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Council Proceedings of the City of Shreveport, Louisiana
August 8, 2006

The regular meeting of the City Council of the City of Shreveport, State of Louisiana was called to order by Chairman Jeffery A. Hogan at 3:00 p.m., Tuesday, August 8, 2006 in the Government Chambers in Government Plaza (505 Travis Street).

Councilman Hogan: I'd like to ask you to turn your cell phones to the off position or vibrate. And today, I have a special guest I've asked to come and give the invocation, the invocation rather. And that will be - - - you might want to do an invocation as well Pastor. We'll have an alter call here too. We're pleased to have with us today Bishop Larry Brandon. Come on down Pastor. And I've asked him to come and give the invocation for us. I just ask stand with me if you will, and I have to - - - I'd like to say just a moment what Bishop Brandon has meant to me, that every month without fail, that either he or his staff, one of his staff calls my house, my office where I work, and tells us that they are praying for us. And that means a lot to me personally, being a man of prayer, I believe in prayer, and I can feel the difference that it makes here on the Council, and by the way, this is the only Church that does this in our area. And so, I'm very pleased with that, and my hat's off to you Bishop, and I thank you again personally, and publicly for what you're doing and the work that you're doing for the Lord here in Shreveport. Thank you. Would you lead us in prayer?

Invocation was given by Councilman Bishop Brandon.

The Pledge of Allegiance was led by Councilman Jeffery A. Hogan.

On Roll Call, the following members were Present: Councilmen Lester (Arrived at 3:06 p.m.), Walford, Carmody, Robertson, Hogan, Green, and Jackson (Arrived at 3:22 p.m.). 7. Absent: None.

Motion by Councilman Carmody, seconded by Councilman Green to approve the minutes of the Administrative Conference, Monday, July 24, 2006 and Council Meeting, Tuesday, July 25, 2006. Motion approved by the following vote: Ayes: Councilmen Walford, Carmody, Robertson, Green, and Hogan. 5. Nays: None. Out of the Chamber: Councilmen Lester, and Jackson. 2.

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

Councilman Hogan: Mr. Mayor, do you have anything for us today?

Mayor Hightower: Mr. Chairman, I don't have anything today.

Councilman Green: Mr. Chairman, I have some very distinguished guests here today from the Huntington High School. They're here, and we're going to ask that they would come up. I believe I see all the sponsors with them, and Mr. Thompson is going to read about them today. Would you all just come on up? These are some awesome dance

line folk. Would you all just give them a great big hand? Just come around. The sponsors I just need you all to just go and tell what you all have done, and what you all are getting ready to do.

Sponsor: Good afternoon. These young ladies here attended LSU Dance Camp in Baton Rouge, July 5th through the 8th. And they were awarded with the opportunity to participate in Nationals that will be held February 2nd through the 6th 2007 at Disney World. Also we have some girls that tried out for the All Star team, and they made that, and they have the opportunity to participate in the Paris New Years Day Parade, Dec 26th through Jan 2, 2007. And we'd just like you to recognize these young ladies.

Mr. Thompson: Most of the information, she's already given the Council. They also have the opportunity to perform at the Capital One Bowl, December 29 through Jan 2nd in Orlando, Florida. The current sponsor of the Dance Line is Tenisha Thompson who came to Shreveport from New Orleans as an evacuee from Katrina. Because of her diligence and strong will to survive in spite of devastation, she and her mother relocated to this community. Ms. Thompson found employment with the Caddo Parish School System at Huntington High School as the Hearing Impaired Teacher. She also accepted the role of a Beta Club and Dance Line Sponsor, and she is commended for her dedication and hard work in helping these young ladies exercise their fullest potential in Dance and Academics. We congratulate the Huntington High School Silver Treasures Dance Line for bringing positive national attention to Shreveport, LA area high schools. The All Star Team members are Alexis House, Patrice Hardy, Amber Thomas, (inaudible) Burns, and I believe that's it Mr. Chairman.

Councilman Green: Thank you very much, and again, I'd just like to say congratulations to you all, and keep up the good work. And I think you all are getting ready for a fund raiser?

Sponsor: Yes.

Councilman Green: Okay, do you have the date yet?

Sponsor: No, but I'll get that information to you.

Councilman Green: Alright, thank you. You all have a great day, and congratulations. Also Mr. Chairman, we have the privilege of having an author in our audience today, Ms. Tangie Bell, come on up Tangie. She has a powerful book, that is entitled "*Tired of Being Po*" and it's soaring like an eagle. It's in Borders Book Store, one of the top sellers, the top selling book there, and I just wanted her to just come and express about the book, and tell us where you can find it, and a briefing as to what caused her to write this book. I think it's very important that not only young folk know about this book, but our entire city and our entire nation. Ms. Tangie Bell.

Ms. Bell: Good evening, and thank you all for having me here. Actually, I titled this *Tired of Being Po*, because I really do believe in my heart that you cannot change what you do not stop and turn around and identify with. I am a graduate from the Providence House Homeless Shelter. I lived there two years, and at the age of 26, I hit rock bottom and ended up going there. And I was reading on 2nd Grade level, but I earned my GED while staying there. But at the time when I first went in, I didn't just go in, going by the rules, because my mentality was hustle and flow. I had a criminal background, no education, and so one day, Ms. Hennessy said why don't you write down what is bothering you, what is causing you to remain in this poverty, and I began to keep notes. And I started writing down my life, and I realized that I had children. Three children by three different

men, and that I was treated very badly. And all I wanted to do was sleep with men for money. That was normal. That was my repertoire. As a matter of fact, I always tell Ms. Hennessy, they were abnormal to me trying to tell me to go to school, because I was like “I make more money on the streets.” But that was my life, and that was not living. I had to learn the basic essentials during the time of staying in Providence House of just how to love myself as a woman. I had to learn 6 x 6, 2 x 2. I had to learn how to read. I could read simple things, such as *please*, or *do no look*, things that I see on paper. But according to the state regulations, who put me on 2nd Grade level, I would start out at the beginning of the comprehensive skills, and by the time I got to the bottom, I could not retain it. So therefore, I knew those things about me, but because I thought I had got so much older in life, I just didn’t care. My message in *Tired of being Po, Tired of being Po* is not the bottom, it’s not going to change. My message is sex, violence, and crime is not our way out of poverty. And it’s time to start educating our youth, especially our urban youth against violence and sex. If we can get poverty under control, we can wrap up sex, violence and crime. My message is simple. I’m tired of being po. I’m seeking more education within myself. Right now, I’m working on my generational tree, trying to find out why is my family so poor. Why does everyone in my family have a criminal background including myself. It’s hindering us. Over half of my family are high school dropouts. And it’s just normal. I come from a line of nothing but housing, welfare and food stamps, and I’m fighting very hard even within my own self, and within my family to break poverty. I’m the first one from the Providence House to write a book, I am now on the Homeless Board Committee, I am now working on my Bachelors Degree in Biblical Studies, and I’m being very active out in the community. And that’s my message. Tired of being po, that’s why I made it small. I kept it small for detention centers and the reason why it’s titled *Tired of Being Po* is because like I say, you cannot change what you do not turn around and identify with what is keeping you in poverty. Thank you.

Councilman Green: Thank you. Also tell them where they can find your book.

Ms. Bell: Providence House of course. It’s ranking No. 1 Borders Book Store inside Pierre Bossier Mall. You can get it online. It’s nation wide. My name just hadn’t caught up with the book, but it’s out there, and you can basically get it anywhere. Barnes and Noble. Thank you.

Councilman Green: Also Mr. Thompson, aren’t you a part of Providence House?

Mr. Thompson: Yes.

Councilman Green: Would you like to have a word? And here again, sometime ago, Mr. Thompson and I had a conversation about the Providence House, and I was just wondering about the results from being there, and sometimes, you have to be careful what you ask for, because you’ll get it. And he told me about the results, and told me about whatever, and then you came up to be a living witness. So, I’d like to commend Mr. Thompson, and all of those folk that’s a part of it. Would you like to have a word?

Mr. Thompson: Well I’m just on the Board. The hard work is being done by Ms. Hennessy and the Staff at Providence House. And by the young people like Ms. Bell who come through there. I know her well, and she is doing a tremendous job. Providence House tries to break the cycle of poverty, and that’s what the mission is all about. It’s tough, it’s hard work, but we try and I think that we are making a difference.

Councilman Hogan: Ms. Bell, I want to thank you personally for coming today, and they didn’t mention it, but I read about you in the newspaper not too many weeks ago.

And the story was printed in the paper, and I just wanted to say a word of congratulations too on how far you've come, and just keep the faith. Thank you.

Councilman Green: Also Ms. Bell did a book signing at our church and certainly it was great, and I'd just like to urge other churches to do book signings and after they finished signing the books, then our church sent them out to dinner. And when she was up to do here speech, some way or another, she had a peppermint, and she swallowed it and almost got choked, and I let her drink out of my glass. And I said to her, whenever she gets to Oprah, to remember that I was the one that let her drink out of my glass, so. But certainly, I'd like to congratulate you. Also Mr. Chairman, these young folk are not here, but during the summer or through our NIP Program, in the Hollywood Heights area, Mr. Bryant and Mr. Brown supervised some kids who were cutting yards and doing a number of things, but they also had an educational day, and I challenged them to read a book. And the book that I challenged them to read was *The Greatest Salesman in The World*, and they did it. Also had them to an essay, and they did a great job. And on the graduation of that particular ceremony, I'd like to thank the Mayor publicly. I called him at the spur of the moment and asked him to come, and to congratulate them. And he dropped whatever he was doing to come and to congratulate them. Again Mr. Mayor, thank you, and Mr. Bryant and Mr. Brown, thank you all for sharing with those young people. And thank Councilman Lester for spearheading the NIP Program, because certainly it's working. Last, but not least Mr. Chairman, I have a letter from a lady, she's not here today. I received it on last week and I'd just like to read it and recognize her. But she sent me a letter: *Reverend Green, I saw you on TV today, and was saddened by your problems. But maybe it will be the start of hope. It comes too late for me, I had a home that was paid for 49 years in Sunset Acres, and had to sell it and to leave. And maybe from this, I was not able to fight back like you, but maybe from this, you and the leaders get together and stop violence and the crime in our community.* And she goes on to say that she was in her home and she felt trapped. And she had to move in order to get some relief. *Yours in Christ, God is Love.* And I wanted to read that and this no name person. But there are a lot of people in our community just like that. And I'd just wanted to say No. 1, first of all to all of you that prayed for me and my family the other night and whenever, I'd like to thank my colleagues for giving me a call, and just like to thank God for life, health and strength. For those folk who said that I was irrational, I should have called the police, I'd just like to state today, that I've called the police. And I want you also to know that I didn't get any special treatments. The Police did come. I had to ask for a Sergeant and a Lieutenant. The Sgt came, the Lt never came because I represent some people who don't have over their sun visors a remote that after they come home from a day of hard work, they can go in and the gate locks. And I just think that everybody wherever you live, you ought to have some peace and you ought to have some quietness. You ought to be able to sit out in the yard. You ought to be able to walk the street. For those other folks who've said, I should have called the police, I've called the police. In fact it has been so bad in my neighborhood and in my district, that I went to Sheriff Prator, and asked him if he would put some of those operations that he did when he was head of the Police Department. And he said he would, he said he would have to talk with Chief Campbell, and he talked and whatever happened from that happened. But Mr. Mayor, I'd like to say that there is a model now that is working in my area. Whatever they're doing, it's working. And I would like to ask you as Mayor, because most folk think that we Council Members can say to Department Heads,

“do the this and do the that,” because we build relationships we can ask them to do, but the Mayor is the one who has the power to say to do the this, or to do the that. My request Mr. Mayor is to ask the Chief if they would use the model that’s been in my area for the last week or so now, because it’s working. It’s so quiet over thee, it’s like I’m living in a gated community. So, I would just ask that, that model would work. If it’s working now, it’ll work. I felt embarrassed to have to call the Sheriff to ask him for some help. And so, for those who said, I should have called the police, I have. And I just need some help in my district, in fact the model that the police department has working in District F now, will work city-wide. When you say I should have called them, I just had an amendment for overtime for police. I’ve initiated cameras. I don’t even know where the camera is. I’ve never laid eyes on it. All I know is they say they’re working. There are some other cameras that we have the money to buy. Normally under circumstances like this, I would have a street named after me, because I wouldn’t be here to tell the story. Unless something happens, my frustration rose to that level. And the only thing that I could do was call on the name of Jesus, and I want those of you to know, that there is still power in his name. I didn’t have any guns, I didn’t have any bullets. All I had was Jesus, and I asked them to move in the name of Jesus. And all I know, every time I said it, he gave me power. And all I know, by the time I’d said it about eight times, they were running as though somebody was shooting at them. And there is still power in his name. But unless we do something, we’re going to be guilty of some citizens being shot down like animals because everybody may not be as blessed as I was, or as I am. So, I just ask that whatever model is working in my district now, that we institute this model city-wide. Because we the people have the right wherever we live to go home in peace, and not have open air dope sale, not have people intimidating, but to go home in peace after a great day of work. And here again, I would not advise anybody to do what I did, unless you are moved by the anointing and have the power of God with you. Because his power supersedes bombs and bullets. Thank you Mr. Chairman for that time, and again thank all of you for praying and thank you for whatever you’ve done. God bless you.

Reports:

Convention Center and Convention Center Hotel (To include detailed personnel report from SMG)

Councilman Carmody: Each Council Member I believe has received the information as I had requested at our last Council Meeting, and I believe that Mr. Carrier is here, and I was told that he could answer any questions. If I could ask Mr. Carrier to come forward please? Good afternoon sir, how are you.

Mr. Carrier: Good afternoon.

Councilman Carmody: The memorandum that we received that the Convention Center income statements for the six months ending June 30, 2006. The statement shows that the Convention Center took in almost \$500,000 in revenue during that period, mostly for rentals of space, (inaudible) food and beverage operations. During the same period the Convention Center expenses were \$1,521,770. A large category of expenses were from employee pay and benefits, utilities and maintenance expenses. During this period, the Convention Center’s net loss from the operation was \$1,036,686 for the year, the Convention Center was budgeted to require \$1,798,520 in assistance from the City. The

funds were budgeted in the Riverfront Fund. SMG currently believes that they'll be able to live within this figure for 2006. Mr. Carrier, what I wanted to ask was how is 2007 shaping up?

Mr. Carrier: 2007, we think we'll be considerably better. The process of establishing the Convention Center and the stabilization is going to take and we've said all the long 4-6 years, we think the 5th year will be about the stabilizing point at about \$900,000 to \$1,000,000. We think that next year's budget is going to be about \$1,600,000. There are a lot more events coming. Some of those will require a greater expense just simply because we'll have more activity in the building. We will have a greater expense for labor. We think there'll be some additional expenses in some other areas. We also think that there'll be some other revenue opportunities that we're not able to take advantage of yet, but we are moving in that direction. We also think there's some cost savings. We think that there's some ways that we can probably effect some additional savings in utilities and some other areas as we are able to better control the use of the building and control the building itself. Some of the things that we're going to do right now is a little bit of a learning curve as you get in any new building. So we think there's some ways to cut some of those costs, and also to - - - we know that there's going to be increase revenue.

Councilman Carmody: I appreciate that, and I know that y'all are working toward it. I think that if I remember correctly, we were trying to get it within basically a number the General Fund would subsidize the operation of the Convention center between \$900,000 and \$1,000,000 a year.

Mr. Carrier: Correct.

Councilman Carmody: The breakdown that was provided, the Shreveport Convention Center income statement for period ending June 30, 2006, you have prepared this document?

Mr. Carrier: Our finance department did, yes sir.

Councilman Carmody: And it does appear that I guess utilities are basically the majority of the expenses so far, beside employees wages and benefits. The other question that I had asked, and again I was not sure. Are there any consultants or consulting fees that are being paid as the operation of the Convention Center that are not listed here?

Mr. Carrier: No sir. Everything is listed here. We don't use consultants. We have third party vendors that provide services to us, etc. But we don't have consultants per se. So any other or any costs that you might consider are included in this.

Councilman Carmody: Okay, and the reason I say this is that I was not sure that you have the different categories listed contractual services or excuse me, contracted services that would be I guess what you're talking about? These third parties that you're utilizing?

Mr. Carrier: That is partially that, it's also things such as and a lot of that came frankly at the beginning of the operation, when we still had construction going on in house, we had contracted services with a security firm that was on site all the time. Other contracted services of that nature that we're dramatically cutting back on, because we're well passed that, and are able to control those things ourselves.

Councilman Carmody: Now the construction costs looks like there was not a - - - those are current budget?

Mr. Carrier: And before we did that Mr. Carmody, when we first moved in the building, because when we had to prepare our budget last summer, we had all anticipated that everything would be finished, and we would have pretty much everything in the building at the beginning. That not being true, what we did was to break out expenses that we incurred because of the building not being finished. In other words our offices stayed in the Red River District for four months.

Councilman Carmody: You leased spaces - - -

Mr. Carrier: We leased spaces instead of having the space inside of the building. Other things of that nature that we had to pay. We listed it out like that so that we could readily identify them as being directly related to the construction of the building. Those are things that will not show up next year.

Councilman Carmody: Yes sir. Very good. I appreciate you preparing this for us, and I thank the Administration for giving it to us.

Councilman Jackson: Mr. Carrier, the last time we talked, there were two different persons who we dealt with this issue that Councilman Carmody is talking about, and you all responded to that. And I was trying to get some actual comparisons, and Mrs. Ragle-Stone provided me with the other information that I had asked for about the Expo Hall, and what we had done the year before, 2004 and 2005 as well. We have direct event income. We have rental income, we don't talk about the total number of events. We have total event income for example, but nothing on this sheet, unless I'm overlooking, and I could very well be, speaks to the number of events.

Mr. Carrier: No sir, and I will get you a copy of that. I apologize for not sending it. I will send you a copy that has every event that we have under contract for this year.

Councilman Jackson: No, no, no. I'm just saying for example, for the period ending here where you have the numbers and their final status, if we could come back and say, for example, this total event income, 33- - - 770, what does that represent? Which events will it represent. And I'm assuming it'll be the same.

Mr. Carrier: I'll be glad to send you the list of all the events that we have held from January 1st through the end of June.

Councilman Jackson: If you can do that, it will make this more relevant to us, if we compared the two of them.

Mr. Carrier: And that's fine. I will get that, and I was hoping to do a comparison for you to show you what we had booked versus what had been moved over. That's fine. I'll send it to you.

Councilman Jackson: You don't have a copy of this?

Mr. Carrier: No sir.

Councilman Jackson: Ms. Stone, will you get him a copy of what we've received here? Because I'd like to really do apples to apples kind of a comparison.

Councilman Carmody: Thank you Mr. Chairman, and my last question Mr. Antee, I appreciate you getting this to us, the second report with the Hilton Shreveport, FF&E purchasing schedule. And I did want to clarify yesterday in our Work Session, there were a number of questions asked regarding the budgeted, or excuse me the budgets for specific items during- - - included in the FF&E that needs to - - - the furniture fixtures and equipment to finish out the hotel. I just wanted to make sure that what we're showing here in the first column is the item description, the second column is bidding method. When it says by operator, that will be the operator, the operator being Hilton Shreveport?

