COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT, LOUISIANA APRIL 13, 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, April 13, 2004, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Councilman Hogan.

On Roll Call, the following members were Present: Councilmen Lester (3:06), Walford, Carmody, Gibson (3:06), Hogan, Green and Jackson. 7. Absent: None.

<u>Approve Minutes.</u> Motion by Councilman <u>Green</u>, seconded by Councilman <u>Walford</u> to approve the Administrative Conference Summary Minutes of March 22, 2004 and the Council Meeting Minutes of March 23, 2004. Motion approved by the following vote: Ayes: Councilman Walford, Carmody, Hogan, and Green. 4. Nays: None. Absent: Councilman Lester, Gibson and Jackson. 3.

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

Distinguished Guests: Resolution No. 64 of 2004: To recognize Mr. Roy Griggs (F/Green). [See Resolutions on Second Reading and Final Passage]

Resolution No. 65 of 2004: To recognize Mr. Delano Wilson (F/Green. [See <u>Resolutions</u> on Second Reading and Final Passage]

Resolution No. 82 of 2004: To congratulate the Huntington High School Raiders for qualifying for in the Louisiana State Basketball Quarter Finals. (F/Green) [See <u>Resolutions on Second Reading and Final Passage</u>]

Councilman Carmody recognized Commissioner Stephanie Lynch.

Councilman Green: I have one more recognition, you've already recognized Stephanie. But Attorney Brian Barber, I think I saw him. Brian, this is his last day. He has done a great job for us and now he is moving on to another position over in the DA's Office, I believe. So, I would just like to say thank you for your work and congratulations for your new job.

Councilman Carmody: I understand we also have a Distinguished Guest, Jerry Tim Brooks in the Chamber. Glad to have you here today..

Councilman Green: Hey, that is Pro, from my district.

Councilman Jackson: I would ask Mrs. Bobby Henderson to come and I know Bobby is part of the West Caperton Concerned Citizens of Queensborough Homeowners Association and we've already made a formal presentation, Barbara a few weeks ago. I just want to give this to you if you will take this back to the appropriate persons, I know they will get it and I appreciate their patience as well.

Convention Center Report:

Mr. Antee: We passed out the most recent Fair Share numbers that we received from Yates as of March 29, 2004. It is projected that the Fair Share, MBE and WBE participation is projected to be \$24,137,606 which equals about 36.92% and as we receive those, we'll keep forwarding them to you.

A month ago, we sat here and told you that by the end of March we'd hope to see some steel coming out of the ground. Hopefully, we will get out of there while it is still day light and everybody can drive by and see that about 15 or 20% of the steel is already erected and they are coming along with it just fine.

As far as the Convention Center, the most recent progress meeting held last week still has a completion date by the end of '05, so that is on track and actually they are tracking right now, a little ahead of schedule, so if the weather holds good, they will continue to do that.

Are there any questions on the Convention Center before I go to an update on the hotel?

Councilman Lester: I'm reading this report, Mr. Antee and it appears that the Total Subcontracts and Purchase Orders Paid to Date for Fair Share and MBE is, well actually, that figure isn't there. I see the subtotal winds up being 27.13%. In terms of the Subcontracts and Purchase Orders Issued, but we don't have a tally on what is actually just in this chart has actually been paid or actually paid to date by this subcontracts and purchase orders.

Mr. Antee: Actually I think total Fair Share, MBE/WBE to date is that \$1,775,000. Councilman Lester: No that is Subcontracts Awarded. But that is not—I'm looking at the second. . . .

Mr. Antee: It is under the Paid To Date column.

Councilman Lester: It doesn't add up—\$1.5 million? That doesn't add up, that's about \$200,000. I'm not an accountant, but that adds up to about \$200,000. I'm just trying to get a figure on what has actually been paid to Subcontractors and Purchase Orders Issued, paid to date. If I could get that figure because that is not there, actually at this particular time.

Mr. Antee: Okay, I'll get them work on that. I'm not sure. We just got the report and I forwarded it, but I see what you are saying and we will get them to give us, Paid To Date, the actually numbers.

Councilman Lester: And I would like to juxtapose that against the total amount of contracts that have been paid to date.

Councilman Carmody: I did receive a copy of a Times Picayune article from April 8 regarding the Morial Center. The headline reads "Morial Center watching price of steel rise." and it had notes in the article that it was W. G. Yates and Sons that was the prime contractor on the site. Mr. Yates is quoted in the article and again we are talking about a project that is in New Orleans.

Mr. Antee: We are also talking about a project that the State Supreme Court has ruled that the bid did not meet the public bid laws, so it is being delayed by litigation.

Councilman Carmody: And I really didn't want to go into that portion of it, but what I wanted to ask about was that in that the article stresses that the cost of the commodity of steel has gone up exponentially in the last six months, that it begs the question of whether or not we have a provision in our contract with Yates which would allow a contractor to get an adjustment and price because of a change in market conditions?

Mr. Antee: No.

Councilman Carmody: So when we gave his bid regardless of what the cost is for the materials, that is what he has to live within?

Mr. Antee: That is correct. We have a contract for the \$65,300,000 and any rise in cost, if he did not lock in his price at the time that he made the bid, then that is a risk he takes.

Councilman Carmody: Very good, Sir.

Councilman Gibson: In relation to that, the construction industry here locally has had numerous discussions on price escalation clauses. The Federal Highway Commission has already approved that into their contracts around the country. It is the intent of the construction community to being dialogue with a variety of agencies to talk about that in future projects, but to look back on projects, most of the construction industry believes that that doesn't, and Mr. Antee is right on target, in the fact that they have signed contracts, most of them have already

locked into pricing for steel with their suppliers but in some cases where, the case of the Federal Highway Commission, the construction community has provided documentation where for example, a highway project may be three or four years in the making. At the time a contract is signed they may not get to a portion of the project so they are putting those escalation clauses in there.

If we have in the future a City of Shreveport project that is lengthy in nature which is that is very fair to occur most projects are completed within a few months or in this particular case, I guess the Convention Center is probably the largest or the most lengthy project we will undertake, probably in the City's history. We are not sure at this point and time, where that is going to go. There is commodity pricing increases on cooper (for the electrical side), almost all of the commodities are jumping extremely high right now, anywhere from 20 to 60% over the last 90 days, but the construction industry will be approaching the Administration in the near future about those kind of discussions but it will be in a team effort to try to see what is in the best interest to not only the taxpayer, but also what is in the best interest of the business community, also.

Mr. Antee: I don't know what flexibility the Administration would have because all of this is dictated by the state public bid law and I think any conversation would have take place with the Legislature because it is currently illegal to do a cost plus contract under the public bid system, so. Obviously we understand the predicament that they are, but that is conversation that has got to take place in Baton Rouge.

Councilman Carmody: One more question before we move on to the hotel, I see that under <u>Introduction of Resolutions</u>, we have a Resolution No. 74: *Authorizing the Mayor or his designee to deviate from the Landfill Fee Schedule established in Sec. 74-54 of the City of Shreveport Code of Ordinances*, Is this a request by our contractor, W. G. Yates and Sons?

Mr. Antee: No, this is a request by the Administration. When the trash and debris is hauled off from the Convention Center site and taken to the landfill then there is a \$30 or \$32 dollar charge of that, \$10 is the City's portion and so we are waiving that \$10 portion because it is a cost from the City to the City. And, rather than have the contractor write the check to the landfill, landfill disburse the monies, paper transaction to the City and then the City back to the contractor, it is just cleaner this way. So, they go and pay the \$20 or \$22 dollars and there is no monies going back and forth for the City's portion of it.

Councilman Carmody: I just don't recall us ever having done this before and I know that we are in the process of building a City jail and I think that we've done some of the capital improvements buildings and so that is why I did not know if this was a request from W. G. Yates and Sons.

Mr. Antee: I am not sure where it originated from, but. . . .

Councilman Carmody: I know it is on just for Introduction, so maybe we would find that out before the 27th when it is up for consideration.

Mayor Hightower Part of what Ken said is true. The other part of it is, is we want to control the disposal. We don't want construction debris or contaminated soil or anything that comes off of that site given the history of it to go to Site A Landfill that belongs to somebody else or Site C that is in Haughton or Site F that is in Minden because the price may be different or that is where the contractor wanted to go with it for whatever reason or the hauling company. We wanted to be sure because it is our site that we control that debris from cradle to grave and the only way to do that is to put it in our site, have it actually catalogued as to where it is so that down the road if there is any question on anything that got built, delivered to, disposed of from

the Convention Center site, we are going to have it catalogued at our landfill and we know exactly where it is.

The money side of it was two-fold: 1. to be competitive and also again, just like we do on sales tax dollars, we'll sign and we sign and I'm going to say at least 100 of them on city projects they waive the sales tax instead of cycling the money around and paying ourselves and back and forth. We just delete it when they walk into the supply house, wherever that may be, they are able to get it without paying the sales tax instead of it circling it back and they sending it back to us, so it is really the same principal there. But the main reason that we are doing it is because we want to control all of the waste on the site.

Convention Center Hotel Project Report:

Mr. Antee: The hotel is being designed and we anticipate by the end of the year, the hotel will be designed. We have the financial advisors working on a minimum of two options in terms of financing the hotel. The payout and the bonds, we are going to present to the Hotel Trust Authority so that the Hotel Trust Authority can present both and make a recommendation to the Council.

What will be added to the agenda today is a resolution in support of the Tax Incremental financing District which would consist of the hotel. It will eliminate the School Board's portion, the fire and police pay raise portion and Bossier City's .75% of the occupancy tax.

That TIF legislation is very, very important for development of a hotel. It only includes sales and taxes in the four corners of the hotel. It does not include any sales tax in the Convention Center or any tax for the parking garage or anywhere else downtown except within the confines of the hotel. We have a financial advisor named Harold Asher that we retained to run the numbers and do the financial projections based on the TIF. He is the financial guy in New Orleans that is opposing their TIF District. He is an expert in those areas. He is with a CPA firm down in the New Orleans and he committed yesterday that he wished that we could come down to New Orleans and do the TIF District because what we have put together here is a model that they should go by. He is very knowledgeable on it.

His preliminary numbers and we hope to have them by Thursday, a more final report, but his preliminary numbers that he reported to us yesterday is that by doing 30 year bonds on the hotel that with the TIF, the hotel could be debt free and paid for in 17 years, that takes 13 years of risk off of the backs of the taxpayers.

From the start, everybody has stated every expert in the convention business, everybody that we've talked to in terms of building a convention center said in order to be successful, you have to have a hotel. As you will recall when we first started, the Mayor put out RFPs to see if any private entity would come in and build a hotel. The numbers didn't work for various reasons for private entities to come in and build a 300 room or 400 room or 200 room hotel and part of the reason is because for private to do it, the tax, interest rates and those sorts of things.

The hotel is put together with the TIF revenues is a very, very solid and very good project. The TIF is very important because it will produce approximately \$1 million dollars a year initially to go towards the debt repayment and that is bottom line net revenue dollars straight to pay the revenue. We've had meetings, I will present a presentation and ask for a resolution in support to the Convention and Tourist Bureau on Thursday. Had meetings with their executive committee, have meet with members of the Chamber. I suppose to meet at some time with their Legal Affairs and Policy Committee to seek a resolution from them and I've met with local hotel owners. Today, the only opposition that we've heard have been from local hotel owners and in talking to them, they've admitted that the mid-week travel in the city now is low.

And that there is no other option out there that is going to increase midweek travel except a successful convention center.

If you read today's paper there is discussions about gambling in Texas and Governor Blanco basically stating that it is inevitable at some point and time. Well, I think everybody here realizes what affect that is going to do for Shreveport and Bossier, Northwest Louisiana and Southwest Louisiana. The biggest economic development tool that this City has on the horizon is being constructed on Caddo Street right now. All you have to do is go to New Orleans, Knoxville, Savannah, other areas and see what has happened around the convention center. If you go to New Orleans, there has been right at 7,000 new hotel rooms in the last 10 years in the downtown area and in the warehouse district.

When you look at the opportunity that we have by building the hotel, there is 140 to 150 jobs directly for the hotel. That does not account for the spin-off jobs for businesses that will develop around the Convention Center as part of the Convention Center process. It does not account for the number of jobs that SMG will have working at the convention center, that is strictly the hotel. When you look at all of that, you wonder, well why is there any opposition to taking the taxes that are generated in the hotel and using those dollars to pay for the hotel, to put the gas in the engine of that economic development tool with the Convention Center. And for the life of me I couldn't' figure out why. But then when you stop and think and you look where the opposition is coming from, it is coming from the hotel owners and I don't think that they are opposed or that they are concerned with the competition that a 300 room convention center hotel will present, but I do think they are greatly concerned with the spin-off, with the fact that with a successful convention center there will be other hotels, there will be demand for other hotels to be near the convention center and that is the competition that I think is scaring some local hotel owners.

I can't speak for them, they haven't told me that. I've asked them why they would be opposed to it and the only answer I got was, it is not good for the taxpayers. With what is not good for the tax payers is to have a convention center sitting down there that can't book conventions. Now SMG will be here Thursday, and they state that, as much as 67% more can conventions will be booked with a hotel than without a hotel. They are the biggest convention center manager in the country. They know what they are talking about.

I strong, strongly urge that we send a resolution to the Legislature, a unanimous resolution stating that Shreveport wants to move forward, we want the economic development that will come from the convention center and a hotel that they have seen in New Orleans and other areas and I'll be glad to answer any question.

Councilman Gibson: Mr. Antee, I concur with some of the statements that you are making but obviously this is a great economic opportunity for the citizens of Shreveport. Is there a strategic plan for this project in terms of marketing and strategic plan in terms of what this hotel is going to be in terms of financial performa and everything else?

Mr. Antee: I mean, I don't know what your definition of a strategic plan, there is a performa. There is a business plan that is being put together through the development phase of it, but if you----

Councilman Gibson: Okay, business plan. We haven't seen that business plan, to the best of my knowledge and we have not seen the financial performa for this plan. I mean, am I missing—have any of ya'll seen that, on Council? And I would respectfully request that we have a chance to review that because before I can even consider the TIF which obviously the Mayor was very clear a couple of weeks ago we are trying, 1. the bond market has changed and

the financial gap is widened on terms of responsibility the City is currently looking at and the Administration is working diligently to try to close that financial gap as I understand what you presented two weeks ago.

But without knowledge of where we are going once that facility is up and running, I guess I'm being asked by a wide range of businesses and people in my district about what is taking place knowing that this city has some real financial concerns and challenges before it.

The other question I have is, the consultants on both the hotel and the Convention Center have projected that we, obviously this is a investment and just like with the CenturyTel Arena and the Superdome, those initial investments, the cities had to provide and realize it is going to cost taxpayers money and there is projections showing, at least the last I heard back in 1997 and 1998 and then some updates here recently and I think I even heard the Mayor say that we were going to lose a minimum of \$1 million dollars on the hotel. We are going to lose, I've heard, anywhere from \$1 to \$3 million dollars on the Convention Center.

Where is that money going to come from? And, I hope that that is going to be in this financial report in this business plan that tells us where those monies are going to come from. Because right now, 1. we know it is not going to come from the riverfront, the Administration has been clear that the river is completely tapped out. 2. If it is not coming from there, where is it coming from because there is not any contingency as I understand it in the building of this thing. Can you shed some light on where we are going to make up that difference over time?

Mr. Antee: I absolutely can not because I have no idea where you coming from with these numbers with. I mean, no where has anybody said the hotel is going to lose a million dollars. It has been stated all along that the Convention Center, as a stand alone entity, would need as much as a million dollars a year to keep it operating.

Councilman Gibson: Say that one more time.

Mr. Antee: The Convention Center, it has always been stated that the Convention Center could need as much as a million dollars a year to maintain the operation of it. If you want that number to be more, then don't build a hotel because then it is probably going to run \$2 to \$2.5 million dollars to keep it running.

The hotel will float on its own merit. Now, if you want to guarantee that, you put an extra million dollars a year to the net revenue and that is what we are trying to do with the TIF District. All we are asking you to do today is to pass a resolution saying you support keeping a million of dollars of revenue that the hotel generates to pay the debt on the hotel and it has nothing to do with the operation of the Convention Center. It has everything to do with making the hotel financially feasible.

Councilman Gibson: Well again, until 1. we see those numbers it is a little premature, in my opinion, to support that. And I'm willing to take that under advisement based on the information.

2. I too remember that early on in this project that, and I do appreciate this PKF Consulting Study that has been handed to us, but I also remember too that there was very hard discussions early on the Convention Center and Convention Center Hotel that talked about the number of rooms that we needed, 500 versus 300. I hear and I've heard the argument or the explanation that our local hoteliers have a major concern about a 500 room hotel and that obviously that is going to hurt them, but at the same time, I've heard from the professionals in the community regarding conventions that these conventions, they have certain criteria that they want to see on-site and we will not qualify for some of those potential conventions with a 300 room hotel versus a 500 room hotel. And I guess. . .

Mr. Antee: What would we qualify for with no hotel, Councilman Gibson?

Convention Center forward. The consultant report early on in 1997/'98 pointed out to us over at the Texas Street City Council Chambers that they recommended that the Convention Center not move forward unless we had a hotel contract in place, don't do anything until you have that hotel in place because the two go hand-in-hand.

Now, we are building the Convention Center and now we have the hotel after the fact; so, I sat in that meeting at old City Council and heard that very clearly; so,

Mr. Antee: So you again, saw the construction that is going on a \$65 million dollar project?

Councilman Gibson: No, sir I am always enjoying all the construction but that's beside the point. We are being asked to pass a TIF at this point and time without proper documentation and I've just said, pure and simple, I want to have a chance to review that information before we move forward on a resolution that binds our tax base on that hotel to pay for some of the debt service. I don't think that is an unfair statement.

Mr. Antee: Mr. Chairman, if I may explain the process. All we have is a resolution from the City Council asking for support in the Legislature. If it gets passed in the Legislature and a TIF District is formed then it has to come back to this Council to vote on the TIF District.

