

COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT, LOUISIANA
April 26, 2005

As amended and approved on May 10, 2005

The regular meeting of the City Council of the City of Shreveport, State of Louisiana was called to order by Chairman Mike Gibson at 3:04 p.m., Tuesday, April 26, 2005, in the Government Chambers in Government Plaza (505 Travis Street).

Councilman Gibson: If I could ask Councilman Walford, I think he has a special guest to do the invocation, but if I could ask Councilman Lester to do the Pledge of Allegiance right after that, I would appreciate it.

Councilman Walford: Mr. Chairman, we have Father Kenneth Paul back there, and I would really appreciate it if he would come up and share an invocation with us.

Invocation was given by Father Kenneth Paul.

The Pledge of Allegiance was led by Councilman Lester.

Councilman Gibson: Ladies and Gentlemen, could I ask you to please remain standing, I'd like to have a moment of silence for someone that was near and dear to me, but also to the community, we lost last week Senator Ron Bean. If we could have a moment of silence for Senator Ron Bean.

On Roll Call, the following members were Present: Councilmen Lester, Walford, Carmody (Arrived at 3:10), Gibson, Green, Hogan and Jackson. 7. Absent: None.

Motion by Councilman Green, seconded by Councilman Walford to approve the minutes of the Administrative Conference, Monday, April 11, 2005 and Council Meeting, Tuesday, April 12, 2005. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Gibson, Green, Hogan, and Jackson. 6. Nays: None. Out of the Chamber, Councilman Carmody. 1.

Amendment No. 1 to Council Proceedings of the City of Shreveport, December 14, 2004.

Amend the Minutes of the December 14, 2004, City Council meeting as published in the Official Journal (The Times) on December 21, 2004, as follows: On page 11B, column 10, delete Ordinance No. 153 of 2004, the Airports Enterprise Fund Budget and substitute the attached Ordinance No. 153 of 2004, the Capital Improvements Budget.

And, make the same amendment in the December 14, 2004, Minutes in the official "Council Book, 2004", and in the City Council Meeting Minutes as published on the City of Shreveport/City Council Web Page.

Explanation of amendment.

The Airports Enterprise Fund Budget was published twice in the Official Journal [inadvertently as Ordinance No. 153 of 2004, and correctly as Ordinance No. 165 of 2004 (page 13B beginning on column 4)]; and the Capital Improvements Budget Ordinance, which is Ordinance No. 153 of 2004, was not published.

This amendment corrects that error.

Motion by Councilman Walford, seconded by Councilman Lester to amend the minutes of Council Meeting, Tuesday, (December 14, 2005). Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Gibson, Green, Hogan, and Jackson. 6. Nays: None. Out of the Chamber, Councilman Carmody. 1.

[See "Ordinance No. 153 of 2004, adopted December 14, 2004", immediately following the Ordinances adopted today (April 26, 2005)].

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

Mayor Hightower: Thank you Mr. Chairman. I do have a couple of things today, that I'd like to do. I know a minute ago, you recognized Senator Ron Bean and the service that he had provided, not only to our community, but to the state as well, and certainly we will all miss him. I've got somebody else in the audience today that we're going to miss as well. Served on the City Council for four years. And for family reasons, is gonna pack up and move to Santa Fe, New Mexico. And we're really gonna hate to see him go. So, I'd like to ask Milton Williams if he would to step forward. I think most folks in the community know Milton for all the work that he's done over his lifetime in this community, all the way from the private sector to the public sector to his church, to his family, and mostly to his friends. He's been a good soldier, never gone away. Always stood there and fought the fight. Has come back to help the City when we were in turmoil in this city with the tragic police shooting, Milton came back in to step up to bring peace and harmony back to the City through his leadership of citizens police group. Just can't thank you for all the things that you have done, not only for the citizens of this City, but for me personally. And so, and we hate to see you go. And I've told you that before and we understand that you've come to a time in your life when you've gotta do what you've gotta do, and family is the most important thing. But I did want to present this to you that says *'In appreciation of your dedication and to your family, your friends, our church and your community for over 200 years, you should know that you are a permanent resident of the City of Shreveport, no matter where you retire, you'll be missed, but not forgotten. Best wishes from all the citizens of the City of Shreveport'*. Milton, we thank you for all you have done. And would like to invite the entire Council and anybody else that's in the audience, or watching at home this afternoon, there'll be a reception of, and I want Council Members to listen to this real close, there'll be a reception today at 5:30, 5:30 at the University Club in honor of Milton and his wife Charlotte to wish them well in this next chapter of their lives.

Mr. Williams: Council Members, good to see every one of you and proud of the work that you do. And I know what it is, because I sat there myself and it's with a lot of regret that we make this change in our lives, but it's time that we do this. Both of our children are residents of Santa Fe and that's our only family, so that's where we need to be at this stage of our lives. So, we have a lot, millions of friends seems like around Shreveport that we love and the city that we love, and the things that we've been privileged to do has been a real honor for us to be part of it. And I kinda think like General McArthur said when he left. *"Old soldiers never die, they just fade away."*

Councilman Gibson: Mr. Williams, please don't run off real quick. I'm sure there's a couple of comments, I know I for one when I moved back to my hometown, you were one of the first to welcome me into your home to share your thoughts in terms of the Council, a prior Councilman out in District D. You blazed a lot of trails prior to me taking office a couple of years ago. One of the things that I've heard countless times is leadership and also the ability to bring people together, whether it be Black or White, male or female, old or young. And I think that's a testament of your commitment not only to your community, but also your upbringing, your family, and your business activity. And I for one am proud to be able to say that I came after you, because you definitely shared some things with me that will stick in my mind in terms of Shreveport, and leadership in general. And I also want to thank you for the tireless amount of time that you put in to being that good lieutenant for Mayor Hightower on the Shreveport Jail. I know that, that was one of the projects that near and dear to your heart. And obviously since that project became a reality, it provided resources for Chief Campbell and his department to be able to go on to the call of duty in terms of law enforcement in the area. And I really appreciate the example that you've set for everybody. And thank you very much.

Councilman Green: Certainly Mr. Williams, I'd just like to say thank you for all your hard work and congratulations, and certainly, I'm going to miss you. And certainly I appreciate all the support that you've given me down through the years. God bless you and your family.

Councilman Lester: I've never had the pleasure of serving with Mr. Williams, but growing up in District D, I did have an opportunity to be represented by him. And I just want to echo what everyone else has said. I think in our Shreveport politics lexicon, from now on, when they look up the word statesman, there will be a picture of Milton Williams because he was a statesman, both while he served, and particularly after he served. His commitment to the City has never wavered one iota. And he is someone that many of us that sit in these seats, regardless of whether we represent District D or whatever, ascribe to that high, high calling. Some days we make it, some days we don't. But certainly the fact that you have been there and shone us how it can be done both in office and out of office, gives us an example that we can all ascribe and try to follow. Thank you so very much for your service.

Councilman Hogan: Mr. Williams, I never had the opportunity to get to know you very well, but I've been on the Council for 2 ½ years now, and when your name comes up, I'll remember this, it was always something good. And even as I see Roy Cary down on the front row, he was one of the main ones that bragged on you. So anyway, he's here today for that purpose, probably brag on you some more. But anyway, I just wanted to tell you that it's hard for someone to understand the sacrifices of being in public service, unless you've been there. And I'm not complaining, I chose this, but it is a real sacrifice, not only for you, but for your family. And I just want to say that I appreciate your years of service here for this City that I grew up in, and the City that I love. And I just want to say thank you and best wishes in Santa Fe. You come back anytime.

Councilman Walford: Mr. Williams, I hope that in a year or so, that you'll come back and visit and that you and I will be at the Shreveport Symphony standing outside only instead of commiserating about the misery of the parking situation, we will be looking at a new parking garage over there.

Mr. Williams: Amen.

Councilman Walford: We've had this discussion a number of Saturday evenings, and I think it's at the architect. So, when you come back, it'll be there and we can stand outside and look at that instead of the congestion.

Mr. Williams: Great. Great.

Councilman Jackson: Mr. Williams, it's always been a pleasure knowing you and I feel like I've known you for a long time. And I appreciate the things and the times we've shared and the things we've shared and particularly the pen that you shared with me some years ago. I appreciate it. I almost wanted to apologize if we wouldn't be able to make your event this afternoon, but I think we may be going a little bit beyond 5:30. But I'm sure we'll try to do what we can not to do that. But I was looking just a second ago, when they were talking, the one thing I wanted to say is when I looked on the website, I didn't see a chapter in Santa Fe, an alumni chapter in Santa Fe, so that may give you something to do. There's one in Albuquerque, but not in Santa Fe, so that may give you something to do to stay busy. To create an alumni chapter over there in Santa Fe. But in all seriousness, we wish you well in whatever you do and all that you do, both you and your family, certainly hope that God will continue to bless you for certainly as he's blessed you here in Shreveport, he'll do the same thing in Santa Fe. Thank you.

Councilman Carmody: Mr. Williams, I'm sorry to see you go sir. Shreveport's loss is Santa Fe's gain. But thank you for your service, and thank you for as many times that you've offered me your advice. And I've always heeded it and taken it to heart. And experience is something that I always try to learn from. As I say, it's kinda of hard day that I see the man that I guess gave my father his first real paying job an opportunity. But I thank you on behalf of my family and I thank you on behalf of the City of Shreveport.

Mr. Williams: Thank you gentlemen for all your kind words and they're going to turn the T.V. off at 5:15 so - - -

Councilman Gibson: Councilman, we need all the help we can get. Gentlemen, are there any other awards, recognitions of other distinguished guests? I think Councilman Walford, do you have something?

Councilman Walford: Yes Mr. Chairman, I do. As you saw a few minutes ago for our invocation, we have Father Kenneth Paul with us in the audience. And on this Sunday, Father Paul will celebrate 37 years as the Rector of Holy Cross Episcopal Church, my church. And that's quite an accomplishment in itself, but he's so much more than just the minister to Holy Cross. He gives so much to the community. He values our community and he has a special concern for those that are less fortunate, those that are need and with his stewardship of the Holy Cross endowment, he's done so much for so many people. I couldn't begin to list a fraction of the things and get us out of here by 5:30 which seems to be an issue. One of the issues that he's on right now is the YWCA Family Violence Center, and together with the Interfaith Council which he is a driving force in, they're working to help accomplish the new Family Violence Center. So, Madam Clerk if you would read a resolution and then Mr. Chairman, I'll ask for a suspension of the rules to vote on that Council resolution.

The Deputy Clerk read the following:

RESOLUTION NO. 69 OF 2005

A RESOLUTION TO RECOGNIZE REVEREND KENNETH PAUL FOR HIS DISTINGUISHED PUBLIC SERVICE TO THE CITIZENS OF THE CITY OF SHREVEPORT AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY: COUNCILMAN MONTY WALFORD

WHEREAS, on May 1, 2005, Reverend Kenneth Paul will celebrate thirty-seven (37) years as Rector of Holy Cross Episcopal Church; and

WHEREAS, during those thirty-seven years Father Paul has ministered not only to his congregation, but has been dedicated to improving the community and assisting those in need; and

WHEREAS, under his leadership Holy Cross Episcopal Church constructed Holy Cross Villas in both Shreveport and Bossier City providing low cost housing to the elderly and disabled; and

WHEREAS, Father Paul works tirelessly with community groups to provide services to those in need; and

WHEREAS, Father Paul has directed thousands of dollars from the Holy Cross Endowment to facilitate the start-up of non-profit organizations and most recently opened Hope House, the Holy Cross Day Shelter, to provide showers, laundry, mail, telephone and referral services to the homeless.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Shreveport in due, regular and legal session convened, that the City of Shreveport and all its citizens publicly recognize and thank **Reverend Kenneth Paul** for his distinguished leadership and public service to the citizens this community.

BE IT FURTHER RESOLVED, that this resolution shall be executed in duplicate originals with one original presented to **Reverend Kenneth Paul** and the other filed in perpetuity in the office of the Clerk of Council for the City of Shreveport.

Councilman Walford: Mr. Chairman, at this time, I'd ask for a suspension of the rules to allow the council to vote on this resolution.

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

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, Hogan, Green, and Jackson. 7. Nays: None.

Councilman Walford: Mr. Chairman, if we could, ask Father Paul to come away from the back row and come up here to the front.

Councilman Gibson: I think he's needs to be front and center. Rev. Paul, would you please come forward please?

Councilman Walford: Mr. Chairman, would you like to join me in presenting this?

Councilman Gibson: Yes I would seeing that I've had the distinct pleasure of serving on the Greater Shreveport Human Relations Commission with him.

Father Paul: I'm absolutely stunned. And my wife will be more stunned, and my Bishop will be stunned, stunned, stunned. However, it is, I am greatly moved, I am greatly touched. I've been in this City since 1965. I love Shreveport. It's wonderful, it has wonderful leadership in not only you, but in the people you represent. And I'm delighted to accept this resolution. I am reminded that there are two groups of people who earn their living by the sweat of their tongues. Preachers and Politicians. And that being the case, we don't always tell the truth. But I am here to truthfully say to you, thank you very much indeed.

Councilman Green: I have two that I'd like to recognize. They're not here today. One's name is Mr. Terrance Timmons, and Mr. Reginald P. Martin. The reason that I'm recognizing them is on Sunday evening, during the little "Crenshaw" deal, I was in the middle of the crowd, and we got to a point that we wanted to talk. And these guys along with some of the other leaders of the group. We were talking about some of the ways that we could make it better. What is it that they wanted to do. And they said they only wanted a place to hang out and just have fun, and show their rims and listen to their systems. They didn't mean to cause any problems. And during the course of our discussion, down the street, somebody said "it's a fight." And somebody else said, they thought they had a gun. And these two young men, Terrance Timmons, and Reginald P. Martin, along with some other guys hovered over me, and said, "c'mon Mr. Green, we've got to take care of you." And they put themselves around me for the sake of protection, just in case there were some shots. And they were basically to me, willing to get shot to save me. Of course, no shots and I don't think there was a fight, but just for them having that kind of thinking, moved my heart to want to do something to help them. And certainly, I wanted to recognize them today and they are probably at work. But maybe somebody knows them and somebody will call them and tell them that we recognized them today at the Shreveport City Council. And also you'll hear more about it, but starting May 1st, at the Fairgrounds, we will have what is called "Crunk up your Sunday" and we'll be having the kids over there to show off their rims, and have some fun, so we're inviting community leaders to come to the 3742 Hollywood Avenue on Thursday evening at 6:00 to lay out a plan to make it better for our kids. And of course, you'll hear more about it, but we just ask that you would do that. Sam Giordano has agreed to let us hang out there. I'd just like to take off my hat to him and certainly again, those folks that's willing to step up to the plate and stop fixin the blame, and lets fix the problem, we ask that you would show up at 6:00 at my office on Hollywood, at 3742. Phone number is 635-7118. And again, thanks to Terrance Timmons and Reginald P. Martin. Thank you Mr. Chairman.

Mayor Hightower: Mr. Chairman, we did have one more I'd like to recognize. Assistant Fire Chief?

Asst Chief Carter read the following:

PROCLAMATION

WHEREAS, juvenile arson is a serious crime that affects all people and can only be stopped when citizens realize the physical and emotional damage suffered by arson victims; and

WHEREAS, juvenile arson and youth-set fires result in over 300 deaths, 2,000 injuries and \$300 million in property damage, with more than 40,000 incidents occurring annually; and

WHEREAS, over half of arson fires in the country are caused by juveniles and young children; and

WHEREAS, most of the lives lost from youth-set fires are those who set the fires; and

WHEREAS, in addition to damaged property, there is a tremendous cost to the community because of the increasing resources needed to fight the problem; and

WHEREAS, the support and promotion of "National Arson Awareness Week" will honor all that is best within humanity by focusing our collective efforts on a community solution.

NOW, THEREFORE, I, KEITH HIGHTOWER, Mayor of the City of Shreveport, do hereby proclaim the week of **May 2-8, 2005**, as: **“ARSON AWARENESS WEEK”** in the City of Shreveport, and urge all citizens to pay special tribute to all fire and law enforcement investigative agencies for their dedicated and tireless service.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Shreveport to be affixed.

Councilman Gibson: Thank you. Gentlemen, do you, I don't know if there's any interest to adopt that, or is there a question to the Administration for this Council to adopt?

Councilman Carmody: It's just a declaration.

Councilman Gibson: It's just a declaration?

Councilman Carmody: Right.

Councilman Gibson: Thank you Chief, appreciate it. Any other recognitions of distinguished guests?

Reports:

Convention Center and Convention Center Hotel

Mr. Antee: We provided that report yesterday. I said yesterday, I would have the breakdown of the bond costs, and I'm sorry, I forgot that. But as soon as this is over, I'll go up and get it and distribute it to everybody.

Councilman Gibson: Mr. Antee: I do want to commend you today. The Pre-Bid Conference was held at 10:00 in this Chamber for the hotel. And Mr. Antee, I want to appreciate you clarifying for the Construction industry where we stand in terms of lawsuit regarding the Capital Outlay money and I think a few people I talked to after the meeting felt a little more comfortable and some of the explanations. As I counted in the sign-in sheet, I have about 20 companies. Three general contractors and about 17 subcontractors that were in attendance at that meeting taking out the multiple representatives and the architects representatives and Fair Share and the procurement people. I did hear from Karen Barnes who is getting the word out to the DBE community about the availability of looking at sets of plans and specifications the City has provided to the construction industry at Associated General Contractors, that they can do that at no cost, and hopefully we can see more participation from the DBE in terms of looking at plans and specifications for take off and estimating purposes. But I do appreciate the proactiveness at that beginning of that meeting. Any other questions or comments for the Administration on the Convention Center and the Hotel?

Property Standards Report

Councilman Gibson: In terms of items that were given to Mr. Bowie yesterday, are there any other items that we have at this point and time for Mr. Bowie?

Councilman Carmody: Thank you Mr. Chairman. Could Ms. Moore please come forward? Good afternoon Ms. Moore. Yesterday at our work session, I had asked Mr. Bowie how we were coming on our report for the fifteen top violators, I guess (inaudible) Codes Enforcement standards.

Ms. Moore: We should have that in ten minutes.

Councilman Carmody: I'm sorry?

Ms. Moore: We should have it about ten minutes.

Councilman Carmody: If you could get a copy for all the Council Members, so that we'll have it before the end of the meeting?

Ms. Moore: I certainly will.

Councilman Carmody: Thank you very much. Appreciate your help.

Councilman Gibson: This is kinda of a Property Standards, so bare with me on this. I'd ask Mr. Strong cause it deals with property. We have an inordinate amount of trash that has gathered and it appears to me that its in the City's easement on Kemper and 70th Street between 71st and 73rd. If I could get an assessment of that situation, it's a combination of branches and also it's trash that is properly stored in a City trash receptacle. But that has been an ongoing issue. It's not a street. It has a street sign as Kemper, but it is not an official street, but the sign's right there at the corner of Kemper and 70th, excuse me Line Ave, between 71st and 73rd, but it is a major eyesore that I'd like to rectify.

Public Hearing: None.

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

Confirmations and/or Appointments. None.

Councilman Carmody: Mr. Chairman, I know that Councilman Hogan has asked in the past that there are two expired terms on the Architects and Engineers Selection Committee. I believe Mr. Pernici and Rev. Cash. Do we know if the Administration is going to put those two individuals back up for reconfirmation?

Mr. Antee: I don't know, the Mayor will be back in just a second. We'll ask him.

Councilman Gibson: We'll move that back to after Public Comments to give us some clarification on that issue.

Adding Legislation to the Agenda

Mr. Thompson: There are two things on your electronic agenda, one is the resolution recognizing the Reverend Kenneth Paul which has been added defacto and adopted unanimously. The second concerns Resolution No. 68. You have Resolution No. 68 on your agenda concerning \$75,000,000 in bonds for the Water and Sewer Fund. That resolution has been changed somewhat and also the title to the resolution, so we think that a motion would be in order to delete the Resolution No. 68 that is on the agenda, and add the following new Resolution No. 68. And it's the one that appears on your electronic agenda.

Motion by Councilman Walford, seconded by Councilman Green to add Resolution No. 68 of 2005.

Councilman Carmody: Mr. Thompson, is this just a technical correction that we are plugging the numbers for the bond sale?

Ms. Glass: Mr. Chairman, no, it's not that type of amendment. I think its, I talked to Mr. Brown about it today, I don't know if he's here. It's just a slightly different procedure with this type of bond, and it's technical in that way. But it's following the type of procedure that they are using on these bonds.

Councilman Gibson: Mr. Thompson, because I was - - - or the Council was emailed some information today saying that sometimes when we introduce things, it kinda - - -, it's not maybe on the electronic side where people have a chance to see where people have a chance to know what we're talking about in terms of the viewership, and people out there. Could you read into the record what we're talking about here?

The Clerk read the following:

1. **Resolution No. 68 of 2005:** A resolution declaring the intention of the City of Shreveport, State of Louisiana (the "Issuer"), to issue in the name of the Issuer, Water and Sewer Revenue Bonds in an amount not to exceed Seventy Five Million Dollars (\$75,000,000) for the purpose of constructing and acquiring improvements, extensions and replacements to the waterworks and sewer system of the Issuer; generally describing said Water and Sewer Revenue Bonds and the security therefore; authorizing the newspaper publication of a notice of such intention setting forth a date and time when said governing authority will meet in open and public session to hear any objections to the proposed issuance of such Bonds; providing for the filing of a petition by a certain percentage of the electors of the Issuer objecting to the issuance of the proposed Bonds unless an election is held on the question of the issuance thereof; applying to the state Bond Commission for the approval of the contents of the proposed notice of intention; and other matters in connection therewith.

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

Public Comments (Agenda Items to be Adopted)

Councilman Gibson: Well, I tell you what I'm going to move back to Confirmations and Appointments. Councilman Carmody, you wanted to ask your question of the Mayor?

Councilman Carmody: Mr. Mayor, what I was asking about is I know that Councilman Hogan has asked it a couple of times, last month about the expired terms for two members on the Architect and Engineer's Selection Committee. I believe Mr. Pernici and Rev. Cash terms have expired. Is the Administration going to bring them forward for re-confirmation?

