**MINUTES**

**FOR THE CITY COUNCIL MEETING OF AUGUST 12, 2021**

The regular meeting of the Mandeville City Council was called to order by the Council Chairman at 6:00 p.m. followed by roll call.

**ROLL CALL - present:** Jason Zuckerman, Rick Danielson, Rebecca Bush, Skelly Kreller

**Absent**: Jill McGuire

**Also present:** Mayor Madden, Keith LaGrange, Director Public Works, Cara Bartholomew, Dir. of Planning, Kathleen Sides, Finance Director, Elizabeth Sconzert, City Attorney

**MINUTES:**

1.Adoption of the July 22, 2021, Meeting Minutes. A motion was made by Mrs. Bush and seconded by Dr. Kreller to adopt the minutes of July 22, 2021. There being no further questions or a comment, the motion was approved 5-0.

2.Adoption of the August 4, 2021, Budget Work Session Minutes. A motion was made by Mrs. Bush and seconded by Dr. Kreller to adopt the minutes of August 4, 2021. There being no further questions or a comment, the motion was approved 5-0.

**REPORTS AND ANNOUNCEMENTS**:

The mayor presented Logan Raymond with a Proclamation for his dedication to the community.

Mr. Leonard Rohrbough, member of the Capt. Pierre G. Rousseau chapter, Louisiana Society of the Sons of the American Revolution would like to invite the mayor, city council and public to attend a brief ceremony to recognize this LA Revolutionary War event. On Sept 10, 1779, a naval battle took place on Lake Pontchartrain in which an American ship commanded by Capt. Pickles and then Lt Pierre Rousseau captured a British ship and its crew. There is a plaque at the Mandeville Harbor commemorating this event.

Mr. Zuckerman reminded everyone school is in session. Mrs. Bush asked for the public to be aware of the subdivision entrances/exits along W. Causeway Approach during car line. There have been a few incidents of accidents because residents cannot see oncoming traffic due to cars block their view.

**OLD BUSINESS**: none

**NEW BUSINESS:**

1.Approval of special event application and special event alcohol permit for the City of [Mandeville Live](https://www.cityofmandeville.com/wp-content/uploads/2021/08/Mandeville-Live-Application-2021.pdf) Free Friday Concert Series. To be held the Fridays in September, October, and November (as scheduled) from 6:30pm – 8:30 pm at the Mandeville Trailhead. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. The mayor explained due to covid the concerts will not start until October. The events will take place under the current covid restrictions at the time of the concert. There being no further questions or a comment, the application was approved 5-0.

2.Approval of [Sunset Symphony](https://www.cityofmandeville.com/wp-content/uploads/2021/08/LPO-SE-Application-2021.pdf) on the Lake: An Evening with the LPO on Saturday, October 23, 2021, from 5:30 – 8pm with a rain date of Sunday, October 24, 2021, from 5:30pm – 8pm. to be located on the Mandeville Lakefront -Stage positioned between Coffee & Carroll Streets. Also, requesting consumption of food and drinks on the Lakefront. A motion was made by Mrs. Bush and seconded by Dr. Kreller. Mr. Zuckerman explained this is a repeat event. There being no further questions or a comment, the application was approved 5-0.

3.Approval of the [Winter on the Water](https://www.cityofmandeville.com/wp-content/uploads/2021/08/WOW-SE-application-2021.pdf) parade and Festivities@ the Gazebo on Saturday, December 4,2021 from 4pm-7pm, to be located on the Lakefront from the Harbor to the Gazebo. Also, requesting consumption of food and drinks on the Lakefront. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. The mayor explained this is the annual Christmas event and encourages everyone to attend. Last year it was canceled due to covid. There being no further questions or a comment, the application was approved 5-0.

4.Approval of the special event application for the [Our Lady of the Lake Blessing of the Cemetery](https://www.cityofmandeville.com/wp-content/uploads/2021/08/OLL-SE-Application-2021.pdf) on Tuesday, November 2, 2021, from 6:00pm – 9:00pm to be located at the Mandeville Cemetery. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mrs. McGuire explained this is beautiful event organized by the Friend of the Cemetery. They clean the cemetery and have luminaries in the evening during the blessing. She encouraged people to attend this special event. There being no further questions or a comment, the application was approved 5-0.

