

PROCEEDINGS OF THE CITY COUNCIL OF BOSSIER CITY
STATE OF LOUISIANA TAKEN AT THE REGULAR MEETING
MARCH 19, 2019

The City Council of the City of Bossier City, State of Louisiana, met in regular session in Council Chambers, 620 Benton Road, Bossier City, Louisiana, March 19, 2019, at 3:00 PM

Invocation was given by Council Member Jeffery Darby

Pledge of Allegiance led by Council Member Don Williams

Roll Call as follows:

Present: Honorable Councilor Jeff Free, President, Honorable Councilors, David Montgomery, Jr, Timothy Larkin, Scott Irwin, Jeffery Darby, Don Williams and Thomas Harvey

Also Present: Mayor, Lorenz Walker, City Attorney, Jimmy Hall and City Clerk, Phyllis McGraw.

By: Mr. Williams

Motion to approve minutes March 5, 2019, Regular Meeting and dispense with the reading.

Seconded by Mr. Harvey

No comment

Vote in favor of motion is unanimous

By: Mr. Darby

Motion to add to Agenda Item #15 under New Business – Adopt a Resolution authorizing the hiring of Permanent Part Time Gym Monitor for (Hooter Park) Parks and Recreation.

Seconded by Mr. Montgomery, Jr.

No comment

Vote in favor of motion is unanimous

By: Mr. Williams

Motion to approve Agenda as amended

Seconded by Mr. Harvey

No comment

Vote in favor of motion is unanimous

Ceremonial Matters/Recognition of Guests

Committee Reports-

Stacie Fernandez, Finance Director, gave the Council and Mayor the monthly Finance Report for month ending February. She noted that Sales Tax Revenues are down but still more than budgeted.

Mark Hudson, City Engineer, gave the Council and Mayor the monthly Project Report. He noted that Shed Road is still not finished and doesn't anticipate it being completed by the end of the Month. He went over some of the other projects as well.

Unfinished Business –

The following Ordinance offered and adopted:

ORDINANCE NO. 31 OF 2019

AN ORDINANCE TO APPROPRIATE \$500,000.00 TO COME FROM THE RIVERBOAT GAMING CAPITAL FUND TO BE USED TO PAY FOR SHED ROAD

CONSTRUCTION COST OVER RUNS, VARIOUS CHANGE ORDERS, AND TO SUPPLEMENT ENGINEERING DESIGN.

WHEREAS; Shed Road reconstruction between Benton Road and Airline Drive is a joint venture between LA. D.O.T.D. and Bossier City with cost split respectively 80% / 20%;

WHEREAS; construction change orders, extra engineering, and other unforeseen difficulties have required that Bossier City exceed the original 20% budgeted funds with a need to supplement the original budgeted amount.

NOW, THEREFORE, BE IT ORDAINED, in regular session convened that the Bossier City Council does hereby appropriate \$500,000.00 to come from the Riverboat Gaming Capital Fund to be used to pay for Shed Road construction cost over runs, various change orders, and to supplement Engineering design.

BE IT FURTHER ORDAINED, that the Mayor is hereby authorized to sign any and all instruments in connection with the furtherance of this Ordinance.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Scott Irwin and seconded by Mr. Don Williams, and seconded by and adopted on the 19th day of March, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

The following Ordinance offered and adopted:

Ordinance No. 32 Of 2019

AN ORDINANCE ESTABLISHING REGULATIONS, FEES, AND PROCEDURES FOR STREET PERFORMERS BY ENACTING SECTION 22-2 THROUGH 22-11 OF THE BOSSIER CITY CODE OF ORDINANCES

WHEREAS, the City Council of Bossier City would like to establish regulations, fees, and procedures for street performers by enacting Section 22-2 through 22-11 of the Bossier City Code of Ordinances to include as follows:

SECTION 22-2. – STREET PERFORMERS - PURPOSE

The city council finds that the existence in the city of street performers provides a public amenity that enhances the character of the Festival Plaza Region and seeks to encourage such performances in a manner consistent with the overall public interest. The city council also recognizes that street performers seek to and do draw crowds to their performances. This can create serious safety problems by impacting the ability of pedestrians to move safely on sidewalks and through cross walks and impeding the response time of safety personnel. It can also impact access to and egress from businesses. Cognizant that street performers are engaged in First Amendment activities, this article imposes reasonable time, place, and manner restrictions on street performers to the extent necessary to ensure the safety of performers, their audience, and the general public and to prevent unreasonable interference with residents' enjoyment of peace and quiet in their homes or the ability of businesses to operate and conduct their business.

