

**OFFICIAL MINUTES OF THE CITY COUNCIL
CITY OF THIBODAUX
CITY HALL
THIBODAUX, LOUISIANA
MARCH 2, 2010**

The City Council of the City of Thibodaux assembled in regular session at its regular meeting place, City Hall, 310 West 2nd Street, Thibodaux, Louisiana, on Tuesday, March 2, 2010 at 5:00 o'clock P.M.

There were present: Councilmen Hebert, Richard, Taylor, Mire and Badeaux.

There were also present: Mayor Charles Caillouet and Germaine Jackson.

The minutes of the February 18, 2010 Council Meeting were approved as written.

Councilman Badeaux requested that the Council consider adding an item to the agenda.

On motion of Councilman Mire, seconded by Councilman Richard, the Council voted to add an item to the agenda. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: None

Councilman Mire introduced an ordinance authorizing the Mayor to sign a 2008 COPS Technology Grant Award from the U.S. Department of Justice for the continued development and implementation of technologies within the Thibodaux Police Department. The Public Hearing for this ordinance will be held at the March 16, 2010 Council Meeting.

Councilman Richard introduced an ordinance to amend and re-enact Section 20-13.1 of the Thibodaux City Code of Ordinances so as to create Sub-Section (f) (Parking on Private Property). (Proposed by Councilman Badeaux) The Public Hearing for this ordinance will be held at the March 16, 2010 Council Meeting.

Councilman Mire introduced an ordinance authorizing the Mayor to sign an agreement with the National Bidy Basketball Association and the Thibodaux Bidy Basketball Association. The Public Hearing for this ordinance will be held at the March 16, 2010 Council Meeting.

Mr. Foye Lirette has resigned his position as a regular member of the Thibodaux Board of Adjustments.

In accordance with the provisions of the Thibodaux Zoning Ordinance, the City Council has appointing authority for this City Board.

In the past, we have rotated appointments by Council Members for the boards which they appoint. In keeping with this policy, Councilman Val Taylor would be next in the order of rotation for appointment in this matter.

Councilman Taylor has nominated Ms. Juanita Walker for appointment to the board for a five (5) year term. Her term will be set to expire on March 2, 2015.

RESOLUTION NO. 1529

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled that:

WHEREAS, the Office of the Legislative Auditor of the State of Louisiana has presented to the City Administration a Louisiana Compliance Questionnaire to be completed by the Administration of the City of Thibodaux; and

WHEREAS, it is required by that office that the questionnaire be presented and adopted by the governing authority of the City of Thibodaux by means of adoption of a resolution; and

WHEREAS, the Administration has assured the City Council that the Louisiana Compliance Questionnaire has been completed in accordance with applicable law and that all the answers are true and correct to the best of their knowledge.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Thibodaux that the Louisiana Compliance Questionnaire attached hereto as Exhibit "A" is hereby approved and adopted as the Louisiana Compliance Questionnaire of the City of Thibodaux for the year 2009.

The above resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAIN: None
ABSENT: None

And the above resolution was declared adopted this 2nd day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd "Chip" Badeaux
Lloyd "Chip" Badeaux, President

The Finance Director informed the Council Administrator that she has researched into the City's ability to offer utility customers to pay their bills online. This can be accomplished with updates made within the Incode System and the submission of a merchant application through ETS to provide this service to our customers.

The total first year set up cost and annual fee is \$5,270, with annual fees thereafter totaling \$4,470.

On motion of Councilman Hebert, seconded by Councilman Richard, the Council voted to adopt a resolution authorizing the Mayor to execute a Professional Services Agreement with Tyler Technologies, Inc. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAINED: None
ABSENT: None

RESOLUTION NO. 1530

**A RESOLUTION AUTHORIZING THE MAYOR
TO EXECUTE A PROFESSIONAL SERVICES
AGREEMENT WITH TYLER TECHNOLOGIES, INC.**

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled, that:

WHEREAS, the City wishes to implement the ability to allow residents to be able to pay their utility bills online through the City's website; and

WHEREAS, the Finance Director has requested that Tyler Technologies, Inc. prepare a proposal to provide the required Incode components necessary to perform this service; and

WHEREAS, it is necessary to execute a professional services contract with Tyler Technologies, Inc. for the services to be rendered in conjunction with this proposal.

NOW, THEREFORE BE IT RESOLVED by the City Council that the Mayor be and is hereby authorized to execute a professional services contract with Tyler Technologies, Inc. for the Incode components necessary to implement online bill payments for utility accounts.

BE IT FURTHER RESOLVED that a copy of the said contract is attached hereto as "Exhibit A" and thereby made a part hereof.

