

**STATE OF LOUISIANA
PARISH OF LAFOURCHE**

**L A F O U R C H E P A R I S H C O U N C I L
G O V E R N I N G A U T H O R I T Y**

AGENDA FOR MEETING TO BE HELD: Tuesday, September 28, 2004
(RESCHEDULED SEPTEMBER 14, 2004 MEETING)

**PLACE: Lafourche Parish Council Barrios Center, 1612, HWY. 182,
Suite 100, Raceland, LA**

TIME: 5:30 p.m.

CALL TO ORDER: Mr. Lindel Toups, Chairman

ROLL CALL: Mr. Tyrone Williams
Mr. Michael Delatte
Mr. Michael Matherne
Dr. Tommy Lasseigne
Mr. Mark Atzenhoffer
Mr. Lindel Toups, Chairman
Mr. L. Phillip Gouaux, II
Mr. Brent Callais, Co-Chair
Mr. Daniel Lorraine

PRAYER: Mr. Michael Delatte

PLEDGE OF ALLEGIANCE: Mr. Phillip Gouaux

* * * * *

NOTICE TO THE PUBLIC: If you wish to address the Council, please complete the "Public Wishing to Address the Council" form located on the desk at the back of the meeting room and return it to the Council Chairman or Council Clerk prior to the beginning of the meeting.

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the Lafourche Parish Council Clerk's Office at (985) 446-8427 describing the assistance that is necessary.

A. PRESENTATIONS:

1. Candidate(s) for Congress to address the Council.

B. APPROVAL OF MINUTES:

2. August 10, 2004, Regular Session.
3. August 24, 2004, Special Session.

C. APPROVAL OF MINUTES AND RECOMMENDATIONS OF COMMITTEES:

4. August 24, 2004, Public Works and Solid Waste Committee. (M. ATZENHOFFER, CHAIR)
 - (a) Motion to deny/grant a variance from not having to extend the cross streets regarding Lot Extensions and Redivision of Property Belonging to Todd Brady. The Planning Commission **did not recommend** the variance to the Council. (M. ST. MARTIN)
 - b) Motion to deny/grant a variance from having to extend cross streets regarding Ram Sponge Lot Extensions. The Planning Commission **did not recommend** the variance to the Council. (M. ST. MARTIN)
5. August 24, 2004, Board of Appointment and Permits Committee. (M. MATHERNE, CHAIR)
6. August 24, 2004, Finance and Legislative Committee. (T. LASSEIGNE, CHAIR)

D. EXECUTIVE SESSION:

Motion by _____, seconded by _____, to open Executive Session.

7. Executive Session to discuss the following:
 - a) Lafourche Real Estate and Assoc., et al v. 83939 Lafourche Parish Council.
 - b) Lafourche Parish Council, et al v. 97953 Charles Banta, et al.
 - c) Donna Cheramie Cromer et al v. 96920 South Lafourche Levee District et al

Motion by _____, seconded by _____, to close Executive Session and reconvene the meeting.

8. Any necessary action from Executive Session.

E. PRESIDENT'S REPORT:

9. Presentation of monthly report on parish finances as required by the Lafourche Parish Home Rule Charter.

F. PUBLIC HEARING & ORDINANCES FOR RATIFICATION:

Motion by _____, seconded by _____, to open the public hearing:

10. ORDINANCE to accept into the parish system the subdivision known as the Rachel Plantation, Addendum No. 3, Phase D, Ward (11), District (4) of Lafourche Parish. (T. LASSEIGNE)
11. ORDINANCE to accept into the parish system the subdivision known as the Algiers Commercial Subdivision, Addendum No. 1, Ward (1), District (1) of Lafourche Parish. (T. WILLIAMS)
12. ORDINANCE to accept into the parish system the subdivision known as the Lee Leger Subdivision, Ward (10), District (9) of Lafourche Parish. (D. LORRAINE)
13. ORDINANCE to accept into the parish system the subdivision known as the James Plaisance Subdivision, Ward (3), District (5) of Lafourche Parish. (M. ATZENHOFFER)
14. ORDINANCE to accept into the parish system the subdivision known as the Gaspard Subdivision, Ward (9), District (7) of Lafourche Parish. (P. GOUAUX)
15. ORDINANCE to accept into the parish system the subdivision known as the Redivision of 1.118 Acres into Lots A, B, & C, Belonging to Jason Rodrigue, Ward (9), District (7) of Lafourche Parish. (P. GOUAUX)
16. ORDINANCE to accept into the parish system East 96th Place, Ward (10), District (9) of Lafourche Parish, State of Louisiana. (D. LORRAINE)
- a) AMENDMENT - to insert the length of 170' and the width as 10'. (D. LORRAINE)
17. ORDINANCE to authorize the Parish President to sign a surface lease agreement with the Lafourche Parish School Board Office for the use of the Raceland Landfill property for a period of six (6) years with an option to renew for an additional five (5) years. (L. TOUPS FOR ADMINISTRATION)

