on the 12th day of February, 2007, at 5:30 p.m. proceed to award the bid to the lowest bidder, to waive irregularities, or to reject any and all bids, or otherwise proceed thereto as provided by law.

CITY OF SULPHUR, LOUISIANA

BY _____
CHRISTOPHER L. DUNCAN, Chairman

BE IT FURTHER RESOLVED that the City Council of the City of Sulphur, Louisiana, will meet in open and public session at the regular meeting place in the Council Chambers at City Hall on the 12th day of February, 2007, at 5:30 p.m., and shall then and there proceed to award the bids to the lowest bidder or to reject any and all bids, or otherwise proceed thereto as provided by law.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mr. Duncan, Mrs. Tower, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 8th day of January, 2007.

ATTEST:

ARLENE BLANCHARD, Clerk

CHRISTOPHER L. DUNCAN, Chairman

The next item on the agenda a resolution setting dates for the Sulphur City Council and Land Use Commission meetings for 2007 (regular and agenda). Motion was made by Mrs. Tower seconded by Mr. Moss that the following resolution be adopted to-wit:

RESOLUTION NO. 1955, M-C SERIES

Resolution setting dates for the Sulphur City Council and Land Use Commission meetings for 2006 (regular and agenda).

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby set the following dates for the Sulphur City Council and Land Use Commission meetings for 2006:

City Council (agenda)

Tuesday, January 2, 2007
Monday, February 5, 2007
Monday, March 5, 2007

City Council (regular)

Monday, January 8, 2007
Monday, February 12, 2007
Monday, March 12, 2007
Monday, April 9, 2007
Monday, May 14, 2007
Monday, June 11, 2007
Monday, July 9, 2007
Monday, August 13, 2007
Monday, September 10, 2007
Tuesday, October 9, 2007
Tuesday, November 13, 2007
Monday, December 10, 2007

Land Use (regular)

Tuesday, January 16, 2007
Wednesday, February 21, 2007
Monday, March 19, 2007
Monday, April 16, 2007
Monday, May 21, 2007
Monday, June 18, 2007
Monday, July 16, 2007
Monday, August 20, 2007
Monday, September 17, 2007
Monday, October 15, 2007
Monday, November 19, 2007
Monday, December 17, 2007

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mr. Duncan, Mrs. Tower, Mr. Moss
NAYS: None
ABSENT: None

And the said resolution was declared duly adopted on this 8th day of January, 2007.

ATTEST:

ARLENE BLANCHARD, Clerk

CHRISTOPHER L. DUNCAN, Chairman

The next item on the agenda a resolution giving Notice of Intention to pave Augustine Street, Gabriel Street and Acadienne Street. Motion was made by Mr. Moss seconded by Mrs. Tower that the following resolution be adopted to-wit:

RESOLUTION NO. 1956, M-C SERIES

A RESOLUTION GIVING NOTICE OF THE INTENTION OF THE CITY OF SULPHUR, LOUISIANA, TO CONSTRUCT, PAVE AND OTHERWISE IMPROVE CERTAIN STREETS WITHIN THE LIMITS OF THE CITY OF SULPHUR, LOUISIANA, AND DESCRIBING IN A GENERAL WAY THE IMPROVEMENTS CONTEMPLATED, THE MANNER OF PAYMENT THEREFOR, AND PROVIDING FOR THE GIVING OF NOTICE, AT WHICH TIME OBJECTIONS THERETO MAY BE HEARD AS CONTEMPLATED BY THE PERTINENT PROVISIONS OF SUBPART A, PART I, CHAPTER 7, TITLE 33 OF THE LOUISIANA REVISED STATUTES OF 1950, AS AMENDED, AND ALL OTHER LAWS PERTAINING TO THE SAME SUBJECT MATTER.

