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Council Proceedings of the City of Shreveport, Louisiana
November 30, 2004

The regular meeting of the City Council of the City of Shreveport, State of Louisiana was called to order by Chairman Theron Jackson 3:00 p.m., Tuesday November 30, 2004, in the Government Chambers in Government Plaza (505 Travis Street)

Invocation was given by Councilman Jackson.

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

Councilman Jackson: For the record Madam Clerk, Councilman Gibson is here.

Approve Minutes: Motion by Councilman Carmody , seconded by Councilman Jackson to approve the Administrative Conference Summary Minutes of November 8, 2004 and the Council Meeting Meetings of November 9, 2004. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Green, Hogan, and Jackson. 7. Nays. None.

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

Reports:

Convention Center and Convention Center Hotel

Councilman Jackson: Mr. Mayor, any awards, recognition, any distinguished guest by the Administration?

Mayor Hightower: (inaudible).

Councilman Gibson: Thank you Mr. Chair. We have in the audience today the Training Director for the Local 764, the Carpenter's Union, Danny Allen. Danny, could you stand for a second. Danny is responsible for doing all the craft training for our carpenter mechanics that are in the area, and also, I think he's got the entire North Louisiana Region. He's got a lot of responsibilities. I appreciate him stepping in for the meeting today to keep up with what's happening in the area. Danny, keep up the good work in terms of workforce development and skilled labor in the area. Because obviously, that contributes to our economy. Thank you Mr. Chair.

Councilman Jackson: Thank you Councilman Gibson. If there are no others, any communications from the Mayor?

Mayor Hightower: No Mr. Chairman.

Councilman Jackson: Any communications? On yesterday, we received Convention Center and Convention Center Reports and Property Standards Report. I show we have no Public Hearing.

Councilman Gibson: Mr. Chair, I have one question for the Administration regarding the

Convention Center Hotel. Mr. Antee, who had the fiducial responsibility regarding the - - - once the contracts are signed for moving forward on the hotel, who has the fiducial responsibility to oversee the success of the hotel? Is it the Council? Is it the Trust? Or is it a combination of both?

Mr. Antee: What aspect are you asking? I don't understand what you're - - -?

Councilman Gibson: The overall - - - the success, the financial success of the hotel itself. Who has that ultimate responsibility regarding signing contracts, regarding approving contracts, like change orders and things of that nature?

Mr. Antee: Well, it's going to depend on - - - are you talking about the construction?

Councilman Gibson: Construction, service contracts, the whole nine yards.

Mr. Antee: Well, overseeing the construction will be the City of Shreveport, just like we do on the Convention Center and every other project.

Councilman Gibson: Okay, so that will go through - - - our staff with the City of Shreveport will handle the bids, advertise the project, receive the bids, make sure it complies with public bid law and - - -

Mr. Antee: No, the architect will do that in conjunction with Tom Mattox, our Purchasing Agent.

Councilman Gibson: But our staff will be involved with that?

Mr. Antee: That's correct.

Councilman Gibson: Regarding approval of change orders (regarding construction), who approves the change orders?

Mr. Antee: Ultimately, the Mayor, but it will go through several channels to get to that point.

Councilman Gibson: Okay, so the Trust won't have any involvement in that process? Is that correct?

Mayor Hightower: That's correct.

Mr. Antee: Well, there'll be involvement. The Trust will be involved, as will HRI Lodging, and HCI. I mean there'll be a lot of people involved in the change order process. But the ultimate decision and the ultimate authorize any change orders will rest with the Mayor.

Councilman Gibson: Okay, so what has been proposed regarding financing, the ultimate fiducial responsibility of this project will be City Council and the Mayor?

Mr. Antee: No.

Councilman Gibson: For oversight, I guess - - -

Mr. Antee: The ultimate responsibility- - -

Councilman Gibson: Somebody- - - the buck is going to stop with somebody in terms of making sure that this is successful. I know we've hired a hotel manager.

Mr. Antee: The ultimate responsibility for any change orders on construction rest with the Mayor. Just like it does with every other City project.

Councilman Gibson: Okay, so the Hotel Trust will not approve any of that?

Mr. Antee: No, they won't approve it.

Councilman Gibson: They have no responsibility in that area, right?

Mr. Antee: Well- - -

Councilman Gibson: Okay, we don't have any responsibility up here at City Council

(unclear).

Mr. Antee: From that regard, that's correct. The ultimate responsibility to authorize or not to authorize, rest with the Mayor.

Councilman Gibson: Okay, in terms of the Trust, the Trust's role in oversight of, I guess, are they going to be responsible for overseeing historical restoration incorporated, the management of the Hotel and those type things?

Mr. Antee: The Trust is going to be involved in overseeing HRI Lodging as far as the operation of the Hotel. The construction, the Trust is also responsible in conjunction with HRI and HCI in terms of presenting to the City, the bid documents, so that the City can then go and publicly bid the actual construction of the Hotel.

Councilman Gibson: And what other oversight will the Trust have? And the reason why I'm asking is because, if this \$40,000,000 is approved today, there's going to be a set of circumstances that's moved pretty quickly if I read the Ti Leaves, and I'm just wanting to have a clear understanding of what the next set of parameters are going to be and what the Trust role is going to be in that?

Councilman Jackson: Excuse me Mr. Antee. Councilman Gibson, if you will, I was just indulging cause I was thinking it was questions in reference to the report that was given on yesterday. If it's in reference to what happens after the financing, I would ask that we would wait until we get to that item on the agenda. I think it would be more appropriate for him to answer those questions at that time.

Councilman Gibson: Okay, I'll defer that Mr. Chairman. Thank you.

Councilman Walford: Mr. Chairman, I did have an unanswered question yesterday, and I see Mr. Bowie just came in with regards to Property Standards.

Property Standards Report

Councilman Walford: He looks like he's got a handful of information.

Councilman Carmody: Part of that's mine.

Councilman Walford: Mr. Bowie, I had a question yesterday on our report. How many of those people have been cited? Taken to court?

Mr. Bowie: Okay, our individual in City Court is out today, but as current as today, we had 175 cases went to City Court this year. And out of those, we still have 61 pending. So, I'll have those figures tomorrow.

Councilman Walford: Okay, let me ask you this? How many lots did we mow?

Mr. Bowie: The figures, I haven't got this month and last month report yet?

Councilman Walford: For the year.

Mr. Bowie: For the year? Close to about 7,000.

Councilman Walford: So, why do we only have that few people cited to go to court, if we had to mow the lawns?

Mr. Bowie: We wouldn't cite any- - - our procedures and policies wouldn't send anyone to City Court.

Councilman Walford: Why?

Mr. Bowie: Why? Just within our policies and procedures to do so.

Councilman Walford: The ordinance says- - - alright, lets first go to a warning citation, which is what the Inspector should issue when he first goes out on a call right?

Mr. Bowie: Which we do.

Councilman Walford: Okay, and then it says in Section 38-7. The Administrator shall cause the premises upon which a warning citation is issued to be re-inspected following the expiration of the ten days allowed for the corrective action. If the owner, agent, occupant or tenant has failed to correct the cited violations within the prescribed period of time, the Inspector shall then issue a citation.

Mr. Bowie: Okay, the citation- - -what we do, we issue a notice- - -

Councilman Walford: It doesn't say may, it says shall. It's not a choice.

Mr. Bowie: Okay, we issue a citation, because we send out property record of owners a notice to mow their grass and give them so many days to do so.

Councilman Walford: Right, and they don't do it.

Mr. Bowie: Alright. That process takes 30-45 days.

Councilman Walford: Okay, then we go over and lets talk about what happens when they go to court. It says that the violations may be punished by a fine of not less than \$100, no more than \$500 or by imprisonment of not more than 60 days, or by ordering the payment of restitution to the City, for expenses including reasonable and required administrative charges of the work of mowing, cleaning, maintaining, etc.

Mr. Bowie: After the work is done.

Councilman Walford: That's fine. It's after - - - restitution is after we've done this. But if we don't cite them, we have no realistic chance of getting our money back. So, why are we not citing them?

Mr. Bowie: They are cited Councilman. The citation, when I send you a notice, the notice states that you have so many days to adhere to our orders of cutting your yard, or the violation, and if you don't do so within so may days, we will come out and do it. And it is stated in the letter that we would do it, then we would bill you.

Councilman Walford: I understand that, but after ten days, the ordinance says you shall issue a citation and that any citation issued to an owner- - - I'm not going to dig in here, but is says that it will contain an arraignment date, and you will take them to court.

Mr. Bowie: After the work is done.

Councilman Walford: It doesn't matter whether the work is done or not. After ten days, it says you shall issue a citation, but we're not doing that. So, frankly I mean, I'm going to tell my fellow Council Members here, if we vote another \$800,000 for mowing when we're not taking the proper steps to recover the public's money, I think we're all guilty of malfeasance. I don't see how we can continue to pay to have this work done with no realistic chance of getting it back, because we failed to follow the ordinance.

Councilman Lester: Mr. Chairman.

Councilman Walford: If there were \$7,000 mowings, there ought to be 7,000 citations. If we had to cut it, there ought to be 7,000 people had to go to City Court and I bet they wouldn't let us cut it a second time. That's what I don't understand is how we can be spending this much money.

Councilman Lester: Mr. Chairman.

Councilman Walford: But we - - you know I got a City Attorney's Opinion. Julie, you gave it to me, that we can indeed collect for this, but only if we take them to court. And it may be that the Judge will not order restitution. But we've been meeting with the judges and they're saying how cooperative they'll be, but now I find out that we're not taking people to court.

Mr. Bowie: On these particular violations.

Councilman Walford: We're taking them on very few, if we only have about 200

Mr. Bowie: Alright. Okay. Now, as far as demolition and inoperable vehicles, we put liens on property. We do the work, we put a lien on your property.

Councilman Walford: Well, I again question that and Ms. Glass was working on that, but as far as I'm concerned, everybody that we've had to mow for ought to be cited and ought to be taken to court. And what I'm seeing is the only time we take people to court is like Councilman Hogan's District, we have a serious problem with someone refusing the substandard property. I don't think that many of these people would sit back and let us mow their lot and pay for it and throw away the notice when they get it as someone of the rental association bragged to me that they do. If they knew they were having to go to court and stand in front of a judge.

Mr. Bowie: So, you're saying that we need to just take them to court and not take care of the violation?

Councilman Walford: That's not what I said at all. I'm not suggesting that at all. I'll read it again about restitution for work the City's done. The judge can order them to pay the City for the work that we've done. It's right in Section 38-8 of our own Ordinance and 38-7 does not give you a choice of whether or not we cite them. It says you shall. And unless this Council amends it to say you may, I don't think it's a choice. I think we have to do it. And I think everyone of them should be cited. If we overload the courts, maybe we need to hire another judge.

Mr. Bowie: (unclear) policies and do that.

Councilman Walford: But I'm not going to vote \$800,000 unless we're gonna follow the ordinance. In fact, I will not vote for that in a budget unless we do a Council Resolution or have written assurance from the Administration that, that's what we're gonna do. We're wasting money. We're wasting the taxpayer's money. And I think it's wrong. I think we're saying don't bother cutting your grass, we'll do it for you. And it doesn't matter whether the property is adjudicated or anything else, that owner is still responsible. If we don't own the adjudicated property, all we have is a tax interest.

Councilman Lester: Thank you Mr. Chairman. Not to turn this into a meeting of the Property Standards Committee, but I will say to the Council and to Mr. Bowie and that department, they take their orders, their marching orders from the Council and from the Administration. So, I don't think it's necessarily our province to whoop on Community Development for failure to follow a particular policy. I think the proper issue is, we have to ask ourselves, what is it that we want to accomplish? If what we want to accomplish is to get our money, then there are a number of ways to do that. There are civil penalties and there are criminal penalties. I'll give you an example. The process by which that we've discussed and Mr. Bowie says in terms of citing people for liens and things of that nature, we could just as easily take those liens and those bills that have been accrued, give that to an attorney. Create a situation where we say to a lawyer, you get X% of what you collect. Put that on a contingency

contract and turn that over to either a collection agency or to an attorney to file suit to collect those monies from a civil standpoint, and we could get civil judgement and get the money that way. The other option is to make it a criminal situation whereas we turn over the ultimate responsibility to the courts, and the courts make the decision whether or not they choose to order restitution to the City or whether or not they give a fine or what have you. There are two remedies that are available to the City. 1-Civil, 1-Criminal. Now, from what I'm hearing you saying is your position is you believe that we should make everyone that does not cut their grass, route that through the criminal system and there's a possibility, if the Council decides to do that, then we can do that. And if you recall and we've had this discussion in Property Standards Committee, I've said that at a certain point, I think we need to have an environmental court for lack of better term that does nothing but deal with those violations on an all day, everyday basis. If the courts decide that their budget will allow us to put a or appoint a person to do that, then we need to do that. But I certainly do not think its malfeasance in office for us to say that we voting this money, because the other side of the coin is we task Community Development and Code Enforcement with taking care of the problem in terms of cutting the grass. That's their responsibility. When a citizen calls us with, "There is a lot on the 1200 block of Murphy Street, Councilman you need to get it cut." We turn around, we call Mr. Bowie's department, Mr. Bowie sends somebody out there, cite and cut the grass. How we collect the money, that's our issue. So, in all fairness to Mr. Bowie and that department, I think the issue that we need to deal with is how do we go about collecting the money. I think they're doing an adequate job with the resources they have been given to cut the grass, because you and I both know- - - lets's talk about making it criminal. Who you gonna cite? I mean, if a lot is adjudicated, do you serve the property owner? Well lets say, you cite them. Well, if that person does not show up, they've got a bench warrant and we add to the 100s of bench warrants that we have in Civil Court and if that person no longer lives here, I mean, how are we going to deal with it. I mean if you criminalize a situation, and unless you can get that person actually to appear before the court, you cannot, if you deal with a criminal situation, you can't get your money back. So, if we use that paradigm everybody that we cite on everyone of those lots that we cite on a criminal situation, every last one of those people that does not come to court and gets fined and cited, that's money that's not collected and we can't collect, if we do it the way they've been doing it in terms of civil situations, we can get financial judgements that either run with the property or that are personal to the individual and at that point, we can civilly file suit against those persons and they cannot at that point run from the jurisdiction. We can get a civil judgement and since Shreveport City Court, which we can do, and use those judgements and seize assets and do whatever. So, I think the question that you have to ask yourself is "Are we more concerned with getting the money?" Or, are we concerned with people that don't cut their grass into criminals?" But that's not his choice, that's ours. So, I would suggest that we have a discussion on that policy issue. I think that's my point. If your concern is how do we get our money, and I think that's what your major concern is, what's the best way to get our money, I think what we don't need to tie their hands. In those situations where there is a live individual living in a house, then I think certainly those situations would be dealt with through criminal systems, because you can hall that person before the court. But if you've got a vacant lot that's been vacant for ten years, that's been adjudicated for seven years, who you gonna cite? If the person's not there, who you gonna cite? Who you

gonna bring to court? You can't bring the land to court, and that's another piece of money that we can't collect. And in those situations, the civil way is the best way to deal with it. So I'm just saying I understand your frustration and certainly, in my district, particularly in Allendale area where we have those places that are falling down and I think everyone has Code Enforcement problems, but we have a big problem in Allendale. A lot of those people don't live there and they're gone. So, I would just suggest that if we go after these people civilly, then I think we should start filing some lawsuits civilly as opposed to going to a criminal court situation where we can't get them. Thank you Mr. Chairman.

Councilman Carmody: Thank you Mr. Chairman. Mr. Bowie, I know that Mr. Walford was trying to have you run through the time frame upon which Community, excuse me, that Code Enforcement goes through in order to cite property owners to get compliance and take action. But you left out a step, and I just wanted to go back through it one more time. The normal course of what occurs is a complaint is filed by a citizen regarding a property that they'd wish to have investigated as to whether there is a Property Standard Violation. At that point, the Code Enforcement Inspector goes out and he gives a warning notice to the property owner. And he advises the property that he is going to reinspect the property within ten days.

Mr. Bowie: And that's the warning.

Councilman Carmody: That's the warning. Okay, after the ten days, you say that we issue a citation to the property owner.

Mr. Bowie: They go to court if it's an occupied piece of property.

Councilman Carmody: If it's only an occupied piece of property do we issue it.

Mr. Bowie: Right.

Councilman Carmody: And then we give them 30-45 days to do what?

Mr. Bowie: Clean it up or go to court.

Councilman Carmody: Okay, after that 30-45 days has run it's course, what do you do?

Mr. Bowie: Meanwhile we go to the- - -, it has a court date on there. We put a court date on there for the summons.

Councilman Carmody: Okay.

Mr. Bowie: To plead guilty or not guilty.

Councilman Carmody: Alright. But at what point then do you step in and say, "Okay, well we've inspected it again, after that 30-45 day period and now we're going to go ahead contract to get this property mowed.

Mr. Bowie: Well, we go back for a third inspection and if we see that the owner hasn't complied with us, it's already stated on the original citation that we issued them the court date for the summons.

Councilman Carmody: Alright.

Mr. Bowie: And we just let that go on, we don't change nothing.

Councilman Carmody: Okay, but at what point do you address the problem, the Property Standard?

Mr. Bowie: When it goes to court.

Councilman Carmody: Only after it goes to court?

Mr. Bowie: Yes sir. On occupied property. See you're - - -

Councilman Carmody: Okay, I guess what I was getting back to is that Councilman

Walford made a point that it was \$800,000 that we're spending for approximately 7,000 lots. Now I'm assuming that, that's not 7,000 mows, but that's 7,000 lots that some of them are mowed a couple of times, some of 'em are mowed just once. Some are probably mowed three times. I don't know, I'm asking.

Mr. Bowie: Excuse me, let me correct myself. First of all, we have five different process down there. We have one for Weed Abatement, we have one for Demolition, we have one for Inoperable Vehicles, we have one for Care of Premises. Some of them are tied together. Now for weed abatement, it's a stand alone process. The first thing we do is the Inspector goes out to the vacant lot, inspect the lot and notice if it's in violation of the City ordinance, if it's 12 inches or above. We come back in, we send the owner of record of land a notice that your land is in violation, you have so many days to cut it. We do this with certified mail.

Councilman Carmody: Okay.

Mr. Bowie: And then by that time if the owner doesn't after the receipt of the green card back that the owner has received or not received, we give them so many days to come in compliance, if not, we'll go out and cut it and we'll bill them for it.

Councilman Carmody: Okay, but there is somewhere in there you're issuing a citation to the owner, unless if it's weed abatement, you don't issue any citation, you just tell them they have to bring it - - -

Mr. Bowie: In the letter, is kind of a citation. It's written in the letter, "this is a citation to you" saying - - -

Councilman Carmody: Okay, it's a citation, but it doesn't indicate any court date appearance or anything like that. It just say's this is a citation?

Mr. Bowie: No, no. Just for weed abatement now.

Councilman Carmody: Just for weed abatement?

Mr. Bowie: Yes.

Councilman Carmody: And then so that citation's gonna give the property owner of record 30-45 days in order to bring the property into compliance?

Mr. Bowie: It gives them approximately, it takes about 15 days with the mail process. It gives him 15 days after receipt of the green card to come into compliance of the City ordinance to get your lot in order.

Councilman Carmody: Alright.

Mr. Bowie: It takes us 15 days to process it, so it's roughly around a 45 day process for all of it.

Councilman Carmody: Okay, so then lets just use the scenario in which you don't get any compliance from the property owner.

Mr. Bowie: We go back out after that 45 days and inspect it and see its still in violation and the next day, we're coming out, and we're giving a work order to a contractor to cut it.

Councilman Carmody: You're going to have it cut at the 46th or whatever the next work day is that you're gonna go by. You're going to have it cut the following day?

Mr. Bowie: Somewhere in that area. It really don't happen like that actually, because you have so many of them within that next week.

Councilman Carmody: Okay, so then at that point, then tell me how the process works in order for us to at least claim some lien against the property owner for having performed the

work?

Mr. Bowie: What we do is automatically after we cut the vacant lot, we had a system put in place that DP sends to property owner of record a letter stating that you owe the City of Shreveport a bill for that property we cut.

Councilman Carmody: Okay, but we file a lien too against that property?

Mr. Bowie: Not on weed abatement. We're not doing that right now.

Councilman Carmody: Why?

Mr. Bowie: Because we're having legal problems with that.

Councilman Carmody: Okay, but that's gets back to the question that Councilman Walford had asked, was that if the ordinance reads you shall and we're taking it discretionary- - -

Mr. Bowie: To court.

