

December 12, 2016

The City Council of the City of Sulphur, Louisiana, met in regular session at its regular meeting place in the Council Chambers, Sulphur, Louisiana, on December 12, 2016 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  
DENNIS BERGERON, Council Representative of District 2  
MELINDA HARDY, Interim Council Representative of District 3  
RANDY FAVRE, 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 Ed Holmes, followed by the reciting of the Pledge of Allegiance led by Mr. Favre.

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. Hardy 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. Moss seconded by Mr. Favre that the following ordinance be added to the agenda:

PUBLIC HEARING ON ORDINANCE DE-ANNEXING CERTAIN PROPERTY OWNED BY SEALY-RATCLIFF SWISCO ROAD, LLC, LOCATED BETWEEN I-10 AND SWISCO ROAD AND CONTRACTING THE BOUNDARIES OF THE CITY OF SULPHUR.

Motion carried.

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

Motion carried.

The first item on the agenda is a resolution appointing a Vice-Chairman for Sulphur City Council. Motion was made by Mr. Moss seconded by Mrs. Hardy that the following resolution be adopted to-wit:

RESOLUTION NO. 3017A, M-C Series

Resolution electing a Vice-Chairman for City Council.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby elect Randy Favre as Vice-Chairman for City Council. Term to expire May, 2017.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 12<sup>th</sup> day of December, 2016.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DENNIS BERGERON, Chairman

The next item on the agenda is a presentation by Armed Forces Committee. The Committee presented a certificate to Charles Rutherford and thanked him for his years of service to our country.

The next item on the agenda is Sara Judson, President/CEO of Community Foundation Southwest Louisiana, to speak on Workforce Scholarship Fund. Ms. Judson could not attend the meeting so Kim, Public Affairs for Sasol attended. She gave a brief presentation (see attached) and stated that they're giving out scholarships. They need approximately 60 applicants and so far they've only received 6. She asked that everyone spread the word that they need more applications turned in.

The next item on the agenda is a public hearing on ordinance granting a rezone from Residential to Commercial for Dr. Charles Smith for property located east of Beglis Parkway, north

of I-10 and south of Linda Avenue to promote commercial development. *(To hear complete discussion log onto [www.sulphur.org](http://www.sulphur.org) and view City Council meeting December 12, 2016).* Mr. Sonnier, resident, asked that this item be tabled until flooding mitigation is complete.

Ms. Ramirez, resident, stated that she reviewed 2 zoning maps and on both maps this property is zoned Residential. We've submitted 76 signatures opposing this rezone. She asked that no windows be placed on the north side to give neighbors privacy.

Matt Redd, representing property owner, stated that the property is under contract. They plan on developing a hotels/restaurant. They will go through the permit process first. This development should fix the drainage problem in this area.

Mr. Bergeron stated that a drainage study will have to be done prior to construction. If the Developer were to put residential living in this area he couldn't afford it since he'd have to build up the property so much. City should be able to sit with the developer to make sure drainage is done correct and he plans on doing that. Gravity Drainage will also be required to approve drainage as well as internal approvals by administration.

Mr. Moss stated that there's a lot of wet area on this property and it'll probably take a whole lot of money for drainage.

Mr. Atherton asked how the heavy truck traffic will be managed through the neighborhood. Mayor Duncan stated that heavy trucks will not be able to go through the neighborhood. They can only access the property off Beglis Parkway.

Mr. Redd stated that with regulations put in place it'll have to drain the correct way. He also stated that he sent the residents a letter with stipulations and asked that Council amend the ordinance to allow for these stipulations.

At this time motion was made by Mr. Favre seconded by Mr. Moss that the ordinance be amended to allow for the following stipulations:

1. Establish a 20' buffer on the property line where no trees can be cut and no underbrush can be cleaned out.
2. Install a 6' wood privacy fence on the development side of the property. Owner will be responsible for maintenance of fence.
3. Require that any parking for development be required to be placed along the northern portion of the subject property.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mr. Favre, Mr. Moss

NAYS: Mrs. Hardy

ABSENT: None

And the said amendment was declared duly adopted on this 12<sup>th</sup> day of December, 2016.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DENNIS BERGERON, Chairman

Motion was then made by Mrs. Hardy seconded by Mr. Favre that the following ordinance be adopted to-wit:

**ORDINANCE NO. 1433, M-C SERIES AS AMENDED**

ORDINANCE GRANTING A REZONE TO DR. CHARLES SMITH FROM RESIDENTIAL DISTRICT TO COMMERCIAL DISTRICT FOR PROPERTY LOCATED EAST OF BEGLIS PARKWAY, NORTH OF I-10 AND SOUTH OF LINDA AVENUE.