Mr. Antee: The operator is HRI.

Councilman Carmody: That's what I thought. HRI, okay. And when it says open bid, that means the city actually placing these out for bid?

Mr. Antee: Right, or RFP. And by operator, that also includes HRI and Hilton.

Councilman Carmody: Together?

Mr. Antee: Right.

Councilman Carmody: Okay, and then we have the current pricing of the original budget, the estimated deposit amounts, and then the deposit percentage of the current pricing, and then the required deposit date. So, again, this was the information that was asked for yesterday, and again, I appreciate you getting this to us.

Councilman Green: Mr. Antee, this sheet here, I don't know if you can see it from other there, but it's the one that Hilton Shreveport FF&E Purchasing Schedule?

Mr. Antee: Right, I've got it.

Councilman Green: I'm old, I can't make out what this is. Can you enlarge the print? I can't make it out. When you get my age, you just - - - I got glasses, but I can't see.

Mr. Antee: We can. The one that I previously got from the email, and what I can do is forward the email, and maybe that will make it better. Was about 40% the size of this, so I had Debbie blow it up, because I couldn't see it either. And we'll try and get it even bigger.

Councilman Green: So, you know you're younger than me, and if you can't see it, I'm having trouble seeing it. Thank you so much.

Councilman Lester: Thank you Mr. Chairman, I apologize, I was trying to handle something else real fast. I see on the list it says bidding method by operator, and please excuse me if this question is redundant. When it says by operator, that would be HRI. Is that correct?

Mr. Antee: And/or Hilton.

Councilman Lester: That being said, are they still - - - is our Fair Share Office going to play at least some part in this, or are they going to get with Mr. Gilliam, and at least on some of these items like it says "decorative, guest rooms" whatever, by operator, are we still going to offer the opportunity to the Fair Share Contractors to participate?

Mr. Antee: Yes, absolutely. And I've got Mr. Tom Mattox, our purchasing agent here, he and HRI people as well as Annie McDermott in SPAR as I said yesterday have spent a whole lot of time going through to try and merge the typical way of building a hotel in the private sector with the laws from the public sector as well as the ordinances passed by this Council. And this is what they came up with and how. And I'll let - - - Tom, if you could come up, he could answer any of those type questions as to how they got to that, and the compliance. But to answer your Fair Share question, yes, it's all subject to our Fair Share Ordinance, and they're well aware of the requirements there.

Councilman Lester: Thank you Mr. Mattox. Mr. Chairman, if I might?

Councilman Hogan: Yes, go ahead.

Councilman Lester: What went into the decision, and without going into all of these, because I don't want to take up Council time, because I want to come to your office and ask. But just for instance, what made the difference - - - lets looking at item No. 7, decorative public space carpet base, something that says by operator, and then you say (I'm just reading down the list) signage exterior materials and installation, open bid. What made

the difference to make one item an operator item, and one item an open bid? How do we arrive at that point?

Mr. Mattox: Hilton Hotel Franchise has some items that are sole source items. And they have already contracted for certain items and - - -

Councilman Lester: And let me say this. For my benefit and the people that are listening and reading, when you say sole source, explain what that means.

Mr. Mattox: That means they're only available from one company. For example, their interior decorator and got with Hilton. And Hilton has very strict requirements about some of the things that go into their hotels. So, there are some items that are only available from one source. However, we are bidding as many as possible. For example, today we received bids of \$30,591 for the refrigerators for the guest rooms. That's item No. 26 on my list. And we also have bids coming up on the 15th of this month for the mattress and frames for the guest rooms. Also we have scheduled bids for televisions for guest rooms, and fitness equipment, and the floor mounted safes, they will be coming up in the near future also.

Councilman Carmody: That's a good question.

Councilman Lester: Alright. Let me ask this. How were we able to verify, not that Hilton is not a reputable company, and we not saying that they are. How is it that we are able to verify what items are sole source, and what items are open bid, other than that's what they say?

Mr. Mattox: We've talked to the consultants with HRI, we've talked with vendors. We actually for the case goods for public spaces, we actually did a bid on those and did not receive a bid because those items were proprietary to Hilton.

Councilman Lester: Let me ask - - - let me be a lawyer for a minute. What would be the problem if in fact these items are sole source, some of these items are sole source, what would prevent us from even though some of the items are sole source putting them all out to public bid?

Mr. Mattox: Time for one thing. Some of them that are required specific custom building, there's only several manufacturers that could even consider making some of these custom items, and the custom items could normally only be made by one company because that's the one that Hilton has chosen for this particular hotel.

Councilman Lester: I guess my question would be for instance if we put out an open bid, if we completely bid the whole project, I mean everything down to food and beverage or the decorative guest room furniture case goods. And we had Hilton's specifications. And if so far Hilton has only one source, I would imagine just speaking all the way through that you would only have one responsible bidder, or one responsive bidder because that is the only person that does it. But if in fact someone else in the universe does this besides from the person that Hilton chose, I guess my question is - - - I understand that we are in a public/private partnership to a certain extent because the hotel belongs to the City, but it's flying under a Hilton banner. We still as the owner should have, in my mind, the final say in terms of even with their process being these are the people that we're used to dealing with, I would still think and I guess this would be a legal question to Ms. Glass, how were we able to get around the public bid law requirement that every thing be bid. I mean, I understand that you guys went through, and I appreciate the fact that you went through a very complicated set of scenarios, but I guess my question would be how did we get to the point where even though this is clearly a public building, how were we able to get

beyond that and say 'well, Hilton said that these were sole source items,' because I would think that it - - I understand from Hilton's standpoint, I want to buy my widgets from this company because I want everything to look the same, but I don't know that I accept the idea or the concept that the only person that can make this widget is the company that Hilton dealt with. I understand that from Hilton's standpoint, that they buy their widgets from this guy because he can deliver them early, I like his price, or from a business perspective, we've always done business with this person so we're telling everybody in our franchise, if you want this widget, you've got to buy from this guy. This is a public project. How did we get beyond that? And how did we get to that point?

Ms. Glass: Mr. Chairman? Mr. Lester, I was not involved in those negotiations, I don't know whether the City Attorney's office, I'm sure - - -

Mr. Mattox: Terri Scott was involved.

Ms. Glass: And I would have to check with her to find out what the basis of that was. I know there are provisions in the public bid law for sole source, or specifications substantially similar. Exactly what they based on, I don't know right now.

Mr. Antee: And Councilman some of the requirements, well most of the Hilton, if not all of the Hilton related issues are also covered in the franchise agreement. Hilton says, if you want to be a Hilton franchisee, then you follow Hilton's rules, and here are our rules.

Councilman Lester: Okay.

Mr. Antee: But that's part of it, if they had to combine.

Councilman Lester: Okay. And I asked that question, like I said, I just wanted to make sure my concern is that we keep this process as open as possible and certainly to our Fair Share vendors to give them an opportunity. So, that's my overriding concern in all of this. So that's why. And the other thing I think is necessary is so that our constituents know, of course, you can't stop people from thinking what they're going to think and printing what they want to print, but at least people know that there was a process, and there was sunshine in this scenario, so that they won't think that you know, there was a lot of "brother-in-law stuff" going on. So that's my question. Thank you Mr. Chairman.

Mr. Antee: And Mr. Chairman, if I may, that's also one of the reasons why it's broken down into so many categories. So that we could pull a lot of those out to make it rather than grouping it into guest room and everything combined in the guest room. We broke it out to where we could have as much out there for the small participation as possible.

Councilman Lester: Just one last comment. I would be interested to know, and this purchasing sheet doesn't do it, and it would be a matter of math. I would like to get a figure on our total purchases. What percentage and what dollar amount, is by open bid, and how much is done by operator sole source, so we can kind of get a comparison.

Councilman Hogan: Councilman Lester, excuse me. Councilman Jackson has just whispered that he's working on that.

Councilman Lester: Okay, once you get that information, I know you'll share.

Councilman Green: Also, I'd just like to have a breakdown of the sole source for the hotel, and as well for the convention center as to companies, how much money we've spent for sole source.

Councilman Jackson: Mr. Chairman, to follow up on Councilman's Green question, Mr. Mattox, I'm assuming you all have whenever HRI or Hilton has identified a product that is in fact sole source, that they identify the source as well?

Mr. Mattox: That's correct.

Councilman Jackson: I don't know if that's what Councilman Green asked for, but if that's not, the identification of who the source is.

Councilman Green: Yes. The source and the amount.

Mr. Antee: Mr. Chairman, in that regard, I think Councilwoman Robertson asked yesterday for each of the contracts or purchase orders for each individual item. And we as though come, we will present each one of those so, you can see exactly who was and how it was procured, and how much.

Councilwoman Robertson: Should we wait until we get to our adding legislation for that Change Order, if you have any questions about the Change Order?

Councilman Hogan: If you don't mind, I think that would be appropriate.

Councilman Jackson: Mr. Mattox, I don't have any questions for you. Mr. Antee, Mr. Chairman, I guess if we could ask, on last week or two weeks ago, I'd asked about identifying our contractors, and the subcontractors. And the contractors with whom the subcontractors are doing business. And the gentleman from Walton Construction had suggested that that would be no problem, they could get us that information. I don't know - - I knew Mr. Antee had suggested on yesterday he'd been out of town, so I didn't know if we had made any contact to see whether or not we'd made any progress on procuring those documents.

Mr. Antee: I did, after the meeting talk with Mr. Clark. As far as the subcontractors and the sub-subcontractors, that information is being provided to the Fair Share Office, we'll provide that as well. It's also attached to the pay applications, and the change orders that come through and get approved. As far as I think he was under the understanding that you had requested the actual contract with the subcontractors, and he's waiting from home office and their legal as to what their position will be on actually providing the subcontractor's contract. As far as getting the contract from the sub-contractor to the subcontractor, they've got no control or right to even ask them for that, and his gut reaction was that home office was not going to hand out all of their subcontracts, although they will make known who the subs and the subs-subs are.

Councilman Jackson: I don't know I was just thinking that if we were paying for it, then we could ask for it?

Mr. Antee: We, in any contracts city-wide, we don't have the right to ask the low bidder or the general contractor to provide us with his contracts with the subcontractors. We do have the right, and they do have the reporting mechanism to report who the subcontractor is, and who that sub contractor's subs are. But not their actual contract or the terms of that contract.

Councilman Jackson: How do we actually know Mr. Chairman. Maybe Mr. Antee can answer this. How do we verify what is reported to us from Fair Share, because the contract is what binds the person to do a certain thing, couldn't the report say here's what we did, and it really not necessarily be what they did since we don't know anything about the contracts since they left? In other words, it just seems to me that if General Contractor A is doing business with us as the low bidder, then technically we don't really know who he's doing business with, and he has the right not to tell us. Now, he can report something to us, but we don't have the right to ask him to verify that that's the case. I may be wrong, but I'm just saying that's what it sounds like to me.

Mr. Antee: No, and I think is Sam or Karen - - - Sam or Karen with the Fair Share office can actually answer how they verify. But the actual amount I think can be verified, and I don't believe that there's an issue or problem with verifying the actual amount. What was expressed to me that he thought home office was going to say is that providing the actual subcontracts, the actual contract, then that's going to divulge trade secrets with that other contractors can come in and look, and that's all part of how they do business. But as far as the amounts, and verifying the amount that you know, you've got your electric subcontractor, and he's paid the light fixture company X amount. I don't think there was an issue with being able to show and verify how much went to 'em. But they didn't want to hand you all the subcontracts was my understanding in my conversation with him.

Councilman Jackson: And it may be my naiveté, but I was thinking that contract details what a person's going to do, and then what you're going to pay 'em for having done. And so that's the way you really know if a person's delivered, for example, on their contract. You follow me? Let me give you an example. Lets say a person is working in concrete, and we're building a new City Hall Chambers. And Councilman Green has a company, and he does the concrete, and we have a contract with Councilman Green. And you all report to me that we're doing some Fair Share work, and this guy's got this much work, and at the end of the day, whether or not he made any money or not, we don't know, because I in fact could have gone back if I'm the person who is over this particular project, and told Councilman Green, I didn't like the way you really laid that concrete, according to our contract, you've got to pull it up and do it again at your own expense. At the end of the day, Councilman Green has spent whatever level of the profit or anything else he may have on just laying concrete and made \$0 or lost money on it. And he complains to his Council Person. But we don't know anything about it, we don't know what kind of contract he had with the guy. All we know is we did business with Contractor A in general, and from a Fair Share perspective, I think we have reduced it to whether or not people get money. The truth of it is, it ought not be about cutting up money to say that this African-American Company, this Woman Owned Company, or this Small Business got 25% when it was all over. At the end of the day, we're not helping businesses if we're not helping them to grow. And so, we have no way of knowing whether or not they're growing or whether or not they're depositing checks. And for us, our system is satisfied if we can verify that he deposited the checks. And I'm saying while that is something that we can count, at the end of the day, I don't know if whether or not the spirit of the program is really supported, if in fact all we know is how many checks were written, and that's all we know. That's that. We could have put a person out of business by the time the project is over, and say 'well, on paper, they had \$2,000,000 worth of business,' and they're out of business now. And I don't know if all of Fair Share does is counts that, and says well they had a contract for \$2,000,000, but at the end of the day, they filed bankruptcy because it cost them \$2.6 (million) to do the project. And so, while that's perhaps not somebody else's issue, I think from my perspective as a Councilman, the program is less about how we just divide up the money, and more about how we begin to build capacity in business. I thought that was a part of the program. I may be wrong, but I thought that was a part of the program, how we build capacity in businesses, and to that end, we have no reports to suggest to us in four years, at least in my term, no reports that suggest to us, that this is the level of our success. Not by percentages, but the level of our success by growth and capacity in businesses. I don't know how you all measure that. You just got friends who say that was great. Mr.

Mayor, I'm glad y'all got that program, and that's the way we say that's success? I mean, I'm not sure and I'm being facetious, but there is no measure that I've seen particularly as we watched this project go from Point A to Point B, to C throughout to say that this is really happening. I think at the end of the day, notwithstanding the amounts of money, percentages of projects that we have to hang out hats on businesses who have actually grown in capacity as being built in business. Because at the last meeting, Mr. Clark said that's their goal. They'd rather take a small local and build capacity. I mean, how do we quantify that?

Mayor Hightower: Mr. Chairman?

Councilman Hogan: Yes.

Mayor Hightower: Councilman, I think No. 1, you understand that's the only way we have to measure. No. 2, I know that you understand that most private companies in this country, not publicly helped, but private companies in this country, but even publicly helped companies in this country, aren't going to divulge what they made or didn't make on any job. Just not going to do it. So, there's no way that I can see that this city is ever going to be able to quantify and measure, if we're building capacity or not. Unless you want to measure did they hire another employee. Do they have another employee?

Councilman Jackson: Is that a part of our measurements now?

Mayor Hightower: No, it's not.

Councilman Jackson: Pardon me for interrupting, but here's what I do understand. I understand that if a business is a small business right now, who can handle a small percentage of the contract came in to do business with the Fair Share office, with bonding capacity was \$500,000. Okay, if in fact after he's worked on the Convention Center, and the Convention Center Hotel, if he comes back to bid on a project at this city level, and his bonding capacity is \$500,000,000, I know then measurably that that's been growth. And I can suggest to you that part of that has been because we've given them opportunities, they've done a good job, and as a result of that, their capacity has grown. Their bonding capacity has grown, the amount of employees that they have has grown, information that's very tangible information. I'm not suggesting, and I don't mean to suggest that I'm asking for a magical formula, I talking about just tangible factors that we could identify, that I'm asking you if the Fair Share Office or anybody else has stopped to say, 'well when we measure, are we simply measuring,' because you understand that the scenario that I described is not a facetious scenario. That there are scenarios when a person could get a \$2,000,000 contract, and spend \$2.2 (million) doing the job, and actually lose their shirt in the process. No, that's not facetious. That actually happened. Now, they're bad business people for the most part. Somehow or another, technically or either got into a bad situation. They may be good people in a bad situation. But that happens, and I'm saying that the propensity for that to happen is greater among smaller businesses than it is among larger businesses. Because the margin for failure is invisible, if it exist at all. And so, what I'm suggesting to us is that when we talk about measuring the success of our programs, we need something more than what feels good, and go on and just simply counting what really isn't the bottom line, but counting a line that says total contributors, this much. Let this much out. We've said that, but I guess the people on center stage in that scenario is the city. The people that get the pat on the back happens to be the city. We don't really know what the business has done to advance and to build. We can just laude our own increased credibility because we did use this. Our numbers went from 2% to 14%. From 6% to 22%,

and that's great. But we get the credit for that. At the end of the day, we're not sure what happens to those businesses, and I'm just suggesting that as people who are as concerned about that, we have to be I think, more prudent to put in factors that measure real business growth. Not about how much money they make, because nobody's going to divulge that. Not even the small companies. I'm not even suggesting they ought to say how much they make, but I'm saying that if we don't have a contract to know what they were hired to do and at what rate they were hired to do it, we're left at the judgement or if you will, trusting the general contractor that says 'yeah, we're doing all that.' And I've got to tell you, I'm not saying everybody is doing something or everybody is not being honest, but the room to not be honest is there. That's all I'm suggesting, and that we don't have any way of knowing that's not happening.

Mayor Hightower: And I don't think we have any way of knowing that's not happening. Whether it be a majority or a minority contractor. If you ask Whitaker, then perhaps the city shouldn't give any kind of projects to anybody because we're liable to bankrupt everybody. We all know that's not the case. So, again, I don't know how - - - I do understand what you're asking, and what you suggest, and we hope that at the end of the day that we find the exact cure for it all. But at this point, it's beyond any measure that I can think of for the city to be able to dig any deeper into the private sector to be sure that they're all successful. And as you said, there's good business people and bad business people, and sometimes, unfortunate business people make a bad decision along the way and lose their shirt. I don't know how we prevent that, but if that's what the public bid process is all about, and I think Tom could stand and tell you that there are many times that we'll receive bids that are excessively low. And they'll actually counsel with the bidders to be sure that they know what they bid before we actually sign contracts with them. Beyond that, I don't know. But when you get into a deal like the hotel where our only contract is with the General Contractor, we can't force the generals to do the same thing with the guys down the road. Some of 'em may take it and run and don't care if they bankrupt them. But I gotta think most of the generals out there like to have as many companies as they can bidding them so that obviously it drives down their ultimate bid to the city or to Willis Knighton or Schumpert or whoever big boy is. So, if you have some suggestions, we'll look at those, but to suggest that we do it- - -

Councilman Jackson: All I'm saying we never lose stewardship responsibilities of the public dollar. We don't say where is the \$35,000,000, give us the hotel as good as you can, and when it's over, we hope everything went well. At some point, I think we have a responsibility to be sure that everyone of these public dollars is used the way it's supposed to. And I'm sure that this in my opinion, is a very loose process, once that's out of our hands and into the hands of some general contractor who then have the right to do according to contract whatever he or she thinks is best, because all they're held to is the tenants of their contract.

