

PROCEEDINGS OF THE CITY COUNCIL OF BOSSIER CITY
STATE OF LOUISIANA TAKEN AT A REGULAR MEETING
MAY 19, 2020

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, May 19, 2020, at 3:00 PM

Invocation was given by Council Member Scott Irwin

Pledge of Allegiance led by Council Member Jeff Free

Roll Call as follows:

Present: Honorable, President Scott Irwin, Honorable Councilors David Montgomery, Jr., Timothy Larkin, Jeffery Darby (conference call), Don Williams, Jeff Free and Thomas Harvey

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

By: Mr. Williams

Motion to approve the minutes of the May 5, 2020, Regular meeting and dispense with the reading

Seconded by Mr. Free

No comment

Vote in favor of motion is unanimous

By: Mr. Williams

Motion to approve Agenda.

Seconded by Mr. Free

No comment

Vote in favor of motion is unanimous

Unfinished Business –

Agenda Item Called – Adopt an Ordinance authorizing Mayor Lorenz Walker to execute the attached agreement with Manchac Engineering Group, Inc. and appropriating Two Million One Hundred (\$2.1 Million) from the Walter O. Bigby Carriageway Fund for Services to be provided in conjunction with said Agreement.

By: Mr. Montgomery, Jr.

Motion to continue this item until the June 2, 2020 Regular Council Meeting.

Seconded by Mr. Harvey

Mr. Montgomery asked for a little more time to work out contract details and make a few changes

No further comment

Vote in favor of motion is unanimous

The following Ordinance offered and adopted:

Ordinance No. 52 Of 2020

AN ORDINANCE APPROPRIATING ONE HUNDRED TEN THOUSAND (\$110,000.00) FROM THE HOTEL MOTEL TAXES FUND FOR KITCHEN AND CONCESSION EQUIPMENT IMPROVEMENTS TO THE BOSSIER CITY CIVIC CENTER

WHEREAS, an analysis of the Civic Center’s capability of generating funds from concessions requires upgrades and improvements to the facility; and

WHEREAS, the attached list reflects necessary improvements to the facility to improve income capability; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Bossier City, Louisiana, in regular session convened, that one hundred ten thousand and no/100 (\$110,000.00) is hereby appropriated from the Hotel Motel Taxes Fund to purchase kitchen and concession equipment for the Bossier City Civic Center.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. David Montgomery, Jr., and seconded by Mr. Jeff Free, and adopted on the 19th, day of May, 2020, by the following vote:

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

NAYS: Mr. Darby

ABSENT: none

ABSTAIN: none

Scott Irwin, President

Phyllis McGraw, City Clerk

The following ordinance having been introduced at a duly convened meeting on May 5, 2020, notice of its introduction having been published in the official journal and notice of its introduction having been published, as required by Section 3.14 of the City Charter, was offered for final adoption by Mr. David Montgomery, Jr. and seconded by Mr. Timothy Larkin:

ORDINANCE NO. 53 OF 2020

AN ORDINANCE AUTHORIZING THE CITY OF BOSSIER CITY, STATE OF LOUISIANA, TO PROCEED WITH A NOT TO EXCEED \$50,000,000 FINANCING THROUGH THE LOUISIANA LOCAL GOVERNMENT

**ENVIRONMENTAL FACILITIES AND COMMUNITY DEVELOPMENT
AUTHORITY FOR THE PURPOSE OF REFUNDING CERTAIN BONDS
OF THE AUTHORITY AND PROVIDING FOR OTHER MATTERS IN
CONNECTION THEREWITH.**

WHEREAS, Chapter 10-D of Title 33 of the Louisiana Revised Statutes of 1950, as amended, comprised of La. R.S. 33:4548.1 through 33:4548.16, inclusive, is known as the Louisiana Local Government Environmental Facilities and Community Development Authority Act (the "Act"); and

WHEREAS, the City of Bossier City, State of Louisiana (the "City") is a participating political subdivision of the Louisiana Local Government Environmental Facilities and Community Development Authority (the "Authority") in accordance with the Act; and