WHEREAS, Dr. Charles Smith has submitted application to Rezone from Residential District to Commercial District for property located east of Beglis Parkway, north of I-10 and south of Linda Avenue; and

WHEREAS, the following stipulations shall be placed on property:

1. Establish a 20' buffer on the property line where no trees can be cut and no underbrush can be cleaned out.

2. Install a 6' wood privacy fence on the development side of the property. Owner will be responsible for maintenance of fence.
3. Require that any parking for development be required to be placed along the northern portion of the subject property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SULPHUR, LOUISIANA, IN REGULAR SESSION CONVENED THAT:

The Land Use Ordinance of the City of Sulphur is hereby amended to grant a Rezone to Dr. Charles Smith from Residential District to Commercial District for property located east of Beglis Parkway, north of I-10 and south of Linda Avenue for the following described property to wit:

N ½ W ½ NE SE 2.10.10 (T-2)

This Rezone is granted by the City of Sulphur and may be withdrawn by the City of Sulphur should said Rezone interfere with the rights and privileges owned by the City of Sulphur pursuant to a pre-existing right of way, servitude or easement. If withdrawn, any improvements constructed thereon shall be removed at the expenses of owner thereof.

Grantee hereby agrees and contracts to hold Grantor harmless from any damages created and/or caused by the granting of this Rezone, including, but not limited to, litigation defense, litigation costs, violation of subdivision restrictive covenants, building code violations or any other damages, property and/or monetary or otherwise, relating thereto.

The owner of this rezone shall be responsible for the recordation thereof, with the Clerk of Court, Calcasieu Parish, Louisiana, and shall provide the City of Sulphur a receipt evidencing recordation within 10 days of the effective date of this re-zone.

**No work shall commence until all applicable permits are obtained. In the event work is commenced prior to obtaining all applicable permits, this Rezone shall be withdrawn and considered null and void.**

A vote was then called with the results as follows:

YEAS: Mr. Bergeron, Mr. Favre, Mr. Moss

NAYS: Mrs. Ellender, Mrs. Hardy

ABSENT: None

And the said ordinance was declared duly adopted on this 12<sup>th</sup> day of December, 2016.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DENNIS BERGERON, Chairman

The next item on the agenda is a public hearing on ordinance setting the franchise fee to be paid by those entities providing cable or video service within the City of Sulphur, La municipal limits under a state – granted franchise authority and otherwise providing with respect thereto. *(To hear complete discussion log onto [www.sulphur.org](http://www.sulphur.org) and view City Council meeting December 12, 2016).* After discussion, motion was made by Mr. Moss seconded by Mr. Favre that the following amendment be made:

- Amend franchise fee from 5% to 0%

After discussion Mr. Moss and Mr. Favre both withdrew their motions.

Motion was then made by Mr. Moss seconded by Mr. Favre to suspend this ordinance until the end of the agenda so the Director of Finance could review the budget.

Motion carried.

The next item on the agenda is a public hearing on ordinance amending Chapter 9, Section 21 of the Fire Code. Motion was made by Mr. Favre seconded by Mr. Moss to make the following amendment:

- Amend from 2016 edition to 2015 edition

Motion carried.

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

**ORDINANCE NO. 1435, M-C SERIES AS AMENDED**

**ORDINANCE AMENDING CHAPTER 9, SECTION 21 OF THE CODE OF  
ORDINANCES OF THE CITY OF SULPHUR – FIRE CODE.**

BE IT ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby amend Chapter 9, Section 21 of the Code of Ordinances of the City of Sulphur to read as follows:

## **Sec. 9-21. – Adopted**

That a certain document, three (3) copies of which are on file with the Council Clerk of the City of Sulphur, being marked and designated as the International Fire Code, 2015 edition, including Appendix Chapters B, C & D (see International Fire Code Section 101.2.1, 2003 edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Sulphur, in the State of Louisiana regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City of Sulphur are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance [the International Fire Code, 2006 edition].