At that time, if you do not want a TIF, do you do not have to enact it and it will be no TIF District. The Legislature is in session now. You need to make a decision, now. If there is people in your district that is against it I understand it and I think I understand the reason why. But the time comes that you got to pick what's best for the City as whole, what's best for the region as a whole or what's best for a few people. And to pass a TIF and to throw away a million dollars in revenue a year, is killing any prospect of a hotel.

Councilman Walford: I think Mr. Antee has just said, exactly what I was going to ask. I think it is clear, all we are asked to do is pass a resolution telling the Legislature that we support a TIF.

Mr. Antee: That is correct and it will have to come back to the Council to enact the TIF. Councilman Walford: Good; thank you.

Councilman Jackson: I appreciate the explanations and certainly the concerns that have been voiced today. I certainly am in agreement that, whatever is necessary to make the project feasible and financially stable is what we ought to do. However, I in fact do understand Councilman's Gibson concern but I think this is a scenario as Mr. Antee, I think attempted to put it in terms, perhaps not the ones I would have used, but we are in a situation where it is better to have it and not need it, then need it and not have it.

And I think what this resolution will to today is put us in a position of asking the Legislature to at least give us to power to come back and decide later whether or not we do what Mr. Gibson is apprehensive about today or not and I think his apprehension is merited and it is certainly his right, but I think if we will as a Council today, I think it will make sense for us to take advantage of the time when our Legislature is there to get the ability to do it and if we chose not to do it down the line, we certainly have that right to do it. I would certainly like to ask this Council, if we will in an effort to move forward to vote to support this resolution so that we will have the ability to do it if necessary.

Councilman Lester: I too support the goals of this Administration. I think that it is imperative that we do build a hotel. My concern is this, as I read the legislation, as I read the legislation on yesterday and previously the legislation does not, is not enabling legislation. What

the legislation actually does is create the district in and of itself in Baton Rouge. I think I expressed to the Mayor and the Administration that I would not want to support something where the Legislature itself creates the TIF District. I would be in favor of voting for a resolution that makes it clear and a bill that makes it clear that, that Baton Rouge authorizes this body to in fact create that TIF District and move for.

I'm in support of the TIF District. I think it is a worthwhile financing tool in order to get the hotel built. But as the bill is presently constituted, and I checked on it in its form this morning, that hasn't changed. In realizing how the Legislature works and how legislative bodies can take things from another body and try to read into the legislative intent some times, get it confused, I would just ask that if we are going to vote on any resolution that, that resolution and that bill track together where it is clear and unequivocal that we are asking the legislation in Baton Rouge to allow the City Council to create the TIF District as opposed to them doing it for us.

Mr. Antee: And we have absolutely no objections to that whatsoever if we could get that amendment prepared prior to. . . .

Councilman Lester: Not only the amendment to the resolution, Mr. Antee, but I am talking the bill itself.

Mr. Antee: There is an amended in the bill. The bill as written does not exclude the School Board tax, the Bossier tax, the fire and police tax nor does it exclude out of the state portion, that portion that is in the state legislative bill. There is an amendment being drafted to include that and we can also include that it authorizes this Council and we'd ask there be amendment. . .

Councilman Lester: From my standpoint, I would just feel a lot better voting that resolution once the bill itself has been properly amended to make those changes. Now, once we've done that I am one hundred percent in favor it. But what I don't want to do--as I view Baton Rouge, a lot of times things get lost on the road on I-49 between here and Baton Rouge and we start out over here and it winds up completely different over there--and I want to make it clear that, at least from this City Councilman's standpoint, we want them to authorize us to do it and not them create it ourselves. And I think if and as I appreciate it, Representative Glover is the author of that legislation. Once we got something from him saying that is what we did, I would be in position to support that.

Mr. Antee: We are asking and I think Mr. Dark is going to work on amendment stating that this resolution is in favor of such legislation that authorizes this body to enact it.

Councilman Lester: Right.

Mr. Antee: So that when you pass a resolution today, it only applies to what you are saying.

Councilman Lester: Well, I guess my question would be, would there have any, I guess downside if we got the actual amendment to the actual legislation in Baton Rouge in hand and then like at our next meeting, I think our next meeting is the 23rd, at that meeting the Legislature is still in session, we can at that point say the bill has been amended and this is what we are supporting as opposed to saying this is what we want to support and that's here and what the bill is something different. I guess that is where I am.

Mr. Antee: The problem that we have with that, obviously your resolution would only apply to legislation that authorizes this body to do it. If you don't include that in the amendment to the bill then that resolution does not apply to that legislation. The problem from a logistical standpoint that we have is the longer we wait in the legislative process to get it to committee, the

more difficult it is to get it passed. Because once it passes the House, it has to go to the Senate and then it has got to go through Committee and the longer we wait, the shorter time we have and the more bills that they are dealing with.

Councilman Lester: I understand.

Mr. Antee: So, what we are trying to do is get it in there and get it set through Committee, and get it through the House. Because we need to know as soon as we can if we are going to have that so that we can continue on with the financial planning and determining how to finance this hotel and that is why two weeks in the legislative process is an eternity. And I understand your concern and I think we can fix your concern by making sure that the resolution that passed clearly states that but we hope to get support from the Convention and Tourist Bureau the end of this week and then we are going to ask that we get it set for committee in Baton Rouge, so that we can speed it through the system down there before the backlog of all the other bills hits and they get crunched into a small period of time. Because we have got one shot, one legislative cycle to get this done in, if not the Convention Center is going to open without a hotel and the next Administration is going to be faced with some major financial issues and probably have to build a hotel later that is going to be a lot more expensive than what we have now.

Councilman Gibson: I guess I just want a point of clarification in terms of, the Legislature is in session until June, is that correct?

Mr. Antee: Correct.

Councilman Green: Some times we like to hold stuff hostage just for the sake of holding it hostage. If fact, I would ask that whatever statements has been already made at the time when we come to this item on the agenda that we just play them back and then we won't have to deliberate on it.

If in fact, the Administration doesn't ask for this now and then it comes up that it doesn't get passed in the Legislature this particular session then we are going to say that the didn't do their job. And I just think that, I am going to be voting to give them whatever they need to get this hotel and get everything balanced, today. And whatever the other nuts and bolts that we need to work out then when that time comes then we'll do it.

And some times we can just take issues that is not even an issue and we can make it whatever we want. But I just think that we ought to do whatever we can. It is not like if we pass this resolution today, it is not like we are going to be out of any money, but it would give them an opportunity to work with it in Baton Rouge. So, sometimes stuff that sounds good, is not sound; so, I'm going to be supporting it. I am going to ask that we not postpone it, that just either vote it up or down and then we'll move from there.

Councilman Carmody: I do want to point out and I do want to commend Mr. Antee for providing us the PKF study. What I am disappointed in is that the study is dated January 2004 and if I'm not mistaken I am not the only Council member that is just seeing this today on April 13.

And in regards to the comment that the hotel will float on its own merit, there is a disclaimer right here on the cover letter that says: This study does not in itself constitute a complete feasability study. A complete feasability study requires an analysis of the relationship of the potential operating earning to the investment required. The application of the financing plan, cashflow projects, particularly for the early years of operating. This goes back towards the question that was asked by Councilman Gibson regarding the feasibility of it. If the hotel will

float on its own merits, that I think all of our desire, But having gotten this information right now and being asked to vote on it today, again it leaves me on an unsure footing, Mr. Antee.

Mr. Antee: With all due respect Mr. Chairman, if somebody were to walk in here today and say 'I've got a check for a million dollars a year for the next seventeen years I'm going to give to the City Council, but you have got to vote that you want to accept that \$17 million'-- that's what the decision is. It is pure and that simple. We are not talking about feasibility study. We are not talking about 500 rooms or 300 rooms. We are talking about do we want a million dollars a year that is going to come to the Hotel Trust to pay off the debt that would otherwise either 1. not exist because it is not a hotel, because it doesn't make sense to build it without the revenue or 2. if the hotel is built, then it is going to go 4% to Baton Rouge, 3% to the Convention and Tourist Bureau, 2.75% to the General Fund, and the rest to the Stadium Fund and to Bossier City. That is all this question is: whether or not we want to accept a million dollars in tax revenues from the people staying in the hotel as a gift for every year until the hotel is paid off.

Now we can disguise it, we can hide behind other issues as Councilman Green said, but it is pure and simple. Do you want a free gift of a million dollars a year or not? Do you want a hotel that is going to provide minimum risk to the taxpayers because of that million dollars year or not? Or do you want to vote it down for whatever reason may be back there to benefit anybody else except the success of the Convention Center, that simple.

Councilman Hogan: On a different point, I'd like to get some clarification, Mr. Antee, if you don't mind. I understand that recently the State Legislature has given us the authority to authorize exemption on certain taxes and promote enterprise zones and things like that. But in regard to this issue, are we going to have authority after assuming that this bill passes the State Legislature, is this going to be specific to the hotel project or is this going to give us authority otherwise to enact a TIF District?

Mr. Antee: No, it only applies to the hotel. Only what is generated in the hotel. And keep in mind, this does not establish a TIF District. And with the change that is being provided, when we add it to the agenda that Councilman Lester requested, all you are going to tell the Legislature is you support legislation giving you, as the Council, the authority to create a TIF and at that point and time, you can create it or not create it.

Councilman Hogan: I guess better worded, the question would be any future projects that we have come along, we won't have to go back to the State Legislature to ask for permission to (inaudible).

Mr. Antee: Absolutely. This only applies to the hotel, only to the hotel.

Councilman Hogan: Okay, I'm clear on that now. Only to the hotel.

Councilman Carmody: Mr. Antee, I did receive a telephone call this morning from John Frazier who had said that he would be in attendance today. I believe that he is in the Chamber in regards to the request for the City Attorney's opinion that we had discussed at yesterday's work session.

Mr. Frazier: When I spoke to you this morning, Mr. Chairman, I advised you that I was the person who had been given the task of preparing the opinion requested by the Council in connection with the resolution concerning the contract between the City and the building by Altec Environmental.

I have interviewed a number of people, reviewed a number of documents. I am however not prepared at this moment to issue the opinion.

Mr. Frazier: this week, but I'm gonna be gone the last few days. I would think certainly by the end of next week, that opinion will be in final form and ready for distribution and we'll be more than happy to provide it to all concerned at that point.

Mr. Frazier: It close.

Councilman Jackson: Mr. Antee, at the last meeting of the Hotel Authority, we talked about my concern for which I had asked for a legal opinion with regards to the State's contribution on the hotel piece. And I received back, I think maybe Council may have or at least the Hotel Authority received a copy of that Attorney's opinion which was basically the same thing we knew before we left, the same thing that was said, let me say, at the Hotel Authority meeting.

And I wanted to request further to ask because that wasn't satisfactory—at least it didn't satisfy my real concerns about the money and I further read in a Cooperative Endeavor Agreement that we had with the State of Louisiana that one of the sections with regard to the bid process stated that we would in fact handle this project as if it were just a regular municipal project, because we were getting \$12million from them, that we would in fact bid the entire project which would then take away from us, the flexibility that we had, that legislation give us, because it's an economic development project, to be able to not be subject to the bid laws with regards to contracting and to some degree.

My question at that point was if in fact we have, I guess, surrendered our ability to be flexible with regards to economic development and because of what the legislation allows us to do by signing this Cooperative Endeavor agreement if we have surrendered that flexibility, then I guess my question becomes at this point, what's the need for the Hotel Trust?

Mr. Antee: The need for the Hotel Trust?

Councilman Jackson: Yeah. Because I thought one of the most significant reasons for having the Hotel Trust is because of the level of flexibility we have with regards to the economic development opportunities it provided for us by having that kind of a structure.

Mr. Antee: That was and is one of the reasons why, for the Trust. To answer your question point blank, there is not an absolute need for the Trust. The City could go in and do it which would automatically mean that it would have to comply with the public laws.

Councilman Jackson: Right, which is currently - - -

Mr. Antee: The Trust was formed prior to the receiving the \$12 million dollar from the State in capital outlay. So, with the recent success of the Convention Center by doing a lump sum bid in accordance with the public bid laws and it coming in \$6 million below what the Whitaker contract was, with the addition of being able to receive \$12million dollars from the State in capital outlay money, that was justification enough to go with the public bid.

In addition to that, we've been getting letters from the local AGC's attorney, questioning whether or not our position that it's not subject to the public law is correct.

So, when you take away the threat of legal action by the local AGC by not publicly bidding it, adding the \$12 million dollars that we get from the State, plus having the recent success of the low number from the Convention Center, it makes a lot of sense to go with the public bid process.

Councilman Jackson: But the law gives us the opportunity, whatever the AGC's attorneys have questions with, I mean, that's neither here nor there as far as I'm concerned because the law is there and it suggest to me when I read the State statute, that it was very specific, that when in fact we formulate this kind of an entity that you have the right and the

flexibility to be able to, for the purpose of economic development activities and/or facilities, that you did in fact have the right. Nobody said we had to do it without public bid, but it suggest the language, if I'm correct, says "not subject to" public bid law; so, it gives us that flexibility.

Mr. Antee: And I agree with your interpretation completely and I take issue with the question that was raised by the AGC's attorney. And the reason, when we set up the Hotel Trust, we specifically put in the articles that it was for economic development for just that purpose. But still whether you're right or wrong to fend off litigation and the delays associated with litigation to prove that you are right, it's expensive not to mention it could hold up the process of building a hotel so that it would open within the timeframe of the Convention Center opening.

So, when you couple that with the \$12million and the success of the low bid on the Convention Center.

Councilman Jackson: Well, I guess my perspective then is a little bit different in the sense that I understand and I recognize that you know it comes down to the dollars and cents, and what makes the most economic sense, but for folks who will not get an opportunity to participate in ways they could have had an opportunity to participate, what is the cost there?

What is the loss to that particular individual and it takes away, in my opinion, our ability to insure that there is economic development in the City of Shreveport for all of the folks in the City of Shreveport, who in fact perhaps, more folks would in fact have an opportunity. It doesn't guarantee anybody anything, but it does in fact say that there was a greater opportunity and the likelihood is greatly increased because we've done it that way. And I would assume that's why the flexibility exist—to be able to fashion and to shape opportunities that would otherwise not be opportunities.

And it just seems to me if the \$12million, I guess another question and one of the things that I asked about, perhaps seeking the Attorney General's opinion with regard to whether or not the project could be phased out, so that there is more than one phase to the project and all of the State's money could be in a phase such that we still would be subject to the public bid law and would hold up our end of the Cooperative Endeavor agreement while still retaining the ability to do economic development in the way that we envisioned in the very beginning, prior to getting the \$12million dollars of money.

Mr. Antee: Well, I understand and believe me this Administration and Mayor Hightower have been the one pressing the most, that's why we went that route with the Convention Center. It didn't work.

The contract we had with Whitaker was \$71.3million and that was before all of his change orders that he claimed would have to take place to build it. We went that route so that we could break it up into small packages so that we could give the local and minority contractors an opportunity to participate.

We know the history in the two years of delays and so forth just from the start of construction. But what came about when we did it in the public bid process in accordance with the State Bid law was the price came in \$6 million dollars below what the Whitaker contract was and to date, we've got projected Minority, Fair Share, and WBE companies that right at 37%. So, I mean we can use this same model with the hotel and force the Fair Share Ordinance, force that it be complied with and get the exact result that you're asking for and I think the Convention Center is proof that we can make it work, and it's also proof that it's real shaky to go and do it under the construction management way.

And in addition, since we tried that with the Convention Center, the State AGC got legislation passed last year, that said construction manager has to be bid out in accordance with the public bid law, so.

Councilman Jackson: Well, I understand all that, and I know that once bitten, twice cautious, or once burnt twice cautious or whatever the proper metaphor is, but I guess I just wasn't prepared to quit yet. That somehow or another, there's got to be something that works and I just think it's incumbent on us to do what we can and if it means that we have to eventually go back and do the way we've done with the Convention Center, that's fine. But I'm not willing to run there as a first resort, if in fact, we haven't tried the other way. I just wanted to know if there is a way to do something different, that's gives us the flexibility to do what the law allows us to do.

So often, we argue the things that the law will not allow us to do. Here in this case, it seems to me at least on the surface that we've surrendered some of the rights that the law does allow us to do and some of that flexibility and I'm certainly not saying that you suggested it, but it certainly seems for the sake of expedience and I just think that for me, that's not plausible.

And, that until we have exhausted all of the possibilities that will make sure that people who live in this town, in this City, and particularly those small businesses and minority businesses have had an opportunity. I mean, the Convention Center has gone another way. The Hotel still, to me presents an opportunity to do some things. I just wanted to express that concern. Obviously, I'm just one Councilman, but I just think that we have to at least consider that as we move through and I'm just not satisfied with moving forward in saying that because of the history on the Convention Center, that maybe we ought not try it again—maybe we learned some lessons that teach us how to do it better.

Mr. Antee: Just to clarify one thing, it's not for the sake of expedience, because if we went the construction manager route, we could build the hotel a whole lot faster than we can with the public bid process. In fact our developer in New Orleans, HRI - - - is trying to encourage that because it could cut many, many months off, because you can go to a design-build.

But the reason why we've got to comply with the public bid law- - - and I'd love to go out and do it that way. I'd love to go out and competitively bid it, get a construction manager, go to design-build and we can have it built in almost the amount of time, it's going to take 'em to design it, just a few months more.

But, we had twelve million reasons to not do it that way and that's \$12million in capital outlay that the State law says you've got to comply with public bid law if you're going to use this \$12million dollars. Now, we'd love to do it the way you said, different than the Convention Center, but in a competitive design-build process because it would cut the amount of time down.

Councilman Jackson: Is the opinion of the Administration, that there would be a problem in phasing the project? Such that, you could be in full compliance with the law with regards to those 12,000,000 reasons, but you don't have to surrender the 38,000,000 million other reasons why you ought to do it another way or why you at least could do it another way.

Mr. Antee: We're certainly open to it, absolutely because what that will do is get the Hotel, assuming there is a hotel. This all may be moot. If we can't get the million dollars a year to help pay the debt on it, it may be a moot point.

