

**COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT, LOUISIANA**  
**JUNE 8, 2004**

The Regular Meeting of the City Council of The City of Shreveport, State of Louisiana, was called to order by Councilman Jackson at 3:03 p.m., Tuesday, June 8, 2004, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Councilman Gibson.

On Roll Call, the following members were Present: Councilmen Green, Gibson, Jackson, Carmody, Lester, and Hogan. 6. Absent: Councilman Walford. 1.

**Approve Minutes:** Motion by Councilman Carmody seconded by Councilman Lester to approve the Administrative Conference Summary Minutes of May 24, 2004 and the Council Meeting Meetings of May 25, 2004. Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

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

Councilman Jackson: Mr. Clerk, do we have recognition of distinguished guests and awards?

Mr. Thompson: We don't know of anything except the Convention Center Report and the Property Standards Report.

Councilman Jackson: I want to, just before we move on, I wanted to recognize Mr. Tony Sardisco, I think he was here, maybe he's still here. Mr. Sardisco, will you stand? I just want to recognize and welcome him. I thought someone was recognizing him as a distinguished guest today. At this point, I want to congratulate him on his preparation on being inducted into the Louisiana Sports Hall of Fame, and congratulate him in advance for that and certainly for the work he's done, not only in athletics, but in the community at large. So, I just want to recognize his presence as well. Mr. Mayor, we're at the point of Awards, Recognition of Distinguished Guests and Communications from you, which might be required by law. Any recognitions or awards?

Mayor Hightower: Thank you Mr. Chairman, I did have one. Actually, you led right into it for me, I appreciate that. But I did want to introduce Coach Sardisco to everyone. I think most everybody knows him, knows the contribution he's made to our community. Not only thorough his All Star athletics and being a member of the All America Team and Greenway Football and the Washington Redskins and all the things that he's done, but he's come back and worked hard in giving to the community at Jesuit High School and other places and other leagues throughout our community and now has been recognized by the Louisiana Sports Hall of Fame and will be inducted in June, down in Natchitoches. So, we did want to recognize him for those things today and congratulate him and thank him again for all the lives that he's touched. I think perhaps he may have coached Councilman Carmody, as a matter of fact. So, again we've got some diamonds in the rough out there that have done a lot for our community and continuing to do more and more everyday. So Coach, we just wanted to recognize you and ask you to come forward and present this to you if we could. On Behalf of the City Council and the Mayor's office, we present this proclamation to you, congratulate you and let you know that we're proclaiming today, June 8<sup>th</sup> as Tony Sardisco Day in the City of Shreveport, something they

won't do at the Louisiana Hall of Fame. We appreciate all you've done for our community. Congratulations.

Mr. Sardisco: Thank you I appreciate it. Well, I tell you being inducted into the Louisiana Sports Hall of Fame is overwhelming. Mr. Carmody, good to see you here.

Mr. Carmody: Glad to see you Coach.

Mr. Sardisco: I did teach and coach him at Loyola College Prep. This induction encompasses the whole State of Louisiana. I was inducted in the Tulane Hall of Fame in 1983 which was big. That's one university hall of fame, All American, this is the whole State of Louisiana, the Louisiana Hall of Fame. I appreciate this recognition, thank you. Councilmen, I appreciate it. And I hope to see most of you June 26<sup>th</sup> in Natchitoches. Thank you.

Mr. Antee: Mr. Chairman, if I may? People don't realize how involved Tony Sardisco is in other things. As Chairman of the Independence Bowl, he was invaluable. Anywhere you go across the country, you always get asked "how's Tony Sardisco", from his days at Tulane and as a Boston Patriot back then. But also, he does a lot for high school youth through the National Hall of Fame Scholarship Foundation, which is the Milton McNaughton Chapter, and so he's continued to give back and a lot of people don't know that, but need to know it. And every year five students from this area or North Louisiana receive scholarships from efforts that he and others do. So, thank you Tony.

Mr. Sardisco: Thank you Ken, appreciate that. This is a big honor. The six or seven scholarships we give every year from McNaughton Hall of Fame encompasses a lot of work, there's six of us on the board, and we have anywhere from 200 to 250 at the (unclear) Country Club at the banquet. We give, like I said, this year, we had seven \$500 scholarships for individuals with athletic ability and their scholastic ability. Not only athletic, but scholastic. Again, thank you, appreciate being here.

Councilman Carmody: Coach, very quickly, I know as you leave, not only do I have the privilege of being coached and taught by Coach Sardisco, but also have had the privilege of him being a family friend since before I knew who I was. But the significance that you've played in this community is certainly appreciated. And although you did mention the fact that you were (unclear) and spent some time up there in Boston, I didn't want to forget the significance, as the Mayor had mentioned that you made on Jordan Street at Jesuit. And again, thank you for all that you've done and thank you for everything you continue to do coach.

***Reports:***

***a. Convention Center and Convention Center Hotel Project.***

Councilman Jackson: Mr. Antee you had the report prepared to talk about today, I know we looked at something on yesterday.

Mr. Antee: Well basically, we handed out the report yesterday and will be glad to answer any questions that anybody might have.

Councilman Jackson: Gentlemen, we received the report on yesterday, are there any questions that any of you may have in regards to the Convention Center and the Convention Center Hotel Project?

Mr. Ante: Mr. Chairman, if I can clarify, because we had this issue before. When we say we rendered the report, what we gave was the Fair Share report from Yates as well as information from Citi Group. It was not an actual written report. But it was those two documents.

Councilman Carmody: Mr. Antee, just to clarify the report from Citi Group stated March 29, 2004 and is marked confidential. This information is not to be disseminated.

Mr. Antee: We're in the City, everything we have is an open book.

Councilman Carmody: Okay, I just want to make sure of what we have.

Mr. Antee: That was presented as one of the options when we met back in March, when the financial group was looking and evaluating the different options that we talked about previously. But, - - it can be distributed.

Councilman Carmody: Thank you, Mr. Chairman.

Councilman Gibson: Mr. Antee, could you ask Yates, if they in the minority participation, I think of almost 30%, could they get a breakout? I don't need the dollar amount, but just the companies that are in that DBE listing.

Mr. Antee: Sure, I think it's on that report.

Councilman Gibson: Oh, is it? I didn't see that. Okay.

Mr. Antee: I think the company is listed and then the amount in the columns. But if not, yes we can get that.

Councilman Gibson: It is, I'm sorry, I'm sorry. It is. Thank you.

Councilman Carmody: One last question just as an update for the Council Members. I have not received anything back from Jerry Luke LeBlanc yet regarding my request for clarification, I just did not know if the Administration may have received that opinion regarding the \$12,000,000 in capital outlay as applicable towards the Convention Center?

Mr. Antee: No, we haven't received it.

Councilman Carmody: Thank you very much.

***b. Property Standards Program.***

Councilman Jackson: Yesterday, we also received a Property Standards Program Report. Any additional questions on that? Being none. Item 6.

**Public Hearing:** *None.*

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

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

**Adding Legislation to the Agenda.**

1. Resolution No. 139 of 2004. A resolution authorizing the Mayor to execute and agreement with W. G. Yates & Sons Construction Company relative to Fair Share requirements and penalties and to otherwise provide with respect thereto.

2. Resolution No. 140 of 2004. A resolution authorizing the Mayor to execute an agreement with SMG relative to Fair Share requirements and penalties and to provide with respect thereto.

3. Resolution No. 141 of 2004. A resolution urging and requesting the Convention Center Hotel Authority to execute an agreement with HRI relative to Fair Share requirements and penalties and to otherwise provide with respect thereto.

4. Resolution No. 142 of 2004. A resolution suspending the effects of Division 3 of Chapter 26 of the Code of Ordinances to allow an architectural firm to be selected for the Artspace at the West Edge Project without the use of the City's A/E Selection Committee and otherwise providing with respect thereto. (w/amendment)
5. Resolution No. 143 of 2004. A resolution authorizing and consenting to the assignment of the cooperative endeavor agreement with Steeple Economic Development Corporation relative to the First Tee Youth Golf Program to the Northwest Louisiana Youth Golf and Education Foundation, Inc., and to otherwise provide with respect thereto.
6. Resolution No. 144 of 2004. A resolution renaming a previously named street (located on Clyde Fant Parkway) south of East Preston called Knight Street Extension to Island Park Boulevard, and to otherwise provide with respect thereto.
7. Resolution No. 145 of 2004. A resolution authorizing an amendment to the cooperative endeavor agreement with the Friends of the Municipal Auditorium, Inc., and to otherwise provide with respect thereto.
8. Resolution No. 146 of 2004. A resolution authorizing the acceptance of a \$5,000 House of Representatives-District 2, Mini Grant from the Resource Center, Inc., and to otherwise provide with respect thereto.

Councilman Jackson: Mr. Clerk, 139, 140, 141, 142, 143, they were all ordinances?

Mr. Thompson: Resolutions.

Councilman Jackson: They were all resolutions, and so, would 144, the renaming of that street, would that be 144?

Mr. Thompson: I don't know if the number will be -- , we will number that. But it cannot be voted on today.

Councilman Jackson: Okay, none of these that you called -- ?

Mr. Thompson: Some can be.

Councilman Jackson: So, some will be fore adding? I mean, all of them will be added, but some will be for adoption, others will just be on the first reading?

Mr. Thompson: That's correct.

Councilman Jackson: Okay, is there any other legislation to be added?

Motion by Councilman Carmody, seconded by Councilman Green to add these items to the agenda. Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

**PUBLIC COMMENTS:** (Agenda Items to be *Adopted*). *None*

**CONSENT AGENDA LEGISLATION.**

**TO INTRODUCE RESOLUTIONS AND ORDINANCES**

**RESOLUTIONS:** None.

**ORDINANCES:** None.

**TO ADOPT RESOLUTIONS AND ORDINANCES:** None.

**RESOLUTIONS:** None.

**ORDINANCES:** None.

**REGULAR AGENDA LEGISLATION:**

**RESOLUTIONS**

The Clerk read the following: **Resolution No. 118 of 2004: A Resolution ratifying the signatures of the Mayor on two permanent utility servitudes, as well as on a document of permanent utility servitude cancellation, and to otherwise provide with respect thereto.**

Read by title and as read motion by Councilman Gibson, seconded by Councilman Green to postpone the resolution until the June 22, 2004 council meeting.

Councilman Carmody: Mr. Chairman, as I recall yesterday, I believe that the Administration wanted us to convene in executive session to take this matter up. I have no problem with the delay for two weeks, but are still going to - - - we are not going to ask for the executive session?

Mayor Hightower: Mr. Chairman, I was just talking to our attorney and he said that he would just as soon wait and do the executive session at the next meeting, if we're going to delay it today.

Councilman Gibson: Mr. Chair, let me clarify why I'm asking for a two week delay. At yesterday's work session, we had a couple of Councilmen that wanted to do a site visit of this particular property and I think that the owner of the property has agreed to do so and that's the reason for the request. Thank you Mr. Chair.

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

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

**RESOLUTION NO. 127 OF 2004**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RELEASE FOR SURFACE DAMAGES ASSOCIATED WITH THE DRILLING OF FOUR OIL AND GAS WELLS LOCATED AT THE CITY OF SHREVEPORT'S SLUDGE FIELD LOCATION ALONG THE HARTS ISLAND ROAD, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.**

**WHEREAS**, a request has been made by Questar Exploration and Production Company of Tulsa, Oklahoma to obtain surface locations for oil and gas wells to be drilled on the City's sludge field site; and

**WHEREAS**, the sale of the sludge field land to the City of Shreveport was subject to certain oil and gas leases, which continue to remain in effect, with a provision for access to the surface for development of the leases.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Shreveport in due, regular and legal session convened, that the Mayor of the City of Shreveport be, and is hereby authorized to execute on behalf of the City of Shreveport, a release for surface damages associated with the drilling of four oil and gas wells located at the City of Shreveport's

sludge field location along the Harts Island Road, and substantially in the form of the release filed in the Office of the Clerk of Council on May 25, 2004.

**BE IT FURTHER RESOLVED**, that an offer of \$3,000 per well site location be accepted.

**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.

Councilman Carmody: Mr. Mayor, I just wanted to clarify. We're actually releasing, I believe it is Q-Star?

Mayor Hightower: Correct.

Councilman Carmody: The company? What liability is the City then - - -?

Mayor Hightower: Well, actually, we're releasing them in lieu of payment for \$3,000 per site. It's a sludge field that I believe the mineral rights were retained on by the original owners, so they have a right to come in onto the surface to drill for the minerals. And again, we're releasing them under the understanding that they'll pay \$3,000 per site.

Councilman Carmody: And this is in our sludge field, so in essence they're crossing over sludge. Okay. Thank you sir.