Councilman Carmody: Yeah.

Mr. Bowie: We shall take them to court.

Councilman Carmody: Yeah, that's why I'm wondering if we're not following our own procedures in doing it. I agree that it's probably a policy decision, but it seems like if we're not following the policy, then what would be the incentive of the property owner to comply?

Mr. Bowie: They actually get the bill. Now, as far as the liens, we're having problems with that. Now, we file liens against people who have demolition, inoperable vehicles and care of premise problems, right? But when it comes to weed abatement, right now due to the problems we're having, we're trying to straighten that out, that we are not filing liens against those.

Councilman Carmody: Okay, but then so we're talking about \$800,000 that we know that we're not going to get back because we're not pursuing the mechanism by which to try to get some compensation back to the citizens of the City for having done the property owner's responsibility. Right?

Mr. Bowie: Okay, well usually the ordinances are a template to develop our policies and procedures. If y'all would like me too and the Administration and the Mayor - - -

Councilman Jackson: Let me ask you this? I think you're hitting on something Mr. Carmody. I think Mr. Bowie is heading in the direction about how we correct this issue, but make sure we do this. As a matter of policy, I would ask if we would - - - Property Standards Committee could get together and clarify this because we defacto have a Property Standards meeting going on in the Council Meeting. So, I would ask that if we could allow you all on the Property Standards Committee to go back and clarify some of these issues, because I hate for those citizens who just watched to end up when it's all over, just totally confused. And I think we ought to be able to clarify some, so that when we discuss this publicly again, we have some concision to the discussion and then there could not only be that, but some clarity as well.

Councilman Carmody: And let me just bring up one last point to wrap up where my train of thought was. And that is that granted, there is no reason to run a process to file a lien against an adjudicated property where there's nobody paying the property taxes on it. But I think the concern, that at least I have as having watched it now for six years and trying to work with Property Standards to make it a more economically viable, and again, I don't ever envision that y'all would pay for yourselves, but that you would at least be working to get public made whole on their expenditures to have to address these problems that really are the individual property

owners to take care of, is that if we're not citing the property owners of record and making sure that they do this, then if they wanted to go ahead and convey the property to another individual and we said, "whoa, wait a minute. Y'all really owe us all this money for all these years we've been cutting the property." And they say "I have already sold the property." Then what recourse do we have then? I don't think you'd have any. I think you'd have to say you got away with it. Mr. Owner, we took care of you. You conveyed the property and you have no liability left because we did not seek to make a claim in the public records in all third parties that the City of Shreveport was owed for this work.

Mr. Bowie: Well in the process that they have right now Councilman, and all adjudicated property that they City is donating away and the Parish donating away, they wipe all liens away anyway. All the bills.

Councilman Carmody: But those are adjudicated. Those are adjudicated properties. And I understand that. That's why I say, there is no reason to give formal notice to an adjudicated property to the owner. He's going to say, "I quit paying taxes on that years ago. It ain't mine anymore." But technically, it is. Technically it is, but there is nothing that's going to cause them to pay.

Councilman Lester: But the reality is, the biggest problem again, and I'm going to shut up, because this is Property Standards Committee issue, but the biggest problem is not the person that owns the lot. Because the people that own the lot are getting cited, they're getting the bills and what happens more often than not, when they get the bills that we've changed the penalty. When they get the bill, they call one of us and say "I've got this big bill, what do I need to do?" And our response is "you pay it, and next time you cut your grass." That's being handled. The bigger issue is, those 7,000 adjudicated lots that don't have an individual that's tied to them, that have not been conveyed, that nobody wants, the bigger question is, what do we do with them? And you can't cite them. I mean if you cite them and you put a lien, it stays there and you can't cite that person in court, because that person is not there.

Councilman Carmody: I understand, but I think you're missing the bigger point.

Councilman Lester: No, no, no, no. The bigger point - - -

Councilman Carmody: The bigger point is that when you send that notice to the property owner of record, that you've got to put something, and again you're an attorney, I'm not. But you've got to put something behind the weight of your claim.

Councilman Lester: Sure, and my point is if you put ten liens on a piece of property that's never conveyed, then what? I mean you've got ten liens for \$2,000 a piece and that property has not been conveyed. They're not paying taxes.

Councilman Carmody: But see, there's where the consequence of what we're talking about is. As this amount grows bigger and bigger, the property owner realizes he's never going to get his money out of it and pays his liens against the City, so he's not going to cut it anyway. He's going to let the City of Shreveport and the Code Enforcement Department run through the process of going through and every year, we do the same song and dance. We end up paying part of this \$800,000 a year to cut their grass, they walk away Scott free. And the bottom line is eventually, they say forget it. I'm not paying the taxes (unclear) anyway. And that adds to the 7,000 lots that we're responsible to take care of.

Councilman Lester: Which is why (unclear) Total Commitment in Allendale, we're going

to take those 7,000 lots and we're going to give them to somebody.

Councilman Walford: Don't sit down. I want one more minute of Mr. Bowie's time please.

Councilman Lester: And when we give those lots to people that are asking (unclear).

Councilman Walford: And it is on an issue on the Property Standards Report.

Councilman Lester: (unclear) hold those people responsible. But if we keep doing this, I mean, you've been on the Council for six years. This problem didn't just happen yesterday. It didn't happen just six years ago. It's been a problem for years and years. And the whole problem and one of - - - emphasis behind Total Commitment is to deal with that particular issue. And what we're going to do is we're going to take those properties that nobody wants, that we have to cut and I'm going to give them to a non-profit that's going to be responsible. And they're going to take care of it. And we're going to find a way to hold them responsible. Because if we keep doing what we've been doing, all we're going to do is continue to (unclear) our tail.

Councilman Carmody: Throw good money after bad.

Councilman Lester: And it doesn't make sense. What you need to do is look outside of the normal system, look outside of the normal statute and do something different. But that's one of the things that Total Commitment is going to do. At least as a pilot in Allendale, we're going to take those lots that have been adjudicated.

Councilman Carmody: But we're talking about adjudicated. That's not a separate issue.

Councilman Lester: Yeah, but Thomas, Thomas, listen to what I'm saying.

Councilman Carmody: (unclear) citing the owner of record, the only problem (unclear).

Councilman Lester: But the problem is (unclear).

Councilman Jackson: Let me say this. I appreciate you all, but again we are having a defacto meeting, committee meeting in the Council meeting and that's not appropriate in my opinion.

Councilman Lester: You're right.

Councilman Jackson: For us to continue discussing that and I think we could do in another setting. I think it's an appropriate discussion, just maybe not the right venue for it at this particular time. Councilman Green, you had something on yesterday's report? Let me just say, I'd ask Councilman Green and Councilman Walford again about yesterday's report. And I don't in anyway intend to tell people what to do, but we ask the Administration to prepare these reports so that we could have a chance to go as long as we'd like and talk about them on Monday. And so, I just want to make us mindful of the next time, the next few times that we prepare ourselves on Monday, so that we can ask Mr. Bowie all of these questions, and perhaps be as exhaustive as necessary without hampering the rest of the agenda. Councilman Green.

Councilman Green: Thank you. Mr. Bowie, I'd just like to say, from my standpoint, with what you all have to work with in Code Enforcement, you all are doing a great job. We have not empowered you all to do what you all ought to be doing. But we're going to make sure of that because it's going to come from the Property Standards Committee. I don't want this ~~to~~ type of setting to dampen your spirit, nor the rest of the staff's spirit. But know that this is television. Thank you Mr. Chairman.

Councilman Walford: Mr. Bowie, I'm not beating up on you. I'm going to mention something that I bet you're as frustrated as I am on. Let's go ahead and let everybody know that

we're talking about 910 Texas Avenue, and the fact that the property owner won't do anything about it. And you know that I'm getting beat on something terrible on it. So, I don't mean to take my frustrations out on you, because in our conversations, both with you and with Ms. Moore, I think you're as frustrated about that piece of property as I am. And I would encourage you to take every step available against that property owner to get it cleaned up. We owe it to the citizens of Shreveport. And it'll make me feel a lot better, and I hope it'll make you feel better if we can do something about it. And if I was beating on you, I apologize.

Mr. Bowie: Thank you Councilman.

Councilman Walford: But you are doing a good job and we will continue to work together to make it work. But 910 Texas Avenue, we've got to do something. And we don't have \$77,000 to tear it down with. But lets do something.

Public Hearing: None.

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

Confirmations and/or Appointments: None.

Adding Legislation to the Agenda:

Councilman Jackson: I do show that we have items to be added to the agenda.

The Clerk read the following:

1. **Resolution No. 241 of 2004.** A resolution providing for the termination of the Shreveport Convention Center Hotel Trust Authority, terminating the City of Shreveport's acceptance of beneficial interest therein, and otherwise providing with respect thereto.
2. **Ordinance No.199 of 2004:** Amending Chapter 106 of the Code of Ordinances, the City of Shreveport zoning ordinance, by rezoning of property located on the Northwest corner of Creswell and Olive Streets, Shreveport, Caddo Parish, Louisiana, from B-2-E, Neighborhood Business/Extended Use District, to B-2-E, Neighborhood Business/Extended Use District LIMITED TO "AUTO REPAIR, FILLING STATION, AND AUTO SALES", ONLY, and to otherwise provide with respect thereto. (B/Walford)
3. **Ordinance No.200 of 2004:** An ordinance amending Section 10-44 of the City of Shreveport Code of Ordinances relative to alcoholic beverages and to otherwise provide with respect thereto.
4. **Resolution No. 242 of 2004:** A resolution amending Resolution No. 217 of 2004 which declared a moratorium on the issuance of building permits for construction of new residential developments within a specified area of North Shreveport. (A/Lester)
5. **Resolution No. 243 of 2004:** A resolution authorizing the Mayor of the City of Shreveport, State of Louisiana to enter into a Surety Agreement with Financial Guaranty Insurance Corporation; and providing for other matters in connection therewith.

Motion by Councilman Gibson, seconded by Councilman Lester to add Resolutions No(s).

241, 242, 243, and Ordinance No(s) 199 and 200.

Councilman Walford: One quick question Mr. Chairman. Do we have a copy of C-72-04?

Mr. Thompson: C-72-04?

Councilman Walford: You said a Zoning - - -

Councilman Carmody: No. 2.

Mr. Thompson: I believe that - - - it should be on the- - -

Councilman Lester: It's on the electronic agenda.

Councilman Walford: Oh, it's on the electronic? Okay, I thought it was an addition. I'm sorry. Thank you.

Mr. Thompson: It's under to be "Added" to the agenda. It's at the beginning.

Councilman Jackson: Item 7 at the top.

Councilman Walford: It is, thank you.

Councilman Jackson: Did we have all the votes?

Mr. Thompson: Yeah.

Councilman Gibson: It's up.

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

Public Comments: None.

Councilman Jackson: I have two requests to speak on items that are on the agenda.

Mr. Wilbert Williams: (2755 Circle Dr) I'm here today in support of the King Garden Senior Housing Program. On yesterday, each Council Member and along with the Mayor should have got a letter from the MLK Neighborhood Association saying that we are very much in support of this. This is an item that came before you last year that was turned down because of the location. And we think that the location that they are trying to put it in now is most suitable location. And I say suitable because it's adjacent to University Park. And you know how much trouble you had with University Park earlier this year on some houses that were going up. Representative Glover was spearheading this and he came to the organization to personally ask me would I talk to the neighbors of University Park to see what their input would be on putting a Senior Citizen Housing. On putting a Senior Citizen Housing, I did not get not one "NO" vote on that because we believe in MLK being a growing, aging neighborhood that we need housing for our senior citizens. As I was stating earlier yesterday, we have senior citizens living in houses now that actually falling down around them. Also brought some senior citizens with me today from the neighborhood organization, that's very much in support of this, that's willing to almost move into this neighborhood now, if it was built. Because it is a very much needed endeavor. Earlier this year, Councilman Lester and I spoke right here at this podium at the MPC Zoning in support of this. So, I'm asking you Councilmen, whatever it takes to get this process moving in the right direction, we're asking you for your support and your help. Thank you.

Mr. Dean Norton: (2613 Foxwood Dr., Ruston, LA) I'm just here to answer any questions that the Council might have in regards to King Garden Apartments.

Councilman Jackson: Well, thank you. Whenever we get to that particular issue, the Council may have questions at that time and appreciate you making yourself available.

Mr. Kenneth Krefft: (157 Archer) I have a comment on 9A, No. 232, the resolution. It's more of a look ahead. I've said this on two prior occasions. The third time is a charm. At some point, this will be finished and when it's built, I'm afraid, very concerned, apprehensive if you will, that this Council or the future Council will start to waive or have reduced fees for the Convention Center. We've done it for years on Expo Hall and other City facilities. As soon as we start to grant reduced or free conventions to a church group, or veterans group, or any group; teacher's group, because they are non-profit or whatever, you've opened that door and you'll never hope to realize the revenues you think you will on the Convention Center. And I've encouraged this Council previously to be really firm. It may be in fact opened before this term ends at the end of '06 about two years from now. Now, I'll reserve my other comments for later on the non-agenda items.

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

RESOLUTIONS: None

ORDINANCES: None

TO ADOPT RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

RESOLUTION NO. 236 OF 2004

A RESOLUTION ACCEPTING DEDICATION FOR UTILITY SERVITUDES IN THE KING GARDENS SUBDIVISION, 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 utility servitudes in the King Gardens Subdivision in Section 19 (T18N-R14W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

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

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

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

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

RESOLUTION NO. 237 OF 2004

A RESOLUTION APPROVING THE 2004 DOWNTOWN DEVELOPMENT AUTHORITY PROGRAM OF WORK AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, Act 554 of 1978, which authorized the creation of the Downtown Development Authority, requires that a formal Program of Work for the DDA be adopted annually by the City Council; and

WHEREAS, the DDA has prepared and formally adopted its Program of Work for the year 2004 and recommended its approval by the City Council.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Shreveport, in legal session convened, that it approves the 2005 Downtown Development Authority Program of Work, as provided to the Clerk of Council with the original copy of this resolution on November 30, 2004.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications 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 Walford , seconded by Councilman Gibson to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Green, Hogan, and Jackson. 7. Nays. None.

RESOLUTION NO. 238 OF 2004

A RESOLUTION APPROVING THE 2005 BUDGET FOR THE SHREVEPORT-BOSSIER CONVENTION AND TOURIST BUREAU AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the Shreveport-Bossier Convention and Tourist Bureau is required to submit its annual budget to the City of Shreveport for approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in legal session convened, that the Shreveport-Bossier Convention and Tourist Bureau budget for 2005, a copy of which was filed with the Clerk of Council on November 30, 2004, be and the same is hereby approved.

BE IT FURTHER RESOLVED that the Shreveport- Bossier Convention and Tourist Commission, acting as the governing body for the Bureau, is hereby authorized to adjust individual line items within the approved 2005 budget, provided that any adjustment which increases the total budget shall require the approval of the City Council.

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 which can be given effect without the invalid provisions, items or applications; and, to this end, the provisions of this resolution are hereby declared to be severable.

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

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

The Clerk read the following:

RESOLUTION NO. 239 OF 2004: A RESOLUTION APPROVING CERTAIN MATTERS WITH RESPECT TO THE SUBLEASE OF SPACE WITHIN THE MULTICULTURAL CENTER OF THE SOUTH, APPROVING SIGNAGE FOR THE CENTER AND OTHERWISE PROVIDING WITH RESPECT THERETO.

Read by title and as read, motion by Councilman Green, to adopt. Motion dies for lack of a second. Motion by Councilman Carmody, seconded by Councilman Walford to postpone.

Councilman Carmody: And Mr. Chairman, by way of explanation, I believe the Administration is looking into a couple of issues.

Councilman Jackson: Right.

Councilman Carmody: Want to make sure that we got our Bond Counsel and I guess our City Attorney looking at this situation.

Mayor Hightower: We'll have that for you in two weeks.

Councilman Carmody: Very good. Thank you.

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

ORDINANCES: None

REGULAR AGENDA LEGISLATION:

RESOLUTIONS ON SECOND READING AND FINAL PASSAGE OR WHICH REQUIRE ONLY ONE READING:

1. Resolution No. 228 of 2004: A resolution authorizing the Mayor to execute an agreement and related instruments with Municipal Asset Management, Inc., and other necessary parties for the financing of the fire trucks and otherwise providing with respect thereto.

Mr. Thompson: I believe that's to be postponed.

Read by title and as read, motion by Councilman Carmody, seconded by Councilman Gibson to postpone.

Councilman Walford: Are we okay with the purchase. There was a time frame that we had to commit to the purchase. Was it December 31?

Councilman Carmody: Yeah, I think we're fine.

Councilman Walford: Okay, thank you Mr. Chairman.

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

RESOLUTION NO. 230 OF 2004

A RESOLUTION AUTHORIZING THE DONATION OF A SHREVEPORT FIRE DEPARTMENT EQUIPMENT TO THE BIENVILLE PARISH SHERIFF'S DEPARTMENT AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the City of Shreveport Fire Department desires to donate a 1984 GMC bus, listed in Appendix "A" to the Bienville Parish Sheriff's Department, which serves a public purpose and renders a public service; and,

WHEREAS, Ordinance No. 315 of 1979, requires City Council approval of an agreement made and entered into by the City of Shreveport and any person or entity, whereunder such person or entity receives a donation in return for service which serves a public purpose; and,

WHEREAS, the Bienville Parish Sheriff's Department has agreed to accept all responsibility, financial obligations and liability associated with the acceptance of this donation; and,

WHEREAS, the equipment listed in Appendix "A" is unusable by the Shreveport Fire Department due to mechanical problems which have rendered it inoperable, the costs of repair exceed the value of the vehicle, and the vehicle is deemed surplus of the City of Shreveport; and,

WHEREAS, this donation under these circumstances provides for the most cost effective manner to dispose of the property, and will aid the Bienville Parish Sheriff's Department in law enforcement operations performed by them,

THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due regular and legal session convened, that the Mayor be and is hereby authorized to execute an agreement between the City of Shreveport and the Bienville Parish Sheriff's Department for the donation of the 1984 GMC bus listed in Appendix "A" effective November 23, 2004, substantially the same as the document filed in the Office of the Clerk of Council on November 9, 2004.

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

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

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

RESOLUTION NO. 231 OF 2004

Offered by Councilman _____ and seconded by Councilman _____:

RESOLUTION

A Resolution authorizing the Mayor of the City of Shreveport, State of Louisiana to enter into a Cooperative Endeavor Agreement with the Shreveport Convention Center Hotel Authority; and providing for other matters in connection therewith.

WHEREAS, the City of Shreveport, State of Louisiana (the "City") created the Shreveport Convention Center Hotel Authority (the "Authority") by Indenture of Trust dated April 9, 2002 under and pursuant to the provisions of the Louisiana Public Trust Act (La. 9:2341-2347 as amended); and

WHEREAS, the Louisiana State Bond Commission approved the formation of the Authority on May 16, 2002; and

WHEREAS, the City declares that the Authority, with its sole purpose of planning, and operating a convention center hotel to be located adjacent to the new convention center in Shreveport, Louisiana on the property described in Exhibit "A" hereto (the "Project"), serves such a public purpose and will be of great economic benefit to the City and enhance its new convention center; and

WHEREAS, the City intends to finance the Project through the issuance of its revenue bonds through the Louisiana Local Government Environmental Facilities and Community Development Authority (the "LDA") in an amount not exceeding \$40,000,000 (the "Bonds"); and

WHEREAS, in order to provide management services for the Project the City and Authority desire to enter into a Cooperative Endeavor Agreement between the City and the Authority (the "Cooperative Endeavor Agreement"), the form of which is attached as Exhibit "B" hereto; and

WHEREAS, this City Council desires to authorize the Mayor to execute and deliver the Cooperative Endeavor Agreement.

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

Section 1. Approval of Documents. The form of Cooperative Endeavor Agreement is hereby approved and the Mayor is hereby authorized to execute and deliver the Cooperative Endeavor Agreement to the Authority.

SECTION 2. Governing Law. This Resolution is a contract made under, and the rights and obligations of the parties hereunder shall be governed by and construed in accordance with, the laws of the State of Louisiana applicable to contracts made and to be performed entirely within such State.

Section 3. Severability. In case any one or more of the provisions of this Resolution shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Resolution and the Resolution shall be construed and enforced as if such illegal or invalid provisions had not been contained herein or therein.