The above resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux

NAYS: None

ABSTAIN: None

ABSENT: None

And the above resolution was declared adopted this 2nd day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd "Chip" Badeaux
Lloyd "Chip" Badeaux, President

The Finance Director informed the Council Administrator that the City receives approximately 298 utility payments from Fiserv in the form of paper checks each month for payments that they process for the utility customers and submit to the City on their behalf. Fiserv is now offering the City the option to have these funds transferred electronically to our banking account in order to eliminate the mailed payments and reduce the amount of late payments by customers.

There are no costs or fees associated with this service, but the Mayor has to sign and submit a merchant authorization agreement in order to set up the service through Fiserv and our financial institution.

The Finance Director answered questions from Councilman Taylor in reference to this agreement.

On motion of Councilman Hebert, seconded by Councilman Richard, the Council voted to adopt a resolution authorizing the Mayor to execute a Professional Services Agreement with Fiserv Solutions, Inc. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAINED: None
ABSENT: None

RESOLUTION NO. 1531

***A RESOLUTION AUTHORIZING THE MAYOR
TO EXECUTE A PROFESSIONAL SERVICES
AGREEMENT WITH FISERV SOLUTIONS, INC.***

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled, that:

WHEREAS, the City currently receives utility payments from Fiserv Electronic Solution, which is an organization banking system utilized to provide debit settlement services to process payments, in the form of paper checks each month; and

WHEREAS, the Finance Director has recommended that the City accept the offer of Fiserv to transfer funds to the City electronically which would expedite the receipt of utility payments and reduce the amount of late payments from the customers that rely on the mail system to deliver payments; and

WHEREAS, it is necessary to execute a merchant authorization agreement with Fiserv Solutions, Inc. for the services to be rendered in conjunction with this offer at no cost to the City of Thibodaux.

NOW, THEREFORE BE IT RESOLVED by the City Council that the Mayor be and is hereby authorized to execute a merchant authorization agreement with Fiserv Solutions, Inc. for the transmittal of utility payments to the City of Thibodaux electronically.

BE IT FURTHER RESOLVED that a copy of the said contract is attached hereto as "Exhibit A" and thereby made a part hereof.

The above resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAIN: None
ABSENT: None

And the above resolution was declared adopted this 2nd day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd "Chip" Badeaux
Lloyd "Chip" Badeaux, President

The Harang Auditorium Director informed the Council Administrator that the Mayor request that Castagnos Goodwin Utley Engineers prepare an engineering contract which would authorize the design of the standby generator for the Warren J. Harang, Jr. Municipal Auditorium.

In accordance with the provisions of the proposed engineering contract, the City would pay engineering fees in an amount in accordance with the schedule of fees for basic engineering services plus fees for additional services as necessary according to the contract.

On motion of Councilman Richard, seconded by Councilman Hebert, the Council voted to adopt a resolution authorizing the Mayor to sign an engineering contract with Castagnos Goodwin Utley Engineers, LLC. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAINED: None
ABSENT: None

RESOLUTION NO. 1532

*A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN
ENGINEERING CONTRACT WITH CASTAGNOS GOODWIN
UTLEY ENGINEERS, LLC*

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled, that;

WHEREAS, the City wishes to install a standby generator for the Warren J. Harang, Jr. Municipal Auditorium; and

WHEREAS, the Mayor has selected Castagnos Goodwin Utley Engineers, LLC to prepare the plans and specifications, and assist in the bidding and construction phases of the project; and

WHEREAS, it is necessary to execute a contract with the said engineering firm for the services to be rendered in conjunction with this project.

NOW, THEREFORE BE IT RESOLVED by the City Council that the Mayor be and is hereby authorized to execute an engineering contract with Castagnos Goodwin Utley Engineers for the aforementioned project.

BE IT FURTHER RESOLVED that a copy of the said contract is attached hereto as "Exhibit A" and thereby made a part hereof.

The above resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAIN: None
ABSENT: None

And the above resolution was declared adopted this 2nd day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd "Chip" Badeaux
Lloyd "Chip" Badeaux, President

The Public Works Director informed the Council Administrator that the Mayor request that T. Baker Smith prepare an engineering contract which would authorize a feasibility study for a sanitary sewer upgrade which would include the possible installation of a new sewer lift station to alleviate problems at the North 9th St., Olive Street and Badt St. Stations.

In accordance with the provisions of the proposed engineering contract, the City would pay engineering fees in a lump sum amount of \$23,132.00, with the work being completed within 120 days after the notice to proceed is received.