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

Councilman Hogan: Mr. Chairman, for the remainder of the meeting would you assume that I am a yes vote on everything we vote until you hear me vote nay?

Councilman Jackson: Okay, thank you. Will that be for the rest of this year, or just- - -

Councilman Hogan: It depends on how long it takes them to get my button fixed.

Councilman Jackson: We may just go with a hand vote for the record in support of Councilman Hogan.

#### **RESOLUTION NO. 128 OF 2004**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT OF ENTRY AGREEMENT WITH THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.**

**WHEREAS**, a request has been made by the Louisiana Department of Transportation and Development to obtain a right of entry agreement with the City of Shreveport for the purpose of entering onto and using the publicly dedicated right-of-way of Wallace Lake Road; and

**WHEREAS**, by facilitating this request, the Louisiana Department of Transportation and Development will be able to install a right turn lane on Wallace Lake Road, which will improve traffic flow through the intersection with Bert Kouns Industrial Loop.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Shreveport in due, regular and legal session convened, that the Mayor of the City of Shreveport be, and is hereby authorized to execute on behalf of the City of Shreveport, a right of entry agreement with Louisiana Department of Transportation and Development, and substantially in the form of the right of entry agreement filed in the Office of the Clerk of Council on May 25, 2004.

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

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

Read by title and as read motion by Councilman Green, seconded by Councilman Carmody to adopt passes by the following vote. Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

#### **RESOLUTION NO. 134 OF 2004**

#### **A RESOLUTION SUSPENDING THE EFFECTS OF CERTAIN PROVISIONS OF CHAPTER 10 RELATIVE TO ALCOHOLIC BEVERAGES ON JULY 31, 2004 RELATIVE TO DISPENSING, SALE AND/OR CONSUMPTION OF LOW ALCOHOLIC CONTENT BEVERAGES AT 805 BROOK HOLLOW DRIVE AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.**

**WHEREAS**, the River Cities Chapter, Inc. intends to sponsor a fund raising activity on July 31, 2004 between the hours of 7:00 a.m. and 9:00 p.m. at the Shreveport Harley-Davidson dealership located at 805 Brook Hollow Drive; and

**WHEREAS**, the proceeds of the event will benefit the River Cities Chapter, Inc., a non-profit organization; and

**WHEREAS**, the River Cities Chapter, Inc. intends to dispense and allow the sale and consumption of low content alcoholic beverages at the Shreveport Harley-Davidson dealership at 805 Brook Hollow Drive during the event; and

**WHEREAS**, Section 10-80(a) makes it unlawful for any person to dispense alcoholic beverages except within those sections of the city wherein such sale is permitted by the applicable zoning ordinance, Section 10-190(a) prohibits consumption of alcoholic beverages on the parking lot of a business or on other property of a business where said property is open to the public, Section 106-130(6) provides that unless otherwise excepted, all uses shall be operated entirely within a completely enclosed structure, and Section 10-81 provides that Section 10-41 (requiring a retail dealer's permit) shall not apply to a bona fide nonprofit event meeting the requirements of this section, only when it is held within the confines of an enclosed building; and

**WHEREAS**, the adoption of this resolution would allow the River Cities Chapter, Inc. to dispense and sell and its patrons to purchase and consume low alcoholic content alcoholic beverages at the Shreveport Harley-Davidson dealership located at 805 Brook Hollow Drive during the event.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Shreveport in due, legal and regular session convened that Sections 10-80(a), 10-81, 10-190(a) and 106-130(6) are hereby suspended on July 31, 2004 between the hours of 7:00 a.m. and 9:00

p.m. to allow for the dispensing, sale, and consumption of low alcoholic content beverages at the Shreveport Harley-Davidson dealership located at 805 Brook Hollow Drive.

**BE IT FURTHER RESOLVED** that all other applicable provisions of the City of Shreveport Code of Ordinances shall remain in full force and effect.

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

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

Read by title and as read motion by Councilman Gibson, seconded by Councilman Green to adopt passes by the following vote. Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

#### **RESOLUTION NO. 135 OF 2004**

#### **A RESOLUTION SUSPENDING THE EFFECTS OF CERTAIN PROVISIONS OF CHAPTER 10 RELATIVE TO ALCOHOLIC BEVERAGES AND CHAPTER 106 RELATIVE TO ZONING FOR PROPERTY LOCATED AT ST. VINCENT MALL FOR THE ANNUAL FIRECRACKER RUN ON JULY 3, 2004 AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.**

**WHEREAS**, Sport Spectrum located at St. Vincent Mall intends to host the annual Firecracker Run July 3, 2004; and

**WHEREAS**, the establishment desires to dispense, and allow the consumption of alcoholic beverages on the grassy knoll on the Fairfield side of St. Vincent Mall, between the hours of 8:00 a.m. - 2:00 p.m.; and

**WHEREAS**, Section 106-130(6) provides that unless otherwise excepted, all uses shall be operated entirely within a completely enclosed structure; and

**WHEREAS**, any special exception approval granted to the establishment for alcoholic beverage sales, consumption and/or dispensing does not specifically authorize outside sales and/or consumption on the premises; and

**WHEREAS**, Section 10-80(a) of the Code of Ordinances makes it unlawful for any person to sell, barter, exchange or otherwise dispose of alcoholic beverages except within those sections of the city wherein such sale is permitted by the applicable zoning ordinance; and

**WHEREAS**, Section 10-103(a)(5) of the Code of Ordinances provides that the city council may suspend or revoke any permit if a retailer allows any person to consume any alcoholic beverage on the licensed premises or on any parking lot or open or closed space within or contiguous to the licensed premises without a proper license; and

**WHEREAS**, activities planned by Sport Spectrum in conjunction with the Firecracker run is open to the public as spectators or participants; and

**WHEREAS**, the adoption of this resolution would allow the dispensing, and consumption of alcoholic beverages on the grassy knoll on the Fairfield side of St. Vincent Mall, on July 3, 2004, between the hours of 8:00 a.m. - 2:00 p.m. for activities associated with the Firecracker Run.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Shreveport in due, legal and regular session convened Sections 106-130(6), 10-103(a)(5) and 10-80(a) of the Code of Ordinances are hereby suspended on July 3, 2004 from 8:00 a.m. - 2:00

p.m. for activities associated with the Firecracker Run sponsored by Sport Spectrum, on the grassy knoll on the Fairfield side of St. Vincent Mall.

**BE IT FURTHER RESOLVED** that all other applicable provisions of the City of Shreveport Code of Ordinances shall remain in full force and effect.

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

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

Read by title and as read motion by Councilman Carmody, seconded by Councilman Gibson to adopt passes by the following vote. Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

### **RESOLUTION NUMBER 136 OF 2004**

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

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

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

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

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

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

Lot 64, Oak Forest Subdivision, Unit 2  
003-006400

Geographic Number 181419-

Municipal Address: 2109 Miller Street  
Council District "A"

Lot 64, Kingwood Forest Subdivision, Unit 2  
171434-024-006400

Geographic Number

Municipal Address: 14815 None  
Council District "E"

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

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

Read by title and as read motion by Councilman Green, seconded by Councilman Lester passes by the following vote. Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

**RESOLUTION NO. 137 OF 2004**

**A RESOLUTION ACCEPTING DEDICATION FOR EASTBANK DRIVE IN THE EASTBANK CENTRE, 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 Eastbank Drive in the Eastbank Centre in Section 20 (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 Eastbank 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

Read by title and as read motion by Councilman Carmody, seconded by Councilman Gibson to adopt passes by the following vote. Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

**RESOLUTION NO. 138 OF 2004**

**A RESOLUTION TO DECLARE AND RECOGNIZE JULY 12<sup>TH</sup> THROUGH JULY 18<sup>TH</sup> OF 2004 AS “WILD WEST FESTIVAL WEEK” AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.**

**WHEREAS**, the National Red River Western Festival is a new festival that will be held in Shreveport, Louisiana on July 15th - 18th, 2004 at the Louisiana State Fairgrounds; and

**WHEREAS**, the National Red River Western Festival will celebrate the “Heritage and Spirit of the Old West”. It will pay special tribute to “101 Years of Western Film” and will allow fans of the Old West to celebrate that era; and

**WHEREAS**, Shreveport, Louisiana is part of the Old West history, as John Chisolm brought cattle to Shreveport in the 1800's; and

**WHEREAS**, more than 80,000 people are expected to attend the festival from across the United States and from abroad; and

**WHEREAS**, the Red River Western Festival will feature the following:  
Film and TV Stars, LRCA Championship Rodeo, Western Music, Cowboy Poetry, Western and Film Merchants, Chuck Wagon Cook-Off, Stagecoach Rides, Trial Rides, Parade, Dance, Contests, Film Festival, Costume Contest, Barn Dance, Historic Re-Enactments; and

**WHEREAS**, the National Red River Western Festival, a production of WD William Davis Enterprise, Inc., is setting up to be a large annual event for people of all ages - from kids to seniors - that will provide clean family entertainment.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Shreveport in due, legal and regular session convened that the Mayor and the City Council of Shreveport, Louisiana declare and recognize July 12<sup>th</sup> through July 18<sup>th</sup> of 2004 as “Wild West Festival Week” in Shreveport.

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

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

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

Councilman Lester: Question Mr. Chairman. Is Councilman Green going to be able to ride his horse by that time?

Councilman Green: That’s why I’ve been wearing these sideburns.

Councilman Lester: I thought that’s what it was.

Councilman Green: Look like a real cowboy.

Councilman Gibson: Only when that horse has got a bow tie on too!

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

Mr. Thompson: Mr. Chairman, we have two that were added and can be considered at this time.

The Clerk read the following resolution: Resolution No. 141 of 2004: A Resolution urging and requesting the Convention Center Hotel Authority to execute an agreement with HRI, Inc. Relative to fair share requirements and penalties and otherwise providing with respect thereto.

Councilman Lester: Mr. Chairman, at this time, I’d like to ask for a two week delay on items 140, 141, and 139.(*See Resolutions 139 and 140 under Introduction*)

Read by title and as read motion by Councilman Lester, seconded by Councilman Carmody, to postpone the resolution until the June 22, 2004, council meeting. Motion approved by the following vote. Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

#### **RESOLUTION NO. 142 OF 2004**

**A RESOLUTION SUSPENDING THE EFFECT OF DIVISION 3 OF CHAPTER 26 OF THE CODE OF ORDINANCES TO ALLOW AN ARCHITECTURAL FIRM TO BE SELECTED FOR THE ARTSPACE AT THE WEST EDGE PROJECT WITHOUT THE USE OF THE CITY’S A/E SELECTION COMMITTEE AND OTHERWISE PROVIDING WITH RESPECT THERETO.**

WHEREAS, Division 3 of Chapter 26 of the Code of Ordinances of the City of Shreveport describes and regulates the manner in which City departments and agencies obtain the services of architects and engineers; and

WHEREAS, the City of Shreveport is the recipient of and fiscal agent for certain State Capital Outlay funds to be used for a project entitled "ArtSpace at the West Edge," even though the project was initiated and is being managed by the Shreveport Regional Arts Council (SRAC); and

WHEREAS, it is necessary to obtain certain architectural services for the ArtSpace project within a time frame which would not be possible under the provisions of Chapter 26, Division 3 of the Code of Ordinances, to allow SRAC to open the ArtSpace facility on schedule in the fall of 2004.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in legal session convened, that the provisions of Chapter 26, Division 3 of the Code of Ordinances of the City of Shreveport are hereby suspended until July 8, 2004, insofar and solely as they apply to the procurement of architectural services for the ArtSpace at the West Edge project. BE IT FURTHER RESOLVED that all other applicable provisions of the Code of Ordinances of the City of Shreveport shall remain in full force and effect.

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.

Councilman Jackson: There are two amendments on that. Mr. Clerk, would you read the first amendment?

Having passed first reading on May 25, 2004 was read by title and on motion ordered passed to third reading. Read by title and as read motion by Councilman Green seconded by Councilman Gibson for adoption. The Clerk read the following amendments.

#### **AMENDMENT NO. 1**

AMEND THE ORDINANCE AS FOLLOWS:

At the end of the NOW, THEREFORE, BE IT RESOLVED paragraph of the resolution delete the period, insert a comma, and add the following:

"subject to the condition that the procurement of the architectural services shall comply with Chapter 2, Article VIII of the Code of Ordinances relative to the Fair Share Program for Equal Business Opportunity."

Motion by Councilman Green, seconded by Councilman Gibson to adopt Amendment No. 1. Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

Councilman Jackson: Mr. Clerk, Amendment No. 1. Is it in any way, shape or form in conflict with Amendment No. 2 which would make it not necessary to vote on No. 2?

Mr. Thompson: Amendment No. 2 is more encompassing may be the correct way to- - -.

