

PROCEEDINGS OF THE CITY COUNCIL OF BOSSIER CITY  
STATE OF LOUISIANA TAKEN AT THE REGULAR MEETING  
SEPTEMBER 6, 2016

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, September 6, 2016, at 3:00 PM

Invocation was given by Council Member Scott Irwin

Pledge of Allegiance led by Council Member Thomas Harvey

Roll Call as follows:

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

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

By: Mr. Harvey

Motion to amend the minutes of the August 16, 2016, Regular Council Meeting to reflect a nay vote from Mr. Harvey and Mr. Darby on Agenda Item #10 under New Business.

Seconded by Mr. Darby

No comment

Vote in favor of motion is unanimous

By: Mr. Irwin

Motion to approve the amended minutes of the August 16, 2016, Regular Meeting and dispense with the reading.

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

By: Mr. Williams

Motion to amend the agenda to add #16 under New Business: Introduce an Ordinance to appropriate \$150,000.00 from the 2014 Utility Bond Fund to complete debris removal and fence repairs that were a result of June 2015 Flood and that are not reimbursable by FEMA.

Seconded by Mr. Harvey

No comment

Vote in favor of motion is unanimous

By: Mr. Williams

Motion to amend the agenda to add #17 under New Business: Adopt a Resolution authorizing one Fire Department Line employee to be replaced due to a vacancy from resignation.

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

By: Mr. Irwin

Motion to approve Agenda as amended.

Seconded by Mr. Darby

No comment

Vote in favor of motion is unanimous

**Ceremonial Matters/Recognition of Guests**

Eric Barkley, President of Independence Bowl, gave Council an update on the new partnership with Camping World as the title sponsor and some of the events affiliated with the bowl that happen in Bossier City.

**Unfinished Business:**

**The following Ordinance offered and adopted:**

**Ordinance No. 90 Of 2016**

**AN ORDINANCE LEVYING A TAX OF 22.92 MILLS ON ALL TAXABLE PROPERTY WITHIN THE LIMITS OF THE CITY OF BOSSIER CITY, LOUISIANA, FOR THE YEAR 2016, AND PROVIDING THE MANNER OF ASSESSMENT AND COLLECTION THEREOF.**

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**SECTION 1: BE IT ORDAINED BY THE** City Council of the City of Bossier City, Louisiana, in regular session convened that a tax of 22.92 Mills be and the same is hereby levied on all taxable property located within the limits of the City of Bossier City, Louisiana, for the year 2016.

**SECTION 2: BE IT FURTHER ORDAINED,** that said tax so levied on all taxable property shall be apportioned as follows:

- 1) 5.65 Mills for the payment of all necessary expenses for the operation of the affairs of the City of Bossier City, Louisiana. Mill Key #5078001
- 2) 8.45 Mills for the purpose of operating and maintaining the Fire and Police Departments of the City of Bossier City. Mill Key #5078002
- 3) 6.07 Mills for the purpose of operation and maintenance of the Fire and Police Departments, including salaries. Mill Key #5078004
- 4) 2.75 Mills for the purpose of operation and maintenance of the Fire and Police Department, including salaries for the Fire and Police for the City of Bossier City, Louisiana. Mill Key #5078005

**SECTION 3: BE IT FURTHER ORDAINED,** that the tax assessment roll covering the 22.92 Mills as estimated by the Tax Collector of the City Bossier City, for taxes for the year of 2016, are hereby adopted and approved.

**SECTION 4: BE IT FURTHER ORDAINED,** that the Tax collector for the City of Bossier City, Louisiana, be and he is hereby instructed to collect said taxes according to law.

**SECTION 5: BE IT FURTHER ORDAINED,** that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

The above Ordinance was read in full at open and legal session convened, was on motion of Mr. Don Williams, and seconded by Mr. Jeff Free and adopted on the 6th day of September, 2016 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

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David Montgomery, Jr, President

Phyllis McGraw, City Clerk

**The following Ordinance offered and adopted:**

**ORDINANCE NO. 91 OF 2016**

**AN ORDINANCE TO APPROPRIATE \$550,000.00 FROM THE 2016 LDEQ LOAN TO REPLACE THE SIX FOUNTAINS SEWER LIFT STATION**

**WHEREAS**, the current six fountain lift station is in need of replacement, having been on by-pass for more than a year and due to its condition and location may potentially create a situation affecting property, public health, and safety.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Bossier City, Louisiana, in regular session convened, hereby declares that this situation should be resolved by means of replacement and relocation of the current station

**BE IT FURTHER ORDAINED**, that funds to repair the sewer main will come from the 2016 LDEQ loan in an amount not to exceed \$550,000.00 (five hundred fifty thousand dollars and zero cents), 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 adopted on the 6th day of September, 2016 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

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David Montgomery, Jr, President

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Phyllis McGraw, City Clerk

**The following Ordinance offered and adopted:**

**ORDINANCE NO. 92 OF 2016**

**AN ORDINANCE APPROPRIATING AN ADDITIONAL SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS FROM THE 2014 DEQ REVOLVING LOAN FUND TO CONTINUE PROFESSIONAL AND CONTRUCTION SERVICES BY EXTENDING OUR CURRENT SANITARY SEWER SYSTEM EVALUATION CONTRACT**