But if there is a way to do it that way, we're all for it because that would have the hotel opening rather than six or eight months behind the Convention Center, right with the Convention Center.

Councilman Carmody: And Mr. Antee, in closing, I think this will probably be the last comment regarding this. You know that last week when we saw each other in the hall, you had mentioned that you had a letter drafted in response to my letter and that you were going to go ahead and seek an opinion from Jerry Jones.

Mr. Antee: I'm sorry, if I said I had it drafted, I was mis-stating. I was going to draft a letter to send to him for the clarification. I have not had the opportunity to do that yet. I've been working on other hotel- - - but prior to the end of the day tomorrow, I'll have a letter for the Mayor to send down on that request.

Councilman Carmody: Thank you very much, Sir.

Property Standards Program.

Councilman Carmody: Are there any questions regarding the information we received yesterday in our packets?

Public Hearing: None.

<u>Confirmations and/or Appointments, Adding Legislation to the Agenda and Public Comments.</u>

<u>Confirmations and/or Appointments:</u> Motion by Councilman <u>Green</u>, seconded by Councilman Lester for confirmation of Mr. Reginald Johnson to the Zoning Board of Appeals.

Councilman Walford: I guess I'll direct this at the Administration. It seems that on every appointment now, we ask if there are monies owed to the City. To your knowledge, are there any?

Mayor Hightower: Not to my knowledge. However, I must admit that I did not ask if all that research has been done but not to my knowledge, there is none. Charles, do you have any idea?

Councilman Walford: In that case, I would ask for a two-week postponement to verify that information.

Substitute motion by Councilman Walford, seconded by Councilman Hogan.

Councilman Lester: My question is this. I appreciate Councilman Walford's diligence, but as I recall on our last Council Meeting--the very last Council Meeting, we had, we appointed I believe two people to two other boards and that question was not asked. Certainly was not asked by the Councilman that is asking for this two-week postponement. I don't know what the Councilman's motivation is.

As I appreciate it, I guess I would ask the Councilman what would be his motivation as it relates to making that request of this particular appointment and having not made any comments on the last Council Meeting?

Mayor Hightower: Mr. Chairman, and I believe that we have done the research and I have Liz Washington going to check now, to see, to be able to answer your question; so, hopefully, she'll be back so we can let you know that.

Councilman Walford: Would the Council have any objection to waiting a few minutes in taking this up out of order?

Councilman Carmody: The Councilman from District B has asked that the Council as a whole give a few moments to allow the Administration time to bring that information forward to us, if it would be appropriate. Maybe we could go ahead and move on and I would ask for Mr. Thompson's direction at this point to - - - I think at this time, we actually have a substitute motion to postpone and a second on the table.

Councilman Lester: And I would urge the Council to vote 'no' on the motion to postpone.

Councilman Hogan: While we're waiting on Ms. Washington or before the vote, I'd like to get some clarification on a couple of issues that - - - you may come forward Mr. Kirkland, if you don't mind. How are you today?

Mr. Kirkland: Good.

Councilman Hogan: Good. Thank you for coming. I'd just like to know, the remainder of this term, the way I appreciate this, Mr. Johnson will be filling the remainder of Mr. Mims' term. Is that correct?

Mr. Kirkland: Actually at this point and time, it will be the beginning of a new five-year term. As you know, this is a joint appointment with the City and the Parish; so, whatever action the Council makes - - -

Councilman Hogan: Must be approved by the Parish.

Mr. Kirkland: The Caddo Parish Commission will have to confirm that for it to be effective. But it will be the beginning- - -it would have been had the appointment been made a few months ago, it would have been a few months left in Mr. Mims' term; that term begins in April so it is now a five-year term. Any other questions?

Councilman Hogan: Okay, that's all I need. Thank you.

[Councilman Gibson Called for the Question.]

Councilman Green: Is for the postponement?

Councilman Carmody: Yes.

Councilmen Lester: To end the debate.

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

Substitute motion to postpone denied by the following vote: Nays: Lester, Green and Gibson. 3. Ayes: Councilman Walford, Carmody, and Hogan. 3. Out of Chamber: Councilman Jackson. 1.

Motion by Councilman Lester to confirm Mr. Johnson, seconded by Councilman Green. [Councilman Gibson called for the Question, seconded by Councilman Lester. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.]

Councilman Hogan: There is no way we can wait until Ms. Washington comes back? Councilman Carmody: We are moving on, Sir.

Councilman Green: If in fact we vote on this and approve it, if in fact Ms. Washington brings back a negative report in this meeting, we still could bring back to the table and disapprove it; so, I think that we ought to go on and approve it and then whatever Ms. Washington.

Councilman Carmody: No sir, that's not the question. You're now entering into debate and making comment. At this point, I would call for the question. Excuse me, I would call for the vote.

Motion to confirm the appointment approved by the following vote: Ayes: Councilman Lester, Gibson, Gibson, Hogan and Green. 5. Nays: Councilman Walford and Carmody. 2.

Adding Legislation to the Agenda.

Motion by Councilman <u>Green</u>, seconded by Councilman <u>Walford</u> to add the following to the agenda:

1. Resolution No. 83 of 2004: A resolution expressing support for proposed state legislation which would authorize the creation of a Tax Increment Financing (TIF)

District for the Convention Center Hotel Project, and otherwise providing with respect thereto.

- 2. Resolution No. 84 of 2004 by Councilman Jackson: A resolution to support House Bill No. 959 filed in the 2004 Regular Session of the Louisiana Legislature, by Representative Glover which Amends R.S. 33:2338 and to otherwise provide with respect thereto.
- 3. Resolution No. 85 of 2004 by Councilman Jackson: A resolution to support Senate Bill No. 571 which amends R. S. 40:2532 and Senate Bill No. 611 which amends R.S. 44:3 both filed in the 2004 Regular Session of the Louisiana Legislature, by Senator Jackson and to otherwise provide with respect thereto.
- 4. Ordinance No. 46 of 2004 by Councilman Lester and Gibson: An ordinance changing the name of the Lakeside Park Golf Course to Jerry Tim Brooks Golf Course and otherwise providing with respect thereto.

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

Public Comments (Agenda Items to be Adopted).

Ms. Stephanie Lynch (5037 Waters Place): I'm here today in my capacity as a Caddo Parish Commissioner, District 7 and as I stand as a representative for the Mooretown Resident Strategy Council and the Hollywood Heights and adjacent Community Associations in support of legislation to name Lakeside Golf Course in honor of Jerry Tim Brooks.

Mr. Brooks is a long time resident of the Mooretown community, which is in my district and a long time public servant. I know I don't have to sell Mr. Brooks to any of you and if I did, I would have go back to when I was about 7 years old because I grew up right down the street from him and I know you all don't have that much time; so, I would appreciate each of your support for this legislation.

Mr. James Pannell, President of the NAACP (2230 Jewella Ave): I also came to speak on behalf of the resolution supporting the naming of Lakeside Golf Course in honor of Mr. Jerry Tim Brooks.

Mr. Brooks was the recipient last year of the NAACP Lifetime Achievement Award which is one of the highest awards that we could bestow upon someone.

We at the NAACP have done all we can to recognize a person who has done a lot for the City of Shreveport and I think it would be good for this Council and for this City to also do the same. And I guess I'll kinda leave it at that, because I think that to give such an honor to a person and he happens to be in the Chambers today and has to see the display of this Council—and I've been coming before the Council for I don't know how many years and this has to be probably the worst display of government that I have seen in my entire life.

I say that because I have the responsibility of trying to register people to vote and get people to participate in the government or governmental process and this display hurts every effort that we have to have for people to have to see this, especially on television. I think we also need to pass a resolution asking Cablevision to no longer show any of these Council proceedings because it goes a long ways toward killing people's desire to be involved in government. Thank y'all very much.

Councilman Carmody: I'd also like to recognize our Clerk of Council, who is also a recipient of the NAACP Lifetime Award. Isn't that correct, Sir.

Mr. Pannell: Not this year.

Councilman Carmody: No, but in previous years.

Mr. Pannell: And we have no process in place to rescind (inaudible).

CONSENT AGENDA LEGISLATION.

TO INTRODUCE RESOLUTIONS AND ORDINANCES:

Motion by Councilman <u>Green</u>, seconded by Councilman <u>Hogan</u> to introduce Resolutions 66, 67 and 68 of 2004 to lay over until the April 27, 2004 meeting. Motion approved by the following vote: Ayes: Councilman Walford, Carmody, Gibson, Hogan, Green and Jackson. 6. Nays: None. Out of Chamber: Councilman Lester. 1.

INTRODUCTION OF RESOLUTIONS:

- 5. Resolution No. 66 of 2004: A resolution authorizing the Mayor to execute a Donation Agreement between the City of Shreveport and Norris Ferry Road, L.L.C., a Louisiana Corporation, for private water and sewer facilities serving St. Charles Place Subdivision, Unit No. 4 and to otherwise provide with respect thereto.
- 6. Resolution No. 67 of 2004: A resolution authorizing the Mayor to execute a Donation Agreement between the City of Shreveport and Randal J. Mason for Norris Ferry Road, L.L.C., for private water and sewer mains, lift stations and all related appurtenances serving Norris Ferry Crossing, Unit No. 1 and to otherwise provide with respect thereto.
- 3. Resolution No. 68 of 2004: A resolution authorizing the Mayor to execute a Donation Agreement between the City of Shreveport and Manohar Ramchandra Manchandia and Bharti Manohar Manchandia, for private water and sewer mains serving Sadhu Vaswani Hindu Temple and Cultural Center and to otherwise provide with respect thereto.

INTRODUCTION OF ORDINANCES: None.

TO ADOPT RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

Motion by Councilman <u>Green</u>, seconded by Councilman <u>Gibson</u> to Adopt Resolutions 69 and 70 and Ordinance No. 28 of 2004. Motion approved by the following vote: Ayes: Councilman Walford, Carmody, Gibson, Hogan, Green and Jackson. 6. Nays: None. Out of Chamber: Councilman Lester. 1.

A RESOLUTION ACCEPTING DEDICATION FOR DEMERY BOULEVARD AND CATAWBA DRIVE IN THE BRUNSWICK PLACE UNIT NO. 12, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for Demery Boulevard and Catawba Drive in the Brunswick Place Unit No. 12 in Section 32 and 33 (T17N-R13W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

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

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

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

RESOLUTION NO. 70 of 2004

A RESOLUTION AUTHORIZING CALVARY BAPTIST CHURCH OF SHREVEPORT, LOUISIANA, LOCATED AT 3204 BERT KOUNS INDUSTRIAL LOOP, TO CONNECT TO THE WATER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that Calvary Baptist Church of Shreveport, Louisiana, be authorized to connect the building located at 3204 Bert Kouns Industrial Loop, to the water system of the City of Shreveport.

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

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

ORDINANCES:

ORDINANCE NO. 28 OF 2004

AN ORDINANCE TO REPEAL A PORTION OF ORDINANCE NO. 17 OF 1976 WHICH CREATED A TWO-WAY STOP AT THE INTERSECTION OF MANOR PLACE AND MIDVALE STREET, ITEM NUMBER 2, AND TO CREATE AND ESTABLISH THE INTERSECTION OF MANOR PLACE AND MIDVALE STREET AS A TWO-WAY STOP INTERSECTION AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened that the portion of Ordinance No. 17 of 1976, item number 2, which created a two-way stop at the intersection of Manor Place and Midvale Street is hereby repealed, and to create and establish the intersection of Manor Place and Midvale Street as a two-way stop intersection requiring, that all traffic on Manor Place shall stop for Midvale Street.

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

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

REGULAR AGENDA LEGISLATION

RESOLUTIONS:

RESOLUTION 55 OF 2004

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH U.S. SUPPORT COMPANY AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, U.S. Support Company applied for and received a grant from the Louisiana Department of Economic Development for the purchase of property and improvements located at 2820 Summer Grove Drive Shreveport, Louisiana, to house their new call center operations; and

WHEREAS, U.S. Support Company, the State of Louisiana and the City of Shreveport entered into an Economic Development Award Contract related to the grant and;

WHEREAS, the terms of that contract require the City of Shreveport to receive the grant monies on behalf of U.S. Support Company and to purchase the property and improvements and;

WHEREAS, further the terms of the contract require the City of Shreveport to retain ownership of the purchased property and improvements for the duration of the contract and;

WHEREAS, in order for U.S. Support Company to occupy the property and improvements for purposes of conducting call center operations during the pendency of the contract, the City of Shreveport must enter into a lease agreement with U.S. Support Company.

THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due regular and legal session convened, that the Mayor be and is hereby authorized to execute a lease agreement between the City of Shreveport and U.S. Support Company leasing all property and improvements located at 2820 Summer Grove Drive, Shreveport, Louisiana to U.S. Support Company, effective April 13, 2004, substantially the same as the document filed in the Office of the Clerk of Council on March 9, 2004.

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

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

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

The Deputy Clerk read the resolution: Resolution No. 63 of 2004: A resolution authorizing the execution of a three (3) year agreement with the ARK-LA-TEX Ambassadors, Inc., and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman <u>Gibson</u>, seconded by Councilman <u>Jackson</u> for passage. The Council considered the following amendment:

7. Amend Section I.A.1 of the Agreement to now read as follows:

I. SCOPE OF SERVICES

- A. CONTRACTOR agrees to:
- 1. Produce a festival referred to as HOLIDAY IN DIXIE, to include, but not be limited to the following:
 - a) The festival shall be operated for a ten (10) day period in CITY'S Festival Plaza. In 2004, the date of the festival shall be April 16- April 25, 2004. The date of the event in 2005 and 2006 shall be determined by mutual consent of both parties.
 - b) The festival may be operated from 11:00 a.m. 11:00 p.m. weekdays and 11:00 a.m. until 12:00 midnight on Friday and Saturday nights, or at such times as may be mutually agreed upon.
 - c) To charge an admission fee to festival patrons in the following amounts:

I) 12 and under - Free

ii) All others - \$2.00 per person

- d) To provide a CLASSIC and DOO DAH PARADE or other such other events.
- e) To jointly sponsor with CITY the neighborhood block party program.
- 2. Amend Section I.A.5 of the Agreement to now read as follows:

- 5. CONTRACTOR agrees to take reasonable measures to maintain a clean, healthful environment for the operation of the festival. To this end, CONTRACTOR shall provide trash containers for disposal of garbage at its expense. All garbage is to be collected daily by CONTRACTOR or its agents. The size and type of trash container shall be determined by mutual consent of CITY and CONTRACTOR. CONTRACTOR shall also be responsible for the payment of all costs related to collection and disposal of the garbage and emptying of the trash containers.
- 3. Amend the Agreement by deleting Section I.B.7 in its entirely.

Motion by Councilman <u>Green</u>, seconded by Councilman <u>Walford</u> for adoption of the amendment. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

Motion by Councilman <u>Walford</u>, seconded by Councilman <u>Green</u> for adoption of the resolution as amended. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

RESOLUTION NO. 63 OF 2004

A RESOLUTION AUTHORIZING THE EXECUTION OF A THREE (3) YEAR AGREEMENT WITH THE ARK-LA-TEX AMBASSADORS, INC., 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 Holiday In Dixie Festival is one of several festivals held annually in the City; and

WHEREAS, the Holiday In Dixie Festival provides a benefit to the general public and to visitors to the City by providing an opportunity to celebrate the history of this State.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that Keith Hightower, Mayor, is hereby authorized to execute a three (3) year agreement with the ARK-LA-TEX AMBASSADORS, Inc., to hold the Holiday In Dixie Festival in 2004, 2005 and 2006, 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 March 23, 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.

RESOLUTION NO. <u>64</u> OF 2004 A RESOLUTION TO RECOGNIZE MR. ROY GRIGGS FOR HIS DEDICATION TO SHREVEPORT AND MANY OTHER CONTRIBUTIONS TO BUSINESS AND

PHILANTHROPIC ORGANIZATIONS IN THIS CITY AND THIS COMMUNITY AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY: COUNCILMAN GREEN

WHEREAS, Mr. Roy Griggs, a native of Meridian, Mississippi where he worked at McDonald's Restaurant through high school; and

WHEREAS, following graduation in 1971 Mr. Griggs was promoted to manager of a McDonald's Restaurant which at that time distinguished him as one to the first black managers in Meridian; and

WHEREAS, in 1988 Mr. Roy Griggs received approval from the McDonald's Corporation to own and operate his own McDonald's Franchisee and he opened three restaurants in the Alabama area; and

WHEREAS, Mr. Roy Griggs sold his Alabama franchise in 1997 to relocate to the Shreveport-Bossier area and currently owns and operates twelve McDonald Restaurants, ten in Shreveport-Bossier and two in Marshall, Texas; and

WHEREAS, Mr. Roy Griggs uses his considerable business skills to help develop and maintain strong business, professional, and civic organizations in Shreveport by serving on the board of directors of many organizations including: Vice Chair of Minority, Women, and Small Business the of Greater Shreveport Chamber of Commerce, Caddo District Chairman for the Boys Scouts of America, Vice Chair of Membership for the Boy Scouts of America, Finance Chair for the Scoutreach Program, Committee of One Hundred, Shreveport Community Renewal, Queensborough Neighborhood Association and a former member of the Tourism Board of Shreveport-Bossier, Shreveport-Bossier African American Chamber of Commerce, Shreveport/Bossier Military Affair Council, Local and National McDonald's Black Owner/Operator Association and has also served as CO-OP President for the local McDonald's Owners in Shreveport-Texarkana; and

WHEREAS, Mr. Roy Griggs has received many awards which recognize his leadership and service including: McDonald's Achiever's Award in 1985, nominated for the 1996 Citizen of the Year in Alabama, The Ronald Award in 1997, and Minority Business of the Year Award in 1998.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Shreveport in due, regular and legal session convened, that the City of Shreveport and all its citizens publicly recognize and thank **Mr. Roy Griggs** for his dedication to Shreveport and many other contributions to business and philanthropic organizations in this City and this community.