5.Appointment of Commissioner to the Planning & Zoning Commission for a 4-year term.

Mr. Zuckerman explained we have two openings on the Commission. A 4 yr. term being vacated by Mr. Lahaskey and a 7 yr. term being vacated by Mr. Clark. Mr. Zuckerman explained last year the council adopted a resolution which detailed the procedures for commission appointments for 2020 and 2021. Starting calendar year 2021, one At-Large Council Member and the Council Member from the district where the departing commissioner resides, will review the applicants resume. The two Council Members will conduct interviews via phone or in person and jointly make a recommendation for the vacant position. During that time other members of the council do have the right to conduct their own interviews as long as a quorum is not present. At the next regular Council meeting, a motion and second shall be made for the appointment of the candidate who received the recommendation. A vote will then be taken to fill the appointment. This is the process that was established last year.

The first appointment is for the 4-year term for Mr. Lahasky whom is from District I, so he and Mrs. Bush were in charge of the nominee. Mrs. Bush stated this is an important appointment and they had received fantastic applications. The process dictates the chairman and she discuss a joint recommendation. Her first recommendation was Cynthia Thompson, she feels this appointment should be from district I, that was not agreed upon, her second recommendation was Michael Gagliardi, that was not agreed upon. Mr. Zuckerman explained he and Mrs. Bush had different views, he does not place so much weight on where they are from, but who he feels is most qualified. They jointly agreed upon Claire Durio, they feel she is very qualified. Mrs. Bush felt strongly on her recommendations, but the process requires she and Mr. Zuckerman to agree.

Mr. Zuckerman made the motion to appoint Claire Durio to complete the remaining 4 yr. term vacated by Mr. Lahaskey; this was seconded by Dr. Kreller. Mrs. McGuire explained she is glad the council has the process. Last year the focus was the district they came from and last year the nomination came from District III. So now, she hears district I and district II need representation. With this nomination from District III, she is up to make the next nomination from her vacancy, and she was assuming she would nominate Jeff Lyons, District III. But, if she now nominates someone from district III, district I will not have any representation. This is a flip flop from last year. She thinks Ms. Durio is well qualified, but this is a curve ball. Mrs. Bush stated if one of her recommendations was accepted, we would not be in this situation. Mr. Zuckerman appreciates everyone’s concern, but there are no guidelines about a commissioner’s residency as far as what district they come from. We do want well qualified candidates and would like for the districts to be represented if possible. For Mr. Zuckerman, qualification was more important than limiting your choice per district. Mr. Danielson explained there is no perfect process, it is a challenge. The good news is that they city is getting very capable qualified candidates that want to sit on this commission and hopefully these people will be involved in other commissions in the future. Dr. Kreller agrees with he At-Large’s. The citizens wanting to serve are exceptional and he would like the best qualified no matter the district. With no further questions from the council or the audience, a vote was taken, and the appointment passed 5-0. Mrs. Durio thanked the council for the time they took to interview her and thanked the council for this opportunity.

Mr. Danielson and Mrs. McGuire were up for the nomination of the 7 yr. term vacated by Ren Clark. First, Mrs. McGuire wanted to express her gratitude to Mr. Clark for his numerous years of service. They have not always agreed, but he has provided a great deal of invaluable service to the community, and he deserved a proper send off. He has been an asset to the city. Mrs. Bush has served with Mr. Clark and had learned a lot from his experience.

Mrs. McGuire explained her first pick was Jeff Lyons or Andrea Fulton, she encourages them to still seek service on other commissions. She and Mr. Danielson went through a couple of scenarios. They are looking for someone capably and qualified with a different background and they would like to nominate Scott Quillin for the 7 yr. term; this was seconded by Dr. Kreller.

