

COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT, LOUISIANA  
JANUARY 27, 2004

The Regular Meeting of the City Council of the City of Shreveport, State of Louisiana, was called to order by Chairman Thomas Carmody at 3:00 p.m., Tuesday, January 27, 2004, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Councilman Gibson and a moment of silence was observed for School Board Member Mr. Alvin Mims and his family.

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

**Approve Minutes.** Motion by Councilman Green, seconded by Councilman Walford to approve the Administrative Conference Summary Minutes of January 12, 2004 and the Council Meeting Minutes of January 13, 2004. Motion approved by the following vote: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

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

Troy Menard of the LSU Agriculture Extension Center: Greetings from the LSU Agriculture Center and on behalf of the 4-H'ers from across Caddo Parish and City of Shreveport, over 2,000 4-H members that we have with us in our organization this week, we celebrating National 4-H Week. We are just wanting to say, 'thank you' for supporting our efforts that we do throughout the community in being involved with a lot of your projects that you have on the city level as far as community service project work that we do and also with use the Convention Center at times, for our awards and banquets that we also have their throughout the year. The student that was suppose to present the cookies is on a community service trip and she called me this morning and said that she didn't think that she was going to be back in time and she was going to receive an award for doing some stuff with Shreveport Green through a school recycling project. So on behalf of the LSU Agri Center, we know ya'll love the cookies, and I showed up with them without the 4-H'er but ya'll can enjoy these during your break and maybe we can wager a little game, whoever is the quietest may get the cookies.

Councilman Hogan: On the Council or in the audience?

Councilman Carmody: Mr. Menard thank you and thanks to the 4-H group as well. Mr. Lester, do you have a Distinguished Guest for us today, a recognition?

Councilman Lester: Actually I have a resolution that we will do at the time where we actually vote on Resolutions.

Councilman Gibson: We do have one other recognition and in fact this is a tri-fictive presentation—my colleagues, Councilman Hogan, Councilman Green and myself have a vested interested in this next group that has actually packed this Chamber today.

If I could ask the Principal of Eden Gardens, Jan Hughes and Cindy Allen to come forward and bring your great students forward, we would like to read a resolution and we also would like to hear from the Principal there. They've accomplished something that is putting Shreveport, again on the educational map and obviously this Council and this Mayor are dedicated to striving to make the City of Shreveport the very best place that it could be in terms of business and with business, we depend on education and what the audience and what the viewing public is about to hear is something that is another mile stone in terms of education achievement and these students are here to represent Eden Gardens. I know that my colleagues will recognize their children and grandchildren who attend this school, but I'll save my comments for after Ms. Hughes comments.

Councilman Carmody: Ms. Hughes you are doing a good job of coordinating all of your students and I must say, they are a beautiful assortment.

Ms. Hughes: We appreciate this opportunity to come before the Council and the Mayor. I think it is so important for the children to understand and be recognized for achieving a goal that we worked six years to achieve. We have short-term goals which they achieve ever nine-weeks at school and then we

have long-term goals, some times takes us a while to get there. But, we finally did reach a school performance score of 150.3 which by the state of Louisiana's label, we are now a School of Academic Excellence. Any school reaching a level of 140 or more is a five star school; so, we are now calling ourselves a Five Star School of Academic Excellence. The children were all recognized last Friday in a celebration. They had a wonderful fun day of learning in very, very fun ways; so, we appreciate the recognition that you are giving the children for the goals that they've accomplished.

Councilman Carmody: If I could because I know that all of you would like to be recognized, if I could get you all to turn around, the camera behind will actually show you in television to everyone at home (see Resolution No. 19 of 2004.)

**Convention Center and Convention Center Hotel Project Report:**

Mr. Antee: For the Convention Center Project Update and Report that we do at every Council meeting, we felt like today would be a good time to bring everybody up to speed on what the budget was. Originally, back when the initial budget was put together in August 2000, what the budget was and when Whitaker came on as the Construction Manager in June 2001 and where we are today with the budget.

We handed out and I'll put it on the screen, but as you can see back in August 2000 when the first, not necessarily the first budget for the project, but the first budget that was more than just a wild guess, but based on information that had been gathered in the eight months or year from the time that the voters approved it, we had Revenues in the budget for \$96,990,000 or almost \$97,000,000 dollars. The cost of the project budgeted at that time was \$95,486,000 dollars.

The Revenues consist of bonds in the amount of \$85,000,000 dollars. The sale of American Towers was dedicated to the Convention Center Project in prior Administration of \$2,900,000 right at \$3,000,000 dollars and in projected interest revenue over the life of the project of \$9,000,000 and that is how we got the \$96,000,000 million; so, we had Available Funds after the cost of the project including Contingency of \$1.5 million dollars.

After the Whitaker contract was signed and we had a contract for the construction amount, we also had at that time acquired the property and gone through the long litigation process. We also had at that time some understanding as to what the Environmental Remediation would be, but at that time we had revenues or monies available for the project of \$97,800,000 dollars and the total cost of the project was \$96.3 million. Now that had a \$73 million dollar construction budget. As soon as the contract was signed with Whitaker, they immediately started hitting us for additional moneys stating that the contract did not include certain items that it did, and that was part of the whole process that we went through so to think that it would have been built at that time for \$73,000,000 dollars is giving them the benefit of the doubt. I think everybody knows that had we gone through with that contract it would have been a lot more than that. But even with that, it had \$1.5 million dollars still left after the revenues and the cost of the project.

Where we are to date unfortunate or fortunately, 4 years later, we have Revenues available for the project of \$108 million dollars. The Cost of the Project is \$99,575,000 or a difference of \$8.6 million dollars more in Revenues than what the project is budgeted for now. These budgets, most of the items in the budget, well all of the items in the budget are either by contract or actual cost and we know that those portions of the cost are over with the exception of the material testing which is just a budgeted number that will vary but not a whole lot.

But as you can see the difference from the time of the original budget in August 2000 and even at the time of the June 2001, after the Whitaker contract, we had additional Revenues of \$1.5 million. Today, we are happy to say that we have got additional revenue of \$8.6 or additional \$7.1 million dollars today than we would have had back in August 2000 or June of 2001.

The bottom line basically reflects that the monies available, including Contingency is, \$11.5 million. And what we did was take the \$8.6 million and add back to that the \$2.9 million that we have for Construction Contingency. Does anybody have any questions on the budget numbers before I go into anything else?

Councilman Hogan: Mr. Antee, from the beginning, there had been several transactions involving

land acquisition and I don't see those listed on here or could it be under the Site Development section?

Mr. Antee: Under Site Development, includes all of the land acquisition, environmental cost, all grouped into one.

Councilman Gibson: Under your Interest Revenue, Mr. Antee, is that the net or is that the gross interest accrued on the bonds?

Mr. Antee: That is the amount of interest revenue available, that we have earned. There is no additional interest cost because and I know you are sitting there thinking, well why is there no additional interest cost. Because the construction started four years after the actual, when we would have hoped it would have started.

And the reason is as soon as we sold the bonds, that following year, we started paying them back. The note was based on when we borrowed the money. It had nothing to do when construction began, so we are paying the interest on those bonds as though we would have started construction the very next day.

Councilman Gibson: I understand, I guess I am asking questions in terms of the Interest Expense on the bonds that we did borrow. We have to pay some interest on that, correct?

Mr. Antee: That is correct but that comes through the Debt Service repayment out of (correct me if I am wrong, Tom) but that comes out of the Capital Budget that is budgeted every year for a debt repayment and has never been part of the actually Convention Center cost and what we were trying to do was compare apples to apples.

Councilman Gibson: So we are on the Capital side on the interest. Is that. . .

Mr. Dark: The interest and principal on any of our bonds is in the Debt Service Fund and it is budgeted separately and in this case, it is provided from Riverfront but you are paying 20-year bonds either way. But as Mr. Antee said, they started the year after we sold in 2000.

Councilman Gibson: The other question, Mr. Antee, on the construction, the project construction cost of \$65 million, if I am not mistaken, does that include the FF&E and food preparation?

Mr. Antee: Not it does not. Under Furnishings and Equipment you can see we had budgeted \$4.6 million dollars. That number has stayed the same throughout the project. With the additional monies that we have as a result of the cost of the building and the cost of the construction being less, that number will go up because we will be in a position to buy more and better equipment which will give us the opportunity to have an advantage when we go out and compete with Baton Rouge, Little Rock, because we can have equipment as a result of these savings that is much more superior and that way we can get the biggest bang for the buck because that is where, when it comes down to neck and neck as to what city is going to get the convention, we will have the ability to come in and show we've got state-of-the-art first class equipment that they may otherwise have to bring in themselves.

Councilman Gibson: But that is a line item that, as I recall, looking at the design of this Convention Center, the choice early on, years ago and I think from the consultants that were hired urged that, this preparation area for food service would be incorporated in the Convention Center, correct?

Mr. Antee: Yeah, and that includes the kitchen equipment, all FF&E.

Councilman Gibson: And the entire turnkey facility is enclosed in that Convention Center?

Mr. Antee: That is correct.

Councilman Lester: Just doing a quick scan of the figures that you gave us, I have a couple of questions, real quick. In terms of site development, the figure that we have for January 2004 is \$16,691,040 and June 2001 you had \$6,000,150 for a difference of approximately \$10.5 million. What accounts for the difference?

Mr. Antee: There is a lot of different things. What we included in site development and that \$16 million included the cost of land, the land cost us more to acquire due to the litigation with two of the 12 landowners. Environmental Remediation. The environmental remediation cost was approximately \$2.5 to \$3 million dollars more than what was originally anticipated. The other things that are included in there are utility relocation and we spent \$7 million dollars relocating water lines, gas lines, electric lines, phone lines and all of that is included in that number. Initially, in the initial budget, I think those had a different line item. We also spent approximately \$1.4 million on a railroad re-location that is included in the \$16

million.

Councilman Lester: So those costs, utility relocation, environmental, obviously environmental remediation was something that we found out later, but the land cost. I can understand the land cost being different and environmental remediation because we found out through the process that we had some issues there, but the utility relocation and things of that nature that was not contemplated in the \$6.1 million dollar figure? I am looking comparing June 2001 to January 2004.

Mr. Antee: No, some of them was but they were primarily in the construction side of that initial budget. Because the initial August 2000 budget included some of those items and we didn't break them out until we actually put it out for bid and paid for it and got the work done and it has just been too difficult to go back and pull out each line item because the budget has changed and some have moved in and some have moved out, but it wasn't enough to change it dramatically.

Councilman Lester: On Design Services. There is a difference between June 2001 and January 2004 of approximately \$690,000. What accounts for the difference in Design Services between 2001 and 2004?

Mr. Antee: Several things: 1. The additional work that was required to go through the legal process with Whitaker and the two years of going back and forth with Safeco and with the Whitaker and that whole process, there was a lot of additional work that was not anticipated. 2. The redesign of the foundation going from an on-grade slab to a structural slab with the pile-ons accounted for most of that difference and then just the time delay of overseeing and managing the project, that brought some additional costs. 3. We also had, I would venture to say at least \$20- to \$25,000 dollars in just additional copying cost because every time we send those big set of plans out to be reprinted and re-bid it was \$10- to \$15,000 in cost.

Councilman Lester: And these Design Services, primarily who are we talking about? Is that our architect that we are talking about when we are talking about Design Services here?

Mr. Antee: Well that is design and professional services which include the entire design team which was about 23 different entities. It also included the initial environmental testing and also included the Geo-technical testing; so, any of the professional services outside of the construction.

Councilman Lester: So Design Services as well as professional and as I appreciate it, some of the cost that we incur with the additional litigation were inside here?

Mr. Antee: Correct. Well, not the attorney fees. Some of the work, the litigation caused there to be additional work by different members of the Design Team.

Councilman Lester: Okay, like having the experts do different things and what have you?

Mr. Antee: Correct. As you can see today, we are about \$7.1 million dollars better off than we were when the first budget and the second budget came out. I know there is many questions about whether or not we need to have anybody else come in and look at these numbers. I know the Mayor and myself and everybody else involved in this project welcomes that. We don't have anything to hide. We've made the books available to the Internal Auditor and anybody else that has asked for the last two years, and we'll continue to do that.

The only thing that we do say is that whoever you have or whoever you want to come look at it, lets make sure that they are coming in to look at the facts and I think the facts show that we done a good job of managing a very difficult project. And, we would ask that you would bring somebody in to look at the facts and not come in with some sort of an agenda whether it be from one of ya'lls agendas, our agenda or anybody's agenda. And, we would suggest that in looking at that, we would suggest that maybe you look at maybe a retired Judge. Who better to look at the facts in an unbiased, independent way than somebody that has spent several years on the bench. We don't care which one. There is several retired Judges in this area that may be interested. I am sure there are several that are not interested at all. But that is, we have no opposition to that.

We do think that it is an unnecessary cost, but we are willing to talk to anybody and show anybody and we think that by having \$11.5 million dollars available to complete this project in the form of Contingency and additional items in a project that has seen the litigation that we had to go through, the

environmental issues that we had to go through, and the collapse of our contractor, we think is a pretty good indication that this project has been handled the right way.

I would like to point out that in the Revenue side, you will notice the line item of Safeco with \$4.5 million dollars. Had we not settled the case with Safeco prior to going to bid, we would not have received that money. Because under the contract and under the bond, once it went to bid, they would not have had any liability whatsoever. Since it came in \$6 million dollars under the bonded amount and we are very proud of the fact that now we have an additional \$4.5 million due to the hard work and the hard negotiation of the Mayor directly with the President of Safeco. And if you question that, I'd invite any of ya'll to contact the attorney for Whitaker who was on record saying that, he didn't think that we'd ever get a penny over \$2 million dollars, if anything at all.

So we are proud of the way we've handled the project. Have we made every decision, has it been right? No. Has every decision we made been wrong? No. But I think the fact that we are \$7.1 million dollars ahead, we've got \$11.5 million dollars to finish and put into the project shows that we've made a lot more right decisions than we have wrong ones.

Councilman Green: I'd just like to commend you all for a good job. And also on, I guess basically looking at the auditors report, the numbers and all, I just think that whoever we get to look at numbers or whatever, whether it is a retired Judge or whether it is an attorney, we are still going to have the same result at the end of the day.

So, do we take money and go and hire somebody to make some more money to tell us what we already know. I just think that we ought to move to the next point and get this Convention Center built and we can all rejoice. So, I would just like to commend you all for a job well done. And, certainly, we all have come short. It doesn't matter about what kind of project you take on, it is going to be some mistakes, there are going to be some problems, but at least right now the ground is getting ready to get a building on it and I just think that we need to move on and tackle some other stuff that needs to be worked on but at the end of the day, we've got a Convention Center that is going up.

Councilman Jackson: Again, and perhaps maybe off the subject to some degree and while I appreciate Councilman Green and his accolades and others with their particular commentaries, my concern is obviously once we start there have always been different numbers from the first day and certainly over the last year or so since I've been around here, I've heard a lot of different numbers and a lot of different talk about value engineering. I learned a lot about construction over the course of the last year and a half (Mr. Antee: You think you have.) But about value engineering and all those things.

And obviously in this process of value engineering and with all of the problems and I think that is what we would like to, we've mostly today categorized this whole Convention Center project as laden with problems. But with all of that, I don't want to every lose sight of when we started, we talked about how great an economic engine this could be for this particular community. And in any situation where you've value engineering and all of these numbers, excuse me I am not talking today about any specific numbers, but about the bigger picture. And in the big picture one of the hopes that were held out when this project began was that local businesses and also minority businesses would have an opportunity to play a part in this. And I'm afraid that with all of the problem-laden issues and all of the discussions we have with regard to problems and all of that, that we've lost track of and lost sight of that opportunity that was supposed to be a part of this as well.