Mayor Hightower: I'll definitely bring some nominations, whether those will be the two or not, I don't know at this point.

Councilman Gibson: Public Comments. Ladies and Gentlemen, these are public comments that are germane to the agenda for today. If you are interested in speaking on items that are germane to today's agenda, and you have not filled out one of these requests for speaking, they are back in the foyer back there. If you will fill that out and hand that to Ms. Bea, then we will get you on the docket. If it is not germane to the agenda, then you will be permitted to speak at the end of the meeting where Public Comments are. All of these requests are clustered dealing with the Clean Air Ordinance.

Dr. Philip Roseman: (510 Long Leaf) Let me chip in on Milton Williams. I agree he's a statesman, he's a role model for those of us and the next generation, and we certainly respect him. I certainly have. Let me say up front that from the debate a couple of weeks ago, I think I'm beginning to understand the principles of which you struggle on this issue. You got to balance the interest of individuals in business. You balance the interest of the majority who don't smoke, the minority that do. You've got to determine how far government should go. We've talked about whose rights bleed into who. And that's a real issue. That's respect for disagreement on that. The concept of the best interest of the whole community has been entered into the debate. And the debate I think, has been about principles, and in that regard, I think it's been a good discussion. And it's been a civil discussion. It seems to me we're usually guilty of asking public servants like you to simply register the popular will of constituents. You get the public outcry, you react to the public outcry, the squeaky wheel gets the grease. This debate, a breath of fresh air. I believe that the decisions that you are going to make are going to be based on the integrity of your own intellectual and moral standards. I hope the common good is at the center of that decision. And that's what leadership is about. Let me just summarize my view point again. I think that protecting the health of the community is in the best interest of the community, and certainly within in the purview of the role of government. Government has a large role in health issues. Any policy to make smoking less acceptable, and less assessable, and less attractive, and reduces exposure to second hand smoke protects the health of the people in the community. The data that outlines the adverse affects of smoking is enormous, and you've heard a lot of it. The Surgeon General has declared smoking as the No. 1 preventable cause of death in this country over the last 25 years (inaudible). As a result, any policy that discourages smoking is good public policy, is proactive, is progressive and is important. Again, we've got to make not smoking the norm, the national norm. And we can start here locally. I really don't mean to nag you. But that's what I do. I nag people about smoking everyday. People actually pay me to nag them about smoking. But on second thought, maybe a better word than nag is to encourage. For example: My wife often encourages me to do certain things. Usually in my best interest, and I'm often slow to see it. So, in that spirit, I encourage you to enact a meaningful no smoking policy for our city. Now, I know to some degree, you've heard this and to some degree, you're tuning me out. But please hear one thing that I have to say. One thing. Not one of you and no one in this room would be upset if I encourage someone that they love to stop smoking. You would praise me. Not one of you and nobody in this room wants their child to begin smoking. No one. As far as second hand smoke, the (inaudible) of I can do anything I want holds true until that young woman has that first child. And she has to take that child to the emergency room with an asthma attack because of smoking in the home. Sometimes perspectives are changed by circumstance. And how close we are to the risk of- - - (I won't take three more minutes, but I do appreciate your indulgence) the perspectives change sometimes, and it's related to circumstances. And I'll tell you in some cases, you've got to look at this as more than a personal way about what's best for us and our community. It's time to have meaningful no smoking policy. It's a good thing for us to lead the way in this state. It's proactive and progressive. It's good public policy. It'll improve the health of the community and most importantly, it puts the common good right in the middle in the center of the decision and I thank you for hearing me out.

Mr. Jim Heathman (109 Southfield, #97) Thank you Councilman Gibson. I've been here, this is going to be my fourth time talking to you hopefully, I know everybody's getting tired of hearing the same thing. But as Dr. Roseman said, it would be very proactive and progressive (inaudible) make some kind of a smoking ordinance. Preferable one where you will have a separate room, where the people can smoke in restaurants or bars, but with separate ventilation. And enforce it to where the owners will get fined. Also, second hand smoke can cause problems. In my family, my mother, father, brother, grandfather, aunts and uncles have all died of cancer. Some of them were smokers, some of them were not. Most of them were not. But it was the second hand smoke that was very detrimental to them. I am in favor of a smoking ban such as the one in California, where they have separate rooms, very well ventilated where you can smoke in there with the bar and all that. Thank you very much.

Councilman Carmody: Mr. Chairman, I want to commend Mr. Heathman because he had contacted me at home one weekend, and had expressed the exact same sentiments, but I had mentioned to him that it was nice to hear from a constituent, but I thought that the Council Members should hear from person. And not only has he come to speak to us once, this is his fourth time. So, thank you sir for taking the time out of your day to do the same.

Ms. Norma Candler (9443 Wrenwood) I stand here today as a citizen of the City of Shreveport, as a resident of District G, pleading with you to do the right thing. When I spoke to you two weeks ago, I commented at the time that if you postpone this issue, that I was afraid that you were looking for a way to kill it. Well, I think you've found it. You're going to amend it to death. You have the opportunity to do something that will truly make Shreveport a better place to live, to work, and to visit. But it's been turned into something political. You ask yourself, will I make anybody mad if I vote for this, will I offend anyone? How will this look if I decide to seek further political office? Will everybody like me? This is an issue that you can't ride the fence on. Lets face it. There are two sides to this issue. You've got the 75% of Louisiana residents that don't smoke. We're called the screamers by the 25% that do. I just feel like the tail's wagging the dog. We're so concerned about the rights of the 25%, at the expense of the 75%, people that don't smoke. There's just something wrong people. I too am amazed. Amazed and perplexed that more people have not come down to speak out on this issue. At the last Council Meeting, 9 or 10 people spoke in favor of it, and only three against it. Some of the people that spoke in favor of the ordinance were respected members of our medical community, as well as private citizens. I'm thankful that they took the time out of their busy schedules like Dr. Roseman, to come down and speak for all the good it did. I feel like sometimes most of what they said went right over your heads. They quoted statistics and informed us over and over again of the dangers of second hand smoke. But all their words evidently fell on deaf ears. This must be one reason why more people don't take the time to come down here and voice their opinions. Most people feel like it's a waste of time to come down here, because you're going to vote the way that you feel like is most advantageous to you as, and I'm going to quote one of our Councilman who said in the paper today. "We have the right to do whatever we want to do as a Council." Don't ever forget who put you here. Banning smoking in public buildings is a start. A start. But what does that do for the average citizen of Shreveport? The average citizen frequents local malls, stores, banks, restaurants, and Mr. Gibson, even parks and playgrounds. We do spend part of our everyday in, - - - we don't spend part of everyday in public buildings. I'm asking you to think about the average citizen who is a non-smoker and does not like his air polluted by someone else's addictive habit. On the issue of exempting parks and playgrounds, I have to address this to Mr. Gibson. What were you thinking? You want to make it okay to smoke in the very place where our children go to play? Mercy. Mr. Jackson was correct yesterday when he said that this is a public health issue. If you would be willing to look at it from that standpoint, there is only one way to vote. Vote to make Shreveport a healthier place to live and work. Just once show some political courage. Vote to ban smoking in any building serving the public. And if you don't have the courage to pass this ordinance, put it to a vote of the people and let us do it for you. Thank you.

Councilman Walford: I think that a number of the amendments are constructive and beneficial to the ordinance. And by no means meant to water it down. Thank you.

Ns. Paige Ham: (11109 Southbrook Dr) She had some very interesting comments. Obviously, y'all know that I'm against the smoking ban. I saw some of the ordinances and as for the part - - - what I thought I understood was that you're banning it from the park? Is that correct, that there is no smoking in the City parks, or that it's okay in City parks?

Councilman Hogan: Ms. Ham, the ordinance as originally written does ban it in City parks. I had made an amendment, Amendment No 8, that distinguishes - - - it sets out City parks and playgrounds, and separates festival plaza and golf courses.

Ms. Ham: Okay, that's public, that's air. If you don't like it, go. You know we can- - - I think that that's okay, we're outside. Just like we're at our homes. And from what she said, why not? My question to y'all was why didn't it go to a vote? You were concerned about our health. That's what I understood y'all to say, that you were concerned about our health. Why didn't we take it to a vote and let the people decide. That was a good point for her. I sent emails, I guess you didn't get them or else, I would have heard a response back. I appreciate the time that y'all have put into this and the ordinances that you did put out. I still think that it is crossing the line, and we're trying to fix the wheel that isn't broken. This just isn't a place that government needs to go. Thank you.

Mr. Ronnie Toney: (9330 Ellerbe Road) Since the beginning, I've been against this ordinance, saying that it's a violation of my property rights. The last couple of weeks, I've had a change of heart. You're looking out for the best interest of me and the rest of the people in Shreveport. Our health is at stake. And so, I've been thinking that we should have the smoking ban, and we should pass it and we should - - - smoking kills some 400,000 people a year. That's what they say right? Second hand smoke kills 3,000 people. So, we should pass it. And also, on the way, we should also pass an ordinance to ban diesel engines inside the city limits of Shreveport. In 2002, the EPA released a study that said 8500 people die prematurely from complications from exhaust from diesel engines. That's a lot of people. That's almost three times as more people that die from the exposure from second hand smoke. So that's a huge deal wouldn't you think. It's a big deal. So, while we're at that and we pass the diesel engine ban, we should also pass a ban on doctors that overmedicate their patients. They kill an awful lot of people every year. And we should also pass an ordinance to close all industry in Caddo Parish. Caddo Parish is in the top 20% of the worst, dirty places to live due to chemical releases and toxic transfer. We all want to be healthy, so let's be healthy. Go for broke, don't (explicative deleted) with the smoking ordinance.

Councilman Gibson: Mr. Toney, I'm going to have to ask you.

Mr. Toney: That's all I've got.

Councilman Hogan: Mr. Toney, I'm glad to see that you're in favor of the smoking ban. Congratulations.

Mr. Toney: I am. Lets get it, lets go!

Councilman Hogan: Alright. And I'd just like to make a comment on one of the things that you said about diesel smoke. The exhaust.

Mr. Toney: The exhaust is pine sulfur. It's a killer.

Councilman Hogan: That's exactly right. And you know our fire departments across the nation and even the newest one that we have built here just out on Common. As I went out to observe this new structure, the man that was showing me through, he took me out in the engine room and

Mr. Toney: They have an exhaust fan.

Councilman Hogan: That's exactly right.

Mr. Toney: Not all of them have that

Councilman Hogan: And a special vacuum hose if you will that they hook up to the engines when they crank them up, because they've begin to understand that over the years as firemen would retire, if they retired early in their 50s or whatever, they were dying shortly after that. And they were doing autopsies on those men and found that they, their lungs were filled with this black soot. And they discovered, they traced it back to the diesel engines exhaust. And so we're making strides. I just want you to be aware that we are making strides.

Mr. Toney: Well, I understand that, I've seen it on the news. They have the vacuums that suck out the exhaust. But that's not helping me on Interstate 20.

Councilman Hogan: Well, that's right. I mean, you're not in an enclosed room with it.

Mr. Toney: Okay.

Councilman Hogan: I mean, that could be a little different situation. Still not to say that it wouldn't affect you. But you know, I think there's a difference (inaudible)

Mr. Toney: I understand, but at least 500 people a year are dying from diesel exhaust. They're not all in an enclosed room with it. That's passive exposure at best.

Councilman Hogan: Okay, meet me after Council Meeting and we'll talk about it.

Mr. Toney: I certainly will.

Councilman Jackson: I'd appreciate when everybody comes to make public comments, because I think it's the right of people and I'd think it'd be censorship on the part of the Council to try to stop the public from saying what it is they say. After all, that's who we work for. And I think we ought to always have that context. I also believe that there is a level of decorum, that we have expectations to have when we come into this place. And as a matter of deference to those assembled, not just on this dais, but more specifically behind you, I certainly would ask that in future times that you would - - -

Mr. Toney: I apologize for what I said.

Councilman Jackson: Because we need citizens. You know there's not one kind of citizen. We're all citizens, all kinds. So, I certainly hope you'll come back but I just would hope that as you do, that you would keep that decorum issue in mind. So I would appreciate that, and I just wanted to say that for the record.

Councilman Lester: My question would be to the clerk, Mr. Thompson. I understand that we have a responsibility under the ordinance to accurately reflect the comments that are made by us and public comment. And as it relates to the statement that Councilman Jackson just mentioned and the citizen, is there any way that, and I'm not saying that we censor it in terms of the paper, but is there a way or will we be actually be putting that in directly?

Councilman Gibson: Councilman Lester, I'm going to step in real quick. I'm going to ask Mr. Toney would it be okay if we struck the last comment that you had and certainly the last word?

Mr. Toney: Certainly sir, and I apologize for it.

Councilman Gibson: Under the heat of the moment, everybody has situations. Would that be appropriate Mr. Thompson that the citizen ask that it be struck?

Mr. Thompson: Yes, I believe it would.

Councilman Gibson: If y'all could make that note, I'd appreciate it.

Councilman Lester: Thank you Mr. Toney. And Lord knows I've resisted the temptation more than one occasion.

Mr. Toney: I couldn't resist it. It just flowed right out.

Ms. Feamula Bradley: (1902 Doris Street) A number of weeks ago, I had the opportunity to talk to a gentleman who was in his 70s, and who had been in business for the better part of 40 years here in Shreveport. He was unable to be here today, however, he didn't mind me sharing his story with you. While he serviced the community in business, because he thought it was the patronage thing to do, he permitted smoking in his business. Well, a little over a month ago, he had to be rushed to the hospital, spent time in the hospital, and the comment that his physician made to him was how long have you been smoking? His comment to the physician was 'I have never smoked a day in my life.' As a result his health has been severely compromised. There are lung problems that he will forever have, and this story is just one of many testimonials that many of us who work in the community with various organizations that are represented today here. Many of those individuals because they are so passionate about what they have experienced or even volunteers for our various organization. Today, I come 1) as a citizen, and 2) on behalf of an organization who I'm sure by now, your television has been bombarded with many of the commercials about second hand smoke. We're asking you today to do the right thing. There is a cliché that says '*to whom much is given, much is required.*' Over the past several weeks, you've been inundated with information, telephone calls, emails, personal visits and those of us who continue to show up here at the Council Meetings. What we're asking today is because much has been given to each of you. The responsibility of overseeing the affairs of our city rest in your hands. It is a matter of public policy, public health. And so as a result, we're asking you to do the right thing. The gentleman that I referred to, he has no idea the ravishing affects of second hand smoke. But of course now, that he does know, has a No Smoking sign up in his establishment. For him, too little too late. However, that's better than not putting it there at all. Because he realizes that (inaudible) people who come in and patronize his business. For that particular gentleman, he wanted me to say on his behalf today, that he would appreciate you extending your arms and the arms of the law as best as we can on behalf and for the ordinance. Thank you.

Ms. Yolanda Mitchell Duckworth: (Bobtail Drive) These are daily supplements for an average individual elects to take on a daily basis. You have Ester C, Vitamin E, and various multiple vitamins. These supplements may not make a difference whether a person misses taking one of these on a daily basis. These are the only medications that a person of asthma takes on a daily basis. This is what we would call Albuterol. Albuterol is a (inaudible) dilator, also known as an inhaler. It's used daily by persons with asthma to prevent

chronic bronchitis, wheezing, difficulty breathing, brought on by triggers (inaudible) second hand smoke. This is (inaudible). This is a long acting bronchial dilator that is used to help prevent asthma attacks. This is used along with an inhaler. This is used to prevent or to maintain a person with asthma in their condition. Unlike the vitamins, if an asthmatic person misses a prescribed dosage, of these will supplements, it can mean an emergency visit or possibly worse. Second hand smoke or passive smoke as it's commonly called is one of the main triggers that an asthmatic person having what is generally called an asthma attack experiences. The EPA warns that second hand smoke is a risk factor for new cases of asthma in pre-school children. And is also a major contributor to asthma attacks among current asthmatics. As an asthmatics under the age of 25, doctors have warned (inaudible) that smoke of any kind will irritate and inflame my bronchial passages that can lead to other respiratory illness and possibly even death if not carefully monitored. To a person who has never experienced asthma or an asthma episode, on a personal basis, this information may mean very little to you. However, to a parent of a child with asthma or a person who has a spouse with asthma, environmental concerns are always, always a concern. However conscientious a parent or an asthmatic may be, with their surrounding, the unexpected environment is always close at hand. Doorway entrances, designated as a smoking area, dining establishments with designated smoking areas plays no beneficial role in a child or an adult with asthma is affected by this undesired environment and health risk. The month of May is asthma awareness month. May 3rd is World Asthma Day. Both these days are designed to increase public understanding of the ways to manage asthma control, over 20,000,000 people (adults), who suffer with asthma on a daily basis and 6.3,000,000 children who suffer with asthma each and every day. It is my hope that I have given you a glimmer of light on this controllable yet deadly illness. Whereby the environment in which we live plays a major role and dictates the overall health status. This is the point that I would like to leave you with today and it comes from Bob Dilan. And he says *'the more freedom we enjoy, the greater the responsibility we bare towards others as well as ourselves.'*

Mr. Robert Graham: (10019 Brittany) I would like to follow this as best I can so I can finish in three minutes. But I would also like to select one or two comments before I start. One is that I have some lung damage, and I've never smoked. I grew up in a family where both my parents smoked when I was young. There was always smoke around. Smoke filled rooms. My mother died at 51 with smoking related- - - smoking hastened her death. My grandmother died from lung cancer. She never smoked, but she was married to my grandfather, and he smoked for 27 years. At that time, we didn't have all the medical data that we have today, so people were unaware of the dangers of smoking and second hand smoke. My grandfather, I lost my grandfather, and he was a great man. And I lost him when he was 64 years old from lung cancer. And that was in 1968. It's a tremendous loss and that's why I'm here today. I'm here to speak for those who can no longer speak for themselves because they're in graves. Both my family and countless families like mine. Mr. Mayor, nice to see you. Honorable members of the City Council and other government workers, I'm both humbled and happy for this opportunity to comment on this very important issue. I congratulate you the Council for all of your willingness to spend many hours studying and debating the various issues in order that we might have better government for our lives. Your diligent efforts and the contributions to a better community are duly noted and appreciated by most people. Many people work or are sick and cannot come to Council Meetings, but like me, this is the first Council Meeting, I've ever attended in my life. I'm a lifelong resident of Shreveport, Louisiana for 62 years, and I didn't come when we had \$100,000,000 civic center. I didn't come at other times, but I'm coming today, because I hope to make a difference by my comments. They may not, but I wanted to give it to you in writing, because I know that many people are going to speak, and I wanted you to have it. You can look back on this later. You're tasked with difficult decisions and must make many choices that directly affect the lives of all the citizens of Shreveport. You show great courage, wisdom, and compassion to tackle the thorny issue of regulating smoking to protect the health of our citizens. You fully realize that 25-35% of your supporters are smokers, and many of them are against limiting legislation. To your credit, you still are considering some limitations. Even the ones who are only limiting smoking in government buildings. And he's not in the room right now. But I'd like to praise him for taking his stand for public safety. Additionally, there are those of you on the Council who are particularly health conscious in your individual lives and homes and you wish for your families and others to practice good health, good nutrition, drink more water, etc. I plead for you to allow all of us to breath smoke free air, when we're indoors. And I emphasize indoors. I'm for allowing smokers some freedoms, because I know that they too pay taxes, including extra taxes on their bad habits. They too support the government and serve our nation in the military. I sympathize with them to a degree. But when they insist on smoking indoors regardless of the consequences to others, that's where our government should set some (inaudible). No one wants a million laws and may even resent too much government, but when there are life and death issues at stake, our government has both a responsibility and a duty, not to mention the opportunity to make life safer for it's citizens. In Deuteronomy 30:19, Moses is talking to the children of Israel and he's speaking for God. He said *'I call Heaven and earth as witnesses today against you, that I have set before you life and death, blessing and cursing. Therefore choose life that both you and your descendents may live.'* Moses was telling the people of Israel of what God was promising them. He was the first to say that life is a choice, and not a chance. Today, is a monumental day in the history of Shreveport. The majority of our citizens nearly 100% want good health for themselves and their families. If those who continue to force us to breath the second hand smoke are enemies of good health I pray you will have the compassion, the vision, and the courage to fire a shot heard around our state and even around our nation that Louisiana's elected men and women care enough to make the positive changes that will lead to longer and healthier lives for all of us. God help you to choose the right course for you, your family and all society. Thank you for this opportunity to speak.

Ms. Amanda M. Roark: (396 Ockley Drive) I wasn't planning on speaking today, but I decided to. I think it's important for everybody to be heard. And this is very important to me because last year I lost my father to lung cancer and he was only 60 and he had quit smoking for 10 years. So, it's very, very difficult. And several of my friends that smoke, I'm constantly badgering them about it. It's just so unhealthy. I just really believe, I'm sick right now from being around smoke. I went to a party where they were smoking and here I'm sick from it. And I know that's what it's from. Because it affected my lungs. I believe that smokers should have their rights too, and they should smoke - - - you know there should be designated areas or even outside, but I really believe that it is a health issue and that it needs to be addressed. I love it when I go out of town and I can go out and have a great time, and when I come in I don't cough the next day, I don't - - - you know, my clothes don't smell like smoke, and it's just really nice. And I choose to go out of town to visit other cities because it's a lot of fun going out of town. I really commend everybody that's come to speak their opinion today, especially the doctors, taking their time because I just don't think everybody realized how serious this is and how it affects us. Thank you.

