

PROCEEDINGS OF THE CITY COUNCIL OF BOSSIER CITY  
STATE OF LOUISIANA TAKEN AT THE REGULAR MEETING  
JULY 2, 2019

The City Council of the City of Bossier City, State of Louisiana, met in regular session in Council Chambers, 620 Benton Road, Bossier City, Louisiana, July 2, 2019, at 3:00 PM

Invocation was given by Council Member Scott Irwin

Pledge of Allegiance led by Council Member Thomas Harvey

Roll Call as follows:

Present: Honorable Councilor Scott Irwin, President, Honorable Councilors, David Montgomery, Jr, Timothy Larkin, Jeffery Darby, Don Williams, Jeff Free and Thomas Harvey

Also Present: Mayor, Lorenz Walker, Assistant City Attorney, Gordon Mosley and City Clerk, Phyllis McGraw

By: Mr. Williams

Motion to approve minutes June 18, 2019, Regular Meeting and dispense with the reading.

Seconded by Mr. Harvey

No comment

Vote in favor of motion is unanimous

By: Mr. Larkin

Motion to add to Agenda Item #14 under New Business – Approve Report of Change Order #1 for the Meadowview #2 Sewer Lift Station Project for an increase of \$40,406.69. Total of contract with increase \$212,406.69.

Seconded by Mr. Montgomery, Jr.

No comment

Vote in favor of motion is unanimous

By: Mr. Williams

Motion to add to Agenda Item #15 under New Business – Adopt a Resolution authorizing the acquisition of property through Institution of Expropriation proceedings for a Water Project, the Shed to Airline Drive 42" Water Main Project.

Seconded by Mr. Darby

No comment

Vote in favor of motion is unanimous

By: Mr. Montgomery, Jr.

Motion to add to Agenda Item #16 under New Business – Adopt a Resolution authorizing the acquisition of property through Institution of Expropriation proceedings for Street and Water Projects in connection with the Walter O. Bigby Carriageway Parkway North Extension Road Project and Waterline Project

Seconded by Mr. Darby

No comment

Vote in favor of motion is unanimous

By: Mr. Darby

Motion to add to Agenda Item #17 under New Business – Adopt a Resolution authorizing the acquisition of property through Institution of Expropriation proceedings for a Street and Traffic Safety Project in connection with two cross-access drives at Walmart Supercenter and Kroger Marketplace.

Seconded by Mr. Harvey

No comment

Vote in favor of motion is unanimous

By: Mr. Larkin

Motion to approve Agenda as amended.

Seconded by Mr. Williams

No comment

Vote in favor of motion is unanimous

**Ceremonial Matters/Recognition of Guests-**

**None**

**Committee Reports-**

**None**

**Unfinished Business –**

The following Ordinance offered and adopted:

**Ordinance No. 74 Of 2019**

**ADOPT AN ORDINANCE TO APPROPRIATE FUNDS TO COVER CONSTRUCTION COST FOR THE HAMILTON ROAD DRAINAGE LIFT STATION IMPROVEMENT PROJECT FOR A TOTAL OF \$1,320,000.00 TO COME FROM THE 2014 UTILITY BOND ISSUE**

**WHEREAS** The final opinion of construction costs for the Hamilton Drainage Lift Station project is \$1,320,000.00. (see attachment *Hamilton Road Drainage Lift Station Improvements Final Opinion of Probable Construction Costs 24 May- 19* for estimated detailed breakdown of the costs); and

**WHEREAS**, \$1,320,000.00 may be appropriated from the 2014 Utility Bond Issue.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Bossier City, Louisiana, in regular session convened, that the Bossier City Council does hereby appropriate \$1,320,000.00 To Come From the 2014 Utility Bond Issue to cover the construction costs for the Hamilton Road Lift Station.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. David Montgomery, Jr., and seconded by Mr. Timothy Larkin, and adopted on the 2nd, day of July, 2019, by the following vote:  
AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

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**Scott Irwin, President**

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**Phyllis McGraw, City Clerk**

The following Ordinance offered and adopted:

**Ordinance No. 75 Of 2019**

**ADOPT AN ORDINANCE TO APPROPRIATE FUNDS TO COVER CONSTRUCTION COST FOR THE SHADY GROVE AND LEN STREET LIFT STATION IMPROVEMENT PROJECT FOR A TOTAL OF \$170,000.00 TO COME FROM THE SEWER CAPITAL AND CONTINGENCY FUND AND ENTER INTO A CONTRACT WITH PULLEY CONSTRUCTION, INC. FOR COMPLETION OF WORK.**

**WHEREAS**, the final opinion of construction costs for the Shady Grove and Len Street Lift Station Improvement Project is \$170,000.00. (see attachment *Shady Grove and*

*Len Street LS Improvements Ordinance Recommendation – May 29, 2019* for estimated detailed breakdown of the costs); and

**WHEREAS**, the City secured three bids to perform various improvements to the subject lift station. Pulley Construction, Inc. submitted the lowest responsive bid to perform the work.

**WHEREAS**, \$170,000.00 may be appropriated from the Sewer Capital and Contingency fund.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Bossier City, Louisiana, in regular session convened, that the Bossier City Council does hereby appropriate \$170,000.00 to come from the Sewer Capital and Contingency Fund to cover the construction costs for the Shady Grove and Len Street Lift Station Improvement Project.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Jeffery Darby, and seconded by Mr. Timothy Larkin, and adopted on the 2nd, day of July, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

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Scott Irwin, President

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Phyllis McGraw, City Clerk

The following Ordinance offered and adopted:

**Ordinance No. 76 Of 2019**

**AN ORDINANCE IMPLEMENTING A BUDGETARY CONTROL REQUIRING A RESOLUTION TO BE APPROVED BY THE BOSSIER CITY COUNCIL PRIOR TO THE HIRING OR EMPLOYMENT OF ANY INDIVIDUAL RECEIVING WAGES, COMPENSATION, OR REMUNERATION FOR LABOR INCLUDING TEMPORARY OR CONTRACTUAL EMPLOYMENT.**

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**WHEREAS**, the Bossier City Council desires to limit the expansion of the budget by approving any and all hiring for labor prior to the employment of the individual.

**NOW, THEREFORE BE IT ORDAINED** by the City Council of Bossier City, Louisiana, in regular session convened that effective upon the passage of this ordinance it shall be required that a Resolution of the Council be passed prior to the hiring or employment of any individual receiving wages, compensation, or remuneration for labor including temporary or through a contract.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. David Montgomery, Jr., and seconded by Mr. Don Williams, and adopted on the 2nd, day of July, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

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Scott Irwin, President

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Phyllis McGraw, City Clerk

The following Ordinance offered and adopted:

**Ordinance No. 77 Of 2019**

**AN ORDINANCE DECLARING APPROXIMATELY 150 AIR PACKS (SCBA) THAT DO NOT MEET THE CURRENT NFPA STANDARDS, SURPLUS TO THE NEEDS OF THE CITY AND DONATING SAME TO JUAREZ, MEXICO FOR FIREFIGHTING.**

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**WHEREAS**, approximately 150 air packs (SCBA) that do not meet the current NFPA standards have been declared surplus to the City of Bossier City; and

**WHEREAS**, the City of Juarez, Mexico has requested these assets; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Bossier City, Louisiana, in regular session convened, that the referenced air packs do not meet the current NFPA standards and have been declared surplus to the needs of the City of Bossier City and shall be donated to the City of Juarez, Mexico.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. David Montgomery, Jr., and seconded by Mr. Don Williams, and adopted on the 2nd, day of July, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

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Scott Irwin, President

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Phyllis McGraw, City Clerk

**New Business –**

Witness opening of sealed bids for Bid #P19-15 – Misc. Sewer Lift Station Improvement Project

Axis Construction	\$792,000.00
Alternate Bid	\$51,200.00
Dixie Overland Construction, LLC	\$1,040,988.00
Alternate Bid	\$80,000.00
Yor-Wic Construction	\$1,185,755.00
Alternate Bid	\$64,000.00

By: Mr. Williams

Motion to approve reading of bids

Seconded by Mr. Larkin

Vote in favor of motion is unanimous

Witness opening of sealed bids for Bid#19-14 – Sewer Sub-Basin BC-15

Horseshoe Construction, Inc.	\$1,894,142.00
JABAR Corporation	Disqualified – failure to acknowledge addenda

PM Construction & Rehab, LLC	\$1,126,795.00
Portland Utilities Construction Company, LLC.	Disqualified - failure to provide bid bond

By: Mr. Larkin  
Motion to approve reading of bids  
Seconded by Mr. Montgomery, Jr.  
No comment  
Vote in favor of motion is unanimous

Agenda Item called: Hearing to review the recommendation of demolition and removal of a dilapidated structure located at the following legal address: 906 Anthony Street A., Bossier City, LA. 71112

City Inspector Roger Voet spoke on the process that led up to the hearing. Appointed Attorney Robin Harvill has not been able to get response from property owners.

