

2485 Tower Drive . Suite 7 . PO Box 14657 . Monroe, LA 71207
318.807.0929 . 318.807.0926 fax . www.neallawfirm.net

VIA EMAIL & FACSIMILE: 318-329-3427

Ms. Nanci S. Summersgill
City Attorney of Monroe
P. O. Box 123
Monroe, LA 71210

RE: *Six Street Saloon/Point Proven, LLC*
Versus No: 14-0001
City of Monroe
File No: 11017.000

Dear Nanci:

Please find **enclosed** a copy of our executed, stamped filed *Motion to Enforce June 12, 2014, Consent Judgment and for Contempt of Court Sanctions* in this matter. As we discussed, the hearing has been set for December 30, 2015, at 9:30 a.m. in courtroom no. 8. However, you have agreed to waive your service of the motion. If you have any questions or concerns please do not hesitate to contact me. Merry Christmas and see you on December 30th.

With kindest regards, I am

Sincerely,

NEAL LAW FIRM

A handwritten signature in black ink, appearing to read 'Mark J. Neal', is written over the printed name and email address.

Mark J. Neal, APLC
writer's e-mail mneal@neallawfirm.net

MJN/pm
Enclosures

STATE OF LOUISIANA

PARISH OF OUACHITA

4TH DISTRICT COURT

POINT PROVEN, LLC

FILED: DEC 23 2015

VERSUS NO: 14-0001

CITY OF MONROE

DANA BENSON

BY: DEPUTY CLERK

**MOTION TO ENFORCE JUNE 12, 2014, CONSENT JUDGMENT AND
FOR CONTEMPT OF COURT SANCTIONS**

NOW INTO COURT through undersigned counsel comes Point Proven, LLC ("Point Proven"), who for the reasons set forth in the attached memorandum in support, show it is entitled to an order compelling Monroe City Council (d/b/a City of Monroe) to comply with the terms of the June 12, 2014, consent judgment submitted by Monroe City Attorney Nanci S. Summergill and the undersigned and executed by Judge Robert C. Johnson (Exhibit "A").

WHEREFORE mover prays for an order compelling Monroe City Council to abide by and follow the specific terms of the June 12, 2014, consent judgment previously entered in this matter.

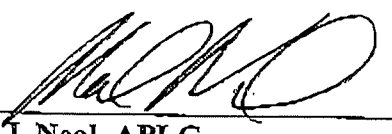
THUS DONE AND SIGNED on this 23rd day of December, 2015, in Monroe, Ouachita Parish, Louisiana.

Respectfully submitted,

NEAL LAW FIRM
2485 Tower Drive, Suite 7
P. O. Box 14657
Monroe, Louisiana 71207-4657

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was sent to all counsel of record via telefax and/or U.S. Mail, this 23rd day of December, 2015

BY: 
Mark J. Neal, APLC
Bar Roll No. 24580


Mark J. Neal, APLC

STATE OF LOUISIANA

PARISH OF OUACHITA

4TH DISTRICT COURT

POINT PROVEN, LLC

FILED: DEC 23 2015

VERSUS NO: 14-0001

DANA BENSON

CITY OF MONROE

BY: _____
DEPUTY CLERK

ORDER

CONSIDERING THE FOREGOING MOTION:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Monroe City Council
(d/b/a City of Monroe) show cause on the 30th day of December, 2015, why the foregoing
09:30 a.m. in No. 2
Motion to Enforce June 12, 2014, Consent Judgment and for Contempt of Court Sanctions
should not be granted as prayed for.

