



MINUTES  
REGULAR MEETING  
MONDAY, APRIL 20, 2020 6:00 PM  
CARENCRO CITY HALL  
210 E. ST. PETER ST.  
CARENCRO, LOUISIANA

Mayor Glenn L. Brasseaux called the meeting to order at 6:00 p.m. Councilmember Jordan Arceneaux led the Pledge of Allegiance. Following the pledge Mayor Brasseaux asked for a moment of silence for our military service personnel, along with our veterans and their families who have served and for those who continue to serve our country defending our freedoms. Mayor Brasseaux asked that everyone continue to pray for those who have been affected by the COVID-19 virus.

Attendance: Councilmembers Jordan Arceneaux, Antoine Babineaux, Danielle Capritto, Kim Guidry, and Alfred Sinegal

Absent: None

ANNOUNCEMENTS:

Mayor Brasseaux thanked the city's fire and police departments, utility crew workers as well as city hall administration for working during the pandemic. He also thanked the grocery stores, restaurants and especially the medical field for their dedication during these trying times.

Mayor Brasseaux thanked Jason Vincent with Intec Security Solutions, City Manager Don Chauvin and Lisa Prejean with Prejean Creative Advertising for the quick response in installing the "Live Streaming" for the council meeting due to the restrictions of the COVID-19 virus.

Councilmember Arceneaux requested to amend the agenda by adding the following items:

I/J-2: Budget amendment on PARC's budget

I/J-3: A resolution for PARC

Councilmember Capritto made a motion to amend the agenda by adding the following items I/J-2 & I/J-3; seconded by Councilmember Guidry; motion approved.

GUESTS: None

PROCLAMATION:

Mayor Brasseaux informed the council that Mrs. Grace Breaux was given a proclamation celebrating her 90<sup>th</sup> birthday on March 31, 2020.

Councilmember Babineaux motioned to adopt the minutes of the regular meeting of the Carencro City Council on March 16, 2020; seconded by Councilmember Sinegal; motion approved.

Councilmember Arceneaux motioned to approve the financial reports as presented; seconded by Councilmember Capritto; motion approved.

Mayor Brasseaux asked for questions or comments regarding the department's monthly reports.

Due to the restrictions of the COVID-19 virus, Mayor Brasseaux informed the council that several department heads are not attending the meeting and if they had any questions or comments we will answer them by phone call or via email.

UPDATES: City Manager Don Chauvin gave the following updates:

Historic House/ Welcome Center- the building is being painted and the steps are being built. Stephen has his team preparing to bid Phase II. This may include separating the bathroom from the concrete parking area.

Hector Connolly Water Plant – project is in the final stretch as the painting contractor applied the floor finish throughout the weekend. Once the floor is painted the plan is to chlorinate the wells to begin startup procedures. The chemical systems are also being tested prior to startup.

Andre Street Bridge- the remaining work involving guardrail installation is delayed because the contractor is from New Orleans and some of their personnel are infectious so we made the decision to wait rather than expose our community.

Street Overlay Project-. On March 18, 2020 bids were opened and the low bidder was Elliott Construction, LLC with a bid of \$3,377,206.57. All contract documents have been signed and a pre-construction meeting is currently being scheduled. Fenstermaker is preparing a change order to redo the parking lots at the Carencro Sports Complex and Pelican Park. Based on the original bid prices the total estimated cost is \$334,373.00.

Sosthene Road Drainage Project—the low bid was awarded to SIEMA Construction at \$100,375.00. They hired Champagne Companies to do the work and the project is over 70% completed and going well.

Prejean Road Overlay: The bid opening was held on March 11, 2020 and the low bidder was M. Trak, LLC at \$407,271.97. DOTD stated that it usually takes 45 days to have the

contract signed and to give the contractor the notice to proceed. Once the contractor is given the notice to proceed, there will be a 30 day assembly period. Construction is expected to begin sometime in late May or early June and once construction begins it is expected to take 35 working days to complete.