By: Mr. Williams  
Motion to demolish as soon as legally possible.  
Seconded by Mr. Montgomery, Jr.  
No comment  
Vote in favor of motion is unanimous

The following ordinance offered and adopted:

**ORDINANCE NO. 78 OF 2019**

**AN ORDINANCE AMENDING ORDINANCE NO. 133 OF 2018, BY CHANGING THE ZONING CLASSIFICATION OF A CERTAIN TRACT OF LAND LOCATED AT 4300 PARKWAY DRIVE, BOSSIER CITY, LOUISIANA FROM R-A (RESIDENTIAL AGRICULTURE) TO B-3 (GENERAL BUSINESS) FOR A COFFEE SHOP.**

SECTION 1. BE IT ORDAINED by the City Council of Bossier City, Louisiana, in regular session convened, that Ordinance No. 133 of 2018 of the City Council of the City of Bossier City, Louisiana, is hereby amended to provide that the zoning classification is hereby changed from R-A (Residential Agriculture) to B-3 (General Business), for the following:

A tract of land containing 0.67 acres located in Section 11, T17N, R13W, Bossier Parish, Louisiana, and being described as follows: Beginning at the SW corner of Shady Subdivision, Unit No 1, as recorded in Book 275 pages 232-233 Records of Bossier parish, Louisiana, run thence N 89°22' East along south line of said subdivision right of way line of Parkway Drive; thence South 33°13' East along side right of way line a distance of 150 ft; thence South 56°47' west a distance of 148 ft. to a point on the Northeasterly right of way line of the K.C.S. L & A Railroad; thence North 33°13' West along said right of way line a distance of 244.59 ft. to the point of beginning, Bossier Parish, Louisiana.

Motion was made by Mr. Timothy Larkin and seconded by Mr. David Montgomery, Jr. to adopt the above ordinance. Upon the following vote, the ordinance was duly adopted this 2<sup>nd</sup> day of July, 2019.

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey  
NAYS: none  
ABSENT: none  
ABSTAIN: none

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SCOTT IRWIN, PRESIDENT

C-25-19

Agenda Item Called:

Adopt Zoning Ordinance

(First and Final Reading)

Unfavorable by MPC

Petitioner: Bossier Village Lane Properties, LLC

Location: Lots A, B and C of Whittington Subdivision

Request: Zoning amendment from R-LD (Residential Low Density) to B-3 (General Business) for a proposed climate controlled storage facility.

By: Mr. Larkin

Motion to send back to MPC for further review.

Seconded by Mr. Montgomery, Jr.

No comment

Motion carried with the following vote:

Yeas – Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams and Mr. Free

Nays – none

Absent – none

Abstain – Mr. Harvey

Vote in favor of motion is unanimous

The following ordinance offered and adopted:

ORDINANCE NO. 79 OF 2019

AN ORDINANCE APPROVING A CONDITIONAL USE FOR THE SALE OF HIGH AND LOW CONTENT ALCOHOL FOR ON PREMISE CONSUMPTION AT 515 BARKSDALE BOULEVARD, BOSSIER CITY, LOUISIANA.

WHEREAS; Beau Hays, Bayou Jax Holdings, LLC, has applied to the Bossier City-Parish Metropolitan Planning Commission for Conditional Use Approval for the retail sale of high and low content alcohol, for on premise consumption, at a oyster and daiquiri bar located at 515 Barksdale Boulevard, Bossier City, LA, 71112; and

WHEREAS; a public hearing for the Conditional Use application was held on June 10, 2019; and

WHEREAS; The Planning Department has submitted the results of said public hearing to the Mayor and the City Council of the City of Bossier City.

