

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

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

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

Absent: Councilman Mire

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

The minutes of the January 19, 2010 Council Meeting were approved as written.

The Council Administrator is requesting that the City Council consider the adoption of a motion to move the date of the next City Council Meeting from Tuesday, February 16th at 5:00 PM to Wednesday, February 17th at 5:00 PM.

The proposed re-scheduling is due to the City's Mardi Gras Holiday on Tuesday, February 16th. The proposed change will not be in violation of the provisions of the City Charter relative to Council Meetings in that the Charter only prescribes that the Council meets at least twice per month.

Councilman Badeaux requested that the meeting be moved to Thursday, February 18, 2010 because he would be out of town on the Wednesday.

On motion of Councilman Hebert, seconded by Councilman Taylor, the Council voted to adopt a motion changing the date for the second meeting in February to Thursday, February 18, 2010 at 5:00 PM due to the Mardi Gras Holiday. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSENT: Councilman Mire

ABSTAINED: None

Councilman Richard introduced an ordinance authorizing the Mayor to sign a contract with Mosquito Control of Lafourche, LLC. The Public Hearing for this ordinance will be held at the February 18, 2010 Council Meeting.

Councilman Hebert introduced an ordinance to amend and re-enact Section 6-1 of the Thibodaux City Code of Ordinances so as to adopt the 2008 Edition of the National Electrical Code. The Public Hearing for this ordinance will be held at the February 18, 2010 Council Meeting.

Councilman Richard introduced an ordinance to amend and re-enact Section 13-1 Sub-Section (c) (2) (b) of the Thibodaux City Code of Ordinances (Noise Ordinance). The Public Hearing for this ordinance will be held at the February 18, 2010 Council Meeting.

Councilman Taylor introduced an ordinance authorizing the Mayor to sign a grant agreement with the State of Louisiana Office of the Governor for a FY09-10 Louisiana Local Government Assistance Program Grant. The Public Hearing for this ordinance will be held at the February 18, 2010 Council Meeting.

The Project Engineer advised the Council Administrator that the 2008-2009 CDBG Project (Cardinal Drive and Bell Street Drainage Improvements) is substantially complete in accordance with all contract documents and specifications. The engineer for this project is Leonard Chauvin.

It is necessary for the Council to consider the adoption of a resolution of substantial which will commence the 45 day lien period on this contract.

On motion of Councilman Taylor, seconded by Councilman Hebert, the Council adopted a resolution of substantial completion for the 2008-2009 CDBG Project (Cardinal Drive and Bell Street Drainage). Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSENT: Councilman Mire

ABSTAINED: None

RESOLUTION NO. 1520

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 G & W Construction Co., Inc. dated October 14, 2009 for drainage improvements to Cardinal Drive and Bell Street area; and

WHEREAS, the work under the aforementioned contract was substantially complete in accordance with the plans and specifications by the contractor on January 27, 2010; and

WHEREAS, a final inspection was conducted by representatives of the City and the Project Engineer; 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 February 2, 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 Leonard Chauvin, P.E., 627 Jackson Street, Thibodaux, LA 70301, and to G & W Construction Co., Inc., PO Box 9124, Houma, LA 70361.

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

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

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

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

The Harang Auditorium Director advised the Council Administrator that the interior renovations to the auditorium are substantially complete in accordance with all contract documents and specifications. The architect for this project is Tommy Boudreaux.

It is necessary for the Council to consider the adoption of a resolution of substantial completion which 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 interior renovations to the Warren J. Harang Jr. Municipal Auditorium. Upon roll call the vote was as follows:

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

RESOLUTION NO. 1521

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 Randy Landry Construction, LLC dated May 20, 2009 for interior renovations to the Warren J. Harang, Jr. Municipal Auditorium; and

WHEREAS, the work under the aforementioned contract was substantially complete in accordance with the plans and specifications by the contractor on January 13, 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 February 2, 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 Thomas Boudreaux, Architect, PO Box 1309, Thibodaux, LA 70302, and to Randy Landry Construction, LLC, 300 Emerald Drive, Thibodaux, LA 70301.