BE IT RESOLVED by the City Council, the governing authority of the City of Sulphur, Louisiana, as follows:

SECTION 1. In accordance with the applicable provisions of Subpart A, Part I, Chapter 7 of Title 33 of the Louisiana Revised Statutes of 1950, as amended, and all other laws pertaining to the same subject matter, it is the intention of the City of Sulphur, Louisiana, through its governing authority, to construct and pave the unpaved portions of the following street or streets, or any part thereof, within the limits of the City of Sulphur, Louisiana, as follows:

**ACADIENNE STREET
GABRIEL STREET
AUGUSTINE STREET**

in the following manner:

The construction of Asphaltic Concrete to a width of twenty (20) feet, on soil cement stabilized base course.

SECTION 2. It is the intention of the City of Sulphur, Louisiana, through the City Council, its governing authority, to construct and pave the aforesaid street improvements and to provide for the payment of the costs thereof either as a single project to separate projects; that it is further the intention of the governing authority of the City of Sulphur, Louisiana, to enter into a contract(s) with private contractors for the construction of said improvements, after advertising for competitive bids for the construction thereof, said contract(s) is to be let to the lowest responsible bidder, upon its furnishing a performance bond and performing all requisite legal requirements; the City Council reserves the right to reject any and all bids and further reserves the right, at any time, within a period of thirty (30) days, from the date of receipt and opening of said bids, to award the contract(s) for said work, without further advertisement, but in the latter event, said contract(s) shall not be entered into for an amount greater than that specified in the lowest sealed bid received from a responsible bidder.

SECTION 3. The total cost of the project shall include cost of street intersections, where unpaved street intersections are included therein, engineer's and attorney's fees, and shall also include all other costs incidental to said project(s), which total costs shall be chargeable to each lot or parcel of real estate abutting the street so improved in the proportion that its front footage bears to all front footage of the abutting lots or parcels of real estate to be thus improved on such street.

SECTION 4. In order to provide for the payment of said proposed improvements on the project, a local or special assessment shall be levied on each lot or parcel of real estate abutting the street to be improved, in the proportion that its front footage bears to all front footage of the abutting lots or parcels of real estate to be thus improved, and the total amount of such local or special assessment shall be equal to the total cost of the project, and such local or special assessment shall be due and collectible immediately upon passage of the ordinance levying same, and if not paid within thirty

(30) days from the adoption of said ordinance, it will be conclusively presumed that any property owner whose property is affected thereby, exercises the right and option which is to be authorized, to pay the amount due in equal installments bearing interest at the rate or rates not exceeding the maximum rate provided for conventional interest by Article 2924 of the Louisiana Civil Code as same not exists or may be hereafter amended, and extending over a period of not exceeding ten (10) years, all within the discretion of the City Council of the City of Sulphur, Louisiana, and as provided for in the ordinance levying such local or special assessment. The first installment shall become due on December 31st of the then current year, or one year after the date of assessment ordinance herein provided for, at the discretion of the City Council of the City of Sulphur, Louisiana, and annually thereafter, all in the form and manner provided for by the pertinent provisions of Subpart A, Part I, Chapter 7 of Title 33 of the Louisiana Revised Statutes of 1950, as amended, and all other laws pertaining to the same subject matter. **THERE WILL BE A PENALTY OF THREE (3%) PERCENT OF THE THEN OUTSTANDING PRINCIPAL AMOUNT THEREOF, FOR PREPAYMENT IN FULL OF ANY ASSESSMENT PAID AFTER THE EXPIRATION OF THIRTY (30) DAYS FROM THE ADOPTION OF THE ORDINANCE LEVYING SAME.**

