

March 10, 2008

The City Council of the City of Sulphur, Louisiana, met in regular session at its regular meeting place at City Hall, Sulphur, Louisiana, on March 10, 2008, 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. David Holder, Sulphur First Baptist Church, followed by the reciting of the Pledge of Allegiance led by Mr. Koonce.

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 Mr. Duncan 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. Duncan seconded by Mr. Koonce that item #29 be added. Motion carried.

Motion was then made by Mr. Koonce seconded by Mr. Duncan that item #30 be added. Motion carried.

Motion was then made by Mr. Koonce seconded by Mr. Moss that item #31 be added. Motion carried.

Motion was then made by Mr. Koonce seconded by Mr. Duncan that item #26 be removed.

A vote was then called with the results as follows:

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

And item #26 was then removed from the agenda on this 10th day of March, 2008.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

Motion was then made by Mr. Duncan seconded by Mr. Koonce that item #24 be removed from the agenda. Motion carried.

Motion was then made by Mr. Duncan seconded by Mr. Moss that item #22 be removed from the agenda. Motion carried.

Motion was then made by Mr. Duncan seconded by Mr. Moss that the agenda stand as changed. Motion carried.

The first item on the agenda a presentation to Volunteer of the Month of March. Mayor LeLeux presented a certificate to Alphe' and Dot Vice.

The next item on the agenda is a presentation to Dare to be Different for the Month of March. Mayor LeLeux presented certificates to the following students: Karlin Messina, W.W. Lewis Middle; Cody LeBleu, LeBlanc Middle; Brooke Lindgren, Maplewood Middle; Douglas Dousay, Our Lady's; Rebecca Cart, Sulphur High 9th Grade Campus; Sha'Neal Jourdan, Sulphur High School.

The next item on the agenda is a presentation to Teachers of Month for March. Mayor LeLeux presented a certificate to the following teachers: Angela Broussard, Frasch Elementary; Melissa Semb, W.W. Lewis Middle; Gerard Semien, Sulphur High 9th Grade Campus; Lanie Landry, Sulphur High.

The next item on the agenda a presentation to Adam LaBove to receive Letter of Commendation. Mayor LeLeux presented a certificate to Adam LaBove for saving someone's life while their car was under water on Beglis Parkway.

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:

458 Brimstone and 919 Platt – Motion was made by Mrs. Ellender seconded by Mr. Moss that these two addresses do not receive an extension. Motion carried.

2005 Post Oak and 2525 St. Francis – Motion was made by Mr. Moss seconded by Mr. Koonce that these two addresses receive a 6 month extension. Motion carried.

1316 Lilliput – Motion was made by Mr. Duncan seconded by Mr. Moss that this address be granted a 3 month extension. Motion carried.

138 West Lee – Motion was made by Mr. Moss seconded by Mrs. Ellender that this address does not receive an extension due to the trailer being gone. Motion carried.

605 Stanford – Motion was made by Mr. Koonce seconded by Mr. Duncan that this address be granted a 6 month extension. Motion carried.

2028 Carr #1 – Motion was made by Mr. Duncan seconded by Mr. Moss that this address does not receive an extension. Motion carried.

The next item on the agenda a public hearing on ordinance revoking the original permit issued to BoBel Construction on July 25, 2007 for the construction of a truck stop at 225 North Cities Service Highway and any subsequent extensions of said permit. Mr. Moss stated that Red Man Gaming has purchased another piece of property south of I-10.

All work has ceased at 225 North Cities Service. He asked that the Council postpone this item until April. Mr. Koonce asked Mr. O'Dowd, attorney representing Red Man Gaming, what the chances are of them pulling the permit now? Mr. O'Dowd stated that they weren't going to pull the permit until they received another permit for the other property south of I-10. Something bad could still happen so they don't want to release the old permit until the new one is obtained. If anything does happen they will go back to the old location. Mr. Koonce made it clear that once Red Man Gaming obtains the permit for their new location they will release the old permit. Mr. O'Dowd stated that he felt comfortable saying, yes they will. After discussion, motion was made by Mr. Moss seconded by Mr. Duncan that the following ordinance be postponed until April 14, 2008 City Council meeting:

ORDINANCE REVOKING THE PERMIT OF BO BEL CONSTRUCTION TO BUILD A TRUCK STOP AT 225 NORTH CITIES SERVICE HIGHWAY.

Motion carried.

The next item on the agenda a public hearing on ordinance amending Chapter 5, Section 15 of the Code of Ordinances of the City of Sulphur – Truck Stops. Mr. Moss asked that the Council also postpone this item until the April 14, 2008 City Council meeting. With that being said, motion was made by Mr. Moss seconded by Mr. Duncan that the following ordinance be postponed until April 14, 2008 City Council meeting:

ORDINANCE AMENDING CHAPTER 5, SECTION 15 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR – TRUCK STOPS

Motion carried.