**WHEREAS**, there continues to be a substantial need to further evaluate the City's sewer system

**WHEREAS**, this sanitary sewer evaluation has shown to be a valuable tool in determining the most needed areas of repair throughout the city as well as the most effective use of City funds

**BE IT FURTHER ORDAINED** that funds to continue this sanitary sewer assessment will come from the 2014 DEQ funds, in an amount not to exceed \$750,000.00 (seven hundred and

fifty thousand dollars and zero cents), 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. Don Williams, and seconded by Mr. Scott Irwin, and adopted on the 6th day of September, 2016 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

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David Montgomery, Jr, President

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Phyllis McGraw, City Clerk

**The following Ordinance offered and adopted:**

**Ordinance No. 93 Of 2016**

**AN ORDINANCE APPROVING THE ATTACHED PROFESSIONAL SERVICES CONTRACT WITH A QUALIFIED TENNIS PROFESSIONAL AND AUTHORIZING MAYOR LORENZ WALKER TO EXECUTE THE SAME.**

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**WHEREAS**, Bossier City is currently in need of a Tennis Professional to operate the North Bossier Tennis Facility; and

**WHEREAS** Play Tennis Bossier consists of players actively involved in using the facility and desires to form an advisory group to be able to provide input regarding the facility; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Bossier City, Louisiana, in regular session convened, that Mayor Lorenz Walker is hereby authorized to execute the attached Professional Services Contract with a Qualified Tennis Professional;

**BE IT FURTHER ORDAINED**, that the Director of Parks and Recreation or his designee shall meet on a routine basis with representatives of Play Tennis Bossier; and

**BE IT FUTHER ORDAINED**, that the Play Tennis Bossier advisory board shall report annually on the progress of the Bossier Tennis Facility in providing service to the community.

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. Jeff Free, and adopted on the 6th day of September, 2016 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

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David Montgomery, Jr, President

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Phyllis McGraw, City Clerk

**The following Ordinance offered and adopted:**

**Ordinance No. 94 Of 2016**

**AN ORDINANCE AUTHORIZING THE LEASE OF THE 1.064 ACRES OF LAND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO TO BENTON ROAD PARTNERS, LLC TO PROVIDE ADDITIONAL PARKING FOR 200 CSRA EMPLOYEES AT 301 BENTON ROAD PURSUANT TO R.S. 33:4717.2.**

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**WHEREAS**, the City of Bossier City owns the 1.064 acres of land described in Exhibit "A" attached hereto which is contiguous to the property located at 301 Benton Road (previously the Capital One Bank Building); and

**WHEREAS** Benton Road Partners, LLC purchased the former Capital One Bank Building and have initiated a \$2 million dollar renovation for the relocation of a call center by CSRA from Ft. Worth, Texas to Bossier City, Louisiana; and

**WHEREAS** the contemplated operation will begin no later than November 1, 2016 and will be expanded to employ over 200 people in 2017; and

**WHEREAS**, the current parking is insufficient to accommodate 200 employees under current building codes; and

**WHEREAS**, the 1.064 acre property owned by the City of Bossier City is primarily a wooded area adjacent to current parking on the referenced property; and

**WHEREAS**, Benton Road Partners, LLC has agreed to mow and maintain the adjacent City owned property which consist of 3.8 acres more or less; and

**WHEREAS**, the general terms of this Ordinance were published once a week for two consecutive weeks at least fourteen days prior to its adoption in the Bossier Press Tribune, the City's official journal; and

**WHREAS**, the City heard any and all objections to the Lease on the day this Ordinance was adopted; and

**WHEREAS**, the City is of the opinion, after a hearing of any such objections, that the public interest would be served by the lease of the 1.064 acre tract of land to Benton Road Partners, LLC;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Bossier City, Louisiana, in regular session convened, hereby authorizes, after due notice, the lease of the Premises to Benton Road Partners, LLC in accordance with a lease containing terms no less favorable to the City than those described in this Ordinance and the proposed lease which has been on file with the City for public inspection since this Ordinance's introduction; and

**BE IT FURTHER ORDAINED**, that this Ordinance be published as soon as possible after its adoption in the Bossier Press Tribune, the City's official journal;

**BE IT FURTHER ORADINED**, that the Mayor is hereby authorized to sign any and all documents necessary to effect the lease of the Premises to the Benton Road Partners, LLC as well as any amendments thereto;

**BE IT FURTHER ORDAINED**, that this Ordinance is severable and divisible such that, in the event any provision or portion thereof shall be held or be invalid or unenforceable, the remainder of the provision and remaining provisions shall continue to be in full force and effect; and

**BE IT FURTHER ORDAINED**, that all Resolutions or Ordinances in conflict herewith are hereby repealed.

The above and foregoing Ordinance was read in full at open and legal session convened, was on motion of Mr. Jeff Free, and seconded by Mr. Don Williams, and adopted on the 6th day of September, 2016 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

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David Montgomery, Jr, President

