

CITY OF CROWLEY
SPECIAL COUNCIL MEETING
SEPTEMBER 27, 2010

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 4:30 p.m. Monday the 27th, day of September, 2010 at the regular meeting place of said Mayor and Board of Aldermen, the Council Chambers, 426 North Avenue F, Crowley, Louisiana, after the giving and posting of prior notice of said meeting in the manner provided by law.

Mayor Greg A. Jones presided with the presence of the following Aldermen: J. Elliot Doré, Jeff Doré, Lyle Fogleman, Jr., Vernon Martin, Laurita Pete, Steven Premeaux and Todd Whiting. Alderwomen Mary Melancon and Kitty Valdetero were absent.

Alderman Lyle Fogleman led the Pledge of Allegiance to the flag and Alderman Jeff Doré gave the invocation.

September 22nd, 2010

**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 Monday September 27th, 2010 at 4:30 p.m. in the City Council Chambers at 426 North Avenue F.

The purpose of said meeting will be to consider:

1. Public Hearing for the Purpose of:
 - A) Consider Ordinance No. 1411 to amend ordinance No 1159 - Granting a Franchise to CLECO
2. Ordinances:
 - A) Consider Ordinance No. 1411 to amend ordinance No 1159 - Granting a Franchise to CLECO
3. Software package for Police Department; and
4. Any Other Legal Items to Come before the Council.

Greg A. Jones, Mayor

The call was posted at City Hall on September 16th, 2010 at 10:00 o'clock a.m.
Amended on September 22, 2010 (Software Package)

The call was circulated on September 22nd, 2010 at 3:00 o'clock p.m. and copies of the call were delivered to the following:

Elliot Doré	on September 22, 2010 at 3:07 o'clock p.m. by e-mail
Jeff Doré	on September 22, 2010 at 3:12 o'clock p.m. by telephone
Lyle Fogleman	on September 22, 2010 at 3:31 o'clock p.m. by facsimile
Vernon Martin	on September 22, 2010 at 3:32 o'clock p.m. by facsimile
Mary T. Melancon	on September 22, 2010 at 3:05 o'clock p.m. by telephone
Laurita Pete	on September 22, 2010 at 3:02 o'clock p.m. by telephone
Steven Premeaux	on September 22, 2010 at 3:15 o'clock p.m. by personal service
Kitty Valdetero	on September 22, 2010 at 3:07 o'clock p.m. by e-mail
Todd Whiting	on September 22, 2010 at 3:16 o'clock p.m. by telephone
Thomas K. Regan	on September 22, 2010 at 3:07 o'clock p.m. by e-mail
Tim Mader	on September 22, 2010 at 3:07 o'clock p.m. by e-mail
K. P. Gibson	on September 22, 2010 at 3:00 o'clock p.m. by personal service

Judy L. Istre on September 16, 2010 at 10:00 o'clock a.m. by personal service
K.S.I.G. on September 22, 2010 at 3:42 o'clock p.m. by facsimile
K.A.J.N. on September 22, 2010 at 3:43 o'clock p.m. by facsimile
Crowley Post Signal on September 22, 2010 at 3:49 o'clock p.m. by facsimile
Daily Advertiser on September 22, 2010 at 3:45 o'clock p.m. by facsimile
The Advocate on September 22, 2010 at 3:07 o'clock p.m. by e-mail
K.A.T.C. Channel 3 on September 22, 2010 at 3:07 o'clock p.m. by e-mail
K.L.F.Y Channel 10 on September 22, 2010 at 3:07 o'clock p.m. by e-mail
Chamber of Commerce on September 22, 2010 at 3:46 o'clock p.m. by facsimile

PUBLIC HEARINGS:

Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1411, the ordinance was read by title as follows:

