

**OFFICIAL MINUTES OF THE CITY COUNCIL
CITY OF THIBODAUX
CITY HALL
THIBODAUX, LOUISIANA
MAY 4, 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, May 4, 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 April 19, 2010 Council Meeting were approved as written.

Councilman Mire introduced an ordinance to levy ad valorem tax millages for the Year 2010. The Public Hearing for this ordinance will be held at the Council Meeting on Tuesday, May 18, 2010.

Councilman Taylor introduced an ordinance approving the final plat of Colonel's Courtyard Townhome Development- Phase I. The Public Hearing for this ordinance will be held at the Council Meeting on Tuesday, May 18, 2010.

Councilman Richard introduced an ordinance approving the re-division of property located in Phase One, Village One of Project "D" of Acadia Plantation into Lots 6 & 7. The Public Hearing for this ordinance will be held at the Council Meeting on Tuesday, May 18, 2010.

Councilman Richard introduced an ordinance approving the division of property located in Audubon/South Acadia Park Subdivision into Tract D. The Public Hearing for this ordinance will be held at the Council Meeting on Tuesday, May 18, 2010.

Councilman Taylor introduced an ordinance approving the division of property for the Succession of Louis P. Braud. The Public Hearing for this ordinance will be held at the Council Meeting on Tuesday, May 18, 2010.

The Grants Director informed the Council Administrator that Ms. Laura Johnston with Dewberry & Davis, LLC would be making a presentation at tonight's meeting concerning the City's Hazard Mitigation Plan Update. The adoption of this plan is required prior to further consideration for FEMA funding under the Pre-Disaster Mitigation Program, Hazard Mitigation Grant Program and Flood Mitigation Assistance Program.

Ms. Laura Johnston, of 527 Villa Ridge Dr. in Baton Rouge, LA, addressed the Council in regards to the Hazard Mitigation Plan Update. She distributed to the Council changes that were being made in the plan.

On motion of Councilman Taylor, seconded by Councilman Hebert, the Council voted to adopt a resolution adopting the City of Thibodaux's Hazard Mitigation Plan Update. Upon roll call the vote was as follows:

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

NAYS: None

ABSTAINED: None

ABSENT: None

RESOLUTION NO. 1545

**A RESOLUTION ADOPTING THE CITY OF
THIBODAUX'S HAZARD MITIGATION PLAN UPDATE**

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

WHEREAS, the City of Thibodaux has received grant funds from the Federal Emergency management Agency through the Louisiana Office of Homeland Security and Emergency Preparedness for the preparation of a hazard mitigation plan update; and

WHEREAS, our community has participated in the process to prepare a DMA compliant Hazard Mitigation Plan based on the FEMA guidance available in the How to Guides; and

WHEREAS, our community wishes to participate in the Hazard Mitigation Plan prepared by the City of Thibodaux government under the oversight of a Steering Committee comprised of Parish-wide representatives; and

WHEREAS, City of Thibodaux representatives and governments have participated in the mitigation planning process; and

WHEREAS, appropriate opportunity for input by public and community officials has been provided through press releases, open meetings and availability of raft documents; and

WHEREAS, the Plan has been recommended for adoption by the Steering Committee; and

WHEREAS, adoption of the Plan Update is required prior to further consideration for FEMA funding under the Pre-Disaster Mitigation Program, Hazard Mitigation Grant Program, and Flood Mitigation Assistance program.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Thibodaux does hereby adopt the Hazard Mitigation Plan Update.

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 4th day of May 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

The City administers the Section 8 Rental Assistance Program funded through the U.S. Department of Housing and Urban Development.

The City's Housing and Community Development Director informed the Council Administrator that it is necessary for the City to submit a 5-year strategic plan for FY 2010-2014, and also the FY 2010 Annual Action Plan to HUD. In order for HUD to recognize this plan as the City's Official Plan, it must be approved and adopted by the City Council in the form of a resolution.

