

CITY OF OPELOUSAS
OPELOUSAS, LOUISIANA
REGULAR MEETING MINUTES
JUNE 14, 2011

The Council of the City of Opelousas, Parish of St. Landry, State of Louisiana, convened in a regular session on this 14th of June 2011 at 5:00 p.m.

With Mayor Donald R. Cravins, Sr. presiding, the meeting was called to order.

The Mayor requested the City Clerk to call the roll and the following Council members were PRESENT: Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, Reginald Tatum, and Jacqueline Martin. ABSENT: None.

A moment of silent meditation was observed and Alderwoman Jacqueline Martin led the Pledge of Allegiance.

On a motion by Alderman Louis Butler, Jr., seconded by Alderman Julius Alsandor and unanimously carried, it was resolved to approve the minutes of the Regular Meeting held on 05/10/2011.

On a motion by Alderman Julius Alsandor, seconded by Alderman Blair Briggs and unanimously carried, it was resolved to adopt the agenda with the following changes: *adding under the PRESENTATIONS Section, Item No. 11-A, "Presentation by Rev. Walton Dunbar regarding improving race relations"; Item No. 11-B, "Discussion of Mayor and Board Appointments for 2011"; Item No. 11-C, "Discussion of sewer issue at Paula Dubuc's residence"; adding under the RESOLUTIONS Section, Item No. 17-A. "A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ST. LANDRY PARISH GOVERNMENT TO ALLOW CITY TRUSTEES FROM THE OPELOUSAS POLICE DEPARTMENT TO DO MAINTENANCE AT THE LAWTELL BALL PARK"; adding under the CONSENTS Section, Item No. 18-A, "Accept the resignation of Probational Police Officer Jerry Berry, Jr., effective 05/14/2011"; Item No. 18-B, "Approve the confirmation of Romalis Curtis from Probational Police Officer to Permanent Police Officer, effective 04/18/2011"; Item No. 18-C, "Approve the Military Leave without pay for Permanent Police Officer Romalis Curtis, effective 06/06/2011"; adding a PRE-TERMINATION HEARINGS Section, Item No. 20, "(a) Paul Bell; (b) Leonard Hammond; (c) Kenneth Biagase"; deleting Item No. 15 under INTRODUCTION OF ORDINANCES"; moving under the PRESENTATIONS Section, Item No. 14, "Engineers Monthly Status Report" to Item No. 6A; adding under the PRESENTATIONS Section, Item 6B, "Presentation by Police Chief Perry Gallow.*

PRESENTATIONS

Presentation for recognition of the Employee of the Month. The Employee of the Month chosen for May 2011 is Mr. Leo Lazard who has been employed with the Parks & Recreation Department for three (3) years. Mr. Lazard is married with three children and several grandchildren.

Engineer's Monthly Status Report. Mr. William Jarrell updated the Council on the status of the Hiram Street Bridge. He stated that the specifications and documents necessary for approval for this project have been submitted to the Office of Facility Planning & Control. Once a response is received, then the engineers will address any issues and upon approval they will be ready to advertise for construction bids. The Park Avenue Bridge application will be submitted to the State within the next week and they should get a response in about three weeks regarding approval to begin work on that project. The engineers are trying to plan a startup for Med-South Well improvements for next week. The pavilion at the North Park is proceeding. The Geo-technical working contract has been approved and the work will start in the next couple of days. A letter was prepared to submit to the State regarding the fire truck apparatus requesting their approval to submit that as part of the parish hurricane recovery program. He will send a copy of the letter to the Fire Chief. He stated that they should hear something in the next couple of weeks on whether or not it is something they will approve it. Mayor Cravins asked Mr. Jarrell if he had spoken to Mr. Lopez relative to a right-of-way the City may need to do something about. Mr. Jarrell stated that there was an issue with the right-of-way with the property owner and CVS. They want a road put in behind the CVS which would essentially line up with Bellevue Street going from the dead end at the cemetery by the Cerebral Palsy Clinic to Wallior Street and also extend on the east side of Wallior Street. Mr. Jarrell thinks that this would enhance the developmental property and commercial development for the City. The only issue is that the available right-of-way for the site does not meet the current city requirements. The right-of-way available is forty feet and the City normally requires fifty feet. Mr. Jarrell stated that he doesn't see this as a hurdle that can't be overcome. Mayor Cravins

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asked what is the process on getting this done so that the project can move forward. Mr. Jarrell stated that the Council could just issue a variance.

Presentation by Police Chief Perry Gallow. Chief Gallow stated that the Police Department was approved for \$48,126 in DARE Funds; but the City only budgeted \$33,000 in the police department DARE line item. He is requested that the line item 54210-2204 be increased by \$15,126. On a motion by Alderman Reginald Tatum, seconded by Alderwoman Jacqueline Martin and unanimously carried, it was resolved to approve the request to increase line item 54210-2204 by \$15,126 when DARE revenue is received.

Discuss request for ANNEXATION AND ZONING OF C1 AND VARIANCE of building set back on the South and West property lines for Belmont Properties. A public hearing regarding this matter was held by the Planning Commission on 06/13/2011. The Commission approved the request. On a motion by Alderman Reginald Tatum, seconded by Alderman Blair Briggs and unanimously carried, it was resolved to approve the request for ANNEXATION AND ZONING OF C1 AND VARIANCE of building set back on the South and West property lines for Belmont Properties.