THE CITY COUNCIL OF THE CITY OF BOSSIER CITY HEREBY ORDAINS:

SECTION 1. That the Conditional Use for retail sales of high and low content alcohol for on premise consumption at 515 Barksdale Boulevard, Bossier City, Louisiana is hereby approved.

Motion was made by Mr. David Montgomery, Jr. and seconded by Mr. Timothy Larkin

to adopt the above ordinance. Upon the following vote, the ordinance was duly

adopted this 2<sup>nd</sup> day of July, 2019.

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

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SCOTT IRWIN, PRESIDENT

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PHYLLIS MCGRAW, CITY CLERK

C-31-19

The following ordinance offered and adopted:

**ORDINANCE NO. 80 OF 2019**

**AN ORDINANCE APPROVING A CONDITIONAL USE FOR THE SALE OF HIGH AND LOW CONTENT ALCOHOL FOR ON PREMISE CONSUMPTION AT AN EVENT CENTER LOCATED AT 2328 BARKSDALE BOULEVARD, BOSSIER CITY, LOUISIANA.**

WHEREAS; Bryce Culotta has applied to the Bossier City-Parish Metropolitan Planning Commission for Conditional Use Approval for the retail sale of high and low content alcohol, for on premise consumption, at an event center located at 2328 Barksdale Boulevard, Bossier City, LA, 71112; and

WHEREAS; a public hearing for the Conditional Use application was held on June 10, 2019; and

WHEREAS; The Planning Department has submitted the results of said public hearing to the Mayor and the City Council of the City of Bossier City.

THE CITY COUNCIL OF THE CITY OF BOSSIER CITY HEREBY ORDAINS:

SECTION 1. That the Conditional Use for retail sales of high and low content alcohol for on premise consumption at 2328 Barksdale Boulevard, Bossier City, Louisiana is hereby approved.

Motion was made by Mr. David Montgomery, Jr. and seconded by Mr. Don Williams

to adopt the above ordinance. Upon the following vote, the ordinance was duly

adopted this 2<sup>nd</sup> day of July, 2019.

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

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SCOTT IRWIN, PRESIDENT

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PHYLLIS MCGRAW, CITY CLERK

C-32-19

The following Resolution offered and adopted:

**RESOLUTION 43 Of 2019**

**A RESOLUTION AUTHORIZING THE HIRING OF A P/T FIELD MAINTENANCE WORKER, FOR THE PARKS & RECREATION DEPARTMENT (BROWNLEE PARK)**

**WHEREAS**, Ordinance No. 21 of 2018 implemented a requirement assuring that the City department budgets not be exceeded by any hiring of any personnel; and

**WHEREAS**, the position of P/T Field Maintenance Worker is vacant due to retirement, resignation or termination; and

**WHEREAS**, the administration and the department assures that all current budgets have been verified and that no authorized salary has been exceeded; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to proceed with hiring procedures for the fulfillment of this position.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Timothy Larkin, and seconded by Mr. Thomas Harvey, and adopted on the 2nd, day of July, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

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**Scott Irwin, President**

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**Phyllis McGraw, City Clerk**

The following Resolution offered and adopted:

**RESOLUTION 44 Of 2019**

**A RESOLUTION AUTHORIZING THE HIRING OF ONE ANIMAL CONTROL OFFICER FOR THE PUBLIC WORKS DEPARTMENT**

**WHEREAS**, Ordinance No. 21 of 2018 implemented a requirement assuring that the City department budgets not be exceeded by any hiring of any personnel; and

**WHEREAS**, one Animal Control Officer is vacant due to retirement, resignation or termination; and

**WHEREAS**, the administration and the department assures that all current budgets have been verified and that no authorized salary has been exceeded; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to proceed with hiring procedures for the fulfillment of this position.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Thomas Harvey, and seconded by Mr. Jeff Free, and adopted on the 2nd, day of July, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

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**Scott Irwin, President**

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**Phyllis McGraw, City Clerk**

The following Resolution offered and adopted:

**RESOLUTION NO. 45 of 2019**

A RESOLUTION PROVIDING FOR THE EMPLOYMENT OF FOLEY & JUDELL, L.L.P., AS BOND COUNSEL FOR NOT EXCEEDING \$8,000,000 OF TAXABLE WATER REVENUE BONDS, SERIES 2019 OF THE CITY OF BOSSIER CITY, STATE OF LOUISIANA; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

