

CITY OF CROWLEY
SPECIAL COUNCIL MEETING
JANUARY 14, 2005

The Mayor and Board of Aldermen of the City of Crowley, Louisiana, the governing authority of the City of Crowley, met in a special session at 12:00 p.m. Friday the 14th day of January, 2005 at the regular meeting place of said Mayor and Board of Aldermen, the City Hall, 426 North Avenue F, Crowley, Louisiana, after the giving and posting of prior notice of said meeting in the manner provided by law.

Mayor de la Houssaye presided with the following Aldermen present: Tiger Istre, Vernon Martin, Mary T. Melancon, Laurita D. Pete, Steven C. Premeaux and Ira Thomas. Absent were James Buatt, Woody Marceaux and Kitty Valdetero.

Alderman Martin led the Pledge of Allegiance to the flag and gave the invocation.

January 13, 2005

**City of Crowley
Special Council Meeting Notice:**

You are hereby notified that a Special Council Meeting of the Mayor and Board of Aldermen of the City of Crowley will be held on Friday January 14, 2005 at 12:00 p.m. in the City Council Chambers at City Hall. The purpose of said meeting will be:

- 1) Consider the adoption of an ordinance authorizing the issuance and sale of \$1.5 million Certificates of Indebtedness, Series 2005, City of Crowley for the purpose of assisting the economic development of a retail center for Lowe's Home Center, Inc. to provide for the terms, conditions and details of the reimbursement obligation and provide for all matters relative thereto;
- 2) Consider resolution to authorize partial payment no. 2 to Quality Builders of Lafayette, L.L.C. for the fire training tower;
- 3) Consider authorizing payment to Quality Builders of Lafayette, L.L.C. of \$750.00 for office/training building concrete slab as per order of Chief; and
- 4) Any Other Legal Items to Come Before the Council.

S/ Isabella L. de la Houssaye .
Isabella L. de la Houssaye, Mayor

The call was posted at City Hall on January 13, 2005 at 8:30 o'clock a.m.

The Police Dept. received the call for circulation on January 13, 2005 at 8:30 o'clock a.m. and copies of the call were delivered to the following:

James M. Buatt	on January 13, 2005 at 9:20 o'clock a.m. by e-mail
Tiger Istre	on January 13, 2005 at 10:28 o'clock a.m. by facsimile
Woody Marceaux	on January 13, 2005 at 10:33 o'clock a.m. by facsimile
Vernon Martin	on January 13, 2005 at 9:48 o'clock a.m. personal service
Mary T. Melancon	on January 13, 2005 at 9:48 o'clock a.m. by telephone
Laurita Pete	on January 13, 2005 at 9:45 o'clock a.m. by telephone
Steven Premeaux	on January 13, 2005 at 9:55 o'clock a.m. personal service
Ira Thomas	on January 13, 2005 at 10:18 o'clock a.m. by facsimile
Kitty Valdetero	on January 13, 2005 at 9:59 o'clock a.m. by telephone
K. P. Gibson	on January 13, 2005 at 9:30 o'clock a.m. by personal service
Thomas K. Regan	on January 13, 2005 at 10:32 o'clock a.m. by facsimile
Judy L. Istre	on January 13, 2005 at 9:30 o'clock a.m. personal service

Alderman Istre offered a motion to recess the special council meeting in order to have a public hearing. Seconded by Alderman Premeaux and duly adopted.

PUBLIC HEARING:

Mayor de la Houssaye opened the public hearing on proposed ordinance no. 1309, the ordinance authorizing the issuance and sale of \$1.5 million Certificates of Indebtedness, Series 2005, City of Crowley was read by title.

Mr. Regan asked for proponents of the proposed ordinance no. 1309. Mr. L. J. Gielen, a member of the Julia John Properties Families, LLC, spoke in favor of this project. He stated that this project will be very beneficial to the city from the standpoint of civic development and economic impact; it will employ new jobs and will attract other businesses to develop that area.

Mr. Regan asked for opponents to the proposed ordinance no. 1309. A third and final call was made with no one coming forward to speak.

