

REGULAR MEETING OF THE KENNER CITY COUNCIL

MAY 19, 2023 – 11:00 A.M.

KENNER HERITAGE HALL, 303 WILLIAMS BOULEVARD, KENNER, LA 70062

POSTED < 3:00 P.M. MAY 15, 2023

IN ACCORDANCE WITH COUNCIL RESOLUTION NO. B-14550, PLEASE BE ADVISED THAT ALL CELLULAR TELEPHONES AND OTHER DEVICES OF THIS NATURE MUST BE DEACTIVATED OR SILENCED THROUGHOUT THE COUNCIL MEETING

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MEETING CALLED TO ORDER

INVOCATION/PLEDGE OF ALLEGIANCE

ROLL CALL – COUNCILMEMBERS

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CORRESPONDENCE: REPORTS FROM MAYOR, CAO OR DEPARTMENT HEADS

At the request of the Administration and Police Chief, executive sessions regarding the following:

1. *Veolia Water North America Operating Services, LLC and Professional Services Group, Inc. v. the City of Kenner, Eastern District of LA No. 2:21-cv-00327.*
2. *Diann Atkins v. J.M.M. Investments, LLC, Mesa Underwriters Specialty Insurance Company, and The City of Kenner*  
*24<sup>th</sup> JDC 814-020 Division B*

**Motion by Councilmember Branigan, Seconded by  
Councilmember Brennan, to adjourn into executive session  
Motion Carried 7/0**

**Motion by Councilmember Branigan, Seconded by  
Councilmember Brennan, to reconvene from executive session  
Motion Carried 7/0**

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RESOLUTIONS, MOTIONS, AND OTHER ITEMS FROM THE FLOOR

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CONSENT AGENDA

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1. APPROVAL OF MINUTES, the regular Council Meeting of May 4, 2023.
2. APPROVAL OF ALCOHOLIC BEVERAGE PERMIT APPLICATIONS
3. APPROVAL OF BINGO AND PUBLIC GATHERING APPLICATIONS

**3-A. Application No. 2331-23 North American Midway Entertainment- Amusement South, LLC to hold public gatherings from May 26 – June 4, 2023, Weekdays 5:00 p.m. to 11:00 p.m., Weekends 1:00 p.m. to 11:00 p.m. for the purpose of a Community Carnival at The Esplanade Mall, 1401 W. Esplanade Ave., Kenner, Louisiana.**

**Motion by Councilmember McKinney, Seconded by  
Councilmember Willmott, to approve  
Motion Carried 7/0  
Application No. 2331-23**

**3-B. Application No. 2336-23 Retail Sports Marketing, Inc. to hold a public gathering from May 21, 2023 from 10:00 a.m. to 2:00 p.m. for the purpose of Sam's Club 40<sup>th</sup> Birthday Celebration at Sam's Club, 455 31<sup>st</sup> Street, Kenner, Louisiana.**

**Motion by Councilmember McKinney, Seconded by  
Councilmember Willmott, to approve  
Motion Carried 7/0  
Application No. 2336-23**

4. ACCEPTANCE/REJECTION OF BIDS REQUIRING AN EXPENDITURE OF LESS THAN FIVE THOUSAND DOLLARS (\$5,000.00)
  5. CHANGE ORDERS REQUIRING AN EXPENDITURE OF LESS THAN FIVE THOUSAND DOLLARS (\$5,000.00)
  6. ACCEPTANCE OF COMMITTEE FINDINGS (FINAL PASSAGE)
  7. RESUBDIVISION ORDINANCES (FINAL PASSAGE)
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PUBLIC APPEARANCE AGENDA

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8. PUBLIC HEARINGS AND FINAL PASSAGE
  - 8-A. A PUBLIC HEARING AND FINAL PASSAGE regarding Summary Ordinance No. 13,230, an ordinance adopting the Operating Budget for the City of Kenner for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024.

**Motion by Councilmember McKinney, Seconded by  
Councilmember Branigan, to approve  
Motion Carried 7/0  
Ordinance No. 12,252**
  - 8-B. A PUBLIC HEARING AND FINAL PASSAGE regarding Summary Ordinance No. 13,243, an ordinance adopting the Capital Budget for the City of Kenner for the Fiscal Year beginning July 1, 2023 and ending June 30, 2024.

**Motion by Councilmember Brennan, Seconded by  
Councilmember McKinney, to approve  
Motion Carried 7/0  
Ordinance No. 12,253**
  - 8-C. A PUBLIC HEARING AND FINAL PASSAGE regarding Summary Ordinance No. 13,250, an ordinance amending Chapter 2 "Administration" to add Article VII, - Requirements for HUD Section 3 "Covered Projects" to the Kenner Code of Ordinances.

