

A MEETING OF THE
MAYOR AND COUNCIL
CITY OF PINEVILLE, LOUISIANA
NOVEMBER 12, 2019 – 6:00 P.M.

MINUTES

Mayor Clarence R. Fields and the Council of the City of Pineville, Louisiana, met in regular session on Tuesday, November 12, 2019 at 6:00 p.m. in the Council Chambers of City Hall, 910 Main Street, Pineville, Louisiana.

1. The Mayor called the meeting to order
2. Councilman Martin gave the invocation
3. Councilman Bouchie led the Pledge of Allegiance
4. Roll Call: Present: District 1 Councilwoman Mary Galloway
District 2 Councilman Kevin Dorn
District 4 Councilman Tom Bouchie
District 5 Councilman Nathan Martin
Absent: District 3 Councilwoman Christy Frederic
5. A motion was made by Councilwoman Galloway and seconded by Councilman Dorn to accept the minutes of the October 8th meeting as published. The floor was opened for public comment. On vote, the motion carried
6. A motion was made by Councilman Dorn and seconded by Councilman Bouchie to accept the financial report as read by finance Director, Jennifer Juneau. The floor was opened for public comment. On vote, the motion carried
 - Mayor recognized Kathy Powell, with RAPC & Rick Barr, with Acadian Ambulance Service
 - Terry Baker, run-off candidate for Town of Ball Mayor, addressed the council and citizens regarding the upcoming election
7. A motion was made by Councilman Martin and seconded by Councilwoman Galloway to declare as surplus items no longer being used in the Public Works & Marshal Departments for the purpose of selling, auctioning, donating or disposing of as necessary. The floor was opened for public comment. On vote, the motion carried
8. The following resolution was offered by Councilman Martin and seconded by Councilman Dorn:

A resolution giving preliminary approval to the issuance of not exceeding Two Million Seven Hundred Thirty-Eight Thousand Dollars (\$2,738,000) of Utilities Revenue Refunding Bonds of the City of Pineville, State of Louisiana; making application to the State Bond Commission for approval of said Bonds; and providing for other matters in connection therewith.

WHEREAS, the City of Pineville, State of Louisiana (the "Issuer"), presently owns and operates a combined waterworks system and sewer system, as a single revenue-producing public utility (the "System"); and **WHEREAS**, in order to provide debt service savings to the Issuer, this Mayor and City Council of the City of Pineville, State of Louisiana (the "Governing Authority"), acting as the governing authority of the Issuer, wishes to refund all of the Issuer's outstanding Utilities Revenue Bonds, Series 2006, maturing on May 1 in the years 2020 through 2026, inclusive (the "Refunded Bonds"), pursuant to the provisions of Part II of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority (the "Act"); and **WHEREAS**, pursuant to the Act, and subject to the approval of the State Bond Commission, this Governing Authority wishes to accomplish the refunding by authorizing the issuance of not exceeding Two Million Seven Hundred Thirty-Eight Thousand Dollars (\$2,738,000), of Utilities Revenue Refunding Bonds of the Issuer (the "Bonds"), to be payable from the income and revenues derived or to be derived from the operation of the System, after provision has been made for payment therefrom of the reasonable and necessary expenses of administration, operation and maintenance of the System (the "Net Revenues"); and **WHEREAS**, after the issuance of the Bonds, the Issuer will have no outstanding indebtedness payable from a pledge of the Net Revenues except for its Utilities Revenue Bonds, Series 2010 (the "Outstanding Parity Bonds"); and **WHEREAS**, this Governing Authority wishes to make application to the State Bond Commission for approval of the issuance of the Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Pineville, State of Louisiana, acting as the governing authority of the City of Pineville, State of Louisiana, that:

SECTION 1. Preliminary Approval of the Bonds. Preliminary approval is given to the issuance of not exceeding Two Million Seven Hundred Thirty-Eight Thousand Dollars (\$2,738,000) of Utilities Revenue Refunding Bonds of the Issuer for the purpose of refunding the Refunded Bonds and paying the costs of issuance of the Bonds, the Bonds to be payable from and secured, on a parity with the Outstanding Parity Bonds, by the Net Revenues. The Bonds shall bear interest at a rate or rates not to exceed 3% per annum, shall mature no later than May 1, 2026, and shall have such additional terms and provisions as may be determined by this Governing Authority.

