

**MINUTES
FOR THE CITY COUNCIL MEETING OF OCTOBER 26, 2023**

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. Mr. Zuckerman asked for a moment of silence to remember the passing of Lynn Mitchell. Lynn served on the Design Review Committee and was a wealth of knowledge to the community.

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

Also present: Keith LaGrange, Public Works Director, Mayor Madden

MINUTES:

Adoption of the October 12, 2023, meeting minutes. A motion was made by Mrs. Bush and seconded by Dr. Kreller. With no further comments or questions a vote was taken and the minutes were adopted 5-0.

REPORTS AND ANNOUNCEMENTS:

The mayor reminded everyone this weekend is the Sunset Symphony. Over the next few weeks, we will also have: Ozone Festival and OLL festival of the Lake. Mr. Danielson explained that since the council does not meet again until November 16th, Happy Veterans Day and Happy Birthday to all our Marines. The mayor announced there will be a ceremony on Friday, 11/10, at the Yacht Club to celebrate Veterans Day.

OLD BUSINESS: none

NEW BUSINESS:

1 Approval of the liquor license for Pomodori Pizza to be located at 3555 Hwy 190 Suite 3439, Mandeville. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Dr. Kreller explained this is a new Pizza place near the library that has already opened. They will be serving high and low liquor, and all paperwork is in order. With no further comments or questions, a vote was taken, and the application was approved 5-0.

2.Approval of the special event for Our Lady of the Lake Eucharistic Procession to be held on Sunday, November 26, 2023. Procession route: Church (Lafitte) to Lakeshore to Monroe, back to church (Lafitte). A motion was made by Mrs. Bush and seconded by Mrs. McGuire. This is a eucharistic revival parade and all are welcome to attend. With no further comments or questions, a vote was taken, and the application was approved 5-0.

3.Approval of Amendment No. 3 for Task Order No. 1 WWTP Effluent Pipeline Extension in the amount of \$169,950.00 to bring the total task order amount to \$249,950.00. A motion was made by Mrs. Bush and seconded by Mrs. McGuire. Mr. LeBreton explained this is due to a requirement to have more work done in order to receive the permit. The complexity and duration of the work required exceeds the original scope. With no further comments or questions, a vote was taken, and the application was approved 5-0.

4.Adoption of Resolution No. 23-37; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE AUTHORIZING THE MAYOR OF THE CITY OF MANDEVILLE TO AMEND THE MAINTENANCE AGREEMENT BETWEEN THE CITY OF MANDEVILLE AND THE STATE OF LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, OFFICE OF

ENGINEERING (DOTD) FOR MOWING AND LITTER PICKUP FOR THE FISCAL YEAR ENDING JUNE 30, 2024, AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Dr. Kreller and seconded by Mrs. Bush. Mr. LaGrange explained additional state funds have become available and DOTD will increase their mowing and litter pick up by one cycle. With no further comments or questions, a vote was taken, and the resolution passed 5-0.