WHEREAS, pursuant to the provisions of the Act, and other constitutional and statutory authority, the Authority has heretofore issued its Revenue Bonds (City of Bossier City Public Improvement Projects), Series 2010B (Taxable Direct Pay Build America Bonds) (the "Series 2010B Bonds"), of which \$47,465,000 is currently outstanding; and

WHEREAS, the Authority loaned the proceeds of the Series 2010B Bonds to the City pursuant to a Loan Agreement dated as of October 1, 2010 by and between the Authority and the City; and

WHEREAS, this City Council of the City of Bossier City, State of Louisiana (the "Governing Authority"), acting as governing authority of the City, has determined that it is in the City's best interest to request the Authority to authorize, sell and issue the Authority's not to exceed Fifty Million Dollars (\$50,000,000) Revenue Refunding Bonds (City of Bossier City, Louisiana Project) (the "Bonds"), in one or more series, the proceeds of which will be loaned by the Authority to the City (the "Loan") pursuant to the provisions of a Loan and Assignment Agreement by and between the Authority and the City (the "Loan Agreement"), which Loan proceeds will be used by the City to (i) refund all or a

portion of the Series 2010B Bonds and (ii) pay the costs of issuance of the Bonds (collectively, the "Project"); and

WHEREAS, for the payment and security of the Bonds, the Loan Agreement will provide for a pledge by the City of the funds, income, revenue, fees, receipts or charges of any nature from any source whatsoever on deposit with or accruing from time to time to the City, provided that no such funds, income, revenue, fees, receipts or charges shall be so included which have been or are in the future legally dedicated and required for other purposes by the electorate, by the terms of specific grants, by the terms of particular obligations issued or to be issued (to the extent pledged or budgeted to pay debt service on such other obligations) or by operation of law (such amounts being the "Lawfully Available Funds"), thereby obligating the City to pay to the Authority amounts necessary to allow the Authority to make principal and interest payments on the Bonds;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Bossier City, State of Louisiana, acting as governing authority of the City of Bossier City, State of Louisiana, that:

SECTION 1. The City hereby requests that the Authority authorize and issue the Authority's Revenue Refunding Bonds (City of Bossier City, Louisiana Project) (the "Bonds"), in one or more series in an aggregate principal amount not to exceed \$50,000,000, the proceeds of which shall be loaned to the City pursuant to the Loan Agreement and will be used by the City to finance the Project.

SECTION 2. The Bonds shall be issued and sold by the Authority only as fully registered bonds in the denominations of \$5,000 or any integral multiple in excess thereof. The Bonds shall mature not later than November 1, 2040 (the final maturity of the Series 2010B Bonds) and shall bear interest at a rate not to exceed five percent (5%) per annum.

SECTION 3. The selection by the Authority of Stifel, Nicolaus & Company, Baton Rouge, Louisiana (the "Purchaser") as purchaser of the Bonds is hereby acknowledged and approved by the Governing Authority, provided that the Purchaser's proposal does not exceed the parameters set forth in Section 2 above, and the Mayor and the City Clerk and/or the President of the Governing Authority are hereby authorized to execute the Bond Purchase Agreement and other City Documents, as described in Section 4 hereof, in order to evidence such approval.

SECTION 4. The form and terms of the Loan Agreement, the Bond Purchase Agreement, the Continuing Disclosure Certificate, the Escrow Deposit Agreement and all other ancillary documents necessary or required in connection with the Bonds (the "City Documents") are hereby authorized and approved in the forms approved by bond counsel to the Authority. The Loan Agreement shall obligate the City to pay to the Authority amounts necessary from Lawfully Available Funds to allow the Authority to make principal and interest payments on the Bonds and to secure the payment thereof. The City does hereby irrevocably and irrevocably pledge and dedicate its Lawfully Available Funds in an amount sufficient for the payment of its obligations pursuant to the Loan Agreement. It is the intention of the City that, to the fullest extent permitted by law, this pledge shall be valid and binding from the time when it is made, that its Lawfully

Available Funds so pledged and then or thereafter received by the City shall immediately be subject to the lien of such pledge without any physical delivery or further act, and that the lien of such pledge and the obligation to perform the contractual agreements contained herein and in the Loan Agreement shall have priority over any or all other obligations and liabilities of the City in accordance with the terms of the Loan Agreement, and that this pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the City, irrespective of whether such parties have notice thereof. The City's Lawfully Available Funds shall be and remain pledged for the security and payment of the Bonds in principal and interest until the Bonds shall have been fully paid and discharged.