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

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

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

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

In accordance with the provisions of Chapter 9, Article II, Section 9-8 of the Thibodaux City Code of Ordinances, it is the duty of the City Council to make the appointments to the Thibodaux Volunteer Fire Department's Fire Board.

The appointments to the Fire Board are based on those recommendations made by each Fire Company.

Councilman Badeaux read the names of the appointed members.

On motion of Councilman Taylor, seconded by Councilman Hebert, the Council voted to adopt a resolution appointing the members elected to serve on the Fire Board for the Thibodaux Volunteer Fire Department for the Year 2010. Upon roll call the vote was as follows:

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

RESOLUTION NO. 1522

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

***WHEREAS*, the Thibodaux Fire Board is comprised of two members from each company in the Thibodaux Volunteer Fire Department along with a Chief, Asst. Fire Chiefs and Secretary; and**

***WHEREAS*, in accordance with the provisions of Section 9-8 of the Thibodaux City Code of Ordinances the members of the said board must be appointed by the City Council.**

***NOW, THEREFORE BE IT RESOLVED* that the City Council of the City of Thibodaux in accordance with the provisions of Section 9-8 of the Thibodaux City**

Code of Ordinances does hereby appoint the following members to the Thibodaux Fire Board for the year 2010:

**Fire Chief – Mike P. Naquin
Asst. Chief – Randy Pate
Asst. Chief – Chad Mire
Asst. Chief – Robert Riviere
Secretary – Kenneth C. Bourgeois**

*Thibodaux Fire Company No. 1 – Charles J. Adams & Josh Bourgeois
Protector Fire Company No. 2 – Joe Ayo & Glenn Froisy
Home Hook & Ladder Fire Co – Barry Ledet & P.J. Naquin, III
Vigilant Chemical & Hose Fire Co – Rodney Gauthreaux & Charles Rodrigue
North Thibodaux Fire Company – Kenneth Himel, Jr. & Randy Adams
South Thibodaux Fire Company – David LeBlanc & Mitchell J. Benoit
West Thibodaux Fire Company – Warren A. Spears & James Guillot
Bowie Fire Company – Ruben Boudreaux, Jr. & Shawn Babin*

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

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

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

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

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

The Finance Director informed the Council Administrator that in order for the City to comply with GASB 45, we must acquire the services of an actuary in order to determine the current cost of post employment benefits other than pensions that must be included in our financial statements for 2009.

The City has chosen L & E Actuaries and Consultants to perform this service at a cost not to exceed \$1,000.

On motion of Councilman Hebert, seconded by Councilman Richard, the Council voted to adopt a resolution authorizing the Mayor to sign a Professional Services Contract with L & E Actuaries and Consultants. Upon roll call the vote was as follows:

**YEAS: Councilmen Hebert, Richard, Taylor, Badeaux
NAYS: None**

ABSENT: Councilman Mire
ABSTAINED: None

RESOLUTION NO. 1523

***A RESOLUTION AUTHORIZING THE MAYOR TO
SIGN AN PROFESSIONAL SERVICES CONTRACT
WITH L & E ACTUARIES AND CONSULTANTS***

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

WHEREAS, The Governmental Accounting Standards Board (GASB) has issued Statement No. 45, *Accounting and Financial Reporting by Employers for Postemployment Benefits Other Than Pensions*, which addresses how state and local governments should account for and report their costs and obligations related to postemployment healthcare and other non-pension benefits; and

WHEREAS, in order to comply, the City needs to obtain an actuarial evaluation of post employment benefits other than pension benefits at least biennially, with a new valuation being performed if significant changes have occurred since the last valuation, and based on the actuarial evaluation, the City will have to record expense and liabilities in the financial statements for the year ending December 31, 2009; and

WHEREAS, the Mayor has selected L & E Actuaries and Consultants to prepare the GASB Statement No. 45 valuations; and

WHEREAS, it is necessary to execute a professional services contract with the said company for the services to be rendered.