Mr. Roy Cary: (4615 Monkhouse Dr) First I'd like to give some kudos to Mr. Williams. He's out, but I was one of the members who served with him on the City Council and I do echo everything that's been said on his behalf. We're going to lose a great asset in Mr. Williams, and I just wanted to publicly make my kudos be known this evening. He set a high bar for us to serve, and I think he's done a great job, and we're going to miss Milton. And I just wanted to extend my flowers to him while he yet lives. It's a pleasure to be before you this evening. I'm here on behalf of Cross Lake South Neighborhood Association in reference to Resolution No. 51. I would just like to urge and ask the Council Members, and I do have all the members of our homeowners association. Let me see if I can ask them to stand if you recognize them. Councilman Lester is our Councilman. I want to thank you. Would all the members of the Cross Lake South Homeowners Association please stand? Thank you. Just wanted to let you know that we were united and wanted to encourage and ask your support on this resolution, Resolution No. 51, Accepting the dedication of the street in Cross Lake South Neighborhood Association. I think the main issue that's before us is a safety issue. I know Councilman Jackson, Councilman Hogan, and I know Councilman Lester and Councilman Green, personally visited the area and looked at the street and saw the condition of it. I think more than anything, it's a health issue, when you talk about emergency medical vehicles getting in and out, there is no cul-de-sac. When you talk about the width of the street, two cars can't comfortably pass on it at the same time. And it's not a big ticket item. When we looked at it, the City, Mr. Strong and I and some other people and Councilman Lester looked at it, we looked at just doing a basic pavement. We're not talking about the fancy curb and gutter thing. We're just dealing with basically a street based in lime and the stabilization of the street. But I think most important is the fact that the emergency medical vehicles or fire truck or whatever may, if there is a necessity of them getting in and them getting out, you can't - - it's impossible. We could possibly lose someone's life. There could possibly be an accident, if you got the police and fire trying to get in at the same time, or an emergency medical vehicle trying to get in and out, there is no place to turn around. It's really a health hazard. And that's why the homeowners of our association have appealed to this Body to ask you to please if you will, vote for this resolution as a matter of safety rather than a matter of need. And that's all I have. Thank you. Appreciate you.

**CONSENT AGENDA LEGISLATION
TO INTRODUCE RESOLUTIONS AND ORDINANCES
RESOLUTIONS: None.
ORDINANCES: None.
TO ADOPT RESOLUTIONS AND ORDINANCES:
RESOLUTIONS:**

The Clerk read the following:

RESOLUTION NO. 61 OF 2005

A RESOLUTION AUTHORIZING KEITH WAYNE THOMPSON & KIMBERLY GAY REDMOND THOMPSON, LOCATED AT 7681 SHIRLEY FRANCIS RD., TO CONNECT TO THE WATER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, Keith Wayne Thompson & Kimberly Gay Redmond Thompson have agreed to secure all permits and inspections required by the Shreveport Comprehensive Building Code. Said party having submitted a petition for annexation to the City of Shreveport, and having agreed to fully comply with the regulations of the City of Shreveport in connection with said property, all as set forth in Section 94-1, et. Seq., of the Shreveport City Code. Said request and petition are attached hereto.

BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that Keith Wayne Thompson & Kimberly Gay Redmond Thompson, be authorized to connect the building located at 7681 Shirley Francis Rd., to the water system of the City of Shreveport.

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

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

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

Councilman Walford: Mr. Chairman, can we back up. Just for the record, my vote didn't register. Mr. Carmody pointed that out to me on Mr. Cary speaking. Mine was an affirmative vote. But apparently my vote didn't register. So, it was a 7-0.

Councilman Gibson: I think I read it as 7-0. So, I apologize.

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

**ORDINANCES: None.
REGULAR AGENDA LEGISLATION
RESOLUTIONS ON SECOND READING AND FINAL PASSAGE OR WHICH REQUIRE ONLY ONE READING**

The Clerk read the following:

RESOLUTION NO. 51 OF 2005

A RESOLUTION ACCEPTING DEDICATION FOR THE STREETS IN THE CROSS LAKE SOUTH ESTATES 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 the streets in the Cross Lake South Estates Subdivision in the E ½ of Section 02 (T17N-R15W), Caddo Parish, Louisiana, and as shown on the plat 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 streets in the Cross Lake South Estates Subdivision be and recorded in the official records of the District Court for Caddo Parish, Louisiana.

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

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

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

Councilman Walford: Actually the maker I guess first.

Councilman Lester: Yes. Well, you had a question?

Councilman Walford: Well, yeah I'm going to have a question.

Councilman Lester: Okay, well how about you ask your question. I'm not that good.

Councilman Walford: Okay. I'm concerned about where the \$97,000 (initial dollars) and the \$900,000 (subsequent dollars) are going to come from on this.

Councilman Lester: Right, I think that the answer to that is our contemplation is not dealing with the \$907 some odd-thousand project. That's just out of the realm. That's completely out of the realm of possibility. But what we're asking to do in this particular situation is basic overlay asphalt-type overlay just the minor basics in this particular street going into the subdivision. The price tag that we have been told from the City folks is somewhere in the neighborhood of \$97,000 and to be quite honest, I'm going to do some things relative to my district to try to find the money to get this done. That's the commitment that I gave to them. But I'm not in a position to act unilaterally. Before we do that, we have to accept this process so that we can get this done. So that's what my request would be (inaudible) But certainly my concern and I will say to this Council that I am not trying to saddle us with a \$900 and some odd thousand (dollar) project. That is not what is going to be contemplated or done at all. We're talking about basic overlay and if you've had an opportunity to go out there, it's almost, I mean ridiculous does not even wrap words around the conditions of those streets. And quite obviously, you've got a number of people that are living in the area where if there is some type of medical emergency, there's no way you can any emergency vehicles back there. It's barely passable even as we speak today. And we're just asking that we put them in a situation like a number of other areas in our City, that they have a decent street, regardless of where they are, regardless of the dollar value of the house or things of that nature, we're just looking for a basic overlay in this particular situation.

Councilman Carmody: Could I ask Mike Strong to come forward please? We're at that portion of considering the resolution, accepting the dedication for the streets in Cross Lake South Estate Subdivision?

Mr. Strong: Yes sir.

Councilman Carmody: And I wanted to ask, it does state right on the background information that MPC has approved these dedications during their March 2, 2005 meeting date. Pending the improvements of the street to meet all current standards required by the City of Shreveport. Does that- - if the City of Shreveport is going to make the improvements to bring them up to our current standards. I think you would have to ask the MPC that. But it was my understanding that it was the developer.

Councilman Carmody: Okay, the developer would be the one that would be required to bring - - -

Mr. Strong: And I might be wrong, but I believe the MPC needs to answer that.

Councilman Carmody: Well, the reason I asked that question is because I know that we've had requests in the past to accept dedications of private drives, private roadways that were substandard, but that DOS has counseled us on the fact that if we were to take them on, we do encumber the City with the responsibility of bringing them up to their standards and at the time, we didn't have the revenue, and I'm not sure that we've got additional revenue to do that now. And that we'd been asked to turn down the requests until either the property owners that abut the private road or drive would make the improvements up to the City standard where we would accept the dedications or a developer would do the same thing. And as I say, as I read it, I wasn't sure. Is there someone here from the Metropolitan Planning Commission that could help us. Because I'm not sure of the precedence that we might be setting by taking and acting on this dedication. It's somebody else's responsibility to bring them up to the standards that we're saying is required (inaudible). Mr. Jambor, how are you?

Mr. Jambor: I'm doing pretty good. The stipulation is that it was in the MPC decision read 'at no cost to the city'.

Councilman Carmody: At no cost to the City?

Mr. Jambor: Yes sir.

Councilman Carmody: Okay. And it does say that the City Engineers, and I guess this goes back to Mr. Strong, the City Engineers Office has estimated the cost to improve the surface riding condition at \$87,200 and again, it does have that second sentence that says construction estimate to bring the roadway up to current roadway standards- - is that what we consider 'City' standards, current roadway standards?

Mr. Strong: Yes sir, that would be the \$989,000.

Councilman Carmody: I think that we need to make sure that we know what we're being asked to do here gentlemen as a Council, because if the MPC has approved the dedication during their March 2, 2005 meeting pending the improvements of the streets to meet all current standards and they at no cost to the City, then I'm not sure- - is there any action that's been taken by the subdivision developer or the owners of the property that abut it, there in Cross Lake South Subdivision to improve the street to bring it up to that standard. Could anybody answer that?

Councilman Gibson: Mr. Cary.

Mr. Cary: Mr. Chairman, let me just say this. And I think it's clear, and of course I tried to contact you, and as I tried to contact most of the Council Members and have, I think that we're aware of the fact that the homeowners association have kept and maintained the streets up to this point. And we're to the point that we've said that we're tax payers, we've got homeowners who own somewhere in the neighborhood from a half million dollars on down in homes in that area, and we feel that the revenue, and I did do on my own time an assessment of the City revenue, just on the City taxes Mr. Carmody. The City taxes alone come somewhere in the neighborhood of \$97,000 just from the homeowners in that area. I think that it's incumbent upon and I do agree that somewhere somebody dropped the ball. Now where, I don't know. Now, if we want to start pointing fingers, we'd probably be here all afternoon. But I submit to you that this evening that the issue is that we've got

Mr. Lester and other Council Members to come look at it, I think that the greatest liability that you incur is the risk and the hazard and the liability that you leave at the City's tab when we don't address that issue. Because should there be an incident occur where there is an inopportune way for emergency medical vehicles or the police officers to get in and to do what they need to do immediately, in an affective time period, then I think you put people's lives at risk. And I think if I'm living in the City of Shreveport paying the same amount of taxes that everybody else does, ought be due the same type of basic services. Now, when we talk about \$97,000 I really would, I would hope that this Council would be proactive enough to see the benefit in bringing this - - - where we - - - I know last year alone, we spent somewhere in the neighborhood of \$10,000 just to do maintenance work. And we've carried that tab. And I think the homeowners that are here this afternoon to say, 'look, we're asking our elected officials to write what was wrong.' Where the ball was dropped, it was before your term, it was before your time, it was before my term and my time when I was on the City Council. Had it not been, we would have addressed then. But since we're at this juncture, I think for us to start pointing fingers for a \$97,000 price tag, I think it's incumbent that we look at the fact that what the long term and overall result is and we're not talking about the \$900 and some thousand price tag. We're just talking about the basic street overlay.

Councilman Carmody: Thank you Mr. Cary, that answers my question. Thank you Mr. Chairman, I did have a comment though. The situation that I think that's been described to us, is that it's almost caveat inventory gentlemen. Let the buyer beware. We make choices to where we want to live. Sometimes we purchase property that is on a private road or a private drive and we do accept with that improvement the responsibility. I think you said y'all spent \$10,000 last year maintaining that private road. But I also think that as I appreciate it and I understand the concerns that you've got. The emergency vehicles and the access is certainly a legitimate concern. I do know that there are areas of all of our districts where there are persons who live on public streets that don't meet the standard that they'd like to have. And they pay taxes as well. They're currently taxpayers living on a publicly dedicated roadway. And I wish I could tell you the number of times, and I'm sure the Mayor I'm sure, heard the same thing from people in District C that said, we live on a street with open gutters on each side, and it's not wide enough to park your car, and have somebody pass you on another side. Fix our street. Concrete it. Curb and gutters is what we'd like. Put sidewalks in. But we all know that there is a limited amount of resources and my concern is the precedent that we would set by accepting this dedication specifically if the approval of the MPC was predicated on the roadway being brought up to the City standard. If that were the case, and the action had been taken by the subdivision and the owners of the property in there, but at this juncture, I'm not going to be able to support this.

Councilman Jackson: Mr. Chairman, I guess one of my concerns is that I think what we basically are doing is talking about an overlay project. Is that correct?

Mr. Cary: Exactly.

Councilman Jackson: Now my concern is and I can understand where the other Councilman may have concerns, and I don't want to dismiss them as illegitimate, because I think they are legitimate concerns, but I guess my next question Mr. Chair, would be directed to Mr. Lester, if you will through you. If it's an overlay project and we're talking 97 or whatever the number may be, I think it maybe comfortable to the rest of these councilmen because annually we spend X amount of dollars in each of our districts on overlay. I think the Council may be more comfortable, if the place that that money is coming from is out of that allocation to District A for the purpose of overlay.

Councilman Lester: Thank you Mr. Chairman. It is my goal and my commitment to the residents of this neighborhood just like that it is to folks all over to deal with their streets. To answer the question directly, once we have move forward on this particular piece of legislation, it is incumbent upon me to find the money to get it done. And I will find the money to get it done, and certainly I'm not going to just as I will not do anything or encumber something in District G, or District F, or District E or District D. Those are choices that we have to make when we have to make priorities as it relates to our district. Where I'm coming from on this deal is simply this. This street is in such horrible shape. I mean it goes beyond not being passable. And certainly to the concern that Councilman Carmody had, if you want to talk about streets with open gutters, I invite you to come to the Cooper Road, because they've been promised good roads for ions.

Councilman Carmody: Good point.

Councilman Lester: But the fact of the matter is we have to make decisions based on the information that we have. And the information that I have looking at the streets in my district, this is something that is so out of kilter, that is so unusual, that it requires us to take and unusual step, and that's all I'm asking the Council to do. So, in answer to your question Councilman Jackson, I take it as my responsibility to find those resources as it relates to District A, to come up with the funds to deal with this particular issue.

Councilman Jackson: Mr. Chairman, my second question is to Mr. Thompson. Mr. Thompson, can you explain with regards to our financial responsibility if this were to be adopted today, what would the financial responsibility of the City be in 8-10 days from now?

Mr. Thompson: I think the City Attorney ought to answer that question.

Councilman Jackson: Thank you Mr. Chairman. Mr. Lafitte, you've heard this conversation, I guess you weren't here when I was asking Councilman Lester, and as you know there is a universe of money, very small universe I might add, of money for overlay. That is generally by design is cut in seven ways, so that as much as possible we can utilize that - - - those monies in our districts in whatever places either we or the staff deems priority first or whatever the case may be. My question to Mr. Lester was, was that money going to come out of his particular portion? And I think it would add a level of comfort to the Councilmen. That being said and I think his answer to that and again, I don't want to speak for him, but I think his answer, his assertion was he would be responsible which I receive as yes that would be something that comes out of the money that we allocated there. That being the case, if this were adopted today, what would be the financial responsibility because there are numbers on this resolution? There are dollars associated with this action. What would be the responsibility of the City if we were to adopt this today?

Mr. Lafitte: The City of course would be responsible for that street just as it would I guess any other street in the City to make the necessary repairs that I guess Council sees fit or the Administration?

Councilman Jackson: Now, if we were to accept the donation of this street, I think that is what the action is right?

Mr. Lafitte: Yes.

Councilman Jackson: If we were to accept the donation of this street, it does not make us fiscally responsible today to do anything other than what we would have to do with any street which means to prioritize it and to put it in the kitty with every other street. Is that correct?

Mr. Lafitte: Exactly. That is correct.

Councilman Jackson: And then if it's ever going to get paved, it would have to be prioritized by the City through it's budget and come from the Council to approve that overlay. Is that correct?

Mr. Lafitte: That's is correct.

Councilman Jackson: Okay. So all we would actually be doing today is accepting the dedication or donation if you will?

Mr. Lafitte: That's correct.

Councilman Green: Thank you Mr. Chairman. I'd just like to say that since as to what our attorney has just said, Councilman Jackson has just said, and the Councilman from that district has just said, sine none of the money will be coming out of District F, I'll be supporting it. I have no problems. And on the other hand, if it's alright with that Councilman, put the burden on him to find the money, because here again, let the record reflect citizens of District F, no money will be coming out of our district. So - - -

Mr. Cary: Mr. Chairman, if I may. May I?

Councilman Green: So, I'll be voting with this Councilman.

Councilman Walford: Mr. Lafitte, I've got another question. If we accept this knowing from the engineers report and everything that it's substandard and we're not able to come up with the money in the near future to bring it up to standard, what is our liability if anything happens, when we knowingly accept a substandard street.

Mr. Lafitte: Yes Mr. Walford, if you accept it in the condition that it's in, and for example someone comes along and tears up their car or something and the City could not at that point claim that they didn't have notice, of course, of the condition, because of course you do have notice.

Councilman Walford: So we have a potential liability that would come out of retained risk, which is out of all of our districts.

Mr. Lafitte: Yes, just as you'd be on - - - once we're put on notice of some kind of defect in the roadway, the City does have the duty and responsibility to repair it.

Councilman Walford: We've accepted a number of dedications like this during our couple of years on the Council. But in each case, the streets were completed by the developer as I recall. Is that usual practice?

Mr. Strong: That is correct.

Councilman Walford: Is that an unusual case for us to accept it knowing that we're going to have to do the work as soon as we accept it?

Mr. Strong: I've never know a street that's come in like this as a donation, that would be like this. Now, I think that we have had some annexations (inaudible) that we have taken in, but to this extent, I don't know of another street like this.

Councilman Lester: Mr. Chairman, If I could, could I ask the residents of that Cross Lake Estates to stand please that are there present? Okay, you can be seated. Thank you. Just for the Council's information, if we were to be sued, I think it would be by the people in this room that just stood. And I think it would be, I don't want to use the word, dare I say asinine? But for the people who are requesting us to pave their street and the people who would have their cars damaged and then to turn around and sue us, just to put my legal hat on for just a moment, if someone that was invited to their particular area for one reason or another have their vehicles damaged, I think that loss would be certainly from the City's perspective mitigated by the fact that these people were invitees and in fact the homeowners knew the situation as it relates to their street. I mean, not to put my lawyer hat on for just what it's worth, but certainly I can't see the people that we're helping turn around and use us, especially given the fact that the roads are in- - - I mean again, beyond a ridiculous situation. I've said before this is an unusual situation. Yes it is, but you know I don't mind doing unusual things, when it inures to the benefits of the citizens of my district. That's just who I am. So, I would ask your support. If it's not something that you can support as a Councilman, I understand and respect that. I also said that I would take the responsibility to find the resources as is my job and my duty as the Councilman for this district. And again, you know regardless of who someone is or where they live, whether they live in a half-million dollar house or a \$500,000 house or a \$5 house, everybody wants a house with a half way decent street. And we're not talking about curbs and gutters, we're just basically talking bout an overlay. And so with Mr. Chairman, I'd move to question.

Mayor Hightower: Mr. Chairman.

Councilman Gibson: We have a motion - - -

Councilman Lester: I will withdraw my motion.

Councilman Gibson: I would appreciate it, because not all Council has had a chance to weigh in on this.

Councilman Lester: Okay, I apologize.

Mayor Hightower: Thank you Mr. Chairman. I usually don't want to get involved in district by district politics. But I think you heard Mr. Strong say, this one is unusual. And it is. I don't know anybody that stood up in the audience today except for Mr. Cary that lives in this particular neighborhood. But - - -, and I say that to say that I'm not too sure that any of the people that stood up today are original owners of the property in the neighborhood or not. Some may be, most probably aren't. I think there is a lesson to be learned in that when we annex property or we accept neighborhoods, we ought to accept all or nothing. It's not a good fiscal policy or governmental policy as far as the City should be concerned to accept a portion of much of anything. Bottom line, Councilman Lester was talking about residents running up and down the streets, and you heard Mr. Lafitte talk about potential liability of vehicles being damaged. Probably the most expensive vehicles that run up and down that street weekly are our garbage trucks, and if there's a huge pothole or if the asphalt is slipping off the side of the base or whatever the case may be, the likelihood is that we, and I'm talking about the City of Shreveport is going to experience the tragedy or the difficulty or the damage. Again, I don't like the fact that we're talking about a \$97,000 project. I mean you guys know better than most how difficult it is to prioritize your seventh of the money and with Councilman Lester's commitment to find the money, again, I think Councilman Jackson made a good point when he said, it's all priority. So just because we accept the donation, doesn't mean and I think Councilman Lester would make it pretty clear, it doesn't mean that 100% of that neighborhood is going to be paved with '05 money or '06 money for that matter. Now he may choose to pave a block or two or so many linear feet in each year. But I do think at some point, we have to have a resolution to the problem. Obviously the homeowners in this neighborhood, Councilman Cary said something about houses as much as half-million dollars and below, I think you said. This may be a neighborhood that could in fact pony up some money to put into a street project, but if this were located, I'm going to say in Councilman Green's district- - -

Councilman Green: In the Woodlawn area.

Mayor Hightower: In the Woodlawn area, (that's a perfect example) you've got people there, some that can't pay attention, much less to have a street repaved. So again, I think it's a lesson to be learned and it's nothing to do with this Council, it's nothing to do with the Council before, the Council before, the Council before, the Council before. I think this neighborhood was put together back in 1980? Earlier than the '80s. So, in the '70s. And I think the mistake was made. But I think at some point, we've got to rectify that mistake. And if we can rectify it today, with \$97,000 as much as that is, it's not insurmountable. And I think we can overcome it. The people that live in that neighborhood don't pay any less millage than any of us sitting at the dais. We all pay the same, and we pay it for streets, drainage, police, garbage pickup, all the things we pay for. So, sometimes you just gotta suck it up. And I think this may be one case, (I know Mr. Strong doesn't want to hear me saying it, probably can't believe I'm saying it), but I do think this is one case that we probably need to suck it up and do what we can through the priority system over time to rectify the street problem that we have within the City limits, and they all live in the City limits.

Councilman Gibson: Thank you Mr. Mayor. Mr. Strong, could you come forward please? What was our asphalt budget for this year, total?

Mr. Strong: \$1.5 plus 350, be \$1,850 (million)

Councilman Gibson: So \$1,850,000 for the entire City of Shreveport?

Mr. Strong: Yeah.

Councilman Gibson: And then that's broken out as you've explained to us before based on linear feet in each one of our districts?

Mr. Strong: Yes sir.

Councilman Gibson: Okay. I don't know what the Councilman has in his district. I know what my percentage is, but again, a couple of years ago, it almost took an act of congress to get some additional monies into asphalt. Fortunately (inaudible), I guess a settlement from a previous lawsuit where some money appeared. So, I'm looking forward to working with my colleague. Anytime we can put money back into infrastructure, it's a good thing. But \$1.85 (million) is the number for this year, is that correct?

Mr. Strong: That's correct.

Councilman Gibson: Thank you Mr. Strong. Any other questions or comments? If not we can go to a vote on this issue.

Councilman Lester: Actually my motion is to end debate.

Councilman Walford: I thought you withdrew it.

Councilman Lester: Well, I'm re-urging my motion.

Councilman Gibson: Well first of all is there any other comments, if not, we can just go to a vote. We've got a motion and a second on the floor to approve this. The motion was by Councilman Lester I believe, Councilman Green had the second if I'm not mistaken on that particular motion. Councilman Green, you did second that motion?

Councilman Green: I did.

