

CITY OF CROWLEY
SPECIAL COUNCIL MEETING
SEPTEMBER 29, 2009

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 3:15 p.m. Tuesday the 29th, day of September, 2009 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: Jeff Doré, Vernon Martin, Mary Melancon, Laurita Pete, and Steven Premeaux. Alderman J. Elliot Doré, Lyle Fogleman, Jr., Kitty Valdetero and Todd Whiting were absent.

The following call was read

September 28, 2009

**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 Tuesday September 29th, 2009 at 3:15 p.m. in the City Council Chambers at 426 North Avenue F.

The purpose of said meeting will be to consider:

- 1) Potential litigation and anticipate going into Executive Session; and
- 2) Any Other Legal Items to Come before the Council.

S/ Greg A. Jones
Greg A. Jones, Mayor

The call was posted at City Hall on September 28th, 2009 at 3:00 o'clock p.m. and was circulated to the following:

Elliot Doré	on September 28, 2009 at 2:58 o'clock p.m. by e-mail
Jeff Doré	on September 28, 2009 at 2:55 o'clock p.m. by telephone
Lyle Fogleman	on September 28, 2009 at 3:08 o'clock p.m. by facsimile
Vernon Martin	on September 28, 2009 at 3:09 o'clock p.m. by facsimile
Mary T. Melancon	on September 28, 2009 at 2:52 o'clock p.m. by telephone
Laurita Pete	on September 28, 2009 at 2:59 o'clock p.m. by telephone
Steven Premeaux	on September 28, 2009 at 2:50 o'clock p.m. by telephone
Kitty Valdetero	on September 28, 2009 at 2:58 o'clock p.m. by e-mail
Todd Whiting	on September 28, 2009 at 3:01 o'clock p.m. by telephone
Thomas K. Regan	on September 28, 2009 at 2:58 o'clock p.m. by e-mail
Tim Mader	on September 28, 2009 at 2:58 o'clock p.m. by e-mail
K. P. Gibson	on September 28, 2009 at 2:58 o'clock p.m. by e-mail
Judy L. Istre	on September 28, 2009 at 2:50 o'clock p.m. by personal service
K.S.I.G.	on September 28, 2009 at 3:18 o'clock p.m. by facsimile
K.A.J.N.	on September 28, 2009 at 3:19 o'clock p.m. by facsimile
Crowley Post Signal	on September 28, 2009 at 3:20 o'clock p.m. by facsimile
Dailey Advertiser	on September 28, 2009 at 3:21 o'clock p.m. by facsimile
The Advocate	on September 28, 2009 at 2:58 o'clock p.m. by e-mail
K.A.T.C. Channel 3	on September 28, 2009 at 2:58 o'clock p.m. by e-mail
K.L.F.Y Channel 10	on September 28, 2009 at 2:58 o'clock p.m. by e-mail
Chamber of Commerce	on September 28, 2009 at 2:58 o'clock p.m. by e-mail

AGENDA AMENDMENTS:

Alderwoman Mary Melancon moved to amend the agenda to consider the removal from the city's inventory; a 1998 Gradall G3WD excavator serial # 0136363, Badger V60 excavator and a 1993 Elgin Eagle street sweeper serial # 0F0373D. Seconded by Alderwoman Kitty Valdetero and duly adopted after a unanimous vote.

AGENDA ACTION ITEMS:

Alderman Vernon Martin moved that the Board adjourn and go into Executive Session based on the threat of litigation that was initiated by Stelly Construction, Inc. for the retrograde and replacement work to a portion of Crowley's sewer system. Seconded by Alderwoman Mary Melancon and duly adopted.

The Board of Aldermen returned to the chamber from Executive Session.

Mayor Greg A. Jones reconvened the meeting from Executive Session at 3:44 p.m. and the roll was called with the following members present: Aldermen: Jeff Doré, Vernon Martin, Mary Melancon, Laurita Pete, and Steven Premeaux. Alderman J. Elliot Doré, Lyle Fogleman, Jr., Kitty Valdetero and Todd Whiting were absent.

The following resolution was offered by Alderman Vernon Martin, duly seconded by Alderwoman Mary Melancon, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, AUTHORIZING THE MAYOR TO TAKE APPROPRIATE ACTION UPON THE ADVICE OF COUNSEL AS MAY BE DEEMED NECESSARY OR REQUIRED IN PENDING LITIGATION; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the City of Crowley has been served with a citation and Petition for Damages titled "*Stelly Construction Inc. vs. City of Crowley*" bearing Docket No. 200911058 on the docket of the 15th Judicial District Court; and

WHEREAS, the suit makes certain claims and allegations that amounts are owed to Stelly Construction Inc. for damages for increased costs, losses and expenses during the performance of the contract known as the "West Crowley Sewer Collection System Replacement Project"; and

WHEREAS, the claim involves work based on plans and specifications provided by Mader Engineering Inc. and its predecessor, Mader-Miers Engineering Inc; and

WHEREAS, in order to preserve certain claims, rights and causes of action which the City of Crowley may or may not have but nevertheless may expire by provisions of law, it is necessary that the Mayor be authorized and granted the discretion to act upon the advice of counsel in an appropriate manner to respond to the allegations of the above captioned suit and to engage additional legal services in his sole discretion;

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in special session duly convened that they do hereby authorize, empower and grant discretion to the Honorable Greg A. Jones, Mayor of the City of Crowley, to take such acts or actions, to preserve legal claims, rights and causes of action which the City may have upon the advice of counsel, to engage additional legal services in his sole discretion and at his discretion to negotiate certain terms and conditions of agreements between the parties and insurers as may be necessary and beneficial to the City regarding the above captioned suit..

THUS DONE AND ADOPTED in special session duly convened on the 29th day of September, 2009, in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

A motion was offered by Alderwoman Mary Melancon and seconded by Alderman Steven Premeaux to declare as junk, remove from inventory and dispose of a 1998 Gradall G3WD excavator serial # 0136363, Badger V60 excavator and a 1993 Elgin Eagle street sweeper serial # 0F0373D by "trade in" on the lease purchase of new equipment. Motion carried.

There being no further business to come before the Council upon motion duly made by Alderwoman Mary Melancon and seconded by Alderman Steven Premeaux the meeting was adjourned at 3:55 p.m.

GREG A. JONES, Mayor

ATTEST:

JUDY L. ISTRE, City Clerk

Presented rough draft to Mayor on September 30th, 2009 at 11:00 a.m.
Presented for Mayor's signature on September 30th, 2009 at 3:45 p.m.
Mayor signed & returned to City Clerk on September 30th, 2009 at 4:00 p.m.