BE IT FURTHER RESOLVED, that this resolution shall be executed in duplicate originals with one original presented to **Mr. Roy Griggs** 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

/s/Calvin Ben Lester, Jr., District A /s/Michael "Mike" Gibson, District D /s/ James Edward Green, District F /s/R. M. "Monty" Walford, District B /s/Jeffery "Jeff" A. Hogan, District E /s/Theron J. Jackson, District G Read by title and as read motion by Councilman <u>Green</u>, seconded by Councilman <u>Carmody</u> passed by the following vote: Ayes: Councilman Walford, Carmody, Hogan, and Green. 4. Nays: None. Absent: Councilman Lester, Gibson and Jackson. 3.

Councilman Green: I would like to congratulate you.

Mr. Griggs: First I 'd like to say, good evening to everyone; I'm truly blessed and honored for this recognition this afternoon. I want to say good evening to the great Mayor of this City, Mayor Hightower, Councilman Green, and this City Council for recognizing us for the work that the Lord has allowed us to do at this great City.

We are blessed and honored to be a part of this great City and to be recognized for something that we enjoy doing and something that we think is very important to give back to this great City.

When we came here approximately eight years ago, well we had no desire to come here. We thought this was not a place to be but after being here a very short time, we knew it was the place to be, place for our family to be and a place to give back to this great City. And this City has been very instrumental in our growth, in development of our family and growing our business is because of you and the work that you've done in this City has helped us to do what we've done in this great City.

So, we say, thanks to you for your support in helping us grow our business because when we came here in 1997 we had four locations and today, you have helped us grow our business to eleven. So, thank you for what you've done for us and hopefully that we've been able to give back a part of what you've given to us and the citizens of this great community here. And we say thanks to all of you and thank you for the work that you all do as we do our part to help this City become all that we know it can become because of the great leaders that we have; so, thank you and God bless you for your leadership. Thank you so much for the recognition that you give us today.

Councilman Green: I would like to just say thank you for being the person that you are. And Mrs. Griggs, would you like to have expressions?

Mrs. Griggs: He spoke for both of us.

RESOLUTION NO. 65 OF 2004

A RESOLUTION TO RECOGNIZE MR. DELANO WILSON FOR HIS DEDICATION TO SHREVEPORT AND MANY OTHER CONTRIBUTIONS TO BUSINESS AND PHILANTHROPIC ORGANIZATIONS IN THIS CITY AND THIS COMMUNITY AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY: COUNCILMAN GREEN

WHEREAS, Mr. Delano Wilson, a native of Meridian, Mississippi began his career path at 14 years of age when he began working at McDonald's Restaurant in the lobby; and

WHEREAS, Mr. Wilson's became manager of a McDonald's Restaurant in 1992, which at that time distinguished him as one of the youngest managers of a McDonald's Restaurant; and

WHEREAS, Mr. Wilson received approval in 2001 to own and operate his own McDonald's Franchise; and

WHEREAS, Mr. Wilson at the age of 27 opened his first Shreveport McDonald's Restaurant, and will be opening a second restaurant in the spring of 2004; and

WHEREAS, Mr. Wilson is a graduate of the Greater Shreveport Leadership Program and a participant and future graduate of the Leadership of Louisiana Program; and

WHEREAS, Mr. Delano Wilson serves in a leadership position on many organizations including: Greater Shreveport Chamber of Commerce, Finance Committee for the Boy Scouts of America Norwella Council, Southern University Foundation, Co-Chair of the Annual Minority Business Expo, and Sci-Port Discovery Center; and

WHEREAS, Mr. Wilson is very active in the adopt a school program and the Police Department Appreciation Program.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Shreveport in due, regular and legal session convened, that the City of Shreveport and all its citizens publicly recognize and thank **Mr. Delano Wilson** for his dedication to Shreveport and many other contributions to business and philanthropic organizations in this City and this community.

BE IT FURTHER RESOLVED, that this resolution shall be executed in duplicate originals with one original presented to **Mr. Delano Wilson** 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

/s/Calvin Ben Lester, Jr., District A /s/R. M. "Monty" Walford, District B /s/Michael "Mike" Gibson, District D /s/Jeffery "Jeff" A. Hogan, District E /s/Theron J. Jackson, District G

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

Mr. Wilson: I would like to say to our Mayor, good afternoon.. To our wonderful leaders that we have here in Shreveport, I would like to say, thank you. I would like to say thank you for the opportunity for this recognition.

I guess, like my parents, I can recognize since we are in the public. These are the, things that I do and the accomplishments that I achieve in life is because of the leadership that I was provided when I was younger and I guess they always say, hopefully the fruit don't fall too far from the tree. This is something that is not, I guess, that I want to do, is something that I have to do because like I say, you all make it possible here. Shreveport has been wonderful to me and my family since we moved here and I would like to say, thank you. I think when she read it in the bio, I started when I was 14 years old, and at that time it was struggle because at that time I wanted to play and goof off. But when the Lord ask you to do something and he has blessed me with two wonderful parents, it makes it easy. So, the recognition that I receive, I think it is because of the wonderful people that I have beside me and that I follow everyday and I would like to say thank you.

Councilman Green: We would like to say congratulations and God bless you and keep up the good work.

Councilman Jackson: To the Griggs Family, I apologize, I missed the first presentation and certainly glad to have you all back again and Delano, as well. Keep up the good work. I certainly appreciate. I don't know why Councilman Green left one person out. I guess the McDonalds' on Greenwood Road must not matter to him much.

But tell Brother don't be mad. That we will get him next time, Councilman Green overlooked him.

Councilman Green: We have present with us one of the winningest basketball teams not just in this District of Caddo Parish, but in the State of Louisiana, the Huntington High School Basketball Team. And, we have a resolution for them with their Head Coach being none other than Mack Jones, one of the sharpest coaches around.

RESOLUTION NO. 71 OF 2004

A RESOLUTION ADOPTING AN AMENDMENT TO THE SHREVEPORT METROPOLITAN MASTER PLAN TO INCLUDE THE GLADSTONE NEIGHBORHOOD IMPROVEMENT PLAN AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City Council of the City of Shreveport, Louisiana, under authority vested in them by LSA-RS 33:140.1 et. seq., may adopt ordinances or other measures so as to provide for unified planning in the City of Shreveport; and

WHEREAS, the first Shreveport Metropolitan Master Plan was adopted in 1956 and has been amended from time to time to reflect changing conditions and the needs of the metropolitan planning area; and

WHEREAS, the Master Plan has typically addressed capital improvements and physical development of the City of Shreveport; and

WHEREAS, improvement of specific neighborhoods within the City is an integral part of the planning process and Master Plan; and

WHEREAS, the Gladstone Area Partnership, Inc. is a tax-exempt nonprofit neighborhood improvement corporation established in 2001 and made up of residents, businesses and institutions representing the vicinity of Shreveport bounded by Kings Highway on the North, East Stephenson Street on the South, Alexander Avenue on the East and Gilbert Drive on the West; and

WHEREAS, the Gladstone Area Partnership, Inc. initiated a citizen participation process in 2002, with the assistance of consultants Morgan Hill Sutton & Mitchell Architects, LLC of Shreveport, Louisiana, to determine the needs and priorities of citizens within the designated area; and

WHEREAS, the Gladstone Area Partnership, Inc. has completed the planning process and has prepared the document <u>Gladstone Neighborhood Improvement Plan</u>; and

WHEREAS, the City of Shreveport and the Shreveport Metropolitan Planning Commission of Caddo Parish have supported the efforts of the Gladstone Area Partnership, Inc. and have assisted in the planning process; and

WHEREAS, a public hearing to present the <u>Gladstone Neighborhood Improvement Plan</u> to the Shreveport Metropolitan Planning Commission of Caddo Parish was held on March 3, 2004; and

WHEREAS, the Shreveport Metropolitan Planning Commission of Caddo Parish, in due, regular, and legal session convened on March 3, 2004, adopted a resolution by a (unanimous / 8-0) vote approving the plan and recommending its adoption as an amendment to the Shreveport Metropolitan Master Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, Louisiana, in due, regular, and legal session convened, that the Gladstone Neighborhood

<u>Improvement Plan</u> attached hereto and made a part hereof, is hereby adopted as an amendment to the Shreveport Metropolitan Master Plan.

BE IT FURTHER RESOLVED that in accordance with LSA-RS 33:140.12, a copy of this plan shall be certified to the Parish Commission of Caddo Parish, the Caddo Parish School Board, the Board of Commissioners of the Caddo Levee District, and the Clerk of Court of Caddo Parish who shall record said plan in the conveyance records of Caddo Parish.

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 <u>Lester</u>, seconded by Councilman <u>Jackson</u> passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

RESOLUTION NO. 72 OF 2004

A RESOLUTION TO SUPPORT HOUSE BILL NO. 503 FILED IN THE 2004 REGULAR SESSION OF THE LOUISIANA LEGISLATURE, BY REPRESENTATIVES M. POWELL AND C. GLOVER WHICH AUTHORIZES SHREVEPORT TO NAME LAKESIDE GOLF COURSE IN HONOR OF JERRY TIM BROOKS, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

By: Councilman Walford

WHEREAS, Jerry Tim Brooks was an advocate for the opening of Lakeside Golf Course and he has consistently championed the cause of the Lakeside Golf Course since it opened; and

WHEREAS, Jerry Tim Brooks has encouraged numerous young people, who were not inclined to play golf, to used Lakeside Golf Course to learn to play golf and to seek college scholarships in golf; and

WHEREAS, Jerry Tim Brooks has encouraged numerous persons of all ages, who were not inclined to play golf, to used Lakeside Golf Course to play golf to improve the quality of their lives; and

WHEREAS, Jerry Tim Brooks is an avid golfer who has won numerous golf championships at Lakeside Golf Course; and

WHEREAS, Jerry Tim Brooks' name has become synonymous with golf at Lakeside; and WHEREAS, Jerry Tim Brooks has a distinguished career as an educator and a distinguished career as a public servant, having served on the Caddo Parish School Board for more than twenty years.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the City Council supports House Bill No. 503 filed in the 2004 Regular Session of the Louisiana Legislature, by Representatives Glover and Powell authorizes the governing authority in certain municipalities to name a golf course in honor of a living person under certain circumstances.

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 <u>Walford</u>, seconded by Councilman <u>Green</u> for passage.

Councilman Walford: I think this would be more than appropriate. Currently under State Law, we cannot enact the legislation to rename the golf course, but thanks to Representatives Powell and Glover, there is a House Bill seeking authorization from the State and I just think it would be more than appropriate for this Council to throw our support to those, so that all of the Legislators knows that we support this action.

Councilman Green: I would also like to ask for support for this ordinance and I would ask that we not delay it for whatever reason. My constituent who happens to be this person, Jerry Tim Brooks has worked hard for this community and he's an elected official and he's here. And, I don't think that we ought to infringe on his stress to delay this that when they do what they've got to do in Baton Rouge, then we'll already have our piece in place.

I'd like to congratulate you in advance Pro, for this and keep up the good work. When I think about you, I wish that I had started playing golf at an early age and who knows, I would be having a golf course named after me sometimes. But is it too late for me, now? Thank you Mr. Chairman.

Councilman Lester: And to piggyback on what Councilman Green had said, there is already an ordinance that has been drafted by Councilman Gibson and myself to rename the golf course in favor of Mr. Brooks, but as Mr. Brooks and those who spoke earlier, we can't move forward until the legislature passes the legislation down there. So, please know that there absolutely is no lag time, in fact, had they taken care of the bill already instead of passing a resolution today, we'd be passing an ordinance today.

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

RESOLUTION NO. 73 OF 2004

A RESOLUTION EXPRESSING SUPPORT FOR PROPOSED STATE LEGISLATION WHICH WOULD FACILITATE THE CONVERSION OF THE ORIGINAL CENTRAL FIRE STATION INTO A MUSEUM OPERATED UNDER THE STATE MUSEUM SYSTEM, AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the City of Shreveport's Central Fire Station was built in 1922, serving the downtown and northeast part of the city and is an important and unique historic property;

WHEREAS, the station is a Historic Landmark;

WHEREAS, the station was the home to generations of fire fighters and during its early years played host not only to fire operations but maintenance, training, and communications. In

subsequent years, the station has seen the advent of two-way radios, the 56-hour work week introduced, and the fire department begin to provide additional services such as Emergency Medical Services and Hazardous Material Response, and achieve a Class One fire rating;

WHEREAS, it is expected that legislation will be introduced this year in the state legislature for the purpose of converting the station into a museum to be operated under the state museum system:

NOW, THEREFORE, BE IT RESOLVED by the City Council of Shreveport, in due, regular and legal session convened, that the Council's support for and endorsement of the proposed legislation described above is hereby expressed.

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

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

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

RESOLUTION NO. 82 OF 2004

A RESOLUTION TO CONGRATULATE THE HUNTINGTON HIGH SCHOOL RAIDERS FOR QUALIFYING FOR IN THE LOUISIANA STATE BASKETBALL QUARTER FINALS AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY: COUNCILMAN JAMES GREEN

WHEREAS, the Huntington High School Raiders played in the Louisiana State Basketball Quarter Finals; and

WHEREAS, the Huntington Raiders finished the season with a 31 - 7 winning record, and for the first time in school history the Raiders were undefeated in the district with a 8 - 0 record; and

WHEREAS, Coach Mack Jones first coached the Huntington Raiders Basketball Team in the 2003 - 2004 season and he was selected 1 - 5A Coach of the Year; and

WHEREAS, while the Huntington Raiders Basketball team has many outstanding players, all of whom made important contributions to the team's success, the following players excelled individually in the 2003 - 2004 season:

Corey Green - District 1 - 5A MVP
Aldrayn Wardell - 1st Team All - District
Richard Thomas - 1st Team All - City and 2nd Team All - District
Derek Washington - 2nd Team All - District
Quinten Washington - All - District Honorable - Mention

WHEREAS, Corey Green and Aldrayn Wardell were also selected to play in the LHSAA All - Star Game in July of 2004.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal and regular session convened, that the City Council congratulates the Huntington High School Raiders along with Head Coach Mack Jones and Assistant Coach Earl Pipkins for qualifying for the Louisiana State Basketball Quarter Finals, for its undefeated record in district play, and for the many other successes the team has enjoyed in the 2003 - 2004 season.

BE IT FURTHER RESOLVED, the City Council wishes the Raiders the best of luck and every success in their future endeavors.

BE IT FURTHER RESOLVED, that this resolution shall be executed in duplicate originals and one original shall be presented to Huntington High School Head Coach Mack Jones and an original shall be filed in perpetuity in the Office of the Clerk of Council for the City of Shreveport.

/s/Thomas G. Carmody, Jr., Chairman

/s/Calvin Ben Lester, Jr., District A /s/R. M. "Monty" Walford, District B /s/Michael "Mike" Gibson, District D /s/Jeffery "Jeff" A. Hogan, District E /s/Theron J. Jackson, District G

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

Coach Jones: I would like to thank the Council for recognizing us here today. It has been a long struggle this year, because this is my first year at Huntington High School. This time last year I was at Woodlawn High School being recognized by the Council also, so I just thank God for the opportunity for these guys. These young men have worked hard this year and also for my Assistant Basketball Coach which without him, you know, a lot of things would not be possible. So we would like to again, thank the Council for recognizing us today and hopefully we will be doing it again next year.

Councilman Green: I would like to say, congratulations and keep up the good work.

Who is Corey Green? I think we are cousins. And Wardell, you are Wardell, right? Remember me when you get where you are going. But certainly we would just like to say, congratulations and keep up the good work.

And also, I would like to do a public service announcement. There is a reunion that is in the format for Huntington and Sharon is over it. When is it, the reunion, Sharon, this is just a public service announcement? Mrs. Pilkinton: Class of '74 through '79.

Councilman Green: You can call 673-5262 and ask for Sharon and she will give you the details.

Councilman Lester: I'd like to recognize these fine young men and their accomplishments, their team work. They are athletics but they are also excellent students because I know Coach Jones. He is an excellent coach, he is an excellent disciplinarian, a good ex-nose man and I know that he believes in working with the whole man. And, I just think that it is not by coincidence as he said before that we have recognized him twice. This is his second institution. I think it speaks well for his system and his program and I am proud of him. He is my fraternity brother, I'm glad to say that—of course everybody knows that, but I really am proud of him and proud of these young men. I just want to tell

you guys keep up the hard work, do well in school as well as on the court and anything it is that you want to do in life, you will be able to accomplish.

Councilman Carmody: Congratulations gentlemen, keep up the good work.

RESOLUTION NO. 83 OF 2004

A RESOLUTION EXPRESSING SUPPORT FOR PROPOSED STATE LEGISLATION WHICH WOULD AUTHORIZE THE CREATION OF A TAX INCREMENT FINANCING (TIF) DISTRICT FOR THE CONVENTION CENTER HOTEL PROJECT, AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the City of Shreveport is currently constructing a Convention Center in the downtown area, using funds from a bond issue approved by the voters of Shreveport; and

WHEREAS, the success of the Convention Center will be enhanced greatly by the construction of an adjacent hotel; and;

WHEREAS, the creation of a Convention Center Hotel Taxing District is considered a vital part of obtaining the funding necessary to construct the hotel; and

WHEREAS, State Representative Cedric B. Glover has introduced House Bill 1296, which will authorize the creation of the Convention Center Hotel Taxing District and provide for the uses of the funds collected by said District.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Shreveport, in due, regular and legal session convened, that the Council's support for and endorsement of House Bill 1296, as described herein, is hereby expressed, provided that House Bill 1296 is amended before final passage to authorize the City Council of the City of Shreveport to create said District by ordinance.

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

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

Read by title and as read motion by Councilman <u>Green</u>, seconded by Councilman <u>Walford</u> for passage.

Councilman Walford: Mr. Chairman, one important item. As much as I like my colleague on my right and we go to lunch together and I will even buy him lunch, I won't give him that part of my district. Your factsheet shows this in Council District A? The Convention Center and the Hotel are in well situated in District B—that's all Mr. Chairman.

