

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF GONZALES, STATE OF LOUISIANA TAKEN ON SEPTEMBER 11, 2017, 5:30 P.M. AT CITY HALL 120 S. IRMA BLVD.

MEMBERS PRESENT:

Mayor Barney Arceneaux
Councilman Kirk Boudreaux
Councilman Harold Stewart

Councilman Tyler Turner
Councilman Neal Bourque
Councilman David Guitreau

MEMBERS ABSENT: NONE

ALSO PRESENT:

Lisa Babin, Administrative Secretary
Erin Lanoux, City Attorney
Sherman Jackson, Chief of Police

Clay Stafford, City Clerk
Cathy Derbonne, Chief Administrative Officer

Motion by Councilman Kirk Boudreaux, seconded by Councilman Harold Stewart to approve the Council Meeting Minutes taken, August 28, 2017.

YEAS: Councilman Kirk Boudreaux, Councilman Harold Stewart, Councilman Tyler Turner,
Councilman Neal Bourque, Councilman David Guitreau

NAYS: NONE

ABSENT: NONE

Motion by Councilman David Guitreau, seconded by Councilman Kirk Boudreaux to introduce Ordinance No. 4031:

AN ORDINANCE AMENDING THE CODE OF ORDINANCE
CHAPTER 22. ZONING. SEC. 22-6 ADMINISTRATION.
(b) *PROCEDURES*. (6) *SPECIAL USE PERMIT*. TO APPROVE
THE REQUEST OF THE NARRA FAMILY, LLC FOR A
SPECIAL USE PERMIT TO ALLOW CONSTRUCTION OF
AN INDOOR MULTI-STORY STORAGE FACILITY.

BE IT ORDAINED BY Mayor and Councilman of the City of Gonzales, Louisiana:

That the Code of Ordinance Chapter 22. Zoning. Section 22-6 Administration. Be hereby amended as follows:

Chapter 22. ZONING.

Sec. 22-6. Administration.

(b) *Procedures*.

(6) *Special Use Permit*.

To allow construction of an indoor Multi-Story Storage Facility on approximately 4.0 acres
situated on the southeast corner of S. Burnside and Hwy 30.

Final vote on the foregoing amendment to be taken at the next regular City Council Meeting scheduled for September 25, 2017.

Motion by Councilman Neal Bourque, seconded by Councilman Tyler Turner to introduce Ordinance No. 4032:

AN ORDINANCE AMENDING THE CODE OF ORDINANCE
CHAPTER 22. ZONING. SEC. 22-2. ZONING DISTRICTS.
TO APPROVE THE REQUEST OF THE BRUNO FAMILY
IRREVOCABLE TRUST TO REZONE TWO CERTAIN PARCELS.

OF PROPERTY FROM IT'S EXISTING B-1 ZONE TO A C-2 ZONE.

BE IT ORDAINED BY Mayor and Councilman of the City of Gonzales, Louisiana:

That the Code of Ordinance Chapter 22. Zoning. **Section 22-2. Zoning districts.** Be hereby amended as follows:

Chapter 22. ZONING.

Sec. 22-2. Zoning districts

Two certain parcels of property consisting of approximately 1.31 acres situated on the northeast corner of E. Worthey Road and S. Audubon Place Ave from its existing B-1 zone to a C-2 zone.

Final vote on the foregoing amendment to be taken at the next regular City Council Meeting scheduled for September 25, 2017.

Final vote on Ordinance No. 4030:

AN ORDINANCE AMENDING THE CODE OF ORDINANCE
APPENDIX A FRANCHISES* (ADD) ARTICLE X. TO READ:

BE IT ORDAINED BY Mayor and Councilman of the City of Gonzales, Louisiana:

That the Code of Ordinance be hereby amended as follows:

APPENDIX A.

FRANCHISES*

(ADD) Article X. to read:

ARTICLE X. Small Cell Technology Facilities

Section 1. Definitions

The terms below have the following meanings for purposes of this ordinance.

