

COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT, LOUISIANA  
*FEBRUARY 10, 2004*

The Regular Meeting of the City Council of the City of Shreveport, State of Louisiana, was called to order by Chairman Thomas Carmody at 3:00 p.m., Tuesday, February 10, 2004, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Councilman Gibson.

On Roll Call, the following members were Present: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Absent: None.

**Approve Minutes.** Motion by Councilman Gibson, seconded by Councilman Green to approve the Administrative Conference Summary Minutes of January 26, 2004 and the Council Meeting Minutes of January 27, 2004. Motion approved by the following vote: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

**Awards, Recognition of Distinguished Guests, and Communications of the Mayor which are required by law.**

Distinguished Guest: Res. 23 of 2004: To recognize Alvin Mims for his public service to the City of Shreveport and this community. Motion by Councilman Gibson, seconded by Councilman Green to postpone the resolution until the next meeting. Motion approved by the following vote: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

Distinguished Guest: Res. 183 of 2003: To name Evangel Christian Academy's Evangel Eagles as an official Goodwill Ambassador for the city of Shreveport. (G/Jackson) [Deferred until February 24, 2004]

**Convention Center and Convention Center Hotel Project Report:** Mr. Antee: We provided a written report as well as the most recent Fair Share update. I did e-mail yesterday to Mr. Thompson, the breakdown that was asked for and hopefully he provided it to each of you.

Councilman Gibson: I will be getting with the Administration later next week. There is some information that has come to me from the construction industry with some statutes that have changed regarding construction management. I would like to be able to share copies of that construction management as it ties to public bid law and it is a statute that was just passed in 2003 that I definitely need to get that to you Ken.

Mr. Antee: I am fully aware of it, have read the statute and currently it doesn't affect anything that we are doing or that we plan to do.

Councilman Gibson: I would like to just visit with you on that if I could.

**Property Standards Program:** Councilman Carmody: I did want to confirm, Mr. Bowie, thank you Sir--no need to get up. I'd requested Code Enforcement to provide me a list of the different issues before their department and the area south of Hollywood, north of 78<sup>th</sup> Street, east of I-49 and west of Line Avenue and I appreciate you having delivered that to me today, Sir; thank you.

**Public Hearing:** None.

**Confirmations and/or Appointments, Adding Legislation to the Agenda and Public Comments.**

**Confirmations and/or Appointments:** None.

**Adding Legislation to the Agenda.** Motion by Councilman Green, seconded by Councilman Gibson to add the following to the agenda:

1. **Resolution No. 30 of 2004** by Councilman Lester: A resolution to authorize the City Attorney to seek a refund from Altec or to provide an opinion which states why the refund should not be sought, and to otherwise provide with respect thereto.
2. **Resolution No. 31 of 2004:** A resolution making application to the State Bond Commission for approval of the issuance by the City of Shreveport of not to exceed Eleven Million Dollars (\$11,000,000) aggregate principal amount of Water and Sewer Revenue Bonds, 2004

Refunding Series A, in one or more series, for the purpose of refunding certain existing indebtedness of the City.

Councilman Jackson: If I heard the Clerk in her reading, did she say that the resolution that was being offered was the resolution offered by Councilman Lester?

Mr. Thompson: Yes, sir.

Motion approved by the following vote: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

**Public Comments (Agenda Items to be Adopted)**. *Ken Kreff* (157 Archer): This concerns the Neighborhood Investment Program, I was interested in it from the get-go, from the time it passed last Summer. And last Thursday night, I want to compliment the Community Development Department, they put a pretty good presentation on over at the Highland Center, well attended and if the public response is any indication, the amount of funding might be insufficient or at least the first go around. I want to encourage you all to try to look at this and work with that department. I think they've been pretty pro-active in getting these little booklets out and three of the Council members were there—Mr. Gibson, Mr. Walford, and Mr. Lester and it was a pretty good crowd.

And just judging by the thing, it is pretty simple. It is pretty straight forward. There requirements are not that great. If you have been around in months and you've got five members, Lord that is fairly easy to meet, so I just want to encourage you all to come back to the table because I think this money is probably going to play out fairly rapidly. And if you should see fit to move the money around later in the year, I think this would be a very worthwhile program to do that.

Councilman Gibson: Mr. Kreft, I would have to assume that the Broadmoor Neighborhood Association is going to apply for one of these grants?

Mr. Kreft: Well, we are going to apply and try to get the maximum. We have a meeting and we are going to come up with suggestions from our members and fortunately, we meet before the deadline of the 27<sup>th</sup>, so I'll be able to get my people together. It is nice to know that this opportunity is not limited to certain parts of the City and in this instance our area is eligible as long as we meet the requirements of the legislation, we hope to be able to do some good.

Councilman Gibson: Well, I would encourage you to just as I said, the other night, I will commend Councilman Lester for bringing that legislation forward and us as Council, approving it and I truly believe that depending on what Mrs. Moore (and I don't see her in the audience) that once they draw the line to see what the total amount of neighborhood associations are applying, I think we've got a real opportunity to build on that.

And again, I thank Councilman Lester and your organization and I think we probably had 30 or 40 different organizations down there from the looks of the attendants at the Highland Center the other night and it was very encouraging to see the process that was around the City interested in enhancing their neighborhood associations to bring more attention to their respective neighborhoods.

### **CONSENT AGENDA LEGISLATION.**

**INTRODUCTION OF RESOLUTIONS:** None.

**INTRODUCTION OF ORDINANCES:** None.

**TO ADOPT RESOLUTIONS AND ORDINANCES:**

**RESOLUTIONS:**

Motion by Councilman Green seconded by Councilman Gibson for Adoption of the Resolution No. 24 of 2004 and Ordinances No. 6 and 7 of 2004. Motion passed by the following vote: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

RESOLUTION NO. 24 OF 2004

A RESOLUTION AUTHORIZING ROBERT LOGAN BRUBAKER, II, LOCATED AT 10801 EAST KINGS HWY., TO CONNECT TO THE WATER & SEWER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, Robert Logan Brubaker, II has agreed to secure all permits and inspections required by the Shreveport Comprehensive Building Code. Said party having submitted a petition for annexation to the City of Shreveport, and having agreed to fully comply with the regulations of the City of Shreveport in connection with said property, all as set forth in Section 94-1, et. Seq., of the Shreveport City Code. Said request and petition are attached hereto.

BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that Robert Logan Brubaker, II, be authorized to connect the building located at 10801 East Kings Highway, to the water & sewer system of the City of Shreveport.

BE IT FURTHER RESOLVED that if any provisions or items of this resolution or the application thereof are held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications, and to this end, the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that resolutions or parts thereof in conflict herewith are hereby repealed.

**ORDINANCES:**

ORDINANCE NO. 6 OF 2004

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF SOLO LANE RUNNING ADJACENT TO LOTS 1, 2, & 3 IN THE SOLO HOOD SUBDIVISION, IN THE SW 1/4 OF SECTION 31 (T17-R13W), CADDO PARISH, LOUISIANA, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport in due, legal, and regular session convened, that the portion of Solo Lane running adjacent to Lots 1, 2, and 3 located in the Solo Hood Subdivision in the SW 1/4 of SECTION 31 (T17N-R13W), Caddo Parish, Louisiana, and as shown an as indicated on the plat attached hereto and made a part hereof, is hereby closed and abandoned.

BE IT FURTHER ORDAINED that a certified copy of this ordinance be filed and recorded in the official records of the District Court for Caddo Parish, Louisiana.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

---

*Thomas Carmody, Jr., Chairman*

---

*Arthur G. Thompson, Clerk of Council*

ORDINANCE NO. 7 OF 2004

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF FORD CIRCLE LOCATED ALONG THE WEST SIDE OF HEARNE AVENUE IN THE NE/4 OF SECTION 34 (T18N-R14W), SHREVEPORT, CADDO PARISH, LOUISIANA AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that a portion of Ford Circle located along the west side of Hearne Avenue in the NE/4 of Section 34 (T18N-R14W), Shreveport, Caddo Parish, Louisiana, and as shown and as indicated on the plat attached hereto and made a part hereof, is hereby closed and abandoned, and be it ordained that utility servitudes be retained throughout the closed and abandoned street right-of-way.

BE IT FURTHER ORDAINED that a certified copy of this ordinance be filed and recorded in the official records of the District Court for Caddo Parish, Louisiana.

BE IT FURTHER ORDAINED that if any provision of this ordinance or the application thereof is invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without invalid provisions, items or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

---

*Thomas Carmody, Jr., Chairman*

---

*Arthur G. Thompson, Clerk of Council*

**REGULAR AGENDA LEGISLATION:**

RESOLUTION NO. 21 OF 2004

A RESOLUTION TO AMEND AND REENACT THE NEIGHBORHOOD INVESTMENT PROGRAM (NIP), AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

By: COUNCILMAN LESTER

WHEREAS, the City of Shreveport encourages community development activities in every

neighborhood of the City; and

WHEREAS, it is desirable and necessary that "Neighborhood Investment Program" (NIP) be designed and implemented to encourage community development activities in the City's neighborhoods by strengthening existing grass-roots and neighborhood organizations, thereby attracting new retail businesses to serve those neighborhoods; and

WHEREAS, NIP will promote community revitalization, infrastructure improvement and housing and economic development in all council districts; and

WHEREAS, NIP will foster partnerships between City government, civic and professional organizations, residents, and business owners and managers to facilitate community development and commercial growth in neighborhoods.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened, NIP shall be established in accordance with Appendix A and shall be administered by the Office of the Community Development for the City of Shreveport.

BE IT FURTHER RESOLVED that the City Council reserves the right to amend Appendix A by future resolutions.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or application, and to this end, the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed, including Resolution No. 94 of 2003.