Mayor de la Houssaye called the public hearing to a close.

Mayor de la Houssaye reconvened the special meeting with the following Aldermen present: Tiger Istre, Vernon Martin, Mary T. Melancon, Laurita D. Pete, Steven C. Premeaux and Ira Thomas. Absent were James Buatt, Woody Marceaux and Kitty Valdetero.

Alderman Premeaux offered an ordinance authorizing the issuance and sale of \$1.5 million Certificates of Indebtedness, Series 2005, City of Crowley for the purpose of assisting the economic development of a retail center for Lowe's Home Center, Inc. to provide for the terms, conditions and details of the reimbursement obligation and provide for all matters relative thereto. Seconded by Alderman Istre. An amendment was offered by Alderman Premeaux and seconded by Alderman Martin that first describes the sales taxes that will be subject to this particular transaction, secondly that it will specifically contained in the ordinance that in the event the \$1.5 million is not paid at the maturity of the bonds the city will have no further financial obligation and lastly to authorize the Mayor and City Clerk to make any changes to the other documents that are pendent to this ordinance. A roll call vote was taken as follows:

YEAS: Tiger Istre, Vernon Martin, Mary T. Melancon,
Laurita D. Pete, Steven C. Premeaux, and Ira
Thomas

NAYS: None

ABSENT: James M. Buatt, Woody Marceaux and Kitty Valdetero

The following main ordinance as amended was offered by Alderman Martin, duly seconded by Alderwoman Melancon, and duly ordained and adopted.

ORDINANCE NO. 1309

AN ORDINANCE OF THE CITY OF CROWLEY, PARISH OF ACADIA, STATE OF LOUISIANA, PROVIDING FOR THE ISSUANCE, SALE AND DELIVERY OF NOT TO EXCEED \$1.5 MILLION OF CERTIFICATES OF INDEBTEDNESS, SERIES 2005 OF THE CITY OF CROWLEY, STATE OF LOUISIANA PRESCRIBING THE FORM, TERMS, CONDITIONS AND FIXING OF DETAILS AND PROVIDING FOR THE PAYMENT AND PRINCIPAL OF SUCH CERTIFICATES AND ENTERING INTO CERTAIN COVETED AGREEMENTS IN CONNECTION WITH THE SECURITY AND PAYMENT OF SAID CERTIFICATES OF INDEBTEDNESS; MAKE APPLICATION TO THE LOUISIANA STATE BOND

COMMISSION; PROVIDING FOR THE EMPLOYMENT OF BOND COUNSEL AND LOCAL ASSOCIATE COUNSEL; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE THERETO.

WHEREAS, the revenues for the City of Crowley, Louisiana (the "Issuer") for the fiscal year ending August 31, 2004, as reflected in the fiscal year 2003-2004 Budget (which is the fiscal year in which the obligations herein authorized will become outstanding), shows ending fund balances and/or estimated excess of revenues over statutory, necessary and usual charges and all other expenses in such fiscal year; and

WHEREAS, the first payment of one (1) years' debt service will be due in fiscal year 2004-2005 and this governing authority will obligate itself and its successors in office to budget and set aside annually adequate funds for the payment of the certificates in principal and interest in future fiscal years; and

WHEREAS, the Issuer currently receives revenues from the levy, collection and avails of two separate and distinct sales taxes of one-half (.5%) percent and one (1%) percent as described within the Cooperative Endeavor Agreement dated as of January 14, 2005; and

WHEREAS, Sections 2921 through 2925, inclusive, of Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:2921-2925), (the "Act"), and other constitutional and statutory authority supplemental thereto, authorize the Issuer to make and enter into contracts dedicating the excess of annual revenues of subsequent years above statutory, necessary and usual charges to the payment of debt service that is to be borne by the Issuer under such contracts provided that such dedication does not exceed the estimated excess revenue above statutory, necessary and usual charges ("Excess Revenues") for the year in which such contract is made; and