Mr. Danielson explained Mr. Quillin has served on the commission before and has been very active with the city over the years. They would like to appoint him effective immediately with the 7-year term starting on September 1st. Mrs. McGuire wanted to thank all who she interviewed, they were very impressive. Mrs. Bush has served on the P&Z commission with Mr. Quillin. When they talked about this last year, the importance was the need for new blood. While this is not personal, she and her constituents cannot support his nomination. Mr. Danielson explained there are members of the commission, last year the council had to nominate 3 members, 2 are new. The year prior there was another new member. Currently on the commission there are 3 members with less than 2 yrs. experience and 1 new member appointed tonight. That leaves 4 out of the 7 members new. Next year there is an experience member whose term expires, and we are not sure if they will ask to be reappointed. There is a significant turnover recently. The learning curve is extensive, and he feels there needs to be some balance of experience/new blood. Mr. Quillin had served on the commission for 5 years and is familiar with the CLURO and other city regulations. Mrs. Bush understands the balance, but a majority/most of her constituents feel there should be new blood, but she recognized Mr. Quillin’s experience. Dr. Kreller stated there is new blood on the commission, but institutional knowledge and experience is important. He feels you do have to listen to your constituents, but the council must make the best decision for the city. He had not heard from any of his constituents opposing Mr. Quillin. He feels this will provide some balance. With no further questions from the council or the audience, a vote was taken, and the second appointment passed 4-1 (Bush against).

6.Notice of Award to Subterranean Construction, LLC for maintenance and/or emergency repairs to Water & Sewer in the amount of $2,122,560.00 A motion was made by Mrs. Bush and seconded by Mr. Danielson. Mr. LeGrange explained this is to repair water distribution and sewer collection systems and the addition of directional drilling by the Trace. Subterranean has the current contract, but it will be bid out in January. There being no further questions or a comment, the award was approved 5-0.

7.Approval of adding the Task Order to Master Services Agreement for Principal Engineering, for the Fontainebleau State Park Force Main Project in the amount of $39,829.83 A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mr. LeBreton explained Principal Engineering had spearheaded the start of the project, received the survey and started some preliminary design prior to the transition. The project was mainly funded by an EPA Restoration Grant and must be completed for the city to continue receiving grant funding. Principal will finalize the project plans and specs for the amount remaining in the applied grant. The city owes a 25% match on the remaining amount which equates to around $10K. There being no further questions or a comment, the task order was approved 5-0.

8.Adoption of [Resolution No. 21-33](https://www.cityofmandeville.com/wp-content/uploads/2021/08/res-ag.pdf); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REQUEST AN OPINION FROM THE LOUISIANA ATTORNEY GENERAL FOR THEIR OPINION ON A SALARY INCREASE WITHOUT COUNCIL APPROVAL FOR THE CITY OF MANDEVILLE. Dr. Kreller stated this is to ask the AG for clarification on (1) if the mayor has the authority to give raises to any employee without council approval and most importantly (2) to determine the validity of the exhibits that are adopted and attached to the ordinances. There were two exhibits attached. The council has questions and asks the city attorney for her opinion. She replied to the council, but most of the council still have questions. Since the council does not have another attorney to ask for a 2nd opinion, they went to the AG’s office. A motion was made by Mr. Danielson and seconded by Mrs. McGuire. Mr. Danielson stated this is more than a question of salary increase; this is about projects and other expenditures. The council is the funding approval source so what is the role of the administration and the council. Mr. Danielson asked the mayor about the increase and outside the 5% increase comes back to the council. The mayor stated he asked the city attorney, finance director and they said it was ok. Mr. Danielson explained there is one part of the budget, called salaries. This pay raise would be well within the 5% of this part of the budget. But when you peel back parts of the budget, there is an exhibit “b” which lists each position. So, in this case, there is only one position that received that raise that is greater than the 5%. He felt it should have come back to the council as a budget adjustment for approval. It did not, we interpret it differently, so an additional opinion would be helpful. Not just for this position but for all budgetary items. We are going through the budget cycle right now, so we all need to be on the same page. Mrs. Bush feels the applicable factor is 39:1311. We are talking about whether it must come back to the council and the trigger number is 5%, but the fund must be asking for an increase of 5%. So, what is the definition of the fund. She asked Mrs. Sides whether the line which lists the individual salaries is a fund. There are specific funds defined by GAAFR and only certain things can be considered funds, an individual person’s salary cannot be considered a fund. There are 3 categories: proprietary, governmental, and fiduciary. McMillan said the GAAFR are the only funds you can use because you receive governmental money. If we start to classify things that are not funds, we won’t pass our audit and the laws state how they are labeled. If the general fund (exhibit D) is $19 million, why do we have to do budget adjustments for numbers clearly less than that. The reason is because we want transparency. Mrs. Bush feels a second opinion should come from the LLA not the AG. You need an attorney familiar with GAAFR.

