

CITY OF NATCHITOCHEs
PUBLIC HEARING
JULY 13, 2009 - 6:30 P.M.

PURPOSE: Obtain views on the housing and community development needs of the City of Natchitoches and to discuss the submission of an application for funding under the State of Louisiana FY 2010-2011 Community Development Block Grant (LCDBG) Program. The following items will be open for discussion:

- A. The amount of funds available for proposed community development and housing activities;
- B. The range of activities available that may be undertaken, including the estimates amount of funds proposed to be used for activities that will benefit persons of low and moderate incomes;
- C. The plans of the City for minimizing displaced persons, as a result of activities assisted with such funds and the benefits to be provided by the City to persons actually displaced as a result of such activities;
- D. The City's past performance in prior LCDBG programs funded by the state.

NATCHITOCHEs CITY COUNCIL MEETING
JULY 13, 2009
7:00 P.M.

A G E N D A

1. CALL TO ORDER
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. READING AND APPROVAL OF THE MINUTES OF JUNE 22, 2009
5. **BIDS – ADVERTISE:**
#074 Mims Resolution Authorizing The Mayor To Advertise And Accept Bids For The Purchase Of A Thirty-Seven Foot (37') Articulating Aerial Device/Bucket Truck (Bid No. 0483)
Committee: Pat Jones, Edd Lee, Jack McCain, Bryan Wimberly
6. **BIDS – AWARD:**
#040 Mims Ordinance Authorizing the Mayor of the City of Natchitoches to Award the Bids for the Purchase of a Telehandler/Forklift (Bid No. 0481)
Committee: Pat Jones, Edd Lee, Jack McCain, Michael Braxton
7. **BIDS – REJECT:**
#073 Mims Resolution Authorizing the Mayor to Reject the Bids Received for the Central Fire Station Building Improvements (Bid No. 0473)
Committee: Pat Jones, Edd Lee, Jack McCain, Dennie Boyt
8. **PLANNING & ZONING – INTRODUCTION:**
#041 Mims Ordinance Amending Ordinance No. 64 Of 2001 By Changing Zoning Classification Of Property Described As Follows:

Lot 36 Feet Front East Side Washington Street, North By Lawton, South By Dunkelmann, From R-1 To R-1, Special Exception, To Operate A Bed And Breakfast (907 Washington Street)

9. **PLANNING & ZONING – FINAL:**

#030 Mims Ordinance Amending Ordinance No. 64 Of 2001 By Changing Zoning Classification Of Property Described As Follows:

Sections 74 And 87, Township 9, Range 7, As Shown On Map Slide 444B, Less 18.12 Acres To Arrington Estates, L.P. From R-1 To R-3 To Construct Multi-Family Apartments
(Traditions Natchitoches LP, Site Located Off Hazel Drive)

10. **ORDINANCES – INTRODUCTION:**

#042 McCain Ordinance Extending The City Limits Of The City Of Natchitoches Annexing A 0.55 Acre Tract Situated In Section 81, Township 9 North, Range 7 West, Natchitoches Parish, Louisiana, Said Tract Lying Adjacent To And North Of Louisiana Highway 6, And Adjacent To The Existing Municipal Limits Of The City Of Natchitoches, And Further Providing For The Fixing Of A Public Hearing, Advertisement, Fixing Council District For Same, Fixing Zoning Classification And Providing For An Effective Date Of The Ordinance

11. **ORDINANCES - FINAL:**

#037 Morrow Ordinance Declaring Certain Buildings Unsafe And Recommending That Same Be Demolished Or Put Into Repair To Comply With The Building Code, Authorizing Notice To Be Served, Fixing Hearing Date And Appointing Curator To Represent Absentees

12. **REPORTS:**

Financial Report - Pat Jones
Community Renewal and Economic Development – Sylvia Morrow

13. **RESOLUTIONS:**

#072 Nielsen Resolution Authorizing The Mayor To Execute Change Order No. 2 To The Agreement Between The City Of Natchitoches And Regional Construction, L.L.C. For Turf Replacement At Northwestern State University

#075 Payne Resolution Authorizing Mayor Wayne McCullen to Adopt a Citizen Participation Plan/Citizen Complaint Procedure and Appoint a Citizen Complaint Officer

#076 McCain Resolution Selection Two Projects for the FY 2010/2011 Louisiana Community Development Block Grant (LCDBG) Program

#077 Morrow Resolution Authorizing the Mayor to Proceed with the Procurement and Selection of Professional Services for the Purpose of Assisting in the Development of the LCDBG Application and Implementation of the Projects

#078 Mims Resolution Authorizing the Execution of the Substantial Completion Between the City of Natchitoches and Regional Construction, L.L.C. for Turf Replacement at Northwestern State University (NSU Turf Replacement Project #50-MK9-07B-05, City Bid No. 0475)

14. **ADJOURNMENT:**

NOTICE TO THE PUBLIC

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk's Office at (318) 352-2772 describing the assistance that is necessary.

If you wish to address the Council, please complete the "Public to Address the Council Meeting" form located on the Clerk's table at the entrance of the meeting room.

**PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF NATCHITOCHEs, STATE OF LOUISIANA,
REGULAR MEETING HELD ON
MONDAY, JULY 13, 2009, AT SEVEN O'CLOCK, (7:00) P.M.**

The City Council of the City of Natchitoches met in legal and regular session at the Natchitoches Arts Center, 716 Second Street, Natchitoches, Louisiana, on Monday, July 13, 2009, at 7:00 p.m.

There were present: Councilman at Large, Don Mims, Jr., Councilmen; Jack McCain, Larry Payne, Dale Nielsen and Councilwoman Sylvia Morrow

The Mayor welcomed those in attendance and also the radio audience.

The Mayor asked everyone to rise for the Invocation given by Mr. Michael Braxton, Director of Public Works, followed by the Pledge of Allegiance lead by Mr. McCain.

The Mayor then called for the reading of the Minutes. Mr. McCain made a motion to dispense with the Reading of the Minutes, and Mr. Payne seconded the motion. The roll call vote was as follows:

AYES: McCain, Payne, Nielsen, Mims, Morrow
NAYS: None
ABSENT: None

The Mayor declared the Motion as PASSED.

The Meeting continued with Bids, as follows:

The following Resolution was Introduced by Mr. Mims and Seconded by Mr. Nielsen as follows, to-wit:

RESOLUTION NO. 074 OF 2009

A RESOLUTION AUTHORIZING THE MAYOR TO ADVERTISE AND ACCEPT BIDS FOR THE PURCHASE OF A THIRTY-SEVEN FOOT (37') ARTICULATING AERIAL DEVICE/BUCKET TRUCK

(BID NO. 0483)

WHEREAS, the City wishes to advertise for Public Bids for the purchase of a thirty-seven foot (37') Articulating Aerial Device/Bucket Truck (Bid No. 0483); and

WHEREAS, sealed bid proposals will be received until **4:00 P.M.** on **Monday, August 10, 2009** at the office of Edd Lee, Director of Purchasing, City of Natchitoches Purchasing Department, 1400 Sabine Street, Natchitoches, Louisiana; and

WHEREAS, bids will be publicly opened and read aloud on **Monday, August 10, 2009** at **7:00 P.M.** during the Natchitoches City Council regularly scheduled meeting; and

WHEREAS, upon receipt of proposals the committee of Pat Jones, Director of Finance; Edd Lee, Director of Purchasing; Jack McCain, Councilman; and Bryan Wimberly, Director of Utilities, are to review and make a recommendation of the bids received.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Natchitoches, in legal session convened, that the Honorable Wayne McCullen, Mayor, be and is hereby authorized, empowered and directed to order the publication of the above bid.

BE IT FURTHER RESOLVED that the above bids will be awarded at a regularly scheduled meeting of the City Council on August 24, 2009.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES:	Mims, Nielsen, McCain, Morrow, Payne
NAYS:	None
ABSENT:	None
ABSTAIN:	None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 5 ayes to 0 nays, this the 13th day of July, 2009.



WAYNE McCULLEN, MAYOR

BID INVITATION

DATE: 13 July 2009

FROM: City of Natchitoches
Purchasing Department
1400 Sabine Street
Natchitoches, LA 71457

BID NO. 0483

BID TITLE: 37' Articulating Aerial Device / Bucket Truck

SEALED BID PROPOSALS WILL BE
RECEIVED UNTIL 4PM,

August 10, 2009

AT THE OFFICE OF Edd Lee
DIRECTOR OF PURCHASING, 1400
SABINE STREET, NATCHITOCHEs, LA
71457.