18. ORDINANCE to amend and re-enact Section 15:26(A) of Sub-Chapter "B" of Chapter 15 of the Code of Ordinances of the Lafourche Parish Council as it pertains to the rules and regulations governing fireworks in Lafourche Parish. (D. LORRAINE)
19. ORDINANCE authorizing the Parish to acquire ownership of the Chackbay 101 Project from Lafourche Parish Drainage District No. 6 ; and authorizing the Parish President to sign any necessary documents. (M. DELATTE)
20. ORDINANCE establishing a speed limit of fifteen (15) miles per hour on East 97th Street, Ward 10, District 9 of Lafourche Parish; requiring the placement of "Speed Limit", "Speed Checked by Radar", and "Caution Children at Play" signs; and providing penalties for the violations thereof. (D. LORRAINE)
21. ORDINANCE establishing a declaration of public policy, the Lafourche Parish Council does hereby confirm the authority of the Lafourche Parish President, the Parish Administrator and the Director of the Department of Community Services to supervise, manage and when necessary direct the Community Action Agency and its Executive Director. (T. WILLIAMS)
22. ORDINANCE establishing a 35 miles per hour speed limit on all motor vehicles traveling on Martinez Road, Ward 11, District 4 of Lafourche Parish; and providing for the necessary signs and penalties. (T. LASSEIGNE)
23. ORDINANCE rescinding Ordinance No. 3440 and establishing a 25 miles per hour speed limit on all motor vehicles traveling on Ozia Skyline Drive, Ward 11, District 5 of Lafourche Parish; and providing for the necessary signs and penalties. (M. ATZENHOFFER)
24. ORDINANCE accepting into the parish system a subdivision known as the "Legendre's Bon Vivant Subdivision", Ward (1), District (2) of Lafourche Parish. (M. DELATTE)
25. ORDINANCE accepting into the parish system a subdivision known as the "Resubdivision of Tract "B" into Tracts "B-1" and "B-2" and Tract "A-1" being a Lot Extension Belonging to Carroll Dantin", Ward (1), District (2) of Lafourche Parish. (M. DELATTE)
26. ORDINANCE enacting Section 15:25 of Chapter 15 of the Code of Ordinances of the Lafourche Parish Council stating that it shall be unlawful for any person to urinate in public, in view of the public, on the outsides of public buildings, or in any place other than in the proper facilities; and to provide for penalties thereof. (P. GOUAUX)