Councilman Jackson: Right, so the affect of Amendment No. 2 would add to what is already in Amendment No. 1, but not conflict with it?

Mr. Thompson: It's not a conflict.

Ms. Glass: It would conflict with it. The first one just says that it would be in compliance with the Fair Share Program which is a goal, the second one is a requirement. Is that a fair assessment?

Councilman Lester: Yeah. The purpose of my Amendment No. 2 and I think Councilman Green and I were, we had the same idea in terms of the A/E Selection Process. As we discussed at the last Council Meeting, the one area, or one area where the City's success in moving forward with the Fair Share Program has been the best, and the track record has been the best is the A/E Selection Committee. And this Administration has been very vigilant to make sure that no contracts are signed unless there is compliance with that ordinance, and so certainly what Councilman Green and certainly where I am concerned is, I want to make sure that happens. I can defer and I will withdraw my amendment under the fact that Councilman Green has also done the same thing. My concern is just to make sure that whatever process is followed, whatever the Administration comes up with in terms of dealing with A/E, because I understand there is a time sensitive nature to this situation. I just want to make sure that the contract is Fair Share compliant as all other A/E contracts have been in the past. And that's where I was coming from. The difference between what Councilman Green offered and what I offered is, my amendment has a penalty. And my penalty is whatever percentage that the Fair Share contract is not met, that contractor pays a penalty to the City. In other words, the goal is 25%, if they make 15%, then they will pay 10% of that contract back to the City. And that's something that I would like to see us go to. There are some legal questions as to whether or not we could do that obviously. I think if they sign a contract, then the contractors law between the parties, but having said that, I will withdraw my amendment under the spirit that Councilman Green has offered because I also support his, because we're trying to go to the same place. So at this point, I'm going to withdraw my Amendment No. 2.

Motion by Councilman Green, seconded by Councilman Lester to adopt the resolution as amended.

Councilman Carmody: In that we are not going to be addressing the amendment that was just withdrawn by Councilman Lester, I do have a question though that we have another resolution before us, which also incorporates the same penalty regarding failure to make the 25% participation, I just did not and you mentioned that there was some legality or some question of legality concerning this.

Councilman Lester: I postponed those for two weeks.

Councilman Jackson: What we'll do is take the vote on this and when that comes up, we'll deal with that on that legal question.

Councilman Gibson: I just think it's important for the record, it's important to understand that we do have a time sensitive issue with an entity that could lose upwards to \$800,000 in State Capital Outlay and that's the reason for this Body taking that into consideration. A lot of that gets lost in the shuffle. But I appreciate Mayor Hightower and the Administration bringing this

before the body to make sure that everybody understood what was going on in terms of working within the time limits that's faced us. And knowing that we have a great opportunity through Shreveport's Regional Arts Council to put together a nice venue for our community and I appreciate the opportunity to participate in this process. Thank you Mr. Chair.

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

Councilman Lester: Having done that and having passed this Amendment and the Resolution, I guess my question would be to the Administration, where does that leave us in terms of the process now?

Mayor Hightower: Councilman, we have a contract again, like I told you yesterday that I have not signed. What we'll do now, is I'll run it through Fair Share Office just run it through our procedure like we do every other contract and then get it back to SRAC.

Mr. Antee: And Councilman, as soon as they get Fair Share compliant information to 'em, we'll make sure that Sam gets right on it, so it doesn't delay it.

Mr. Thompson: Mr. Chairman, there were a number of resolutions that were added to the agenda that do not appear on your agenda that need to be introduced at this time. Would you like for me to read them.

Councilman Jackson: Yes, please do.

## **INTRODUCTION OF RESOLUTIONS**

1. Resolution No. 139 OF 2004. A Resolution authorizing the Mayor to execute an agreement with W. G. Yates & Sons Construction Company relative to Fair Share requirements and penalties and otherwise provide with respect thereto.
2. Resolution No. 140 OF 2004. A Resolution authorizing the Mayor to execute and agreement with SMG relative to the Fair Share requirements and penalties and to otherwise provide with respect thereto.
3. Resolution No. 143 OF 2004. A Resolution authorizing and consenting to the assignment of the cooperative endeavor agreement with Steeple Economic Development Corporation relative to the First Tee Youth Golf Program to the Northwest Louisiana Youth Golf and Education Foundation, Inc., and to otherwise provide with respect thereto.
4. Resolution No. 144 OF 2004. A Resolution renaming a previously named street (located on Clyde Fant Parkway) south of East Preston called Knight Street Extension to Island Park Boulevard and to otherwise provide with respect thereto.
5. Resolution No. 145 OF 2004. A Resolution authorizing an amendment to the Cooperative Endeavor Agreement with the Friends of the Municipal Auditorium, Inc., and to otherwise provide with respect thereto.
6. Resolution No. 146 OF 2004. A Resolution authorizing the acceptance of a \$5,000 House of Representatives District 2, Mini Grant from the Resource Center, Inc., and to otherwise provide with respect thereto.

Read and as read by title motion by Councilman Carmody, seconded by Councilman Green to introduce Resolutions No 139 through 146. Motion approved by the following vote. Ayes:

Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

### **INTRODUCTION OF ORDINANCES**

1. Ordinance No. 77 of 2004 Declaring the City's Interest in certain adjudicated properties as surplus and to otherwise provide with respect thereto.
2. Ordinance No. 78 of 2004 Amending certain provisions of Article VIII of Chapter 2 of the Code of Ordinances of the City of Shreveport relative to the Fair Share Program for Equal Business Opportunity and to otherwise provide with respect thereto.
3. Ordinance No. 79 of 2004 Amending Chapter 58 of the Code of Ordinances of the City of Shreveport relative to nuisances by adding Article VI relative to blight elimination and to otherwise provide with respect thereto.
4. Ordinance No. 80 of 2004 Zoning C-25A-04, *Race Trac Petroleum, Inc.*, Terry Lee & Brenda Toliver Young, North Side of Merwin 200' east of Hearne, R-2 to B-3., Fueling station and convenience Store and to otherwise provide with respect thereto.
5. Ordinance No. 81 of 2004 Zoning C-26A-04, A. Mijalis, 400 Kennie Road, Alex and Mary Mijalis, Chris Demopolus, South Side of Kennie Road, 620' west of Linwood Avenue, R-A to R-1D, Single-family residential subdivision and to otherwise provide with respect thereto.
6. Ordinance No. 82 of 2004 Zoning C-27A-04, A. S. Mijalis 9300 Linwood Avenue, Alex and Mary Mijalis, Chris Demopolus, West side of Linwood Avenue, 100' south of Kennie Road, R-1D to R-1D (PUD), Single-family residential subdivision and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Lester, seconded by Councilman Gibson to introduce Ordinances 77 through 82 passed by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

### **ORDINANCE ON SECOND READING AND FINAL PASSAGE**

1. Ordinance No. 68 of 2004, Authorizing the lease of certain City-owned property to BellSouth Mobility LLC., D/B/A Cingular Wireless and otherwise provide with respect thereto. (Vetoed on June 1, 2004)

Having been adopted by the Council on May 25, 2004, and vetoed by Mayor Hightower on June 1, 2004 on motion it was ordered read and read in full and as read motion by Councilman Carmody, seconded by Councilman Jackson to override the veto and for adoption of the ordinance.

Mr. Thompson: For the record Mr. Chairman, I might add that this was vetoed at the request of our office, because some of the procedural matters had not taken place and we asked the Mayor to veto it and we would ask that you would override it.

Councilman Jackson: Mr. Clerk, the Mayor has- - - , we're anticipating overriding this veto and that will be at some point re-adopted.

Mr. Thompson: No, no. If you just move now to adopt it.

Councilman Jackson: Okay.

Mr. Thompson: Then that will override this veto. (Unclear) two-thirds vote. So, the motion is to adopt.

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

2. Ordinance No. 69 of 2004. To create and establish a no parking zone between the hours of 8:00 am and 5:00 p. m. Monday through Friday on either side of the 500 Block of Forest Avenue.

Having passed the first reading on May 25, 2004, was read by title and as read on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Carmody seconded by Councilman Green, adopted by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

Councilman Carmody: Gentlemen, this is actually in Mr. Walford's District, District B. But I did have a comment. We do need some better communication, I think with the Caddo Parish School Board regarding the situation with this particular school, Byrd High School. There have been a number of complaint from the citizens who live in the neighborhood surrounding that area. And I think that if you will recall, we have actually, at the insistence of the traffic engineer, established no parking zones during school hours 8-5, in those areas that were immediately adjacent to the school and those requests are still coming now, down to the 500 block of Forest. So, until the situation is remedied, I believe that we are actually pushing these students in their automobiles out further into the neighborhood, but we'll probably continue to see these same requests in that area until the School Board takes up the matter and addresses it properly.

3. Ordinance No. 70 of 2004. To formally name a street that has commonly been referred to as 1L Westwood Park to Praise Temple Place and to otherwise provide with respect thereto.

Having passed the first reading on May 25, 2004, was read by title and as read on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Jackson seconded by Councilman Green, adopted by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

Councilman Hogan: Mr. Chair, I'm not sure who to direct this question to, but I'm just wondering as I read this, it says that it hadn't been formally named. But as I recall previous examples of this street renaming, we had sent out surveys to property owners or residents in the area. Has that been done in this situation?

Councilman Jackson: Yes sir, Mr. Hogan. This is probably a 30 foot street that nobody lives on and that's adjacent to the Church's property, and went through whatever was necessary. I didn't know what was necessary. So, it's been on the agenda and actually, before it was on the agenda, Mr. Strong went through all the preliminaries before we even put it on the agenda a few weeks ago.

Councilman Hogan: This is in your district and you're familiar with it.

Councilman Jackson: Yes sir.

Councilman Hogan: Alright thank you Mr. Chair.

4. Ordinance No. 71 of 2004. To amend certain provisions of Section 72-5(c) and to add Section 72-5(g) to the City of Shreveport code of Ordinances relative to sexually oriented business.

Having passed the first reading on May 25, 2004, was read by title and as read on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Carmody, seconded by Councilman Green to adopt.

Councilman Lester: Could we get someone in legal to kind of go over this?

Mr. Thompson: It does two things. 1) right now as I understand the ordinance, if somebody gets a temporary card, whenever you go in and apply for a permanent card, you'll get a temporary card. And if you get a temporary card and then your permanent card is denied, then you can go back and re-apply for a temporary card, so theoretically, somebody could just keep getting temporary cards. The other has to do with just a cleanup. The ordinance now says that the Director of Finance can issue the card. That was never the intent. That takes it out and makes it clear that the Director of Finance does not issue the SOB Card.

Councilman Lester: Question. So, if we move forward with this particular amendment, if someone is issued a temporary card and they are denied?

Mr. Thompson: They have to wait six months before they can re-apply.

Councilman Lester: What is the time period that someone has to wait on an ABO Card? Is it also six months?

Mr. Thompson: I don't remember.

Councilman Lester: Is there somebody that can answer that question?

Councilman Jackson: I see the Chief is here, but I don't know if someone from the Department can answer that question? Maybe not.

Councilman Lester: Well, I would just ask, that was a question that I had. I know that once before we had some questions, at least I had an issue with SOB lining up with ABO Card. And I would just ask for a two week delay on this, so I can at least have that question answered, unless someone can answer that question for me now.

Ms. Glass: Mr. Chairman, I can probably find it in a few minutes, but it'll take me a few minutes to pull it up.

Councilman Lester: Okay, well could we defer it and then move on?

Councilman Jackson: We have a motion on the floor.

Mayor Hightower: Councilman, I believe the way that works is there are certain specifications that you have to meet to be able to qualify for an ABO Card. The only time the Council hears ABO Cards is on appeal. So, as long as somebody comes in and applies and meets all the specifications, they get it. And as long as they don't, they can continue to appeal. So, I believe that- - I don't think there is a time limit on that. I think the time limit you're thinking about has to do with zoning for the most part. But I think as long as somebody, I guess if somebody want's to be persistent and continue to come to the Council every month, I guess they could actually do that. I don't believe, unless Julie can find something. I don't believe there is.

Councilman Lester: Okay and my other question would be what went into the calculus in determining whether the delay was a six month delay or a one month delay or a three month delay or what?

What was the reason that went into that. That would be my next question.

Mr. Thompson: Mr. Chairman, I don't believe there is anybody here that can answer that question today. It was drawn by the Police Department and Cpl. Collins is not here. (Inaudible) Substitute motion by Councilman Lester, seconded by Councilman Gibson to postpone the Ordinance until the next regular meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

5. Ordinance No. 72 of 2004. To amend certain provisions of Section 50-134 of the City of Shreveport Code of Ordinances relative to miscellaneous offenses and to otherwise provide with respect thereto.