WHEREAS, the Issuer now desires to authorize incurrence of debt in an amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) and the issuance of its Certificates of Indebtedness (the "Certificates") for the purpose of providing funds to assist in the development of a retail center by Lowe's Home Center, Inc., and to pay costs of issuance of the Certificates and to provide otherwise with respect thereto; and

WHEREAS, in connection with issuance of the Certificates, the Issuer desires to authorize filing an application with the Louisiana State Bond Commission (the "Commission") requesting that the Commission approve issuance and sale of the Certificates in accordance with the Act; and

WHEREAS, in connection with issuance of the Certificates, the Issuer has recognized, found and determined that a real necessity exists for the employment of Bond Counsel and Local Associate Counsel; and

WHEREAS, this Ordinance has been duly introduced and notice of this Ordinance and notice of public hearing having been published; and

WHEREAS, a public hearing having been held in accordance with law on the 14th day of January, 2005, at 12:00 o'clock p.m. at City Hall, Crowley, Louisiana;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the City of Crowley, Parish of Acadia, State of Louisiana, acting as the Governing Authority thereof in special session duly convened, that:

SECTION 1. Pursuant to the Act, for the purpose of providing funds to assist in development of a retail center by Lowe's Home Center, Inc. and to pay the costs of issuance of the Certificates, as hereinafter described, the Issuer hereby authorizes the creation of an indebtedness in an amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) to be represented by Certificates of Indebtedness, Series 2005, of the Issuer in like principal amount.

SECTION 2. The Issuer is authorized to borrow not to exceed \$1,500,000 from the purchaser(s) of the Certificates (the "Purchaser") on the terms provided herein. The evidence of such indebtedness shall be represented by the Certificates, which shall be issued in favor of the Purchaser, in substantially the form attached hereto as **Exhibit A**.

SECTION 3. The Certificates shall be special limited revenue obligations of the Issuer and shall be secured by and payable solely from a pledge and dedication of the Excess Revenues of the Issuer in each of the fiscal years during which the Certificates are outstanding. The Certificates shall bear interest at a fixed rate or variable rates not exceeding zero percent (0%) per annum, maturing no later than ten (10) years from the date of issuance of the Certificates and shall be issued under the authority of the Act and other constitutional and statutory authority. In the event any amount of the Certificates remaining outstanding and unpaid upon the final maturity of said Certificates, such remaining amount shall be immediately cancelled and be null and void, and the Issuer shall have no further obligation for repayment of same.

SECTION 4. The Mayor and City Clerk of the Issuer are hereby authorized to prepare, execute and deliver the Certificates upon receipt of an investment letter signed by the Purchaser in substantially the form attached as **Exhibit B** hereto. The Certificates may be transferred by the Purchaser only in accordance with such investment letter. The Mayor and the City Clerk of the Issuer are further authorized to execute and deliver a Cooperative Endeavor Agreement dated as of January 14, 2005, a copy of which is annexed hereto as **Exhibit C** hereto.

SECTION 5. The Certificates shall be delivered to the Purchaser upon payment of the principal amount thereof by the Purchaser.

SECTION 6. This Ordinance shall be published in one issue of the official journal of the Issuer as soon as possible, and a certified copy hereof shall be filed and recorded as soon as possible in the Mortgage Records of the Parish of Acadia, State of Louisiana. The Certificates herein authorized shall be incontestable in the hands of bona fide purchasers thereof for value and no court shall have authority or jurisdiction to inquire into the legality thereof if the validity of the Certificates is not raised within thirty (30) days from the date of the publication of this Ordinance.

SECTION 7. The provisions of this ordinance shall constitute a contract between the Issuer and the owner(s) of the Certificates and shall be enforceable at law or in equity.