Amendment No. 1

By: Councilman Thomas Carmody and Mike Gibson

Amend the first paragraph of the Now Therefore Be It Resolved clause (the paragraph before "definition") to read as follows:

NOW THEREFORE BE IT RESOLVED by the Council of the City of Shreveport, Louisiana, acting as the Governing Authority of said city, that: approvals, pledges, assigns, representations, warranties, covenants, remedies and agreements contained herein, specifically in the paragraphs numbered Section 1 through Section 10, are conditioned upon and shall only be valid if an election is held at which a proposition or question is submitted to the voters of the City of Shreveport, for them to decide whether public funds shall be used or pledged to plan, design,

construct, equip, or operate a convention center hotel, and said proposition or question is approved by a majority of the persons voting at said election; and that:

Read by title and as read, motion by Councilman Gibson, seconded by Councilman Carmody to adopt Amendment No. 1.

Councilman Gibson: Mr. Chair, regarding the public vote, I know where I'm going to vote on this thing, but I just want to state for the record that this issue was co-sponsored by Councilman Carmody and myself.

Councilman Walford: Is this on 1 or 2?

Councilman Gibson: This is on 1 if I'm not mistaken on a public vote.

Councilman Carmody: Correct.

Councilman Gibson: The citizens voted on an \$85,000,000 convention center, but not on the hotel. I guess the question being why? Knowing that our inner city neighborhoods are falling apart. We have over \$500,000,000 in water and sewer needs, \$250,000,000 in streets, sidewalks and drainage needs and we have trouble finding \$350,000 for 100 burned out buildings in this community. \$330,000 we're having difficulty finding in a 1% pay raise for employees. But our top priority is to fund a \$40,000,000 hotel that we have no experience with running or operating. And have not done the due diligence to attract a private investor to build and operate this hotel. Where are the priorities of the City and what do we tell the taxpayer who just received their increase in property tax notices. These same taxpayers are calling me. They pay a tremendous amount of taxes to receive basic city services. Is this hotel a city service? Was the same conceived process for the Entertainment District as city service? I would say not. That is why we owe it to the citizens to weigh in on this issue, even if it takes an extra six months. That won't affect the long run of this project, but turning our backs on the tax payer is something that people have a tendency not to forget. And that's the reason why I felt it was important in talking with Thomas Carmody because of the change in financing of this project to put this piece of legislation before my colleagues. Each and every one of us have to deal with those particular issues. In terms of phone calls from our constituents. I agree with my constituents that it's going to be some good job creation for the citizens of Shreveport, but at what price in terms of financing this particular project. Thank you Mr. Chairman.

Councilman Carmody: I'll make mine quick because I know that the public is very well aware of my position in this particular issue. But today on the internet, as part of Hotel Online, there was news for the hospitality executive. There was some communication that I think the citizens at least ought to be aware of and again, this is as of today. City development and convention officials have said that City sagging convention business can be boosted only with the addition of new four star hotels with guaranteed blocks of convention rate rooms, easy access via sky walks to their adjacent convention center. Haywood Sanders, Professor of Public Administration, University of Texas, San Antonio, said that convention hotels build by cities have failed to meet many rosy projections. St Louis projections for this year has fallen short of their projected 50% or more major conventions and the 1,000 room Marriotts now are having to dip into its cash reserve to pay it's debt. I believe that Mr. Antee had said that we were going to have about \$3.7 (million) in cash reserves for our convention center. A new 500 room Sacramento Grand Sheraton in Sacramento, CA built with \$92.9 (million) in bonds backed by operating income from the hotel and the adjacent garage has boosted the convention business by

less than a third of the 60,000 room nights, the consultant initially projected and I believe that we're also gonna charge for parking at our parking garage and use that to help pay off our bonds, if I'm not mistaken. Is that correct?

Mr. Antee: That decision hadn't been reached yet.

Councilman Carmody: Okay, well in this instance, it looks like they used I guess their fees for their parking garage. And the convention center in Oberland Park, KS developed by publicly owned 412 room Sheraton Hotel hosted five conventions rather than the projected 14, receiving only about 40% of the anticipated room bookings. And again, these are all other communities that probably offer different amenities than what the City of Shreveport offers. I'm not saying that they are better or worse. It's just an observation. "As a result," said Professor Sanders, "investors have now become very leery of bond issues that are backed only by hotel revenues are not tending to demand some form of public sector back up." I think that's what we're talking about here, \$40,000,000 worth. "Usually a pledge of some larger revenue source." Which again, I think the Administration said that they would use or I guess it wouldn't be them, it would be future Administrations would have to use whatever available resources there were. "As such in order to pay down the city-wide hotel obligation. With a number of these hotels opening and performing for a while, it's clear that there is some performance problems with these type publicly funded hotels", Professor Sanders said. "In the best of them, the hotel has managed alright, but does not appear to generate substantial new business for the convention center. In the worst of cases, the hotel doesn't operate particularly well." Yesterday Brody and VanZant said "that none of the hotel proposals submitted to their city offered 100% private financing." Again, we've experienced the same problem here in Shreveport. "Two of the proposals asked the city to contribute \$50,000,000 to \$80,000,000. Money the city simply doesn't have available." And again, this is their city. We seem to have \$40,000,000 available. "We did not believe from the beginning that we were going to get a privately financed deal and we did not." VanZant said, "the experience across the country and that every other city shows a private equity is not available for large convention oriented hotels." Gentlemen, two weeks ago, Mr. Antee made a comment I thought was very interesting. He said that his hairline and mine had receded quite a lot since we started this project. My concern from the beginning has been that based upon the performance of similar type facilities, that all the tax payer's hairline are going to end up receding to the point where they're going to look very similar to Mr. Jackson and Mr. Gibson by the time its all over and that we'll go and snatch the hair off of all the tax payer's heads. And I'd feel more comfortable and that's what I tell my barber every time I go in, leave something on the top. And what I'm afraid here is that we might all get scalped. And so, my vote again is going to be in the negative. And God bless the City of Shreveport and the citizens for undertaking something that it appears is not going to be a money maker. Thank you Mr. Chairman.

Councilman Jackson: Alright. Any other questions, comments. Any other attempts at eloquence?

Mr. Thompson: This is Amendment No. 1.

Councilman Jackson: On the amendment yes.

Motion denied by the following vote: Nays: Councilmen Lester, Walford, Green, and Jackson. 4. Ayes: Councilmen Carmody, Gibson, and Hogan. 3.

The Clerk read the following amendment explanation:

This is the Administration’s amendment. It modifies Section 1, as requested by Council members, to assure that the Authority will cause half of any excess revenues from the hotel (monies which remain after O & M expenses, debt service payments and any required reserve payments are made) to be applied as a prepayment on the bonds.

EXHIBIT B

COOPERATIVE ENDEAVOR AGREEMENT

THIS COOPERATIVE ENDEAVOR AGREEMENT is made and entered into as of this _____ day of _____, 2004, by and between the City of Shreveport, herein represented by Keith Hightower, Mayor, hereinafter referred to as the “City”, and Shreveport Convention Center Hotel Authority, a public trust organized under the laws of the State of Louisiana and domiciled in Caddo Parish, Louisiana, herein represented by Keith Hightower, its Chairman, hereinafter referred to as the “Authority”.

WITNESSETH

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

WHEREAS, the City created the Authority by Indenture of Trust dated April 9, 2002 under and pursuant to the provisions of the Louisiana Public Trust Act (La. 9:2341-2347 as amended); and

WHEREAS, the Louisiana State Bond Commission approved the formation of the Authority on May 16, 2002; and

WHEREAS, the City declares that the Authority, with its sole purpose of planning, designing and operating a convention center hotel to be located adjacent to the new convention center in Shreveport, Louisiana (the “Project”), serves such a public purpose and will be of great economic benefit to the City and enhance its new convention center; and

WHEREAS, the City intends to finance the Project through the issuance of revenue bonds through the Louisiana Local Government Environmental Facilities and Community Development Authority (the “LDA”) in an amount not exceeding \$40,000,000 (the “Bonds”); and

WHEREAS, the City desires for the Authority to manage the Project.

NOW, THEREFORE, the City and the Authority under the conditions herein set forth do agree for the mutual covenants and consideration set forth herein as follows:

AUTHORITY’S AGREEMENT

The Authority agrees to plan, design, manage and operate the Project on behalf of the City. Once any plans, specifications, drawings, engineering reports, studies, or other design

related documents are finalized, the Authority shall assign and deliver such documents to the City. Once the Project is complete and operational, the Authority shall cause the revenues derived from the Project to be applied to operation and maintenance expenses of the Project, debt service on any bonds issued to finance the Project (the “Bonds”) and any reserves required by the financing documents. Thereafter, any remaining moneys shall be held in reserve by the Authority and annually, the Authority shall pay one half (½) of such reserves as a prepayment on the Bonds and the remaining moneys to the City.

2. **CITY’S AGREEMENT**

The City agrees to construct and finance the Project through the issuance of revenue bonds through the LDA.

3. **FINANCIAL RECORDS**

The Authority shall maintain financial records pertaining to all matters relative to this Agreement in accordance with generally accepted accounting principles and procedures. The Authority shall retain all of its records and support documentation applicable to this Agreement for a period of five years except as follows:

a. Records that are subject to audit findings shall be retained for three years after such findings have been resolved.

b. All such records and supporting documentation shall be made readily available, upon request for inspection or audit by a representative of the City. In the event that the Authority goes out of existence, it shall turn over to the City all of its records relating to this Agreement and the Bonds to be retained by said City for the required period.

4. **INSPECTION OF RECORDS**

The Authority agrees to permit the City or its designated representative to inspect all records pertaining to this Agreement as well as other records that may be required by relevant directives or funding sources of the City. The Authority and City further agree that this inspection may be made upon reasonable notice by City to Authority and then only during normal business hours.

5. **AUDIT AND INSPECTION**

The Authority agrees to permit the City or its designated representative to inspect and/or audit its records and books relative to this Agreement at any time during normal business hours and under reasonable circumstances and to copy therefore any information that the City desires concerning the Authority’s operation hereunder. The City shall provide written notice prior to the execution of the provision.

6. **REPORTS**

At such time and in such forms as the City may require there shall be furnished to the City such reasonable statements, records, data and information, as the City may request pertaining to matters covered by this Agreement and the Bonds.

7. **VENUE**

The parties stipulate that the venue of any possible litigation arising pursuant to this Agreement shall be in the First Judicial District Court, Caddo Parish, Louisiana.

8. **POLITICAL ACTIVITY**

None of the funds, materials, property or services provided directly or indirectly under the terms of this Agreement shall be used in or for the performance of any partisan political activity, or to further the election or defeat of any candidate for public office.

9. **ASSIGNABILITY**

The Authority shall not assign this Agreement, in whole or in part without prior written consent of the City. However, the City recognizes and accepts the contracts currently existing with HRI for development services, HRI Lodging for management services and HCI for design services and the existing franchise agreement with the Hilton Corp.

10. **GOVERNING LAW**

This Agreement shall be governed by the laws of the State of Louisiana.

11. **COUNTERPARTS**

This Agreement may be executed in multiple counterparts each of which shall be deemed an original.

12. **SEVERABILITY**

In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Agreement and the Agreement shall be construed and enforced as if such illegal or invalid provisions had not been contained herein or therein.

THUS DONE AND SIGNED in counterparts, on this ____ day of _____, 2004.

WITNESSES:

CITY OF SHREVEPORT

By: _____
Keith Hightower, Mayor

**SHREVEPORT CONVENTION CENTER
HOTEL AUTHORITY**

By: _____
Its Chairman

Read by title and as read, motion by Councilman Hogan, seconded by Councilman Carmody to adopt Amendment No. 2 to Resolution No. 231 of 2004. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Green, Hogan, and Jackson. 6. Nays: Councilman Gibson. 1.

Motion by Councilman Carmody, seconded by Councilman Walford to adopt Resolution as amended. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Green, Hogan, and Jackson. 5. Nays: Councilmen Carmody and Gibson. 2.

RESOLUTION NO. 232 OF 2004

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF SHREVEPORT (“THE CITY”) TO PROCEED WITH FINANCING IN AN AMOUNT NOT TO EXCEED FORTY MILLION DOLLARS (\$40,000,000.00) FOR THE FINANCING OF ACQUIRING, OWNING, CONSTRUCTING AND EQUIPPING A CONVENTION CENTER HOTEL AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, by prior resolution, the City of Shreveport, State of Louisiana (the “City”) became a participating political subdivision and member of the Louisiana Local Government Environmental Facilities and Community Development Authority (the “Authority”); and WHEREAS, the City of Shreveport desires to proceed with a financing through the Authority in an amount not to exceed Forty Million Dollars (\$40,000,000.00), in a manner and structure to be determined by subsequent resolution, to finance the acquisition, construction, furnishing and equipping of a convention center hotel to be located adjacent to the new convention center (the “Project”).

NOW, THEREFORE, BE IT RESOLVED, BY THE City Council of the City of Shreveport, in legal session convened, acting as the governing authority thereof, that:

Section 1: The City is authorized to proceed with a financing through the Authority in an amount not to exceed Forty Million Dollars (\$40,000,000), represented by the issuance of the Authority’s bonds on behalf of the City (the “Bonds”) to finance the acquisition, construction, furnishing and equipping of the Project.

Section 2: The structure, terms and conditions of any such borrowing by the City shall be determined by subsequent resolution of the City Council, provided, however, that the term of said borrowing shall not exceed thirty (30) years and the interest rate shall not exceed seven per cent (7%).

Section 3: Prior to the issuance of the Bonds, the City anticipates that it may pay a portion of the costs of the Project from other available funds. Upon issuance of the Bonds, the City reasonably expects to reimburse said expenditures from the proceeds of the Bonds. Any such allocation of the proceeds of the Bonds for reimbursement will be made with respect to the capital expenditures (as defined in Treasury Regulation 1.150-1(h) and will be made upon the delivery of the Bonds and not later than one year after the date of (i) the date such expenditure

was made or (ii) the date improvements were placed in service. This resolution is intended to be a declaration of intent to reimburse in accordance with the provisions of the Treasury Regulation 1.150-2.

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs its Mayor, Chief Administrative Officer, Clerk and such other officials of the City to do any and all things necessary and incidental to carry out the provisions of this resolution.

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

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

Mr. Thompson: There's one amendment.

Councilman Jackson: There's an amendment.

Councilman Green: What's the amendment?

The Clerk read the following amendment:

Amendment No. 1 By: Mike Gibson

Amend the first paragraph (Section 1) of the Now Therefore Be It Resolved clause to read as follows:

Section 1: The City is authorized to proceed with a financing through the Authority in an amount not to exceed Forty Million Dollars (\$40,000,000), represented by the issuance of the Authority's bonds on behalf of the City (the "Bonds") to finance the acquisition, construction, furnishing and equipping of the Project; provided that the City of Shreveport issues a Request for Proposals to build and operate a full service hotel adjacent to the new convention center and to widely advertise and to circulate said Request for Proposals to national companies in the hotel business; and provided that the City Council reviews and rejects all proposals received.

Councilman Green: Read it again?

Mr. Thompson: It requires you to go out to an RFP.

Councilman Green: No, I'm not for that.

Councilman Gibson: Mr. Chair, again, this Administration has never put out a formal Request for Proposal. I will give them credit in the fact that they did send out some letters under the Mayor's signature. But, like all the procurement that the City of Shreveport does, we put out formal Requests for Proposals for even things like pencils and paper. But when we're coming to spend \$40,000,000 on a hotel, we have not gone through the due diligence to put out a formal Request for Proposal. And that Formal Request for Proposal, as I understand it from the hotel industry, the private sector, that is their indication that we're going to negotiate in good faith. And that's why we have not seen a private hotel step up to the plate for negotiation in good faith. And I don't believe that without a formal Request for Proposal, that we're doing our due diligence as a Council as a check and balance with the Administration to move forward \$40,000,000 and I would also suggest that, that would be a great extension of good faith on behalf of the Administration to send out that formal Request for Proposal. And if we don't get any takers, then we can all look ourselves in the eye and look our constituents in the eye that we

did our due diligence and now, we have to take the next step to publicly finance this hotel. Thank you Mr. Chair.

Mayor Hightower: Mr. Chairman one comment. I will say that we did go out to the private sector initially and asked for takers to build a hotel. We received none. This Council brought back before it I believe Councilman Gibson a request to ask the Administration to go out for RFPs. That was voted down by the Council as a gesture of good will. We again went to the private sector and received no one willing to come in and build us a hotel. As late as today, Councilman Carmody read a statement that talked about city after city that looked for the private sector to come build them a hotel. And if I heard correctly, he said and the article said that there were no takers. So, I believe that I along with every member of this City Council can look your constituents in the eye and say that we have done our due diligence.

Councilman Carmody: I'm sorry, I just want to make another observation. It should say there's a lot more being said in the fact that the private sector is not interested in building a hotel and we just let it pass and say we did our due diligence. I'd just make that observation.

Councilman Gibson: I just want to make it clear. Letters are one thing. A formal advertisement, like we do all of the procurement is a different story, because again, these private hoteliers have search engine that look for key words in those advertisement through public agencies. And when we talk about a formal Request for Proposal, I just want to make it clear that a formal Request for Proposal is going through a 30 day advertisement process of which those search engines pick up and letters may go to an individual, but may not have the responsibility or may be on vacation of things of that nature. And there is a big difference. And we could have any time over the last four years sent out an advertisement like we do on formal Request for Proposals, just like we do with construction, just like we do with pens and paper. And you'd be surprised with search engines with the internet in today's environment, what you might pick up in terms of interested parties that might come to the table. But I guess that's details.

Councilman Jackson: Let me just say too, that I assume that Councilman Carmody, when he read the hotel online piece and from what I'm hearing here from Councilman Gibson that if I were to just subvert my own thoughts into what I'm reading, is that perhaps we ought not even have a hotel. And I think in reading that into it, then I would suggest that we need to stop building that Convention Center right where we are. Because to build it and to not have the hotel, I think, I don't know what the article says about that. You may ask them about that. But I think that would be a very, very backwards thing to do. While it wouldn't surprise me, because we certainly have done a lot of other backwards things in the history of this City.

Councilman Carmody: Amen.

Councilman Jackson: So, I guess we were looking to add our part to it, but I won't be party to doing that. So, I would ask that we move forward.

Councilman Hogan: This is on the amendment?

Mr. Thompson: This is on the amendment.

Read by title and as read, motion by Councilman Gibson, seconded by Councilman Carmody to adopt Amendment No. 1 to Resolution 232 of 2004. Motion denied by the following vote: Nays Councilmen Lester, Walford, Gibson, Green, and Jackson. 5. Ayes: Councilmen Carmody and Hogan. 2.

Councilman Gibson: Mr. Chairman, I need a clarification back to the Clerk real quick. That was on the amendment?

Mr. Thompson: That's correct.

Councilman Gibson: Amendment for a formal Request for Proposal, right?

Mr. Thompson: That's correct.

Councilman Walford: Yeah, that came out backwards.

Councilman Carmody: No he read it the way it fell, but he meant his vote to be for it. It should have 3 For and 4 against.

Councilman Gibson: That's what I want to get a clarification on that. Could you read the votes back, because I was in favor of the amendment.

Mr. Thompson: That's how you voted.

Councilman Carmody: You voted in the negative.

Councilman Gibson: That's why I need a clarification before we move forward.

Councilman Carmody: (unclear) 5-2 is what it recorded.

Councilman Jackson: It was 5-2. 5 Nay, 2 For.

Councilman Gibson: My vote should have been a yes. An affirmative vote.

Mr. Thompson: So without objection, we'll change it. Is that right?

Councilman Jackson: No objection.

Councilman Carmody: None.

Councilman Jackson: Council will have voted 4 Against, 3 For. The amendment failed.

Motion denied by the following vote: Nays: Councilmen Lester, Walford, Green, and Jackson. 4. Ayes: Councilmen Carmody, Gibson, and Hogan. 3.

Read by title and as read, motion by Councilman Jackson, seconded by Councilman Green to adopt Resolution No. 232 as amended. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Green, and Jackson. 4. Nays Councilmen Carmody, Gibson, and Hogan. 3.