And obviously when you don't have enough dollars and cents and the numbers have changed all the way through from 2000 to this current year, that obviously there are some parts of this project that have been viewed as dispensable. Whether it be necessarily dispensable or whatever the case may be, I just hate to lose focus of that. We talked about a whole lot of other things and now we are talking about Judges and all these other things. I just hope that we don't lose focus on being able to do for the people in this community, local people and people who are minorities, if you will, in this project that we don't lose sight of that.

Because in the very beginning we talked about the fact that we could go out anywhere across the country and just find some huge company to come in and by in large could have had the Convention

Center built perhaps by now, but it was bigger than just getting a Convention Center. This was suppose to be something from a municipal perspective that could be economically enhancing not only for the City of Shreveport long-term, but in the interim something that create possibilities and opportunities not only to incubate and to groom and to help businesses. And I'm afraid that in all of the montia and in all that which has gone on, the water has gotten muddier and muddier. At the end of the day, people who were afraid of in the beginning would be dispensable have in essence become dispensable. If not in fact, it sure does look like it in everything that I've seen.

I have not found any reason to stand up and cheer about anything that has gone on with Convention Center with regards to us setting standards and raising the bar. We've talked about it and I guess I have this whole thought process of if you have got a knife nine inches in my back, and you take it out six, is that progress. I am not really sure.

I'm suggesting that, this was an opportunity and I think we still have any opportunity to make material progress and I hope that with all of the problems we talk about from week to week on the Convention Center that that's not lost on this Administration, on this City Council, on everybody who is concerned about all the different parts and parcels of this entire project, that that is not being lost.

And, whether it is or not, I am not taking anybody to task on that, I am just saying our money ought to be where our mouths are and the proof out to be in the pudding, that's all I want.

Mr. Antee: And in response to that, that is one of the things we are most proud of. Not only do we have \$7.1 million additional dollars, but we have Fairshare numbers and minority participation numbers that are five, six, seven times fold any other major project in this City has ever seen. That was one of the things that the Mayor stood firm on from Day One and he's continued to stand firm on all the way through the settlement negotiations with Safeco and all the way through the bid process with Yates.

I've got Mr. Gilliam on the way down now. I think the last numbers we saw was something like 14.5% Fairshare, around 23% Minority and Fairshare, 67% of the work was with companies inside the State of Louisiana and something like 35% were within the Shreveport-Bossier area, and so you are right, the proof is in the pudding. We are going to be questioned every step of the way primarily from some people out there who want to do work that is not doing work. But when it is all said and done, we can sit down, we'll know exactly who did what work and who got paid what and the proof will be in the pudding and I guarantee you, that the intent of the Fairshare Program will be upheld and we'll see some numbers that will impress everybody but those that we just can't possible please, and I know that that is something that the Mayor has been firm on.

Mr. Gilliam, do you have the breakdown on where we are currently on our Fairshare? I know we presented it a couple of meetings ago, and we'll be glad to make it available afterwards?

Mr. Antee: It is presented in our Fairshare Annual Report, on page 9B and that is a working number and a working document. It'll continue to be changed all the way until they turn the keys over to us.

But the commitment by the Mayor has been made loud and clear and the principles from Mr. Bill Yates all the way down to the On-Site Superintendent understand that, that is an area that the City of Shreveport is not going to bend on and we've seen some cooperation and I think we've seen some impressive numbers.

Councilman Lester: My question, to Mr. Gilliam, looking at this report that we see, how many of these represent actual signed contracts?

Mr. Gilliam: All of these are actual purchase orders that have been consummated with contracts.

Mr. Antee: Now, keep in mind a lot of the major work, contracts have not been signed with the subcontractors and won't be for several months. But we do have an updated list of who they are dealing with, how much they are projected to be paid, and the areas that don't necessarily have anybody identified, but they do identify that area as one that will go towards Fairshare and we've made that available previously. And for the next Council meeting, we'll have an updated version from Yates that we can present to you ahead of time.

Councilman Jackson: Mr. Gilliam, at yesterday's meeting I mentioned to Mr. Antee that and I

don't know if you've had a chance to follow-up, find out yet, the fellow's name was—the company's name was Hanes Beck was out of Dallas, Texas. I was telling Mr. Antee on yesterday that, he talked to me this weekend and suggested to me that he had made several calls to Yates and not one successfully returned, phone call. So, I am concerned about whether or not he had talked with anybody at all with regards to that because he had talked to, he suggested to me that he made phone calls to Yates and that they had not received any phone calls in return.

Mr. Antee: Do you know what their specialty is or what type of work?

Councilman Jackson: General Contractors, I believe, and I think they do different things but I know he is a general contractor and so I know they do basically overall they have the capacity to do probably what Yates does, but I think he was interested in do something—obviously, sub contracting work, but don't know exactly which field of expertise he was in. I didn't go that far into conversation with him, I was just concerned when he didn't get a phone call back with regards to it.

Mr. Antee: Well, Mr. Gilliam has stated that he is not familiar with that name and doesn't recall talking to him; so, if you'll have them get in touch with either myself or the Fairshare Office then we'll . . .

Councilman Jackson: I've got his business card and I'll give that to you Mr. Gilliam before we leave here.

Councilman Gibson: Mr. Antee, I applaud you putting these numbers together. Obviously there have been quite a bit of concern regarding, there's no such thing as a, perfect project. If there is, I'm looking for it. I've been in the industry for a number of years.

And, because there is not a perfect project, at some point in time, there will be some Change Orders and obviously that process takes place between the General Contractor and the Design Professional and the city to decide what's appropriate regarding that. In looking at your Contingencies, obviously you've got some monies there.

I guess my other comment, it is not a question, but more of a comment that obviously in going through the process, in the private sector work with this Administration from Day One on a variety of thought processes on the largest capital project this City has every had, at the end of the day, the Public Bid Law does work and obviously these numbers indicated that the Public Bid Law works, and it is, I guess reinforcing to me to know that that process did take place.

And regarding the economic exclusive side of things, I want to thank both you, Ken Antee, and Sam Gilliam and Mayor Hightower for setting the stage and also the framework to reinforce the importance of economic inclusiveness. Obviously Yates, W. G. Yates and Sons, has worked as a General Contractor being the low bidder on this project. They have the choice with their subs and suppliers in a competitive bid process under the Louisiana State Bid Law to do whatever they think is in the best interest of their client. I think that they have worked extremely well and I do appreciate the Mayor having me participate in some of those discussions because I've seen that company take information from both the Minority Contractors Association and Associated General Contractors and Women in Construction on a routine basis to make sure that they've done everything to cover all the basis necessary to meet the goals and objectives in terms of economic inclusiveness. I do want to thank you and the Mayor, and Sam Gilliam, and the Fair Share Department for those efforts because obviously the numbers are starting to pan out.

Councilman Hogan: One more question, back to the numbers that you first talked about in your presentation. Under the Site Development section of that, you talked about the relocation of the railroad tracks. I was just curious to know, who owned the property the railroad tracks were on. Was it KCS property or was it. . .?

Mr. Antee: Union Pacific and the property was owned by Union Pacific and we purchased part of the property on the north side of the railroad and then when we re-located the railroad we did a swap. Union Pacific owned all that property. We bought part of it prior to relocating the railroad. Once the railroad was re-located 100 feet to the north, then we swapped Union Pacific that property for the property where the old railroad was.

Councilman Hogan: I guess my main question is, who bore the cost for the actual re-location of the tracks?

Mr. Antee: Just like everything else in this project almost, we did.

Councilman Hogan: It wasn't part of the negotiating process with Union Pacific that—did that enter into the conversations at anytime of who would pay for the cost of relocating?

Mr. Antee: Oh, it was our responsibility because it was part of our project. If you've ever tried to negotiate or deal with the railroad, you'd understand that there is really not much of a negotiation process. They had a lot of property that they were wanting to sell that we bought prior to this site determination for the Convention Center because at that time we were trying to buy as much property as we could without actually saying where the Convention Center would go because we knew once it got out where the Convention Center was going, the prices would skyrocket. So we bought a lot of property from Union Pacific for \$1.50 a foot which was a great price, and then once we decided and finalized the location, then we ended up swapping them the property to relocate the railroad on in return for giving us the property that is now part of the Convention Center site.

Councilman Hogan: One more question too, this is just for my information, I was just curious to know. Back to, we were talking about the Independence Bowl, that project was not, it is no comparison between that and the Convention Center obviously, but my question is, what was the cost overruns come to if you recall or if you may can think back to see, do you remember roughly a figure or a percentage of what the cost overruns and Change Orders amounted to?

Mr. Antee: Well don't confuse cost overruns with what some people in the community are out there trying to say is, cost overruns. We built Independence Stadium for the monies we had available. Once that project was over, about seven weeks later, Whitaker came to us with a \$1.2 to \$1.3 million dollar request for a Change Order that when asked, what is this about? He just said, 'it cost me this much more than I thought. Will you write me a check?'

Now, that is a contested claim. If the Change Order that is unilateral by Whitaker that is contested in bankruptcy, now it is up to \$5 something million dollars; that wasn't a cost overrun. We had a contract, we had Change Orders. We negotiated those Change Orders, some we allowed, some we didn't allow and then we had a final number. And only after the fact, and after the stadium was open for business, did he come back and realize that he needed more money for whatever other reason that were out there.

So, don't let people in the public with other motive confuse with cost overruns. We built the stadium with the monies we had to build the stadium and even had monies left over to do additional projects like the northend zone ticket buildings, relocating the road around the west side of it, and actually doing that southend zone parking lot and landscaping. So, I'd challenge anybody to say that there were cost overruns.

Councilman Hogan: Well, I guess to clarify my question. I've noticed we have an extra \$7 million for contingencies here which is roughly 10% of the amount that Yates had bid here recently. I guess my question is. . . .

Mr. Antee: Actually we have \$11.5 million for Contingency.

Councilman Hogan: Okay, which is roughly maybe 15%. Are you comfortable with that figure as far as a number we need for Contingencies?

Mr. Antee: Absolutely. Actually our Construction Contingency as you will see in the numbers, in August it was \$6.2 million—that is prior to design, that is prior to contracting, getting contract. Once you have a contract and a hard number, then it is customary to have a 3.5 to 6% or as much as you want Contingency. So, the number that we had, the \$2.9 million Contingency number is based on industry standards for a contingency. We also know that we had the additional \$8.6 million dollars which is a project balance for contingency, for a Total of \$11.5 and we are very comfortable with that Contingency.

Councilman Carmody: In a sidebar, I understand the railroad retained excellent legal counsel, so I'm sure that it was tough negotiating.

Mayor Hightower: Let me make it clear too, so that there is no misconception. The railroad had no desire to move their track, no need to move their track; so, there wasn't a real case for us to get them to

pay for half or part of. We had to go to them and tell them we had a project we felt like would go on that property; so, that was never in the mix to get the railroad to donate or split or do anything else because again, they had no desire, no need, no knowledge that their track needed to be moved at all.

Mr. Antee: In our negotiations with the railroad, although they are very difficult to negotiate with, I mean, it was smooth. I mean, we bought---they had property for sale, we bought it, then we needed to move their railroad, they came in and said fine. You want to move it. You pay for it; so, there was no animosity between the railroad and the City and so, their excellent legal counsel was only needed just to review the documents. We would invite everybody to drive by and see that there is work going on out there.

Councilman Carmody: At this point in our meeting, I think it would be appropriate for me to go ahead and bring back up the request that the Chair had made, back in the beginning of January. And if the Council will bear with me, I do have a few thoughts and would certainly solicit the Council's comments as well.

Gentlemen, this afternoon, I've asked for the Council to review the Findings contained in the Louisiana Legislator's Auditor of the City of Shreveport Convention Center dated December 17, 2003. This request is not made with an eye toward mulling over the report the way that one would look at balancing their check book but ceasing this as an opportunity to work with our Mayor to implement the recommendations outlined in the Auditor's assessment.

Although the Administration mounted a vigorous defense, the Findings and Recommendations of the Legislative Auditor still stand. Please note that these are written in the present tense rather than in the past tense or in a future tense and state:

"The City of Shreveport should appropriately monitor the expenditure of public funds in the completion of the convention center project by:

- (1) complying with the public bid law;
- (2) determining the appropriateness of the architect's 25% complexity factor markup and appropriately documenting this determination;
- (3) ensuring all work invoiced is accomplished and adequate supporting documents have been received before payment is made;
- (4) requiring adequate documentation from contractors to support their billings and work performed and the billings and work of subcontractors; this documentation should be sufficient to enable the City to ensure that it has received services commensurate with the public funds expended;
- (5) seeking the refund of \$197,533 from Altec for the overpayment on its

markup;

- (6) determining the exact cost of land allocated to the convention center from the Riverfront Park extension project and reimbursing the proper amount;
- (7) ensuring all contracts are in writing and include a description of work to be performed, the work to be done by related parties, related parties' markups, completion dates, performance terms, and licensure by the Louisiana State Licensing Board; and
- (8) consulting with the state Office of Facility Planning for guidance in developing architectural contracts."

I am of the opinion that this Council has the obligation to take action as stewards of public funds and move forward now to establish policies and procedures assuring that the Auditor's recommendations are heeded. This work should not be adversarial, but should be performed in cooperation with the Administration. If we do not, my fear is that the City of Shreveport could again find itself the subject of another legislative audit.

It is the responsibility of the Administration to insure that contracts are in place when spending public funds. The auditor's Findings provide with us an outline as to a method the City needs to follow in order to bring prudent oversight and closure to this matter hopefully the results of instituting these

remedies would be that our city can move forward from this point and avoid potential problems in the future.

However, I believe that the Council should strongly consider hiring independent legal counsel to assist us in evaluating the feasibility of pursuing the recovery of public funds and establishing new policies and procedures which give clear direction and guidance to this and future Administrations as to the correct method to be employed when spending public monies.

It is my hope that the members will support granting authority to hire outside legal counsel and as a side note, I've already contacted a number of attorneys and spoken with them about whether they would have an interest in helping to provide these services. And, I will mention that I thought the recommendation of a retired Judge, would certainly be appropriate because again I think that someone who has the experience of the law to be able to look at it and define it through their expertise would be very beneficial, so I would certainly be in support of that.

In the meantime I have forwarded letters and each member should have received to both our City Internal Auditor as well as our External Auditor requesting that they do follow-ups and report back to the Council monitoring the City's progress implementing the audit recommendation.

In addition, I brought forth a budget amendment for the Council's consideration requiring that all change orders for the Convention Center and Hotel Projects be brought before the City Council before consideration of granting the Mayor authority to execute the new contracts as well as requiring that a contract be executed between the City and the Multicultural Center of the South.

Gentlemen, I'm hoping that I could ask at this point for your comments on the audit as well and please let me reiterate this because I think that Mr. Antee's concern is well placed. There is no reason to bring an agenda to do this. But, I think that it would be a missed opportunity for this Council and this Administration not to try and implement the Findings in the Legislative Auditor's results in order to clear up any misconceptions and to make sure that we are following a diligent course of being good stewards of the public's funds.

Councilman Jackson: As I said this earlier, I guess one of the major concerns that I have and again, I said on yesterday that one of the problems we have is that very often we find out information secondhand.