(1) "Abandonment" or "Abandon(s)" means that, following the placement of DAS and/or Small Cell Technologies Facilities (and associated Accessory Equipment) or Support Structures in the City pursuant to a permit issued to a Provider or an Applicant, any of the following has occurred: (a) for any reason the Facilities cease to be used to transmit signals, data or messages or otherwise be used for their intended purposes for a period of ninety (90) days; (b) the City revokes the permit for placement and use of those Facilities due to nonpayment of applicable fees, the failure of the Provider or Applicant to comply with conditions in the permit or in this ordinance concerning them, or other valid reason; or (c) the Provider or Applicant fails to perform any of its responsibilities, obligations and requirements in this ordinance or in a permit that relate to the installation, construction, maintenance, use or operation of the Facilities, Accessory Equipment or Support Structures, and that breach remains uncured for a period of sixty (60) days after the City provides written notice of the breach to the Provider or Applicant.

(2) "Accessory Equipment" means any equipment other than an antenna that is used in conjunction with DAS and/or Small Cell Technology Facility arrangements. This equipment may be attached to or detached from a DAS and/or Small Cell Technology Wireless Support Structure, and includes, but, is not limited to, cabinets, optical converters, power amplifiers, radios, DWDM and CWDM multiplexers, microcells, radio units, fiber optic and coaxial cables, wires, meters, pedestals, power switches, and related equipment on a Support Structure. The term does not include the structure or improvements on, under, or within which the equipment is collocated, wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial or fiber optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna.

(3) "Antenna" means communications equipment that transmits and receives electromagnetic radio signals, is attached to a DAS and/or Small Cell Technology Wireless Support Structure and is used to communicate wireless service.

(4) "Applicant", whether singular or plural, means a Personal Wireless Service Provider, Wireless Infrastructure provider, or an entity (including one that is not a Provider) that is authorized by a Personal Wireless Service Provider to apply for or receive a permit to install, construct, manage, modify or maintain a DAS and/or Small Cell Technology Facility and related Accessory Equipment or Support Structure in the City, or an entity certificated by the Louisiana Public Service Commission to provide telecommunication service.

(5) "Application" means a formal request submitted to the City for a permit to install, construct, modify or maintain a DAS and/or Small Cell Technology Facility and related Accessory Equipment or Support Structure.

(6) "City" means the City of Gonzales, Louisiana.

(7) "City Council" means the City Council of the City of Gonzales, Louisiana.

(8) "City Clerk" means the person appointed by the Mayor as the manager to perform the responsibilities in this ordinance.

(9) "Collocation" means the placement or installation of a new DAS and/or Small Cell Wireless Technology Facility or related Accessory Equipment on an existing pole or other Support Structure that is owned, controlled or leased by a utility, the City, or other person or entity.

(10) "DAS" or "Distributed Antenna System" is a network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

(11) "Personal Wireless Service Provider" or "Provider" means an entity that provides personal wireless communication services to the public or citizens of the City on a commercial basis and is authorized by the FCC to provide those services.

(12) "Private Property" means real property located in the City that does not lie within the Right of Way.

(13) "Right of Way", whether singular or plural, means the surface and space in, upon, above, along, across, over and below any public streets, avenues, highways, roads, courts, lanes, alleys, boulevards, ways, sidewalks, and bicycle lanes, including all public utility easements, as the same now or may hereafter exist, that are within the City's corporate boundaries and under the jurisdiction of the City. This term shall not include parish, state or federal rights of way or any property owned by any person or entity other than the City.

(14) "Distributed Antenna System Facilities and/or Small Cell Technology Facility(ies)" or "Facilities", whether singular or plural, means and includes the following types of structures: (a) antenna; and (b) associated Accessory Equipment.

(15) "DAS and/or Small Cell Technology Wireless Support Structure" or "Support Structure", whether singular or plural, means a freestanding structure designed or used to support, or capable of supporting, DAS and/or Small Cell Technology Facilities, including, but not limited to, utility poles, street light poles, traffic signal structures, rooftops, attics, or other enclosed or open areas of a building or accessory structure, a sign, or a flag pole. These terms do not include the City's decorative and architecturally significant street light poles as those decorative lights are inappropriate for use as a Support Structure.

(16) "Stealth Technology" means a method(s) of concealing or minimizing the visual impact of a DAS and/or Small Cell Technology Facility (and associated Accessory Equipment) and Support Structure by incorporating features or design elements which either totally or partially conceal such Facilities or equipment. The use of these design elements is intended to produce the result of having said Facilities and associated structures blend into the surrounding environment and/or disguise, shield, hide or create the appearance that the Facilities are an architectural component of the support structure.