SECTION 8. It is hereby recognized, found and determined that a real necessity exists for the employment of Bond Counsel in connection with issuance of the Certificates, and, accordingly, Joseph A. Delafield, A Professional Corporation, Lake Charles, Louisiana, as Bond Counsel, is hereby employed to do and to perform comprehensive, legal and coordinate professional work with respect to issuance and sale of the Certificates, Thomas K. Regan, City Attorney, is hereby employed to do and perform comprehensive legal and coordinate professional work in the Local Associate Counsel category as Issuer's counsel and to assist Bond Counsel in issuance of the Certificates and Cooperative Endeavor Agreement. Issuer's counsel shall advise this Governing Authority with respect to the sale and delivery of the Certificates of Indebtedness and execution of a Cooperative Endeavor Agreement and furnish his opinion covering the legality thereof. Bond Counsel shall (i) prepare and submit to the Issuer for adoption all of the proceedings incidental to authorization, issuance, sale and delivery of the Certificates, (ii) counsel and advise the Issuer with respect to issuance and sale of the Certificates and (iii) furnish its opinion covering the legality of issuance of the Certificates. The fee to be paid Bond Counsel shall be an amount not to exceed that allowed by the Attorney General's then current Bond Counsel Fee Schedule and other guidelines for comprehensive, legal and coordinate professional work in issuance of revenue bonds applied to the actual aggregate principal amount issued, sold, delivered and paid for at the time the Certificates are delivered, together with reimbursement of out-of-pocket expenses incurred and advanced in connection with issuance of the Certificates, the fee for issuance counsel shall fee on an itemized basis in accordance with the Attorney General's guidelines of Local Associate Counsel and hourly fee schedule, plus itemized expense of the Issuer and out-of-pocket expenses of the said Issuer's counsel; said fees and expenses to be payable by the Purchaser. A certified copy of this ordinance shall be submitted to the Attorney General of

the State of Louisiana for his written approval of said employment and of the fees herein designated.

SECTION 9. The Issuer 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, as amended (the "Code") in order to establish, maintain and preserve the exclusion from gross income of interest on the Certificates under the Code. The Issuer further covenants and agrees that it will not take any action within its control to be taken, or permit at any time or times any of the proceeds of the Certificates or any other funds of the Issuer to be used, directly or indirectly, in any manner, the effect of which would be to cause the Certificates to be "arbitrage bonds" or would result in the inclusion of the interest on any of the Certificates in gross income under the Code.

The Certificates are designated as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Code. In making this designation, the Issuer finds and determines that:

- (a) The Certificates are not "private activity bonds" within the meaning of the Code and
- (b) the reasonably anticipated amount of qualified tax-exempt obligations which will be issued by the Issuer and all subordinate entities or entities issuing obligations on behalf of the Issuer in calendar year 2005 does not exceed \$10,000,000.

SECTION 10. The Mayor and the City Clerk of the Issuer are hereby empowered, authorized and directed to take any and all action and to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Ordinance. The Mayor and the City Clerk of the Issuer are hereby further empowered, authorized and directed to make such changes, alterations and/or additions to **Exhibits A, B and C**, annexed hereto, as may be recommended or suggested by Bond Counsel and/or Local Associate Counsel.

SECTION 11. Application is hereby formally made to the Commission for consent and authority for the Issuer to issue, sell and deliver the Certificates. A certified copy of this Ordinance shall be forwarded to the Commission, together with a letter requesting the prompt consideration and approval of this application and other necessary information.

SECTION 12. This ordinance shall take effect immediately upon adoption hereof.

SECTION 13: Should any provision, part, word, section, subsection, sentence, clause or phrase of this Ordinance should be held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance and do hereby declare the provisions hereof to be severable, then in that event, only that particular provision, part, word, section, subsection, sentence, clause or phrase shall be deemed unconstitutional or invalid and the remaining provisions, parts, words, sections, subsections, sentences, clauses or phrases will not be affected and shall continue in full force and effect.

SECTION 14: All ordinances or parts of ordinances inconsistent with or in conflict herewith be and the same are hereby repealed.