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

RESOLUTION NO. 52 OF 2005

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE ENDEAVOR WITH THE BASSLIFE ASSOCIATES, INC. AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY: COUNCILMAN JAMES GREEN

WHEREAS, the BassLife Associates, Inc. was formed in 1993 from the original Bass Research Foundation; and

WHEREAS, more than \$500,000 has been raised since becoming BassLife Associates, Inc.; and

WHEREAS, all funds raised are kept in the Ark-La-Tex to preserve and protect our fisheries; and

WHEREAS, BassLife has completed several projects since inception, such as; expanded the Cross Lake Fish Hatchery from nine ponds to twenty-two ponds, provided funding for the operation of the Cross Lake Fish Hatchery, provided funding for "Get Hooked on Fishing Not Drugs" day at Caddo Lake, donates funds to the Northwest Louisiana Wildlife & Aquatic Education for area school children, provides equipment to Norwella Council for boy scouts to earn fishing merit badges, provides funds to support ALBC Kids Fishing Tournament on Cross Lake, purchased 600 hybrid bream for the Cross Lake Fish Hatchery for kids fishing, and donated \$30,000 to Sci-Port discovery center for River Quest; and

WHEREAS, for the last 28 years the Sportsman's dinner banquet has been a substantial fundraiser for the organization and is responsible for 100% of the funding; and

WHEREAS, the City of Shreveport desires to participate with the BassLife Associates, Inc. in the 29th Annual Sportsman's Dinner Banquet providing the use of the Expo Hall for this event on Tuesday, April 19, 2005.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened that the Mayor of the City of Shreveport is authorized to execute an agreement with the BassLife Associates, Inc., in a form approved by the City Attorney, in which the City provides the use of the Expo Hall (the rental fee only) on Tuesday, April 19, 2005 for the 29th Annual Sportsman's Dinner Banquet, and in which the BassLife Associates, Inc. agrees:

- 1) To provide the economic and cultural benefits described herein to the City, and
- 2) To provide the insurance and to pay for the other customary services and charges associated with the use of the facility.

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 ordinances or parts thereof in conflict herewith are hereby declared severable and repealed.

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

RESOLUTION NO. 53 OF 2005

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE AGREEMENT IN THE AMOUNT OF \$30,000 BETWEEN THE CITY OF SHREVEPORT AND THE LOUISIANA DEPARTMENT OF NATURAL RESOURCES FOR THE CONTINUATION OF THE CLEAN CITIES PROGRAM

WHEREAS, the U. S. Department of Energy (USDOE) has developed an initiative, known as the Clean Cities program, which is intended to develop markets for alternative fuels for motor vehicle fleets throughout the nation, in order to reduce U. S. dependence on foreign oil and to improve air quality;

WHEREAS, the City of Shreveport is supportive of this initiative and wishes to work toward the introduction of such markets locally, and, accordingly, has participated in the program by creating a group of local stakeholders interested in working toward designation of the local area by the USDOE as a Clean City, which would make the area eligible for grant funds to assist in the development of local infrastructure for alternative fuel vehicles; and

WHEREAS, the Louisiana Department of Natural Resources is willing to reimburse the City for costs incurred in continuing the local Clean Cities program, up to \$30,000, upon execution of the attached cooperative agreement;

NOW THEREFORE, BE IT RESOLVED by the City Council of Shreveport, in due, regular and legal session convened, that Keith Hightower, Mayor, be and is hereby authorized to execute on behalf of the City of Shreveport a Cooperative Agreement with the Louisiana Department of Natural Resources for the continuation of a Clean Cities program for the Greater Shreveport area, in accordance with the terms and conditions contained in the draft of said agreement which was filed for public inspection with the original draft of the resolution in the Office of the Clerk of Council on April 13, 2005.

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

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

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

RESOLUTION NO. 54 OF 2005

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DONATION AGREEMENT BETWEEN THE CITY OF SHREVEPORT AND NEWCASTLE LIMITED PARTNERSHIP, FOR SANITARY WATER AND SEWER MAIN EXTENSIONS AND RELATED FACILITIES TO SERVE NEW CASTLE UNIT NO. 13 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 Keith Hightower, Mayor, be and is hereby authorized to execute on behalf of the City of Shreveport a Donation Agreement with Newcastle Limited Partnership, acting herein by its General Partner, Toplecot Corporation, through William H. Broyles II, Agent, substantially in accordance with the terms and conditions contained in the draft of said agreement which was filed for public inspection with the original draft of the resolution in the office of Council on April 26, 2005.

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

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

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

RESOLUTION NO. 55 OF 2005

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DONATION AGREEMENT BETWEEN THE CITY OF SHREVEPORT AND HIDDEN TRACE, L.L.C., FOR SANITARY WATER AND SEWER MAIN EXTENSIONS AND RELATED FACILITIES SERVING HIDDEN TRACE, UNIT NO. 6 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 Keith Hightower, Mayor, be and is hereby authorized to execute on behalf of the City of Shreveport a Donation Agreement with Hidden Trace, L.L.C., represented by William L. Mayfield, Member, substantially in accordance with the terms and conditions contained in the draft of said agreement which was filed for public inspection with the original draft of the resolution in the office of Council on April 26, 2005.

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

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

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

RESOLUTION NO. 56 OF 2005

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DONATION AGREEMENT BETWEEN THE CITY OF SHREVEPORT AND BRUNSWICK PLACE, L.L.C., A LOUISIANA CORPORATION, APPEARING HEREIN THROUGH JON E. SAYE, MANAGING MEMBER, FOR WATER AND SEWER FACILITIES FOR BRUNSWICK PLACE UNITS NO. 7 and 8, 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 Keith Hightower, Mayor, be and is hereby authorized to execute on behalf of the City of Shreveport a Donation Agreement with Brunswick Place, L.L.C. represented by John E. Saye, Managing Member, substantially in accordance with the terms and conditions contained in the draft of said agreement which was filed for public inspection with the original draft of the resolution in the office of Council on April 26, 2005

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

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

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

RESOLUTION NO. 57 OF 2005

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DONATION AGREEMENT BETWEEN THE CITY OF SHREVEPORT AND BRUNSWICK PLACE, L.L.C., A LOUISIANA CORPORATION, APPEARING HEREIN THROUGH JON E. SAYE, OWNER FOR WATER AND SEWER FACILITIES FOR BRUNSWICK PLACE UNITS NO. 9 AND 10, 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 Keith Hightower, Mayor, be and is hereby authorized to execute on behalf of the City of Shreveport a Donation Agreement with Brunswick Place, L.L.C. represented by John E. Saye, Owner, substantially in accordance with the terms and conditions contained in the draft of said agreement which was filed for public inspection with the original draft of the resolution in the office of Council on April 26, 2005

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

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

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

Councilman Carmody: Better late than never. I just want to make sure if we are accepting the dedication of improvement for water and sewer facilities in all these subdivisions, can Mr. Strong verify that all these are built up to City standards and we're not accepting or taking dedication of substandard (inaudible)?

Mr. Strong: Yeah they meet.

Councilman Carmody: Thank you very much. Appreciate it.

Councilman Gibson: Thank you Councilman Carmody. Any other further discussion on this item?

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

RESOLUTION NUMBER 58 OF 2005

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A HISTORIC PRESERVATION EASEMENT WITH A QUALIFIED HISTORIC PRESERVATION ORGANIZATION AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the City of Shreveport is the recipient of a grant funded by the Historic Preservation Fund for the Save America's Treasures Grant Program; and

WHEREAS, the grant funds will be used to improve and preserve the architectural, historic, and cultural values and significance of the Municipal Auditorium; and

WHEREAS, as a condition of the grant, the City is required to grant a preservation easement to a qualified organization whose purpose is the improvement, preservation and maintenance of historic or historically significant property; and

WHEREAS, the easement will be granted for a term of fifty (50) years.

NOW, THEREFORE NOW, THEREFORE BE IT RESOLVED by the City Council of the

City of Shreveport, in due, regular and legal session convened that the Mayor is authorized to execute a Historic Preservation Easement with a qualified historic preservation organization, substantially and in accordance with the draft thereof which was filed for public inspection in the Office of the Clerk of Council on April 12, 2005.

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 resolution or parts thereof in conflict herewith are hereby repealed.

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

RESOLUTION NO. 59 OF 2005

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE GRANT DOCUMENTS WITH THE LOUISIANA COMMISSION ON LAW ENFORCEMENT AND OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, the Louisiana Commission on Law Enforcement has awarded the City of Shreveport Police Department \$153,008 in grant funds under the 2005 Law Enforcement Terrorism Prevention Program; and

WHEREAS, the program is a part of the Louisiana Homeland Security Strategy and has two purpose areas: Information Sharing to Preempt Terrorist Attacks and Interoperable Communications; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due, regular and legal session convened, that it does hereby authorize the execution by Keith P. Hightower, Mayor, those grant documents necessary to accept this award and receive funding established within the program administered by the Louisiana Commission on Law Enforcement.

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 affect without the invalid provisions, items or applications and to this end the provisions of this Resolution are hereby declared severable.

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

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

RESOLUTION NO. 62 OF 2005

A RESOLUTION AUTHORIZING THE INSTITUTION OF EXPROPRIATION PROCEEDINGS AGAINST CERTAIN DESCRIBED PROPERTIES WITHIN THE CITY OF SHREVEPORT IN CONNECTION WITH THE MISSOURI/ANDREW DRAINAGE, PH: II, PROJECT NO: 00-D002, FOR THE ACQUISITION OF NECESSARY DRAINAGE RIGHT OF WAY, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport has developed the Missouri/Andrew Drainage, Phase II, Project No: 00-D002; and

WHEREAS, the property shown on the attached plats marked as Exhibit "A" attached hereto, is situated in said development; and

WHEREAS, all attempts to amicably acquire permanent drainage servitudes comprising Parcel Nos: D-2 and D-3 have failed; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the expropriation of this property is necessary for the public interest; therefore, the City Attorney be and he is hereby authorized to institute expropriation proceedings against the owners of record, as they might appear at the time of filing suit, of the attached described parcels of property as Parcel Nos: D-1 and D-2 to be acquired as permanent drainage servitudes for the construction of said project.

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

RESOLUTION NO. 63 OF 2005

A RESOLUTION AUTHORIZING THE INSTITUTION OF EXPROPRIATION PROCEEDINGS AGAINST CERTAIN DESCRIBED PROPERTIES WITHIN THE CITY OF SHREVEPORT IN CONNECTION WITH THE MISSOURI/ANDREW DRAINAGE, PH: III, PROJECT NO: 00-D002, FOR THE ACQUISITION OF NECESSARY DRAINAGE RIGHT OF WAY, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport has developed the Missouri-Andrew Drainage, Phase III, Project No: 00-D002; and

WHEREAS, the property as described or shown on the attached plats marked as Exhibit "A" attached hereto, is situated in said development; and

WHEREAS, all attempts to amicably acquire fee title to the properties comprising Parcel Nos: P-2 and P-4 have failed; and

WHEREAS, all attempts to amicably acquire permanent drainage servitudes on property comprising Parcel Nos: D-3 and D-5 have failed; and

WHEREAS, all attempts to amicably acquire temporary construction servitudes on property comprising Parcel Nos: C-3 and C-5 have failed; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the expropriation of this property is necessary for the public interest; therefore, the City Attorney be and he is hereby authorized to institute expropriation proceedings against the owners of record, as they might appear at the time of filing suit, of the attached described parcels of property as Parcel Nos: P-2 and P-4 to be acquired in fee title for drainage right-of-way. He shall also hereby be authorized to institute such proceedings against the owners of record, as they might appear at the time of filing suit, of the attached described parcels of property as Parcel Nos: D-3 and D-5 to be acquired as permanent drainage servitudes and Parcel Nos: C-3 and C-5 to be acquired as temporary construction servitudes for the construction of said project.

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

RESOLUTION NO. 64 OF 2005

A RESOLUTION SUSPENDING THE EFFECTS OF CERTAIN PROVISIONS OF CHAPTER 10 RELATIVE TO ALCOHOLIC BEVERAGES ON MAY 07, 2005 RELATIVE TO DISPENSING, SALE AND/OR CONSUMPTION OF LOW ALCOHOLIC CONTENT BEVERAGES AT 805 BROOK HOLLOW DRIVE AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the River Cities Chapter, Inc. intends to sponsor a fund raising activity on May 7, 2005 between the hours of 9:00 a.m. and 4:00 p.m. at the Shreveport Harley-Davidson dealership located at 805 Brook Hollow Drive; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that Sections 10-80(a), 10-81, 10-190(a) and 106-130(6) are hereby suspended on May 7, 2005 between the hours of 10:00 a.m. and 8:00 p.m. to allow for the dispensing, sale, and consumption of low alcoholic content beverages at the Shreveport Harley-Davidson dealership located at 805 Brook Hollow Drive.

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

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

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

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

Councilman Jackson: Mr. Chairman, I want to find out as usual, is this an event for children as well as adults?

Councilman Gibson: This is a Harley Davidson Event. Harley Davidson, I will say, that one of the things I'm going to be asking of Harley Davidson in the future, seeing that they have frequented this Council with requests, is to get some more clarification in terms of what their future activities are. Because this seems to be a recurring thing, not an exception. I prefer dealing with exceptions, but to the best of my ability, this is for adults in terms of a promotional item (inaudible) Harley Davidson on their facility.

Councilman Jackson: And I assume there is nobody else here who could answer that question?

Councilman Gibson: I'm not aware of any, in fact I know we have nobody from Harley Davidson. That is one of the things I will include in my correspondence back to them. Because again, this is I think the third request since about December. And again, I have concerns about that for future reference.

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

13. Resolution No. 65 of 2005: A resolution authorizing the waiver of the entire building rental fee for the expo hall to allow the Caddo Federation of Teachers and support personnel to hold their second annual "Most Improved Student" banquet and to otherwise provide with respect thereto.

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

Councilman Carmody: Mr. Chairman, could I ask a representative from SPAR to come forward. Because I believe that we have an intergovernmental agreement with the Caddo Parish School Board to provide the use of these facilities without rent.

Mr. Norman: We do.

Councilman Carmody: We do?

Mr. Norman: This would be covered under that.

Councilman Carmody: Oh, it would be?

Mr. Norman: Yes sir.

Councilman Carmody: Very good. Therefore there is really no reason to go ahead and act on this gentlemen, they've already received their (inaudible)

Councilman Jackson: Mr. Chairman, does that inter- - - I'm sorry, what is it?

ALL TOGETHER: Intergovernmental Agreement.

Councilman Jackson: Intergovernmental Agreement. Does that include the Caddo Federation of Teachers as they are not a governmental entity.

Councilman Lester: Right.

Councilman Jackson: That would not be the Caddo Parish School Board.

Councilman Gibson: Could I ask Mr. Lafitte to come forward, if he's still in the room? If not, Ms. Glass could you address that from a legal standpoint?

Ms. Glass: I believe the resolution itself says that the Federation is not part of the School Board. I seem to recall reading that.

Councilman Gibson: So, would that mean that they are separate and apart from the School Board - - - Intergovernmental Agreement?

Ms. Glass: I believe so. Yes.

Councilman Gibson: So, in this particular case, this would be germane in your legal opinion?

Ms. Glass: Yes, the 'WHEREAS' clause says that while the "*Most Improved Student*" banquet is not a Caddo Parish School Board function and the Board has not submitted the request to waive the fee;

Councilman Gibson: Gentlemen with that information - - -

Councilman Carmody: I withdraw the motion.

Councilman Gibson: Councilman Walford, will you withdraw too?

Councilman Walford: Yes.

Councilman Gibson: So we've got a withdraw on that, can I get a motion and a second to approve?

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

Councilman Jackson: Mr. Chairman, as I appreciate it, one of the things, since we have an intergovernmental agreement, one of the things that I would like to suggest and it may (inaudible) in the form of an additional motion. I know that the time is probably short, but it has come to us very late as well, is that if we have an intergovernmental agreement with the Caddo Parish School Board, and if in fact we have knowledge of the fact that the Caddo Parish School Board is not necessarily supportive of this particular event. I don't- - - I can't speak to that. But our agreement from this Council is with Board Members from that particular Board in essence. And so, if there is a, and I don't know, maybe Councilman Lester has already received it as the sponsor, some endorsement from the School Board, I would feel a lot more comfortable almost allowing them to get the same kind of deference from us as the School Board would have. But if in fact, the School Board is not endorsing this, then I would have some concerns about that and the spirit of our agreement.

Councilman Lester: Thank you Mr. Chairman. I had an opportunity to speak to - - - before moving forward with this, with folks from the Caddo Federation of Teachers as well as the President of the Caddo Parish School Board who indicated that - - - he read to me over the phone a letter that he was sending to the Mayor indicating his support of this particular function. And based upon that, I moved forward. I would just simply say that, I mean, some months ago, we ended one of our Council Meetings early with great anticipation of going to a function for the Caddo Parish School Board where we went to the Municipal Auditorium where we celebrated the accomplishments of the school system. We had a big pep rally. And many of us left our meeting and went to participate with this. This is a function by the Caddo Federation of Teachers to support their most improved students. And while it is generally not our Bali wig to deal with the inner workings of the Caddo Parish School System, certainly I believe that if we can waive fees for anything, this would be something that we could waive fees for. If someone is going to host a banquet for children and saying that they have improved themselves or what have you. Now again, it's not my position to get into the internal politics of the Caddo Parish School Board. Certainly I have enough to deal with here. But to the extent that I was approached by the President of the Caddo Federation of Teachers, and I did in fact speak with the President of the School Board, who indicated to me that he was sending a correspondence to this Body and to the Mayor, I moved forward. Now, I mean, I would just ask for an up or down vote.

Mr. Thompson: This is just a technical thing that I'd like to bring forward so that somebody won't be looking for this in the future. As far as I know there is no cooperative endeavor agreement. The authority of the Mayor to sign a contract to waive the fees comes from section 62-92a of the Code of Ordinances and its not a cooperative endeavor agreement between the City - - - it's in our Code of Ordinances that allows us to (inaudible)

Councilman Jackson: And again, certainly I agree with the fact that this is a good event. Two questions I have. First, Councilman Lester spoke of a correspondence from the President. I'm not in receipt of it and maybe the Clerk or the Mayor may be in receipt of it, but I've never received the letter of that. So, I didn't know that they were even sending a letter as that might represent endorsement. And I don't know if he was sending a letter of endorsement from the Board or from himself on that in that correspondence. Secondly, my question I guess, the second thing I have is a question. Are they charging anything to get into this event. It's just a free event or are they charging anything to get into the banquet?

Councilman Lester: As I appreciate it, it's a free event that they are sponsoring for children across the Parish, to give them awards for most improved grades and most improved behavior and they invite their parents and their grandparents, and the whole nine yards.

Councilman Jackson: Is there a limited audience? Or is this - - ? Because I want to say somebody sent an invitation or something about this, I think they sent me an invitation to it or something. I didn't know if there was a limited audience of just parent and family that they were preparing for because that would make sense, because they would know how much food to buy. But if it were open to the public, I can't imagine them doing it for free and not know how much food they need to buy and you know so on, and so forth. That's just my concern. I think if it was the Caddo Parish School Board or even if they just had the endorsement of the School Board, then I certainly would feel a lot more comfortable doing that. Because of course, there've been a lot of other groups who've done the same thing, and their association with another group, you know, I'm sure they could weigh in on their association with another group. And I'm just concerned that we're not open a Pandora's box with regards to this. But if the Council certainly feels comfortable doing this, then I guess we can.

Councilman Green: Mr. Chairman, I'd just like to say I learned at an early age you don't vote against children, and you don't vote against old people.

Motion denied for the lack of a required unanimous vote for this type of resolution [Section 62-92 (b)]
Ayes: Councilmen Lester, Gibson, Hogan, and Green, 4. Nays: Councilmen Carmody, Walford, and Jackson. 3.

Councilman Walford: I have a question. Doesn't our ordinance say any fee waiver takes a unanimous vote of the Council?

Mr. Thompson: I think so.

Councilman Carmody: I think it does too.

Ms. Glass: Let us check that and if you could come back to that?

Councilman Walford: I think Mr. Carmody had brought that up at some previous meeting regarding fee waivers that it takes a unanimous vote of the council.

Mr. Thompson: Ms. Glass will look that up if we can come back to it.

Councilman Gibson: We can get clarification of that in a few minutes.

INTRODUCTION OF RESOLUTIONS (Not to be adopted prior to May 10, 2005)

1. **Resolution No. 66 of 2005:** A resolution authorizing the Mayor to make application with Northwest Law Enforcement Planning Agency.
2. **Resolution No. 67 of 2005:** Authorizing the Mayor to execute an agreement with Louisiana State University and the Northwest Louisiana Master Gardeners Association, Inc. and to otherwise provide with respect thereto.
3. **Resolution No. 68 of 2005:** A resolution making application to the State Bond Commission, the Louisiana Department of Environmental Quality and the Louisiana Department of Health and Hospitals for approval of the issuance by the City of Shreveport of not to exceed Seventy-Five Million Dollars (\$75,000,000) aggregate principal amount of Water and Sewer Revenue Bonds, in one or more series, for the purpose of financing the cost of the construction, improvement and expansion of the water and sewerage systems in the City; authorizing the Mayor to execute certain applications and documents; 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). 66, 67, and 68 of 2005 to lay over until May 10, 2005 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Out of the Chamber: Councilman, Walford. 1.