(17) "Wireless Infrastructure Provider" means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures, but that is not a wireless services provider.

Section 2. Permit Required to Place DAS and/or Small Cell Technology Facilities in Right-of-way

(a) A Provider or Applicant must obtain an infrastructure permit from the City before placing, installing, constructing, or operating any DAS and/or Small Cell Technology Facility (and associated Accessory Equipment) on any Support Structure that is located on the Right of Way, or substantially modifying the position or characteristics of any such existing Facility thereon.

(b) The City Clerk will review and administratively process any request for a permit to determine whether, in the exercise of the City Clerk's reasonable discretion, it should be issued for the location and in the manner requested by the Applicant. In this process, the burden is on the Provider or Applicant to demonstrate that the placement of the proposed DAS and/or Small Cell Technology Facility and associated Accessory Equipment or Support Structure on the Right of Way is the minimal physical installation which will achieve the goal of enhancing the provision of personal wireless services when considering all pertinent factors discussed in the provision immediately below. Except as set forth in this section, this permitting process will be administrative and not require the approval of any City Council or City official other than the City Clerk and Mayor.

The factors, requirements and guidelines that the City Clerk may consider and will apply when determining whether to issue a permit for placement of DAS and/or Small Cell Technology Facilities and associated structures on the Right of Way include, but are not limited to, the following:

(i) the visual impact of placing the Support Structures or Facilities in the subject area;

(ii) the character of the area in which the structures are requested, including surrounding buildings, properties and uses;

(iii) whether the appearance and placement of the requested structures is aesthetically consistent with the immediate area;

(iv) whether the structures are consistent with the historic nature and characteristics of the requested location;

(v) Collocation. To the extent practical, all Facilities and associated Accessory Equipment that are placed in the City shall be attached to a pre-existing Support Structure that is owned, controlled or leased by a utility, franchisee, the City or other entity. If the Applicant demonstrates that no collocation opportunities exist in the area where a technologically documented need for a facility exists, the Applicant may request that a new pole or other Support Structure be installed in that area for purposes of constructing the Facilities. Before any new Support Structure is permitted, each of the following must occur:

(1) the Applicant must have provided the City written evidence that no practical collocation opportunity exists. This evidence shall include, but not be limited to, affidavits, correspondence, or other written information that demonstrates that the Applicant has taken all commercially reasonable actions to achieve collocation in the requested location or area, that the Applicant has pursued but been denied access to all potential collocation sites in the subject area (and the reasons any such denial(s)), and otherwise show that the Applicant is unable to co-locate on an existing Support Structure; and

(2) the City Clerk must recommend the placement of a new Support Structure in the Right of Way.

(vi) if a facility is attached to a utility pole or other Support Structure in the Right of Way, no antenna or other part of the facility shall extend more than (10) feet above the height of such Support Structure;

(vii) the Accessory Equipment shall, if reasonably possible, be placed at least 10 feet above the ground;

(viii) the color of antenna and Accessory Equipment shall be compatible with that of the Support Structure;

(ix) the Facility (including the Accessory Equipment) shall not be illuminated;

(x) whether the proposed installation could cause harm to the public or pose any undue risk to public safety validated through a means of industry certified reports for EME exposure limits or disruption of visual site triangles related to traffic;

(xi) whether the proposed installation may interfere with vehicular traffic, passage of pedestrians, or other use of the Right of Way by the public; and

(xii) if the proposed installation will disturb conditions on the Right of Way, whether the Applicant can demonstrate its ability and financial resources to restore the subject area to its pre-existing condition following installation.

(c) Application Process.

(i) At a minimum, each application for a permit shall contain all of the following:

(1) Engineering drawings engineering or similarly detailed drawings depicting the type of Facilities, Support Structure, and means and points at which such Facilities and associated Accessory Equipment will be attached to a Support Structure;

(2) Map(s) designating with specificity the location(s) of the requested Facilities;

(3) The geographic coordinates of all antenna and other proposed Facilities;

(4) If the Facilities will be located on a Support Structure on the Right of Way that is owned by any entity other than the City or the Applicant, a copy of any license, lease, agreement or other documentation evidencing that the owner of that Support Structure authorizes the Facilities to be attached thereto or agrees in principle to authorize that attachment; provided that, if a representation is made to the City that the attachment has been authorized in principle by the owner of the Support Structure but the Applicant subsequently fails to furnish the City documentation that finalizes any such agreement, the City may refuse to issue the requested permit until that documentation is provided, or, if the City issues the requested permit before receiving such final documentation, the subject permit may be revoked and any license to use that part of the Right of Way be rescinded.