5. Adoption of Resolution No. 23-38; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE CONFIRMING THE CITY ATTORNEY'S APPOINTMENT OF SPECIAL LEGAL COUNSEL. A motion was made by Mrs. Bush and seconded by Dr. Kreller. Mrs. Sconzert explained the city was served with a lawsuit regarding the Sucette development. As a result, Councilman Zuckerman was named in his individual capacity. The code has a duty to hold harmless any elected, appointed or regular employee so based off of sec 2-6, Councilman Zuckerman will have legal representation. The city attorney could be called as a witness, so she feels the city needed to be represented by other counsel. The city will be represented by one firm and then Councilman Zuckerman will be represented by another firm, based upon how the complaint is written, to avoid a potential conflict. There is a clause in sec 2-6 where the city will defend Councilman Zuckerman but, if he is found to have acted outside his official capacity, (a judicial finding), the individual will have to reimburse the city for his legal fees. Councilman Zuckerman has prepared an acknowledgement agreeing to this clause. Mrs. Sconzert will review the fees to make sure they are reasonable. Dr. Kreller read a statement saying at first, he did not understand the reason for the two firms to be hired and why the taxpayers would be burdened with 2 separate fees in federal court. He has since spoken with Mrs. Sconzert and she explained there is a conflict with Councilman Zuckerman and the City regarding this litigation which requires 2 firms. After his discussions with Mrs. Sconzert, he is comfortable with the city hiring two law firms and thanked Mrs. Sconzert for her explanations. Mr. Danielson stated he has also spoken with Mrs. Sconzert, and he understands the resolution. Mr. Zuckerman explained all the other councilmembers have the same defense if any other councilmember has been found to violate any conditions of the ordinance. Mrs. Sconzert agreed. Mrs. Bush stated this is immunity for any employee or committee member. October 16th starts the clock for fees and the reimbursement provision protects the city. Mr. Sean Peret wanted to make sure Mr. Zuckerman is ok with the law firm that the city has chosen to represent him. Mr. Zuckerman has no issues with the firm selected. Mr. Pat Rosenow said the city is doing the right thing. If the judge rules against Mr. Zuckerman, the money will go back to the city. Mr. Zuckerman read two emails into the record from Mr. Eric McVicker and Mr. Glen Runyon (see attached). Mr. Kevin Volgentanz feels both firms are a good choice for the city. Both firms do this type of work, which is very specialized. Mr. Larry Grundmann feels this is a good choice because anyone can be sued individually and needs the same representation. The mayor is happy with the selection and feels the city is in the best position and will win this lawsuit. Mrs. McGuire supports the resolution; she would offer the same if another council member was sued. With no further comments or questions, a vote was taken, and the resolution passed 5-0.

6. Adoption of Resolution No. 23-39; 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 FAIRWAY CONSULTING + ENGINEERING FOR THE LIFT STATION 3 & 39 UPGRADES PROJECT AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Dr. Kreller and seconded by Mrs. Bush. Mr. LeBreton explained this is to add one year to the existing contract. Due to the application of grants, a time extension was needed. With no further comments or questions, a vote was taken, and the resolution passed 5-0.

7. Adoption of Resolution No. 23-40; 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 HIGH TIDE CONSULTANTS, LLC FOR THE LIFT STATIONS 42 & 43 UPGRADES AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. Bush and seconded by Mr. Danielson. Mr. LeBreton stated this is also for a one-year extension due to delays seeking outside funding. With no further comments or questions, a vote was taken, and the resolution passed 5-0.

8. Adoption of Resolution No. 23-41; 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 ARTOVIA, LLC AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Dr. Kreller and seconded by Mrs. Bush. Mr. LeBreton explained this is for residential inspection services for the two projects. With no further comments or questions, a vote was taken, and the resolution passed 5-0.

9. Adoption of Resolution No. 23-42; 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 VOLKERT, INC., AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH. A motion was made by Mrs. McGuire and seconded by Mrs. Bush. Mr. LeBreton stated this is also for a one-year extension. With no further comments or questions, a vote was taken, and the resolution passed 5-0.

10. Introduction of Ordinance No. 23-34; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANDEVILLE TO REVISE IN THE CODE OF ORDINANCES, ARTICLE "I" FINANCIAL OVERSIGHT COMMITTEE, SECTIONS 18-1, COMPOSITION AND QUALIFICATIONS; SECTION 18-2 DUTIES AND RESPONSIBILITIES; AND SECTION 18-3 MEETINGS AND TERMS OF THE MANDEVILLE FINANCIAL OVERSIGHT COMMITTEE AND TO PROVIDE FOR RELATED MATTERS. A motion was made by Dr. Kreller and seconded by Mr. Danielson. Mr. Zuckerman explained this will be discussed and voted upon at the next meeting.

PUBLIC COMMENT: none

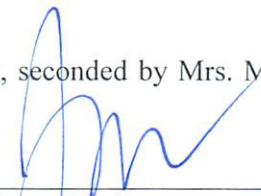
FINANCE REPORT: Mrs. Sides reviewed the financial reports.

ADJOURNMENT:

Mrs. Bush made a motion to adjourn the meeting, seconded by Mrs. McGuire. Mr. Zuckerman adjourned the meeting at 7:05 p.m.



Kristine Scherer
Council Clerk



Jason Zuckerman
Council Chairman