Mr. Antee: It should reflect City-wide, because it truly affects the whole city. Councilman Walford: Indeed it does.

Councilman Jackson: Mr. Chairman, earlier when we had the conversation about this and I just thank whoever it was, Tom or whoever got it together, because one of the big issues was, and I had asked the Councilmen to consider tabling this matter until such time that we were sure that this was going to be in our power. And I want to thank him for

doing such. Because now, I think this amendment suggest that nothing could happen without coming back to the Council first.

So, we do have the final word on this, so with that gentlemen, those of you particularly, I've asked about tabling this, I'd ask that we move to make some actions today and know that we have final say on it as well.

Resolution passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Hogan, Green and Jackson. 6. Nays: Councilman Gibson. 1.

RESOLUTION NO. 84 OF 2004

A RESOLUTION TO SUPPORT HOUSE BILL NO. 959 FILED IN THE 2004 REGULAR SESSION OF THE LOUISIANA LEGISLATURE, BY REPRESENTATIVE GLOVER WHICH AMENDS R.S. 33:2338 AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY: COUNCILMAN JACKSON

WHEREAS, several City Councilmen including Hilry Huckaby, III and Bobby Joe Cooper have proposed legislation to create a Citizens Review Board for the City of Shreveport; and

WHEREAS, said Councilmen were advised that state law, particularly R.S. 33:2338, prohibits the establishment of an effective Citizens Review Board, and therefore the proposed ordinances were not introduced and considered by the City Council; and

WHEREAS, House Bill 959 by Representative Cedric Glover amends R.S. 33:2338 and authorizes, but does not require, the City of Shreveport to establish a Citizens Review Board as provided for in House Bill 959; and

WHEREAS, it is desirable and necessary for the City Council of the City of Shreveport to be permitted to determine whether a Citizens Review Board should be established for the City of Shreveport.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the City Council supports House Bill 959 filed in the 2004 Regular Session of the Louisiana Legislature, by Representative Cedric Glover which authorizes, but does not require, the City of Shreveport to establish a Citizens Review Board as provided for in House Bill 959.

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 <u>Green</u>, seconded by Councilman <u>Lester</u> for passage.

Councilman Gibson: Mr. Chairman, can I get clarification one more time on what HB 959 is?

Councilman Jackson: It's Cedric's Bill. It's a resolution to support HB No. 959, filed in the 2004 Regular Session of Louisiana Legislature by Representative Cedric Glover which amends RS 33:2338 and otherwise provide with respect thereto—with regards to establishing a Citizens Review Board for the City to or empowering this Council to establish a Citizens Review Board in the City of Shreveport.

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

RESOLUTION NO.85 OF 2004

A RESOLUTION TO SUPPORT SENATE BILL NO. 571 WHICH AMENDS R.S. 40:2532 AND SENATE BILL NO. 611 WHICH AMENDS R.S. 44:3 BOTH FILED IN THE 2004 REGULAR SESSION OF THE LOUISIANA LEGISLATURE, BY SENATOR JACKSON AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY: COUNCILMAN JACKSON

WHEREAS, R.S. 40:2532 provides that no person, agency, or department shall release to the news media, press or any other public information agency, a law enforcement officer's home address, photograph, or any information that may be deemed otherwise confidential, without the express written consent of the law enforcement officer, with respect to an investigation of the law enforcement officer; and

WHEREAS, R.S. 40:2532 has been consistently interpreted by the Shreveport Police Department City and the Office of the City Attorney as prohibiting the release of any disciplinary action taken against a police officer arising from a citizen's complaint, to the citizen making the complaint, to members of the City Council and to any citizen unless the police officer appeals the action to the Fire and Police Civil Service Board or the officer agrees to release the information; and

WHEREAS, Senate Bill 571 amends R.S. 40:2532 and provides that the original complaint made by a citizen shall be a public record and shall be treated the same way as an incident report filled out by a police officer against a citizen. Complaints against officers and citizens shall be treated the same. A citizen named in a complaint is a public record, as is the name and charges against an officer; and

WHEREAS, Senate Bill 571 also provides that after the complaint has been investigated and a determination has been made, the file shall become a public record, and the file shall be available in the same manner as an incident report's investigatory file is released; and

WHEREAS, Senate Bill 611 amends R.S. 44:3 and adds the same provisions to R.S. 44:3 that Senate Bill 611 added to R.S. 40:2532, to insure that both sections of the revised statutes contain the same provisions and are interpreted the same; and

WHEREAS, in an open, free and democratic society it is desirable and it is necessary for the citizens of that society to have access to records which document the conduct of police officers, and the action taken by supervising authorities when police officers take unwarranted and illegal actions against citizens.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the City Council supports Senate Bill No. 571 which amends R.S. 40:2532 and Senate Bill 611 which amends R.S. 44:3 both filed in the 2004 Regular

Session of the Louisiana Legislature, by Senator Jackson to provide that the original complaint made by a citizen against a police officer shall be a public record, and after the complaint has been investigated and a determination made the file shall become a public record.

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 <u>Green</u>, seconded by Councilman <u>Jackson</u> passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

INTRODUCTION OF RESOLUTIONS:

- 1. Resolution No. 74 of 2004: A resolution authorizing the Mayor or his designee to deviate from the Landfill Fee Schedule established in Sec. 74-54 of the City of Shreveport Code of Ordinances, and otherwise provide with respect thereto.
- 2. Resolution No. 75 of 2004: A resolution authorizing the Purchasing Agent to dispose by public auction of certain supplies, material, equipment, and vehicles and to otherwise provide with respect thereto.
- 3. Resolution No. 76 of 2004: A resolution amending the Fire Department Pay Schedule for the municipal fire civil service personnel and otherwise providing with respect thereto.
- 4. Resolution No. 77 of 2004: A resolution authorizing the execution of an agreement with the Northwest Louisiana Chapter of the Sickle Cell Disease Association of America, Inc., and to otherwise provide with respect thereto.
- 5. Resolution No. 78 of 2004: A resolution authorizing the Mayor to execute a contract for services between the City of Shreveport and the Department of Social Services Office of Family Support to provide transit service for their clients on existing routes and to otherwise provide with respect thereto.
- 6. Resolution No. 79 of 2004: A resolution authorizing the Mayor to accept a grant on behalf of Beaird Company, Ltd. and to otherwise provide with respect thereto.
- 7. Resolution No. 80 of 2004: A resolution authorizing the Mayor to execute documents necessary to purchase immovable property pursuant to the Louisiana Economic Development Grant Document Program Award to U. S. Support Company and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman <u>Green</u>, seconded by Councilman <u>Gibson</u> to Introduce Resolutions 74 through 80 of 2004 to lay over until the April 27, 2004 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

8. Resolution No. 81 of 2004: A resolution authorizing the Mayor to execute a lease agreement with U. S. Support Company and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman <u>Green</u>, seconded by Councilman <u>Gibson</u> to Introduce Resolution 81 of 2004 to lay over until the May 11, 2004 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

INTRODUCTION OF ORDINANCES:

- 1. Ordinance No. 37 of 2004: An ordinance amending Section 26-91 of the Code of Ordinances of the City of Shreveport relative to fees for insufficient funds checks and otherwise providing with respect thereto.
- 2. Ordinance No. 38 of 2004: An ordinance amending Chapter 42 and Chapter 86 of the Code of Ordinances of the City of Shreveport relative to itinerant vendors' licenses and occupational license taxes and otherwise providing with respect thereto.
- 3. Ordinance No. 39 of 2004: An ordinance amending Chapter 72 of the Code of Ordinances of the City of Shreveport relative to sexually oriented businesses and otherwise providing with respect thereto.
- 4. Ordinance No. 40 of 2004: An ordinance declaring certain adjudicated properties to be surplus and to authorize the Mayor of the City of Shreveport to sell the City of Shreveport's tax interest in certain surplus adjudicated properties and to otherwise providing with respect thereto.
- 5. Ordinance No. 41 of 2004: An ordinance amending the 2004 General Fund Budget and otherwise providing with respect thereto.
- 6. Ordinance No. 42 of 2004: An ordinance amending the 2004 budget for the Police Grants Special Revenue Fund and otherwise providing with respect thereto.
- 7. Ordinance No. 43 of 2004: An ordinance amending the 2004 Water and Sewerage Enterprise Fund Budget and otherwise providing with respect thereto.
- 8. Ordinance No. 44 of 2004: An ordinance amending the 2004 Capital Improvements Budget and otherwise providing with respect thereto.

- 9. Ordinance No. 45 of 2004: An ordinance authorizing the incurring of debt and issuance of not to exceed Eighteen Million Five Hundred Thousand Dollars (\$18,500,000) of General Obligation Refunding Bonds, Series 2004A, of the City of Shreveport, State of Louisiana; prescribing the form, terms and conditions of said bonds; Designating the date, denomination and place of payment of said bonds; providing for the payment thereof in principal and interest; and providing for other matters in connection therewith.
- 10. Ordinance No. 46 of 2004 by Councilman Lester and Gibson: An ordinance changing the name of the Lakeside Park Golf Course to Jerry Tim Brooks Golf Course and otherwise providing with respect thereto.

Read by title and as read motion by Councilman <u>Green</u>, seconded by Councilman <u>Gibson</u> to Introduce the Ordinance to lay over until the April 27, 2004 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

ORDINANCES ON SECOND READING AND FINAL PASSAGE:

1. Ordinance No. 29 of 2004: An ordinance to amend and re-enact Section 2-259 of the City of Shreveport Code of Ordinances relative to the Department of Operational Services and to otherwise provide with respect thereto.

Having passed first reading on <u>March 23, 2004</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Green</u>, seconded by Councilman <u>Walford</u> for adoption.

Councilman Hogan: I just have a couple of questions about this position. If Mr. Strong here, could he come forward? I don't - - - I have not seen him. There he is. Mr. Strong, could you give me a salary range or has that been determined yet on what this position will be, what the pay will be? The salary

Mr. Strong: We're looking at in the 60s, probably in the neighborhood of about \$65,000

Councilman Hogan: Okay. I was just curious to know. Do you have someone in mind for this position. Anyone whose had this particular type of training that's already on board with us?

Mr. Strong: Have I got someone in mind, the answer is yes. But I would like to go out and at least put some advertisement out also. Does the person that I'm talking about have the training? Yes sir.

Councilman Hogan: Okay, and that training, could you describe that training please and what degree is required?

Mr. Strong: Well the training is involved with working with the GIS. The individual that I'm talking about has - - -

Councilman Hogan: I guess what I'm talking about is - - - are there any certification or any type of specialized degree is really what I'm asking for.

Mr. Strong: As far as Computer Science, that type as far as requiring a Bachelor's or Master's degree, that's not necessary. The one I'm talking about has had the experience factor. Has worked in the business, worked for private consulting that has done this on a statewide basis—that's some of the credentials that I'm looking for.

Councilman Hogan: Okay.

Mr. Strong: Now understand that all this does is create the position.

At the time we come back and put up the person for the positio n, then that will have to come back to the City Counci 1 to make the appoint ment.

Councilman Hogan: That's fine, thank you.

Councilman Green: You said you had the person in mind?

Mr. Strong: Yes sir.

Councilman Green: You're not talking about Mr. Gafford, right?

Mr. Strong: Mr. Who?

Councilman Green: Mr. Gafford who works for the Parish?

Mr. Strong: I'm not going to mention any names.

Councilman Green: Oh, okay. I was just checking because he was asking was he out of town or whatever and he was in town and I just wondered if it was him.

Councilman Carmody: Thank you. And before you leave Mr. Strong, I know this goes without saying to you, but I say it for the benefit of my fellow Council Members as well as the audience. That establishing the position for the GIS Administrator, I think is a tremendous step for the City to implement, gathering and inputting the information the GIS System is intended to provide to those different departments.

I would mention though that it is so voluminous that I am sure it is going to require each department who will work with the GIS Administrator to designate their GIS point person to work within their department to bring forward the information and make sure that it is properly placed into the system.

And I know that we are not talking about it today, but that is my thought for you is, when you bring us back your recommendation for the appointment, I would hope that you would have some additional information as to the restructuring or the designation within those departments that will be working with the GIS Administrator, that they would be so designated so that again, it's not a matter of I'm dealing with Department X, and I'll go down to Department X and see who I can find- - - I think you follow where I'm going on this. I think it's important that we make sure that we have appropriate personnel to support the GIS Administrator as opposed to doing a figure-head type position within the City and then frustrating that individual, whoever it might being, to not being able to properly coordinate receiving information and inputting it into the system.

Mr. Strong: Totally concurrent. I think that what we're looking at here is really, a single point of contact as it relates to GIS Departments. We're going to need a single point of contact there, plus with the other entities, governmental entities from the Tax Assessor to the Clerk of Court to 911, all the other entities that would be involved, where a lot of the data would be collected from; so, yes.

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

2. Ordinance No. 30 of 2004: An ordinance amending Section 34-30 of the Code of Ordinances relative to areas of Special Flood Hazard, and otherwise providing with respect thereto.

Having passed first reading on March 23, 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 Gibson adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan Green and Jackson. 7. Nays: None.

3. Ordinance No. 31 of 2004: An ordinance amending the 2003 Downtown Parking Enterprise Fund Budget and otherwise providing with respect thereto.

Having passed first reading on March 23, 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 adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan Green and Jackson. 7. Nays: None.

4. Ordinance No. 32 of 2004: An ordinance amending the 2004 Budget for the Community Development Special Revenue Fund and otherwise providing with respect thereto.

Having passed first reading on <u>March 23, 2004</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Green</u>, seconded by Councilman <u>Gibson</u> for adoption. The Deputy Clerk read the following amendments:

Amendment No. 1:

AMEND THE ORDINANCE AS FOLLOWS:

In Section 1 (Estimated Receipts):

Under "Fiscal Year 2004 Funds", appropriate FNMA Grant at \$2,000,000.

In Section 2 (Appropriations):

Under "2004 Revenues", appropriate Neighborhood Recovery at \$2,000,000.

Motion by Councilman <u>Lester</u>, seconded by Councilman <u>Walford</u> for adoption of Amendment No. 1. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan Green and Jackson. 7. Nays: None.

Amendment No. 2.

AMEND THE ORDINANCE AS FOLLOWS:

In Section 1 (Estimated Receipts):

Under "Fiscal Year 2004 Funds", appropriate State STEP Grant at \$110,500.

In Section 2 (Appropriations):

Under "2004 Revenues", appropriate State STEP Grant at \$110,500.

Motion by Councilman <u>Lester</u>, seconded by Councilman <u>Walford</u> for adoption of Amendment No. 2. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan Green and Jackson. 7. Nays: None.

Motion by Councilman <u>Lester</u>, seconded by Councilman <u>Walford</u> for adoption of the ordinance as amended. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan Green and Jackson. 7. Nays: None.

Councilman Jackson: Mr. Chairman, I know it was amending the 2004 Budget. Is this money going to be spent, I guess I'm particularly talking about Amendment No. 1, in this, the City's, our fiscal year, before December?

Councilman Carmody: The Mayor is acknowledging a nod that, yes as his understanding.

5. Ordinance No. 33 of 2004: An ordinance to amend Section 3 (I) of Ordinance Number 159 of 2000 relative to Case No. C-56-00, which re-zoned property located on the West Side of Youree Drive, 1,600' South of East 70th Street, from R-A, Residence-Agriculture District to B-2, Neighborhood Business District and B-3, Community Business District with Planned Building Group Approval, and to otherwise provide with respect thereto.

Having passed first reading on <u>March 23, 2004</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Gibson</u>, seconded by Councilman <u>Green</u> for adoption.

Councilman Walford: This change really troubles me. I gotta say that our Code of Ordinances is the foundation that our City operates on and our ordinances cover everything from Zoning to Traffic to Parking to Finance and I think, I don't think, I know the citizens of Shreveport are expected to follow our ordinances, they expect us to follow our ordinances. Our Zoning Ordinances provide for an orderly growth of the City and they protect residential areas, they are designed to minimize inconvenience to our citizens, parking standards and so on.

The issue here is this Council is being asked to change an ordinance to accommodate someone who chose for whatever reason to violate the provisions of the ordinances. And so what concerns me is the issue here is the precedent that we're going to

set and the message that we as City lawmakers are going to send to the citizens if we pass this amendment. And I'm not willing to tell my constituents that this Council will change the law when there is somebody that chooses to violate it because they don't agree with it. I think the message would be that we don't stand by our ordinances and we owe the citizens much better leadership than that.

The other issue here is one of consistency and Mr. Carmody, several meetings back, we considered an issue in your district where a lady in Broadmoor had a carport that didn't meet the Zoning Ordinance and this Council voted to require her to remove that carport. So, I have a real problem with getting away from that consistency.

We had another case that was in Southwest Shreveport where a school was operating, a private school, didn't meet the ordinance and ultimately came before this Council and was denied.

So, I think that the issue is one of upholding the trust that was put in each one us. We took and oath to uphold the law and not change it to accommodate somebody who violates it. So, I'm voting against this amendment and I would encourage each of my fellow Council Members to do the same and I would ask you if we don't, where is it going to end?

Councilman Green: Mr. Chairman, I'd like Mr. Kirkland to come forward—thank you for coming. Would you speak to this particular item as to what's right with it and what's wrong with it?

Mr. Kirkland: Well, let me say Mr. Green and with all respect to Mr. Walford to you. I certainly hope in this City we continue to change ordinances, particularly those of the zoning type because changes in ordinances reflect changes in zoning. It reflects changes in business conditions. It reflects as in this case a site specific ordinance. It is a law, but it's not quite the same as a speed limit law or something like that. This was ordinance in condition, very specific to a site on Youree Drive and that site is better known as Sam's (if you will) Wholesale Club location.

There were some conditions that were placed there by the MPC after a public hearing and debate. It's a long list, in fact, I think you probably have it in your packet. It was longer than in most zoning cases because there was apprehension by the University Terrace Neighborhood group that they might not get a building that would be attractive from their point of view, i.e. colors, masonry material, that sort of thing, screening of rooftops, equipment, etc.