The next item on the agenda a public hearing on assessment ordinance for the paving of Driftwood, Augustine, Acadienne, Chestnut and Gabriel Streets. Motion was

made by Mr. Moss seconded by Mr. Duncan that the following ordinance be adopted to-wit:

ORDINANCE NO. 834, M-C SERIES

AN ORDINANCE MAKING AND LEVYING A LOCAL OR SPECIAL ASSESSMENT ON EACH LOT OR PARCEL OF REAL ESTATE ABUTTING CHESTNUT STREET, ACADIENNE STREET, GABRIEL STREET, AUGUSTINE STREET, AND DRIFTWOOD DRIVE, SULPHUR, LOUISIANA, IN PROPORTION THAT EACH LOT'S FRONTAGE BEARS TO ALL THE ABUTTING LOTS OR PARCELS OF REAL ESTATE TO BE IMPROVED, ALL CONTAINED WITHIN THE CITY OF SULPHUR, LOUISIANA, AS IS PROVIDED FOR BY SUBPART A, PART I OF CHAPTER 7 OF TITLE 33 OF THE LOUISIANA REVISED STATUTES OF 1950, AS AMENDED, AND ALL OTHER LAWS PERTAINING TO THE SAME MATTER.

WHEREAS, the City Council, the governing authority of the City of Sulphur, Louisiana ("City"), on March 13, 2006, authorized the acceptance of the low bid and award of a contract to R. E. Heidt Construction, Westlake, Louisiana, for the Sulphur 2005-2006 Overlay Program and Reconstruction of Various Streets, for a total amount of \$446,445.92, for the construction of paving improvements to various streets within the limits of the City, including Driftwood Drive; and

WHEREAS, the City Council, the governing authority of the City of Sulphur, Louisiana ("City"), on April 9, 2007, authorized the acceptance of the low bid and award of a contract to R. C. Paving - DeRidder Asphalt, Inc., DeRidder, Louisiana, for the Sulphur 2006-2007 Overlay Program and Reconstruction of Various Streets, for a total amount of \$683,663.05, for the construction of paving improvements to various streets within the limits of the City, including Chestnut Street, Acadienne Street, Gabriel Street, and Augustine Street; and

WHEREAS, in accordance with the certificate of Arlene Blanchard, Clerk of the Council, which has been presented to the City Council, each property owner was advised of the proposed assessment by notice mailed January 18, 2008; and

WHEREAS, notice of the proposed assessment dated January 18, 2008, was deposited in the United States Mail, postage paid and addressed to each property

owner at the address as it appeared on the last municipal assessment roll on January 18, 2008; and

WHEREAS, more than thirty (30) days has elapsed from the date of mailing of said notice of the proposed assessment;

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

SECTION 1. The reports or certified statements of Meyer and Associates, Inc., consulting engineers for the City, duly certified, showing in detail the total cost of improving and paving the following streets, to-wit:

CHESTNUT STREET, in its entirety, for a total amount of \$106,000.00;
ACADIENNE STREET in its entirety, for a total amount of \$57,900.00;
GABRIEL STREET in its entirety, for a total amount of \$56,700.00;
AUGUSTINE STREET in its entirety, for a total amount of \$56,400.00;

and

DRIFTWOOD DRIVE in its entirety, for a total amount of \$47,300.00;

TOTAL PROJECT COST: \$324,300.00

and further showing the balance due of the total cost in the amount of \$324,300.00 chargeable to each lot or parcel of real estate abutting said improvements, in the proportion that its frontage bears to all lots or parcels of real estate to be so improved and paved, be and they are hereby accepted and approved. The Council does hereby find and determine that each lot or parcel of real estate to be assessed is to be benefitted to an amount not less than the proposed local or special assessment, all as provided for in Title 33, Sections 3305 and 3306(A), of the Louisiana Revised Statutes of 1950, as amended.

SECTION 2. A local or special assessment is hereby made and levied against each hereinafter particularly described lot or parcel of real estate abutting each street to be improved by paving, in the amounts hereinafter particularly and respectively set forth, which is that part of the total cost of said paving improvements chargeable to each such abutting property, including street intersection, engineer's and attorney's fees, and all other costs incidental to the work, in the proportion that the frontage on said street bears to all of the abutting lots or parcels of real estate to be improved in accordance with the contract awarded, in the following described particulars, to-wit:

SEE EXHIBIT "A" ATTACHED.