Having passed the first reading on May 25, 2004, was read by title and as read on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Carmody, adopted by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

6. Ordinance No. 73 of 2004. Amend the 2004 General Fund Budget and to otherwise provide with respect thereto.

Having passed the first reading on May 25, 2004, was read by title and as read on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Lester, adopted by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

7. Ordinance No. 74 of 2004. Amend the 2004 Budget for the Riverfront Development Special Revenue Fund and to otherwise provide with respect thereto.

Having passed the first reading on May 25, 2004, was read by title and as read on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Carmody, adopted by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

Councilman Carmody: Just a comment gentlemen. Basically this legislation is going to revise the budget and the background information states that based on the results of the 2003 Annual Audit, the Riverfront Development Fund is \$744,300 less in year end fund balance and the original estimated based upon an actual 2003 revenues. It appears prudent to reduce the expected 2004 gaming revenues by \$800,000 to make the budget balance, the Riverfront Funds Operating Reserves is being reduced by \$1,544,300. The reserve will now be \$3,762,300. Just a point here gentlemen and I know that the Administration normally takes this position, but I'll just reiterate it again. We need to be sensitive as to tapping that particular source of funds to facilitate the wishes of the Council. Again, I know that Mr. Dark does his best to try to estimate what our income is going to be based upon this particular stream of income, but it does appear that our resources through the Riverfront gaming is lower than anticipated. So, hopefully we'll

be looking for turnaround in that particular situation, but right now, it does appear that this is necessitated because of the circumstances.

8. Ordinance No. 75 of 2004. An Ordinance amending the 2004 Capital Improvements Budget and otherwise providing with respect thereto.  
Mr. Thompson: There are four amendments.

Having passed the first reading on May 25, 2004, was read by title and as read on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Carmody, for adoption. The Clerk read the following Amendments:

**Amendment No. 1**

AMEND THE ORDINANCE AS FOLLOWS:

**In Program E (Water Improvements):**

Increase the appropriation for **Hearne Avenue Water Main Replacement (03E002)** by \$570,000. Funding source is 1994A URB.

Motion by Councilman Lester, seconded by Councilman Carmody to adopt Amendment No. 1. Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

**Amendment No. 2**

AMEND THE ORDINANCE AS FOLLOWS:

**In Program A (Buildings and Improvements):**

Establish a project entitled **ArtSpace at the West Edge (04A004)** and fund it at \$825,000. Funding source is State Capital Outlay.

Motion by Councilman Carmody, seconded by Councilman Gibson to adopt Amendment No. 2.

Councilman Gibson: Mr. Chairman, just to reaffirm (unclear) the Administration, this is through the cooperative endeavor that we're getting State money from? Is that correct?

Mr. Thompson: Yes.

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

**Amendment No. 3**

AMEND THE ORDINANCE AS FOLLOWS:

**In Program H (Airports Improvements):**

Increase the appropriation for **Construct West Parallel Taxiway 4/22 (02H003)** by \$170,500. Funding sources are \$17,000 from State Grant and \$153,500 from Federal Aviation Administration.

Motion by Councilman Green, seconded by Councilman Lester to adopt Amendment No. 3. Motion approved by the following vote: Councilmen Lester, Carmody, Gibson, Hogan, Green and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

**Amendment No. 4**

AMEND THE ORDINANCE AS FOLLOWS:

**In Program A (Building and Improvements):**

Decrease the funding for **Festival Site Development (98A001)** by \$11,700. Funding source is Riverfront Development.

Increase the appropriation for **Riverfront Environmental Remediation (03A003)** by \$11,700. Funding source is Riverfront Development Fund.

Councilman Gibson: Could I get an explanation from the Administration on this issue?

Mayor Hightower: You talking about on the \$11,000?

Councilman Gibson: Yes.

Mayor Hightower: Mike may be able to do it better than I can, but basically its for monitoring of the Festival Plaza.

Councilman Gibson: Is that when we originally did the construction out there. When we first started, we found some things that might- - - ?

Mr. Antee: What happened was when we found that black stuff on the extension and it was remediated, I think, don't they have some ground water monitoring devices in there? And that is to continue that.

Councilman Gibson: Okay, so and that's coming out of the Riverfront Development Fund?

Mr. Dark: Yes sir, the original remediation came out of that fund and this simply moving some Riverfront money from another project to cover that.

Councilman Hogan: Another question. As I read this over, I see that it's required by DEQ. Who is going to do the actual work?

Mr. Strong: URS is the actual contractor that will be doing it. They're the ones that we've been utilizing throughout this whole process.

Councilman Hogan: URS? Are they a local firm? I was just curious to know.

Mr. Strong: They have an office here. I think they're the largest engineering firm in the world. I think they do have an office here in Shreveport.

Mr. Antee: They're currently providing the service and this is just extending it.

Councilman Hogan: Okay, thank you.

Motion by Councilman Jackson, seconded by Councilman Carmody to adopt Amendment No. 4. Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays - None. Absent: Councilman Walford. 1.

Motion by Councilman Carmody, seconded by Councilman Jackson for adoption of Amendment No. 4. Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Walford. 1.

9. Ordinance No. 76 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 \$13,000,000 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

Having passed the first reading on May 25, 2004, was read by title and as read on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Carmody, for adoption.

Councilman Lester: To the Administration. We are going to have minority participation in (unclear)

Mayor Hightower: Yes.

Councilman Lester: That’s my question. I own it, I gotta be consistent Mr. Chairman.

Councilman Jackson: In light of this (unclear) that Councilman Lester speaks of, I’ve heard him ask quite frequently about that participation. If you would Mr. Mayor, If I could ask, if you all have some documentation with regard to who those folks are, I have an interest in that, if you can do that between now and then.

Mr. Antee: Here. Jack Brown was hiding in the back.

Councilman Jackson: You don’t have to answer today, I know as long as you stay, the more we gotta pay you, so you don’t have to answer today. Naw, just jiving.

Mr. Brown: There are two individuals on the legal team, Harvetta Colvin is the Issuers counsel, Underwriter’s counsel, Karen Carter. And they’ve participated in other issues and both do a real good job. Happy to have them.

Councilman Jackson: Well Mr. Mayor, I think that’ll take care of my request.

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

The adopted Ordinances and amendments follow:

#### **ORDINANCE NO. 68 OF 2004**

#### **AN ORDINANCE AUTHORIZING THE LEASE OF CERTAIN CITY-OWNED PROPERTY TO BELL SOUTH MOBILITY, LLC., D/B/A CINGULAR WIRELESS AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.**

WHEREAS, BellSouth Mobility, LLC. d/b/a Cingular Wireless, has requested the lease of the City-owned property on Newman Lane more fully described herein in Exhibit “A”, for the purpose of installing, maintaining and operating a wireless communication facility (cellular antenna) and uses incidental thereto; and

WHEREAS, the said property is not needed for public purposes; and  
WHEREAS, the lease provides for an initial term of five (5) years plus the option, at BellSouth's election, to renew the lease for four (4) consecutive terms of five (5) years each; and  
WHEREAS, BellSouth Mobility has agreed to pay the City the sum of \$7,500.00 as up front consideration for the lease plus an additional \$12,000.00 paid in equal monthly installments during the initial five (5) year term. Monthly installment payments will increase by ten percent (10%) for each of the renewal terms; and  
WHEREAS, the City of Shreveport desires to enter into this lease with BellSouth Mobility, LLC.;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal and regular session convened that the above described property is not needed for a public purpose.

BE IT FURTHER ORDAINED that the Mayor of the City of Shreveport is hereby authorized to execute all documents relative to the lease of the City-owned as shown on Exhibit "A", attached hereto and made a part hereof, to BellSouth Mobility, LLC., substantially in accordance with the draft hereof filed for public inspection with the original of this ordinance in the Office of the Clerk of Council on May 11, 2004.

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. 69 OF 2004**

#### **AN ORDINANCE TO CREATE AND ESTABLISH A NO PARKING ZONE BETWEEN THE HOURS OF 8:00 AM AND 5:00 PM MONDAY THROUGH FRIDAY ON EITHER SIDE OF THE 500 BLOCK OF FOREST AVENUE 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 it shall hereafter be unlawful for anyone to park any vehicle between the hours of 8:00 am and 5:00 pm Monday through Friday on either side of the 500 block of Forest Avenue.

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.

#### **ORDINANCE NO. 70 OF 2004**

#### **AN ORDINANCE TO FORMALLY NAME A STREET THAT HAS COMMONLY BEEN REFERRED TO AS 1L WESTWOOD PARK TO PRAISE TEMPLE PLACE, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO:**

WHEREAS, the street commonly referred to as 1L Westwood Park, and located to the east of and intersecting Westwood Park Drive and continuing in an easterly direction to the parking lot of Praise Temple Full Gospel Baptist Cathedral, has never been officially named; and,

WHEREAS, a request has been made to provide a formal name for this street that extends from the intersection at Westwood Park Drive to the west edge of the Praise Temple Full Gospel Baptist Cathedral's parking lot.

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

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that the street that extends from the intersection at Westwood Park Drive to the west edge of the Praise Temple Full Gospel Baptist Cathedral's parking lot is hereby named Praise Temple Place.

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

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

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

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

#### **ORDINANCE NO. 72 OF 2004**

#### **AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF SECTION 50-134 OF THE CITY OF SHREVEPORT CODE OF ORDINANCES RELATIVE TO MISCELLANEOUS OFFENSES 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 50-134(b) of the Code of Ordinances of the City of Shreveport is hereby amended and now reads as follows:

Section 50-134. Discharge of firearms, airguns, etc.; exemptions

\*\*\*

(b) The activities of bona fide rifle ranges, shotgun clubs, or paintball establishments are exempted from the provisions of subsection (a). This exemption shall apply only to bona fide rifle ranges, shotgun clubs, or paintball establishments who are properly zoned and licensed and are otherwise lawfully operating.

#### **ORDINANCE NO. 73 OF 2004**

#### **AN ORDINANCE AMENDING THE 2004 GENERAL 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 General Fund budget, to adjust estimated revenues and expenditures 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. 158 of 2003, the 2004 General Fund budget, is hereby amended as follows:

In Section 1 (Estimated Receipts):

Decrease Estimated Fund Balance 1/1/2004 by \$1,785,400.

Increase Taxes and Special Assessments by \$1,350,000.

Decrease Miscellaneous by \$400,000.

In Section 2 (Appropriations):

In General Government, decrease Operating Reserves by \$435,400.

In Operational Services, decrease Improvements and Equipment by \$400,000.

Adjust all totals and subtotals accordingly.

BE IT FURTHER ORDAINED that the remainder of Ordinance No. 158 of 2003 shall remain unchanged and in full force and effect.

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

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

#### **ORDINANCE NO. 74 OF 2004**

#### **AN ORDINANCE AMENDING THE 2004 BUDGET FOR THE RIVERFRONT 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 Riverfront Development Special Revenue Fund, to adjust estimated revenues and expenditures and for other purposes.

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

In Section 1 (Estimated Receipts):

Decrease Estimated Fund Balance as of 1/1/2004 by \$744,300.

Decrease Gaming Head Tax/Harrah's by \$300,000.

Decrease Gross Gaming Revenues/Harrah's by \$75,000.

Decrease Boomtown Casino by \$125,000.

Decrease Hollywood Casino by \$300,000.

In Section 2 (Appropriations):

Decrease Operating Reserves by \$1,544,300.

Adjust totals and subtotals accordingly.

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

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other sections of the ordinance which can

be given effect without the invalid provisions, items or applications; and, to this end, the provisions of this ordinance are hereby declared to be severable.  
BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

**ORDINANCE NO. 75 OF 2004**

**AN ORDINANCE AMENDING THE 2004 CAPITAL IMPROVEMENTS 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 Capital Improvements Budget to appropriate additional funds, to transfer funds between projects and for other purposes. NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in legal session convened, that Ordinance No. 159 of 2003, the 2004 Capital Improvements Budget, be further amended and re-enacted as follows:

**In Program A (Buildings and Improvements):**

Increase the appropriation for **Multicultural Center (96A002)** by \$31,900. Funding source is Interest Earnings.

Decrease the appropriation for **Texas Avenue Campus Plan Phase IV - Police Building (96A004)** by \$64,200. Funding source is 1998 GOB, Prop. 1.

Increase the appropriation for **Shreveport Convention Center (97A004)** by \$606,000. Funding source is Interest Earnings.

**In Program B (Parks Improvements):**

Increase the appropriation for **Riverfront Park Extension (96B002)** by \$14,700. Increase 1996 GOB, Prop. 8 by \$37,900 and 1999 GOB, Prop. 8 by \$16,200. Decrease 1997 GOB, Prop. 8 by \$34,900 and 1998 GOB, Prop. 8 by \$4,500.