WILSON RAMBO

for JUDGE ROBERT C. JOHNSON
FOURTH JUDICIAL DISTRICT COURT
STATE OF LOUISIANA, OUACHITA PARISH

PLEASE SERVE:

Mr. Raymond A. Armstrong
Monroe City Council District 1
1521 Park Avenue
Monroe, Louisiana 71201

and

Ms. Betty Blakes
Monroe City Council District 3
3626 Curry Street
Monroe, Louisiana 71201

STATE OF LOUISIANA

PARISH OF OUACHITA

4TH DISTRICT COURT

POINT PROVEN, LLC

FILED: DEC 23 2015

VERSUS NO: 14-0001

DANA BENSON

CITY OF MONROE

BY: DEPUTY CLERK

**MEMORANDUM IN SUPPORT OF MOTION TO ENFORCE
JUNE 12, 2014, CONSENT JUDGMENT AND FOR CONTEMPT OF COURT
SANCTIONS**

MAY IT PLEASE THE COURT:

The Court is very familiar with this matter. Mover Point Proven sought the renewal of but was unlawfully denied an alcohol permit at a Monroe City Council December, 2013, meeting. Thereafter, Point Proven filed an appeal to this Court as per the Code of Civil Procedure. Discovery commenced and on the eve of trial—June 12, 2014—the parties stipulated to a consent judgment which retroactively renewed mover's alcohol permit.

This motion stems from the December 23, 2015, Monroe City Council meeting. The evidence at the meeting demonstrated that the State of Louisiana Department of Revenue & Office of Alcohol and Tobacco Control, based on state law, had already issued an alcohol permit to mover effective January 1, 2016, to expire December 31, 2017 (See Exhibit "B"). The minutes of the meeting reflect City Attorney Nanci S. Summersgill so advised the city council. What's more, the December 22, 2015, agenda demonstrated on page (2) that Point Proven had, as per Monroe Police Department, no disqualifying records for 2015 and that all sales taxes had been approved and paid (See Exhibit "C"). The police records were corroborated by Chief Quentin Holmes. Accordingly, mover met every provision required of the consent judgment and was entitled as a matter of law and by way of the order of this Court to a renewal of its alcohol permit for 2016.

Nevertheless, for reasons this writer doesn't pretend to understand, councilwoman Betty Blakes and councilman Ray Armstrong voted to not renew the permit whereas councilman Kenny Wilson and councilwoman Gretchen Ezernack voted to renew it. Councilman Eddie Clark did not attend the meeting which resulted in a tie vote. As such, the alcohol permit was not renewed in violation of the clear terms of this Court's earlier consent judgment.

Monroe City Council has violated the terms of this court's June 12, 2014, judgment and is in a constructive contempt of court as per Louisiana Code of Civil Procedure Articles 224 and 225 together with Louisiana Revised Statute 13:4611. As per Art. 224, the Monroe City Council as an entire governing body, specifically Blakes and Armstrong, willfully disobeyed a lawful judgment of this Court to which the parties earlier consented. Suffice it to say Blakes, Armstrong & Monroe City Council are in contempt of court.

The remedies for contempt of court are provided in Article 225 and include incarceration for not more than ten days as well as other modalities of punishment. That said, as intriguing as it sounds, mover would rather not imprison Blakes or Armstrong, but would rather this Honorable Court hold the city to the terms of the earlier consent judgment.

Mover shows time is of the essence. It is now December 23, 2015, and mover's city license will expire in eight (8) days. As per paragraph nine (9) of the consent judgment, mover is entitled to an immediate hearing before this division to discuss and any all remedies available.

Wherefore, mover prays for a hearing anytime between December 28,-30, 2015.

Respectfully submitted,

NEAL LAW FIRM
2485 Tower Drive, Suite 7
P. O. Box 14657
Monroe, Louisiana 71207-4657

BY: _____

Mark J. Neal, APLC
Bar Roll No. 24580

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was sent to all counsel of record via telefax and/or U.S. Mail, this 27 day of January, 2014

Mark J. Neal, APLC

STATE OF LOUISIANA

PARISH OF OUACHITA

FOURTH DISTRICT COURT

POINT PROVEN, LLC

FILED: JUN 12 2014

VERSUS NO: 14-0001

CITY OF MONROE

BY: Amyl C Smith
DEPUTY CLERK

CONSENT JUDGMENT

NOW THROUGH UNDERSIGNED COUNSEL come the parties Point Proven, L.L.C. and City of Monroe who agree to the following stipulated consent judgment:

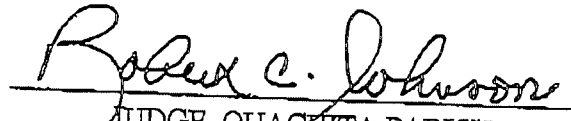
1. Plaintiff will install double doors or other appropriate doors ACCORDING TO APPLICABLE STATE AND LOCAL ORDINANCES to ensure that the Sixth Street Saloon entrance is as insulated as is reasonably possible from the emanation of loud music which would disturb surrounding neighbors in violation of applicable ordinances and state statutes;
2. Point Proven will employ no fewer than two private security guards to ensure any and all drunk and/or disorderly patrons of Sixth Street Saloon do not commit any acts of urination in parking lots and residential neighboring yards WITHIN A REASONABLE DISTANCE OF THE BAR and to ensure patrons of Sixth Street Saloon do not engage in acts of nudity or sexual activity inside the bar or its parking lot or any surrounding parking lots within the reasonable vicinity of Sixth Street Saloon;
3. Petitioner will ensure through security guards that there will be no unlawful parking by its patrons in neighboring yards within close proximity to Sixth Street Saloon;
4. Petitioner will ensure that its patrons and or employees do not enter the premises with firearms of any kind whatsoever and agree to immediately report any such incident to the authorities;

N:\MJ\11017,0001\PLEADINGS\POINT PROVEN JUDGMENT.DOCX

CASE ASSIGNED TO:
CV. SECT. 5

- 06/11/14
5. PETITIONER WILL UNDERTAKE A TWO BLOCK LITTER PICKUP ON SATURDAY AND SUNDAYS MORNINGS;
 6. City of Monroe agrees to immediately issue onto Point Proven, LLC the same alcohol permit it previously possessed to continue its operations as a bar and seller of alcoholic beverages in accordance with all appropriate ordinances and laws FOR THE NEXT SIXTH MONTHS. IN DECEMBER, 2014 WHEN LIQUOR PERMITS ARE AGAIN AUTHORIZED THE CITY OF MONROE WILL ISSUE THE SAME PERMIT TO POINT PROVEN, LLC (AT THE LOCATION OF THE SIXTH STREET SALOON) FOR THE YEAR 2015 UNLESS DURING THE RE-PERMITTING PROCESS FOR 2015 IT IS FOUND BY THE MONROE POLICE DEPARTMENT THAT THE OWNER OF THE PREMISES IS NOT OTHERWISE QUALIFIED AS PER APPLICABLE LAW.
 7. Point Proven LLC shall be given 30 days from the day of this judgment to install the doors referenced in paragraph one (1) above;
 8. PETITIONER AGREES NOT TO SEEK DAMAGES WHICH MAY HAVE OCCURRED PRIOR TO THE INSTITUTION OF THIS SUIT AND WAIVES ANY RIGHT TO A CLAIM FOR ATTORNEY FEES OR COURT COST THAT MAY HAVE ACCRUED AS A RESULT OF THE FILING OF THIS SUIT, SUBJECT TO THE CITY OF MONROE'S ASSURANCES IN SECTION 6 ABOVE.
 9. All terms and conditions of this judgment shall relate back to the date of the Monroe City Council's December, 2013, meeting at issue in this matter. Further, in the event either City of Monroe or Point Proven and/or Sixth Street Saloon do not comply with the terms of this judgment, the parties reserve the right to seek an immediate hearing before this division to discuss any and all remedies including an order declaring this judgment absolutely null, thus submitting this matter to the Court for trial on the merits.

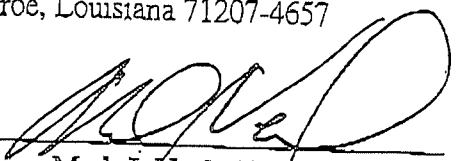
THUS DONE AND SIGNED on this 12th day of June, 2014.