27. ORDINANCE granting authorization to the parish to clean, sweep and/or dig roadside ditches in Lafourche Parish; and providing penalties for those who interfere with said parish work. (D. LORRAINE)
28. ORDINANCE amending and re-enacting Section 2:200(A) of Sub-Chapter “C” of Chapter 2 of the Code of Ordinances as it pertains to going to two (2) Council meetings per month, eliminating all Standing Committees. (B. CALLAIS)
 - a) AMENDMENT - effective date to reflect January 1, 2005. (B. CALLAIS)
29. ORDINANCE amending and re-enacting Section 24:700 of Chapter 24 of the Code of Ordinances as it pertains to creating a liaison for Lafourche Parish Water District No. 1. (B. CALLAIS)
30. ORDINANCE authorizing a lease renewal contract with the Town of Lockport for the Lockport Library and to authorize the Parish President to sign the lease renewal and any and all accompanying documentation. (P. GOUAUX)
31. ORDINANCE to rescind Ordinance No. 3408 and enact a new ordinance that would allow the Lafourche Parish Public Library to accept a lease offer from the Lafourche Parish Recreation District No. 2 for a plot of land in Raceland for a period of fifty (50) years with an option to renew for an additional fifty (50) years at a sum of \$100 per year in order to construct a permanent building not to exceed \$680,000; and to authorize the signing of all pertinent documents associated with the ordinance. (M. ATZENHOFFER)
32. ORDINANCE regulating a speed limit of 45 mph on all motor vehicles traveling on a certain section of Ridgefield Road, Ward (2), District (1) of Lafourche Parish; and providing for the necessary signs and penalties. (T. WILLIAMS)
 - a) AMENDMENT - Section 1 to read.....”from its intersection with Talbot Avenue to the *parish line ditch for approximately a distance of 3,700 feet.*”
33. ORDINANCE forming a Subcommittee to research the feasibility of upgrading, expanding, or building a new Detention Center for Lafourche Parish; and providing for the date of final recommendation. (B. CALLAIS)
 - a) AMENDMENT - to increase board membership to thirteen and to extend final recommendation date to November 2005. (B. CALLAIS)

34. ORDINANCE amending the Code of Ordinances of the Lafourche Parish Council as it pertains to the Regulations of Mobile Home Parks in Lafourche Parish. (L. TOUPS FOR PLANNING COMMISSION)
 - a) AMENDMENT - Section 2 on page 2, #2, add, "*and also including*". (ADMINISTRATION)
35. ORDINANCE rescinding Ordinance No. 3430 that established a "No Parking Fire Lane" on the left side of Belle Terre Drive, Ward (6), District (2) of Lafourche Parish. (M. DELATTE)
36. ORDINANCE amending and re-enacting Section 24:925(D)(1) of Chapter 24 of the Code of Ordinances to change the definition of "hotel" on the hotel/motel tax levied by the Lafourche Parish Tourist Commission.(L. TOUPS FOR ADMINISTRATION)
37. ORDINANCE authorizing an amendment to the existing contract (Ordinance No. 2769) between Lafourche Parish and River Birch, Incorporated, amending the gate fee to the rate of twenty-four dollars (\$24.00) per ton, which said rate shall be adjusted annually on the contract anniversary date by the consumer price index specified in the contract, the term to begin on August 1, 2004 and terminate on July 31, 2009, with an option to renew for an additional five (5) years; and authorizing the Parish President to sign said amendment. (P. GOUAUX)
38. ORDINANCE amending the Code of Ordinances of the Lafourche Parish Council to standardize the organizational structure of local agencies and certain special districts that have boards or committees. (T. WILLIAMS)

Motion by _____, seconded by _____, to close the public hearing.

G. PROPOSED ORDINANCES:

38. ~~Proposed Ordinance instituting a moratorium on new truck stops and/or casinos from being established in Lafourche Parish. (L. TOUPS)~~ **REMOVED**
39. Proposed Ordinance forming a Subcommittee to rewrite the Code of Ordinances for the Lafourche Parish Council; and further providing for the date of final recommendation. (P. GOUAUX)
40. Proposed Ordinance authorizing the Parish President to execute, administer, and sign an agreement with the Lafourche Parish School Board and a Cooperative Agreement with the Lafourche Parish Sheriff's Office for the use of the Raceland Landfill Property. (L. TOUPS FOR ADMINISTRATION)

41. Proposed Ordinance authorizing Change Orders on the existing contract (Ordinance No. 2625) between Lafourche Parish and Solid Waste Disposal, Inc., LLC, extending the existing contract to December 31, 2004; and authorizing the Parish President to sign said Change Orders. (L. TOUPS FOR ADMINISTRATION)
42. Proposed Ordinance amending Ordinance No. 3468 as it pertains consolidating certain precincts in order to change the wording from “consolidating” to “merging” of certain precincts; designating polling locations therefore; and to further specify the effective dates of same. (L. TOUPS AS RECOMMENDED BY THE CLERK OF COURT)
43. Proposed Ordinance approving the issuance, sale and delivery of not exceeding \$7,335,000 of Water Revenue Refunding Bonds, Series 2004, of Water District No. 1 of the Parish of Lafourche, State of Louisiana, and other matters relating thereto. (L. TOUPS FOR WATER DISTRICT NO. 1)
44. Proposed Ordinance to amend and re-enact Sub-Chapters “A” & “B” of Chapter 12 of the Code of Ordinances to reorganize the Lafourche Parish Library system. (M. ATZENHOFFER)
45. Proposed Ordinance accepting the subdivision into the system known as Williams Subdivision, Ward (10) of District (9). (D. LORRAINE)
46. Proposed Ordinance accepting the subdivision into the system known as The Place Subdivision, Ward (10) of District (8). (B. CALLAIS)
47. Proposed Ordinance declaring property belonging to the Lafourche Parish Council as surplus property. (L. TOUPS FOR ADMINISTRATION)