Discuss request for ZONING CHANGE from NMU Zone to C1 Zone of property located at 1102 S. Union Street to use as a retail development (FaKouri Realty, Inc). This item was reviewed by the Planning Commission on 06/13/2011. Mr. FaKouri is requesting to demolish some of the buildings in order to make a retail development. The Commissions recommends approval. Dr. Rosemary St. Clergy stated that Mr. FaKouri had come before the Historic District last month with a request to demolish the two properties and his request was initially denied because he had not provided enough information. She pointed out that the two buildings were a two-story white colonial house and a very nice building that was previously a child care center. She stated that Mr. FaKouri's proposal is for a small strip mall similar to the one on Creswell Lane next to Acadian Ambulance's substation. Ms. Doucet stated that she informed Mr. FaKouri that he would have to get a certificate of appropriateness from the Historic District Commission before any permits would be issued. Right now, he is only requesting a zoning change. Alderman Alsandor stated that he would like some time to look into this matter. On a motion by Alderman Julius Alsandor, seconded by Alderwoman Jacqueline Martin and unanimously carried, it was resolved to TABLE the request for ZONING CHANGE from NMU Zone to C1 Zone of property located at 1102 S. Union Street to use as a retail development (FaKouri Realty, Inc).

A roll call vote was taken with the following results:

YEAS: Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, Reginald Tatum, and Jacqueline Martin.

NAYS: None.

ABSENT: None.

Discuss request for pre-approval for CONDITIONAL USE of property in NMU Zone located at 424 W. Cherry Street to open a snowball stand (Travis Blevins). This item was reviewed by the Planning Commission on 06/13/2011. On a motion by Alderwoman Jacqueline Martin, seconded by Alderman Reginald Tatum and unanimously carried, it was resolved to approve the request for pre-approval for CONDITIONAL USE of property in NMU Zone located at 424 W. Cherry Street to open a snowball stand (Travis Blevins).

Presentation by Mr. Nick Gautreaux. Mr. Gautreaux was not in attendance. Mayor Cravins made the presentation on his behalf. Mr. Gautreaux who is the new commissioner of the Office of Motor Vehicles had informed the City that the State wants to close the Opelousas Office of Motor Vehicles. Mayor Cravins pointed out that there is a provision in state law that provides that a local governing body can impose a \$3 fee on certain transactions conducted by the Office of Motor Vehicles. Those dollars are then used to subsidize an office for them to occupy. Eunice, Crowley, and Ville Platte have already done it and Carencro will do it. He requested that a resolution be adopted to collect a service fee to defray the cost of operations of the local office.

On a motion by Alderman Joseph Charles and seconded by Alderman Louis Butler, Jr., the following Resolution was offered for adoption:

RESOLUTION 13 OF 2011

A RESOLUTION REQUESTING THE SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS
TO ESTABLISH AND COLLECT A SERVICE FEE OF THREE DOLLARS (\$3.00) ON ALL MOTOR VEHICLE OFFICE
TRANSACTIONS TO BE USED TO DEFRAY THE COST OF OPERATIONS
OF THE LOCAL (OPELOUSAS, LA) FIELD OFFICE

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WHEREAS, the City of Opelousas provides a local field office for the Department of Public Safety and Corrections, Office of Motor Vehicles, and;

WHEREAS, the cost of operations of said local field office is not fully funded by the State, and;

WHEREAS, LA R.S. 32:429, enacted in the 1989 Regular Session and amended by the 1990 Session, authorizes any local government to levy a fee for each service or transaction carried out as an operation of a local field office of the Office of Motor Vehicles, and;

WHEREAS, the City of Opelousas has found it necessary to collect such a fee to defray the cost of operations of the local Motor Vehicle Office operation.

NOW, THEREFORE, BE IT RESOLVED on this 14th day of June, 2011, by the Opelousas Board of Aldermen that;

SECTION I. There is hereby levied a fee of three dollars (\$3.00) for each service or transaction carried out as an operation of a local field office of the Office of Motor Vehicles, and;

SECTION II. Mayor Donald R. Cravins, Sr. is hereby authorized to enter into an agreement with the Secretary, Department of Public Safety and Corrections to have said Department collect said fee and then remit said fee to the City of Opelousas.

A vote having been taken with the follow results:

YEAS: Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, Reginald Tatum, and Jacqueline Martin.

NAYS: None.

ABSENT: None.

ATTEST:

CITY CLERK

MAYOR

Presentation by representative of Boys & Girls Club. Ms. Andrea Mason Dean, Board Chair, spoke on behalf of the Boys & Girls Club. She stated that the club's doors were closed due to lack of funding. For the last three years, the Boys & Girls Club of Acadiana has funded the program with reserves which have been depleted. The club is looking to re-open in August and needs a commitment from the City, leaders, and citizens in a monetary fashion and volunteerism. The club has a total membership of 648 and is open from 3:00 p.m. to 6:30 p.m. as an after school program and 7:00 a.m. to evening time for the summer program. The operational budget of the Club is approximately \$150,000 annually. Mayor Cravins proposed pledging \$60,000 annually to the Boys & Girls Club. Alderman Reginald Tatum asked the City Clerk if the City had \$60,000. Ms. Frank stated that it would not be a lump sum but could be funded on a monthly basis. Alderman Julius Alsandor asked if they funds would be dedicated to the Opelousas club. Ms. Dean assured him that it would be dedicated solely to the Opelousas club. Dr. Rosemary St. Clergy stated that she would like to volunteer to give \$100 per month to the Boys and Girls Club and challenge the City Council members to do the same. Alderman Alsandor and Mayor Cravins stated that they would also commit \$100 per month. On a motion by Alderwoman Jacqueline Martin and seconded by Alderman Reginald Tatum, it was resolved to commit \$60,000 per year from the City to be allocated on a monthly basis to the Boys & Girls Club of Opelousas. A roll call vote was taken with the following results:

YEAS: Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, Reginald Tatum, and Jacqueline Martin.

NAYS: None.

ABSENT: None.

Presentation by Rev. Walton Dunbar regarding improving race relations. Rev. Dunbar encouraged everyone to attend the upcoming presentation by Viens Ensemble Acadiana (Coming Together Acadiana) which will be held on Saturday, June 18, 2011, at Mt. Olive Baptist Church from 9:30 a.m. to 2:00 p.m. The theme of the program is "Telling Where It Hurts – Swapping Stories and Healing Wounds", a human relations discussion. The program will include several speakers from diverse backgrounds. The goal of the program is to begin the process of breaking the chains that bind many to the past. The event is free and open to the general public and lunches will be available for an optional small donation to the Boys & Girls Club of Opelousas.