THUS DONE, SIGNED AND ADOPTED in special session duly convened on this the 14th day of January, 2005, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: Tiger Istre, Vernon Martin, Mary T. Melancon, Laurita D. Pete, Steven C. Premeaux, and Ira Thomas

NAYS: None

ABSENT: James M. Buatt, Woody Marceaux and Kitty Valdetero

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman Martin, duly seconded by Alderman Thomas, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, AUTHORIZING PARTIAL PAYMENT #2 TO QUALITY BUILDERS OF LAFAYETTE, L.L.C. FOR WORK ON THE FIREMEN'S TRAINING FACILITY SMOKE/BURN BUILDING/TOWER; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the new Crowley of Crowley has begun construction of a Firemen Training Facility which will be done in several phases; and

WHEREAS, Quality Builders of Lafayette, L.L.C. was awarded a contract for the Training Facility Smoke/Burn Building/Tower; and

WHEREAS, the contractor has erected the building and submitted a request for payment; and

WHEREAS, the smoke/burn building/tower and concrete slab have been inspected by the City Engineer and the Fire Chief; and

WHEREAS, the City Engineer and the Fire Chief certified that the contractor has completed 90% of the work and recommend that payment of 90% of the contract amount less the 10% retainage

WHEREAS, the contract amount of \$99,880.00 is subject to deduction for Partial Payment #1 for the purchase of materials and mobilization in the amount of \$40,982.00; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in special session duly convened, that they do hereby authorize Partial Payment #2 in the amount of Thirty-Nine Thousand Nine Hundred Twenty & 80/100 (\$39,920.80) Dollars to Quality Builders of Lafayette, L.L.C. for 90% completion of the work on the smoke/burn building/tower; and

BE IT FURTHER RESOLVED that the Honorable Isabella L. de la Houssaye, Mayor of the City of Crowley, be and she is hereby authorized, empowered and directed to pay the said sum and withhold 10% retainage of the payment amount.

THUS DONE AND ADOPTED in special session duly convened on the 14th day of January, 2005, in Crowley, Acadia Parish, Louisiana.

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

The following resolution was offered by Alderman Istre, duly seconded by Alderman Premeaux, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA

PARISH, LOUISIANA, AUTHORIZING PAYMENT TO QUALITY BUILDERS OF LAFAYETTE, L.L.C. FOR WORK ON THE FIREMEN'S TRAINING FACILITY OFFICE/CLASSROOM BUILDING; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the new Crowley of Crowley has begun construction of a Firemen Training Facility which will be done in several phases; and

WHEREAS, a classroom/office building was obtained by donation and was located on the site; and

WHEREAS, a concrete slab was recommended to provide a safe and clear entrance into the building; and

WHEREAS, the Fire Chief negotiated work with Quality Builders of Lafayette, L.L.C. to construct a concrete slab for a total sum of Seven Hundred & Fifty & No/100 (\$750.00) Dollars;

WHEREAS, the work has been completed as agreed;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in special session duly convened, that they do hereby accept the slab and authorize payment in the total amount of Seven Hundred Fifty & No/100 (\$750.00) Dollars for said work and to withhold the sum of Seventy-Five & No/100 (\$75.00) Dollars for a period of forty-five (45) days until presentation of a clear lien's certificate is made by the contractor; and

BE IT FURTHER RESOLVED, that the Honorable Isabella L. de la Houssaye, Mayor of the City of Crowley, be and she is hereby authorized, empowered and directed to pay Quality Builders of Lafayette, L.L.C. Six Hundred Fifty & No/100 (\$650.00) Dollars immediately and Seventy-Five & No/100 (\$75.00) upon receipt of the clear lien's certificate.

THUS DONE AND ADOPTED in special session duly convened on the 14th day of January, 2005, in Crowley, Acadia Parish, Louisiana.

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

There being no further business to come before the Council upon motion duly made by Alderman Istre and seconded by Alderman Thomas the meeting was adjourned at 12:20 p.m.

ISABELLA L. de la HOUSSAYE, MAYOR

ATTEST:

JUDY L. ISTRE, CITY CLERK

Presented rough draft to Mayor on January 14, 2005 at 4:00 p.m.
Presented for Mayor signature on January 14, 2005 at 4:00 p.m.
Mayor signed & returned to City Clerk on January 19, 2005 at 5:20 p.m.