Mayor Hightower: What I can say is every project we do is to the letter of the law and beyond the Fair Share Program. Because as you know, it's not a mandate, it's a cooperative agreement we have with anybody that wants to do any city work. So, I think we do go a step further than most, and have come a long way. Again, at the end of the day, do we know if somebody made 20% or lost 20%? No, we don't know that, but we know that we've, I think, have created opportunities that did not exist prior to 2000. And again, I'm open to suggestions if there are ways for better measurement. The program can

certainly evolve into something better or something worse if we don't stay on top of it. So again, we're listening.

Mr. Antee: And Mr. Chairman, in regards to contractors and making money and not making money, one thing I've learned in this last 7 ½ years, is contractors are as bad if not worse than football coaches. Bellyaching this time of the year about how low their talent pool is, and how bad they're going to be. I've never met a contractor yet that said he made money on any job. They're always bellyaching, 'oh, we're losing on this one, we're losing on that one,' and they're all doing pretty well. It's just the nature of the beast. If you ask a contractor, did you make some money on a job, they're going to tell you, 'oh no, we took a beating on that one.' That's just the way it is.

Councilman Carmody: I know yesterday during our work session we had a tremendous amount of discussion regarding the Walton contract, and the letter that was attached regarding their goal for the Fair Share percentage. But I did want to make a formal request and yesterday, it was more or less an informal request that we receive the minutes that copied that section.

Ms. Pilkinton: We did.

Councilman Carmody: Have you received it?

Ms. Pilkinton: Yes.

Mr. Thompson: We emailed it to everybody.

Councilman Carmody: Okay, in that my email is not working, then that's why I have not received it then. But if I could get a hard copy of it, I would appreciate it. And I think that it is very - - - and it is stated, that that is what they will do. Then the legal question that I was asking to reference back, our City Attorneys point to us was once that letter was attached to the contract, their obligation is to meet that stated percentage as a Fair Share goal.

Councilwoman Robertson: It stated 21%

Councilman Jackson: Absolutely.

Mayor Hightower: And that's the city's position.

Councilman Carmody: Very good. I just wanted to make sure that that's clear, and again, I appreciate a hard copy of that.

Property Standards Report

Councilman Green: Excuse me. Mr. Bowie, I'd just like to commend you and your crew for the great job that you're doing at such and such address on Hollywood. I can't remember the address that not only are you doing a good job in cleaning it up, we also would like to say to Councilman Carmody, congratulations on the - - -

Councilman Carmody: Location of the Cadillac.

Councilman Green: Location of the Cadillac. So, I'd like to congratulate you all for doing a great job, and certainly would like to say, we're glad that you all got your property back. And thank you.

Councilman Carmody: Yesterday Councilman Green in that you were detained before our Work Session, I had actually made a comment to that effect in complimenting Mr. Bowie and his crew on the work that they were doing out there. The unfortunate truth is that my grandfather's Cadillac having been stolen two years ago, that the insurance company had basically already taken title to the automobile, and the gentleman that had

expressed interest in actually restoring the vehicle, because it was a very nice automobile, the insurance company said that it was just really more problem than it was worth for them, and that they would actually dispose of the vehicle and destroy it. Which you hate to hear, especially something that sentimental value, but for something that was missing for over 24 months, it was nice to have somebody within the City contact and say we've found your property. But unfortunately it already had been transferred back to the insurance company. So, I hate to think about the loss of my grandfather's automobile, but that's what happens sometimes.

Public Hearing:

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

Mr. Thompson: Mr. Chairman, these were not on the printed agenda. We'll read them but there'll need to be a motion to add and to confirm.

The Clerk read the following:

1. **Captain Perry McDaniel** elected by the employees and appointed by the Mayor in accordance with LSA R.S. 33:2476.1
2. **Captain Craig Mulford** elected by the employees and appointed by the Mayor in accordance with LSA R.S. 33:2476.1
3. **Shante' Wells**, via Chancellor Vince Marsala at LSUS to fill the unexpired term of Gary Pittman.

Motion by Councilman Jackson, seconded by Councilman Robertson to add and confirm the above listed appointments. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

Adding Legislation to the Agenda

1. **Resolution No. 131 of 2006**: A resolution authorizing the Mayor to execute Change Order No. 4 to the contract for the construction of the Convention Center Hotel and to otherwise provide with respect thereto.
2. **Ordinance No. 118 of 2006**: An ordinance authorizing an exchange of easement rights between the City of Shreveport and Word of Life Ministries, Incorporated, and to otherwise provide with respect thereto. *(Not to be adopted prior to September 12, 2006)*

Motion by Councilman Walford, seconded by Councilman Carmody to add Resolution No. 131 of 2006, and Ordinance No. 118 of 2006. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

Public Comments (*Agenda Items to be Adopted*)

Councilman Carmody: Mr. Chairman, before Mr. Arceneaux starts, can I ask him a quick question?

Councilman Hogan: Certainly.

Councilman Carmody: Did y'all have electronic voting on the Council or did you vote by hand when you were a member of the Shreveport City Council?

Mr. Tom Arceneaux: (828 E Kings Hwy) I would call it electric voting.

Councilman Carmody: Electric?

Mr. Arceneaux: You hit a button and it showed up on the light. It worked most of the time. Sometimes to my regret.

Councilman Hogan: Welcome to the meeting Mr. Arceneaux.

Mr. Arceneaux: Thank you Mr. Chairman. I'm here on Zoning Case No. C-16-06, Ordinance No. 69. I'm merely requesting today that you postpone consideration one more time. I hope one more time. The reason for that is you may not have to vote on it at all. I sent each of you a letter last week requesting an additional postponement if the housing tax credits are not granted to this project, then the application will be withdrawn and that removes any need to vote on a controversial matter. So I would respectfully - - - we expect for that to happen - - - we expect to have a decision about that late this week or earlier next week. And so we'll be able to get this matter off your agenda one way or the other, on the 22nd. I merely request that you delay the matter another two weeks at this time, I would respectfully appreciate that.

Councilman Hogan: Councilman Lester, would you have any objections to the postpone?

Councilman Lester: No. I have spoken with Mr. Arceneaux at the beginning of the meeting. I don't have any objections to a postponement.

Mr. Arceneaux: Thank you for your courtesy Councilman Lester.

Councilman Green: Mr. Arceneaux, I don't have a question, I just have a comment. Nice bow tie.

Mr. Arceneaux: Thank you very much. When you come begging, you see you have to have as much connection with the persons with whom you're begging as possible. So, I had to have one of my partners teach me how to tie it, so I would be presentable to you Rev. Green, and I've got a beard so that I could communicate with Mr. Walford, if I could just be young - - -

Councilwoman Robertson: Lets not go there.

Mr. Arceneaux: Like Mr. Lester, and skinny like Councilman Carmody, I'd be in good shape. And I'm not willing to undergo that operation Ms. Robertson.

Councilman Green: And then you'd have to be short like Councilman Jackson.

Councilman Hogan: Let's don't make it personal.

Mr. Neil Erwin: (401 Market Street, Suite 1250) I'm the attorney representing in this case, the City of Shreveport, in opposition to the zoning appeal that has come before you. It is appeal C-26-06. It involves the Harrelson landfill on Russell Road. Again on behalf of the City of Shreveport, there are at least three good reasons I suggest for this City Council to uphold the unanimous recommendation of the MPC and deny rezoning for this landfill. No. 1 it is fundamentally incompatible with the adjacent residential neighborhood. It represents a detriment to the residents public interest as opposed to the purely private interest of this applicant. It also represents as you know from driving on I-220 an unsightly debris mountain next to a major interstate highway. Secondly, to reverse the MPC would

be to approve the unlawful expansion of a nonconforming use. The applicant Harrelson, cannot obtain it's proposed DEQ permit without proper zoning, and to get it would represent an unlawful expansion of a nonconforming use. You may already know that special legislation for the City of Shreveport governs nonconforming uses. The law and the City Code provide that the lawful use of premises exactly, and that term is used in both the State Act, and the City Code, exactly as such use existed at the time the nonconforming use was established, may be continued. In it's 1994 rezoning application and in its March 1999 DEQ application for wastewater discharge, from it's landfill the applicant represented that the maximum landfill was 29 acres. That's what's shown in red before you. This means that the nonconforming use confirmed by (inaudible) Dean's 1998 letter that you're familiar with, was by law limited to the same maximum 29 acres. Only for those lawful uses exactly as they existed at that time. The new application however is for rezoning for 75 acres, and look at the expansion, as you can tell on this aerial photograph, it's already taken place as discovered by the Metropolitan Planning Commission as part of this rezoning process. Plus, it looms over I-220. And when it was represented that the maximum height, this landfill would be no more than 2-5 feet over I-20. Third, and last rezoning for I-2 or even an extended use would be arbitrary and capricious and represent illegal spot zoning. It would constitute illegal spot zoning because it would award special advantages to the applicant's site over adjoining similar property without respect to the public welfare as opposed to the private benefit of this application. Since it is incompatible with nearby residences, it fails to meet the basic test for consideration even of an extended use under the City Code, which first requires a finding of compatibility with nearby property. So therefore I suggest to you that approval would be arbitrary and capricious, and without justification in the public interest. I urge you to please uphold the MPC's unanimous recommendation, and deny this appeal. I thank you for your time.

Councilman Hogan: Mr. Erwin, I don't guess I was clear from the beginning, who you're representing.

Mr. Erwin: The City of Shreveport.

Councilman Hogan: You're representing the City. Okay, that's what I assumed. I never heard, and I wanted to be sure.

Mr. Gregory Johnson: (228 Spring) I'm here on behalf of the property owners on Zoning matter C-60-06. This matter has been recommended for approval by the MPC, and I'm here to ask for the support of the Council on this matter. I don't have anything extra to add, just specifically to ask for the support of the Council on this matter. Thanks.

**CONSENT AGENDA LEGISLATION
TO INTRODUCE RESOLUTIONS AND ORDINANCES:**

RESOLUTIONS: None.

ORDINANCES: None.

TO ADOPT RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

The Clerk read the following:

RESOLUTION NO. 125 of 2006

**A RESOLUTION AUTHORIZING DEAN HART CONSTRUCTION, L.L.C.,
LOCATED AT 7270 WEST BERT KOUNS INDUSTRIAL LOOP, TO CONNECT**

TO THE WATER & SEWER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, Dean Hart Construction, L.L.C. have 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 Dean Hart Construction, L.L.C. be authorized to connect the building located at 7270 West Bert Kouns Industrial Loop 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.

Read by title and as read, motion by Councilman Carmody, seconded by Councilman Robertson to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, and Green. 6. Nays: None. Out of the Chamber: Councilman Jackson. 1.

RESOLUTION NO. 126 OF 2006

A RESOLUTION ACCEPTING DEDICATION FOR SANITARY SEWER SERVITUDE IN THE SOUTHERN TRACE PHASE IV, SECTION X AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for Sanitary Sewer Servitude in Section 29, (T16N-R13W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

BE IT FURTHER RESOLVED that the original plat reflecting the dedication for Sanitary Sewer Servitude be recorded in the official records of the District Court for Caddo Parish, Louisiana.

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 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 RESOLVED that all ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read, motion by Councilman Robertson, seconded by Councilman Green to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, and Green. 6. Nays: None. Out of the Chamber: Councilman Jackson. 1.

RESOLUTION NO. 127 OF 2006

A RESOLUTION ACCEPTING DEDICATION FOR NORTHBROOK CIRCLE AND NORTHBROOK DRIVE IN THE WRENWOOD PARK UNINO. 12 AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for Northbrook Circle and Northbrook Drive in Section 12, (T16N-R14W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

BE IT FURTHER RESOLVED that the original plat reflecting the dedication for Northbrook Circle and Northbrook Drive be recorded in the official records of the District Court for Caddo Parish, Louisiana.

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 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 RESOLVED that all ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read, motion by Councilman Robertson, seconded by Councilman Green to adopt.

Councilwoman Robertson: Mr. Strong, So that I may be able to save myself a few phone calls this afternoon, this is the dedication of Northbrook Circle and Northbrook Drive in the Wrenwood Park Unit which is between Bert Kouns, and Flournoy Lucas Road. And I was wondering if you could just state with the water pressure problems that are having in the southeast area past Flournoy Lucas Road, will this have any effect on that?

Mr. Strong: This is outside of what we consider the sensitive area on the water. This would be north of Flournoy Lucas. So, this would be outside of that area.

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

RESOLUTION NO. 128 OF 2005

A RESOLUTION REJECTING BIDS RECEIVED ON IFB #06-059, SOUTHERN AVENUE RETAINING WALL FOR DOS/ENGINEERING AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, One bid was received as a result of solicitations for the Southern Avenue Retaining Wall, IFB #06-059; and

WHEREAS, The City has rejected the bid because it was over budget;
NOW THEREFORE, BE IT RESOLVED, By the City Council of the City of Shreveport in due, legal, and regular session convened, that the bids received on IFB #05-059 be rejected; and be it further

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; and be it further

RESOLVED, That all resolutions or parts thereof in conflict herewith are hereby replaced.

Read by title and as read, motion by Councilman Carmody, seconded by Councilman Walford to adopt.

Councilman Carmody; Very quickly just for the benefit of the public. Yesterday, we had discussed this matter. Basically the city received one bid for the request for the work to correct the retaining wall along Southern Avenue, north of it's intersection with Pierremont. And this bid came in over what we had budgeted. The City did work with the lone bidder and was not able to come to terms on an acceptable price. It will now be re-bid and I believe that Mr. Strong had said that he anticipates that it will be about 60 days in order to get that re-bid performed, and hopefully to begin the work in about three months.

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

ORDINANCES:

The Clerk read the following:

1. **Ordinance No. 109 of 2006**: An ordinance declaring a public emergency in connection with the repairs of Norma Avenue and Myrtle Street, and authorizing the expenditure of approximately \$170,000,.00 and to otherwise provide with respect thereto.

Read by title and as read, motion by Councilman Lester, seconded by Councilman Walford to adopt.

Councilman Lester: Mr. Strong, I want to take the time, and I said this yesterday, but I want to reiterate again, I appreciate the response that your department gave to my constituents in the Norma and Myrtle Street area. This was a tremendous - - - this was a bad situation that could have been a lot worse. But the department rose to the occasion as usual, and responded in due course. We started to work out there, you got a lot of other repairs going, and we really appreciate that. I just want to publicly take the opportunity to thank you on behalf of my constituents, and ask how are we coming, and when are we going to expect the completion of this particular project?

Mr. Strong: Well Councilman, as you know, a lot of it's going to determine what we find once we get everything out. But in looking at it, 45-60 days was kinda the plan. That's what we're still looking at. If we run into some issues in the ground once we get it torn up, we may extend it a little bit, but I think we're going to be pretty well on target.

Councilman Lester: And the other thing, I wanted you to reassure our constituents out there. Those folks like Rev. Washington that had trouble with their driveways basically, just completely blowing up, all of those situations, once we get in the ground and repair the mains and stuff, all of those folks will be made whole. Isn't that correct?

Mr. Strong: They will be put back, yes sir.

Councilman Lester: Okay, I just wanted to make sure that that point is reiterated.

Councilman Hogan: Mr. Strong, I was just curious to know if indeed this is bad enough to where you've closed off the road actually, there's not traffic allowed. Is it that bad?

Councilman Lester: Yes. Oh, yes!

Mr. Strong: I think Councilman can tell you, we've got people that are walking down the streets, that's why we've jumped on this as fast as we could.

Councilman Hogan: We didn't have any reports of injuries or accidents before it got blocked off.

Mr. Strong: Just a lot of water.

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

**REGULAR AGENDA LEGISLATION
RESOLUTIONS ON SECOND READING AND FINAL PASSAGE OR WHICH
REQUIRE ONLY ONE READING**

The Clerk read the following:

1. **Resolution No. 100 of 2006:** A resolution authorizing the release of mortgages and cancellation of promissory notes executed by Shreveport Publishing Corporation (now Snap Property, LLC) in favor of the City of Shreveport in connection with the neighborhood improvement leveraging project and to otherwise provide with respect thereto. (*Postpone-July 25, 2006*)

Read by title and as read, motion by Councilman Lester, seconded by Councilman Green to table.

Councilman Lester: We've been working very diligently on this. The reason why I'm asking to table this is so we won't every council meeting, go through the question of whether or not we're ready. I've received an email just moments before the Council Meeting started from the Beaird Family, and the Beaird Company is the SNAP companies, relating that they had gotten their information from their attorneys, that determined what the property descriptions were as we discussed at the Work Session yesterday. That was one of the holdups. And as a matter of fact, as part of that email, and I will send that email to all of the Council Members, if you hadn't gotten it, they indicated that there were several property descriptions that were incorrect, and some that were labeled to be part of the

SNAPs that in fact were not. And then there were some that were part of the SNAPs that were not included. So this is all part of our efforts to due our proper due diligence so that when we are in fact ready to move forward, we are. That list has been forwarded to Ms. Moore's department to double check from our records as well as to the requisite folks with the City Department in terms of Finance to make sure that we are straight in terms of the fees and taxes that are owed. It is also going to be forwarded to the Parish to make sure those documents are correct, so that once we say that we are ready to move forward, all 'I's will have been dotted, and all 'T's will have been crossed and we will have performed our due diligence. So please note that this is something that this Council Member wants to move forward on as expeditiously as possible, and I do appreciate the Shreveport Publishing Company through SNAP Property, LLC working very diligently with the Department of Community Development as well as our folks in Finance to bring some resolution to this issue.

Councilman Carmody: And just to clarify Mr. Lester, what we have is an attachment on this SNAP nine property list indicate a number of municipal addresses as opposed to the legal descriptions of these properties. And so what they're providing back will be an amended attachment that will indicate actually block numbers, the subdivision and determine it that way as opposed to these municipal addresses?

Councilman Lester: Right. In fact part and parcel of the email that I received, they got down to the GEO numbers, because in some cases, you have property without the actual shotgun house on it. And that's also part and parcel of the transfer. So their counsel of record I believe was Lemle and Kelleher, and they did an excellent job getting that information to us. So we believe that this is going to help us obviously resolve the issue. So that once we move forward, there is no cause to say that we have not done our due diligence.

Councilman Hogan: Councilman Lester, do you know, I didn't recall you saying how long you thought it might be - - - you want to table the issue.

Councilman Lester: Well, to be honest I don't - - - that's why I asked to table it as opposed to a continual postponement. I'm hopeful that by next Council Meeting, we will have everything together. If we can continue to get the cooperation from our City finance department as well as the other agencies that are involved, because understand the city is involved, but you also have some Parish issues that are involved as well, and we don't have any control over those things, so rather than for us to say every two weeks, we come back and say we want to postpone it for another two weeks, we just said put it on the table, so that when all due diligence has been done, and we're ready to move forward, we can make the Council award and make a proper presentation at that time.