Discussion of Mayor and Board Appointments for 2011. (Transcribed in full)

Mayor Cravins: Next item is Discussion of Mayor and Board Appointments for 2011 and let me tell you, this is not one of the things I'm taking a great deal of pleasure in doing, but, um, we do what we do. I have been approached by several

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Council members, um, in reference to the Mayor Pro-Tem of the City of Opelousas and we are going to discuss it today. The acrimony needs to stop. It does no good to the City of for the City and it gives us a poor, poor impression among other communities. Um, (pause) being in disagreement is fine—I welcome it. Debate and discussion is good, but we don't just tear down the City for the sake of tearing it down or individuals for the sake of trying to tear them down. Uh, that's basically my discussion on that issue and it's open for discussion.

(pause), (throat clearing)

Alderman Julius Alsandor: Mayor, I, discussion, and we could, we could go on and we could elongate this here. Um, I, agree that there have been some, I'm going to say, uh, negativity or the responsibility and the integrity of, of, of the Mayor Pro-Tem since we appointed him in January. If we go back and look at the minutes, and the Lawrason Act has been quoted to us so eloquently so many times. It was a question of how the process was done especially when we appointed all, everyone at that particular time and everybody was aware of all the appointments we made, but I did question, and I think the attorney, it is in the minutes, uh, I said it was the Aldermen who had the right legally to choose and to nominate an Alderman for Mayor Pro-Tem. Uh, but our attorney injected that if everybody is in agreement, we wouldn't have to go through that process. I asked that question at that time because, uh, of, of, my colleague's uh, and I said the word earlier, integrity as your choice of Mayor Pro-Tem. I think an individual who sits in this position should constantly somehow, someway, and on your part too, Mayor, sit and discuss issues that benefits the City of Opelousas and the people that it represents. If we continue on the path that we are on now—and let's just be real here—everybody's aware of this, we are not doing anybody who we represent any good and it has to stop. We have it nationally, we have it statewide, we have it locally. Why do we have to have it here locally? We need to work together as we just showed and was evidenced as we came together for the Boys & Girls Club of the City of Opelousas. We have to quit showing a division or, as I said already, we're going to tear all of us down. We're going down economically right now, everybody is strapped. We're not strapless but we're strapped. We need to work together and I'm speaking on it because I'm one of them that went to the Mayor about it. We, we, we have to have unity up here and we have to decide together. We can't just make decisions on small things but for us to be one, for us to go forward and be prosperous, we call this City great, we have to work together. When we create division, as many times as I've been told because I quit reading it almost a year ago, we've been called everything under the sun. I would rather be stopped by someone who said—y'all doing something for the benefit of everybody in town, not just the children but you're standing strong together to support the elected officials that people went to the polls to do. We may not always agree with it. We don't do it, we don't agree with it nationally with our President, we don't agree with our, our Governor, and yes, we're gonna have disagreements. I have it with, with our Mayor all the time. But when we, when it becomes a, a, almost blatant and malicious attack, it's attacking the very entity of the Council—the City Council. That includes me, the gentleman to my right, the three gentlemen to my left, and the, and the lovely lady on the end. We need to start working together. And the Mayor Pro-Tem, whomever that person is, needs to work side-by-side with the Mayor not against. (pause). And on that note, unless there is any other discussion, I would like a, make a motion, resolution that the appointment that was made in January, that was made in January, at our first regular meeting that that appointment of Mayor Pro-Tem be rescinded.

(pause)

Mayor Cravins: We got a motion?

Alderman Alsandor: It is a motion.

Alderman Jacqueline Martin: Second.

Mayor Cravins: Moved, motion by Councilman Alsandor, seconded by Councilwoman Martin that the appointment of Mayor Pro-Tem be rescinded. Call the roll, Madam Clerk.

City Clerk Karen Frank: Alderman Joe Charles.

Alderman Charles: Abstained.

Alderman Reginald Tatum: I got a question.

Mayor Cravins: Got a question? Alright.

Alderman Tatum: Discussion.

Mayor Cravins: Discussion, alright.

Alderman Tatum: Legally? (directed to Attorney Pride Doran)

Mayor Cravins: Okay.

Attorney Doran: Um...this is, as we brought up before, an issue that uh really the Mayor, uh, doesn't have any direct input. It's a strictly Board of Aldermen issue. Um, I remember a coupla years ago, we looked at terms, in terms of whether

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there had to be a one year term or it could be a six month term or something like that. Um, I'm not aware of any restrictions, Reggie, but quite honestly, I, I haven't looked at City ordinances or anything like that, there's anything in place. Uh, with that respect, State law is something that we looked at before. I think it's, you know, it's up to y'all, really. There are no, you know, it's a matter of internal...

Alderman Tatum: Just, my question was just were we legally, you know, like State, because like you said, we didn't look to see in the Lawrason Act if it's covered. So we may be making a, what it, what would be said as a, you know, uh, uh, uh, we may be jumping the gun. But that's okay; I'm just asking if legally, you knew anything.

Mayor Cravins: Okay.

Alderman Alsandor: If I may, Mayor?

Mayor Cravins: Yes, sir.

Alderman Alsandor: Um, I'm sure everybody knows when, when I do open my mouth up, I've done the majority of my homework. Every month that we have a Council meeting, we can change uh, um, our Mayor Pro-Tem. (cell phone buzzing) It's at the discretion of the Aldermen. So if we decide next month we want a different one, somebody bring the motion up and it pass, we can have a different Alderman that'd be the Mayor Pro-Tem.

(indistinct murmuring)

Alderman Tatum: Uh, also, uh, Mayor, I'd like to address something Mr. Alsandor said.

Mayor Cravins: Yes, sir.

Alderman Tatum: He said blatant and malicious attacks. Uh, is that your opinion and, and, is that, you standing by that?