It was also known that the Wal-mart folks, the owners of Sam's, had land to sell. They had made that intention known very clearly at the time they zoned the tract that they had purchased, that more than half of it would probably be sold to other retailers and other users. It was not known at that time, that was in August of 2000, and then as we all hoped in August, (I believe it was August let me look at my dates) no on April 2, 2003, beginning of last year, we found that there was in fact a developer for a strip center, if you will, a little bit to the south and a little bit to the east of the Sam's site, better known today as the Michael's Retail Store and I'll call it a little strip center that runs perpendicular to Youree Drive.

At the time of that approval, it was simply a planned building group approval, when you have multiple buildings detached on a site, it requires that sort of action by the MPC. There were no additional conditions or rules or regs placed on that at the time, because the original zoning obtained by Wal-Mart (Sam's) did have all of those stips and conditions that applied to any and all buildings on that site. One of those conditions was that the building, vertical walls be of masonry material. In any event, the planned building group was approved and frankly, as all of you know, we're all happy to see that development continue in that area. We are still seeing development continue in that area of our City today.

Well, the permits were issued shortly after the zoning was approved and our person in the Permits Department did sign off on those permits, as I told you Mr. Walford. She had reason to think that the material was appropriate as required by the Zoning Ordinance. Subsequent investigation determined in fact that it was not masonry, it was what is called efis or dryvit. It's a construction term. It basically is an insulating Styrofoam type material. You see it all over the City. The yellow material you see on buildings going up, and then one day it looks like it's masonry. Well, it's not. It's a light weight Styrofoam that has a coating on it and it's very common in the industry. But regardless, a neighbor from University called me and said, right before Christmas of last year, it was about that time frame, that he was of the opinion that the retail center was in fact not meeting the requirement of masonry construction.

I investigated, looked at it and by this time, the building is not complete, but it is rapidly reaching completion. I then of course, of the opinion that they were correct in their assessment that the building was not constructed of masonry, called Mr. Cameron Cope, the developer of this center. Now, the Michael's building is masonry, so it's not an issue at all. Told Mr. Cope that we needed to have a meeting, because we had a serious problem and we would need to take some steps to address how to deal with this problem, i.e. of the masonry construction required.

He advised me at that time, that he had a letter in his file from both Wal-mart and from Councilman Gibson referencing a meeting that the University Terrace folks had, that is the letter from Councilman Gibson saying essentially that they didn't have a problem with the type of material that he was going to put on this building.

Now, I'm not here to defend Councilman Gibson, but I'll tell you right now, he didn't say this allows you to break the law or change the rules. The letter simply says, read it for yourself, the letter simply said, 'we are okay with the material you want to use. Now, the developer, Mr. Cope then presented me with that information (I wanted copies of all of it). I then called Councilman Gibson to discuss the matter with him. I also called Mr. Jim Allen, who is an extremely active member of the University Neighborhood Group (probably one of the most active), Gus Marcotte, a lawyer (retired) is also with them, Billy Doyle, everyone of those people acknowledged that this material was okay, every single one. No dissension, no disagreement, that yeah, they saw the building.

Now, did they use the words efis? No, they didn't. They simply said we saw a picture and we liked it and it's fine. I said "Guys, I wish that was good enough, but it's not. We have a zoning violation. We're going to have

to deal with that violation." I suggested to, not Mike, but to Jim Allen, Billy Doyle, Gus Marcotte that <u>a</u> solution, if we did not want to make the developer put up masonry walls, would be to amend the ordinance.

Now keep in mind this is site specific on one site gentlemen. This isn't a City-wide code. And if we simply said lets do accept what, in fact, in my opinion, the original University Terrace folks objective in requiring some sort of an exterior attractive coating finish, was to avoid a metal building look—like they already have one of and I will not mention that name, it was the first development in that tract. But they went to school on that and rightfully so, they said they didn't want anymore of them.

In any event, I sent that amendment to a University Terrace Group and Mike, I don't know if I sent it to you or not, but I sent it to them, because I said 'guys, I want you to see exactly what we're going to do, because I as the Director, am going to recommend that this change be made. It is in keeping with what your original intent was, they did not disagree to one single person. Everyone of them said it's fine with me.

We then said we're going to advertise it for a public hearing. We did that, March of this year, we had a public hearing. You know how many people spoke? One. Me to the Board. Not a single person spoke against it and that's what that public hearing was for. The Board passed it and today like in hundreds, if not thousands of cases, we are recommending to you and that nine member board is recommending to you that you pass this ordinance amendment. It is not trying to fix something, in my opinion, that somebody broke. Yes, there was abetter way to do this.

We all try to learn from our experience. I certainly almost find something everyday that I either didn't know about, didn't want to know, but the bottom line is, Mike it would have been better if I had been in that meeting with the neighborhood. But that wasn't your responsibility or the neighbors. They've had many of these meetings without any City authorities and have made private agreements only later to find that we couldn't enforce them nor did they have any teeth in 'em. Now this one did. It is a law, part of the rule, and frankly, you can say, no. As Councilman Walford, as you are wanting the Board to or the Council to do.

I strongly recommend that as pro-active as we are in this City, proactive for business, that you do adopt this recommendation and this change. If you choose not to, of course, we will follow your dictates. You are the law or make the law and I fully will respect it and I know that you will, and the Mayor and the rest of us will as well.

Now Mr. Green, that may be more than you wanted to know Sir, but it was a little bit hard to know where to stop on this story.

Councilman Green: I appreciate it. I didn't ask for debate because I asked for the knowledge. And I'm in hopes that after your explanation, that this is not going into a debate as to who is right and who is wrong and what the newspaper said or what whoever said.

I think whatever we do, it ought to be pro-active for the business more than to satisfy or appease how one feels. I just wanted to know the information. I look to you for guidance on issues that have to do with Zoning and basically, that's what I wanted to know.

I'm not trying to fix something that was broken or to make somebody feel better. I just wanted to know the right way to vote to solve this particular situation.

Mr. Kirkland: Reverend, I appreciate your request. I will say one other thing if I may. The job of the Planning Commission and I've taken it seriously every month, day, year that I've been here—this Mayor knows it as well as you, if not better.

Our job is to assist you as the government officials that decide issues every time you meet, every time the Mayor needs help and all he's got to do is make a phone call, we're going to do our best to assist him. But our job of the MPC/ZBA is to assist you in your decision making but fully respecting the fact that you are the decision makers and I fully understand that and agree with it. Thank you very much, unless you have other questions.

Councilman Carmody: Are you finished Councilman Green?

Councilman Green: Yes, I'm finished in a way. I'm in a way finished that if we vote to help the store owners, then I'm going to vote in favor of it. If in fact we get into debate as to, you know a whole lot of hoopla, then I'm going to vote against.

Councilman Jackson: Thank you. Well I won't state the conditions of my vote. But, I will tell you that one of the things that disturbs me and I've gotten a lot just in the wind, but specifically today in this brief discussion, one of the things that bothers me is that we obviously over the last couple of years, we've sat on this Council and listened to zoning cases, which very often, at least in my personal experiences are the more difficult cases, because they involve people.

Very often, things we do obviously affect people and we have to make those decisions. We, if you remember and I know you do, as I think Councilman Walford alluded to earlier, the problem I have is that just a few weeks standing before us, was a senior lady, who by no fault of her own, came into a situation that a contractor failed to do something. And was with great chagrin and I may add disgust that I felt as if we had to follow what was the letter of the law.

Now, while I understand what Councilman Green has said about, you know, we're pro-active and we want to be pro business, we want to fall on the side of business and I know you've said the same thing. Businesses in Shreveport mean nothing if people in Shreveport are not here. And if we don't respect the wishes and the concerns of the people, then you know businesses follow people. And I think more importantly, I'm certainly not diminishing the value of businesses in our community because we need them but I think we have to treat everybody with an even hand.

We can't send a message that if you're business, it's more important than if you are Miss Whoever who lives on Whatever Street. To us, the quality of life of each of our citizens has to be in my opinion, what's at the forefront and jobs help to obviously better the quality of individuals lives. And so, I just feel as if we're in a situation now that as you've said, something better could have done, probably should have been done before. We have to be sure that we follow those codes.

I just want to say Mr. Kirkland and to my colleagues, I feel very uncomfortable while being flexible in one regard and inflexible in other regards. We did the same thing when we talked about a school. I listened to a cadre of individuals who were from the

particular neighborhood, who never represented themselves as school facilities experts, but simply individuals who live in those communities. I alone with the majority of these Council Members voted against a person having that school in that area. Was called names because of that. But nonetheless, I think what we said is we needed to follow consistently what the letter of the law is. I think this finds us in the same scenario.

I think it's unfortunate, just like I think it was when the lady had the same kind of scenario. I think it is unfortunate, but either we write these rules to abide by them or we are flexible in such that- - - because while we talk about what the neighborhood, the University people's originally intention was and what they really desired originally, when this ordinance, when this code was put in place, there was an original intent for that as well and I just think that we don't want to violate what that original intent was.

And, that business people, I think have a greater responsibility when they began to build businesses and began to erect facilities, I don't necessarily believe that every citizen knows what to do necessarily, but I have an expectation that business people ought to know what to do when it comes to following the codes in a city. And so, I think that responsibility upon a business is greater. It may not be fair to think so, but I think it is greater because they are business people and they certainly ought to know about following the standards that have been put in place, the codes that have been put in place. So, I don't come with a bleeding heart with regards to this, because all businesses don't do this. This is an isolated situation that you talked about site specific. Yes, but this is an opportunity, in my opinion, for us to decide whether or not we're going to follow this code as it is or we revise it now and then I think some body said earlier, how many times are we going to revise it?

Mr. Kirkland: Well Councilman, may I just mention of the cases you mentioned. Councilman Carmody had a neighborhood group, his constituents opposed to that. You had a neighborhood group opposed to the use you wanted. Do you see any of those people here today in this neighborhood group opposing this?

Councilman Jackson: Well at the end of the day Mr. Kirkland, when it comes to making a decision in this Chamber, we can't be driven only by the numbers of people who show up. At some point, there's got to be a conviction that covers that - - -

Mr. Kirkland: (inaudible)

Councilman Jackson: Understand what I'm saying. We represent the people at this point. As we sit here today and we have to make decisions as representatives of those people. Even though Councilman Gibson represents that district, so I would assume his vote will reflect what he feels is the majority of whatever the number is of people in his district. I've got to make a decision based on what I feel based on the presentation that's being given to us. And what I'm saying what the presentation that's being given to us, I feel no compulsion, no compelling reason why we ought not to do for this business or to this business what we've done to these individuals who've come before this Council. I've not heard anything that was so compelling that said this case is so much different only because the people are not here.

I hope that when we move to put legislation on the books, we're not moved simply by - - - because there are many times in history where the majority has been wrong. And

so, I'm suggesting that what we have to do is make the decisions based on compelling reasons and today, I've not heard a reason compelling enough to suggest that this is the course of action that we ought to take.

Mr. Kirkland: I understand.

Councilman Carmody: Before I recognize the Mayor, I do have a question because a gentleman asked me this last night Mr. Kirkland. The developer on this site, when they brought in their building permit, was their building permit indicating that it would be built in compliance with the stipulations placed on that?

Mr. Kirkland: No, it showed the efis material plain and clear. My staff person who signed off on that permit assumed incorrectly that it was a masonry type material. It is not.

Councilman Carmody: Well all right. The reason I say this is this gentleman had said that and gave me the scenario in which he was developing a building and came in, in compliance, but then intentionally built otherwise and was shut down. And asking me to verify that for him, I said "Well, wait a minute. You're giving me a scenario that you were upset about the fact that the City shut you down on a job where you misrepresented what you were going to build."

Mr. Kirkland: We were moving to shut him down, and knowing that he could have appealed that through a public hearing process, and I suspect he would have. He had his lawyers already coming to the meeting. We would have wound up in a public session, in either MPC or ZBA would have voted and the wishes of that neighborhood would have been taken into account fully. Just like yours' and the rest of you, your constituents are.

And knowing by them telling me plainly, they were not opposed to this and in fact, it said in a meeting, I think there was six or seven of those neighbors, I don't know, I wasn't there, saying 'this looks fine to them'. Now, that didn't excuse the law or change the law. But we could have moved to some sort of a resolution and we could have gone to court. There were a lot of courses this could have taken. But we deal with literally hundreds, if not thousands of uses and permits on a weekly, monthly, daily basis. Just like one of the Councilmen said, probably the most contentious or one of them, is what we do, dealing with land use and permits and zoning.

Mayor Hightower: I don't want to make any excuse for anybody or anything that was done. We acknowledge it wasn't handled correctly. It should have been handled in a better way. It should have been handled up front and we all acknowledge that.

I think the neighborhood and Councilman Gibson's intent was good. And I think aesthetics were what really played into the ordinance that was, or the verbiage that was set forth by the MPC and the Zoning Board. And although dryvit is not a plaster material, it is widely used. It's widely accepted. It's probably, I don't know Councilman Gibson, it maybe the most widely used. . . .

Mr. Kirkland: Right.

Mayor Hightower:material now in the construction industry due to the economics of it versus masonry and brick layers and so forth.

I think the difference in this case, and again, I don't condone and I don't think anybody condones the way it was handled but I think the intent was good. I think the

Zoning Board wanted to be sure of was that there weren't metal buildings out there. I think that was the main thing.

Now, whether efis holds up as good as masonry and brick over the long term, I don't know. I'm sure that there are studies that show it does and some that show it does not. But I think the difference in this case, of the cases that have been point out, is there is no victim in this case. We don't have any neighbors opposing it, no businesses opposing it.

Again, I think everyone acknowledges that it was not handled correctly, but I don't think that we ought to go back and punish the developers or send a bad message to the business community, that we're not flexible, that we're not willing to take a look at things on a case-by-case basis. And we've had to do that on the ones that you guys have mentioned today. Some of 'em, you know you may be able to help some, you may not be able to help and you've got to take the neighbors into consideration and the overall aesthetics and the neighborhood itself. But in this particular case, again, I don't think there are any victims and the only way there will be a victim, is if we vote not to change the ordinance so that we let the development proceed as is.

And again, I think if anyone has taken a look at it, it looks good. I don't think that- it certainly doesn't detract from what's out there. It's compatible with everything else that's out there including the Kroger development, the Target development, probably most of the rest of them.

So, again, I don't think any of us condone what happened and Councilman Walford, I certainly understand where you're coming from and worry about setting a precedent. But I do think that, that's the reason that it's before you guys and that's the reason that we have the appeal process so that we can all take a look at each individual case and see, are there victims, or in this case, are there winners and I think there's could be winners in this case and there could be victims if we vote 'no'; so, I would urge passage of the ordinance.

Councilman Gibson: First, it's kind of disturbing. This was the headlines in yesterday's paper. Mr. Kirkland, "Gibson Okays Building in Violation of Ordinance". It's not to my knowledge that anybody on this Council can approve anything—that's the responsibility of your agency. Is that correct?

Mr. Kirkland: That is correct.

Councilman Gibson: No. 2, I don't apologize to anybody. In March of 2003, yes I'll apologize for being a novice politician, but at the same time, it was very clear that we have a very active homeowners group, I'm very proud to say a very active homeowners group in University Terrace Homeowners Association. I'm very proud to say that I've worked with them on several issues that have been brought before this Council and they are very concerned about their neighborhood.

This developer and this architect of which I had no knowledge until they contacted me said "we're going to do this development" or "we would like to do this development". And I said, are you aware about University Terrace Homeowners group. Mr. Cope, Cameron Cope in Lafayette, the developer said, no. I said, would you be amenable to having a meeting at my office for lunch for the officers of the University Terrace

Homeowners' Association and your architect, and your development group"? He said, "I would be more than happy to.

In March of 2003, we had about a two hour meeting. They went through all the processes. At the very end, they said, we are interested in using dryvit or efis material. I turned to the officers and I said, what's your feelings on that? They had no problem. I said, gentlemen, this is acceptable to me, but let me just preface something to you. You've gotta go through the proper processes--the Metropolitan Planning Commission, the Permits process, the whole nine yards. The City Council has nothing to do with that particular issue. But in terms of acceptable material, I have no problem with that.

That doesn't say I said okay to this building. I don't have that authority. In fact, in the profession I'm in, I would potentially lose my job as Executive Director of AGC to be stepping out making those kinds of preferences. So, I have not just a political vested interest in this thing, but a professional vested interest.

The next thing took place I think about three or four months later. They did go before the MPC. Mr. Kirkland, you and I never talked about this issue in any form or fashion up until the point that this then came full circle. Between March and the time it was heard in fact, none of your Commission people, none of the ZBA- - - never got a contact, a phone call, a side bar discussion from me. I didn't even come to the hearing because first of all, I didn't feel like it was my position to do so because I'd already said, gentlemen, the responsibility is yours to go forward; that took place.

The other thing I have to make clear gentlemen, my name is on this piece of legislation as a sponsor. I am not the sponsor of this legislation. That is an administrative function and I have to state for the record, that I want my name off of that because I did not author this legislation.

Councilman Jackson: Mr. Chairman?

Councilman Carmody: Mr. Gibson, I don't see - - -

Mr. Kirkland: The MPC is - - - Councilman Gibson: On 33?

Councilman Jackson: It's only there because it's in your district.

Councilman Gibson: Well I apologize for that. But I am very concerned because when I read the paper, like everybody else yesterday, it said, the first statement. "Building construction for at least three tenants along the Youree Drive business and retail corridor was completed in violation of city law and apparently (the key word there, apparently) at the encouragement of Shreveport Councilman Mike Gibson". Mr. Kirkland, I didn't encourage them to do anything.

Mr. Kirkland: Nor did I attribute that to you, Sir.

Councilman Gibson: I understand that. But I just want to make it clear for the public consumption because again, it's clear that, that's on the front page and gives the impression that I'm out there wheeling and dealing.

I know what my role is as a Councilman is to work with these six fine leaders and this Administration to facilitate economic development in any form or fashion that the Administration and the MPC, the Zoning and everybody else.