Read by title and as read motion by Councilman Lester, seconded by Councilman Gibson passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

#### **RESOLUTION NO. 18 OF 2004**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MODIFICATION TO THE UTILITY SERVICE CONTRACT DATED JANUARY 1, 1973 BETWEEN THE CITY OF SHREVEPORT AND THE UNITED STATES OF AMERICA FOR WATER SERVICE TO BARKSDALE AIR FORCE BASE, AMENDING THE QUANTITY CHARGE AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the City of Shreveport provides potable water service to Barksdale Air Force Base pursuant to a Utility Service Contract ("the Contract") dated January 1, 1973 between the City and the United States of America;

WHEREAS, the Quantity Charge per 1000 gallons of water delivered to Barksdale pursuant to the Contract has been \$0.77 since 1985;

WHEREAS, the City's costs of providing water service to Barksdale has increased substantially since 1985;

WHEREAS, pursuant to the terms of the Contract, the City has requested that the rates under the Contract be raised to more properly reflect the City's costs of providing this service to Barksdale;

WHEREAS, the City and Barksdale have now agreed upon a revised rate schedule, to be effective beginning December 1, 2003 and continuing through 2007; and

WHEREAS, execution by the City of the attached modification is required in order to reflect

the agreed upon rate schedule and to amend the Contract;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Shreveport, in due, regular and legal session convened, that Keith Hightower, Mayor, be and is hereby authorized to execute on behalf of the City of Shreveport a modification of the above described Contract, a copy of which is attached hereto and the original of which is filed for public inspection with the original of the resolution in the Office of the Clerk of Council on January 27, 2004.

BE IT FURTHER RESOLVED that if any provisions or items of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications, and to this end, the provisions of this resolution or hereby declared severable.

BE IT FURTHER RESOLVED that resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read motion by Councilman Green, seconded by Councilman Gibson passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

The Deputy Clerk read the resolution by title: Resolution No. 30 of 2004 by Councilman Lester: A resolution to authorize the City Attorney to seek a refund from Altec or to provide an opinion which states why the refund should not be sought, and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Carmody, seconded by Councilman Hogan for passage. The Deputy Clerk read the following amendment:

Amendment 1 by Councilman Carmody:

Amend the Resolution as follows:

Amend the Now Therefore Be It Resolved Clause to read as follow:

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Shreveport in due, legal and regular session convened that the City Attorney is authorized and directed to recommend to the Mayor and the Council, the employment of independent outside counsel who specializes in contract litigation, to follow the recommendation of the Legislative Auditor and to seek the refund of \$197,533 from ALTEC, to include litigation if necessary.

Explanation of amendment:

This amendment requires the City Attorney to recommend the employment of independent outside council to recover the \$197,533 from ALTEC as recommended by the Legislative Auditor.

The intent of this amendment is that once the City Attorney (who must consent to the employment of all outside counsel) and the Council agree on the name of the outside counsel, the Council will authorize and direct the employment of said counsel.

Motion by Councilman Carmody, seconded by Councilman Hogan for adoption of the amendment.

Councilman Walford: I would be very much opposed to this. I believe we, first of all, I don't think we need outside counsel. We have more than adequate staff within the City Attorney's Office to make the recommendation to this Council and therefore, I'll be voting against this.

Councilman Jackson: I just wanted to know if we had any idea if we were going to use someone, obviously we said that the City Attorney was going to recommend the employment of independent outside counsel. We have any idea of, I guess the first thing, what kind of dollars we are talking about with respect to retaining an individual at all? Will it be someone who already works for the City who is on retainer for the City already or is there going to be someone who necessitate some special expertise such that we have to find someone else and I don't know. The question may just not even be germane because I don't know much about hiring an attorney, but I am assuming you got to pay them something?

Mr. Thompson: It could be someone who is already retained by the City or it could be someone who is not retained by the City. If the person is not retained by the City, then it would require a resolution by the Council and the Council would set the hourly rate and other terms of employment of that person.

Councilman Jackson: And thus, I guess virtually enter into a contract with that individual?

Mr. Thompson: That's correct. It would authorize the Mayor to enter into a contract with that individual.

Councilman Green: My question would be even if that went that far then would it be in the contract as to how much we would be willing to pay whoever we would select if there was a selection? And what if, once we selected them and said how much we would pay them, they wouldn't have sufficient information by the time they finished, then what would we do? I don't know who to direct that to but that is just a question.

Mr. Thompson: Well, normally most of these contracts and we do it all of the time with lawyers, we just set the hourly rate and then that person is supervised by the City Attorney's Office. I assume that if you wanted to, you could put a cap as to how much money he was authorized to spend for that but then I think you are correct, the case might not be finished and then you would have to even come back and authorize more or decide that you will not go any further.

Councilman Green: In that particular contract, would the attorney who takes on the case, will he have the ability to hire another audit firm to find out what he wanted (inaudible)?

Mr. Thompson: I think here, what this is authorizing is simply that you would authorize the attorney to file suit for a specific amount. There is already a finding of the Legislative Auditor for \$197,000; so, it would not be an attempt to re-audit or anything like that, but just see whether or not you could recover that specific amount of money.

Councilman Lester: My concern is this, I think this is a secondary or a second tier issue. I think the first tier issue that, where we should start at is whether or not there is in fact money owed to us. And after that has been determined then maybe we can go about the process of directing someone to go obtain that money.

The purpose of my resolution is to direct the City Attorney either through himself or through the many attorneys that he has contracts with to furnish this body with a legal

opinion that says, given this set of circumstances, given these facts, we believe this is what the City's opinion or this is what the City's position is. Now, once we have determined that then if in fact this body wants to move forward in filing a lawsuit then we should do that. But for us to direct legal counsel to proceed with a lawsuit that, in my estimation, could very easily be defeated at summary judgement begs a question, why would we file a lawsuit that we don't think that we are going to win and why would we expend money to be collect money that we won't collect? And unless and until we have gotten a definitive opinion on whether or not that money is collectible, I don't think that we should spend any money to engage counsel to try to collect money whether we don't know if we are going to collect, I mean, it just doesn't make sense to me. I think that what we should be doing is, directing the City Attorney to research this issue, come back with an opinion. If the City Attorney does it, the City Attorney has a number of legal counsel that advises on a number of issues. As I appreciate it, some months ago, this body approved a particular legal counsel to deal with the Convention Center litigation. Why don't we have that individual that we have approved to deal with Convention Center or those type of issues, renders an opinion as to whether or not this money is legally owed and once we've gotten that in hand then we can take the next step but for us to do that otherwise, I think that is premature and I think that would be breaching our fiduciary duty.

I understand where Councilman Carmody is coming with his resolution. I just think that it is premature because we don't have a definitive answer as to whether or not this money is collectible and whether or not we would prevail in a lawsuit and I for one, wouldn't want the City to file any frivolous lawsuits.

Councilman Gibson: Could I ask our City Attorney to come forth please? And I have to concur with Councilman Lester in terms of where he is going and at the same time I appreciate Councilman Carmody's legislation. Mr. LaFittte, could you come forward. I need to ask you a couple of questions.

If we as a Council turn to you for legal advise, I guess my first question being, the state auditor reviewed this Convention Center Project, correct.

Mr. Lafitte: Yes.

Councilman Gibson: In that review of information, is that public information?

Mr. Lafitte: As far as their findings?

Councilman Gibson: Whatever, not the written findings but if we were to ask the City Attorney to look into the matter dealing with the overpayment, could you solicit the information on behalf of Council to look at the information they have in front of them to be able to determine how they came to a written assessment that says that there was an overpayment?

Mr. Lafitte: As far as the auditor's information, I could request that information.

Councilman Gibson: Is that not public information?

Mr. Lafitte: Yes, once they have completed their---

Councilman Gibson: And they have completed that audit, correct?

Mr. Lafitte: Once they complete it, it becomes public record.

Councilman Gibson: I think that, again, I talked to a few people about my discussions with the state auditor at their request that there is still some suspect in my mind of what data they are looking at. I think from at least, my colleagues standpoint that if we were to have our legal counsel make that request of the state auditor to provide this Council with what information they had in order to make a determination in writing, and I think it was about a

two sentence deal that was sent to Mayor Hightower that said in their opinion that there needs to be a recommendation of a refund, there has got to be some basis for that.

And in my mind, until I see what that is, I just don't feel like it would be prudent at this point in time to engage in spending tax payer dollars on some additional legal counsel outside of what our City Attorney has and if we as a Council went toward using Ramon's office, Mr. LaFitte's Office for looking into this thing, one of the things I would like to see is the data gathered by the state auditor that then gave them the ability to render a decision that said or a recommendation that the City overpaid Altec. Because we've got correspondence from Altec that I think everybody received dated February 5, 2004 that went to the Chairman Carmody with their side of it and we've also seen a response from the Mayor's Office. But I am still not clear how the state auditor got to this but you are saying that we could actually get that information because it is public information, correct?

Mr. Lafitte: Whatever they reviewed, the records that we provide them or that Altec provide them, of course that becomes public record once their investigation is complete.

Councilman Gibson: And we have a complete, the audit was complete as I understand it, correct?

Mr. Lafitte: Yes.

Councilman Walford: Mr. Lafitte, back to the point I made, you weren't in here, but don't we have adequate staff in your office to look at this and give us an opinion as to whether or not there is a valid reason to go forward, a suit?

Mr. Lafitte: Sure.

Councilman Walford: So there really is no reason to hire outside counsel to do that, is there?

Mr. Lafitte: In my opinion, no.

Councilman Walford: I mean, I've been very satisfied with the opinions I've gotten from your office on several things. I see no reason we can't ask you to do this without the necessity of having you hire outside counsel.

Mr. Lafitte: And I agree.

Councilman Walford: We are saving the City money; that is what you are there for, if I am not mistaken.

Mr. Lafitte: Yes, you are correct.

Councilman Green: Mr. Lafitte, before I ask you a question, I would just like to piggyback on what Mr. Kreft had said about the neighborhood investment. I think before we spend some money talking about lawyers and whoever to do this, I would prefer taking his recommendation as to investing in neighborhoods. Because they auditors gave us a list of recommendations, is there a law that says that we got to do anything as far as, if they've recommended that if you do this, whatever, whatever, is there a law on that?

Mr. Lafitte: When they provide us recommendations, it is always wise and prudent, of course to follow those recommendations, but do you have to?

Councilman Green: But if in fact we did ask your office as to doing investigations, I mean, wouldn't that be wise and prudent to do?

Mr. Lafitte: Sure.

Councilman Green: I think what we need to do is ask our City Attorney to take the lead, do whatever his office need to do because I mean, sometimes you can ride a dead chicken to death and this one is dead; so, that is basically where I am.