**WHEREAS**, on September 4, 2018, the City Council of the City of Bossier City, State of Louisiana (the "Governing Authority"), acting as governing authority of the City of Bossier City, State of Louisiana (the "City"), adopted Resolution No. 66 of 2018, giving preliminary approval to the issuance of not exceeding \$8,000,000 of Taxable Water Revenue Bonds, Series 2019 (the "Bonds"); and

**WHEREAS**, on May 21, 2019, the Governing Authority adopted Ordinance No. 62 of 2019 employing Foley & Judell, L.L.P. as bond counsel for any and all bond issues or financing projects of the City; and

**WHEREAS**, this Governing Authority now desires to confirm the employment of Foley & Judell, L.L.P. as bond counsel in connection with the issuance of the Bonds;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bossier City, State of Louisiana, acting as governing authority of the City of Bossier City, State of Louisiana, that:

**SECTION 1.** This Governing Authority finds and determines that a real necessity exists for the employment of special counsel in connection with the issuance of the Bonds, and accordingly, Foley & Judell, L.L.P., of New Orleans, Louisiana, as Bond Counsel, is hereby employed to do and perform work of a traditional legal nature as bond counsel with respect to the issuance and sale of said Bonds. Said Bond Counsel shall prepare and submit to this Governing Authority for adoption all of the proceedings incidental to the authorization, issuance, sale and delivery of such Bonds, shall counsel and advise this Governing Authority as to the issuance and sale thereof and shall furnish its opinions covering the legality of the issuance of the Bonds. The fee of Bond Counsel for each series of bonds shall be fixed at a sum not exceeding the fee allowed by the Attorney General's fee guidelines for such bond counsel work in connection with the issuance of revenue bonds and based on the amount of said Bonds actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses, said fees to be contingent upon the issuance, sale and delivery of said Bonds. The Director of Finance is hereby authorized and directed to execute, and this Governing Authority hereby agrees to and accepts the terms of, the engagement letter of Bond Counsel appended hereto. A certified copy of this resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated, and the Director of Finance is hereby empowered and directed to provide for payment of the work herein specified upon completion thereof and under the conditions herein enumerated without further approval of this Governing Authority.

**SECTION 2.** The Mayor, the City Clerk, and the Director of Finance are hereby authorized to do any and all things necessary and incidental to carry out the provisions of this Resolution.

**SECTION 3.** All other resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

The above and foregoing Resolution, read in full at open and legal session convened, was on motion of Mr. David Montgomery, Jr. and seconded by Mr. Timothy Larkin, and adopted on the 2<sup>nd</sup> day of July, 2019 by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

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Scott Irwin, President

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Phyllis McGraw, City Clerk

July 2, 2019

STATE OF LOUISIANA

PARISH OF BOSSIER

I, the undersigned City Clerk of the City of Bossier City, State of Louisiana (the "City"), do hereby certify that the foregoing pages constitute a true and correct copy of a resolution adopted by the City Council of the City of Bossier City, State of Louisiana, on July 2, 2019, providing for the employment of Foley & Judell, L.L.P., as bond counsel for not exceeding \$8,000,000 of Taxable Water Revenue Bonds, Series 2019 of the City; and providing for other matters in connection therewith.

IN FAITH WHEREOF, witness my official signature on this the 2<sup>nd</sup> day of July, 2019.

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Phyllis McGraw, City Clerk

**The following Resolution offered and adopted:**

**RESOLUTION 46 Of 2019**

**A RESOLUTION AUTHORIZING THE HIRING OF ONE (1) POLICE COMMUNICATIONS OFFICER FOR THE BOSSIER CITY POLICE DEPARTMENT.**

**WHEREAS**, Ordinance No. 21 of 2019 implemented a requirement assuring that the City department budgets not be exceeded by any hiring of any personnel; and

**WHEREAS**, the hiring of one (1) Police Communications Officer due to resignation of one Police Communications Officer.