Change the funding sources for **Southern Hills Park Community Center Expansion (97B001)**. Increase 1998 GOB, Prop. 2 by \$37,500 and decrease 1997 GOB, Prop.2 by \$37,500.

**In Program C (Street Improvements):**

Decrease the appropriation for **Fant Parkway North Extension, Phase II (01C008)** by \$176,200. Funding source is 1999 GOB, Prop. 4.

Decrease the appropriation for **Street Lighting - 2001 Bonds (01C033)** by \$854,900. Funding sources are \$154,900 from 1996 GOB, Prop. 4 and \$700,000 from 1999 GOB, Prop. 4.

**In Program D (Drainage Improvements):**

Change the funding sources for **Ockley Ditch Improvements (92D002)**. Increase 1998 GOB, Prop. 10 by \$1,100 and decrease 1997 GOB, Prop. 10 by \$1,100.

**In Program I (Fire Improvements):**

Decrease the appropriation for **Police and Fire Academy Improvements (96I001)** by \$97,700. Funding source is 1997 GOB, Prop. 1.

Change the funding sources for **Relocation of Fire Station #13 (01I001)**. Decrease 1997 GOB, Prop. 1 by \$610,000. Increase 1996 GOB, Prop. 1 by \$34,000, 1999 GOB, Prop. 1 by \$134,300 and 2001 GOB by \$441,700.

Decrease the appropriation for **Fire Equipment Replacement (01I002)** by \$30,000. Funding source is 1998 GOB, Prop. 1.

Adjust totals and subtotals accordingly.

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

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

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

Amendment No. 1

AMEND THE ORDINANCE AS FOLLOWS:

**In Program E (Water Improvements):**

Increase the appropriation for **Hearne Avenue Water Main Replacement (03E002)** by \$570,000. Funding source is 1994A URB.

Amendment No. 2

AMEND THE ORDINANCE AS FOLLOWS:

**In Program A (Buildings and Improvements):**

Establish a project entitled **ArtSpace at the West Edge (04A004)** and fund it at \$825,000. Funding source is State Capital Outlay.

Amendment No. 3

AMEND THE ORDINANCE AS FOLLOWS:

**In Program H (Airports Improvements):**

Increase the appropriation for **Construct West Parallel Taxiway 4/22 (02H003)** by \$170,500. Funding sources are \$17,000 from State Grant and \$153,500 from Federal Aviation Administration.

Amendment No. 4

AMEND THE ORDINANCE AS FOLLOWS:

**In Program A (Building and Improvements):**

Decrease the funding for **Festival Site Development (98A001)** by \$11,700. Funding source is Riverfront Development.

Increase the appropriation for **Riverfront Environmental Remediation (03A003)** by \$11,700. Funding source is Riverfront Development Fund.

**ORDINANCE NO 76 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 \$13,000,000 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.**

**WHEREAS**, the City of Shreveport, State of Louisiana (the "Issuer"), owns and operates a revenue-producing public utility comprised of a combined waterworks plant and system and sewer plant and system (the "System"); and

**WHEREAS**, the Issuer is authorized to borrow money and issue revenue bonds, payable solely from the income and revenues to be derived by the Issuer from the operation of the System to refund a portion of the Issuer's outstanding Water and Sewer Revenue Bonds, Series 2002A, Series 2002B, Series 2003A, Series 2003B and Series 2004A (collectively, the "Refunded Bonds"), which were purchased by the Louisiana Department of Environmental Quality ("DEQ") and the proceeds were used to finance construction, improvements and extensions to the System, pursuant to the provisions of Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended (R.S. 39:1444-1455) (the "Act"), and other constitutional and statutory authority; and

**WHEREAS**, the Issuer adopted Resolution No. 131 of 1984 (the "General Bond Resolution") on June 12, 1984, as amended and supplemented, authorizing the issuance from time to time of Water and Sewer Revenue Bonds of the Issuer on the terms and conditions set forth in the General Bond Resolution; and

**WHEREAS**, the General Bond Resolution provides that the details of the Bonds of each Series of Bonds issued thereunder shall be specified in a supplemental resolution adopted by the Issuer authorizing the issuance of such Series of Bonds, subject to the terms, conditions and limitations established in the General Bond Resolution; and

**WHEREAS**, the Issuer proposes by this Twenty Second Supplemental Ordinance to authorize the issuance of not to exceed \$13,000,000 principal amount of its Bonds to be the Twenty Second Series of Bonds issued under the General Bond Resolution and to be designated "Water and Sewer Revenue Bonds, 2004 Refunding Series B" (the "Series 2004B Bonds"), and to specify the terms and conditions of the Series 2004B Bonds; and

**WHEREAS**, the Issuer has heretofore issued \$40,940,000 original principal amount of Water and Sewer Revenue Bonds, 1986 Series A (the "Series 1986A Bonds") pursuant to the General Bond Resolution and the Third Supplemental Resolution; \$31,080,000 Water and Sewer Revenue Bonds, 1986 Refunding Series B (the "Series 1986B Bonds") pursuant to the General Bond Resolution and the Fourth Supplemental Resolution, \$45,595,000 Water and Sewer Revenue Bonds, 1986 Refunding Series C (the "Series 1986C Bonds") pursuant to the General Bond Resolution and the Fifth Supplemental Resolution; \$11,568,877.37 Water and Sewer Revenue Bonds, 1989 Series A (the "Series 1989A Bonds") pursuant to the General Bond Resolution and the Sixth Supplemental Resolution; \$11,125,333.62 Water and Sewer Revenue Bonds, 1990 Series A (the "Series 1990A Bonds") pursuant to the General Bond Resolution and the Seventh Supplemental Resolution; \$4,623,201.02 Water and Sewer Revenue Bonds, 1990 Series B (the "Series 1990B Bonds") pursuant to the General Bond Resolution and the Eighth Supplemental Resolution; \$7,187,914.56 Water and Sewer Revenue Bonds, 1991 Series A (the "Series 1991A Bonds") pursuant to the General Bond Resolution and the Ninth Supplemental Resolution; \$3,106,823.80 Water and Sewer Revenue Bonds, 1992 Series A (the "Series 1992A Bonds") pursuant to the General Bond Resolution and the Tenth Supplemental Resolution; \$40,153,936.80 Water and Sewer Revenue Bonds, 1992 Refunding Series B (the "Series 1992B Bonds") pursuant to the General Bond Resolution and the Eleventh Supplemental Resolution; \$10,290,000 Water and Sewer Revenue Bonds, 1993 Series B (the "Series 1993B Bonds") pursuant to the General Bond Resolution and the Twelfth Supplemental Resolution; \$28,100,000 Water and Sewer Revenue Bonds, 1994 Series A (the "Series 1994A Bonds") pursuant to the General Bond Resolution and the Thirteenth Supplemental Resolution; \$6,060,000 Water and Sewer Revenue Bonds, 1997 Refunding Series A (the "Series 1997A Bonds") pursuant to the General Bond Resolution and the Fourteenth Supplemental Resolution; \$10,210,000 Water and Sewer Revenue Bonds, 2000 Series A (the "Series 2000A Bonds") pursuant to the General Bond Resolution and the Seventeenth Supplemental Resolution; \$21,169,624 Water and Sewer Revenue Bonds, 2002 Series A (the "Series 2002A Bonds") pursuant to the General Bond Resolution and the Eighteenth Supplemental Resolution; and \$40,735,000 Water and Sewer Revenue Bonds, 2003 Refunding Series A (the "Series 2003A Bonds") pursuant to the General Bond Resolution and the Nineteenth Supplemental Resolution; and \$18,800,000 Water and Sewer Revenue Bonds, 2003 Refunding Series B (the "Series 2003B Bonds") pursuant to the General Bond Resolution and the Twentieth Supplemental Resolution.

**WHEREAS**, XL Capital Assurance Inc. (the "Bond Insurer") is issuing a policy of municipal bond insurance which insures the payment of principal of and interest on the Series 2004B Bonds (the "Bond Insurance Policy (Series 2004B)"); and

**WHEREAS**, Bonds may be issued pursuant to the General Bond Resolution which shall constitute Prior Lien Bonds provided certain conditions are met as provided in the General Bond Resolution; and

**WHEREAS**, said terms and conditions shall be satisfied prior to the issuance of the Series 2004B Bonds and, accordingly, the Series 2004B Bonds shall constitute Prior Lien Bonds;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Shreveport, Louisiana, acting as the governing authority of said City, that:

#### ARTICLE I

##### Definitions; Findings and Interpretation

**Section 101. Definitions.** Unless the context shall clearly indicate some other meaning, all words and terms used in this Supplemental Resolution which are defined in Resolution No. 131 of 1984 adopted by this Council on June 12, 1984, entitled: "A resolution authorizing the issuance from time to time of Water and Sewer Revenue Bonds of the City of Shreveport, State of Louisiana, prescribing the form, fixing the details and providing for the payment of principal of and interest on such bonds and for the rights of the holders thereof, as amended and supplemented to date shall, for all purposes of this Twenty Second Supplemental Resolution, have the respective meanings given to them in the General Bond Resolution, as amended. In addition, unless the context shall clearly indicate some other meaning, the following terms shall, for all purposes of the General Bond Resolution or of any resolution or other instrument amendatory thereof or supplemental thereto have the following meanings:

**"Bond Insurer"** or **"XLCA"** shall mean XL Capital Assurance Inc., or any successor thereto.

**"Bond Insurance Policy"** shall mean the municipal bond new issue insurance policy issued by the Bond Insurer and guaranteeing payment of principal of and interest on the Series 2004B Bonds.

**"Debt Service Reserve Fund"** means the fund so designated, established and held by the Paying Agent pursuant to this Ordinance.

**"Debt Service Reserve Fund Requirement"** means the lesser of (a) 10% of the proceeds of the Series 2004B Bonds, (b) 100% of the maximum principal and interest on the Series 2004B Bonds occurring in any Bond Year or (c) 1.25 times the average annual Debt Service on the Series 2004B Bonds.

**"Fiscal Agent"** shall mean the Bond Insurer's fiscal agent or its successor.

**"Twenty Second Supplemental Resolution"** shall mean this Twenty Second Supplemental Resolution as the same may be supplemented or amended hereafter.

**"Redemption Price of the Refunded Bonds"** shall mean a price equal to 100% of the price of the Refunded Bonds, without premium plus accrued interest to the redemption date.

**"Refunded Bonds"** shall mean the portion of the Issuer's outstanding Water and Sewer Revenue Bonds as follows:

SERIES

MATURITIES

2002A

2002B

2003A

2003B

2004A

**"Regular Record Date"** shall mean with respect to the Series 2004B Bonds, the fifteenth day of the calendar month next preceding each Interest Payment Date.

**"Series 2004B Bonds"** or **"Bonds"** shall mean the not to exceed \$13,000,000 principal amount of Water and Sewer Revenue Bonds, 2004 Refunding Series B, issued pursuant to the General Bond Resolution as amended and supplemented to the date hereof.

**"Underwriter"** shall mean Stephens Inc., Baton Rouge, Louisiana.

Unless or except as the context shall clearly indicate otherwise or may otherwise require in this Twenty Second Supplemental Resolution: (i) all references to a particular section, paragraph or subdivision of the General Bond Resolution or this Twenty Second Supplemental Resolution, as the case may be, are to the corresponding section, paragraph or subdivision of the General Bond Resolution only, or this Twenty Second Supplemental Resolution only, as the case may be; (ii) the terms "herein", "hereunder", "hereby", "hereto", "hereof", and any similar terms, refer to this Twenty Second Supplemental Resolution as a whole and not to any particular section, paragraph or subdivision thereof; (iii) the terms "therein", "thereunder", "thereby", "thereto", "thereof", and any similar terms, refer to the General Bond Resolution, and to the General Bond Resolution as a whole and not to any particular section, paragraph or subdivision thereof, and (iv) the term "heretofore" means before the time of effectiveness of this Twenty Second Supplemental Resolution, and the term "hereafter" means after the time of the effectiveness of this Twenty Second Supplemental Resolution.

**Section 102. Findings and Determinations.** The Governing Authority hereby finds and determines:

- (a) The Issuer is authorized under the Act to issue its revenue bonds in such amounts as may be necessary for the purpose of refunding the Refunded Bonds, and is further authorized pursuant to the General Bond Resolution, as amended and supplemented to the date hereof, to issue the Series 2004B Bonds for such purpose by means of a Supplemental Resolution adopted pursuant to and in accordance with Sections 204 and 205 of the General Bond Resolution.
- (b) The Issuer has sold the Series 2004B Bonds to the Underwriter all in accordance with the terms of the Bond Purchase Agreement dated \_\_\_\_\_, 2004.
- (c) The Series 2004B Bonds, when issued, shall constitute Prior Lien Bonds as provided in the General Bond Resolution, as amended.
- (d) It is anticipated that the Refunded Bonds will be redeemed on \_\_\_\_\_, 2004 and will be payable on such date solely from proceeds of the Series 2004B Bonds, which amounts have been calculated to be sufficient to pay the Redemption Price of the Refunded Bonds.

