

A SPECIAL MEETING  
THURSDAY  
JULY 14, 2011  
2:00 P.M.

NOTICE OF A SPECIAL MEETING

Opelousas, Louisiana  
July 13, 2011

NOTICE IS HEREBY GIVEN THAT a Special Meeting of the Mayor and Board of Aldermen of the City of Opelousas, State of Louisiana, has been ordered and called and will be held at their regular meeting place in the Meeting Room at City Hall, 105 N. Main Street, Opelousas, Louisiana, on Thursday, July 14, 2011, at 2:00 o'clock P.M. for the following purpose:

1. Discuss request for ZONING CHANGE from NMU Zone to C1 Zone of property located at 1102 S. Union Street to use as a retail development (FaKouri Realty, Inc.).
2. Discuss CLECO Operating and Franchise Agreement Extension and authorize the Mayor to Execute Said Extension.
3. Discuss employment status of the following:
  - (a) Kenneth Biagase
  - (b) Paul Bell

To take all action necessary in the premises and to take up all other matters which might properly come before the meeting.

/s/ Donald R. Cravins, Sr.

DONALD R. CRAVINS, SR., MAYOR  
CITY OF OPELOUSAS, LA

RETURN OF SERVICE  
STATE OF LOUISIANA  
PARISH OF ST. LANDRY

Received the foregoing call and did serve a duly certified copy on members of the Board of Aldermen of the City of Opelousas, State of Louisiana, on the date and at the hour specified opposite their respective names:

<u>Name</u>	<u>Signature</u>	<u>Time</u>	<u>Month/Day/Year</u>
Joseph Charles	<u>/s/ Joseph Charles</u>	15:10 p.m.	<u>07 /13 /2011</u>
Julius Alsandor	<u>/s/ Julius Alsandor</u>	11:15 a.m.	<u>07 /13 /2011</u>
Louis Butler, Jr.	<u>/s/ Louis Butler, Jr.</u>	11:02 a.m.	<u>07 /13 /2011</u>
Blair Briggs	<u>/s/ Blair Briggs</u>	16:10 p.m.	<u>07 /13 /2011</u>
Reginald Tatum	<u>/s/ Reginald Tatum</u>	11:10 a.m.	<u>07 /13 /2011</u>
Jacqueline Martin	<u>/s/ Jacqueline Martin</u>	11:37 a.m.	<u>07 /13 /2011</u>

All of which was done more than twenty-four hours prior to the hour and date set for the holding of said meeting, (except where waived), as provided by law. IN WITNESS WHEREOF, we have signed hereto these 14<sup>th</sup> & 16<sup>th</sup> days of January, 2011 at Opelousas, Louisiana.

Lt. Dwayne Grummett

Police Officer

Received the foregoing notice of Special Meeting as indicated above.

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/s/ Joseph Charles

Joseph Charles, Alderman-At-Large

/s/ Julius Alsandor

Julius Alsandor, Alderman, District A

/s/ Louis Butler, Jr.

Louis Butler, Jr., Alderman, District B

/s/ Blair Briggs

Blair Briggs, Alderman, District C

/s/ Reginald Tatum

Reginald Tatum, Alderman, District D

/s/ Jacqueline Martin

Jacqueline Martin, Alderwoman, District E

Karen Frank, City Clerk, read the Return of Service. With Donald Cravins, Mayor presiding, the meeting was called to order. The following Council members were PRESENT: Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, and Jacqueline Martin. ABSENT: Reginald Tatum arrived late.

After a moment of silent meditation, the Pledge to the U.S. Flag was led by Alderman Blair Briggs.

Alderman Julius Alsandor wanted it noted for the minutes that Mr. Gerald Castille, an employee of the Water Distribution Department, suffered a mild stroke on last week. He was admitted to the hospital but seems to be doing much better now.

Prior to the adoption of the agenda, Alderman Joseph Charles asked about the additional items on the agenda. He stated that he thought it was just going to be CLECO on the agenda today. Ms. Laura Balthazar stated that in Tuesday night's meeting, Kenneth Biagase and Paul Bell were asked to appear before the Council and so in order to comply with Civil Service rules, they had to be notified today so that the Council could vote on the disposition of their employment statuses. She also added that Joseph Woods was also ordered to appear on Tuesday night but he did not show up so they need to make a disposition on his employment status also.

On a motion by Alderman Louis Butler, Jr., seconded by Alderwoman Jacqueline Martin and unanimously carried with one absent, it was resolved to adopt the agenda with the following changes: Adding Item No. 3(c), "Discuss employment status of the following: (c) Joseph Woods".

*Discuss request for ZONING CHANGE from NMU Zone to C1 Zone of property located at 1102 S. Union Street to use as a retail development (FaKouri Realty, Inc.). This item was skipped over until Ms. Margaret Doucet arrived.*

*Discuss CLECO Operating and Franchise Agreement Extension and authorize the Mayor to Execute Said Extension. This item was handled first on the agenda. Mayor Cravins stated that this discussion has been ongoing regarding this agreement. During the course of that time, the Executive branch and the Council have diligently tried to secure other possible vendors but were not successful. They have been in constant negotiations with CLECO relative to some provisions in the contract that they felt were not in the best interest of the City. There were discussions in regard to the \$9 million associated with the CLECO contract that are not being discussed today because that is a separate issue and not part of the agreement and the City will at some point have to decide what position they are going to take. The biggest obstacle over the last few months has been some language in the contract. The monetary part of the contract has been settled and CLECO has agreed to pay \$1.2 million as an upfront payment for the signing of the agreement. In addition to that, the City was able to increase the lease payments significantly. Mayor Cravins stated that this is a much better agreement than the one in the past and that they have covered just about all of the major concerns they had. Mayor Cravins stated that Attorney Frank*