SECTION 3. The amounts assessed herein shall be due and collectible immediately on passage of this Ordinance, and if not paid within thirty (30) days from the date of the adoption of this Ordinance, it will be conclusively presumed that any property owner whose property is affected hereby, exercises the right and option, which is hereby authorized to pay the amount due in equal annual installments bearing interest at the rate not exceeding eight (8%) percent per annum from the date of the adoption hereof, payable annually and extending over a period not to exceed ten (10) years. Said installments will be payable at the City Hall, Sulphur, Louisiana. The first installment payment due hereunder shall become due one (1) year after the date of the adoption of this Ordinance, and annually thereafter. **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 THIS ORDINANCE LEVYING SAME.**

SECTION 4. The failure to pay any installments or the interest thereon when due, shall *ipso facto* cause all other installments and the interest thereon to become due and payable, and the City shall within thirty (30) days from the date of such default, proceed against the property for the collection of the total amount due thereon, including interest, plus ten (10%) percent additional on the principal and interest of the past due installment or installments or ten (10%) percent of the amount sued for, and in the event judgment is necessary to effect collection, ten (10%) percent of the amount of judgment rendered, as attorney's fees. Provided that, said attorney's fees shall be payable by the property owner only if demand by the governing authority of the City through registered or certified mail has been made on the property owner and he has failed to pay the amount due within ten (10) days after such demand.

SECTION 5. A certified copy of this Ordinance shall be filed with the Clerk of Court of Calcasieu Parish, Louisiana, who shall forthwith record the same in the mortgage records of Calcasieu Parish, Louisiana, and when so filed and recorded, shall operate as a lien and privilege against all real estate therein assessed, and which aforesaid lien and privilege shall prime all other claims except taxes, and prior recorded local or

special assessments levied for streets, sewerage or water improvements. The payments made in cash shall be expended for no other purpose than for the payment of the cost of the improvements.

SECTION 6. This Ordinance shall be published once in the *Southwest Daily News*, the official journal of the City. No contest or proceeding shall be begun in any court by any person for any cause whatsoever, after the expiration of thirty (30) days from the date this ordinance is published, after which time, its validity, legality and ranking, shall be conclusively presumed.

SECTION 7. This Ordinance shall be come effective 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 ordinance was declared duly adopted on this 10th day of March, 2008.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

The next item on the agenda a resolution providing for the initial approval of a sales tax revenue tax increment financing for and on behalf of K.P.'s Auto Sales, Inc.; and providing for any other matters in connection therewith. Mr. Phipps stated that he has spent \$450,000 and has hired 15-20 more employees. Motion was made by Mr. Duncan seconded by Mr. Koonce that the following resolution be adopted to-wit:

RESOLUTION NO. 2067, M-C SERIES

A RESOLUTION providing for the initial approval of a sales tax revenue tax increment financing for and on behalf of K.P.'s Auto Sales, Inc.; and providing for any other matters in connection therewith.

WHEREAS, the City desires to begin development of a sales and use tax based tax increment financing for and on behalf of the Company for purposes of financing the Project; and

WHEREAS, the City now desires to affirmatively declare its intention of entering into a sales tax based tax increment financing for purposes of development of the Project, provided and conditioned upon the Company's qualification for same under the terms and conditions specified by the City; and

WHEREAS, conditioned upon the Company's qualification under the terms and conditions specified by the City, the City shall enter into a sales and use tax based tax increment financing for purposes of financing portions of the Project, for the benefit of the Company.

NOW, THEREFORE, BE IT ORDAINED by the CITY COUNCIL OF THE CITY OF SULPHUR, LOUISIANA, in regular public session convened, that:

SECTION 1. All of the above and foregoing is hereby made a part of this resolution as if incorporated herein.

SECTION 2. It is affirmatively declared that in the event that the Company shall qualify under the terms and conditions specified by the City, the City shall undertake and enter into a sales and use tax based increment financing for and on behalf of the Company for purposes of development and acquisition of the Project.

SECTION 3. This Resolution shall be construed and governed in accordance with the laws of the State.

SECTION 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. The Mayor, Director of Finance and such other officers of the City are hereby empowered, authorized and directed, to do any and all things necessary and incidental to carry out the provisions of this Resolution.

SECTION 6. The provisions of this Resolution shall constitute a contract between the City, or its successor in law, and the Company.