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Phyllis McGraw, City Clerk

The following Ordinance offered and adopted:

**ORDINANCE NO. 95 OF 2016**

**AN ORDINANCE TO APPROPRIATE \$100,000 TO COME FROM THE SALES TAX CAPITAL IMPROVEMENT FUND TO BE USED TO CONSTRUCT BACKYARD DRAINAGE IMPROVEMENTS FOR PARTS OF CARRIAGE OAKS SUBDIVISION Units 1, 2 and 8.**

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**WHEREAS,** Carriage Oaks Subdivision, Units 1, 2 and 8 were originally constructed to have drainage easements across the rear property lines where drainage swales were located; and

**WHEREAS,** over the years since original construction the drainage swales have been filled in, built upon and made to be non-effective; and

**WHEREAS,** drainage can be restored to the backyards with the installation of new drainage structures and new swales with costs not to exceed \$90,000.

**NOW, THEREFORE, BE IT ORDAINED** that the City Council of Bossier City, in regular session convened does hereby appropriate \$100,000 to come from the Sales Tax Capital Improvement Fund to be used to construct backyard drainage improvements for parts of Carriage Oaks Subdivision, Units 1, 2 and 8.

**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. Jeff Free and seconded by Mr. Thomas Harvey, and adopted on the 6th day of September, 2016 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

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David Montgomery, Jr, President

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Phyllis McGraw, City Clerk

**The following Ordinance offered and adopted:**

**Ordinance No. 96 Of 2016**

**AN ORDINANCE ELIMINATING A FOREMAN II (\$32,864.00) POSITION IN RECREATION AND AN AUTO MECHANIC II (\$26,921.00) POSITION IN THE GARAGE AND INCREASING THE PAY OF THE WELDER/MAINTAINANCE SPECIALIST FROM \$29,957.00 TO \$45,760.00 FOR A SAVINGS OF \$43,982.27.**

**WHEREAS,** the Garage and Recreation Department desire to share a welder and maintenance specialist and are eliminating two positions to retain a current employee who excels in handling the needs of both departments; and

**WHEREAS** by eliminating the two positions and increasing the pay of one employee they will save \$43,982.27; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Bossier City, Louisiana, in regular session convened, that a Foreman II position (\$32,864.00) is hereby eliminated from the recreation department and an Auto Mechanic II (\$26,921.00) position is hereby eliminated from the Garage.

**BE IT FURTHER ORDAINED** that the position of Welder/Maintenance Specialist shall be hereby increased from \$29,957.00 to \$45,760.00.

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 adopted on the 6th day of September, 2016 by the following vote:

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

NAYS: Mr. Darby and Mr. Harvey

ABSENT: none

ABSTAIN: none

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David Montgomery, Jr, President

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Phyllis McGraw, City Clerk

The following Ordinance offered and adopted:

**ORDINANCE NO. 97 OF 2016**

**AN ORDINANCE TO CORRECT AND AMEND ORDINANCE NO. 119 OF 2015 TO CHANGE THE PROJECT DESCRIPTION OF STATE PROJECT NO. H.012013-VIKING DRIVE WIDENING (AIRLINE DRIVE TO SWAN LAKE ROAD) FROM A FIVE-LANE SECTION TO A THREE-LANE SECTION.**

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**WHEREAS,** Viking Drive widening was originally described as a five-lane section in Ordinance No. 119 of 2015; and

**WHEREAS,** the five-lane section estimated cost far exceeds the available funds and a proposed three-lane section will not exceed available funds; and

**WHEREAS,** the Mayor is authorized to sign the original Entity/State Agreement; and

**WHEREAS,** all other language in Ordinance No. 119 of 2015 shall remain in effect.

**NOW, THEREFORE, BE IT ORDAINED** that the City Council of Bossier City, in regular session convened does hereby correct and amend Ordinance No. 119 of 2015 to change the project description of State Project No. H-012013-Viking Drive Widening (Airline Drive to Swan Lake Road) from a five-lane section to a three-lane section.

**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. Don Williams and seconded by Mr. Jeffery Darby, and adopted on the 6th day of September, 2016 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

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David Montgomery, Jr, President

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Phyllis McGraw, City Clerk

**New Business:**

Agenda Item Called:

Witness opening of sealed bids for the 2016 Asphalt Street Program:

1.	Best Yet Builders	\$ 852,544.31
2.	Benton & Brown	\$ 835,325.26
3.	Specialty Trackhoe	\$ 898,698.99

By: Mr. Williams

Motion to take the bids under advisement.

Seconded by Mr. Darby

No comment

Vote in favor of motion is unanimous

Agenda Item Called:

Adopt Zoning Ordinance

(First and Final Reading)

Petitioner: Wal-Mart Real Estate Business Trust

Location: Section 33, Township 19 North, Range 13 West, the Northwest corner of Wemple Road and Airline Drive, Bossier City, LA

Request: Rezone from R-A (Residential Agriculture) to B-3 (General Business) for a Wal-Mart Supercenter and fueling station.