But one of the things that happened is when I read both your letter and then the Shreveport Times on yesterday, until we talked, you and I talked, I didn't have a real clear understanding. I guess my question is more to the Chairman with regards to the idea of a Judge because a few minutes ago we were talking about numbers and I asked about, I didn't know how much help, certainly no aspersions on Judges, but I didn't know how much help a Judge would be with regards to the budget numbers. But as I appreciate and what I hear you saying now, is that this particular Judge who will act as, in your perception of it, a consultant will be reviewing the law to find out, I guess, what exactly?

Councilman Carmody: What I would think is the and what my letter had indicated was that, the Council should consider hiring an attorney to determine if the City should pursue a refund of any public funds that were expended and also to advise the Council concerning other issues that were raised in the report.

Councilman Jackson: And I would assume we speak specifically of the \$197,533 dollars?

Councilman Carmody: Yes, sir that is the finding in the legislative audit.

Councilman Jackson: In that particular one and then I think you make reference, if I read correctly in the other letters that we have that were communications from the Mr. Dark and the Administration, and from you that there is also some concern that the same kind of thing may be happening with the Multiculture Center of the South; is that correct?

Councilman Carmody: Yes sir and as I understood it, we may be utilizing the same method of doing business in order, excuse me and in a nutshell, actually not having a written contract but paying invoices without a proper understanding between the parties as to what the monies can be used for, what it is being expended for.

And just to clear the air, I am certainly am not familiar with anyone that is there at the

Multicultural Center other than the fact that I understand the purpose of the organization and I would applaud their efforts, but I think that without something in writing and I applaud the Administration on that, they have responded back and said, indeed they concur that without a formal written understanding and contract, much like that, that we have with Sci-port, they ceased payment of any invoices being received from that particular organization until such time we do have an agreement. Is that not correct, Mr. Mayor?

Mayor Hightower: That is correct.

Councilman Jackson: Well maybe, I guess my concern was what the, and I talked to Mr. Carmody about it and maybe Mr. Thompson or somebody, maybe could help to clear up my non-understanding of this of what we are---I think that if we head down a course, that there ought to be gold to find, it ought to be directed, and there ought to be some particular outcome that we are looking to arrive, a place that we are looking to arrive and not just, I guess because the Legislative Auditor has done all of the shuffling and checking and looking under everything. And I guess if we are going to further pursue it and obviously if it means expending dollars to further pursue it, then we can't, I don't believe in good conscious go forward without some defined goal of what in fact we are looking for and if it is in fact, just whether or not we ought to pay the, I mean ask for the \$197,000 back, that is one thing. But then, if in fact we are asking them to come up with some ideas about what we ought to do about the other things, I was wondering whether or not there is not already policy in place that guides us with regards to all of those things. Because, I certainly would be naive to believe that there is, right now, a municipality could be Willie Nillie about how you do it and I guess and there is not something---I guess my question is whether or not the Chairman was and I asked him this morning, whether or not his concern was whether or not, there are rules and those rules were broken? If there were rules and because the Legislative Auditor doesn't say that the rules were 'broken', I think the Administration comment that, there were no smoking guns. And I suggested to him then we need to have some specifics as to what we asked a Judge a general or whoever else to look at anything to look at and say we are looking for 'x, y, and z'. To date, other than the \$197,000 I haven't heard much, what I said to Mr. Carmody this morning, about specifically what we want to ask for.

I am not in opposition to asking for things that are specific things because then we know whether or not, almost like we talk about in this case (no pun intended) but whether or not we are paying them for the right thing. How do we know we are getting the taxpayers maximum results for the taxpayers' dollars if we don't have a goal when we go in. So, I guess, I am just not comfortable with a fluid process that just says, they coming in and look at some things. I just want us to say more specifically, what in fact we are looking for them to tell us and if in fact we are not reinventing the wheel because I would think that there must be policy in place that governs all of these things. I mean, we don't need them to come in and tell us about the public bid law because we know we have it. Whether or not we follow it is really the key. And then many of the other things that are listed in those eight concerns, I think the questions must be before we bring him in or her in or whoever it may be, to ask ourselves after we've looked at it and deliberated, if in fact there is something are there in fact some things in this list of eight things that we know ought to be done a certain way, that we don't need anybody to tell us about that is just a matter of process and if that is the case, we need to scratch those off our list.

And, then find out those things that have so much degree, I guess of ambiguity that we need to bring in somebody to make it more clearer, if you will, to us. So, I guess I am asking Mr. Chairman, if you could give us with great specificity what it is that anybody would be coming in to look for?

Councilman Carmody: I think what we would be looking for would be the legal counsel to evaluate what improvements in our method of conducting municipal business could be implemented. And I agree with you, I don't feel like we do a serve to the community by putting laws on the books on top of laws that may not be being complied with but I do think that we need, if you take a look at the issue of the refund of the money from Altec you can see in Management's Response that they don't agree with that. I am not an attorney and I don't try to practice the law in any capacity, but I do think and it sounded to me from the Mr. Antee's suggestion was that, it could very well be that we could find an impartial party who

could have that ability to advise the Council of whether it was feasible to seek repayment of that money. Because again, as it was pointed out that apparently by the City operating without a written contract and with allowing some area for misinterpretation of the word 'mark up', we, the City have overpaid part of the public funds entrusted to us to a contractor and the Legislative Auditors recommendation is that we seek repayment of that \$197,533.00 dollars.

And as I say, I think that in conjunction with that, we could very well find out that our counsel might come back to us and tell us that, indeed you already have the processes in place but that maybe the Council needs to establish some sort of checklist that we can assure again that this body and this Administration as well as future councils and future administrations, don't somehow or another run afoul of the existing laws. And I appreciate the opinions of persons and just like mine, they are worth what you paid for them, but I think that we could all agree that a third party who had the expertise to look at it, could come back and apprise all of us of the properly way that the law would be interpreted and what our possible alternatives are.

Councilman Lester: On that note, I would think that and taking the issues, one at a time. If the question is whether or not we could in fact seek repayment of the \$191,000 some odd dollars from Altec I would submit to the Council than rather than to have a neutral third party, a retired Judge make that determination, that I think the first question should be from this body, whether or not we want to pursue the money. I mean, with all due respect to the Administration, our responsibility is, to make policies and procedures. So, I think the first question would be as a City Council, do we want to pursue obtaining that money?

Now, if we decide that, that is something that we want to do, then I would think that would be a matter of, I know that we have a number of legal counsel associated with the City Attorney's Office that we could instruct the City Attorney's Office to pursue refunds of those funds. I don't think that we necessarily need to get. . . ., I think if the question is whether or not these are funds that we can recover then I think that that would be a determination that will be made best by an active Judge because I think it is a question of fact and it could be a question of law. So, if we are of the mind that we want to move forward on that recommendation, I don't think that we necessarily need to belabor the point, I think we would just say this is something that we want to do and then go after doing it.

In terms of the Multiculture issue, I think that you are right, at some point, my question would be quite obviously there was a procedure and a policy in place. I don't understand how there is a difference with the way that the Sci-port project was put together and the Multicultural Tourism project. I think with the exception of the actual project itself, the policies and procedures should be the same. So, I think before we go and ask a question do we need policies and procedures, I think we are smart enough to know that we've done a museum that is city owned before not too many years ago. So the question then becomes if we have done this and we didn't follow those procedures then the question that someone should be asking is, why? And after we get an answer to that question, then I think that would guide us in term of where we need to go beyond that.

I read your letter with much interest. I read the response from the Administration. It dismayed me that we were in a position that we were paying invoices for items and they were not be catalogued, as I appreciate it or may or may not be catalogued, and we didn't have a contract.

Why that was the case? I don't know because I am not the person that is writing the checks, but to the extent that the Administration has said that that procedure is going to stop then I guess, somewhat, I'm comfortable with that. But I would definitely like to see the contract but before we get to dealing with our policies and procedures, I just think someone needs to answer the question, why did we do deal with Sci-port in one fashion and why do we deal with the Multicultural Tourism in another fashion when at the end of the day, you have two museums.

Mr. Antee: If may clear something up and I wasn't sure, Councilman Lester, if you were referring to the Multicultural issue or to the Convention Center issue, but I know Councilman Carmody in his letter was referring to the Convention Center issue, about there being no contract.

It is true that there was not a document with all Altec that at the top of it said, 'Contract.' But to

say we didn't have in writing, a Scope of Work with estimates based upon the work to be performed, is not correct. That's what we operated under as a contract was a Scope of Work and a structure of cost; so, that's one thing that we disagreed with the auditor on.

The auditor said that we did not operate with a contract and that is, technically, that is correct but practically and the way everybody else handles remediation, it is done through the form of a Scope of Work with unit pricing and we had that. But, that is just one example of why differ with the auditor. No, if you went to law school and read on there, was this a contract? Yes, it was. Was it called a contract at the top of the page? No, it wasn't; it was called a Scope of Work. I just want to make sure that we don't keep going down the road that we were operating without a "contract." We were operating under a written agreement with them.

Councilman Lester: And just to clarify, Mr. Antee, I was discussing the issue with the Multicultural Tourism; there not being a contract between the City and that body as opposed to the Altec situation.

Mr. Antee: And in that situation and keep in mind Multicultural Museum is a different entity. It, by state law, we are required to fund them certain dollars from riverfront and all of that. As I understand it, there is a contract for the annual amount that we award through the budget process to the Multicultural. Right now, I don't know that there has been a contract finalized for the \$2 million dollars for the purchase, remodeling, and construction of the building. So, we do have a contract with them—don't we Tom?

Mr. Dark: We do. In fact, we've had one for several years. But you are right, it basically covers the \$200,000 we give them every year--Councilman Carmody: Operating expenses.

Mr. Dark: For operating money. A lot of what this discussion is all about, is that they've been using some of the \$2 million to buy some artifacts, which technically was within their scope of work in that contract, but doing it out of the project instead of out of the \$200,000 we give them. That is what we stopped, had a good conversation with Mr. Williams, and we are going to get a contract to you, fairly quickly.

Councilman Jackson: I thought and you can correct me, I was just asking, but isn't it that we had in the bond issue of 1999, there was \$2 million dollars in the bond issue which was really for construction and acquisition and what have you, but outside of that, we really had no commitment to them outside of what the State was doing, through us. Is that correct?

Mayor Hightower: Correct.

Councilman Jackson: So, it really wasn't our money so to speak. They were getting an allocation from the Legislature or from the State, and that is where is the \$200,000 dollars annually was coming from so it wasn't 'our money' but the \$2 million dollars was the there, was them being included in that bond issue; is that correct?

Councilman Lester: No, I don't think so Mr. Jackson and we might ask the Clerk. But as I appreciate it, that money, that was money that was set aside from the language of the Legislature for multicultural purposes. It was not designated for one particular entity. So, that left some discretion for us, from the City to do with those particular funds, that which we wanted to do.

Now, that organization stepped forth after that money had been appropriated in terms for multicultural purposes to do operations money. And as I appreciate it, one of the amendments that I am bringing is to separate monies that was used for riverfront and for operational services and capacity as opposed to capital funds. Because one of the things that I'm concerned and I think we all share a concern, we want to see this project work, we want to see it succeed, but what we don't want to see is us to get in a situation where we have a building and then there is no money to operate the building and so that we have to go back to the taxpayers and ask for additional funds when we are already are cash strapped. And so, I think that is some of what, at least from my opinion what has guided me in the legislation that I have brought.

Now, I don't know about what Mr. Carmody is speaking of, but as I appreciate it, that \$200,000 dollars is for multicultural purposes as opposed to like, the Legislature designates 'x' amount to go to this

fund, 'x' amount to go to that fund, or to that person. This money is available for those uses and that gives us some discretion as to whom or what we want to do with it.

Councilman Jackson: Well, I guess maybe I was speaking then to what I had just heard was the spirit of it which was to go this particular organization and thus the impetus for the City partnering with this organization and making this kind of a capital investment, as well for that particular organization so I guess it may be by letter of the legislation, it may say exactly what you've said, but I was thinking that the spirit of it was to support the growth of that particular organization. Now, certainly that gives us a lot of latitude if you will, but I just didn't know. I thought it was specifically earmarked for that purpose which would be the operations side of it, that \$200,000 dollars and some of which they've already, I mean, much of which, I mean, they've gotten every year for the past 'x' amount of years and so they've acquired (if you will) a large sum of money, much of which I think can go, if the \$2 million dollars is spent only one building and acquisition and improvements then I think they ought to be okay, operationally for some time to come because I am not sure whether or not they will continue to receive anything from the State.

Councilman Lester: The question becomes on that issue when you are dealing with bond funds, and we all know that there are certain things that bond funds can be spent on in terms of capital projects, in terms of brick and mortar types of things as opposed to operational issues. And, one of the things that we have to absolutely make sure we separate is, operational funds from capital funds because you run the risk of having the bonds become non---going from a non-tax exempt status to a taxable status which creates a lot of havoc.

Councilman Jackson: Well I guess, my concern is then, that is a very valid case. Because I guess, the basic question that comes to mind is, if they are spending the money on, based on the letters that I read on the---where is the other money that they been getting on a regular basis, that I thought was just kind of growing? What is it being spent on? I don't know if anybody can answer that question.

Mayor Hightower: I think I can answer it and I don't have their whole budget in front of me, but they have been an operating entity since the \$200,000 starting flowing their way as a result of river boat gaming. And they have been paying a director and a secretary, and office space, and telephones and rent and all those things associated with that. Now, whether they have been spending \$200,000 a year or not, I don't know, I don't think that they have.

But both of you guys are right in that the \$200,000 that comes from the State river boat money should go to operational purposes. The \$2 million that the taxpayers appropriated along with the Convention Center bonds, were meant and the spirit was, to go to that organization to find them a home and that is what we've used that money for.

Our concern when Tom was okaying vouchers to pay, was that artifacts were being bought before we had the building, the roof done and HVAC done, and all the things that Gary and Shelley and staff felt like needed to be done to get the building ready, artifacts were being bought before those things had happened. And Tom had a concern that if we continue to buy artifacts at this pace, will we have money to fix the air conditioner or the roof before we run out of money so that is where the concern came from and we, as coincidentally, Tom had talked about this in putting the letter together and sent it to the Multicultural Center the day before I got a letter from Councilman Carmody on the same issue and I think everyone has received both of those letters and the responses.

So, I think we are back on track, but bottom line, we do want to have a contract that says, what you can do with the bond money versus the operational money. We want it to go and we don't have any reason to believe that they've mis-spent any of it. What we have reason to question is, will we have enough actual building construction dollars to complete the building versus artifacts inside a building that may or may not have air conditioning running at the time.

We think that we are on top of it in time. The Center is in complete agreement with what we are talking about, and as Tom said, we will shortly have a contract very similar to the way Sci-port operates. Obviously they are out buying telescopes and exhibits and all these other things that we have no real knowledge of but we do know what their budget is and we do know that we expect them to operate in it

and Multicultural is no different than that.

But Councilman Jackson, you are right, the spirit I think was that that was the organization that we were working toward to help them find a home.

And Councilman Lester, you are probably right as well, although I don't know exactly what the legislation says, it may say, Multicultural without spelling out "Center of the South". I'm not sure about that but I think the spirit and the intent is there to work with those guys and we've had a I think a good working relationship with them. I think they have come a long way although some of the staff is paid in a short period of time to get this thing to where it is and I think it will be a good addition to the City and hopefully it will be able to fulfill the mission and better news than that, hopefully the \$200,000 will continue to flow through river boat proceeds that'll keep them up and running and they won't have to come back to the taxpayers for any additional money.

But I do think that it is smart to say, lets separate the two so that they don't get operational money buying artifacts so that they run short on salaries or being able to pay the electricity bill; so, we are in concurrence and again, I think both of ya'll are right.