I totally agree with some of the comments that Councilman Walford has made here but at the same time, I have to give a lot of credit to your staff. I have a staff myself. We handled a lot of documents in a day's period of time, and I said this to you today. I'm amazed we don't have more issues like this. But because of the professionalism that you and your Staff provide to the Commissioners on the MPC and the Zoning Board, we do a great job.

Yes, I agree with Mayor Hightower. There is a victim involved in this. A victim who has invested millions of dollars in a development of which, again, they've been good corporate citizens for the City of Shreveport. I don't like being wishy-washy and playing one or deciding one thing and changing my mind on another thing. I think that yes, there is an error been made. I admit being a novice City Councilman in March of 2003, I should have turned to you the professional to say, Mr. Kirkland, would you sit in our meeting, because you probably would have given me some guidance that I badly needed. But in terms of the letter that I sent to them, all I said, was I accept what you're proposing, but you've got to go do your homework and make sure that everything is signed off. I didn't encourage them in any form or fashion obviously, that was incorporated in their plan and specs.

I'm not here to lobby this Council. Everybody has their own particular constituents to represent. I will vote according to what I know based on the facts that are in front of me and understanding that we are not a perfect City government, that we do sometimes make mistakes. We all are guilty of that at some point and I'm not too big to admit when mistakes occurred but in this particular case, there is no blame in any form or fashion. There would be blame in my opinion, if we come back and we penalize a good corporate citizen who has gone over the call of the duty and yes, they, as I understand it, we have given them the okay to finish this project and we'll have to deal with the consequences based on the votes. But I do appreciate Mr. Kirkland your involvement and I appreciate your explanation because I think it covered A-Z in terms of the circumstances that led to this.

Councilman Lester: Thank you Mr. Chairman. Mr. Kirkland, I've been sitting here and I've been enthralled and I've been making a number of notes. And I have a few questions just for you to clear up.

Who does this statute, this ordinance I should say, this ordinance is site specific? Isn't that correct?

Mr. Kirkland: Correct.

Councilman Lester: Is it for all Sam's or the Sam's property at that particular location?

Mr. Kirkland: Just the one at that specific location on Youree Drive. The entire property that was owned by them at the time.

Councilman Lester: Okay. In order to get certain zoning concessions, they met with the folks in the neighborhood and they came to some arrangement that said if you're going to do certain things here, this is what we want you to do. Is that correct?

Mr. Kirkland: Absolutely. It's a long list.

Councilman Lester: Okay, and this is not if this Council votes to make a change in the ordinance, this is not something that is going to have city-wide applicability is it?

Mr. Kirkland: Absolutely not.

Councilman Lester: Well, we're talking about one isolated location. Okay.

Mr. Kirkland: If anything, it might help bring this site more in compliance with the rest of the City.

Councilman Lester: Now, I've heard some commentary about mistakes being made. The developer filled out the forms and they submitted those forms to your office?

Mr. Kirkland: Correct.

Councilman Lester: And at some point, someone there signed off saying that the material that they want to use was okay?

Mr. Kirkland: The entire development---landscape plans, location, materials, in fact Mr. Alan Clarke and Ms. Linda Thomas are the two on my staff that had that prime responsibility.

Councilman Lester: And so, they missed it for one reason or another, probably because they, I mean, I don't know why, but- - - . Basically from what I'm listening to, it appears as if this is a mistake that was made by the City and not the business. Would that be a fair characterization?

Mr. Kirkland: My staff and I made that mistake.

Councilman Lester: Okay, and so after the mistake was made and the development was cleared, at some point, someone in the neighborhood alerted your attention to the fact that there was a problem?

Mr. Kirkland: Yes.

Councilman Lester: Once they alerted you to the problem, and you did your investigation and point in fact, you discovered that they were not in compliance with the ordinance dealing with that particular- --?

Mr. Kirkland: Right.

Councilman Lester: The issue is not about or the issue boils down to the use of one building material versus another, right?

Mr. Kirkland: Correct.

Councilman Lester: Where does that project or that development stand right now, today as we speak?

Mr. Kirkland: Businesses are already occupying, I'm gonna say at least three of the spaces. So, what that says is that the Certificates of Occupancy have already been signed off, they have a legal right to be there and operate. Like I said, remember the Michael's building is not involved at all because it had masonry, but in the other strip center, so they're in there and operating.

Councilman Lester: So now, we have businesses that are in operation have been in operation, for what period of time?

Mr. Kirkland: I'm not certain of that. I am going to say several months. Keep in mind too, we had a very, very public process.

Councilman Lester: I understand.

Mr. Kirkland: Have any of you come to our meetings? There is almost nothing that isn't under the light of day that we do and we encourage everybody and their brother to come to our meetings. So - - -

Councilman Lester: So, we have a business that's been operating for how long: 30 days, 45 days, two months?

Mr. Kirkland: At least.

Councilman Lester: So, we have a business that was given the go ahead to proceed? Mr. Kirkland: Right.

Councilman Lester: We gave Certificates of Occupancy based upon the signing off of. . . .

Mr. Kirkland: Because they had gotten proper permits to build the building.

Councilman Lester: Okay, and - - - (I'm not leading the witness Councilman Jackson). So, if we do not pass this ordinance, then where does that put the MPC vis-avis, this development? Does that now require the Metropolitan Planning Commission to go to this business and shut them down?

Mr. Kirkland: Well, what we would do is have 1) we would wait the 30 days, the referenced time period to see if they wanted to carry that decision to Court.

Councilman Lester: Well you know they're going to do that.

Mr. Kirkland: But if they didn't, then we would then proceed to a meeting with them to try to follow the wishes of the Council on the decision which would have meant you've gotta come back with some type of masonry material on the exterior of that building.

Now, I will tell you rather quickly gentlemen, there are a number of simplistic solutions in my mind as maybe a little bit old, but it's still a little bit creative and I can tell you a lot of ways to get there if they have to if we had advised them.

There is no percentage of that exterior that has to be masonry. So, there are a lot of ways to try to go around this thing. We didn't do that. We put this thing right out in front of everybody, dealt with it heads up and I hope we have reached a purest level of government, but I suspect we're not there, but maybe we are.

Councilman Lester: So, I guess my question would be if we vote not to support this particular ordinance, then are we putting the MPC in a position of saying to this developer, you have to tear these walls down and put something new up?

Mr. Kirkland: We wouldn't have to necessarily have to tear them down. It would require some sort of brick veneer, some sort of stone, there are lots of types of masonry materials that would satisfy this department. It would cost the developer money, but there are ways to get there and it would legally satisfy the ordinance.

Councilman Lester: So we're talking if we don't support this ordinance, then basically what we would have is a situation where we're not having to subtract from the property, they would have to add to it?

Mr. Kirkland: Exactly.

Councilman Lester: And the expense would be born by them? Mr. Kirkland: That's correct. I suspect they'd challenge that.

Councilman Lester: Well, I mean, they're going to, they're going to and if I was their lawyer I would too. Okay, well that answer a many of questions for me. Quite obviously my concern was - - - how do you balance or upholding the statutes that you have and dealing with something in a fair and just manner. This is in fact one way to do it and there are, as you said, there are amply other creative ways to get to that point.

But let me tell you what my concerns are and after I say this, I'll pass the microphone. We are wonderfully consistent with our inconsistencies on this board and it is amazing to me how today we stand up on a bright line. Tomorrow, we change and we stand up on that bright line and the next meeting we stand on the bright line. And some of us do it with the straightest, pious face—it's just literally amazing.

I have sat here and where we talk about being even handed and fair, we've been in situations where we grant an exception for one beauty shop and don't grant another to a person in the same block, in the same neighborhood. I mean, we do these types of things and I think they arbitrary and capricious. I understand some motivation and certainly, if I was a different type of individual, I could take some glee of having had his face splashed across the pages of our local daily. I could take some glee in the situation that Mr. Gibson finds himself in, but I don't.

The other concern that I have is for one of my colleagues that served on the ZBA and I remember on more than one occasion my colleague saying, I don't vote against ZBA/MPC. They're fine folks, they do a job well, I think we should respect their decisions, what have you. But in this particular case, this is not something that's been brought to us by a particular Council Member, this is actually something that, that same group of fine folks at the ZBA and the MPC have come back on their own recommendation. So, what do you do? On one hand, do you say I'm going to always follow the ZBA and MPC because they are fine folks and they give us good work or do you make allowances for the fact that sometimes things happen or do you punt?

At the end of the day, I mean we have to make decisions on what we have in front of us. What's going to enure to the best benefit of the City and what's in our best judgement. And I think over time, at least I'm learning, that the whole idea of us throwing up these bright lines and these lines in the sand or setting us up for failure because almost invariably whether it's a District A issue this month or its District B issue next month, or is it District C issue next month. We have to take basis on an individual basis.

My heart goes out to that senior citizen that had to deal with that issue on last month. We told her we had to take that down, because of these rules. And now, we have a business that says, well you know what, we're going to make this guy do something different. Well, and at the same time we say, you know, we're pro business, I'm pro business, I'm pro business. The point I guess that I'm trying to make is we have to exercise our discretion and we cannot always go to the least common denominator or throw up these bright lines in simple 2-second sound bites that read well in the paper, but don't make for orderly government.

We can sit here and we can score points on each other until the cows come home or we can suck it up and govern. And I'm tired of the one upmanship, I'm tired of the pointing of the finger and pushing somebody out to snatch the rug out from under 'em. I

think at a certain point, the citizens expect us to govern and that's why we get paid the big bucks.

And if we don't want to make the tough choice, then say that but for otherwise, I just think it's being disingenuous for us to tell, I want to follow a bright line and now you're in to use Councilman Jackson's word conundrum, because you say that, 'I always follow ZBA and MPC. And I'm not going to vote against this because MPC and ZBA have said this is what they want to do.' And now, you've got an issue where MPC and ZBA says we made a mistake, you need to make a change. But now, you're telling us to vote against the MPC/ZBA. Doesn't make a lot of sense. We can't hide behind the bright lines, we have to govern now.

Councilman Hogan: I'd first like to say that I can appreciate economic development in this city even if it's not in my district. And in case there's anyone in the sound of my voice hear from the Sam's building, I just want you to know that the way I'm about to vote in a few minutes is not going to reflect the fact that I have a chip on my shoulder, that you moved out of my district into District D. However, - - -

Mr. Kirkland: You'll have got a good tenant in that building.

Councilman Hogan: Correct. And I'm proud to have a tenant in that building. You know as I've listened to the debate and the arguments here, you know I'm certainly no expert on construction, design or how the ordinance should read. . . .but what I'd like to say is that when it comes to an issue like this, I do and in fact go and talk to people in my district.

I seek counsel from people who are so-called experts in this area and I have talked to two contractors that are in my district—one is actually not in my district, but he does business here in the city of Shreveport and he is a major developer. The other is a smaller contractor and I've talked to both of these gentlemen and they have pointed out instances to me where in previous, both of them by the way, have been in business here for some 20 years each. And so they have both pointed out instances to me which I've heard of this happening that something was done, whatever the reason, the ordinance as not followed. They were required to go back and correct it. It ended up costing the developer money.

I just don't think that it is fair to go back and allow someone to do this where as in other situations that hasn't happened. And there is a situation in my district where five years ago. . . .

Mr. Kirkland: Councilman, if I may.

Councilman Hogan: I'm not finished. There is a situation in my district.

Mr. Kirkland: We have changed ordinances though.

Councilman Hogan: Mr. Kirkland, can I finish what I'm saying?

Mr. Kirkland: Sure, I'm sorry.

Councilman Hogan: There is a situation in my district on Walker Road about six years ago, where a guy built a structure out there. It was going to be some type of refreshment stand or snow cone stand. He spent several thousand, \$50,000 or so on it and he was shut down because something wasn't in compliance. I am going to get into the reasons, because of that but that building is still there to this

day. It is not being used. This person is going to come back to me, I'm sure and say hey, I need an exception for my structure.

But anyway, again back to my point, is that I seek counsel from people who are in the know, people that are the experts and there is someone here today that I would say that is an expert in the field of development, commercial and probably residential development as well, Mr. Jim Dowling and I didn't know he was going to be here today. I didn't ask him to come, but if you would, Mr. Dowling, I'd like you to come forward and share some of your thoughts on this with us, please.

Mr. Jim Dowling (308 Market Street, Shreveport, 71101): Here as a concerned citizen and being in the real estate development business brokerage business and investment business, have a lot of interest in the 70th Street, Youree Drive area and have had for many years and will have for many years to come.

One thing that I wanted to get a clarification on for my own thinking is relative to the amount of property that this ordinance as it stands now, applies to. I've gotten mixed information on that so I was just wondering who could clarify that for me.

Mr. Kirkland: Just the Sam's site.

Mr. Dowling: That would be the original site that Sam's acquired which is about. . . .

Mr. Kirkland: That one site alone.

Mr. Dowling: About a 35-/37 acre site is what it originally was when Sam's acquired the property. Is the discussion here today relative to doing away with the ordinance that would apply all of the Sam's property or just to this particular development in question?

Councilman Carmody: My understanding, Mr. Dowling is the particular development in question, site specific.

Mr. Kirkland: (inaudible) the adjustment in violation of (inaudible). There are two new buildings going out front that if this one was allowed to (inaudible) then the new ones would be as well.

Mr. Dowling: I see.

Mr. Kirkland: The Ruby Tuesday and the (inaudible).

Mr. Dowling: The concern that we have is trying to create as level as a playing field for all parties as we can and if what happens is, when we start making deviations from these ordinances that are selective to specific properties, it can create an uneven playing field and give some an economic advantage over others. And I could see that very easily happening here and 2. the concern would be how this could apply in the future relative to other properties and other locations even though they are not affected today by the particular ordinance in question.

I just throw out those thoughts as food for thought. I can see that it is a real

tickley situation and I am certainly not here to try to give trouble or make a

hard time for anybody on either side of the fence. It is just kind of thinking out loud and just sharing those thoughts with the Council for consideration.

Councilman Hogan: Mr. Kirkland, there was some conversation a moment ago with Councilman Lester about what it would take to bring the building in compliance and I heard you say, in essence, it would be adding to the structure already a masonry front, is that correct.

Mr. Kirkland: Mr. Hogan, let me say this. If the owners of the City are willing to voluntarily, based on our requirement if that is the case that they have a masonry exterior then there is a number of opportunities of how to do that. They could tear the efis off, they could add a brick veneer, they could put a block up, they could put one part way high, there are lots of options as to how they could get there, but I can't say at this point and time which if any of their options I haven't even thought of that they would think of not to the least of which, going to court and seeing if a judge would taking about leveling the playing field, like I said earlier, if this amended you will level the playing field for these folks just like everybody else in this City, so that will be the level playing field.

Anyway, I don't know what options would be selected but I suspect we'd find out in front of a judge first what would happen.

Councilman Hogan: Well I guess better said, the question would be and I'm not asking I know you are not a construction expert although you've done a lot of development in the past.

Mr. Kirkland: Oh, I spent about 15 years in it. I did have a Louisiana General Contractors license, so I know a little bit about it.

Councilman Hogan: Yes, sir that is what I can understand and appreciate that. I guess my question would be in your opinion what would be the most inexpensive way to correct this problem if they chose to do this?

Mr. Kirkland: Mr. Hogan, there is no way in the sun that I can answer that. That is about remodeling your home depending on, I didn't watch every step of construction, it would just have to be analyzed and looked at. I can tell you it would be expensive because you don't just finish a commercial building and then go start re-doing, adding to or whatever. You've got brick shell to lay, you've got electrical, you've got a lot of different things that you have to deal with but I just know it would be expensive. How much? I don't know. But I think the Mayor probably said it best earlier so.

Councilman Hogan: Excuse me, Sir?

Mr. Kirkland: I think the Mayor, I appreciated what he had to say. I think he said it best, better than anything I've said or anything anybody else had said today from the pragmatic side of it.

Mayor Hightower: Thank you, Dad.

Mr. Kirkland: We will do whatever, if ya'll vote 'no' and vote it down, we will certainly. We will follow through with our job and take it to the empt degree. Well remember the process

Councilman Hogan: The last time I checked, brick is not very expensive, it would be the labor of course. But, I'm thinking that it would—last time I checked brick was around \$250 or \$275 per 5,000 thousand. So I don't know how many thousand brick it would take and again the labor of whatever that would be. I don't think we are talking about a large dollar amount. Mr. Gibson, you are laughing. Do you have a comment?

Councilman Gibson: Yeah, I do. You are way out of line, Mr. Hogan.

Councilman Hogan: Okay, that is what I'm looking for. I'm looking for direction.

Councilman Gibson: Masonry, brick mason is one of the most expensive sub-trades going on right now because of a lack of good skilled masons out there.

Plus, this project would have to re-tool. They are already finished, they are in the project—all contractor employees are gone. They would have to re-tool, do the whole shooting match to come back to redo this.

Again, some of the examples I've heard here too is, I think this an unusual situation in the fact that the thing that you cited, I don't know if the plans were submitted and approved and then somebody found fault. These plans were approved, everything was approved. They were told everything is fine, and now we are telling it is not fine.

Mr. Kirkland: Yeah, the City itself may wind up being the one who has to pay for the cost and I would certainly hate for the consequence but that realty is there if that is your decision.

Councilman Hogan: That might have to come out of the MPC budget, maybe.

Mr. Kirkland: Well certainly we can and we'll lay the people off to be able to do it, Mr. Hogan if that is what your wish is.

Councilman Hogan: No, I'm not asking to do that.

Mr. Kirkland: Well, that is what it would take in order to pay for it out of our budget. But we wouldn't have to do that, I don't believe, because the City indemnifies the MPC. We are your agency, so the City would be the one liable.

Mayor Hightower: I said my piece earlier and I hope that we will move in that direction. However, I do think that there was a pretty valid point a second ago that we may ought to look at that was brought forward by Mr. Dowling, there are two frontal pieces, parcels that have been, I think contracted on, Golden Corral and Ruby Tuesday. I am not sure, have those plans been submitted?

Mr. Kirkland: The retail center has been and there is a foundation poured on that one. They are wanting to uses efis as well. We have told them, don't put anything up until this decision is made.