(5) If the Applicant requests permission to place Facilities on a new Support Structure, the substantiation therefore required by Section 2(b) (vii) in this ordinance.

(ii) An application shall not be deemed complete until the Applicant has submitted all documents, information and forms specifically enumerated in this ordinance that pertain to the location, construction, or configuration of the Facilities or Support Structures at the requested location(s). Within thirty (30) calendar days after an application for permit is submitted, the City shall notify the applicant in writing if any additional information is needed to complete that application or supplemental information is required to process the request. If the City does not notify the applicant in

writing that the application is incomplete within thirty (30) days following its receipt, the application is deemed complete.

(d) Additional Requirements. Any Provider or Applicant to whom a permit is issued and that places Facilities and associated Support Structures on the Right of Way also shall comply with the following requirements as long as those Facilities and Support Structures are on or under the Right of Way:

- (i) Prior to installing the Facilities or Support Structures, the Applicant shall provide the City a certificate(s) of insurance evidencing that it has obtained and will maintain the following types of insurance in connection with its operations on or use of the Right of Way: (1) General Liability coverage insuring the risk of claims for damages to persons or property arising from or related to the installation, construction, maintenance, operation or any use of Facility or Support Structure placed on or along the Right of Way by the Applicant (or any of their contractors) with minimum limits of \$1,000,000 per occurrence; and (2) Workers Compensation Insurance as required by statute. The General Liability coverage shall list the City as an additional insured, and may be provided through a combination of a primary and umbrella policies. All insurance policies shall be furnished by insurers who are reasonable acceptable to the City and authorized to transact business in the State of Louisiana. On an annual basis following initial installation, the Applicant also shall furnish the City a Certificate indicating that the above-noted coverage remains and will remain in effect. In lieu of the insurance requirements above, an Applicant may provide a certificate of self-insurance sufficient to satisfy the above amounts.
- (ii) All Facilities and associated Support Structures shall be installed, erected, maintained and operated in compliance with applicable federal and state laws and regulations, including, but not limited to, regulations of the FCC.
- (iii) Following the installation of any Facilities and associated Support Structures, the Provider or Applicant, upon reasonable request and for good cause, shall furnish the City Clerk a written certification from a licensed professional engineer in the State of Louisiana stating that those structures have been inspected and are being maintained, operated and used in compliance with all applicable laws and regulations, including those of the FCC that pertain to the transmission of wireless communication signals. For purposes of this provision, "good cause" shall mean circumstances have arisen that indicate the Facilities and associated Support Structures have been damaged, are not functioning in compliance with applicable laws and regulations, or otherwise pose a hazard to the public. If those Support Structures should fail at any time to comply with applicable laws and regulations, the Provider or Applicant, at either of their expense, shall cause those structures to be brought into compliance with said laws and regulations within fifteen (15) days of the date of any written notice to them from the City Clerk of non-compliance, or cease all personal wireless service operations related to those structures until the Applicant or Provider comes into full compliance with said laws and regulations.
- (iv) The Facilities and associated Support Structures must at all times be maintained in good and safe condition. On no more frequent than a triennial basis, the City Clerk may request that the Provider or Applicant, at either of their expense, furnish certification from a professional engineer who is licensed in the State of Louisiana that the Facilities and Support Structures are in sound condition. Should that engineer deem those structures unsound, the Provider or Applicant shall furnish to the City Clerk a plan to remedy any unsafe conditions or structural defect(s) and take that remedial action at the Provider or Applicant's expense.
- (v) Each Applicant or Provider that applies for a permit to place Facilities (including the Accessory Equipment) and Support Structures on the Right of Way and installs and utilizes those structures shall defend, indemnify and hold the City and its employees or officials, harmless from all demands, losses, expenses (including attorney's fees and court costs), claims for personal injury or property damage, judgments or liabilities of any type that may be asserted or claimed against the City (or its employees or officials) by any third person, firm or entity that arise out of or relate in any manner to the following: (1) the installation, construction, maintenance, use or operation of the permitted Facilities, Accessory Equipment or any Support Structure on or about the Right of Way; and (2) the failure of the Provider or Applicant to perform any of their respective responsibilities, obligations and permit requirements in this ordinance. Notwithstanding the foregoing, the Provider or Applicant shall not be obligated to indemnify the City for City claims resulting from the sole negligence or willful acts of the City (or its representatives).