**Section 103. Interpretation.** In this Twenty Second Supplemental Resolution, unless the context otherwise requires, (a) words importing persons include firms, associations and corporations, (b) words importing the singular include the plural and vice versa and (c) words of the masculine gender shall be deemed and considered to include correlative words of the feminine and neuter genders.

## **ARTICLE II**

### **Authorization and Details of Series 2004B Bonds**

**Section 201. Authorization and Designation.** Pursuant to the provisions of the General Bond Resolution, as amended, this Twenty Second Supplemental Resolution and the Act, there is hereby authorized the issuance of not to exceed Thirteen Million Dollars (\$13,000,000) original principal amount of Series 2004B Bonds of the Issuer to be designated "Water and Sewer Revenue Bonds, 2004 Refunding Series B", for the purpose of refunding the Refunded Bonds and paying costs of issuing the Series 2004B Bonds. The Series 2004B Bonds shall be special obligations of the Issuer payable solely from the Revenues, shall be entitled pursuant to and in accordance with the General Bond Resolution, as amended, to the pledge and lien created thereby and shall be otherwise entitled to the security and benefits thereof. The Series 2004B Bonds shall be issued in the form set forth in Exhibit A hereto.

The Series 2004B Bonds, together with the Series 1993B Bonds, the Series 1997A Bonds, the Series 2000A Bonds, the Series 2001A, B and C Bonds, the Series 2002 Bonds, and the Series 2003B Bonds are payable as to both principal and interest solely from the Revenues to be derived from the operation of the System, subject to the prior payment of the reasonable and necessary expenses of operation and maintenance of the System and the Bonds do not constitute an indebtedness or pledge of the general credit of the Issuer within the meaning of any constitutional and statutory limitation of indebtedness.

**Section 202. Principal Amount and Type.** The Series 2004B Bonds shall be issued in the aggregate principal amount of not to exceed Thirteen Million Dollars (\$13,000,000).

**Section 203. Denominations, Dates, Maturities and Interest.** The Series 2004B Bonds are issuable as fully registered bonds. Interest on the Bonds (payable June 1 and December 1 of each year, commencing December 1, 2004) is payable by check mailed to the registered owner. The Bonds are in the denomination of \$5,000 each or any integral multiple thereof, and in fully registered form.

The Series 2004B Bonds shall mature on the dates and shall be in the aggregate principal amounts set forth below:

<b><u>Due</u></b> <b><u>(June 1)</u></b>	<b><u>Aggregate</u></b> <b><u>Principal</u></b> <b><u>Amount</u></b>	<b><u>Interest</u></b> <b><u>Rate</u></b>	<b><u>Yield</u></b>
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The Principal of the Bonds are payable at the principal corporate trust office of Argent Trust, in the City of Ruston, Louisiana, as Paying Agent and Bond Registrar with respect to the Series 2004B Bonds upon surrender thereof.

Each Series 2004B Bond shall be dated the date of delivery. Except as otherwise provided in this Section, the Series 2004B Bonds shall bear interest from the date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for, as the case may be. However, when there is no existing default in the payment of interest on the Series 2004B Bonds, each Series 2004B Bond executed after the Regular Record Date for any Interest Payment Date but prior to such Interest Payment Date, shall bear interest from such Interest Payment Date provided, however, that if and to the extent that the Issuer shall default in the payment of the interest due on any Interest Payment Date, then all such Series 2004B Bonds shall bear interest from the most recent Interest Payment Date to which interest has been paid or duly provided for, unless no interest has been paid on the Series 2004B Bonds, in which case from the date of delivery.

The person in whose name any Series 2004B Bond is registered at the Regular Record Date with respect to an Interest Payment Date shall in all cases be entitled to receive the interest payable on such Interest Payment Date (unless such Series 2004B Bond has been called for redemption on a redemption date which is prior to such Interest Payment Date) notwithstanding the cancellation of such Series 2004B Bond upon any registration of transfer or exchange thereof subsequent to such Regular Record Date and prior to such Interest Payment Date.

### **ARTICLE III**

No Redemption Prior to Maturity

**Section 301. No Redemption.** The Series 2004B Bonds are not subject to redemption prior to maturity.

### **ARTICLE IV**

**Application Of Proceeds of Series 2004B Bonds**

**Section 401. Obligation of the Issuer in Connection with the Issuance of the Series 2004B Bonds.** This Governing Authority hereby binds and obligates itself and the Issuer to use or cause to be used the proceeds derived from the sale of the Series 2004B Bonds to refund the Refunded Bonds and to pay costs of issuance associated with the Series 2004B Bonds. The Director of Finance is authorized to pay costs of issuance upon receipt of appropriate invoices.

## ARTICLE V

### Execution and Form of Series 2004B Bonds

**Section 501. Execution and Form of Series 2004B Bonds.** The Series 2004B Bonds issuable hereunder shall be executed by the Mayor, Clerk of Council and Director of Finance, respectively, substantially in the form set forth in Exhibit A hereto, with such necessary or appropriate variations, omissions and insertions as are required or permitted by law or by the General Bond Resolution, as amended and supplemented by this Twenty Second Supplemental Resolution. The Series 2004B Bonds shall be lettered "R" and shall be numbered separately from 1 upward.

## ARTICLE VI

### Sale of the Series 2004B Bonds

**Section 601. Sale of Bonds.** The sale of the Series 2004B Bonds to the Underwriter is hereby in all respects approved, ratified and confirmed and after their execution, the Series 2004B Bonds shall be delivered to the Underwriter or its agents or assigns, upon receipt by the Director of Finance of the Issuer of the agreed purchase price. The execution and delivery on behalf of the Issuer of the Bond Purchase Agreement dated \_\_\_\_\_, 2004, is hereby approved and ratified in all respects. The Mayor and Director of Finance of the Issuer are each hereby empowered, authorized and directed to execute and deliver or cause to be executed and delivered all documents required to be executed on behalf of the Issuer or deemed by them necessary or advisable to implement this Supplemental Resolution or facilitate the sale of the Series 2004B Bonds.

**Section 602. Official Statement.** The Governing Authority hereby approves the form and content of the Preliminary Official Statement dated \_\_\_\_\_, 2004, pertaining to the Series 2004B Bonds submitted to the Governing Authority and hereby ratifies its prior use by the Underwriter in connection with the sale of the Series 2004B Bonds. The Governing Authority further approves the form and content of the final Official Statement dated as of \_\_\_\_\_, 2004 and hereby authorizes and directs the execution by the Mayor or Director of Finance of the Issuer and delivery of such final Official Statement to the Underwriter for use in connection with the public offering of the Series 2004B Bonds.

## ARTICLE VII

### Notice of Events of Default

**Section 701. Notice to Bond Insurer.** The Trustee hereby agrees to give immediate notice to the Bond Insurer of the occurrence of any Event of Default under the General Bond Resolution, as amended and supplemented to the date hereof, including, without limitation, this Twenty Second Supplemental Resolution.

## ARTICLE VIII

### Municipal Bond Insurance

**Section 801. Payments Under The Policy.** If, on the third Business Day prior to the related scheduled interest payment date or principal payment date ("Payment Date"), there is not on

deposit with the Paying Agent under this Ordinance, after making all transfers and deposits required under this Ordinance, moneys sufficient to pay the principal of, and interest on, Insured Bonds due on such Payment Date, Paying Agent shall give notice to XLCA and to its designated agent (if any) (the "Insurer's Fiscal Agent"), by telephone or teletype, of the amount of such deficiency by 10:00 a.m., New York City time, on such Business Day. If, on the Business Day prior to the related Payment Date, there is not on deposit with the Trustee moneys sufficient to pay the principal of, and interest on, the Series 2004B Bonds due on such Payment Date, the Trustee shall make a claim under the Insurance Policy and give notice to XLCA and XLCA's Fiscal Agent (if any) by telephone of the amount of any deficiency in the amount available to pay principal and interest, and the allocation of such deficiency between the amount required to pay interest on the Series 2004B Bonds and the amount required to pay principal of the Series 2004B Bonds, confirmed in writing to the related Insurer and XLCA's Fiscal Agent by 10:00 a.m., New York City time, on such Business Day, by delivering the Notice of Nonpayment and Certificate.

For the purposes of the preceding paragraph, "Notice" means telephonic or telecopied notice, subsequently confirmed in a signed writing, or written notice by registered or certified mail, from the Paying Agent to XLCA, which notice shall specify (a) the name of the entity making the claim, (b) the policy number, (c) the claimed amount and (d) the date such claimed amount will become Due for Payment. "Nonpayment" means the failure of the City to have provided sufficient funds to the Paying Agent for payment in full of all principal of, and interest on, the XLCA Series 2004B Bonds that are Due for Payment. "Due for Payment", when referring to the principal of Series 2004B Bonds, means when the stated maturity date or mandatory redemption date for the application of a required sinking fund installment has been reached and does not refer to any earlier date on which payment is due by reason of call for redemption (other than by application of required sinking fund installments, acceleration or other advancement of maturity, unless XLCA shall elect, in its sole discretion, to pay such principal due upon such acceleration; and when referring to interest on Series 2004B Bonds, means when the stated date for payment of interest has been reached. "Certificate" means a certificate in form and substance satisfactory to XLCA as to the Trustee's right to receive payment under the Insurance Policy.

The Paying Agent shall designate any portion of payment of principal on Series 2004B Bonds paid by XLCA at maturity on its books as a reduction in the principal amount of Series 2004B Bonds registered to the then current Bondholder, whether DTC or its nominee or otherwise, and shall issue a replacement Series 2004B Bond to XLCA, registered in the name of XLCA, as the case may be, in a principal amount equal to the amount of principal so paid (without regard to authorized denominations); provided that the Paying Agent's failure to so designate any payment or issue any replacement Series 2004B Bond shall have no effect on the amount of principal or interest payable by the City on any Series 2004B Bonds or the subrogation rights of XLCA.

The Paying Agent shall keep a complete and accurate record of all funds deposited by XLCA into the Policy Payments Account (as hereinafter defined) and the allocation of such funds to payment of interest on and principal paid with respect to any Series 2004B Bonds. XLCA shall have the right to inspect such records at reasonable times upon reasonable notice to the Paying Agent.

Upon payment of a claim under the Insurance Policy, the Paying Agent shall establish a separate special purpose trust account for the benefit of holders of Series 2004B Bonds referred to herein as the "Policy Payments Account" and over which the Paying Agent shall have exclusive control and sole right of withdrawal. The Paying Agent shall receive any amount paid under Insurance Policy in trust on behalf of holders of Series 2004B Bonds and shall deposit any such amount in the Policy

Payments Account and distribute such amount only for purposes of making the payments for which a claim was made. Such amounts shall be disbursed by the Paying Agent to holders of Series 2004B Bonds in the same manner as principal and interest payments are to be made with respect to the Series 2004B Bonds under the sections hereof regarding payment of Series 2004B Bonds. It shall not be necessary for such payments to be made by checks or wire transfers separate from the check or wire transfer used to pay debt service with other funds available to make such payments. Funds held in the Policy Payments Account shall not be invested by the Paying Agent and may not be applied to satisfy any costs, expenses or liabilities of the Paying Agent.

Any funds remaining in the Policy Payments Account following an Series 2004B Bond payment date shall promptly be remitted to XLCA.

**Section 802. Redemption.** The Series 2004B Bonds are not subject to optional redemption prior to maturity.

**Section 803. Provisions With Respect to XLCA.**

*A. Notice to XLCA.* Any notices required to be given by any party should also be given to XLCA, Attn: Surveillance.

*B. Amendments.* XLCA's consent must be required for all amendments to the financing documents and this Ordinance and XLCA must be given prior notice of any such amendment. Copies of any amendments to such financing documents and this Ordinance which are consented to by XLCA shall be sent to S&P.

*C. Supplemental Legal Document.* If the financing document provides for a supplemental financing document to be issued for reasons other than (1) a refunding to obtain savings or (2) the issuance of additional bonds pursuant to an additional bonds test, there must be a requirement that XLCA's consent also be obtained prior to the issuance of any additional bonds and/or execution of such supplemental financing document.

*D. Events of Default.* All financing documents normally contain provisions which define the events of default and which prescribe the remedies that may be exercised upon the occurrence of an event of default. At a minimum, events of default must be defined as follows:

1. the City fails to pay principal when due;
2. the City fails to pay interest when due;
3. the City fails to observe any other covenant or condition of the Indenture and such failure continues for 30 days; and
4. the City declares bankruptcy.