RESOLUTION NO. 234 OF 2004

A RESOLUTION ESTABLISHING THE NEIGHBORHOOD RECOVERY PROJECT; AUTHORIZING A LOAN FROM THE FEDERAL NATIONAL MORTGAGE ASSOCIATION IN AN AMOUNT NOT TO EXCEED \$2,000,000.00 TO FINANCE CONSTRUCTION OF UP TO TWENTY-SIX SINGLE FAMILY UNITS AND THE PAYMENT OF COSTS AND EXPENSES RELATED TO SAME IN CONNECTION WITH THE PILOT MORTGAGE PROGRAM AND LEASE-PURCHASE PROGRAM COMPONENTS OF THE PROJECT; AUTHORIZING THE MAYOR TO REQUEST APPROVAL FROM THE LOUISIANA STATE BOND COMMISSION RELATIVE TO THE LOAN; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATIVE TO THE LOAN AND THE PROJECT; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the City of Shreveport is engaged in extensive revitalization efforts in certain targeted neighborhoods within the City; and

WHEREAS, in furtherance of these efforts, the City has established the Neighborhood Recovery Project (the "Project"), a comprehensive neighborhood revitalization project; and

WHEREAS, the Project includes several components including, but not limited to, a pilot mortgage program and lease-purchase program which will provide home ownership opportunities for qualified low-to-moderate income families residing within the city with credit challenges or other barriers to home ownership; and

WHEREAS, the City has been conditionally approved for a \$2,000,000.00 non-revolving line of credit from the Federal National Mortgage Association (“FNMA”) to finance construction of up to twenty-six (26) single family units and the payment of expenses and costs related to same for the pilot mortgage program and lease-purchase program components of the Project; and

WHEREAS, the lease-purchase component of the Project will permit eligible lessee/homeowners to lease the newly constructed units for up to thirty-six (36) months while attempting to overcome credit deficiencies or other obstacles which act as barriers to home ownership. The pilot mortgage component of the Project will permit the City to assign the mortgage to a permanent lender at the end of the lease term provided FNMA credit standards and other qualifying conditions are met; and

WHEREAS, the single family units will be constructed on city-owned property on Shepherd Drive in the Martin Luther King neighborhood; and

WHEREAS, twenty-five (25%) percent of the loan funds shall be reserved by City to collateralize the loan utilizing one of several options: (i) a first lien security interest in cash or cash equivalent; (ii) a letter of credit by a financial institution; or (iii) a good faith pledge guaranteed by other sources of future funds; and

WHEREAS, the loan will be repaid to FNMA from a number of sources, including but not limited to: (i) the proceeds of monthly rental payments by lessee/homeowners, inclusive of principal and interest payments, taxes and insurance, maintenance fees and property management fees;

(ii) proceeds from permanent financing at the end of the lease term; (iii) budgeted repayments from CDBG funds; and/or (iv) the liquidation of cash collateral and units in the event a unit is not converted to permanent financing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the Neighborhood Recovery Project is hereby established.

BE IT FURTHER RESOLVED that the Mayor of the City of Shreveport is hereby authorized to obtain a loan from the Federal National Mortgage Association in an amount not to exceed \$2,000,000.00 to finance the construction of up to twenty-six (26) single family units and the payment of expenses and costs related to same for the pilot mortgage program and lease-purchase program components of the Project subject to formal application to and consent of the Louisiana State Bond Commission.

BE IT FURTHER RESOLVED that should the necessity exist for the employment of bond counsel with respect to the application to the Bond Commission or matters related thereto, the Mayor shall be authorized to retain bond counsel in accordance with applicable City procedures and requirements at a fee not to exceed _____, together with reimbursement of out-of-pocket expenses incurred and advanced, subject to the Attorney General’s written approval of said employment and fee.

BE IT FURTHER RESOLVED that the Mayor is further authorized to execute and deliver for and on behalf of the City of Shreveport, any and all legal instruments or other documents relative to application to and approval of the State Bond Commission, to effect the loan, and to implement the pilot mortgage program and lease-purchase program components of

the Project, after review and approval of such instruments or documents by the Office of the City Attorney.

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

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

RESOLUTION NO. 235 OF 2004

A RESOLUTION AUTHORIZING THE EMPLOYMENT OF SPECIAL LEGAL COUNSEL TO REPRESENT THE CITY OF SHREVEPORT, AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the City of Shreveport desires to retain the services of outside legal counsel to provide loan closing services in connection with the lease-purchase program and pilot mortgage program components of the Neighborhood Recovery Project (“Project”), a neighborhood revitalization program administered by the Department of Community Development; and

WHEREAS, pursuant to Section 8.03 of the City Charter, the City Attorney recommends that Loyd Thomas be retained for the purpose of said representation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened that the Mayor be and he is hereby authorized to execute, for and on behalf of the City of Shreveport, a retainer agreement with Loyd Thomas to provide loan closing services in connection with the lease-purchase program and pilot mortgage program components of the Neighborhood Recovery Project, substantially in accordance with the terms and conditions of the draft thereof which was filed for public inspection, together with the original copy of this resolution in the office of the Clerk of Council on November 9, 2004.

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

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

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

Councilman Gibson: I guess we’re going to amend our budget for legal counsel dollars on this or do we have money in the budget?

Mayor Hightower: Which one are we on?

Councilman Gibson: 235.

Mr. Thompson: Special legal counsel.

Councilman Gibson: And we have about 20 some odd counsels under retainer. I don't know where we are in terms of budget. Is that something you're going to come back with a budget amendment, or is there - - -?

Mr. Antee: No, these are based on loan closings that will be collected at the time the loans are closed.

Mr. Gibson: Thank you Mr. Chair. Thank you Mr. Antee.

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

Mr. Thompson: We have two more resolutions Mr. Chairman.

1. **Resolution No. 241 of 2004.** A resolution providing for the termination of the Shreveport Convention Center Hotel Trust Authority, terminating the City of Shreveport's acceptance of beneficial interest therein, and otherwise providing with respect thereto.

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

Councilman Gibson: Pertaining to the Hotel Trust, I move for a two week postponement.

Substitute motion by Councilman Gibson, seconded by Councilman Carmody to postpone.

Councilman Walford: Mr. Chairman, can you clear?

Mr. Thompson: Can you change your vote? I think you can change your vote.

Councilman Walford: Oh can we change it? Okay

Substitute motion approved by the following vote: Ayes: Councilmen, Walford, Carmody, Gibson, Hogan, Green,. 5. Nays. Councilmen Lester and Jackson. 2.

RESOLUTION NO. 242 OF 2004

A RESOLUTION TO AMEND RESOLUTION NO. 217 OF 2004 WHICH DECLARED A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR CONSTRUCTION OF NEW RESIDENTIAL DEVELOPMENTS WITHIN A SPECIFIED AREA OF NORTH SHREVEPORT.

By: Councilman Lester

WHEREAS, Resolution No. 217 of 2004, declared a moratorium on the issuance of building permits for construction of new residential developments within the area specified in Attachment A until adoption of ordinances addressing these issues or December 31, 2004, whichever occurs first; and

WHEREAS, Resolution No. 217 of 2004, declared that the moratorium shall not apply to the issuance of a building permit for construction a single residential unit by an individual homeowner for non-commercial purposes; and

WHEREAS, it is also necessary to exempt projects that have received the necessary approvals to proceed from the MPC and/or the City Council between the dates of January 1, 2004 and October 12, 2004.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened, that Resolution No. 217 of 2004, is amended by adding a new clause as follows:

BE IT FURTHER RESOLVED that this moratorium shall not apply to the construction of new residential developments within the area specified in Attachment A of Resolution No. 217 of 2004, provided such developments have been approved by the MPC and/or the City Council between the dates of January 1, 2004 and October 12, 2004.

BE IT FURTHER RESOLVED that if any provision of this resolution of 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.

Motion by Councilman Lester, seconded by Councilman Carmody to adopt.

Councilman Gibson: To the maker of the resolution.

Councilman Lester: Yes.

Councilman Gibson: The moratorium is based on - - -

Councilman Lester: What this resolution - - - the moratorium is still in affect and MPC is working on the overlay district even as we speak. That legislation should be finished before December, that we can introduce it at the next meeting. The moratorium is going to come off the books at the end of the year anyway. That's No. 1. No. 2, and I'd want to correct something that had been said earlier. There were two projects in the MLK Community, residential projects that had been previously approved by the MPC as well as the Council. One of them was Rosenwald, the other was King Gardens. And because the moratorium was placed, those projects that had been previously approved had not been able to go forward. This resolution exempts those two projects that had been previously approved by MPC and by the Council so that they can get started on the construction of those.

Councilman Gibson: Well, I knew the moratorium and then I was looking at those two projects and I was just concerned how is that going to affect those two projects. Thank you Mr. Chair.

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

Councilman Jackson: Gentlemen, if you would, I'm going to have to excuse myself from this meeting and would ask that- - -. First let me say that I really have appreciated your cooperation in all of these meetings that I've had the privilege and pleasure to Chair. Notwithstanding all of the fun I've had, it's been a tough job as well. So, let me wish well

our next Chairman and based on what I read in the paper today, that should be Councilman Gibson.

Councilman Gibson: Paper's been wrong.

Councilman Jackson: The paper is usually right.

Councilman Lester: Not all the time.

Councilman Jackson: I would certainly say thank you and ask Councilman Gibson if he would carry on.

Councilman Walford: Well, I have a question for the Chairman. Did your hairline raise like the other two were discussing?

Councilman Jackson: Well let me tell ya. Something you will notice one of these days is if you ever drive down I-20, you know we spent \$800,000 cutting grass, but never on I-20. Because grass don't grow on a busy street.

Councilman Gibson: Just so the audience knows, Councilman Jackson is on business for the City, going to the League of Cities Meeting and had a flight to catch, so wish him a safe trip in representing the City of Shreveport. Mr. Clerk, do we have any other resolutions?

Mr. Thompson: No, we're on Section B now.

INTRODUCTION OF RESOLUTIONS

1. **Resolution No. 240 of 2004:** A resolution authorizing the Mayor to execute grant documents with Northwest Law Enforcement Planning Agency for the acceptance of grant funds and otherwise with respect thereto.
2. **Resolution No. 243 of 2004:** A resolution authorizing the Mayor of the City of Shreveport, State of Louisiana to enter into a Surety Agreement with Financial Guaranty Insurance Corporation; and providing for other matters in connection therewith.

Read by title and as read, motion by Councilman Green, seconded by Councilman Carmody to introduce Resolution No(s) 240 and 243 of 2004 to lay over until December 14, 2004 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Green, Hogan. 6. Nays: None. Absent: Councilman Jackson. 1.

INTRODUCTION OF ORDINANCES

1. **Ordinance No. 194 of 2004:** An ordinance adopting the 2005 Downtown Development District Budget, appropriating the funds authorized therein, and otherwise providing with respect thereto.
2. **Ordinance No. 195 of 2004:** An ordinance amending certain sections of Chapter 106 of the City of Shreveport Code of Ordinances, the Zoning Ordinance, relative amusement devices and to otherwise provide with respect thereto.
3. **Ordinance No. 196 of 2004:** An ordinance amending certain sections of Chapter 106 of the City of Shreveport Code of Ordinances, the Zoning Ordinance, relative to on-premise and off-premise advertising signs and otherwise provide with respect thereto.

4. **Ordinance No. 197 of 2004:** An ordinance amending certain provisions of Article IV of Chapter 50 of the Code of Ordinances relative to curfew for juveniles and to otherwise provide with respect thereto.
5. **Ordinance No. 198 of 2004:** An ordinance to enlarge the limits and boundaries of the City of Shreveport - A tract of land out of Lot 1 of Hart's Island partition as per map in conveyance book 14, Page 195, located in the southeasterly intersection of Youree Drive (LA Hwy 1) with east 70th Street (LA. Hwy 511), in Section 29 (T17N-R13W), Caddo Parish, Louisiana and to otherwise provide with respect thereto.
6. **Ordinance No. 199 of 2004:** Amending Chapter 106 of the Code of Ordinances, the City of Shreveport zoning ordinance, by rezoning of property located on the Northwest corner of Creswell and Olive Streets, Shreveport, Caddo Parish, Louisiana, from B-2-E, Neighborhood Business/Extended Use District, to B-2-E, Neighborhood Business/Extended Use District LIMITED TO "AUTO REPAIR, FILLING STATION, AND AUTO SALES", ONLY, and to otherwise provide with respect thereto. (B/Walford)
7. **Ordinance No. 200 of 2004:** An ordinance amending Section 10-44 of the City of Shreveport Code of Ordinances relative to alcoholic beverages and to otherwise provide with respect thereto.

Read by title and as read, motion by Councilman Walford, seconded by Councilman Green to introduce Ordinance No(s). 194, 195, 196, 197, 198, 199, and 200 to lay over until December 14, 2004 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Green, Hogan. 6. Nays: None. Absent: Councilman Jackson. 1.

ORDINANCES ON SECOND READING AND FINAL PASSAGE

1. **Ordinance No. 98 of 2004:** An ordinance authorizing the Lease of City-Owned property to North Shreveport Development Corporation, Inc. (Postponed November 9, 2004)

Having passed first reading on June 22, 2004 was read by title, and on motion, ordered passed to third reading. Motion by Councilman Lester, seconded by Councilman Carmody to table.

Councilman Carmody: Just very quickly, I understand that the Administration's been working to possibly sell this piece of property. Is there a time frame that we'll know one way or another in order to move it off the table and back into consideration?

Mr. Antee: Yeah, we were waiting for the survey to come back and the appraisal, so we'll get an update on that.

Councilman Carmody: Thank you sir. Thank you Mr. Chairman.

Councilman Walford: For the record, I saw the surveyors working out there, so- - -

Councilman Lester: I've seen them too.

Councilman Walford: So, that should have been accomplished by now.

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

2. **Ordinance No. 183 of 2004:** An ordinance amending the 2004 Capital Improvements Budget and otherwise providing with respect thereto.

Having passed first reading on November 9, 2004 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Carmody seconded by Councilman Gibson to adopt. The Clerk read the following amendment:

Amendment No. 1

AMEND THE ORDINANCE AS FOLLOWS:

In Program C (Streets Improvements):

Increase the appropriation for Sidewalk Program and Curb Cuts (01C029) by \$10,000.

Funding source is Private Donations.

In Program F (Sewer Improvements):

Increase the appropriation for SSO Abatement Program (98F004) by \$100,000. Funding source is 2000 A URB.

Decrease the appropriation for Wallace Lift Station Improvements (01F003) by \$150,000.

Funding source is 2000 A URB.

Increase the appropriation for North Regional Main and Manhole Rehabilitation (03F002) by \$50,000. Funding source is 2000 A URB.

Motion by Councilman Carmody, seconded by Councilman Green to adopt Amendment No. 1 to Ordinance No. 183 of 2004.

Councilman Carmody: Just by way of clarification. Again, part of the amendment is to acknowledge the donation of \$10,000 by the Gladstone Area Partnership to help facilitate sidewalk repairs within their neighborhood and I'd like to again publicly thank them for their generosity in helping the City help them. Thank you.

Councilman Gibson: Councilman Carmody, again thank you for your leadership on that. And thank you for the effort that, that neighborhood provided. Any other comments?

Councilman Walford: I've waited for my district and nobody's come up with a check to match it. I'm surprised.

Councilman Hogan: Mr. Carmody, do you plan to share that \$10,000 or are you going to use it all in your district.

Councilman Carmody: No sir, actually the \$10,000 will be used in the Gladstone area.

Councilman Hogan: For that area

Councilman Carmody: Yes.

Councilman Hogan: Okay, I was not clear on that before. Thank you.

Councilman Carmody: I'm sure that this Council would be happy to acknowledge the fact that the monies that are donated would be utilized in the areas in which they were donated. So again, I want to encourage any neighborhood associations that want to be so generous to emulate the Gladstone Area Partnership.

Councilman Lester: Mr. Chairman I can guarantee you if we in District A, if our Neighborhood Associations get our hands on \$10,000 as starved as we've been, it's going to be a cold day before that money comes back to the City. Thank you Mr. Chairman.

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

Motion by Councilman Carmody, seconded by Councilman Walford to adopt Ordinance No. 183 of 2004 as amended. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Green, Hogan. 6. Nays: None. Absent: Councilman Jackson. 1.

3. **Ordinance No. 184 of 2004:** An ordinance amending the 2004 Budget for the Riverfront Development Special Revenue Fund and otherwise providing with respect thereto.

Having passed first reading on November 9, 2004 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Walford, seconded by Councilman Green to adopt.

Councilman Carmody: Mr. Chairman, just a clarification from the Administration. This is actually utilizing Riverfront Development Fund? Is that correct. Is that the fund in which we're - - -?

Mr. Dark: Yes sir.

Councilman Carmody: And what are we doing with this money?

Mr. Dark: We are moving some money from the reserve to the Professional Services Account to pay for Convention Center pre-opening expenses primarily.

Councilman Carmody: How much is the pre-opening expenses?

Mr. Dark: The amendment is \$260,000.

Councilman Carmody: Okay, so we're supplementing the opening expenses for the Convention Center.

Mr. Dark: Yes sir.

Councilman Carmody: \$260,000 out of our Riverfront Development Fund?

Mr. Dark: Yes sir.

Councilman Carmody: Thank you for that clarification Mr. Dark. Thank you Mr. Chairman.

Councilman Walford: Mr. Chairman, I think it would be beneficial for those watching. Mr. Dark as I understand it, this is because we have a manager in place now and are beginning to market the Convention Center for future conventions after the opening. Is that right? So that's basically what this is for?

Mr. Dark: Yes sir.

Mr. Antee: We've also in addition to the General Manager for the Convention Center, SMG has hired the Director of Marketing and Sales who was the head of Director and Market and Sales in Memphis at their Convention Center and facility there.

Councilman Carmody: Last question. Thank you Mr. Chairman. Do we envision this being the last infusion from the Riverfront Development Fund in order to handle the opening for the convention center.

Mr. Dark: This is the last one for this year. We have money in next year's budget.

Councilman Carmody: Oh, to continue annual infusions?

Mr. Dark: To continue the process.

Councilman Carmody: Okay, thank you. Thank you sir.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Hogan and Green. 4. Nays: Councilmen Carmody and Gibson. 2. Absent: Councilman Jackson. 1.

4. **Ordinance No. 185 of 2004:** An ordinance amending and reenacting Section 98, Article II Trees and otherwise providing with respect thereto.

Having passed first reading on November 9, 2004 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Green for adoption. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None Absent: Councilman Jackson. 1.

5. **Ordinance No. 186 of 2004:** An ordinance amending Section 74-54 of the Code of Ordinances relative to landfill disposal fees and to otherwise provide with respect thereto.

Having passed first reading on November 9, 2004 was read by title, and on motion, ordered passed to third reading. Read the third time in full as read motion by Councilman Green, seconded by Councilman Walford to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Gibson, Hogan, and Green. 5. Nays: Councilman Carmody. 1. Absent: Councilman Jackson. 1.

6. **Ordinance No. 187 of 2004:** An ordinance amending Chapter 94 of the Code of Ordinances relative to utility rates and otherwise providing with respect thereto.

Having passed first reading on November 9, 2004 was read by title, and on motion, ordered passed to third reading. Read the third time in full as read, motion by Councilman Lester, seconded by Councilman Hogan to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Gibson, Hogan, and Green. 5. Nays: Councilman Carmody. 1. Absent: Councilman Jackson. 1.

7. **Ordinance No. 188 of 2004:** An ordinance creating and establishing a No Parking Anytime Zone on either side of Ashley Ridge Boulevard and to otherwise provide with respect thereto.

Having passed first reading on November 9, 2004 was read by title, and on motion, ordered passed to third reading. Read the third time in full as read, motion by Councilman Walford, seconded by Councilman Green to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Absent: Councilman Jackson. 1.

8. **Ordinance No. 189 of 2004:** An ordinance amending Chapter 50 of the Code of Ordinances of the City of Shreveport relative to Panhandling and otherwise providing with respect thereto.

Having passed first reading on November 9, 2004 was read by title and on motion ordered passed to third reading. Read the third time in full as read motion by Councilman Carmody seconded by Councilman Gibson to adopt.

The Clerk read the following amendment:

Amendment No. 1

Amend the ordinance as follows:

Delete the ordinance as introduced and substitute the attached ordinance dated 11/11/04.

Motion by Councilman Hogan, seconded by Councilman Carmody to adopt Amendment No. 1.