(e) Franchise Agreements for Other Uses of Right of Way. This Section 2 regulates the placement of DAS and/or Small Cell Technology Facilities (and associated Accessory Equipment) on or in the immediate vicinity of Support Structures that are located or proposed to be located on the Right of Way. No provision in this Section 2 or elsewhere in this ordinance is intended to permit, regulate or authorize the placement by a Provider or Applicant of fiber optic lines, coaxial cable, switches, pedestals or networking equipment of any type that is used to transport telecommunication signals, data or messages between Support Structures or between any other points on the Right of Way. In the event any such Provider or Applicant desires to place telecommunications equipment or Facilities along the Right of Way at points not regulated by this ordinance, the City may enter into franchise or similar agreement that authorize, govern and apply to such use of other locations on or along the Right of Way.

Section 3. Compensation.

- (a) Permit and License Fees. The Applicant for a permit to place Facilities and associated Support Structures on the Right of Way shall pay the following types of fees:
 1. a permit issuance fee per each Support Structure on the Right of Way contemplated for attachment, of \$150.00; and

2. an annual license fee per each Support Structure on the Right of Way pertaining to the ongoing use of public property as enumerated below.
 - i. Annual License Fee Amount. As compensation for the benefits and privileges under this Permit and in consideration of permission to use the ROW of the City, the Provider or Applicant shall pay as an Annual license fee to the Grantor, through the duration of this permit, \$150.00 per small cell facility

(b) Annual License Fee Payments.

1. In the first year of this Permit, the Provider's or Applicant's Minimum License Fee shall be payable forty five (45) days after the Effective Date of this Permit. Thereafter, the Provider's or Applicant's Minimum Annual License Fee payable under Section 3(a) shall be paid to the City annually following the effective date of this Permit. Each annual payment shall be made for the immediately preceding calendar year ending December 31, and each annual payment shall be paid on or before January 1st. All payments due under this Permit shall be made to the City of Gonzales.
2. License fee payments not received by the City on or before the due date shall be assessed interest of 1% per month commencing on the first day after the due date.
3. Any payment not paid when due shall be subject to a delinquency penalty charge of five percent (5%) of the unpaid amount. Failure to make full payment and penalty charges within sixty (60) days of the applicable payment date shall constitute a violation of this Permit.

Section 4. Abandonment of Facilities on Right of Way.

If a Provider or Applicant abandons any Facility (including the Accessory Equipment) or an associated Support Structure (collectively "Facilities" for purposes of this Section) that is located on the Right of Way, the following rights and obligations shall exist. The City may require the Provider or Applicant, at their expense, to remove and reclaim the abandoned Facilities within sixty (60) days from the date of written notice of abandonment given by the City to them and to reasonably restore the condition of the property at which the Facilities are located to that existing before they were installed. If the Provider or Applicant fails to remove and reclaim its abandoned Facilities within such 60-day period and the Facilities are located on the Right of Way, the City shall have the rights to (a) remove them and charge its expense of any such removal operation to the account of the Provider or Applicant, (b) purchase all abandoned Facilities at the subject location from the Provider or Applicant in consideration for \$1.00, (c) at the City's discretion, either resell the abandoned Facilities to a third party or dispose and salvage them; provided that the proceeds of any resale of abandoned Facilities by the City to a third party shall be credited to the account of the Applicant or Provider that used those Facilities before the abandonment, and (d) charge any expense incurred by the City to restore the Right of Way to the account of the Provider or Applicant.

Section 5. Co-Location.

