

City of Mansfield
MINUTES OF REGULAR PUBLIC MEETING
April 8, 2013

The Board of Aldermen met in regular session on **Monday, April 8th**, in Mansfield City Hall, located at 705 Polk Street. Mayor McCoy called the meeting to order at **4:30 p.m.**, after which an **Invocation** was offered by **Alderman G. B. Hall III**. The Pledge of Allegiance was led by **Alderman Mitchell L. Lewis**. The oral roll call was suspended; however, the following officials were recorded as **Present**: Hon. Curtis W. McCoy, G. B. Hall III –District **A**, Troy N. Terrell –District **B**, Mitchell L. Lewis –District **C**, Joseph Hall, Jr. –District **D**, and Cynthia T. Cruse –District **E**. **Absent**: None. **Other City Personnel Present**: James “*Jim*” Ruffin (Public Works Director), Brian Phillips (Court Clerk), Gwendolyn Jones (Deputy Clerk), and Lee Shaver (Fire Chief). **Others Present**: Arthur J. Williams, Jr. (Mansfield Planning & Zoning Commission) and Mr. John L. Freeman. **Press Present**: None.

It was MOTIONED by **JOSEPH HALL, JR.** and SECONDED by **MITCHELL L. LEWIS** to approve the minutes of the **March 25, 2013 regular** City Council meeting and to dispense with the reading. Motion Passed Unanimously.

It was MOTIONED by **MITCHELL L. LEWIS** and SECONDED by **CYNTHIA T. CRUSE** to pay current outstanding bills for this period. Motion Passed Unanimously.

The City Clerk next opened the floor to hear public comments from those in attendance to any item outlined on the meeting agenda. No comments were offered at this period. The **Public Comments Period** was then closed.

Old Business: None.

New Business:

Item A: It was MOTIONED by **JOSEPH HALL, JR.** and SECONDED by **G. B. HALL III** to approve **Change Order No. 2** as submitted by **David Lawler Construction, Inc.** for the Water Service Line Reconnections project. This project is being funded by a \$50,000 grant from the Community Water Enrichment Fund (CWEF) for FY 2011/2012, administered through the Office of Community Development. This Change Order represents adding a 3” water main down Gilbert Lane and deleting water service line connections on Jacobs Street, Johnson Street, and Oxford Road. The current contract price of \$41,811.00 (as of Change Order No. 1) is unchanged as the total increase for this Change Order was \$17,800.00 and the total decrease was \$17,800.00. However, the time provided for completion of the contract is increased by 14 calendar days. This Change Order document shall become an amendment to the contract and all provisions of the contract will apply thereto. Motion Passed Unanimously.

Item B: It was MOTIONED by **G. B. HALL III** and SECONDED by **MITCHELL L. LEWIS** to approve a **Certificate of Substantial Completion** as submitted by **Regional Construction, L.L.C.** for the Gibbs St. at Jacobs St. Drainage Improvements project. The Date of Substantial Completion for this contract is April 4, 2013 (original contract date 08/02/12). The Work to

which this Certificate applies has been inspected by authorized representatives of the Owner (City of Mansfield), the Contractor (Regional Construction, L.L.C.) and the engineer (BALAR Associates, Inc.), and was found to be substantially complete, with the exception of a list of incomplete items or items requiring correction dated 04/04/13. Motion Passed Unanimously.

Item C: It was MOTIONED by **MITCHELL L. LEWIS** and SECONDED by **G. B. HALL III** to a *Certificate of Substantial Completion* as submitted by **Regional Construction, L.L.C.** for the Gibbs St. at Old Jefferson Highway Drainage Improvements project. The Date of Substantial Completion for this contract is April 4, 2013 (original contract date 11/5/12). The Work to which this Certificate applies has been inspected by authorized representatives of the Owner (City of Mansfield), the Contractor (Regional Construction, L.L.C.) and the engineer (BALAR Associates, Inc.), and was found to be substantially complete, with the exception of a list of incomplete items or items requiring correction dated 04/04/13. Motion Passed Unanimously.

Item D: It was MOTIONED by **G. B. HALL III** and SECONDED by **TROY N. TERRELL** to adopt a Resolution authorizing the Mayor to enter into and execute Maintenance Agreement with the Louisiana Department of Transportation and Development (LA DOTD) for Sidewalk Rehabilitation/Construction along LA Hwy. 513 (MLK Drive to Gibbs St.). Once construction on the Sidewalk is complete, the City will assume maintenance of said Sidewalk. Further, this Resolution authorizes the Mayor to act as Official Signatory and Representative on behalf of the City of Mansfield for this matter. Motion Passed Unanimously.