SECTION 5. The execution and delivery of a Preliminary Official Statement and an Official Statement, in the forms approved by bond counsel and the municipal advisor to the Authority, are hereby approved.

SECTION 6. The Mayor and the City Clerk and/or the President of the Governing Authority are hereby authorized and directed to execute any and all documents and take all further action necessary or reasonably required to effect the Loan from the Authority evidenced by the Loan Agreement and are specifically authorized to approve any changes to the Loan Agreement and all other ancillary documents approved by counsel to the City and bond counsel to the Authority, such approval to be conclusively evidenced by their execution hereof.

SECTION 7. The City covenants and agrees that, to the extent permitted by the laws of the State of Louisiana, it will comply with the requirements of the Internal Revenue Code of 1986 and any amendments thereto (the "Code") to establish, maintain and preserve the exclusion from "gross income" of interest on the tax-exempt Bonds under the Code. The City further covenants and agrees that it will not take any action, fail to take any action or permit any action within its control to be taken, or permit at any time or times any of the proceeds of the Bonds or any other funds of the City to be used directly or indirectly in any manner, the effect of which would be to cause the Bonds to be "arbitrage bonds" or would result in inclusion of interest on any Bonds in gross income under the Code, including, without limitation, (i) the failure to comply with the limitation on investment of Bond proceeds; or (ii) the failure to pay any required rebate of arbitrage earnings to the United State of America; or (iii) use of Bond proceeds in a manner that would cause the Bonds to be "private activity bonds."

SECTION 8. The Authority is hereby requested to take all actions necessary to issue and sell the Bonds.

SECTION 9. The Mayor and the City Clerk and/or the President of the Governing Authority are hereby authorized and directed to do any and all things necessary and incidental to carry out the provisions of this Ordinance and effect the completion of the Project and to assist the Authority in carrying out its functions in connection with the financing.

SECTION 10. This Ordinance shall be in full force and effect ten (10) days from the date of its publication.

The above and foregoing Ordinance, read in full at open and legal session convened, was on motion of Mr. David Montgomery, Jr. and seconded by Mr. Timothy Larkin, and adopted on the 19th day of May, 2020 by the following vote:

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

NAYS: none

ABSENT: none

ABSTAIN: none

And the Ordinance was declared adopted on this, the 19th day of May, 2020.

Scott Irwin, President

Phyllis McGraw, City Clerk

STATE OF LOUISIANA

PARISH OF BOSSIER

I, the undersigned City Clerk of the City of Bossier City, State of Louisiana (the "City"), do hereby certify that the foregoing pages constitute a true and correct copy of Ordinance No. 54 of 2020 adopted by City Council of the City of Bossier City, State of Louisiana (the "Governing Authority"), on May 19, 2020, authorizing the City to proceed with a not to exceed \$50,000,000 financing through the Louisiana Local Government Environmental Facilities and Community Development Authority for the purpose of refunding certain bonds of the Authority and providing for other matters in connection therewith.

IN FAITH WHEREOF, witness my official signature on this, the 19th day of May, 2020.

City Clerk

New Business –

The following Ordinance offered and adopted:

Ordinance No. 54 Of 2020

AN ORDINANCE TO DECLARE THAT AN EMERGENCY DID EXIST IN THE CITY OF BOSSIER CITY WHICH AFFECTS, PROPERTY, PUBLIC HEALTH AND SAFETY DUE TO THE REQUIREMENT TO REPAIR RUPTURED FORCE MAIN FROM THE BIG AIRLINE PUMP STATION AT A COST OF \$43,224.56 TO COME FROM SEWER CAPITAL CONTINGENCY FUNDS

WHEREAS, an emergency repair to a ruptured force main from the Big Airline Pump Station was made and;

WHEREAS, the Utility Department hereby request \$43,224.56 be appropriated from the Sewer Capital Contingency Fund.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Bossier City, Louisiana, in regular session convened, that the Bossier City Council does hereby declare that an emergency exists and appropriates \$43,224.56 to come from the Sewer Capital Contingency fund for this declared emergency.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. David Montgomery, Jr., and seconded by Mr. Timothy Larkin, and adopted on the 19th, day of May, 2020, 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

Scott Irwin, President

Phyllis McGraw, City Clerk

By: Mr. Montgomery, Jr.