This ordinance shall become effective upon Mayor's signature.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 12<sup>th</sup> day of December, 2016.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DENNIS BERGERON, Chairman

The next item on the agenda is a resolution awarding low bid received for the West Crocker Street Bridge Project. Motion was made by Mr. Moss seconded by Mr. Favre that the following resolution be adopted to-wit:

### **RESOLUTION NO. 3018, M-C SERIES**

Resolution awarding low bid received for the West Crocker Street Bridge Replacement Project.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that bids for the West Crocker Street Bridge Replacement Project were opened and read aloud in an open and public bid session on Wednesday, November 30, 2016, 2015 at 10:00 a.m. and bids were as follows:

<b><u>Company</u></b>	<b><u>Bid Amount</u></b>
Womack & Sons Construction Group, Inc.	\$ 714,310.00
Guinn Construction, LLC	\$ 786,470.00
Diamond B. Construction Co., LLC	\$ 799,453.00
Sealevel Construction	\$ 837,437.00
Matt L. Guinn Construction, LLC	\$ 956,712.00
JB James Construction, LLC	Non-Responsive

BE IT FURTHER RESOLVED that the City Council does hereby accept the recommendation of Mayor Christopher L. Duncan and award the bid for West Crocker Street Bridge Replacement Project as follows:

<b><u>Company</u></b>	<b><u>Bid Amount</u></b>
Womack & Sons Construction Group, Inc.	\$714,310.00

BE IT ALSO FURTHER RESOLVED that Mayor Christopher L. Duncan is authorized to sign all paperwork in connection therewith.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 12<sup>th</sup> day of December, 2016.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DENNIS BERGERON, Chairman

The next item on the agenda is a resolution awarding low bid received for a six (6) month supply of pipe and fittings, oil, limestone and asphalt mix and chemical supplies for the City. Motion was made by Mr. Favre seconded by Mr. Moss that the following resolution be adopted to-wit:



RESOLUTION NO. 3019, M-C SERIES

Resolution awarding of low bid received for six month supply of pipe and fittings, chemicals, limestone and asphalt mix.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby award bids for six month supply of pipe and fittings, chemicals and limestone and asphalt mix that were opened and read aloud in an open and public bid session on Thursday, December 1, 2016 at 10:00 a.m. Bids are effective January 1, 2017.