**WHEREAS**, the administration and the department assures that all current budgets have been verified and that no authorized salary has been exceeded; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to proceed with hiring procedures for the fulfillment of this position.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Thomas Harvey, and seconded by Mr. Jeff Free, and adopted on the 2nd, day of July, 2019, by the following vote:

**AYES:** Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none  
ABSENT: none  
ABSTAIN: none

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**Scott Irwin, President**

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**Phyllis McGraw, City Clerk**

By: Mr. Larkin

Motion to approve Parade Permit Fee Waivers for the following:

- A. Airline High School Homecoming Parade, September 26, 2019
- B. Green Acres Place HOA July 4<sup>th</sup> Parade, July 4, 2019

Seconded by Mr. Free

No comment

Vote in favor of motion is unanimous

**The following Ordinance offered and adopted:**

**Ordinance No. 81 Of 2019**

**AN ORDINANCE TO DECLARE THAT AN EMERGENCY DID EXIST IN THE CITY OF BOSSIER CITY WHICH AFFECTED, PROPERTY, PUBLIC HEALTH AND SAFETY DUE TO THE REQUIREMENT TO RESTORE SEWER SERVICE ALONG WALLER STREET AT A COST OF \$60,000.00 TO COME FROM SEWER CAPITAL CONTINGENCY FUNDS.**

**WHEREAS**, the city has replaced approximately 40' of this line and discovered the old concrete sewer main in extremely poor condition. Jetting and cleaning this line has proven ineffective. We solicited bids to replace 500' of gravity main along this section between two existing manholes to ensure continuing problems are eliminated. Sewer continues to inundate this area; and

**WHEREAS**, \$70,000.00 shall be appropriated from the Sewer Capital Contingency Fund.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Bossier City, Louisiana, in regular session convened, that the Bossier City Council does hereby declare that an emergency exists and appropriates \$60,000.00 to come from the sewer capital contingency fund for replace 500' of sewer main on Waller Street.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Don Williams, and seconded by Mr. David Montgomery, Jr., and adopted on the 2nd, day of July, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

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Scott Irwin, President

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Phyllis McGraw, City Clerk

By: Mr. Montgomery, Jr.

Motion to approve Report of Change Order #1 for the Meadowview #2 Sewer Lift Station Project for an increase of \$40,406.69. Total of contract with increase \$212,406.69.

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

**RESOLUTION NO. 47 OF 2019**

**A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY  
THROUGH INSTITUTION OF EXPROPRIATION PROCEEDINGS FOR A  
WATER PROJECT,**

**THE SHED TO AIRLINE DRIVE 42" WATER MAIN PROJECT**

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**WHEREAS**, the City of Bossier City is in the process of acquiring needed properties necessary to facilitate construction and completion of a water project, the Shed to Airline Drive 42" water main project (the "Project");

**WHEREAS**, the Project will require the acquisition of additional parcels of property and permanent servitudes, specifically including, but not limited to, the following servitude:

A permanent underground utility servitude on property located in Bossier Parish, Louisiana, owned by Randall Matthews , more fully described on **Exhibit 1**, attached.

**WHEREAS**, in the event that the offer of compensation for the purchase of the necessary additional parcels of property or servitudes are not accepted by any property owner, and a voluntary agreement and/or settlement for the purchase of said property cannot be reached for the servitude listed above, then in that event the City of Bossier City, acting under the authority and in a manner authorized by Art. 1, Sec. 4 of the Constitution of the State of Louisiana (1974), La. R.S. 19:121-129 and La. R.S. 48:449-459, or any other applicable laws of the State of Louisiana, desires to acquire said expropriation pursuant to applicable law;

**WHEREAS**, public necessity dictates that the property described herein must be owned by and subject to use by the City of Bossier City; and

**WHEREAS**, in accordance with La. R.S. 19:123(3)(a) the City Council declares that the acquisition or taking of the property described herein is necessary or useful for street, drainage, water or sewerage purposes.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bossier, in regular session convened, that the City is authorized to acquire all property necessary to facilitate construction and completion of the Project, including, if necessary, the filing and prosecution of any expropriation or taking actions related to the Project in the proper court of law, with the law firm of Neil Erwin Law, LLC, being hereby authorized to represent the City with the expropriation proceedings involving the property described on Exhibit 1.

**BE IT FURTHER RESOLVED**, that the Mayor is authorized is hereby authorized to execute any documents in furtherance of this Resolution.

