

Monroe City Council Legal and Regular Session
September 22, 2020
6:00 p.m.
City Council Chambers-City Hall
MINUTES

There was a legal and regular session of the City Council of the City of Monroe, Louisiana held this date, September 22, 2020 at the Council's regular meeting place, 400 Lea Joyner Memorial Expressway, City Council Chambers/City Hall Building, Monroe, Louisiana.

The Honorable Douglas Harvey, Chairman called the meeting to order.

The roll call was done by Council Clerk, Carolus Riley.

Council members present for roll call: Mr. Douglas Harvey, Mrs. Gretchen Ezernack, Ms. Juanita Woods, Mr. Carday Marshall Sr., Mrs. Kema Dawson.

Council member(s) absent: None.

Chairman Harvey declared a quorum.

The Invocation was led by Mayor Ellis designee, Pastor Brian Mercer, First United Methodist, Monroe, LA; Mayor Ellis led the Pledge of Allegiance.

COMMUNICATIONS & SPECIAL ANNOUNCEMENTS:

1. Mrs. Ezernack welcomed each one present and thanked them for attending and commented to those who wished to speak could do so during citizen's participation or if you have a proposition before Council to speak during the time it is presented. She offered her condolences to Councilman Marshall on the loss of his grandmother.

2. Ms. Woods welcomed each one present and thanked them for attending; she spoke regarding her concerns for the reactivation of the city dump and had conversations with Mayor Ellis, Mr. Janway and constituents; she commented that it was explained to her that the dump is not opened for a dumping area, but it is being used as a deposit place where debris from Hurricane Laura is being taken and only the green waste is being burned, it is not an open burn, but it is being incinerated and that EPA and DEQ have approved the measures; she brought up the fact that the dump was closed in 1980 and there was no dumping at the site; she was told by the Mayor and the Legal department that it is not a dumping site, but it is a temporary emergency debris site; it is allowing the city to save money, the ashes will be taken to the landfill and she is in favor of saving money, but not at the expense of the people of District 3 and she represents a district adjacent to the dump that has about ninety percent of the residents being over the age of 75 and children under the age of 10 and is concerned with the pandemic and smoke being ignited into the air and what it could do to the residents; she said the Mayor told her that it is not igniting any smoke into the air and DEQ has given the approval. She said that she will be watching to make sure and stated it was told to her that it is temporary and is being renewed on a 30 day basis according to Legal if needed or be discontinued if not needed. Her concerns are that if it will always be a need or will it be reopened each time and if there are other areas that can be looked at and what are the parameter areas that would ensure the safety for the people, as there are residents living withing 100 ft of the dump. She thanked the Mayor and Legal for speaking with her about it and it is not going unnoticed and that hopefully it is not the intention to harm people in her district. She spoke regarding 18 wheelers speeding down Elm Street and in speaking with Ms. Golden and nothing has been done and want to be proactive with the matter in an area near a school.

3. Mr. Marshall welcomed each one present and thanked them for coming regarding the concerns of the City; he thanked everyone for their calls of concern during the loss of his grandmother and for those who attended the graveside services, as she will truly be missed. He thanked public works and others for picking up the trash and debris in the community; he said there is a lot of debris in the city and it will take some time, and asked that citizens would be patient, as they will get to their area; posts are made daily to inform citizens of when the debris will be picked up in areas. He thanked everyone for volunteering with the cleanup projects, there have been a lot of volunteerism with the water sweep at Forsythe, and Bayou Desiard. He asked that citizens fill out the census and to encourage others to do the same by going to my2020census.gov, as it would be of great financial benefit to Monroe and the surrounding areas.