On motion of Councilman Taylor, seconded by Councilman Hebert, the Council voted to adopt a resolution authorizing the Mayor to submit the City's 2010-2014 Strategic Plan and the FY 2010 Annual Action Plan to HUD. Upon roll call the vote was as follows:

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

RESOLUTION NO. 1546

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

WHEREAS, the U. S. Department of Housing and Urban Development (HUD) requires the City of Thibodaux to complete a consolidated planning process as part of its CDBG Entitlement Program; and

WHEREAS, the purpose of the consolidated planning process is to help further a collaborative process, and avoid duplication of effort, by bringing together the public and private sector and non-profit organizations to establish a unified vision for housing and community development efforts in the City of Thibodaux over the next five (5) years; and

WHEREAS, in fulfillment of this requirement and to ensure continued CDBG funding, the City has developed its five (5) year, FY2010-2014 Strategic Plan and one (1) year Annual Action Plan for the expenditure of FY2010 CDBG Entitlement Funds.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Thibodaux does hereby authorize the submission of the City of Thibodaux FY2010-2014 Consolidated Plan to the U. S. Department of Housing and Urban Development.

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 4th day of May 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

On March 29, 2010 the City received bids for the 2010 Road Improvement Project.

The lowest responsible base bid was received from Barriere Construction in the amount of \$680,710.90 with Alternate No. 1 in the amount of \$57,686.90. Mr. Leonard Chauvin is recommending that the City accept the base bid and alternate No. 1 of Barriere Construction as submitted.

On motion of Councilman Richard, seconded by Councilman Mire, the Council voted to adopt a resolution accepting the low bid of Barriere Construction

Company for the 2010 Road Improvement Project and authorizing the Mayor to execute a contract therewith. Upon roll call the vote was as follows:

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

RESOLUTION NO. 1547

*A RESOLUTION ACCEPTING THE LOW BID OF BARRIERE
CONSTRUCTION COMPANY FOR THE 2010 ROAD
IMPROVEMENT PROJECT AND AUTHORIZING THE MAYOR
TO EXECUTE A CONTRACT THEREWITH*

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

WHEREAS, the City has received bids for the 2010 Road improvement Project; and

WHEREAS, the lowest responsible base bid received was from Barriere Construction in the amount of \$680,710.70 and Alternate No. 1 in the amount of \$57,686.90; and

WHEREAS, it is necessary to consider the acceptance of the low base bid and alternate no. 1 and execute a contract with the said contractor for the services mentioned hereinbefore.

NOW, THEREFORE BE IT RESOLVED that the City does hereby accept the low bid submitted by Barriere Construction in the amount stated hereinbefore.

BE IT FURTHER RESOLVED by the City Council that the Mayor be and is hereby authorized to execute a contract with Barriere Construction Company, LLC for the project stated herein.

BE IT FURTHER RESOLVED that in addition to the contract document itself, the Mayor is also empowered to execute all change orders relative to the contract after approval by the City Council by means of an appropriate resolution.

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
ABSTAINED: None
ABSENT: None

And the above resolution was declared adopted this 4th day of May 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

The Public Works Director advised the Council Administrator that it is necessary for the City Council to adopt a resolution approving Change Order No. 3 for the East Thibodaux Sewer Force Main and Lift Station Project.

The change order is being proposed due to the reconciliation of the final contract quantities used in the project.

The change order will increase the contract price by \$4,204.20 thereby making the total final price \$981,892.87.

On motion of Councilman Hebert, seconded by Councilman Mire, the Council voted to adopt a resolution authorizing the Mayor to sign Change Order No. 3 with Byron E. Talbot Contractor, Inc. for the East Thibodaux Sewer Force Main and Lift Station Project. Upon roll call the vote was as follows:

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

NAYS: None

ABSTAINED: None

ABSENT: None

RESOLUTION NO. 1548

***A RESOLUTION AUTHORIZING THE MAYOR TO
SIGN CHANGE ORDER #3 WITH BYRON E. TALBOT
CONTRACTOR, INC. FOR THE EAST THIBODAUX
SEWER FORCE MAIN AND LIFT STATION
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 Byron E. Talbot Contractor, Inc. for the East Thibodaux Sewer Force main and Lift Station, Waste Water System Infrastructure Improvement Project; and

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

WHEREAS, the proposed change order increases the contract price in the amount of \$4,204.20 over the original contract bid for a total contract price of \$981,892.87.