Councilman Jackson: I think perhaps, Mr. Chairman, lost in all of this is other than

what is printed before us maybe the Councilman who have made these statements may be lacking in your particular position as to why you felt that. I've heard everyone say why they felt not, but I'm sure obviously you didn't just frivolously put together this document. I would certainly be interested in seeding, based on what they've said what else may be some prevailing information and/or something matters that may in fact be weighty enough to in fact influence this Council to do otherwise.

Councilman Carmody: As I had mentioned to Council members. We had previously received some information, again at no cost to the city regarding potential way to proceed in order to try to bring some resolution and closure to the recommendations that are included in the legislative auditor's report. Included in that was the fact that if we were to retain legal counsel that it would have to go through the City Attorney's Office. The City Attorney is certainly more aware of the expertise of those that he has at his disposal as well as those persons in the legal marketplace who could assist the City and therefore that is why the amendment is before the Council today, to ask them to make that recommendation back to the Council as to who his recommendation would be. Granted, it is an amendment on the legislation authored by Councilman Lester asking for his legal opinion and I would certainly think that if his legal opinion comes back and says there is nothing here, there is no reason to proceed, then he would not be bringing forth any recommendation as to an attorney to provide legal counsel.

Councilman Jackson: And I guess in that, to an effort to simplify it, I guess for Councilman Lester's resolution is in fact is simply to say to the City Attorney to get someone to look at whether or not there are grounds and whether or not we have, I guess would be sufficient standing and whether or not we have a case, I guess. And I guess my question is as we attach this amendment, would this amendment be affected if he comes back and says, *yes, we do have a case?*

Councilman Carmody: And again this would be my position. I think that it would be irresponsible for the Council to take action if after having sought the City Attorney's opinion regarding whether or not we are to proceed, and he said, no. If we were to take it up, I think that we would all be amiss in having followed the counsel, the lead attorney for the City.

Councilman Jackson: So would it be okay. I guess my question is, I know we have the amendment before us but it sounds to me that if we pass the resolution then we are basically going to still be in the same position as if we had the resolution and the amendment. Would the amendment replace, is this amendment replacing his or is just amending his resolution to add this caveat that is at the end. But we could go on without perhaps this caveat and still get done chiefly, what it is we are interested in doing?

Councilman Carmody: And I would think that if Mr. LaFitte, if the Council so chooses to ask Mr. LaFitte to render his opinion back to us and he comes back and says, I would proceed, I would think that he would be knowledgeable enough to go ahead and to hopefully provide us with his recommendation at that point, unsolicited knowing that we have had this discussion before.

Councilman Lester: As I appreciate it, reading this, I don't read this amendment as a suspensive condition, i. e., if in fact the City Attorney comes back with an opinion that says that we can in fact and should proceed with trying to recover this money then we hire outside legal counsel. As I appreciate it, my reading of this says that we are directing him to recommend to the Council and to the Mayor employment of outside legal counsel to follow the recommendation of the legislative auditor and to seek the refund of certain sum of money

from Altec.

No where in there does it indicate that this course of action will be taken after or of the City Attorney says, comes back with an opinion that says we should in fact proceed and that is my concern. I'm thinking that we are putting the cart before the horse. Certainly, if the City Attorney or his designee comes back with an opinion that says, yes we should, yes we can and this is what the prospects would be if we were to go through this process, then I would be in favor of moving forward. But unless and until we have that definitive answer from the City Attorney or his designee that says, yes we can proceed, yes we would be successful and this is what we need to do in order to take those steps, I think to add this would be putting the cart before the horse.

And so I would respectfully request to Councilman Carmody that he withdraw this amendment and allow us to move forward on the resolution and have our City Attorney and/or his designee to research this issue and come back with an opinion and then at that point, once we have that opinion in hand, then we can proceed in a logical and prudent fashion. And I don't think that would preclude at that time your amendment, but I just think right now, this amendment is not ripe; I think it is a little premature.

Councilman Carmody: Based upon the recommendation, I would make a motion to withdraw the amendment, seconded by Councilman Hogan.

Mr. Thompson: You are the author, you can just withdraw it.

Councilman Carmody: I'll withdraw.

#### RESOLUTION NO. 30 OF 2004

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK A REFUND FROM ALTEC OR TO PROVIDE AN OPINION WHICH STATES WHY THE REFUND SHOULD NOT BE SOUGHT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY: COUNCILMAN LESTER

WHEREAS, State Law (R.S. 24:513) authorizes and empowers the Legislative Auditor to audit the books and accounts of the City of Shreveport; and

WHEREAS, the State Legislative Auditor audited the City of Shreveport's Convention Center Project and issued its Investigative Audit Report (Report) dated December 17, 2003; and

WHEREAS, one of the Report's recommendations was to seek "the refund of \$197,533 from ALTEC for the overpayment on its markup"; and

WHEREAS, the Charter (Section 8.03) states that the City Attorney shall represent the City in person or by an assistant in all litigation, and that he shall be the legal advisor of the Mayor and the Council.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the City Attorney is authorized and directed to follow the recommendation of the Legislative Auditor to seek the refund of \$197,533 from ALTEC, to include litigation if necessary; or to provide the Council with a formal written detailed opinion which states the reasons a refund should not be sought from ALTEC, to include the facts and the specific authorities on which his opinion is based.

BE IT FURTHER RESOLVED, that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this resolution which can be given effect without the invalid provisions, items, or

applications; and, to this end, the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read motion by Councilman Gibson, seconded by Councilman Lester passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

The following resolution was offered by Councilman Lester and seconded by Councilman Green.

RESOLUTION NO. 31 OF 2004

A RESOLUTION MAKING APPLICATION TO THE STATE BOND COMMISSION FOR APPROVAL OF THE ISSUANCE BY THE CITY OF SHREVEPORT OF NOT TO EXCEED ELEVEN MILLION DOLLARS (\$11,000,000) AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER REVENUE BONDS, 2004 REFUNDING SERIES A, IN ONE OR MORE SERIES, FOR THE PURPOSE OF REFUNDING CERTAIN EXISTING INDEBTEDNESS OF THE CITY.

WHEREAS, the City of Shreveport, State of Louisiana (the "City") now owns and operates a combined waterworks and sewer system, a revenue-producing public utility lying within and without the boundaries of the City (the "System") and has previously issued its \$10,290,000 of Water and Sewer Revenue Bonds, 1993 Series B and \$6,060,000 of Water and Sewer Revenue Bonds, 1997 Refunding Series A (collectively, the "Prior Bonds") to finance improvements to the System.

WHEREAS, in order to realize interest cost savings and in accordance with the provisions of Chapter 14-A of the Louisiana Revised Statutes of 1950, as amended (the "Act"), the City intends to proceed with the issuance of not exceeding \$11,000,000 aggregate principal amount of Water and Sewer Revenue Bonds, 2004 Refunding Series A of the City (the "Bonds"), to be issued in one or more series to effectuate the refunding of all or part of the outstanding Prior Bonds,

NOW THEREFORE, BE IT RESOLVED by the Mayor and the Council of the City, acting as the governing authority of the City, that:

SECTION 1. Preliminary Approval of Bonds. For the purpose of providing funds to refund the Prior Bonds in accordance with the provisions of the Act, the City intends to proceed with the issuance of the Bonds. The details of the Bonds shall be established by subsequent ordinance adopted by this governing authority. The proceeds of the Bonds will be used to effectuate the refunding of the Prior Bonds. The Bonds shall be limited and special obligations of the City as issuer of the Bonds, secured by and payable in principal, interest and redemption premium, if any, from water and sewer usage fees and other revenues derived or to be derived by the City from the operation of the System (after payment of the reasonable and necessary expenses of operating and maintaining the System) or from other lawfully available sources. The Bonds shall not be a charge on the other income and revenues of the City as prohibited under the provisions of Article VI, Section 37 of the Louisiana Constitution of 1974, nor shall they constitute an indebtedness or pledge of the general credit of the City. The Bonds shall bear interest at a rate of not to exceed six percent (6%) per annum, maturing no later than twelve (12) years from the date thereof and shall be issued under the authority previously cited in this section.

**SECTION 2.** State Bond Commission Application. This governing authority hereby authorizes and directs that application be formally made to the State Bond Commission, Baton Rouge, Louisiana for final approval of the issuance of the Bonds by the City within the parameters set forth above.

**SECTION 3.** Employment of Bond Counsel. This governing authority finds and determines that a real necessity exists for the employment of special bond counsel in connection with the issuance of the Bonds. Casten & Pearce, A Professional Law Corporation, Shreveport, Louisiana is hereby employed as Bond Counsel to perform comprehensive legal and coordinate professional work as Bond Counsel with respect to the issuance and sale of the Bonds. Said Bond Counsel shall prepare and submit to this governing authority for adoption of all of the proceedings incidental to the authorization, issuance, sale and delivery of such Bonds, shall counsel and advise this governing authority as to the issuance and sale thereof and shall furnish its opinion covering the legality of the issuance of the Bonds. The fee of said Bond Counsel shall be fixed at a sum not exceeding eighty (80%) percent of the maximum fee allowed by the Attorney General of the State of Louisiana 's fee schedule for comprehensive, legal and coordinate professional work in connection with the issuance of revenue bonds and based on the amount of the Bonds actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses, said fees to be contingent upon the issuance, sale and delivery of said Bonds. A certified copy of this resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated, and the Director of Administration is hereby empowered and directed to issue vouchers to said Bond Counsel in payment for the work herein provided for upon completion of the work herein specified and under the conditions herein enumerated.

**SECTION 4.** Investment Banker. Morgan Keegan & Company, Inc. of New Orleans, Louisiana, is hereby appointed and employed as investment banker/underwriter in connection with the Bonds, any compensation to be subsequently approved by the Issuer and to be paid from the proceeds of the Bonds and contingent upon issuance of the Bonds and the Bond Counsel is authorized and directed to prepare necessary documents appertaining thereto and to present them for further action by this Council.

**SECTION 5.** Financial Advisor. King, Bossier, Nosacka & Holley of Baton Rouge, Louisiana is hereby appointed and employed as financial adviser in connection with the Bonds, any compensation to be subsequently approved by the Issuer and to be paid from the proceeds of the Bonds and contingent upon issuance of the Bonds and the Bond Counsel is authorized and directed to prepare necessary documents appertaining thereto and to present them for further action by this Council.