NOW, THEREFORE BE IT RESOLVED by the City Council that the Mayor be and is hereby authorized to execute a professional services contract with L & E Actuaries and Consultants for the services rendered to the City in conjunction with the GASB Statement No. 45.

BE IT FURTHER RESOLVED that a copy of the said agreement 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, Badeaux
NAYS: None

ABSTAIN: None
ABSENT: Councilman Mire

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

/s/ Jennifer Morvant
Jennifer Morvant, Council Adm.

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

On January 12, 2010 the City received bids for the Thibodaux East Sector Water Distribution System Upgrade which includes the replacement of the cast iron water pipes to pvc pipes on the east side of Thibodaux.

The lowest responsible bid was received from Digco Utility Construction, LP in the amount of \$5,267,775.00. Mr. Al Badeaux is recommending that the City accept the bid of Digco Utility Construction as submitted.

Murphy Foster, PO Box 3197 Baton Rouge, LA 70821, addressed the Council representing Byron E. Talbot Contractor, Inc. He explained the reasons for the bid protest and asked the Council to consider these reasons before awarding the contract to Digco Utility Construction.

Jason Bergeron, 822 Harding Street Lafayette, LA, addressed the Council representing Digco Utility Construction. He explained specific reasons indicating that Digco was indeed correct in its bid proposal. He stated that Digco was the lowest bidder and should be awarded the contract.

The discussion continued with the Council, a representative from Digco, the City Attorney and Mr. Al Badeaux. The City Attorney recommended that the Council consider the low bid of Digco.

On motion of Councilman Richard, seconded by Councilman Taylor, the Council voted to adopt a resolution accepting the low bid of Digco Utility Construction, LP for the Thibodaux East Sector Water Distribution System Upgrade and authorize the Mayor to sign a contract therewith. Upon roll call the vote was as follows:

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

RESOLUTION NO. 1524

A RESOLUTION ACCEPTING THE LOW BID OF DIGCO

***UTILITY CONSTRUCTION, LP FOR THE THIBODAUX EAST
SECTOR WATER DISTRIBUTION SYSTEM UPGRADE AND
AUTHORIZING THE MAYOR TO SIGN 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 Thibodaux East Sector Water Distribution System Upgrade Project; and

WHEREAS, the low bid received was from Digco Utility Construction, LP in the amount of \$5,267,775.00; and

WHEREAS, it is necessary to consider the acceptance of the low bid 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 Digco Utility Construction, LP 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 Digco Utility Construction, LP 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 and Badeaux

NAYS: None

ABSTAINED: None

ABSENT: Councilman Mire

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

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

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

The Council Administrator was informed by the City's Bond Counsel, Mr. Jerry Osborne that the City Council should consider an ordinance to supplement and amend the first Supplemental Bond Ordinance in order to increase the maximum amount of authorized bonds issued from \$5,000,000 to \$6,400,000. This increase is being requested based on the bids received for the water project on January 12, 2010.

The low bid was received in the amount of \$5,267,775.00, and in order to secure the funds needed for the project construction and contingencies, and engineering fees the City must increase the amount of authorized bonds to be issued.

Councilman Taylor explained to the Public that this was not any way involved with the citizens having to pay additional taxes.

The Mayor explained the need for the increase in the issuance of the bonds.

On motion of Councilman Hebert, seconded by Councilman Richard, the Council voted to adopt an ordinance supplementing and amending the First Supplemental Bond Ordinance No. 2476 adopted September 2, 2009 to increase the authorization of Taxable Water Revenue Bonds, Series 2009 to Six Million Four Hundred Thousand Dollars. Upon roll call the vote was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSENT: Councilman Mire

ABSTAINED: None

The following ordinance, having been previously introduced on January 19, 2010, Notice of Introduction having been published on January 25, 2010, and a public hearing held thereon on February 2, 2010, all as required by the Thibodaux City Charter, was offered for final adoption by Councilman Hebert and seconded by Councilman Richard:

ORDINANCE 2499

An ordinance supplementing and amending the First Supplemental Bond Ordinance No. 2476 adopted on September 1, 2009, to increase the authorization of Taxable Water Revenue Bonds, Series 2009, to Six Million Four Hundred Thousand Dollars.