4. Mrs. Dawson welcomed each one and thanked them for attending tonight; she expressed her condolences to Councilman Marshall on the loss of his grandmother; she announced a community cleanup on September 26, 2020 at the La. Purchase Gardens and Zoo to come out and support the effort beginning at 8am; On October 3, 2020, Mayor Ellis and Council decided to do a community cleanup on Winnsboro Road, South 2nd Street, and State

Representative Pat Moore and a crew will volunteer their time and Wilson Street will be a part of the cleanup efforts on that day. There will be two shifts for the cleanup, 6am-9am and 9am-12pm to work and beautify the area for economic development growth. Councilwoman Dawson reminded everyone the devastating effects of texting and driving, as it is very dangerous and causes accidents, and there are fines in the State of Louisiana from \$175 to \$500 and the fees can double. Mrs. Dawson referenced the city dumps as they were questions of concerns about the issue such as where was the previous storm debris disposed of and was there another site that could be used, is there a company that that could pick up the debris and pay the city for the debris that could be used by them, such as wood chips, mulch. She said concerns were raised as to whether the 1980 Ordinance needed to be updated and if it needed to be voted upon by the city in order to be used.

6. Mayor Ellis offered his condolences to Councilman Marshall on the loss of his grandmother; he thanked the city employees for their work during these times; the city has collected 83,654 tons of debris and this also shows the hard work being put in by the city employees; he thanked the community for being patient and understanding and working together on the issue. He thanked the volunteers for cleaning up in their neighborhoods and taking control and being a part of this wave of positivity and encouragement, and the efforts by the Council members.

Chairman Doug Harvey offered information to the residents that as they clean up to separate the green debris from the plastics and if there is mixed debris, the city will pick it up; the contractor trucks are recognizable by the wording "hope", they will handle more volume than the city is able to handle. He said there is more expected rain, and asked that citizens would be mindful to pick up debris; it was reported that we do have Lamy Lane, and the stormwater pump station and do have two primary pumps that are working which should be more than enough and one back up pump that is in repair; Pope and Westminster has two pumps working, and a diesel pump in the stage of repair.

Upon a motion of Mrs. Dawson and a second by Mr. Marshall, the minutes of the Legal and Regular session of September 8, 2020 were unanimously approved. (There were no public comments).

PRESENTATION: NONE.

PUBLIC HEARINGS: NONE.

PROPOSED CONDEMNATIONS: Public Comment: NONE. Mr. Harvey said there will probably be another 30 days due to COVID, before the condemnations are placed back on the agenda.

ACCEPTANCE OR REJECTION OF BIDS: Public Comment NONE.

RESOLUTIONS AND MINUTE ENTRIES:

Council: Public Comment:

(a) Upon a motion by Mrs. Ezernack, second by Mrs. Dawson; Voting YES: Dawson, Harvey, Woods, Ezernack; Voting NO: Marshall: approved to Adopt Resolution No. 7801, approving the appointment of Councilman Douglas Harvey to the Board of Directors of the I-20 Economic Development Commission, and further providing with respect thereto. (Harvey) (There were no public comments).

(b) Upon a motion by Mrs. Ezernack, second by Mr. Harvey and unanimously approved to Adopt Resolution No. 7802, appointing Kema Dawson to the Monroe Capital Infrastructure Commission, and further providing with respect thereto. (Harvey) (There were no public comments).

Department of Administration: Public Comment:

(a) Upon a motion by Mrs. Ezernack, second by Mrs. Dawson and unanimously approved to Adopt Resolution No. 7803 authorizing the purchase of annual renewal licenses for Microsoft Office 365 with audio conferencing from the Louisiana Procurement Contract # 4400008009 and further providing with respect thereto. (There were no public comments).

(b) Upon a motion by Mrs. Ezernack, second by Ms. Woods and unanimously approved to Adopt Resolution No. 7804, authorizing the Mayor to renew AIG Insurance for the Monroe Transit System and further providing with respect thereto. (There were no public comments).

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Department of Planning & Urban Development: Public Comment: None.

Legal Department: Public Comment: None.

Mayor's Office: Public Comment:

(a) Upon a motion by Mrs. Ezernack, second by Ms. Woods and unanimously approved to Adopt Resolution No. 7805, approving and authorizing a Cooperative Endeavor Agreement between the City of Monroe and the Friends of Chennault Aviation and Military Museum as per the attached agreement and further providing with respect thereto.

Comments: Nell Calloway, Executive Director of the Museum thanked the Mayor and Council for their continued support. They are currently building an aviation park to be opened in mid-December.