Alderman Alsandor: I stated it. I remember a coupla months ago, I, uh, I was called out, and, and, I think that there's, as I reflect back to uh, I think it was February. It was, it was, uh, there was a, a meeting held or a special meeting called and uh, I think the, the, the terms, uh, I think the word was conspiracy. I took offense to that word—con, con, conspiracy. And, and at the same time as I have continued to do since I've been elected by the people, I sit here and I speak to my Council members with respect. I speak to them with dignity and when I talk to them, I talk to them—not at them. So to answer your question, yes.

Alderman Tatum: Well, Mr. Alsandor, I take offense at blatant and malicious attacks also and just for the record.

Mayor Cravins: Okay.

Alderman Tatum: That's an opinion. Just like everyone is entitled to.

Alderman Alsandor: Mine is. Thank you, sir.

Alderman Tatum: (indistinct reply)

Mayor Cravins: Any other discussion? We have a motion on the floor and call the roll, Madam Clerk.

City Clerk Karen Frank: Alderman Joe Charles.

Alderman Charles: Same motion—abstained.

City Clerk Karen Frank: Okay.

City Clerk Karen Frank: Alderman Julius Alsandor.

Alderman Alsandor: Yes.

City Clerk Karen Frank: Alderman Louis Butler, Jr.

Alderman Butler: Yes.

City Clerk Karen Frank: Alderman Blair Briggs.

Alderman Briggs: Abstained.

City Clerk Karen Frank: Alderman Reginald Tatum.

Alderman Tatum: Abstained.

City Clerk Karen Frank: Alderwoman Jacqueline Martin.

Alderwoman Martin: Yes.

Mayor Cravins: Alright...

City Clerk Karen Frank: Mayor...

Mayor Cravins, Three yeas, three abstentions.

(pause) (indistinct murmuring)

Alderwoman Martin: On that note, I would like to nominate Julius Alsandor...

(indistinct murmuring) ...he can't, he can't, it three abstentions.

Mayor Cravins: Oh, I'll vote then.

(indistinct murmuring) (pause)

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City Clerk Karen Frank: I need (indistinct)... it's three-three

Alderman Julius Alsandor: Mayor?

Mayor Cravins: Yes, sir. Need a ruling on that Mr. Doran.

Attorney Doran: On what? On, what was the question?

City Clerk Karen Frank: The three-three, three yeas and three abstains. Do I need the Mayor to vote on that?

Attorney Doran: No, they're, they're present. No, the Mayor can't vote on, on, on three, three yeas and three abstentions. No, there's no need for...

Alderman Tatum: It's not a tie.

Mayor Cravins: No.

Attorney Doran: It passes.

Mayor Cravins: It passes.

Attorney Doran: On the (indistinct)...

Mayor Cravins: Alright, you have three yeas, three abstentions and the, uh, motion is carried.

Alderman Tatum: No. I disagree.

Mayor Cravins: Well...

Attorney Doran: You've got three abstentions.

Alderman Tatum: Yeah, look in the Lawrason Act. It states that, uh, it's not, it can't be braken, broken as a tie. It's, it's, it's not—you have to have a quorum, you have to have a quorum...

Alderman Blair Briggs: The quorum is a quorum present, right?

Alderman Tatum: No. To vote you have to a quorum. (indistinct murmuring). You have to have a quorum vote. That's what it says in the Lawrason Act.

Attorney Doran: (speaking into cell phone) Hey, I'm in a Council meeting. I'm in a Council meeting. Can I speak to... (indistinct murmuring)

(gavel banging)

Mayor Cravins: Alright, let's take a timeout for a minute. Gotta get a, um...

Attorney Doran: Yes.

Mayor Cravins: A ruling.

Attorney Doran: On that, on that issue, it's my, it's my understanding that if you've got a quorum of the individuals present, uh, it's the majority of those who vote. Uh, cause y'all have the right to vote, y'all just choosing...

Alderman Tatum: (indistinct) it's the majority.

Attorney Doran: but I'm, I mean I, I will certainly... (indistinct murmuring)... we can look at that.

Mayor Cravins: I believe you're right, Pride.

Attorney Doran: Let the record reflect the vote as it is, and, and, uh, I'll take a look at that, and, and...

Mayor Cravins: No, I don't think we gonna do that. We gonna get a ruling today. Either, either, either it is or it isn't and, um, um, then we'll move forward. We're not gonna continue this forever.

Attorney Doran: Do you want me to take a minute and go look at it now?

Mayor Cravins: Yes, sir. So...

(indistinct murmuring) (pause)

Attorney Doran: Alright.

Mayor Cravins: Alright...

(cell phone buzzing)

(indistinct)... We can table it until you find out.

Mayor Cravins: And we, we gonna skip over it.

Attorney Doran: Yeah. You just put my stuff at the end.

(cell phone buzzing)

Mayor Cravins: Alright. Okay.

Alderman Alsandor: Mayor, before we go, before we go forward, I'd, I'd like to add, uh, just a, a comment. Um, and I'll take the words of my, my colleague, Mr., Mr. Tatum. Just an opinion, but we got elected to make decisions when we sit up here and things are put forth to us. It's only, I think, it's only right we make those decisions and decide one way or another. My take on a, when you abstain, is saying that you're not, you're absent. You have that choice, you do have that

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choice and that's a choice that you decide and you make. But if you're gonna serve the people each and every day that you come here to the meeting like this, you decide yes or you decide no.

(applause)

Mayor Cravins: Alright. Thank you. I, I would have to agree though, and, and Frank, you, you probably have looked into that before. I don't think you can sit in a body and abstain from voting and believe the vote's gonna count. It just doesn't happen.

Attorney Frank Trosclair: My opinion is, is that it doesn't count—it's, it's equivalent to not a, not voting and inordinately defeats the vote (applause) (indistinct comment)...

Mayor Cravins: That's right.