INTRODUCTION OF ORDINANCES (Not to be adopted prior to May 10, 2005)

1. **Ordinance No. 46 of 2005:** An ordinance amending Article II of Chapter 42 of the Code of Ordinances by repealing Section 42-13 relative to operation for a public dance; to add provisions relative to the regulation of dance halls; and to otherwise provide with respect thereto.
2. **Ordinance No. 47 of 2005:** An ordinance amending Ordinance No. 40 of 2003 relative to changing the name of the Shreveport Blanchard Road from the Roy Road to North Hearne Avenue to Hilry Huckaby III Avenue and to otherwise provide with respect thereto. (A/Lester)
3. **Ordinance No. 48 of 2005:** ZONING – C-78-04: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the south side of E. Stoner at this intersection with Clyde Fant Parkway Shreveport, Caddo Parish, Louisiana, from R-A-E, Residence-Agriculture/Extended use District to B-1-E, Buffer Business/Extended Use District, Limited to "uses listed herein" ONLY, and to otherwise provide with respect thereto. (B/Walford)
4. **Ordinance No. 49 of 2005:** ZONING – C-15-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the southeast corner of Downing and Redstone, Shreveport, Caddo Parish, Louisiana, from R-1H Urban, One-Family Residence District to R-1H-E, Urban, One-Family Residence District, Limited to "a leasing and Management Office with limited storage for the purpose of managing the structures in the immediate neighborhood, ONLY", and to otherwise provide with respect thereto. (A/Lester)
5. **Ordinance No. 50 of 2005:** ZONING – C-31-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance of property located on the east side of Southern Avenue, 200 feet south of Ockley Drive, Shreveport, Caddo Parish, Louisiana, for the continuation of B-2-E, Neighborhood Business/Extended Use District, Limited to taxidermy/wildlife artist shop" ONLY, and to otherwise provide with respect thereto. (B/Walford)
6. **Ordinance No. 51 of 2005:** ZONING APPEAL – C-19-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the west side of Acorn 100 feet south of Stoner Avenue, Shreveport, Caddo Parish, Louisiana, from R-1H, Urban, One-Family Residence District, to B-1, Buffer Business District, and to otherwise provide with respect thereto. (B/Walford)
7. **Ordinance No. 52 of 2005:** ZONING – C-20-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the southwest corner of Wyandotte and Centenary, Shreveport, Caddo Parish, Louisiana, from B-1, Buffer Business District, to

- B-1-E, Buffer Business Extended Use District, Limited to “a transitional shelter for women including housing, job assistance, substance abuse treatment and medical care” ONLY, and to otherwise provide with respect thereto. (B/Walford)
8. **Ordinance No. 53 of 2005:** ZONING APPEAL – C-21-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the northwest corner of Preston and Knight Streets, Shreveport, Caddo Parish, Louisiana, from R-A-E, Residence-Agriculture/Extended Use District (Limited to Par 3 Golf Course, Miniature Golf, Driving Range and Batting Cage) to R-A-E, Residence-Agriculture/Extended Use District, LIMITED TO PAR 3 Golf Course, Miniature Golf, Driving Range, Batting Cage, and Pro-Shop” ONLY, and to otherwise provide with respect thereto. (C/Carmody)
 9. **Ordinance No. 54 of 2005:** ZONING – C-22-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the northwest corner of Southern and Pierremont, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban One-Family Residence District, to B-1 Buffer Business District, and to otherwise provide with respect thereto. (C/Carmody)
 10. **Ordinance No. 55 of 2005:** ZONING – C-23-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport, by rezoning property located on the north side of York Street, 130 feet west of Panatella Street, Shreveport, Caddo Parish, Louisiana, from R-1H, Urban, One-Family Residence/Extended Use District, LIMITED to “a leasing and management office with limited storage for the purpose of managing the structures in the immediate neighborhood”, ONLY and to otherwise provide with respect thereto. (D/Gibson)
 11. **Ordinance No. 56 of 2005:** ZONING – C-24-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the west side of Ascot 130 feet north of Mount Zion Road, Shreveport, Caddo Parish, Louisiana, from R-A, Residence-Agriculture District, to R-A-E, Residence-Agriculture/Extended Use District, LIMITED to “a leasing and management office with limited storage for the purpose of managing the structures in the immediate neighborhood” ONLY, and to otherwise provide with respect thereto. (D/Gibson)
 12. **Ordinance No. 57 of 2005:** ZONING – C-25-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the east side of Premier Court 427 feet south of East Bert Kouns Industrial Loop, Shreveport, Caddo Parish, Louisiana, from R-A, Residence-Agriculture District, B-2-A, Business Park District, and B-3, Community Business District, to B-3-E, Community Business/Extended Use District, LIMITED to “outside storage of construction equipment and various other items for rent” ONLY, and to otherwise provide with respect thereto. (D/Gibson)
 13. **Ordinance No. 58 of 2005:** ZONING – C-27-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning Property located on the northeast side of Valley View Drive 900 feet west of Wyngate Drive Shreveport, Caddo Parish, Louisiana, from R-2, Suburban, Multi-Family Residence District, to 1-2, Heavy Industrial District, and to otherwise provide with respect thereto. (F/Green)

Read by title and as read, motion by Councilman Carmody, seconded by Councilman Hogan to introduce Ordinance No(s). 46, 47, 48, 49, 50, 51, 52, 53, 54, 56, 57, and 58 of 2005 to lay over until May 10, 2005 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Out of the Chamber: Councilman , Walford. 1.

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

1. **Ordinance No. 28 of 2005:** An ordinance amending Chapter 14 of the Code of Ordinances, styled Animals, and to otherwise provide with respect thereto. (F/Green) (Postponed – April 12, 2005)

Having passed first reading on March 8, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Carmody to postpone Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Out of the Chamber: Councilman , Walford. 1.

2. **Ordinance No. 33 of 2005:** An ordinance authorizing the purchasing agent to dispose of surplus real properties and otherwise providing with respect thereto. (A/Lester/B/Walford/C/Carmody/D/Gibson)

Having passed first reading on March 22, 2005 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 Carmody to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Out of the Chamber: Councilman , Walford. 1.

3. **Ordinance No. 34 of 2005:** An ordinance authorizing the purchasing agent to dispose of surplus real properties and otherwise providing with respect thereto. (B/Walford)

Having passed first reading on March 22, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Carmody, seconded by Councilman Jackson to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Out of the Chamber: Councilman , Walford. 1.

4. **Ordinance No. 35 of 2005:** An ordinance authorizing the donation of the original Central Fire Station building to the State of Louisiana for conversion and operation as a museum and otherwise providing with respect thereto. (B/Walford)

Having passed first reading on March 22, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Carmody, seconded by Councilman Jackson to

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

5. **Ordinance No. 36 of 2005:** An ordinance closing and Abandoning Midway Street running between Maryland Ave. and Fairfield Ave. in the Fairfield Heights and Audubon Park Subdivision located in the NE ¼ of Section 13 (T17N-R14W), Caddo Parish, Louisiana and to otherwise provide with respect thereto. (B/Walford)

Having passed first reading on April 12, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Walford, seconded by Councilman Carmody to adopt.

Councilman Walford: And this is one that Mr. Chairman, if I may.

Councilman Gibson: Councilman Walford.

Councilman Walford: This was brought to me by Mr. Strong's department. It's very necessary that we do this.

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

Mr. Thompson: Mr. Chairman, before we get to item 37 which has a lot of amendments, Ms. Glass is ready to answer the question that was posed by Mr. Walford.

Ms. Glass: That was correct, section 62-92 of the Code does require a unanimous vote on it.

Councilman Gibson: So that particular item failed for a lack of a unanimous vote. It was 4-3.

Councilman Lester: Thank you Mr. Chairman.

6. **Ordinance No. 37 of 2005:** An ordinance amending and reenacting Chapter 50 of the Code of Ordinances by adding Article V. relative to the clean indoor air act and to otherwise provide with respect thereto. (E/Hogan) (Postponed - April 12, 2005)

Councilman Lester: So moved on Amendment No. 1.

Councilman Gibson: Gentlemen, I would like to go in reverse order with item No. 7

Councilman Walford: Actually, there's 8.

Councilman Gibson: Let me refresh on mine real quick. I'd like to start with item 8 and work our way backwards if we could.

Having passed first reading on March 22, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Hogan.

Amendment No. 8 to Ordinance No. 37 of 2005 By Councilman Hogan

In Section 50-211 insert in the appropriate place in alphabetical order, the following:

City playgrounds and parks means all city-owned or operated parks and playgrounds, but does not include the city's golf courses or Festival Plaza.

Add subsection 50-213(b)(8) (or other appropriate subsection number) to read as follows:

(8) City playgrounds and parks.

Motion by Councilman Hogan, seconded by Councilman Jackson to adopt Amendment No. 8.

Councilman Gibson: Councilman Hogan, would you like to discuss this item?

Councilman Hogan: Thank you Mr. Chairman. This amendment clarifies about the parks, City parks. Because there's some language there. I wasn't sure how it was written into the City Code. And Ms. Glass had clarified this. The ordinance originally as written included all City parks. And so we've gone a step further with that and decided that we upon Councilman Gibson, your recommendation that you decided that you had a problem with Festival Plaza. Someone else mentioned to me that they had a problem with Festival Plaza and I can go along with that. I can compromise on that. It'd be kinda hard to classify that as a park. But we just finished having Holiday in Dixie there. Again, I would love to include it, to ban smoking from Festival Plaza, but I've taken this as a compromise and I'm willing to go along and exclude it. Festival Plaza. And also, we had some request from people about golf courses. A lot of people felt like the golf course should not be included. And I can go along with that as well. And so, anybody that want's to smoke a cigar or cigarette while they're out playing golf, if this passes you'll be free to do that. And so that's basically what clarifies what the ordinance is about.

Councilman Jackson: Mr. Chairman, and to Mr. Hogan. You know I had - - -

Councilman Green: Mr. Chairman, Point of Order.

Councilman Gibson: Councilman Jackson, we have a Point of order. Councilman Green, what is your Point of Order?

Councilman Green: Point of Order is on yesterday we had a pledge from Councilman Jackson that on today, that there would be no discussion.

Councilman Gibson: I can appreciate that Councilman Green. But at the same time, today is today and yesterday was yesterday. Councilman Jackson, proceed.

Councilman Jackson: Mr. Chairman, not only in deference to my colleague, but in keeping in consistency with what I said, I think my colleague will understand perhaps that Amendment No. 8 was not on the agenda yesterday. So as it relates to that, let me just say that I had some significant consternation, I'll say that Councilman Green, with regards to Festival Plaza. And if the author of this particular amendment Councilman Hogan, is comfortable and feels that it is necessary, then obviously I want to try and be supportive, because ultimately, we need to get something on the books. However, I have to say to Councilman Hogan, who has authored this amendment, and perhaps in an effort to compromise, that I just have a hard time with the Festival Plaza part of this. I thank you for recognizing the parks and playgrounds piece that I talked about on yesterday. It's just that Festival Plaza is a place where at many of these festivals, I think all of us go to festivals in that

particular place. It's a place that I like to take my kids as well. And that's what really just kinda makes it tough for me. I'm apprehensive on that part. If it's the pleasure of this Council to move forward like that, you know I would ask for some consideration to strike Festival Plaza from this as well. But I don't know if we could get a consensus on that. If we could Mr. Chairman, I would certainly like to see if there were some consensus on Festival Plaza that we might strike that. But if not, then we can move forward.

Councilman Gibson: Is that a form of a motion, Councilman Jackson?

Councilman Jackson: Well, it would be an amendment to this amendment I believe. And then I'd have to have it in writing. Is that correct?

Ms. Glass: Correct.

Councilman Jackson: Yeah.

Councilman Gibson: Let me weigh in on this real quick if you don't mind. I had discussions with - - - well first of all, this issue has been weighing on my mind. I have a constituent that's out there in the audience that - - - again, they're one of my bosses. But at the same time, I want that constituent to know that I've got a 6 year old and an 11 year old. We had a fine piece of legislation that was brought before us two weeks ago. I've given major accolades to everybody I can talk to about Councilman Jackson and Councilman Hogan for bringing this before us. I kinda take exception that it shows courage. I just think that it was the right thing to do. But at the same time a few of us up here had another piece of legislation that said, slow down a little bit. Lets look at it from two sides. That legislation was brought forward by Councilman Lester and myself. And basically, it was one to say lets look at this coin on both sides. Lets see where we can find some middle ground. But I spent the last week and a half as Chairman, working with each one of my colleagues on this thing to try to bring something that everybody could walk away with that would be a win/win in a step in the right direction. We still have a major monster down in Baton Rouge called the State Legislature. There's some work needs to be done and I think some of my colleagues are on the front end of that curb trying to do some lobbying and I'm praying that we'll be successful in that. But I'm getting around to my comments. I went to Julie Glass and I had some concerns about the parks. Because parks is very broad in nature. And I appreciate, and I've expressed my concerns to Councilman Hogan and he has this amendment in there, but there were some comments made and I have no animosity toward my colleague, but *The Times* picked up what they wanted to pick up this thing. And you know, I take my kids to a lot of different things, but I had someone state in the audience how disappointed they were because I put parks or playgrounds in this situation. But again, there was some discussion that took place with our legal counsel. And I think she gave me some great advice. She gives, I think all of us, some great advice. And unless you were in that conversation, I would ask that you not prejudge people on what's taking place regarding that. Because again, the spirit of what we're trying to do up here is find common ground. Not one extreme or another. And I'm very cognizant of the fact of safety and health because I have a 6 year old and an 11 year old. And my responsibility as a parent is first and foremost with them. But I do want to clear the air regarding statements that were made regarding playgrounds specifically. Parks are a broad term. Festival Plaza in this particular case for my colleague who inquired about it, I think there's no doubt about it. This City has built and invested a lot of money. This Mayor has provided some leadership in that area. Mayor Bo Williams provided leadership and vision in terms of what festivals mean to the City of Shreveport and to the Ark-La-Tex and to our citizens. I guess I have some philosophical differences when it comes to indoor versus outdoor. Because outdoor, there's disbursements and things of that nature and again, that's philosophical. I'm looking - - - I've heard data after data, being consumed. But Festival Plaza means some big things to the citizens of Shreveport, it means big things to our coffers. I think Mayor Hightower, you would agree that we generate significant economic impact. And that because of the broad terms of parks, I suggested to Councilman Hogan that Festival Plaza is one of those items where it's open air. If someone is so inclined to have a designated area for those smokers, I'm more than happy to listen and second in writing an amendment, just like do or have proposed and some other things coming regarding Independence Stadium that one of my colleague had some vision to deal with. I go all over the country and been to many a stadium. They have concourse areas for smokers. So, just so my colleague understands a little bit about where we're coming from, these are outdoor venues and that I'd ask for some guidance from our legal counsel. And if I've made a mistake, or did not, or oversight on playgrounds, it wasn't intentional. And I hope that my constituent understands that as a parent, my kids come first. My kids use the playgrounds all over the City of Shreveport. Thank you.

Councilman Lester: Yeah, just a couple of questions to Councilman Hogan as the maker. In this particular amendment, we're going to prohibit smoking in the City parks and playgrounds, but we're not going to prohibit smoking on the golf course or Festival Plaza. Is that correct.

Councilman Hogan: That's correct.

Councilman Lester: Okay, could you explain to be the logic that lead you to making - - - to differentiating between smoking in the City parks and playgrounds or not allowing smoking in the City parks and playgrounds, but allowing smoking on the golf courses and the Festival Plaza?

Councilman Hogan: One of the main reasons that I wrote this up is because of people that had asked me. Councilman Gibson as I said a few minutes ago. And he said he felt like Councilman Gibson, quote me if I'm wrong, but you said you felt like this was - - - Festival Plaza was not necessarily as a park. That it was something different. And indeed I agreed that we have like the Holiday in Dixie. You know, we wouldn't have Holiday in Dixie out in Southern Hills Recreational Park. So this is what separates it apart from City parks. You know it could just be a matter of interpretation, but it was a matter of compromise on my part. I mean, I understand it's all open air. And so, I don't know if that answers your question or not. On City golf courses, technically, and I verified this with Ms. Glass. That they're considered as City parks. They're listed - - - Ms. Glass?

Ms. Glass: Sorry?

Councilman Hogan: That's okay. You can verify this for me, as our conversation yesterday that City golf courses are listed in the language under City Codes as parks. Isn't that correct?

Ms. Glass: That's correct. In the section on closing times. They're not defined as such, but they're listed under that sections of park.

Councilman Hogan: Okay. And you know another reason is - - - I'm not saying that there couldn't be any children out at the golf courses, there could be. But I go along with Councilman Jackson's theology that we definitely want to try to keep the smoke away from children, indoors or outdoors. So, you know with that said, that's the reason for the golf courses and the Festival Plaza. Did that answer your question?

Councilman Lester: You did. I mean, that was your motivation and I don't ascribe any motives one way or the other, I just you know and what kinda disturbs me about this whole scenario and I'm going to make this point and I'm going to try hard not to beleaguer it. People have chastised and castigated us on any number of things and that's the price that we pay for the seven of us being up here. You deal with it. But everyone talks in

terms of absolutes. Absolutely no. This is absolutely wrong because smoking is absolutely wrong. And yet here again, we're making another distinction and we're again differentiating between types of smoking or places of smoking. And it goes back to what I said yesterday. And I just truly believe, we're talking about again trying to put a round peg into a square hole. I mean, if your conscious is offended by smoking outside, I don't necessarily agree with that opinion, but I can respect it. But then now we're going to put yet another nuance between 'well, yeah it's a golf course, but you know there aren't enough kids here, and that's okay,' or it's a park, but it's not a playground, it's a plaza but it's not this.' And then I also heard and I'm hearing or feeling of the undercurrent as 'well Festival Plaza is more of a place that we have invested a lot of money and there's a commerce piece to it' that you know we bring Holiday in Dixie in and everybody goes there, and it's something that generates a lot of money for us. But at the same time, we're willing to talk to a business owner who generates his or her source of income from commerce and serving a group of people and telling them that you can't. I said this when we first started this discussion that it's gone from the ridiculous to the sublime not to water this thing down, but you cannot apply this State statute across the board because it is unjust and (inaudible) it is inapplicable across the board fairly on it's face because of the many and myriad of exceptions. And here we are, we're creating another exception of outside. We have several exceptions as it relates to inside and now we've had yet another distinction of outside. If we were in a situation where and again, I don't think this is a bad discussion to be having. I think that we're having this discussion as it relates to smoking about 280 miles northwest of where we need to be having this. This is a conversation that we need to be having in Baton Rouge to give us the power to say no smoking across the board. Because if we were to vote no smoking within the municipal boundaries of the City of Shreveport, I may or may not like it, but at least it's fair across the board. But here again, we're making yet another distinction and at a certain point, we're splitting this hair to the point, and where my math majors, what is limit of sign or is the limit of cosign continues to go out and is constantly gets close to zero, but it never gets there and we're just continuously splitting that hair, splitting that hair, splitting that hair. Thank you Mr. Chairman.

Councilman Walford: I've got a couple of questions that I'm going to direct to Ms. Glass. Our golf courses serve food, and beer. And they can be consumed all over the golf course. Since they serve alcohol, wouldn't they fall under the state exemption that allows smoking because they serve alcohol?

Ms. Glass: We looked at that and - - - but an owner has the ability to make the decision to prohibit smoking on his own property.

Councilman Hogan: Just one comment to Councilman Lester. Please understand where I'm coming from, and the spirit of the amendment is to offer a compromise. If I could, if I thought it would pass, I would ban smoking everywhere. I would ban the sale of cigarettes. I can't do that. And as far as the State law goes, I'm just going by - - - right, that brings up another issue. I'm not in favor of the 'Sin Tax' the governor has brought forth. I'm in favor of teacher pay raises. But I'm not in favor of the Sin Tax. I think that's counter productive as there are fewer and fewer smokers everywhere. That's a whole nuther issue, but somebody accused me of that, so I wanted to set the record straight on that. But you know, I know of no other way. Maybe if you know of another way, you can tell me, that we can over ride State law. I don't know the way that we can do that. So, I had to craft the ordinance in a way that reflects working with State law the best that we can.

Councilman Jackson: Mr. Chairman, I'd like at this time to call for the previous question.

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

Councilman Jackson: And I'd like to move that we accept Ordinance No. 37 as it was originally submitted.

Councilman Walford: Point of Order.

Councilman Gibson: Councilman Walford.

Councilman Walford: All we voted on was ending debate.

Councilman Gibson: Debate on Amendment 8.

Councilman Jackson: Mr. Chairman, I called for the previous question Mr. Chairman, which means that I called for the question on the original ordinance.

Councilman Walford: The motion Mr. Chairman if I may?

Councilman Gibson: Councilman Walford.

Councilman Walford: The motion for Amendment 8.

Councilman Jackson: Correct.

Councilman Gibson: I believe that we'd have to call question on the motion and second that was on the floor, is that correct?

Ms. Glass: Mr. Chairman, I talked to Mr. Jackson about that. And what I said was that a motion to call for the question or call the previous question, whatever you name it, is in order when another motion is on the floor. It's in order at any time. But you need to specify what portion of it you're calling for the question on. And I don't think that he did that and I'm not sure that Council understood that.

Councilman Jackson: I'm sorry. I thought that you said the previous question. I apologize.

Councilman Gibson: Well the Chair understood it and I'd like input from our colleagues that you were calling for question on Amendment No. 8. I know we had a question on that and a second. That was my interpretation. I believe I've got nodding from most people on the floor.

Councilman Jackson: I apologize Mr. Chairman, I don't know what the correct thing to do right now is. Can I re-phrase it? We have a vote that's been taken.

Councilman Gibson: We have a motion on Amendment 8 and a second.

Councilman Jackson: We have a vote that's been taken- - -

Councilman Gibson: To end debate on item No. 8. And under what I understand as Chairman of Roberts Rules we would go to a vote on Amendment 8.

Ms. Glass: I think so. I think that ends the discussion on that.

Councilman Gibson: That ends the debate, now we're going to a vote.

Councilman Jackson: I guess mine is a Point of Order. Maybe that's (inaudible)

Councilman Gibson: Okay, Point of Order, Councilman Jackson.

Councilman Jackson: That we've voted already and that, that was not the intention of my motion, then my question becomes is there something that I need to do? Because that did not express the intention of my motion.

Councilman Lester: You need to make another motion.

Councilman Jackson: But I'm not sure about that.

Councilman Lester: I would suggest that if the affect of - - - as I appreciate it, the affect of the previous vote was to end debate on Amendment No. 8, then I would think if Councilman Jackson's intent was to call the question on item 37, then in fact we would have to vote on Amendment 8 and then after that happens, then he would re-urge his motion to vote on 37.

Councilman Gibson: And then again, once we get that item out of the way, then the floor is open again.

Councilman Jackson: I don't know if it's appropriate. I want to ask the Council. Since we've already taken the vote, would it be after the fact to withdraw that particular motion?