Item E: It was MOTIONED by **JOSEPH HALL, JR.** and SECONDED by **MITCHELL L. LEWIS** to adopt a Resolution authorizing the Mayor to execute and act as Official Signatory and Representative for the City of Mansfield for an **Act of Donation** with CLECO Power, L.L.C. for this company's former electricity substation on Water Street. This property is located adjacent to the City's Maintenance/Storage Facility, and is being donated without warranty of title. Motion Passed Unanimously. (Full copy of Resolution on file at City Hall)

Item F: It was MOTIONED by **G. B. HALL III** and SECONDED by **CYNTHIA T. CRUSE** to adopt an Ordinance setting the Franchise Fee to be paid by those entities providing **cable** or **video service** within the municipal limits of the City of Mansfield under a state-issued certificate of franchise authority. All persons or entities providing cable or video services to the citizens of the City pursuant to a state-granted franchise of authority shall pay the City a franchise fee equal to **5%** of the cable or video service provider's gross revenues, as that term is defined by the "*Consumer Choice for Television Act of 2008*," derived from operations within the City's municipal limits. Motion Passed Unanimously. (Full Ordinance recited below):

CITY of MANSFIELD
ORDINANCE NO. 3 of 2013

An Ordinance setting the franchise fee to be paid by those entities providing cable or video service within the municipal limits of the City of Mansfield under a state-granted franchise authority and otherwise providing with respect thereto.

WHEREAS, pursuant to the provisions of the Consumer Choice for Television Act of 2008, codified at LSA-R.S. 45:1361 et. seq. any person or entity desiring to provide cable or video services within the City of Mansfield's corporate limits may do so by obtaining a state-issued certificate of franchise authority.

WHEREAS, pursuant to the provisions of LSA-R.S. 45:1366, the holder of a state-issued certificate of franchise authority for cable or video service is required to pay a franchise fee to a local government in which it operates upon the passage of an Ordinance by that government setting such a fee; and

WHEREAS, there are persons or entities which operate or desire to operate cable or video services within the City of Mansfield's municipal limits.

BE IT THEREFORE ORDAINED by the City Council of the City of Mansfield, State of Louisiana, that all persons or entities providing cable or video services to the citizens of the City of Mansfield pursuant to a state-issued certificate of franchise authority as provided in LSA-R.S. 45:1361 et. seq. shall, pursuant to the provisions of LSA-R.S. 45:1366, pay the City of Mansfield a franchise fee equal to 5% of the cable or video service provider's gross revenues, as that term is defined by the "Consumer Choice for Television Act of 2008," derived from operations within the City's municipals limits.

BE IT FURTHER ORDAINED, that all Ordinances and Resolutions in conflict herewith are hereby repealed, except those approving any cable or video franchise agreement in force and effect between the City of Mansfield and any cable or video service provider.

This Ordinance shall take effect and be in force immediately after its adoption.

Said Ordinance having been introduced on April 8, 2013 by Alderman Mitchell L. Lewis, the title having been read and Ordinance unanimously considered, on motion by Alderman G. B. Hall III, and seconded by Alderman Cynthia T. Cruse, to adopt the Ordinance.

YEAS: 5
NAYS: 0
ABSENT: 0
ABSTAIN: 0

Whereupon the Mayor declared said Ordinance duly adopted on April 8, 2013.

/s/ Curtis W. McCoy, Mayor
/s/ Marvin R. Jackson, Clerk

Item G: It was MOTIONED by **MITCHELL L. LEWIS** and SECONDED by **TROY N. TERRELL** to adopt an Ordinance requiring the payment of **public, educational, governmental** (PEG) access programming support to the City of Mansfield by cable or video service providers operating within the municipal limits of the City of Mansfield under a state-issued certificate of franchise authority. All persons or entities providing cable or video services to the citizens of the City pursuant to a state-granted franchise of authority shall pay the City an amount equal to one half percent of the gross revenues (amount allowed by state statute), as that term is defined by the "*Consumer Choice for Television Act of 2008*," derived from operations within the City's municipal limits. Motion Passed Unanimously. (Full Ordinance recited below):

CITY of MANSFIELD
ORDINANCE NO. 4 of 2013

An Ordinance requiring the payment of **public, educational, governmental access** (PEG) programming support to the City of Mansfield by cable or video service providers operating within the municipal limits of the City of Mansfield under a state-issued certificate of franchise authority and otherwise providing with respect thereto.

WHEREAS, pursuant to the provisions of the Consumer Choice for Television Act of 2008, codified at LSA-R.S. 45:1361 et. seq. any person or entity desiring to provide cable or video services within the City of Mansfield's corporate limits may do so by obtaining a state-issued certificate of franchise authority.

WHEREAS, the City of Mansfield has requested those entities providing cable or video services within the municipal limits of the City of Mansfield to provide public, educational, and

governmental access programming, streams, or channels (“PEG”) and desires to collect PEG access support from these cable or video service providers pursuant to the provisions of LSA-R.S. 45:1370.

WHEREAS, there are persons or entities which operate or desire to operate cable or video services within the City of Mansfield’s municipal limits.