FOR ADDITIONAL INFORMATION
CONTACT THE FOLLOWING:

Edd Lee
DIRECTOR OF PURCHASING
(318) 357-3824

The following Ordinance was Introduced by Mr. Mims and Seconded by Ms. Morrow as follows, to-wit:

ORDINANCE NO. 040 OF 2009

ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NATCHITOCHES TO AWARD THE BID FOR THE PURCHASE OF A FORKLIFT/TELEHANDLER

(BID NO. 0481)

WHEREAS, after due advertisement in the *Natchitoches Times* on May 29 and June 5, 2009, two bid proposals were received and opened on June 22, 2009 and in accordance with law, as follows:

- 1) H & E Equipment Services
Alexandria, Louisiana
Telehandler\$ 85,050.00
Trade-In:
Case 550G Dozer(\$ 7,500.00)
Case 586D Forklift.....(\$ 4,000.00)
Condor RT48A Boom Lift.....(\$ 1,000.00)
Net Bid\$ 72,550.00

- 2) Scott Equipment Company, LLC
Alexandria, Louisiana
Telehandler\$ 52,250.00
Trade-In:
Case 550G Dozer(\$ 10,000.00)
Case 586D Forklift.....(\$ 6,500.00)
Condor RT48A Boom Lift.....(\$ 3,500.00)
Net Bid\$ 32,250.00

WHEREAS, on June 24, 2009 the appointed committee members, Pat Jones, Director of Finance; Edd Lee, Director of Purchasing; Michael Braxton, Director of Public Works; Councilman Jack McCain reviewed the bids received; and

WHEREAS, the committee members were unanimous in its decision to award the bid to the low bidder, **Scott Equipment Company, LLC**, Alexandria, Louisiana in the sum of \$32,250.00.

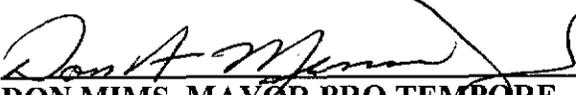
NOW, THEREFORE, BE IT ORDAINED that the Honorable Wayne McCullen, Mayor, is hereby authorized, empowered and directed to sign any and all documents necessary for acceptance of this bid.

The above Ordinance having been duly advertised in accordance with law and a public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

AYES: Mims, Morrow, Payne, Nielsen, McCain
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor declared the Ordinance **PASSED** this 13th day of July, 2009 by a vote of 5 ayes to 0 nays.


WAYNE McCULLEN, MAYOR


DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 14th day of July, 2009 at 10:00 A.M.



CITY OF NATCHITOCHES

Oldest Settlement in the Louisiana Purchase

OFFICE OF PURCHASING

Wayne McCullen
Mayor

June 24, 2009

Don Mims, Jr.
Councilman At Large

Jack McCain, Jr.
Councilman
District 1

**Mayor Wayne McCullen
City Hall**

Dale Nielsen
Councilman
District 2

Natchitoches, LA 71457

Sylvia Morrow
Councilwoman
District 3

Re: Bid number 0481 – Forklift / Telehandler

Larry Payne
Councilman
District 4

Dear Mayor McCullen,

The appointed committee of Pat Jones, Edd Lee, Jack McCain and Michael Braxton has reviewed the bid proposal for the purchase of a forklift / telehandler.

The committee was unanimous in its decision to award the bid to the lowest responsive bidder, Scott Equipment Company, LLC, Alexandria, LA, in the amount of \$32,250.00.

All bids are kept at the City Purchasing Department, 1400 Sabine Street, Natchitoches, LA 71457. Anyone desiring to view the bids may do so at that location.

Request ratification of this award at the next meeting of the City Council.

Very truly yours,

Jack McCain, Jr.
Councilman Dist 1

Michael Braxton **Edd Lee**
Director of Public Works Director of Purchasing

Pat Jones
Director of Finance

The following Resolution was Introduced by Mr. Mims and Seconded by Mr. Nielsen as follows, to-wit:

RESOLUTION NO. 073 OF 2009

**A RESOLUTION AUTHORIZING THE MAYOR TO
REJECT THE BIDS RECEIVED FOR THE CENTRAL
FIRE STATION BUILDING IMPROVEMENTS**

(BID NO. 0473)

WHEREAS, on January 12, 2009, the City passed Resolution No. 003 to advertise for Public Bids for the Central Fire Station Building Improvements (Bid No. 0473); and

WHEREAS, advertisement was duly published in the *Natchitoches Times* on May 15, 22 and 29, 2009; and

WHEREAS, bids were due to be received by the City of Natchitoches Purchasing Department on June 17, 2009; and

WHEREAS, bids were received and opened on Wednesday, June 17, 2009 at 10:00am as follows:

- | | |
|--|---------------|
| 1) RDS Construction, LLC | \$ 229,700.00 |
| 2) Douglas Construction & Remodeling, Inc. | \$ 202,918.00 |

WHEREAS, after the bids were evaluated by the appointed committee, it was unanimously decided that it is in the best interest of the City of Natchitoches to reject Bid No. 0473 for the Central Fire Station Building Improvements. The low bid that was submitted by Douglas Construction and Remodeling, Inc. in the amount of \$202,918.00 is in excess of the amount of funds available for construction for the project. After a change of scope in the proposed work can be discussed and agreed upon by the City of Natchitoches, the project will be re-advertised for bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Natchitoches, in legal session convened, that the Honorable Wayne McCullen, Mayor, be and is hereby authorized, empowered and directed to withdraw Bid No. 0473 for the Central Fire Station Building Improvements are made available for re-advertisement.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES:	Mims, Nielsen, McCain, Morrow, Payne
NAYS:	None
ABSENT:	None
ABSTAIN:	None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 5 ayes to 0 nays, this the 13th day of July, 2009.


WAYNE McCULLEN, MAYOR

The meeting continued with Planning and Zoning, as follows:

ORDINANCE NO. 041 OF 2009

AN ORDINANCE AMENDING ORDINANCE NO. 64 OF 2001 BY CHANGING ZONING CLASSIFICATION OF PROPERTY DESCRIBED AS FOLLOWS:

LOT 36 FEET FRONT EAST SIDE WASHINGTON STREET, NORTH BY LAWTON, SOUTH BY DUNCKELMAN, FROM R-1 TO R-1, SPECIAL EXCEPTION, TO OPERATE A BED AND BREAKFAST

(907 WASHINGTON STREET)

WHEREAS, the Planning Commission of the City of Natchitoches, State of Louisiana, has recommended at their meeting of July 8, 2009 that the request of Dr. Steve Brown to rezone the property described above from **R-1** to **R-1, SPECIAL EXCEPTION**, (variance requested of one (1) of the required (4) off-street parking spaces) to operate a Bed and Breakfast, be **APPROVED**.

The above Ordinance was Introduced by Mr. Mims on the 13th day of July, 2009.

The following Ordinance was Introduced by Mr. Mims and Seconded by Mr. Nielsen as follows, to-wit:

ORDINANCE NO. 030 OF 2009

AN ORDINANCE AMENDING ORDINANCE NO. 64 OF 2001 BY CHANGING ZONING CLASSIFICATION OF PROPERTY DESCRIBED AS FOLLOWS:

SECTIONS 74 AND 87, TOWNSHIP 9, RANGE 7, AS SHOWN ON MAP SLIDE 444B, LESS 18.12 ACRES TO ARRINGTON ESTATES, L.P. FROM R-1 TO R-3 TO CONSTRUCT MULTI-FAMILY APARTMENTS

(Site Located off Hazel Drive)

WHEREAS, the Planning Commission of the City of Natchitoches, State of Louisiana, has recommended at its meeting of March 8, 2009 that the request of Traditions Natchitoches L.P. to rezone the property described above from **R-1** to **R-3** to construct multi-family apartments (site located off Hazel Drive), be **APPROVED**; and

WHEREAS, this request for zoning amendment is limited to this applicant, Traditions Natchitoches L.P., or any wholly owned subsidiary; and

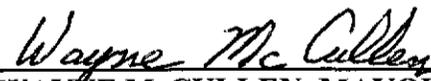
WHEREAS, in the event that the property herein described is transferred by Traditions Natchitoches L.P., or any wholly owned subsidiary, to any non-wholly owned subsidiary, the zoning shall revert to the R-1 zoning.

The above Ordinance was Introduced by Mr. Mims on the 13th day of April, 2009 at a regular council meeting. The Ordinance was brought up for final vote on April 27, 2009 and upon motion by Mr. McCain and seconded by Mr. Mims, the Ordinance was tabled to allow time to review FAA compliance and any other issues that may come forward.

The above Ordinance having been duly advertised in accordance with law and a public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

AYES: Mims, Nielsen, McCain, Morrow, Payne
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor declared the Ordinance **PASSED** this 13th day of April, 2009 by a vote of 5 ayes to 0 nays.



WAYNE McCULLEN, MAYOR



DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 14th day of July, 2009 at 10:00 A.M.

Mr. McCain commented on the application for rezoning, noting that his main concern is that all of the information had not been obtained from the Federal Aviation Administration about what affect it might have on the approach at the airport at the time it was introduced to the Council. He noted that, since then, that issue has been resolved, and they have been told that if they build up to a certain height, they will be out of the clear zone for the runway approach, and if that height limitation is adhered to, there is no problem in that area. He did comment that he does not feel like they got a lot of cooperation from the folks that want to have this property rezoned. He said he had commented on the night of the introduction of the ordinance that if this company was going to spend 20 to 30 million dollars in the community, certainly some principal officer of the company should be there to discuss it, and as a result of that comment, a week or so later, the owner sent his son to discuss it, but his whole attitude was, why am I here. Mr. McCain said he commented that they had never been questioned on these types of projects in other towns. Mr. McCain said he and the Mayor both asked Mr. Clackston why they chose this location for an upscale apartment project, and he said because it was waterfront property. Mr. McCain said they found this a little bit humorous in that the waterfront he refers to is Bayou Julienne which is nothing more than a scum-filled drainage ditch. He said they asked that pictures of other developments in other cities be sent, and they were promised, but have never been received. He also noted that on one occasion, Mr. Claxton said he had bought the property, and on another occasion, Mr. Prudhomme said that the property belonged to him, so there are a lot of inconsistencies. He advised that, in spite of all of his efforts to find a reason not to rezone this, he cannot find any legitimate reason not to do so, so he will vote to rezone the property, but he would caution the developers that everything they do, from this point, on, is going to be under the very close supervision of the Planning and Zoning Department and Permitting Department. He pointed out that all they would be doing tonight would be rezoning it from R-1 to R-3.