On motion of Councilman Hebert, seconded by Councilman Taylor, the Council voted to adopt a resolution authorizing the Mayor to sign an engineering contract with T. Baker Smith for a sanitary sewer upgrade feasibility study. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAINED: None
ABSENT: None

RESOLUTION NO. 1533

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN AN ENGINEERING CONTRACT WITH T. BAKER SMITH FOR A SANITARY SEWER UPGRADE FEASIBILITY STUDY

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled, that;

WHEREAS, the City wishes to conduct a sanitary sewer upgrade feasibility study for the N. 9th Street, Olive Street and Badt Street sewer stations; and

WHEREAS, the Mayor has selected T. Baker Smith to perform the study in these areas; and

WHEREAS, it is necessary to execute a contract with the said engineering firm for the services to be rendered in conjunction with this project.

NOW, THEREFORE BE IT RESOLVED by the City Council that the Mayor be and is hereby authorized to execute an engineering contract with T. Baker Smith for the sanitary sewer upgrade feasibility study.

BE IT FURTHER RESOLVED that a copy of the said contract is attached hereto as "Exhibit A" and thereby made a part hereof.

The above resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAIN: None
ABSENT: None

And the above resolution was declared adopted this 2nd day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd "Chip" Badeaux
Lloyd "Chip" Badeaux, President

The Housing Director advised the Council Administrator that it is necessary for the City Council to consider the adoption of a resolution approving Change Order No. 2 for the 2008/2009 CDBG Project which includes drainage improvements to the Cardinal Drive and Bell Street area.

This change order is being proposed in order to balance the final quantities actually used for the project.

The proposed change order will decrease the contract price by \$9,245.09 thereby making the total final contract price \$259,054.22.

On motion of Councilman Mire, seconded by Councilman Richard, the Council voted to adopt a resolution authorizing the Mayor to sign Change Order No. 2 with G&W Construction for the 2008/2009 CDBG Project. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAINED: None
ABSENT: None

RESOLUTION NO. 1534

***A RESOLUTION AUTHORIZING THE MAYOR TO
SIGN CHANGE ORDER #2 WITH G & W
CONSTRUCTION FOR THE 2008/2009 CDBG
PROJECT***

BE IT RESOLVED by the City Council of the City of Thibodaux in regular session assembled, that:

WHEREAS, the City entered into a contract with G & W Construction for the 2008/2009 CDBG Project which included drainage improvements to Bell Street and Cardinal Drive; and

WHEREAS, due to the reconciliation of final contract quantities the execution of a change order is necessary; and

WHEREAS, the proposed change order decreases the contract price in the amount of \$9,245.09 from the original contract bid for a total contract price of \$259,054.22.

NOW, THEREFORE BE IT RESOLVED by the City Council that the Mayor be and is hereby authorized to execute Change Order No. 2 with G&W Construction in the amount mentioned above.

BE IT FURTHER RESOLVED that a copy of the said change order is attached hereto as "Exhibit A" and thereby made a part hereof.

The above resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAINED: None
ABSENT: None

And the above resolution was declared adopted this 2nd day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd "Chip" Badeaux
Lloyd "Chip" Badeaux, President

The Building Inspector inspected the structure located at 216 North 11th Street that is substandard and poses a threat to the safety and welfare of the residents living in the neighborhood where the structure is located.

In accordance with the provisions of LRS 33:4762, the City Council must afford the property owner or resident the opportunity to contest the proposed condemnation order.

The City Attorney notified the property owners that the Council would be conducting a hearing on the possible condemnation of their structure at tonight's meeting.

James Burrell, of 318 North 13th Street, addressed the Council on behalf of his aunt, Mrs. Georgiana C. Lewis. He explained that they were in the process of trying to sell the property.

On motion of Councilman Hebert, seconded by Councilman Taylor, the Council adopted a motion allowing the property owner 60 days to take care of financial matters in regards to this property. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: None

The Building Inspector inspected the structures located at 222, 224, 226 and 228 North 11th Street that are substandard and pose a threat to the safety and welfare of the residents living in the neighborhood where the structures are located.

In accordance with the provisions of LRS 33:4762, the City Council must afford the property owner or residents the opportunity to contest the proposed condemnation order.

The City Attorney notified the property owners that the Council would be conducting a hearing on the possible condemnation of their structures at tonight's meeting.

Councilman Badeaux received a letter from the property stating his intentions to repair the property.

The City Attorney explained that this property was in the process of foreclosure.

Richard Bouterie, of 408 West 3rd Street, also addressed the Council explaining that the property was already in the foreclosure process.