Mr. Zuckerman wanted to clarify that Mrs. Bush is stating unless we spend more than 5% of those fund balances, we do not have to do any budget adjustments. Mrs. Bush states that is how 1311 reads. She does not know that the AG will chose to review this.

Dr. Kreller stated Mrs. Bush went to the administration to get to all these slides and she can vote yes, or no to the resolution. But the council would like to ask the AG for their opinion. Mrs. Bush stated “if it gets approved, but the Attorney General is just an opinion and we do not have to abide by it. “

Mr. Zuckerman is having a hard time wrapping his head around both positions, it does not seem that clear cut. He does not see the harm in requesting an opinion. If we are not exceeding 5% of that fund, then there is no requirement to come back to the council. Mrs. Sides states the budget ordinance states we cannot move more than $10K between lines without council approval. The law is you cannot exceed the total expenditures for a fund.

Mrs. Sconzert explained you look at the ordinance, the council put a restriction on Exhibit “C”, a dollar amount of $10K for movement between line items. Mrs. McGuire stated she met with Mrs. Sides and $19 million is the fund amount. The law states we cannot spend more than 5% of the fund. Our budget ordinance restricts it to $10K between lines. She stated if we go outside of $10K for a line item, we come to the council for approval, like Parks & Parkways’ budget adjustment. Mrs. McGuire stated this $10K came out of the general fund so it was not technically moved from the fund.

Mrs. Sconzert explained when this first came up, she went to the charter first. The charter states the mayor has the authority to set director salaries subject to approval by the council. This position is not a director position nor is it a civil service position, which requires council approval. The charter is silent to the executive secretary position so that is why she turned to state law. State law discusses the use of the fund. The general fund is used to pay salaries. In the general fund there is a salary line item. There is sufficient money in the line item to allow up to $65k of free movement within that line item. Mrs. McGuire stated so the mayor could give a $65K raise and not come before the council. Mr. Danielson’s question is exhibit “b” part of the formal budget. Mrs. Sconzert explained there is freedom in the number to allow the raise. The Local Government Budget Act states in addition to the 5%, a municipality can adopt restrictions on how a fund can be used.

Mr. Zuckerman asked if there was a downside to asking for an AG opinion. Mrs. Sconzert stated no, but it is just not binding.

Mrs. Sconzert explained the ordinance puts a restriction on “exhibit c”, but not on “exhibit b”. So even though this was adopted there are no restriction s on how this money can be used, that is how she formed her opinion, the mayor could give the increase. She is confident in her opinion and that the AG will find the city compliant. In the future, she suggested to use expressed language in the restriction. Such as “Any salary increases for any position listed in Exhibit B that is greater than 5% requires approval by the Council.” That would be the most effective action to take.

Mrs. Sides stated in the general fund salaries it lists more money $1.318, that leeway is built in for incentive pay and the numbers on exhibit b are not accurate if a position is replaced and rehired. Some get paid more than what is in exhibit “b”.