**Motion by Councilmember Willmott, Seconded by  
Councilmember LaHatte, to approve  
Motion Carried 7/0  
Ordinance No. 12,254**
9. ORDINANCES FOR THE SALE, PURCHASE, TRANSFER, LEASE, AND/OR ALIENATION OF IMMOVABLE PROPERTY
10. OPENING OF BID
11. RECLASSIFICATION OF ZONING (FINAL PASSAGE)
12. OTHER ORDINANCES (FINAL PASSAGE)
  - 12-A. Summary Ordinance No. 13,227, an ordinance repealing Resolution No. B-17293, adopted October 6, 2022, and implementing requirements for the approval of the settlement of lawsuits against the City of Kenner.

**Motion by Councilmember Willmott, Seconded by  
Councilmember McKinney, to defer for one meeting  
Motion Carried 7/0**
  - 12-B. Summary Ordinance No. 13,251, an ordinance authorizing the City of Kenner to hold a public auction on June 8, 2023 to sell surplus movable property no longer needed for public purpose and setting the terms and disposition of proceeds from the sale.

**Motion by Councilmember Brennan, Seconded by  
Councilmember Scharwath, to approve  
Motion Carried 7/0  
Ordinance No. 12,255**
13. RESOLUTIONS AND MOTIONS BY COUNCILMEMBERS
  - 13-A. A resolution authorizing a settlement in the lawsuit entitled Veolia Water North America Operating Services, LLC and Professional Services Group, Inc. v. the City of Kenner, Eastern District of LA No.: 2:21-cv-00327.

**Motion by Councilmember Branigan, Seconded by  
Councilmember LaHatte, to approve  
Motion Carried 6/0 Willmott Abstained  
Resolution No. B-17328**

13-B. A resolution authorizing a settlement in the lawsuit entitled Danks v. Phillip Grayson, et al., Case No. 2:21-cv-1806.

**Motion by Councilmember Dunn, Seconded by  
Councilmember LaHatte, to defer for one meeting  
Motion Carried 7/0**

13-C. A resolution authorizing a settlement in the lawsuit entitled Diann Atkins v. J.M.M. Investments, LLC, Mesa Underwriters Specialty Insurance Company, and the City of Kenner, 24<sup>th</sup> Judicial District Court, Case No. 814-020, Division B

**Motion by Councilmember Dunn, Seconded by  
Councilmember Scharwath, to approve  
Motion Carried 7/0  
Resolution No. B-17329**

13-D. A resolution selecting the New Orleans Advocate as the Official Journal for the City of Kenner for the Fiscal Year 2023-2024.

**Motion by Councilmember Willmott, Seconded by  
Councilmember McKinney, to approve  
Motion Carried 7/0  
Resolution No. B-17330**

14. ITEMS REMOVED FROM THE CONSENT AGENDA

15. ACCEPTANCE OF CONTRACTS AND SIMILAR MATTERS APPROVED BY THE MAYOR

15-A. Summary Ordinance No. 13,228, an ordinance approving an agreement with Cross Road Centers Transportation, LLC for wastewater sludge hauling and sludge trailer maintenance and repairs in an amount not to exceed \$150,000.00.

**Motion by Councilmember Brennan, Seconded by  
Councilmember Dunn, to approve  
Motion Carried 6/1 LaHatte opposed  
Ordinance No. 12,256**

15-B. Summary Ordinance No. 13,244, an ordinance accepting the lowest responsive bid received from Barriere Construction Company, LLC to supply asphalt materials on as needed basis in accordance with Sealed Bid No. 23-6752 in an amount not to exceed \$60,000.00 annually for the Department of Field Services.

**Motion by Councilmember Scharwath, Seconded by  
CouncilmemberDunn , to approve  
Motion Carried 7/0  
Ordinance No. 12,257**

15-C. Summary Ordinance No. 13,245, an ordinance accepting the lowest responsive bid received from Armstrong's Supply Company, Inc. to supply electrical supplies on an as needed basis in accordance with Sealed Bid No. 23-6742 in an amount not to exceed \$200,000.00 annually for the Department of Field Services.

**Motion by Councilmember Willmott, Seconded by  
Councilmember Scharwath, to approve  
Motion Carried 7/0  
Ordinance No. 12,258**

15-D. Summary Ordinance No. 13,246, an ordinance accepting the lowest responsive bid received from Automated Control Systems, Inc. to purchase Generator Load Testing supplies in accordance with Letter Bid No. 23-2063 in the amount of \$19,872.00 for the Department of Public Works.