SECTION 7. It is recognized, found and determined that a real public necessity exists for employment of Bond Counsel in connection with issuance of the Bonds and accordingly, Joseph A. Delafield, A Professional Corporation, of Lake Charles, Louisiana, is hereby employed as Bond Counsel to the Authority to do and perform comprehensive, legal and coordinate professional work with respect to issuance and sale of the Bonds. Bond Counsel shall (i) prepare and submit to the Authority for adoption all proceedings incidental to authorization, issuance, sale and delivery of the Bonds; (ii) counsel and advise the Authority with respect to issuance and sale of the Bonds; and (iii) furnish their opinion covering legality of issuance thereof. The fee for the work to be performed by Bond Counsel is contingent upon the issuance, sale and delivery of the Bonds, and shall be an aggregate amount less than the Attorney General's then current Bond Counsel Fee Schedule and other guidelines, as negotiated, for comprehensive legal and coordinate professional work in the issuance of revenue bonds applied to the actual aggregate principal amount issued, sold, delivered and paid for at the time such Bonds are delivered, together with reimbursement of out-of-pocket expenses incurred and advanced in connection with issuance of the Bonds, said fee to be payable out of Bond proceeds subject to the Attorney General's written approval of said employment and fee to be paid with Bond proceeds as required by the Act.

SECTION 8. By virtue of the Authority's application for, acceptance and utilization of the benefits of the Louisiana State Bond Commission's approval(s) resolved and set forth herein, it 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, 2006, 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 product(s) or enhancement(s) covered thereby.

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 resolution was declared duly adopted on this 10th day of March, 2008.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

The next item on the agenda a public hearing on ordinance amending Chapter 3, Section 22 of the Code of Ordinances of the City of Sulphur – Required; fees (alcoholic beverage). Motion was made by Mrs. Ellender seconded by Mr. Duncan that the following ordinance be reset for the April 14, 2008 City Council meeting:

ORDINANCE AMENDING CHAPTER 3, SECTION 22 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR – REQUIRED FEES.

Motion carried.

The next item on the agenda a public hearing on ordinance amending Chapter 3, Section 25 of the Code of Ordinances of the City of Sulphur – Same – Action thereon; probationary period (alcoholic beverage). Mrs. Tower asks the Council to let this item die for lack of a motion because it will be on the agenda next month to abolish it. Mr. Clyde, Director of Finance, stated that they have never had a probationary period for liquor licenses so the Council can abolish it. With no motion to this amendment, this ordinance dies for lack of motion.

And the said ordinance died for lack of motion on this 10th day of March, 2008.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

The next item on the agenda a public hearing on ordinance amending Chapter 3, Section 28 of the Code of Ordinances of the City of Sulphur – Location – Affecting

issuance (alcoholic beverage). Motion was made by Mr. Moss seconded by Mr. Koonce that this item be postponed until April 14, 2008 City Council agenda. Motion carried.

The next item on the agenda a public hearing on ordinance amending Article I, Section 3 of the Land Use Ordinance of the City of Sulphur – General Applicability. Motion was made by Mr. Moss seconded by Mr. Duncan that the following ordinance be adopted to-wit:

ORDINANCE NO. 835, M-C SERIES

ORDINANCE AMENDING ARTICLE I, SECTION 3 OF THE LAND USE
ORDINANCE OF THE CITY OF SULPHUR – GENERAL APPLICABILITY.

BE IT ORDAINED by the City Council of the City of Sulphur, the governing authority thereof, that they do hereby amend Article I, Section 3 of the Land Use Ordinance of the City of Sulphur to read as follows:

Section 3 General Applicability

This ordinance shall apply to the use of land within the corporate limits of the City of Sulphur. All developments in the City shall meet or exceed minimum standards and requirements of this ordinance as amended from time to time.

- (1) Effective Regulations - Decisions made in regard to the applications for development approval shall be based on the provisions of this ordinance in effect at the time of the decision.
- (2) Building Permits Issued Prior to effective Date - This ordinance and any amendment thereto shall not affect the validity of any building permit lawfully issued prior to the effective date of this ordinance or any amendment thereto provided the permit is valid upon the effective date of the adoption of this ordinance or any amendment thereto and that construction authorized by such permit has commenced prior to the effective date of the ordinance or any amendment thereto and provided construction has and does continue without interruption until the full completion of the development.
- (3) Uses Lawfully Existing Prior To Effective Date - Any legal use of land within the City of Sulphur established prior to and existing on the effective date of this ordinance shall be considered a lawfully

established use as it relates to this ordinance. Nonconforming uses, as defined by the provisions of this ordinance, may continue provided that the use continues in the form that exists on the effective date of this ordinance. Uses prior to the effective date of this ordinance shall be documented with photography to the extent possible and maintained by the Zoning Administrator.

- (4) Exceptions – All property owned by the City of Sulphur shall be temporarily exempt, for a period of 90 days, from this ordinance only insofar as said exemption is an emergency situation to protect public health, safety and welfare.

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that that they do hereby amend Article I, Section 3 of the Land Use Ordinance of the City of Sulphur.