(b) Upon a motion by Ms. Woods, second by Mr. Marshall and unanimously approved to Adopt Resolution No. 7806, authorizing Mayor Friday Ellis to execute a Cooperative Endeavor Agreement with the Ouachita African American Historical Society/Northeast Louisiana Delta African American Heritage Museum and further providing with respect thereto.

Comments: Ms. Marie Brown asked the City for consideration of mowing the grass at the museum, as it would help out the museum's budget;
Mr. Ross Slacks, Executive Director of the Museum thanked the Mayor and Council for their continued support.

Department of Public Works: Public Comment:

(a) Upon a motion by Mrs. Ezernack, second by Ms. Woods and unanimously approved to remove from the agenda to Adopt a Resolution accepting the bid from ETA Transit for an Infotainment System and further providing with respect thereto. (There were no public comments).

(b) Upon a motion by Ms. Woods, second by Mrs. Ezernack and unanimously approved to Adopt Resolution No. 7807, authorizing the purchase of 3 ADA Bus for the Monroe Transit System from the LaDotd Contract #4400020163 and further providing with respect thereto. (There were no public comments).

(c) Upon a motion by Ms. Woods, second by Mr. Marshall and unanimously approved to Adopt Resolution No. 7808, accepting the bid from Mode Shift, a Mobile Ticketing Solution System, and further providing with respect thereto. (There were no public comments).

Department of Community Affairs: Public Comment: None.

Police Department: Public Comment:

(a) Upon a motion by Mrs. Dawson, second by Mrs. Ezernack and unanimously approved to Consider request from the Monroe Police Department for Council approval to purchase police units. The department wants to purchase fourteen (14) vehicles (including equipment) for a total of \$364,022.40. The purchase would be made from the Capital Account, attached is a breakdown of the cost. (There were no public comments).

Fire Department: Public Comment: None.

Engineering Services: Public Comment:

(a) Upon a motion by Mrs. Ezernack, second by Mrs. Dawson and unanimously approved to Adopt Resolution No. 7809, accepting the base bid of Patrick Electric, LLC, in the amount of \$160,440.00, for the tower at Bienville Intersection Improvements Project, and further authorizing Friday Ellis, Mayor, to enter into and execute a contract for said work. (There were no public comments).

(b) Upon a motion by Mr. Marshall, second by Mrs. Ezernack and unanimously approved to Adopt Resolution No. 7810, accepting the base bid of Don M. Barron Contractor, Inc., in the amount of \$152,250.00, for the Fulton Drive Water & Sewer Improvements Project, and further authorizing Friday Ellis, Mayor, to enter into and execute a contract for said work. (There were no public comments).

(c) Upon a motion by Mrs. Ezernack, second by Mrs. Dawson and unanimously approved to Adopt Resolution No. 7811, authorizing the Purchasing Manager to advertise for bids on the North 18th Street Rehabilitation Project. The estimated cost of this project is \$646,715.25. The DBE Goal is 4.25% and source of funds Capital Infrastructure Sales Tax Street Funds. (There were no public comments).

(d) Upon a motion by Mrs. Ezernack, second by Mr. Marshall and unanimously approved to Adopt Resolution No. 7812, authorizing Friday Ellis, Mayor, to execute Change Order No. Three (3) to the Grammont Tank Rehabilitation Contract, between the City of Monroe and Utility Service Co., Inc., for an increase in the contract time of 15 days and further providing with respect thereto. (There were no public comments).

(e) Upon a motion by Mrs. Ezernack, second by Mrs. Dawson and unanimously approved to Adopt Resolution No. 7813, authorizing Friday Ellis, Mayor, to execute Change Order No. Two (2) to the Davis Drive Drainage Improvements Contract, between the City of Monroe and C W & W Contractors, Inc., for an increase in the contract amount of \$150,631.53 and in increase in the contract time of 163 days and further providing with respect thereto.