JUDGE, OUACHITA PARISH
FOURTH JUDICIAL DISTRICT COURT

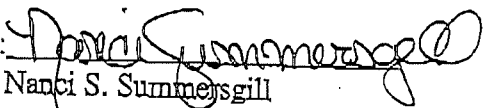
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OUACHITA PARISH
CLERK OF COURT

AGREED TO FORM:

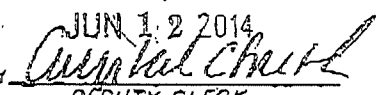
Respectfully submitted,
NEAL LAW FIRM
2485 Tower Drive, Suite 7
P. O. Box 14657
Monroe, Louisiana 71207-4657

BY: 
Mark J. Neal, APLC
Bar Roll No. 24580

MONROE CITY ATTORNEY
400 Lee Joyner Mem. Expressway
P. O. Box 123
Monroe, Louisiana 71210

BY: 
Nanci S. Summersgill
Bar Roll No. 17161

CERTIFIED
TRUE COPY

JUN 12 2014
BY: 
DEPUTY CLERK
4TH JUDICIAL DISTRICT COURT
OUACHITA PARISH, LA.

Class

State of Louisiana
Department of Revenue
Office of Alcohol and Tobacco Control

432483

1

This permit is not transferable.
Permit must be publicly displayed.

\$70.00 -B \$200.00 -L \$0.00 -LW \$50.00 -RV

CLASS A GENERAL BEER AND LIQUOR

TO SELL, OFFER FOR SALE, HANDLE OR DISTRIBUTE
AT RETAIL, BEVERAGES OF LOW AND HIGH
ALCOHOLIC CONTENT SUBJECT TO STATE AND
LOCAL LAW

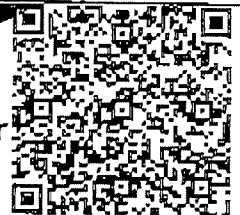
EXPIRES: 12/31/2017

Permit Number AG.37.0000113151BL	Penalty	Issue Date 01/01/2016
1026 NORTH 6TH ST MONROE, LA 71201 Business Location		INSIDE

POINT PROVEN LLC
SIXTH STREET SALOON
2208 ANN ST
MONROE, LA 71201

Troy Hebert

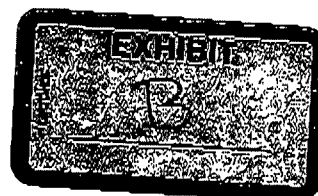
Troy Hebert, Commissioner



TAXPAYER COPY

1025967

This license must be returned to the Office of Alcohol and Tobacco Control or surrendered to an agent of the Commissioner within five (5) days of closure, when the business ownership is transferred or the business is terminated. Failure to comply will result in fine or revocation of license (LRS 25:78 and 26:276A(2)).
Return to: Louisiana Department of Revenue, Office of Alcohol and Tobacco Control,
PO Box 66404, Baton Rouge, LA 70896-6404 TM



AGENDA
City of Monroe

LEGAL & REGULAR SESSION - DECEMBER 22, 2015, 6:00PM
CITY COUNCIL CHAMBERS CITY HALL

I: ROLL CALL AND DECLARE QUORUM:

II: INVOCATION & PLEDGE OF ALLEGIANCE - DR. ARMSTRONG:

III: COMMUNICATIONS & SPECIAL ANNOUNCEMENTS:

1. Dr. Armstrong
2. Mrs. Ezernack
3. Ms. Blakes
4. Mr. Wilson
5. Mr. Clark
6. Mayor Mayo

IV: APPROVE MINUTES OF THE LEGAL AND REGULAR SESSION OF DECEMBER 8, 2015:
(Public Comment)

V: PRESENTATION:

NONE.