SECTION 22-3. – DEFINITIONS

For purposes of this article, the following words or phrases shall have the following meanings:

Perform shall mean to engage in a performance including, but not limited to, the following activities: playing musical instruments, singing, dancing, acting, pantomiming, puppeteering, juggling, reciting, or creating visual art in its entirety as a performance.

Performer shall mean an individual who performs in a public area, for the purpose of providing public entertainment.

Public area shall mean sidewalks and all other public spaces located in the Festival Plaza Region.

Festival Plaza Region Authority shall mean Bossier Arts Council Executive Director.

SECTION 22-4. – RULES AND REGULATIONS

The following regulations shall apply to performers performing in any public area of the Festival Plaza Region.

(1) No performer shall perform:

- a. Within ten feet of any bus stop or any designated taxi drop off/pick-up area;
- b. Within ten feet of any street corner or a marked pedestrian crosswalk;
- c. Within ten feet of the outer edge of any entrance of any business, including, but not limited to, doors; vestibules; driveways; outdoor dining area entries; and emergency exits, during the hours that any business on the premises is open to the public or to persons having or conducting lawful business within those premises.

(2) A performer and the performer's equipment may not block or obstruct the free and safe movement of pedestrians. If a sufficient crowd gathers to observe a performer such that the passage of the public through a public area is blocked or obstructed, a police officer or fire official may disperse that portion of the crowd that is blocking or obstructing the passage of the public. If a performer blocks or obstructs the passage of the public, a police officer or fire official may cause the performer to relocate his/her equipment or otherwise stop blocking or obstructing the passage of the public. If the performer does not do so, the police or fire official may require the performer to leave the location unless or until he/she complies, or may take any other action authorized

by law, including but not limited to arrest or issuance of a citation for violation of any law or ordinance.

- (3) No performer shall construct, erect, or maintain any stage, platform, or similar structure for use during any performance.
- (4) No performer shall use any knife, sword, torch, flame, axe, saw, or other object that can cause serious bodily injury to any person, or engage in any activity, including but not limited to, acrobatics, tumbling, or cycling, that can cause serious bodily injury to any person.
- (5) No performer shall use any generator, wet cell battery with removable fill caps, or connect or maintain an electrical cord to an adjacent building or to a city power source.
- (6) No performer shall utilize any speaker, microphone or mechanical amplification device.
- (7) No performer shall litter his or her performance site.
- (8) No performer shall place any object on a public sidewalk which causes less than a four-foot contiguous sidewalk width being kept clear for pedestrian passage.
- (9) No performer shall leave his/her instruments, props, equipment, merchandise, or other items unattended.
- (10) No performer shall perform in contravention of the allowable noise levels established by Section 46:31 of the Bossier City Code of Ordinances.
- (11) No performer shall block or obstruct a curb cut.
- (12) No performer shall perform outside his or her designated performance zone unless given express written permission by the Festival Plaza Region authority or its designee.
- (13) No performer shall perform between the hours of 10:00 p.m. and 10:00 a.m. unless given express written permission by the Festival Plaza Region authority or its designee.
- (14) No performer shall solicit donations verbally or in writing at the assigned performance location. However, a box or musical case may be left open to indicate that donations will be accepted, and said action shall not be a violation of the panhandling restrictions established in the Bossier City Code of Ordinances.

SECTION 22-5. – PERFORMANCE PERMIT.

- (a) No person shall perform in public areas of the Festival Plaza Region without a permit issued pursuant to this section. Each performer in a group shall obtain his or her own separate performance permit.
- (b) To receive a performance permit, a person must complete and file an application with the Bossier City Police Department. The applicant must provide the following information:
 - (1) The applicant's name;
 - (2) The applicant's address;
 - (3) Proof of the identity of the applicant. This identification must contain a photograph of the applicant. Acceptable forms of identifications shall include, but not be limited to, a driver's license, student identification card, or passport;
 - (4) A detailed description of the nature of the act to be performed;
 - (5) A detailed description of any instrument(s) or prop(s) which will be used by the performer(s).