SECTION 2. State Bond Commission. Application is hereby made to the State Bond Commission, Baton Rouge, Louisiana, for approval of the issuance and sale of the Bonds and for consent and authority to proceed with the issuance and sale of the Bonds as provided above, and Bond Counsel is directed to make application to the State Bond Commission in accordance with the foregoing on behalf of the Governing Authority.

By virtue of applicants/issuer's application for, acceptance and utilization of the benefits of the Louisiana State Bond Commission's approval(s) resolved and set forth herein, it resolves that it understands and agrees that such approval(s) are expressly conditioned upon, and it further resolves that it understands, agrees and binds itself, its successors and assigns to, full and continuing compliance with the "State Bond Commission Policy on Approval of Proposed Use of Swaps, or other forms of Derivative Products Hedges, Etc.", adopted by the Commission on July 20, 2006, as to the borrowing(s) and other matter(s) subject to the approval(s), including subsequent application and approval under said Policy of the implementation or use of any swap(s) or other product(s) or enhancement(s) covered thereby.

SECTION 3. Employment. This Governing Authority finds and determines that a real necessity exists for the employment of special counsel in connection with the issuance of the Bonds, and accordingly, Foley & Judell, L.L.P., of New Orleans, Louisiana, as Bond Counsel, is hereby employed to do and perform work of a traditional legal nature as bond counsel with respect to the issuance and sale of said Bonds. Said Bond Counsel shall prepare and submit to this Governing Authority for adoption all of the proceedings incidental to the authorization, issuance, sale and delivery of such Bonds, shall counsel and advise this Governing Authority as to the issuance and sale thereof and shall furnish its opinions covering the legality of the issuance of the Bonds. The fee of Bond Counsel for each series of bonds shall be fixed at a sum not exceeding the fee allowed by the Attorney General's fee guidelines for such bond counsel work in connection with the issuance of revenue bonds and based on the amount of said Bonds actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses, said fees to be contingent upon the issuance, sale and delivery of said Bonds. The Mayor is hereby authorized and directed to execute, and this Governing Authority hereby agrees to and accepts the terms of, the engagement letter of Bond Counsel appended hereto. A certified copy of this resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated, and the Clerk is hereby empowered and directed to provide for payment of the work herein specified upon completion thereof and under the conditions herein enumerated without further approval of this Governing Authority.

SECTION 4. Appointment of Municipal Advisor. The Issuer hereby retains Government Consultants, Inc., of Baton Rouge, Louisiana, to act as its Municipal Advisor ("MA") pursuant to the provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act and the rules promulgated thereunder by the Securities and Exchange Commission. The Issuer hereby acknowledges that it is represented by the MA and will rely upon the advice of the MA with respect to the Bonds. The fee to be paid the MA shall be payable solely from the proceeds of the Bonds when and if issued, and the amount thereof shall be subject to the approval of the State Bond Commission. The Mayor is hereby authorized and directed, in his discretion, to execute any contract the MA may require with respect to the engagement.

SECTION 5. Repealer. Any resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Galloway, Dorn, Bouchie, Martin

NAYS: None

ABSENT: Frederic

ABSTAINING: None

9. The following resolution was offered by Councilwoman Galloway and seconded by Councilman Bouchie:

A resolution providing for the call for redemption of certain bonds of the City of Pineville, State of Louisiana; and providing for other matters in connection therewith

WHEREAS, this Mayor and City Council of the City of Pineville, State of Louisiana (the "Governing Authority"), acting as the governing authority the City of Pineville, State of Louisiana (the "Issuer"), adopted a resolution on November 12, 2019 giving preliminary approval to the issuance of not to exceed Two Million Seven Hundred Thirty-Eight Thousand Dollars (\$2,738,000), of Utilities Revenue Refunding Bonds (the "Bonds") for the purpose of refunding all of the Issuer's outstanding Utilities Revenue Bonds, Series 2006, maturing on May 1 in the years 2020 through 2026, inclusive (the "Refunded Bonds")(the "Refunded Bonds"), pursuant to Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority; and