Councilman Carmody: The Chairman wants to bring the discussion back around again to the specifically the audit and Mr. Antee relative to the issue of refund of \$197,533 from Altec, I noted that Management's Response state that the City did not have an agreement regarding mark-up for any other work. Therefore, should the City have paid a mark-up when there was no agreement to pay for that charge and I guess this is coming back to what Mr. Lester said, should the city pay for charges that it had not previously agreed to pay and can and should the city recoup the funds?

Mr. Antee: We did agree, we had a Scope of Work and we had an estimate for the Scope of Work. Now, in that Scope of Work was to and we'll just keep it simple. To dig up the bad dirt, put it in a truck, haul it off. For that, it is going to cost 'x' number of dollars per yard.

Now, we don't know how much they paid the rent it company for the backhoe. How much they paid the operator to operate the backhoe. We do know how much they paid the trucking company because they bid that out through an RFQ process and went with the lowest bidder, but we don't know how much that trucking company paid for the gas or paid for the use of the truck and what they charged. What we did know was it was going to cost to get that bad dirt out of there and the good dirt in there.

So, where we had, where this whole thing turned with the auditor was when we got a bill from the testing lab. We had about a \$20,000 bill from the testing lab. Then, we had a line item of times 20%, \$4,000 for handling that bill that is called a Reimbursable Expense in the construction industry. I threw a fit.

I said, 20% for you to get the bill and send it to us, is too much; they said, that's industry standard and they'll come in and tell you the conversation. I said, I don't care what the industry standard is. It is one thing to have a 20% bill on a \$2,000 bill for everything you have to do with it. It is another thing to have 20% add on or mark-up for a \$200,000 bill and we knew that the cost from the testing labs was going to be in the several hundred thousand dollars and so we reached an agreement and they justified all the reasons why it should be a 20% mark up primarily because that is industry standard. And I gave them that save example, 20% of \$2,000 is a whole lot different than 20% of \$200,000. We are not paying you \$40,000 to process the bill; so, we came up with an agreement to 10%.

Well, the auditors when I explained that to them, took it to mean that that was across the board from the back hoe operator to the rent it company on the backhoe to the testing lab. And that was in no way, the way we meant it or what we had agreed to. We told the auditors that. Altec told the auditors that. The design team told the auditors that, and so that is where we had the difference of opinion.

The difference in the mark up, in the construction world, you've got a general contractor who then has sub-contractors and then they have what is called fees, profit and overhead, and general conditions. General Conditions are generally costs that are directly associated with that project—your on site supervisor, your on site foreman, your trailer, your gas, things directly associated with that. That normally runs anywhere from 3.5 to 10 or 12% depending on the job and the size of it.

In addition to that, you have their profit and overhead. The profit, which in this case, is normally

10% was on top of a 10% General Conditions fee. What the auditor was saying that within the 10% mark up from the subcontractor, Altec should have taken care of their fee and General Conditions. Well, the insurance alone would eat up 90% of that because when you are talking about insurance on environmental work, it is very expensive; so, that was the point we never could get across to the auditor and that's the difference.

We don't believe we owe Altec \$197,000 dollars. When you combine their Fee, their General Conditions, their Overhead, it totals about 21% average on the mark up of all their subcontractors and we provided proof through the national surveys that show the fees on that type of work range from 20 to 25%, so we were on the low end of it.

We think we got excellent value from Altec at an excellent price, not to mention the fact that the budget or the estimate that we received from the prior environmental company was about \$2.5 to \$3 million dollars higher than what we ended up doing it for with Altec.

But we are willing to let anybody look at it from whether it be a lawyer, a general, a retired Judge; anybody can look at. And, if we are wrong, we will take that money and put it back in the project, but I don't think that we will be.

Councilman Carmody: And I appreciate that Mr. Antee and I guess I want to clarify something and I think maybe you just mis-spoke, you can help me. You had said that you did not feel that we, as a City, owned Altec \$197,000 and I agree with you on that. What I think you were talking about whether or not Altec owes a refund to the City of Shreveport in that amount.

Mr. Antee: Thank you. I do not think that we were overcharged by Altec a penny or a \$197,000.

Councilman Carmody: Thank you for clarifying that.

Mr. Antee: Thank you, I didn't want to mis-speak. I know we don't owe them.

Councilman Walford: Obviously we are dealing with two and maybe three issues here if I understand right. 1. We are talking about what to do relative to the audit. 2. We've got the Multicultural thing. 3. You said something about Change Orders on the Convention Center. You going to address all three of those, are they going to be done separately. I noticed that you have an ordinance or an amendment. I am asking what am I debating right now, because I have opinions on all that I'll be glad to share now or later.

Councilman Carmody: If we can keep the discussion to specifically the Legislative Audit and the budget amendment, that is actually on Introduction so that would be something that we will bring up at a later time, but and the only mention that I brought up is the Multicultural Center was that it appeared that some of the Findings in the audit, appeared to be repeating themselves in relation to the Multicultural Center; so, if we could please try to limit our discussion specifically to the audit, this is really what this is meant to do, please Sir.

Councilman Walford: I'm really hearing two things then when we are going with the Audit. 1. If we want someone to look at the Findings and decide if Legislative Auditor was indeed correct, then I think it is more than appropriate to have a retired Judge as Mr. Antee has suggested, as you and I talked about this morning.

I'm not sure what the value of having someone in essence challenge the Auditor or speak to the correctness of the Auditor. If we are saying hey, we want to go back and go after the \$197,533 from Altec, then clearly we don't need a Judge. We need an aggressive attorney.

So, I'm a little confused, I'm like Mr. Lester. He said, if that is what we are going after then we need an attorney. If we want someone to look at the Findings of the Legislative Auditor relative to applicable law and look at the, I assume, the Conclusions and Justifications that were provided by the Administration then we need an impartial Judge.

I am not sure what the value of that is. We've gotten, I think, a very, very good report from the Auditor. We've heard the Administration and their answer. We've read it. Each of us, I think is capable of reading the audit and perhaps coming to our own conclusion; so, it seems to me that we are talking about several different things. Do we want to go after the money? If we do lets get an aggressive attorney. If we are comfortable with Mr. Antee's explanation of the \$197,000 and we just want

somebody to look at this and say, yeah, yes it was correct. No, it was incorrect, then lets get an impartial Judge. But I think we are going to have to decide, where we are going. What do we want? And I guess I am asking you, what exactly are you proposing? I read this. Do we just want to go after the money or are we looking at somebody to take a second look at the audit? I am asking for an explanation, really.

Councilman Carmody: And I will give you, this was kind of my personal opinion. Having read the audit as well as the Administration's responses, it was very much like the old adage about there being three sides to every story: there is your side, there is my side, and probably somewhere in between is the truth.

And what I think that we've got here is a situation where we need some assistance in making sure that we are seeking the truth and proceeding in a truthful way to conduct the City's business so that we don't find ourselves the subject of a legislative audit again. And I hate to make it so simple but and in all honesty, I think we heard the Administration and I had heard my Council member, Mr. Lester say, that maybe just need to refer to the City Attorney, but if the City Attorney is referred by the Council to try and collect \$197,000 and the Administration's position is that, we don't feel like that we are owed any refund, I think it would be a half-hearted effort at best to recoup that money because the motivation that you've got two sides pushing against each other in opposition.

And what my hope is that by reviewing this and working with the Administration, we can work to insure that the Findings are implemented and that not just for this particular case, but in all future businesses with the City dealing with public funds.

Councilman Walford: That was a question, I am not quite done. You are still leaving me kind of hanging out there. I think that it is going to be up to this Council, the seven of us then to decide what we want to do.

Councilman Carmody: Right.

Councilman Walford: And is it necessary to expend money to ascertain or to be absolutely certain that in the future we don't repeat any, I am not going to call them mistakes, but to improve our procedures, lets say and with that I'll defer.

Councilman Green: I would just like to say, 1. We already got ordinance on the book for that. And everything as Councilman Gibson has said, any project, you are going to have problems. So we say okay, we want somebody else to look at what the auditor has said. Say, we'll get a retired Judge because he is retired, it doesn't mean that we are not going to pay him?

Councilman Carmody: I doubt that Sir.

Councilman Green: And if we are going to pay him, how much are we going to pay him? And if we say, well we'll pay him \$50,000 dollars, well what if after he finish \$50,000 worth of work, then we still got to get somebody else to look at what has already been looked at.

I think that we as a body should move to the next page. In fact, it is like this. If the auditors had said, okay this is terrible and this is terrible, and this is bad then we would have accepted that. If they had said somebody got to go to jail and we wouldn't be up here discussing, well, maybe we need to look to see if they were right. If in fact there had been, in the words of the Mayor, a smoking gun would this body be up here saying now, well hey say, we got a smoking gun, but I don't think the gun is smoking; so, we need to hire somebody to stop the gun from smoking. Would we be doing that?

Is it that we are doing this is because it didn't come back like what the people had perceived it to be, so now we need something else and then after that then we need something else. I just think that we need to move to the next page, because say, well they misused fund. If we hire somebody, then we are going to do the same thing; so, how do you say who is right and whose wrong.

The report has been given. The auditor, they audit everybody. In fact, I wouldn't want to upset them. And say well, so that we won't get audited again, you can't say that we will never get audited again, we might get audit—it might be one on the way now.

But I just think that there come a time that we've got to know when to hold them and know when to fold them and move on. Because if the report, I just really believe, if it had come back and I'm just going to say what I feel, since we are at this point that, yeah, Mr. Mayor, there is a smoking gun and you

are in trouble. I don't think that we would be up here discussing, well lets save the Mayor. I don't think we'd be up here. I think we will be saying, yes, that is what we figured and that is what we knew and that is what we got, so lets stick it to him—that is just how it would have been. But since it didn't come back like that. Well, lets go back after him again.

Well, how many times do you go after a person. I just think that we ought to just chill and just move on to the next and stop the community from laughing at us up here. I don't know if he is here today, he called us seven dwarfs and Snow White, I don't now if he is here today. We've been here since 3 o'clock, dead set on one issue and nothing is going to change. I don't care how---we can go get whoever we want to and we are going to come back with the same results.

And, it is a shame that we are still on this same issue, and we are not going to move—ya'll thought I was in the restroom. I wasn't in the restroom. I went over to the School Board meeting, had my say and I was back over here and I told them, ya'll was going to think I had to go get a laxative or something but I am back over here. I just think that what we need to do is move because the whole City is laughing at us as to when are they going to get together? And here we are with this issue here that the Legislative auditor has come in and said, this is what you have got. It is left up to them to get it straight, if not, they will be back again; so, I just think that we just need to move on. We got a five star school come up here. I think we ought to have a five star Council and we ought to move our City forward and that is just how I feel.

But I am not voting for, I am not going to vote for a retired Judge to look at it. I am not going to vote for an attorney to look at it. I am not going to vote for nobody to look at it. I've looked at it and I'm finished. Now, if in fact ya'll are going to pay somebody and you need an unbiased person that's going to look at this, and you are going to pay them basically \$170,000. Tomorrow, I will have Mr. Thompson to prepare a letter and I'll resign and ya'll could hire me.

Councilman Carmody: Let me just clarify, again, though for the body and the Administration, that it is because of the Legislative Auditors/ Findings and recommendations that I, I am one person of this seven member body, am of the opinion that the Council needs to act on the recommendation or the Council needs to be able to explain to the citizens of the City, why we took no action. You've made your position clear, Sir and I now open the discussion up to the other members as well.

Councilman Jackson: . . . sounds like from Councilman Lester and from what Councilman Walford have both have been saying, that maybe what we are talking about doing is retaining somebody to determine whether or not, we ought to go after. We have any good legal ground to go after the \$197,000 and can tell us whether or not that would make sense to us and then it sounds also as if we are asking for somebody to come in and review our process, to see if we have a process in place.

At the risk of being redundant, I've said that I believe that there is a process that is in place. I think that what's really at question is whether or not the Administration is being, either is actively or being accused of actively circumventing that process. Which brings me to the final thing which is, are we asking somebody to come in to help us to create policy which is currently not in place, that would prohibit the circumventing of a process that is already in place. Because as policy making is within the auspice of this particular body, there's nothing wrong with hiring anybody who would add to our due diligence and make us more informed before we make decisions with regard to policies and procedures and otherwise because there is a call sometime to be informed and to making good decisions and I'm supportive of that. What I would hope is that we would create a list other than - - - I still see this list as to some degree ambiguous—that we need to say that here is what we're hiring a person for. And if what Councilman Lester has said and what Councilman Walford has said, its correct and accurate, then we need two different people, basically, it sounds like we need somebody, because I don't know if we are expecting this retired Judge person to tell us whether or not we ought to go after the money or is his job to deal with the policy part to make sure that we are following the letter of the law. Because now, it's become a some degree a amorphous and I'm not sure if we're talking about one person or two people and if we can become more specific, I'm certainly in support of making sure that we have policies in place that cannot be circumvented and that put us within the bounds of the law and I'm willing to support that.

But at this point, I'm thinking that we're not asking for just one or two things. It's become real vague as to what in fact, we're asking for. But I'm willing to be more supportive if we can be more specific about what we expect to pay somebody to do.

Councilman Lester: Along the lines, I think that again, we have two separate and distinct issues. The first question is whether or not we want to pursue the \$191,000 from Altec. I think we can all agree that, that is the first issue; that's a decision that as a Council, we would have to make.

Again, I would believe that we have a finding from the Legislative Auditor that says we should go after the \$191,000 and they say why. On the other hand, we have the Administration that says there is no reason for us to go after the \$191,000 because there was a contract. And as Mr. Antee said, it might not have had contract, but those of us who are of the persuasion know, once you have an offer and acceptance, you have a contract. So, before we go out and do anything in terms of filing a lawsuit, I think it does make sense for us to get some neutral party that advises us as to what our recourses are, period.

I wouldn't be in favor of doing anything beyond that and I would think that because we have a report from the Legislative Auditor, I think that's our responsibility to do that. Now, once that has been done and we have whether it's a retired Judge or an active member of the Bar or whatever that says, this is what you have, then we can make some informed decisions. Right now, we have two diametrically opposite things that we're hearing. We have to make a decision which way we want to go. It makes sense for us to get the expertise and once we have gotten the expertise, make a decision.

After we get a report from legal counsel, whether that be a retired judge or whatever, that person might tell us, 'you know what? This is what the Legislative Auditor says and this is why they said this. This is what the Administration says, and point of fact, you might not have a recourse, because the Administration believes that this is what they did, everything was legitimate. And if the Administration says that is what the agreement is, that's what the agreement is because the Administration is authorized to make said agreement and that would end the discussion. But we don't know that right now so, it's my opinion that yes, lets get someone in, get the advice, and once we get the advice, then we can take it to the next step.

Now in terms of do we have policies and procedures? Obviously, there are policies and procedures and quite obviously, I believe if the Legislative Auditor did not believe that this Administration followed the policies and procedures, then they would have issued some indictments. Hence, the smoking gun that we have been talking about, that obviously is not there. So, I think before we get to the issue of dealing with our policies and procedures, we need to have the information required for us to make an informed choice. And for us to continuously talk around that issue, I think we're just wasting time.

So, I would just say that, let's make a determination. If we want to hire somebody, hire somebody - look at this. Once we've been advised, then we make an informed decision after we have done our due diligence. I don't think that it's anything that's necessarily aimed at the Administration one way or the other, because the Administration as I appreciate it has been clear, unequivocal, they've said the same thing over and over, they've been up-front with us, the whole nine yards. So, once we have gotten that advice from legal counsel then we can go forward. If it determines that we should, then we should. If we shouldn't, then we shouldn't and then let's just be done with it.