Mrs. McGuire thanked Councilman Kreller for getting this out in the public for transparency. She would like to express her integrity was questioned and she was accused of knowing the mayor gave a salary increase, a citizen gave a public record request to find out the information. She does not think a council person should have to find out things from a public record request. The council meeting with the mayor weekly and this was not brought to their attention. This is the biggest issue; they need to know and the council answers to the people. This originally was a reorg. The executive assistant is not a director no civil service. This originally came to the council as a DOA with an increase. The charter states a job description, pay raise, title; All this with the reorg must come before the council, we do not have a DOA. She has heard from several people when discussing the DOA many did not want any more money and they felt the executive assistant position at $72K was enough. She was under the impression that any raise would have to come before the council.

Mr. Danielson stated we have employees that make less than $15 per hour. We have some that are budgeted for a 2.5% pay raise, others have significant pay raises. Like Mrs. McGuire stated, they found out about this through a rumor. If this had been brought to them with the justification it might be different, but the timing is a little off. We just voted down this reorg position and now a few months later there is a huge raise we knew nothing about until we started asking – it should have been easy. This is not just about one position, but he does not want to be restrictive in the budget, but in theory he could say every line $5k a line, any more you need to come to us. This is not good for anyone. We are confused, he feels exhibit b is part of the budget and outside of 5% should have come back to the council. Now should he make the budget more restrictive.

Dr. Kreller explained we found out about this at our weekly meeting when they specifically asked him about the raise. He finally admitted it weeks after it happened – there is no transparency. They go to meeting and discuss things, but this resolution is not just about the raise, it is about the overall attachment of exhibits to ordinances. They would like the AG to give an opinion. If they should not go to the AG, then who do they go to.

Mr. Zuckerman explained he does not see the harm in requesting the opinion, he is not very clear on the issue.

Mrs. McGuire wanted to clarify when Councilman Kreller stated when the council meeting with the mayor, they are not allowed to meet. She also wanted to state when she and Mr. Zuckerman met the mayor, the topic never came up.

The mayor explained two points, the why and the process. Earlier this spring he proposed a reorg plan that added a Director of Administration. After a healthy discussion, that idea was voted down. However, during the process he got a lot of feedback, and the feedback was mostly the understand what the mayor wants to do but can you tweak it. But one councilmember suggested why not give the executive assistant more job duties and give her a raise. That was a suggestion from a council member, so when it was voted down, he thought that would be the best and easiest path forward. The process. We have two types of employees: directors and civil service. There are two positions that do not fall under wither category: executive assistant and the council clerk. So, he asked HR director and asked how this would work, she said civil service rules do not apply, the charter does not address this position, so the Finance Director determined it did not meet the requirement of a budget adjustment. He felt he wanted to verify with the city attorney, and she determined that he could move forward. He is comfortable with his finding and does not understand the questioning of directors by Councilman Kreller. He wished the council would have talked to staff more to be better educated. Mrs. McGuire would have like to hear this from the mayor, then to have her integrity questioned. The mayor feels he did discuss this in their meetings. Mr. Danielson stated he did ask via emails even with staff and never got an explanation. Whether a budget adjustment was needed or not, there were a lot of ways this could have been handled. We are going through the budget now; it could have been addressed at this time. He just needs clarification, but on the process. The mayor disagrees with not responding to emails. Mr. Danielson stated he asked via email when this is to happen now, or with the budget cycle. The response was I will get back to you – that never happened, then it was now. So, he asked how, the response was because I can. Mr. Danielson stated there is a give and take. The mayor does not recall those meetings the same way, he stated he told them he planned to give a raise, so they agree to disagree. Dr. Kreller disagrees with the mayor, he did not come to them, they asked him and that is when they received answers. There is a problem with each person hearing differently.

Mrs. Bush wants Mrs. Sides to explain the $1700…. The raise was effective June 2nd so over the $71K.

Mr. Leonard Rohrbough feels everyone is confused and he is opposed to adopting he resolution tonight. He would like to get some answers and suggested tabling the vote. He does not want our “dirty laundry” out in the public. Someone should be able to help with the process before going to the AG.