AN ORDINANCE TO AMEND ORDINANCE NO. 1159 GRANTING A FRANCHISE TO CLECO POWER LLC (FORMERLY KNOWN AS CENTRAL LOUISIANA ELECTRIC COMPANY INC.) ("COMPANY"), TO AMEND THE FRANCHISE FOR A PERIOD OF TWENTY (20) ADDITIONAL YEARS FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF ELECTRICAL UTILITIES, ELECTRIC GENERATING FACILITIES AND/OR TRANSMISSION AND DISTRIBUTION SYSTEMS IN, THROUGH AND ACROSS THE CITY OF CROWLEY ("MUNICIPALITY"), AND FOR THE USE OF THE STREETS, ALLEYS AND PUBLIC PLACES OF SAID MUNICIPALITY, IN CONNECTION THEREWITH, FOR THE GENERATION, TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRIC ENERGY, FIXING THE TERMS, CONSIDERATIONS AND LIMITATIONS THEREOF AND PROVIDING FOR PAYMENT BY THE COMPANY, ITS SUCCESSORS AND ASSIGNS (CLECO POWER LLC) OF A SUM EQUAL TO FOUR (4%) PERCENT OF AMOUNTS RECEIVED BY SAID COMPANY FROM THE SALE AND DELIVERY OF ELECTRIC ENERGY AT RETAIL FOR RESIDENTIAL AND COMMERCIAL PURPOSES BASED ON RESIDENTIAL AND COMMERCIAL NET RATES BILLED FOR SERVICE WITHIN THE CORPORATE LIMITS OF SAID MUNICIPALITY, AS SAME MAY NOW OR MAY HEREAFTER LAWFULLY EXISTS; TO PROVIDE OTHER FRANCHISE RIGHTS AND OBLIGATIONS WHICH SHALL EXTEND WITHIN THE CORPORATE LIMITS AS IT EXIST NOW OR HEREAFTER; TO PROVIDE THAT THE FRANCHISE SHALL BE EXTENDED UNTIL MAY 10, 2034; TO PROVIDE THAT THE PROVISIONS OF ORDINANCE NO. 1159 AND THE FRANCHISE AGREEMENT NOT OTHERWISE AMENDED SHALL REMAIN IN FULL FORCE AND EFFECT; TO PROVIDE FOR THE PROVISIONS THEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

Mr. Regan asked for proponents to the proposed ordinance no. 1411. A third and final call was made with no one coming forward to speak.

The call for opponents of the proposed ordinance no. 1411 was made and there were no comments after the third and final call.

Council members asked questions for clarity on the proposed ordinance.

Mayor Greg A. Jones called the public hearing on ordinance no. 1411 to a close.

AGENDA ACTION ITEMS:

Alderman Vernon Martin moved to approve the purchase of the ARMMS software package (Automated Records Management and Mapping System) for the Police Department in the amount of \$16,982 which includes the license and one year maintenance of the software. Seconded by Alderman Todd Whiting and duly adopted.

ORDINANCES:

The following Ordinance was offered by Alderman J. Elliot Doré, duly seconded by Alderman Steven Premeaux and duly ordained and adopted.

ORDINANCE NO. 1411

AN ORDINANCE TO AMEND ORDINANCE NO. 1159 GRANTING A FRANCHISE TO CLECO POWER LLC (FORMERLY KNOWN AS CENTRAL LOUISIANA ELECTRIC COMPANY INC.) (“COMPANY”), TO AMEND THE FRANCHISE FOR A PERIOD OF TWENTY (20) ADDITIONAL YEARS FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF ELECTRICAL UTILITIES, ELECTRIC GENERATING FACILITIES AND/OR TRANSMISSION AND DISTRIBUTION SYSTEMS IN, THROUGH AND ACROSS THE CITY OF CROWLEY (“MUNICIPALITY”), AND FOR THE USE OF THE STREETS, ALLEYS AND PUBLIC PLACES OF SAID MUNICIPALITY, IN CONNECTION THEREWITH, FOR THE GENERATION, TRANSMISSION, DISTRIBUTION AND SALE OF ELECTRIC ENERGY, FIXING THE TERMS, CONSIDERATIONS AND LIMITATIONS THEREOF AND PROVIDING FOR PAYMENT BY THE COMPANY, ITS SUCCESSORS AND ASSIGNS (CLECO POWER LLC) OF A SUM EQUAL TO FOUR (4%) PERCENT OF AMOUNTS RECEIVED BY SAID COMPANY FROM THE SALE AND DELIVERY OF ELECTRIC ENERGY AT RETAIL FOR RESIDENTIAL AND COMMERCIAL PURPOSES BASED ON RESIDENTIAL AND COMMERCIAL NET RATES BILLED FOR SERVICE WITHIN THE CORPORATE LIMITS OF SAID MUNICIPALITY, AS SAME MAY NOW OR MAY HEREAFTER LAWFULLY EXISTS; TO PROVIDE OTHER FRANCHISE RIGHTS AND OBLIGATIONS WHICH SHALL EXTEND WITHIN THE CORPORATE LIMITS AS IT EXIST NOW OR HEREAFTER; TO PROVIDE THAT THE FRANCHISE SHALL BE EXTENDED UNTIL MAY 10, 2034; TO PROVIDE THAT THE PROVISIONS OF ORDINANCE NO. 1159 AND THE FRANCHISE AGREEMENT NOT OTHERWISE AMENDED SHALL REMAIN IN FULL FORCE AND EFFECT; TO PROVIDE FOR THE PROVISIONS THEREOF TO BE SEVERABLE; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL OTHER MATTERS RELATIVE OR PERTAINING THERETO.