**Motion by Councilmember McKinney, Seconded by  
Councilmember Willmott, to approve  
Motion Carried 7/0  
Ordinance No. 12,259**

15-E. Summary Ordinance No. 13,247, an ordinance approving Change Order No. 3 (FINAL) to the agreement with Hard Rock Construction, LLC dated May 23, 2019 regarding West Esplanade Avenue Bridges at Duncan Canal, State Project No. H.011731.6, Federal Aid Project H011731, Kenner Public Works Project No. 2014-001A-CIP for a decrease of \$113,234.00 and to accept the completion of the project as constructed for the Department of Public Works.

**Motion by Councilmember Branigan, Seconded by  
Councilmember Willmott, to approve  
Motion Carried 7/0  
Ordinance No. 12,260**

15-F. Summary Ordinance No. 13,248, an ordinance ratifying the policy and rates for Commercial Property Insurance for the City of Kenner for the policy year June 1, 2023, through May 31, 2024.

**Motion by Councilmember Brennan, Seconded by  
Councilmember McKinney, to approve  
Motion Carried 6/0 Scharwath Absent  
Ordinance No. 12,261**

15-G. Summary Ordinance No. 13,249, an ordinance accepting the lowest responsive bid received from DPC Enterprises, L.P. for a contract to provide Sodium Hypochlorite on an as needed bases in accordance with Sealed Bid No. 23-6746 in an amount not to exceed \$130,410.00 annually for the Department of Wastewater.

**Motion by Councilmember Willmott, Seconded by  
Councilmember Dunn, to approve  
Motion Carried 6/0 Scharwath Absent  
Ordinance No. 12,262**

16. ORDINANCES/RESOLUTIONS IN SUMMARY (FIRST READING)

16-A. Summary Ordinance No. 13,254, an ordinance accepting the lowest responsive bid received from Beacon Air Conditioning, Heating and Refrigeration, Inc. to furnish and install a three (3) ton air conditioning and heating system at the Hispanic Resource Center, 4312 Florida Avenue, Kenner, in accordance with Letter Bid 23-2073 in the amount of \$9,200.00 for the Department of General Services.

16-B. Summary Ordinance No. 13,255, an ordinance accepting the lowest responsive bid received from Dom Development Corporation to provide carpentry services (Labor Only) for post hurricane restoration in accordance with Sealed Bid 23-6760 in an amount not to exceed \$200,000.00 for the Department of General Services.

16-C. Summary Ordinance No. 13,256, an ordinance accepting the lowest responsive bid received from Gil's Carpet Sales, Inc. to furnish and install LVT Flooring at the Lagniappe Theatre in Rivertown in accordance with Letter Bid 23-2068 in the amount of \$12,768.00 for the Department of General Services.

16-D. Summary Ordinance No. 13,257, an ordinance accepting the lowest responsive bid received from MRP Contractors LLC to supply roofing materials for Muss Bertolino Locker Room Roof in accordance with Letter Bid 23-2067 in the amount of \$8,740.98 for the Department of General Services.

16-E. Summary Ordinance No. 13,258, an ordinance approving the second addendum to the video services agreement extending the franchise of DirecTV, LLC.

16-F. Summary Ordinance No. 13,259, an ordinance accepting the permanent donation of four (4) works of art currently on loan from Henry and Pat Shane.

16-G. Summary Ordinance No. 13,260, an ordinance accepting the lowest responsive bid received from Christmas Village, LLC to repair various LED Christmas figures in accordance with Sealed Bid No. 23-6758 in the amount of \$30,925.00 for the Department of Public Works.

16-H. Summary Ordinance No. 13,261, an ordinance approving an agreement with the Louisiana Department of Transportation and Development (DOTD), State Project No. H.015554, Federal Aid Project No. H015554 regarding Loyola Drive Resurfacing from 31<sup>st</sup> Street to West Loyola Dr., City of Kenner project.

16-I. Summary Ordinance No. 13,262, an ordinance approving an agreement with the Louisiana Department of Transportation and Development (DOTD), State Project No. H.015561, Federal Aid Project No H015561 regarding Vintage Drive Eastbound resurfacing from Duncan Canal to Power Boulevard, City of Kenner project.

16-J. Summary Ordinance No. 13,263, an ordinance approving an agreement with the Louisiana Department of Transportation and Development (DOTD), State Project No. H.015562, Federal Aid Project No. H015562 regarding Veterans Memorial Boulevard resurfacing from Williams Blvd. (LA-49) to Roosevelt Blvd., City of Kenner project.