Sam Marsiglia, MPC Director, outlined Zoning request

Kyle Sawyer and Howard Davis, parish residents, spoke in opposition (audio on file in Clerk's Office)

Neil Erwin, Special Attorney appointed by Council, spoke on the project

Kainen LeBlanc, Wal-Mart Engineer, showed pictures and spoke on the project

Questions and comments made by Councilmen

The following ordinance offered and adopted:

**ORDINANCE NO. 98 OF 2016**

AN ORDINANCE AMENDING ORDINANCE NO. 126 OF 2003, BY CHANGING THE ZONING CLASSIFICATION from R-A (Residential Agriculture) to B-3 (General Business) for a Walmart Supercenter and fueling station to be located at in Section 33, Township 19 North, Range 13 West in the Northwest corner of Wemple Road and Airline Drive, Bossier City, Louisiana.

SECTION 1. BE IT ORDAINED by the City Council of Bossier City, Louisiana, in regular session convened, that Ordinance No. 126 of 2003 of the City Council of the City of Bossier City, Louisiana, is hereby amended to provide that the zoning

classification is hereby changed from R-A, Residential Agriculture, to B-3, General

Business for the following:

LOT 1:

A certain tract or parcel of land designated as "LOT 1" of the Wal-Mart Wemple Commercial Development Subdivision, containing 16.422 acres or 715,335 square feet, located in Section 33, Township 19 North, Range 13 West, Bossier Parish, State of Louisiana, being more particularly described as follows:

Commencing at the intersection of the westerly right of way line of Airline Drive - Louisiana State Highway 3105 and the northerly right of way line of Wemple Road, said point being the "POINT OF COMMENCEMENT,"

Then, continuing along the northerly right of way line of Wemple Road, South 89 degrees 59 minutes 59 seconds West a distance of 310.00 feet to a point, said point being the "POINT OF BEGINNING,"

Then, continuing along the northerly right of way line of Wemple Road, South 89 degrees 59 minutes 59 seconds West a distance of 977.81 feet to a point;

Then, departing said right of way line, North 00 degrees 20 minutes 43 seconds East a distance of 735.17 feet to a point;

Then, South 89 degrees 39 minutes 17 seconds East a distance of 976.08 feet to a point;

Then, South 00 degrees 12 minutes 40 seconds West a distance of 729.28 feet to the "POINT OF BEGINNING."

LOT 2:

A certain tract or parcel of land designated as "LOT 2" of the Wal-Mart Wemple Commercial Development Subdivision, containing 1.481 acres or 64,500 square feet, located in Section 33, Township 19 North, Range 13 West, Bossier Parish, State of Louisiana, being more particularly described as follows:

Commencing at the intersection of the westerly right of way line of Airline Drive - Louisiana State Highway 3105 and the northerly right of way line of Wemple Road, said point being the "POINT OF COMMENCEMENT,"

Then, continuing along the northerly right of way line of Wemple Road, South 89 degrees 59 minutes 59 seconds West a distance of 250.00 feet to a found 1/2" iron rod;

Then, departing said right of way line, North 00 degrees 12 minutes 40 seconds East a distance of 470.91 feet to a point, said point being the "POINT OF BEGINNING,"

Then, North 00 degrees 12 minutes 40 seconds East a distance of 258.00 feet to a point;

Then, South 89 degrees 39 minutes 17 seconds East a distance of 250.00 feet to a point, said point being located along the westerly right of way line of Airline Drive - Louisiana State Highway 3105;

Then, continuing along said right of way line, South 00 degrees 12 minutes 40 seconds West a distance of 258.00 feet to a point;

Then, departing said right of way line, North 89 degrees 39 minutes 17 seconds West a distance of 250.00 feet to the "POINT OF BEGINNING."

LOT 3:

A certain tract or parcel of land designated as "LOT 3" of the Wal-Mart Wemple Commercial Development Subdivision, containing 1.263 acres or 55,040 square feet, located in Section 33, Township 19 North, Range 13 West, Bossier Parish, State of Louisiana, being more particularly described as follows:

Commencing at the intersection of the westerly right of way line of Airline Drive - Louisiana State Highway 3105 and the northerly right of way line of Wemple Road, said point being the "POINT OF COMMENCEMENT" and labeled "P.O.C.;"

Then, continuing along the northerly right of way line of Wemple Road, South 89 degrees 59 minutes 59 seconds West a distance of 250.00 feet to a found 1/2" iron rod;

Then, departing said right of way line, North 00 degrees 12 minutes 40 seconds East a distance of 250.00 feet to a found 1/2" iron rod, said rod being the "POINT OF BEGINNING" and labeled "P.O.B.3,"

Then, North 00 degrees 12 minutes 40 seconds East a distance of 220.91 feet to a point;

Then, South 89 degrees 39 minutes 17 seconds East a distance of 250.00 feet to a point, said point being located along the westerly right of way line of Airline Drive - Louisiana State Highway 3105;

Then, continuing along said right of way line, South 00 degrees 12 minutes 40 seconds West a distance of 219.41 feet to a point;

Then, departing said right of way line, South 89 degrees 59 minutes 59 seconds West a distance of 250.00 feet to the "POINT OF BEGINNING."