Ms. Morrow then commented that Arrington Estates Subdivision is where she has some concerns. She said when she visited out there when it was in her district, she was unhappy that there were no visible street signs for the subdivision and the grass was extremely tall. She also noted there was no lighting in the neighborhood. She said she talked to the people in Ruston, and they told her at that time, they were not going to put any street signs in there. She said because of this, as well as problems at The Frog Pond, she was not going to go with any more multi-family apartments, but once she visited with Mr. Prudhomme, and he gave her more facts, she was more satisfied. She said they discussed the rent, and that they would be working with the new owners of Arrington Estates to try to make certain they get street signs in and lighting in before you get into the second subdivision. She said that once those things are done, then she might be able to go along with it.

Mr. Nielsen said he feels much like Mr. McCain, however, he did go back and apply it to the Highway 484 Land Use Study, and it does fit and shows it as multi-family dwelling. He said he did want to remind everybody that the road going into the proposed project is not up to city code, nor has it ever been taken into the city limits, so that's a huge hurdle. He noted that the utilities actually stop at that property and that's going to have to be dealt with. He said he does not find any reason not to approve the request, but he is depending on the inspectors to watch the project and make sure it's done correctly.

Mr. Mims said he felt that in the past, there have been some great promises that have come up by developers to build really fine facilities and give homes to the Habitat for Humanity, and a lot of other projects that motivated the Council to support these different projects. He said, then, when the project was established, all the promises went the other direction, and the Council bought into it based on the good concepts that it's going to benefit the community, and after the developers got the project approved, got the land rezoned, and got everything, they changed their project around and turned it into something that was not really what the community needed and what the developers promised. He said that's why they are a little hesitant on a lot of issues, and especially on an issue of this magnitude which has such promise. He said he hopes it works out as well as promised and proves them wrong.

Ms. Morrow addressed Mr. Prudhomme, ^{developer} asking that they make some kind of accommodations for a playground for children. She pointed out, as Mr. Mims said, the last group made a commitment that they were going to have a playground for the children, and they did not hold up to coming through with maintenance for the playground.

The meeting continued with Ordinances, as follows:

The following Ordinance was Introduced by Mr. McCain as follows, to-wit:

ORDINANCE NO. 042 OF 2009

AN ORDINANCE EXTENDING THE CITY LIMITS OF THE CITY OF NATCHITOCHEs ANNEXING A 0.55 ACRE TRACT SITUATED IN SECTION 81, TOWNSHIP 9 NORTH, RANGE 7 WEST, NATCHITOCHEs PARISH, LOUISIANA, SAID TRACT LYING ADJACENT TO AND NORTH OF LOUISIANA HIGHWAY 6, AND ADJACENT TO THE EXISTING MUNICIPAL LIMITS OF THE CITY OF NATCHITOCHEs, AND FURTHER PROVIDING FOR THE FIXING OF A PUBLIC HEARING, ADVERTISEMENT, FIXING COUNCIL DISTRICT FOR SAME, FIXING ZONING CLASSIFICATION AND PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE

Ms. Juanita Fowler, Director of Planning and Zoning, addressed the application of Kimberly and Dr. Harris, stating that they were asking to bring in property that is currently zoned B-3 which is the former daycare, called Na Na's Daycare, on University Parkway. She said they are currently in the process of revitalizing the property and have the intention to operate a restaurant at that site. She advised that there is renovation work going on now for the building that sits on the property which has been moved back a bit from the right-of-way.

Ms. Morrow said she has gone out and looked at the house. She asked if there is anything else they plan to put out there. Ms. Fowler said not to her knowledge, but she hasn't had direct contact with Ms. Harris on this particular property. She said there is a request for other annexation that is forthcoming to the Council. She said this parcel would be included in that annexation as well, but because of the concerns they have with the septic system, the Harris' need to either rehabilitate the existing system or have the availability of tying in to City sewer.

Ordinances continued, as follows:

The following Ordinance was Introduced by Mr. Mims and Seconded by Mr. Ms. Morrow as follows, to-wit:

ORDINANCE NO. 037 OF 2009

AN ORDINANCE DECLARING CERTAIN BUILDINGS UNSAFE AND RECOMMENDING THAT SAME BE DEMOLISHED OR PUT INTO REPAIR TO COMPLY WITH THE BUILDING CODE, AUTHORIZING NOTICE TO BE SERVED, FIXING HEARING DATE AND APPOINTING CURATOR TO REPRESENT ABSENTEES

WHEREAS, the City Building Inspector and the Director of Planning & Zoning have filed written reports with the City Council declaring that the buildings listed below are in a dangerous and unsanitary condition which makes them unsafe and endangering the public welfare, and recommending that said buildings be demolished or put in repair to comply with the Building Code, to-wit:

- 1) **Albert Payton, Sr. & Maggie L. Payton**
1405 Dixie Street
Natchitoches, LA 71457

Lot 1 & S 36 Ft. of Lot 2 Block HA Breda Addition (1342 Dixie St.)

- 2) **Page Etc., LLC**
P.O. Box 142
Calvin, LA 71410

Lot N Side Ragan St., N By Tauzin, W by DeBlieux, E by Chaplin & Rachal, & Further Shown on Plat in Book 341, Pg. 76 as Beginning at a Point on North Side Ragan St. & Designated as Point 1 Thence 83.1 Ft. to Pt. 2, Thence 60.2 Ft., Thence NE 51.16 Ft., Thence 103.6 Ft. to Point 4, Thence 199 Ft. to Point 5, Thence 200 Feet to Point, Thence 82.9 Ft. to Pt. of Beg., Shown as Tract "A" on Plat in CB 541, Pg. 704 (6 mobile homes – 310 Ragan St.)

- 3) **Daniel Efferson, Jr.**
832 Lafayette St.
Natchitoches, LA 71457

Lot N Side Lafayette St., Having Front of 65 Ft. By Depth of 60 Ft., N By Oliphant, E by Kochinsky, W by Holmes, Bet. 8th St. & Bayou Jaco (828 Lafayette St.)

- 4) **Melvin & Ruth Stevens**
179 Stevens Circle
Natchitoches, LA 71457

Lot 25 Ft. Front By 166 Ft Deep E Side 8th Street, N By Naomi Smith, S by Joe Irchirl, E by Col. Church (935 M.L. King Dr.)

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Natchitoches, Louisiana, in legal session convened, that notice be served upon the above owners to show cause before the Natchitoches City Council on **Monday, July 13, 2009 at 7:00 P. M.**, at a Public Hearing, why the above buildings should not be condemned and ordered demolished and removed, or repaired to conform with the Building Code.

This Ordinance was Introduced on May 26, 2009 and advertised in the *Natchitoches Times* on May 29, June 5 and June 12, 2009.

The above Ordinance having been duly advertised in accordance with law and a public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

AYES: Mims, Morrow, Payne, Nielsen, McCain
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor declared the Ordinance **PASSED** this 13th day of July, 2009 by a vote of 5 ayes to 0 nays.


WAYNE McCULLEN, MAYOR


DON MIMS, MAYOR PRO TEMPORE

Delivered to the Mayor on the 14th day of July, 2009 at 10:00 A.M.

Mr. Don Kelly addressed the Council regarding the Page property. He said if this Ordinance is to condemn three mobile homes that are on that property, they have no problems with that. He noted that Mr. Page has guaranteed that they will be torn down and salvaged at that time. He then advised that they would prefer working with Ms. Frederick, Mr. Miller, and others to put some nice condos into that area as opposed to continuing it as a trailer park. He stated, if they can't get that done, they are set to move six new trailers into the trailer park, noting that one has already been replaced in there. He asked that the matter be amended out of the ordinance to give these people the opportunity to sit down and visit, but said they are not here to fight a condemnation of buildings.

The Mayor said he would defer to Ms. Fowler, but his understanding is that it is just condemnation of the three trailers that are there that are in a state of disrepair. Ms. Fowler said that was correct. She said when it was introduced back on May 26th, it was for the purpose of recognizing five mobile homes on the rear of the property that were really dilapidated. She said that two of the mobile homes were moved out since the ordinance was introduced, and Mr. Page attempted to have the other three removed, but could not get that accomplished, so this ordinance is specifically for that. She said she would add that the condition of the mobile homes would warrant, as far as her recommendation, to be demolished.

Mr. McCain asked Mr. Kelly if he was asking that the three trailers that are there not be condemned tonight. Mr. Kelly said that as far as he knows, all that's being done is the condemnation of those three, and they are going to tear those down anyhow.