BE IT THEREFORE ORDAINED by the City Council of the City of Mansfield, State of Louisiana, that pursuant to the provisions of LSA-R.S. 45:1361 et. seq., providers of cable or video services holding a state-issued certificate of franchise authority as provided in LSA-R.S. 45:1361 et. seq. and operating within the City of Mansfield’s municipal limits shall pay the City of Mansfield an amount equal to one half percent of the gross revenues (*amount allowed by statute*), as that term is defined by the “Consumer Choice for Television Act of 2008,” derived from operations within the City’s municipals limits.

BE IT FURTHER ORDAINED, that all Ordinances and Resolutions in conflict herewith are hereby repealed, except those approving any cable or video franchise agreement in force and effect between the City of Mansfield and any cable or video service provider.

This Ordinance shall take effect and be in force immediately after its adoption.

Said Ordinance having been introduced on **April 8, 2013** by Alderman G. B. Hall III, the title having been read and Ordinance unanimously considered, on motion by Alderman Mitchell L. Lewis, and seconded by Alderman Troy N. Terrell, to adopt the Ordinance.

YEAS: 5
NAYS: 0
ABSENT: 0
ABSTAIN: 0

Whereupon the Mayor declared said Ordinance duly adopted on April 8, 2013.

/s/ Curtis W. McCoy, *Mayor*
/s/ Marvin R. Jackson, *Clerk*

Item H: It was MOTIONED by **JOSEPH HALL, JR.** and SECONDED by **MITCHELL L. LEWIS** to approve the disbursement of an estimated **\$19,995.00** capital expenditure for the purchase and installation of a 2-sided, full-color LED Message Center from **Digital Sign Solutions, LLC** (Shreveport, LA). The City proposes to situate the LED sign on the front lawn at Mansfield City Hall and will be utilized to announce day-to-day operations that could impact the City’s residents, inform passers-by of upcoming city events (festivals, parades and the like)

or even help to promote a new business that has situated in the City. Motion Passed Unanimously.

Item I: It was MOTIONED by **JOSEPH HALL, JR.** and SECONDED by **G. B. HALL III** to approve the disbursement of an estimated **\$798,000.00** capital expenditure for the purchase of a Ladder Fire Truck from the *Sutphen Corporation* (Dublin, OH), and authorize the Mayor to enter into and execute a Purchase Agreement with said Corporation. The fire truck will cost approximately \$698,000 and it has been estimated that another \$100,000 will be expended to attach needed equipment and other apparatus to the unit. This new truck will be stored in a bay recently constructed as an addition to the City's #2 Fire Station at 1735 McArthur Drive. This purchase is one of the measures necessary to lower the City's fire insurance rating according to the Property Insurance Association of Louisiana (PIAL). Presently, the City is under a Class 5 rating. Purchasing this unit, along with implementing some other measures, will possibly lower the rating to a Class 3. Moreover, this addition to the Fire Department's fleet of vehicles was also necessary in order for fire personnel to respond to and extinguish fires occurring at structures with three (3) or more stories. The City will be the only entity in the parish with a fire truck with this capability. Motion Passed Unanimously.

During the **Comments Period** for the Mayor and Council Members, Councilmen Joseph Hall, Jr. and G. B. Hall III expressed appreciation for having an opportunity to serve with Alderman Cynthia Cruse. Mrs. Cruse officially replaced the deceased, former Alderman Alvin Woodley on October 29, 2012 until the special election held on April 6, 2013. Election returns reflected that Mrs. Cruse was defeated 87/60 by Mr. Kervin D. Campbell. Mrs. Cruse will remain in her position as Alderman for District E until April 15, 2013. Mr. Campbell is slated to take his Oath of Office at the Council's regular meeting scheduled for April 22nd. Mayor McCoy congratulated Mrs. Cruse on running a good campaign and also expressed his gratitude for the opportunity to work with her during her brief tenure as Alderman. On a separate matter, Mayor McCoy informed the Council and attendees that more streets are being proposed for repair. Recently, both Claudia Street and Crosby Street received much-needed overlays. Repairs are now being considered for Jefferson and Welsh Streets. In other comments, Aldermen Troy Terrell and G. B. Hall stated that they had received compliments on how nice the City's newly refurbished Maintenance/Storage Facility looked. The structure's exterior renovations are virtually complete and now the contractor (ELA Group, Inc.) is busy with interior improvements. This building is located near the downtown district (115 Edwards St.). Finally, Mrs. Cruse expressed his pleasure with working with the Mayor and the other Aldermen.

With no further business to discuss, the meeting adjourned at **4:51 p.m.**, by MOTION from **JOSEPH HALL, JR.** and was SECONDED by **MITCHELL L. LEWIS.** Motion Passed Unanimously.

Curtis W. McCoy, *Mayor*
Marvin R. Jackson, *Clerk*