VI: PUBLIC HEARINGS:

NONE.

PROPOSED CONDEMNATIONS:

Public Comment:

NONE.

VII: ACCEPTANCE OR REJECTION OF BIDS:

(Public Comment)

(a) Accept the bid of HD Supply of Monroe, LA for a Pax Mixing System for the Water Treatment Plant Ref # 2016-00000037 as recommended by the Director of Administration as being the low bidder and meets the specifications for this bid. The vendor was the low bidder



and meets the specifications for this bid and has been cleared by the Tax and Revenue Division. The cost is \$40,444.44. Funds for this purchase will be derived from the Repair & Maintenance Equipment Account, which has a balance of \$290,000.00.

VIII. RESOLUTIONS AND MINUTE ENTRIES:

1. Council:

Public Comment:

None.

2. Department of Administration:

Public Comment:

Renewals:

(a) Consider an Application by Proven Point LLC (J. Nicholson) dba Sixth Street Saloon, 1026 N. 6th Street, Monroe, LA 71201 for a Renewal 2016 Class A Alcoholic Beverage Permit. The Monroe Police Department has no disqualifying records and Sales Tax has been approved. (Passed over at the last meeting)

(b) Consider twenty-one (21) Renewal Applications for a New 2016 Class A Alcoholic Beverage Permit. The Monroe Police Department has no disqualifying records and Sales Tax has been approved.

(c) Consider fourteen (14) Renewal Applications for a New 2016 Class B Alcoholic Beverage Permit. The Monroe Police Department has no disqualifying records and Sales Tax has been approved.

(d) Consider two (2) Renewal Applications for a New 2016 Class G Alcoholic Beverage Permit. The Monroe Police Department has no disqualifying records and Sales Tax has been approved.

New:

(e) Consider an Application by Surbrenz Thomas dba Sippers Sports Bar, 100 Sterlington Rd., Monroe, LA 71203 for a New 2016 Class A Alcoholic Beverage Permit. The Monroe Police Department has no disqualifying records and Sales Tax has been approved. (Distance Report Cleared, Cert. of Occupy Cleared)

(f) Consider an Application by Alana & John Belton dba Copeland's, 3851 Pecanland Dr., Monroe, LA 71203 for a New 2016 Class A Alcoholic Beverage Permit. The Monroe Police Department has no disqualifying records and Sales Tax has been approved. (Distance Report Cleared, Cert. of Occupy Cleared)

(g) Consider an Application by James R. Kelley Jr., dba Brass Monkey, 521 DeSiard Street, Monroe, LA 71201 for a New 2016 Class A Alcoholic Beverage Permit. The Monroe Police Department has no disqualifying records and Sales Tax has been approved. (Distance Report Cleared, Cert. of Occupy Cleared)

(h) Consider an Application by Mitch P. Smith dba Chris's Package Liquor, 502 Winnsboro R., Monroe, LA 71202 for a New 2016 Class B Alcoholic Beverage Permit. The Monroe Police Department has no disqualifying records and Sales Tax has been approved. (Distance Report Cleared, Cert. of Occupy Cleared)

(i) Consider an Application by Sookham Dhillon dba Now & Save #18, 1420 US Hwy. 165 South, Monroe, LA 71203 for a New 2016 Class B Alcoholic Beverage Permit. The Monroe Police Department has no disqualifying records and Sales Tax has been approved. (Distance Report Cleared, Cert. of Occupy Cleared)

(j) Adopt a Resolution authorizing James E. Mayo, Mayor, to execute a contract with Rainer Anding Talbot & Mulhearn for Collection of Sales Tax and further providing with respect thereto.

3. Department of Planning & Urban Development:

Public Comment:

(a) Consider request by Luisa Macabanti dba Just Stop, 3100 Renwick Street, Monroe LA for a Major Conditional Use Permit to authorize the use of the existing structure to sell beer with consumption off-premise as an accessory use to a carry-out restaurant. The Conditional Use does not take the place of a liquor license, but approves the use of this location for the liquor sales. The applicant still needs to apply for a liquor license. Planning Commission recommends denial with a 4-0-1 vote.