**SECTION 6.** Employment of Special Counsel to the Issuer. It is found and determined that a real necessity exists for the employment of Special Counsel to the Issuer in connection with issuance and delivery of the Bonds and, accordingly, Harvetta Colvin, Esquire, Shreveport, Louisiana has been employed as Special Counsel to the Issuer in connection with the issuance and delivery of the Bonds. The fee to be paid to Special Counsel shall be an amount less than the Attorney General's then current hourly fee schedule, together with reimbursement of out-of-pocket expenses incurred and advanced in connection with the issuance of the Bonds, said fee to be payable out of the Bond proceeds subject to the Attorney General's written approval of said employment and fee to be paid with Bond proceeds as required by the Act.

**SECTION 7.** Publication. This resolution shall be published in *The Shreveport Times*, a daily newspaper published in Shreveport, Caddo Parish, Louisiana, and that, as provided by the Act, for a period of thirty (30) days from the date of such publication, any person in interest may contest the legality of this Resolution and the Bonds to be issued pursuant hereto and the provisions securing the Bonds. After the said thirty days, no person may have any right of action to

contest the validity of the Bonds or the provisions of this Resolution, and all of the Bonds shall be conclusively presumed to be legal, and no court shall thereafter have authority to inquire into such matters.

Read by title and as read motion by Councilman Lester, seconded by Councilman Green passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

Councilman Hogan: I had a question about the previous item, concerning the City Attorney. I never heard anyone say, is he going to have that for us at the next Council meeting. Mr. Lafitte, are you in the room.

Councilman Green: I think that is a little swift.

Councilman Hogan: Is two weeks enough for him to research it or when do we expect to have it?

Councilman Carmody: Mr. Lafitte, Mr. Hogan has brought forth a question as to the timetable, the Council while you were out of the Chamber has voted to ask you to pursue the refund or to render a legal opinion as to why we should not. The question then from Mr. Hogan was, should we expect that within two weeks or what is. . .?

Mr. Lafitte: Sure.

Councilman Carmody: That's appropriate?

Mr. Lafitte: Yes.

#### **INTRODUCTION OF RESOLUTIONS:**

1. Resolution No. 25 of 2004: A resolution expressing support for proposed state legislation which would facilitate the conversion of the McNeill Street Pumping Station into a museum operated under the state museum system, and otherwise providing with respect thereto.
2. Resolution No. 26 of 2004: A resolution authorizing the Mayor to execute a Cooperative Endeavor Agreement with the State of Louisiana for the Artspace at the West Edge Capital Project and otherwise providing with respect thereto.
3. Resolution No. 27 of 2004: A resolution authorizing the City to obtain approval of the State Bond Commission and to purchase land immediately adjacent to the City Landfill located on the Woolworth Road and to approve and authorize the Mayor to execute an agreement for the purchase of said property, and otherwise to provide with respect thereto.

Councilman Carmody: Mr. Mayor, we have Item 27 *authorizing the City to obtain approval of the State Bond Commission to purchase land immediately adjacent to the City Landfill located on the Woolworth Road and to approve and authorize the Mayor to execute an agreement for the purchase of said property.* I know that this is on Introduction but, it has come to my attention that we are considering a purchase and at least if you go to that particular item and open it up, gentlemen you will see where the question comes from.

The Purpose says: *This resolution allows the City to go before the Louisiana State Bond Commission for approval of the indebtedness and to acquire 665.98 acres of land immediately adjacent to the Woolworth Road Regional Solid Waste Facility that will ensure landfill capability until approximately 2055. This acquisition will ensure landfill capability for approximately thirty five (35) years additionally after the City's current site has reached capacity in the year 2022. Purchasing this green space land will guarantee the City's ability*

*to handle its waste well into this century. An appraisal of this property was completed in 2003 with an appraised value of \$3,000/acre, but the property owner would not consider this price, thus a negotiated price of \$4,250.00 was reached.* I know that this is on for First Reading but if I could, if we are not prepared to answer today, maybe we could get these questions answered for me and I'm not sure if maybe Mike Strong is not the appropriate person to ask this too.

Councilman Gibson: I'm going to ask for a 2-week delay on this.

Councilman Carmody: Now, we've already vote to---

Councilman Gibson: Did we?

Councilman Carmody: Actually it was on for Introduction and so we will take it up in 2-weeks.

Councilman Gibson: I thought we were voting on this.

Councilman Carmody: No, sir it is already—we voted to Introduce it.

Councilman Gibson: So we got two weeks to get that information.

Councilman Carmody: Yes, sir, that is why I am asking for it now.

Mayor Hightower: Fire away Mr. Chairman, I think we can answer your questions.

In that this piece of property, apparently we have gotten a current appraisal that states a value of \$3,000 dollars and yet it says *the property owner would not consider this price, thus a negotiated price of \$4,250.00 was reached.*

Mayor Hightower: Correct.

Councilman Carmody: Is it legal for us as a municipality to pay above the appraised value for a piece of property?

Mayor Hightower: I guess we will get Mr. LaFitte to answer that for you.

Councilman Carmody: The reason I ask that Mr. Mayor is I know that we are all familiar with the scenario we had down at the Convention Center site where once those property owners who had not agreed to sell their property to the City found out that they were in close proximity to a municipality asset, the price went exponential and that point, as opposed to paying, I guess a value above what the appraised value was, which is what we had offered then we exercised eminent domain in order to actually work to take the property.

Mr. LaFitte, this legislation that is before us regarding the purchase of the 665 acres adjacent to our landfill shows that the City had an appraisal made that showed a value of \$3,000 an acre. The property owner would not accept that value and it said that it was a negotiated price of \$4,250 per acre was reached. My question was, can the municipality legally purchase property that is above the appraised value?

Mr. Thompson: I guess it would be, whether or not this would be a donation prohibited by the Constitution of the State of Louisiana.

Councilman Carmody: Thank you sir for the clarification.

Mr. LaFitte: Within reason it can go a little bit above or even below an appraised value, it just depends on how much.

Councilman Carmody: Percentage wise, it sure appears to be.

Mr. LaFitte: And I would have to tell you in this particular situation, I would have to look at the numbers.

Councilman Carmody: This is just on for first reading. It has been introduced so there is two weeks in which you would have some time to get back to us.

Mayor Hightower: And let me address that a little bit further. This is totally different than the Convention Center was where we had land purchase, we had project put down, we had the whole thing moving forward and we had a small percentage of the total project unobtainable, essentially because we couldn't get any negotiation that was close to reasonable.

In this case, we have had adjacent property owner that is willing to sell however, the further away from the landfill you go, the more you start seeing development, homes in particular some businesses but homes. It is reasonable to think that the expansion of the homes is may continue to

move towards the landfill which could eventually landlock the City's ability to dump garbage without going and seeking an entire new permit from the EPA and DEQ which is terribly expensive. We are fortunate that we are one of the few cities in the state that still has a landfill, Bossier City doesn't have one, the City of Monroe has one but it is a privately held landfill, the City of Alexandria actually has to truck all of their garbage to Monroe for disposal. So, we've got a huge asset out there that we have to protect and when that landfill opened up in 1986 or 1987, it was projected to be a roughly a 30 year landfill at the time. It won't be long before 30 years is up and the only thing you can do is to start to go up and build mountains at that point, so we want to be sure that we are looking longterm. We also want to be sure that we are purchasing property before home expansion starts to expand into the territory we want to buy which would mean that a \$3,000 appraisal may rise up to \$42 and then the landowners is going to say \$42 is not enough—I'm going to put homes in here and I can divide it up in quarter acre lots and sell them for \$30,000 a piece. So, the reason that we started to move on this now, is to protect the City's interest. Are we going to be able to buy it for \$3,000 an acre? No, but then again do we think that we can go into expropriation proceedings and get a judge to take a man's property from him that he believes can, that is undeveloped, that he believes that he can develop further and there is no further and there is no other land that he owns out there to expand the neighborhood on. I think our case is pretty weak when it comes to expropriation; so, that is the reason that we continue to work with the property owners to negotiate some sort of price and he in good faith has continued to negotiate with us and we did finally reach an agreement although it is above what the appraised value was, maybe we could go out and find an appraiser somewhere that would appraise it closer to \$4,250 an acre. I don't know that, but I do know that we need to protect the City's interest from a landfill standpoint so that we are not put in the same position that the city of Alexandria is currently in, in shipping their garbage 100+ miles to be disposed of; so that is our whole reason there. As long as the City Attorney or somebody doesn't come back and tell us we can't pay above appraised, then I strongly suggest that we move forward with this.

Councilman Carmody: I think you kind of hit the nail on the head that I was looking for and I think it is in our best interest to look long term and to see those opportunities that are afforded to us and to be there when it is advantageous for us to acquire properties.

What I have got in front of me is actually the Sheriff's Sale Deed where the property was sold and for consideration for about \$1650 in 2002, which again, I am not sure if it would actually be Mr. Strong that would have been the appropriate person to kind of keep a watchful eye out for the potential for us to expand our landfill, but I guess it begs question if we were aware that an opportunity to acquire property at a Sheriff Sale were available to us, why we were not down there bidding?

Mr. Antee: Mr. Chairman, when was the date of that Sheriff sale?

Councilman Carmody: It shows to be September 19, 2002.

Mr. Antee: So in all actually, whoever the original owner of the property was prior to it being sold at Sheriff sale could come in and redeem it through September 2005.

Mayor Hightower: It was just a tax sale, is that correct?

Mr. Antee: It was just sold for taxes and was probably redeemed shortly thereafter, if not, it can still be redeemed for another year and a half. You can't look at a Sheriff Sale deed and think from a tax sale that is the actual value at cost of the property until after the 3 year redemption period is over.

Councilman Carmody: Again, I am not familiar with exactly what the situation is with this property but as I say, it just kind of begs the question are we prudent in watching for opportunities where the City would be advantage to try and acquire and I'll be happy to leave ya'll with a copy of this. Let ya'll look at it because again, we got two weeks before we consider it, but I think that there is some issues here that I think the Council would like to get apprized of. And if I can request a copy for all Council members of the appraisal that was made of the property, I believe that was actually the City's appraisal, we had hired someone to do an appraisal for us, but I'd like to take a look at it.