Fire Station on Gloria Switch- The bond attorneys and financial advisor are exploring funding options including USDA and bond issuance. With the historically low interest rates they believe bonding may be the better option. Fire Chief David Mouton and Architect Lynn Guidry are developing plans while Mayor Brasseaux considers the budget.

Census 2020—Urgent that we appeal to everyone to complete the Census so we've posted reminders on Facebook, Nextdoor and our website. The COVID-19 crisis is the unfortunate perfect example of how important the accurate count is to determine eligibility for State and Federal assistance programs.

#### RESOLUTIONS:

Resolution 2020-012: A resolution of the Carencro City Council granting the authority to Mayor Glenn L. Brasseaux to implement the Special Leave COVID-19 Emergency Rule Policy.

Councilmember Babineaux made a motion to approve Resolution 2020-012; seconded by Councilmember Capritto; motion approved.

Councilmember Arceneaux made a motion regarding his two items that he added to the agenda. Item I/J-2 is to amend PARC's budget by the following:

- 1-remove all Capital Outlay items by a total of \$141,500.00
- 2-add the drainage project at an estimated cost of \$250,000.00
- 3-reduce the total budget expenditures which includes salaries and other line items by 20%
- 4-remove the Balloon Festival funding

City Attorney Jerry Mallet approached the Mayor and Council expressing his opinion that the Council's authority over PARC's operating budget is limited by contract to amend the budget once it has been approved by the council. Councilmember Arceneaux expressed reservations with regard to the Mr. Mallet's opinion as to the council's authority to regulate PARC's budget and indicated he will precede with his motion which was seconded by Councilmember Capritto; motion approved; Nay votes by Councilmember Babineaux and Sinegal.

Councilmember Arceneaux made a motion to introduce a resolution to move forward with the drainage project for PARC which includes signing a contract with Fenstermaker to start the design phase; seconded by Councilmember Capritto; motion approved; Nay votes: Councilmember Babineaux and Sinegal.

Mr. Mallet informed Councilmember Arceneaux that if he wished to proceed and the motion was passed it could always be rescinded upon confirmation that the council has

no authority to take such action. On April 21, 2020 an email from Mr. Mallet was received by City Clerk Gwen Martin and forwarded to the Mayor, councilmembers and city manager with the following information regarding Councilmember Arceneaux motions and PARC's budget.

"I have now had an opportunity to review not only the contract in effect between the City of Carencro and PARC, but also PARC's Articles of Incorporation, which define its powers and authority. Article VII of PARC's Articles of Incorporation states, in pertinent part, "The corporation **powers and management** of this corporation **shall be vested in and exercised by a Board of Trustees**" (Emphasis Added). Thus, unless the Board of Trustees of PARC relinquishes its power to manage the corporation, which includes amending its operating budget, such power and authority is exclusively in the hands of the Board of Trustees. The question then becomes, has PARC relinquished its power to manage the corporation through, and as a result of, the contract in effect between PARC and the City of Carencro. Paragraph 5i of that contract states: "**All property** (movable or immovable, tangible or intangible) purchased and/or **acquired by PARC from any source whatsoever** shall be considered the property of **Carencro** and owned by **Carencro**, but **shall be maintained, administered**, operated, and used by **PARC** in furtherance of the purposes of this Contract and **PARC's** Articles of Incorporation and By-Laws." (Emphasis Added) Consequently, the property acquired by PARC in the form of those funds represented by its operating budget shall be maintained and **administered by PARC** in furtherance of the purposes of said contract. Further, paragraph 5j of said contract states, in pertinent part, "At all times during the term of this Contract, **PARC** shall operate in compliance with its Articles of Incorporation and By-Laws . . . ." Thus, not only does the contract fail to vest in the Carencro City Council the authority to amend PARC's operating budget, it actually reinforces the authority of PARC's board of trustees to manage the corporation, as provided by its Articles of Incorporation.