4. Legal Department:

Public Comment:

None.

5. Mayor's Office:

Public Comment:

None.

6. Department of Public Works:Public Comment:

None.

7. Department of Community Affairs:Public Comment:

(a) Adopt a Resolution approving and authorizing a Memorandum of Understanding by and between the City of Monroe and Lafourche Parish Government and further providing with respect thereto. (Passed over at the last meeting)

(b) Adopt a Resolution approving and authorizing a Memorandum of Understanding by and between the City of Monroe and St. John the Baptist Parish and further providing with respect thereto. (Passed over at the last meeting)

(c) Adopt a Resolution approving and authorizing a Memorandum of Understanding by and between the City of Monroe and Terrebonne Parish Consolidated Government and further providing with respect thereto. (Passed over at the last meeting)

8. Police Department:Public Comment:

None.

9. Fire Department:Public Comment:

None.

10. Engineering Services:Public Comment:

(a) Adopt a Resolution authorizing James E. Mayo, Mayor, to execute Change Order No. One (1) to the MEU Parking Facility Perimeter Fence Contract, between the City of Monroe and Columbus Fence Company, for a decrease in the contract amount of \$2,353.48 and further providing with respect thereto.

(b) Adopt a Resolution authorizing James E. Mayo, Mayor, to execute Change Order No. one (1) to the Various Bridge Repairs Contract, between the City of Monroe and Dirtworks, Inc. of Vicksburg, for a decrease in the contract amount of \$4,443.30 and further providing with respect thereto.

(c) Adopt a resolution authorizing James E. Mayo, Mayor, to execute Change Order No. One (1) to the Evangeline Street Drainage Improvement Contract, between the City of Monroe and Amethyst Construction, Inc., for an increase in the contract amount of _____ and further providing with respect thereto.

(d) Adopt a Resolution authorizing James E. Mayo, Mayor, to enter into and execute a contract with James M. Standard & Associates, Inc., to provide Professional Electrical Engineering Services for the Civic Center Theater Building Main Distribution Panel and further providing with respect thereto.

BREAK IF NEEDED:

IX: INTRODUCTION OF RESOLUTIONS & ORDINANCES:

Public Comment:

(a) Introduce an Ordinance amending and adjusting the City of Monroe Operating Budget for the fiscal year 2015-2016. (Admin.)

(b) Introduce an Ordinance amending Chapter 37, Zoning, Article II, Definitions and Rules of Interpretation, Section 21, Definitions, Article IV, Planned Unit Developments, Chapter 32, Subdivision Regulations, Article II Definitions, Section 32-21, Definitions, and Article III, Administrative Procedures Section of the Code of the City of Monroe, Louisiana; repealing all ordinances in conflict herewith. (P&Z) (gated communities)

(c) Introduce an Ordinance amending Chapter 37, Zoning, of the Code of the City of Monroe, Article III, Use Districts, Section 37-37, Commercial Use Districts, Table 3.3 Commercial Districts Permitted and Conditional Uses of the Code of the City of Monroe, Louisiana; repealing all ordinances in conflict herewith. (P&Z) (light manufacturing)

(d) Introduce an Ordinance authorizing the City of Monroe to take Corporeal Possession of the property described below and sell to Vikram Visay, LLC all rights, title and interest that the City may have acquired to Lot in Square 28, Layton's 2nd Addition, Ouachita Parish, 211 Texas Avenue, District 3, Monroe, La, by adjudication at tax sale dated July 14, 2012, and further with respect thereto. (Legal)

X: RESOLUTIONS AND ORDINANCES FOR SECOND READING AND FINAL ADOPTION
SUBJECT TO PUBLIC HEARING:

Public Comment:

NONE.

XI: CITIZENS PARTICIPATION:

XII: ADJOURN.