Ms. Fowler then commented on the other properties that are up for consideration. She noted that Daniel Epperson, Jr. was in attendance regarding property on Lafayette Street, and his intent is to rehabilitate a house that burned in February of this year. She stated that Melvin and Ruth Stevens are represented by Cecil and Kay Knott on the property on Martin Luther King and their intent is to tear down the house. She also advised that she has had brief conversations with Albert Peyton and Maggie Peyton regarding the house that burned on Dixie Street.

The Mayor referred back to Mr. Kelly, advising that the issue tonight just deals with the condemnation of the three trailers and has nothing to do with future development, and it would come back before Planning and Zoning.

Mr. Daniel Epperson said his intent was to tear down the house and just rebuild the whole thing.

The Mayor asked Mr. Pat Jones, Finance Director, to defer giving the financial report until we get the next sales tax in.

The Mayor then called on Ms. Morrow who had requested to give a report on community renewal and economic development.

Ms. Morrow stated that she has been attending several meetings hosted by the Coordinating Developing Corporation of which the City of Natchitoches is a member. She said on each occasion she has an opportunity to attend one of the CDC meetings, there is a variety of speakers that share a wealth of information for both the City of Natchitoches and the parish on economic development. She announced an upcoming meeting about community renewal coming up in September, with the date and time being advertised at a later date. She said special representatives will be here to administer this forum and will be talking about the Brownsfield Projects, Community Renewal Initiatives and Economic Development Projects for blighted communities. She said she is concerned because Natchitoches is a part of the community renewal initiative in the Central Renewal Louisiana Community. She noted that federal recovery grants are available for local housing, and more information can be obtained from the Rural Development Office on the Natchitoches By-Pass, as well as the Natchitoches Housing Authority for Public Housing Transformation.

The meeting continued with Resolutions, as follows:

The following Resolution was Introduced by Mr. Mims and Seconded by Mr. Payne as follows, to-wit:

RESOLUTION NO. 072 OF 2009

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
CHANGE ORDER NO. 2 TO THE AGREEMENT BETWEEN
THE CITY OF NATCHITOCHEs AND
REGIONAL CONSTRUCTION, L.L.C.
FOR TURF REPLACEMENT
AT NORTHWESTERN STATE UNIVERSITY**

WHEREAS, the CITY has awarded a contract to Regional Construction, L.L.C. (CONTRACTOR) on March 26, 2009, in the base bid amount of \$970,000.00 for Turf Replacement at Northwestern State University; and,

WHEREAS, the CONTRACTOR issued Change Order No. 1 on April 27, 2009, substituting 12,084 square feet of reinforced concrete with 12,084 square feet of new synthetic turf surface, including under drain and geotextile and additional 8 foot diameter logo, with no change adjustment and the original contract amount remaining the same, and the date of completion remaining the same, which Change Order was approved by the City Council on May 11, 2009; and

WHEREAS, the CONTRACTOR has issued Change Order No. 2 on June 9, 2009 in the sum of \$1,344.00 for the following:

1. Elimination of concrete drive ramp at southeast corner of field

which will decrease the contract amount by \$1,344.0, making the new contract amount \$968,656.00; and

WHEREAS, Sports Engineering Technologies Project Engineer, Jeff Bresee', recommends approval of Change Order No. 2; and

WHEREAS, the CITY is of the opinion that Change Order No. 2 is in the best interest of the CITY.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Natchitoches, in legal session convened, that the Honorable Wayne McCullen, Mayor, be and is hereby authorized, empowered and directed to execute the referenced Change Order No. 2 to the agreement between the CITY and the CONTRACTOR.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES: Mims, Payne, Nielsen, McCain, Morrow
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 5 ayes to 0 nays, this the 13th day of July, 2009.


WAYNE McCULLEN, MAYOR

To Owner: City of Natchitoches P.O. Box 37 Natchitoches, LA 71457 Phone #:318-357-3838	Contract For: NSU Synthetic Turf Project	Date: 6/09/09
Contractor: Regional Construction LLC 131 Industrial Ave Natchitoches, LA 71457 Phone #: 318-352-6494	Engineer: Jeff Bresee, P.E. Sports Engineering Tech. 207 Moss Crt. Mansfield, TX 76063 Phone #: (817) 507-8305	Location: Natchitoches, LA Change Order No.: 2

You are hereby requested to comply with the following changes from the contract plans and specifications:

Item	Description of Changes-Quantities units, Unit prices, Change in Completion Schedules, Etc.	Decrease in Contract Price	Increase in Contract Price
1.	Elimination of Concrete drive ramp at Southeast corner of field.	\$1,344.00	
Total CO1	Total Price Change, Change Order No.1	\$1.344.00	

	Owner: City of Natchitoches
	Change Order No.: 2
Original Contract Price: \$970,000.00	Original Contract Time: Substantial Completion July 25 th , 2009
Previous Change Order No. 1 \$ -0-	Net Change From Previous Change Orders 0 days
Contract Price Prior to This Change Order \$970,000.00	
Net Decrease of This Change Order \$ 1,344.00	
Contract Price with all Approved change orders \$ 968,656.00	

RECOMMENDED:

Engineer: Sports Engineering Technologies, Inc.

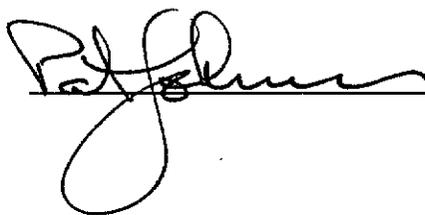
By: Jeff Bresee, P.E.

Signature: 

ACCEPTED:

Contractor: Regional Construction, LLC

By: Pet Johnson

Signature: 

APPROVED:

Owner: City of Natchitoches

By: Wayne McCullen

Signature: 

Approval by NSU
6/24/05

Chuck Darg

The following Resolution was Introduced by Mr. Mims and Seconded by Ms. Morrow, as follows, to-wit:

RESOLUTION NO. 078 OF 2009

**A RESOLUTION AUTHORIZING THE EXECUTION
OF THE SUBSTANTIAL COMPLETION BETWEEN
THE CITY OF NATCHITOCHEs AND
REGIONAL CONSTRUCTION, L.L.C.
FOR TURF REPLACEMENT
AT NORTHWESTERN STATE UNIVERSITY**

**NSU Turf Replacement Project #50-MK9-07B-05
City Bid No. 0475**

WHEREAS, the City of Natchitoches (OWNER), facilitated the turf replacement at the NSU football stadium through a Cooperative Endeavor Agreement with the State of Louisiana and an Easement and Servitude Agreement with Northwestern State University, and

WHEREAS, the City of Natchitoches retained Sports Engineering Technologies, Inc. (ENGINEERS) to provide the engineering services for design, preparation of plans, specifications and construction services in connection with said project; and

WHEREAS, the City awarded a contract to Regional Construction, LLC, (CONTRACTOR) on March 26, 2009 in the amount of \$970,000.00, for turf replacement at the NSU football stadium, and

WHEREAS, it is the opinion of the PROJECT ENGINEER that the work required by the CONTRACT has been completed in general conformity with the project plans and specifications as shown by his signature on the Certificate of Substantial Completion dated July 10, 2009.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Natchitoches, in legal session convened:

SECTION 1: That the Honorable Wayne McCullen, Mayor, be and is hereby authorized, empowered and directed to accept the construction work (WORK) performed by CONTRACTOR in association with the said project and to execute the Certificate of Substantial Completion therewith, and

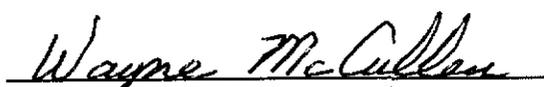
SECTION 2: That the Honorable Wayne McCullen, Mayor, be and is hereby authorized, empowered and directed to issue final payment to the CONTRACTOR upon receipt of the Clear Lien Certificate issued by the Natchitoches Parish Clerk of Court, and upon the recommendation of the PROJECT ENGINEER to issue said final payment.

NOW, THEREFORE, BE IT RESOLVED, that the Natchitoches City Council does hereby authorize the Mayor to execute the Certificate of Substantial Completion for turf replacement at the NSU football stadium.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES:	Mims, Morrow, Payne, Nielsen, McCain
NAYS:	None
ABSENT:	None
ABSTAIN:	None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 5 ayes to 0 nays, this the 13th day of July, 2009.


WAYNE McCULLEN, MAYOR

CERTIFICATE OF SUBSTANTIAL COMPLETION

OWNER'S Project No. NA ENGINEER'S Project No. NA

Project: **NSU Turf Replacement Project for the City of Natchitoches**

CONTRACTOR: Regional Construction, LLC CONTRACT Date: March 26, 2009

This Certificate of Substantial Completion applies to all work under the Contract Documents or to the following specified parts thereof:

ALL WORK

To: CITY OF NATCHITOCHEs
OWNER

And To: REGIONAL CONSTRUCTION, LLC
CONTRACTOR

The work to which this Certificate applies has been inspected by authorized representatives of **OWNER, CONTRACTOR, and ENGINEER**, and that the work is hereby declared to be substantially complete in accordance with the Contract Documents on:

July 9, 2009
Date of Substantial Completion

A tentative list of items to be completed or corrected attached hereto. This list may not be all-inclusive, and the failure to include an item in it does not alter the responsibility of **CONTRACTOR TO COMPLETE ALL THE WORK IN ACCORDANCE WITH THE** Contract Documents. When this Certificate applies to a specified part of the work the items in the tentative list shall be completed or corrected by **CONTRACTOR** within 25 days of the above date of Substantial Completion.