Councilman Gibson: No. The Chairman- - - again the Chairman's ruling on this unless we have an over rule, I'm ruling that we have a motion to end debate. We voted on debate. Lets move to the vote on Amendment No. 8. All in favor vote - - -

Councilman Jackson: Point of order, Mr. Chairman.

Councilman Gibson: Point of order, Councilman Jackson.

Councilman Jackson: Yeah, I didn't get an explanation. I got what you said, but I didn't get an explanation that addressed my question.

Councilman Gibson: Well again, debate has ended so the Chairman is ruling that debate has ended, we voted on that to end debate.

Councilman Jackson: I have a Point of Order, I am not debating –

Councilman Gibson: End debate, we're going –

Councilman Jackson: I'm not debating eight –

Councilman Gibson: Councilman Jackson, all in favor vote yea, opposed vote nay.

Councilman Jackson: Mr. Chairman, I'd like to call a Point of Order.

Councilman Gibson: The Chairman has ruled, you want to call for an overrule then that's your pleasure.

Councilman Jackson: I'd like to do so – I want to know if I could just simply withdraw that, because the vote is on the record. I didn't know if it is just going to be a vote on the record that says that we're moving to the question on this.

Councilman Gibson: Councilman Jackson, if you want to over rule the chair go ahead and make that motion.

Councilman Jackson: So moved, Mr. Chairman.

Councilman Gibson: To overrule the Chair, we have a motion on the floor.

Councilman Hogan: Second.

Motion by Councilman Jackson, seconded by Councilman Hogan to over rule the Chairman.

Councilman Jackson: All I want is an explanation at this point. Mr. Chairman, if you can't give it to me, maybe the Clerk can give me the explanation. I'm only asking if in fact to explain my motion, my Point of Order is if in fact all we are doing then is taking what I did as simply moving for the question on item 8.

Councilman Gibson: And I think that Ms. Glass had answered that question.

Councilman Jackson: Mr. Chairman, is it okay if we get answers that satisfy us?

Councilman Gibson: You asked - - - the question was asked to (inaudible)

Councilman Jackson: I'm saying but, is it okay if I get an answer that satisfies me?

Councilman Gibson: Councilman Jackson, we have an answer. Councilman Green.

Councilman Green: Mr. Chairman, the record reflects that when one calls a Point of Order, that the Chair has the opportunity to listen to the Point of Order, but that doesn't order the Chair to be ordered by what the Point of Order was.

Councilman Gibson: Thank you Councilman Green. Again, Julie Glass has given us an answer. I'm not sure if that's satisfactory to what your question was. Ms. Glass would you repeat the fact that we had a motion on the floor to end debate on item 8, as my colleagues have acknowledged? And we had a second, we had a vote on that. So, under Robert's Rules, we would end the debate, we acknowledged the end of debate, so now our next step would go to the vote on Amendment 8. Is that correct?

Ms. Glass: Yes, I would agree with that.

Councilman Gibson: Councilman Jackson, thank you. We had a motion I believe by Councilman Hogan, was the original motion and a second by Councilman Walford, if I'm not mistaken.

Councilman Jackson: Sir, we're voting on my overrule, which I withdraw Mr. Chairman.

Councilman Gibson: Now, can we go to a vote on Amendment 8. All in favor vote yea, opposed, nay.

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

Amendment 7a to Ordinance No. 37 of 2005. By Councilman Walford

In Section 50-211, delete the definition of "Public Place."

Amend Section 50-213(a) to read as follows:

"(a) Smoking is prohibited in all enclosed areas of the following places:"

In Section 50-213(a), delete subsections (4), (5) and (6) substitute the following as subsection (4) and renumber the remaining paragraphs:

(4) Common areas of shopping malls.

Motion by Councilman Walford, seconded by Councilman Lester to adopt Amendment No. 7a.

Councilman Walford: Basically this amends to say that it removes restaurants and nonpublic buildings. It adds common areas of shopping malls. So, I would urge a yes vote.

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

Amendment 7b to Ordinance No. 37 of 2005

In Section 50-211 insert in the appropriate place in alphabetical order, the following:

City buildings means buildings and facilities owned, leased, occupied or operated by the City of Shreveport or any of its agencies.

Amend Section 50-213(a)(16) to read as follows:

(16) All enclosed areas of city buildings. This prohibition shall include private offices and other areas in city buildings as well as areas open to the public. Provided, however, smoking is not prohibited in the parking garage at Government Plaza, except within fifteen (15) feet of the entrance to the interior of building.

Motion by Councilman Walford, seconded by Councilman Lester to adopt Amendment No. 7b.

Councilman Walford: Mr. Chairman, I believe it's important to put the definition of City buildings into our definitions in the ordinance, otherwise I really believe this building is probably not covered. This is not a City owned building. This is occupied. So, I would urge passage of 7b. It'll add City Buildings to the definition.

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

Amendment 7c to Ordinance No. 37 of 2005

Add subsection 50-213(b)(4) (or other appropriate subsection number) to read as follows:

(4) In vehicles owned or leased by the city.

Motion by Councilman Walford, seconded by Councilman Lester to adopt Amendment No. 7c.

Councilman Walford: Mr. Chairman, that prohibits smoking in vehicles owned or leased by the City.

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

Amendment 7d to Ordinance No. 37 of 2005

Add subsection 50-213(b)(5) (or other appropriate subsection number) to read as follows:

(5) Anywhere on the barge at the Stoner Marina.

Motion by Councilman Walford, seconded by Councilman Lester to adopt Amendment No. 7d.

Councilman Walford: Mr. Chairman, this one prohibits smoking anywhere on the barge at the Stoner Mariner.

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

Amendment 7e to Ordinance No. 37 of 2005

Amend Section 50-213(a)(10) to read as follows:

(10) Sports arenas, except stadiums.

Add Section 50-213(b)(6) (or other appropriate subsection number) to read as follows:

(6) Stadiums. Provided, the owner or operator may designate smoking areas under the stadium only, which shall not be within fifty (50) feet of concession stands, ramps or restrooms.

Motion by Councilman Walford, seconded by Councilman Lester to adopt Amendment No. 7e.

Councilman Walford: This removes stadiums from Section 10 – Sports Arena so that we can specifically address stadiums in an added section.

Councilman Gibson: Anymore discussion?

Councilman Walford: I find this absolutely amazing. Councilman Hogan told me you were going to vote down every amendment. You're going to allow smoking in our own restaurant.

Councilman Gibson: Councilman Walford, lets keep it between me (the Chairman) and between Councilmen. (Inaudible) probably going to be. Thank you Councilman Walford. Councilman Hogan? Any other discussion on item 7e? If not all in favor vote yea, opposed nay.

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

Amendment 7f to Ordinance No. 37 of 2005

Add Section 50-213(b)(7) (or other appropriate subsection number) to read as follows:

(7) At or on entrances, balconies, loading docks, or other attached but unenclosed areas of the Convention Center, except as follows:

- a. The southwest corner of the building on the first floor outside the entrance to the Prefunction space serving Exhibit Hall 1.
- b. The center section of the loading dock space on the ground level on the north side between the stair towers.
- c. The east balcony on the second floor.

Motion by Councilman Walford, seconded by Councilman Lester to adopt Amendment No. 7f.

Councilman Walford: This addresses the Convention Center. You heard Mr. Carrier address it yesterday. You have a letter expressing their concerns about smoking in the Convention Center. I'm going to vote for this, I would urge the others to vote for it. If not, then we can smoke in the Convention Center.

Councilman Gibson: I believe that that is, if I could get a point of clarification. Ms. Glass, this is a City owned facility?

Ms. Glass: Yes, I don't think it would allow smoking within the Convention Center, but it does address the exterior of the Convention Center, the balcony, the loading docks, etc.

Councilman Gibson: Okay. Any other further discussion?

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

Amendment 7g to Ordinance No. 37 of 2005 (Withdrawn)

Add Section 50-213(c) to read as follows:

(c) Smoking is not prohibited in permitted smoking areas as provided in Section (b) above.

Motion by Councilman Walford, seconded by Councilman Lester to adopt Amendment No. 7g.

Councilman Lester: Well, it's not necessary.

Councilman Walford: It's not necessary. I'll withdraw that.

Councilman Gibson: Withdraw on 7h?

Councilman Walford: Same. It's not necessary.

Councilman Jackson: No, they're just explanations.

Amendment 7h to Ordinance No. 37 of 2005 (Withdrawn)

Add Section 50-213(c) to read as follows:

(c) Smoking is not prohibited in permitted smoking areas as provided in Section (b) above or in designated smoking areas as defined in Section 50-211.

Amendment No. 6 to Ordinance No. 37 of 2005 By Councilman Hogan

In Section 50-215 at the end of the paragraph add the following:

All "No Smoking" signs shall also contain the following statement: "Smoking Prohibited by City of Shreveport Ordinance No. 37 of 2005."

Motion by Councilman Hogan, seconded by Councilman Jackson to adopt Amendment No. 6.

Councilman Hogan: This is just an amendment that requires the business owner to put up the proper signage which would read something like 'no smoking due to City Ordinance No. 37 of 2005.'

Councilman Gibson: Any other discussion?

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

Amendment 5a to Ordinance No. 37 of 2005 By Councilman Green

In Section 50-213(a)(16) at the end of the subsection delete the period, substitute a comma, and add the following:

"except:

- a. in the parking garage of Government Plaza; and
- b. when rooms in City-owned buildings are leased to private individuals, groups or corporations, the lessee, at his option, may allow or regulate smoking during the term of the lease.

Amendment 5b to Ordinance No. 37 of 2005 By Councilman Green

Add subsection 50-213(b)(4) (or other appropriate subsection number) to read as follows:

"(4) In vehicles owned or leased by the city, if any person riding in the vehicle objects to any other person smoking."

Amendment 5c to Ordinance No. 37 of 2005 By Councilman Green

Before the first BE IT FURTHER ORDAINED paragraph, insert the following:

BE IT FURTHER ORDAINED that this ordinance shall become effective six months after the date of its adoption.

Motion by Councilman Green, seconded by Councilman Carmody to withdraw Amendments No. 5a, b, and c. Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: Councilman Walford. 1. (Amendment No. 2 to Council Proceedings of the City of Shreveport, April 26, 2005)

Amendment No. 4 to Ordinance No. 37 of 2005 By Councilman Gibson

At the end of Section 50-215, add the following:

Section 216. Enforcement and Penalties.

(a) It shall be unlawful for any person to smoke in any place where smoking is prohibited by the provisions of this Article.

(b) It shall be the duty of any owner, operator or manager of a place where smoking is prohibited by the provisions of this article to inform any person who smokes in such a place that he is in violation of the law.

(c) It shall be unlawful for the owner, operator or manager of a place where smoking is prohibited by the provisions of this article to fail to post the signs required under section 50-215.

(d) It shall be unlawful for the owner, operator or manager of a place where smoking is prohibited by the provisions of this article to fail to comply with the requirements for separate ventilation and limitation on size of designated smoking areas.

(e) Upon conviction, the violation of any provision of this Article shall be punished by a fine of not exceeding \$500.00 for each offense. Each day of operation in violation of any provision of this Article shall constitute a separate offense

Motion by Councilman Gibson, seconded by Councilman Carmody to withdraw Amendment No. 4. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

Amendment No. 3 to Ordinance No. 37 of 2005 By Councilman Hogan

At the end of Section 50-215, add the following:

Section 216. Enforcement and Penalties.

(e) It shall be unlawful for any person to smoke in any place where smoking is prohibited by the provisions of this Article.

(f) It shall be the duty of any owner, operator or manager of a place where smoking is prohibited by the provisions of this article to inform any person who smokes in such a place that he is in violation of the law.

(g) It shall be unlawful for the owner, operator or manager of a place where smoking is prohibited by the provisions of this article to fail to post the signs required under section 50-215.

(h) It shall be unlawful for the owner, operator or manager of a place where smoking is prohibited by the provisions of this article to allow smoking in such place except in a designated smoking area.

(e) Upon conviction, the violation of any provision of this Article shall be shall be punished by a fine of not exceeding \$500.00 for each offense. Each day of operation in violation of any provision of this Article shall constitute a separate offense.

Motion by Councilman Hogan, seconded by Councilman Jackson to adopt Amendment No. 3.

Councilman Jackson: Mr. Chairman, I'd just like to ask clarity. Just wanted to be sure that everybody was clear on the fact that this was about enforcement and the penalties that would do on this enforcement and yesterday, we had some conversation about who would be the person, who would be fined? And I was asking Councilman Hogan if he could clarify that for us before we vote?

Councilman Hogan: The ordinance - - - there was a question of whether or not to penalize the property owners or the business owners. And it originally as written, Ms. Glass you can help me. It originally did provide for penalty.

Ms. Glass: Actually the original ordinance provided the general penalty that is in the first chapter of the Code of \$500 or 60 days, but this ordinance did not specifically address the question of whether it would be a violation of the owner of the property to allow smoking.

Councilman Gibson: Any further discussion? Is Chief Campbell in the room?

Councilman Hogan: Mr. Chairman, I'm not finished. I'm going to withdraw the amendment. Amendment No. 3.

Motion by Councilman Hogan, seconded by Councilman Carmody to withdraw Amendment No. 3.

Councilman Gibson: Chief Campbell, could you come forward please? We're on the subject matter of enforcement which is germane to this question that I'm going to ask you. Have you received copies of the original ordinance and the amendments that have been submitted that we're discussing today?

Chief Campbell: I have not received copies of the amendments. I did receive a copy of the original ordinance.

Councilman Gibson: Okay, regarding enforcement, can you kinda give us an idea of how we're going to enforce it, even if we don't have fines or I guess we would defer to the original charter of fines, but how do you go about enforcing these things?

Chief Campbell: Enforcing?

Councilman Gibson: The ordinances and amendments that we're dealing with, with smoking.

Chief Campbell: I couldn't tell you the amendments, because I haven't read 'em. I think it's the original proposal. It talked about just a standard \$500 fine or 60 days in jail. There's all kinds of questions that come up. Is it a civil penalty, is it - - - and I believe it was determined that it was a criminal penalty. It's one of those things that's going to be not impossible to enforce, and we've talked to cities that have passed this. And they also often times in cases such as this allow, not allow, but depend on a lot of voluntary compliance. It's something that we would certainly have the authority by the ordinance to cite them for, and if it's not specified in there, it would be a misdemeanor, and so we would issue a summons, or we could in fact take someone to jail, depending on the circumstances.

Councilman Gibson: Those other cities, do they have special task force that are sent out to enforce?

Chief Campbell: No sir, they don't.

Councilman Gibson: So, it's I guess, all the responsibility comes down on regular law enforcement, patrols and things of that nature on the street?

Chief Campbell: Not in every case. In some cases, the enforcement is tasked with the Fire Department, other cases it is tasked with the Police Department.

Councilman Gibson: Thank you Chief. Any questions or comments? If not we have a motion by Councilman Hogan and a second by Councilman Carmody to remove Amendment No. 3.

Councilman Carmody: Mr. Chairman, I'm sorry. Point of Order. My mistake in making the second. Because the author of the amendment can withdraw without a second or consideration by vote. Excuse me Councilman.

Councilman Gibson: Well, okay. Councilman Hogan is withdrawing Amendment No. 3.

Amendment 2a to Ordinance No 37 of 2005

In Section 50-211 after the definition of Business Establishment, insert the following:

Designated Smoking Area means a separately enclosed, self-contained area with a separate ventilation system, which shall not constitute more than twenty-five percent (25%) of the square footage of the enclosed area of the establishment open to the public/

Delete Section 50-213(b) and add the following:

(b) Smoking is prohibited in any service line or waiting area in a public place during the times in which the public is invited or permitted, whether or not in an enclosed area.

(c) Smoking is not prohibited in a designated smoking area as defined in section 50-211.

Amendment 2b to Ordinance No. 37 of 2005

Before the first BE IT FURTHER ORDAINED paragraph, insert the following:

BE IT FURTHER ORDAINED that this ordinance shall become effective on January 2, 2006.

Motion by Councilman Gibson. Motion denied for lack of a second.

Amendment No. 1 to Ordinance No. 37 of 2005 By Councilman Gibson

Delete the ordinance as introduced in its entirety and substitute the attached ordinance

Motion by Councilman Lester, seconded by Councilman Gibson to adopt Amendment No. 1.

Councilman Gibson: The Chair will defer to Councilman Walford or Councilman Lester.

Councilman Walford: Mine was a second.

Councilman Gibson: I understand that. Councilman Lester.

Councilman Lester: Thank you. I just want to make a few comments, and then we're going to get on with dealing with this. When we first started this discussion, I said my problems with the statute were several. 1) I think there is a fundamental problem that we are creating a scenario where our businesses, we're taking the choice away from a business owner as to how he or she can run the confines of their establishment. And I think it's unnecessary. I think if in fact people want to have a nonsmoking business that caters to the public, then they have the choice to do that. If they want to cater to people who smoke, I believe that they should have the choice to do that. I think that's almost what our society is about. I think that the market place should have some say so in what happens. Because if it's economically feasible, or more economically beneficial for a business owner to cater to people who don't smoke than it is to cater to people that do, then I think that business owner should either reap the benefits or suffer the consequence and make the difference. I think that we are removing a person's bottom line in terms of telling them that they cannot allow smoking in their particular establishment. I'm particularly concerned because this State statute does not give us the ability to deal with this issue within the confines of our municipality. It creates an exception if you have an establishment that serves alcohol and you sit down. If you serve alcohol and sit down, you know, you don't have to listen to any of this discussion that we have, because it doesn't apply to you. If you have alcohol that you serve and people are walking in and out of it, well you need to understand because even though you do have alcohol and even though it's inside, we're going to treat you guys a little bit differently than the people that have a sit down scenario. If you have a business that caters to people that smoke and it's a gaming establishment through video poker or the casinos, we're going to treat you guys a little bit differently because you're inside. Even though everyone else is inside, we're going to treat you a little differently. You can say a lot of reasons why. Well, we know what that's all about. Casinos bring money, we're not going to hurt our money like that. But if you have an establishment that does not cater to someone that has alcohol, then if you want to continue to cater to people that smoke, then you're going to be forced into doing what a number of businesses in my district have done when this discussion was started some years ago. Which is they applied for liquor licenses and did whatever they had to do. I think if we're putting people particularly some of our small business owners at a competitive disadvantage, because they don't have the ability like the casinos that have the fresh air that circulates and the whole nine yards. And I just- - - I have a problem with us in this scenario legislating conduct that is ostensibly legal and we're taxing them. If we had a situation where the State's statute allows us to deal with this problem that I think there is a problem, failure across the board. I would probably have much less reticence dealing with this situation. But the point of the matter is the State's statute, it treats people that are similarly situated unfairly. And I think that's completely unfair. The question becomes what do you do when you're faced with an unjust law? Do you just agree and lay down? Some people would. I choose not to. Even if I'm in the minority. That's just not something I do. At the end of the day, you have to vote your conscience. You have a choice. I've heard people say that you know, we need to have the courage to vote with the majority or what the majority of people want us to do. Actually, it takes more courage to uphold the minority in the face of a majority that something that's very popular. You have to protect people against the Tierney of the majority. When you represent the ugly, and the poor and the unconnected, and the unpopular, sometimes you have to deal with things that are considered unpopular because the things that are important to you put you in a minority situation more often than not. And you just have to fight your beliefs, and if you're willing to go down that way, then sometimes you're going to be on the wrong side of the 4-3. Sometimes you're going to be on the wrong side of a 6-1 or a 5-2. It is what it is. I'm concerned because I think we're going down the road that unfortunately we've gone down before in an effort to do the good thing. And it affects our municipalities bottom line. And there's a history of that. I mean, we could talk about we didn't want to have the *Schlitz* Plant because you know, alcohol is just bad. They went to Longview for many years and provided tremendous economic development. We said that we didn't want Louisiana Downs, cause that was just bad. They went right over east of us, made millions for that particular municipality, and cater to a lot of people on this side of the water going to the other side. We didn't want to have a proliferation of casinos and gaming because that was bad, but yet another, again the municipality just to the east of us, lined them up and now they don't have problems in terms of cash flow. Now they don't have problems dealing with their streets, and now they don't have problems dealing with some of the services that they have. We can talk about having a downtown arena. We don't want to do that because that's bad. But then you know the municipality just to the east of us has dealt with those issues and you know here again, I'm just concerned that we're going to send more money, and more resources just to our east and that group of folks are going to continue to laugh at us at our expense for the taxpayers here and something that's completely unnecessary. Because point of fact, if a business owner wanted to make their place nonsmoking as some have during this conversation. I think someone talked about Southfield Grill, someone talked about - - - what's the place by Centenary? George's! George's made the choice to go nonsmoking without this ordinance being applied, and from what I understand, he's saying he's seeing new clientele. And that's a beautiful thing but those business owners should have the right to make that choice. And anytime we as government remove a person's choices for doing something that is ostensibly legal, I have a problem with that. Especially when it's not, and I don't want to talk like a lawyer, a protected class type situation. And I don't think this is it. So, I would just ask that we move forward on Amendment No. 1 and that we - - - by moving forward on Amendment No. 1, we simply deal with smoking in our public facility and deal with smoking in our City buildings. Because at the end of the day, I think that's as far as we should go. Thank you Mr. Chairman.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Gibson, and Green. 4. Nays: Councilmen Carmody, Hogan, and Jackson. 3. (See Amendment No. 1 to Council Proceedings of the City of Shreveport, April 26, 2005)

Motion by Councilman Walford, seconded by Councilman Lester to adopt Ordinance No. 37 of 2005 as amended.

Councilman Walford: Are we on discussion?

Councilman Gibson: We are on the main motion, yeah.

Councilman Walford: Is it mine?

Councilman Gibson: Yeah.

Councilman Walford: I voted for the amendment. I'm not totally pleased with the amendment. I think we have made a horrendous mistake in allowing those who rent our public facilities to specify whether they are smoking or not, but based on what happened previously, that to me was the right way to go. And I will not vote in favor of the ordinance as amended.