Councilman Green: Onto what Councilman Lester has said, if we hired somebody, how much would we pay 'em? I mean, what if we're talking about recouping a hundred and whatever thousand dollars, then how much are we going to pay to get the answer we want? And then on the other hand, while we're hiring, what we need to do is possibly hire some ex-councilmen to explain to us how we can get the meetings done sooner, because if you go back, we have spent more money than any Council has ever been in the history because we can't get our timing and our talking together.

So, if we're talking about spending and saving money for our City and for our citizens, then this body, we've got to hire somebody too because every week, normally, I think we've had about two meetings that hadn't gone over the normal time of previous councils.

So, while we're fixing everybody else and everything else, I think we gotta fix us. Because if

you check the record, we have spent more money in a year than probably some councils have spent in the whole four years. So therefore, if in fact we do a resolution or whatever, how much money are we going to pay whoever looks at to tell us what we want to know? And then how much are we going to pay them after they tell us what we want to know? And then what do we do then?

And here again, I'm going to say this and I know it's true, all we're looking for and we sugar coat stuff too much, all we're looking for is a smoking gun from over there in that chair—that's what we're looking for. And I think we ought to just fess up and say, 'look Mr. Mayor, we need a smoking gun. You got away and we're coming back after you again'; that's the bottom line, nothing else could be. Because when you talk about \$170-, 190,000 we throw that away; so, it ain't about the money.

Sometimes instead of attacking the problem, we attack the individuals and I think if in fact, we want to attack the problem, then we ought to take care of the problem, but we're looking for a smoking gun and we didn't get it this time. When I say "we", I'm just talking in general. So, therefore we gotta come up with something else and I don't know if I'm willing to sacrifice the money that citizens look for us to manage as stewards to do that. And again, if we do that, then we've got to ask ourselves, who are we going to pay to come up and consult us.

Councilman Hogan: You know, what I wondered in listening to the discussions the past couple of hours, obviously, the Administration believes that we should not ask for the repayment of this 25% of the \$197,000. But Mr. Antee, you might can answer this question for me. Regarding Altec Environmental. Have we done business with them before or was this Convention Center Project the first time we had ever done business with 'em?

Mr. Antee: I think we did some business with them on other projects, to what extent, I'm not sure. What I do know is that they were a sub-contractor to the original environmental company.

Councilman Hogan: . . . Jones.?

Mr. Antee: Correct. They were performing work on the garage site and Jones was performing work on the Convention Center site. Where we first became alert that we had problems with some billing practices, was when 1) our attorney brought it to our attention. And 2) we were looking at drilling that were for test and for samples that cost one price on the Convention Center side and a lot less by Altec on the other side. We got to the position to where the DEQ was questioning the work product that was being presented to them down in Baton Rouge where the approval process. So, rather than bringing in a total new company that didn't have any experience, we just moved Altec over to take the ball and run with it and they did and in our opinion, did a very good job.

We either have received (or Mike correct me) will be receiving some awards from the EPA for the cleanup that was done to that site, some Brownsfield Awards. And so, in addition to that, Altec did it for \$2.5million less than what were being told by the initial company that it was gonna cost to do it.

Councilman Hogan: Thank you for explaining that. You know, my point in asking the question was that obviously, there are not that many companies out there—you have to be certified by the EPA in order to do the removal of contaminated dirt; right?

Mr. Antee: I'm not sure who you have to be certified by, but you do have to have environmental engineers, you have to be licensed to perform that work, you've gotta be licensed to haul certain materials. So, the DEQ and the EPA are very much involved and hands on throughout this entire process.

Councilman Hogan: Well, my whole point in asking this and bringing this up is that there aren't that many local companies that do that type of work. You know obviously Jones, you said in the report or it was stated by the Auditor that the lack of quality of work was the reason that we dropped them.

And so, again, my point is that, if Altec stands to do more business with the City in the near future, if they've done business with us in the past, then there is potential there for them to do business in the future, one thing that we could do and it won't cost us anything is, someone approach Altec. And we asked them, in light of the relationship that we have with them and we've done business with them in the past, Mr. Antee according to what you've said, if they would be willing to negotiate some type of settlement on this. That's something that we could do in the beginning that won't cost us a penny; so, that's my recommendation and if you're looking for somebody to do that, I'd be happy to do that for you

Mr. Chairman.

Councilman Carmody: Thank you Mr. Hogan. Mr. Antee, I did want to make sure that I understood. You said that the original contract (inaudible) Environmental Company, their cost was \$2.5million dollars or estimate of the cost of \$2.5 million dollars over what we paid Altec. Is that right? I'm just trying to make sure I understood that right.

Mr. Antee: And I don't have those exact numbers in front of me, but it is in the response to the Auditor and it is in response to other documents. I think that the initial estimate for the remediation process once we got to the remediation originally was going to be somewhere around \$5 million and the number was between \$2.5 and \$3million. Not the total number, but the number of once they determined what had to be hauled off to what actually was hauled off, it was between \$2 and \$2.5million dollars less.

Councilman Carmody: Less than the bid that we received from - - -?

Mr. Antee: It wasn't a bid. It was verbal estimate.

Councilman Carmody: Oh, a verbal estimate. Okay, alright. Are there any other questions from Council Members at this point?

Councilman Walford: One more time.

Councilman Walford: Couple of questions to the Mayor. Mr. Mayor, there were recommendations made by the Legislative Auditor. Have we implemented those recommendations or are we in the process of implementing those recommendations?

Mayor Hightower: We have either implemented or addressed every recommendation the Internal Auditor made. Some we agreed with, some we did not. As I said before, we were in full cooperation with the Legislative Auditor. They spent 15 or 16 months here turning every page and every stone they could.

To address the request, our books are wide open, they always have been, they always will be. I welcome anyone that wants to spend 15 or 16 months or 15 or 16 minutes to come, take a look at everything that's been done on this project or any other project that we've done.

On this particular project though, it has been to the highest audit authority in the State and they essentially found no wrongdoing on the part of anyone at City Hall. Their recommendations, and their audit, and what they do, seems to me at least, that, that's good enough for the Governor, it is good enough for the Senate, the Legislators, it is good enough for Baton Rouge, it's good enough for New Orleans, it's good enough for the Caddo Parish School Board and I certainly appreciate what they did. Again, we welcomed their investigation and their findings and we've either addressed or implemented every single one of 'em.

And I think to some extent, Councilman Green is probably right. I mean, if you don't like the results, ask again and ask again. But again, I don't have a problem with that, I just want to be sure that the motives are in the right place. You know, we've been through this and everybody knows what the results are. We've addressed the things that should be addressed and implemented the things that should be implemented and again, there's been no wrongdoing, but I have no problem with another set of eyes looking at it, again for 15 or 16 months or 15 or 16 minutes.

Councilman Walford: So, if we were to have a new contract done at a different time with what's been implemented for their recommendations, we wouldn't have a recurrence of what they showed here or shouldn't have. Is that correct?

Mayor Hightower: That's correct.

Councilman Gibson: In reviewing the documentations that the State Auditor provided and it was quite lengthy with the time and money spent, if I understand we have Mr. LaFitte here in the audience, as I understand it, if there was a smoking gun, I think, is it not the State Auditor's responsibility, Mr. LaFitte, to refer this to the Attorney General for taking action? He's nodding affirmative.

Mr. Chair, you had in your other letter that you sent to the City Internal Audit and to KPMG which is a national accounting firm, requested the City Internal Auditor and the City External Auditor to follow up on the report's recommendations to determine compliance and to report the findings to the Shreveport City Council. I understand, I think in listening to the discussion today, what the spirit of what

we're trying to undertake, but at the same time, to have a judge or to have even attorneys come in and look at - - - it seems to me that having our auditors take on this and I would say from a cost effective side, our City External Auditor had already had a substantial contract with the City and I'm sure it would probably be one of the most cost effective ways to review what's going on because I think as I understand that it maybe outside the scope of work that we have on a contract with them. But it just seems to me they're in the business of - - - they know our business, they know our procedures and policies. The Administration has responded to the inquiry and exhausted efforts of the State Auditor that the only thing I will, in terms of how I'll be even voting on any, I don't think we have motion or anything on the table, but if my vote will reflect something that would be going back to the City's External Auditor and the Internal Auditor.

Because again, I have confidence in what they do and the fact that 1) we have City Internal Auditors that make it their job. They're paid professionals to do internally, but then we make sure that we have a check and balance with the City's External Auditor and to recreate this wheel is 1) going to spend more money than what we probably would. And I would feel more comfortable dealing with two entities that already know our policies and procedures and the overall scope of what this City does.

And again, if in fact, the State Auditor had and they made some recommendations and I've read through those recommendations multiple times in the evenings—if there were something there that went to the next level, then I think that all we have to do is turn to an ex-governor. When people started looking into the works of the State, they took the next step and indictments were filed and wrongdoing was found and that person now happens to find himself in the federal penitentiary.

None of that has taken place in this process, although I think the State Auditor has done this City a great service by pointing out some things. But I think again, the External Auditor and the Internal Auditor can come back through the normal course of business to tell us what's going on. Because we're not going to solve this today, we're not going to solve it probably in the near future, but it gives us some true guidance to go back to the spirit of what Councilman Carmody stated earlier, that this ought to be a cooperative endeavor between the Administration and the City Council,

And, I think as the City- - if my vote will reflect back to the City External Auditor and the City Internal Auditor to look at the recommendations and bring back before this Council and work- - going back to Councilman's Green statement, that we ought to be looking forward, but also learning from past experience. But I don't see anything there that rises to the level to bring in a judge who is not going to know exactly all the things that have taken place and even get attorneys involved, and I think Councilman Lester would agree, they're going to have to get up to speed on some things. It's probably going to cost us a lot more money than by using some existing people.

So, that's my comments on this issue and I hope that there is going to be some kind of motions moving forward because I think we've heard a lot of discussion today on this one particular subject matter.

Councilman Carmody: Thank you Mr. Gibson and to go ahead and conclude our discussion, if I could ask, because there is no reason to go through it right now. If I could ask the Administration to respond back to the eight recommendations and to communicate with the Council what has been implemented and to what extent, I think that would be of benefit as well please. So, if you could provide that back to us, because again, I know that there are specific recommendations, that I'm not sure that we've actually done. I know that I've heard on one television broadcast, that we had actually determined the exact cost of land allocation for the Convention Center from the River Park Fund Extension Project and reimbursed the proper amount. But I believe that last time that we convened, we had said that we weren't sure exactly to what extent that, that determination had been made because we didn't have a footprint for the parking garage and the hotel, and so we were going to wait to do that. But if ya'll could put that in the form of - - -

Mr. Antee: No, we know exactly has been spent out of that Fund. We know exactly how much has been refunded to that Fund from the Convention Center. We have not - - -we know exactly how much will be transferred back once the Hotel is done and moved forward. We know exactly how much

will need to be transferred when any other piece of that property is used for anything other than a park; so, all that's been done. The only thing is if the property is used for something else, then the money will be transferred.

Councilman Carmody: And if y'all could just include that back in y'all's response to the Council, I would certainly appreciate it.

Mr. Antee: Everything as far as the response is included in our response.

Councilman Carmody: To the Legislative Auditor?

Mr. Antee: To the Legislative Auditor.

Councilman Carmody: Well, let me then ask though, could you give us an update on what has been implemented, because I know that the Mayor had said that y'all had implemented some things. So, just to bring us up to speed as to where we are, we'd appreciate it.

**Property Standards Program Report:**

Councilman Carmody: I believe that yesterday, the Council Members had received copies of that Property Standards Reports.

Councilman Gibson: I'm kinda of at a loss of who to direct this to. I don't know if it's Property Standards. Well, I tell you what, I'll reserve - - - it is under Property Standards, but I'll defer to later, excuse me.

**Public Hearing:** None.

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

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

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

1. Resolution No. 20 of 2004 by Councilman Lester, Walford, Carmody and Gibson: A resolution to request the CAO to devise a plan to notify the Department of Community Development of the structural fires within the City and to otherwise provide with respect thereto.
2. Resolution No. 21 of 2004 by Councilman Lester: A resolution to amend and reenact the Neighborhood Investment Program (NIP), and to otherwise provide with respect thereto.
3. Resolution No. 22 of 2004 by Councilman Carmody: A resolution to allow the Public Service Commission to use the Governmental Chamber on March 17, 2004 and to otherwise provide with respect thereto.
4. Ordinance No. 12 of 2004 by Councilman Carmody: An ordinance amending the 2004 Capital Improvements Budget and otherwise providing with respect thereto.
5. Ordinance No. 13 of 2004 by Councilman Walford and Lester: An ordinance amending Chapter 38 of the Code of Ordinances providing for notification to utility companies when certain structures are to be demolished and otherwise providing with respect thereto.

Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

**Public Comments (Agenda Items to be Adopted).** None.

**CONSENT AGENDA LEGISLATION.**

Motion by Councilman Green seconded by Councilman Gibson for Introduction of Ordinances 6 and 7 of 2004. Motion passed by the following vote: Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

**INTRODUCTION OF RESOLUTIONS:** None.

**INTRODUCTION OF ORDINANCES:**

1. Ordinance No. 6 of 2004: An ordinance closing and abandoning a portion of Solo Lane running adjacent to Lots 1, 2, & 3 in the Solo Hood Subdivision, in the SW 1/4 of Section 31 (T17-R13W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.
2. Ordinance No. 7 of 2004: An ordinance closing and abandoning a portion of Ford Circle located along the west side of Hearne Avenue in the NE/4 of Section 34 (T18N-R14W), Shreveport, Caddo Parish, Louisiana and to otherwise provide with respect thereto.

**TO ADOPT RESOLUTIONS AND ORDINANCES:**

**RESOLUTIONS:** None.

**ORDINANCES:** None.

**REGULAR AGENDA LEGISLATION:**

RESOLUTION NO. 7 OF 2004

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF SHREVEPORT AND THE RED RIVER REVEL ARTS FESTIVAL, INC., FOR A RED RIVER REVEL ARTS FESTIVAL, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the City of Shreveport desires to support cultural, educational and leisure activity programs which serve the public and render a public service; and

WHEREAS, the Red River Revel proposes to conduct a Red River Revel Arts Festival in co-sponsorship with the City of Shreveport; and

WHEREAS, the Red River Revel Arts Festival will serve a public purpose; and

WHEREAS, the City and the Red River Revel desires to support and provide services as identified under the terms of this contract to produce the Red River Revel Arts Festival.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City Shreveport in due, legal and regular session convened that Keith Hightower, Mayor, is hereby authorized to execute an agreement with Red River Revel Arts Festival, Inc., substantially in accordance with the draft thereof which was filed with the original copy of this resolution for public inspection in the Office of the Clerk of Council on January 13, 2004.

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 Gibson, seconded by Councilman Walford passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

RESOLUTION NO. 9 OF 2004

A RESOLUTION AMENDING THE FIRE DEPARTMENT PAY SCHEDULE FOR THE MUNICIPAL FIRE CIVIL SERVICE PERSONNEL AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, it is the recommendation of the Mayor that the current pay schedule for the Municipal Fire Civil Service personnel be amended to clarify and distinguish existing pay schedules with respect to "Starting Firefighter" and "Firefighter."

WHEREAS, the proposed pay schedule attached hereto as Appendix "A" reflects said changes to the civil service pay schedule.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the pay schedule attached thereto as Appendix "A" be and is hereby approved, effective January 27, 2004.