(applause continues)

Alderman Tatum: Mr. Trosclair (above the applause). I have a, I have a question. Uh, if you look at the Lawrason Act and see there have been cases, uh, and I'm not sure, I don't have it in front of me because I didn't know this was gonna be today—I would have brought it—where there actually were cases in case law that did happen and that's, that's why I know that the quorum has to be four, if, you know.

Attorney Trosclair: We're not talking about a quorum. We're talking about a vote here. (indistinct comment)

Alderman Tatum: No, the quorum, because of the abstention happened—and I, and I think it was Pineville—I'm not mistaken, I mean if I'm not mistaken, it was Pineville and the same thing happened and it was ruled that because of the, the abstentions that they didn't have a quorum of the Board members there and so it was ruled, you know... (indistinct)..

Mayor Cravins: You could never...yeah, but, but, but, look, look, listen to what we saying. I mean, not to make a big, long discussion cause we need to move on but we have a quorum. We have six members present. If that was the case, no democratic system would, would, or representative system would operate. This doesn't even make sense. Uh, because (pause) you, you, you're present, (indistinct) anyway, let's, let's move on.

Alderman Tatum: But people abstain for...

Mayor Cravins: You can...

Alderman Briggs: You abstain because you choose not to vote on that issue.

Mayor Cravins: Right, that's right.

Alderman Briggs: That's why I abstained.

Mayor Cravins: No, I understand that. I'm not being critical of the abstention. But the abstention, you're still present is what I'm saying. Right. You chose not to vote.

Alderman Briggs: That's right.

Mayor Cravins: Right. Okay. So then we understand. We agree. Alright. We'll come back to it. Okay. Let's go the next item...

Discussion of sewer issue at Paula Dubuc's residence. This item will be handled in Executive Session.

Discussion regarding CLECO contract. Attorney Frank Trosclair stated that he has been in negotiations with CLECO on behalf of the City regarding the provisions of the renewal agreement. The City has an extension until Friday in which to elect not to enter into the renewal with CLECO. Attorney Trosclair read the provision in the agreement that he said would make him recommend that the City not enter into the agreement. He stated that CLECO is insisting that the City sign a release which states, "The City hereby forever releases and discharges CLECO and its related companies, officers, directors, and employees from any and all claims, demands, causes of actions, and liability of any kind whatsoever which the City has that arises out of or relate to the Operating and Franchise Agreement, CLECO's performance under the Operating and Franchise Agreement, and CLECO's provision of electric services to the City including, but not limited to, any claims that CLECO has improperly charged the City or its residents for electric power during the terms of the Operating and Franchise Agreement." From the City's standpoint, they would forego and lose any claims that it might have even those claims that it doesn't know about based on CLECO's violations of its agreement. It also brings in the claims that the citizens of Opelousas have. Attorney Trosclair thinks that this agreement is a roadblock at the present time and he recommends to the City that they not enter into the renewal agreement and that they authorize the Mayor to notify CLECO that the City's intent is not to renew to the franchise agreement with CLECO. He suggests that the Council entertain a resolution authorizing the Mayor to notify CLECO of the City's non-renewal of its agreement with CLECO unless the parties reach a point in their negotiations where they can come to the Council with a tentative agreement for their approval. If they are not able to do that between now and the end of the extension which is this Friday, then the City

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needs to be in a position where the Mayor or a representative that he authorizes sends a written notification to CLECO. On a motion by Alderman Blair Briggs, seconded by Alderman Julius Alsandor and unanimously carried, it was resolved to authorize the Mayor to notify CLECO of the City's non-renewal of its agreement with CLECO unless the parties reach a decision prior to the deadline on Friday.

Presentation by Attorney Pride Doran. This item will be handled at the end of the meeting because of pending litigation that may have to be discussed in Executive Session.

RESOLUTIONS

A RESOLUTION TO ADOPT A PROCUREMENT POLICY FOR THE CITY OF OPELOUSAS.

On a motion by Aldermen Louis Butler, Jr., and Blair Briggs and seconded by Alderman Joseph Charles, the following Resolution was offered for adoption:

RESOLUTION NO. 14 OF 2011

A RESOLUTION TO ADOPT A PROCUREMENT POLICY FOR THE CITY OF OPELOUSAS

WHEREAS, the City of Opelousas wishes to adopt a procurement policy; and
WHEREAS, these procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Louisiana Disaster Recovery Community Development Block Grant (CDBG) Programs; and
WHEREAS, these guidelines meet the standards established in 24 CFR 85.36 and state requirements; and
WHEREAS, the methods for Code of Conduct, Procurement Procedures, Selection Procedures, Methods of Procurement, Contract Pricing, Procurement Records, and Contract Administration are set forth in the Procurement Policy;
THEREFORE BE IT RESOLVED, that the City of Opelousas hereby adopts the attached Procurement Policy.
The above resolution having been submitted to a roll call vote was adopted as follows:

YEAS: Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, Reginald Tatum, and Jacqueline Martin.

NAYS: None.

ABSENT: None.

Done and signed this 14th day of June, 2011.

ATTEST:

CITY CLERK

MAYOR

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT FOR "LOAN FOR USE" OF EQUIPMENT.

On a motion by Alderman Blair Briggs and seconded by Alderman Julius Alsandor, the following Resolution was offered for adoption:

RESOLUTION NO. 15 OF 2011

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE
ST. LANDRY PARISH SOLID WASTE DISPOSAL DISTRICT FOR "LOAN FOR USE" OF EQUIPMENT

WHEREAS, both St. Landry Parish Solid Waste Disposal District, (hereinafter sometimes referred to as "LENDER") and City of Opelousas, (hereinafter sometimes referred to as "BORROWER") are public bodies and political subdivisions of the State of Louisiana; and

WHEREAS, R.S. 33:1321, et seq., allows the entering of cooperative agreements between such entities with the purpose of encouragement of greater economy and efficiency in the operation of local services; and

WHEREAS, both parties desire and seek to remove solid waste, debris and refuse from the City of Opelousas in a economic and efficient manner; and

WHEREAS, the requirement of debris, refuse and garbage collection and removal is continuously needed throughout the City of Opelousas; and

WHEREAS, the DISTRICT has allocated the funds to be divided amongst municipalities and parish government within St. Landry Parish, and

WHEREAS, Louisiana Civil Code Article 2891, et seq., allows parties to contract for the loan of certain items which may be used by the borrower and returned at a later date.