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 27th day of September, 2010, at 4:30 o'clock p.m. at City Hall, Crowley, Louisiana; and

WHEREAS, the Mayor and Board of Aldermen find that it is in the best interest of the City of Crowley and the citizens to extend the existing franchise granted to Central Louisiana Electric Company Inc. (now known as Cleco Power LLC) (COMPANY) for an additional twenty (20) years subject to the terms, limitations and conditions provided for herein.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CROWLEY, PARISH OF ACADIA, STATE OF LOUISIANA, IN REGULAR SESSION DULY CONVENED, THAT:

SECTION 1: There is hereby granted unto Cleco Power LLC, a Louisiana Limited Liability Company domiciled in the Parish of Rapides, Louisiana, (hereinafter referred to as "COMPANY"), it successors and assigns, an extension of the non-exclusive Franchise Agreement dated May 10, 1994 for an additional twenty (20) years or until May 10, 2034, subject to the following terms and conditions:

SECTION 2: Section 5 of Ordinance No. 1159 be and the same is hereby amended to read as follows, to-wit:

SECTION 5. This franchise and the rights, authorities and privileges herein granted are not exclusive and are granted for an additional period of twenty (20) years from May 10, 2014 until May 10, 2034 after the date this ordinance becomes effective.

SECTION 3: Section 6 of Ordinance No. 1159 be and the same is hereby amended and reenacted to read as follows, to-wit:

SECTION 6. In consideration of the grant of this franchise:

(a) The Company agrees to pay to the Municipality during the effective period of this franchise, a sum of money equal to four (4%) percent of the amounts receivable by the Company from the sale and delivery of electric energy at retail for residential and commercial purposes based on residential and commercial net rates approved by the Louisiana Public Service Commission billed for service within the limits of the said Municipality exclusive of all taxes and all governmental fees and impositions shown on such bills. It is understood and agreed that no payment shall be due to the Municipality by the Company on amounts receivable from the following classifications of sales

(1) Sales of electricity for resale.
(2) Sales of electricity to the Municipality and to other public authorities, including but not limited to the United States of America, the State of Louisiana and its political subdivisions, including parishes and other municipalities, and all divisions and agencies of any of the foregoing.

(3) Sales of electricity to industrial customers who are identified as those who engage in the business of working raw materials into wares suitable for use or which gives new shapes, qualities or combinations to matter which already has gone through some artificial process and who are billed on or the equivalent of rate schedules GS or LPS on file with the Louisiana Public Service Commission or any rate schedules amending or superseding those rate schedules or any rate schedules filed with the Louisiana Public Service Commission having application to the industrial use.

The period for which the amount payable under this Section shall be computed will commence when this Ordinance becomes effective and the amount shall be paid quarterly, the quarterly periods being fixed on a calendar year basis, and the payments on a quarterly basis shall be made not later than thirty (30) days after the end of each quarter, that is on or before April 30, July 30, October 30 and January 30 of each year and on the payment date, the Company shall furnish to the Municipality a statement showing the total of such amounts receivable by the Company for the preceding quarterly period to which payment of four (4%) percent is applicable. The payments herein provided to be made by the Company to the Municipality will be reduced in an amount equal to the sum of any new or increased taxes of any nature whatsoever levied by the Municipality and payable by the Company, subsequent to the date of this Ordinance (except uniform ad valorem taxes, that is any uniform taxes based on property values).

(b) The Company shall be obligated during the term of this franchise to furnish, operate and maintain a system for lighting the streets of the Municipality and to furnish electric energy for other requirements of the Municipality for facilities owned and operated by the Municipality, all at costs to the Municipality as agreed upon by the Municipality and the Company under contracts to be entered into hereafter, provided however that the validity of this franchise shall not in any way be contingent upon the existence of validity of such contracts.

SECTION 4: Section 7 of Ordinance No. 1159 be and the same is hereby amended to read as follows, to-wit:

SECTION 7. That all of the franchise rights and obligations created hereunder shall be applicable to sales and/or distribution of electric energy by the Company within the corporate limits of the Municipality as same may now or hereafter lawfully exist. The Municipality shall provide to the Company in writing a legal description within six (6) months of said corporate limits as of the effective date of this franchise and shall immediately provide to the company in writing all changes therein. All obligations of the Company under Section 6 of the franchise shall be based upon the last designation of the corporate limits made by the Municipality to the Company pursuant to this Section.