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 10th day of March, 2008.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

The next item on the agenda a public hearing on ordinance granting a rezone to Larry Trahan, southeast corner of Henning Drive and Broussard Road, from Residential District to Mixed Residential District to allow for the possibility of 12 duplexes. Mr. Trahan addressed the Council and stated that the duplexes will be up to code. They will not sell the property nor will they divide it. They will maintain the road and drainage. Mr. Moss stated that if they are in any other violation of any city ordinance then the Council can't grant the rezone. He asked Mr. Trahan if all their trailers were skirted. Mr. Trahan stated that they were all skirted except for a travel trailer.

Mrs. Ellender stated that she hesitates to rezone anything right now because they have already changed so much and they are looking at a plan for the entire city. Mr. Trahan stated that they have gone through great lengths to abide by everything the Council wants them to do. They have gone above and beyond and this is getting ridiculous. They maintain their property quite well. He also stated that the duplexes will be 1,900 sq. ft with two parking spaces per unit and they will all be made of wood with brick veneer. We are going way beyond what we need to do for a rezone. Mrs. Tower stated that nothing is guaranteed when you ask for a rezone.

Mr. Koonce stated that he is concerned about the up-keep of the property. Mrs. Ellender stated that the Trahan's did not comply with the City's skirting of mobile homes ordinance until they received a few letters from the City.

Willie Broussard, neighbor, stated that there are mattresses and all kind of trash in front of their trailer park. He doesn't make his renters pick up any trash. Larry Trahan addressed the Council and stated that he has notified Allied Waste to pick up the trash but they haven't yet. Mr. Koonce asked Mr. Trahan if these mattresses and junk came out of his trailer park. Mr. Trahan stated, yes. Mr. Koonce then asked Mr. Trahan if he took mattresses from his trailer park and put them on private property for Allied Waste to pickup. Mr. Trahan stated, yes.

At this time motion was made by Mr. Duncan that the following amendment be added to the ordinance:

WHEREAS, modular homes shall not be considered a duplex.

Motion died for lack of second.

Motion was then made by Mr. Koonce seconded by Mr. Moss that the following ordinance be adopted to-wit:

AN ORDINANCE GRANTING A RE-ZONE FROM RESIDENTIAL DISTRICT TO MIXED RESIDENTIAL DISTRICT OF THE LAND USE ORDINANCE OF THE CITY OF SULPHUR, LOUISIANA, TO LARRY TRAHAN, SOUTHEAST CORNER OF HENNING DRIVE AND BROUSSARD ROAD, SULPHUR, LOUISIANA.

A vote was then called with the results as follows:

YEAS: Mr. Duncan

NAYS: Mrs. Ellender, Mr. Koonce, Mrs. Tower, Mr. Moss

NAYS: None

And the above ordinance failed on this 10th day of March, 2008.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

The next item on the agenda an introduction of ordinance abolishing Ordinance No. 085, M-C Series which established charges for customers outside the city limits; setting forth tie-in fees for outside sewer and water, setting forth monthly fee for sewer and water outside the city limits; providing for cycle billing and rate payment penalty charge for all city utility customers; providing for effective date thereof. Motion was made by Mr. Moss seconded by Mr. Koonce that the following ordinance be introduced:

AN ORDINANCE ABOLISHING ORDINANCE NO. 085, M-C SERIES WHICH ESTABLISHED CHARGES FOR CUSTOMERS OUTSIDE THE CITY LIMITS; SETTING FORTH TIE-IN FEES FOR OUTSIDE SEWER AND WATER; SETTING FORTH MONTHLY FEE FOR FOR SEWER AND WATER OUTSIDE THE CITY LIMITS; PROVIDING FOR CYCLE BILLING AND RATE PAYMENT PENALTY CHARGE FOR ALL CITY UTILITY CUSTOMERS; PROVIDING FOR EFFECTIVE DATE THEREOF.

Motion was then made by Mr. Moss seconded by Mr. Koonce 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 ABOLISHING ORDINANCE NO. 085, M-C SERIES WHICH ESTABLISHED CHARGES FOR CUSTOMERS OUTSIDE THE CITY LIMITS; SETTING FORTH TIE-IN FEES FOR OUTSIDE SEWER AND WATER; SETTING FORTH MONTHLY FEE FOR FOR SEWER AND WATER OUTSIDE THE CITY LIMITS; PROVIDING FOR CYCLE BILLING AND RATE PAYMENT PENALTY CHARGE FOR ALL CITY UTILITY CUSTOMERS; PROVIDING FOR EFFECTIVE DATE THEREOF.