NOW, THEREFORE BE IT RESOLVED by the City Council that the Mayor be and is hereby authorized to execute Change Order No. 3 with Byron E. Talbot Contractor, Inc. 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 4th day of May 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

The Public Works Director advised the Council Administrator that the East Thibodaux Sewer Force Main and Lift Station Project is substantially complete in accordance with all contract documents and specifications. The engineer for this project is David Waitz.

The substantial completion will commence the 45 day lien period on this contract.

On motion of Councilman Hebert, seconded by Councilman Richard, the Council voted to adopt a resolution of substantial completion for the East Thibodaux Sewer Force Main and Lift Station Waste Water System Infrastructure Improvement Project. Upon roll call the vote was as follows:

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

NAYS: None

ABSTAINED: None

ABSENT: None

RESOLUTION NO. 1549

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

WHEREAS, the City of Thibodaux entered into a contract with Byron E. Talbot Contractor, Inc. dated February 18, 2009 for the East Thibodaux Sewer Force Main and Lift Station, Waste water System Infrastructure Improvements; and

WHEREAS, the work under the aforementioned contract was substantially complete in accordance with the plans and specifications by the contractor on April 12, 2010; and

WHEREAS, a final inspection was conducted by representatives of the City and the Project Architect; and

WHEREAS, all work was found to be satisfactory for acceptance with respect to the application for payment by the contractor less and except any items included on a punch list.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Thibodaux in regular session on May 4, 2010 that the work under the aforementioned project be and is hereby accepted as substantially complete on the date hereinbefore specified.

BE IT FURTHER RESOLVED that the Council Administrator is hereby authorized to file with the Clerk of Court of the Parish of Lafourche, a certified copy of this resolution in order to commence the 45 day lien period.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to David Waitz Engineering, PO Box 1203, Thibodaux, LA 70302, and to Byron E. Talbot Contractor, Inc., PO Box 5658, Thibodaux, LA 70302.

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

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

NAYS: None

ABSENT: None

ABSTAIN: None

And the above resolution was declared adopted this 4th day of May 2010.

**/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.**

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

The City Council extended a moratorium on the issuance of any and all permits for the placement of manufactured homes within R-3 zoning districts in the City for 90 days on February 18, 2010.

Due to the expiration of the moratorium on May 18, 2010, the Council held a discussion in reference to this matter.

The Council decided to put this item on the next Council Agenda.

The Building Inspector has inspected the structure located at 1003 Arms 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 Building Inspector addressed the Council and stated that the owner, Mr. Albert Heck had obtained a permit and no further action was required by the Council at this time.

The City Council held two condemnation status hearings.

The first hearing is for the property located at 909 Church Street. The property owner requested a 90-day extension to make necessary repairs to this property. The City Attorney sent a reminder notice to the owners that they are scheduled to appear at tonight's meeting.

Mr. Melvin Johnson of 504 Parish Road addressed the Council and stated that he wanted the City to proceed with the condemnation process. He wanted to know the cost of having the property demolished.

After discussion with the Council and the City Attorney, Mr. Johnson asked that the Council grant him a 30 day extension in order to get quotes from a contractor on having the property demolished.

On motion of Councilman Taylor, seconded by Councilman Hebert, the Council adopted a motion giving the property owner 30 days to find someone to have the house demolished. Upon roll call the vote was as follows:

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

NAYS: None

ABSTAINED: None

ABSENT: None

The second hearing is for property located at 216 North 11th Street. The property owner appeared before the Council at the March 2, 2010 meeting and stated that they were in the process of trying to sell this property. The Council allowed the owners 60 days in order to finalize the financial matters for this property. The owner was asked to return for a status report at tonight's meeting.