**TABULATION FOR SIX MONTH SUPPLY ON LIMESTONE AND ASPHALT  
DECEMBER 1, 2016**

**LIMESTONE (3/4-1") (GRAY ONLY)**

R E HEIDT CONSTRUCTION CO LLC	NO BID
D P AGGREGATES LLC	\$34.50****
PRAIRIE CONSTRUCTION	\$38.00

**ROADBASE LIMESTONE (GRAY ONLY)**

R E HEIDT CONSTRUCTION CO LLC	NO BID
D P AGGREGATES LLC	\$34.00****
PRAIRIE CONSTRUCTION	\$37.00

**HOT ASPHALT MIX**

R E HEIDT CONSTRUCTION CO LLC	NO BID
D P AGGREGATES LLC	NO BID
PRAIRIE CONSTRUCTION	\$85.00****

**EMULSIFIED CRS-2**

R E HEIDT CONSTRUCTION CO LLC	NO BID
D P AGGREGATES LLC	NO BID
PRAIRIE CONSTRUCTION	NO BID

**\*\*\*\*AWARDED BIDDER\*\*\*\***

**TABULATION FOR PIPE AND FITTINGS  
DECEMBER 1, 2016**

**SECTION I:**

LOUISIANA UTILITIES SUPPLY CO	\$ 4,342.97****
LAFAYETTE WINWATER WORKS	\$23,970.25
COBURN'S	\$ 7,041.16

**SECTION II:**

LOUISIANA UTILITIES SUPPLY CO  
LAFAYETTE WINWATER WORKS  
COBURN'S

\$ 7,640.07  
\$ 6,988.30\*\*\*\*  
\$ 7,342.86

**SECTION III:**

LOUISIANA UTILITIES SUPPLY CO

\$13,952.20

LAFAYETTE WINWATER WORKS  
COBURN'S

\$11,022.00\*\*\*\*  
\$13,512.65

**SECTION IV:**

LOUISIANA UTILITIES SUPPLY CO  
LAFAYETTE WINWATER WORKS  
COBURN'S

\$ 6,890.47  
\$ 5,420.30\*\*\*\*  
\$ 5,612.80

**SECTION V:**

LOUISIANA UTILITIES SUPPLY CO  
LAFAYETTE WINWATER WORKS  
COBURN'S

\$ 1,292.66  
\$ 1,291.80\*\*\*\*  
NO BID

**SECTION VI:**

LOUISIANA UTILITIES SUPPLY CO  
LAFAYETTE WINWATER WORKS  
COBURN'S

\$11,439.53  
\$10,274.10\*\*\*\*  
\$10,548.74

**SECTION VII:**

LOUISIANA UTILITIES SUPPLY CO  
LAFAYETTE WINWATER WORKS  
COBURN'S

\$ 1,428.80  
\$ 1,360.85\*\*\*\*  
\$ 1,416.53

**SECTION VIII:**

LOUISIANA UTILITIES SUPPLY CO  
LAFAYETTE WINWATER WORKS  
COBURN'S

\$12,519.90\*\*\*\*  
\$12,940.00  
NO BID

**SECTION IX:**

LOUISIANA UTILITIES SUPPLY CO  
LAFAYETTE WINWATER WORKS  
COBURN'S

\$ 4,314.02\*\*\*\*  
\$ 4,814.00  
NO BID

**SECTION X:**

LOUISIANA UTILITIES SUPPLY CO  
LAFAYETTE WINWATER WORKS  
COBURN'S

\$ 4,242.40  
\$ 4,528.20  
\$ 3,706.80\*\*\*\*

**SECTION XI:**

LOUISIANA UTILITIES SUPPLY CO  
LAFAYETTE WINWATER WORKS  
COBURN'S

\$ 2,541.31  
\$ 2,315.00\*\*\*\*  
\$ 2,664.10

**SECTION XII:**

LOUISIANA UTILITIES SUPPLY CO  
LAFAYETTE WINWATER WORKS  
COBURN'S

\$ 2,224.41\*\*\*\*  
\$ 2,524.00  
NO BID

**SECTION XIII:**

LOUISIANA UTILITIES SUPPLY CO  
LAFAYETTE WINWATER WORKS  
COBURN'S

\$ 689.28  
\$ 672.00\*\*\*\*  
NO BID

\*\*\*\*\***AWARDED BIDDER**\*\*\*\*\*

**TABULATION FOR  
SIX MONTH SUPPLY ON CHEMICALS  
DECEMBER 1, 2016**

**POTASSIUM PERMANGANATE**

C & L AQUA PROFESSIONALS INC  
D X I INDUSTRIES  
UNIVAR  
PENNCO

\$2.75/LB\*\*\*\*  
NO BID  
NO BID  
NO BID

**CHLORINE**

C & L AQUA PROFESSIONALS INC  
D X I INDUSTRIES  
UNIVAR  
BRENNTAG

NO BID  
\$0.347/LB\*\*\*\*  
NO BID  
\$0.355/LB

**HYDROFLUORSILIC ACID**

C & L AQUA PROFESSIONALS INC  
D X I INDUSTRIES  
UNIVAR  
PENNCO

NO BID  
NO BID  
NO BID  
NO BID

\*\*\* **AWARDED BIDDER**\*\*\*

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 12<sup>th</sup> day of December, 2016.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DENNIS BERGERON, Chairman

The next item on the agenda is a resolution awarding low bid received for a Combo Truck and Chassis Jetter Truck. Motion was made by Mr. Moss seconded by Mr. Favre that the following resolution be adopted to-wit:

**RESOLUTION NO. 3020, M-C SERIES**

Resolution awarding low bid received for a Combo Truck and Chassis Jetter Truck.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that bids for a Combo Truck and Chassis Jetter Truck were opened and read aloud in an open and public bid session on Tuesday, December 6, 2016 at 10:00 a.m. and bids were as follows:

<b><u>Company</u></b>	<b><u>Bid</u></b>
Covington Sales & Service	\$343,800.00

BE IT FURTHER RESOLVED that the City Council does hereby accept the recommendation of Mayor Christopher L. Duncan and award the bid for a Combo Truck and Chassis Jetter Truck as follows:

<b><u>Company</u></b>	<b><u>Bid</u></b>
Covington Sales & Service	\$343,800.00

BE IT ALSO FURTHER RESOLVED that Mayor Christopher L. Duncan is authorized to sign all paperwork in connection therewith.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 12<sup>th</sup> day of December, 2016.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DENNIS BERGERON, Chairman

The next item on the agenda is a resolution approving liquor license for Boudin Kitchen, Inc. dba Hollier's Cajun Kitchen, located at 1709 Ruth Street. Motion was made by Mr. Moss seconded by Mrs. Hardy that the following resolution be adopted to-wit:

RESOLUTION NO. 3021, M-C SERIES

Resolution approving liquor license for Boudin Kitchen, Inc. dba Hollier's Cajun Kitchen located at 1709 Ruth Street.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby approve liquor license for Boudin Kitchen, Inc. dba Hollier's Cajun Kitchen located at 1709 Ruth Street.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 12<sup>th</sup> day of December, 2016.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DENNIS BERGERON, Chairman

The next item on the agenda is a resolution setting meeting dates for Sulphur City Council, Land Use and Board of Zoning Adjustment for 2017. Motion was made by Mr. Favre seconded by Mr. Moss that the following resolution be adopted to-wit:

**RESOLUTION NO. 3022, M-C SERIES**

Resolution setting meeting dates for the Sulphur City Council, Land Use Commission and Board of Zoning Adjustment for 2017.

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby set the following meeting dates for the Sulphur City Council, Land Use Commission and Board of Zoning Adjustment for 2017 as follows:

<b><u>City Council</u></b>	<b><u>Land Use</u></b>	<b><u>Board of Zoning Adjust.</u></b>
Monday, January 9	Tuesday, January 17	If there are items on the BZA agenda these meetings will be held immediately following the Land Use mtgs.
Monday, February 13	Tuesday, February 21	
Monday, March 13	Monday, March 20	
Monday, April 10	Monday, April 17	
Monday, May 8	Monday, May 15	
Monday, June 12	Monday, June 19	
Monday, July 10	Monday, July 17	
Monday, August 14	Monday, August 21	
Monday, September 11	Monday, September 18	
Tuesday, October 10	Monday, October 16	
Monday, November 13	Monday, November 20	
Monday, December 11	Monday, December 18	

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said resolution was declared duly adopted on this 12<sup>th</sup> day of December, 2016.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DENNIS BERGERON, Chairman

The next item on the agenda is a resolution authorizing the advertisement of bids for 5 trucks for Public Works (Street Dept.). Motion was made by Mrs. Ellender seconded by Mrs. Hardy that the following resolution be adopted to-wit:

**RESOLUTION NO. 3023, M-C SERIES**

Resolution authorizing the advertisement of bids for 5 trucks for Public Works (Street Dept.).

BE IT RESOLVED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that they do hereby authorize advertisement of bids for 5 trucks for Public Works (Street Dept.), said bids to be in accordance with the quantities and specifications on file with City of Sulphur Purchasing Department, 101 North Huntington Street, Sulphur, LA 70663.

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 the advertisement of bids for 5 trucks for Public Works (Street Department), will be received by the Clerk of the Council until 10:00 a.m. on the 4th day of January 2017, 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 the City Council shall at a regular meeting on the 9th day of January, 2017, 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. Bids are also available electronically at [www.bidexpress.com](http://www.bidexpress.com); free membership is required to access. Said bids to be in accordance with the quantities and specifications on file with the City of Sulphur Purchasing Department, 101 North Huntington Street, Sulphur, La. 70663.