A public hearing on said ordinance will be held at 5:30 p.m. on the 14th day of April, 2008, at City Hall in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: _____

NANCY TOWER, Chairman

Motion carried.

The next item on the agenda an introduction of ordinance setting forth procedure for cycle billing and late penalty for utility customers inside and outside the corporate limits of the City of Sulphur. Motion was made by Mr. Moss seconded by Mr. Duncan that the following ordinance be introduced:

AN ORDINANCE SETTING FORTH PROCEDURE FOR CYCLE BILLING AND LATE PENALTY FOR UTILITY CUSTOMERS INSIDE AND OUTSIDE THE CORPORATE LIMITS OF THE CITY OF SULPHUR.

Motion was then made by Mr. Moss seconded by Mr. Duncan 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 SETTING FORTH PROCEDURE FOR CYCLE BILLING AND LATE PENALTY FOR UTILITY CUSTOMERS INSIDE AND OUTSIDE THE CORPORATE LIMITS OF THE CITY OF SULPHUR.

A public hearing on said ordinance will be held at 5:30 p.m. on the 14th day of April, 2008, at City Hall in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: _____
NANCY TOWER, Chairman

Motion carried.

The next item on the agenda an introduction of ordinance setting forth procedure for rates or charges for water, sewer, and garbage services, bills monthly, delinquency, and cutting off and reconnection charge for utility customers inside and outside the

corporate limits of the City of Sulphur. Motion was made by Mr. Moss seconded by Mr. Duncan that the following ordinance be introduced:

AN ORDINANCE SETTING FORTH PROCEDURE FOR RATES OR CHARGES FOR WATER, SEWER, AND GARBAGE SERVICES, BILLS MONTHLY, DELINQUENCY, AND CUTTING OFF AND RECONNECTION CHARGE FOR UTILITY CUSTOMERS INSIDE AND OUTSIDE THE CORPORATE LIMITS OF THE CITY OF SULPHUR.

Motion was then made by Mr. Moss seconded by Mr. Duncan 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 SETTING FORTH PROCEDURE FOR RATES OR CHARGES FOR WATER, SEWER, AND GARBAGE SERVICES, BILLS MONTHLY, DELINQUENCY, AND CUTTING OFF AND RECONNECTION CHARGE FOR UTILITY CUSTOMERS INSIDE AND OUTSIDE THE CORPORATE LIMITS OF THE CITY OF SULPHUR.

A public hearing on said ordinance will be held at 5:30 p.m. on the 14th day of April, 2008, at City Hall in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA
BY: _____
NANCY TOWER, Chairman

Motion carried.

The next item on the agenda an introduction of ordinance setting forth procedure for deposit for utility service for customers inside and outside the corporate limits of the City of Sulphur. Motion was made by Mr. Moss seconded by Mr. Duncan that the following ordinance be introduced:

AN ORDINANCE SETTING FORTH PROCEDURE FOR DEPOSIT FOR UTILITY SERVICE FOR CUSTOMERS INSIDE AND OUTSIDE THE CORPORATE LIMITS OF THE CITY OF SULPHUR.

Motion was then made by Mr. Moss seconded by Mr. Duncan 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 SETTING FORTH PROCEDURE FOR DEPOSIT FOR UTILITY SERVICE FOR CUSTOMERS INSIDE AND OUTSIDE THE CORPORATE LIMITS OF THE CITY OF SULPHUR.

A public hearing on said ordinance will be held at 5:30 p.m. on the 14th day of April, 2008, at City Hall in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: _____

NANCY TOWER, Chairman

Motion carried.

The next item on the agenda an introduction of ordinance setting forth tie-in fees for water and sewer customers inside the corporate limits of the City of Sulphur. Motion was made by Mr. Moss seconded by Mr. Duncan that the following ordinance be introduced:

AN ORDINANCE SETTING FORTH TIE-IN FEES FOR WATER AND SEWER CUSTOMERS INSIDE THE CORPORATE LIMITS OF THE CITY OF SULPHUR.

Motion was then made by Mr. Moss seconded by Mr. Duncan 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 SETTING FORTH TIE-IN FEES FOR WATER AND SEWER CUSTOMERS INSIDE THE CORPORATE LIMITS OF THE CITY OF SULPHUR.

A public hearing on said ordinance will be held at 5:30 p.m. on the 14th day of April, 2008, at City Hall in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: _____

NANCY TOWER, Chairman

Motion carried.

The next item on the agenda an introduction of ordinance setting forth rates for charges for water and sewer service outside the corporate limits of the City of Sulphur. Motion was made by Mr. Moss seconded by Mr. Koonce that the following ordinance be introduced:

AN ORDINANCE SETTING FORTH TIE-IN FEES FOR WATER AND SEWER CUSTOMERS INSIDE THE CORPORATE LIMITS OF THE CITY OF SULPHUR.