If any provision or item of this Resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications and to this end, the provisions of this Resolution are hereby declared severable.

**BE IT FURTHER RESOLVED** that the City of Bossier City authorizes the City Attorney to take whatever action necessary in furtherance of this Resolution.

The above and foregoing Resolution was read in full in open and legal session convened, was on motion of Mr. Jeffery Darby, and seconded by Mr. Don Williams, and adopted on the 2nd, day of July, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

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**Scott Irwin, President**

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**Phyllis McGraw, City Clerk**

**Exhibit 1**  
**A LEGAL DESCRIPTION OF A**  
**PERMANENT SUBSURFACE UTILITY SERVITUDE ON PROPERTY**  
**OWNED BY RANDALL MATTHEWS**  
**LOCATED IN SECTION 21, TOWNSHIP 18 NORTH,**  
**RANGE 13 WEST, CITY OF BOSSIER CITY,**  
**BOSSIER PARISH, LOUISIANA**

A Permanent Subsurface Utility Servitude located in Section 21, Township 18 North, Range 13 West, Bossier City, Bossier Parish, Louisiana, and being more particularly described as follows:

Commencing at a found  $\frac{3}{4}$ " iron pipe on the northerly line of Kansas City Southern Railroad, being the easternmost corner of Lot 2, Hall Subdivision as recorded in Book 583, Page 193, Conveyance Records of Bossier Parish, Louisiana, thence North 89 degrees 38 minutes 12 seconds West a distance of 15.80 feet along the northerly line of said Lot 2 to the Point of Beginning of the Permanent Servitude herein described:

Thence continue North 89 degrees 38 minutes 12 seconds West a distance of 31.70 feet along said line of Lot 2 to a point on the common line between Lot 13, Re-Plat of Northside Annex as Recorded in Book 141, Page 511 and Lot 2, Hall Subdivision as Recorded in Book 586, Page 193, Conveyance Records of Bossier Parish, Louisiana.

Thence North 65 degrees 27 minutes 50 seconds East a distance of 610.66 feet across Lots 13 thru 20, said Re-Plat of Northside Annex to the west right of way line of Abandoned Clare Street;

Thence South 28 degrees 08 minutes 48 seconds East a distance of 18.64 feet along said line;

Thence South 65 degrees 58 minutes 51 seconds West a distance of 583.11 feet along said line to the Point of Beginning.

Said Permanent Subsurface Utility Servitude herein described containing 9,496 square feet or 0.218 acres, more or less.

This description is based on an actual on the ground survey performed in conjunction with Mohr and Associates, Inc. project No. 36574. Bearings are grid – Louisiana North Zone – NAD83, based on GPS observation utilizing C4GNet RTK Network. (The “Property”.)

## RESOLUTION NO. 48 OF 2019

### A RESOLUTION AUTHORIZING THE ACQUISITION OF PROPERTY THROUGH INSTITUTION OF EXPROPRIATION PROCEEDINGS FOR STREET AND

### WATER PROJECTS IN CONNECTION WITH THE WALTER O. BIGBY CARRIAGEWAY PARKWAY NORTH EXTENSION ROAD PROJECT

### AND WATERLINE PROJECT

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**WHEREAS**, the City of Bossier City is in the process of acquiring needed properties necessary to facilitate construction and completion of street and water projects in connection with the Walter O. Bigby Carriageway Parkway North Extension road project and waterline project (the “Project”);

**WHEREAS**, the Project will require the acquisition of additional parcels of property, specifically including, but not limited to, the following property parcel/tract:

A 6.507 acre tract of land located in Bossier Parish, Louisiana, owned by David L. & Linda D. Wicker, more fully described on **Exhibit 1**, attached.

**WHEREAS**, in the event that the offer of compensation for the purchase of the necessary additional parcels of property are not accepted by any property owner, and a voluntary agreement and/or settlement for the purchase of said property cannot be reach for the property parcel listed above, then in that event the City of Bossier City, acting under the authority and in a manner authorized by Art. 1, Sec. 4 of the Constitution of the State of Louisiana (1974), La. R.S. 19:121-129 and La.