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WHEREAS, both parties verify that this agreement has been approved by ordinance or resolution of its governing body at a regular or specially called meeting; and

WHEREAS, both parties deem this is in their best interest and the interest of their constituents to enter into this cooperative agreement,

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereto agree to loan and borrow respectively the following described movable property to wit:

FOR DEBRIS MANAGEMENT

One Single Engine Full Hydraulic Telescoping Boom Excavator, for a term of five (5) years

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Aldermen of the City of Opelousas do hereby authorize Mayor Donald R. Cravins, Sr., to enter into an intergovernmental agreement with the St. Landry Parish Solid Waste Disposal District for "Loan for Use" of Equipment.

The above resolution having been submitted to a roll call vote was adopted as follows:

YEAS: Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, Reginald Tatum, and Jacqueline Martin.

NAYS: None.

ABSENT: None.

Done and signed this 14th day of June, 2011.

ATTEST:

CITY CLERK

MAYOR

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ST. LANDRY PARISH GOVERNMENT TO ALLOW CITY TRUSTEES FROM THE OPELOUSAS POLICE DEPARTMENT TO DO MAINTENANCE AT THE LAWTELL BALL PARK.

On a motion by Alderwoman Jacqueline Martin and seconded by Alderman Louis Butler, Jr., the following Resolution was offered for adoption:

RESOLUTION NO. 16 OF 2011

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ST. LANDRY PARISH GOVERNMENT TO ALLOW CITY TRUSTEES FROM THE OPELOUSAS POLICE DEPARTMENT TO DO MAINTENANCE AT THE LAWTELL BALLPARK

WHEREAS, Article VII, Section 14 (c) of the Constitution of the State of Louisiana provides as follows: "For a public purpose, the state and its political subdivisions or political corporations may engage in cooperative endeavors with each other...", and

WHEREAS, the St. Landry Parish Government and the City of Opelousas share a common interest in providing the citizens of St. Landry Parish, the City of Opelousas, and the State of Louisiana a safe environment for the children of St. Landry Parish to enjoy recreation, baseball tournaments, etc., and

WHEREAS, St. Landry Parish Government and the City of Opelousas wish to enter into an intergovernmental agreement for the public purpose of providing a safe environment for the children of St. Landry Parish to enjoy recreation, baseball tournaments, etc.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other valuable consideration, the receipt and adequacy of which are hereby acknowledged, the City of Opelousas hereto agrees to provide workers and equipment to cut out grass for the bases and set up the infield of the Lawtell Ballpark, which description follows, to wit:

"A certain tract of land near Lawtell, in the 6th Ward of St. Landry Parish, Louisiana, containing twelve (12) acres, bounded North and East by adjoining lands of widow and heirs of Voorhies Olivier, South by gravel public road, and West by blacktop highway. This tract of land is located in the Northeast quarter of the Southeast quarter (NE ¼ if SE ¼) of Section 20, T-6-S, R-3-E, and is fully shown and described on a survey plat prepared by Morgan Goudeau & Associates by William Jarrell, Jr., dated May 26, 1971."

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Aldermen of the City of Opelousas do hereby authorize Mayor Donald R. Cravins, Sr., to enter into an intergovernmental agreement with the St. Landry Parish Government for use of Opelousas Police Department Trustees to do maintenance at the Lawtell Ballpark.

The above resolution having been submitted to a roll call vote was adopted as follows:

YEAS: Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, Reginald Tatum, and Jacqueline Martin.

NAYS: None.

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ABSENT: None.

Done and signed this 14th day of June, 2011.

ATTEST:

CITY CLERK

MAYOR

At this time, Ms. Joan Marie Guillory made a presentation regarding the World Peace Foundation's Joint Proposal for Spirit House. Spirit House is to be a gathering place in the community for everyone to come and be involved in the programs of the World Peace Foundation. The organization is looking for a building for this program. A calendar of activities and events that complement these programs would be generated and publicized. The meeting space would be free and available on a first-come basis. Ms. Guillory welcomed suggestions for a location that would be free or with a nominal fee. Mayor Cravins suggested that Ms. Guillory contact Ms. Margaret Doucet to see what the City might have available.

CONSENTS

On a motion by Alderman Louis Butler, Jr., seconded by Alderwoman Jacqueline Martin and unanimously carried, it was resolved to approve the demotion of Brad Carlin from Operator to Firefighter, effective 05/15/2011.

On a motion by Alderman Louis Butler, Jr., seconded by Alderwoman Jacqueline Martin and unanimously carried, it was resolved to approve the promotion of Robbie Lafleur from Firefighter to Operator, effective 05/15/2011.

On a motion by Alderman Louis Butler, Jr., seconded by Alderwoman Jacqueline Martin and unanimously carried, it was resolved to accept the resignation of Probationary Police Officer Jerry Berry, Jr., effective 05/14/2011.

On a motion by Alderman Louis Butler, Jr., seconded by Alderwoman Jacqueline Martin and unanimously carried, it was resolved to approve the confirmation of Romalis Curtis from Probationary Police Officer to Permanent Police Officer, effective 04/18/2011.

On a motion by Alderman Louis Butler, Jr., seconded by Alderwoman Jacqueline Martin and unanimously carried, it was resolved to approve the Military Leave without pay for Permanent Police Officer Romalis Curtis, effective 06/06/2011.

On a motion by Alderman Louis Butler, Jr., seconded by Alderwoman Jacqueline Martin and unanimously carried, it was resolved to grant authority to amend Ordinance No. 10 of 2009 to extend the date to discharge until 12/31/2011 and waive collection of these local or special assessments as to each affected property where an amount at least equal to the original assessment has been paid, or will be paid by a date certain and to publish the names of those owners of each property where collection of local or special assessments will be waived.