Motion to introduce an Ordinance to appropriate funds to cover construction cost for the Sewer Sub-Basin BC-25 Rehabilitation Project for a total of \$2,901,000.00 to come from the Sewer Contingency Fund.

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

By: Mr. Montgomery, Jr.

Motion to introduce an Ordinance reallocating funding currently dedicated to the Viking Drive Widening Project through (NLCOG).

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

The following Resolution offered and adopted:

RESOLUTION 42 OF 2020

A RESOLUTION RECOGNIZING MAY 22, 2020, AS NATIONAL MARITIME DAY

WHEREAS, on May 22, 1819, the steamship *The Savannah* set sail from Savannah, Georgia on the first successful transoceanic voyage under steam propulsion, thus making a material contribution to the advancement of ocean transportation, and

WHEREAS, on May 20, 1933, the Senate and House of Representatives of the United States of America in Congress assembled and approved that May 22 of each year shall be designated and known as National Maritime Day, and

WHEREAS, during WW II in what became the world's largest sealift operation, more than 250,000 members of the American Merchant Marine served their country, with more than 6,700 giving their lives, hundreds being detained as prisoners of war and more than 800 ships being sunk or damaged, and

WHEREAS, waterways have enabled much of the commerce that has expanded America's economy, sprouted cities near waterways and facilitated vast domestic and international commerce crucial to our economy today, and

WHEREAS, merchant mariners have served America with distinction throughout our history, but especially at critical moments of war and natural disaster, and

WHEREAS, the United States Merchant Marine and thousands of other workers in our Nation's maritime industry continue to make immeasurable contributions to our economic strength and our ongoing efforts to build a more peaceful world, and

WHEREAS, the United States Merchant Marine also shepherds the safe passage of American goods, move exports to customers around the world, support the flow of domestic commerce on our maritime highways, strengthen our Nation's economy, bolster job creation and, along with the transportation industry, employ Americans on ships and tugs, and in ports, like our Port of Caddo Bossier, and

WHEREAS, it is the desire of the Caddo-Bossier Parishes Port Commission to increase the awareness of the maritime industry within Caddo and Bossier Parishes and the State of Louisiana.

NOW, THEREFORE BE IT RESOLVED THAT the Bossier City Council and the Mayor joins the President of the United States of America in proclaiming May 22, 2020, as National Maritime Day and calls upon the citizens of the City of Bossier City to celebrate this observance.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of David Montgomery, Jr. and seconded by Timothy Larkin, and adopted on the 19th, day of May, 2020, 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

Scott Irwin, President

Phyllis McGraw, City Clerk

By: Mr. Free

Motion to approve the selection of Bossier Press Tribune as the City of Bossier City's Official Journal for a one year period effective June 1, 2020 through June 1, 2021, in accordance with Louisiana Revised Statute 43:[4].

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

By: Mr. Williams

Motion to approve Report of Change Order #6 for the NE WWTP Improvement Project for an increase of \$116,542.71, total of contract with increase \$13,222,198.36.

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous.

Mr. Irwin asked Mayor about Parks opening and Mayor stated all walking and jogging trails and tennis courts were open but he would keep everything else closed until at least Phase 2 and that includes ball fields. Mayor hoping ball fields would be able to open on June 5, 2020.

Mr. Montgomery asked Mayor about Civic Center. At first the Mayor reported that Civic Center was closed but after some discussion with the Fire Chief, it was stated that no one had approached the City concerning using it. Mr. Montgomery asked that the City keep trying to get it booked so that it could be utilized.

There being no further business to come before this Council, the meeting adjourned at 3:19PM by Mr. Irwin

Respectfully submitted:

Phyllis McGraw

City Clerk

Publish: May 27, 2020

Bossier Press Tribune