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

RESOLUTION NUMBER 122 OF 2006

A RESOLUTION DECLARING THE CITY'S INTEREST IN CERTAIN ADJUDICATED PROPERTIES AS SURPLUS AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, there are numerous parcels of property which have been adjudicated to the City of Shreveport and Caddo Parish for non-payment of ad valorem taxes; and

WHEREAS, the City of Shreveport has entered into an intergovernmental agreement with Caddo Parish under which Caddo Parish will undertake to sell or donate said properties as authorized in R.S. 33:4720.11 or R.S. 33:4720.25; and

WHEREAS, pursuant to Section 26-294 of the Code of Ordinances, the city's interests in said properties can be sold after the City Council declares them to be surplus; and

WHEREAS, the purchasing agent has inquired of all city departments regarding the property described herein and has not received any indication that it is needed for city purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened that the following described properties are hereby declared surplus:

Lot 6, Norton Subdivision Geographic Number 181417-020-000500

Municipal Address: 1720 Norton Street

Council District "A"

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof be 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 Lester, seconded by Councilman Carmody to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

RESOLUTION NO. 123 OF 2006

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE DONATION OF A 16' ALUMINUM BOAT AND 40 HP OUTBOARD MOTOR, LISTED IN APPENDIX "A" FROM REEVES MARINE CENTER IN BOSSIER PARISH, LOUISIANA, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the City of Shreveport Police Department desires to accept the donation of a 16' aluminum boat and 40 HP outboard motor, listed in Appendix "A" from Reeve's Marine Center at 2000 Reeve's Marine Drive in Bossier City, Louisiana, which serves a public purpose and renders a public service; and,

WHEREAS, Section 2.02 (e) of the City Charter allows the City to accept or refuse gifts, donations, bequests or grants from any source for any purpose related to the powers and duties of the city or the welfare of the inhabitants thereof, and provide for the care and investment of trust funds; and,

WHEREAS, Reeve's Marine Center is donating the equipment listed as Appendix "A" to the City of Shreveport in honor and memory of Russell Reeves, without any restrictions or conditions; and,

WHEREAS, this donation under these circumstances will enhance the duties of the City in the most cost effective manner.

THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due regular and legal session convened, that the Mayor be and is hereby authorized to execute

an agreement between the City of Shreveport and Reeve's Marine Center of Bossier City, Louisiana to accept the donation of the boat and motor listed in Appendix "A" effective July 11, 2006.

BE IT FURTHER RESOLVED that if any provision of this Resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or application of this Resolution which can be given affect 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 in conflict herewith are hereby repealed.

Read by title and as read, motion by Councilman Robertson, seconded by Councilman Carmody to adopt.

Councilman Carmody: No question just an observation. I think that it's certainly commendable that Reeves Marine makes this donation to help supplement our Police and having seen the news article on one of our local television stations, it does appear that it is going to be put to good use by our Police Department Personnel. I know that they are quite excited. So again, thank you to Reeves Marine in Bossier.

Councilman Lester: He had some other external issues, but now that those have been resolved, Councilman Green and I are going to get to have our test drive on the river, we want to make sure of that. I know he didn't want to say it, but I want to say it for him.

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

RESOLUTION NUMBER 124 OF 2006

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS FOR THE PURCHASE OF VARIOUS ITEMS OF FURNITURE, FIXTURES AND EQUIPMENT IN CONNECTION WITH THE CONSTRUCTION OF THE CONVENTION CENTER HOTEL AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY:

WHEREAS, Section 3 of Ordinance No. 166 of 2005, the 2006 Capital Improvements Budget, states that the Mayor is not authorized to execute contracts or other legal instruments to expend the funds appropriated for the Convention Center Hotel project without first obtaining the City Council's approval by resolution; and

WHEREAS, the Mayor desires to have the authority to execute contracts for all remaining items of furniture, fixtures and equipment required to construct and open the Convention Center Hotel.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in legal session convened, that the Mayor be and is hereby authorized to execute contracts on behalf of the City for all remaining items of furniture, fixtures and equipment to be purchased in connection with the construction of the Convention Center Hotel, including but not limited to the items on the list provided to the Clerk of Council with the original copy of this resolution on August 8, 2006.

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 to be 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 Green, seconded by Councilman Walford to adopt.

Councilman Jackson: What we're doing, if I am correct as I look at it, we're looking to approve what is about \$6.6 (million) as I said on yesterday, all of them are ranges, and the Administration as we talked about earlier has provided for us the bid process of this, and I assume the math is correct, but of this \$6.6 (million) on our sheet that has been given to us for FF&E is actually about \$7,000,000 on this sheet, and I think that may just take into consideration, the higher side of these ranges perhaps, but of this \$7,000,000 that we have right at about \$4 ½ (million) of it is not going to be bid. So we're actually talking about maybe a little bit over \$2,000,000 is actually going to be bid of this \$6.6 (million), and I know that the Councilmen had asked earlier for numbers on here. And it seems to me that about \$4.3 (million) of it is by operator as listed here, and \$1.3 (million) that's there for open bid, and there's \$147,000 that's in RFP. And listed as I guess other on this sheet, that has blanks by it, that's another \$1,235,000. I'm not sure the ones that don't have anything by them, if that's already been purchased what the scenario is Mr. Chairman, but I do think that as we talked about the public money and the bid process, I don't know and maybe Mr. Antee could answer, but in the contract that we have with HRI, it spoke of the franchise agreement. I don't know if the franchise agreement has a blanket statement that says 'items that they identify as sole source, that we need to comply with or do they in fact list these in the franchise agreement again, because over two-thirds of the money is actually not going to be bid. And so that's just my concern about this particular list. And how we procure these items.

Councilman Hogan: Mr. Antee did you have a comment, is it indeed in the franchise agreement that we agree to do that, or was it just in the contract?

Mr. Antee: The franchise agreement does not list out like we have listed as to what items they require and don't require. There's verbiage in there that says you will comply with their rules and regulations, but also of the total dollar amount, part of that is taxes. Some items will have to pay tax on. We're trying to put as much being purchased by the city, which means they've got to comply with the public laws as possible so that we don't pay sales tax. The other is contingency of about \$473,000 which is still contingency. And then the Hilton and purchasing fees is that, I think that Councilman Jackson is about \$1.2 (million) that you said was blank to the side.

Councilman Jackson: (inaudible) we pay that purchasing agent \$221,000 to buy this? I'm assuming this is for their sole source items that we're paying them \$221,171.16?

Mr. Antee: No, that's actually three different entities. Benjamin West which is a procurement company which goes out and procures, and accumulates and coordinates. It's all to Hilton, and HRI has an individual that they've hired, Kevin - - - I can't pronounce his

last name. It's on that email that I forward to you, that coordinates with the Benjamin West, and with the Hilton, and then part of those are fees that Hilton charged. And I don't have the specific breakdown of those three. But I do know that Benjamin West is about 100, and the other - - - 121 is made up of the other two.

Councilman Jackson: The other purchasing agents that they hired to do the purchases?

Mr. Antee: And coordinates the bidding, the delivery, the setup, the - - -

Councilman Jackson: Well, that's in the next line item. The setup coordination, installation, and there is another word, another item, fee purchasing, that then we have \$191,333.70 for that. Purchasing agents are obviously different than fee purchasing?

Mr. Antee: I'm not sure what the fee purchasing, the installation, and setup, I do know that number includes freight as well as installation, and I don't know the specifics of what the other things that are listed there.

Councilman Jackson: Alright. And the taxes, are they just state, federal local?

Mr. Antee: Sales taxes. And hopefully we won't have to pay near that amount, but we have to have that in there. We could put it contingency, or we could break it out to that, but we're trying to avoid as much sales tax as possible being a public entity.

Councilman Jackson: Right, that's what I was asking. Now the \$473,375.50 in contingency, will HRI get that money?

Mr. Antee: No, that stays in the hotel project. That's in case for example, televisions come in \$25,000 over or you know some are going to come in over or some are going to come in under. It's just a contingency.

Councilman Jackson: So, if there's a balance, the money is going where?

Mr. Antee: The money stays into the hotel project.

Councilman Jackson: I mean specifically, is it the hotel trust fund?

Mr. Antee: No. it's the city.

Councilman Jackson: So, it comes back to the city?

Mr. Antee: Well, it never leaves.

Councilman Jackson: But it'd be our money though?

Mr. Antee: Right, it never leaves. We carry that in the budget, just like we do in the contingency for the construction costs. You know at the end of the job, if we don't spend any of that contingency, that money's still in the project budget for the city in the city's coffers.

Mayor Hightower: For champagne glasses.

Councilman Jackson: My final question is in this \$1,353,289.62, that's for open bid? Is this where we're talking about the local people get a chance to have a part of this \$1.3 (million) out of this \$6.6 (million)?

Mr. Antee: That as well as in some of the other areas that are by operator. I think there'll be some opportunities for locals as well.

Councilman Jackson: So some of the by operators are not sole source?

Mr. Antee: Well, that's correct.

Councilman Jackson: So there are some areas that are not sole source that are listed as by operator, that a local business would have a chance to bid on?

Mr. Antee: Well, not everything, that's correct. Not everything in the by operators is sole source. But they do have to meet some Hilton requirements. For example, and I just - - - coffee makers in the guest rooms. You know with that comes crême and sugar and

those types of things. Those aren't sole source, but Hilton has these requirements that have to be met. It can't just be XYZ Coffee maker, it's got to be an ABC or a DEF or HI types. So, within the numbers that are by operator and there's like supplies uniform. You know those would be opportunities for locals too as long as they - - - but there are certain Hilton requirements that have to be met. Point of sale, well that's the computer program. That is a specific thing that they have to acquire from Hilton Corporation, with the computer systems and point of sales, but underneath it, telecommunications, No. 30. And for example in there is the hardwire and the co-axle cable to the rooms and all of that, but where others will have the opportunities, they're in the actual handsets for the phone system. Those would be opportunities. They've got to meet the Hilton specs in be hotel type phones. They can't be just one you go buy at Best Buy. But there are people out there that can then submit the proposals with the manufacturers that Hilton has approved. And I just throw those out as examples.

Councilman Jackson: Thank you Mr. Chairman, I just wanted to highlight and I don't know which ones are by operators of the \$4,000,000, where actually local people have a chance to be a part of, but I just was concerned that we in fact not only just those who are local, but those who are small businesses or whatever the case may be, that Hilton's got a lot of control in this particular portion of it as well, and I just wanted to make sure that we create as many opportunities as we can for our folks who are part of our Fair Share Program, or folks who are just in Shreveport in general.

Councilman Hogan: I was just about prepared to vote, but Mr. Antee I just noticed on item No. 47, the laundry equipment, it says zero on the laundry equipment, thank you Councilman Green, and it was not in the original budget also it shows, so what is the story on that?

Mr. Antee: Well the story on that HRI used one of their standard operating hotels, when they go and build and develop a hotel, they got a list of things. Some hotels have their laundry in house, where they actually buy the equipment and have the laundry in the basement or whatever, and they wash everything and fold. The decision was made early on for budgetary reasons and looking at it to outsource. So, they'll be going out for bids and contracts on the operation of the hotel for people to wash the sheets, and provide like National and you know whatever these major companies are that do it. So that decision was made not to go have the capital expense and the operating expense of manning a laundry inside the hotel, but to outsource that. Also gives the opportunity for local businesses to participate.

Councilman Carmody: And along that line Mr. Antee, then is this included in or should I say the expense for the laundry services, is that included in what HRI/Hilton's consideration is as manager of the property, or is this an additional operating expense that the city incurs?

Mr. Antee: No, it will be an expense that the hotel incurs as part of the operation. They'll take the revenues in from the room rentals, they'll operate the hotel, pay all the expenses, the utility bill and everything and report back. But that is one of the areas that HRI Lodging which is separate than HRI, the developer. This is to get the hotel up and running. There'll be a whole new set of things in contracts to approve and to actually operate the hotel where they have the laundry, you know where they have the food and all that stuff.

Councilman Carmody: And I'm not sure that you would know this off the top of your head, but what's the annual consideration we pay to Hilton in order to operate that franchise? Or to have the franchise for the Hilton brand name?

Mr. Antee: It's a percentage basis. It was a - - - and you're right, I don't have it off the top of my head, but it's a franchise deal where they get X%. They get a flat fee up front, I think we had to pay \$100,000 up front for the franchise fee, and that's in the original hotel budget, and then it's on a percentage of the revenues, and I don't know what that percentage is.

Councilman Carmody: So, in addition to their name, then it also includes the benefit of their reservation system?

Mr. Antee: Right. And their buying power, and all that Hilton brings to the table.

Councilman Hogan: The laundry service and others that you mentioned, those of course will be publicly bid?

Mr. Antee: Correct.

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

RESOLUTION 131 OF 2006

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NO. 4 TO THE CONTRACT FOR THE CONSTRUCTION OF THE CONVENTION CENTER HOTEL AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY:

WHEREAS, Section 3 of Ordinance No. 166 of 2005, the 2006 Capital Improvements Budget, states that the Mayor is not authorized to execute contracts or other legal instruments to expend the funds appropriated for the Convention Center Hotel project without first obtaining the City Council's approval by resolution; and

WHEREAS, the Mayor desires to have the authority to execute Change Order Number Four to the contract with Walton Construction Company for the construction of the Convention Center Hotel.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in legal session convened, that the Mayor be and is hereby authorized to execute said Change Order Number Four on behalf of the City.

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 to be 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 Green, seconded by Councilman Walford to adopt.

Councilwoman Robertson: I was looking at one of the items that y'all have as the kitchen vent hood, and the walk in refrigeration coolers. And I know when we were doing the Convention Center, that there was a problem because of the plumbing was done after the fact, and we had to do the change order for that and all. Has all that been taken in consideration with this change?

Mr. Antee: Yes it has. A little history on that. We went out for bid on the kitchen equipment, and under the state general contractor's law, the actual installation because it's more than just a plug in has to be done by a licensed contractor, and there were issues as to having more than one general contractor on the site. So what we did was we bid out all the equipment for the purchase, and then had them put as an add alternate what they would charge to install it. And the reason we did that was so that the contractor couldn't come in and say 'okay, you have to come through us to install it, it's going to be \$60,000.' We wanted to have the price publicly bid, so that we would know what it was going to cost us so if the contractor did try to say it was going to be \$60,000, with the hope that the contractor would then just have the kitchen equipment provider who was the low bidder, and then just subcontract to them to do it and put their normal markup, and that's what took place.

Councilwoman Robertson: So, the drains and all that stuff already taken care of, even though they knew there was going to be a separate installation?

Mr. Antee: Right. The same - - - the problem with the Convention Center was we had two sets of plans. We had a mechanical sheet, and then we had a - - - you know the structural sheet, and throughout the process of re-bidding and everything, they didn't get meshed back up. We've got one set of plans that both companies bid from on this project, and they're all step and (inaudible).

Councilman Hogan: Mr. Antee, I just noticed while you're speaking, your mic must have a short in it something, you might just sort of jiggle it, and get it back in place. Your voice is going in and out of the speaker. So, I'm not sure, but

Councilman Lester: Do you want him to repeat everything he just said?

Councilman Hogan: Mr. Burton might be cutting you off back there.

Mr. Antee: Hopefully, I won't have to say anything else, and it won't be a problem.

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

INTRODUCTION OF RESOLUTIONS *(Not to be adopted prior to Aug 21, 2006)*

1. **Resolution No. 129 of 2006**: A resolution authorizing the Mayor's signature on a land use and indemnity agreement with Petroleum Automation Consultants, Inc., and to otherwise provide with respect thereto. (F/Green)
2. **Resolution No. 130 of 2006**: A resolution amending Resolution No. 104 of 2004 with respect to Special Facility Revenue Bonds of the City of Shreveport, State of Louisiana, and providing for other matters in connection therewith.

Read by title and as read, motion by Councilman Green, seconded by Councilman Robertson to introduce Resolution No(s). 129, and 130 of 2006 to lay over until August

22, 2006 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

INTRODUCTION OF ORDINANCES *(Not to be adopted prior to Aug 22, 2006)*

1. **Ordinance No. 110 of 2006**: An ordinance amending 2006 General Fund Budget and otherwise providing with respect thereto.
2. **Ordinance No. 111 of 2006**: An ordinance amending the 2006 Capital Improvements Budget and otherwise providing with respect thereto.
3. **Ordinance No. 112 of 2006**: An ordinance creating and establishing a No Parking Anytime Zone on the south side of E. Dalzell Street beginning at Holly Street and extending West for a distance of seventy-five feet and to otherwise provide with respect thereto. (B/Walford)
4. **Ordinance No. 113 of 2006**: An ordinance repealing Ordinance No. 156 of 1992 which created a No Parking Zone between the hours of 6:00 PM and 6:00 AM on either side of the 1700 block of Willow Ridge Boulevard and to create and establish a No Parking Zone Anytime Zone on either side of the 1700 block of Willow Ridge Boulevard and to otherwise provide with respect thereto. (A/Lester)
5. **Ordinance No. 114 of 2006**: An ordinance amending Section 74-54 of the Code of Ordinances relative to landfill disposal fees and to otherwise provide with respect thereto.
6. **Ordinance No. 115 of 2006**: An ordinance amending and reenacting Chapter 62 of the Code of Ordinances by adding Article IV relative to City-owned property and to otherwise provide with respect thereto. (E/Hogan)
7. **Ordinance No. 116 of 2006**: An ordinance declaring certain adjudicated properties to be surplus and to authorize the Mayor of the City of Shreveport to donate the City of Shreveport's tax interest in certain surplus adjudicated properties, and to otherwise provide with respect thereto. (A/Lester)
8. **Ordinance No. 117 of 2006**: An ordinance declaring certain adjudicated properties to be surplus and to authorize the Mayor of the City of Shreveport to sell the City of Shreveport's tax interest in certain surplus adjudicated properties, and to otherwise provide with respect thereto. (A/Lester/C/Carmody/F/Green)
9. **Ordinance No. 118 of 2006**: An ordinance authorizing an exchange of easement rights between the City of Shreveport and Word of Life Ministries, Incorporated, and to otherwise provide with respect thereto. *(Not to be adopted prior to September 12, 2006)*

Read by title and as read, motion by Councilman Carmody, seconded by Councilman Walford to introduce Ordinance No(s). 110, 111, 112, 113, 114, 115, 116, 117, and 118 of 2006 to lay over until August 22, 2006 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

ORDINANCES ON SECOND READING AND FINAL PASSAGE *(Numbers are assigned Ordinance Numbers)*

1. **Ordinance No. 79 of 2006**: An ordinance amending and re-enacting Chapter 58 of the Code of Ordinances relative to nuisances by adding Section 58-2 relative to offensive odors and to otherwise provide with respect thereto. (*Postponed – July 25, 2006*)

Having passed first reading on June 27, 2006 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 Carmody.

Amendment No. 1 to Ordinance No. 79 of 2006

In Section 58-2, add subsection (c) to read as follows:

(c) The provisions of this section shall not apply to any facility owned or operated by the City of Shreveport

Motion by Councilman Walford, seconded by Councilman Lester to adopt Amendment No. 1 to Ordinance No. 79 of 2006.

Councilman Walford: Amendment No. 1 exempts city-owned facilities from the ordinance. And I would encourage passage.