Councilman Green: Mr. Chairman, I'd like to say that when we started out with this, I was basically totally against it. But after hearing all of the statements, all of the reports. I would basically be afraid to vote against it because I think if there is a possibility that I could save a life, I wouldn't want some months later that some family member to come up and say to me that if in fact you had voted for that particular ordinance, that my mama or my daddy would have lived. And so, after listening over and over and week after week, brought an awakening to me as I see so many people in here about so many people dying of cancer. So, when I think if I could save a life, then I wouldn't want that on my conscious. The next reason that I'm going to vote for this is because I try to listen to my constituents. Basically during this whole episode, I've been basically threatened by my constituents to vote for this. So, I try to listen to them and that's what I'm going to do is vote for this.

Councilman Jackson: Councilman Green, just FYI, on the last amendment you voted yes. On the last amendment which would alleviate, which takes away what you just said you were going to vote for. It completely deletes that ordinance. So you may want to at this point before we move forward, correct that vote, because it wouldn't give you the opportunity to vote on the ordinance based on the last vote. When you voted yes, it voted to delete the ordinance altogether. In it's entirety.

Councilman Green: No it didn't.

Councilman Jackson: Yes it did. According to what's right here, we voted to delete the ordinance in it's entirety.

Councilman Lester: AND - - -

Ms. Glass: And substitute.

Councilman Jackson: Just this, that was an amendment, that's not what you - - - only public building.

Councilman Green: Ohh.

Councilman Lester: Right.

Councilman Jackson: So you can go back and correct your vote.

Councilman Gibson: I believe it only substitutes a portion of this, correct?

Councilman Lester: Right.

Councilman Green: Okay.

Councilman Gibson: It doesn't gut the whole bill?

Councilman Lester: It doesn't.

Ms. Glass: Are you asking me?

Councilman Gibson: Yes.

Ms. Glass: Yes, what it does is it substitutes what was basically already in the City's Administrative Procedure.

Councilman Gibson: Right. So, it does not, Councilman Jackson.

Councilman Jackson: But in Councilman Hogan's original ordinance, on Ordinance 37 that we have up, according to this, it says delete the ordinance as introduced in it's entirety and substitute the attached ordinance. The attached ordinance does not include what he initially submitted.

Ms. Glass: That's correct.

Councilman Jackson: Nor the merits of what he initially submitted.

Ms. Glass: That's correct.

Councilman Jackson: So, that's what I'm saying. We in affect by that yes vote deleted the entire ordinance as it was originally - - -

Councilman Gibson: That was not my understanding.

Councilman Jackson: Ms. Glass, is that what you just said yes to?

Ms. Glass: That's correct. You have your original ordinance that Mr. Hogan introduced.

Councilman Jackson: Right.

Ms. Glass: The amendment deleted that entire ordinance and substituted what was previously in the City's Administrative Procedure, basically applies to all City buildings.

Councilman Jackson: So, you can vote for reconsideration, if what you just said about voting with constituents and voting for this ordinance, cause other than that, you don't have the opportunity vote for this ordinance.

Councilman Lester: With all due respect, he does have - - -

Councilman Jackson: I mean the original ordinance is what I'm saying.

Councilman Gibson: Councilman Green, do you have anything to add to this?

Councilman Green: I basically was hoping it came to this point. Because during my amendment, nobody would listen to me. Now, you all wouldn't listen, and that's really good. I really appreciate- - - sometimes you just have to do things for people to listen. I think this whole deal is wrong. But as what I just said, Mr. Chairman, I'm going to ask for reconsideration of my vote, and I will change my vote.

Councilman Gibson: We have a motion on the floor and a second.

Councilman Walford: We have another motion on the floor. We have a motion on - - -

Councilman Jackson: That's a substitute motion.

Councilman Walford: Motion for reconsideration - - -

Councilman Green: My motion is for reconsideration.

Councilman Walford: We have a motion and a second on the floor - - -

Councilmen Lester, Carmody, and Jackson: For adoption of 37 as amended.

Councilman Carmody: We need a substitute motion to reconsider.

Councilman Jackson: Is that what you did? (inaudible)

Substitute motion by Councilman Green, seconded by Councilman Hogan to reconsider the vote on Amendment No. 1 to Ordinance No. 37 of 2005

Mr. Thompson: Let's be sure the record is straight.
Councilman Gibson: Yeah, because the Chairman is even confused on this based on - - -
Councilmen Lester, Green and Jackson: It's a substitute motion to reconsider Mr. Chairman.
Councilman Gibson: I'm going to direct it to Mr. Thompson for reconsideration.
Mr. Thompson: I'm sorry.
Councilman Gibson: Let the Chairman ask a question here. I understand that, but I'd like - - -
Councilman Jackson? I'll wait until Councilman Jackson finishes.
Councilman Jackson: You can go now.
Councilman Gibson: Oh, thank you. I sure appreciate that. Mr. Thompson, could you give us direction on the reconsideration. We have - - - Councilman Green has made a reconsideration motion and we have a second by Councilman Hogan.
Mr. Thompson: You have a motion and a second on Ordinance 37. His substitute motion was to reconsider the vote on Amendment No. 1.
Councilman Green: Yes.
Mr. Thompson: And I believe that's in order.
Councilman Gibson: Okay on Amendment 1?
Mr. Thompson: Right. It's just a vote to reconsider it at this point.
Councilman Lester: Question Mr. Chairman. Thank you. To the Clerk, on a motion to reconsider, is that by simple majority, or is it a two-thirds vote?
Mr. Thompson: It's a majority vote, but it has to be made by one who- - -
Councilman Lester: Is on the prevailing side?
Mr. Thompson: Right.
Councilman Lester: Okay, that answers my question.
Councilman Walford: For the record, my motion to reconsider does take precedence over the highest ranking motion.
Councilman Lester: Right, right. Clearly.

Motion approved by the following vote: Ayes: Councilmen Carmody, Hogan, Green, and Jackson. 4. Nays: Councilmen Lester, Walford, and Gibson. 3. (See Amendment No. 1 to Council Proceedings of the City of Shreveport, April 26, 2005)

Councilman Jackson: Mr. Chairman, I'd like to offer a motion on Amendment No 1 again, and urge a NO vote on Amendment No. 1.
Mr. Thompson: The motion is to adopt Amendment No. 1, with a NO vote, is that correct?
Councilman Jackson: Exactly.

Motion by Councilman Jackson, seconded by Councilman Hogan to adopt Amendment No. 1 to Ordinance No. 37 of 2005. Motion denied by the following vote: Nays: Councilmen Carmody, Hogan, Green, and Jackson. 4. Ayes: Councilmen Lester, Walford, Gibson, 3.

Motion by Councilman Jackson, seconded by Councilman Carmody to adopt Ordinance No. 37 of 2005 as amended. Motion approved by the following vote: Ayes: Councilmen Carmody, Gibson, Hogan, Green, and Jackson. 5. Nays: Councilmen Lester and Walford. 2.

Councilman Jackson: Thank you Mr. Chairman. Mr. Chairman as we sometimes do, I'd like to ask your permission to say something right now about what we just voted on.
Councilman Green: Point of Order Mr. Chairman.
Councilman Gibson: I would ask that we defer that to the end of the meeting.

7. **Ordinance No. 38 of 2005:** An ordinance amending the 2005 General Fund Budget.

Having passed first reading on April 12, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Carmody to adopt.

Councilman Hogan: Mr. Chairman, thank you. I do have a question.
Councilman Gibson: On item 38?
Councilman Hogan: Yes sir. Mr. Norman, would you come forward please? Thank you I had a question as I read over this ordinance that part of the \$25,000 of it is going to replacement of the pier at C. Bickham Park?
Mr. Norman: That's correct.
Councilman Hogan: I just had a question on this. Times I've driven by there, I've noticed almost always it's under water, or the water is just receding. And so, and I was just wondering if this was counter productive. Is this a flood zone?
Mr. Norman: It is a flood area. Yes and it does go under. I mean, we're looking at different approaches. We're looking at floating docks and we're going to consider that in lieu of the fixed dock. We're going to kinda look at both of those. It is a very widely used area. I mean, I know the Mayor can probably echo what I say. On days the park doesn't get opened, even on holidays and all we get a significant number of calls when people are trying to get in there and use it (inaudible)
Councilman Hogan: It hadn't been determined yet whether this is going to be a stationary dock, but you leave open the possibility of making it a floating dock.
Mr. Norman: Yes.

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

8. **Ordinance No. 39 of 2005:** An ordinance amending the 2005 Capital Improvements Budget.

Having passed first reading on April 12, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Jackson.

Amendment No. 3 to Ordinance No. 39 of 2005 By Councilman Gibson

Before the first BE IT FURTHER ORDAINED paragraph insert the following:

BE IT FURTHER ORDAINED that paragraph 2.1 is hereby inserted into Ordinance No. 153 of 2004 to read as follows:

2.1 No expenditure of funds for the Convention Center Hotel or any or any furniture, fixtures, equipment, materials, or any related items shall be made unless the item or contract therefore has been advertised for bids in the same manner as required by the Public Bid Law, la. R.S. 38:2211 et. seq., except that all items shall be advertised for bids without regard to the contract amount.

Motion by Councilman Jackson, seconded by Councilman Gibson to adopt Amendment No. 3 to Ordinance No. 39 of 2005. Motion approved by the following vote: Ayes: Councilmen Carmody, Gibson, Hogan, and Green, and Jackson. 4. Nays: Councilman Jackson. 1. Out of the Chamber: Councilmen Lester and Walford. 2.

Amendment No. 2 to Ordinance No. 39 of 2005 By: Councilman Jackson

Before the first BE IT FURTHER ORDAINED paragraph insert the following:

BE IT FURTHER ORDAINED that paragraph 3 of Ordinance No. 153 of 2004 is hereby amended to read as follows:

3. The Mayor is hereby authorized to execute all contracts, deeds, grant documents and other legal instruments necessary to expend and receive the funds herein authorized, except that he is not authorized to execute such contracts, deeds, grant documents and other legal instruments to expend the funds appropriated for the Convention Center Hotel until specifically approved by the City Council by resolution.

Motion by Councilman Jackson, seconded by Councilman Hogan to adopt Amendment No. 2 to Ordinance No. 39 of 2005. Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Out of the Chamber: Councilman Walford. 1.

Amendment No. 1 to Ordinance No. 39 of 2005

AMEND THE ORDINANCE AS FOLLOWS:

In Program A (Buildings and Improvements):

Increase the appropriation for **Shreveport Convention Center Hotel and Associated Improvements (03A004)** by \$43,687,300. Funding sources are State Grant \$9,500,000 and 2005 Hotel Bonds \$34,187,300.

Motion by Councilman Jackson, seconded by Councilman Hogan to adopt Amendment No. 1 to Ordinance No. 39 of 2005.

Councilman Gibson: Councilman Carmody you had a question yesterday about this item?

Councilman Carmody: As a matter of fact I think it was provided to each Council Member, the breakdown of the explanation of the bonds and the amounts. I appreciate it Mr. Antee. I'm not sure when it was delivered. I did find it here in front of me.

Mr. Antee: I think it was shortly after the Convention Center Report.

Councilman Gibson: The only question that the Chair has is at today's prebid conference on the hotel, you had stated the construction budget was \$30,000,000 and you have deposits to the construction fund of \$46,000,000?

Mr. Antee: That's correct.

Councilman Gibson: The difference is \$16,000,000, is that FF&E in that construction dollars?

Mr. Antee: That's everything except capitalized interest that's service reserve and the cost of issuance. So that includes architectural fees, everything with the project.

Councilman Gibson: Everything within the confines. That answers my question. The \$16,000,000 difference between the - - - if \$30,000,000 in construction, design fees, FF&E and the whole nine yards.

Councilman Carmody: Mr. Chairman, now that I do get a chance to look at it, there is one question that I do have and I do see it in the breakdown, but it looks like it's all put together. Mr. Antee, under the cost of issuance including underwriters discount and the bond insurance premium, how much was the bond insurance premium?

Mr. Antee: The bond insurance premium was \$900,000 and some change. The under writers discount was \$380,000. It was originally budgeted at \$600 (thousand). There was an additional surety premium which was about \$45,000 of that.

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

Councilman Gibson: From the Chair's standpoint again, Mr. Antee or Mayor Hightower, appreciate the breakout and also again, appreciate the comments at today's prebid conference. Any other discussion on Amendment No. 1? If not all in favor vote yea, opposed nay.

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

Councilman Jackson: Mr. Chairman, I wanted to ask and maybe you could explain to us, because I think we maybe, maybe the spirit of what we're trying to accomplish, well, what I'm in favor of, but it would seem to me that this would require bids on things that we currently in our own language don't have bids on. That would be commodities and things that were under \$15,000 and it would be construction under \$100,000 which won't exist in this project. I was trying to figure out if maybe you could shed some light on that.

Councilman Gibson: Well, the public law covers competitive bid. I guess you gave me the idea in terms that this is the City's money, and the City owns the facility. And with that being in mind, when we went through the exercise, the Convention Center, we tried one project delivery system that obviously did not produce the kind of results we were looking for, and as a result, we competitively bid and got the most bang for our taxpayer

dollars and I guess that in the spirit of Amendment 3, it was to make sure that we get the most bang for all of our taxpayer dollars regarding this unique project that's before us.

Councilman Jackson: I guess my concern is though, the public bid law and I don't have RS 38-2211 before me, but its stating municipal entities currently operate under the public law. In the public bid law it also sets levels at which there can be bids that are three bids or something like that for items under \$1,500, folks can get either verbal bid and that kind of thing. So, I guess I was just trying to clarify. Because what you have here is a scenario where if you got a guy who is a construction person (and I know you can appreciate this) who was an electrical engineer. And he's got to get a plug or something goes out, then he's got to come to the City and he's got to bid on that plug for \$15.30. And I'm saying I thought the language that currently existed, since we were doing the whole project under the public bid law, I think that was clear, that that would be enough language. But I guess it just kind of scares me when you see the word 'all' knowing how minute that could become.

Councilman Gibson: Councilman Jackson, I understand that, but again the spirit is to make sure the taxpayers get the most bang for their buck all the way across.

Councilman Jackson: I guess Mr. Chairman, what I'm asking is you see some inadequacies in the public bid law as it is currently styled?

Councilman Gibson: No sir.

Councilman Jackson: Well, that was my question. I was just thinking that we would just say we would abide by the public bid law.

Councilman Gibson: Well, I appreciate that, this clarifies that.

Councilman Jackson: I don't know if it violates it, not clarifies it. Because it actually adds something to a bid law that's not there. So, I guess that's my - - - I guess legally, I don't know if you could do it, but under the guise of what this statement says, bids in the same manner as required by the public bid law suggest that we're adding another line to the public bid law when we use that word, when we talk about except that - - - all items (inaudible)

Councilman Gibson: I don't believe in fact that that is quite is exactly true because again - - -

Councilman Jackson: You got the word 'except'.

Councilman Gibson: Julie Glass put this together and looked at the legal issues of that and Ms. Glass is - - I don't know where she, she stepped out for a second.

Councilman Jackson: I guess Mr. Chairman, my concern is in one sentence we say required by public bid law, and then we come right behind that, if we were comfortable with it, and we put the word 'except that all items shall be advertised for bids without regards to the contracted amount.' So, it just seems to me that we seem to be adding something to it if in fact that's - - - or else you didn't need the word except if you were going to follow the public bid law. I guess that's my concern. I know that's what I'm reading right here and I know the interpretation is correct. It has nothing - - - I mean legal or otherwise. It is correct because you have inserted the word 'except.' So, I'm just saying you realize that the word 'except that all items' is there.

Councilman Gibson: Yes.

Councilman Jackson: Obviously you do, and that you do know that that's outside the public law. Just wanted to be clear on that.

Councilman Gibson: Yes. Thank you. Thank you.

Councilman Jackson: You do know that.

Councilman Gibson: Thank you.

Councilman Jackson: Do you Mr. Chairman?

Councilman Gibson: No, thank you. Councilman Jackson.

Councilman Jackson: Do you know that?

Councilman Gibson: Councilman Jackson, I'll defer to Ms. Glass in terms of the concerns that you have regarding 'except.'

Councilman Jackson: Ms. Glass, I'm sorry. You may not know where we are. I was going back to this amendment. It is my assumption that when Councilman Gibson says that we would be required to follow public bid law, which we agreed to sometime ago on the hotel project, that then we came back and said that 'any related item shall be made unless the item or contract therefore has been advertised for bids in the same manner as required by public law and it list the number. And then after that, it says 'except that all items shall be advertised for bids without regard to the contract amount.' I was assuming that if we were going under the public bid law, and I'd ask the Chairman if he was comfortable with it. He said he was comfortable with the public bid law. Then I asked, then if you were comfortable with the public law, what was the need to go outside of that public bid law, because I'm assuming the terms 'except' in that sentence that follows, that suggest that, that is adding something to the public bid law, not to it, but adding something in addition to the public bid law for this particular project. Would you interpret that as correct?

Ms. Glass: That was my understanding of the intention of the amendment.

Councilman Jackson: To go beyond the public bid law.

Ms. Glass: Yes.

Councilman Jackson: And that's what I'm asking Mr. Chairman. Was it your intent to go - - - if you were comfortable with the public bid law. I was just wondering whether or not in fact your intent to go beyond the public bid law?

Councilman Gibson: Yes in order to maximize the taxpayer dollar. Yes. Thank you. Any other questions or comments.

Councilman Walford: I'm really confused on this. So, if there is something on the state contract that we buy cheaper- - -

Councilman Jackson: Can't buy it.

Councilman Walford: We can't buy it, we still have to advertise, and if someone wants to bid higher knowing we can't buy off the state contract, we'll pay more. Is that correct?

Councilman Gibson: Well, first of all the assumption is that you'll buy things cheaper. With a state contract, I don't think that that's actually true. And again, I'm a little amazed with this conversation because to put something out for competitive bid means that it assures the taxpayer that they're going to get the most bang for their taxpayer dollar, and I don't understand why we would be concerned with that. Because again, fair and competitive bidding gives everybody an opportunity to submit their numbers and again, at the end of the day, this Administration demonstrated that a competitive bid process on the Convention Center saved us how many dollars was it Mr. Antee? \$6 or 7,000,000?

Mr. Antee: Came in \$6,000,000 below, but under this, if we needed to buy paper clips, and used part of the \$40,000,000, we would have to advertise. And it's going to cost us \$2-300 to run the advertisement to buy the \$.89 paper clips.

Councilman Gibson: Well, I can appreciate that.

Councilman Walford: Before this debate got started, I was asking - - - Mr. Antee, Mr. Chairman, if I may direct- - - that last line 'except that all items shall be advertised for bids without regard to the contract amount.' You just brought up paper clips. What kind of handicap is this going to put?

Mr. Antee: Well just the example I just gave you. If we spend any portion of the monies from the Capital Improvements Amendment that y'all just adopted, then we have to advertise it. If it's paper clips, if it's an electrical plug, if it's any money and correct me if I'm wrong Ms. Glass, but if there's any money out of the money that's just been authorized, we have to advertise it, which I'm sure *Gannett* loves that. Because the reasons the public laws have certain amounts is so you can operate sufficiently, and that's why commodities are \$15,000 and construction is \$100,000. Anything over that, and we don't have any problem with that, we're required to do that by law. But to spend any money, it's got to be bid in the newspaper as this amendment reads.

Councilman Gibson: First of all, do we order paper clips--

Councilman Walford: Excuse me Mr. Chairman, I believe I have the floor. I'm still curious. What kind of handicap is this going to put on the operation as far as I'm thinking of a low dollar purchasing. Not the \$40,000,000?

Mr. Antee: From the contractors standpoint, nothing because we're going to bid it out. And we'll have a contract and we'll pay the contractor. And the contractor will buy those. But from the other areas within that, that's not within the contract, the hard bid contract, you're going to have to bid it. You got to wait 28 days. You got to pay for the advertisement. Wait 28 days and then open the bids. And no matter what the amount is. If it's a \$3 box of paper clip.

Councilman Walford: Thank you Mr. Chairman.

Councilman Green: Mr. Chairman, I'd like to, and here again, I do apologize, but I'd like to make a motion to reconsider Amendment No. 3. I didn't read the 'except' part in there and I'd like to make a substitute motion to reconsider Amendment No. 3.

Councilman Walford: I'll second.

Councilman Gibson: I'd have to ask for a clarification from Mr. Thompson on the vote that was taken on Amendment 3 if he was on the prevailing side.

Councilman Jackson: I was the only one against.

Mr. Thompson: Yes.

Councilman Gibson: Okay, so he was on the prevailing side?

Substitute motion by Councilman Green, seconded by Councilman Walford to reconsider Amendment No. 3 to Ordinance No. 39 of 2005.

Councilman Hogan: Mr. Chairman, I had to speak to Sharon for just a moment. Could you clarify where we are now?

Councilman Gibson: We have a substitute motion Amendment 3 by Councilman Green to reconsider and a second by Councilman Walford.

Councilman Hogan: On ordinance No 39?

Councilman Walford: On Amendment No. 3 to Ordinance No. 39.

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

Councilman Jackson: I would - - - on Amendment No. 3, I would - - - I guess the appropriate thing is to move to adopt, but to ask for a no vote.

Mr. Thompson: On the amendment, you can do it either way.

Councilman Jackson: You could do it either way, Mr. Chairman, I'd like to vote down Amendment No. 3. I don't know the other terminology to use Mr. Thompson, but I move to vote it down.

Mr. Thompson: Motion to defeat.

Motion by Councilman Jackson, seconded by Councilman Walford to defeat Amendment No. 3 to Ordinance No. 39 of 2005.

Councilman Jackson: Mr. Chairman, I want to make it clear that what I want to do and I want it to be clear, crystal clear, that I already know that we've already voted to require that this be done under the public bid law. My motion to defeat simply expresses my faith in the public bid law and that the public bid law will cover all those things we needed to cover. And as I think Mr. Chairman has said many times before competitive bids are a way of accountability. And I in fact agree. And I will ask that we defeat this amendment because it puts us in an adverse situation. We're having to spend \$200 to advertise for \$5 box of this or a \$2 box of that. I think that goes too far. I understand your point and even agree. But I think it goes too far with regards to practicality. So, I would ask that we defeat this because practically it violates what would make sense for a City. But I do understand the spirit of it. Thank you Mr. Chairman.