Motion was made by Mr. Don Williams and seconded by Mr. Scott Irwin

and adopted on the 6th day of September, 2016 by the following vote:

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

NAYS: Mr. Harvey

ABSENT: none

ABSTAIN: Mr. Free

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David Montgomery, Jr, President

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Phyllis McGraw, City Clerk

C-25-16

Mr. Free abstained from the vote due to a potential financial conflict

Agenda Item Called:

Adopt Zoning Ordinance  
(First and Final Reading)

Petitioner: Wal-Mart Real Estate Business Trust

Location: Section 33, Township 19 North, Range 13 West, the Northwest corner of Wemple Road and Airline Drive, Bossier City, LA

Request: Conditional Use Approval for sale of Low Content Alcohol for Off Premise consumption at a Walmart Fuel Station.

Sam Marsiglia, MPC Director, outlined Zoning request

Whitley Graves spoke in opposition. (audio on file in Clerk's Office)

The following ordinance offered and adopted:

**ORDINANCE NO. 99 OF 2016**

**AN ORDINANCE APPROVING A CONDITIONAL USE LOCATED IN SECTION 33, TOWNSHIP 19 NORTH, RANGE 13 WEST IN THE NORTHWEST CORNER OF WEMPLE ROAD AND AIRLINE DRIVE, BOSSIER CITY, LOUISIANA FOR THE SALE OF LOW CONTENT ALCOHOL FOR OFF PREMISE CONSUMPTION AT A WALMART FUEL STATION.**

WHEREAS; Wal-Mart Real Estate Business Trust has applied to the Bossier City-Parish Metropolitan Planning Commission for Conditional Use Approval for the retail sales of low content alcohol, for off premise consumption, at a fuel station located in the Northwest corner of Wemple Road and Airline Drive, Section 33, Township 19 North, Range 13 West, Bossier Parish, Louisiana; more particularly described as follows:

LOT 2:

A certain tract or parcel of land designated as "LOT 2" of the Wal-Mart Wemple Commercial Development Subdivision, containing 1.481 acres or 64,500 square feet, located in Section 33, Township 19 North, Range 13 West, Bossier Parish, State of Louisiana, being more particularly described as follows:

Commencing at the intersection of the westerly right of way line of Airline Drive - Louisiana State Highway 3105 and the northerly right of way line of Wemple Road, said point being the "POINT OF COMMENCEMENT,"

Then, continuing along the northerly right of way line of Wemple Road, South 89 degrees 59 minutes 59 seconds West a distance of 250.00 feet to a found 1/2" iron rod;

Then, departing said right of way line, North 00 degrees 12 minutes 40 seconds East a distance of 470.91 feet to a point, said point being the "POINT OF BEGINNING,"

Then, North 00 degrees 12 minutes 40 seconds East a distance of 258.00 feet to a point;

Then, South 89 degrees 39 minutes 17 seconds East a distance of 250.00 feet to a point, said point being located along the westerly right of way line of Airline Drive - Louisiana State Highway 3105;

Then, continuing along said right of way line, South 00 degrees 12 minutes 40 seconds West a distance of 258.00 feet to a point;

Then, departing said right of way line, North 89 degrees 39 minutes 17 seconds West a distance of 250.00 feet to the "POINT OF BEGINNING."

and WHEREAS; a public hearing for the Conditional Use application was held on June 13, 2016; and

WHEREAS; The Planning Department has submitted the results of said public hearing to the Mayor and the City Council of the City of Bossier City.

THE CITY COUNCIL OF THE CITY OF BOSSIER CITY HEREBY ORDAINS:

SECTION 1. That the Conditional Use for retail sales of low content alcohol, for off premise consumption, at a fuel station located in the Northwest corner of Wemple Road and Airline Drive, Section 33, Township 19 North, Range 13 West, Bossier Parish, Louisiana is hereby approved.

Motion was made by Mr. Don Williams and seconded by Mr. Scott Irwin

and adopted on the 6th day of September, 2016 by the following vote:

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

NAYS: Mr. Harvey

ABSENT: none

ABSTAIN: Mr. Free

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David Montgomery, Jr, President

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Phyllis McGraw, City Clerk

C-33-16

Mr. Free abstained from the vote due to a potential financial conflict

Agenda Item Called:

Adopt Zoning Ordinance  
(First and Final Reading)

Petitioner: Wal-Mart Real Estate Business Trust

Location: Section 33, Township 19 North, Range 13 West, the Northwest corner of Wemple Road and Airline Drive, Bossier City, LA

Request: Conditional Use Approval for sale of Low and High Content Alcohol for Off Premise consumption at a Walmart Supercenter.