SECTION 5. The Mayor of the City of Sulphur, Louisiana, be and he is hereby authorized and directed to give, sign and cause to be published three times within at least two consecutive weeks, the first publication being not less than thirteen days before the date fixed for the hearing of objections and the last publication being in the last week, in a newspaper published within the City of Sulphur, Louisiana, notice of the intention of the City of Sulphur, Louisiana, to construct and pave, and otherwise improve, the street or streets, or any part thereof, proposed to be improved, as set forth in Section 1 of this resolution, embodying therein in a general way the improvements contemplated and the manner of payment therefor, and such notice shall contain substantially all things set forth in this resolution and also give notice that the City of Sulphur, Louisiana, will meet in open session at City Hall, Sulphur, Louisiana, on **Monday, February 12, 2007, at 5:30 p.m.**, which session is hereby called and will on that date, and at the hour and place designated, proceed to hear any and all objections to the proposed improvements and the manner of payment therefor with respect to the project and, after hearing and passing on such objections, if any there be, shall then proceed, if it is determined to do so, to order such improvements constructed in the manner provided by Subpart A, Part I, Chapter 7 of Title 33 of the Louisiana Revised Statutes of 1950, as amended, and all other laws pertaining to the same subject matter.

SECTION 6. This resolution shall take effect immediately upon its adoption.

NOTICE OF INTENTION

In accordance with the applicable provisions of Subpart A, Part I, Chapter 7 of Title 33 of the Louisiana Revised Statutes of 1950, as amended, and all other laws pertaining to the same subject matter, and a resolution adopted by the City Council, the governing authority of the City of Sulphur, Louisiana, on the 8th day of January, 2007, NOTICE IS HEREBY GIVEN that the City of Sulphur, Louisiana, intends to construct and pave the unpaved portions of the following street or streets, or any part thereof, within the limits of the City of Sulphur, Louisiana:

**ACADIENNE STREET
GABRIEL STREET
AUGUSTINE STREET**

in the following manner:

The construction of asphaltic concrete to a width of twenty (20) feet, on soil cement stabilized base course.

NOTICE IS FURTHER GIVEN that it is the intention of the City of Sulphur, Louisiana, through the City Council, its governing authority, to construct and pave the aforesaid street improvements and to provide for the payment of the costs thereof either as a single project to separate projects, and the total costs of such project(s) shall also include cost of street intersections, where unpaved street intersections are included therein, engineer's and attorney's fees, and shall also include all other costs incidental to said project(s), which total costs shall be chargeable to each lot or parcel of real estate abutting the street so improved in the proportion that its front footage bears to all front footage of the abutting lots or parcels of real estate to be thus improved on such street.

In order to provide for the payment of said proposed improvements on the project, a local or special assessment shall be levied on each lot or parcel of real estate abutting the street to be improved, in the proportion that its front footage bears to all front footage of the abutting lots or parcels of real estate to be thus improved on the street, and the total amount of such local or special assessment shall be equal to the total cost of the project, and such local or special assessment may be payable in cash or in deferred payments in equal annual installments extending over a period of not exceeding ten (10) years, all in the form and manner provided for by law. **THERE WILL BE A PENALTY OF THREE (3%) PERCENT OF THE THEN OUTSTANDING PRINCIPAL AMOUNT THEREOF, FOR PREPAYMENT IN FULL OF ANY ASSESSMENT PAID AFTER THE EXPIRATION OF THIRTY (30) DAYS FROM THE ADOPTION OF THE ORDINANCE LEVYING SAME.**

NOTICE IS FURTHER GIVEN that the City of Sulphur, Louisiana, will meet in open session at City Hall, Sulphur, Louisiana, on **Monday, February 12, 2007, at 5:30 p.m.**, which session is hereby called and will on that date, and at the hour and place designated, proceed to hear any and all objections to the proposed improvements and the

manner of payment therefor, with respect to each particular project and, after hearing and passing on such objects, if any there be, shall then proceed, if it is determined to do so, to order such improvements constructed in the manner provided by Subpart A, Part I, Chapter 7 of Title 33 of the Louisiana Revised Statutes of 1950, as amended, and all other laws pertaining to the same subject matter.

THUS DONE AND SIGNED at Sulphur, Louisiana, this 8th day of January, 2007.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mr. Duncan, Mrs. Tower, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 8th day of January, 2007.