The City Attorney addressed the Council and stated that the property was in the process of being sold.

Mr. Perry Brown of 109 Coulon Plantation Road also addressed the Council stating that it was his intention to repair the property. The Council asked that Mr. Brown contact the Building Inspector as soon as the sale was passed in order for him to obtain the proper permits to have the property fixed.

The City was contacted by Dixie Building, LLC concerning their interest in purchasing the Dixie Building, which is owned by the City. The City Attorney informed the Council Administrator that an agreement has been reached between

both parties, and Dixie Building, LLC will pay the City the amount of \$200,000 which is the appraised value of the property.

In order to complete the cash sale the Mayor must execute an Act of Cash Sale with Dixie Building, LLC for the agreed purchase price.

Councilman Badeaux questioned where the money would be put and what it would be used for in the future. The Mayor stated that the money would go into the General Fund and hoped to add on to the Public Works Barn in the future.

On motion of Councilman Richard, seconded by Councilman Hebert, the Council voted to adopt an ordinance authorizing the Mayor to execute an act of cash sale whereby the City of Thibodaux will sell certain real estate located in the City of Thibodaux to Dixie Building, LLC. Upon roll call the vote was as follows:

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

NAYS: None

ABSTAINED: None

ABSENT: None

ORDINANCE NO. 2511

AN AUTHORIZING THE MAYOR TO EXECUTE AN ACT OF CASH SALE WHEREBY THE CITY OF THIBODAUX WILL SELL CERTAIN REAL ESTATE LOCATED IN THE CITY OF THIBODAUX TO DIXIE BUILDING, LLC.

WHEREAS, it has been decided that certain property owned by the City of Thibodaux is no longer needed for that public purpose (see description below); and

WHEREAS, under the provisions of LSA R.S. 33:4712, the City of Thibodaux may sell or dispose of this property to private persons at a private sale when, in the opinion of the governing authority, the property is no longer needed for public purposes; and

WHEREAS, it is the opinion of the City of Thibodaux that the property is no longer needed for any public purpose and should be sold; and

WHEREAS, the real estate located in City of Thibodaux has an appraised value of Two Hundred Thousand AND No/100 (\$200,000.00) DOLLARS and DIXIE BULDNG, LLC has expressed an interest in purchasing the property for the appraised value; and

WHEREAS, this ordinance shall be published in accordance with the provisions of the above mentioned statutes in the local journal prior to the sale of the property; and

WHEREAS, any opposition to this proposed ordinance shall be made in writing and filed with the Council Administrator of the City of Thibodaux within fifteen (15) days after the first publication of the following Notice of Proposed Ordinance:

NOTICE OF PROPOSED ORDINANCE

NOTICE IS HEREBY GIVEN that an Ordinance has been introduced and is proposed for adoption by the City Council of the City of Thibodaux whereby, the City would sell by private sale to DIXIE BUILDING, LCC, for and in consideration the price and sum of Two Hundred Thousand AND No/100 (\$200,000.00) DOLLARS the following described property, to-wit:

A certain tract of land or lot of ground in the Town of Thibodaux, Parish of Lafourche, being a portion of the lot of ground known as the sawmill lot above Jackson Street, measuring one hundred nine feet, four inches (109'.4") front on the public road, by a depth of one hundred eleven feet, eight inches (111'8") on the western line, one hundred sixty two (162') feet on the eastern line and eighty nine feet, six inches (89'6") in the rear, bounded in front or North by the public road, West and in the rear by property lately belonging to Lawrence Keefe, East by Thibodaux Foundry, now belonging to Lawrence Keefe.

All of vendor's right, title and interest in and to a certain tract of land or lot of round lying between the property herein-above described as Tract #1 and Bayou Lafourche.