Councilman Hogan: Mr. Chairman, this ordinance is put together in order to address a problem that we've had, not only in District E, but also in other districts, where there are people standing on the street corners begging and soliciting alms. And so in the process of writing this we discovered, Sgt Shaw in fact with the Police Department discovered that there was already a State Ordinance in place which prohibits people from standing on the street corner with a sign saying "will work for food". Okay, what this will do is for example in District E, there are several people that stand on the street corner with their sign saying "Hungry, God Bless", or something to that affect. And so, they're not asking for work, they're not offering to work for food, but we just wanted to make sure to go back and have everything covered in order to keep people from standing on the side of the road. I've had several complaints from people in my district that they are afraid of these people. There was an article in last weeks paper about someone in Birmingham, AL standing on the street corner and all the witnesses said, they saw this fellow receive a dollar. Right after he received the dollar, the fellow turned the corner with his tractor trailer rig, knocked him over with the wheel and ran over him with the back wheel. So, it's a safety issue, it's a public safety issue as well and so I would also, I've been in talks with Chief Campbell, and he- - - the reason this amendment is on here is because we had originally planned to have a distance requirement from where people could be within a certain distance of ATM machines, public telephones, bus stops and so forth, but we had chosen to delete this part of the ordinance because it would be hard to enforce. Chief Campbell, I don't know if there is any need for you to come forward unless the Council has any questions.

Councilman Carmody: I do have a question.

Councilman Hogan: Regarding this, so if you would go ahead and come forward, I know someone or Sgt Shaw. Thank you sir. I'll defer to Councilman Carmody.

Councilman Carmody: Thank you Councilman Hogan. Sgt. Shaw, how are you sir?

Sgt. Shaw: I'm fine.

Councilman Carmody: Good. Very quickly, I was just perusing through the amendment, and it does read in Item 3, under Section B - "It shall be unlawful for any person to solicit money or other things of value". Item 3 says "From any operator of a motor vehicle that is in traffic that is on a public street, provided however that this subsection shall not apply to services rendered in

connection with an emergency repair requested by the owner or passengers of such vehicles.” I know this is gonna beg this question, so I’m gonna go ahead and ask it. Cause we’re all familiar with the one-armed gentleman that has the sign that says he’s a Viet Nam Vet and is hungry and God Bless and is always out there. But there are also other organizations that periodically target inner sections of the City and work within the traffic as traffic is moving through those intersections.

Sgt Shaw: Right and they have - - -

Councilman Carmody: Is this going to prohibit that activity?

Sgt Shaw: It’s already in the State Law that prohibits that activity unless they get permission from the municipality. They would have to get a permit from the City.

Councilman Carmody: A permit has to be issued in order for persons to be standing out in the public right of way on a road in order to solicit?

Sgt Shaw: Right and it dictates that it’s gotta be a non-profit for soliciting for charitable organizations like the Fire Department goes out and does the same for MDA.

Councilman Carmody: MDA. Right.

Sgt Shaw: And Salvation Army may get out and do the same but they have to get a permit from the City to do those things.

Councilman Carmody: Okay, so then, I just want to make sure that everyone was clear. It’s the non-profit organizations that are required to go and pull a permit in order to practice that type of solicitation within the public right of way in the traffic?

Sgt Shaw: That’s correct.

Councilman Carmody: But otherwise the way that this reads is it would be prohibited from a person just standing out in the public right of way, and you’re in your car and them walking up?

Sgt Shaw: Right.

Councilman Carmody: And I guess I envisioned it as really being the way it was in large communities, where people just come up out of nowhere to wash their windshield, stick their hands out, and ask you for money?

Sgt Shaw: Right, that would be prohibited.

Councilman Carmody: Thank you Sgt Shaw. Thank you Councilman.

Councilman Hogan: Thank you Sgt Shaw. Also Councilman Carmody, this permit would not have any cost. Any legitimate organization, even the Fire Department could come forward and get the permit at no cost. Thank you and I’m finished Mr. Chairman.

Councilman Green: What if they are without a sign? Do they have to have a sign?

Councilman Hogan: It’s my understanding and Ms. Glass might address this. It’s my understanding that it would prohibit them from standing in the right of ways. Julie?

Ms. Glass: I believe the way it’s written, if a person is soliciting alms, if they’re doing it verbally instead of a sign, it would still be illegal.

Councilman Green: Say for instance my car broke down and since I’m short and I’ve got to stand in the median to thumb a ride, does that prohibit me from doing that?

Ms. Glass: No, it’s based on if you’re soliciting alms.

Councilman Carmody: No second collections at the intersections.

Councilman Lester: Mr. Chairman, Sgt Shaw, quick question. If there is already a state statute that says this type of activity is illegal, why do we need this particular statute?

Sgt Shaw: Okay, the state statute is only in reference to soliciting to people inside of their vehicles, and the City ordinance would be - - -

Councilman Lester: This is much broader.

Sgt Shaw: Right, well, it would be more tailored, but specifically if someone was to walk up to you and (unclear) and ask you that. The ordinance doesn't cover that.

Councilman Lester: Okay, my next question and I guess this is a practical one and I'm not a law enforcement person, how are we going to enforce this?

Sgt Shaw: It's enforce able if you have someone that has been accosted or solicited from for alms or benefits of some sort, and they say no, well then right a way, you have a witness to say I was solicited by someone for alms. And therefore you would have a charge. And what happens is, generally what we do now is just make one person move and they just go to another location. So, we find ourselves going to that same person over and over again, telling them to move to another location basically and that's what they do. Instead of that, we have something to charge them with and we can put 'em in jail and the officer won't be tied up making that same call over and over and over again.

Councilman Lester: Okay, that answers my question.

Councilman Hogan: Sgt Shaw, as we spoke on the phone earlier, you said that you would send out a memo and that you would be discussing this at roll call with the men and women on patrol, right?

Sgt Shaw: Once this ordinance is passed, we'll get that information down to the officers.

Councilman Hogan: Once we pass this today, the Administration has to sign off on it and it's going to be another few days before it actually goes into affect. Is that right? Any idea of when we can have that done?

Mayor Hightower: I'm waiting on you.

Mr. Thompson: It'll be at least two weeks.

Councilman Carmody: Sgt Shaw, I would ask if we could do this. Is there a possibility that the Police Department, if this passes and is enacted into law, can notify the local shelters, to help apprise the transient persons who are going through the community that 'be at your own risk, do this because it is illegal and you can be taken to jail.' At least if they know that, I'd feel more comfortable than having persons at this time of the season or visiting our fair city and are looking to try to work on people's generosity, find themselves in our brand new lock up.

Sgt Shaw: Sure. We'll do it.

Councilman Carmody: Thank you.

Councilman Lester: Thank you Mr. Chairman. I don't have any questions for Sgt Shaw. My question - - - I have a question and a comment. My question would be to Ms. Glass. Are there any free speech implications with this particular statute?

Ms. Glass: Mr. Lester, we did look at that and we believe it is written narrowly tailored, I guess would be the catch phrase. It does not prohibit all panhandling. It prohibits it from drivers of motor vehicles and certain other situations, that if you look at, what they are is when people are somewhat of a captive audience. Waiting in line, going in to a public building or something like that. And the other category is aggressive panhandling. So we did look at that and I think it is narrowly tailored.

Councilman Lester: Okay, I would just say, in this time of year, I cannot see where someone who may or may not be as fortunate as we are. Who has either chosen by their own circumstance or by the circumstance of life to be reduced to the point where they have to ask alms of others should be placed in a criminal situation. I find it interesting that we use the words "alms", because Pastor Green, that's almost a biblical type of situation. And as I appreciate it, I'm not an expert, although I'm working toward that effort, that the Bible says the poor will be

with you always. And it seems as if with this vote, we're going to make it a criminal offense to be poor and to try to solicit support from the generosity of our constituents or the people in the City of Shreveport. That's not the city that I want to live in, that says that someone who is destitute, may or may not be destitute, that's standing there with a sign that says "hungry", that we can't of our own free will decide to give that person a dollar or some change and be blessed by whatever God it is that we pray to. I can't agree with that. This might pass, but it's not going to pass with my vote. I don't want to live in that city Mr. Chairman. Thank you.

Councilman Green: Thank you Mr. Chairman. Since Councilman Lester brought about the alms, there was a fellow who was traveling and somehow or another, he fell among the thieves, and there were some folk who passed by and looked to the other side. Another one passed by and of course, they were probably on their way to church. There was another guy who passed by and helped him, got in the ditch with him and I'll call this man the "bloody and the dusty". And he carried him to the hotel and said, "I got to go, but I'm coming back this way again, and if there is any charge, put it on my tab." When Jesus saw hungry people, he pulled bread off bread, fish off fish. The more he pulled, the more he had. When he saw the sick, a woman had been sick for 12 years, bleeding. She just touched the hem of his garment. Some times we see the bloody and the dusty, and we want to look to the other side, or we don't want them there when we pass by, and if they are there, then we can always say that our city, our neighborhood's problem free. But I think when I see those folk, it gives me an opportunity to lend a helping hand. It's not left up to me to judge whether or not they need it, in fact, Jesus was talking to some Pharisees and some Scribes one day. And he was talking to some sinners, and some Pharisees and some Scribes and they mumbled saying "this guy hangs out with sinners. Not only hangs out with them, but he eats with them. So, I wouldn't be able to do this. Vote for this. I see what we are trying to do, but I just think that we should give 'em a helping hand and if we are afraid of them, then I think there is some comfort in the word of God that he says that no weapon formed against you shall prosper. He also says "be not dismayed, whatever the tide, God will take care." So, I couldn't be the judge and jury to say that folk like that can't hang out on the corner, because you never know who needs what. But it's our responsibility to help the Bloody and the Dusty".

Councilman Gibson: Mr. Green, I'm going to pass the gavel for a second, I've just got one comment. It's interesting that this is coming up for a vote today. I was in Houston for Thanksgiving holiday and apparently that City has an ordinance on the books, but they went one step further, because obviously they have a lot of interstate freeways that go through with a lot of underpasses, they actually have gone one step further Councilman Hogan to post signage in some key areas to address this situation within the public to make them aware of it and I guess for your consideration for the future, I might recommend that maybe our Police Department contact the Houston Police Department or maybe we can contact the administration within the City of Houston because those signage got my attention real quick pulling up to the intersection that's heavily congested, and I know Councilman Walford just made the comment that even in my district, I-49 and Bert Kouns, we have a lot activity out there. But I think there is merits on both sides, but I do appreciate you bringing it forward.

Councilman Hogan: A couple of more comments I'd like to make. It's pretty easy for me to see how this could be misunderstood by a lot of people. I'd just like to add a couple of comments about my motivation for doing this. I have witnessed some of the people in my district and by the way are regulars that are on the street corners. At the - - - I'm not going to mention the grocery store, but it has a liquor store attached to it, and I've witnessed the person

that received the money, going into the liquor store to buy liquor. I just want to clarify that. Most of the people, most of the situations in my districts are people that don't want to work or people that I know of in two places that are camping out, one behind a home and one other behind a business and they're not interested in working. Not to mention the fact, and I think somebody mentioned a few minutes ago, this is a bad image. It's not the kind of image I want in my district. You know for people that are visiting with people standing on the street corner begging. You know, while we're quoting Bible Verses, there is a verse in Proverbs, it says "let another praise you and not your own mouth." And that's why I really hesitate to mention this, but because of the example drawn a while ago, and I've been called a lot of names while I was up here. But nobody ever said it was me. However, there are a lot of organizations within this City, that I support. Over a dozen that I personally support above and beyond my Church that I believe in with my tithes and offerings. So, I'm not trying to blow my own horn, but anyway, I certainly believe there are places that are worthwhile for people to go to that are in need. The Shreveport/Bossier Rescue Mission, the Providence House are just two that come to my mind, that I believe in and support. Christian Services, the Salvation Army and so, I can see how someone would see me as the bad guy, and painting a picture to make me look that way, however, that's the risk I ran in proposing this ordinance. And so, I'd just like for people to understand where I'm coming from and that I'm not trying to put people out on the street and keep them there, but anyway, I just want to make sure that we have people off the street that are there just for the purpose of begging, that don't want any better for themselves, that not have fallen on hard times but are living on hard times and intend to stay there, with no interest in better themselves, and so with that I would recommend approval, I would recommend that you vote for approval of the ordinances. Thank you, Mr. Chairman.

Councilman Gibson: Thank you, Councilman Hogan. Councilman Walford.

Councilman Walford: I'm not going to judge what people do, whether they're homeless, why they decide to beg, and I would be willing to bet that there has been more of this in my district than any other one with Downtown, with the location of a number of the facilities that you just named, and I really haven't had a complaint from a constituent about panhandling, the complaints I've had are from constituents who have run into panhandlers who've been overly aggressive and there have been some of those, I don't know how we regulate that, how we stop it. I really look at this with mixed feelings, and I would just have to say that those who are asking for help, probably deserve it, those who are overly aggressive and scare my constituents, are the problem and those are very few in the scope of the total number. So, with that Jeff, I really don't know which way to go on this but, I commend you for trying just not sure that this is the answer.

Councilman Green: Mr. Chairman.

Councilman Gibson: Councilman Green.

Councilman Green: Thank you, Councilman Hogan I just like to say if you thought that I was making inferences about what you said then I apologize to you because I was not, I'm just speaking my heart. I'm not pointing the finger, I'm not saying it's bad, I'm just saying how Jesus looked upon it when you talk about alms, there was a guy who was at church asking for alms, he was on the outside and they invited him to come on in, they said such as I have I will give it to you, I'm not saying anything that you crafted this in a bad way, I'm just speaking my heart as to there are hungry people all over, there's somebody's children and maybe they don't know how to they have the strength to go to the Rescue Mission, or they don't have the strength to go to Christian Service, they just do what they do – should we penalize them for being there?

The way that I take it is that if in fact the day that I want to give, then I give and I give it from my heart and I keep on moving. I don't know how to say to them you can't be on this corner, asking for help, because somebody need help and I'm just speaking from my heart, not that it is bad of you to do that, it's just that I just spoke what I felt, and so if you thought that I was somebody bad, I apologize to you publicly, but it was not in a bad fashion, it's just speaking from my heart, I don't know how to say about a person on the corner asking for help, because Jesus says, ask and it shall be given, seek and ye shall find, knock and a door shall be open, so basically with that Mr. Chair, I call for the question.

Mayor Hightower: Mr. Chairman.

Councilman Gibson: Councilman, could I ask for a defer on the question, just for a second?

Councilman Green: Fine.

Councilman Gibson: Mayor.

Mayor Hightower: Thank you, Mr. Chairman. I think the issue that's before you today is certainly complex, and I think there are two sides to it. Just recently a survey was issued and claimed that Louisiana was the fourth most terrible state in the country and Shreveport is certainly no exception to that. However, I think Councilman Hogan does have a decent point, for some people it's become a business. There are some in need and I wouldn't suggest that any of us judge who is in business and who is out there who is truly needy. However, there is a state law in place, as Officer Shaw just told you about that anytime a police officer or a citizen sees someone that's threatening or impeding traffic, or a danger to himself or the public, they either ask them to move on or they pick them up, and move on. And it is interesting that we are talking about this today, because a couple of weeks ago, I was talking to Reverend Martin at the Rescue Mission, and I thought he came with a solution that was a real solution, and I think everybody knows him and knows his mission, and his mission is to remove the homeless from the street, get them back on their feet and turn them into productive citizens, and has a great track record of doing that. His comments to me were that as long as people continue to hand that dollar out the window, we will continue to see an influx of people taking advantage of the fourth most generous state in the country, whether they need the money or they don't need the money, his suggestion to me and he has them available, are that if our citizens want to help someone and that truly is a tug at the heart with that person standing there with the sign, with the disability or with ran on there head, if we would take a ticket or make your own, that say Shreveport Bossier Rescue Mission, phone number, call them, or I will call them for you, do you want me to call them for you, and they will send a van to this corner and pick you up, that's a way to truly help people get back on their feet, not a dollar. You know as well as I know where most of the dollars go far, for the people that consider it a business, and stand on the street corners every single day, and it has gotten to be a bigger problem, we see the same people day after, day after, day and you know, I shutter to think that some of them probably make more than some of us, but if we truly want to help people get back on their feet there are organizations in one of the most generous city's in the country Shreveport, that are out there to help people accomplish their goal, to not belittle them but to uplift them, to put them back on their feet, to put them back into society and I believe that's the best thing that I've heard anyone say that we ought to do, and this came from a guy that's a preacher that runs the mission, that says give them my phone number, and I will take care of them, I will be sure they have a place to sleep, a good hot meal to eat, a shower, clothes if they need it and I'll help them find a job, that's the best thing we can do for those people, and I

think the best thing again for us to do is to give those people a hand up and not a hand out, and that hand up being the agencies here, in particular the rescue mission.

Councilman Gibson: Thank you, Mayor. Councilman Lester.

Councilman Lester: I defer, I go back to Councilman Green's motion for the question, I'll second his motion for the question.

Motion by Councilman Green, seconded by Councilman Lester, to call for the question. Motion approved by the following votes: Ayes: Councilmen, Walford, Carmody, Gibson, and Hogan. 5. Nays: Councilmen Lester and Green. 2. Absent: Councilman Jackson. 1.

Motion by Councilman Hogan, seconded by Councilman Carmody, to adopt Amendment No. 1 to Ordinance No. 189 of 2004. Motion approved by the following votes: Ayes: Councilmen Walford, Carmody, Gibson, and Hogan. 4. Nays: Councilmen Lester, and Green. 2. Absent: Councilman Jackson. 1.

Mr. Thompson: For the record who was the motion by and the seconded.

Councilman Carmody: Motion by Hogan, seconded by Carmody.

Having passed first reading on November 9, 2004 was read by title, and on motion, ordered passed to third reading. Read the third time in full as read motion by Councilman Carmody, seconded by Councilman Hogan to adopt Ordinance No. 189 of 2004 as amended. Motion approved by the following votes: Ayes: Councilmen Walford, Carmody, Gibson, and Hogan. 4. Nays: Councilmen Lester, and Green. 2. Absent: Councilman Jackson. 1. Councilman Jackson. 1.

9. **Ordinance No. 190 of 2004:** Providing for the incurring of debt and the issuance of not to exceed Five Million Five Hundred Thousand Dollars (\$5,500,000) of Certificates of Indebtedness, Series 2004, of the City of Shreveport, State of Louisiana; prescribing the form, terms and conditions of said Certificates; designating the date, denomination and place of payment of said Certificates; providing for the payment thereof in principal and interest; authorizing the agreement with the Paying Agent; and providing for the acceptance of an offer for the purchase of said Certificates; and providing for other matters in connection therewith

Having passed first reading on November 9, 2004 was read by title, and on motion, ordered passed to third reading. Read the third time in full as read motion by Councilman Carmody seconded by Councilman Gibson to adopt.

The Clerk read the following amendment:

Amendment No. 1

Amend the ordinance as follows:

Delete the ordinance as introduced and substitute the attached ordinance

Motion by Councilman Walford, seconded by Councilman Green, to adopt Amendment No 1 to 190 of 2004. Motion approved by the following votes: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Absent: Councilman Jackson. 1.

Motion by Councilman Walford, seconded by Councilman Green, to adopt 190 of 2004 as amended. Motion approved by the following votes: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Absent: Councilman Jackson. 1.

10. **Ordinance No. 191 of 2004:** A Supplemental Ordinance amending and supplementing Resolution No. 131 of 1984 (the "General Bond Resolution") adopted on June 12, 1984, as amended; providing for the issuance of not to exceed \$12,000,000 principal amount of Water and Sewer Revenue Bonds, 2004 Refunding Series C, of the City of Shreveport, State of Louisiana, pursuant to the General Bond Resolution; approving and confirming the sale of such bonds; prescribing the form, fixing the details and providing for the payment of principal of and interest on such bonds and the application of the proceeds thereof for refunding certain bonds issued for the purpose of constructing and acquiring extensions and improvements to the City's combined waterworks plant and system and sewer plant and system (the "System") of the City; making application to the State Bond Commission; and providing for other matters in connection therewith.

Mr. Antee: Mr. Chairman, we'd asked that, that be postponed, the interest rates have moved to the point to where it is not beneficial and want save the money, and I would anticipate that at the next meeting we may ask that it be removed from the agenda.

Having passed first reading on November 9, 2004 was read by title, and on motion, ordered passed to third reading. Read the third time in full as read motion by Councilman Walford, seconded by Councilman Green, to postpone Ordinance No. 191 of 2004 until the next regular meeting. Motion approved by the following votes: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Absent: Councilman Jackson. 1.