Additionally, paragraph 10 of the contract existing between PARC and Carencro states " If either **Carencro** or **PARC** should default, breach, and/or **refuse** or neglect to **carry out any of the terms and conditions contained in this Contract**, the non-breaching or non-defaulting party shall, without the necessity of putting into default (putting into default being specifically waived), have the option of bringing suit for specific performance and/or damages, and the non-breaching or non-defaulting party shall be entitled, from the breaching or defaulting party, reasonable attorney fees of not less than \$2,500.00 that may be incurred by the non-breaching or non-defaulting party as a result of having to employ an attorney at law to enforce any of the terms and conditions contained in and/or rights established by this Contract." (Emphasis Added) Thus, should the Council attempt to alter the operating budget of PARC in compliance with his recent motion, such action would be in direct conflict with the terms of the contract at issue and may be considered a breach of same, which could subject the City of Carencro to legal expenses (simply adopting the motion at issue may not be considered a breach, but attempting to execute same could be).

Finally, paragraph 13 of the contract at issue states, "**Carencro** and **PARC** further agree that this Contract contains the entire agreement and understanding between **Carencro** and **PARC**, and no promises or inducements which are not expressed in this Contract have been made to **Carencro** and/or **PARC**". Thus, as I stated last evening, unless the contract at issue specifically vests in the Council power to exercise specific

authority over PARC's management authority, such management authority remains with PARC.

In view of the foregoing, it will likely be necessary either to resend the motion adopted by the Council at last evening's meeting or to amend same, even if PARC's Board of Trustees concurs with the Council's motion. Naturally, the need to resend or amend will depend upon the exact wording of the motion, including whether same was made contingent upon action by PARC."

INTRODUCTORY ORDINANCES: None

PUBLIC HEARING:

FINAL ADOPTED ORDINANCES:

Ordinance No. 2020-002: An ordinance of the Carencro City Council amending the Code of Ordinances regulating residential mobile homes, house trailers, and manufactured houses in the City of Carencro, Louisiana.

Mayor Brasseaux asked for questions or comments from the council or the public. With no questions or comments Councilmember Arceneaux made a motion to final adopt Ordinance No. 2020-002; seconded by Councilmember Sinegal; motion approved.

PUBLIC HEARING:

DISCUSSIONS:

Recognize Mr. Glenn Faul giving an update on the property located at 3830 N. University Ave (formerly Faul's Wrecker Service)

City Attorney Jerry Mallet approached the Mayor and Council informing them that he has been in contact with Mr. Faul's attorney Jeff Moss and due to the COVID-19 virus he advised the council to table this matter until the health crisis has passed. The delay will provide the opportunity for in-depth review of the case, try to resolve the matter without litigation and to avoid the city any liability damages.

Councilmember Babineaux made a motion to table the discussion item regarding Mr. Glenn Faul; seconded by Councilmember Sinegal; motion approved; Nay vote Councilmember Arceneaux.

Lafleur Therapy Center requesting a 10' variance of the Performance Land Use greenbelt regulations on the south and east property line to allow for parking space located at 102 St. Charles Street, Carencro, La.

City Manager Don Chauvin gave a brief update of the variance request stating that the property owners on both sides submitted a letter having no objection to the parking lot design.

Councilmember Arceneaux made a motion to grant the 10' variance to Lafleur Therapy Center; seconded by Councilmember Capritto; motion approved.

**PUBLIC COMMENTS:**

Mayor Brasseaux expressed his thanks to the citizens for complying with the Stay at Home orders. This has been a tremendous effort by all in maintaining a low number of cases. He also reminded everyone to "Shop Local, Shop Carencro" in supporting our community businesses.

Councilmember Guidry made a motion to adjourn; seconded by Councilmember Sinegal; motion approved.

With no further comments the meeting adjourned at 7:13 p.m.

Respectfully submitted,

Gwen Martin, LMMC  
City Clerk  
City of Carencro

Glenn L. Brasseaux  
Mayor  
City of Carencro