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

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

Read by title and as read motion by Councilman Gibson, seconded by Councilman Lester passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

RESOLUTION NO. 10 OF 2004

A RESOLUTION TO THANK THE SOUTHERN UNIVERSITY FOOTBALL TEAM FOR WINNING THE 2003 NATIONAL BLACK COLLEGE FOOTBALL CHAMPIONSHIP AND OTHERWISE PROVIDING WITH RESPECT THERETO

BY: COUNCILMAN LESTER

WHEREAS, The Southern University Football Team (The Jaguars) won 12 games and lost 1 in 2003, and

WHEREAS, The Southern University Jaguars were named Southwestern Athletic Conference - Western Division Champions; and the Southwestern Athletic Conference Champions, and

WHEREAS, The Southern University Jaguars, had four players named to the American Urban Radio Networks 2003 Sheridan Broadcasting Network All-America Team, and

WHEREAS, The Southern University Jaguars amassed 5,486 yards in 2003 of total offense and doubled and scored 63 touchdowns, and

WHEREAS, The Sheridan Broadcasting Network named Pete Richardson Coach of The Year, and

WHEREAS, Quarterback Quincy Richard who was named 1<sup>st</sup> team All-Southwestern Athletic Conference, Southwestern Athletic Conference Offensive Player of The Year, and 3<sup>rd</sup> team Sports Network All-American, and set the school single-season passing standard, throwing for 3,430 yards and 33 touchdowns, as well as rushing for 221 yards and 11 touchdowns, and

WHEREAS, Lenny Williams, three-time All-American and three-time first team All-Southwestern Athletic Conference Defensive Back was chosen as Southwestern Athletic Conference

Defensive Player Of The Year and was named American Football Coaches Association All-American team, and

WHEREAS, Ezra Landry ranked 2<sup>nd</sup> in the nation in kick returns with 34 yards per return and he achieved a top 10 standing in punt returns, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened that the City Council and the Citizens of Shreveport congratulate Southern University Head Coach Pete Richardson, the entire Southern University Jaguar football team, and the entire coaching staff for winning the Southwestern Athletic Conference Championship, and the Black College Football National Championship in 2003.

BE IT FURTHER RESOLVED That the Shreveport City Council thanks the Southern University Jaguar football team for a very successful season and for being goodwill ambassadors for the State of Louisiana and the Citizens of this state.

BE IT FURTHER RESOLVED that this resolution shall be executed in duplicate originals with one original presented to Southern University Football Team and the other filed in perpetuity in the office of the Clerk of Council for the City of Shreveport.

s/Thomas G. Carmody, Jr., Chairman  
Council District C

/s/Calvin B. Lester, Jr.

Council District A

/s/R. M.  
"Monty"  
Walford

Council

District B

/s/Michael G. Gibson

Council District D

/s/Jeffrey A.  
Hogan

Council  
District  
E

/s/James Edward Green

Council District F

/s/Theron J.  
Jackson

Council  
District  
G

Read by title and as read motion by Councilman Green, seconded by Councilman Carmody for passage.

Councilmen Lester: I could go on and on, but time does not permit me to express my pride in my university. They did an outstanding job quite obviously, and they were Black College Football National Champions, recognized without controversy. Someone said that they were the real BCS Champions, Black College Sports that is. But we're very proud of them. They have a number of young men that are from the Shreveport area. Quite obviously, Southern University has the connection to this community that is long standing. There are many Southernites that are a part of this Body, a part of our Administration. Our Chairman, Board of Supervisors is the Honorable Mr. Sam Gilliam, who works very diligently with the City, so we're

just very proud of them.

And I was fortunate enough to attend the joint parade that they had in Baton Rouge on last week, so that was very good. So, I would just ask that we recognize my alma mater and look forward to even bigger and better things next year. Thank you Mr. Chairman.

Councilman Carmody: Go Jags!

Councilman Green: Mr. Lester, I'd like to have a copy of the resolution.

Resolution passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

#### RESOLUTION NO. 11 OF 2004

A RESOLUTION AUTHORIZING THE INSTITUTION OF EXPROPRIATION PROCEEDINGS AGAINST CERTAIN DESCRIBED PROPERTY WITHIN THE CITY OF SHREVEPORT IN CONNECTION WITH THE SHREVEPORT AIRPORT AUTHORITY LAND ACQUISITION FOR SECURITY PURPOSES, PARCEL NO: 1-2, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport through the Shreveport Airport Authority has developed the Land Acquisition for Security Purposes Project; and

WHEREAS, the property described in the legal description and more fully shown on the plat map marked as Exhibit "A", attached hereto, is situated in said development; and

WHEREAS, all attempts to amicably acquire fee title to the property comprising Parcel No: 1-2 have failed; and

WHEREAS, the Shreveport Airport Authority on December 18, 2003, adopted their Resolution No. 17 of 2003 to proceed to expropriate Parcel No. 1-2 described in the legal description and more fully shown on the plat map marked as Exhibit "A", attached hereto; and

WHEREAS, public necessity dictates that this property be owned by and subject to the use by the City of Shreveport.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the expropriation of this property is necessary for the public interest; therefore, the City Attorney be and he is hereby authorized to institute expropriation proceedings against the owners of record, as they might appear at the time of filing suit, of the property described in Exhibit "A" attached hereto as Parcel No: 1-2, to be acquired in fee title.

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

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

Read by title and as read motion by Councilman Green, seconded by Councilman Gibson passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

#### RESOLUTION NO. 12 OF 2004

A RESOLUTION AUTHORIZING THE INSTITUTION OF EXPROPRIATION PROCEEDINGS AGAINST CERTAIN DESCRIBED PROPERTY WITHIN THE CITY OF SHREVEPORT IN CONNECTION WITH THE SHREVEPORT AIRPORT AUTHORITY LAND ACQUISITION FOR SECURITY PURPOSES, PARCEL NO: 1-3, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport through the Shreveport Airport Authority has developed the Land Acquisition for Security Purposes Project; and

WHEREAS, the property described in the legal description and more fully shown on the plat map marked as Exhibit "A", attached hereto, is situated in said development; and

WHEREAS, all attempts to amicably acquire fee title to the property comprising Parcel No: 1-3 have failed; and

WHEREAS, the Shreveport Airport Authority on December 18, 2003, adopted their Resolution No. 18 of 2003 to proceed to expropriate Parcel No. 1-3 described in the legal description and more fully shown on the plat map marked as Exhibit "A", attached hereto; and

WHEREAS, public necessity dictates that this property be owned by and subject to the use by the City of Shreveport.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the expropriation of this property is necessary for the public interest; therefore, the City Attorney be and he is hereby authorized to institute expropriation proceedings against the owners of record, as they might appear at the time of filing suit, of the property described in Exhibit "A" attached hereto as Parcel No: 1-3, to be acquired in fee title.

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

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

Read by title and as read motion by Councilman Green, seconded by Councilman Gibson passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

#### RESOLUTION NO. 13 OF 2004

A RESOLUTION AUTHORIZING THE INSTITUTION OF EXPROPRIATION PROCEEDINGS AGAINST CERTAIN DESCRIBED PROPERTY WITHIN THE CITY OF SHREVEPORT IN CONNECTION WITH THE SHREVEPORT AIRPORT AUTHORITY LAND ACQUISITION FOR SECURITY PURPOSES, PARCEL NO: 1-4, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport through the Shreveport Airport Authority has developed the Land Acquisition for Security Purposes Project; and

WHEREAS, the property described in the legal description and more fully shown on the plat map marked as Exhibit "A", attached hereto, is situated in said development; and

WHEREAS, all attempts to amicably acquire fee title to the property comprising Parcel No: 1-4 have failed; and

WHEREAS, the Shreveport Airport Authority on December 18, 2003, adopted their Resolution No. 19 of 2003 to proceed to expropriate Parcel No. 1-4 described in the legal description and more fully shown on the plat map marked as Exhibit "A", attached hereto; and

WHEREAS, public necessity dictates that this property be owned by and subject to the use by the City of Shreveport.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the expropriation of this property is necessary for the public interest; therefore, the City Attorney be and he is hereby authorized to institute expropriation proceedings against the owners of record, as they might appear at the time of filing suit, of the property described in

Exhibit "A" attached hereto as Parcel No: 1-4, to be acquired in fee title.

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

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

Read by title and as read motion by Councilman Green, seconded by Councilman Gibson passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

#### RESOLUTION NO. 14 OF 2004

A RESOLUTION AUTHORIZING THE INSTITUTION OF EXPROPRIATION PROCEEDINGS AGAINST CERTAIN DESCRIBED PROPERTY WITHIN THE CITY OF SHREVEPORT IN CONNECTION WITH THE SHREVEPORT AIRPORT AUTHORITY LAND ACQUISITION FOR SECURITY PURPOSES, PARCEL NO: 1-5, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport through the Shreveport Airport Authority has developed the Land Acquisition for Security Purposes Project; and

WHEREAS, the property described in the legal description and more fully shown on the plat map marked as Exhibit "A", attached hereto, is situated in said development; and

WHEREAS, all attempts to amicably acquire fee title to the property comprising Parcel No: 1-5 have failed; and

WHEREAS, the Shreveport Airport Authority on December 18, 2003, adopted their Resolution No. 20 of 2003 to proceed to expropriate Parcel No. 1-5 described in the legal description and more fully shown on the plat map marked as Exhibit "A", attached hereto; and

WHEREAS, public necessity dictates that this property be owned by and subject to the use by the City of Shreveport.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the expropriation of this property is necessary for the public interest; therefore, the City Attorney be and he is hereby authorized to institute expropriation proceedings against the owners of record, as they might appear at the time of filing suit, of the property described in Exhibit "A" attached hereto as Parcel No: 1-5, to be acquired in fee title.

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

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

Read by title and as read motion by Councilman Green, seconded by Councilman Gibson passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

#### RESOLUTION NO. 15 OF 2004

A RESOLUTION AUTHORIZING THE INSTITUTION OF EXPROPRIATION PROCEEDINGS AGAINST CERTAIN DESCRIBED PROPERTY WITHIN THE CITY OF SHREVEPORT IN CONNECTION WITH THE SHREVEPORT AIRPORT AUTHORITY LAND ACQUISITION FOR

SECURITY PURPOSES, PARCEL NO: 1-8, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport through the Shreveport Airport Authority has developed the Land Acquisition for Security Purposes Project; and

WHEREAS, the property described in the legal description and more fully shown on the plat map marked as Exhibit "A", attached hereto, is situated in said development; and

WHEREAS, all attempts to amicably acquire fee title to the property comprising Parcel No: 1-8 have failed; and

WHEREAS, the Shreveport Airport Authority on December 18, 2003, adopted their Resolution No. 21 of 2003 to proceed to expropriate Parcel No. 1-8 described in the legal description and more fully shown on the plat map marked as Exhibit "A", attached hereto; and

WHEREAS, public necessity dictates that this property be owned by and subject to the use by the City of Shreveport.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the expropriation of this property is necessary for the public interest; therefore, the City Attorney be and he is hereby authorized to institute expropriation proceedings against the owners of record, as they might appear at the time of filing suit, of the property described in Exhibit "A" attached hereto as Parcel No: 1-8, to be acquired in fee title.

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

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

Read by title and as read motion by Councilman Green, seconded by Councilman Gibson passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

#### RESOLUTION NO. 16 OF 2004

A RESOLUTION AUTHORIZING THE INSTITUTION OF EXPROPRIATION PROCEEDINGS AGAINST CERTAIN DESCRIBED PROPERTY WITHIN THE CITY OF SHREVEPORT IN CONNECTION WITH THE SHREVEPORT AIRPORT AUTHORITY LAND ACQUISITION FOR SECURITY PURPOSES, PARCEL NO: 1-9, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport through the Shreveport Airport Authority has developed the Land Acquisition for Security Purposes Project; and

WHEREAS, the property described in the legal description and more fully shown on the plat map marked as Exhibit "A", attached hereto, is situated in said development; and

WHEREAS, all attempts to amicably acquire fee title to the property comprising Parcel No: 1-9 have failed; and

WHEREAS, the Shreveport Airport Authority on December 18, 2003, adopted their Resolution No. 22 of 2003 to proceed to expropriate Parcel No. 1-9 described in the legal description and more fully shown on the plat map marked as Exhibit "A", attached hereto; and

WHEREAS, public necessity dictates that this property be owned by and subject to the use by the City of Shreveport.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the expropriation of this property is necessary for the public

interest; therefore, the City Attorney be and he is hereby authorized to institute expropriation proceedings against the owners of record, as they might appear at the time of filing suit, of the property described in Exhibit "A" attached hereto as Parcel No: 1-9, to be acquired in fee title.

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

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

Read by title and as read motion by Councilman Green, seconded by Councilman Gibson passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

#### RESOLUTION NO. 17 OF 2004

A RESOLUTION AUTHORIZING THE INSTITUTION OF EXPROPRIATION PROCEEDINGS AGAINST CERTAIN DESCRIBED PROPERTY WITHIN THE CITY OF SHREVEPORT IN CONNECTION WITH THE SHREVEPORT AIRPORT AUTHORITY LAND ACQUISITION FOR SECURITY PURPOSES, PARCEL NO: 1-10, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport through the Shreveport Airport Authority has developed the Land Acquisition for Security Purposes Project; and

WHEREAS, the property described in the legal description and more fully shown on the plat map marked as Exhibit "A", attached hereto, is situated in said development; and

WHEREAS, all attempts to amicably acquire fee title to the property comprising Parcel No: 1-10 have failed; and

WHEREAS, the Shreveport Airport Authority on December 18, 2003, adopted their Resolution No. 23 of 2003 to proceed to expropriate Parcel No. 1-10 described in the legal description and more fully shown on the plat map marked as Exhibit "A", attached hereto; and

WHEREAS, public necessity dictates that this property be owned by and subject to the use by the City of Shreveport.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the expropriation of this property is necessary for the public interest; therefore, the City Attorney be and he is hereby authorized to institute expropriation proceedings against the owners of record, as they might appear at the time of filing suit, of the property described in Exhibit "A" attached hereto as Parcel No: 1-10, to be acquired in fee title.

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

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

Read by title and as read motion by Councilman Green, seconded by Councilman Gibson passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

#### RESOLUTION NO. 19 OF 2004

A RESOLUTION TO RECOGNIZE EDEN GARDEN MAGNET SCHOOL FOR ACHIEVING FIVE

STARS FOR ACADEMIC EXCELLENCE AND OTHERWISE PROVIDING WITH RESPECT  
THERETO

BY: COUNCILMEN GIBSON, GREEN, AND HOGAN

WHEREAS, Eden Gardens Magnet School has been recognized as a Five Star School of Academic Excellence by the Louisiana Department of Education, based on the "Fall 2003 Accountability Results"; and

WHEREAS, the Five Star label is assigned to schools with a school performance score of 140 or above and it is the highest label that a school can achieve: and

WHEREAS, the school performance score is based on factors such as standardized testing and attendance, and Eden Gardens', Fall 2003 School Accountability school performance score of 150.3 ranks Eden Gardens second in the State of Louisiana; and

WHEREAS, on Friday, January 23, 2004, Eden Gardens Magnet School celebrated its Five Star performance with "The Great American Read Out," to emphasize the important role reading plays in the success of a school, and in the success of students now and in the future.

NOW THEREFORE BE IT RESOLVED, that Eden Gardens Magnet School is recognized for achieving Five Stars for Academic Excellence, and for receiving a school performance score of 150.3, which ranks the Eden Gardens second in the State of Louisiana.