Councilman Jackson: Why would if the idea is that it's a public nuisance, why should the city's facilities be exempt? I don't understand why we deserve or have some inherent right to be a nuisance, yet we ask private business not to be a nuisance?

Councilman Lester: I can answer that.

Councilman Walford: I was going to, but you go ahead.

Councilman Carmody: Go ahead and step in it.

Councilman Lester: In this particular case - - - no, it's not my first rodeo, in this particular case, we're looking at the facilities that the amended or excluded, we have a rational basis to do that because they are inherently necessary for the operations of the city. I mean, you could imagine someone saying, if you have an odor ordinance, that our sewerage treatment plant, which is necessary for the operation of the city would be in violation. What we going to do, stop the sewerage plant from operating? I mean, it's not practical. What this legislation does is it tries to make a compromise in as rational way as possible to deal with an issue that is plaguing us in the North Shreveport area, but also has city-wide applicability. And didn't want to get into this, but I want to commend Councilman Walford and Ms. Gibson, and Julie for their work with Councilman Walford and myself on this particular ordinance. In doing the research, there were a myriad of different ways that municipalities dealt with this particular issue. There is a model in Maine, that deals with the situation strictly scientifically, that gets so technical as to say the person that goes out to examine the smell complaint can't have smoke or cigarette in certain period of time, hadn't have eaten a certain type of food. It gets so technical that you walk out with the bottles of reactive chemical to do an actual chemical test right there at the time. And then you have other models that are completely subjective, that had we gone with that model, could put us in a situation where one of your neighbors object to your barbeque, or makes the fish fry something that is illegal. So what the legislation does, it puts us in the best possible position that we can deal with something that is a tremendous, tremendous nuisance to those of us that either work in North Shreveport, or work in the Agurs area, or the people who live in and around North Shreveport, and depending on

which way the wind is blowing, in the downtown area. So, having had this particular piece of legislation drafted, and having done some additional research, looking at what other municipalities have done, and having had some conversations with the Department of Environment Quality in terms of what can we do to mirror some of their ordinances and legislation without becoming so overbroad that we put ourselves in an negative situation in terms of enforcement. These two amendments along with the ordinance, we believe is the best compromise to deal with the situation that excuse the pun, really stinks, really bad. So that's what we would offer. It's not a perfect ordinance. By no means are we saying it's a perfect ordinance. But we believe that it addresses the core issues which is what happens when you have a business that by it's very nature is offensive to other people to the point where again using the example in North Shreveport, people can't function in their business because the smell is just so bad. And it threatens - - I mean you know we've had a lot of conversation about bringing people to Shreveport and to the Convention Center, and the whole nine yards, someone gets off the plane, they come to a convention, the first thing that they get, their first whiff of Shreveport is this negative situation. So we believe that this is going to help deal with that. And again, I'd like to applaud Councilman Walford, and some of the other folks at DOS for helping us with this very serious problem.

Councilwoman Robertson: Councilman Lester answered. I was wondering about the DEQ.

Councilman Walford: Well, was Councilman Jackson through with his question?

Councilman Hogan: Oh, excuse me, I'm sorry.

Councilman Jackson: That's okay. I guess again, it didn't - - I think Councilman Lester suggested to me what was the reason why the city was exempted, but I don't know that that justifies the city's exemption. I think that obviously other folks can argue with when it comes to odor, what's the signs of odor. What's offensive to one, may not be offensive the other, and so on and so forth. I mean, I don't know what the - - if you apply a smell-ometer for lack of better terminology, to whatever situation it is to see what registers and then do we have DOS or whomever is investigating these claims just across the city. Because something stinks over here, something stinks over there, somebody didn't put out trash. Some people are just generally not as clean to some people as others. I'm not suggesting that we ought not deal with those issues, but I do believe that in all of this, if our goal is to be sure that there are not offensive emissions that the city ought not be exempt from those offensive emissions either. Because if not, then I think it puts us in a case of whose regulating the regulators? And if we exempt ourselves, who in fact are we responsible to? Or do we become Big Brother that nobody's watching? And we're watching everybody else, but nobody's watching us. And I'm not suggesting that sewer doesn't, it all smells. And I'm saying to avoid the appearance of being subjective about a company or certain businesses, that I think the same standards, whatever we do to mitigate, I'm sure there is something that's done. I don't know who can answer that, but I'm sure that something that's done over time, and over the past several years and decades to mitigate smell. And that it's not as bad as it could be, let me say it like this. Whatever that is, I think it would be beneficial to the city to make sure that we continue to go up on that scale as well, and not have this blanket omission from this particular ordinance, where it affects everybody, but it doesn't affect us. Where we become the lien violators with nobody to police our behavior as well, and that concerns me as a citizen. That concerns me.

Councilman Lester: Well to respond, I would say this. No. 1, the operation of the one thing that causes the biggest smell from the city's standpoint, the waste treatment plant is under operation of the Department of Environment Quality. There are regulations that are very strict in terms of what we can and cannot do. And so there is always going to be that additional level of scrutiny out there to make sure that all of our 'I's are dotted and all of our 'T's are crossed as it relates to doing that. The problem becomes just as a practical matter, if we did not exempt a city facility, i.e., the treatment plant, what's going to happen is - - - okay, Joe Citizen makes a complaint, it stinks. We go through the administrative process, we have a hearing. I mean there's the question as to whether not being too much of a lawyer, the whole issue of can the city be held in contempt by it's ownself? Because you've got the city government - - - cause the hearings are going to be held at City Court. And so the city can't be hauled into City Court. Now, you've got a District Court scenario, and it makes matters much more complicated because when you're talking about policing a city, from itself, clearly the city can't do that. So, that takes the City Court out of the realm of even dealing with that. And now you're dealing with a District Court scenario, and then a judge in District Court has to decide whether or not the City is going to be held in contempt or in violation of the statute and the order, and then what happens when the judge decides that because of the inherent nature of the product, it being something that's absolutely necessary for the operation of the city, we're going to dismiss this because we can't do anything about that. Because we have to have the waste treatment plant. And then you get into a scenario where citizens are complaining about something that they really don't have any control over, and then they become frustrated because at the end of the day, nothing is going to happen, because we cannot shut our treatment facility down. The difference in this and the situation that we're dealing with in North Shreveport is the waste treatment plant is something that is absolutely critical and necessary for the operation of the city. There is no question about that. As it relates to the offensive scenario in North Shreveport, that is a business that is not necessary for the operation of the city No. 1. No. 2, if they say they're going to have a financial interest and true that they do, but their financial interest in operating their facility is causing other people to have loss of revenue, as it relates to their business, and it's becoming a nuisance type situation. It's almost as if the whole analogy with property standards. I keep my property in a positive fashion, my next door neighbor isn't. And because my next door neighbor is not keeping their property properly, it's causing the value of my property to go down. What we've discovered through this process of dealing with this offensive smell in North Shreveport, much to our chagrin, the city didn't have any ordinances that dealt with it. So we were in a situation where we had to be completely dependent on the good graces of what was happening in Baton Rouge. And Councilman Walford working out there everyday, and me living out there, we did not want to subject our citizens, our neighbors, our business partners with being in a situation where you were completely, totally at the whim of the state. Now granted we have asked the State and Representative Glover and some other folks have done some things to hold a big stick over the heads of this particular company, i.e., they wanted to do some expansion, and they're not going to be able to do the expansion unless and until they can prove that the technology that they have said they're going to put in place to remunerate the smell situation is dealt with. But even having said that, we don't want to be in a situation where at the city level, we are without options, and we don't give our citizens the opportunity to say, this is a bad situation. It's affecting my quality of life, it's affecting

the way I do business, and I want my government, i.e., my City Council or the people that I pay my taxes to, to do something about it. So, again it's not a perfect remedy. It's going to be something that we're going to work on and we're going to tweak. But I still think it gives our citizens something that they can deal with and it helps us along that way to deal with those offensive odors. And it's not something that's strictly a North Shreveport area, because I've had complaints from some of our folks in Lakeside and Allendale about the waste plant on Yale Street that incidentally I said we shouldn't put over there, but we did. But that's neither here nor there. But they have issued some complaints about the smells over there. But heretofore we were not able to do anything about it. I couldn't do - - - it there, I'm sorry, they haven't broken any law. Now, we can say that there is a statute that can be broken and we can bring some judicial scrutiny into the situation, and get something done unto the extent that it can be.

Councilman Jackson: So, unless the city is the violator is all I'm saying. And since we do have standards that the city has to live up to, my question was why not in creating a whole new ordinance, if you will, cause the business to come to the same standard that the city has to abide by. And if we were at equivalent standards, I think everybody would say, the playing field is even, we have the same standards imposed on us that the City has on it, and to me that's a fairer way to in fact get that done, rather than creating different standards. You've got a two tier system here. The city can do certain things as it relates to nuisances, smell and odor emissions and then businesses have a different standard. I'm just suggesting that since we do have a standard, and we refer to the standard that we have DEQ or whoever it is, have a particular standard for us, why can't we apply that standard to every business the same as it's applied to the city. There may not be an answer to that, that's just my thought on this process.

Councilman Carmody: Mine is just an observation, and that is that in those communities in which they operate paper plants, I've always found them to be very, very nauseating, but persons that live within those communities have told me that's the smell of money. Okay? That being said, my question goes more toward one of the observations that you made Councilman Lester, and that is that periodically, and I know all of us here receive complaints periodically regarding smell, and specifically for those businesses that operate seasonally, and I just bring this up, because it seems like - - - I love crawfish, don't get me wrong. But when crawfish season rolls around, I know that it's coming with a number of calls from people that say, once the crawfish are cooked, that smell of dead fish is obnoxious to them. Could you walk me through the complaint process so that we would understand, what would the citizen have the ability to do under the enactment of this legislation to file a complaint and then how would it handled?

Councilman Walford: Mr. Chairman, if we could, I have all of that when we address the ordinance itself. If we could address the amendments that I intended to go into that and possibly call the Assistant City Attorney up.

Councilman Jackson: We can do it all - - - (inaudible)

Councilman Walford: Alright I'll be glad to answer that then. What we're proposing of course like so many of our ordinances, the enforcement will be done in a manner of policy. So what we did is - - - again, as Councilman Lester has discussed, using some other municipalities as some examples, we came up with a complaint form. Which we hope DP will put online for us. We'll have it available to go on CCARS. It will be readily available to the public. And there is a good set of instructions with it, but they will

identify themselves, give their contact information, where they were when they smelled the odor, time, how long, and we're asking them to rate it on an intensity scale. Basically from 1-8, where 1 is very faint, and 8 is the one that I'm familiar with. Then we asked them to describe the odor with number of possibilities, where they can describe what the odor is. Is it ammonia, decaying grass, things like turpentine, sewer or sewerage, chemical solvent, rotten eggs, fishy to identify yours. We asked them for weather conditions. Was it calm, windy, and if they can provide it the wind direction. So it helps identify where the source of the problem, and then there's a place for notes. This will go to DOS, and their Environmental folks will follow up and in turn take it to the City Attorney, and if they feel it's justified, and there is a case, they will issue a charging affidavit. So, I think we've covered the best we can to be objective on it, instead of as Mr. Lester suggested, just totally subjective, I don't like the smell of something like my neighbors barbecue. I think we've taken that out of the realm of possibility. Again, an awful lot of time and effort has gone into this as Mr. Lester said. You know we may be tweaking it later, but this gives us a very good start. I think each of you have a copy of this at your position if that helps.

Councilman Green: Mr. Strong, would you come please? Thank you Mr. Strong, along with what Mr. Jackson was talking about if we - - - if that applied to the city. Out by my church there are two oxidation ponds, one is down that supposedly should have handled the smell, it's one in front of my church that we basically filling in with whatever, because it's no more use. If in fact, we would fix the oxidation ponds that they would never smell again, how much money would it cost the city, the one down by where my church is.

Mr. Strong: Well, it would have to be totally enclosed. It wouldn't be an open air pond. It would be a totally enclosed pond with some sort of a scrubbing device that would be on top of it. And I couldn't even venture, but you're talking millions of dollars to actually build something of the size that we would need and everything.

Councilman Green: So, can y'all do that?

Mr. Strong: It's only money.

Councilman Green: So, what is it that we put in it to stop the smell? To control as to keeping the odor down?

Mr. Strong: In the oxidation ponds?

Councilman Green: Yes sir.

Mr. Strong: The only thing we'd do is a masking agent that you put onto it, that's a deodorizer, that you spray. You're not changing the odor, you're just masking it. You're not doing away with the odor, you're just masking the odor.

Councilman Green: But if we in fact made that apply to us, then we would basically have to have an enclosed system that would cost millions of dollars? Is that correct?

Mr. Strong: Or find out how much the fine is.

Councilman Carmody: Thank you for the explanation Mr. Walford. I appreciate it. The situation that I found at least with municipalities is that whenever we've had a report of a sewer or odor problem, that DOS in Dallas have been very responsive in trying to address those. And I'm glad that it was pointed out that in the complaint form that there are different requests for information regarding the environmental conditions at the time of the report, because I think that we all know that just depending on what the humidity is doing, what the heat is, whether or not there is any wind in the area, that type of thing. But sometimes you catch an obnoxious odor, and you might pass by there the next day and not

smell it at all. But I do think it's a good thing especially in relation to the particular problem that y'all are having in the north, and I certainly am going to vote with it. I think it'll be interesting to see how this plays out over the near future. Because I think all of us realize and have seen instances where industrial facilities within the city limits have been reported to us as causing people health problems. And those industrial facilities as Mr. Strong was talking about go to great lengths to make sure that they are in compliance with DEQ standards so that they are basically not releasing out onto the public things that the public would find revolting. And I'll be interested to see how it actually plays out.

Councilman Hogan: Thank you Councilman Carmody. One last question, and then I hope that we'll be prepared to vote. I've read through the E-agenda, a copy of the legislation, and I saw no penalty phase for violators. Are they issued a citation? Is it a warning or is it a monetary - - -?

Councilman Walford: Can I defer to Ms. Glass to talk about general penalties.

Ms. Glass: Mr. Chairman, when you don't put a specific penalty in an ordinance, the general penalty at the beginning of the Code applies, which is a maximum of \$500 or 60 days to be determined by the judge.

Councilman Hogan: For first offenses even?

Ms. Glass: That would be the maximum, so the judge would make a determination, if it was a first offense.

Councilman Hogan: If it was a second, if it was above the first offense, what would the ceiling be?

Ms. Glass: That's just maximum, no matter what offense it is. So it would be in the discretion of the judge to take in consideration whether it was a first offense or a second offense.

Councilman Lester: And Mr. Chairman, part of the reason we wanted to do it that way, we still wanted to give the judges the discretion to look at everything on a case by case basis. I mean the situation that we're dealing with in North Shreveport would be different than let's say the example that Councilman Carmody gave. So, if you say what the maximum is, then the court might take into account, okay, this is a neighborhood barbecue and someone just - - - or a crawfish boil, and they didn't take the trash out in time, and there was a problem, we're going to assess them toward the smaller end, because it's not necessarily a commercial enterprise, this was just a residential type, citizen type situation, temporary situation. Whereas on the other end, if you have a business by its inherent nature, it's constantly, constantly doing these types of things, then that gives the judge an opportunity to do maybe the maximum, and whereas, you might have just one instance, or one complaint, if you have 10, then this particular operator has proven themselves to be someone that does not want to comply, does not want to try to purchase any type of technology to remunerate some of the bad smell, then rather than to take the 10 complaints, as one, the office might decide to say, each one of them is a separate count, and have a separate trial, and a separate adjudication. So, instead of having 10 people with a complaint and one situation \$500, you might have 10 at \$500 or you might have 20 at \$500. And so that starts to eat away into that business person's pocketbook, and they might decide okay, I really do need to do something about this because when I get these 10 or 20 complaints, rather than a court dealing with them as a group, they're dealing with them individually, and now it becomes a problem where either I'm going to pay \$2,500 or \$5,000 a month in fines, because these people are going to continue to complain over and

over again, I need to do something about it. And so that's kind of - - - we wanted to not make it so overly broad that the courts don't have some discretion to deal with it on a case by case basis. And like Councilman Walford said, it's going to be something that we're going to be constantly looking at and tweaking it. One of the things that we discussed as recently as yesterday with Elizabeth, myself, and Councilman Walford, was the complaint form, the idea of making it an affidavit so that there is a higher level of expectation from the City, so that you can't have a situation where someone maybe just does something anonymously or someone just frivolously saying this person - - - it smells bad, so you don't create a situation where someone just basically takes advantage of a business owner and just tries to haul them into court and never shows up. If you make it an affidavit type scenario, it raise the level of scrutiny so that if they don't or aren't serious, then you've got - - - you could say you've made out a false report or you are abusing the court process. So that the business owner can have some belief that when someone has a complaint, it's not just - - - Mrs. Kravitz that's mad at the world, if someone has a legitimate complaint.

Councilman Green: I can appreciate this legislation because in my district, there is a company Pennzoil, they call it - - - it has another name now. Calumet, they've just decided that they didn't care about whether the citizens complained or not, the smell or whatever. It's made a lot of folks sick, and still making them sick. They just basically said whatever, so I can appreciate this legislation, and possibly now, they would at least - - - we have a mechanism to say to them, they've got to get their act straightened out.

Councilman Jackson: And I understand where my colleagues are coming from, I just want us to be sure - - - as Councilman Green has said, it's Calumet, the odor issue, and they get complaints, that \$500 is going to really hit 'em in the pocket and really mitigate that circumstance. But - - - or \$5,000. Juxtaposed to making \$5,000,000, then I've got to roll the dice on that. If that's what it boils down to. But I understand now and I agree with the sentiment of it. My only objection I wanted to make sure we understand was that, this amendment exempts the city from doing what we don't want private businesses to do. And that's my final objection to this particular amendment. I might add Mr. Chairman, that I don't know if this is the final form, or if this is just a rough draft of the form. Because obviously we've got all kinds of people in the community who have to read this, and I understand that and I'm not sure if I could tell you what an 11 mile gust of wind feels like and whether or not if it's distinctive and very pungent or not. But I just know it stinks and it stinks from over in that direction over there. And sometimes that's the best description that people will be able to give. So, I appreciate the work that the committee has done to put together these distinctive categories, but I just want to say to take into consideration all those things as well, and with that Mr. Chairman, I call for the question.

Motion by Councilman Jackson to call for the question and end debate fails for lack of a second.

Councilman Green: Councilman Jackson, since you won't be here, I'll keep you abreast of how this turns out.

Councilman Jackson: I'll be here.

Motion to adopt Amendment No. 1 to Ordinance No. 79 of 2006 approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, and Green. 6. Nays: Councilman , Jackson. 1.

Amendment No. 2 to Ordinance No. 79 of 2006

In Section 58-2, add subsection (d) to read as follows:

(d) Any person who chooses to lodge a complaint under these provisions shall contact the Director of the Department of Operational Services and shall submit a written complaint on a form approved by the Director of the Department of Operational Services. The Director of the Department of Operational Services shall be responsible for developing the written procedures to carry out the provisions of this Section. These written procedures shall be kept on file in the Office of the City of Shreveport, Department of Operational Services

Motion by Councilman Walford, seconded by Councilman Green to adopt Amendment No. 2 to Ordinance No. 79 of 2006.