Sam Marsiglia, MPC Director, outlined Zoning request

Whitley Graves spoke in opposition. (audio on file in Clerk's Office)

The following ordinance offered and adopted:

**ORDINANCE NO. 100 OF 2016**

**AN ORDINANCE APPROVING A CONDITIONAL USE LOCATED IN SECTION 33, TOWNSHIP 19 NORTH, RANGE 13 WEST IN THE NORTHWEST CORNER OF WEMPLE ROAD AND AIRLINE DRIVE, BOSSIER CITY, LOUISIANA FOR THE SALE OF HIGH AND LOW CONTENT ALCOHOL FOR OFF PREMISE CONSUMPTION AT A WALMART SUPERCENTER.**

WHEREAS; Wal-Mart Real Estate Business Trust has applied to the Bossier City-Parish Metropolitan Planning Commission for Conditional Use Approval for the retail sales of high and low content alcohol, for off premise consumption, at a Wal-Mart Supercenter located in the Northwest corner of Wemple Road and Airline Drive, Section 33, Township 19 North, Range 13 West, Bossier Parish, Louisiana; more particularly described as follows:

LOT 1:

A certain tract or parcel of land designated as "LOT 1" of the Wal-Mart Wemple Commercial Development Subdivision, containing 16.422 acres or 715,335 square feet, located in Section 33, Township 19 North, Range 13 West, Bossier Parish, State of Louisiana, being more particularly described as follows:

Commencing at the intersection of the westerly right of way line of Airline Drive - Louisiana State Highway 3105 and the northerly right of way line of Wemple Road, said point being the "POINT OF COMMENCEMENT,"

Then, continuing along the northerly right of way line of Wemple Road, South 89 degrees 59 minutes 59 seconds West a distance of 310.00 feet to a point, said point being the "POINT OF BEGINNING,"

Then, continuing along the northerly right of way line of Wemple Road, South 89 degrees 59 minutes 59 seconds West a distance of 977.81 feet to a point;

Then, departing said right of way line, North 00 degrees 20 minutes 43 seconds East a distance of 735.17 feet to a point;

Then, South 89 degrees 39 minutes 17 seconds East a distance of 976.08 feet to a point;

Then, South 00 degrees 12 minutes 40 seconds West a distance of 729.28 feet to the "POINT OF BEGINNING."

and WHEREAS; a public hearing for the Conditional Use application was held on June 13, 2016; and

WHEREAS; The Planning Department has submitted the results of said public hearing to the Mayor and the City Council of the City of Bossier City.

**THE CITY COUNCIL OF THE CITY OF BOSSIER CITY HEREBY ORDAINS:**

**SECTION 1.** That the Conditional Use for retail sales of high and low content alcohol, for off premise consumption, at a Wal-Mart Supercenter located in the Northwest corner of Wemple Road and Airline Drive, Section 33, Township 19 North, Range 13 West, Bossier Parish, Louisiana is hereby approved.

Motion was made by Mr. Don Williams and seconded by Mr. Scott Irwin

and adopted on the 6th day of September, 2016 by the following vote:

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

NAYS: Mr. Harvey

ABSENT: none

ABSTAIN: Mr. Free

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David Montgomery, Jr, President

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Phyllis McGraw, City Clerk

C-32-16

Mr. Free abstained from the vote due to a potential financial conflict

**The following Ordinance offered and adopted:**

**ORDINANCE NO. 101 OF 2016**

**AN ORDINANCE DECLARING THAT AN EMERGENCY DOES EXIST IN THE CITY OF BOSSIER CITY WHICH AFFECTES PROPERTY, PUBLIC HEALTH, AND SAFETY DUE TO A COLLASPED 42 INCH SEWER MAIN AT THE NORTH EAST WASTE WATER TREATMENT PLANT**

**WHEREAS**, a 42 inch gravity sewer main which runs in the sewer treatment plant did collapsed and created a situation affecting property, public health, and safety.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Bossier City, Louisiana, in regular session convened, hereby declares that this situation affected property, health, and safety due to the collapse of this sewer main at this critical location.

**BE IT FURTHER ORDAINED**, that funds to repair the sewer main will come from the sewer capital and contingency fund, in an amount not to exceed \$610,000.00 (six hundred ten thousand dollars and no cents), 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. Jeff Free, and adopted on the 6th day of September, 2016 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

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David Montgomery, Jr, President

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Phyllis McGraw, City Clerk

By: Mr. Irwin

Motion to introduce an Ordinance to appropriate \$65,000.00 to install a new cross drain at Alfred Lane.

Seconded by Mr. Williams

No comment

Vote in favor of motion is unanimous

By: Mr. Harvey

Motion to introduce an Ordinance approving the acquisition of the property described as 321 Watson Street and 818 Ogilivie Street authorizing the Mayor to sign any and all documents necessary to acquire property necessary for property acquisition in the Old Downtown Area of Bossier city for the Bossier Re-Envisioning Project.