Mr. Antee: Well the basic real estate law on a Sheriff sale is that the original property owners has three years to come in and redeem and if the Sheriff Sale was September '02 then nobody can get clear title to it until after legal action has taken after September, 2005.

Councilman Carmody: Do you know whether or not we are dealing with the persons with equitable title or are we dealing with the persons who have a Sheriff's Sale?

Mr. Antee: I don't know, I haven't been involved in it. I just, when you mentioned it as a Sheriff Sale in '02. . . .

Councilman Carmody: That is the way it shows here on this instrument.

Mr. Thompson: Is that a tax sale or Sheriff sale or payment of debt or something.

Councilman Carmody: It says: Sheriff Sale *Whereas, I Steve Prator, Ex Officio and Auctioneer of the Parish of Caddo by virtue of writ and commission do sell to me, directed by the Honorable First Judicial District Court in and for the Parish of Caddo after having fulfilled and complied with all legal requirements did seize and take into my possession the following real estate together with all buildings and improvements situated in Caddo Parish.*

Mayor Hightower; Does it say, who he took it from?

Councilman Carmody: It lists a suit number in the First Judicial Court of Echo Acres, L. L. C versus a Charles Banard Horn, Barbara Jean Horn Walton and Catherine Jacell Horn Slack.

Mayor Hightower; Apparently what has happened on that piece of property is now has been purchased, I guess from the Sheriff because that is not who we are dealing with.

Councilman Gibson: I'm going to ask for a point of order. It is not going to be voted on until the 24<sup>th</sup>. . . we are probably going to have some questions. My suggestion is that we funnel those questions to the Administration and they be prepared to come back on the 24<sup>th</sup> and I'd ask for a Point of Order on this issue.

Councilman Carmody: Very good.

4. Resolution No. 28 of 2004: A resolution authorizing the filing of a Section 9 (5307) Application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, As Amended.
5. Resolution No. 29 of 2004: A resolution authorizing the filing of a Section 3 (5309) Application with the Department of Transportation, United States of America, for a grant under the Urban Mass Transportation Act of 1964, as Amended.

Read by title and as read motion Councilman Green, seconded by Councilman Walford for Introduction of the Resolutions to lay over until the February 24, 2004 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

#### **INTRODUCTION OF ORDINANCES:**

1. Ordinance No. 14 of 2004 by Councilman Gibson: An ordinance amending Section 26-243 of the Code of Ordinances of the City of Shreveport relative to the architectural and engineering selection process and otherwise providing with respect thereto.

Read by title and as read motion Councilman Green, seconded by Councilman Gibson for Introduction of Ordinance No. 14 of 2004 to lay over until the February 24, 2004 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

2. Ordinance No. 15 of 2004: An ordinance authorizing the Purchasing Agent to dispose of surplus real property parcel of land at corner of Garden And Ignatius (Boisseau) Streets and otherwise providing with respect thereto.

Ms. Glass: Ordinance No. 15 on Introduction was the one that was a duplicate, so if you would withdraw that.

Motion Councilman Lester, seconded by Councilman Walford to withdraw Ordinance No. 15 of 2004 from the agenda. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

**ORDINANCES ON SECOND READING AND FINAL PASSAGE:**

1. Ordinance No. 209 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the north side of Kelsey Street 300 feet west of Russell Road and also on the south side of Martin Luther King Drive 300 feet west of Russell Road, Shreveport, Caddo Parish, Louisiana, from R-1H, Urban, One-Family Residence District, to R-3, Urban Multiple-Family Residence District, and to otherwise provide with respect thereto.

Having passed first reading on December 19, 2003 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Gibson to postpone the ordinance until the February 24, 2004 meeting.

Councilman Lester: What I am attempting to do is get some clarification from the proponents of this particular issue. There was some commentary and some questions that were raised from members of the neighborhood association and so I want to postpone this matter until I can get a resolution on those issues.

Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

2. Ordinance No. 4 of 2004: An ordinance authorizing the Purchasing Agent to dispose of surplus real properties and otherwise providing with respect thereto.

Having passed first reading on January 13, 2004 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Green adopted by following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

3. Ordinance No. 8 of 2004: An ordinance authorizing and providing for an encroachment on a portion of the Sprague Street right-of-way, and to otherwise provide with respect thereto.

Having passed first reading on January 27, 2004 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Walford, seconded by Councilman Gibson adopted by following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

4. Ordinance No. 9 of 2004: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the west side of Fern Avenue 750 feet south of Sand Beach Boulevard, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-family Residence District and R-3, Urban, Multi-Family Residence District to B-1, Buffer Business District, and to otherwise provide with respect thereto.

Having passed first reading on January 27, 2004 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Gibson, seconded by Councilman Jackson adopted by following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

5. Ordinance No. 10 of 2004: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the south side of Shirley Francis Road 700 Feet west of Audubon Meadow, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-family Residence District, to R-A, Residence Agriculture District, and to otherwise provide with respect thereto.

Having passed first reading on January 27, 2004 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Jackson, seconded by Councilman Gibson adopted by following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

6. Ordinance No. 11 of 2004: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the northwest corner of Greenwood Road and Forge Road Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-Family Residence District, to B-3, Community Business District with MPC Approval, and to otherwise provide with respect thereto.

Having passed first reading on January 27, 2004 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Jackson, seconded by Councilman Gibson adopted by following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

7. Ordinance No. 12 of 2004: An ordinance amending the 2004 Capital Improvements Budget and otherwise providing with respect thereto.

Having passed first reading on January 27, 2004 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Carmody for adoption. The Deputy Clerk read the following amendment:

Amendment No. 1 by Councilman Gibson:

Amend the ordinance as follows:

Amend Paragraph 3. and Paragraph 3.a. to read as follows:

3. The Mayor be and is hereby authorized to execute all contracts, deeds, grant documents and other legal instruments necessary to expend and receive the funds authorized in the Capital Improvements budgets, provided:
    - a. Quarterly reports shall be provided to each member of the Council which contain all change orders and other changes to the contracts relating to the Shreveport Convention Center Project (97A004). The form of the report shall be approved by the City Council, and the first report is due 100 days after the date the notice to proceed was issued; and
- 

Explanation of amendment:

The ordinance as introduced requires the City Council to approve all change orders to the Convention Center Capital Project. This amendment deletes that requirement and requires the Council to be notified of all change orders in quarterly reports.

Motion by Councilman Gibson, seconded by Councilman Lester for adoption Amendment No. 1.

Councilman Lester: I had an opportunity to review both amendments, 1 and 2, and I have some questions. Mr. Clerk, could you clarify the portion of Amendment No. 2, I think it is the c portion as it relates to the Multiculture Center Project. If Amendment No. 1 passes, would that section in c be also included in Amendment 1.

Mr. Thompson: Section C in the original ordinance is section b, is no. b. and this amendment only affects paragraph 3 and paragraph 3 a, it does not affect paragraph 3 b; so paragraph 3b would remain. That is any contracts with prospective tenants of the Multicultural Center Project. . . .that paragraph would still remain if this amendment is adopted and if the ordinance is adopted as amended by this amendment.

Councilman Lester: I ask that question because I am going to withdraw at least my portion of Amendment 2 and support Amendment No. 1.

Councilman Jackson: I just heard Councilman Lester ask something, a question and I guess I'm not understanding if we in fact would vote Amendment No. 1, how would the c. section Amendment No. 2 be inculcated into what is here in Amendment No. 1.

Mr. Thompson: The c section of the amendment that is referring to, is actually the b, section of the original resolution. If you look at the original resolution and so what this amendment does is to amend the original resolution but only paragraph 3 and paragraph 3a, not 3b; so 3b would remain in the original resolution.

Councilman Jackson: I didn't and I think was Councilman Carmody's legislation. Can you speak to because I am not 100% comfortable with the b section because this ask that *all contracts with prospective tenants of the Multicultural Center Project and all consultants for said Project, except Architectural and Engineering consultants, shall be approved by the City Council.* I am assuming that that, Architectural and Engineering consultants is inserted there because we don't have authority to do that?

Mr. Thompson: No, this is to make it clear that we have other relationship with the Multicultural Center. For instance we give them \$200,000 a year and we have other things. This does not affect that. This only affects the money that is in the project. The \$2 million

dollars plus interest that the voters voted on so any consultant that would be paid out of that \$2 million plus interest, this affects. It does not affect any of the other relationships that we have with the Multicultural center.

Councilman Jackson: That brings me to part a, with is the issues with *prospective tenants*?

Mr. Thompson: That is that you would not enter into a lease agreement with the Multicultural Center for the use of this building, unless it comes back to the Council.

Councilman Jackson: So, any contract with prospective tenants of the Multicultural Center Project, I'm assuming the Multicultural Center Project is not necessarily connected to the Multicultural Center of the South and they would be, then that group who would be having a contract with the City, I guess?

Mr. Thompson: Multicultural Center Project is a capital project of the City of Shreveport.

Councilman Jackson: Right. So, the *prospective tenant*, I'm assuming is the Multicultural Center of the South; is that correct.

Mr. Thompson: That is correct and/or any other tenant.

Councilman Jackson: So lets assume then that the Multicultural Center of the South then becomes the tenant of this capital project, this building if you will, then what about other people that they would lease space to lets say in that particular building. Will they be in control of sub-letting, I guess, would that be the correct term at that particular time. Will they have 100% control of the building and then they are able to sub-let and would that subject any of those contracts to the approval fo the City Council, as well?

Mr. Thompson: I don't think that they would have the ability to sublet unless the City Council specifically gave them that ability.

Councilman Jackson: So they do not then, they will not have the ability to sub-let unless it is in the original contract that is mentioned here about being the contract entered into with them?

Mr. Thompson: Or some subsequent contract. Remember, this is a building that is owned by the City of Shreveport. And, therefore they would n to have any authority to do anything unless the City Council specifically gives them that authority in a contract.

Councilman Jackson: So they are going to, we buy a building, they are going to be our tenants. We are basically renovating the building for our tenant and we are saying that our tenants, this is the deal, of course no subletting and any contract and anything else except architects, I guess my question then, why did we then leave out architectural and engineering consultants?

Mr. Thompson: Because those are controlled by the City. That is normally what the City does whenever it renovates a building—it is in the normal course of. . . .