Mrs. Becky Rohrbough agrees with her husband. She has attended budget meetings, it’s complex and difficult. There has been a lot of discussion about good personnel, recruiting and retaining good personnel. She is please with his team. She does not disagree with the lack of communication. She does not have confidence in the AG office.; the LLA is the right person. There are other ways to address this.

Mr. Charles Goodwin explained he thinks the real issue is transparency. He feels the AG is the proper person to go to. He sent an opinion from Buddy Caldwell, and it addressed line items. He recommends sending that opinion to the AG.

Without further questions or comments, a vote was taken, and the resolution passed 4-1 (Bush against).

9.Adoption of [Resolution No. 21-34](https://www.cityofmandeville.com/wp-content/uploads/2021/08/res-21-34.pdf); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO AMEND THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND NEEL- SCHAFFER, INC. FOR THE MANDEVILLE LAKEFRONT WETLANDS RESTORATION PROJECT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH A motion was made by Mrs. McGuire and seconded by Mrs. Bush. Mr. Zuckerman explained this is to extend the bike path from the western seawall on Lakeshore Dr to the nearest multi-use/pedestrian path. Also, it will add lighting from Sunset Point to Lakeshore Dr. Mr. Jay Seastrunk is opposed to the lighting, he does not want the Lakefront illuminated. Without further questions or comments, a vote was taken, and the resolution passed 5-0.

10.Adoption of [Resolution No. 21-35](https://www.cityofmandeville.com/wp-content/uploads/2021/08/2135-res.pdf); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND CURTIS ENVIRONMENTAL SERVICES, INC FOR MANDEVILLE FOR POTABLE AND WASTEWATER SYSTEM CONSULTING, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THERWITH A motion was made by Mrs. Bush and seconded by Dr. Kreller. Mr. LeGrange explained this would get Curtis Environmental officially under contract with the city so they can continue to work on the sludge removal of the WWTP Ponds. Their current rates have not changed since 1985.Without further questions or comments, a vote was taken, and the resolution passed 5-0.

11.Adoption of [Resolution No. 21-36](https://www.cityofmandeville.com/wp-content/uploads/2021/08/res-21-336.pdf); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND KYLE ASSOCIATES, LLC AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mr. LeBreton explained this project will consist of a subsurface drainage system along the LA 22 corridor from Dalwill Dr to N Causeway and then south to Bayou Chinchuba. The mayor is securing capital outlay funds as well as partnering with St. Tammany Parish to fund the project. The city is financing the design work which would take approximately 6-8 month per Mr. Hnatyshyn. Several business owners spoke out in favor of the project, they have been experiencing flooding in their building for years and are glad to see progress. Without further questions or comments, a vote was taken, and the resolution passed 5-0.

12.Adoption of [Resolution No. 21-37](https://www.cityofmandeville.com/wp-content/uploads/2021/08/2137-res.pdf); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO AMEND THE CONSULTING AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND DIGITAL ENGINEERING & IMAGING, INC. AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH A motion was made by Mrs. McGuire and seconded by Mrs. Bush. Mr. LeGrange explained this revision would allow DE to perform construction administration and resident inspection services at the request of the DPW on roadway/drainage/water/sewer maintenance contracts and would allow enough cap room for minor design services when requested. The current cap is not sufficient to include this scope of work. Without further questions or comments, a vote was taken, and the resolution passed 5-0.

13. Adoption of [Resolution No. 21-38](https://www.cityofmandeville.com/wp-content/uploads/2021/08/res-21-38.pdf); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE PLEDGING TO SUPPORT LOCAL, STATE AND FEDERAL LAW ENFORCEMENT AGENCIES WITH THEIR EFFORTS TO ENSURE BUSINESSES ISSUED LICENSES TO OPERATE IN THE CITY OF MANDEVILLE DO SO LAWFULLY AND WITHOUT VIOLATING CITY AND PARISH ORDINANCES AS WELL AS STATE AND FEDERAL LAW AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mrs. Bush explained this originated from an incident with a business on W. Causeway and Hwy 22. This will allow the MPD to work with all parish, state, federal law enforcement to investigate, prosecute and prevent the continued commission of criminal activity. There is an ordinance being introduced tonight that will spell out penalties for this violation. Without further questions or comments, a vote was taken, and the resolution passed 5-0.