*E. Remedies.* XLCA, acting alone, shall have the right to direct all remedies upon the occurrence of an event of a default. XLCA must be recognized as the owner of each Series 2004B Bonds which it insures for the purposes of exercising all rights and privileges available to owners. For Series 2004B Bonds which it insures, XLCA must have the right to institute any suit, action, or proceeding at law or in equity under the same terms as an owner in accordance with applicable provisions of the governing documents. Other than scheduled sinking fund redemptions, any acceleration of principal payments must be subject to XLCA's prior written consent.

*F. Defeasance.* The following will be permitted investments for purposes of defeasance:

Cash

U.S. Treasury Certificates, Notes and Bonds (including State and Local Government Series – (SLGs)).

Direct obligations of the U.S. Treasury which have been stripped by the U.S. Treasury itself.

Resolution Funding Corp. (“**REFCORP**”). Only the interest component of REFCORP strips which have been stripped by request to the Federal Reserve Bank of New York in book entry form are acceptable.

Pre-refunded municipal bonds rated “Aaa” by Moody’s and “AAA” by S&P. If, however, the issue is only rated by S&P (i.e., there is no Moody’s rating) then the pre-refunded bonds must have been pre-refunded with cash, direct U.S. or U.S. guaranteed obligations, or AAA rated pre-refunded municipals to satisfy this condition.

Obligations issued by the following agencies which are backed by the full faith and credit of the U.S.:

U.S. Export-Import Bank (Eximbank)  
Direct obligations or fully guaranteed certificates of beneficial ownership  
Farmers Home Administration (FmHA)

Federal Financing Bank

General Services Administration  
Participation Certificates

U.S. Maritime Administration Guaranteed Title XI financing

U.S. Department of Housing and Urban Development (HUD)  
Project Notes  
Local Authority Bonds  
New Communities Debentures – U.S. government guaranteed debentures  
U.S. Public Housing Notes and Bonds – U.S. government guaranteed public housing notes and bonds

*G. XLCA as Third Party Beneficiary.* XLCA is hereby explicitly recognized as being a third-party beneficiary under this Ordinance with the power to enforce any right, remedy or claim conferred, given or granted under such Ordinance.

*H. Subrogation.* If principal and/or interest due on the Series 2004B Bonds shall be paid by XLCA, the Series 2004B Bonds shall remain outstanding under the this Ordinance for all purposes, and shall not be deemed defeased or otherwise satisfied, or paid by the City, and the assignment and pledge of the trust estate and all covenants, agreements and other

obligations of the City to the owners shall continue to exist and shall run to the benefit of XLCA, and XLCA shall be subrogated to the rights of such owners.

**PERMISSIBLE INVESTMENTS**

A. Direct obligations of the United States of America (including obligations issued or held in book-entry form on the books of the Department of the Treasury, and CATS and TIGRS) or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America.

B. Bonds, debentures, notes or other evidence of indebtedness issued or guaranteed by any of the following federal agencies and provided such obligations are backed by the full faith and credit of the United States of America (stripped securities are only permitted if they have been stripped by the agency itself):

1. U.S. Export-Import Bank (Eximbank)

Direct obligations or fully guaranteed certificates of beneficial ownership

1. Farmers Home Administration

(FmHA) Certificates of Beneficial Ownership

3. Federal Financing Bank

4. Federal Housing Administration Debentures (FHA)

5. General Services Administration

Participation Certificates

6. Government National Mortgage Association (GNMA or Ginnie Mae) GNMA - guaranteed mortgage-backed bonds GNMA - guaranteed pass-through obligations

1. U.S. Maritime Administration

Guaranteed Title XI financing

2. U.S. Department of Housing and Urban Development (HUD)

Project Notes Local Authority Bonds

New Communities Debentures - U.S. government guaranteed debentures U.S. Public Housing

Notes and Bonds - U.S. government guaranteed public housing notes and bonds

C. Bonds, debentures, notes or other evidence of indebtedness issued or guaranteed by any of the following federal agencies which are not backed by the full faith and credit of the United States of America (stripped securities are only permitted if they have been stripped by the agency itself):

1. Federal Home Loan Bank System

Senior debt obligations

2. Federal Home Loan Mortgage Corporation (FHLMC or

Freddie Mac) Participation Certificate

Senior debt obligations

3. Federal National Mortgage Association (FNMA or Fannie Mae) Mortgage-backed securities and senior debt obligations
4. Student Loan Marketing Association (SLMA or Sallie Mae) Senior debt obligations
5. Resolution Funding Corp. (REFCORP) obligations
6. Farm Credit System Consolidated systemwide bonds and notes
- D. Money market funds registered under the Federal Investment Company Act of 1940, whose shares are registered under the Federal Securities Act of 1933, and having a rating by S&P of AAAM-G; AAA-m; or AA-m and if rated by Moody's rated Aaa, Aal or Aa2.
- E. Certificates of deposit secured at all times by collateral described in (A) and/or (B) above. Such certificates must be issued by commercial banks, savings and loan associations or mutual savings banks. The collateral must be held by a third party and the bondholders must have a perfected first security interest in the collateral.
- F. Certificates of deposit, savings accounts, deposit accounts or money market deposits which are fully insured by FDIC, including BIF and SAIF.
- G. Investment Agreements, including GIC's, Forward Purchase Agreements and Reserve Fund Put Agreements acceptable to XLCA.
- H. Commercial paper rated, at the time of purchase, "Prime -1" by Moody's and "A-1" or better by S&P.
- I. Bonds or notes issued by any state or municipality which are rated by Moody's and S&P in one of the two highest rating categories assigned by such rating agencies.
- J. Federal funds or bankers acceptances with a maximum term of one year of any bank which has an unsecured, uninsured and unguaranteed obligation rating of "Prime -1" or "A3" or better by Moody's and "A-1" or "A" or better by S&P.
- K. Repurchase Agreements ("**Repos**") for 30 days or less must follow the following criteria. Repos which exceed 30 days must be acceptable to XLCA (criteria available upon request).

Repos provide for the transfer of securities from a dealer bank or securities firm (seller/borrower) to a municipal entity (buyer/lender), and the transfer of cash from a municipal entity to the dealer bank or securities firm with an agreement that the dealer bank or securities firm will repay the cash plus a yield to the municipal entity in exchange for the securities at a specified date.

1. Repos must be between the municipal entity and a dealer bank or securities firm.

a. Primary dealers on the Federal Reserve reporting dealer list which are rated A or better by S&P and A2 or better by Moody's, or

b. Banks rated "A" or better by S&P and A2 or better by Moody's.

2. The written repurchase agreement must include the following:

a. Securities which are acceptable for transfer are:

(1) Direct obligations of the United States of America referred to in Section A above, or

(2) Obligations of federal agencies referred to in Section B above

(3) Obligations of FNMA and FHLMC

b. The term of the Repos may be up to 30 days

b. The collateral must be delivered to the municipal entity, trustee (if trustee is not supplying the collateral) or third party acting as agent for the trustee is (if the trustee is supplying the collateral) before/simultaneous with payment (perfection by possession of certificated securities).

c. Valuation of Collateral

(1) the securities must be valued weekly, marked-to-market at current market price plus accrued interest.

(2) The value of collateral must be equal to 104% of the amount of cash transferred by the municipal entity to the dealer bank or security firm under the repo plus accrued interest. If the value of securities held as collateral slips below 104% of the value of the cash transferred by the municipal entity, then additional cash and/or acceptable securities must be transferred. If, however, the securities used as collateral are FNMA or FHLMC, then the value of collateral must equal 105%.

3. A legal opinion which must be delivered to the municipal entity that states that the Repo meets guidelines under state law for legal investment of public funds.

**Section 804. Notice Addresses.** The notice addresses for the Bond Insurer and the Fiscal Agent shall be included in the authorizing document as follows: XL Capital Assurance Inc., 1221 Avenue of the Americas, 31<sup>st</sup> Floor, New York, New York 10020, Attention: Surveillance.

**Section 805. Debt Service Reserve Fund.** There shall be established in trust with the Paying Agent a special fund designated the "City of Shreveport, State of Louisiana Water and Sewer Revenue Bonds, 2004 Refunding Series B Debt Service Reserve Fund" (the "Debt Service Reserve Fund"), which shall be held by the Paying Agent and which shall be kept separate and apart from all other funds and moneys held by the Paying Agent. The Paying Agent shall administer such fund as provided in this Section 805. On the date of issuance of the Series 2004B Bonds, the Paying Agent shall (i) deposit from the proceeds of the 2004B Bonds into the Debt Service Reserve Fund an amount equal to the Debt Service Reserve Requirement or (ii)

deposit to the credit of the Debt Service Reserve Fund a surety bond, letter of credit or insurance policy equal to the Debt Service Reserve Requirement. Moneys in the Debt Service Reserve Fund shall be used solely for transfer to the Debt Service Fund in amounts required to prevent any default in the payment of the principal of and interest on the 2004B Bonds and, at the option of the Issuer, for payment of the final principal and interest requirements of the 2004B Bonds. The Debt Service Reserve Fund is established only for the benefit of the Series 2004B Bonds and shall not secure any outstanding Parity Bonds or future additional bonds.

Whenever the amount in the Debt Service Reserve Fund, together with the amount in the Debt Service Fund, is sufficient to pay in full all Outstanding 2004B Bonds in accordance with their terms (including principal or applicable sinking fund or premium and interest thereon), the funds on deposit in the Debt Service Reserve Fund shall be transferred to the Debt Service Fund and shall be available to pay all Outstanding 2004B Bonds in accordance with their terms (including principal or applicable sinking fund or premium and interest thereon). Prior to said transfer, all investments held in the Debt Service Reserve Fund shall be liquidated to the extent necessary in order to provide for the timely payment of principal and interest (or redemption premium) on the 2004B Bonds.

In lieu of the required transfers to the Debt Service Reserve Fund or to provide for the removal of all or a portion of the amounts on deposit in the Debt Service Reserve Fund, the Issuer may cause to be deposited into the Debt Service Reserve Fund a surety bond or an insurance policy for the benefit of the holders of the Bonds or a letter of credit in an amount equal to (i) the difference between the Debt Service Reserve Requirement and the sums then on deposit in the Debt Service Reserve Fund, if any or (ii) the Debt Service Reserve Requirement. The surety bond, insurance policy or letter of credit shall be payable (upon the giving of notice as required thereunder) on any due date on which moneys will be required to be withdrawn from the Debt Service Reserve Fund and applied to the payment of principal of or interest on any 2004B Bonds when such withdrawal cannot be met by amounts on deposit in the Debt Service Fund or the Debt Service Reserve Fund or provided from any other Fund or Account under this Bond Ordinance. The insurer providing such surety bond or insurance policy shall be an insurer whose municipal bond insurance policies insuring the payment, when due, of the principal of and interest on municipal bond issues results in such issues being rated in the highest rating category by S&P's and Moody's. The letter of credit issuer shall be a bank or trust company which is rated not lower than the second highest rating category by S&P's and Moody's, and the letter of credit itself shall be rated in the highest rating category of either such rating agency. If a disbursement is made pursuant to a surety bond, an insurance policy or a letter of credit provided pursuant to this subsection, the Issuer shall be obligated either (i) to reinstate the maximum limits of such surety bond, insurance policy or letter of credit or (ii) to deposit into the Debt Service Reserve Fund, funds in the amount of the disbursement made under such surety bond, insurance policy or letter of credit, or a combination of such alternatives, as shall provide that the amount in the Debt Service Reserve Fund, including the amount of any Reserve Fund Alternative Investment equals the Debt Service Reserve Requirement. In connection with its obligation to provide for any reinstatement of amounts on deposit in the Debt Service Reserve Fund to the Debt Service Reserve Requirement, the Issuer may agree to provide the insurer or the issuer of such letter of credit a lien on amounts to be deposited in the Debt Service Reserve Fund to provide for such reinstatement provided, however, such obligation shall be subject and subordinate to the lien and pledge created by this Bond Ordinance as security for the Bonds. In the event that the rating attributable to any insurer providing any surety bond or insurance policy or any bank or trust company providing any letter of credit held as above provided in the Debt Service Reserve Fund shall fall below that required as above provided, the Issuer shall use its best efforts to replace, as

soon as possible, such surety bond, insurance policy or letter of credit with a surety bond, insurance policy or letter of credit which shall meet the above provided requirements.