To promote the public interest that is served by co-locating Facilities and associated Accessory Equipment on existing Support Structures and thereby mitigating the installation of additional Support Structures throughout the City, no person or entity (including any Provider, Applicant, utility, or franchisee) that utilizes an existing Support Structure that is located on Right of Way or on private property in the City and has space available thereon may deny a Provider or Applicant the right to use or access an existing Support Structure for purposes of attaching Facilities permitted by this ordinance without sound operational, technological or other good reason.

Section 6. Non-Applicability.

The placement of an antenna(s), facilities or equipment related to the following types of wireless communication services are exempt from regulation under this ordinance: (a) amateur radio service that is licensed by the FCC if the facilities related thereto are not used or licensed for any commercial purpose; and (b) facilities used by any federal, state or local government or agency to provide safety or emergency services. Further, the provisions in this Chapter are supplemental to, and not intended to alter, affect or modify any other provisions in the City of Gonzales Code that may be applicable to the placement or use of macro Telecommunications Towers.

Section 7. Repealer.

All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Gonzales, Louisiana that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

Section 8. Severability.

If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 9. Effective Date.

This ordinance shall become effective immediately upon adoption and publication as provided by law.

YEAS: Councilman Kirk Boudreaux, Councilman Harold Stewart, Councilman Tyler Turner,
Councilman Neal Bourque, Councilman David Guitreau.

NAYS: NONE

ABSENT: NONE

Motion by Councilman Neal Bourque, seconded by Councilman David Guitreau to introduce Ordinance No. 4033:

AN ORDINANCE AMENDING THE CODE OF ORDINANCE
CHAPTER 18. TAXATION* ARTICLE II. OCCUPATIONAL
LICENSE TAXES. DIVISION 2. PEDDLERS, SOLICITORS
AND ITINERANT VENDORS (CHANGE) SEC. 18-42. OPEN
AIR SALES TO READ:

Chapter 18. **TAXATION***

ARTICLE II. OCCUPATIONAL LICENSE TAXES

DIVISION 2. Peddlers, Solicitors and Itinerant Vendors

(CHANGE)

Sec. 18-42. Open air sales. To read:

- a. All tent sales, sidewalk sales, and other sales of an open-air nature shall be restricted to companies with an established permanent business location within the city, no more than twice annually and shall be limited to no more than seven (7) days at a time.
- b. Open-air sales shall be restricted to companies with an existing and current occupational license with the city.
- c. All sales of goods in an open-air setting shall be related and similar in nature to the goods, products and services normally sold at the established business location.
- d. All sales of goods in an open-air setting shall be recorded and reported no different from normal sales of the established business operating the sale.

Final vote on the foregoing amendment to be taken at the next regular City Council Meeting scheduled for September 25, 2017.

Motion by Councilman Neal Bourque, seconded by Councilman Kirk Boudreaux to introduce Ordinance No. 4034:

AN ORDINANCE AMENDING THE CODE OF ORDINANCE
CHAPTER 21. **VEHICLES FOR HIRE. ARTICLE II. TAXICABS.**
DIVISION 2. CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY (CHANGE) SEC. 21-32. APPLICATION TO READ:

Chapter 21 - VEHICLES FOR HIRE

ARTICLE II. – Taxicabs.

Division 2. Certificate of Public Convenience and Necessity.

(CHANGE) **Sec. 21-32. - Application** to read:

(a) No certificate of public convenience shall be issued until the owner of the public carrier vehicle shall first have filed with the city clerk a policy of liability insurance issued by an insurance company authorized to do business in this state. Such insurance policy shall provide for the payment of a sum not less than twenty-five thousand dollars (\$25,000) to satisfy all claims for damages by reason of bodily injury to, or death of any one (1) person resulting from any one (1) accident, and, subject to the limit for one (1) person, for payment of a sum not less than fifty thousand dollars (\$50,000) to satisfy all claims for damages by reason of bodily injury to, or death of, two (2) or more persons, resulting from any one (1) accident, and for a payment of a sum not less than twenty-five thousand dollars (\$25,000) to satisfy all claims for damage to property resulting from any one (1) accident, by reason of the ownership, operation, maintenance or use of such vehicle.

(b) If such owner operates more than (1) one public carrier vehicle, he may file with the city clerk, in lieu of the policy required by subsection (a) hereof, a policy or policies of liability insurance issued by a company or companies authorized to do business in this state, insuring payment of claims for each public carrier vehicle in the amounts provided in subsection (a).