Motion was then made by Mr. Moss seconded by Mr. Duncan 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 SETTING FORTH TIE-IN FEES FOR WATER AND SEWER CUSTOMERS INSIDE THE CORPORATE LIMITS OF THE CITY OF SULPHUR.

A public hearing on said ordinance will be held at 5:30 p.m. on the 14th day of April, 2008, at City Hall in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA
BY: _____
NANCY TOWER, Chairman

Motion carried.

The next item on the agenda an introduction of ordinance amending Chapter 4, Section 2 of the Code of Ordinances of the City of Sulphur – Mistreatment. Mr. Moss asked if this was going to be enforced by complaints. Mr. Bruce stated, yes. Mr. Koonce stated that it would be a good idea for dogs that are tethered should not be able to be tethered in the front yards. If a dog is tethered in the front yard by a sidewalk and kids are walking by it may harm a kid. He would like for the Council to think about only letting dogs that are tethered to be located on the sides or back of the homes. Motion was then made by Mr. Moss seconded by Mr. Duncan that the following ordinance be introduced:

ORDINANCE AMENDING CHAPTER 4, SECTION 2 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR – MISTREATMENT.

Motion was then made by Mr. Moss seconded by Mr. Duncan 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:

ORDINANCE AMENDING CHAPTER 4, SECTION 2 OF THE CODE OF ORDINANCES OF THE CITY OF SULPHUR – MISTREATMENT.

A public hearing on said ordinance will be held at 5:30 p.m. on the 14th day of April, 2008, at City Hall in Sulphur, Louisiana.

CITY OF SULPHUR, LOUISIANA

BY: _____

NANCY TOWER, Chairman

Motion carried.

The next item on the agenda a resolution directing the City Attorney to work with Gabe Nunez, owner of Acadienne Acres Mobile Home Park, regarding sewer payments.

After discussion, motion was made by Mr. Duncan seconded by Mr. Koonce that the following resolution be adopted to-wit:

RESOLUTION NO. 2068, M-C SERIES

Resolution directing the City Attorney to work with Gabe Nunez, owner of Acadienne Acres Mobile Home Park, regarding all matters related to said park.

WHEREAS, the City of Sulphur seeks to provide wastewater treatment on a regional basis to entities that may tie into our system; and

WHEREAS, the City of Sulphur seeks to provide services at a fair rate; and

WHEREAS, the Sulphur Regional Wastewater Treatment Plant was originally built using federal funds; and

WHEREAS, Acadienne Acres Mobile Home Park is located within the planning area for the original Sulphur Regional Wastewater Treatment Plant; and

WHEREAS, Federal regulations, for the construction grant received by the City of Sulphur require that each customer pay his proportionate share of operation and maintenance costs of wastewater treatment; and

WHEREAS, fees have changed numerous times during the time period in question.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana the governing authority thereof, that they do hereby direct the City Attorney to work with Mr. Nunez to address sewer payment concerns paid by Mr. Nunez during the period of 1982 to 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 10th day of March, 2008.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

The next item on the agenda a resolution approving liquor license for Winner's Choice Travel Plaza (Convenient Store) located at 2650 Hwy. 108 (south). Mrs. Andrepont, manager of Winner's Choice Travel Plaza, stated that they now serve low content but also want to sell high content. Motion was made by Mr. Moss seconded by Mr. Koonce that the following resolution be adopted to-wit:

RESOLUTION NO. 2069, M-C SERIES

Resolution approving liquor license for Winner's Choice Travel Plaza (Convenient Store) located at 2650 Hwy. 108 South.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby approve the liquor license for Winner's Choice Travel Plaza (Convenient Store) located at 2650 Hwy. 108 South.

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 10th day of March, 2008.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

The next item on the agenda a resolution transferring the designation of the Jeff Cole (Plauche, Smith and Nieset) to Ronnie Bertrand as Special Counsel in the American LaFrance law suit (Fire Truck). Mayor LeLeux stated that this company has declared bankruptcy and the law suit is being transferred to Ronnie Bertrand. Motion was made by Mr. Moss seconded by Mr. Duncan that the following resolution be adopted to-wit:

RESOLUTION NO. 2070, M-C SERIES

Resolution transferring the designation of Jeff Cole (Plauche, Smith and Nieset) to Ronnie Bertrand as Special Counsel in the American LaFrance law suit (Fire Truck).

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby transfer the designation of Jeff Cole (Plauche, Smith and Nieset) to Ronnie Bertrand as Special Counsel in the American LaFrance law suit (Fire Truck).