Mayor Hightower: I think it would behoove the citizens and the aesthetics, which again, is what we are talking about initially on this particular project. I don't believe that

there is a front parcel on that corner up there, when you are thinking about Eckerd's and Olive Garden and Chilli's and On The Border. I don't believe any of those are efis. Jim, are they?

Mr. Kirkland: I don't know.

Mr. Dowling: Not that I'm aware of.

Mayor Hightower: I'm thinking that there are all a better material than efis and if they are, then maybe we should reconsider.

Mr. Kirkland: But Kroger is efis.

Mayor Hightower: But Kroger is not on the front parcel.

Mr. Kirkland: Right.

Mayor Hightower: Kroger is not the front corner parcel, I mean, those are all the behind buildings. Maybe we should go back and instead of asking the Council to reconsider the whole Sam's property, maybe we should only be re-considering the current center with Cato and Dollar Tree, that are up and not do that for the front parcels that are on Youree Drive; so, as not to take away from the brick and stone and the masonry and the plastering, the other things that have been used on the front by our current people.

And Mr. Dowling is heavily involved in a development that is coming across the street that we will be hearing about shortly and I don't want us to set a precedent to where the front—we may let the back parcel be efis but again, we might not want the front parcel restaurants to be that material. We may want them to go to the nicer look.

Mr. Kirkland: Jim, are you sure the Brinker Family built on the Border and Chill's. They bought those sites, right. I believe On The Border may well be efis because it is sort of a textured looking material, but we will just have to check it. The points well made, Mayor

Councilman Carmody: Mr. Mayor, you hit the point that I was going to make on the head and that is that if we are now going to address just one little area out there in the corridor where there is so much undeveloped real estate with a development that is already been shown to the Council as to what is coming, how do you deny those people the same opportunity to build with a lesser building material, and I say that in the context of economically, maybe not in and I'm not a structural engineer, but in my business in commercial real estate if I can build cheaper it goes right to my net operating income. And how are you going to say, well granted we did this across the street but now you are coming in with your development and no, we are holding you to what we previously (inaudible).

Mr. Kirkland: Gentlemen, if I may and I've got almost 18 years of experience in this City dealing with land use, exactly these issues. I don't recall a single other site that we said it had to be masonry. Now, what I am telling you about the playing field, the Lowe's development is not tied to that nor is Mr. Dowling tied to that nor is any other developer tied to that. Mr. Carmody, none of the sales you've made have been tied to that. It is a requirement that was very unique to this site.

Councilman Gibson: Just for the University Terrace neighbors, if I am not mistaken.

Mr. Kirkland: It was because they wanted, frankly. . . .

Councilman Gibson: They did not want metal building.

Councilman Carmody: They did not want metal.

Mr. Kirkland: Frankly, they were not of the opinion that the Sam's building would be an attractive building. They other buildings they had seen what was going to be built, University and the rest of them and then they said, we like that. But the Sam's building I guess because of whatever reason, they wanted to go the extra requirement and make sure Sam's built that building out of mason. You know what the building looks like out on the Inner Loop, that's metal. They did not want to see that metal building at that location.

Councilman Carmody: Yes, Sir.

Mayor Hightower: And Mr. Kirkland is probably right in that the Lowe's development has not been told by ordinance that they have to use the masonry but we do have a commitment from the developer of the Lowe's site that they will use an upgraded material and I think they are going to use a bunch of stone in it. And, I do think that if we go in just as you said, and we let the Golden Corral and Ruby Tuesday's and anybody else that goes on the front parcel use a lesser material, they are going to feel like they may have to do the same to compete because the bottom line is the bottom line and it starts from the ground up and into the operations.

So, again, I think maybe the solution here is to would be to pass the ordinance but carve out only the building that is up right now--the Cato, Dollar Tree building.

Councilman Carmody: Would we need an amendment drafted to specifically?

Mr. Kirkland: Yeah, because you would almost need a. . .

Councilman Carmody: Well, that is true. We could postpone until such time as we can bring this back.

Mr. Kirkland: It would be a geographic. I think you would have to have it legally apply only to a certain section.

But, Mr. Chairman, I would strongly recommend that if the Council is of a mind not to approve it, I would recommend that you not delay the vote. I mean only if you are inclined to, at least four of you, willing to vote to approve that, would there be any point in trying to prepare an amendment, wait two more weeks for a vote.

Councilman Green: I guess basically before I vote on this, I received a statement from one of my colleagues to find out the definition of hoopla because I specifically said he said, he said that, if there was no hoopla. So I don't know the definition. But anyway, I think that we ought to vote today.

And the next thing that I would just really like to say is that some times we have to be careful when we give thumbs up to ourselves when we receive what we call good press and when we get upset when we perceive what is bad press.

Arthur Ashe was interviewed by a reporter once about his condition, as to did he think that God was unfair to him because of the condition that the was in and why did he make a lot of hoopla out of it. He said when everything was going well, I didn't complain to God and now that things are going bad, I'm not complaining.

I just think some times we have to be careful as to how we get upset about our press release. The best way to basically handle the press is to use a famous quote that I have is, *no comment* and I Call for the Question (motion died for a lack of a second.)

Councilman Jackson: I think the more and more that we carve out it becomes, the more and more specialized we seem to make a decision. I mean, the more and more we carve out and we say--not these, not these, just this one, the more tailor made the decision seems to be and again.

I just think that even with all that has been said, I just think that there is a lot that ought to be said for following the Code.

I know many of the Council men are concerned about being sued or something in that regards, but I just think that all of this we say about whether it is going to just at this site or if is site specific or whatever the case maybe, these people have already started, they got business in there. We had a deal once with this school that there was people already there, they've already been there, and then some folks objected to that deal and so we, again, sometimes much to our chagrin voted to just follow what was in fact the law or the code that governed it.

And so whether we delay or not, I still maintain and I think we go down, well nobody else sees necessarily as a slippery slope, I just think it is set some bad precedent so I would ask that we would at least consider that as we vote today and I hope we will vote.

Councilman Walford: I guess my question would be aimed at either Mr. Kirkland or Mrs. Glass, would a two week postponement allow carving out and I'm still not convinced that that would change my vote, so.

Mrs. Glass: Yes, we can draft an amendment. I think the MPC Staff would have to come up with a description of the area that we wanted to carve out, but it would be within the area already considered by the MPC so legally, yes we could consider such a (inaudible).

Councilman Green: Is that necessary to wait two weeks to do that, Mrs. Glass?

Mrs. Glass: Well, as you know, some times we write amendments while we are in here and I think we are saying in this case we don't know exactly what the description of the area would be.

Councilman Green: And basically, if in fact, we turn this down and then they file a law suit, who would they file a law suit against?

Mrs. Glass: I can't read their minds.

Councilman Jackson: That is up to them.

Councilman Green: I mean, would it be the City of Shreveport?

Councilman Lester: Everybody, Mr. Chairman.

Councilman Jackson: Nah, it is up to them.

Councilman Lester: Everybody.

Councilman Green: Would it be basically, the City of Shreveport?

Councilman Jackson: It is up to them.

Mrs. Glass: I am not going to say that. . .

Councilman Green: I'm talking to Mrs. Glass.

Mrs. Glass: . . . but certainly you never know who is going to file suit against the City.

Councilman Jackson: Mr. Chairman, I Call for the Question.

Councilman Green: After I finish. Here again, we can just walk around this, do whatever we choose, but I know and everybody up here know, even our Council lawyer will know that this suit will be filed against the City of Shreveport and we are going to have to pay.

Councilman Lester: And we will lose.

Councilman Green: So, it is either we go on and, because we are the ones told them that it was okay to do this. They just didn't just say, okay we are just going to do it this way. We signed off on it. So we punish them and we just dance around this for whatever reason. But we are going to be the ones who end up, whatever way and I just think that we ought to just step up to the plate and acknowledge that this is site specific. We just gave an ABO card yesterday, site specific, this particular site. It can't be any plainer so today because we can and because we have the power then we will just dance around this and dance around it. In two weeks it is still going to be the same thing and I just think that we need to vote on it today.

[Councilman Gibson called for the Question, seconded by Councilman Jackson and unanimously approved.]

Ordinance adopted by the following vote: Ayes: Councilman Lester, Carmody, Gibson, Hogan, and Green. Nays: Councilman Walford and Jackson. 2.

6. Ordinance No. 34 of 2004: Twenty Second Supplemental Ordinance: A Supplemental Ordinance amending and supplementing Resolution No. 131 of 1984 (the "General Bond Resolution") adopted on June 12, 1984, as amended; providing for the issuance of not to exceed \$13,00,000 principal amount of Water and Sewer Revenue Bonds, 2004 Refunding Series B, of the City of Shreveport, State of Louisiana, pursuant to the General Bond Resolution; approving and confirming the sale of such bonds; prescribing the form, fixing the details and providing for the payment of principal of and interest on such bonds and the application of the proceeds thereof for refunding certain bonds issued for the purpose of constructing and acquiring extensions and improvements to the City's combined waterworks plant and system and sewer plant and system (the "System") of the City; making application to the State Bond Commission; and providing for other matters in connection therewith.

Having passed first reading on March 23, 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 Gibson to postpone the ordinance until the April 27, 2004 meeting. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan Green and Jackson. 7. Nays: None.

7. Ordinance No. 35 of 2004: <u>Twenty Third Supplemental Ordinance</u>: A Supplemental Ordinance amending and supplementing Resolution No. 131 of 1984 (the "General Bond Resolution") adopted on June 12, 1984, as amended; providing

for the issuance of not to exceed \$12,000,000 principal amount of Water and Sewer Revenue Bonds, 2004 Refunding Series C, of the City of Shreveport, State of Louisiana, pursuant to the General Bond Resolution; approving and confirming the sale of such bonds; prescribing the form, fixing the details and providing for the payment of principal of and interest on such bonds and the application of the proceeds thereof for refunding certain bonds issued for the purpose of constructing and acquiring extensions and improvements to the City's combined waterworks plant and system and sewer plant and system (the "System") of the City; making application to the State Bond Commission; and providing for other matters in connection therewith.

Having passed first reading on March 23, 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 Gibson to postpone the ordinance until the April 27, 2004 meeting. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan Green and Jackson. 7. Nays: None.

8. Ordinance No. 36 of 2004: An ordinance authorizing the Mayor to execute an agreement with Wiley College and to otherwise provide with respect thereto.

Having passed first reading on March 23, 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 Gibson to postpone the ordinance until the April 27, 2004 meeting. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan Green and Jackson. 7. Nays: None.

The adopted Ordinances, as amended, follow:

ORDINANCE NO. 29 2004

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 2-259 OF THE CITY OF SHREVEPORT CODE OF ORDINANCES RELATIVE TO THE DEPARTMENT OF OPERATIONAL SERVICES 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 2-259 of the City of Shreveport Code of Ordinances is hereby amended to now read as follows:

Sec. 2-259. GIS Administrator.

The position of GIS Administrator is hereby established as an appointed position within the Department of Operational Services. This position shall be filled upon

recommendation of the Director of the Department of Operational Services and appointment by the Mayor, subject to confirmation by the City Council.

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

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

ORDINANCE NO. 30 OF 2004

AN ORDINANCE AMENDING SECTION 34-30 OF THE CODE OF ORDINANCES RELATIVE TO AREAS OF SPECIAL FLOOD HAZARD, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BE IT ORDAINED, by the City Council of the City of Shreveport, in due, legal session convened, that section 34-30 of the Code of Ordinances be and is hereby amended to read as follows:

Sec. 34-30. Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Caddo Parish, Louisiana and incorporated Areas" dated April 6, 2000, and all May 17, 2004 revisions with accompanying flood insurance rate maps and flood boundary - floodway maps, and any revisions thereto, all of which are filed with the Department of Operational Services - Office of the City Engineer, and hereby adopted by reference and declared to be part of this article.

BE IT FURTHER ORDAINED, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not effect 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 part thereof in conflict herewith are hereby repealed.

ORDINANCE NO. 310F 2004

AN ORDINANCE AMENDING THE 2003 DOWNTOWN PARKING ENTERPRISE FUND BUDGET AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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 Downtown Parking Enterprise Fund budget, to appropriate additional 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. 173 of 2003, the 2004 budget for the Airports Enterprise Fund, as amended, is hereby further amended as follows:

In Section 1 (Estimated Receipts):

Increase Estimated Fund Balance 1/1/2004 by \$25,000.

In Section 2 (Appropriations):

Increase Contractual Services by \$25,000.

Adjust totals and subtotals accordingly.

BE IT FURTHER ORDAINED that the remainder of Ordinance No. 173 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 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.

ORDINANCE NO. 32 OF 2004

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

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 Community Development Special Revenue Fund, to appropriate additional prior-year 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. 167 of 2003, the 2004 budget for the Community Development Special Revenue Fund, is hereby amended as follows:

In Section 1 (Estimated Receipts):

Under "2003 and Prior-Year Funds":

Increase Prior-Year CDBG Entitlement by \$625,000.

Increase Prior-Year HOME Program Income by \$139,000.

Increase Prior-Year HOPE Program Income by \$13,200.

Appropriate Prior-Year State Emergency Shelter Grants at \$117,500.

Decrease Prior-Year WIA Grants by \$162,700.

Decrease Prior-Year SHMA Program Income by \$69,600.

Increase Prior-Year Housing Program Income by \$199,800.

Decrease Prior-Year EDI Grant by \$263,400.

Increase Prior-Year Business Development Prog. Income by \$67,000.

Decrease Prior-Year Basic Education Program Income by \$6,000.

Under "Fiscal Year 2004 Funds":

Decrease CDBG Entitlement by \$99,000.

Decrease HOME Entitlement by \$11,000.

Appropriate HOME ADDI at \$146,000.

Decrease Federal Emergency shelter by \$11,500.

Decrease SHMA Program Income by \$85,000.

Decrease Leased Housing Program Income by \$15,000.

Increase Private Donations by \$2,500.

Appropriate WIA Grants at \$1.483,100.

In Section 1 (Estimated Receipts):

Under "Fiscal Year 2004 Funds", appropriate FNMA Grant at \$2,000,000.

Under "Fiscal Year 2004 Funds", appropriate State STEP Grant at \$110,500.

In Section 2 (Appropriations):

Under "Prior-Year Funds":

Decrease EDI Grant by \$263,600.

Appropriate CHDO at \$1,138,100.

Increase HOME Program Income by \$139,000.

Increase HOPE Program Income by \$13,200.

Appropriate State Emergency Shelter at \$117,500.

Decrease WIA Grants by \$162,700.

Decrease Basic Education Program Income by \$6,000.

Decrease SHMA Program Income by \$69,600.

Increase Business Development Program Income by \$67,000.

Decrease Housing Program by \$513,100.

Increase Housing Program Income by \$200,000.

Appropriate Neighborhood Recovery at \$2,000,000.

Under "2004 Revenues":

Decrease Administration - Personal Services by \$8,400.

Decrease Administration - Contractual Services by \$5,600.

Decrease Federal Emergency Shelter by \$11,500.

Increase Public Service Projects by \$175,000.

Decrease Public Facilities by \$175,000.

Decrease Housing and Business Development - Personal Services by \$4,900.

Decrease Housing and Business Development - Contractual Services by \$2,000.

Decrease Housing Program by \$69,200.

Increase CHDO Operating by \$19,900.

Appropriate HOME ADDI at \$146,000.

Decrease HOME Program by \$29,800.

Decrease SHMA Program Income by \$85,000.

Decrease Leased Housing Program Income by \$15,000.

Decrease Multi-Family Housing Development by \$10,000.

Increase Paint Your Heart Out - Private Donations by \$2,500.

Appropriate State STEP Grant at \$110,500.

Adjust totals and subtotals accordingly.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof shall be 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 portions thereof in conflict herewith are hereby repealed.

ORDINANCE NUMBER 33 OF 2004

AN ORDINANCE TO AMEND SECTION 3 (I) OF ORDINANCE NUMBER 159 OF 2000 RELATIVE TO CASE NO. C-56-00, WHICH REZONED PROPERTY LOCATED ON THE WEST SIDE OF YOUREE DRIVE, 1,600' SOUTH OF EAST 70TH STREET, FROM R-A, RESIDENCE-AGRICULTURE DISTRICT TO B-2, NEIGHBORHOOD BUSINESS DISTRICT AND B-3, COMMUNITY BUSINESS DISTRICT WITH PLANNED BUILDING GROUP APPROVAL, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Shreveport, in due, legal and regular session convened, that Section 3(I) of Ordinance Number 159 of 2000 relative to the rezoning of property located on the West side of Youree Drive, 1,600' South of East 70th Street, from R-A, Residence-Agriculture District to B-2, Neighborhood Business District and B-3, Community Business District with Planned Building Group Approval is hereby amended to now read as follows:

- 10. Development of the property shall be in substantial accord with an Operational Site Plan dated August 4, 2000, to be approved by the Planning Director with input from the neighborhood prior to construction and to show compliance with the following items:

- xi) All exterior wall elements of the Sam's building and proposed retail center, except the back of parapet walls, shall be masonry, plaster, or veneer plaster with textured surfaces.

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.

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. 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:

(Note: Council rendered decisions on Items 1 and 2 rendered at the Administrative Conference on April 12, 2004.)

- 1. SOB Employee Card appeal: Elizabeth Shlosman.
- 2. ABO Employee Card appeal:
 - a. Jason Strickland. b. Andre Brooks c. James Reed
- 3. 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)

Councilman Gibson: I ask for two more weeks. We did have one small house keeping order that. . . .

Motion by Councilman <u>Gibson</u>, seconded by Councilman <u>Walford</u> to postpone this matter until the April 27, 2004 meeting. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan Green and Jackson. 7. Nays: None.

REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES. None.

CLERK'S REPORT: None.

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

ADJOURNMENT. There being no further business to come before the Council, the meeting adjourned at approximately 6:10 p.m.

/s/Thomas G. Carmody, Jr., Chairman /s/Arthur G. Thompson, Clerk of Council