11. **Ordinance No. 193 of 2004:** An ordinance to create and establish a "No Parking" zone on either side of Ashley Ridge Loop and to otherwise provide with respect thereto

Having passed first reading on November 9, 2004 was read by title, and on motion, ordered passed to third reading. Read the third time in full as read motion by Councilman Walford, seconded by Councilman Green, to adopt.

Councilman Walford: Now that I know the difference between Loop and Boulevard.
Councilman Gibson: There's two areas.

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

12. **Ordinance No. 180 of 2004: ZONING C-69-04:** 550 Cross Lake Boulevard, MYRLENE BRAZZEL , Brazzel Properties LLC & City of Shreveport, West side of Cross Lake Boulevard, 890 feet west of Dilg League, from R-1D & SPI-5 to B-3 & SPI-5-E, Marina or other permitted uses within this zoning classification

Having passed first reading on October 26, 2004 was read by title, and on motion, ordered passed to third reading. Read the third time in full as read motion by Councilman Lester,

seconded by Councilman Carmody to postpone.

Councilman Carmody: Mr. Chairman.

Councilman Gibson: Councilman Carmody.

Councilman Carmody: At today's Risk Management meeting, we actually did discuss the issue regarding the underground storage tanks that are located within the City of Shreveport's right away and I'm not sure of what the actual contour lines is that is beneath that elevation it's actually the City of Shreveport's property. What we had wanted to request at least in talking to Councilman Walford, was a report of those underground storage tanks that are located on the City of Shreveport's property within that Cross Lake water shed, and again we'd like some documentation as to a hold harmless release by this particular entity as far as any liability regarding the environmental or any potential environmental contamination that we would have the assurance through risk manager, that the City had reviewed that hold harmless and had signed off on it in conjunction with the City Attorney's to make sure that the City was not biting off any more liability toward remediation and it should be taken off. Can we have Mr. Strong provide us with that information?

Mayor Hightower: Yes.

Councilman Carmody: Thank you, Mr. Mayor. Thank you, Mr. Chairman.

Councilman Walford: Mr. Chairman.

Councilman Gibson: Councilman Walford.

Councilman Walford: Can I, piggy back on that just a bit, and ask Mrs. Glass a couple of questions on this? Can we stipulate that as part of our approval of the zoning that we get the hold harmless or how do we get that in this – ?

Mrs. Glass: Normally, you can put stipulation in the zoning ordinances, you can either do it that way or just make sure that you have it before you approve it, which might be a better way to go about it otherwise you'd have to (inaudible). Having just gotten that question, that's the best answer I can give you at this time.

Councilman Walford: I'll be in touch with you, and hopefully, Councilman Carmody will join me and we'll come up with what we need to protect us.

Councilman Gibson: Any other comments from council?

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

13. **Ordinance No. 192 of 2004: ZONING - C-59-04: CORRECTION LEGAL FOR RACETRAC PETROLEUM, Agean First Corporation; SW Corner of Linwood Avenue & Industrial Loop, R-A to B-3, Convenience store & fueling station or other uses permitted within this zoning classification**

Having passed first reading on November 9, 2004 was read by title, and on motion, ordered passed to third reading. Read the third time in full as read motion by Councilman Walford, seconded by Councilman Green to adopt.

Councilman Walford: Just very briefly, for the record.

Councilman Gibson: Councilman Walford.

Councilman Walford: Apparently, when they did their application initially to the MPC

there was a typo or a mistake in the legal description and it was improved by the MPC and this Council and were just correcting it – allowing them to correct their mistake.

Councilman Gibson: Thank you, Councilman Walford. Any other discussion?

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

Councilman Gibson: Mr. Clerk, any other items of business?

Mr. Thompson: That's all.

Councilman Gibson: Item 10, unfinished business, we have several items that have been introduced and tabled from October 12th, on the budget appropriation ordinances.

Mr. Thompson: I believe they are all going to remain until December 14th.

The adopted ordinances and amendments follow:

ORDINANCE NO. 183 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 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 D (Drainage Improvements):

Decrease the appropriation for 2600 Leaf Lane Drainage (01D008) by \$10,000. Funding source is 2003 GOB.

Increase the appropriation for 6603 Santa Monica Drainage (01D011) by \$10,000. Funding source is 2003 GOB.

In Program E (Water Improvements):

Establish a project entitled Backflow Preventers - Water Distribution System (04E002) at \$788,500. Funding sources are \$433,700 from EPA Grant and \$354,800 from 2000 A URB.

In Program F (Sewer Improvements):

Increase the appropriation for Querbes Lift Station Force Main Repairs (02F004) by \$150,000. Funding source is 2000A URB.

Establish a new project entitled Wallace Force Main Repairs (04F001) at \$328,000. Funding source is 2000A URB.

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 to Ordinance No. 183 of 2004. An Ordinance Amending the 2004 Capital

Improvements Budget

AMEND THE ORDINANCE AS FOLLOWS:

In Program C (Streets Improvements):

Increase the appropriation for Sidewalk Program and Curb Cuts (01C029) by \$10,000. Funding source is Private Donations.

In Program F (Sewer Improvements):

Increase the appropriation for SSO Abatement Program (98F004) by \$100,000. Funding source is 2000 A URB.

Decrease the appropriation for Wallace Lift Station Improvements (01F003) by \$150,000. Funding source is 2000 A URB.

Increase the appropriation for North Regional Main and Manhole Rehabilitation (03F002) by \$50,000. Funding source is 2000 A URB.

ORDINANCE NO. 184 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 shift funds between budget categories 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 2 (Appropriations):

Increase Contractual Services by \$260,000.

Decrease Operating Reserves by \$260,000.

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. 185 OF 2004

AN ORDINANCE TO AMEND AND REENACT SECTION 98, ARTICLE II, TREES, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport in due, regular and legal session convened that Section 98, Article II, Trees, of the Code of Ordinances for the City of Shreveport is hereby amended and reenacted to read as follows:

ARTICLE II. TREES

Sec. 98-26. Trimming of trees, etc., that overhang public ways.

(a) All persons owning or maintaining shade or ornamental trees, shrubs or

hedges upon the sidewalks or banquettes of the city shall keep such trees, shrubs and hedges trimmed and in such condition so as not to interrupt a clear vision of both vehicle and foot traffic and so as not to be an obstruction to vehicle or foot traffic, and so as not to interfere with the proper diffusion of light from any streetlight or standard light. Owning or maintaining any trees, shrubs or hedges in violation of this section is hereby declared to be a public nuisance.

- (b) All trees, shrubs and hedges located on public rights-of-way or located on private property but hanging or encroaching onto public rights-of-way shall be trimmed of all limbs and foliage to a height of at least seven feet above the sidewalk, and fifteen feet above the street and curb level and shall be trimmed or planted in such a manner so as to result in a single trunk or stem. Any such planting on private property which causes any obstruction to the line of sight visibility for vehicles traveling on or entering any public right-of-way shall be cut or trimmed to a minimum of four (4) feet from the street surface or as determined necessary by the city to achieve proper sight distance clearance.
- (c) The regulations set forth in subsection (b) of this section may be modified by the city as they pertain to certain specific locations which are of a sufficient distance from public streets, alleys and sidewalks so as to allow such modification without resulting in any interference with the use of the public right-of-way.
- (d) Any trees, shrubs or hedges which are not maintained in accordance with the regulations contained in subsection (b) of this section shall be forthwith brought into compliance with such regulations by the owners thereof.
- (e) The city may notify any owner who is not maintaining his trees, shrubs or hedges in accordance with the provisions of this section to do so within ten days.
- (f) When the owner of trees, shrubs and hedges located on a public right-of-way or private property fails to maintain such trees, shrubs and hedges in accordance with the provisions of this section, resulting in interference with the use of such public right-of-way, in addition to the remedies contained in subsection 98-29(a), the city may, after serving the notice called for in subsection (e) hereof, trim such trees, shrubs and hedges in the manner provided in this section. Sec. 98-27. Use of climbing spikes regulated.

It is hereby declared to be unlawful and a misdemeanor for any person engaged in the profession of servicing trees, including but not limited to arborists and public utility firms, to employ the use of climbing spikes in order to climb trees, unless the condition of the tree is such that it is impossible to climb without the use of such devices. If climbing spikes must be utilized, the person seeking to utilize them must first obtain written permission from the owner to utilize such devices. Additionally, after such devices are used, the duty is incumbent upon the person using such devices to spray any tree climbed with climbing spikes with a spray consisting of the proper pesticide and fungicide. Any person or company violating this section may subject themselves to penalty as provided in section 98-26(b).

Sec. 98-28. Arborists, tree trimmers required to remove debris; retention of logs, limbs, etc., by property owner.

- (a) It is hereby declared to be unlawful and a misdemeanor for any person engaged in the profession of servicing trees and shrubs, including but not

limited to arborists, tree removers, and line clearance personnel employed by or working under contract for utility companies, to perform such work without obtaining all required state and city permits and/or licenses required by chapter 98 of the City of Shreveport Code of Ordinances or to perform such services without removing all logs, limbs, and other debris from such premises at the same time such services are performed. Disposal of such debris must comply with all applicable state and city regulations.

- (b) The requirements and obligations contained in subsection (a) of this section may be and are therefore exclusively assumed by the owner or occupant of the property by notifying the person performing such services in writing that he desires to retain the logs, limbs, or other debris for his own personal use. Such written notice shall be retained by the person performing such service for not less than 30 days, and a copy thereof shall be furnished to the city upon demand.
- (c) Any person or company cutting, removing, trimming or otherwise performing any type of work on any tree within the city limits of the City of Shreveport shall comply with all requirements set forth in La. R.S. 3:3801, et seq. and the La. Administrative Code, Title 7, Part XXIX, specifically as they relate to:
 - (1) Required arborists license.
 - (2) Signage of vehicles.
 - (3) Maintenance of insurance.
- (d) Any arborists operating within the City of Shreveport shall, in addition to obtaining their occupational license, be required to register with the City of Shreveport by obtaining an annual, renewable permit for the non-refundable fee of \$50.00. Such permit will be issued through the Department of Operational Services, Office of Public Works, Streets and Drainage Division, upon receipt of proof that all requirements in (c) above have been satisfied. Violations of section 98-28 will subject arborists to penalty imposed in section 98-29 (c).
- (e) No permittee shall assign, or in any other way convey his permit, the use thereof, any rights thereunder, to anyone by power of attorney or other process, or become involved in any type of agreement, assignment, or use whereby the permittee will not have supervision, direction, and responsibility of the arborist work for which the permit is obtained. The City of Shreveport shall have the authority to review payroll, tax, and insurance records to insure compliance with this section. Any permittee found in violation of this section shall be subject to immediate revocation of their permit as outlined in Section 98-29(c).
- (f) Specifically excluded from requirements set forth in this section and as provided in La. R.S. 3:3801 are:
 - (1) General yard maintenance personnel cutting limbs no greater than two inches in diameter or within 10 feet of ground level under the specific direction and responsibility of the owner of the property.
 - (2) A landowner or homeowner doing work on his own property, a land surveyor practicing his profession, land clearing operations, forestry operations, and utility companies doing work in emergency situations or in the preventing of emergency situations, for the restoration of service, or for the

installation of individual service lines by an installer repairer technician, shall not be required to obtain a utility arborist license as required by La. R.S. 3:3801, however, all debris generated as the result of emergency or preventative work by a utility company or contractor shall be removed by that entity within 48 hours after initial cutting.

- (3) None of these exclusions forego requirements set forth in Chapter 74, Section 30, City of Shreveport Code of Ordinances, Solid Waste Ordinance, which requires limbs to be no more than four feet in length nor more than 75 pounds in weight.

Sec. 98-29. Penalty.

- (a) Any person owning trees who is notified by the city to maintain such trees, shrubs and hedges in accordance with provisions of section 98-26(e) and fails to comply with such notice within ten days from receipt thereof shall be guilty of a misdemeanor, and, upon conviction, shall be fined an amount not to exceed \$500.00 for each offense. Each day that the violation is allowed to continue by the owner shall constitute a separate offense.
- (b) Any person utilizing climbing spikes in violation of section 98-27 shall cease such use immediately upon notification of violation. Any person found in violation of section 98-27 will be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$500 for each offense. Each occasion that such violation is allowed will be treated as a separate offense.
- (c) Any person, firm, or corporation operating as an arborist within the City of Shreveport and found to be in violation of any part of Chapter 98 of the City of Shreveport Code of Ordinances may have their City of Shreveport arborist permit revoked immediately and will be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$500.00 for each offense. Each day that the violation is allowed to continue by the arborist shall constitute a separate offense. Any person, firm or corporation having their permit so revoked may not apply for another permit for a minimum of one (1) year from the date of revocation.
 - (1) The City of Shreveport shall notify each permit holder whose permit is so revoked by certified mail, return receipt requested.
- (d) Any property owner/renter, or maintenance personnel under the direction of either, found to be in violation of Section 98-28(f)(3), as related to the City's Solid Waste Ordinance regarding disposal of solid waste, will be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$500.00 for each offense. Each day that the violation is allowed to continue by the property owner shall constitute a separate offense.
- (1) The City of Shreveport shall notify each permit holder whose permit is so revoked by certified mail, return receipt requested.

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. 186 OF 2004

AN ORDINANCE TO AMEND SECTION 74-54 OF THE CODE OF ORDINANCES RELATIVE TO LANDFILL DISPOSAL FEES 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 74-54 of the Code of Ordinances of the City of Shreveport is hereby amended to read as follows:

Sec. 74-54. Disposal of fees for city-owned facilities.

* * * * *

a. (2) The minimum fee, regardless of weight, shall be \$15.50.

a. (3) The fee per ton shall be \$31.00, with any partial fee being prorated on the basis of that basic fee exclusive of the minimum fee requirement.

* * * * *

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. 187 OF 2004

AN ORDINANCE AMENDING CHAPTER 94 OF THE CODE OF ORDINANCES RELATIVE TO UTILITY RATES AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City Council of the City of Shreveport is authorized and empowered to establish rates and charges for the customers of its water and sewerage system; and

WHEREAS, the City Council is required by City Charter to operate the City's water and sewerage systems in a businesslike and self-supporting manner; and

WHEREAS, the City Council finds it necessary to adjust water and sewerage rates, in order to adequately fund the City's water and sewerage systems.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in legal session convened, that Chapter 94 of the Code of Ordinances of the City of Shreveport is hereby amended as follows:

Sections 94-164 (1) and (2) are hereby amended and re-enacted to read as follows:

Sec. 94-164. Water Charges.

The following monthly rates shall be charged for water furnished to residential, commercial and industrial customers:

(1) Monthly water customer charge. The monthly water customer charge shall be as follows:

a. Effective January 1, 2005.

Water Meter Size (inches)	Inside City	Outside City
5/8	\$3.82	\$7.64
3/4	\$4.39	\$8.78
1	\$4.95	\$9.90
1 ½	\$7.92	\$15.84
2	\$11.17	\$22.34
3	\$23.72	\$47.44

4	\$41.03	\$82.06
6	\$80.66	\$161.32
8	\$120.50	\$241.00
10	\$163.46	\$326.92

b. Effective January 1, 2006:

Water Meter Size (inches)	Inside City	Outside City
5/8	\$3.97	\$7.94
3/4	\$4.57	\$9.14

1	\$5.15	\$10.30
1 1/2	\$8.24	\$16.48
2	\$11.61	\$23.22
3	\$24.67	\$49.34
4	\$42.67	\$95.34
6	\$83.89	\$167.78
8	\$125.32	\$250.64

10	\$170.00	\$340.00
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c. Effective January 1, 2007.

Water Meter Size (inches)	Inside City	Outside City
5/8	\$4.13	\$8.26
3/4	\$4.75	\$9.50
1	\$5.36	\$10.72
1 1/2	\$8.57	\$17.14
2	\$12.08	\$24.16

3	\$25.66	\$51.32
4	\$44.38	\$88.76
6	\$87.24	\$174.48
8	\$130.33	\$260.66
10	\$176.80	\$353.60

- d. In all cases, monthly water customer charges for bulk water purchase shall be the same as for regular commercial quantity rate, plus an administrative fee of Ten Dollars (\$10.00) per month.
- (2) Quantity charges. The monthly water customer quantity charge shall be as follows:
- a. Effective January 1, 2005.

Customer Class	Rate per 1,000 Gallons Inside City	Rate Per 1,000 Gallons Outside City
Residential	\$2.42	\$4.84
Commercial	\$2.12	\$4.24
Industrial	\$1.96	\$3.92

- b. Effective January 1, 2006.

Customer Class	Rate Per 1,000 Gallons Inside City	Rate Per 1,000 Gallons Outside City
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Residential	\$2.52	\$5.04
Commercial	\$2.21	\$4.42
Industrial	\$2.04	\$4.08

c. Effective January 1, 2007.

Customer Class	Rate Per 1,000 Gallons Inside City	Rate Per 1,000 Gallons Outside City
Residential	\$2.62	\$5.24
Commercial	\$2.30	\$4.60
Industrial	\$2.12	\$4.24

Sections 94-165 (1) and (2) are hereby amended and re-enacted as follows:

94-165. Sewerage Charges.

The following rates shall be charged for wastewater collection and treatment provided for customers served by the sanitary sewerage system of the city. The charges provided in this section are to be for the full payment of the costs of operation and maintenance, including replacement, of the wastewater collection and treatment system.

(1) Monthly sewerage charge. A monthly service charge for all users is established as follows:

Effective Date	Inside City	Outside City
January 1, 2005	\$3.48	\$6.96
January 1, 2006	\$3.62	\$7.24
January 1, 2007	\$3.76	\$7.52

(2) Quantity charge.

- a. Residential customers. Quantity charges for metered residential customers shall be based on 100 per cent of water consumption, unless the individual customer's average monthly water usage is less for the months of November, December, January and February, calculated after the month with the highest metered water usage and the month with the lowest metered water usage have been eliminated.
- b. Commercial and industrial customers. Quantity charges for commercial and industrial customers connected to the sewerage system shall be based on 100 per cent of metered water usage, provided that the director of operational services or his authorized designee shall be authorized to adjust these charges to account for such factors as product use and cooling tower evaporation. The customer shall bear the burden of proof regarding product use or evaporation losses when requesting an adjustment.
- c. Calculation. All quantity charges shall be calculated at the following rates per each 1,000 gallons of metered water use:

Effective January 1, 2005:

Customer Class	User Charge Portion	Capital Charge Portion	Total
Inside City			
Residential	\$2.14	\$1.07	\$3.21

Commercial/Industrial	\$1.78	\$0.87	\$2.65
Outside City			
Residential	\$2.14	\$4.28	\$6.42
Commercial/Industrial	\$1.78	\$3.52	\$5.30

Effective January 1, 2006:

Customer Class	User Charge Portion	Capital Charge Portion	Total
Inside City			
Residential	\$2.23	\$1.11	\$3.34
Commercial/Industrial	\$1.85	\$0.91	\$2.76
Outside City			
Residential	\$2.23	\$4.45	\$6.68
Commercial/Industrial	\$1.85	\$3.66	\$5.51

Effective January 1, 2007:

Customer Class	User Charge Portion	Capital Charge Portion	Total
Inside City			
Residential	\$2.32	\$1.15	\$3.47
Commercial/Industrial	\$1.93	\$0.95	\$2.88
Outside City			
Residential	\$2.32	\$4.63	\$6.95
Commercial/Industrial	\$1.93	\$3.81	\$5.74

Amend Section 94-165 (6) (b) (2) to read as follows:

2. The flat rate charges shall be as follows:

QUANTITY CHARGE INSIDE CITY

Effective Date	Customer Charge	User Charge	Capital Charge	Total
January 1, 2005	\$3.48	\$12.85	\$8.50	\$24.83
January 1, 2006	\$3.62	\$13.36	\$8.84	\$25.83
January 1, 2007	\$3.76	\$13.89	\$9.19	\$26.84

QUANTITY CHARGE OUTSIDE CITY

Effective Date	Customer Charge	User Charge	Capital Charge	Total
January 1, 2005	\$6.96	\$25.70	\$17.00	\$49.66
January 1, 2006	\$7.24	\$26.72	\$17.68	\$51.66
January 1, 2007	\$7.52	\$27.78	\$18.38	\$53.68

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 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.

BE IT FURTHER ORDAINED that this ordinance shall become effective on January 1, 2005.

ORDINANCE NO. 188 OF 2004

AN ORDINANCE TO CREATE AND ESTABLISH A NO PARKING ZONE ON EITHER SIDE OF ASHLEY RIDGE BOULEVARD 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 at any time of the day or night on either side of Ashley Ridge Boulevard.