The date of Substantial Completion is the date upon which all guarantees and warranties begin, except as follows:

None

The responsibilities between OWNER and CONTRACTOR for security, operation, safety, maintenance, and insurance shall be as follows:

RESPONSIBILITIES:

OWNER: Normal operation and maintenance

CONTRACTOR: Provide 1 year project warranty and 8 year synthetic turf warranty per the contract documents

The following documents are attached to and made a part of this Certificate:

Punch list of Final Inspection

ACCEPTED BY OWNER

Executed by ENGINEER on 7/12/, 2009

CITY OF NATCHITOCHE

Wayne McCullen
WAYNE McCULLEN, MAYOR

SPORTS ENGINEERING TECHNOLOGIES

M. Breese
ENGINEER

The CONTRACTOR accepts this Certificate of Substantial Completion on

7/13, 2009

REGIONAL CONSTRUCTION, LLC

Pat Johnson
CONTRACTOR

S.E.T.

July 10, 2009

Randy LaCaze
City of Natchitoches
420 Fourth Street
Natchitoches, LA 71457

Re: Northwestern State University - Stadium Synthetic Turf & Drainage Project

Dear Randy:

This letter is to inform you that the synthetic turf and drainage project at Northwestern State University has reached the point of substantial completion and is therefore approved for use by the University. We have performed a project walk through wherein a punch list of remaining work was created. This list will be sent in a subsequent letter and will be copied to the Contractor. It is anticipated that this project will be completed and ready for final payment with the next two weeks, prior to the Universities first scheduled football activities.

If you have any question, please do not hesitate to ask.

Sincerely,

SPORTS ENGINEERING TECHNOLOGIES, INC.



Jeff Bresee, P.E.

c.c. Charles Bourg, NSU

SPORTS ENGINEERING TECHNOLOGIES

207 MOSS COURT, MANSFIELD, TX 76063

817-507-8305 · 682-518-9825 FAX · www.setengineers.com

S.E.T.

July 10, 2009

Randy LaCaze
City of Natchitoches
420 Fourth Street
Natchitoches, LA 71457

Re: Northwestern State University - Stadium Synthetic Turf & Drainage Project

Dear Randy:

Our onsite observation of the above referenced Project found that has reached substantial completion and that the following list of work remains to be performed prior to final completion and close-out:

1. The grass areas that were damaged by the construction process need to be fine graded, hydro-seeded and watered until the grass is established.
2. The expansion and control joints in the concrete flatwork need to be properly sealed.
3. The stadium goal posts need to be installed and the turf boxes around the post bases finished.
4. The turf infill along the west side is sideline is too high and is burying some fiber. This are should be groomed to leave the infill consistent with the rest of the field.
5. The parking lot should be modified by removing existing asphalt and re-constructing a swale as needed to drain water to the new drain inlet.
6. The field cleaning equipment is to be provided to the Owner.
7. The project should be thoroughly cleaned of all construction materials, equipment and debris.
8. All close-out paperwork should be submitted which includes Synthetic Turf Warranty, Affidavit of Bills Paid, O&M Manuals and the final pay application. The Contractor should provide three copies, one for Owner, one for the University and one for Engineer.

SPORTS ENGINEERING TECHNOLOGIES

207 MOSS COURT, MANSFIELD, TX 76063

817-507-8305 · 682-518-9825 FAX · www.setengineers.com

S.E.T.

If you have any question, please do not hesitate to ask.

Sincerely,

SPORTS ENGINEERING TECHNOLOGIES, INC.



Jeff Bresee, P.E.

c.c. Charles Bourg, NSU
Pat Johnson, Regional Constructiton

SPORTS ENGINEERING TECHNOLOGIES

207 MOSS COURT, MANSFIELD, TX 76063

817-507-8305 · 682-518-9825 FAX · www.setengineers.com

The following Resolution was Introduced by Mr. Payne and Seconded by Mr. Nielsen as follows, to-wit:

RESOLUTION NO. 075 OF 2009

**RESOLUTION AUTHORIZING MAYOR WAYNE McCULLEN
TO ADOPT A CITIZEN PARTICIPATION PLAN/CITIZEN COMPLAINT
PROCEDURE AND APPOINT A CITIZEN COMPLAINT OFFICER**

WHEREAS, the City of Natchitoches is desirous of submitting an application to the State of Louisiana, Division of Administration, for funding under the FY 2010/2011 LCDBG Program; and

WHEREAS, the Louisiana Community Development Block Grant (LCDBG) Program has funds available for proposed community development and housing activities; and

WHEREAS, the funds will benefit persons of low and moderate incomes and all citizens, particularly low and moderate income persons and residents of slum and blighted areas; and

WHEREAS, in connection with the LCDBG Program, a Citizen Participation Plan/Citizen Complaint Procedure shall be adopted and Carol S. Steadman be appointed as Citizen Complaint Officer for compliance with the LCDBG Program.

NOW, THEREFORE, BE IT RESOLVED that the Citizen Participation Plan/Citizen Complaint Procedure be adopted and Carol S. Steadman be appointed as Citizen Complaint Officer.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES:	Payne, Nielsen, Mims, McCain
NAYS:	Morrow
ABSENT:	None
ABSTAIN:	None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 4 ayes to 1 nays, this the 13th day of July, 2009.


WAYNE McCULLEN, MAYOR

The Mayor clarified Resolution 75, saying that it basically sets the framework to identify our Community Development Block Grant projects. Ms. Morrow said she has looked at this resolution and Ms. Steadman is the Clerk of the Council, and also works as Administrative Assistant for the Mayor. She said it is her opinion that Ms. Steadman is real busy with those two titles, and she thought they might need someone else because running an office, working for the Council members, and the Mayor, you have a big job on your hands. She said she was also looking along the lines of training. She said she knows a little about the CDB grant program, and you would have to be really knowledgeable about low and moderate income. She said you will be coming across quite a few people with complaints and questions, and she does not know whether Ms. Steadman would have a background in this. She said she did make a call to find out more on the compliance officer, and she personally thinks Ms. Steadman is busy doing the work of the Council and working for the Mayor. The Mayor responded that there is no one that could serve a better purpose than to be the conduit to disseminate the information to each of the Council members. Ms. Morrow said she personally feels Ms. Steadman is doing an excellent job as Clerk, and working for the Mayor, but she doesn't think she has a background as a Community Development Compliance Officer, based on the documentation she has. The Mayor said she is to flow that to the administrator of the LCDBG as a representative of the City of Natchitoches, and it's not her job to answer the questions. The Mayor explained that any time there is a complaint, it flows through City Hall, Ms. Steadman answers the call, she disseminates the information because she is the Clerk, and it is her responsibility to disseminate that information to the Council. Ms. Pearl Crayton asked the Mayor if he would consider someone else for the position. The Mayor said if the Council tells him that they want somebody else, yes, he will. The Mayor advised that the Council appoints the Compliance Officer.

Mr. Mims asked for an explanation of the responsibilities of the Compliance Officer. Mr. Gary Fontana, Grant Consultant with GNF Management Company, Inc., explained that unless there are reasons to the contrary, all it is a liaison person between the complainant and the chief elected official, and the chief elected official has to be the one to address the complaint. He said that in 99 percent of the cases in the last 30 years of the communities they represent, which is somewhere around 50, the person designated is either the Parish Administrator, on the parish level, or the Clerk. He said there is nothing written that says it has to be the Clerk, but that's just logically the person who has access to the Mayor in such situations. He read some of the responsibilities of the Compliance Officer, including notifying the chief elected official or designated representative of the complaint within five (5) working days. He said this comes from the CDBG Guidelines. He further stated that once the complaint is addressed, if the complainant is aggrieved by the decision of the chief elected official or designated representative, he must forward the complaint, in writing, to the Compliance Officer who will forward the complaint, along with the action taken, to the appropriate Council or Committee for their review. He said that basically, this person is available on a daily basis to receive complaints. Mr. Mims confirmed that they are basically going to answer the phone, write down the message, and transfer it to the person that needs to be notified that there is a problem, and the person in charge would write something up, and she would get it back to the complainant, and she makes no decisions.

Ms. Morrow said she has nothing against Ms. Steadman, but she is handling her clerical duties and her duties for the Mayor, and that keeps her busy. She also said when you're speaking of dealing with LCBG objectives, the person needs to be knowledgeable about working with poor people. Ms. Morrow said she did not have anyone in particular in mind, but felt the Mayor should go across the community and try to find a person that he feels would be suitable. She noted that Ms. Idell Snowden is qualified, and probably wouldn't mind giving a few hours, and also, Ms. Ruth Thomas.