BE IT FURTHER RESOLVED, that the students of Eden Gardens Magnet School, their principal, Janice Hughes, their teachers and the staff are to be commended for their academic achievement.

BE IT FURTHER RESOLVED, Eden Gardens Magnet School is commended for highlighting the important part reading plays in the success of schools and students now and in the future with The Great American Read Out.

BE IT FURTHER RESOLVED, That all citizens of Shreveport are encouraged to read to their children and grandchildren and to volunteer to read to other children through programs sponsored in schools throughout the Parish, so that all schools and their students will achieve greater success than they presently enjoy.

BE IT FURTHER RESOLVED, that this resolution shall be executed in duplicate originals with original presented to Eden Gardens Magnet School and the other filed in perpetuity in the office of the Clerk of Council for the City of Shreveport.

/s/Thomas G. Carmody, Jr., Chairman  
Council District C

/s/Calvin B. Lester, Jr.

Council District A

/s/R. M.  
"Monty"  
Walford

Council

District B

/s/Michael G. Gibson

Council District D

/s/Jeffrey A.  
Hogan

Council  
District

E

/s/James Edward Green

Council District F

/s/Theron J.  
Jackson

Council  
District  
G

Councilman Gibson: I know that we have Mr. Mims looking down on this group today. Mr. Mims lives right across the street, he and his bride lived right across the street from the school. I know how much pride he took in nurturing the school, the faculty and the students and I know again, he is extremely proud. To have two of the top performing schools in the State of Louisiana right here in Shreveport is truly an accomplishment and I can't say enough, how proud-I have a personal vested interested in this school. When I first moved back to Shreveport in 1996, my daughter Nicole who is in 4<sup>th</sup> grade at Eden Gardens attended a private school here in Shreveport. And shortly afterwards my wife and I made a decision to enroll Nicole at Eden Gardens. And I will tell you, the dedication of the parents, the dedication of the faculty and the dedication of you, the boys and girls attend that, have made our transition in coming back to Shreveport a pleasurable experience and one that makes me proud to know that the public school system in Caddo Parish is not only alive and well, but it is truly achieving very high standards and it is very, very exciting to know that we've got the kind of dedication on all fronts to make a successful school. And I know that I've got a legacy coming behind my daughter, my son Zachary will be attending kindergarten next year there, so we will continue the tradition at Eden Gardens.

Read by title and as read motion by Councilman Gibson, seconded by Councilman Walford for passage.

Councilman Green: Certainly, I'd like to congratulate all of you and I have a vested interest there as well, my grandson Nicholas Johnson who did not make it today, he's at school working on his work to help ya'll to get to the sixth star; so, but certainly I'd like to congratulate you all and keep up the good work.

Councilman Hogan: I would like to also express my appreciation to the Principal Ms. Hughes, Ms. Allen, Counselor, and Ms. Douglas who is not present today, I don't think, is she Ms. Allen? She's working on Social Studies, okay, please be sure and tell her that we appreciate her as well. And not only the parents here that are in the audience, but also the parents that are watching at home but also to all the kids that are here and even the ones at the school, ya'll also are the ones that help make this school great and I'm proud to say that, my daughter goes there, and she is in 2<sup>nd</sup> grade in Ms. Santos class and Hanna is here, I think over by you Ms. Allen. I'd like to recognize her especially and say, thanks for coming today. And my parents are here and my wife is here, as well, and so congratulations again and we look forward to finishing out a great year.

Councilman Lester: I just want to congratulate the students, the faculty, and teachers particularly. Unlike some of my colleagues that have spoke before, I don't have the vested interested in Eden Gardens Elementary because my children aren't that age, but I am a product of Eden Gardens Elementary School; so, I would like to say that Eden Gardens has been producing fine kids for quite a long time--present company accepted. But it is no surprise that this school has gotten five stars because they have done an excellent job of educating the children in that community for a number of years.

And Mr. Gibson is right, Mr. Mims put a lot into that school, a lot of people in the neighborhood put a lot into that school. I think of when I was there, the person that a lot of us

heard about, Ms. Mauvice Walette was a Principal there, she made a tremendous impact on my life as a student when I was that age. State Representative Ernest Baylor was a former PTA President at Eden Gardens Elementary School, so there is a fine tradition of service there. So, I just want to tell you guys, to continue to work hard and you can do this or even that or even more.

Councilman Jackson: I too want to say congratulations to the school in its entirety, but certainly you can't have a five star school without a five star Principal, without a five star Teaching Staff and you certainly can't have a five star school without a five star students; so, I want to say congratulations to all of you students and keep up the good work and I know that the best is still yet to come not only for the students but also for the faculty and staff who do so much to enrich not only the lives of these young people, but to enrich the lives and the quality of life for all of us in Shreveport; so, thank you so much.

Councilman Hogan: Let me add my congratulations. No, I didn't go to Eden Gardens and my children are grown, but, I'd like to congratulate the students, the faculty and the leadership of the school because I think it is an outstanding accomplishment.

Councilman Carmody: As you all know the importance of reading, just remember that as they say, reading is fundamental and continue to read throughout your life. This the best way to keep your mind active and learn and it is obvious that that is what ya'll do and that is what you want to do, so I would encourage you, I know your parents are proud of you and we are certainly proud of you and thank ya'll very much for being here.

Mayor Hightower: I too would like to congratulate the whole student body at Eden Gardens, it took everyone and everybody's test scores to get you to where you are. There is a lot of maybe negative things said about what goes on in the City of Shreveport, and a lot of talk about the school system and certainly the focus over the past several years has been to change and turn around the school system and is evidenced by this class today and especially, comparing it to Mr. Lester, we know we've turned the corner and that things are doing good and I couldn't be prouder and the citizens of this City when you talk about our school system and the stigma that may be attached to it or the past that may be attached to it, when you realize that we have more blue ribbon schools in our parish, than in any other parish and when you understand that we have the top two five star schools in the state in our parish and in our city, I think we really do have something to be proud of. So, I think congratulations go all the way from the top to the bottom to the Superintendent to the individual School Board members, to the Staff, to the Principals, to the Teachers, to the Students and to the Parents who play a major, major role in being sure that our kids are getting the education they need to be able to compete in the future. I think the only mistake we made here today Mr. Chairman is that we should have let one of these students read that resolution instead of Mr. Thompson, there wouldn't have been any stumbling around.

But we know that they certainly have a lot of ability and a lot of talent and I would just encourage you to keep up the good work. You may think as young people that you can't do a lot to make your City better, but just the fact that you worked so hard to achieve this award in only 6 years, and I think you had 20, is it 10 years or 20 years to reach the goal—20 years to reach the goal and to get it done in 6 just speaks volumes about the dedication of each and every single one of you; so, whether you think you can make a difference in your City or not, I think, has been proven that you can. So, I congratulate each and every one of you. I hope you had a great time Friday and I hope you continue to have a good time and understand that rewards will come your way if you continue to work hard; so, congratulations to the Principal and to the Staff and to everyone involved in Eden Gardens.

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

Councilman Carmody: Ya'll are so well behaved. Thank you so much for giving us a good example.

Councilman Gibson: If I could ask the Chair, Councilman Hogan, and Councilman Green and the Mayor to come forward and we present this proclamation to Ms. Hughes. And I do want to thank the Mayor and Superintendent Tyler for their being present Friday at the celebration, we appreciate that attendance.

RESOLUTION NO. 20 OF 2004

A RESOLUTION TO REQUEST THE CAO TO DEVISE A PLAN TO NOTIFY THE DEPARTMENT OF COMMUNITY DEVELOPMENT OF THE STRUCTURAL FIRES WITHIN THE CITY AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY: COUNCILMAN LESTER, WALFORD, CARMODY AND GIBSON

WHEREAS, appropriately 380 structural fires occur within the City of Shreveport in any given year; and

WHEREAS, these burnt structures when left unattended reduce property values and cause undue stress for citizens who live in neighborhoods where these structures stand; and

WHEREAS, there is no system in place to expeditiously notify the Department of Community Development, Bureau of Code Enforcement of burnt structures that need to be inspected for property standards violations because of fires; and

WHEREAS, it is necessary and desirable that a system be created to notify the Department of Community Development, Bureau of Code Enforcement of burnt structures so that appropriate actions can be taken to have the structures repaired or demolished in a timely manner.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal and regular session convened, that the Chief Administrative Officer is requested to convene a meeting with the Fire Department, Department of Community Development and any other entities necessary to devise a plan to expeditiously notify the Department of Community Development, Bureau of Code Enforcement of burnt structures and to require the Bureau of Code Enforcement to inspect said properties and to insure that these properties are properly repaired or demolished when vacated.

BE IT FURTHER RESOLVED that the Chief Administrative Officer is requested to a promulgated said plan as an Administrative Procedure.

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 to be severable.

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

Read by title and as read motion by Councilman Walford, seconded by Councilman Lester passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

The Deputy Clerk read the resolution by title: Resolution No. 21 of 2004 by Councilman Lester: A Resolution to amend and reenact the Neighborhood Investment Program (NIP), and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Lester, seconded by Councilman Carmody for passage.

Councilman Gibson: Could I ask just for clarification from the author of the legislation?

Councilman Lester, this is your- - -

Councilman Lester: Yeah, this is basically some technical situations. If you want to ask more specific, Ms. Moore is here, and she'd be more than willing to deal with those issues. Ms. Moore?

Councilman Gibson: Well, I guess my question is, are we passing something that ties with the handout that was given out yesterday?

Councilman Lester: Yeah. Yes.

Councilman Gibson: I haven't had a chance to review this and I'm in support of the NIP Program and there are some things in here that before I cast my vote, I would prefer that seeing that we just received this information and I don't know about anybody else, but this was in my packet yesterday, that I'd ask for a two week delay to be able to review this to come back.

Motion by Councilman Gibson, seconded by Councilman Hogan to postpone this matter for a period of two weeks.

Councilman Lester: Mr. Chairman, I'm voting for the two week delay in deference to Mr. Gibson, but I think the thing that we need to be aware of, there were some deadlines that we, that the Community Development Department put out there. So, I would just request that if there are any questions that Mr. Gibson and/or any Council members have, lets get back to them as expeditiously as possible and I don't think that, that's going to be a problem.

Councilman Gibson: Councilman Lester and Ms. Moore, I appreciate the efforts on this and I realize all this cumulated, it's very professional, but I physically, did not have the time last night to go through and it's a very comprehensive document. And I think that obviously Councilman Lester, in his efforts in 2003 to move forward and to have additional resources to help our neighborhoods had a good concept of which this Council approved, but for me to be fair to this situation, there is no agendas other than to just to absorb the information, make notes and I will have my questions available for you in two weeks.

Motion to postpone approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

#### RESOLUTION NO. 22 OF 2004

A RESOLUTION TO ALLOW THE PUBLIC SERVICE COMMISSION TO USE THE GOVERNMENTAL CHAMBER ON MARCH 17, 2004 AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

By: Councilman Thomas Carmody

WHEREAS, the Shreveport City Council and the Caddo Parish Commission jointly adopted by resolution the rule that the Government Plaza Chamber's use shall be limited to meetings by the Shreveport City Council, the Caddo Parish Commission, the Metropolitan Planning Commission, the Shreveport Metropolitan Zoning Board of Appeals, Louisiana House of Representatives and the Louisiana State Senate; and

WHEREAS, the legislation also established a Government Plaza Chamber Standing Committee to oversee the operation of the Chamber and adjoining conference rooms and to make recommendations to the Shreveport City Council and the Caddo Parish Commission relative to the use and operation of the chamber and conference rooms; and

WHEREAS, the Public Service Commission requested to use the Governmental Chamber on March 17, 2004; and

WHEREAS, the Caddo Parish Commission has no objection to this use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal and regular session convened, to allow the Public Service Commission to use the Governmental Chamber on March 17, 2004, for a one time use.

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 resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read motion by Councilman Carmody, seconded by Councilman Green for passage.

Councilman Hogan: This is for the Public Service Commission?

Chairman Carmody: Correct.

Councilman Hogan: Okay, Mr. Thompson, we had discussed some issues about that. Do you recall our conversations?

Mr. Thompson: I recall having a conversation with you about it. Do you want to postpone, so that you can add something, amend it in some way?

Councilman Hogan: Well, I didn't realize this was coming up for vote today. But, my concerns were about other public bodies wanting to come in and if we open up the door for other government bodies to use our Chambers - - - and not that I'm opposed to this, but specifically, we should have something in writing about it. We didn't get to that point where we were going to have something that- - - ?

Mr. Thompson: Well, no, I didn't know that I was supposed to ask them to provide something in writing. I didn't understand that in our conversation. I'm sure that they can do it. It's a quasi governmental entity of the State of Louisiana holding a public meeting, but do we want to know the purpose of the meeting or how long it will be, or - - -

Councilman Hogan: Is it a public meeting?

Mr. Thompson: Yes, it's a public meeting.

Councilman Hogan: Okay, well I know they've had those in the past at schools and so forth. They had one at Northwood High School. And I've not had a chance to discuss it with any other Council Members. I suppose if there is no other objections, I'll go along with it.

Mr. Thompson: I will say that the Commission was asked about it at their meeting and they had no objections. No member had any objection to it.

Councilman Hogan: Okay, thank you. Mr. Green, did you have other - - -?

Councilman Green: I don't have any objections, I would be afraid to object on this. My bill is high enough.

Councilman Walford: I had a conversation with Public Service Commissioner Foster Campbell about this and I will say that I commend him for bringing some of the meetings to North Louisiana and I'd like to see this Body do all we can to support that.

Chairman Carmody: I agree. Thank you sir. If it's appropriate at this point, I would then call for the vote at this time.

Resolution passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

**INTRODUCTION OF RESOLUTIONS:**

1. Resolution No. 18 of 2004: A resolution authorizing the Mayor to execute a modification to the Utility Service Contract dated January 1, 1973 between the City of Shreveport and the United States of America for water service to Barksdale Air Force Base, amending the Quantity Charge and otherwise providing with respect thereto.

Read by title and as read motion Councilman Green, seconded by Councilman Walford for Introduction of the Resolution to lay over until the February 10, 2004 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

**INTRODUCTION OF ORDINANCES:**

1. Ordinance No. 8 of 2004: An ordinance authorizing and providing for an encroachment on a portion of the Sprague Street right-of-way, and to otherwise provide with respect thereto.
2. Ordinance No. 9 of 2004: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the west side of Fern Avenue 750 feet south of Sand Beach Boulevard, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-family Residence District and R-3, Urban, Multi-Family Residence District to B-1, Buffer Business District, and to otherwise provide with respect thereto.
3. Ordinance No. 10 of 2004: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the south side of Shirley Francis Road 700 Feet west of Audubon Meadow, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-family Residence District, to R-A, Residence Agriculture District, and to otherwise provide with respect thereto.
4. Ordinance No. 11 of 2004: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the northwest corner of Greenwood Road and Forge Road Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-family Residence District, to B-3, Community Business District with MPC Approval, and to otherwise provide with respect thereto.
5. Ordinance No. 12 of 2004: An ordinance amending the 2004 Capital Improvements Budget and otherwise providing with respect thereto.
6. Ordinance No. 13 of 2004 by Councilman Walford and Lester: An ordinance amending Chapter 38 of the Code of Ordinances providing for notification to utility companies when certain structures are to be demolished and otherwise providing with respect

thereto.

Read by title and as read motion Councilman Green, seconded by Councilman Carmody for Introduction of the Ordinances to lay over until the February 10, 2004 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Carmody, Gibson, Hogan, and Green. 5. Nays: None. Out of Chamber: Councilman Walford and Jackson. 2.