Councilman Walford: Briefly this amendment was included to say how the ordinance will be enforced. There's been issues on the animal control that I think we've all had. On whose actually going to do the enforcement. And this explains it, and to address one item that Councilman Jackson questioned, we're going to have (inaudible) for them to estimate on the wind. Leaves and twigs in constant motion means it's 5-15 mph. We've tried to cover it for everybody.

Councilman Jackson: And you did that. Mr. Chairman, I thought I understood Councilman Walford to say that this amendment lines out whose responsible for enforcement? Maybe it's me, but I see the Director of Department of Operational Services shall be responsible for developing the written procedures to carry out the provisions of this section. These written procedures shall be kept on file and also the City of Shreveport Department of Operational Services. Whose responsible for enforcement?

Councilman Walford: If you read the first sentence - - - any person who chooses to lodge a complaint under this section shall contact the Director of the Department of Operational Services. That will probably fall under the environmental folks in his department. The rest is talking about an internal procedure which basically addresses the form, and how we're going to do it. This doesn't need to be a part of the ordinance. This is the policy that we're going to use in house. But basically what we're saying is that this will not be an ordinance that you'll call the police to go out and enforce.

Councilman Jackson: Right. So we're saying - - - we're just telling us who to contact. I guess I'm not clear, maybe you can help me, but who will enforce the ordinance? In other words, somebody's got to go out and investigate - - -

Councilman Walford: As we started to talk about in Amendment No. 1. The citizen will file the complaint form. Someone from DOS in the environmental office will actually make the investigation, refer it to the City Attorney's office. If the City Attorney's office feels like it is a justifiable - - - I don't know what the word is Councilman, help me.

Councilman Lester: Convictable.

Councilman Walford: Violation, they will file a charging affidavit out of the City Attorney's office, and we will issue a warrant, or what do we do in a case like that? After there is a charging affidavit, the person is cited. Am I correct?

Ms. Glass: Right. Correct.

Councilman Walford: Person or business or whatever.

Ms. Glass: Then we proceed to City Court.

Councilman Walford: And it'll go to court. So, basically DOS-Environmental will investigate the complaint made by the citizen, refer it to the City Attorney's office. If it is in their mind convictable, we'll move forward with charging affidavit, and the person will be brought to court.

Councilman Jackson: Maybe it's me, but if DOS does the investigation, (inaudible) in some form to the City Attorney, whose left to make a decision as to whether or not it's convictable, but all they're going on is a form from someone submitted in DOS. And they're going to make a decision about whether or not it's convictable based on a form submitted to them by DOS. Are they going out to investigate as well?

Councilman Walford: DOS will give their findings as well as the complaint and as we talked about yesterday, the procedure will probably be to have it in the form of an affidavit from the citizen. So, it's not different than you filing a charge against someone for a nuisance for noise next door. Someone who blares their music at 3:00 a.m. You could make that same complaint to the Police. City Attorney will decide whether or not to prosecute it or not. Quite often charges that are brought are dropped by the City Attorney's office.

Councilman Jackson: And DOS is going to do an investigation?

Councilman Walford: DOS is going to do the investigation based upon the application from the citizen.

Councilman Jackson: That answers my question Mr. Chairman.

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

Motion by Councilman Walford, seconded by Councilman Lester to adopt Ordinance No. 79 of 2006 as amended. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

Councilman Lester: Thank you.

Councilman Walford: Yes, that's what I was going to say. As out of order as it is, Councilman Lester and I both thank you.

Councilman Green: I thank you too.

Councilwoman Robertson: As a business owner in the district, I thank you too.

Councilman Hogan: Perhaps we'll read about this in the newspaper in the coming days. This would be a great thing for Teddy Allen to write about, I feel sure. So, if you're listening Teddy, we'll look forward to reading your article on this. Joel, relay that for us if you would.

2. **Ordinance No. 101 of 2006**: An ordinance closing and abandoning a portion of the dedicated drainage easement located in the Montessori School, Subdivision, of Sections 5 and 8 (T17N-R13W), Shreveport, Caddo Parish, Louisiana and to otherwise provide with respect thereto. (B/Walford)

Having passed first reading on July 25, 2006 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 Carmody to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

3. **Ordinance No. 108 of 2006**: An ordinance authorizing the lease of city-owned property to the Salvation Army and to otherwise provide with respect thereto.

Having passed first reading on July 25, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Hogan, seconded by Councilman Carmody to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

4. **Ordinance No. 69 of 2006**: ZONING APPEAL: C-16-06 – 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 Hilry Huckaby and Russell Road, Shreveport, Caddo Parish, Louisiana, from R-A, Residence-Agriculture District, to R-1H (PUD) Urban, One-Family Residence (planned unit development) District, and to otherwise provide with respect thereto. (A/Lester)(*Postponed July 25, 2006*)

Having passed first reading on May 23, 2006 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 to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

5. **Ordinance No. 85 of 2006**: ZONING APPEAL – C-26-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinances by re-zoning property located on the east side of Russell Road, 1753 feet south of Gain Street, Shreveport, Caddo Parish, Louisiana, from R-A, Residence-Agriculture District, R-1H, Urban, One-Family Residence District, and R-1D Urban, One-Family Residence District to I-2, Heavy Industrial District and to otherwise provide with respect thereto. (A/Lester) (*Postponed -July 25, 2006*)

Having passed first reading on June 27, 2006 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 Walford to uphold the decision of the Metropolitan Planning Commission.

Mr. Thompson: Mr. Chairman, could we ask that maybe the motion would be to adopt and you would ask the Council Members to vote against it.

Councilman Hogan: Would you care to change your motion?

Mr. Thompson: The state law says that in order to change the zoning, you need a two-thirds vote.

Councilman Lester: Okay, well that is my motion.

Substitute motion by Councilman Lester, seconded by Councilman Walford to adopt

Councilman Jackson: So, you're asking for a "No" vote?

Councilman Lester: Right, I'm asking for a "No" vote from the Council. This is something that the folks in District A have been dealing with for quite some time, over 10 years. And I've gotten reams and reams of information from the proponents. This landfill was never, never affirmatively voted on by this Body. In fact at every level, the City Council, the MPC, ZBA, even going back 10 years ago, the elected representatives for the City of Shreveport said no. And for some reason, some beyond my comprehension, the proponents were able to get this development up and running. This case, in my mind, is one of the biggest examples of dare I say, environmental racism, and environmental injustice, in our City's history. Because nowhere else in the City of Shreveport would there be any consideration of putting a landfill of any type, whether it be construction and debris, or regular landfill with solid waste, no way would you even phantom putting a landfill that close to a residential area, but it was done. I've heard the arguments on either side, I've heard the proponents say, well we've been operating for X amount of years without complaints. That's not true, because the people living in the Martin Luther King Area complain about this place everyday. It's just one of those instances where people complain so long, and they haven't been heard for so long, that they just don't believe that their government has any faith. And so even those type of scenarios, we're in a situation where we can't address what I believe was and is a serious wrong, and so, I would ask for the No vote procedurally, so that we can uphold the Metropolitan Planning Commission's vote and deny the operation of this particular landfill. It was wrong in 1994, and it's just as wrong today, August of 2006. And I would just implore the Council to do the right thing, and stand with the residents of the area. Thank you Mr. Chairman.

Councilman Hogan: I have a request to speak by Mr. Pesnell. Do I hear a motion?
By J. Whitney Pesnell.

Councilman Walford: Mr. Chairman, Point of Order?

Councilman Hogan: What's your Point of Order?

Councilman Walford: We're not at Public Comments on the Agenda.

Councilman Hogan: You're correct, and it would require a suspension of the rules in order for him to speak. Do I hear an motion to suspend the rules?

Councilman Carmody: I'll make the motion to suspend the rules just for discussion.

Motion by Councilman Carmody, seconded by Councilman Jackson to suspend the rules to hear comments from Mr. Pesnell.

Councilman Carmody: My observation had been that we actually had Mr. Erwin here before us in the capacity as the City's Attorney in this matter. And again, I'm not sure why this gentleman had not put his name in at that time to go ahead and ask for a request to speak. But he stood up as if he were going to address the Council. So, that's why I would ask, or made the motion for suspension of the rules, because again, we did hear from Mr. Erwin identifying himself as the counsel for the City. This gentleman I believe is the counsel for the appellant.

Councilman Lester: I would say this. Procedurally, it's out of order. I don't have a problem with Mr. Pesnell making any presentation that he wants to make. Because he's here representing his client, the Harrelsons, Harrelson Waste Management, and I just believe that in order to be fair to everyone, I think they should have an opportunity to be heard. So, it's not quite obviously, it's not going to change my mind. And if he wants to make any statement, I believe that - - - well, that is true. That is true. Yes, he should have filled out a comment card earlier, yes. And is he out of order? Yes. But I think the greater issue is an issue of fundamental fairness. And I would say in an effort of being fair, and allowing each side to present their story, I would not be against Mr. Pesnell making any statement that he wants to say. Again, it's not going to change my mind, but I don't want anyone to be able to say that this Council did not give an opportunity to someone's legal counsel to speak. So, I would just ask the Council to indulge Mr. Pesnell and allow him to make whatever statement he believes he needs to make on behalf of his clients.

Councilman Jackson: I just wanted to say, I don't want to delay the time, but I understand what the concerns are, but I just want us to be consistent. Routinely, we suspend the rules when we don't want people to sit here for a long time, we suspend the rules for convenience and other things. And so what I'm just suggesting perhaps Mr. Pesnell didn't do what he should have at this point, but I'd like for us to make a decision to either allow him to speak or not. He's only got three minutes, notwithstanding whichever time we do it, it's not as if we're suspending the rules for a dissertation or some long term presentation. Where everybody's been on this Council more than one meeting has seen this happen before. And so, I'm just suggesting that if we could just get on with that, then we would just be three minutes closer to getting to - - -

Councilman Walford: I think we set a bad precedent when we do this, we do, but very seldom do we do it under these circumstances. Now we hear cases out of order, but I'm going to vote no just for the precedence that it sets. And I understand that Mr. Lester's quest for fairness, but are we going to do it two weeks from now, when somebody else should speak at the beginning, but want to speak after the Council's made comments?

Councilman Hogan: Now, one thing I want to clarify Mr. Thompson, you might help me. I heard that there were more than one person to speak, do we make the motion - - - or open it up to other members?

Mr. Thompson: I think the motion was to allow him to speak.

Councilman Carmody: That was my motion.

Councilman Hogan: To allow him only to speak.

Mr. Thompson: Mr. Chairman, it requires a two-thirds vote.

Motion to suspend the rules to allow Mr. Pesnell to speak for three minutes, approved by the following vote: Ayes: Councilmen Lester, Carmody, Robertson, Hogan, Green, and Jackson. Nays: Councilman Walford. 1.

Mr. J. Whitney Pesnell: (400 Travis) Thank you Mr. Chairman, and I appreciate your indulgence. I apologize for the confusion, it's just my failure to appreciate how the rules work. I've failed to drop a slip. I represent Harrelson Materials Management, Inc., in connection with the application for I-2 zoning, for the Harrelson Materials Management Landfill, at 1101 Russell Road that's before you today. Harrelson filed that application for I-2 zoning, because he was informed by the Zoning Administration that it needed I-2 zoning in order to operate as a rock crusher, and because he wanted to include 29.824 acres of land that it owns and that is situated between the existing landfill, and the city's sewerage treatment plant in its landfill operation. The MPC denied Harrelson's application for I-2 zoning, but he did not even consider an alternative zoning or R1-D-E with stipulations that the MPC itself proposed for the landfill, and gave us an opportunity to meet with the planners in order to work out. Something that we did follow through on to do. We think the MPC's denial of Harrelson's application for re-zoning was arbitrary and capricious and unreasonable for several reasons. First of all the MPC approved I-2 zoning for the landfill in 1994. There hasn't been any material change in the circumstances surrounding the landfill since then. In fact the only changes in circumstances since then support the granting of his application. Those changes consist of the fact that it's operated since 1994 without any real or (inaudible) and in the fact that all of the adjoining landowners, except for the City of Shreveport have consented to and joined in his application for I-2 zoning. Harrelson Material, Inc., purchased this landfill in 2002, for substantial sum of money, approximately \$3,000,000 in cash and approximately \$3,000,000 in future considerations. Before he purchased this landfill, he did a due diligence investigation. It went to the City of Shreveport and talked to it about a zoning and what it needed to do to get zoning for the landfill. It went to the Department of Environmental Quality and talk to it about what it needed to be to get DEQ permits for the landfill. It was assured that if it obtained its DEQ permits, the zoning from the city would be forthcoming. Harrelson has acted on good faith that. He's relied on it, we think it's time for the city to give him the zoning that he needs to operate properly. Third, the MPC treated Harrelson's application for I-2 zoning as a new application by a new business for a new use. That was clearly in error and wholly improper. It's an existing operation. It's been in operation out there for almost 20 years. Mr. Erwin indicated that it was incompatible with the neighborhoods in the area. You've seen the pictures, the matters are in the record. There are no neighborhoods around this landfill. The nearest one is more than 500 feet away on the other side of an interstate highway, and if it was incompatible, I think that would have come to light long before now. Finally, we think that MPC was arbitrary and capricious when it denied Harrelson's application because it refused to even consider the alternative zoning, R1-D-E, and a special exception use with a stipulation that it proposed and it caused it to defer action on Harrelson's application, so that could be worked out. We met with the MPC Planners, a set of stipulations were developed, it was acceptable to us, and that zoning in the alternative was sufficient for our folks. All we wanted to do is to operate our landfill.

Councilman Hogan: Mr. Pesnell you're going to have to wrap it up.

Mr. Pesnell: I'm pretty much finished Councilman Hogan. I want to thank the Council in particular you Mr. Lester for your indulgence and for hearing this. We believe that the Council should reverse the MPC and should grant the I-2 zoning for the landfill or

alternatively the R1-D-E zoning with stipulations, that we've set out in our appeal to the Council Thank you very much.

Councilman Hogan: Mr. Kirkland, would you come forward for a moment please? Would you verify what Mr. Pesnell said about in 1994, that indeed the MPC Board voted to approve this I-2 zoning? Are you familiar with this?

Mr. Kirkland: That was the action I believe. But as you know, and this entire Council, in zoning cases, those are recommendations to you the governing body. You are as, without me being totally ridiculous up here, the ones, the only ones that can make a law. In zoning when you change that use, is a change in the law. The Council as Mr. Lester alluded to without specifically saying it, said no. And refused that recommendation to deny the right.

Councilman Hogan: So, in '94, the MPC voted to - - -

Mr. Kirkland: To recommend approval for one year. There was a lot more to the case, but - - -

Councilman Hogan: Okay, but the Council overturned that?

Mr. Kirkland: Yes they did.

Councilman Hogan: They overturned it at the end of the one year?

Mr. Kirkland: They denied the right to operate for even one day. They being the City Council.

Councilman Lester: And the vote was 7-0.

Councilman Hogan: Okay. So, you were here back then?

Mr. Kirkland: Yes sir, I was.

Councilman Hogan: That's been many years ago, but do you have - - -

Mr. Kirkland: There were a lot of issues but I must be clouding the water,

Councilman Hogan: Just a minute, I can't hear you. Sorry there's too much - - - If you have to talk, just please whisper on the Council.

Mr. Kirkland: In 1994, the applicant was still trying to, I say the applicant, the operator at that time was trying to obtain a DEQ permit. The DEQ said that without proper zoning, (inaudible) the permit. Now, I'm paraphrasing, and drawing it down to a rather succinct statement. They then, the MPC agreed to give them approval for one year to operate, and then review how they operate and a number of other things, that decision went on to the City Council, and the City Council said no, we won't even give you one day to operate. So, in essence in '94 by our governing officials, the City Council.

Councilman Hogan: Yet, he continued to operate.

Mr. Kirkland: Well, there were other - - - there's a lot to this story, but the matter before you today, in my opinion, is whether you think this is an appropriate land use and wants the approval of I-2 zoning. Or, as Mr. Pesnell said an alternative of R1-D-E. But any (inaudible) tend to detract from what the real issue is, which is what I think, in my opinion, it is does it warrant an I-2 zoning?

Councilman Walford: Mr. Kirkland, I'm confused by something, although I think I really know the answer. In my meeting with Mr. Pesnell, and again, just a few minutes ago, someone promised him that they would get the zoning.

Mr. Kirkland: No, no. When Mr. Pesnell was there making his case for the applicant, there was some Harrelson Land Management, whatever. One of the alternatives is a lesser zoning category, if an applicant is willing to agree to that. It's called an "E" extended use, not exception use, extended use classification. And what that typically does

is allow an applicant for a use to limit substantially, the list of uses that a full blown zoning class would give them. Now, I'm trying not to confuse this. So by them agreeing to narrow the one use out of I-2, i.e., a landfill, actually two uses, a landfill and a rock crusher, that agreement was that put them in the best position possible as far as the governing body, to say okay, we have agreed with all the I-2 uses, but we will give you a very limited I-E-2 uses out of I-2, but the board chose on their own, even though they did agree to allow the time to prepare that. But they chose not to vote on that and approve that.

Councilman Walford: Did they promise them that they could - - -?

Mr. Kirkland: There was no promise whatsoever. In fact, all it was is we're going to help you through the system so that you have your best opportunity to get it approved on behalf of your client.

Councilman Walford: But what I heard is we should do the right think and approve it because someone promised it to them, and the City is obligated. And I know better than that.

Mr. Kirkland: Well, the city is not obligated, nor was the MPC. Nobody made any promises. They had the same rights as anybody else before those Boards, and before this body, and that's a vote up or down on the case. Mr. Pesnell applied for on behalf of his client I-2 zoning. An I-2 zoning was denied by the MPC.

Councilman Walford: And I knew the answer, but I wanted you to explain it to us. I've been with you long enough - - -

Mr. Kirkland: As you well know, there is always a little bit of smoking mirrors with these things, but my part is keep you eye on the ball. The ball is proper I-2 zoning, and the MPC said flat no.

Councilman Carmody: And I just wondered for clarification purposes, when the original '94 denial was brought to the City Council for affirmation of the industrial zoning requested, (inaudible) denied, then how would a business continue to operate after that, if there was no conditional zoning to grant you one year or something to that affect?

Mr. Kirkland: More to the story Councilman Carmody. As you well know, the recourse after you have spoken, you being our governing officials, is through the court system. It did go to the court system and a local judge enjoined the city, and it'd be best if our legal department to explained this to you, from taking any enforcement action, I guess the company operating this landfill site. But effectively, kept us from stopping them from operating. I personally think there was some very confusing legal ramifications at that time, but be that as it may, the City and the MPC has accepted the fact that the original 29.something acres did in fact obtain a nonconforming right to a landfill, not to a rock crusher, and not to expand beyond those original boundaries.

Councilman Carmody: Can I stop you right there?

Mr. Kirkland: Yes sir.