Mr. Fontana said that the Louisiana Community Development Block Grant people should be contacted because they are going to want someone there on a regular basis that the citizens will have access to. Ms. Morrow said that she could not vote for something she knows is not right, and if a person doesn't know anything about blighted community, and we're just getting a person because they are working now, that's not fair to the community.

Ms. Carol Steadman, Clerk, addressed some of Ms. Morrow's concerns saying that she is familiar with the blighted community because she has friends all over Natchitoches. She said the first response to the public would be to the Mayor's Office, and she could call LCDBG and report, and it

would just be a natural progress of things. She said she loves people, and takes exception to Ms. Morrow saying she was not familiar with the blighted community.

Mr. Edward Crayton addressed the meeting, saying he did not feel they had answered what the purpose of the job is. He asked if the Complaint Officer was somebody that was going to take the concerns of the community to the Mayor. He went on to say that if that is the case, and you have someone who is overloaded, and then, you're going to tell the community that you have somebody that is going to take their complaints, how is that actually going to be borne out. He said another thing is not whether you like blighted people, or black people, or poor people; it's a question of whether you have the time, whether you have the interest, and whether you have the experience to deal with the people in the community. He said if all they are going to do is give the message to the Mayor, that's what she's doing now, and you don't need to give her another title unless you give her some money.

Ms. Morrow noted that 54 percent of the community is African-American, and these poor people are going to have to go there to Ms. Steadman, and Ms. Steadman doesn't know the community and these people who come from these low social economical backgrounds. She said she goes to the Mayor's Office, and other people go to the Mayor's Office, and they aren't always treated with the most courtesy.

Resolutions continued, as follows:

The following Resolution was Introduced by Mr. McCain and Seconded by Ms. Morrow as follows, to-wit:

RESOLUTION NO. 076 OF 2009

**RESOLUTION SELECTING TWO PROJECTS FOR
THE FY2010/2011 LOUISIANA COMMUNITY DEVELOPMENT
BLOCK GRANT (LCDBG) PROGRAM**

WHEREAS, the City of Natchitoches is desirous of submitting an application to the State of Louisiana, Division of Administration, for funding under the FY 2010/2011 LCDBG Program; and

WHEREAS, there is a necessity to upgrade and improve Fairgrounds Road and the rehabilitation of houses to obtain physical accessibility within the City of Natchitoches.

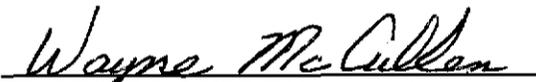
NOW, THEREFORE, BE IT RESOLVED, that the City of Natchitoches wishes to submit upgrading and improving Fairgrounds Road and the renovation of homes for the disabled projects for the LCDBG application under the FY 2010/2011 LCDBG program, contingent upon consideration given to views and proposals submitted by citizens unable to attend the public hearing, if any.

This Resolution shall be in full force and effect from and after its adoption.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES: McCain, Morrow, Payne, Nielsen, Mims
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 5 ayes to 0 nays, this the 13th day of July, 2009.


WAYNE McCULLEN, MAYOR

Mr. McCain recommended that they address the serious street problem on Fairgrounds Road because a lot of people live in that area. He noted that it not only needs resurfacing but there are serious drainage problems there. He said he has also found out that there are LCDBG funds available for upgrading the homes of physically handicapped people to get them up to ADA standards, with wider doors, ramps, higher toilets, and some of those kinds of things. He said he would like to see that done. Ms. Morrow said that she and Mr. Nielsen share the same district, and she's going to bend for him on another project because she knows he's battling with the road down in Pan Am and South Town, so she would like to see a portion of the funding go for roads. Mr. Nielsen said that, unfortunately, as he understands it, after talking to Mr. Fontana, if a road was already there, it would qualify but if there is no road there, it won't qualify, so he has to look elsewhere for funding for Pan Am and Town South. He said he did ask, but was told it does not fit any of these categories. He said if Fairgrounds will qualify under this program, he thinks this is something they need to seriously look at doing because it would be a great improvement for both districts. Ms. Morrow said she has spoken with another source about money for his area, and maybe it would come through.

Following discussion, Mr. McCain motioned for Resolution 76 to address Fairgrounds Road rehabilitation and renovation of disabled housing within the City of Natchitoches.

Resolutions continued, as follows:

The following Resolution was Introduced by Ms. Morrow and Seconded by Mr. Nielsen as follows, to-wit:

RESOLUTION NO. 077 OF 2009

**RESOLUTION AUTHORIZING THE MAYOR TO PROCEED
WITH THE PROCUREMENT AND SELECTION OF PROFESSIONAL
SERVICES FOR THE PURPOSE OF ASSISTING IN THE DEVELOPMENT OF
THE LCDBG APPLICATION AND IMPLEMENTATION OF THE PROJECTS**

WHEREAS, the City of Natchitoches is desirous of submitting an application to the State of Louisiana, Division of Administration, for funding under the FY 2010/2011 LCDBG Program; and

WHEREAS, by Resolution No. 076 of 2009, the City selected a project for the LCDBG Program.

NOW, THEREFORE, BE IT RESOLVED that Mayor Wayne McCullen is hereby authorized to proceed with the procurement and selection of professional services for the purpose of assisting in the development of the LCDBG application and implementation of the projects.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES:	Morrow, Nielsen, Mims, McCain, Payne
NAYS:	None
ABSENT:	None
ABSTAIN:	None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 5 ayes to 0 nays, this the 13th day of July, 2009.



WAYNE McCULLEN, MAYOR

The meeting adjourned into Executive Session at 8:27 p.m. to discuss possible legal action involving the City.

The meeting reconvened at 9:03 p.m.

The Mayor then asked for approval to add Resolution 79 and 80 to the Agenda.

Mr. Mims moved that Resolution Number 37 and Resolution Number 80 be added to the Agenda. Mr. Payne seconded.

This motion was then presented for a vote, and the vote was recorded as follows:

AYES:	Mims, Payne, Nielsen, McCain, Morrow
NAYS:	None
ABSENT:	None

THEREUPON, the Mayor, Wayne McCullen, declared the Motion passed by a vote of 5 ayes to 0 nays, and that Resolution 79 of 2009 and Resolution 80 of 2009 would be added to the Agenda.

The following Resolution was Introduced by Mr. Mims and Seconded by Ms. Morrow as follows, to-wit:

RESOLUTION NO. 079 OF 2009

**A RESOLUTION STATING THE CITY OF NATCHITOCHEES
ENDORSEMENT OF ALLIANCE COMPRESSORS L.L.C. TO
PARTICIPATE IN THE BENEFITS OF THE LOUISIANA ENTERPRISE ZONE**

WHEREAS, Louisiana Revised Statutes 51:1781, et seq, is commonly cited as the Louisiana Enterprise Zone Act; and

WHEREAS, the Louisiana Enterprise Zone Act provides for tax incentives to businesses that provide for economic development within areas designated as an Enterprise Zone; and

WHEREAS, the Louisiana Department of Economic Development designated Census Tract 9906, Block Group 3, in the City of Natchitoches as an "Enterprise Zone" eligible based on enabling legislation (R.S. 51.21.1787-1791); and

WHEREAS, the Mayor and City Council of the City of Natchitoches acknowledge the economic importance of Alliance Compressors, L.L.C., to the City of Natchitoches, and desire to provide incentive to Alliance Compressors, L.L.C. to expand its business in the City of Natchitoches, Louisiana; and

WHEREAS, the City of Natchitoches states this endorsement is in agreement with the Overall Economic Development Plan for the City; and

WHEREAS, the attached Enterprise Zone map has been marked to show the location of the business being endorsed; and

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements, the City agrees:

1. To PARTICIPATE in the Enterprise Zone Program.
2. To ASSIST the Department in evaluating progress made in any Enterprise Zone within its jurisdiction.
3. To REBATE all applicable* local sales taxes on the purchase of eligible construction materials, machinery, and equipment purchased for this project and used by the business permanently on that side.

BE IT RESOLVED, by the City of Natchitoches, in regular and legal session convened this the 13th day of July, 2009, that the following Alliance Compressors L.L.C. applications are endorsed to participate in the Louisiana Enterprise Zone Program:

1. Contract number 20020527 from 11/02/2002 through 04/07/05;
2. Contract number 050693-EZ from 4/08/05 through 09/30/2007; and
3. Contract number 070064 from 10/01/2007 through 03/31/2010.

BE IT FURTHER RESOLVED that if any provision or item of this Resolution or the applications thereof are held invalid, such invalidity shall not affect other provisions, items or applications of this Resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of the resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES: **Mims, Morrow, Payne, Nielsen, McCain**
NAYS: **None**
ABSENT: **None**
ABSTAIN **None**

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution **PASSED** by a vote of 5 Ayes to 0 Nays, this the 13th day of July, 2009.



MAYOR WAYNE McCULLEN

* Applicable sales taxes are defined as all local sales taxes EXCEPT those dedicated to the repayment of a Bond issue or dedicated to ANY public school.