SECTION 5: Section 8 of Ordinance No. 1159 be and the same is hereby amended and reenacted to read as follows, to-wit:

SECTION 8. This amendment of the franchise shall be effective upon its adoption and extend the non-exclusive franchise until May 10, 2034 and upon exercise by the Company of any of the privileges granted hereunder and the fulfillment of its agreements and obligations set forth herein, but may be revoked upon the Company's failure to meet its agreements and obligations to pay the fee set forth in Section 6, following written notice to Company of non-payment, and Company's failure to pay undisputed amounts owed within 45 days of the notice of non-payment. Otherwise, this franchise shall be irrevocable. Company agrees payments of the fee shall be retroactive to that date and paid upon execution of the Franchise Agreement. Further, nothing herein shall be construed to limit the valid exercise of the municipality's police powers and as may be necessary to protect the health, safety and welfare of its citizens.

SECTION 6: Ordinance No. 1159 be and the same is hereby amended to add Section 9 to read as follows, to-wit:

SECTION 9. Nothing herein shall be construed to constitute the grant of a franchise for the provision of any service, other than electrical, to citizens within the municipality.

SECTION 7: Ordinance No. 1159 be and the same is hereby amended to add Section 10 to read as follows, to-wit:

SECTION 10: Notwithstanding any other provisions of the franchise agreement to the contrary, including without limitation this section, in the event of: (1) deregulation of the electric utility industry in Louisiana as the result of any applicable law or any order, rule or regulations of the Louisiana Public Service Commission or any regulatory body having jurisdiction over the Company; (2) Company ceases to generate electric energy as a regulated electric public utility for sale to the public; and (3) Company distributes kilowatt hours of electric energy to customers in the Municipality which has been generated by the Company or others, then the provisions of Section 6 of the franchise agreement, including subparagraphs (a) and (b) thereof, shall no longer apply and in that event, Company shall thereafter pay to the Municipality four (4%) percent of only those amounts received by the Company from its customer solely for the distribution of kilowatt hours of electric energy to its customers located within the Municipality based on residential and commercial net rates approved by the Louisiana Public Service Commission, exclusive of taxes and all governmental fees and impositions shown on the bills for such service; and, without limitation of the foregoing, there shall be excluded from those amounts: (a) all charges made to said customers by the party who generated and/or supplied and/or sold said kilowatt hours of electric energy which was distributed to said customers by the Company; (b) all charges made by the Company to any customer for kilowatt hours of electric energy purchased by the Company from an electric generator or supplier because such customer had not purchased electric energy from an electric generator or supplier; and (c) all charges and amounts received by the Company from customers on behalf of any electric generator or supplier for the sale of kilowatt hours of electric energy to said customers by said electric generator or supplier; it being the intention of this provision that the four (4%) percent provided for in Section 6 shall apply only to amounts received by the Company solely for the distribution of kilowatt hours of electric energy to said customers in the Municipality and not to amounts received by the Company from the sale of kilowatt hours of electric energy to said customers by anyone, including the Company, and Section 6 shall be considered modified to reflect the foregoing.

SECTION 8: Ordinance No. 1159 be and the same is hereby amended to add Section 11 to read as follows, to-wit:

SECTION 11. Except as hereby modified or amended hereinabove, the remaining sections and provisions of Ordinance No. 1159 and the franchise agreement shall remain in full force and effect and are hereby reenacted as amended during the entire extended term of the non-exclusive franchise.

SECTION 9: Ordinance No. 1159 be and the same is hereby amended to add Section 12 to read as follows, to-wit:

SECTION 12: If 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 and phrases will not be affected and shall continue in full force and effect.

SECTION 10: Ordinance No. 1159 be and the same is hereby amended to add Section 13 to read as follows, to-wit:

SECTION 13: 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 27th day of September, 2010, at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: J. Elliot Doré, Jeff Doré, Lyle Fogleman, Vernon Martin, Laurita Pete, Steven Premeaux, and Todd Whiting

NAYS: None

ABSTAIN: None

ABSENT: Mary Melancon, and Kitty Valdetero

GREG A. JONES, MAYOR

ATTEST:

JUDY L. ISTRE, CLERK

There being no further business to come before the Council upon motion duly made by Alderman Vernon Martin and seconded by Alderman Steven Premeaux the meeting was adjourned at 4:45 p.m.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

Presented rough draft to Mayor on September 28, 2010 at 10:15 a.m.

Presented for Mayor's signature on September 28, 2010 at 10:15 a.m.

Mayor signed & returned to City Clerk on September , 2010 at .m.