(c) The certificate for any public carrier vehicle or vehicles of an owner thereof shall be effective, and operation shall be permitted thereunder, only so long as the insurance required under subsection (a), or permitted under subsection (b), as to such vehicle or vehicles shall remain as therein provided.

(d) The city clerk shall keep a memorandum of details of each insurance policy and shall notify each insurance company covering the taxicabs or vehicles for hire that any notice of cancellation of or amendment to the policy shall be given to the city, since this requirement of insurance is in the public interest, and for the safety and protection of the inhabitants of the city.

Final vote on the foregoing amendment to be taken at the next regular City Council Meeting scheduled for September 25, 2017.

Motion by Councilman Kirk Boudreaux, seconded by Councilman Harold Stewart to adopt Resolution # 2860: A Resolution authorizing the publication of a Notice of Intention to create Conway Economic Development District of the City of Gonzales, State of Louisiana, under the authority of Part II, Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31 *et seq.*); and providing for other matters in connection therewith.

YEAS: Councilman Kirk Boudreaux, Councilman Harold Stewart, Councilman Tyler Turner, Councilman Neal Bourque, Councilman David Guitreau

NAYS: NONE

ABSENT: NONE

Motion by Councilman Kirk Boudreaux, seconded by Councilman Tyler Turner to introduce Ordinance No. 4035:

ORDINANCE INTRODUCED

September 11, 2017

ORDINANCE No. 4035:

An ordinance creating "Conway Economic Development District of the City of Gonzales, State of Louisiana" defining the boundaries thereof to encourage economic development projects in accordance with and as authorized by Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, as amended; and providing for other matters in connection with the foregoing.

WHEREAS, Part II, Chapter 27, Title 33 of the Louisiana Revised Statutes of 1950, as amended (La. R.S. 33:9038.31, *et seq.*) (the "Act") authorizes municipalities, parishes and certain other local governmental subdivisions to create economic development districts to carry out the purposes of the Act, which economic development districts are political subdivisions of the State of Louisiana and possess such power and authority and have such duties as provided by the Act and other law; and

WHEREAS, the City of Gonzales, State of Louisiana (the "City"), acting through this Mayor and City Council as its governing authority, desires to avail itself of the Act to create an economic development district to be called the "Conway Economic Development District of the City of Gonzales, State of Louisiana" (the "District"), in accordance with La. R.S. 33:9038.32; and

WHEREAS, in accordance with the Act, particularly La. R.S. 33:9038.32(B) and a resolution adopted by this governing authority on September 11, 2017, the City has given notice of its intention to create the District, and notice that it will hold a public hearing relative to the proposed creation of the District, including a description of the boundaries of the District and containing a map showing the boundaries of the District, which notice has been published two times in the City's official journal; and

WHEREAS, on this date, prior to the adoption of this ordinance, this governing authority did hold a public hearing pursuant to the aforesaid notice of intention, at which public hearing no objections were received with respect to the creation of the District.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and City Council, acting as the governing authority of the City of Gonzales, State of Louisiana, that:

All of the above "Whereas" clauses are adopted as part of this ordinance.

Creation of District. Under the authority of La. R.S. 33:9038.32 there is hereby created an economic development district within the City, to be named "Conway Economic Development District of the City of Gonzales, State of Louisiana" having the geographical boundaries set forth in Exhibit A attached hereto, which Exhibit A is hereby incorporated in and made a part of this Ordinance, all pursuant to the Act. As provided by the Act, the governing body of the District shall be this Mayor and City Council. As provided by the Act, the District shall be a political subdivision of the State of Louisiana and shall possess such powers and authority and have such duties as provided in the Act and other law.

Authorization of Officers. The Mayor and the City Clerk are hereby authorized, empowered and directed to do any and all things necessary and incidental to carry out the provisions of this ordinance.

Severability. If any provision of this ordinance shall be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance, but this ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this ordinance which validates or makes legal any provision of this ordinance which would not otherwise be valid or legal, shall be deemed to apply to this ordinance.

Repealer. All ordinances or resolution, or parts thereof, in conflict herewith are hereby repealed.

Publication; Effective Date. This ordinance shall be published one time in the official journal of the City, and shall become effective immediately.