(return to discussion with arrival of Attorney Doran)

Mayor Cravins: Alright. Mr. Doran, we've caught up. We to Pre-Termination Hearings which would probably be part in Executive Session.

Attorney Doran: Okay. Um, (pause) (shuffling papers)...I went and I pulled, basically conducted what's known as a, as a Lexis Search where we just kind of put in key words to have the computer, uh, rapidly go through...

(unidentified audience member shouts out: "use your mike")

Attorney Doran: Alright, can everybody hear me a little bit better now? Alright, basically what we do and what I did and why I was able to get a, a, a fairly quick answer was I conducted a search using an online legal research, uh, um, um, function... (cell phone ringing) ...excuse me guys...(papers shuffling) and uh, basically the way this works is you plug in the uh, uh, uh appropriate keywords and the computer pretty much gathers up, ah, all of the case law that's out there per hundred. Okay. So forgive me—I had to do a pretty rushed job of, of scanning through the, the head notes to kind of figure out if I could find something that was responsive to the question. Luckily for me, the very first case that came up was um, City of Pineville vs. American Federation of State, County, and Municipal Employees which is a 2001 Supreme Court case, um, which involved the situation of the City of Pineville where there was initially, uh, on a vote on a contract—a city contract—there was a, two of the council members voted for, two voted against and one abstained. Uh, so the mayor voted ostensibly to break the tie, thinking two present, you know, there's, there's a quorum present, you've got two for, two against it. Okay. The, the Third Circuit Court of Appeals overturned and basically said, nah, that's not how it works. Alright, well, the Supreme Court, the matter was taken up to the Supreme Court and, um, I'll give you the overview and

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then I'll quote for you—there's a, um, (pause) (papers shuffling) eight page opinion. Here I'll quote for you the pertinent language. The overview, it says that on review the Supreme Court found that there were five members of the City Council present and that the vote was two in favor, two against, and one abstained. The abstention had the same effect as a no vote. Because all five members were present and there were only two votes in favor of the resolution, there was not an affirmative vote of a majority of the members of the Board present as required by and it lists the statute that basically would allow a mayor to come in and say okay, I'm gonna tip the scale and bring it over. Um, more specifically, it says, um, that we hold the proper interpretation of these statutes, and, the, the, the referenced statutes, is that the mayor can only vote on resolutions if there is an equal division of the board members present. Okay. And, uh, it says LA 33:405(A)(1) gives the mayor the power to cast the deciding vote when the board is equally divided. Uh, it also goes on to say, uh, in that case, the Pineville case, the mayor couldn't vote on the resolution because there were five members present and even though one had abstained, in short, the abstention had the same effect as a no vote. So although it was two-two, the abstention counted as a no. So the mayor couldn't step in and break the tie. Alright, everybody following where this goes? Alright, in this case (laughter), in this case, you got the three-three vote—(indistinct murmuring, gavel banging) three in favor, three abstained. The abstentions are given the same impact as a no vote so the law allows the mayor to come in and break the tie. That's the way I interpreted it and it's the way this case, the Supreme Court case, interprets it. Now this is a 2011 case. Uh, Mr. Frank will tell you, when we look at these things, we have to do what's called shepherdize and we go in and make sure the case hasn't been overturned. The computers help us out a little bit because if it's been overturned, there's a little red flag on it, uh, that let's you know there's something you need to go out and look at. There's no red flag on this one. Um, I was told that, that Mr. Guillot, who's, uh, ...

Alderman Tatum: 2010 Lawrason Act.

Attorney Doran: Yeah, that he's, uh, he may have a different opinion about that, you know, but this is the law I was able to find and, and this is good law, uh, as it stands.

Mayor Cravins: Okay. Alright.

(indistinct murmuring from the audience, laughter)

Attorney Doran: So what I'm saying, uh, it's tied, and, and the Mayor has the option of breaking that tie.

Mayor Cravins: Alright. So. Madam Clerk, call the roll What's the motion? Read the motion and call the roll.

(indistinct murmuring – “everybody already voted”)

City Clerk: Pride, we voted on this and we just stopped.

Alderman Alsandor: Mr. Pride.

Attorney Doran: I'm sorry?

City Clerk Karen Frank: We voted on it and we stopped because it was a question of whether he could vote or not. So can we just go back...?

Attorney Doran: Yeah.

City Clerk Karen Frank: ... and just call it again, the roll again or...?

Attorney Doran: Well, you can, you don't have to call the roll again, you can...

Mayor Cravins: Read the motion.

Attorney Doran: Read the, read the, read the vote again.

Mayor Cravins: Read the motion.

City Clerk Karen Frank: The motion was to, um, (indistinct, unrecognizable sound) the appointments that were made in January in regards to the Mayor Pro-Tem, that that motion be rescinded.

Mayor Cravins: That the motion be rescinded. And the chair votes yes. (gavel bangs once) Okay. And it's four yeas, three nays or three abstentions and the motion is carried.

City Clerk Karen Frank: Okay.

Mayor Cravins: Alright.

(indistinct murmuring – “make your motion”)

Mayor Cravins: The chair will now entertain a motion.

Alderman Jacqueline Martin: I move to nominate Julius Alsandor.

Mayor Cravins: Motion by Councilwoman Martin to nominate Councilman Julius Alsandor to the office of Mayor Pro-Tem. Do we have a second?

Alderman Louis Butler, Jr.: Second.

Mayor Cravins: Seconded. We have a second by Councilman Butler. Call the roll, Madam Clerk.

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City Clerk Karen Frank: Alderman Joe Charles.

Alderman Charles: Abstained.

City Clerk Karen Frank: Alderman Julius Alsandor.

Alderman Alsandor: Yes.

City Clerk Karen Frank: Alderman Louis Butler, Jr.

Alderman Butler: Yes.

City Clerk Karen Frank: Alderman Blair Briggs.