Seconded by Mr. Williams  
No comment  
Vote in favor of motion is unanimous

By: Mr. Harvey  
Motion to introduce an Ordinance appropriating \$2,000,000 to come from the Water Capital Improvement Assessment Fund and authorizing the Mayor to sign any and all documents necessary to acquire properties necessary for the Bossier City Water Treatment Plant Transmission Water Mains Project.  
Seconded by Mr. Williams  
No comment  
Vote in favor of motion is unanimous

By: Mr. Darby  
Motion to introduce an Ordinance declaring funding to submit bids to host the Dixie Junior Boys/Dixie Boys World Series for 2018 in the amount of \$16,000.00.  
Seconded by Mr. Free  
No comment  
Vote in favor of motion is unanimous

By: Mr. Williams  
Motion to introduce an Ordinance authorizing the sale of a certain tract of land located at 406 Ogilvie Street to Carlyn, LLC for the appraised value pursuant to Louisiana R.S. 33:4712.2.  
Seconded by Mr. Harvey  
No comment  
Vote in favor of motion is unanimous

By: Mr. Harvey  
Motion to introduce an Ordinance appropriating \$8,000.00 from the Public Services and Sanitation Fund for additional overtime to spray mosquitos.  
Seconded by Mr. Irwin  
No comment  
Vote in favor of motion is unanimous

**The following Ordinance offered and adopted:**

**Ordinance No. 102 Of 2016**

**AN ORDINANCE DECLARING AN EMERGENCY EXISTS AFFECTING THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC DUE TO FIRE HYDRANT FAILURES ACROSS THE CITY OF BOSSIER CITY.**

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**WHEREAS**, UTILISERVE has been conducting flow test on the Fire Hydrants across the City of Bossier City in 2015 and 2016 and during that time needed repairs were forwarded to the Bossier City Utility Department and only minimal repairs have been accomplished; and

**WHEREAS** these faulty hydrants have affected the ability of the Bossier City Fire Department to protect the public and has directly affected the health, safety and welfare of the public; and

**WHEREAS** numerous fire hydrants are 30 years old, may have the wrong size nozzles, most cannot be isolated without an insert-a-valve being installed to shut off water to them, and all replacements will have shut off valves; and

**WHEREAS**, most hydrants are next to sidewalks and roads requiring site restoration and most will require AEP to respond and support power poles; and

**WHEREAS**, larger areas that will need hydrants replaced will have to be done at night to have as little impact as possible.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of Bossier City, Louisiana, in regular session convened, that an emergency does exist in the City of Bossier City affecting the health, safety, and welfare of the citizens of Bossier City;

**BE IT FURTHER ORDAINED** that the following sums are hereby appropriated from the Sales Tax Capital Improvement Fund;

Fire Hydrant Replacement & Repairs	\$432,258.32
2016 Fire Hydrant Inspection	58,500.00
Fire Hydrant Markers	<u>60,000.00</u>
	\$549,758.32

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 adopted on the 6th day of September, 2016 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

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David Montgomery, Jr, President

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Phyllis McGraw, City Clerk

On Motion of Mr. Scott Irwin, seconded by Mr. Jeff Free, the following resolution was offered:

**RESOLUTION NO. 75 OF 2016**

**A RESOLUTION AUTHORIZING THE CITY OF BOSSIER CITY, LOUISIANA TO PROCEED WITH DEVELOPMENT OF A PROJECT FOR A CURRENT REFUNDING OF CERTAIN OUTSTANDING UTILITIES REVENUE BONDS, SERIES 2010, OF THE CITY; AUTHORIZING ISSUANCE BY THE CITY OF**

**NOT EXCEEDING \$8,000,000 OF UTILITIES  
REVENUE REFUNDING BONDS, 2017 SERIES;  
MAKING APPLICATION TO THE STATE BOND  
COMMISSION AND PROVIDING FOR OTHER  
MATTERS IN CONNECTION THEREWITH.**

**WHEREAS**, the City of Bossier City, Louisiana (the “Issuer”), after examining available data, has determined that there is substantial need within the Issuer for current refunding certain outstanding Utilities Revenue Bonds, Series 2010, by the Issuer, in accordance with the provisions of Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended; and

**WHEREAS**, issuance of utilities revenue refunding bonds of the Issuer will assist in alleviating such need, and deliver to the Issuer positive net present value debt service savings, to the Issuer’s benefit;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Bossier City, Louisiana, as follows:

**SECTION 1.** The City of Bossier City, Bossier Parish, Louisiana is hereby authorized to proceed with a current refunding the Issuer’s outstanding Utilities Revenue Bonds, Series 2010, dated December 15, 2010, on original issue, involving the proposed issuance by the City of Bossier City of not exceeding \$8,000,000 Utilities Revenue Refunding Bonds, 2017 Series (the “Bonds”), to mature on or before October 1, 2022, at a rate or rates not exceeding 4.25% per annum.

**SECTION 2.** Application is hereby formally made to the Louisiana State Bond Commission, pursuant to the provisions of Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended, for consent, approval and authority to issue, sell and deliver the bonds herein authorized, to be secured by and payable from income and revenues derived from the operation of the combined waterworks plant and system and utility system of the Issuer budgeted, allocated, available, dedicated, set aside or otherwise to be utilized to fund or make debt service payments on the Bonds.

By virtue of the 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.** The City Clerk is empowered, authorized and requested to forward to the Louisiana State Bond Commission a certified copy of this resolution which shall constitute a formal application as herein provided.