EXHIBIT A

to Creation Ordinance
LEGAL DESCRIPTION AND MAP OF
CONWAY ECONOMIC DEVELOPMENT DISTRICT OF THE CITY OF GONZALES

That certain tract of land situated in Sections 12, 13, 22, 45 & 46, Township 10 South, Range 3 East, S.E.D. Ascension Parish, Louisiana, containing 341.217 acres more or less, being labeled as Tract A-1-A and being more fully described as follows:

Commencing at the southwest corner of Section 46; thence North 0°12' 9" West a distance of 1,319.56 feet to the Point of Beginning (P.O.B.);

- Thence, N 88° 29' 10" E for a distance of 3861.30 feet;
- Thence, S 61° 04' 15" E for a distance of 1723.84 feet;
- Thence, S 57° 09' 11" E for a distance of 782.60 feet;
- Thence, S 89° 51' 24" W for a distance of 639.62 feet;
- Thence, S 88° 20' 55" W for a distance of 34.60 feet;
- Thence, S 15° 19' 02" W for a distance of 1084.64 feet;
- Thence, S 79° 31' 24" W for a distance of 2275.00 feet;
- Thence, S 00° 54' 41" E for a distance of 815.39 feet;
- Thence, S 28° 17' 40" E for a distance of 466.00 feet;
- Thence, S 88° 16' 23" W for a distance of 814.45 feet;
- Thence, N 62° 28' 39" W for a distance of 1750.43 feet;
- Thence, N 02° 06' 55" W for a distance of 50.19 feet;
- Thence, N 02° 06' 55" W for a distance of 957.38 feet;
- Thence, S 89° 25' 54" W for a distance of 573.97 feet;
- Thence, S 89° 25' 54" W for a distance of 58.52 feet;
- Thence, N 00° 45' 09" W for a distance of 2059.55 feet;
- Thence N 88° 29' 10" E a distance of 30.90 feet to the Point of Beginning (P.O.B.)

MAP OF
CONWAY ECONOMIC DEVELOPMENT DISTRICT OF THE CITY OF GONZALES

MAP OF
CONWAY ECONOMIC DEVELOPMENT DISTRICT OF THE CITY OF GONZALES



STATE OF LOUISIANA

PARISH OF ASCENSION

I, the undersigned Clerk of the City of Gonzales, State of Louisiana (the "City"), do hereby certify that the foregoing _____ () pages constitute a true and correct copy of an ordinance adopted by the governing authority of the City on September 25, 2017, creating "Conway Economic Development District of the City of Gonzales, State of Louisiana" defining the boundaries thereof to encourage economic development projects in accordance with and as authorized by Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, as amended; and providing for other matters in connection with the foregoing.

Final vote on the foregoing amendment to be taken at the regular City Council Meeting scheduled for October 9, 2017.

Motion by Councilman Kirk Boudreaux, seconded by Councilman Tyler Turner to declare as surplus the following:

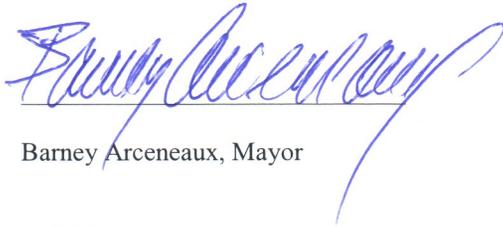
1-2009 HARLEY DAVIDSON - VIN#1HD1FHM159Y688899
1-2008 HARLEY DAVIDSON - VIN#1HD1FHM178Y616794
1-2008 FORD CROWN VICTORIA - VIN#2FAFB71V38X13646

YEAS: Councilman Kirk Boudreaux, Councilman Harold Stewart, Councilman Tyler Turner,
Councilman Neal Bourque, Councilman David Guitreau

NAYS: NONE

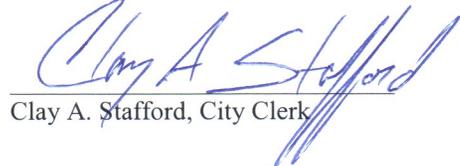
ABSENT: NONE

There being no further business to come before the City Council and upon a motion duly made and seconded, the meeting was adjourned.



Barney Arceneaux, Mayor

ATTEST:


Clay A. Stafford, City Clerk