H. PUBLIC HEARING AT 7:00 P.M.:

Motion by _____, seconded by _____, to open a second public hearing as the Board of Review.

48. Serving as the Board of Review, the Council will hear public comments and protests values of property for assessment purposes fixed by the Lafourche Parish Assessor’s Office.
 - a) Affiliated Tax Consultants, Henderson, TX, proposed protests on the 2004 assessed values for the following:
 - 1) Arrowhead Enterprises
 - 2) Aspect Energy LLC
 - 3) Badger Oil Corporation

- 4) Flash Gas & Oil Sw. In.
- 5) Gulf South Operator, Inc.
- 6) Hilcorp Energy Company
- 7) Liberty Resources, Inc.
- 8) LLOG Exploration Company
- 9) Masters Resources, LLC
- 10) St. Mary Land & Exploration Co.
- 11) Stone Energy Corporation
- 12) Summit Oil & Gas
- 13) Texas Petroleum Investment Co.
- 14) Toce Oil Co Inc.

Motion by _____, seconded by _____, to close the public hearing.

49. Motion to approve or deny any protests and submit results to the Louisiana Tax Commission.

I. RESOLUTIONS:

50. Resolution approving a servitude agreement between Lafourche Parish and Ejay Rousse in order to construct, operate and maintain a twenty foot drainage and maintenance servitude, plus the width of the ditch, District (8); and authorizing the Parish President to sign, execute and administer said agreement. (B. CALLAIS)
51. Resolution approving contract(s) with Nationwide Marketing LTD for auctioning surplus equipment; and authorizing the Parish President to sign, execute and administer said contract(s). (ADMINISTRATION)
52. Resolution approving the holding of an election in Water District No. 1 of the Parish of Lafourche on November 2, 2004, to authorize the renewal of a special tax therein. (L. TOUPS FOR WATER DISTRICT NO. 1)
53. Resolution approving the holding of an election in Recreation District No. 2 of the Parish of Lafourche on November 2, 2004, to authorize the renewal of a special tax therein. (L. TOUPS FOR RECREATION DISTRICT NO. 2-RACELAND)
54. Resolution requesting the Louisiana Department of Transportation and Development to install a right-hand turning lane off of Louisiana Highway 654 when turning onto Louisiana Highway 308 and to study the timing of the light in order to allow more vehicles time to turn off of Louisiana Highway 654. (L. TOUPS)

55. Resolution approving the acceptance of the addition of the listed items and approves the creation of Change Order No. 1 documenting these additions/changes for the Galliano Health Unit; and authorizing the Parish President to sign, execute and administer said Change Order and all relevant documents. (ADMINISTRATION)
56. Resolution requesting the Administration to hire an Architect for the park project on the property located in front of the old jail; and authorizing the Parish President to sign all relevant documents. (M. MATHERNE)
57. Resolution requesting the State of Louisiana Department of Transportation and Development to begin inspecting truck stops to ensure that the proper amount of fuel that is required is actually being sold. (L. TOUPS)
58. Resolution requesting the Governor of the State of Louisiana and the State and Congressional Delegations not spend any additional funds on the New Orleans Saints until the Coastal Erosion Projects are fully funded by the State. (M. ATZENHOFFER)
59. Resolution approving the attached Basic Intergovernmental and Cooperative Endeavor Agreements to be tailored individually to the Larose Civic Center, Cut Off Youth Center, Galliano Centrpolex, Vacherie/Gheens Community Center, Holy Savior Catholic School, Oakridge Park and Schneider Park facilities; and authorizing the Parish President to sign, execute and administer said agreement(s) and all associated documents. (ADMINISTRATION)
60. Resolution approving the attached Basic Cooperative Endeavor Agreements to be tailored individually to each entity noted for purposes of implementing the Lafourche on the Move Program; and authorizing the Parish President to sign, execute and administer said agreement(s) and all associated documents. (ADMINISTRATION)
61. Resolution ratifying a contract with Standard Insurance Company for short term disability and long term disability insurance coverage for full-time employees of Lafourche Parish Council; and authorizing the Parish President to sign, execute and administer said contract(s). (ADMINISTRATION)
62. Resolution supporting the Lafourche Parish Drainage District No. 1 Lafourche Parish West Cut Off Drainage Project. (B. CALLAIS)