WHEREAS, in connection with the issuance of the Bonds, it is necessary to provide for the call for redemption of the Refunded Bonds, pursuant to a Notice of Call for Redemption substantially in the form attached as **Exhibit A** hereto;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Pineville, State of Louisiana, acting as the governing authority of the City of Pineville, State of Louisiana, that:

SECTION 1. Call for Redemption. Subject only to the delivery of the Bonds, the Refunded Bonds are hereby called for redemption on or about December 18, 2019, at the principal amount thereof, together with accrued interest to the redemption date, in compliance with the resolution authorizing their issuance.

SECTION 2. Notice of Redemption. In accordance with the terms of the resolution authorizing the issuance of the Refunded Bonds, a Notice of Call for Redemption in substantially the form attached hereto as **Exhibit A** shall be sent by the paying agent for the Refunded Bonds to the registered owners of the Refunded Bonds.

This resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Galloway, Dorn, Bouchie, Martin.

NAYS: None.

ABSENT: Frederic

10. A motion was made by Councilman Dorn and seconded by Councilwoman Galloway to

introduce and accept for publication an ordinance authorizing the issuance of [not to exceed Two Million Seven Hundred Thirty-Eight Thousand Dollars (\$2,738,000)] of Utilities Revenue Refunding Bonds, Series 2019, of the City of Pineville, State of Louisiana; prescribing the form, terms and conditions of said Bonds; designating the date, denomination and place of payment of said Bonds; providing for the payment thereof in principal and interest; authorizing an agreement with the Paying Agent; and providing for other matters in connection therewith. The floor was opened for public comment. On vote, the motion carried. Roll call was as follows:

Yea	Councilpersons Galloway, Dorn, Bouchie, Martin
Nay	None
Abstain	None
Absent	Frederic

11. A motion was made by Councilman Martin and seconded by Councilman Bouchie to introduce and accept for publication approve an ordinance amending Ordinance No. 1444-2010 to clarify certain matters with respect to the Utilities Revenue Bonds issued thereunder; and providing for other matters in connection therewith. The floor was opened for public comment. On vote, the motion carried. Roll call was as follows:

Yea	Councilpersons Galloway, Dorn, Bouchie, Martin
Nay	None
Abstain	None
Absent	Frederic

12. A motion was made by Councilman Dorn and seconded by Councilwoman Galloway to approve a resolution:

WHEREAS, the City of Pineville has been informed by the State of Louisiana, Division of Administration, that under the Community Water Enrichment Fund (CWEF), which was authorized in the 2008 Regular Legislative Session under House Bill 926 (Act 513), provided funds for local governments to utilize for rehabilitation, improvement, and construction projects for community water systems to provide safe and clean drinking water; and,

NOW THEREFORE BE IT RESOLVED, that the Mayor is hereby authorized to submit an Application under the Community Water Enrichment Fund (CWEF) for College Park Water Main Replacement and he is hereby authorized to execute all assurances and certifications required for submission of the application; and,

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to work with the City Engineer, Pan American Engineers, LLC, on the development of the CWEF Application.

The floor was opened for public comment. On vote, the motion carried. Roll call was as follows:

Yea:	Councilpersons Galloway, Dorn, Bouchie, Martin
Nay:	None
Abstain:	None
Absent :	Frederic

13. A motion was made by Councilman Bouchie and seconded by Councilman Martin to approve a resolution:

WHEREAS, the City of Pineville has been informed that the State of Louisiana, Division of Administration, Office of Community Development will be accepting applications for FY 2019/2020 Local Government Assistance Program (LGAP);

NOW THEREFORE BE IT RESOLVED, that the Mayor is hereby authorized to submit an LGAP Application for Fire Hydrants in the Hwy 107/Alberta Street Area and to execute all assurances and certifications required for the application; and,

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to work with the City Engineer, Pan American Engineers, LLC on the development of the LGAP Application. The floor was opened for public comment. On vote, the motion carried. Roll call was as follows:

Yea:	Councilpersons Galloway, Dorn, Bouchie, Martin
Nay:	None
Abstain:	None
Absent :	Frederic

14. A motion was made by Councilwoman Galloway and seconded by Councilman Bouchie to approve a resolution:

WHEREAS, The City of Pineville is agreeable to accept ownership of whatever rights the State of Louisiana, through the Department of Transportation and Development ("Department"), may own in and to the following described properties and agrees to accept all duties, obligations, and responsibilities for the operation, maintenance, and future liabilities associated therewith, for its operation and maintenance as a city street:

The portion of relocated Rainbow Rd, as constructed under S.P. #840-43-0001, beginning at its junction with US 165/US 71 right-of-way limits and proceeding south approximately 0.21 miles to its junction with existing Rainbow Rd and further identified and described as Parcel 1-2 in Exhibit "A", attached.

RESOLVED, That the City of Pineville shall accept ownership of whatever rights the Department may own in and to the aforesaid described property, further defined as Parcel 1-2, as a binding agreement between the State of Louisiana and the City of Pineville.

FURTHER RESOLVED, That the City of Pineville City Council authorizes the presiding Mayor of the City of Pineville to execute the instruments necessary to transfer the aforesaid described property.

The floor was opened for public comment. On vote, the motion carried. Roll call was as follows:

Yea:	Councilpersons Galloway, Dorn, Bouchie, Martin
Nay:	None
Abstain:	None
Absent :	Frederic

15. A motion was made by Councilwoman Galloway and seconded by Councilman Dorn to approve a resolution:

WHEREAS, Progressive Construction Co., LLC, the Contractor for the Surface Transportation Program (STP) LA1250: Pineville Urban Streetscaping “Substantially Completed” the work under the Contract as recommended by the Engineer.

NOW THEREFORE BE IT RESOLVED, that the Contract of Progressive construction Co., the Contractor, for said work is hereby accepted as “Substantially Complete” with the understanding that the final retainage payment will be made upon satisfactory completion of any Punch List items and presentation of the Clear Lien Certificate as required by law; and

It is HEREBY FUTHER RESOLVED, that the signing and filing with the clerk of Court of this Acceptance of Contract Resolution by the City of Pineville is hereby authorized; and,

It is HEREBY FUTHER RESOLVED, that the Mayor is authorized to sign a Final Recap Change Order adjusting the final contract quantities and time period as necessary.

The floor was opened for public comment. On vote, the motion carried. Roll call was as follows:

Yea:	Councilpersons Galloway, Dorn, Bouchie, Martin
Nay:	None
Abstain:	None
Absent :	Frederic

16. On motion by Councilman Martin and seconded by Councilman Bouchie, it was resolved to introduce & accept for publication and refer to zoning, a petition for re-zoning of property on Arkansas Street belonging to John Voorhies from R-1 to R-2. The floor was opened for public comment. On vote, the motion carried. Roll call was as follows:

Yea:	Councilpersons Galloway, Dorn, Bouchie, Martin
Nay:	None
Abstain:	None
Absent :	Frederic

The floor was opened for public comment and the following was heard:

- Questions regarding bids for Military Hwy Bridge & intent for completion time
- The following events to be held in Pineville:
 - 5th Saturday on Main, Saturday, November, 30, 2019
 - Holiday KCS Train, Monday, December 2, 2019
 - Pineville Christmas Parade, Friday, December 13,2019

There being no further business to come before the Council, a motion to adjourn was made by Councilman Bouchie and seconded by Councilman Dorn. The floor was opened for public comment. On vote, the motion unanimously carried. Mr. Foster closed with the benediction.

/s/Clarence R. Fields, Mayor
Clarence R. Fields, Mayor

/s/Katherine Hayes, City Clerk
Katherine Hayes, City Clerk

C E R T I F I C A T E

I, Katherine Hayes, Clerk of the City of Pineville, do hereby certify that the above and foregoing is a true and correct record of the official action taken at a regular meeting of the Mayor and Council of the City of Pineville, Parish of Rapides, State of Louisiana, in legal session convened on the 12th day of November, 2019.

/s/ Katherine Hayes, City Clerk
Katherine Hayes, City Clerk