- (c) When an applicant requests a performance permit application, the Bossier City Police Department shall also give the applicant a document which summarizes the rules and regulations concerning street performances in the downtown development district. This document may be, but is not required to be, a copy of this article.
- (d) Upon receipt of a written application for a performance permit, the Bossier City Police Department or his or her designee shall approve the permit within seven business days of the filing of a fully completed application, unless one of the following findings is made:
 - (1) The applicant has knowingly made a false, misleading, or fraudulent statement of fact to the city in the application process;
 - (2) The application does not contain the information required by this article;
 - (3) The applicant has not satisfied the requirements of this article.

SECTION 22-6. – TERM; RENEWAL; FEE.

- (a) The performance permit shall be effective until December 31 of the calendar year in which it was issued. An application for renewal of the permit shall be filed with the director of the Bossier City Police Department on or before December 1 of the calendar year in which it expires.
- (b) The annual fee for a performance permit or renewal permit shall be \$56.00.
- (c) The fee for a replacement performance permit shall be \$5.00.

SECTION 22-7. – PERMIT CONTENTS AND DISPLAY.

- (a) The performance permit shall include a photograph of the performer, the permit number of the applicant and the year in which the permit expires.
- (b) A performer shall clearly display his or her permit while performing, and shall allow inspection of the permit by any police or fire official on request.
- (c) A performance permit shall not be assignable or transferable.

SECTION 22-8. – REVOCATION; SUSPENSION.

- (a) The Bossier City Police Department may revoke or suspend a performance permit upon the commission of the second violation either of this article or of permit conditions within a six-month period. In any such case, the permit holder shall have the right to appeal to the city council from a decision of the Bossier City Police Department to revoke or suspend any permit, within ten days after notice of the decision is mailed to the permit holder. A performer's permit may be suspended for up to four months. If the performance permit of any performer is suspended, no new permit shall be issued during the period of suspension. Any revocation of a performer's permit shall be for six months unless the performer previously had a performance permit revoked and the new violations of this article or permit conditions relate to public safety, in which case, the permit shall be revoked for 12 months.

SECTION 22-9. – PERFORMANCE LOCATIONS.

- (a) The Festival Plaza Region authority shall establish a map of the approved areas of the downtown development district within which street performers may perform and a copy of the map shall be provided to performers when receiving the permit.
- (b) Performers may perform at any location on a first come first served basis, and may move from one location to another within the approved areas.

- (c) Performers shall stay at least 50 feet from other performers, with the first performer at a location each day taking precedence on that day.
- (d) Performers shall stay at least 50 feet away from any festival or outdoor event sanctioned by the city in Festival Plaza Region.

SECTION 22-10. – PENALTIES.

- (a) Except as provided in subsection (b) of this section, any person violating this article shall, upon conviction, shall be punished by a fine of not less than \$100.00, and not more than \$250.00 per violation.
- (b) Any person performing without a performance permit as required by Section 22-5 shall upon conviction be punished by a fine not exceeding \$250.00.
- (c) Any person violating this article shall, upon the third conviction, be punished by a fine of not exceeding \$500.00 or imprisonment for not more than 60 days or both such fine and imprisonment.

SECTION 22-11. – EXEMPTIONS.

This article shall not apply to:

- (1) Activities which are a part of film and television productions.
- (2) Any approved participant in any special event authorized by the city council.

NOW THEREFORE BE IT ORDAINED by the City Council of Bossier City, Louisiana in regular session convened, that Section 22-2 through 22-11, Establishing Regulations, Fees, and Procedures for Street performers, be enacted in the Bossier City Code of Ordinances.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Thomas Harvey and seconded by Mr. Don Williams and seconded by and adopted on the 19th day of March, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

New Business –

Witness opening of sealed bids for – Bid#P19-07 – 2019 Asphalt Street Project

Benton & Brown, L.L.C.	\$474,399.13
Earnest Contracting, LLC	\$518,412.00
T.L. Construction, LLC	\$596,295.45
Specialty Trackhoe & Dozer Service Inc.	\$558,699.00

By: Mr. Montgomery, Jr.

Motion to approve reading of the bids.