CITY OF SULPHUR, LOUISIANA

BY \_\_\_\_\_  
DENNIS BERGERON, 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 place in the Council Chambers at City Hall on the 9th day of January, 2017, 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, otherwise proceed thereto as provided by law.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None  
ABSENT: None

And the said resolution was declared duly adopted on this 12<sup>th</sup> day of December, 2016.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DENNIS BERGERON, Chairman

The next item on the agenda is a public hearing on ordinance de-annexing certain property owned by Sealy-Ratcliff Swisco Road, LLC, located between I-10 and Swisco Road and contracting the boundaries of the City of Sulphur. Motion was made by Mr. Moss seconded by Mr. Favre that this item be tabled until the December 19, 2016 City Council meeting.

Motion carried.

At this time motion was made by Mr. Favre seconded by Mr. Moss to reconvene to item #5 on the agenda. Motion carried.

*(To hear complete discussion log onto [www.sulphur.org](http://www.sulphur.org) and view City Council meeting December 12, 2016).* After much discussion, motion was made by Mr. Moss to amend 5% to 0%; he then withdrew his motion again. Motion was then made by Mrs. Ellender seconded by Mr. Moss to amend the ordinance as follows:

- Amend from:  
franchise fee equal to five percent (5%)
- Amend to:  
franchise fee equal to three percent (3%)

Motion carried.

Motion was then made by Mr. Favre seconded by Mrs. Hardy that the following ordinance be adopted to-wit:



ORDINANCE NO. 1434, M-C SERIES AS AMENDED

AN ORDINANCE SETTING THE FRANCHISE FEE TO BE PAID BY THOSE ENTITIES PROVIDING CABLE OR VIDEO SERVICE WITHIN THE CITY OF SULPHUR, LOUISIANA MUNICIPAL LIMITS UNDER A STATE-GRANTED FRANCHISE AUTHORITY AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, pursuant to the provisions of the Consumer Choice for Television Act of 2008, codified at LSA-R.S. 45:1361 et seq, any person or entity desiring to provide cable or video services within the City of Sulphur may do so by obtaining a state -issued certificate of franchise authority; and

WHEREAS, pursuant to the provisions of LSA-R.S. 45:1366, the holder of a state-issued certificate of franchise authority for cable or video service is required to pay a franchise fee to a municipality in which it operates upon the passage of an ordinance by municipality setting such a fee; and

WHEREAS, there are persons or entities which operate or desire to operate cable or video services within the City of Sulphur municipal limits.

BE IT THEREFORE ORDAINED by the City Council of the City of Sulphur, Louisiana, the governing authority thereof, that all persons or entities providing cable or video services to the citizens of the City of Sulphur pursuant to a state-issued certificate of franchise authority as provided in LSA-R.S. 45:1361 et seq shall, pursuant to the provisions of LSA-R.S. 45:1366, pay the City of Sulphur a franchise fee equal to three percent (3%) of the cable or video service provider's gross revenues, as that term is defined by the "Consumer Choice for Television Act of 2008," derived from operations within the City of Sulphur municipal limits.

BE IT ALSO FURTHER ORDAINED that all ordinances and resolutions in conflict herewith are hereby repealed, except those approving any cable or video franchise agreement in force and effect between the City of Sulphur and any cable or video service provider.

BE IT ALSO FURTHER ORDAINED that Mayor Christopher L. Duncan is hereby authorized to execute all documents in connection therewith.

BE IT ALSO FURTHER ORDAINED that this Ordinance shall become effective upon the Mayor's signature.

A vote was then called with the results as follows:

YEAS: Mrs. Ellender, Mr. Bergeron, Mrs. Hardy, Mr. Favre, Mr. Moss

NAYS: None

ABSENT: None

And the said ordinance was declared duly adopted on this 12<sup>th</sup> day of December, 2016.

ATTEST:

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ARLENE BLANCHARD, Clerk

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DENNIS BERGERON, Chairman

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

ATTEST:

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ARLENE BLANCHARD, Clerk

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DENNIS BERGERON, Chairman

12/12/16  
6:40 P.M.