14.Adoption of [Resolution No. 21-39](https://www.cityofmandeville.com/wp-content/uploads/2021/08/2139kvs.pdf); A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND KVS ARCHITECTURE AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mr. Zuckerman and seconded by Mrs. McGuire. Mrs. McGuire explained this is for a preliminary scope of work for improvements to Harbor Field. Mr. Solberg explained they will try to keep things simple in keeping with the nature of Mandeville. He will of course have to make things flood proof and drawings will be presented to the council at 30/60/90% completions. Dr. Kreller inquired about the lighting. Mr. Solberg explained there is currently night lighting at the field, but the council and administration could make the decision to not allow playing after dusk. Without further questions or comments, a vote was taken, and the resolution passed 5-0.

15.Introduction of [Ordinance No. 21-22](https://www.cityofmandeville.com/wp-content/uploads/2021/08/ord-21-22.pdf); AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE DECLARING CERTAIN ITEMS AS SURPLUS AND NO LONGER NEEDED FOR CITY USE; AUTHORIZING THE MAYOR TO EXCHANGE OR DONATE SURPLUS ITEMS; AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Dr. Kreller and seconded by Mrs. McGuire. Mr. Zuckerman explained this will be discussed and voted upon at the next meeting.

16.Introduction of [Ordinance No. 21-23](https://www.cityofmandeville.com/wp-content/uploads/2021/08/ord-21-23.pdf); AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MANDEVILLE TO REZONE THE SOUTH ONE HALF OF SQUARE SEVENTY-FOUR (74) OF THE CITY OF MANDEVILLE, ST. TAMMANY PARISH, STATE OF LOUISIANA, FROM PM-2 MARINA DISTRICT – NON-WATERFRONT LOTS, TO O, OPEN SPACE/RECREATION; AND PROVIDING FOR FURTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mr. Zuckerman explained this will be referred to P&Z.

17.Introduction of [Ordinance No. 21-24](https://www.cityofmandeville.com/wp-content/uploads/2021/08/ord-21-24.pdf); AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF MANDEVILLE TO REZONE DOUBLE SQUARE 33, LOT 2 OF THE CITY OF MANDEVILLE, ST. TAMMANY PARISH, STATE OF LOUISIANA, FROM R-3 MULTI-FAMILY RESIDENTIAL DISTRICT, TO O, OPEN SPACE/RECREATION; AND PROVIDING FOR FURTHER MATTERS IN CONNECTION THEREWITH A motion was made by Mrs. Bush and seconded by Dr. Kreller. Mr. Zuckerman explained this will be referred to P&Z

18.Introduction of [Ordinance No. 21-25](https://www.cityofmandeville.com/wp-content/uploads/2021/08/ord-21-25.pdf); AN ORDINANCE OF THE CITY OF MANDEVILLE AMENDING THE CITY OF MANDEVILLE COMPREHENSIVE LAND USE REGULATIONS ORDINANCE, ORDINANCE 15-11, TO AMEND THE USE TABLE PERMITTED LAND USES IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT AND TO AMEND RESTAURANT DEFINITIONS AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH A motion was made by Dr. Kreller and seconded by Mrs. McGuire. Mr. Zuckerman explained this will be referred to P&Z

19.Introduction of [Ordinance No. 21-26](https://www.cityofmandeville.com/wp-content/uploads/2021/08/ord-21-26.pdf); AN ORDINANCE OF THE COUNCIL OF THE CITY OF MANDEVILLE AMENDING SECTION 14-10 OF CHAPTER 14 OF THE CITY OF MANDEVILLE CODE OF ORDINANCES AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH A motion was made by Mrs. Bush and seconded by Dr. Kreller. Mr. Zuckerman explained this will be discussed and voted upon at a future meeting.