Comments: Ms. Golden explained the change order for the Davis Drive project was replacing existing drainage structure that had caved in and in the process the contractor had a bust in the elevation, the pipe was laid too high and there was some miscommunications about it and he was allowed to proceed to re-lay the bust; he didn't walk off the job, he continued to work once it was determined that the bust was to be corrected and there are other things that can be verified as being in place; there is little money for water pumping and not as much as he asked for, and it was pushed into all of the rain that we got last fall, this is necessary and do recommend for approval. Mr. Harvey asked her how did she feel about the contractor's inspection services for this stage and phase of the project; Ms. Golden said it wasn't as good as it should have been, there was a similar project following this one and they clarified their instructions for inspection and became very specific about their expectations; the second project went along without any issues; Mr. Harvey asked if the contractor would own any of the costs that the city would bare in this change order and she said not at this time; Mr. Harvey said he would hope that with the city being the ultimate contractor for this and that it would be considered and giving other inspection services and business for future business; the construction contractor is CW&W contractors and the inspector was Denmon Engineering.

Mr. Chris Patrick, Denmon Engineering stated that he disagreed with Ms. Golden regarding the change order and doesn't recommend the change order being processed; the grey bust was caused solely by the contractor, he was not able to establish the correct grade and his inspector was on site and the third joint of pipe was severely off grade; he informed the contractor of it and the contractor got very belligerent with him and he made him take the piece of pipe and try to get it straight, and the contractor proceeded to push the joint of pipe down and he broke the piece of pipe and made him pull it out and he get it back on grade and proceeded with the project; Mr. Patrick commented that the specifications of the document clearly states that the contractor is solely responsible for the means, methods, techniques, grades and everything, it is not the engineer's responsibility to check behind the contractor but to watch him and make sure it's done as best as can according to the plans specifications; he was a little over a foot off and when he realized it, he was far along in the job and he had to take it all out and start over because the specifications were off and any defective work has to be corrected at the sole expense of the contractor; he said from that point on they tried to verify with him and they talked with Ms. Golden about it and sent their survey crew out and continued to check behind him at that point and this was an additional expense to the City; this grade bust was caused solely by the contractor's inability to establish the correct grade. He said Ms. Golden was one hundred percent correct that the contractor did not walk off the job, he continued to work, and continued to get the project completed. Mr. Patrick said his original recommendation was \$88,000 with all the materials installed and Ms. Golden made the recommendation to go to \$155,000. Mr. Harvey asked what the remediation was in managing the personalities; Mr. Patrick said in reference to a personality conflict would be the inspector was the fact that the contractor got mad at him for making him trying to do it right; the contractor was just going to try and push the pipe down and get it back to grade and that's not the way to fix it and he ended up damaging the pipe and in the meantime, his inspector made him pull it out and that's when he started getting yelled at by the contractor superintendent and the contractor superintendent is no longer with him, he has been let go over this project. Mr. Harvey asked where was the city's engineering department in this matter, it seems the project got away from us and Mr. Patrick said that it did, but given the rain and when it set in and then him digging the hole and the dirt that he put in the hole when to pot and this wasn't his fault, but this problem was caused by his inability to establish the grade right off the bat. Mr. Patrick said they establish the benchmarks that the contract follows those benchmarks to establish the grades that the project is to be built to and if the work is found to be defective and it was, then the contractor is to remove it at his expense. Ms. Woods asked who was responsible

for paying the additional money; Mr. Patrick said his original recommendation was for the original \$88,686.44 and after evaluating decided to meet him halfway of that amount and don't have a problem with the additional days. Ms. Woods asked Ms. Golden why she was recommending \$150,000. Ms. Golden said everything said by Mr. Patrick about the contract was correct and the part that he left out is why did they have an inspection engineer there and he is there to make sure it is being built as the plan specifications and at the third joint of pipe when they knew it was being laid wrong and from that point until much further into the job allowed it to proceed with an are you sure instead of bumping it up to her and believe this puts liability on the City. She said the City can knock it down to \$80,000, but if the contractor makes claim, he may prevail and maybe with more than she is recommending and asks that the city resolves it and is at peace to move forward and not have additional exposure. Mrs. Ezernack asked Mrs. Sturdivant to comment on the matter; Mrs. Sturdivant said she discussed it with Ms. Golden and do agree with her recommendation, as we have been down this road before and it takes years to resolve, it's very expensive and do agree the contractor would likely prevail and would cost more than \$150,000 and steps have been taken to avoid this in the future by putting certain plans in place.