- 16-K. Summary Ordinance No. 13,264, an ordinance accepting the lowest responsive bid received from Hahn Enterprises, Inc. to furnish and install Backstop Padding at Galatas Playground in accordance with Letter Bid No. 23-2070 in the amount of \$5,295.00 for the Department of Parks and Recreation.
- 16-L. Summary Ordinance No. 13,265, an ordinance ratifying the Emergency Replacement of Pump No. 2 Rotating Assembly at Duke and Trinity Lift Station by Delta Process Equipment in the amount of \$5,867.00 for the Department of Wastewater.
- 16-M. Summary Ordinance No. 13,266, an ordinance ratifying the Emergency Repair of Pump No. 2 at West Oglethorpe Lift Station by Fluid Process & Pumps, LLC in the amount of \$7,330.00 for the Department of Wastewater.
- 16-N. Summary Ordinance No. 13,267, an ordinance ratifying the Emergency Repair of Pump No. 3 at West Oglethorpe Lift Station by Fluid Process & Pumps, LLC in the amount of \$15,388.00 for the Department of Wastewater.
- 16-O. Summary Ordinance No. 13,268, an ordinance approving an engineering agreement with MSMM Engineering, LLC to provide professional engineering services associated with the St. Jude Sewer Lift Station upgrades project in an amount not to exceed \$68,000.00 for the Department of Wastewater.
- 16-P. Summary Ordinance No. 13,269, an ordinance ratifying the Emergency Repair of Pump No. 3 at West Stanford Lift Station by Fluid Process & Pumps, LLC in the amount of \$14,320.00 for the Department of Wastewater.
- 16-Q. Summary Ordinance No. 13,270, an ordinance authorizing the filing of a pre-application, full application and issue debt in the amount of \$4,000,000.00 to the Louisiana Department of Environmental Quality (LDEQ) for the purpose of placing the City of Kenner on a priority list for funding through the Clean Water State Revolving Fund Loan Program for the Department of Wastewater.
- 16-R. Summary Ordinance No. 13,271, an ordinance ratifying the Emergency Purchase of a 250HP Blower Motor for the Wastewater Treatment Plant by Precision PSI, LLC in the amount of \$22,985.00 for the Department of Wastewater.
- 16-S. Summary Ordinance No. 13,272, an ordinance ratifying the Emergency Repair of Pump No. 1 at 33<sup>rd</sup> and Connecticut Lift Station by Precision PSI, LLC in the amount of \$36,220.22 for the Department of Wastewater.
- 16-T. Summary Ordinance No. 13,273, an ordinance ratifying the Emergency Repair of Blower #1 250HP Motor for the Wastewater Treatment North Plant by Precision PSI, LLC in the amount of \$17,583.70 for the Department of Wastewater.
- 16-U. Summary Ordinance No. 13,274, an ordinance ratifying the Emergency Repair of the Conveyor System in the Belt Press Building of the Wastewater Treatment Plant by Serpentix Conveyor Corp. in the amount of 10,620.00 for the Department of Wastewater.
- 16-V. Summary Ordinance No. 13,275, an ordinance accepting the lowest responsive bid received from Fluid Process & Pumps, LLC to purchase two (2) Pump Motors for Sewer Lift Station at Kenner City Park in accordance with Letter Bid No. 23-2069 in the amount of \$16,650.00 for the Department of Public Works.
- 16-W. Summary Ordinance No. 13,276, an ordinance approving amendment No. 1 to the agreement with Moon's Towing Service, Inc. for hauled waste to increase the agreement amount to \$400,000.00 annually.
- 16-X. Summary Ordinance No. 13,277, an ordinance approving the health insurance policy and rates for health insurance coverage for the City of Kenner Employees/Retirees/Dependents for the Fiscal Year July 1, 2023 through June 30, 2024 with Blue Cross Blue Shield of Louisiana.
- 16-Y. Summary Ordinance No. 13,278, an ordinance approving an agreement with Ceres Environmental Services, Inc., to provide post disaster debris collection, processing and disposal services in accordance with RFP No. 23-6742.

16-Z. Summary Ordinance No. 13,279, an ordinance authorizing an agreement with Tetra Tech, Inc. to provide post-disaster debris management and monitoring services in accordance with RFP-23-6743.

17. REPORTS FROM THE COUNCIL AND/OR SPECIAL COMMITTEES
18. NEW BUSINESS
19. UNFINISHED BUSINESS AND/OR MOTIONS TO RECONSIDER OR REMOVE FROM A TABLED POSITION
20. PERSONS WISHING TO ADDRESS THE COUNCIL ON SPECIAL SUBJECT MATTERS
21. MOTION TO ADJOURN