WHEREAS, the City of Thibodaux, State of Louisiana (the "Issuer") has adopted the First Supplemental Bond Ordinance No. 2476 on September 1, 2009 (the "First Supplemental Ordinance"), authorizing the issuance of \$5,000,000 of Taxable Water Revenue Bonds, Series 2009, and the Issuer now wishes to adopt this ordinance to amend the authorization of Bonds to \$6,400,000.

WHEREAS, pursuant to the authority of Part XIII, Chapter 4, Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, the Issuer gave notice of its intention to issue Water Revenue Bonds in an amount not exceeding \$8,000,000 on January 20, 2009, without the necessity of the holding of an election thereon, held a public hearing thereon on March 17, 2009 and no objections were made to the issuance of such bonds and no petitions were filed requesting an election thereon; and

WHEREAS, to represent the loan from the Louisiana Drinking Water Revolving Loan Fund in a principal amount not to exceed Six Million Four Hundred Thousand Dollars (\$6,400,000), it is now the desire of this Governing Authority to fix the details necessary with respect to the issuance of the Bonds as Build America Bonds and provide for the authorization and issuance thereof;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Thibodaux, State of Louisiana (the “Governing Authority”), acting as the governing authority of the Issuer, that:

SECTION 1. The First Supplemental Ordinance is hereby amended to reflect throughout the ordinance the authorization of a total aggregate amount of \$6,400,000 of Taxable Water Revenue Bonds. Further authorization is hereby given for the execution of a correspondingly amended Loan and Pledge Agreement authorized by the First Supplemental Ordinance.

SECTION 2. Except as supplemented herein, the First Supplemental Ordinance remains in full force and effect.

SECTION 3. This Ordinance is effective immediately.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Councilmen Hebert, Richard, Taylor, Badeaux

NAYS: None

ABSENT: Councilman Mire

ABSTAINING: None

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

**/s/ Lloyd Badeaux
Lloyd Badeaux, President**

Delivered to the Mayor on

February 2, 2010 at 5:50 p.m.

APPROVED: X February 2, 2010

VETOED: _____

**/s/ Charles Caillouet
Mayor**

Returned to the Council Administrator on

February 2, 2010, at 5:50 p.m.

**/s/ Jennifer Morvant
Council Administrator**

And the Ordinance was declared adopted, on this, 2nd day of February, 2009.

STATE OF LOUISIANA

PARISH OF LAFOURCHE

I, the undersigned Clerk of the City Council of the City of Thibodaux, State of Louisiana, acting as the governing authority of the City of Thibodaux, State of Louisiana (the "Issuer"), do hereby certify that the foregoing three (3) pages constitute a true and correct copy of the proceedings taken by the governing authority of the Issuer on February 2, 2010, supplementing and amending the First Supplemental Bond Ordinance No. 2476 adopted on September 1, 2009, to increase the authorization of Taxable Water Revenue Bonds, Series 2009, to Six Million Four Hundred Thousand Dollars.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of said Issuer at Thibodaux, Louisiana, on this, the 2nd day of February, 2010.

/s/ Jennifer Morvant
Clerk

In other business, Mr. Don Gilmore, of Singleton Street, Thibodaux, LA 70301, addressed the Council in regards to submitting a proposal for the Mosquito Control Contract. Mr. Gilmore along with his partner, Nathan Clement, 177 Elsie Street, explained their qualifications and experience in dealing with this contract. The name of the company is Ace Mosquito Control.

The Mayor and the Council discussed several issues of concern in reference to this contract. They suggested that Ace Mosquito Control submit a proposal and attend the next Council Meeting on Thursday, February 18, 2010.

Evan Williams representing the property owners of 1221 General Nicholls addressed the Council and Mayor. Councilman Badeaux suggested that the property owner contact the administration in regards to this because it required no further action from the Council. The Mayor did state that an additional 30 days would be granted to have the property cleared of all debris.

There being no further business the meeting was adjourned.

Jennifer Morvant, Council Adm.

Lloyd "Chip" Badeaux, President