On motion of Councilman Hebert, seconded by Councilman Taylor, the Council adopted a motion allowing the property owners 90 days to take care of financial matters in regards to this property. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux

NAYS: None

ABSTAINED: None

ABSENT: None

Councilman Taylor received complaints concerning neighbors placing trash curbside for collection that crosses onto adjacent property. This clutters the front of some homes with their neighbor's trash, and also increases the chances of the trash getting blown into the neighbors' yards.

Based on these complaints, he requested that the Council Administrator prepare an ordinance that would require the placement of trash containers for collection curbside within the boundary lines of the residence producing the waste material.

The ordinance would amend and re-enact Section 10-14 (a) (c) of the Thibodaux City Code of Ordinances so as to require the placement of trash containers curbside within the boundary lines of the property producing the waste material.

On motion of Councilman Taylor, seconded by Councilman Hebert, the Council voted to adopt an ordinance to amend and re-enact Section 10-14 Sub-Section (a) (3) of the Thibodaux City Code of Ordinances (Solid Waste Collection). Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAINED: None
ABSENT: None

ORDINANCE NO. 2503

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 10-14 SUB-SECTION (a) (3) OF THE THIBODAUX CITY CODE OF ORDINANCES (SOLID WASTE COLLECTION)

BE IT ORDAINED by the City Council of the City of Thibodaux in regular session assembled, that Section 10-14 Sub-Section (a) (3) of the Thibodaux City Code of Ordinances is hereby amended and re-enacted so as to read as follows:

Sec. 10-14. Solid Waste Collection.

a. City Responsibility

(3) Point of Collection. Containers and other material authorized for collection from residential and non-inventory commercial type units shall be placed at curbside, **within the boundary lines of the property producing the waste material**, on an accessible public road, readily accessible to the collectors. Underground containers must be removed from their wells and placed above ground at curbside by the owners or occupants of premises. Inventory type commercial units, institutions, industrial facilities and governmental facilities shall have their solid waste collected from locations established and approved by the contractor.

The above ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAINED: None
ABSENT: None

And the above ordinance was declared adopted this 2nd day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd "Chip" Badeaux
Lloyd "Chip" Badeaux, President

The Police Chief request the adoption of an ordinance in order to amend and re-enact Section 2-4 Section (a) of the Thibodaux City Code of Ordinances so as to update the usage of authorized prison labor.

The current ordinance limits the use of prison labor to the retrieval of trash, cleaning debris, cutting grass, cleaning of city buildings and equipment. The Chief

would like to include the statement that the “use of prison labor shall include, but not be limited to” the above stated uses. This will allow more flexibility for the police department to use the prison labor force as needed and not limit them to certain activities.

On motion of Councilman Mire, seconded by Councilman Hebert, the Council voted to amend the ordinance to add shall become effective immediately. Upon roll call the vote was as follows:

YEAS: Councilman Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAINED: None
ABSENT: None

On motion of Councilman Richard, seconded by Councilman Hebert, the Council adopted an ordinance to amend and re-enact Section 2-4 Sub-Section (a) of the Thibodaux City Code of Ordinances (Prison Labor) as amended. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAINED: None
ABSENT: None

ORDINANCE NO. 2504

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 2-4 SUB-SECTION (a) OF THE THIBODAUX CITY CODE OF ORDINANCES (PRISON LABOR)

BE IT ORDAINED by the City Council of the City of Thibodaux in regular session assembled, that Section 2-4 Sub-Section (a) of the Thibodaux City Code of Ordinances is hereby amended and re-enacted so as to read as follows:

Sec. 2-4. Parish prison labor working on city property.

(a) Authorized. At the request of the governing authority of the city, work may be arranged with the sheriff of the parish or the judge of the city court and Ward 2, for the use of labor of the parish prisoners or persons sentenced by the judge of the city court and Ward 2 to perform certain maintenance functions for the city. The use of such prison labor shall include, but not be limited to the retrieval of trash, cleaning debris, cutting of grass, cleaning of city buildings and cleaning of city equipment.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall become effective immediately upon its adoption.

The above ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Mire, Badeaux
NAYS: None
ABSTAINED: None
ABSENT: None

And the above ordinance was declared adopted this 2nd day of March 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

/s/ Lloyd “Chip” Badeaux
Lloyd “Chip” Badeaux, President

Councilman Hebert added that he would like to inform the Public that the City of Thibodaux and the Thibodaux Garden Club will be participating in the Cleanest City Contest this year. The judging will take place either March 30, 2010 or March 31, 2010. He urges everyone to participate in helping to keep the City of Thibodaux clean.

There being no further business the meeting was adjourned.

Jennifer Morvant, Council Adm.

Lloyd "Chip" Badeaux, President