(f) Upon a motion by Mrs. Ezernack, second by Mrs. Dawson and unanimously approved to Adopt Resolution No. 7814, authorizing Friday Ellis, Mayor, to execute Change Order No. One (1) to the Parkview & Ruffin Drive Water Main Replacement Contract, between the City of Monroe and Jabar Corporation, for an increase in the contract amount of \$22,470.00 and further providing with respect thereto. (There were no public comments).

(g) Upon a motion by Mrs. Ezernack, second by Mr. Marshall and unanimously approved to Adopt Resolution No. 7815, authorizing Friday Ellis, Mayor, to execute Change Order No. One (1) to the Calypso Street Water Line Rupture Repairs Contract, between the City of Monroe and McLemore Service Contractors, LLC, for an increase in the contract amount of \$17,601.80 and an increase in the contract time of 15 days and further providing with respect thereto. (There were no public comments).

BREAK IF NEEDED:

INTRODUCTION OF RESOLUTIONS & ORDINANCES:

Public Comment:

(a) Upon a motion by Mrs. Ezernack, second by Mr. Harvey and unanimously approved to Introduce an Ordinance amending provisions of Chapter 4 (Alcoholic Beverages) to remove the Class F Alcohol License and further providing with respect thereto. (Admin.) (There were no public comments).

RESOLUTIONS AND ORDINANCES FOR SECOND READING AND FINAL ADOPTION AND SUBJECT TO PUBLIC HEARING:

Open Public Hearing/Public Comment/Close Hearing:

Chairman Harvey declared the public hearing open;

1. V. Wright, commented requests regarding the project including her wanting 15-20 per cent to be comprised of units for low to moderate income tenants; asked that the developer would hire local people on the project; asked that it be tabled for several weeks to consider the zoning change.

Seeing no one else come forward, the hearing was closed.

(a) Upon a motion by Mrs. Ezernack, second by Mr. Marshall and unanimously approved to Finally adopt Ordinance No. 12,018 adopting and amending the Zoning Map for the City of Monroe, Louisiana to rezone a ±14.7-acre tract of land presently located in Ouachita Parish from OS, Open Space and B-4, Heavy Commercial to R-4, High Density Multi Family Residential to construct a high density, multi-family development, and is more particularly described as follows: **Lot 1 of the Reserve City Center Resubdivision - APPLICANT: James Moore III (MA 104-20) 1700 Block of Bienville Drive – (P&Z)** (There were no public comments).

Comments: Mrs. Ezernack read a prepared statement and commented that any development is multi-leveled. Mrs. Ezernack said she could not support requiring the applicant making substantial changes to their development due to how far along they are with the development planning.

Citizens Participation:

1. Rev. Ambrose Douzart, citizen, spoke regarding the current use of the city dump.
2. Nicholas Farrar, citizen, spoke regarding a previous request from the previous administration referencing seeking an attorney general's opinion on a public records request.
3. Gloria Walker, citizen, spoke regarding trash pickup, trees needing to be cut from the service line, information name request for all committee boards; she said she wasn't pleased with the election and where it was headed and that all are being investigated. Mr. Harvey asked her to reach out to Ms. Riley for requested committee information.
4. V. Wright, citizen, spoke regarding economic development and the city dump being used for debris burning, and asked for the letter of approval from DEQ. Mr. Harvey said he could forward the letter to her.
5. Marie Brown, citizen, spoke regarding the African American Museum and the need for volunteerism; asked that trees in the alleys which are on city property be attended to; asked that debris is separated when picked up. Mr. Harvey asked that constituents reach out to Mr. Janway or respective Council member for assistance.
6. Damian Coleman, citizen, spoke regarding emergency shelter program at 4201 South Grand Street for the homeless population.

There being no further business to come before the Council, the meeting was adjourned at 7:12 p.m., upon a motion of Mrs. Ezernack and seconded by Mr. Marshall. (There were no public comments).

Mr. Douglas Harvey
Council Chairman

Ms. Carolus S. Riley
Council Clerk

Ms. Jacqueline Benjamin
Council Secretary

***For extended details on the Council meeting please call the Council Clerk, Monday-Friday at 329-2252; also, a recording of the minutes can be sent via email to you.**