63. Resolution approving the acceptance of the lowest bid of \$405,870.66 for an addition to the Edgar Guidry Pump Station and approving contract(s) for said construction; and authorizing the Parish President to sign, execute and administer said contracts and all relevant documents. (ADMINISTRATION)
64. Resolution to change providers of the Lafourche Parish Council Deferred Compensation Program from Prudential Retirement Investments Company to the Security Benefit Group; and does hereby authorize the parish President to execute all documents necessary to transfer assets from all previous Lafourche Parish Council Deferred Compensation Program providers to the Security Benefit Group. (T. LASSEIGNE)
65. Resolution approving the acceptance of the lowest bid of \$188,800 for the repair and replacement of the roof at the Barrios Center and Health Unit Building, Raceland and approving contract(s) for said construction; and authorizing the Parish President to sign, execute and administer said contracts and all relevant documents. (ADMINISTRATION)
66. Resolution approving the acceptance of the lowest Base Bid, Alternate No. 1 and 3, totaling \$239,050, for the repair and replacement of the roof at the Lafourche Parish Courthouse and approving contract(s) for said construction; and authorizing the Parish President to sign, execute and administer said contracts and all relevant documents. (ADMINISTRATION)
67. Resolution approving the attached Professional Services Proposal; authorizing and approving a contract for professional services with Ledet Management Consulting to provide consultation and services outlined in the attached proposal in amounts not to exceed those noted in said proposal; and authorizing the Parish President so sign, execute and administer said agreement(s) and all associated documents. (ADMINISTRATION) *****REVISED PROPOSAL ATTACHED*****
68. Resolution approving and ratifying the signator of the various Parish Representatives included on the attached list of contracts copies and included as an attachment to this resolution and that this ratification should remove any doubt as to the validity of aid contracts between the parties and in the eyes of the public; and authorizing the Parish President to execute and administer said agreement(s) and all associated documents. (ADMINISTRATION)

69. Resolution authorizing the Parish President to enter into a Cooperative Endeavor Agreement with Nicholls State University in order to conduct a study on Lafourche Parish millages and taxes at a cost not to exceed \$2,500; and authorizing the Parish President to sign all relevant documents. (P. GOUAUX) *****AGREEMENT ATTACHED TO INCLUDE WITH RESOLUTION*****

J. DISCUSSIONS:

70. Discussion concerning the Solid Waste Subcommittee's recommendation regarding Requests for Proposals from qualifying solid waste collection companies. (P. GOUAUX)
71. Discussion concerning the Solid Waste Subcommittee's recommendation regarding the economics and legal issues of commercial tipping fees paid by the Parish. (P. GOUAUX)
72. Discussion concerning receiving monthly reports on the Veteran's Memorial District funds. (D. LORRAINE)
73. Discussion concerning bids received to purchase three (3) trucks. (D. LORRAINE)
74. Discussion concerning Road Sales Tax Districts 3, 5 & 6. (L. TOUPS)
75. Discussion concerning an update from the Administration regarding the \$400,000 that was allocated for technology. (M. ATZENHOFFER & B. CALLAIS)
76. Discussion concerning the Subdivision Regulation Subcommittee. (B. CALLAIS)
*****REVISED LIST ATTACHED*****

K. MOTIONS:

77. Motion requesting updated board list members and requesting all boards and board members ensure compliance of by-laws and all state and local laws. (L. TOUPS)
78. Motion requesting the Administration to provide a daily log of Department of Public Works equipment usage parish wide to each Council Member via email beginning January 2005. (M. ATZENHOFFER & B. CALLAIS)

79. Motion requesting the Administration to provide a weekly log of Department of Public Works plan of action for the upcoming week to each Council Member via email every Thursday afternoon. (B. CALLAIS)

L. MONTHLY ENGINEERING REPORTS:

80. Presentation of planned, presently on going, recently completed or other projects by appropriate engineering firms engaged by the Parish.