Councilman Jackson: That was my initial question.

Councilman Walford: Point of Order. I don't see what we are debating in Amendment No. 1. Am I missing something or are we debating the ordinance while we actually have a motion on the floor for the amendment?

Mr. Thompson: The original question was whether or not the amendment would be excluded or how it would be affected and that is how we got into this but I think that is a good point.

Councilman Walford: So we are really on Amendment No. 1.

Mr. Thompson: That is correct.

Councilman Carmody: Thank you Mr. Walford, I appreciate you bringing that to your attention.

Councilman Green: I would like to hear Amendment No. 1 again. That is Amendment No. 1?

Ms. Lee. Only.

Councilman Green: Only; so the part about Councilman Jackson was talking about, that is in?

Ms. Lee: Amendment No. 2.

Councilman Carmody: It is actually in the ordinance itself, Councilman, that we will get to.

Councilman Walford: That we will get to later.

Councilman Carmody: We are considering Amendment No. 1. now.

Councilman Green: If in fact everything that happens at the Multicultural Center that has to come to the Council, for the Council to say, 'yeah or nay', does that put us in a kind of a management mode?

Mr. Thompson: I did not mean to imply that everything that they did would have to come to the Council. It has to do with whether or not they could lease out a part of this building which is owned by the City, that would have to come back to the Council.

Councilman Green: I guess my question is if we accept this, then to me it would become very, very political that if in fact there is a good tenant say, I don't like then that means that, we say, no and I think that makes the whole deal, very, very political. I would be against that.

Councilman Walford: Mr. LaFitte, I've got a question because I'm afraid that I don't fully understand this. Basically we are going to do an amendment that says *the Mayor be and is hereby authorized to execute all contracts, deeds, grant documents and other legal instruments necessary to expend and receive the funds authorized in the Capital Improvements budgets, provided that quarterly reports are provided to each member of the Council* and so on.

Now, if I go our City Charter, *Section 5.02. Powers and duties of mayor - (c) Sign all contracts, bonds or other instruments or documents requiring the assent of or execution by the city, except those which some other officer is authorized hereunder to sign, and be custodian of the corporate seal;* the Charter gives him the right to do this, can we as a Council further respect that and say that he can only do it if he provides information to us?

Mr. LaFitte: As a Council, you can request him to provide reports and so forth to you.

Councilman Walford: We can request it. But he has got the power by the Charter. Can we as a Council supercede the Charter?

Mr. LaFitte: No you can't limit his powers.

Councilman Walford: But we are limiting it by saying it he can only do it if he provides this information to us? I would go back to what I think you are suggesting that we could ask for this information or we could require it separately but I don't see how we could make it a condition of him being able to sign contracts.

Mr. LaFitte: You can not limit the powers that are granted to him by the Charter.

Councilman Walford: Well the powers are granted like I just read you, right here in the Charter but we are taking some of them away unless he provides certain information to us and I feel like as a Council, we are trying to supercede the Charter with this amendment, am I correct?

Mr. LaFitte: That's where it is headed.

Councilman Walford: That is what I thought. And, gentlemen I think we are taking the wrong approach here and I think the idea of getting quarterly reports is good, but I don't think trying to restrict the Mayor power beyond that that he is granted by the Charter unless he provides this to us is the right approach. And I think it is a matter of semantics and perhaps we need to re-word the amendment, but I would vote 'no' as this stands although I am in support of getting the quarterly reports

Mr. Thompson: This is a very fundamental and important question that has been raised and if—I am certainly not disagreeing with the City Attorney but I would ask that maybe if the Council has questions about this, they would ask him to give an written opinion. And the reason that I say that is for this reason. All of the budget amendments that we do have the language in there which authorizes the Mayor to sign contracts and that is specifically what paragraph 3 is, that is where it is taken from, the budget amendments, the capital budget amendments that we do each year. We've been doing it this way going back, I guess, until we've had this form of government and because the Council authorizes him to sign contracts, I mean, he does have to sign all of those contracts but the authority to sign them comes from the Council and if there is a question about this, I think it is an important enough question that we ought to take some time and get a legal opinion and to insure that the City Attorney has had time to research and to think about this.

Councilman Walford: Then with that in mind, I would offer a substitute motion that we postpone action on this for two weeks and get an opinion from the City Attorney, [seconded by Councilman Green.]

Motion by Councilman Walford to postpone the ordinance until the February 24, 2004 meeting seconded by Councilman Green.

Mayor Hightower: From my standpoint, we don't have a problem at all with providing quarterly reports for change orders. I'm not sure that, that circumvents anything at least from my perspective, it doesn't—we are going to provide them so it is not going to prohibit me from signing a contract; so, we can delay it for two weeks and we can get an attorney's opinion and we can get an attorney general's opinion if you want to do that and then we can send it to the voters if you want to do that, but bottom line is if all we want to do is for us to send you quarterly reports on what change orders take place on the Convention Center project, consider it done. That is just not a big deal with me and lets not hamper the agenda and spend dollars in the legal section to print what we are talking about today. Lets, just vote for telling us to send you a quarterly report on change orders, it is just not a big deal.

Mr. Antee: In addition to that, we are going to on the 2<sup>nd</sup> meeting of each month, we are going to provide all of the pay applications, pay requests that we've received from Yates or any other contractor on that project as part of our Convention Center Report so that you can get those monthly starting with the next Council meeting; so, that information will be provided at least once a month.

Councilman Carmody: That will be very helpful. Mr. Antee, could I also ask if we could get the list of change orders to date on the project so that we would at least have something to show.

Mr. Antee: I can give you that real quick. There have been none.

Councilman Gibson: I am going to call a point of order. We have a motion and a

second to delay this thing. Is somebody going to withdraw or are we voting, that my Point of Order?

Councilman Walford: I am not in favor of delaying it. Where I am going is, that I have no problem with asking for the quarterly reports if we can amend the amendment to day. I will again change my, offer a substitute motion for that just dropping the wording in paragraph 3 and sticking with 'a' saying that quarterly reports will be provided and I guess I am turning to Mr. Thompson, asking if there a way to do that today without delaying.

Ms. Glass: If you drop paragraph 'a', you are dropping existing language that is already in the budget ordinance.

Councilman Walford: Oh, okay. I will tell you at this point, I will withdraw my substitute motion.

Councilman Carmody: I think that brings Mr. Gibson back to where he was asking us to go and that is consideration of Amendment No. 1.

Councilman Gibson: I do appreciate consideration on this particular budget amendment, well not budget amendment, but amendment to the main motion. 1. This Council has never approved change orders in its history, at least the best I've been able to research.

2. On a project of this size with the delays, I think last month we were suppose to have this project open and obviously because of variety of factors, it has put us behind the 8<sup>th</sup> ball of which I think the Mayor and the Administration has moved forward in a due diligent manner to get us back on track of which in this amendment, it would require the first report due within 180 days of a notice to proceed which Mr. Antee, I believe the Notice to Proceed was what, about the 2<sup>nd</sup> or 3<sup>rd</sup> week of December?

Mr. Antee: Somewhere around there.

Councilman Gibson: So our first report from the Administration would be forthcoming next month which would then be able to give Councilman Carmody the information that he is looking for because it would fall in that time frame and then every quarter hence forth.

The other reason that I think it is a timely amendment in terms of this quarterly report coming to Council in change orders is we are dealing with a very time sensitive project. I believe that the construction schedule, if I am not mistaken is 2 ½ years, and a lot of that is going to come down, it might be short and it might be lengthened based on the weather on foundation and structural work which that foundation is going to be dependent on the next few months in terms of what kind of weather we get which right now is not looking real good, but hopefully it is going to dry out. But if we are going to be in the loop of approving things then we start to engage on problems with delay claims from the variety of subcontractors that is going to be on this project of which again, I think everybody understands we have got a contingency in this project and hopefully at the end of the day we are going to have a large contingency to be able to then have a problem as a Council and Administration to know what to do with that money that is left over which hopefully we will have. But I would hate to see contractors and as I was explaining to one of my colleague the other day, if Councilman Green is a subcontractor and is waiting on a change order for approval and Councilman Lester is the subcontractor behind Councilman Green, and he can't get his work out because Councilman Green is waiting on a change order, that is where you end up with some litigation towards the City and we end up paying monies that we shouldn't which comes out of a pot of money of which the Mayor has been very clear about what we

have available. In addition, we would be faced with uncertainty in terms of additional months added onto the current construction schedule which again, the sooner we get this thing open the sooner we can get the Convention Tourism Bureau and the other professionals on the ball to fill that thing up to where we could start getting a return on that investment.

And the last thing I have on the issue is that I will be asking in writing of the Administration as these quarterly reports come before us which I hope will pass is to periodically ask the design professionals to come forward and if we have any questions regarding the change orders, be able to ask certain questions of that design profession about why they occur. I know why they occur. Contractors are in the business of building and not in the business of designing. A Design Professional is in the business of designing those plans and specifications and when those plans and specifications are bid on, if a contractor can not determine what is on there, then they sit down and try to come up with a change order that is reasonable in nature and that is submitted to the Administration. And in my discussions with the Mayor, there is a process that we go through, I don't know how many people sign off on that change order but it is quite lengthy and I think what, at least 6 to 8 people are signing off on that piece of paper and so there is a lot of eyes, a lot of professionals involved in this change order process but this will come down to the end of the day in terms of how much change order that we are spending on this project based on what the plans and specifications that were originally put together that W. G. Yates, the General Contractor bid on. And I think this will be a healthy exercise for this Council and the Administration to make sure that we understand what monies are flowing through. I have heard the Mayor say repeatedly that he is going to make sure that those quarterly reports are put before us and then we see exactly what is on the table and then make our comments accordingly.

And, from where I sit right now, I think this is a great step in the right direction and I would urge my colleagues to support Amendment 1 in getting a quarterly reports on change orders related to the Shreveport convention Center.

Councilman Lester: I offered Amendment 2 and I have since withdrawn it because again, in sitting down and doing the research I could very easily see a situation given our propensity as a board to study things, that we could study a major change order to the point where we walk right up on, as we say in the business, a two comma change order, that two comma that is hundreds of thousands dollars worth of delay damage then it just doesn't make sense.