Alderman Briggs: Yes.

City Clerk Karen Frank: Alderman Reginald Tatum.

Alderman Tatum: No.

City Clerk Karen Frank: Alderwoman Jacqueline Martin.

Alderwoman Martin: Yes.

City Clerk Karen Frank: Four yeas, one nay, one abstention.

Mayor Cravins: Four yeas, (applause from audience), one nay, and one abstention. Alright, motion's carried. Thank you very much. Alright, next item. Let's move on.

At this time, Mayor Cravins stated that he would allow those people who signed a card to speak prior to Attorney Doran's presentation and the Pre-Termination Hearings.

Mayor Cravins announced that the official Groundbreaking Ceremony for the Baseball Park on Cherry Street would be held on Wednesday, July 6, 2011 at 10:00 a.m.

Mr. Joseph Citizen, a resident at 1421 Jackson Street, stated that he is requesting assistance for a problem with people riding horses between Jackson Street and Ballard Lane late at night. He stated that this is a dangerous situation. Next, he requested assistance for a water leak on Jackson Street. Mr. Citizen stated that he has been trying to get assistance regarding this leak for quite some time now.

Mr. Wilbert Levier spoke regarding the issue relating to the Civil Service Board matter that was discussed at the last meeting. He stated that he disagrees with the fact that the Council feels that the employees cannot make a decision regarding Civil Service and that they should make those decisions for the employees.

Dr. Rosemary St. Clergy stated that the Opelousas Historic District Commission meeting went very well. They met with CVS and have approved their plans. The Commission did ask for a few additional changes to landscaping, etc. There was a concern regarding the exit coming off of I-49 to get onto Hwy 190. Dr. St. Clergy pointed out that there is no merge lane and that this is very dangerous. She stated that she will contact DOTD about this matter. Next, Dr. St. Clergy stated that in regard to the request made by Mr. FaKouri for Conditional Use of Property, she would suggest that he bring more information and his plans for the property when he comes before the Commission again before he requests to tear anything down. Dr. St. Clergy thank Ms. Doucet for her assistance on East North Street. She said several of the violations have been corrected. Mayor Cravins thanked Dr. St. Clergy for all of her work with the Historic District Commission.

Alderman Julius Alsandor announced that the Ladies of Vision would be holding a Body, Mind and Soul Seminar on Saturday at Holy Ghost Church Cafeteria from 8:00 a.m. to 12:00 noon.

Mr. Wilbert Levier announced that the NAACP would be holding their banquet on Saturday at the Heymann Center in Lafayette and he has tickets for anyone interested in attending.

Alderman Alsandor announced that Mr. Randolph Darjean has passed away. Mr. Darjean was a well-known contractor in Opelousas. Services to be held on June 15, 2011 at Williams Funeral Home.

Mr. Ken Vidrine announced that there would be a Cajun Hunting Retrievers Club for ages 6 – 17 in Egan, Louisiana. For more information, interested parties may contact the Parks Department at 337-948-2562.

The Boys and Girls Club representatives will be holding a meeting with area ministers on June 23, 2011.

At this time Attorney Doran addressed the issue of the request for a mobile concession stand in South City Park. The issue arose regarding the bid process. Attorney Doran recommended that they engage Mr. Thierry in a services contract to provide concessions until the end of the summer. Mr. Thierry will have to purchase a peddler's permit to be in compliance. On a motion by Alderman Reginald Tatum and seconded by Alderman Julius Alsandor, it was resolved to allow Mr. Thierry to operate his mobile concession stand at the Opelousas South City Park. A roll call vote was taken with the following results:

YEAS: Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, Reginald Tatum, and Jacqueline Martin.

NAYS: None.

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ABSENT: None.

On a motion by Alderman Julius Alsandor, seconded by Alderman Louis Butler, Jr., and unanimously carried, it was resolved to move into Executive Session at 7:00 p.m. to discuss pending legal matters and Pre-Termination Hearings.

Attorney Doran stated that the City would decline Mr. Ron Turner's proposal and would further decline the continuing in negotiations of any type with him. Next there was an agreement by the Council members and the Mayor to go forward with signing the indemnification agreement with Dwayne Elter with respect to the Paula Dubuc matter after being fully informed of the pros and cons of such.

PRE-TERMINATION HEARINGS

Paul Bell – Mr. Bell chose to have his hearing in public. Mr. Bell stated that he was denied his right to have a Civil Service hearing because of board issues. He stated that he was terminated from the City because of what happened on another job and not with the City. Attorney Doran informed Mr. Bell that he was there for a pre-disciplinary hearing and that termination is not presumed only what was recommended. He stated that Mr. Bell was there so that he could tell his side of the story to the appointing authority to have an opportunity to defend himself. Attorney Doran cited the Civil Service rule pertaining to Maintaining Standards of Service which basically included conviction of a felony and would allow the City to terminate Mr. Bell's employment. Mr. Bell stated that the City hires people with felonies and have current employees that have felonies. He stated that he received this felony on another job and it doesn't pertain to this job at all and he believes that this is wrong. Attorney Doran clarified that Mr. Bell is to come before the Council first who then will make a recommendation to his supervisor at which time, if Mr. Bell is not satisfied with the decision, then he has the right to appeal the decision before the Civil Service Commission. Mayor Cravins informed Mr. Bell that he would get a decision within the next week regarding this matter.

Leonard Hammond - Mr. Hammond chose to have his hearing in Executive Session.

Kenneth Biagase – Mr. Biagage chose to have his hearing in Executive Session.

On a motion by Alderman Julius Alsandor, seconded by Alderman Louis Butler, Jr., and unanimously carried, it was resolved to go into Regular Session at 8:15 p.m.

There being nothing further to come before the Council, on a motion by Alderman Julius Alsandor, seconded by Alderman Blair Briggs and unanimously carried, it was resolved that the meeting be adjourned. The meeting was adjourned at 8:30 p.m.

ATTEST:

CITY CLERK

MAYOR