M. LEGAL ADVISOR REPORT:

81. Motion to relinquish time to the Lafourche Parish Legal Advisor. (L. TOUPS)

N. PUBLIC WISHING TO ADDRESS THE COUNCIL:

82. Mr. Keith Poche to address the Council regarding speeding on Holiday Drive located in Thibodaux.

O. ADJOURN:

On motion by _____, seconded by _____ and with no further business, the Lafourche Parish Council meeting of September 28, 2004 adjourned at _____.

**LAFOURCHE PARISH COUNCIL
SEPTEMBER 28, 2004
TWO THIRD AGENDA**

A. PRESENTATION:

1. McGlinches Stafford PLLC to give a presentation regarding bond issues. (M. MATHERNE)

B. PROPOSED ORDINANCES:

2. PROPOSED ORDINANCE approving the issuance, sale and delivery of not exceeding \$7,335,000 of Water Revenue Refunding Bonds, Series 2004, of Water District No. 1 of the Parish of Lafourche, State of Louisiana, and other matters relating thereto. (L. TOUPS FOR WATER DISTRICT NO. 1)
3. PROPOSED ORDINANCE prohibiting “dumping” on Ridgeway Street, Hyland Street, Carol Street, Plymouth Street, Park Avenue, Line Street, and Waverly Road, District 1 of Lafourche Parish; requiring the placement of signs; and providing penalties for violations. (T. WILLIAMS)
4. PROPOSED ORDINANCE prohibiting “loitering” on Paula Drive, Karla Drive, Frederich Drive and Amanda Drive, Ward (2), District (1); requiring the placement of signs; and providing penalties for violations. (T. WILLIAMS)

C. RESOLUTIONS:

5. RESOLUTION requesting the Lafourche Parish District Attorney to approve the hiring of Mr. Lloyd Bourgeois to defend the Parish regarding the lawsuit entitled, “Clarence Lawson v. Lafourche Parish Council, at a rate of \$125.00 per hour. (L. TOUPS)
6. RESOLUTION approving Intergovernmental Agreements with Lafourche Parish Drainage District No. 1 for use of their equipment by the Parish; and authorizing the Parish President to sign, execute and administer said agreements. (B. CALLAIS & D. LORRAINE)
7. RESOLUTION approving a servitude agreement between Lafourche Parish and

Claude P. Defelice and Bonnie Galliano Defelice in order to construct, operate and maintain a fifteen foot drainage and maintenance servitude, plus the width of the ditch, in the Valentine Community, District (7); and authorizing the Parish President to sign, execute and administer said agreement. (P. GOUAUX)

8. RESOLUTION approving a servitude agreement between Lafourche Parish and Howard Tilman Muirhead and Linda Rodrigue Muirhead in order to construct, operate and maintain a thirty foot by one hundred foot school bus turnaround on the end of St. Ann Street, District (5); and authorizing the Parish President to sign, execute and administer said agreement. (M. ATZENHOFFER)
9. RESOLUTION requesting approval for the Lafourche Parish Government to enter into a contract with Sternfels Insurance Agency to renew the annual Workers Compensation Policy; and authorizing the Parish President to sign, execute and administer said contract and all relevant documents. (ADMINISTRATION)

D. MOTIONS:

10. Motion to submit Kleinpeter Estates, Phase 2, 22 lots, Preliminary, Ward 2, District 4, to be presented before the September 30, 2004 Planning Commission meeting. (M. ST. MARTIN)
11. Motion to request the Administration to begin informal negotiations with Time Warner Cable regarding the cable franchise agreement in regards to the taping and playing of the Council meetings. (M. ATZENHOFFER)

E. PUBLIC TO ADDRESS THE COUNCIL:

12. Mr. Richard Racki to address the Council regarding the parish digging a ditch on his property located at 18646 Highway 3235 without his approval.