Councilman Carmody: Was that right granted to the land, or was it granted to the operating facility operating on the property?

Mr. Kirkland: Well, I'm going to be a little cagey with you on my choice of words. A judge enjoining the city from enforcing its law, did not in my opinion, grant a right. It did have the affect of letting them continue to operate and the city being unable to stop that, but it is a right that runs with land.

Councilman Carmody: Okay, that's what I want to clarify that it does run with the land.

Mr. Kirkland: But there are a lot of other important subtleties or nuances to this. As Mr. Erwin said in his comments, exactly as it was operating at the time, those things may be a matter of a court decision at a later date. But regardless, again I think those are detracting from what the real issue is. The fact is, that answers though why we did not stop them at that time.

Councilman Carmody: And Council Members, I guess my observation is this, is that we have the appeal before us. The attorney representing the appellant has said that basically his client had done some due diligence in order to evaluate the feasibility of the purchase of the facility. That goes to the point that I was trying to get to, that Mr. Kirkland was, were they granted the right of the property as such that regardless of who the subsequent owner might be, that they'd still have that right to operate there. Now, I'm not sure that it would have been more prudent to make sure that all your permits were in place, and the zoning was done there before you moved to acquire that business, but I would hate to think that based upon the assurance verbally from somebody that if you do this, then we'll do that, and that you would move forward with consummation of the purchase of a business. That's just my two cents. But I see what you're saying in that today, we're not being asked to look at anything other than the approval for specific zoning.

Mr. Kirkland: The prescriptive period for nonconforming on that original tract did run and a local judge, in my opinion, allowed that to run by refusing to enjoin the city from stopping this operation. Why? I'll never know. But regardless, the five years elapsed, and even that is contested by the applicant's lawyer. And again, Mr. Erwin spoke to this very clearly almost everything I think, Mr. Erwin said to you was very carefully stated and correctly stated so that the issues are clearly before you today for a yes or no decision. I would urge you to support the MPC recommendation. And my personal opinion is that they ought to be happy they've been allowed to operate all this time without proper zoning.

Councilman Carmody: Can I make a point to you though?

Mr. Kirkland: Yes sir.

Councilman Carmody: I hate to go back all these years, but I can recall in high school going out to see where the debated Cross Lake Bridge was going to be constructed. At the time, I-220 dead ended right at that point, at Lakeshore Drive. If I remember correctly, there were burrow pits on both the north and south sides of that interstate. From which I assumed earth was taken in order to build up the elevation of the road surface.

Mr. Kirkland: That's exactly correct.

Councilman Carmody: Okay. I do not recall, and I'm going back to the 70's for those of you who are younger than I am. I do not recall there being a landfill in either one of those burrow pits at that time.

Mr. Kirkland: It was not. That was the subsequent use that the Chandler family who owned that property required it for, for their own purposes of filling it. You remember there were primarily in the demolition business? They were filling their own property. Filling up those holes.

Councilman Carmody: Right, right. C&D Materials, I appreciate from their demolition projects.

Mr. Kirkland: And we did not at that time in our history have burrow pit laws. So, subsequently we found a very important need to have those laws, but to go from filling your own property with legal debris is a far cry from running a landfill. A landfill is a different animal completely in my book.

Councilman Carmody: And I can't say that I was out there every periodic, for the last 20 some odd, 25-30 years. But it does seem to me that I do not recall and maybe somebody can correct me, that the north side of I-220 was ever used as a burrow pit, excuse me by which was backfilled with material. Maybe it was, but I don't recall it ever having been that.

Mr. Kirkland: I'm not aware either of that same thing.

Councilman Green: No questions for you. I just think that basically before you pay for a car, at least know whether it's got a motor in it. And going buying a house, at least you would want to know that it has a floor in it or if it has walls in it before you purchase it. To me, it would make good sense that you would buy whatever you're buying, knowing that everything is in order. And that's basically what I wanted to say. I just think that from '94, we said no, and they continued to operate. So, I think before they continue to operate, they should have made sure that everything was in order, and that never happened.

Councilman Lester: Thank you. I just wanted to hit a couple of points. First of all, by their own admission in 2002, whether they were in the process of making the decision to acquire this particular property, the landowner or the subsequent owner, or the applicant acknowledged that the zoning was not proper even then in 2002. So, when you have a scenario where you are operating outside of the confines of the laws, rules, and regulations, I would suggest that prudence would say, if I'm not properly zoned, then I would file the necessary paperwork to get my zoning issues in order. But that didn't happen in 2002. You know one of the arguments that we heard today, and one of the arguments that was advanced at the MPC, and thank goodness they didn't fall for it in my mind, is the idea that you know a new business, or we want to get the benefit of what happened in 1994 basically, we want to tack our ownership on to the previous ownership, which I don't think is proper. And certainly there is the concept in our Louisiana Law that says if you're going to try to get the benefit of the tacking for predatory actions or (inaudible) actions, you still have to be in good faith. You don't get to tack if you're in bad faith. And so clearly, at no time, did any governmental body, i.e., the Shreveport City Council agree to give them this zoning. Even in 1994, there was a recommendation from the MPC, but clearly the Council at that time voted unanimously to deny it. And yet they were allowed to operate. And I would suggest to you, and again, I don't know the merits of what was going on in 1994, I don't know arguments that were made in 1994, and you know, that's not even the issue, other than to say, I would continue to suggest that if this establishment was on the corner of Youree and 70th, or Ockley, or Wilderness Way, or Mansfield and Jewella, there would have been no conversation after the vote of the Council, and certainly a judge or magistrate would not have agreed to put a landfill of any kind whether it be Type III or Type II that close to a residential neighborhood that was in existence before this industrial development. We've got issues. There is no license, and there is no proper zoning for the rock crusher that was operating. Again, this is another use that has been expanded even if you believe in tacking or even if you believe the original foot print of the landfill, the operation of the rock crushing is outside of that scope and requires different zoning that they did not apply for. It was only after some investigation by this Councilman and residents and the MPC that we determined that, yes, you are in violation yet again. But again, no one put up a rock crusher and said you know what, before I do a rock crusher, which expands my operation, let me run down and file my proper permit. That wasn't done either. There is the issue as to whether or not there is actually a permit from the Department of Environmental Quality.

My appreciation in talking to the Harrelsons, and talking to folks in DEQ, they don't have a DEQ permit. In fact, what they have is something called 'order to upgrade' because back then, when they were operating these types of establishments, DEQ didn't require you to have the level of permitting that is required now. And so once some statutes changed, they gave orders to upgrade, but people used those orders to upgrade as a license to expand their operations. Clearly, I think Mr. Kirkland hit the nail on the head. We can get to chasing these rabbits all over the place, or we can just look at the cold hard facts. Would you vote to put this where it is, and would you vote to put this in your district? And I would suggest to you that if this was in any of our other districts, we would not consider putting this in our districts. And I would just ask the Council to uphold the MPC by submitting a no vote. Thank you Mr. Chairman.

Councilman Hogan: Thank you Mr. Lester, I have a question. Mr. Kirkland, please? Mr. Kirkland, would you, and I appreciate you going over all this and your information earlier was valuable, but have you had a lot of complaints, or have you heard of a lot of complaints since this has been operating?

Mr. Kirkland: I've been the Planning Director in this City for almost 20 years. Prior to that I was on the Planning Commission Board for 7 1/2 years, so that's severely cut the experience factor in this city. And the answer to that question is yes. But Mr. Lester correctly summarized what has happened. Our citizens after they have made protest after protest over a long period of time, and seen no action, and even the action of the rezoning applied for in '94, and even then, no action. They were not shut down. And again, as I have said to you, the city was enjoined by one of our good local judges, from enforcing our own laws. So to me that was a miscarriage of justice, but regardless we had to abide by what happened. But citizens lose faith in government when we fail to act. You folks hear it all the time. Whether it's about codes or every other thing you - - - or other laws. If we don't act within a timely manner, to deal with those problems, our citizens fairly say, well they're not going to anything. In fact (inaudible) go about this, but I've been in lots of neighborhood meetings since I've been in this position. And the first thing I have to try to do is gain any level of credibility back with our citizens when I say we're going to do something about a problem you've got. Rev. Green, we were in a meeting with not too long ago. And I know when we're called on, it's well yeah, you're government, you're going to say you're going to do something and then you don't do anything. Well, it really hurts, and we have good folks in our city, good folks in city hall work for government. And you see their efforts. You see that they do in fact deliver on some of the promises. But this was one that we failed miserably on. In fact, we should not have failed, and I still hold that local judge as partially accountable for why we couldn't deal with this back in '94.

Councilman Hogan: Okay, as I understand the application itself is to approve the zoning and include the 29 acres. Is that right?

Mr. Kirkland: Yes sir, in fact, it's the larger boundary. They included the original 29 even though the legal rights are there, though that's another issue, but they expanded beyond the 29 acres, and included the entire tract for I-2 zoning, which would allow the landfill and the rock crusher to operate legally, provided they pull the appropriate permits, and I'm sure they will have.

Councilman Hogan: Okay. You know I always like to try to work a compromise in any situation like this, and I guess that would bring me to you Mr. Pesnell if you would come forward for a moment.

Mr. Kirkland: If I may comment Councilman on that, that's really why the staff recommended that we take the time at the MPC level and see if there wasn't an acceptable lesser R1-D-E, i.e., just the landfill and just the rock crusher. But that approach was to give that applicant that opportunity before the MPC at least to see if something lesser would work. But that being said.

Councilman Hogan: He declined?

Mr. Kirkland: The Board chose not to even consider it. And I think they were probably right to do it, but those nine members are the ones that make that decision. And they chose not to even consider it. But Mr. Pesnell's client didn't lose anything by that vote, right up or down on the I-2 request. That's what Mr. Pesnell filed on behalf of his client is an I-2 request.

Councilman Green: Thank you Mr. Chairman, thank you very much. The reason that I'll be voting to uphold is because right in the middle of my district at Jewella and 70th Street, there was a little small operation started and they do cement. Well now, it has expanded to crushing rocks to doing whatever. People that live all the way over in Mooretown, in the Meadows in Sunset Acres, and Forest Oaks. I've got a lady now that's seriously ill because of all the debris that comes because once you start crushing rocks, and doing whatever you do, it's no way to put up a shield to say that it's not going to travel. It started out right on the north side of Jewella. Now it has expanded to the south side, and if they had some more land, it would expand to the east and to the west. And when you pass there, in fact, two weeks ago, I was riding with Mr. Jim Holt through my district, and they had debris all on the side of the streets, cement and whatever. He had to order the sweeper to come and get it up because once, they get it, they don't care. I mean absolutely not. I mean in the Meadows, if you want to know some proof in the pudding, you go to the Meadows right now, and you ask them are you all affected by this, and then the next thing, they just start crushing whenever they get ready. They don't even abide by the law as to - - - the law says from 9-8, they just figure they'd just crush whenever they got some crushing. So, I just - - - it makes me nervous. I don't even know how they even voted to get that there, but I'm sure it started off with a nice little old pretty something that we're just going to have this, and if you go by there now, they've got big tall mountains, I don't even have to go to Rocky Mountains, I just go down on Jewella and see as much as I want to see. So, it would start out as something real nice - - -

Councilwoman Robertson: Magic Mountain.

Councilman Green: Magic Mountain, that's it. Because he didn't get a chance to see it other than in his vision. But I can see it, I can smell it, the dope travels, and when the wind is blowing, it's unbelievable. There's a lady in my district right now, who is seriously ill because of it. And I just - - - it makes me nervous to know that another one is going to still operate illegally in the Cooper Road area, when my mamma live up there, and if I vote any other way than to uphold you all, I'm going to be in trouble with her, and possibly, that's why she has the sickness she got. Because it's been operating up there. So, it seems nice when you're not affected by it. But I'm affected by the one on Jewella and 70th Street. Just drive by and you'll see what this one would look like in about five years. If you want

a vision as to how this will be, just visualize the one on Jewella and 70th Street, and it will give you a real good picture. But just probably triple it about five or six times. Thank you.

Councilman Carmody: Very quickly, because I know the issue here is rezoning, but I did want to revisit one thing that you did say. And very possibly it would be something that the attorneys are going to look into. But this is my question. Is it - - - seems like that I have seen situations, where constructive notice was given to the city of a problem. The city started to address that problem and then failed to follow through with the addressing. And then, those persons who had created the situation originally basically claimed some cloak of nonconformity, and a right to continue to be nonconforming. But I'm not sure that this is not a very similar situation. It sounds like in '94, there was a denial by the City Council, the circumstances you said, the story's a lot longer than what - - -

Mr. Kirkland: Only 29 acres.

Councilman Carmody: Correct. But did - - - if somebody seems to be able to do that (inaudible) the city, it would sure seem to that somebody would have the same right to make that same case before a judge, and again, I'm not sure what the circumstances being apples to apples, but that's my observation.

Mr. Kirkland: What's the question Councilman?

Councilman Carmody: That basically, once the City of Shreveport is notified of a violation, or a complaint, and we begin the process of trying to address it, and then fail to do it within a - - - and I hate to use it, because I'm not an attorney, but within a specified period of time.

Mr. Kirkland: In zoning as this is that law is very clear. I can't speak for other city codes, but on zoning, the department that has to know about it is the zoning department, not the Mayor's office, not your office, but it basically prescribes in writing and we've also presumed that if you called it in, we write it down on a telephone message, that gives the prescriptive period.

Councilman Carmody: Okay, constructive notice to the appropriate department.

Mr. Kirkland: And at that point, we again have to take action - - - where there is a number, and I won't even get into all the nuances with nonconforming uses. You've got uses and sites, and buildings, and all that. But in this case, it's a use.

Councilman Carmody: But then this comes back to my last question. If today, we uphold the denial of the I-2 zoning, does the business continue to operate on the original site that was given a nonconforming status?

Mr. Kirkland: In my opinion, they still, if they are continuing to use it, the original site still has that nonconforming right. Now there is other ways that they can use that, i.e., ceasing to operate, but there are other Louisiana laws that apparently are not being adhered to as well. Which goes to the DEQ permits, and I guess that's another matter for us to look at down the line, but they've almost used up the original 29 acres. My questions at the MPC hearing were are you still using some of that 29 acres? And the response by Mr. Pesnell was 'yes, they are.' And I think there is still activity out there, how much I'm not sure. They do not have the right to the expanded area or to the rock crusher.

Councilman Hogan: Mr. Pesnell, I have one final question for you. Are you willing to offer, I don't know if our client needs to come and speak to this, are you willing to offer any compromise? I'm looking for some way to make this work, because that this is a stigma, I don't believe the operation is this - - - I don't understand. I don't accept the rationale behind this. I don't see anything wrong with it. I know the property, I know

where it is, I've heard that he was in violation, and I understand that, but the fact is that it's in the middle of nowhere. And I still don't understand yet. I've heard no compelling reason for this operation not to be there, notwithstanding if you can't offer a compromise, that's what I'm trying to think of somehow to make this work. Do you know of any compromise you could offer?

Mr. Pesnell: Well, there've been a lot of statements made here today that are inaccurate. In some statements, I think some people think they were talking about the same 29 acre tract or something, and they're not. There's actually 75 acres that are covered by the application for rezoning that was submitted by the MPC, and is before the City Council today. 46 of those acres comprise the existing landfill. The other 29.824 is the additional land that we want to take in as part of the landfill. We have never contended that we have a nonconforming right to operate on the additional 29.824 acres. Only that we don on the existing 46 acres of the landfill. Okay?

Councilman Hogan: You have been operating on the 29 acres, have they not?

Mr. Pesnell: Not on the 29 acres.

Councilman Hogan: Well he's nodding his head.

Mr. Pesnell: We want to take in. I don't know if I could - - - I was trying to draw a quick diagram here, if I could put this up, I might be able to explain the discrepancy. Mr. Harrelson wants to speak to that, and I'm happy for him to do so. What we had asked, we did apply for I-2 zoning. The reason that we did is because we received a letter from the Zoning Administration, Mr. Alan Clarke that said you have to have I-2 zoning to operate a rock crusher. I don't think that's true, we disagree with that for some legal reasons, but the simplest thing to us was to simply make the application and apply to have the zoning change, that's why we asked for I-2 zoning. We never and I think Mr. Kirkland and Mr. Walford were talking about slightly different things during their colloquy. We never intended to indicate to anybody, the MPC promised that they would give us zoning if we would accept R1-D-E with stipulations. They did not make that promise, what they did was deferred action on our application to give us a chance to explore that possibility with the MPC's planner, which we did. And we're not saying that they promised us that or told us that they would give us that if we agreed to it. But they held that out as an alternative which was acceptable to us, and which we were eager to explore, things were developed and when we came back, they failed to even consider that alternative. And we think that was arbitrary and capricious. We're not saying that they reneged on a promise of any kind. But they raised it as an alternative. It was acceptable to us, and we tried to work it out. And we thought we had gotten it worked out. And they rejected - - - I don't know if they would reject that now or not. Now the problem is they never even considered if they simply voted on the I-2 zoning without advertent to addressing the alternative that had been raised and explored. That's what we think was arbitrary and capricious. In terms of a compromise, it's difficult for me to envision one that would give us what we need beyond R1-D-E with stipulations, however, we have asked the Council in our appeal to consider our application for I-2 zoning, to consider the alternative that was proposed by the MPC which is R1-D-E zoning with stipulations designed to make sure that the operation is acceptable in the area, and of course, the last thing that we had, that we proposed that may come nearest to a compromise that's workable is to remand this matter to MPC with instructions to it to consider the alternative to take up the proposal for R1-D-E with stipulations and decide whether or not that's appropriate. They rejected our application for

I-2 zoning. I'm not sure that they were required to consider the alternative, but they raised, and we think that they erred when they failed to - - - and I think the Council could certainly at least remand the matter to the MPT with instructions to consider the alternative that was explored. With that let me yield to Mr. Harrelson and let him tell you what he - - -

Councilman Hogan: That's fine. Thank you. Councilman Lester.