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. 189 OF 2004

AN ORDINANCE AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES OF THE CITY OF SHREVEPORT RELATIVE TO PANHANDLING AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport in due, regular and legal session convened that Section 50-166 of the Code of Ordinances is hereby added to read as follows:
Sec. 50-166. Panhandling, Begging and soliciting alms.

13. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Accosting means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.

Ask, beg, panhandle and solicit mean and include, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms.

Forcing oneself upon the company of another means continuing to request, beg or solicit

alms from a person after that person has made a negative response, blocking the passage of the individual addressed or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

(b) It shall be unlawful for any person to solicit money or other things of value:

(1) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;

(2) Within 15 feet of the entrance to or exit from any public toilet facility;

(3) Within 15 feet of an automatic teller machine, provided that, when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

(4) Within 15 feet of any pay telephone, provided that, when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;

(5) In any public transportation vehicle, or in any bus or subway station, or within 15 feet of any bus stop or taxistand;

(6) From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs requested by the owner or passengers of such vehicle;

(7) From any persons who are waiting in line for entry to any building, public or private, including but not limited to any residence, business or athletic facility; or

(8) Within 15 feet of the entrance to or exit from a building, public or private, including but not limited to any residence, business or athletic facility.

(c) It shall be unlawful for any person to solicit money or other things of value:

(1) By accosting another; or

(1) By forcing oneself upon the company of another.

(d) The provisions of this section shall not apply to an organization which has obtained a permit from the city to conduct charitable solicitations in accordance with Article X. of Chapter 42 of the Code of Ordinances.

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.

Amendment No.1 to Ordinance No. 189 of 2004 Relative to AMENDING CHAPTER 50 OF THE CODE OF ORDINANCES OF THE CITY OF SHREVEPORT RELATIVE TO PANHANDLING AND OTHERWISE PROVIDING WITH RESPECT THERETO.

Delete the ordinance as introduced and substitute the attached ordinance dated 11/11/04.

AMENDMENT NO. 1 TO ORDINANCE NO. 190 of 2004

Offered by Councilman _____ and seconded by Councilman _____:

ORDINANCE

An ordinance providing for the incurring of debt and the issuance of not to exceed Five Million Five Hundred Thousand Dollars (\$5,500,000) of Certificates of Indebtedness, Series 2004, of the City of Shreveport, State of Louisiana; prescribing the form, terms and conditions of said Certificates; designating the date, denomination and place of payment of said Certificates; providing for the payment thereof in principal and interest; authorizing the agreement with the Paying Agent; and providing for the acceptance of an offer for the purchase of said Certificates; and providing for other matters in connection therewith.

WHEREAS, the budget for the City of Shreveport, State of Louisiana (the “Issuer”), for the fiscal year ending December 31, 2003, shows an excess of revenues over statutory, necessary and usual charges and all other expenses for such fiscal year sufficient to meet the maximum principal and interest requirements in any future year on the Certificates authorized herein (the “Certificates”); and this City Council of the City of Shreveport, State of Louisiana, as the governing authority of the Issuer (the “Governing Authority”), will herein obligate itself and its successors in office to budget and set aside annually adequate funds for the payment of the Certificates in principal and interest in future years; and

WHEREAS, the Issuer now desires to incur debt and issue Five Million Five Hundred Thousand Dollars and No/100 (\$5,500,000) of its Certificates of Indebtedness, in the manner authorized and provided in Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, as hereinafter provided for the purpose of financing energy saving capital expenditures for the Issuer and paying the costs of issuance of the Certificates; and

WHEREAS, it is the intention of the Issuer that the Certificates will be secured by and payable in principal, interest and redemption premium, if any, from an irrevocable pledge and dedication of the excess of annual revenues of the Issuer above statutory, necessary and usual changes in each Fiscal Year during which the Certificates are outstanding and any other legally available excess revenues of the Issuer (the “Revenues”); and

WHEREAS, the State Bond Commission, by action taken on September 23, 2004, has approved the issuance of the Certificates; and

WHEREAS, it is the desire of this Governing Authority to fix the details necessary with respect to the issuance of the Certificates and to provide for their authorization and issuance; and

WHEREAS, it is further the desire of this Governing Authority to provide for the sale of the Certificates at the price and in the manner herein provided;

NOW, THEREFORE, BE IT RESOLVED by the City of Shreveport, State of Louisiana (the “Governing Authority”), acting as the governing authority of the City of Shreveport, State of Louisiana (the “Issuer”), that:

SECTION 1. Definitions. As used herein, the following terms shall have the following meanings, unless the context otherwise requires:

“**Act**” means Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority.

“**Ambac Assurance**” shall mean Ambac Assurance Corporation, a Wisconsin domiciled stock insurance company.

“**Certificate**” means any Certificate of the Issuer authorized to be issued by this Ordinance, whether initially delivered or issued in exchange for, upon transfer of, or in lieu of any certificate previously issued.

“**Certificates**” means the Issuer’s Certificates of Indebtedness authorized by this Ordinance in the aggregate principal amount of not to exceed Five Million Five Hundred Thousand Dollars \$5,500,000.

“**Certificate Register**” means the records kept by the Paying Agent at its principal corporate trust office in which the registration of the Certificates and transfers of the Certificates shall be made as provided herein.

“**Code**” means the Internal Revenue Code of 1986, as amended.

“**Executive Officers**” means, collectively, the Mayor and the Clerk of the Council of the Governing Authority.

“**Financial Guaranty Insurance Policy**” shall mean the financial guaranty insurance policy issued by Ambac Assurance insuring the payment when due of the principal of and interest on the Obligations as provided therein.

“**Fiscal Year**” means the one year period ending December 31 of each year, or such other period as may be designated by the Governing Authority as the fiscal year of the Issuer.

“**Governing Authority**” means the City Council of the City of Shreveport, State of Louisiana.

“**Government Securities**” means direct obligations of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America, which are non-callable prior to their maturity, may be United States Treasury obligations such as the State and Local Government Series and may be in book-entry form.

“**Holder**” means the registered owner of any Certificates.

“**Interest Payment Date**” means January 1 and July 1 of each year in which the Certificates are outstanding, commencing January 1, 2005.

“Issuer” means the City of Shreveport, State of Louisiana.

“Ordinance” means this Ordinance authorizing the issuance of the Certificates, as it may be supplemented and amended.

“Outstanding” when used with respect to the Certificates means, as of the date of determination, all Certificates theretofore issued and delivered under this Ordinance, except:

- (1) Certificates theretofore cancelled by the Paying Agent or delivered to the Paying Agent for Cancellation;
- (2) Certificates for which payment or redemption sufficient funds have been theretofore deposited in trust for the owners of such Certificates, provided that if such Certificates are to be redeemed, irrevocable notice of such redemption has been duly given or provided for pursuant to this Ordinance or waived;
- (3) Certificates in exchange for or in lieu of which other Certificates have been registered and delivered pursuant to this Ordinance;
- (4) Certificates alleged to have been mutilated, destroyed, lost or stolen which have been paid as provided in this Ordinance or by law; and
- (5) Certificates for the payment of the principal (or redemption price, if any) of and interest on which money or Government Securities or both are held in trust with the effect specified in this Ordinance.

“Owner” or **“Owners”** when used with respect to any Certificates means the person in whose name the Certificate is registered in the Certificate Register.

“Paying Agent” means Regions Bank, Baton Rouge, Louisiana.

“Paying Agent Agreement” means the agreement to be entered into between the Issuer and the Paying Agent pursuant to this Ordinance.

“Person” means any individual, corporation, partnership, joint venture, association, joint-stock company, trust, unincorporated organization or government or any agency or political subdivision thereof.

“Record Date” for the interest payable on any Interest Payment Date means the 15th calendar date of the month next preceding such Interest Payment Date.

“Underwriter” means Crews & Associates, Inc. of Little Rock, Arkansas, the original purchaser of the Certificates.

SECTION 2. Authorization of Certificates; Maturities. In compliance with the terms and provisions of the Act, and other constitutional and statutory authority, there is hereby authorized

the incurring of an indebtedness of not to exceed Five Million Five Hundred Thousand and Dollars (\$5,500,000) for, and on behalf of, and in the name of the Issuer, for the purpose of financing energy saving capital expenditures for the Issuer and paying the costs of issuance of the Certificates, and to represent said indebtedness, this Governing Authority does hereby authorize the issuance of not to exceed Five Million Five Hundred Thousand Dollars (\$5,500,000) of Certificates of Indebtedness, Series 2004, of the Issuer. The Certificates shall be in fully registered form, shall be in the denominations corresponding to the principal amount of each maturity (one Certificate per Maturity) and shall be numbered from R-1 upward, within each series. The Certificates 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, payable on each Interest Payment Date, commencing January 1, 2005, at the rate or rates not to exceed 6% per annum, and shall become due and payable and mature serially on January 1 of each year, from January 1, 2005, through and including January 1, 2021. The Certificates will be in substantially the form set forth in Exhibit A hereto, with such necessary or appropriate variations, omissions and insertions as are required or permitted by the Act and this Certificate Ordinance.

The principal of the Certificates, upon maturity or redemption, shall be payable at the principal office of the Paying Agent, upon presentation and surrender hereof, and interest on the Certificates shall be payable by check of the Paying Agent mailed by the Paying Agent to the Owner (determined as of the close of business on the Record Date) at the address shown on the Certificate Register. Each Certificate delivered under this Ordinance upon transfer of, in exchange for or in lieu of any other Certificate shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Certificate, and each such Certificate shall bear interest (as herein set forth) so neither gain nor loss in interest shall result from such transfer, exchange or substitution.

No Certificate shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Certificate a certificate of registration, substantially in the form provided in this Ordinance, executed by the Paying Agent by manual signature.

SECTION 3. Redemption Provisions. The Certificates maturing January 1, 2015, and thereafter shall be callable for redemption at the option of the Issuer in full at any time on or after January 1, 2014, or in part and if less than a full maturity, then by lot within each maturity, on any Interest Payment Date on or after January 1, 2015 at the principal amount thereof, plus accrued interest from the most recent interest payment date to which interest has been paid or duly provided for.

In the event a Certificate to be redeemed is of a denomination larger than \$5,000, or a portion of such Certificate (\$5,000 or any multiple thereof) may be redeemed. Any Certificate which is to be redeemed only in part shall be surrendered at the principal corporate office of the Paying Agent and there shall be delivered to the Owner of such Certificate a new Certificate or Certificates of the same maturity and of any authorized denomination or denominations as requested by such Owner in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Certificate so surrendered. Official notice of such call of any of the Certificates for redemption shall be given by means of first class mail, postage

prepaid, by notice deposited in the United States mails not less than twenty (20) days prior to the redemption date addressed to the Owner of each Certificate to be redeemed at his address as shown on the Certificate Register.

SECTION 4. Registration and Transfer. The Issuer shall cause the Certificate Register to be kept by the Paying Agent. The Certificates may be transferred, registered and assigned only on the Certificate Register, and such registration shall be at the expense of the Issuer. A Certificate may be assigned by the execution of an assignment form on the Certificate or other instruments of transfer and assignment acceptable to the Paying Agent. A new Certificate will be delivered by the Paying Agent to the last assignee (the new Owner) in exchange for such transferred and assigned Certificate after receipt of the Certificate to be transferred in proper form.

SECTION 5. Form of Certificates. The Certificates and the endorsements to appear thereon shall be in substantially the form set forth in Exhibit A hereto.

SECTION 6. Execution of Certificates. The Certificates shall be signed by the Executive Officers for, on behalf of, in the name of and under the corporate seal of the Issuer, which signatures and corporate seal may be either manual or facsimile.

SECTION 7. Pledge and Dedication of Revenues. The Certificates shall be secured by and payable from:

- a. An irrevocable pledge and dedication of the excess of annual revenues of the Issuer above statutory, necessary and usual changes in each Fiscal Year during which the Certificates are outstanding and any other legally available excess revenues of the Issuer. The Certificates shall not be a charge on the other income and revenues of the Issuer as prohibited under the provisions of Article VI, Section 37 of the Louisiana Constitution of 1974, nor shall they constitute an indebtedness or pledge of the general credit of the Issuer.

SECTION 8. Parity Certificates or Bonds. The Issuer shall issue no other certificates, revenue bonds or any other debt obligations of any kind or nature payable from or enjoying a lien on the excess of annual revenues having priority over or parity with the Certificates, except that additional certificates or bonds may hereafter be issued on a parity with the Certificates under the following conditions:

The Certificates herein authorized or any part thereof, including the interest thereon, may be refunded, and the refunding certificates so issued shall enjoy complete equality of lien with the portion of the Certificates which is not refunded, if there be any, and the refunding certificates shall continue to enjoy whatever priority of lien over subsequent issues that may have been enjoyed by the Certificates then being refunded; provided, however, that if only a portion of the Certificates outstanding is so refunded and the refunding certificates required total principal and interest payments during any year in excess of the principal and interest which would have been required in such year to pay the Certificates refunded thereby, then

such Certificates may not be refunded without the consent of the Owner of the unrefunded portion of the Certificates issued hereunder (provided such consent shall not be required if such refunding certificates meet the requirements set forth in clause (b) of this section);

Additional certificates, revenue bonds or other debt obligations may be issued and enjoy a full and complete parity with the Certificates with respect to the excess of annual revenues, provided that the anticipated excess of annual revenues in the year in which the additional certificates or other debt instruments are to be issued, as reflected in the budget adopted by this Governing Authority, must at least equal to the combined principal and interest requirements for any calendar year on the Certificates and the additional certificates, revenue bonds or other debt instruments;

Junior and subordinate certificates, revenue bonds and other debt obligations may be issued without restriction;

The Issuer must be in full compliance with all covenants and undertakings in connection with the Certificates and there must be no delinquencies in payments required to be made in connection therewith; and

The additional certificates, revenue bonds or other instruments of indebtedness must be payable as to principal on October 1st of each year, commencing not more than two years from the date thereof and payable as to interest on April 1st and October 1st of each year.

SECTION 9. Funds and Accounts. In order that the principal of and interest on the Certificates will be paid in accordance with their terms, the Governing Authority does hereby irrevocably and irrepealably dedicate, appropriate and pledge the excess of annual revenues of the Issuer above statutory, necessary and usual changes in each Fiscal Year during which the Certificates are outstanding and any other legally available excess revenues of the Issuer.

All moneys deposited with the regularly designated fiscal agent bank or banks of the Issuer or the Paying Agent under the terms of this Ordinance shall constitute sacred funds for the benefit of the Owners of the Certificates, and shall be secured by said fiduciaries at all times to the full extent thereof in the manner required by law for the securing of deposits of public funds.

SECTION 10. Budget; Audit. As long as any of the Certificates are outstanding and unpaid in principal or interest, the Issuer shall prepare and adopt a budget prior to the beginning of each Fiscal Year and shall furnish a copy of such budget within thirty (30) days after its adoption to the Paying Agent and the Underwriter. The Issuer shall also furnish a copy of such budget to the Owners of any of the Certificates who request the same. Not later than six (6) months after the close of each Fiscal Year, the Issuer shall cause an audit of its books and accounts to be made by the Legislative Auditor or an independent firm of certified public accountants showing the receipts and disbursements made by the Issuer during the previous

Fiscal Year. Such audit shall be available for inspection by the Owner of any of the Certificates, and a copy of such audit shall be furnished to the Underwriter.

SECTION 11. Application of Proceeds. The Executive Officers are hereby empowered, authorized and directed to do any and all things necessary and incidental to carry out all of the provisions of this Ordinance, to cause the necessary Certificates to be printed, to issue, execute and seal the Certificates, and to effect delivery thereof as hereinafter provided. The proceeds derived from the sale of the Certificates shall be deposited by the Issuer with its fiscal agent bank or banks to be used only for the purposes for which the Certificates are issued. The principal proceeds shall be used for the purpose of financing energy saving capital expenditures for the Issuer and paying the costs of issuance of the certificates.

SECTION 12. Certificates Legal Obligations. The certificates shall constitute legal, binding and valid obligations of the Issuer and shall be the only representations of the indebtedness as herein authorized and created.

SECTION 13. Ordinance a Contract. The provisions of this Ordinance shall constitute a contract between the Issuer, or its successor, and the Owner or Owners from time to time of the Certificates, and any such Owner or Owners may, at law or in equity, by suit, action, mandamus or other proceedings, enforce and compel the performance of all duties required to be performed by this Governing Authority or the Issuer as a result of issuing the Certificates.

No material modification or amendment of this Ordinance, or any Ordinance amendatory hereof or supplemental hereto, may be made without consent in writing of the Owners of two-thirds (2/3) of the aggregate principal amount of the Certificates then outstanding; provided, however, that no modification or amendment shall permit a change in the maturity or redemption provisions of the Certificates, or a reduction in the rate of interest thereon, or in the amount of the principal obligation thereof, or affecting the obligation of the Issuer to pay the principal of and interest on the Certificates as the same shall come due from the revenues appropriated, pledged and dedicated to the payment thereof by this Ordinance, or the percentage of the owners required to consent to any material modification or amendment of this Ordinance, without the consent of the Owners of the Certificates.

SECTION 14. Severability, Application of Subsequently Enacted Laws. In case any one or more of the provisions of this Ordinance or the Certificates shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions of this Ordinance or of the Certificates, but this Ordinance and the Certificates shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provision enacted after the date of this Ordinance which validate or make legal any provision of this Ordinance and/or the Certificates which would not otherwise be valid or legal, shall be deemed to apply to this Ordinance and to the Certificates.

SECTION 15. Recital of Regularity. This Governing Authority having investigated the regularity of the proceedings had in connection with the Certificates and having determined the same to be regular, the Certificates contain the following recital:

“It is certified that this Certificate is authorized by and is issued in conformity with the requirements of the Constitution and statutes of this State.”

SECTION 16. Effect of Registration. The Issuer, the Paying Agent, and any agent of either of them may treat the Owner in whose name any Certificate is registered as the Owners of such Certificate for the purpose of receiving payment of the principal of and interest on the Certificate and for all other purposes whatsoever, and to the extent permitted by law neither the Issuer, the Paying Agent, nor any agent of either of them shall be affected by notice to the contrary.

SECTION 17. Notices to Owners. Whenever this Ordinance provides for notice to Owners of Certificates of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and mailed, first-class postage prepaid, to each Owner of such Certificates at the address of such Owner as it appears in the Certificate Register. In any case where notice to Owners of Certificates is given by mail, neither the failure to mail such notice to any particular Owner of Certificates, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Certificates. Where this Ordinance provides for notice in any manner, such notice may be waived, in writing by the Owner or Owner entitled to receive such notice, whether before or after the event, and such waiver shall be the equivalent of such notice. Waivers of notice by Owners shall be filed with the Paying Agent, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 18. Cancellation of Certificates. All Certificates surrendered for payment, redemption, transfer, exchange or replacement, if surrendered to the Paying Agent, shall be promptly canceled by it and, if surrendered to the Issuer, shall be delivered to the Paying Agent already canceled, shall be promptly canceled by the Paying Agent. The Issuer may at any time deliver to the Paying Agent for cancellation any Certificates previously registered and delivered which the Issuer may have acquired in any manner whatsoever, and all Certificates so delivered shall be promptly canceled by the Paying Agent. All canceled Certificates held by the Paying Agent shall be disposed of as directed in writing by the Issuer.

SECTION 19. Sale of Certificates. The Certificates are hereby awarded to and sold to the Underwriter, with an underwriter's discount not to exceed 3%, and accrued interest to the date of delivery of the Certificates and under the terms and conditions set forth in the Certificate Purchase Agreement (set forth substantially in the form of Exhibit B hereto), and after their execution, registration by the Secretary of State and authentication by the Paying Agent, the Certificates shall be delivered to the Underwriter or their agents or assigns, upon receipt by the Issuer of the agreed purchase price. The Certificate Purchase Agreement in substantially the form attached hereto as Exhibit B is hereby approved and the Executive Officers are hereby authorized, empowered and directed to execute the Certificate Purchase Agreement on behalf of the Issuer and therein determine the purchase price and Underwriter's Discount within the parameters set forth above 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 Ordinance or to facilitate the sale of the Certificates.

SECTION 20. Official Statement. The Issuer hereby approves the form and content of the Preliminary Official Statement pertaining to the Certificates, which has been submitted to the Issuer, and hereby ratifies its prior use in connection with the sale of the Certificates. The Issuer further approves the form and content of the final Official Statement and hereby authorizes and directs the execution by the Executive Officers of the Issuer and delivery of such Official Statement to the Underwriter for use in connection with the public offering of the Certificates.