Seconded by Mr. Williams

No comment

Vote in favor of motion is unanimous

Witness opening of sealed bids for – Bid#P19-08 – On Demand Concrete Repairs for Utilities

C W & W Contractors, Inc.	\$199,950.00
David B. Womack Contractor, LLC	\$315,425.60
RVP Construction, Inc.	\$246,500.00

By: Mr. Williams

Motion to approve reading of the bids.

Seconded by Mr. Montgomery, Jr.

No comment

Vote in favor of motion is unanimous

Witness opening of sealed bids for – Bid#P19-05 – Sewer Sub-Basin BC-14 Rehabilitation

By: Mr. Montgomery, Jr.

Motion to continue this item until #16 so that all the bids could be read.

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

Hearing to review the recommendation of demolition and removal of a dilapidated structure located at the following legal address: 5419 Daffodil Street, Bossier City, LA. 71112. Roger Voet, City Property Standards Officer reported on what lead to declaration. City appointed Attorney, Robin Harvell, went over steps she took to notify property owner. Property owner, Allison Sellers, was present at meeting and she and her contractor asked for more time to demolish property.

By: Mr. Montgomery, Jr.

Motion to give a 30-day extension and Property Standards, should report back to the Council at the end of the 30 days the progress.

Seconded by Mr. Irwin

No further comment

Vote in favor of motion is unanimous

An Ordinance to appropriate Six Million Dollars to come from the 2018 LCDA Bond Fund to be used to design, develop and construct improvements at City Recreation Areas.

By: Mr. Montgomery, Jr.

Motion to continue this item for 30 days.

Seconded by Mr. Williams

No comment

Vote in favor of motion is unanimous

By: Mr. Irwin

Motion to introduce an Ordinance appropriating \$1,000,000 from the 2018 LCDA Bond Issue for Improvements and Renovations to the Bossier City Animal Control Facility.

Seconded by Mr. Harvey

No comment

Vote in favor of motion is unanimous

By: Mr. Larkin

Motion to introduce an Ordinance authorizing \$300,000 to come from the Jail & Municipal Capital Building Fund for a retainage wall around the Police Evidence and Storage Buildings to prevent flooding.

Seconded by Mr. Irwin

No comment

Vote in favor of motion is unanimous

The following Resolution offered and adopted:

RESOLUTION 18 Of 2019

A RESOLUTION AUTHORIZING THE HIRING OF RECREATION SPECIALIST III, FOR THE PARKS & RECREATION DEPARTMENT

WHEREAS, Ordinance No. 21 of 2018 implemented a requirement assuring that the City department budgets not be exceeded by any hiring of any personnel; and

WHEREAS, the position of RECREATION SPECIALIST III is vacant due to retirement, resignation or termination; and

WHEREAS, the administration and the department assures that all current budgets have been verified and that no authorized salary has been exceeded; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to proceed with hiring procedures for the fulfillment of this position.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Don Williams, and seconded by Mr. Scott Irwin, and seconded by and adopted on the 19th day of March, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

The following Resolution offered and adopted:

RESOLUTION 19 Of 2019

A RESOLUTION AUTHORIZING THE PROMOTION OF AN OFFICER TO A SERGEANT, A SERGEANT TO A LIEUTENANT AND A LIEUTENANT TO A CAPTAIN FOR THE BOSSIER CITY POLICE DEPARTMENT.

WHEREAS, Ordinance No. 21 of 2019 implemented a requirement assuring that the City department budgets not be exceeded by any hiring of any personnel; and

WHEREAS, the promotion of a Police Officer to Sergeant, a Sergeant to Lieutenant a Lieutenant to Captain is vacant due to one (1) termination.

WHEREAS, the administration and the department assures that all current budgets have been verified and that no authorized salary has been exceeded; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to proceed with hiring procedures for the fulfillment of this position.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Thomas Harvey and seconded by Mr. Don Williams and seconded by and adopted on the 19th day of March, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

The following Resolution offered and adopted:

RESOLUTION 20 Of 2019

A RESOLUTION AUTHORIZING THE HIRING OF ONE POLICE OFFICER FOR THE BOSSIER CITY POLICE DEPARTMENT.

WHEREAS, Ordinance No. 21 of 2019 implemented a requirement assuring that the City department budgets not be exceeded by any hiring of any personnel; and

WHEREAS, the position of (1) Police Officer is vacant due to one (1) termination.