Being the same property which vendor acquired from Frost Lumber Company, Inc., on April 29, 1965, duly recorded in COB 336, Folio 189, records of the Parish of Lafourche, State of Louisiana

This sale is made and accepted subject to the following terms and conditions:

- **property is sold "as is"**
- **property is sold without warranties, representations or guarantees, either express or implied**
- **property is sold subject to restrictive covenants, easements, obligations of ownership, etc. affecting the described property of record in the Clerk of Court's Office in and for Lafourche Parish, Louisiana**

Any opposition to the proposed Ordinance shall be made in writing and filed with the Council Administrator within fifteen (15) days after the first publication of this Notice.

If an opposition is filed, the City of Thibodaux shall not adopt the Ordinance until a hearing has been held.

**/s/ Jennifer Morvant
Council Administrator**

***WHEREAS*, this ordinance shall not become effective until ten (10) days after its adoption provided no order fling objection to the sale is issued by a court of competent jurisdiction; and**

***WHEREAS*, any sale made relative to this matter shall be final and shall not include any warranties or any oil, gas or other mineral rights.**

***NOW THEREFORE, BE IT ORDAINED* by the City Council of the City of Thibodaux in regular session that:**

The Mayor is hereby authorized to execute all appropriate documents including an Act of Cash Sale for and on behalf of the City of Thibodaux whereby it will sell for the sum of Two Hundred Thousand AND No/100 (\$200,000.00) DOLLARS and DIXIE BULDNG, LLC the property as is described in a copy of said Act of Cash Sale, which is attached hereto and made a part hereof.

This Ordinance shall not become effective until ten (10) days after its passage, during which time any interested citizen may apply to the District Court having jurisdiction over the City of Thibodaux for an order restraining the disposition of the property, after which time the Ordinance shall become effective and cannot be contested for any reason, unless previously vetoed. In the event that there has not been any order restraining the disposition, this Ordinance shall become effective upon the signature of the Mayor, the elapse of ten (10) days after the receipt by the

Council Administrator without signature or veto, or upon override of a veto, whichever occurs first.

The above ordinance 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 ordinance was declared adopted this 4th day of May, 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

The Grants Director informed the Council Administrator that the City wishes to enter into two Cooperative Endeavor Agreements with the Lafourche Parish Government for the transfer of ownership of two (2) Motorola XTS 2500 Portable Radios purchased through a 2008 Homeland Security Grant and two (2) Motorola XTS 2500 Portable Radios and battery packs purchased through a 2009 Homeland Security Grant.

The Cooperative Endeavor Agreements provide for the Parish to transfer full use and ownership of the radios to the City of Thibodaux in order to better protect life and property in the event of an emergency.

On motion of Councilman Hebert, seconded by Councilman Taylor, the Council voted to adopt an ordinance authorizing the Mayor to execute a Cooperative Endeavor Agreement with the Lafourche Parish Government (Portable Radios 2008). Upon roll call the vote was as follows:

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

ORDINANCE NO. 2512

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE ENDEAVOR AGREEMENT WITH THE LAFOURCHE PARISH GOVERNMENT (PORTABLE RADIOS 2008)

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

WHEREAS, the City and Lafourche Parish are desirous of entering into a Cooperative Endeavor Agreement in order to transfer ownership of two (2) Motorola XTS 2500 Portable Radios to the City of Thibodaux; and

WHEREAS, the Parish received funding through the Department of Homeland Security/GOHSEP Grant Number 2008-GE-T8-0013 in order purchase portable radios to be used in emergency situations in order to reduce the loss of life and property; and

WHEREAS, in accordance with the provisions of the aforesaid grant the Parish of Lafourche wishes to deliver possession and ownership of two (2) Motorola XTS 2500 Portable Radios to the City of Thibodaux so that the City's citizens, population and businesses will be protected in times of emergency; and

WHEREAS, in order for the City to accept ownership of the aforesaid portable radios it is necessary to execute a cooperative endeavor agreement with the Lafourche Parish Government outlining the terms and purpose of the cooperative effort between the two governmental agencies; and

WHEREAS, in order for the City to execute this proposed agreement it is necessary for the Council to authorize the Mayor to execute a cooperative endeavor agreement.