SECTION 21. Discharge of Ordinance; Defeasance. If the Issuer shall pay or cause to be paid, or there shall otherwise be paid to the Owner, the principal of and interest on the Certificates, at the times and in the manner stipulated in this Ordinance, then the pledge of the money, securities, and funds pledged under this Ordinance and all covenants, agreements, and other obligations of the Issuer to the Owner shall thereupon cease, terminate, and become void and be discharged and satisfied, and the Paying Agent shall pay over or deliver all money held by it under this Ordinance to the Issuer.

Certificates or interest installments for the payment of which money shall have been set aside and shall be held in trust (through deposit by the Issuer of funds for such payment or otherwise) at the maturity date thereof shall be deemed to have been paid within the meaning and with expressed above in this Section if they are defeased in the manner provided by Chapter 14 of Title 39 of the Louisiana Revised Statutes of 1590, as amended.

Notwithstanding anything herein to the contrary, in the event that the principal and/or interest due on the Certificates shall be paid by Ambac Assurance pursuant to the Financial Guaranty Insurance Policy, the Certificates shall remain Outstanding for all purposes, not be defeased or otherwise satisfied and not be considered paid by the Issuer and the assignment and pledge of the Trust Estate and all covenants, agreements and other obligations of the Issuer to the registered owners shall continue to exist and shall run to the benefit of Ambac Assurance, and Ambac Assurance shall be subrogated to the rights of such registered owners.

Ambac Assurance will allow the following obligations to be used as Permitted Investments for defeasance purposes in refunding escrow accounts:

(Ambac Assurance does not give a premium credit for the investment of accrued and/or capitalized interest).

- i. Cash (insured at all times by the Federal Deposit Insurance Corporation);
- ii. Direct Obligations of the United States of America; or
- iii. Senior debt obligations of other Government Sponsored Agencies approved by Ambac.

SECTION 22. Successor Paying Agent; Paying Agent Agreement. The Issuer will at all times maintain a Paying Agent meeting the qualifications hereinafter described for the performance of the duties hereunder for the Certificates. The designation of the initial Paying Agent in this Ordinance is hereby confirmed and approved. The Issuer reserves the right to appoint a

successor Paying Agent by (a) filing with the Person then performing such function a certified copy of a Ordinance or Ordinances giving notice of the termination to the Paying Agent Agreement and appointing a Successor and (b) causing notice to be given to each Owner. Every Paying Agent appointed hereunder shall at all times be a bank or trust company organized and doing business under the laws of the United States of America or of any state, authorized under such laws to exercise trust powers, and subject to supervision or examination by Federal or State authority. The Executive Officers are hereby authorized and directed to execute an appropriate Paying Agent Agreement for and on behalf of the Issuer in such form as may be satisfactory to said officers, the signatures of said officers on such Paying Agent Agreement to be conclusive evidence of the due exercise of the authority granted hereunder.

SECTION 23. Disclosure under SEC Rule 15c2-12. The Issuer will be required to comply with the continuing disclosure requirements described in Rule 15c-2-12(b) of the Securities and Exchange Commission (17 CFR §240.15c2-12(b)].

SECTION 24. Arbitrage. The Issuer covenants and agrees that, to the extent permitted by the laws of the State of Louisiana, it will comply with the requirements of the Code and any amendment thereto in order to establish, maintain and preserve the exclusion from “gross income” of interest on the Certificates under the Code. The Issuer further covenants and agrees that it will not take any action, fail to take any action, or permit any action within its control to be taken, or permit at any time or times any of the proceeds of the Certificates or any other funds of the Issuer to be used directly or indirectly in any manner, the effect of which would be to cause the Certificates to be “arbitrage bonds” or would result in the inclusion of the interest on any of the Certificates in gross income under the Code, including, without limitation, (i) the failure to comply with the limitation on investment of Certificate proceeds or (ii) the failure to pay any required rebate of arbitrage earnings to the United States of America or (iii) the use of the proceeds of the Certificates in a manner which would cause the Certificates to be “private activity bonds.”

The Executive Officers are hereby empowered, authorized and directed to take any and all action and to execute and deliver any instrument, document or certificate necessary to effectuate the purposes of this Section.

SECTION 25. Publication. A copy of this Ordinance shall be published immediately after its adoption in one issue of the official journal of the Issuer.

SECTION 26. Award of Certificates. The Issuer hereby accepts the offer of the Underwriter attached hereto as Exhibit C to purchase the Certificates. The Certificates shall be delivered to said Underwriter upon the payment of the principal amount thereof.

SECTION 27. Headings. The headings of the various sections hereof are inserted for convenience of reference only and shall not control or affect the meaning or construction of any of the provisions hereof.

SECTION 28. Special Provisions With Respect To Ambac Assurance. Ambac Assurance requires that the Financing Documents include the following consent provisions:

A. Consent of Ambac Assurance.

Any provision of this Ordinance expressly recognizing or granting rights in or to Ambac Assurance may not be amended in any manner which affects the rights of Ambac Assurance hereunder without the prior written consent of Ambac Assurance. Ambac Assurance reserves the right to charge the Issuer a fee for any consent or amendment to the Financing Document while the Financial Guaranty Insurance Policy is outstanding.

(b) Consent of Ambac Assurance in lieu of Holder Consent.

Unless otherwise provided in this Section, Ambac Assurance's consent shall be required in lieu of Holder consent, when required, for the following purposes: (i) execution and delivery of any supplemental Ordinance (ii) removal of the Trustee or Paying Agent and selection and appointment of any successor trustee or paying agent; and (iii) initiation or approval of any action not described in (i) or (ii) above which requires Holder consent.

(c) Consent of Ambac Assurance in the Event of Insolvency

Any reorganization or liquidation plan with respect to the Issuer must be acceptable to Ambac Assurance. In the event of any reorganization or liquidation, Ambac Assurance shall have the right to vote on behalf of all Holders who hold Ambac Assurance-insured Certificates absent a default by Ambac Assurance under the applicable Financial Guaranty Insurance Policy insuring such Certificates.

D. Consent of Ambac Assurance Upon Default.

Anything in this Ordinance to the contrary notwithstanding, upon the occurrence and continuance of an event of default as defined herein, Ambac Assurance shall be entitled to control and direct the enforcement of all rights and remedies granted to the Holders or the Trustee/Paying Agent for the benefit of the Holders under this Ordinance pursuant to state law.

E. All notices required to be sent under this Ordinance shall be sent to Ambac Assurance at:

One State Street Plaza
New York, New York 10004

Notices to be sent to the attention of the SURVEILLANCE DEPARTMENT:

A. While the Financial Guaranty Insurance Policy is in effect, the Issuer or the Trustee

as appropriate shall furnish to Ambac Assurance, upon request, the following:

- (a) a copy of any financial statement, audit and/or annual report of the Issuer
2. such additional information it may reasonably request.

Upon request, such information shall be delivered at the Issuer's expense to the attention of the Surveillance Department, unless otherwise indicated.

B. a copy of any notice to be given to the registered owners of the Certificates, including, without limitation, notice of any redemption of or defeasance of Certificates, and any certificate rendered pursuant to this Ordinance relating to the security for the Certificates, at no cost to Ambac.

C. To the extent that the Issuer has entered into a continuing disclosure agreement with respect to the Certificates, Ambac Assurance shall be included as party to be notified.

Notices to be sent to the attention of the GENERAL COUNSEL OFFICE:

A. The Trustee or Issuer as appropriate shall notify Ambac Assurance of any failure of the Issuer to provide relevant notices, certificates, etc.

B. Notwithstanding any other provision of this Ordinance, the Trustee or Issuer as appropriate shall immediately notify Ambac Assurance if at any time there are insufficient moneys to make any payments of principal and/or interest as required and immediately upon the occurrence of any event of default hereunder.

Other Information to be given to Ambac Assurance:

The Issuer will permit Ambac Assurance to discuss the affairs, finances and accounts of the Issuer or any information Ambac Assurance may reasonably request regarding the security for the Certificates with appropriate officers of the Issuer. The Trustee or Issuer as appropriate will permit Ambac Assurance to have access to the Project and have access to and to make copies of all books and records relating to the Certificates at any reasonable time.

F. As long as the Certificates insurance shall be in full force and effect, the Issuer, the Trustee and any Paying Agent agree to comply with the following provisions:

- (a) At least one (1) business day prior to all Interest Payment Dates the Trustee or Paying Agent, if any, will determine whether there will be sufficient funds in the Funds and Accounts to pay the principal of or interest on the Certificates on such Interest Payment Date. If the Trustee or Paying Agent, if any, determines that there will be insufficient funds in such Funds or Accounts, the Trustee or Paying Agent, if any, shall so notify Ambac

Assurance. Such notice shall specify the amount of the anticipated deficiency, the Certificates to which such deficiency is applicable and whether such Certificates will be deficient as to principal or interest, or both. If the Trustee or Paying Agent, if any, has not so notified Ambac Assurance at least one (1) business day prior to an Interest Payment Date, Ambac Assurance will make payments of principal or interest due on the Certificates on or before the first (1st) business day next following the date on which Ambac Assurance shall have received notice of nonpayment from the Trustee or Paying Agent, if any.

- (b) the Trustee or Paying Agent, if any, shall, after giving notice to Ambac Assurance as provided in (a) above, make available to Ambac Assurance and, at Ambac Assurance's direction, to The Bank of New York, in New York, New York, as insurance trustee for Ambac Assurance or any successor insurance trustee (the "Insurance Trustee"), the registration books of the Issuer maintained by the Trustee or Paying Agent, if any, and all records relating to the Funds and Accounts maintained under this Ordinance.
- (c) the Trustee or Paying Agent, if any, shall provide Ambac Assurance and the Insurance Trustee with a list of registered owners of Certificates entitled to receive principal or interest payments from Ambac Assurance under the terms of the Financial Guaranty Insurance Policy, and shall make arrangements with the Insurance Trustee (i) to mail checks or drafts to the registered owners of Certificates entitled to receive full or partial interest payments from Ambac Assurance and (ii) to pay principal upon Certificates surrendered to the Insurance Trustee by the registered owners of Certificates entitled to receive full or partial principal payments from Ambac Assurance.
- (d) the Trustee or Paying Agent, if any, shall, at the time it provides notice to Ambac Assurance pursuant to (a) above, notify registered owners of Certificates entitled to receive the payment of principal or interest thereon from Ambac Assurance (i) as to the fact of such entitlement, (ii) that Ambac Assurance will remit to them all or a part of the interest payments next coming due upon proof of Holder entitlement to interest payments and delivery to the Insurance Trustee, in form satisfactory to the Insurance Trustee, of an appropriate assignment of the registered owner's right to payment, (iii) that should they be entitled to receive full payment of principal from Ambac Assurance, they must surrender their Certificates (along with an appropriate instrument of assignment in form satisfactory to the Insurance Trustee to permit ownership of such Certificates to be registered in the name of Ambac Assurance) for payment to the Insurance Trustee, and not the Trustee or Paying Agent, if any, and (iv) that should they be entitled to receive partial payment of principal from Ambac Assurance, they must surrender their Certificates for payment thereon first to the Trustee or Paying Agent, if any, who shall note on such Certificates the portion of the principal

paid by the Trustee or Paying Agent, if any, and then, along with an appropriate instrument of assignment in form satisfactory to the Insurance Trustee, to the Insurance Trustee, which will then pay the unpaid portion of principal.

(e) in the event that the Trustee or Paying Agent, if any, has notice that any payment of principal of or interest on a Certificate which has become Due for Payment and which is made to a Holder by or on behalf of the Issuer has been deemed a preferential transfer and theretofore recovered from its registered owner pursuant to the United States Bankruptcy Code by a trustee in bankruptcy in accordance with the final, nonappealable order of a court having competent jurisdiction, the Trustee or Paying Agent, if any, shall, at the time Ambac Assurance is notified pursuant to (a) above, notify all registered owners that in the event that any registered owner's payment is so recovered, such registered owner will be entitled to payment from Ambac Assurance to the extent of such recovery if sufficient funds are not otherwise available, and the Trustee or Paying Agent, if any, shall furnish to Ambac Assurance its records evidencing the payments of principal of and interest on the Certificates which have been made by the Trustee or Paying Agent, if any, and subsequently recovered from registered owners and the dates on which such payments were made.

(f) in addition to those rights granted Ambac Assurance under this Ordinance, Ambac Assurance shall, to the extent it makes payment of principal of or interest on Certificates, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Financial Guaranty Insurance Policy, and to evidence such subrogation (i) in the case of subrogation as to claims for past due interest, the Trustee or Paying Agent, if any, shall note Ambac Assurance's rights as subrogee on the registration books of the Issuer maintained by the Trustee or Paying Agent, if any, upon receipt from Ambac Assurance of proof of the payment of interest thereon to the registered owners of the Certificates, and (ii) in the case of subrogation as to claims for past due principal, the Trustee or Paying Agent, if any, shall note Ambac Assurance's rights as subrogee on the registration books of the Issuer maintained by the Trustee or Paying Agent, if any, upon surrender of the Certificates by the registered owners thereof together with proof of the payment of principal thereof.

G. Ambac As Third Party Beneficiary.

To the extent that this Ordinance confers upon or gives or grants to Ambac any right, remedy or claim under or by reason of this Ordinance, Ambac is hereby explicitly recognized as being a third-party beneficiary hereunder and may enforce any such right, remedy or claim conferred, given or granted hereunder.

ORDINANCE NO. 192 OF 2004

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTHWEST CORNER OF LINWOOD AVENUE AND INDUSTRIAL LOOP SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-A, RESIDENCE AGRICULTURE DISTRICT, TO B-3, COMMUNITY BUSINESS DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on the southwest corner of Linwood Avenue and Industrial Loop, Shreveport, Caddo Parish, Louisiana, legally described below, be and the same is hereby changed from R-A, Residence Agriculture District, to B-3, Community Business District:

Being a 1.693 acre tract of land situated in the NE/4 of the NE/4 of Section 11, T16N-R14W, Caddo Parish, Louisiana, and being more particularly described as follows: Commencing at the NE corner of said NE/4 of the NE/4 of Section 11, same being at the intersection of the center lines of Bert Kouns Industrial Loop Expressway (a variable width right-of-way) and Linwood Avenue (a variable width right-of-way) same being the SE corner of Section 2, the SW corner of Section 1, and the NW corner of Section 12 of said T16N-R14W, Caddo Parish, thence S00E52'28"W, with said center line of Linwood Avenue, a distance of 100.00 feet to a point for corner; thence N88E54'30"W, a distance of 50.00 feet a ½ inch iron rod set for the P-O-B, same being at the SW corner of the intersection of said Bert Kouns Industrial Loop Expressway and Linwood Avenue; thence S00E52'28"W, departing the south line of said Bert Kouns Industrial Loop Expressway and with the W'ly line of said Linwood Avenue, a distance of 100.00 feet to a ½ inch iron rod set for corner; thence, S88E54'30"E, continuing with said W'ly line of Linwood Avenue, a distance of 20.00 feet to a point for corner, from which a concrete monument found bears S35E22'03"E a distance of 0.63 feet; thence, S00E52'28"W, continuing with said W'ly line of Linwood Avenue, a distance of 150.00 feet to a ½ inch iron rod set for corner; thence N88E54'30"W, departing said W'ly line of Linwood Avenue, a distance of 300.95 feet to a ½ inch iron rod set for corner; thence N01E05'30"E, a distance of 187.00 feet to a ½ inch iron rod set for a reentrant corner; thence N88E54'30"W a distance of 10.00 feet to a ½ inch iron rod set for corner; thence N01E05'30"E, a distance of 63.00 feet to a ½ inch iron rod set for corner in the south line of the above mentioned Bert Kouns Industrial Loop Expressway; thence, S88E54'30"E, with said south line of Bert Kouns Industrial Loop Expressway, a distance of 290.00 feet to the P-O-B. Said property contains a computed area of 73,748 square feet or 1.693 acres of land, M/L.

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

Development of the property shall be subject to a revised site plan to be submitted to the Planning Commission for approval, prior to the issuance of any permits. The revised site plan shall include, but not limited to alignment of the proposed curb cut with the existing curb cut across Linwood Avenue, additional property acquisition and/or a proposed servitude of passage to the west of the subject tract, and any required median cuts or other required approvals from the City Engineering Department or the Louisiana DOTD.

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. 193 OF 2004

AN ORDINANCE TO CREATE AND ESTABLISH A NO PARKING ANYTIME ZONE ON

EITHER SIDE OF NORTH ASHLEY RIDGE LOOP 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 at any time of the day or night on either side of North Ashley Ridge Loop.

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.

UNFINISHED BUSINESS:

1. 2005 Budget Appropriation Ordinances (Introduced and Tabled on October 12):

- 153 Adopting the 2005 Capital Improvements Budget, appropriating the funds authorized therein, and otherwise providing with respect thereto.
- 154 Adopting the 2005 General Fund Budget, appropriating the funds therein, and otherwise providing with respect thereto.
- 155 Adopting the 2005 Budget for the Retained Risk, Internal Service Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
- 156 Adopting the 2005 Budget for the Fleet Services Internal Service Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
- 157 Adopting the 2005 Budget for the Metropolitan Planning Commission's Special Revenue Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
- 158 Adopting the 2005 Budget for the Community Development Special Revenue Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
- 159 Adopting the 2005 Budget for the Riverfront Special Revenue Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
- 160 Adopting the 2005 Budget for the Environmental Grants Special Revenue Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
- 161 Adopting the 2005 Budget for the Shreveport Redevelopment Agency Special Revenue Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
- 162 Adopting the 2005 Budget for the Police Grants Special Revenue Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
- 163 Adopting the 2005 Budget for the Downtown Entertainment Economic Development Special Revenue Fund, appropriating the funds therein, and otherwise providing with respect thereto.
- 164 Adopting the 2005 Budget for the Golf Enterprise Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
- 165 Adopting the 2005 Budget for the Airports Enterprise Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
- 166 Adopting the 2005 Budget for the Water and Sewerage Enterprise Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
- 167 Adopting the 2005 Budget funding contractual services to SPORTRAN by Metro Management Associates, Inc., and otherwise providing with respect thereto.
- 168 Adopting the 2005 Budget for the Downtown Parking Enterprise Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
- 169 Adopting the 2005 Debt Service Fund Budget, appropriating the funds therein, and otherwise providing with respect thereto.

NEW BUSINESS:

1. Election of City Council Officers: Chairman and Vice-Chairman (effective on Nov. 30).

Councilman Gibson: Okay, new business, we have one item, election of City Council Officers, we got chairman and vice-chairman to take effect November 30th.

Motion by Councilman Carmody, seconded by Councilman Green, to nominate Mike Gibson for Chairman. Motion approved by the following votes: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Absent: Councilman Jackson. 1.

Councilman Gibson: The floor is open for nomination for Vice-Chair.

Motion by Councilman Lester, seconded by Councilman Green, to nominate Jeff Hogan for Vice-Chairman.

Councilman Walford: Mr. Chairman.

Councilman Gibson: Councilman Walford.

Councilman Walford: Only the look on his face. I wish Robert would put the camera on him.

Councilman Hogan: I don't know about discussion Mr. Chairman. Well, this is a total surprise to me, I'm flattered that I've been nominated for Vice-Chair. I just don't mean to put you on the spot Councilman Green, but I was thinking that we had discussed you had wanted to be Vice-Chair.

Councilman Green: Surprise!

Councilman Gibson: With that comment, I would assume you're accepting that nomination if approved?

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

Councilman Gibson: We also had a motion and a second to approve Councilman Hogan as the Vice-Chair. All in favor, vote Yea. Against - Nay.

Councilman Walford: Let's see how he votes.

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

Councilman Gibson: Congratulations Councilman Hogan.

**REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES. None
CLERK'S REPORT:**

Councilman Gibson: Mr. Clerk, do you have anything on your side?

Mr. Thompson: Just the letter of appeal. It's C-72-04. You added it to the agenda today, so it can be voted on at the next meeting.

Councilman Gibson: And we've added that to the agenda, correct?

Mr. Thompson: That's correct.

Councilman Gibson: So no action is needed.

Mr. Thompson: That's correct.

ADJOURNMENT: There being no further business, the meeting adjourned at approximately 5:54p.m.

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Theron Jackson, Chairman

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Arthur G. Thompson, Clerk of Council