In the event of the refunding of any Bonds, the Paying Agent shall, if the Issuer so directs, withdraw from the Debt Service Reserve Fund all, or any portion of, the amounts accumulated therein with respect to the Bonds being refunded and deposit such amounts with itself as Paying Agent to be held for the payment of the principal or redemption premium, if applicable, and interest on the Bonds being refunded; provided that such withdrawal shall not be made unless (i) immediately thereafter the Bonds being refunded shall be deemed to have been paid pursuant to this Ordinance and (ii) the amount remaining in the Debt Service Reserve Fund, after giving effect to the issuance of the Refunding Bonds and the disposition of the proceeds thereof, shall not be less than the Debt Service Reserve Requirement.

## **ARTICLE IX**

### **Amendments to the General Bond Resolution**

**Section 901. Effective Date.** The provisions of this Article IX shall be effective on the date of issuance of the Series 2004B Bonds.

**Section 902. Amendment to Section 504 of Article, V of the General Bond Resolution, as Amended to the Date Hereof.** Section 504 of Article V of the General Bond Resolution, as amended, is hereby amended to read as follows:

**"Section 504. Deposit and Disposition of Revenues.** From the Revenue Fund, the following payments shall be made at the times, in the amounts and in the order as follows:

**"First:** To the Issuer the monthly amount sufficient to pay Operating Expenses of the System.

**"Second:** To the Issuer for deposit in the Debt Service Fund and the Debt Service Reserve Fund as follows:

"(1) On the twenty-fifth day of each month there shall be deposited in the Debt Service Fund to the credit of the Prior Lien Interest Account hereby created therein (the 'Prior Lien Interest Account') an amount computed by (i) deducting the amount of moneys then in the Prior Lien Interest Account from the interest next due on the following Interest Payment Date on an Outstanding Prior Lien Bonds, and (ii) multiplying the difference by a fraction the numerator of which is one and the denominator of which is the number of months, from and including the month of computation, to and including the month prior to the month in which such interest is due.

"The Issuer shall transfer from the Prior Lien Interest Account to the Trustee, at least three (3) Business Days prior to any Interest Payment Date, immediately available funds sufficient to pay promptly the interest so falling due on such date on all Outstanding Prior Lien Bonds. Moneys so transferred shall be applied by the Trustee solely for the payment when due on the interest falling due on the Outstanding Prior Lien Bonds.

(2) On the twenty-fifth day of each month there shall be deposited in the Debt Service Fund to the credit of the Prior Lien Principal Account hereby created therein (the 'Prior Lien Principal

Account'), after giving effect to moneys then on deposit therein, the following amounts: (a) commencing 12 months prior to the next principal payment date for Prior Lien Bonds, an amount computed by multiplying the amount of the principal payment due on all Outstanding Prior Lien Bonds, on the next succeeding principal payment date on which such principal falls due whether at maturity or by virtue of mandatory redemption requirements by a fraction the numerator of which is one and the denominator of which is the number of months, including the month of computation, to and including the month prior to said principal payment date, together with such additional proportionate sum as may be required to pay said principal on said principal payment date. The Issuer shall transfer from the Prior Lien Principal Account to the Trustee, at least three (3) Business Days prior to any principal payment date, immediately available funds sufficient to pay promptly the principal so falling due on such date on all Outstanding Prior Lien Bonds. Moneys so transferred shall be applied by the Trustee solely for the payment when due, of the principal on all Outstanding Prior Lien Bonds as aforesaid.

"It shall be the duty of the Trustee to make such arrangements with each Paying Agent as will, to the extent of the moneys in the Debt Service Fund, assure the prompt payment when due of all Bonds and the interest thereon.

"(3) On the twenty-fifth day of each month there shall be deposited with the Trustee in the Debt Service Reserve Fund to the credit of the Prior Lien Reserve Account hereby created therein (the 'Prior Lien Reserve Account') an amount at least equal to 33-1/3% of the total of the amounts payable on such date into the Prior Lien Interest Account and Prior Lien Principal Account, which amounts shall be paid for so long and resumed as often and to the extent only as may be necessary to create and thereafter maintain a balance in the Prior Lien Reserve Account at least equal to the Debt Service Reserve Fund Requirement (Prior Lien Bonds).

"If on any Interest Payment Date the amount in the Prior Lien Interest Account or Prior lien Principal Account shall be less than the amount required to be on deposit therein, the Trustee shall apply the moneys in the Prior Lien Reserve Account to the extent necessary to make up such deficiency (or the entire amount in the Prior Lien Reserve Account if less than sufficient). In the event any funds are so withdrawn from the Prior Lien Reserve Account to correct any such deficiency, such withdrawn amount shall be replenished from Revenues after making the deposits required by (1) and (2) above. Whenever the amount in the Prior Lien Reserve Account exceeds the Debt Service Reserve Fund Requirement (Prior Lien Bonds), the Trustee shall withdraw from the Prior Lien Reserve Account the amount of any excess therein as of the date of such withdrawal and deposit the moneys so withdrawn into the Revenue Fund.

"Moneys on deposit in the Prior Lien Reserve Account shall be used to remedy deficiencies in the Prior Lien Interest Account or the Prior Lien Principal Account, as the case may be, with respect to the Prior Lien Bonds.

"**Third:** All moneys remaining on the last day of each month in the Revenue Fund, after making the deposits required in paragraphs First and Second above shall be regarded as surplus and may be used by the Issuer for any lawful purpose; provided, however, any such surplus moneys in each Fiscal Year, unless otherwise consented to by the Bond Insurer, shall remain on deposit in the Revenue Fund and be expended only for lawful purposes of the System until such time as the Issuer shall have met the bond service requirement for such Fiscal Year as set forth in Section 902 hereof."

## ARTICLE X

### Miscellaneous

**Section 1001. Publication of Resolution.** A copy of this Twenty Second Supplemental Resolution shall be published in the Official Journal of the City of Shreveport. For a period of thirty (30) days from the date of such publication any person in interest shall have the right to contest the legality of this Twenty Second Supplemental Resolution and of the Series 2004B Bonds to be issued pursuant hereto and the provisions securing the Series 2004B Bonds. After the expiration of said thirty (30) days, no one shall have any right of action to contest the validity of the Series 2004B Bonds or the provisions of this Twenty Second Supplemental Resolution, and the Series 2004B Bonds shall be conclusively presumed to be legal and no court shall thereafter have authority to inquire into such matters.

**Section 1002. Supplemental Resolution to Constitute Contract.** In consideration of the purchase and the acceptance of the Series 2004B Bonds by those who shall hold the same from time to time, the provisions of this Twenty Second Supplemental Resolution shall be a part of the contract of the Issuer with the holders of the Series 2004B Bonds and shall be deemed to be and shall constitute a contract between the Issuer, the Trustee, the Bond Insurer and the holders from time to time of the Series 2004B Bonds. The provisions, covenants and agreements herein set forth to be performed by and on behalf of the Issuer shall be for the benefit, protection and security of the holders of any and all of the Series 2004B Bonds and the Bond Insurer.

**Section 1003. Filing of Resolution.** A certified copy of this Twenty Second Supplemental Resolution shall be filed and recorded as soon as possible in the Mortgage Records of the Parishes of Caddo and Bossier, Louisiana.

**Section 1004. Employment of Bond Counsel.** The employment of Casten & Pearce, A.P.L.C. as Bond Counsel to the Issuer in connection with the Series 2004B Bonds, is hereby approved, confirmed and ratified. The fee of such Bond Counsel for the Bonds shall not exceed eighty percent (80%) of the fee prescribed by the Attorney General of the State of Louisiana plus out-of-pocket expenses and expenses incurred with respect to the Series 2004B Bonds. A certified copy of this resolution shall be forwarded to the Attorney General of the State of Louisiana for his approval in the manner required by law.

**Section 1005. Employment of Special Counsel to the Issuer.** It is found and determined that a real necessity exists for the employment of Special Counsel to the Issuer in connection with issuance and delivery of the Series 2004B Bonds and, accordingly, The Law Offices of Harvetta S. Colvin, L.L.C., Shreveport, Louisiana has been employed as Special Counsel to the Issuer in connection with the issuance and delivery of the Bonds. The fee to be paid to Special Counsel shall be an amount less than the Attorney General's then current hourly fee schedule, together with reimbursement of out-of-pocket expenses incurred and advanced in connection with the issuance of the Bonds, said fee to be payable out of the Bond proceeds subject to the Attorney General's written approval of said employment and fee to be paid with Bond proceeds as required by the Act.

**Section 1006. Paying Agent.** The Issuer hereby appoints Argent Trust, in the City of Ruston, Louisiana, as Trustee and Paying Agent, subject to the conditions set forth in Section 1110 of the General Bond Resolution. The Paying Agent shall designate its Principal Office to the Trustee, the Bond Insurer and the Issuer and signify its acceptance of the duties and obligations imposed upon it by this Twenty Second Supplemental Resolution by executing and delivering a written

instrument of acceptance to the Trustee, the Bond Insurer and the Issuer. The Paying Agent is a commercial bank or trust company having a capitalization of at least \$15,000,000 and authorized by law to perform all duties imposed upon it by this Twenty Second Supplemental Resolution.

No resignation or removal of the Trustee, Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Trustee, Paying Agent or Bond Registrar, as applicable. The Bond Insurer shall be furnished with written notice of the resignation or removal of the Trustee, Paying Agent or Bond Registrar and the appointment of any successor thereto.

**Section 1007. Tax Covenants.** The Issuer covenants and agrees that it will not permit at any time or times any of the proceeds of the Series 2004B Bonds or any other funds of the Issuer (including proceeds of any obligations of the Issuer) (i) to be used, directly or indirectly in any manner which would adversely affect the exclusion of interest on the Series 2004B Bonds or any Prior Lien Bonds heretofore issued (other than the Refunded Bonds) from gross income of the owner for federal income tax purposes or (ii) to be used directly or indirectly to acquire any securities or obligations the acquisition of which would cause the Series 2004B Bonds or any other Prior Lien Bonds heretofore issued (other than the Refunded Bonds) to become "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The Mayor, Director of Finance and/or Clerk of Council are hereby authorized to execute such documents and take any and all such actions as may be required by this Section.

**Section 1008. Rebate Fund.** In connection with complying with the Code in order to maintain the tax-exempt status of the Series 2004B Bonds, there is hereby authorized and ordered established with the Paying Agent a special trust fund to be designated as the "Rebate Fund (2004B)." The Issuer hereby covenants and agrees that it will make or cause to be made all "rebate" payments to the Rebate Fund (2004B) attributable to the Series 2004B Bonds which are required to be made in order to comply with Section 148(f) of the Code. The Rebate Fund (2004B) shall be maintained with the Trustee and used to receive any amounts payable by the Issuer to the U.S. Government pursuant to Section 148(f) of the Code and invested and applied as described in a letter of instructions delivered by special tax counsel or bond counsel to the Issuer and the Trustee on the date of original issuance and delivery of the Series 2004B Bonds, as such letter may be supplemented or amended from time to time. The amounts on deposit in the Rebate Fund (2004B) shall be payable to the United States in such amounts and at such times as provided in said letter of instructions and as provided in Section 148(f) of the Code.

**Section 1009. Amounts Not Security.** It is hereby recognized and understood that moneys of the Issuer deposited in the Rebate Fund (2004B) and any earnings thereon do not constitute Revenues of the System, and such amounts are not and never shall be pledged to the payment of or be security for any Bonds, including, without limitation, the Series 2004B Bonds.

**UNFINISHED BUSINESS:** *None.*

**NEW BUSINESS:** *None.*

1. Case No. S-19, *Brenda Lilley Kraak Pettit*, Northwest corner of Creswell Avenue & Montrose Drive, R-1D. (postponed until July 27, 2004)
2. C-25A-04, *Race Trac Petroleum, Inc.*, Terry Lee & Brenda Toliver Young, North Side of Merwin 200' east of Hearne, R-2 to B-3., Fueling station and convenience Store.
3. C-26A-04, *A. Mijalis*, 400 Kennie Road, Alex and Mary Mijalis, Chris Demopolus, South Side of Kennie Road, 620' west of Linwood Avenue, R-A to R-1D, Single-family residential subdivision.
4. C-27A-04, *A. S. Mijalis* 9300 Linwood Avenue, Alex and Mary Mijalis, Chris Demopolus, West side of Linwood Avenue, 100' south of Kennie Road, R-1D to R-1D (PUD), Single-family residential subdivision.

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

Councilman Carmody: I do have a question though. I believe we are to receive Infrastructure Committee Report at some point in the future. I think Mr. Gibson is currently serving as the Chair. Do we have a time frame for when that report will be given?

Councilman Gibson: No sir. At this point and time, Mike Strong and I are working on a date that we can come before our Work Session. We'll try to target the next Work Session.

Councilman Carmody: Thank you sir.

**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 4:23 p.m.

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*/s/ Theron Jackson, Chairman*

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