NOW, THEREFORE BE IT ORDAINED by the City Council that the Mayor is hereby authorized to execute a Cooperative Endeavor Agreement with the Lafourche Parish Government for the transfer of ownership of two (2) Motorola XTS 2500 Portable Radios to the City through a 2008 Louisiana Department of Homeland Security Grant.

BE IT FURTHER ORDAINED that a copy of the said agreement is attached hereto as Exhibit “A” and thereby made a part hereof.

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 4th day of May 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

On motion of Councilman Mire, seconded by Councilman Hebert, the Council voted to adopt an ordinance authorizing the Mayor to execute a Cooperative Endeavor Agreement with the Lafourche Parish Government (Portable Radios 2009). Upon roll call the vote was as follows:

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

ORDINANCE NO. 2513

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE ENDEAVOR AGREEMENT WITH THE LAFOURCHE PARISH GOVERNMENT (PORTABLE RADIOS-2009)

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

WHEREAS, the City and Lafourche Parish are desirous of entering into a Cooperative Endeavor Agreement in order to transfer ownership of two (2) Motorola XTS 2500 Portable Radios and Battery Packs to the City of Thibodaux; and

WHEREAS, the Parish received funding through the Department of Homeland Security/GOHSEP Grant Number 2009-SS-T9-0059 in order purchase portable radios to be used in emergency situations in order to reduce the loss of life and property; and

WHEREAS, in accordance with the provisions of the aforesaid grant the Parish of Lafourche wishes to deliver possession and ownership of two (2) Motorola XTS 2500 Portable Radios and Battery Packs to the City of Thibodaux so that the City's citizens, population and businesses will be protected in times of emergency; and

WHEREAS, in order for the City to accept ownership of the aforesaid portable radios it is necessary to execute a cooperative endeavor agreement with the Lafourche Parish Government outlining the terms and purpose of the cooperative effort between the two governmental agencies; and

WHEREAS, in order for the City to execute this proposed agreement it is necessary for the Council to authorize the Mayor to execute a cooperative endeavor agreement.

NOW, THEREFORE BE IT ORDAINED by the City Council that the Mayor is hereby authorized to execute a Cooperative Endeavor Agreement with the Lafourche Parish Government for the transfer of ownership of two (2) Motorola XTS 2500 Portable Radios and Battery packs to the City through a 2008 Louisiana Department of Homeland Security Grant.

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

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 4th day of May 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

The City Attorney informed the Council Administrator that the City wishes to enter into a Cooperative Endeavor Agreement with Nicholls State University for the resurfacing of Ardoyne Drive and Afton Drive located on the NSU Campus.

The Cooperative Endeavor Agreement provides for the City to include the resurfacing of these university owned streets in our 2010 Road Improvement Program. The University will reimburse the City for 50% of the cost to resurface Ardoyne Drive, which is estimated at \$34,000, and they will reimburse the City 100% of the cost to resurface Afton Drive, which is estimated at \$65,000.

A discussion was held in reference to a previous agreement stating that the City would pay 100 % of the cost to resurface Ardoyne Drive. The Mayor stated that this Cooperative Endeavor Agreement was agreed on between both parties and they were able to achieve a lower contract price by combining these projects.

On motion of Councilman Richard, seconded by Councilman Hebert, the Council voted to adopt an ordinance authorizing the Mayor to execute a

Cooperative Endeavor Agreement with Nicholls State University (Ardoyne Drive and Afton Drive Resurfacing). Upon roll call the vote was as follows:

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

ORDINANCE NO. 2514

**AN ORDINANCE AUTHORIZING THE MAYOR TO
EXECUTE A COOPERATIVE ENDEAVOR AGREEMENT
WITH NICHOLLS STATE UNIVERSITY (ARDOYNE DRIVE
AND AFTON DRIVE RESUFACING)**