The following Resolution was Introduced by Mr. McCain and Seconded by Mr. Nielsen as follows, to-wit:

RESOLUTION NO. 080 OF 2009

A RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF NATCHITOCHEES TO INITIATE LEGAL PROCEEDINGS NECESSARY TO ENFORCE CONTRACTUAL OR LEGAL RIGHTS AND PRESERVE ANY CLAIM ASSOCIATED WITH THE SALE OF PROPERTY TO STARKS CONSTRUCTION, INC. FOR THE CONSTRUCTION OF A HOTEL, AND AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL APPROPRIATE DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, a dispute has arisen between the City of Natchitoches and Starks Construction, Inc., and related entities, regarding the contractual and legal obligation of Starks Construction, Inc., to the City of Natchitoches, Louisiana; and

WHEREAS FURTHER, the dispute involves property that was acquired by the City of Natchitoches and then conveyed to Starks Construction, Inc., for the construction of a hotel; and

WHEREAS FURTHER, a copy of the proposed Petition for Declaratory Judgment and for Breach of Contract is attached hereto and has been reviewed by the City Council for the City of Natchitoches; and

WHEREAS FURTHER, the City Council has reviewed the issues involved in the above referenced dispute, and has concluded that it is in the best interest of the City and its citizens to file a suit to protect and preserve any and all claims that the City may have and enforce any and all contractual or legal rights; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Natchitoches, Louisiana, is of the opinion that it is in the best interest of the City of Natchitoches and its citizens to authorize the filing of the attached Petition for Declaratory Judgment and for Breach of Contract and to authorize the Mayor of the City of Natchitoches, Wayne McCullen to execute any and all documents on behalf of the City that may be necessary in the premises.

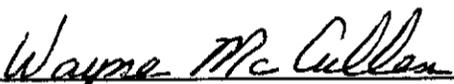
BE IT FURTHER RESOLVED that Wayne McCullen, Mayor of the City of Natchitoches, be and he is hereby authorized to pursue the suit on behalf of the City of Natchitoches and to represent the City of Natchitoches therein.

BE IT FURTHER RESOLVED that Wayne McCullen, Mayor of the City of Natchitoches, be and he is hereby authorized to represent the City and to sign all documents, papers, or other instruments which are necessary to properly pursue this civil litigation.

This Resolution was presented at a Meeting of the City Council on July 13, 2009, and the vote on said Resolution was recorded as follows:

Ayes:	McCain, Nielsen, Mims, Morrow, Payne
Nays:	None
Absent:	None
Abstain:	None

THEREUPON, the Mayor, Wayne McCullen, declared the Resolution passed by a vote of 5 ayes to 0 nays, this the 13th day of July, 2009.



WAYNE McCULLEN, MAYOR

CITY OF NATCHITOCHES	:	SUIT NUMBER
VERSUS	:	10th JUDICIAL DISTRICT COURT
STARKS CONSTRUCTION, INC.,	:	NATCHITOCHES PARISH, LOUISIANA
HOTEL ST. DENIS, L.L.C.,	:	SECTION:___
SABINE STATE BANK,		
300 MILE INVESTMENTS, LTD,		
FAIR PROPERTIES, L.L.C., and		
KEVJAN PROPERTIES, L.L.C.		

**PETITION FOR DECLARATORY JUDGMENT
AND FOR BREACH OF CONTRACT**

The City of Natchitoches (“the City”), a municipality of the State of Louisiana, plaintiff herein, respectfully represents as follows:

1.

Made defendants herein are:

(A) **Starks Construction, Inc.** (Charter/Organization ID: 34574179D, “the Corporation”), a Louisiana corporation, with its principal place of business in and having a mailing address and domicile of 118 Reba St., Natchitoches, La. 71457;

(B) **Hotel St. Denis, L.L.C.** (Charter/Organization ID: 36193097K, “the LLC”), a Louisiana limited liability partnership, with its principal place of business in Natchitoches, La. and having a mailing address and domicile of 714 Third Street, Natchitoches, LA 71457, whose agent for service of process is **James Rex Fair, Jr.**, 714 Third Street, Natchitoches, LA 71457;

(C) **Sabine State Bank and Trust Company** (“the Bank”), a Louisiana banking organization, having its local place of business and mailing address of 5811 Highway 1 Bypass, Natchitoches, La.;

(D) **300 Mile Investments, LTD** (“LTD”), a Texas general partnership. (Charter/Organization ID: 36689142L), upon information and belief having a mailing address of 273 Winston 8 Ranch Road, Lufkin, TX 75904, and having as its Manager of its General Partner,

Winbai Management, LLC, 273 Winston 8 Ranch Road, Lufkin, TX 75904, and whose agent for service of process is **James Rex Fair, Jr.**, 714 Third Street, Natchitoches, LA 71457;

(E) **Fair Properties, L.L.C.**, a Louisiana limited liability company which has as its domicile this parish, and a purchaser of part of the property subject to this suit, whose agent for service of process is **James Rex Fair, Jr.**, 714 Third Street, Natchitoches, LA 71457; and

(F) **Kevjan Properties, L.L.C.**, a Louisiana limited liability company which has as its domicile this parish, and a purchaser of part of the property subject to this, whose agent for service of process is **James Rex Fair, Jr.**, 714 Third Street, Natchitoches, LA 71457;

2.

In the late 1990s, the City purchased the property which is the subject of this suit. The subject property was purchased as part of a universal plan and concerted effort on the City's behalf to develop the downtown and river-front area. The subject property was acquired for the sole and express purpose of providing the property to a developer for the construction of a hotel.

3.

The City endeavored to construct an Events Center and a hotel on the property to support the Events Center. The City acquired property between Second Street and Third Street as the location of the proposed Events Center. The City acquired property between Front Street and Second Street (the subject property) as the proposed site for a hotel. The feasibility studies undertaken by the City regarding an events center all stressed the vital importance of the development of a 100 room hotel in close proximity to the events center.

4.

As mentioned, the City did not desire to build and develop the hotel itself. The City issued requests for proposals ("RFP") for the construction of a hotel at least twice. The first proposal was rejected. The second time, the committee appointed to review the proposals recommended the Corporation's proposal. The committee made its report to the City Council, and the successful proposal in fact was awarded to the Corporation. Thereafter, the City

Council authorized the Mayor to sign the deed conveying the property.

5.

By virtue of that certain Cash Sale Deed between the City and the Corporation, recorded as instrument #292781, Conv. Book 602, Pg. 68 of the public records of Natchitoches Parish, La. ("the **"Original Acquisition Deed"**"), the City sold the property more particularly described therein to the Corporation.

6.

The Original Acquisition Deed contained particular covenants, provisions and terms that burdened the property, set forth at Conv. Book 602, Pg. 70-71, quoted below:

There are hereby restrictions placed on the property described above, as follows, to wit:

1) There shall be no building or improvement on the subject property that exceeds seventy-five feet (75 feet) in height or exceeds a total of four (4) stories;

2) There shall be no more than one meeting room or conference room allowed on the property described above and that room shall be no larger than Twelve Hundred (1,200) square feet, and there shall be no other conference room or meeting room for rent or lease or open to the public for use.

3) All construction must comply with Historic District and City of Natchitoches Planning and Zoning Commission approval.

These restrictions shall run with title to the land and may only be removed or altered with the approval and consent of the City of Natchitoches, Louisiana.

And now comes and appears the VENDEE [the Corporation] who does grant to the VENDOR [the City], for no additional consideration, and subject to the conditions hereinafter set forth, the exclusive right, privilege, or option to purchase for the above described property.

The option to purchase shall become effective if a 100 room hotel is not completed according to specifications, as approved by the City of Natchitoches, within three years from the date of recordation of this deed. In the event the 100 room hotel is not completed according to specifications, as approved by the City of Natchitoches, within three years from the date of recordation of this deed the City may repurchase the property at the original sales price

(\$1,200,00.00) plus the market value of any improvements on the property by the VENDEE, or any successor. This option is assignable and shall remain in effect for three (3) years or until the 100 room hotel is completed according to specifications, as approved by the City of Natchitoches.

7.

The Original Acquisition Deed was recorded on June 1, 2006.

8.

By virtue of a certain Cash Sale Deed between the Starks Construction, Inc. and Hotel St. Denis, L.L.C., also recorded on June 1, 2006 as instrument #292783, Conv. Book 602, Pg. 72 of the public records of Natchitoches Parish, La., the Corporation sold the subject property to the LLC ("**the LLC Acquisition Deed**"). The purchase price was the same \$1,200,000.00 amount with which the Corporation bought the subject property from the City.

9.

The LLC's purchase of the subject property was and is subject to the terms, conditions and provisions of the Original Acquisition Deed.

10.

On March 12, 2008, a Notice of Transfer of Interest in the LLC was recorded as instrument #312179, in Conv. Book 619, p. 651 of the public records of Natchitoches Parish, La. This document states that the members of Hotel St. Denis, L.L.C. were:

(A) K & L Developers, L.L.C., 118 Reba Street, Natchitoches, La. 71457, its managing member; and

(B) 300 Mile Investments, LTD ("**LTD**").

Upon information and belief, 118 Reba Street, Natchitoches, La. 71457 is the principal place of business of Mr. Starks and his related entities; 714 Third Street, Natchitoches, LA 71457 is the law office address of James Rex Fair, Jr.; and LTD is a Texas general partnership (Charter/Organization ID: 36689142L), having a mailing address of 273 Winston 8 Ranch Road, Lufkin, TX 75904 where it has its principal office, and has its principal business establishment in LA at 714 Third street, Natchitoches, LA 71457.