At the same time, I would disagree with to use the term, my right honorable friend, Mr. Walford I don't think that we are trying to usurp any of the authority of the Mayor's Office. I think what we are trying to do as a Council is to faithfully discharge the duties that have been granted to us and I think, and I appreciate the fact that this Administration and this Mayor has said that they would provide that information to us because when we are given the information then we can make informed choices, we can discharge our fiduciary duty and when our citizens and our constituent ask us questions, at least we will be in the loop that we can at least have an intelligent answer. I can't speak for anybody else, but I would pretty much, I think if we ask be in agreement that when constituents ask us serious questions and we have to give a 'I don't know' and 'I don't know who knows' type of answer that give us, at least gives me great pause.

So, to the extent the Administration has manifested a willingness through this process to share information and the Administration has said they continue to be forthcoming, I think

that gets us where we need to go and so I would ask that we support Amendment No. 1.

[Councilman Lester called for the question seconded by Councilman Jackson. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, and Jackson. 5. Nays: Councilman Hogan and Green. 2.]

Amendment No. 1 passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan and Jackson. 6. Nays: Councilman Green. 1.

Motion by Councilman Lester, seconded by Councilman Gibson for adoption of the ordinance as amended.

Councilman Green: I think 1. that before we put amendments up, I think we could make use of the telephone. Mr. Mayor, just for information, did anybody ever call you and ask you if you would provide reports and you turned them down?

Mayor Hightower: No.

Councilman Green: And I just think it is courteous to be courteous. Before anybody turn you down. I just think you ought to at least go through the proper procedure and just ask them for it and then if they turn you down, then we make a law. Of course up here, around the table it makes wonderful conversation for the public to see us really at city government and we are really holding the Mayor's feet to the fire and holding one another, but I think when it all boils down, we have got to get out there and do our job for the citizens. We got to return phone calls and we got to take care of business more than babysitting the Mayor and I just wanted to say that. I wasn't allowed to say it before, I just think that it makes us look good up here and it makes our friends think that we are doing something when they sit at home and watch us on t.v. eating popcorn on a day like today, but just going around for 30 minutes talking about, Mayor, would you get us a report; that doesn't even make sense.

So, all you got to do is pick up the phone and say, hey Mr. Mayor, we want a report. If he says no, then lets do some other thing, but other than that, I mean, at least let him say 'no' or even if you call me and I say, 'no' then make an amendment. But folk are sitting at home right now and I hope they got enough butter on they popcorn just watching us for 30 minutes talk about an amendment that we just could have said, 'Mr. Mayor, we want some quarterly reports' and that is done.

Councilman Carmody: And I think the appropriate place to have asked that would probably be during the Convention Center or Convention Hotel Report.

Councilman Walford: We have amended a,so we are dealing strictly with Amendment 1, but b. stays in tact. Is that correct.

Councilman Carmody: That is correct.

Ordinance as amended by following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Jackson. 6. Nays: Councilman Green. 1.

4. Ordinance No. 13 of 2004 by Councilman Walford and Lester: An ordinance amending Chapter 38 of the Code of Ordinances providing for notification to utility companies when certain structures are to be demolished and otherwise providing with respect thereto.

Having passed first reading on January 27, 2004 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Carmody adopted by following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

The Ordinances as amended follows:

ORDINANCE NO. 4 OF 2004

AN ORDINANCE AUTHORIZING THE PURCHASING AGENT TO DISPOSE OF SURPLUS REAL PROPERTIES AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport has acquired certain real properties; and  
WHEREAS, the properties listed herein are no longer needed for public purposes and should, therefore, be declared surplus and excess; and,

WHEREAS, Section 26-292 of the Shreveport Code of Ordinances provides that the sale of surplus properties shall be by competitive bids after public notice.

O  
W  
,  
T  
H  
E  
R  
E  
F  
O  
R  
E  
,  
B  
E  
I  
T  
O  
R  
D  
A  
I  
N  
E  
D

b  
y  
  
t  
h  
e  
  
C  
i  
t  
y  
  
C  
o  
u  
n  
c  
i  
l  
  
o  
f  
  
t  
h  
e  
  
C  
i  
t  
y  
  
o  
f  
  
S  
h  
r  
e  
v  
e  
p  
o  
r  
t

i  
n  
  
d  
u  
e  
,  
  
l  
e  
g  
a  
l  
  
a  
n  
d  
  
r  
e  
g  
u  
l  
a  
r  
  
s  
e  
s  
s  
i  
o  
n  
  
c  
o  
n  
v  
e  
n  
e  
d  
,  
  
t  
h

a  
t

t  
h  
e

P  
u  
r  
c  
h  
a  
s  
i  
n  
g

A  
g  
e  
n  
t

b  
e

a  
n  
d

h  
e

i  
s

h  
e  
r  
e  
b  
y

a  
u

t  
h  
o  
r  
i  
z  
e  
d  
  
t  
o  
  
a  
d  
v  
e  
r  
t  
i  
s  
e  
  
f  
o  
r  
  
b  
i  
d  
s  
  
f  
o  
r  
  
t  
h  
e  
  
f  
o  
l  
l  
o  
w  
i

n  
g

s  
u  
r  
p  
l  
u  
s

r  
e  
a  
l

p  
r  
o  
p  
e  
r  
t  
i  
e  
s

o  
w  
n  
e  
d

b  
y

t  
h  
e

C  
i  
t  
y

o

f  
S  
h  
r  
e  
v  
e  
p  
o  
r  
t  
:

Lot 64, Canaan Land Re-Subdivision, Caddo Parish Tax Assessor's Geographical Number 171402122006400, 2101 Marion Street of Shreveport, Caddo Parish, Louisiana

Lot 69, Canaan Land Re-Subdivision, Caddo Parish Tax Assessor's Geographical Number 171402122006900, 2123 Marion Street of Shreveport, Caddo Parish, Louisiana

Lot 68, Canaan Land Re-Subdivision, Caddo Parish Tax Assessor' Geographical Number 171402122006800, 2127 Marion Street of Shreveport, Caddo Parish, Louisiana

Parcel of land, located at corner of Boiesseau and Gardner Street, Caddo Parish Tax Assessor's Geographical Number 181435033001700, approximately 25 or 40 foot by 125 foot, Shreveport, Caddo Parish, Louisiana

BE IT FURTHER ORDAINED that the City reserves the right to reject any and all bids and waive any informalities.

BE IT FURTHER ORDAINED that the above described property is offered on an "as is, where is" basis without warranty of title or recourse whatsoever.

BE IT FURTHER ORDAINED that the Mayor is hereby authorized to execute any and all documents necessary to carry out the sale of the above described surplus properties and each document authorized herein shall contain the following provisions:

Purchasers acknowledge and agree that the City of Shreveport shall retain, in perpetuity, a permanent servitude of drain encompassing the entirety of said lot, for use by the City, at its direction and/or discretion. Purchasers and their heirs, assigns or successor owners are prohibited from constructing or placing buildings, structures or other personal property, moveable or immovable, on the above described property, as said property has been determined to be prone to flooding. Furthermore, purchasers and their heirs, assigns, or successor owners shall make no alteration of existing ground cover or topography without

the express written consent of the Shreveport City Engineer's office. Additionally, purchasers and their heirs, assigns, or successor owners shall defend, indemnify and hold harmless the City of Shreveport from any losses or damages or any action or proceeding of any nature whatsoever. The minimum bid amount of the properties located at 2101 Marion, 2123 Marion, and 2127 Marion will be \$500, and the parcel of land located at Boiesseau and Street will be \$300.00

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or application, and to this end, the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

---

*Thomas Carmody, Jr., Chairman*

---

*Arthur G. Thompson, Clerk of Council*

#### **ORDINANCE NO. 8 OF 2004**

**AN ORDINANCE AUTHORIZING AND PROVIDING FOR AN ENCROACHMENT ON A PORTION OF THE SPRAGUE STREET RIGHT-OF-WAY, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO**

WHEREAS, First United Methodist Church is the owner of lots adjacent to the North and South Right-of-Way of Sprague Street between Common Street and Douglas Street; and

WHEREAS, a request has been received from First United Methodist Church to allow for a proposed overhead walkway and the placement of support structures onto the Sprague Street right-of-way; and

WHEREAS, this proposed encroachment upon and use of a portion of this right-of-way is not adverse to the public interest of the citizens of the City of Shreveport; and

WHEREAS, such disposition by ordinance is authorized by the provisions of Section 2.03 (e) of the Charter of the City of Shreveport, 1978.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana in due, legal, and regular session convened, that the City of Shreveport is hereby authorized and empowered to grant a certain encroachment with respect to a portion of the Sprague Street right-of-way from Common Street to Douglas Street as set forth and shown on the plan attached hereto and made a part thereof, unto and in favor of First United Methodist Church, and after due notice, publication, and compliance in all respects with the laws applicable thereto, and after the effective date of this ordinance, the Mayor of the City of Shreveport is hereby authorized to execute and deliver, for and on behalf of the City of Shreveport, an instrument or permit of encroachment, substantially in the form of the document filed along with the original copy of this ordinance in the office of the Clerk of Council of the City of Shreveport.

BE FURTHER ORDAINED that the original permit and a certified copy of this ordinance be filed and recorded in the official records of the District Court for Caddo Parish, Louisiana.

BE FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items, or applications, and to this end, the provisions of this ordinance are hereby declared severable.