ATTEST:

ARLENE BLANCHARD, Clerk

CHRISTOPHER L. DUNCAN, Chairman

The next item on the agenda a resolution employing Special Bond Counsel for the paving of Acadienne Street, Gabriel Street and Augustine Street. Motion was made by Mrs. Tower seconded by Mr. Moss that the following resolution be adopted to-wit:

RESOLUTION NO. 1957, M-C SERIES

A RESOLUTION FOR THE EMPLOYMENT OF
SPECIAL BOND COUNSEL.

BE IT RESOLVED by the City Council, the governing authority of the City of Sulphur, Louisiana, as follows:

SECTION 1. There being a real public necessity for the retention and employment of legal counsel to provide specialized legal services as described in Section 2 hereof, in connection with street paving for **Acadienne Street, Gabriel Street and Augustine Street** located in the City of Sulphur, Louisiana (hereinafter referred to as the "Project"), requiring the issuance of certain paving certificates (hereinafter referred to as the "Certificates") by the City of Sulphur, Louisiana (the "Issuer") and it appearing that the public interest requires the obtaining of such specialized legal services, Joseph A. Delafield, A Professional Corporation, of Lake Charles, Louisiana, (hereinafter referred to as "Bond Counsel"), is hereby employed in accordance with the provisions of this resolution.

SECTION 2. Legal services to be provided hereunder include comprehensive legal and coordinate professional work described in Paragraphs (A) through (M) as follows:

- (A) counseling and advising the Issuer relative to all legal and financial matters in connection with the issuance of the Certificates;
- (B) making a survey of the financial resources and debt structure of the Issuer to determine the extent of its borrowing capacity and sources of funds to secure the Certificates;
- (C) assisting in planning the financing and structure of the issue, including the details of the proposed Certificates, the security features thereof, estimated interest rate, and the overall debt service requirements after giving effect to the new financing;
- (D) drafting and submitting to the Issuer all proceedings, documents and forms necessary in connection with the authorization and issuance of the Certificates;
- (E) assisting officials of the Issuer in fixing the final details of the Certificates, including schedules of maturities, redemption features, and form of Certificates;
- (F) drafting all proceedings and documents, including resolutions, indentures and ordinances necessary to authorize the issuance of the Certificates and all legal proceedings and documents relating to the marketing and delivery of the Certificates, and supervising the adoption of said proceedings, and execution of said documents by the officials of the Issuer;
- (G) reviewing proceedings in connection with receipt of bids for construction of facilities to be financed from Certificate proceeds and the award and execution of contracts therefor when necessary for Certificate security;
- (H) assisting the local counsel to the Issuer or local associate counsel retained by Issuer in handling all litigation affecting the legality of the Certificates and/or the method of financing;
- (I) assisting the Issuer or others in various aspects of preparing the Official Statement or any other disclosure document to be disseminated in connection with the sale of the Certificates;
- (J) assisting the Issuer in preparing bid forms for the sale of the Certificates and supervising the Certificate sale, including

tabulation of bids and award of the contract for the purchase thereof;

- (K) arranging and supervising the delivery of the Bonds to the original purchaser thereof;
- (L) furnishing a legal opinion approving the validity of the Certificates, and obtaining any concurring or ancillary legal opinions from other persons or firms to enhance the possibilities of sale of the Certificates; and
- (M) Preparing a complete transcript of record covering the issuance of the Certificates and furnishing the same to the Issuer and the purchaser(s) of the Certificates.