11.

Virtually simultaneously, by virtue of a certain mortgage granted by the Hotel St. Denis, L.L.C. in favor of the Sabine Bank, recorded on March 12, 2008 as instrument #312182, Mort. Book 868, Pg.64 of the public records of Natchitoches Parish, La., the subject property was mortgaged by the LLC to the Bank (“**the LLC’s Bank Mortgage**”).

12.

The LLC’s Bank Mortgage on the subject property was and is subject to the terms, conditions and provisions of the Original Acquisition Deed.

13.

On the next day, March 13, 2008, by virtue of a certain mortgage granted by LTD in favor of the Sabine State Bank, recorded as instrument #312198, Mort. Book 868, Pg.159 of the public records of Natchitoches Parish, La., the subject property was mortgaged by LTD to the Bank (“**the LTD’s Bank Mortgage**”).

14.

The LTD’s Bank Mortgage on the subject property was and is subject to the terms, conditions and provisions of the Original Acquisition Deed.

15.

By virtue of a certain Cash Sale Deed recorded on June 2, 2009 as instrument #324495, Conv. Book 632, Pg. 274 of the public records of Natchitoches Parish, La., Fair Properties, L.L.C. purchased of part of the property subject to this suit.

16.

The foregoing purchase of part of the subject property was and is subject to the terms, conditions and provisions of the Original Acquisition Deed.

17.

By virtue of a certain Cash Sale Deed recorded on June 2, 2009 as instrument # 324563, Conv. Book 632, Pg.323 of the public records of Natchitoches Parish, La., Kevjan Properties, L.L.C. purchased of part of the property subject to this suit.

18.

The foregoing purchase of part of the subject property was and is subject to the terms, conditions and provisions of the Original Acquisition Deed.

19.

By virtue of a certain Cash Sale Deed recorded on June 25, 2009 as instrument #325182, Conv. Book 632, Pg. 857 of the public records of Natchitoches Parish, La., the Bank purchased of part of the property subject to this suit.

20.

The foregoing purchase of part of the subject property was and is subject to the terms, conditions and provisions of the Original Acquisition Deed.

21.

The reason the City sold the subject property to the Corporation was for it to build a hotel on the property.

22.

Instead, Mr. Ken Starks, the principal of the Corporation and the LLC, decided to build in phases, with Phase I being commercial condominium units and Phase II being the hotel.

23.

Mr. Starks effectively built the commercial condominium units to the detriment of building the hotel.

24.

By virtue of a letter dated March 26, 2008 to Ken Starks, The Mayor of the City of Natchitoches advised that the City was not waiving its rights regarding the hotel contingency.

25.

Upon information and belief, the financing of the hotel has been a major problem hindering the construction of the hotel. That problem is neither of the City's creation or generation. The City has and had no responsibility for Mr. Stark's entities' failure to obtain

financing for the hotel. In fact, in 2007, the LLC had contracted with the Louisiana Board of Commerce and Industry to receive tax benefits under the Louisiana Restoration Tax Abatement Program; however, those benefits were allowed to lapse for lack of follow-through on Mr. Stark's entities' part. Moreover, among other efforts, in 2007 the City went through the (futile) exercise of trying to reach an agreement for releasing the commercial condominium units from the above option, contingent on the Starks' entity escrowing the proceeds from the commercial condominium units sales in order to fund the hotel's construction. Mr. Stark's and his entities never executed the agreements. Mr. Stark's entities' were never able to put together financing to even begin construction of the hotel on the subject property.

26.

In any event, a 100 room hotel was not and has not been completed according to specifications, as approved by the City, within three years from the date of recordation of the Original Acquisition Deed.

27.

The City has contractual relations only with the Corporation, and has no contractual relations with any of the of the named defendants.

28.

The defendants (other than the Corporation) are named because they may be necessary parties to this litigation, pursuant to the Louisiana Code of Civil Procedure, as their interest(a) may be affected by the relief afforded to the City by the Court.

29.

The Corporation has breached its contractual obligations under the Original Acquisition Deed.

30.

As a consequence of the Corporation's breach of contract, the City may invoke remedies available to it by contract and/or by law.

31.

The primary cause of the City executing the Original Acquisition Deed was for the Corporation to construct a 100 room hotel was not and has not been completed according to specifications, as approved by the City, within three years from the date of recordation of the Original Acquisition Deed. See La. Civil Code Art. 1967.

32.

There has been a failure of consideration or “cause” for the City’s entering into the Original acquisition Deed.

33.

La. Civil Code Art. 2013 provides in pertinent part: “When the obligor [the Corporation] fails to perform, the obligee [the City] has a right to the judicial dissolution of the contract or, according to the circumstances, to regard the contract as dissolved. In either case, the obligee [the City] may recover damages.”

34.

Despite amicable demand, the Corporation has failed to perform its obligations under the Original Acquisition Deed.

35.

The Corporation, having dispossessed itself and disposed of the subject property, is incapable of performance of its obligations under the Original Acquisition Deed.

36.

The City is entitled to a dissolution of the Original Acquisition Deed and damages from the Corporation for its failure to perform.

37.

One may determine from the circumstances of the Corporation’s sale of the property to the LLC that the Corporation did not intend, and never intended, to perform its obligations under the Original Acquisition Deed.

38.

La. Civil Code Art. 1953 provides:

Fraud is a misrepresentation or a suppression of the truth made with the intention either to obtain an unjust advantage for one party or to cause a loss or inconvenience to the other. Fraud may also result from silence or inaction.

39.

La. Civil Code Art. 1958 provides: "The party against whom rescission is granted because of fraud is liable for damages and attorney fees."

40.

The City has suffered damages as the result of the Corporation's failure to perform its obligations under the Original Acquisition Deed.

WHEREFORE, PLAINTIFF PRAYS that, after service and citation have been made and due proceedings done, the Court grant the relief requested above, rescind the sale of the subject property and award the City's special and general damages with legal interest thereon from date of judicial demand or at least from judgment until paid, as well as attorney fees and all costs of these proceedings with legal interest thereon from date of judgment until paid, and for all other full, general and equitable relief appropriate in the premises.

Respectfully submitted,
ROGERS & CARTER
(A Professional Law Corporation)

By: _____
E. Keith Carter, La. Bar No. 16,847
4415 Thornhill
Second Floor, Suite A
Shreveport, Louisiana
318/861-1111
Fax: 318/868-2323
ATTORNEYS FOR THE CITY OF
NATCHITOCHEs

PLEASE SERVE DEFENDANTS:

(1) **Starks Construction, Inc.,** via personal service on its agent(s) for service of process, **Kenneth E. Starks or Barbara Jan Griffin Starks,** 118 Reba St., Natchitoches, La. 71457

(2) **Hotel St. Denis, L.L.C.,** via personal service on its agent(s) for service of process, **James Rex Fair, Jr.,** 714 Third Street, Natchitoches, LA 71457

(3) **Sabine State Bank and Trust Company,** via personal service on Gene Dial, 5811 Highway 1 Bypass, Natchitoches, La.

(4) **300 Mile Investments, LTD,** via personal service on its agent(s) for service of process, **James Rex Fair, Jr.,** 714 Third Street, Natchitoches, LA 71457

(5) **Fair Properties, L.L.C,** via personal service on its agent(s) for service of process, **James Rex Fair, Jr.,** 714 Third Street, Natchitoches, LA 71457

(6) **Kevjan Properties, L.L.C,** via personal service on its agent(s) for service of process, **James Rex Fair, Jr.,** 714 Third Street, Natchitoches, LA 71457

CITY OF NATCHITOCHE : **SUIT NUMBER**
 : **10th JUDICIAL DISTRICT COURT**
VERSUS :
 : **NATCHITOCHE PARISH,**
 : **LOUISIANA**
STARKE CONSTRUCTION, INC., : **SECTION: ___**
HOTEL ST. DENIS, L.L.C.,
SABINE STATE BANK,
300 MILE INVESTMENTS, LTD,
FAIR PROPERTIES, L.L.C., and
KEVJAN PROPERTIES, L.L.C.

NOTICE OF LIS PENDENS

The captioned suit was filed on July __, 2009 to rescind the sale of property and to award the City of Natchitoches damages and costs attendant thereto, affecting and regarding the immovable property described in the Cash Sale Deed between the City and Starks Construction, Inc., recorded as instrument #292781, Conv. Book 602, Pg. 68 of the public records of Natchitoches Parish, La. You are hereby advised of the pendency of the above referenced civil action.

Respectfully submitted,
ROGERS & CARTER
 (A Professional Law Corporation)

By: _____
 E. Keith Carter, La. Bar No. 16,847
 4415 Thornhill
 Second Floor, Suite A
 Shreveport, Louisiana
 318/861-1111
 Fax: 318/868-2323

**ATTORNEYS FOR THE CITY OF
 NATCHITOCHE**

The Mayor asked if there was any further business to be brought before the Council.

There being none, Mr. McCain made a motion to adjourn the meeting, Mr. Nielsen seconded the motion, and the meeting was adjourned at 9:07 p.m.


MAYOR WAYNE McCULLEN


MAYOR PRO TEMPORE