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

1. Ordinance No. 207 of 2003: An ordinance to formally name a portion of the service road of Clyde E. Fant Memorial Parkway to Flyer Drive, and to otherwise provide with respect thereto.

Having passed first reading on December 19, 2003 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Carmody, seconded by Councilman Hogan for adoption.

Councilman Carmody: Gentlemen, and by way of discussion, yesterday we visited, Councilman Green, I know that you were in a seminar. Two weeks ago, Councilman Lester had expressed some concern that maybe the property owners whose property actually fronts on this artery might not care to have the designation of Flyer Drive placed on the frontage of their property.

Yesterday, we received information from our, I want to say our DOS, Department of Operational Services, is that not correct? Thank you. That actually, they had contacted all but one of the property owners, and they had all said that they would agree to the name designation. The other one said that the brother of that owner had said that they did not think that their sister would have any opposition.

Councilman Green: What if after we pass this, and she decides to sue us?

Councilman Carmody: I guess, she'd get in line, is what Mr. Antee would say.

Councilman Gibson: Was the Little League organization touched base with on this?

Councilman Carmody: My understanding is that actually the Little League is not a property owner, that the property belongs to the Hamel's family and I believe that it was the Hamel's family that was contacted and not the tenant on the property.

Motion adopted by following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

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

Having passed first reading on December 19, 2003 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Green to postpone the ordinance until the February 10, 2004 meeting. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

3. Ordinance No. 1 of 2004: An ordinance to amend and re-enact Chapter 66, Article II, Section 66-105, of the Code of Ordinances relative to the Employee Retirement System Cost of Living increase to change the method for granting increases and to otherwise provide with respect thereto.

Having passed first reading on January 13, 2004 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Walford for adoption.

Councilman Lester: On yesterday, I'd asked for Mr. Achee to come and I see him in the Chamber. If he could give us a quick comment on this before we vote, I would appreciate it.

Mr. Achee: I proposed this particular City Ordinance in order that there will be a reasonable way in which to pay a cost of living raise. There is two thresholds that have to be met according to the actuary: the funded liability of the Retirement System has to be at least 90%, which is a healthy funding ratio. And then in order to grant a cost of living raise, the investment consultant for the Retirement System has to indicate in his annual report that in the preceding year, the income of the retirement system at least matched the actuarial rate used in the actuarial report. These are two good criteria and with that, we will not abuse the Retirement System by granting the cost of living raise.

Ordinance adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

4. Ordinance No. 2 of 2004: An ordinance amending the 2004 Capital Improvements Budget and otherwise providing with respect thereto.

Having passed first reading on January 13, 2004 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Lester for adoption.

Motion by Councilman Walford to postpone the ordinance until th February 10, 2004 meeting, seconded by Councilman Carmody.

Councilman Walford: I would like to make a substitute motion that we postpone this for two weeks until we get the contractual arrangements.

Councilman Lester: What this ordinance merely does is to take the funds from and delineates what is Operating and what is Capital. As I appreciate it, I understand where you are coming from in terms of wanting the contract and I agree that we do need to have a contract. This amendment is merely technical in nature because it delineates

where the money is going to come from. I don't think that we necessarily need to postpone action on separating this pool of money from that pool of money as it relates to the contract.

Councilman Walford: So as I appreciate it, these will be—Tom, I guess I am looking over to you. These will be strictly operating funds and anything that is paid out that is not for the building and so on, if I understood the earlier conversation correctly.

Mr. Thompson: The \$200,000 dollars which is suppose to be operating expenses was actually budgeted in a capital budget. And it was our office's recommendation that we would take the \$200,000. . .Capital Budget and put it in and budget in the Riverfront so that it could be separated from the Capital expenditures. And this is a \$200,000 that the State says that, we must give to a multicultural-type organization. We would highly recommend that you would adopt these ordinances.

Councilman Walford: Nothing will be expended until we have the, agreement?

Mr. Dark: We don't have any objections to this ordinance or the next one.  
(Councilman Walford with drew his motion to postpone.)

Ordinance approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

5. Ordinance No. 3 of 2004: An ordinance amending the 2004 budget for the Riverfront Development Special Revenue Fund and otherwise providing with respect thereto.

Having passed first reading on January 13, 2004 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Green for adoption.

Councilman Carmody: Just to clarify, Mr. Lester, the Chairman asks this is the companion legislation that goes with the prior.

Councilman Lester: That is correct.

Ordinance adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

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

Having passed first reading on January 13, 2004 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Carmody, seconded by Councilman Green to postpone the ordinance until the February 10, 2004 meeting. Motion adopted by following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

7. Ordinance No. 5 of 2004: An ordinance to amend Section 26-109 of the Code of Ordinances to authorize a non-refundable \$200.00 administrative fee for services rendered in connection with requests for expropriation to the Shreveport Redevelopment

Agency and to otherwise provide with respect thereto.

Having passed first reading on January 13, 2004 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Walford adopted by following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

The adopted Ordinances, follows:

ORDINANCE NO. 207 OF 2003

AN ORDINANCE TO FORMALLY NAME A PORTION OF THE SERVICE ROAD OF THE CLYDE E. FANT MEMORIAL PARKWAY TO FLYER DRIVE, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO:

WHEREAS, the service road of the Clyde E. Fant Memorial Parkway, called Parkway Service Road, has never been formally named; and

WHEREAS, a request has been received to officially name the portion of the Parkway Service Road beginning at a point 1351.00 feet east of Dee Street and running in a southerly direction to the intersection with Knight Street, to Flyer Drive; and

WHEREAS, the Office of the City Engineer has no objections to this street name request.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that the portion of the service road of the Clyde E. Fant Memorial Parkway, described as beginning at a point 1351.00 feet east of Dee Street and running in a southerly direction to the intersection with Knight Street in Sections 4 and 9 (T17N-R13W), Caddo Parish, Louisiana, be and the same is hereby named Flyer Drive, and as shown and as indicated on the plat attached hereto and made a part hereof.

BE IT FURTHER ORDAINED that to comply with LSA R.S. 18:201, a certified copy of this ordinance is to be furnished to the Registrar of Voters for Caddo Parish, Louisiana.

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

BE IT FURTHER ORDAINED that if any provision of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of the 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 resolutions or parts thereof in conflict herewith are hereby declared severable and repealed.

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*Thomas Carmody, Jr., Chairman*

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*Arthur G. Thompson, Clerk of Council*

ORDINANCE NO. 1 OF 2004

AN ORDINANCE TO AMEND AND RE-ENACT CHAPTER 66, ARTICLE II, SECTION 66-105, OF THE CODE OF ORDINANCES RELATIVE TO THE EMPLOYEE RETIREMENT

SYSTEM COST OF LIVING INCREASE TO CHANGE THE METHOD FOR GRANTING INCREASES 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 Chapter 66, Article II, Section 66-105 be amended.

BE IT FURTHER ORDAINED that Chapter 66, Article II, Section 66-105 be amended as follows:

Section 66-105 Cost of Living Increases

As used in this section, the term “consumer price index” shall be defined as the “Consumer Price Index for All Urban Consumers, U.S. Average, all items,” as of June 30 annually, issued by the U.S. Bureau of Labor Statistics.

a) The board of trustees shall direct a cost of living (COLA) increase in benefits effective January 1<sup>st</sup> each year based on the most recent percentage increase in the Consumer Price Index (CPI), if the following conditions are attained:

1. The increase in the CPI as defined herein has increased a minimum of one per cent.
2. The funded percentage for the retirement system as shown in the actuarial report for the calendar year preceding the effective date of the COLA is not under ninety percent, where the funded percentage is defined as the actuarial accrued liability divided by the actuarial value of plan assets, both amounts measured at the beginning of the calendar year.
3. The retirement system overall rate of return on investments, as reported by the system’s Investment Consultant, for the calendar year preceding was equal to or exceeded the interest rate for funding which was used in the actuarial report for the preceding calendar year.

b) However, if any regular retiree, disability retiree or their beneficiary, otherwise eligible to receive a cost of living increase and who is receiving a retirement benefit on the date such cost of living increase is implemented but has not been receiving those benefits for the minimum 365 day period, then they shall become eligible to prospectively receive the cost of living increase, if they remain continuously eligible for and receive the retirement benefit, upon reaching the 365 day minimum requirement. Any retirement or disability benefit except a long term disability (section 66-97) will be adjusted for the COLA as of the first day of the month following the retiree or beneficiary(s) meeting the eligibility requirement as stated herein.

c) All cost of living increases shall not be in excess of the average increase in the

consumer price index as herein defined, but otherwise limited to a maximum cost of living increase of five per cent. Notwithstanding anything contained in this article to the contrary, cost of living increases authorized by this section may result in benefits being paid to eligible recipients which, when added to the benefits being paid pursuant to other provisions of this article, may exceed limitations on such benefits provided elsewhere in this division. Such benefit limitations provided elsewhere in this division shall not deprive anyone of any cost of living increases granted pursuant to the provisions of this section.

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 part thereof in conflict herewith are hereby repealed.

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*Thomas Carmody, Jr., Chairman*

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*Arthur G. Thompson, Clerk of Council*

ORDINANCE NO. 2 OF 2004  
AN ORDINANCE AMENDING THE 2004 CAPITAL IMPROVEMENTS BUDGET AND  
OTHERWISE PROVIDING WITH RESPECT THERETO.

BY: COUNCILMAN CALVIN LESTER

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

WHEREAS, the City Council finds it necessary to amend the 2004 Capital Improvements Budget to provide additional project funding and for other purposes.

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

In Program A (Building and Improvements):

Decrease the appropriation for Multicultural Center (96A002) by \$200,000. Funding source is Riverfront Development Special Revenue Fund.

Adjust totals and subtotals accordingly.

BE IT FURTHER ORDAINED that the remainder of Ordinance 162 of 2002, as amended, shall remain in full force and effect.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the

application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or applications; and, to this end, the provisions of this ordinance are hereby declared severable.

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

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*Thomas Carmody, Jr., Chairman*

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*Arthur G. Thompson, Clerk of Council*

ORDINANCE NO. 3 OF 2004

AN ORDINANCE AMENDING THE 2004 BUDGET FOR THE RIVERFRONT DEVELOPMENT SPECIAL REVENUE FUND AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BY: COUNCILMAN CALVIN LESTER

WHEREAS, the City Charter provides for the amendment of any previously adopted budget; and

WHEREAS, the City Council finds it necessary to amend the 2004 budget for the Riverfront Development Special Revenue Fund to appropriate funds and for other purposes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in legal session convened, that Ordinance No.168 of 2003, the 2004 budget for the Riverfront Development Special Revenue Fund, is hereby amended as follows:

In Section 2 (Appropriations):

Decrease Transfer to Capital by \$200,000

Increase Other Charges by \$200,000

Adjust subtotals and totals accordingly.

BE IT FURTHER ORDAINED that the remainder of Ordinance No. 168 of 2003 shall remain unchanged and in full force and effect.

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

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

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*Thomas Carmody, Jr., Chairman*

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*Arthur G. Thompson, Clerk of Council*

ORDINANCE NO. 5 OF 2004

AN ORDINANCE TO AMEND SECTION 26-109 OF THE CODE OF ORDINANCES TO AUTHORIZE A NON-REFUNDABLE \$200.00 ADMINISTRATIVE FEE FOR SERVICES RENDERED IN CONNECTION WITH REQUESTS FOR EXPROPRIATION TO THE SHREVEPORT REDEVELOPMENT AGENCY 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 26-109 of the Code of Ordinances of the City of Shreveport is hereby amended to add Section 26-109 (28) relative to a fee charged by the Department of Operat

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Sec. 26-109. Fee schedule for services rendered by the Department of Operational Services. A fee schedule for certain services provided by the Department of Operational services is hereby established as follows:

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- (28) *Shreveport Redevelopment Agency Expropriation Requests.* Two Hundred Dollars perparcel requested for expropriation. The said fee shall be non-refundable except in cases where the applicant is not the winning bidder for the property, in which case, the application fee shall be refunded to the applicant and the winning bidder shall pay the fee to the City prior to final conveyance of the property.

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

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

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*Thomas Carmody, Jr., Chairman*

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*Arthur G. Thompson, Clerk of Council*

**UNFINISHED BUSINESS:**

1. Resolution No. 88 of 2003: Amending Sections 1.8 and 1.11 of the Rules of Procedure of the City Council (Public Comments). (A/Lester) (*Tabled on June 24*)
2. Ordinance No. 40 of 2003: Changing the names of the Shreveport Blanchard Road from the Roy Road to North Hearne Avenue, and of Ford Street from North Hearne Avenue to Pete Harris Drive, and of Caddo Street from Pete Harris Drive to the Clyde Fant Parkway to Hilry Huckaby III Avenue. (A/Lester) [*Tabled \*As Amended on July 8 - \*Changing the name of the Shreveport Blanchard Road from the Roy Road to North Hearne to Hilry Huckaby III Avenue.*]
3. Ordinance No. 152 of 2003: Amending Chapter 26 of the Code of Ordinances of the City of Shreveport by adding Article VIII., Division 1 and Division 2 relative to disposal of public property and disposal of adjudicated property. (A/Lester) (*Tabled on Nov. 11*)

**NEW BUSINESS:**

1. Liquor Permit appeal: In Sun Strickland (deferred until Feb. 23)
2. ABO Card appeals:
 

1. Paul Johnson (denied)	2. Maren Strickland (withdrawn)
3. Franjo Dujlovic (withdrawn)	4. Benjamin Wallace (granted)
3. Taxi Driver license: 1. Terry Robison (postponed until Feb. 10) 2. Walton Quick (granted)
4. BAC 113-03, *B R A Investments Inc.*, 2882 Southland Park Dr., Special Exception Use and a variance in the hours of operation in a B-2 District, Lounge. (E/Hogan) (*Postponed - Jan. 13*)

Motion by Councilman Walford to overturn the decision of the Zoning Board of Appeals, seconded by Councilman Hogan.

Councilman Walford: I'll give you a motion as much as it pains me to overturn the decision of the Zoning Board of Appeals. (Councilman Hogan: Excuse me, I was reading another report, Mr. Chairman.) As much as I hate overturning the decision of that body, procedurally, that is really the only way we can handle this because the original applicant to the Zoning Board of Appeals after there was public opposition has decided to withdraw his application however, it had been passed by the ZBA and appealed to the Council and essentially the only way the Council can handle it, is to overturn the ZBA which will effectively deny the alcohol for that location., So, after a lot of discussion with Mr. Thompson and Mr. Kirkland, this seems to be the only way to handle with and I would urge you to join me in voting to overturn the ZBA.

Councilman Carmody: I know that we had sent a letter to the applicant, and did we ever receive any response from him?

Mr. Thompson: No, but in the letter I said: *Therefore, the City Council will consider your letter as a request to reverse the decision of the ZBA and to deny the special exception use unless you advise them to the contrary*, and therefore, we have not received any advise to the contrary.

Councilman Carmody: I appreciate the counsel.

Motion approved by the following vote: Ayes: Councilman Walford, Carmody, Gibson, Hogan and Green. 5. Nays: None. Out of Chamber: Councilman Lester and Jackson. 2.

Councilman Green: I just wanted to make a clarification. We had been saying that Councilman Jackson was out of the Chamber, he was locked out of the Chamber. I just wanted to clear that up for the record.

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

**CLERK'S REPORT.** Letter of appeal (case to be considered Feb. 10):

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

**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 6:06 p.m.

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*Thomas Carmody, Jr., Chairman*

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*Arthur G. Thompson, Clerk of Council*