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 10th day of March, 2008.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

The next item on the agenda an update on Road Home program buying property from property owners whose homes were destroyed by Hurricane Rita. Mr. Bruce stated that he has written a letter to Baton Rouge but hasn't heard a response yet.

The next item on the agenda a resolution supporting the Louisiana Chenier Plain, Regions 3b & 4 that will successfully help sustain the marshes and shorelines of the Calcasieu-Sabine, Mermentau and the Teche-Vermillion Basins. Motion was made by Mr. Moss seconded by Mr. Koonce that the following resolution be adopted to-wit:

RESOLUTION NO. 2071, M-C SERIES

Resolution supporting the Cameron Parish Police Jury in their effort to protect and restore Louisiana's Chenier Plain, Regions 3b & 4.

WHEREAS, Louisiana's Chenier Plain, Regions 3b & 4 has not received a proportionate share of monies from its State and Federal partners, when it comes to protection and restoration of our wetlands and our shorelines; and

WHEREAS, the sediment once received from the Mississippi River to naturally build our chenier ridges has been altered leaving them vulnerable to the erosive forces of the Gulf of Mexico; and

WHEREAS, the marsh estuaries of Louisiana's Chenier Plain, Regions 3b & 4 serve as a nursery ground to marine organisms, (shrimp, crab and fish), furbearers, reptiles, waterfowl and a host of other wildlife; and

WHEREAS, by the year 2010 Louisiana's Chenier Plain, Regions 3b & 4 will host four of the National's Liquefied Natural Gas Plants and the internationally known Henry Hub site, which services over 25% of the Nation's gas supply; and

WHEREAS, the Louisiana 2050 Plan identifies clear restoration strategies to address coastal wetland loss which has garnered local support for implementation in Louisiana's Chenier Plain, Regions 3b & 4 that will successfully help sustain the marshes and shorelines of the Calcasieu-Sabine, Mermentau and the Teche-Vermillion Basins; and

WHEREAS, protecting and restoring our coastline and wetlands will help serve as a buffer zone to high tides and hurricanes for the Parishes north of Louisiana's Chenier Plain, Regions 3b & 4; and

WHEREAS, the Louisiana Chenier Plain, Regions 3b & 4 need one strong voice promoting legislation, programs, and projects needed to sustain our coastal shoreline and wetlands.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby stand with Louisiana's Chenier Plain, Regions 3b & 4 in its fight to attain a proportionate share of recognition, research, and resources, to construct projects that will work to sustain a critical part of America's Wetland along the Gulf of Mexico.

THEREFORE BE IT FURTHER RESOLVED, that the City Council of the City of Sulphur, Louisiana, hereby supports the Cameron Parish Police Jury in their effort to protect and restore Louisiana's Chenier Plain, Regions 3b & 4.

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 10th day of March, 2008.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

The next item on the agenda resolution authorizing the advertisement of bids for reconstruction of bridges located on West Lincoln, West Lyons and Phillips Streets.

Motion was made by Mr. Koonce seconded by Mrs. Ellender that the following resolution be adopted to-wit:

RESOLUTION NO. 2072, M-C SERIES

Resolution authorizing the advertisement of bids for reconstruction of bridges located on West Lincoln, West Lyons and Phillips Streets.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby authorize the advertisement of bids for reconstruction of bridges located on West Lincoln, West Lyons and Phillips Streets, said bids to be in accordance with the quantities and specifications on file with Meyer and Associates, Inc.

BE IT FURTHER RESOLVED that the advertisement of 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 reconstruction of bridges located on West Lincoln, West Lyons and Phillips Streets will be received by the Clerk of the Council until 10:00 a.m. on the 5th day of May, 2008, 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 Public Works in the Conference Room at the City Hall, and shall be awarded at a regular meeting on the 12th day of May, 2008 at 5:30 p.m.

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 10th day of March, 2008.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

The next item on the agenda a resolution requesting legislation which would enable police department personnel to receive annual longevity pay increases. Mr. Clyde stated that the police department has been receiving longevity all along. State law only allows the fire department personnel to receive longevity if the city doesn't pay. This legislation will allow the police department to continue getting it also. Motion was made by Mr. Moss seconded by Mr. Koonce that the following resolution be adopted to-wit:

RESOLUTION NO. 2073, M-C SERIES

Resolution requesting legislation which would enable police department personnel to receive annual longevity pay increases.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby request Representative Mike Danahay to introduce legislation which would enable Sulphur police department personnel to receive longevity pay increases annually.

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 10th day of March, 2008.

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

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

ATTEST:

ARLENE BLANCHARD, Clerk

NANCY TOWER, Chairman

3/10/08
7:10 P.M.