SECTION 3. The fee for the work to be performed hereunder is contingent upon the issuance, sale and delivery of the Certificates, and shall be in accordance with the maximum fee schedule of the Attorney General of the State of Louisiana for comprehensive legal and coordinate professional work of Bond Counsel in the issuance of special assessment bonds requiring examination of individual assessments against real estate, which shall be 2-1/2% of the total project cost as certified by the engineering report on the basis of which the assessments are levied. Bond Counsel shall pay out their fee the following expenses: (a) travel and communication expenses incurred by them in the handling of the Certificates; and (b) printing and reproduction costs of all financial analysis, reports, and legal proceedings prepared by the Bond Counsel. Bond Counsel shall be reimbursed all other reasonable and necessary costs and expenses incurred in connection with the preparation and distribution of any preliminary and final Official Statements containing detailed and comprehensive financial and statistical data with respect to the Issuer (for example, costs and expenses to include the cost of collecting data, cost of preparing and assembling material, costs of printing or duplicating, postal supplies, and cost of binding copies of the transcript of proceedings).

SECTION 4. It is intended that acceptance and approval of this resolution by entering upon performance by Joseph A. Delafield, A Professional Corporation, of the legal services provided for herein, shall constitute this resolution a contract in accordance with the provisions hereof.

SECTION 5. When the Issuer has received payment in full for the Certificates upon delivery thereof, payment of the fee and expenses is authorized to be made as herein provided.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mr. Duncan, Mrs. Tower, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 8th day of January, 2007.

ATTEST:

ARLENE BLANCHARD, Clerk

CHRISTOPHER L. DUNCAN, Chairman

The next item on the agenda a resolution requesting an Attorney General's Opinion regarding the appointment of board member to the West Calcasieu Community Center Authority. Mr. Koonce stated that he wants a letter sent to the Attorney General to see if the nomination process for the board was done correct. He would also like to know the definition of governing authority and is it the Mayor's sole responsibility to nominate this board member. It would have been better if the resolution that was voted on last month did not have a name in it and we could have all nominated someone. Mr. Koonce also stated that he still isn't satisfied with the way the letter is drafted. After much discussion, Mrs. Tower stated that if Mr. Koonce was not satisfied with the way the letter was drafted then he can work with Mr. Drost to word it the way he wants it to read and then bring it back before the Council. Motion was then made by Mrs. Tower seconded by Mr. Koonce that the following resolution be tabled:

Resolution requesting an Attorney General's Opinion regarding the appointment of board member to the West Calcasieu Community Center Authority.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Koonce, Mr. Duncan, Mrs. Tower, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared tabled on this 8th day of January, 2007.

ATTEST:

ARLENE BLANCHARD, Clerk

CHRISTOPHER L. DUNCAN, Chairman

The next item on the agenda Public to Address Council. Mr. Wallace, Woodland Terrace, addressed the Council and thanked the City for cleaning some of the culverts but there is still a big drain covered with leaves and there still needs to be another drain on Woodland. Mr. Bergeron stated that he shot some elevations and pipe sizing and he should be getting the results soon.

Larry Mashburn, Summerwood Drive, addressed the Council and asked when the Redflex redlight issue will be addressed again because Summerwood is like a racetrack. Mrs. Tower stated that the Council was not sure at this time.

Evonne Guerrini, Dubach Street, stated that she would like to see something done for the residents coming out of Beverly Hills Subdivision onto Cities Service. Traffic is really bad because of the turn lane into the Wal-Mart store. She also stated that she is in favor of the Redflex redlight photo ordinance.

Jerry Haas, Horseshoe Lane, addressed the Council and stated that his grandfather was killed under a redlight by someone who passed it up. He's for progress in the city but the city is not ready for this yet because he feels there are too many amendments to be made.

Cliff DeRousselle, Davis Street, addressed the Council and stated that he would like to see the city be proactive but with the Redflex redlight issue there is a lot of room for shenanigan.

CJ Vincent, Logan, addressed the Council and quoted a state law regarding the video cameras on the redlights. It states that citations cannot be sent to the violator at a later date.

There being no other business to come before the Council, the Chairman declared the meeting adjourned.

ATTEST:

ARLENE BLANCHARD, Clerk

CHRISTOPHER L. DUNCAN, Chairman

1/8/07
6:55 P.M.