Councilman Lester: Listen, one of the things that I appreciate about our Chairman, is that he and I don't always agree, but I believe that he has a good heart and a good spirit. I'm not trying to put words in his mouth, but from my time of service, I think that the Chairman is struggling with the idea that the MPC could have been overturned by City Council in 1994 by unanimous vote, and someone filed a suit, and stopped the city from dealing with its zoning ordinance. I don't think that the Chairman believes that people or a judge would make a decision that flies in the face of the elected City Council back in 1994, such as to put this type of development in an area where people were living. And I don't believe it either, but the fact is, it happened. And the sad fact is one of the realities that I deal with it as the City Councilman in District A, in representing the many areas that I represent is, these types of things unfortunately happen all the time. I've made instances to talk about where, and I don't know if anybody's ever taken me up on it, but driving down the 600 or maybe 500 block of Pierre Ave, having situations and scenarios where although our zoning laws say that you cannot have alcohol within a certain distance of a school, or a church or whatever, you have two establishments right across the street from each other. One is directly adjacent to a school that was operational. One is diagonally across the street from a school that was operational, and then one that's diagonally across from the school is right next door to a YWCA. But that type of stuff happens in District A all of the time. And people just don't want to realize that there has been in this city a history of treating different people and in different areas differently. But the fact still remains, it happens. This would have never, ever, ever happened in District E, or District C, or District D, or District B. It wouldn't have happened. It happened in District A. Even though the City Council voted unanimously to not do this. The idea of a compromise, I mean why would you offer a compromise to someone whose been a bad actor for over 10 or 15 years? Where is the compromise? You haven't had zoning in 1994, and this is 2006, and I'm going to offer you a compromise, what's the point? From where I come from, wrong has no statute of limitations. And irregardless of what the zoning ordinances are as it relates to nonconforming use, and let me be honest, you know, I know, they know this is going to wind up back in court. So right now, I'm speaking to the law clerk of the judge that's going to read this transcript. This decision that was made by the MPC was not arbitrary and capricious. They considered the rules, they considered all of the facts, and they made a reasonable and considered judgement based upon the laws and ordinances of the City of Shreveport. The fact that they made a ruling or a choice that was adverse to what the proponents made, does not rise to the level of being arbitrary and capricious. Because they had several rational basis for making that decision, and this Body has several rational basis for making this decision to deny. Many of which have be clearly articulated, very aptly by our counsel of record, Mr. Neil Erwin, and I would suggest to the judge's law clerk that is reading- - - who will be reading this transcript to look at the arguments that were made by Mr. Erwin at the MPC hearing as well as the arguments during this particular hearing. Because you and I both know that this is going to wind up back in court. This landfill is not in the middle of nowhere, particularly if you live on Gain Street in the MLK

community, you could look out of your house through the trees and see it. It's not in the middle of nowhere. It's not in the middle of nowhere if you belong to the Seventh Day Adventist Church that's right next door, it's not in the middle of nowhere. You talk about a compromise. A compromise dictates that there has to be some type of bilateral agreement on both sides. There might be an agreement on behalf of the proponent, but there is not agreement on the behalf of the residents, because they have made it crystal clear to me, close this place down. We don't want it, we never wanted it. If you will go back and look at the record, and I'm sure that someone will, the law clerk, and there was a petition that was several pages long signed by many people who are still living in the MLK area. Well you would ask, well if they were so against it and they are so adamantly against it, then why aren't they here? Well, Mr. Kirkland told you. If your elected City Council representative who at the time was now Representative Cedric Glover, takes a 20 page petition saying we don't want this. He prevailed upon his Council Members that my constituents don't want this, the City Council vote 7-0 that we don't want this, and a judge that does not live in this community, that does not have any connection to the community, says you do, at what point do you as a citizen believe that your voice is going to be heard? Because it hasn't. When your elected representative comes up and says no, and gives the vote, and you get a vote from this elected Body, and the Body says no, that means the City of Shreveport has spoken. And the unanimous City of Shreveport said no, and yet and still a judge somewhere else allowed this place to operate. And now we are back in 2006, when the MPC once again unanimously has voted 8-0, we don't want it, this is wrong, this is bad, this is not arbitrary and capricious. There is a value, and I don't know if it's in the Iliad or Odyssey, I think Plato said, Neil you can correct me if I'm wrong, that justice is the highest value of a society, not fairness, justice. This is an issue of justice. We have an opportunity to correct a wrong that was started in 1994. Strip away everything else, distill all the arguments down, the question is would you put this where it is, if this was in your district? Because that's the question that you have to ask yourself. If the answer is yes, then vote yes. Vote to overturn the MPC. But I would ask you to search your conscious and be honest with yourself, and I would suggest if you did, you would know that you would not vote to do this, and you would vote not to overturn the MPC, and with that I call for the question.

Motion by Councilman Lester, seconded by Councilman Walford to call for the question and end debate. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

Councilman Hogan: Could you restate it once more?

Mr. Thompson: The motion is to adopt the ordinance. Mr. Lester's asked that you vote no, and it takes a two-thirds vote of the entire membership to adopt the ordinance.

Councilman Hogan: Before we - - - I just have to say something. Well, we already called for discussion, I'm sorry, I take that back. I can't say anything more. I'll speak to you after the Council Meeting Councilman Lester.

Councilman Lester: That's fine.

Motion to adopt Ordinance No. 85 of 2006 denied by the following vote: Nays: Councilmen Lester, Walford, Carmody, Robertson, Hogan, and Green, 6. Ayes: Councilman Jackson.

Councilman Lester: I thank the Council, and my constituents thank you.

6. **Ordinance No. 90 of 2006**: ZONING – C-45-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinances by re-zoning property located on the west side of Broadway, 100 feet south of Murvon Street, Shreveport, Caddo Parish, Louisiana, from B-1-E, Buffer Business/Extended Use District, to B-1-E, Buffer/Business Extended Use District, Limited to “A Barber Shop” only, and to otherwise provide with respect thereto. (F/Green) (*Postponed - July 25, 2006*)

Having passed first reading on June 27, 2006 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 Walford to table. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

7. **Ordinance No. 102 of 2006**: ZONING – C-35-06: An ordinance amending Section 47 (C) of Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, and to otherwise provide with respect thereto.

Having passed first reading on July 25, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Carmody, seconded by Councilman Green to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

8. **Ordinance No. 103 of 2006**: ZONING – C-51-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by re-zoning property located on the north side of Greenwood Road, 116 feet west of Hutchinson, Shreveport, Caddo Parish Louisiana, from R-1D, Urban, One-Family Residence District to B-3 Community Business District, and to otherwise provide with respect thereto. (A/Lester)

Having passed first reading on July 25, 2006 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 to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

9. **Ordinance No. 104 of 2006**: ZONING – C-54-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by re-zoning property located on the north side of Albert Avenue, 475 feet west of

Youree Drive, Shreveport, Caddo Parish, Louisiana, from SPI-3-E (B-1) Commercial Corridor Overlay/Extended Use (Buffer Business) District, to SPI-3-E (B-1) Commercial Corridor Overlay/Extended Use (Buffer Business) District, limited to “Pet Grooming and light Retail,” only, and to otherwise provide with respect thereto. (C/Carmody)

Having passed first reading on July 25, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Carmody, seconded by Councilman Green to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

10. **Ordinance No. 105 of 2006**: ZONING – C-56-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by re-zoning property located on the southwest corner of Stratford Avenue & Youree Drive, Shreveport, Caddo Parish, Louisiana, from SPI-3-E (B-1) Commercial Corridor Overlay (Buffer Business) District limited to a Print Shop and Cellular Phone and Sales to SPI-3-E (B-1) Commercial Corridor Overlay (Buffer Business District, limited to “Medical Equipment Sales and Service, and Frame Shop only,” and to otherwise provide with respect thereto. (C/Carmody)

Having passed first reading on July 25, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Carmody, seconded by Councilman Green to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

11. **Ordinance No. 106 of 2006**: ZONING – C-60-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by re-zoning property located on the east side of Linwood, 221 feet north of West 63rd Street, Shreveport, Caddo Parish, Louisiana, from I-2, Heavy Industrial District, to B-3, Community Business District, and to otherwise provide with respect thereto. (F/Green)

Having passed first reading on July 25, 2006 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 Lester to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

12. Ordinance No. 107 of 2006: ZONING – C-58-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by re-zoning property located on the north side of Bert Kouns Industrial Loop, 720 feet west of Mansfield Road, Shreveport, Caddo Parish, Louisiana, from B-3, Community Business District to B-3-E, Community Business District/Extended Use

District limited to “Retail, Office, Warehouse, and Manufacturing” only, and to otherwise provide with respect thereto. (E/Hogan)

Having passed first reading on July 25, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Hogan, seconded by Councilman Green to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

The adopted ordinances and amendments follow:

ORDINANCE NO. 79 OF 2006

AN ORDINANCE TO AMEND AND REENACT CHAPTER 58 OF THE CODE OF ORDINANCES RELATIVE TO NUISANCES BY ADDING SECTION 58-2 RELATIVE TO OFFENSIVE ODORS 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 Section 58-2 of the Code of Ordinances of the City of Shreveport is hereby enacted to read as follows:

Sec. 58-2. Emission of offensive odors

(a) It shall be unlawful for the owner or occupant of any immovable property to cause or allow any offensive or noxious odor to be emitted from the premises.

(b) For the purposes of this section, the term “offensive or noxious odor” shall mean an odor which is unreasonably unpleasant, distasteful, disturbing, nauseating, or harmful to a person of ordinary sensibilities.

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 affect 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.

Amendment No. 1 to Ordinance No. 79 of 2006

In Section 58-2, add subsection (c) to read as follows:

(c) The provisions of this section shall not apply to any facility owned or operated by the City of Shreveport

Amendment No. 2 to Ordinance No. 79 of 2006

In Section 58-2, add subsection (d) to read as follows:

(d) Any person who chooses to lodge a complaint under these provisions shall contact the Director of the Department of Operational Services and shall submit a written complaint on a form approved by the Director of the Department of Operational Services. The Director of the Department of Operational Services shall be responsible for developing the written procedures to carry out the provisions of this

Section. These written procedures shall be kept on file in the Office of the City of Shreveport, Department of Operational Services

ORDINANCE NO. 101 OF 2006

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE DEDICATED DRAINAGE EASEMENT LOCATED IN THE MONTESSORI SCHOOL SUBDIVISION, OF SECTIONS 5 AND 8 (T17N-R13W), SHREVEPORT, CADDO PARISH, LOUISIANA AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, today the Property Management Section of the Department of Operational Services has received a request to close and abandon the above drainage easement.

WHEREAS, Water and Sewerage Engineering has reviewed this request and has no objections to this closure and abandonment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that a portion of the dedicated drainage easement located in sections 5 and 8 (T17N-R13W), 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.

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.

ORDINANCE NO. 102 OF 2006

AN ORDINANCE TO AMEND SECTION 47 (c) OF CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY:

BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that section 47 (c) of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

Sec. 106-47. Appeals from decision of the zoning administrator.

An appeal of the zoning administrator's determination or decision to the board of appeals, or an application for rezoning that remedies an existing violation shall stay all enforcement proceedings unless the zoning administrator certifies that, by reason of the facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. When such certificate is filed, enforcement proceedings shall not be stayed except by a restraining order granted, after due notice, to the zoning administrator, by the board of appeals or a court of proper jurisdiction.

BE IT FUTHER ORDAINED 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.

ORDINANCE NO. 104 OF 2006

BY:

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 ALBERT AVENUE, 475 FEET WEST OF YOUREE DRIVE, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM SPI-3-E (B-1) COMMERCIAL CORRIDOR OVERLAY/EXTENDED USE (BUFFER BUSINESS) DISTRICT, TO SPI-3-E (B-1) COMMERCIAL CORRIDOR OVERLAY/EXTENDED USE (BUFFER BUSINESS) DISTRICT, LIMITED TO "PET GROOMING AND LIGHT RETAIL," ONLY, 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 north side of Albert Avenue, 475 feet west of Youree Drive, Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from, SPI-3-E (B-1), Commercial Corridor Overlay/Extended Use (Buffer Business) District, to SPI-3-E (B-1), Commercial Corridor Overlay/Extended Use (Buffer Business) District limited to "pet grooming and light retail," only.**

Parts of Lots B and C, Plot 107, Broadmoor Subdivisions, Unit #1, Shreveport, Caddo Parish, Louisiana, being more particularly described as follows: Begin at the SW corner of Lot C, thence run north 310.1 feet to a point in the west line of Lot B, 52.9 feet north of the SW corner of Lot B; thence run east at right angles to said west line 75 feet to the east line of Lot C; thence run south along said east line 211.45 feet to the SE corner of Lot C; thence run SW along Albert Avenue 123.45 feet to the SW corner of Lot C and the POB, together with all buildings and improvements located thereon.

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 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.

ORDINANCE NO. 105 OF 2006

BY:

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTHWEST CORNER OF STRATFORD AVENUE & YOUREE DRIVE, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM SPI-3-E, (B-1) COMMERCIAL CORRIDOR OVERLAY (BUFFER BUSINESS) DISTRICT, LIMITED TO A PRINT SHOP AND CELLULAR PHONE AND SALES TO SPI-3-E (B-1) COMMERCIAL CORRIDOR OVERLAY (BUFFER BUSINESS) DISTRICT, LIMITED TO “MEDICAL EQUIPMENT SALES AND SERVICE AND FRAME SHOP, ONLY,” 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 Lot 386 and the N/2 of Lot 387, Broadmoor Subdivision, Unit #2 and an 8 foot strip adjacent on the west, property located on southwest corner of Stratford Avenue and Youree Drive, Shreveport, Caddo Parish, Louisiana, **be and the same is hereby changed from, SPI-3-E, (B-1) Commercial Corridor Overlay (Buffer Business) District, limited to a print shop and cellular phone and sales to SPI-3-E (B-1) Commercial Corridor Overlay (Buffer Business) District, “limited to medical equipment sales and service and frame shop, only”.**

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 the site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.**
- 2. No Certificate of Occupancy shall be issued until the metal storage building has been relocated according to site plan.**

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.

ORDINANCE NO. 106 OF 2006

BY:

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE EAST SIDE OF LINWOOD, 221 FEET NORTH OF WEST 63rd STREET, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM I-2, HEAVY INDUSTRIAL DISTRICT, TO B-3, COMMUNITY 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 east side of Linwood, 221 feet north of West 63rd Street, Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from, I-2, Heavy Industrial District to B-3 Community Business District.**

A 20 foot by 112 foot tract of land in Section 24, T17N, R14W, Shreveport, Caddo Parish, Louisiana, being more particularly described as follows: From the intersection of the north R/W line of West 63rd Street with the east R/W line of Linwood, thence run N0^o30'W along said east R/W a distance of 221.65 feet, thence run N89^o'E a distance of 55 feet to the POB of the 2240 sq. ft. (0.05142 acres) tract of land, thence run N0^o'W parallel to Linwood 20 feet, thence run N89^o'E a distance of 112 feet, thence run S0^o'E parallel to Linwood a distance of 20 feet, thence run N89^o'W a distance of 112 feet to the POB.

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 a revised site plan to be submitted showing landscaping. 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.

ORDINANCE NO. 107 OF 2006

BY:

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 BERT KOUNS INDUSTRIAL LOOP, 720 FEET WEST OF MANSFIELD ROAD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM B-3, COMMUNITY BUSINESS DISTRICT TO B-3-E, COMMUNITY BUSINESS/EXTENDED USE DISTRICT LIMITED TO “RETAIL, OFFICE, WAREHOUSE, AND MANUFACTURING” ONLY, 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 north side of Bert Kouns Industrial Loop, 720 feet west of Mansfield Road, Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from, B-3, Community Business District to B-3-E, Community Business/Extended Use District limited to “retail, office, warehouse, and manufacturing” only:**

3.55 acres, M/L, Lots 14 and 15, less the north 760 feet, less the east 100 feet of the south 200 feet, lying north of the Industrial Loop Expressway, less R/W, 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 the site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.

2. A landscaping plan demonstrating compliance with ordinance requirements or acceptable alternative landscaping shall be approved by the Planning director or his designee prior to the issuance of any construction permits.

3. Pursuant to complaints of noise, substantiated to the satisfaction of the Planning Director or his designee, any or all of the following corrective measures shall be required:

a) Modify the existing chain link fence adjacent to the fabrication area (outside the overhead doors) to provide a solid eight foot wall constructed of material specifically designed to contain or reduce ambient noise levels.

b) Remove the exhaust fans in the fabrication area and fill the openings with concrete masonry units to match the existing construction.

c) Provide additional insulation and/or wall construction on all exterior walls of the fabrication area sufficient to reduce ambient noise levels to an acceptable level.

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.

ORDINANCE NO. 109 OF 2006

AN ORDINANCE DECLARING A PUBLIC EMERGENCY IN CONNECTION WITH THE REPAIRS OF NORMA AVENUE AND MYRTLE STREET AND AUTHORIZING THE EXPENDITURE OF APPROXIMATELY \$ 170,000.00, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Department of Operational Services has determined that the waterline blowout on Norma Avenue at Myrtle Street removed sufficient material from underneath the pavement of both Norma Avenue and Myrtle Street causing a traffic safety hazard; and WHEREAS, The block of Norma Avenue between Myrtle Street and Garden Street and the block of Myrtle Street between Norma Avenue and Elder Street had to be closed due to the amount of traffic using Norma Avenue and Myrtle Street, and the damage needs to be repaired as soon as possible; and

WHEREAS, existing City forces and equipment are not adequate and available to repair this problem; and

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, and regular session convened, that the Department of Operational Services is hereby authorized to expend approximately \$ 170,000.00 to repair Norma Avenue and Myrtle Street.

BE IT FURTHER ORDAINED that the money for this emergency repair shall come from the Street Projects for Neighborhood Improvement Program.

BE IT FURTHER ORDAINED that a public emergency is hereby declared and notice of such public emergency shall, within ten days thereof, be published in the official journal of the City of Shreveport proposing or declaring such public emergency in accordance with Section 38:2212(D) of the Louisiana Revised Statutes.

BE IT FURTHER RESOLVED 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 the 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 ordinances or resolutions or parts thereof in conflict herewith are hereby declared severable and repealed.

UNFINISHED BUSINESS:

1. **Ordinance No. 93 of 2005**: To amend and reenact Section 3.01 of Ordinance No. 96 of 1980 relative to exemptions and exclusions from sales and use taxes and to otherwise provide with respect thereto. (*Introduced – 6/14/05 - Tabled on July 12, 2005*)
2. **Ordinance No. 220 of 2005**: ZONING APPEAL C-95-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, to rezone property located on the Southwest corner of Cleveland and Jewella Avenues, from R-1D, Urban One-Family Residence District to B-3, Community Business District, and to otherwise provide with respect thereto. (F/Green) (*Introduced – Dec 27, 2005 – Tabled January 10, 2006*)
3. **Ordinance No. 70 of 2006**: ZONING APPEAL C-18-06 - Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the east side of north Hearne, 1540 feet north of Hilry Huckaby Avenue, Shreveport, Caddo Parish, Louisiana, from R-A, Residence-Agriculture District, to R-A-E, Residence-Agriculture/Extended Use District, limited to “a concrete crushing and product storage”, only, and to otherwise provide with respect thereto. (A/Lester)(*Remanded to MPC June 13, 2006*)

Mr. Thompson: I don't think that any of those will be removed from the table.

NEW BUSINESS:

Property Standards Board of Appeals:

Mr. & Mrs. Dana Capers, 4468 Lakeshore Drive, Shreveport, LA: **HBO0600169**
(4962 Hollywood Avenue, Shreveport, LA) (F/Green) (*Postponed - July 25, 2006*)

Councilman Hogan: We took care of the Property Standards appeal.

ABO APPEAL:

Mr. Avid Presley Hall, 109 North Greenbrook Loop, Shreveport, LA 71106
(D/Robertson); *Thrifty Liquor, 1401 Hollywood, Shreveport, LA (F/Green)*

Councilman Hogan: The ABO appeal was yesterday.

REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES: None.

CLERK'S REPORT: None

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 6:47 p.m.

//s// Jeffery A. Hogan, Chairman

//s// Arthur G. Thompson, Clerk of Council