**PUBLIC COMMENT:** none

**PROJECTS IN PROGRESS (STATUS REPORT):**

* **Bayou Castine Seawall Repair** (2101A01)– Close out.
* a. Gill’s Crane Services - $922,224.00
* b. Substantial completion approved by Council.
* c. Change Order No. 1 approved by Council for $77,590.00.
* d. Total Cost - $999,814.00
* e. Dirt and sod repair – 7/10/21
* f. Pay App 6 – to be paid
* g. Retainage to be paid - $49,965.70
* **2. FD4 Station 42 Warning Signs** (2101A02)**–** Close out
* a. Subterranean Construction LLC @ $28,400.00
* b. Substantial Completion approved April 9,2021 and registered with Clerk of Court.
* c. Retainage to be paid - $2,840 – Pay App Submitted July 15, 2021
* **3. Lift Station 12 & 24** (2101A03)**–** Close out
* a. Subterranean Construction, LLC @ $588,230.00
* b. Substantial Completion – May 6, 2021, Approved and registered with Clerk of Court.
* c. Change order No.1 - $58,572.00 Approved and registered with Clerk of Court.
* d. Total Price - $646,802.00
* e. Retainage to be paid - $32,204.48
* **4. Effluent Pump Station** (2101A04)**–** Construction
* a. DNA Underground, LLC @ $176,700.00
* b. Change Order for bypass pumping - $32,100.00 Approved.
* c. Equipment on order. Expected delivery – Pushed to August 17th.
1. d. Scheduled to mobilize on August 27th and begin work August 30th.

**5. Sunset Point Restrooms** (2101A05) **–** Construction

a. Awarded to BSD Construction LLC - $234,696.00

b. Pre-construction Meeting held 6/15/21

c. Starting date delayed until City permit is obtained. (V-zone designation)

d. Need to adjust flood zone via LOMA or move building.

e. Proposed flood zone is in public comment, so earliest start is Aug. 11, 2021.

**6. Trailhead Splash Park Replacement** (2101A06) - Construction

a. Awarded to Francise Horticultural Services, Inc. - $231,098.65

b. Notice of Award sent 6/3/21

c. Contract signed 6/9/21 – Contracts received 6/22/21

d. Pre-construction Meeting held 6/25/21

e. Notice to Proceed – 7/6/21

f. Started demolition of concrete – 7/19/21

g. Project on pause, waiting on material (embeds) from Vortex.

h. Scheduled delivery, first week of September. Contractor will return last week of August to put forms together before embeds arrive.

**7. Wastewater Treatment Plant - Erosion Control Project** (2101A09) – Construction

a. Change Order to increase contract amount to $1,845,000.00 approved by Council 6/24/21.

b. Task Order #2 approved by the Council 6/24/21 - $1,475,705.00.

c. Task Order #2 documents and Change Order routed for signatures.

d. Need bonds and insurance certificates.

1. e. Pre-construction meeting to be held.

**8. 2018 Roadway Maintenance Contract** (2101A12) - Construction

a. T.O. 4 99% Complete – Substantial Completion

1. Substantial Completion approved by Council 6/24/21.

2. Certificate of Substantial Completion routed for signature.

b. T.O. 5 45% Complete - $790,000.00

1. Drainage improvements in Fontainebleau Subdivision.

2. Sidewalk improvements on Monroe Street.

3. Various concrete panel replacements.

4. Various asphalt surface patching.

c. T.O. 6 – Ditch Cleaning and Culvert Cleaning - $800,000.00

1. Approved by Council 6/24/21.

2. Contracts signed by Mayor – 7/16/21.

3. Bonds and Certificate of Insurance needed.

* 1. 4. Notice to Proceed – To ben sent

**ADJOURNMENT:**

Mrs. Bush made a motion to adjourn the meeting, seconded by Dr. Kreller. Mr. Zuckerman adjourned the meeting at 8:35p.m.

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Kristine Scherer Jason Zuckerman

Council Clerk Council Chairman