R.S. 48:449-459, or any other applicable laws of the State of Louisiana, desires to acquire said expropriation pursuant to applicable law;

**WHEREAS**, public necessity dictates that the property described herein must be owned by and subject to use by the City of Bossier City; and

**WHEREAS**, in accordance with La. R.S. 19:123(3)(a) the City Council declares that the acquisition or taking of the property described herein is necessary or useful for street, drainage, water or sewerage purposes.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bossier, in regular session convened, that the City is authorized to acquire all property necessary to facilitate construction and completion of the Project, including, if necessary, the filing and prosecution of any expropriation or taking actions related to the Project in the proper court of law, with the law firm of Neil Erwin Law, LLC, being hereby authorized to represent the City with the expropriation proceedings involving the property described on Exhibit 1.

**BE IT FURTHER RESOLVED**, that the Mayor is authorized is hereby authorized to execute any documents in furtherance of this Resolution.

If any provision or item of this Resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications and to this end, the provisions of this Resolution are hereby declared severable.

**BE IT FURTHER RESOLVED** that the City of Bossier City authorizes the City Attorney to take whatever action necessary in furtherance of this Resolution.

The above and foregoing Resolution was read in full in open and legal session convened, was on motion of Mr. Timothy Larkin, and seconded by Mr. Don Williams, and adopted on the 2nd, day of July, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

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Scott Irwin, President

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Phyllis McGraw, City Clerk

**Exhibit 1**

**A LEGAL DESCRIPTION OF A  
6.507 ACRE] TRACT OF LAND  
OWNED BY DAVID L. & LINDA D. WICKER  
LOCATED IN SECTION 20, TOWNSHIP 18 NORTH,  
RANGE 13 WEST, CITY OF BOSSIER CITY,  
BOSSIER PARISH, LOUISIANA**

A part of Section 20, Township 18 North, Range 13 West, City of Bossier City, Bossier Parish, Louisiana and being that property conveyed to David L. & Linda D. Wicker in COB 1576 at Page 178 Deed records of Bossier Parish, Louisiana and further described as follows:

COMMENCE at the Northeast corner of said Section 20 and proceed South 00 degrees 23 minutes 13 seconds West for 1,648.62’;

THENCE proceed North 89 degrees 36 minutes 47 seconds West for 575.77’ to a Set 5/8” Rebar on the west right-of-way of Union Pacific Railroad (UPRR) at the Northeast corner of the property described herein for the POINT OF BEGINNING;

From said POINT OF BEGINNING, proceed South 04 degrees 51 minutes 54 seconds East along the east line of said property and along the west right-of-way of UPRR for 576.75’ to a point;

THENCE proceed North 89 degrees 18 minutes 28 seconds West along the south line of said property, passing a Set 5/8” Rebar at 9.98’ and passing a Set 5/8” Rebar at 628.95’ for a total distance of 630.58’ to a point on the east bank of Red River;

THENCE proceed North 13 degrees 00 minutes 41 seconds East along said east bank for 31.69’ to a point;

THENCE proceed North 24 degrees 35 minutes 36 seconds East along said east bank for 277.40’ to a point;

THENCE proceed North 13 degrees 53 minutes 56 seconds East along said east bank for 103.18’ to a point;

THENCE proceed North 20 degrees 05 minutes 23 seconds East along said east bank for 200.39’ to a point;

THENCE proceed South 89 degrees 18 minutes 28 seconds East along the north line of said property, passing a Set 5/8” Rebar at 1.10’ for a total distance of 365.45’ back to the POINT OF BEGINNING, containing 283,456.7 square feet or 6.507 acres.

Agenda Item called: Adopt a Resolution authorizing the acquisition of property through Institution of Expropriation proceedings for a Street and Traffic Safety Project in connection

with two cross-access drives at Walmart Supercenter and Kroger Marketplace.

By: Mr. Montgomery, Jr.

Motion to continue item until the July 16, 2019, Regular City Council Meeting.

Seconded by Mr. Williams

Questions about whether the City Attorney has looked at all options. Walmart has offered to build road and remove fence.

No further comment

Vote in favor of motion is unanimous

**There being no further business to come before this Council, meeting adjourned at 3:43 PM by Mr. Irwin**

**Respectfully submitted:**

**Phyllis McGraw**

**City Clerk**

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