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Trosclair did some extensive work on the negotiations of the finished product. Attorney Trosclair stated that he recently started working on this agreement because the City Attorney had to recuse himself. He stated that he was able to substantially change some of the language of the contract that would be as beneficial as possible on behalf of the City particularly provisions in the contract dealing with reporting of repair work and expenditures by CLECO on the lines. He thinks that they have put into place a better system of accounting where CLECO will be reporting on a monthly basis to the City the expenditures being made on the system; under certain circumstances, CLECO has to ask the City for approval and the City has the right to raise objections as to certain expenditures if they feel those expenditures are not pursuant to operations of the utility provider. Also a provision has been re-instilled into the contract that CLECO provide some type of insurance coverage over at least some part of its system. They have also added a provision for a Storm Recovery Fund for damages caused by storms. If the City chooses to accept this contract with the noted changes, then it will be a 10-year contract; twenty-four months before the end that 10-year period, the City will again have the option to opt out or to seek negotiations with another utility provider. Mr. Marty Smith spoke on behalf of CLECO regarding the Storm Reserve. He stated that if a storm hits and damage is done, then CLECO has a storm reserve and those funds are used to pay for that. Those assets do not go on the Opelousas ledger that they are indebted for at the end of the contract. Attorney Trosclair stated that this could substantially reduce the end-of-the-line liability for the City towards CLECO down the line. This language was also added to the contract. Regarding the approval clause for expenditures, CLECO will have to obtain prior approval from the City for any project that exceeds \$50,000. In addition, CLECO has obligated itself to provide a detailed usage report of the consumers in the City within the next two years. Upon Alderman Reginald Tatum's arrival, Mayor Cravins informed him that they had just concluded the discussion regarding the CLECO contract and asked if he had any questions. Alderman Tatum had no questions. On a motion by Alderman Joseph Charles and seconded by Alderman Louis Butler, Jr., it was resolved to authorize the Mayor to execute the extension of the CLECO Operating and Franchise Agreement for a ten-year period. A roll call vote was taken with the following results:

YEAS: Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, Reginald Tatum, Jacqueline Martin.

NAYS: None.

ABSENT: None.

*Discuss request for ZONING CHANGE from NMU Zone to C1 Zone of property located at 1102 S. Union Street to use as a retail development (FaKouri Realty, Inc.).* Ms. Doucet stated that this issue was discussed at last month's meeting but was tabled due to questions raised by Dr. Rosemary St. Clergy regarding the two Historic Buildings that are located on the property he is developing. Mr. FaKouri stated that he plans on destroying the buildings and taking them to the landfill. Mayor Cravins suggested that Mr. FaKouri donate the buildings instead. Mr. FaKouri stated that he is willing to donate the buildings to anybody who wants them. He stated that anybody who is interested in the buildings should contact him within 30 days. Dr. St. Clergy stated that she is opposed to tearing the buildings down. She feels that a 30-day period is too short of a notice and she also suggested that this donation be publicized. Mr. FaKouri stated that he was not sure why the Historic District was involved in this issue because he had come before the Board with a request for a Zoning Change but they had issues with what he wanted to do with the buildings on the property. Dr. St. Clergy stated that the Historic District is involved in this because they want to have a vision for the City of Opelousas and if they tear down Historic homes and put strip malls, it will not help in the future for the development of the City. She stated that there are several other areas in the City that could be utilized for available shopping spaces. She pointed out that the area is zoned for NMU which already allows for many retail establishments. Dr. St. Clergy stated that changing the zoning to C1 would allow many commercial establishments to be placed there that they are not prepared for later on down the road. Alderman Tatum asked Mr. FaKouri why he wanted to be zoned as commercial. Mr. FaKouri stated that he wanted to be commercial all the way around and because any time a tenant would move in, they would have to wait 30-60 days to move in because they would have to go before the Planning Commission each time under the current zoning. On a motion by Alderman Joseph Charles and seconded by Alderman Blair Briggs, it was resolved to approve the request for ZONING CHANGE from NMU Zone to C1 Zone of property located at 1102 S. Union Street to use as

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a retail development (FaKouri Realty, Inc.) with the provision that the two buildings on the property be donated with a 60-day notification. A roll call vote was taken with the following results:

**YEAS:** Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, Reginald Tatum, Jacqueline Martin.

**NAYS:** None.

**ABSENT:** None.

*Discuss employment status of the following:*

*(a) Kenneth Biagase* – Recommendation is for termination.

On a motion by Alderman Joseph Charles and seconded by Alderman Blair Briggs, it was resolved to approve the recommendation of termination for Kenneth Biagase. A roll call vote was taken with the following results:

**YEAS:** Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, Jacqueline Martin.

**NAYS:** Reginald Tatum.

**ABSENT:** None.

*(b) Paul Bell* – Recommendation is for termination.

On a motion by Alderman Joseph Charles and seconded by Alderman Blair Briggs, it was resolved to approve the recommendation of termination for Paul Bell. A roll call vote was taken with the following results:

**YEAS:** Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs.

**NAYS:** Reginald Tatum, Jacqueline Martin.

**ABSENT:** None.

*(c) Joseph Woods* – Recommendation is for termination.

On a motion by Alderman Blair Briggs and seconded by Alderman Joseph Charles, it was resolved to approve the recommendation of termination for Joseph Woods. A roll call vote was taken with the following results:

**YEAS:** Joseph Charles, Julius Alsandor, Louis Butler, Jr., Blair Briggs, Reginald Tatum, Jacqueline Martin.

**NAYS:** None.

**ABSENT:** None.

On a motion by Alderman Julius Alsandor and unanimously seconded and carried, it was resolved to adjourn the meeting at 3:05 P.M.

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**MAYOR**

**ATTEST:**

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**CITY CLERK**