**SECTION 4.** There being a real public necessity for the retention and employment of legal counsel to provide specialized legal services in connection with issuance of the Bonds by the Issuer, and it appearing that the public interest requires obtaining of such specialized legal services, Joseph A. Delafield, A Professional Corporation, of Lake Charles, Louisiana (“Bond Counsel”), is hereby employed for such purposes. The fee for the work to be performed by Bond Counsel is contingent upon the issuance, sale and delivery of the Bonds, and shall be in accordance with the maximum fee schedule of the Attorney General of the State of Louisiana for comprehensive legal and coordinate professional work of bond attorneys and bond counsel in the issuance of revenue bonds.

**SECTION 5.** The employment of Stifel, Nicolaus & Company, Incorporated, Baton Rouge, Louisiana, as Underwriter in connection with the Bonds is hereby approved. The compensation of the Underwriter shall be payable from the proceeds of the Bonds and shall be subject to the approval of the Issuer and the Louisiana State Bond Commission.

**SECTION 6.** Government Consultants, Inc., Baton Rouge, Louisiana, is hereby appointed as Financial Advisor to the Issuer in connection with issuance, sale and delivery of the Bonds.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Scott Irwin, and second by Mr. Jeff Free, and adopted on the 6<sup>th</sup> day of September, 2016, 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

This resolution was declared adopted on this 6<sup>th</sup> day of September, 2016.

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**DAVID MONTGOMERY, JR.**, President

**PHYLLIS McGRAW**, Clerk of Council

(Other business not pertinent to the present excerpt may be found of record in the official minute book.)

Upon motion duly made and unanimously carried, the meeting was adjourned.

**DAVID MONTGOMERY, JR.**, President

**PHYLLIS McGRAW**, Clerk of Council

**STATE OF LOUISIANA**

**PARISH OF BOSSIER**

I, **PHYLLIS McGRAW**, certify that I am the duly qualified and acting City Clerk for the City of Bossier City, Louisiana.

I further certify that the foregoing is a true and correct copy of an excerpt from the minutes of a public meeting of the City of Bossier City, Louisiana, held on September 6, 2016, and of a resolution adopted at said meeting, as said minutes and resolution appear officially of record in my possession.

**IN FAITH WHEREOF**, witness my official signature and the impress of the official seal of the City of Bossier City, Louisiana, on this, the 6th day of September, 2016.

**PHYLLIS McGRAW**  
Clerk of the Council

[S E A L]

The following Resolution offered and adopted:

**Resolution No. 76 Of 2016**

**A RESOLUTION AUTHORIZING THE HIRING OF A SALES TAX ACCOUNTS CLERK III.**

**WHEREAS**, Ordinance No. 2 of 2010 implemented a hiring freeze requiring Bossier City Council approval for the hiring of any personnel;

**WHEREAS**, the current Sales Tax Accounts Clerk III has resigned effective 8/16/2016 and interviews need to be conducted to find a qualified replacement;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of Bossier City, Louisiana, in regular and legal session convened, that the administration is authorized to hire a person to fill the position of Sales Tax Accounts Clerk III.

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Jeff Free, and seconded by Mr. Don Williams, and adopted on the 6th day of September, 2016 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

\_\_\_\_\_  
David Montgomery, Jr, President

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Phyllis McGraw, City Clerk

By: Mr. Darby

Motion to approve reappointment of Michael Vercher as a representative for the Personnel Board with required referral letter from Bossier Parish Community College. Appointment effective September 4, 2016 and expires September 4, 2019.

Seconded by Mr. Larkin

No comment

Vote in favor of motion is unanimous

By: Mr. Irwin

Motion to introduce an Ordinance to appropriate \$150,000.00 from the 2014 Utility Bond Fund to complete debris removal and fence repairs that were a result of June 2015 Flood and that are not reimbursable by FEMA.

Seconded by Mr. Williams

No comment

Vote in favor of motion is unanimous

**The following Resolution offered and adopted:**

**RESOLUTION NO. 77 OF 2016**

**A RESOLUTION AUTHORIZING ONE FIRE DEPARTMENT LINE EMPLOYEE TO BE REPLACED DUE TO A VACANCY FROM RESIGNATION:**

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**WHEREAS**, Ordinance No. 2 of 2010 implemented a hiring freeze requiring Bossier City Council approval for the hiring of any personnel;

**WHEREAS**, one vacancy will exist in the Fire Department due to a Resignation and filling this position will allow operations to continue;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of Bossier City, Louisiana, in regular and legal session convened, that the administration is authorized to replace one Firefighter position;

The above and foregoing Resolution was read in full at open and legal session convened, was on motion of Mr. Jeff Free, and second by Mr. Don Williams, and adopted on the 6th day of September, 2016 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

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David Montgomery, Jr, President

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Phyllis McGraw, City Clerk

Mr. Darby requested a brief update at the next meeting concerning the Manchac merger.

Council thanked Attorney, Neil Erwin, for his diligence and hard work concerning the Wal-Mart Rezone.

**There being no further business to come before this Council, meeting adjourned at 4:41 PM by Mr. Montgomery, Jr.**

**Respectfully submitted:**

**Phyllis McGraw  
City Clerk**

**Publish: September 14, 2016  
Bossier Press Tribune**