WHEREAS, the administration and the department assures that all current budgets have been verified and that no authorized salary has been exceeded; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to proceed with hiring procedures for the fulfillment of this position.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Don Williams, and seconded by Mr. Timothy Larkin and seconded by and adopted on the 19th day of March, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

The following Resolution offered and adopted:

RESOLUTION 21 Of 2019

A RESOLUTION AUTHORIZING THE HIRING ON ONE JAILER FOR THE BOSSIER CITY POLICE DEPARTMENT.

WHEREAS, Ordinance No. 21 of 2019 implemented a requirement assuring that the City department budgets not be exceeded by any hiring of any personnel; and

WHEREAS, the hiring of (1) Jailer is vacant due to one (1) resignation.

WHEREAS, the administration and the department assures that all current budgets have been verified and that no authorized salary has been exceeded; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to proceed with hiring procedures for the fulfillment of this position.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Scott Irwin, and seconded by Mr. Don Williams, and seconded by and adopted on the 19th day of March, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

The following Resolution offered and adopted:

RESOLUTION 22 Of 2019

A RESOLUTION AUTHORIZING THE HIRING ON ONE POLICE OFFICER FOR THE BOSSIER CITY POLICE DEPARTMENT.

WHEREAS, Ordinance No. 21 of 2019 implemented a requirement assuring that the City department budgets not be exceeded by any hiring of any personnel; and

WHEREAS, the hiring of (1) Police Officer is vacant due to one (1) termination.

WHEREAS, the administration and the department assures that all current budgets have been verified and that no authorized salary has been exceeded; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to proceed with hiring procedures for the fulfillment of this position.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Don Williams, and seconded by Mr. Thomas Harvey, and seconded by and adopted on the 19th day of March, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

By: Mr. Montgomery, Jr.

Motion to approve Report of Final Change Order for Century Link Arena Asphalt Paving Rehab an increase of \$12,325.00 for a final contract amount of \$483,740.75.

Seconded by Mr. Williams

No comment

Vote in favor of motion is unanimous

By: Mr. Darby

Motion to approve Parade Permit Fee Waiver for U.S. Bow Fishing Open,

April 5-7, 2019.
Seconded by Mr. Montgomery, Jr.
No comment
Vote in favor of motion is unanimous

The following Resolution offered and adopted:

RESOLUTION 23 Of 2019

A RESOLUTION AUTHORIZING THE HIRING OF PERMANENT PART TIME GYM MONITOR, FOR THE PARKS & RECREATION DEPARTMENT (HOOTER PARK)

WHEREAS, Ordinance No. 21 of 2018 implemented a requirement assuring that the City department budgets not be exceeded by any hiring of any personnel; and

WHEREAS, the position of permanent part time gym monitor is vacant due to retirement, resignation or termination; and

WHEREAS, the administration and the department assures that all current budgets have been verified and that no authorized salary has been exceeded; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Bossier City, Louisiana, in regular session convened, that the administration is authorized to proceed with hiring procedures for the fulfillment of this position.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Don Williams and seconded by Mr. David Montgomery, Jr. and adopted on the 19th day of March, 2019, by the following vote:

AYES: Mr. Montgomery, Jr., Mr. Larkin, Mr. Irwin, Mr. Darby, Mr. Williams, Mr. Free and Mr. Harvey

NAYS: none

ABSENT: none

ABSTAIN: none

Jeff Free, President

Phyllis McGraw, City Clerk

Witness opening of sealed bids for – Bid#P19-05 – Sewer Sub-Basin BC-14 Rehabilitation

David Lawler Construction	\$1,893,506.00
Jabar Corporation	\$2,595,022.90
PM Construction & Rehab, LLC	\$1,849,954.25
Portland Utilities Construction Co., LLC.	\$2,828,272.40
Pulley Construction, Inc.	\$2,091,300.00

By: Mr. Montgomery, Jr.
Motion to take bids under advisement.
Seconded by Mr. Williams
No comment
Vote in favor of motion is unanimous

There being no further business to come before this Council, meeting adjourned at 3:46 PM by Mr. Free

Respectfully submitted:

Phyllis McGraw

City Clerk

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