BE FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

---

*Thomas Carmody, Jr., Chairman*

---

*Arthur G. Thompson, Clerk of Council*

ORDINANCE NO. 9 OF 2004

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE WEST SIDE OF FERN AVENUE 750 FEET SOUTH OF SAND BEACH BOULEVARD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, AND R-3, URBAN, MULTI-FAMILY RESIDENCE DISTRICT TO B-1, BUFFER BUSINESS DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on the west side of Fern Avenue 750 feet south of Sand Beach Boulevard, legally described below, be and the same is hereby changed from R-1D, Urban, One-Family Residence District and R-3, Urban, Multi-Family Residence District, to B-1, Buffer Business District:

Beginning at the intersection of the W'ly R-O-W line of Fern Avenue with the S line of the Fernwood Townhomes, thence S'ly along the W'ly R-O-W line of Fern Avenue the following bearings and distances; SW'ly 343.17 feet along a curve to the right, said curve having a radius of 951.66 feet and having a chord of 341.31 feet bearing S12°59'04"W; S23°18'04"W a distance of 150.00 feet; SW'ly 231.52 feet along a curve to the left, said curve having a radius of 608.12 feet and having a chord of 230.13 feet bearing S12°23'20"W; thence leaving said R-O-W line S70°53'05"W a distance of 119.92 feet to a point lying on the old high bank of Bayou Pierre; thence along said old high bank N19°11'49"W a distance of 427.64 feet; thence leaving said old high bank of Bayou Pierre, N53°02'27"E a distance of 23.95 feet to the SW corner of Fernwood Townhomes Phase I, thence N16°50'06"W a distance of 346.56 feet; thence N03°38'48"W a distance of 226.96 feet to the NW corner of said Fernwood Townhomes Phase I; thence along the common line between said Fernwood Townhomes Phase I and the Haystack Apartments; thence along said common line S89°27'33"E a distance of 340.67 feet; thence leaving said common line S00°34'47"W a distance of 137.00 feet; thence S89°25'13"E a distance of 126.39 feet; thence S00°34'47"W a distance of 37.65 feet; thence S16°50'06"E a distance of 78 feet; thence S36°57'12"E a distance of 13.00 feet; thence N53°02'48"E a distance of 53.00 feet; thence S36°57'12"E a distance of 160.00 feet to a point lying on the S line of said Fernwood Townhomes Phase I, thence along said S line N53°02'51"E a distance of 192.17 feet to the P-O-B containing 6.550 acres, Shreveport, Caddo Parish, Louisiana.

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulations:

1. Development of the property shall be in substantial accord with a revised site plan to be submitted to and approved by the Planning director, showing significant landscaping and screening fences, with any significant changes or additions requiring further review and approval by the Planning Commission.
2. Building designs shall be one story in height and in substantial conformance with the vertical design concept shown to the Board at the hearing. Said plans shall be reviewed and approved by the Planning Director prior to the issuance of permits.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

---

*Thomas Carmody, Jr., Chairman*

---

*Arthur G. Thompson, Clerk of Council*

#### **ORDINANCE NO. 10 OF 2004**

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTH SIDE OF SHIRLEY FRANCIS ROAD 700 FEET WEST OF AUDUBON MEADOW, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO R-A, RESIDENCE AGRICULTURE DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on the south side of Shirley Francis Road 700 feet west of Audubon Meadow, Shreveport, Caddo Parish, Louisiana, legally described below, be and the same is hereby changed from R-1D, Urban, One-Family Residence District, to R-A, Residence-Agriculture District:

From the NE corner of Section 5, T16N-R15W, run S'yly on E line of said Section 40, 43 feet to the south R-O-W line of Shirley Francis Road; thence run W'yly along said south R-O-W line 730.85 feet; thence run S 00°00'40"E 300 feet to the P-O-B. Thence from said P-O-B run S00°00'40"E 2260 feet +/- to the E-W center line of said Section 5; thence run W'yly along said E-W center line 589 feet, thence run N00°00'40"W 2260 feet +/- to a point 300 feet S of the R-O-W of Shirley Francis Road. Thence run E'yly parallel with south R-O-W line of Shirley Francis Road a distance of

589 feet to P-O-B. Said tract containing 30.5 acres, M/L, Shreveport, Caddo Parish, Louisiana.

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulation:

1. Site development plan shall be submitted to and approved by the Zoning Administrator prior to the issuance of any fencing permits.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

---

*Thomas Carmody, Jr., Chairman*

---

*Arthur G. Thompson, Clerk of Council*

#### ORDINANCE NO. 11 OF 2004

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE NORTHWEST CORNER OF GREENWOOD ROAD AND FORGE ROAD SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO B-3, COMMUNITY BUSINESS DISTRICT WITH MPC APPROVAL, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on the northwest corner of Greenwood Road and Forge Road, Shreveport, Caddo Parish, Louisiana, legally described below, be and the same is hereby changed from R-1D, Urban, One-Family Residence District, to B-3, Community Business District with MPC Approval:

4.029 m/l from the NW corner of Lot 9 ½ of J.B. Lewis Lands in Sec. 18-17-14, run S 0°06'W 40 feet, thence run S89°38'E 860 feet to the P-O-B, thence continue E 489.9 feet, thence run S 43°58'E, 238.1 feet to the NW line of Greenwood Road, thence S 54°10'W along said N line 201.9 feet, thence run N89°38'W, 557.1 feet, thence run N 12°45'E, 296.51 feet to the P-O-B, Shreveport, Caddo Parish, Louisiana.

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulation:

1. Development of the property shall be in substantial accord with the site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

---

*Thomas Carmody, Jr., Chairman*

---

*Arthur G. Thompson, Clerk of Council*

ORDINANCE NO. 12 OF 2004

AN ORDINANCE AMENDING THE 2004 CAPITAL IMPROVEMENTS BUDGET AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BY: COUNCILMAN THOMAS CARMODY

WHEREAS, the City Charter provides for the amendment of any previously-adopted budget.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in legal session convened, that the paragraph numbered 3 of Ordinance No. 159 of 2003, the 2004 Capital Improvements Budget, be amended and re-enacted to read as follows:

3. The Mayor be and is hereby authorized to execute all contracts, deeds, grant documents and other legal instruments necessary to expend and receive the funds authorized in the Capital Improvements budgets, except as follows:
  - a. Quarterly reports shall be provided to each member of the Council which contain all change orders and other changes to the contracts relating to the Shreveport Convention Center Project (97A004). The form of the report shall be approved by the City Council, and the first report is due 100 days after the date the notice to proceed was issued; and
  - b. Any contracts with prospective tenants of the Multicultural Center Project (96A002), and all consultants for said Project, except Architectural and Engineering consultants, shall be approved by the City Council.

BE IT FURTHER ORDAINED that the remainder of Ordinance 159 of 2003, as amended, shall remain in full force and effect.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or applications; and, to this end, the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

---

*Thomas Carmody, Jr., Chairman*

---

*Arthur G. Thompson, Clerk of Council*

**ORDINANCE NO. 13 OF 2004**

AN ORDINANCE AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES PROVIDING FOR NOTIFICATION TO UTILITY COMPANIES WHEN CERTAIN STRUCTURES ARE TO BE DEMOLISHED AND OTHERWISE PROVIDING WITH RESPECT THERETO

By: COUNCILMEN WALFORD and LESTER

WHEREAS, it is necessary and desirable for city personnel to notify the companies providing utility services to a structure at the time a decision is made to demolish the structure, so that utility services can be timely discontinued and disconnected.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Shreveport, in due, regular and legal session convened, that Section 38-48 of the Code of Ordinances be amended by adding paragraph (c) to read as follows:

3. When the administrator makes the decision to proceed with the demolition or removal of the condemned building or structure, he shall notify the companies providing utility connections to the building or structure that the building or structure is scheduled for demolition or removal, and the notice shall request the utility company to discontinue service for that structure. The administrator shall attach to the notice the order providing for the demolition or removal, and the notice also shall state that the order is a final order which can only be suspended or overturned by a court of competent jurisdiction.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or applications, and to this end, the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

---

*Thomas Carmody, Jr., Chairman*

---

*Arthur G. Thompson, Clerk of Council*

**UNFINISHED BUSINESS:**

1. Resolution No. 88 of 2003: Amending Sections 1.8 and 1.11 of the Rules of Procedure of the City Council (Public Comments). (A/Lester) (*Tabled on June 24*)

Ordinance No. 40 of 2003: Changing the names of the Shreveport Blanchard Road from the Roy Road to North Hearne Avenue, and of Ford Street from North Hearne Avenue to Pete Harris Drive, and of Caddo Street from Pete Harris Drive to the Clyde Fant Parkway to Hilry Huckaby III Avenue. (A/Lester) [*Tabled \*As Amended on July 8 - \*Changing the name of the Shreveport Blanchard Road from the Roy Road to North Hearne to Hilry Huckaby III Avenue.*]

Ordinance No. 152 of 2003: Amending Chapter 26 of the Code of Ordinances of the City of Shreveport by adding Article VIII., Division 1 and Division 2 relative to disposal of public property and disposal of adjudicated property. (A/Lester) (*Tabled on Nov. 11*)

**NEW BUSINESS:**

1. Taxi Driver license: Terry Robison (postponed until Feb. 10)

Mr. Thompson: I have not been able to verify that he in fact received notice, so I in fact would request the Council to postpone this until the next meeting.

Motion by Councilman Carmody, seconded by Councilman Walford to postpone the appeal until the February 24, 2004 meeting. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan Green and Jackson. 7. Nays: None.

Liquor Permit appeal: In Sun Strickland (Dismissed on Feb. 9)

BAC-7-04, *Melissa Fussell*, 346 Sadie Douglas Lane, Special Exception Use in an R-1D District, expanded home occupation (Creative memories parties, meetings, workshops) to 12 midnight. (D/Gibson)

Motion by Councilman Gibson, seconded by Councilman Walford to postpone the application until the February 24, 2004 meeting. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan Green and Jackson. 7. Nays: None.

Councilman Gibson: I'd ask because we are going to be getting into some things, I missed under Unfinished Business, I'd ask the indulgence of City Council—if you recall two weeks ago I asked Chief Campbell to come back and report to us on what was going on with motorized scooters. Could I ask the indulgence of the Council for the Chief to come forward to discuss the legal aspects of that because it affects all of our Council districts?

Councilman Carmody: Yes, sir that would actually be under Miscellaneous Matters on the appropriate portion of the agenda.

Councilman Gibson: Excuse me. I thought we had past that.

**REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES.** None.

**CLERK'S REPORT:** Letter of appeal (case to be considered Feb. 24):

BAC-5-04, *Virginia K. Perego*, 129 Adger, variance of 12 feet in the 30-foot front yard setback in an R-1D District; carport. (C/Carmody)

**THE COMMITTEE RISES AND REPORTS** (reconvenes Regular Council Meeting).

**ADJOURNMENT.** There being no further business to come before the Council, the meeting adjourned at approximately 4:50 p.m.

---

*Thomas Carmody, Jr., Chairman*

---

*Arthur G. Thompson, Clerk of Council*