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

WHEREAS, the City and Nicholls State University are desirous of entering into a Cooperative Endeavor Agreement for the resurfacing of Ardoyne Drive and Afton Drive on the west side of the University Campus; and

WHEREAS, the asphalt resurfacing of these streets will be included in the City's 2010 Road Improvement Project; and

WHEREAS, Nicholls State University will reimburse the City fifty percent (50%) of the costs associated with the resurfacing of Ardoyne Drive and one hundred percent (100%) of the costs associated with the resurfacing of Afton Drive in an amount not to exceed \$99,000.00; and

WHEREAS, in order for the City to accept the funds it is necessary to execute a cooperative endeavor agreement with Nicholls State University outlining the terms and purpose of the cooperative effort between the two governmental agencies; and

WHEREAS, in order for the City to execute this proposed agreement it is necessary for the Council to authorize the Mayor to execute a cooperative endeavor agreement.

NOW, THEREFORE BE IT ORDAINED by the City Council that the Mayor is hereby authorized to execute a Cooperative Endeavor Agreement with Nicholls State University under the conditions mentioned hereinabove relative to the resurfacing of Ardoyne Drive and Afton Drive on the NSU Campus.

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

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 4th day of May 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

The Grants Director informed the Council Administrator that the Louisiana Office Of Facility Planning & Control has notified the City that the State has appropriated an additional \$150,000 for the Tiger Drive Bridge Replacement Project. The City has previously entered into a Cooperative Endeavor Agreement with the State for \$350,000 funding for the Tiger Drive Bridge Project. In order to budget the additional funds it is necessary to amend that agreement to include the \$150,000.

On motion of Councilman Richard, seconded by Councilman Hebert, the Council voted to adopt an ordinance authorizing the Mayor to execute Amendment No. 1 to the Cooperative Endeavor Agreement with the State of Louisiana Facility Planning and Control. Upon roll call the vote was as follows:

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

ORDINANCE NO. 2515

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE ENDEAVOR AGREEMENT WITH THE STATE OF LOUISIANA FACILITY PLANNING AND CONTROL

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

WHEREAS, the State of Louisiana has appropriated \$350,000.00 in Capital Outlay Funds for the Tiger Drive Bridge Replacement Project; and

WHEREAS, the State has appropriated an additional \$150,000 through the State Capital Outlay Program for the said project; and

WHEREAS, in order to accept the additional funds the City must amend the original Cooperative Endeavor Agreement with the State of Louisiana Facility Planning & Control to include the additional funds for a total of \$500,000 in Capital Outlay Funds for the aforesaid Project.

NOW, THEREFORE BE IT ORDAINED by the City Council that the Mayor is hereby authorized to execute Amendment No. 1 to the Cooperative Endeavor Agreement with the State of Louisiana for Capital Outlay Funds in conjunction with the Tiger Drive Bridge Replacement Project.

BE IT FURTHER ORDAINED that a copy of Amendment No. 1 is attached hereto as Exhibit "A" and thereby made a part hereof.

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 4th day of May 2010.

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

In other business, Jerry Jones, of 1132 Louise Street, addressed the Council in reference to a letter that he received from the City Council Department. The Council explained that the letter was sent to make the property owners aware of a new ordinance as well as an old ordinance relating to trash.

Harley Gros, of 409 East 7th Street, addressed the Council in reference to a political sign in his front yard. He was told that according to an ordinance, he could not display this sign until 120 days before an election. He stated that after contacting his lawyer, he felt that this was in violation of the U.S. Constitution and its guarantee of free speech and political expressions.

The Council Administrator addressed the Council stating that after further research, she discovered that Ordinance No. 1593 was no longer in effect. Ordinance No. 1688 amended and re-enacted this ordinance relative to signs.

It was decided by the Council that Mr. Gros could display the sign according to this finding.

There being no further business the meeting was adjourned.

Jennifer Morvant, Council Adm.

Lloyd "Chip" Badeaux, President