Councilman Lester: Mr. Chairman, at this point of clarification. Councilman Jackson's motion is to defeat Amendment 3. So, if your choice is to defeat Amendment 3, your vote would be in the affirmative. That's correct. And if your vote is to agree with Amendment 3, your vote would be in the negative. I just wanted to make sure that's straight for us, the record and everything else. Thank you Mr. Chairman

Councilman Green: So again, if we're voting to defeat No. 3, we vote yes. Thank you Mr. Chairman.

Councilman Gibson: One question for the Administration. Are we going to publicly bid food and beverage?

Mr. Antee: What aspect of food and beverage?

Councilman Gibson: I'd like for the Mayor to answer this question.

Mr. Antee: Well, I thought you said Administration.

Councilman Gibson: I'd like the Mayor to answer this question.

Mr. Antee: I'm sorry, I thought I was part of the Administration.

Mayor Hightower: We are going to enter into a contract with SMG to provide food and beverage services for the Convention Center.

Councilman Gibson: So, the question is, is food and beverage going to be publicly bid?

Mayor Hightower: Food and beverage will be handled the same way at the hotel, that it's handled at the Convention Center.

Councilman Gibson: Yes or no.

Mayor Hightower: We can ask Mike Carrier exactly --

Councilman Gibson: Mike Carrier, would you come forward. Hold one second. From where I sit, I'm asking -- this is our money, not Mike Carrier's money. This is the taxpayer's money of the City of Shreveport. Is the City of Shreveport just like the --

Mayor Hightower: If we could --

Councilman Gibson: Wait a second Mr. Mayor.

Councilman Jackson: Mr. Chairman.

Councilman Gibson: Councilman Jackson, I believe I have the floor.

Councilman Jackson: Point of Order.

Councilman Gibson: I believe I have the floor.

Councilman Jackson: Point of Order.

Councilman Gibson: I believe I have the floor.

Councilman Jackson: Point of Order.

Councilman Gibson: Your point Councilman Jackson?

Councilman Jackson: Food and everything that we said -- according to here you say equipment, materials, and any related items shall be made unless the item or contract therefore has been advertised for bid. I don't know that when you said except all items, that's what's in dispute, however I think food ought to be covered under the public bid as you said, except this does not deal with that. This particular amendment does not in fact deal with that. I think what we need to do is, this is a capital expense. These are capital expenditures, and what we need to do is come back with another one just like this and make sure that food is covered.

Councilman Gibson: Okay, point well taken. But I'm still going to ask the question. Is food and beverage going to be covered?

Councilman Jackson: Mr. Chairman, Point of Order.

Councilman Gibson: Inaudible. I have --

Councilman Jackson: Point of Order.

Councilman Gibson: Your Point of Order being?

Councilman Jackson: It's not relevant to this? This is not what we're talking about. I think the next thing we talk about in general we can talk about. But this is capital. This is about expending money from that \$52,000,000. So that would be out of order to talk about that at this point.

Councilman Gibson: That's fine. I'll take that. You're exactly right. I'll go with that. Alright we have a motion consideration?

Councilman Green: No, we have a motion to defeat.

Councilman Gibson: Mr. Thompson again, to vote against or vote for - - - defeating it is a - - -

Mr. Thompson: If you want to defeat the motion, you vote yes. If you don't want to defeat it, you vote --

Councilman Gibson: It's a no. All in favor, vote yea, opposed vote nay.

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

Councilman Gibson: 5 for, 2 against. The amendment is defeated.

Motion by Councilman Walford, seconded by Councilman Green to adopt Ordinance No. 39 of 2005 as amended. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Hogan, Green, and Jackson. 6. Nays: Councilman Gibson. 1.

9. **Ordinance No. 40 of 2005:** An ordinance amending the 2005 Community Development Special Revenue Fund Budget.

Having passed first reading on April 12, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Lester to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

10. **Ordinance No.41 of 2005:** An ordinance amending and replacing Ordinance No. 111 of 1964, and otherwise providing with respect thereto. (C/Carmody)

Having passed first reading on April 12, 2005 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.

Councilman Green: I'd like an explanation on this.

Councilman Carmody: Gentlemen, back in 1964, there was an ordinance or resolution passed that prohibited. It was actually Ordinance No. 111 in 1964 pertaining to prohibited parking. And the prohibited parking prohibited parking anytime day or night on the west side of Anniston Ave between Patton Ave and Atlantic Ave in addition to other streets. This ordinance to amend and replace this ordinance No. 111 of 1964 and so far as it now deems it unlawful for any person to park any vehicle between the hours of 7:00 a.m. to 8:30 a.m. and 2:00 p.m. to 3:30 p.m. Monday through Friday on east and west sides of Anniston Ave between Atlantic Ave to Patton Ave rather than any time of the day or night. The remaining portion of Ordinance No. 111 of 1964 concerning prohibited parking remains in effect. This Ordinance is being submitted in the interest of public safety in order to improve sight distance and movement of emergency vehicles.

Councilman Green: Thank you Mr. Chairman.

Councilman Carmody: You're very welcome.

Councilman Lester: I just want to commend our staff, because I know somebody had to go back to 1964 to look that up. You did that?

Councilman Carmody: Well, you want to know the history of it. If you want to hear it, I'll give it to you.

Councilman Lester: But lets not waste their time.

Councilman Carmody: Well, no, no. I'll be glad to tell you. Mr. Chairman, if it's alright? Apparently this ordinance was in place, and St. Joseph's school facility which is right there between these blocks had those signs placed to prohibit the parking. But over time, the 'no parking' signs have been somehow or another removed. And so, then it became a complaint of people trying to get access in and out of the neighborhood, especially during school hours.

Councilman Lester: Gotcha.

Councilman Carmody: And the School was receiving the complaint saying we don't understand. We know that there is a prohibition of parking on the streets, but where are the signs.

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

11. **Ordinance No. 42 of 2005:** An ordinance declaring the City's interest in certain adjudicated properties as surplus and otherwise providing with respect thereto. (B/Walford/C/Carmody/F/Green)

Having passed first reading on April 12, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Carmody to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

12. **Ordinance No. 43 of 2005:** An ordinance amending Chapter 38 of the City of Shreveport Code of Ordinances relative to housing and property standards and to otherwise provide with respect thereto.

Having passed first reading on April 12, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Walford to postpone.

Councilman Lester: Thank you Mr. Chairman. We've put in a lot of work on this particular ordinance, and we've had a number of meetings. And based on some discussions that we had, as late as yesterday, there were some things that we want to tweak that can make this situation even better as it relates to how the ordinance is going to be enforced. And so, having had that conversation with the folks at Community Development and Codes Enforcement, and the whole team. And I do really want to express right now my appreciation for everybody at Codes Enforcement from the top to the bottom. They've done an inordinate amount of work to re-write an entire chapter as well as our legal team of helping us get this done. And we found some enforcement issues that we discussed and committed that we think we can make this better. So, that's why we're asking to pull this at this time, but I will say that we're going to come back with something at the next council meeting and I believe it's going to fundamentally change the way that Codes Enforcement operates particularly as it relates to people with Codes Enforcement problems, grass cutting situations, property standards issues and the whole nine yards.

Councilman Carmody: Mr. Chairman, just a quick accolade to the Property Standards Committee. I was unable to attend due to a conflict with business showing a perspective business the City of Shreveport. Gentlemen, y'all did a very good job. I've read through this. I appreciate the fact that if you want to tweak it and make sure that it's right. But the strides made are evident.

Councilman Walford: Mr. Chairman, let me just piggy back if I may on what Councilman Lester has said and urge each of you- - this was emailed to everybody. But please take a look at it between now and the next meeting. The tweaks are very small and we'll fully brief you on what those are. But this is a great ordinance, and like Mr. Lester says, a lot of folks have put a lot into it.

Councilman Lester: A lot of time.

Councilman Walford: And I think that the fact that I've heard from a chronic violator saying how bad it is, tells me how good it is.

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

13. **Ordinance No. 44 of 2005:** An ordinance amending Article V of Chapter 26 of the Code of Ordinances relative to funds by adding Division 8 relative to the Convention Center Hotel Enterprise Fund and to otherwise provide with respect thereto.

Having passed first reading on April 12, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Jackson.

Amendment No. 1 to Ordinance No. 44 of 2005

AMEND THE ORDINANCE AS FOLLOWS:

In the last line of the fifth "WHEREAS" paragraph, delete the word "HRI" and substitute in lieu thereof the word "Hotel."

After the last "WHEREAS" paragraph, delete the period and substitute "; and"

After the last "WHEREAS" paragraph, add the following new paragraph:

WHEREAS, the City Council herein acknowledges, recognizes and accepts that the Authority has previously entered into contracts with Historic Restoration, Inc. (HRI) on January 9, 2003 to develop the proposed Hotel, with HCI Architects, Inc. (HCI) on December 2, 2003 to design the proposed Hotel and with HRI Lodging, Inc. on December 18, 2003 to manage and operate the proposed Hotel, said contracts to continue in full force and effect.

Motion by Councilman Jackson, seconded by Councilman Lester to adopt Amendment No. 1 to Ordinance No. 44 of 2005.

Councilman Lester: Question. Are we - - - is that the motion on the amendment?

Councilman Jackson: No, actually, I didn't realize the amendment was on this deal here. This amendment is being submitted by the Administration. And maybe they can talk about it.

Councilman Lester: Let me, can I do a substitute motion on the amendment, so that we can have discussion?

Councilman Jackson: I'm sorry. Well yeah, I was just going to let it go to the amendment.

Councilman Lester: Okay, okay, well that's fine.

Councilman Jackson: Mr. Chairman, I'd like to ask the Administration since it's their amendment, could speak to that please?

Mr. Antee: What this does Councilman is it takes what's already in place by the City Council in acknowledging and accepting the contracts that the Hotel Trust Authority has entered into with HRI for the development, the design and the operation, so that enterprise language tracks exactly what's already existing. And the cooperative endeavor agreement which was adopted as Resolution 231 of 2004.

Councilman Jackson: And what I was concerned about Mr. Antee is that I wanted to make sure that the Hotel Enterprise Fund became the Chief language and that anything else would track it's language. Having said that, my concern is that HRI has the ability to do certain things, but I'm not sure that the ordinance gives them the authority to spend money.

Mr. Antee: It doesn't.

Councilman Jackson: I didn't think it did.

Mr. Antee: But it does give them the authority to spend money in the operation of the hotel. And that, the cooperative endeavor agreement that the City entered into with the Hotel Trust Authority, in paragraph 9 'Assign ability' states that not assign this agreement in whole or in part without 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 existing franchise agreement with Hilton Corporation. And that was passed on November 30, 2004 and effective on December 14, 2004. What this amendment does is recognizes and it's clear that the enterprise fund acknowledges those contracts as the City has already done.

Councilman Jackson: I recognize that. But here's what I'm saying. The enterprise fund as it would stand would be who has - - - let me back up. I think you know one of my concerns has been that the Hotel Trust Authority who is a part of that, who is party to this cooperative endeavor agreement correct?

Mr. Antee: Does not have any assets. And we're using the assets of the City of Shreveport in order to do this particular project, and I guess my concern was and the reason for it being there was my concern was that we needed to be sure. And that's why the original ordinance as it is, to be sure that more than just a tacit recognition of it, that we were in fact the people who were in that. It was recognized that we were the people that were in control of this project.

Mr. Antee: And this amendment does not change that.

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

Motion by Councilman Jackson, seconded by Councilman Hogan to adopt Ordinance No. 44 of 2005 as amended. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Gibson, Hogan, and Jackson. 5. Nays: Councilmen Carmody and Green. 2.

14 **Ordinance No. 45 of 2005:** An ordinance declaring a certain adjudicated property to be surplus and to authorize the Mayor of the City of Shreveport to donate the City of Shreveport's tax interest in a certain surplus adjudicated property (Hersey Wilson Drive)(A/Lester)

Having passed first reading on April 12, 2005 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 Hogan to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

The adopted ordinances and amendments follow:

ORDINANCE NO. 33 OF 2005

AN ORDINANCE AUTHORIZING THE PURCHASING AGENT TO DISPOSE OF SURPLUS REAL PROPERTIES AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport has acquired certain real properties; and

WHEREAS, the properties listed herein are no longer needed for public purposes and should, therefore, be declared surplus and excess; and,

WHEREAS, Section 26-292 of the Shreveport Code of Ordinances provides that the sale of surplus properties shall be by competitive bids after public notice.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that the Purchasing Agent be and he is hereby authorized to advertise for bids for the following surplus real properties owned by the City of Shreveport:

3.933 Acres-beginning at the intersection of the S'LY R/W line of state line of State Hwy. #1 with E. Line of W/2 of NW/4, Sec. 4 (18-14), run thence S. 425.85 ft., thence W. 385.7ft., thence E. 156 ft., thence N. 167.2 ft. to S. Line of said Hwy., thence SE'LY along same 264.6 ft. to beginning. 181404-0-208.

BE IT FURTHER ORDAINED that the City reserves the right to reject any and all bids and waive any informalities.

BE IT FURTHER ORDAINED that the above described property is offered on an "as is, where is" basis without warranty of title or recourse whatsoever.

BE IT FURTHER ORDAINED that the Mayor of the City of Shreveport is hereby authorized to execute any and all documents necessary to carry out the sale of the above surplus property.

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

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

Michael G. Gibson, Chairman

Arthur G. Thompson, Clerk of Council

ORDINANCE NO. 34 OF 2005

AN ORDINANCE AUTHORIZING THE PURCHASING AGENT TO DISPOSE OF SURPLUS REAL PROPERTIES AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport has acquired certain real properties; and

WHEREAS, the properties listed herein are no longer needed for public purposes and should, therefore, be declared surplus and excess; and,

WHEREAS, Section 26-292 of the Shreveport Code of Ordinances provides that the sale of surplus properties shall be by competitive bids after public notice.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that the Purchasing Agent be and he is hereby authorized to advertise for bids for the following surplus real properties owned by the City of Shreveport:

740 Stephenson Street - Lot 53 and the Westerly 10 feet of Lot 52 Pirkle Subdivision. 171307-039-0087.

BE IT FURTHER ORDAINED that the City reserves the right to reject any and all bids and waive any informalities.

BE IT FURTHER ORDAINED that the above described property is offered on an "as is, where is" basis without warranty of title or recourse whatsoever.

BE IT FURTHER ORDAINED that the Mayor of the City of Shreveport is hereby authorized to execute any and all documents necessary to carry out the sale of the above surplus property.

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

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

Michael G. Gibson, Chairman

Arthur G. Thompson, Clerk of Council

ORDINANCE NO. 35 OF 2005¹

AN ORDINANCE AUTHORIZING THE DONATION OF THE ORIGINAL CENTRAL FIRE STATION BUILDING TO THE STATE OF LOUISIANA FOR CONVERSION AND OPERATION AS A MUSEUM AND OTHERWISE PROVIDING WITH RESPECT THERETO

BY: Councilman Monty Walford

WHEREAS, the City of Shreveport's original Central Fire Station building located at 801 Crockett Street was constructed in 1922 and served the downtown and northeast portions of the city and is now registered as a National Historic Landmark; and

WHEREAS, the Central Fire Station building was home to generations of firefighters and was utilized in various capacities including fire operations, training, communications and maintenance; and

WHEREAS, in 2004 the Shreveport Fire Department relocated Central Fire Station to its new facilities located at 263 North Common Street, leaving the original Central Fire Station building vacant; and

WHEREAS, the original Central Fire Station building is an important and historic building; and

WHEREAS, legislation was introduced before the Louisiana legislature during the 2004 session for the purpose of converting the building into a museum to be operated as part of the state museum system which legislation was endorsed by the Shreveport City Council in Resolution 73 of 2004; and

WHEREAS, the City desires to donate the original Central Fire Station building to the State of Louisiana for the purpose of converting it to a museum to be operated under the state museum system which serves a public purpose and renders a public service; and

WHEREAS, La. R.S. 33:4712 requires after introduction of this ordinance, notice of the proposed ordinance be published three times in fifteen (15) days, one week apart, in a newspaper published in the municipality; 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 State of Louisiana has agreed to accept all responsibility, financial obligations and liability associated with the acceptance of this donation and convert the donated property to a museum; and

¹ Instrument as introduced, read RESOLUTION NO 35 of 2005 corrected to read ORDINANCE NO. 35 of 2005

WHEREAS, the original Central Fire Station building is no longer utilized by the City of Shreveport and is hereby deemed surplus property of the City of Shreveport; and

WHEREAS, this donation under these circumstances provides for the cost effective manner to dispose of the building while assuring its maintenance and preservation as a National Historic Landmark.

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 State of Louisiana donating the original Central Fire Station building effective April 26, 2005, substantially the same as the document filed in the Office of the Clerk of Council on March 22, 2005.

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.

Michael G. Gibson, Chairman

Arthur G. Thompson, Clerk of Council

ORDINANCE NO. 36 OF 2005

AN ORDINANCE CLOSING AND ABANDONING MIDWAY STREET LOCATED BETWEEN MARYLAND AND FAIRFIELD AVENUE IN THE FAIRFIELD HEIGHTS AND AUDUBON PARK SUBDIVISION LOCATED IN THE NE 1/4 OF SECTION 13 (T17N-R14W), CADDO PARISH, LOUISIANA AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that the 30 foot-wide Midway Street right-of-way running between Maryland and Fairfield Avenues in the Fairfield Heights and Audubon Park Roosevelt Subdivision in the NE1/4 of Section 13 (T17N-R14W), Caddo Parish, Louisiana, and as shown and as indicated on the plat attached hereto and made a part hereof, is hereby closed and abandoned, and be it ordained that drainage and utility servitudes be retained throughout the closed and abandoned street right-of-way.

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

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

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

Michael G. Gibson, Chairman

Arthur G. Thompson, Clerk of Council

ORDINANCE NO. 37 OF 2005

AN ORDINANCE TO AMEND AND REENACT CHAPTER 50 OF THE CODE OF ORDINANCES BY ADDING ARTIVLE V. RELATIVE TO THE CLEAN INDOOR AIR ACT AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

By Councilmen Hogan and Jackson

BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal and regular session convened that Article V. of Chapter 50 of the Code of Ordinances of the City of Shreveport is hereby enacted to read as follows:

ARTICLE V. CLEAN INDOOR AIR ACT

DIVISION 1. GENERALLY

Sec. 50-211. Definitions.

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

Business establishment means any sole proprietorship, partnership, association, joint venture, corporation or other entity formed for profit-making purposes, including professional corporations and other entities where legal, medical, dental, engineering, architectural, financial, counseling, and other professional or consumer services are provided.

Enclosed area means all space which is enclosed on all sides by solid walls, windows or floor-to-ceiling partitions, irrespective of the size of such areas and of any doorway, stairway or passageway providing means of ingress and egress to such area.

Limousine has the same meaning as provided in Section 102-1 of the Code of Ordinances.

Nonprofit entity means any corporation, unincorporated association or other association or other entity created for charitable, philanthropic, educational, political, social or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organizations and not to secure private financial gain. A public agency is not a nonprofit entity within the meaning of this subdivision.

Private function means weddings, parties, testimonial dinners and other similar gatherings in which the seating arrangements are under the control of the organizer or sponsor of the event and not the person who owns, manages, operates or otherwise controls, the use of the place in which the function is held.

Public place means any areas to which the public is invited or permitted, including, but not limited to, banks, educational facilities, health care facilities, shopping malls, property owned, occupied or operated by the city or

an agency thereof, public transportation facilities, reception areas, restaurants, retail stores, theatres, sports arenas and waiting rooms.

Restaurant means any coffee shop, cafeteria, luncheonette, sandwich stand, soda fountain, and any other commercial eating establishment, or part of any organization, club, boardinghouse, or guesthouse, which gives or offers for sale food to the public, guests, or patrons, whether food is customarily consumed on or off the premises, but not an establishment whose primary purpose is to serve food to employees of a common employer.

Retail store means any place which in the regular course of business sells goods or services directly to the public.

Service line or *waiting area* means a queue, line or other formation of persons, whether seated or standing, in which one or more persons are waiting for, providing or receiving service of any kind, whether or not such service involves an exchange of consideration.

Smoking means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, or any form of lighted object or device which contains tobacco.

Sports arena means any sports pavilion, stadium(whether or not fully enclosed), gymnasium, health spa, boxing arena, swimming pool, roller and ice skating rink, bowling alley and other similar place where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports, cultural or similar events.

Tobacco business means an enterprise in which the primary activity is the sale, manufacture, or promotion of tobacco, tobacco products and accessories either at wholesale or retail, and in which the sale, manufacture or promotion of other products is merely incidental.

Sec. 50-212. Construction of article.

(a) Nothing in this article shall be construed to permit smoking where it is otherwise prohibited by law or regulation.

(b) Nothing in this article shall be construed to preclude owners, operators, managers, employers or other persons having control of any establishment covered by this article from prohibiting smoking in such establishment to a greater extent than is provided by this article, in accordance with applicable law.

DIVISION 2. REGULATIONS

Sec. 50-213. Prohibition of smoking in public places.

(a) Smoking is prohibited in all enclosed areas within public places during the times in which the public is invited or permitted, except as otherwise restricted in accordance with the provisions below. Such public places include, but are not limited to, the following:

(1) Public transportation facilities, including, but not limited to, ticketing, boarding and waiting areas of public transit depots;

(2) Public means of mass transportation, including, but not limited to, buses, vans, taxicabs and all for-hire vehicles required to be licensed or franchised by the city; provided that this prohibition shall not apply to limousines.

(3) Public restrooms.

(4) Retail stores (other than retail tobacco stores.)

(5) Restaurants, except as provided in Section 50-214(1).

(6) Business establishments including banks, hotels, motels, offices where professional or consumer services are rendered, and nonprofit entities, including religious institutions; provided

the smoking prohibition applies only to areas of public accommodation and not to private areas to which the general public does not have access.

(7) Libraries, museums and galleries.

(8) Motion picture theaters, concert halls, auditoriums and buildings primarily used for, or designed for the primary purpose of exhibiting movies, stage drama, musical recital, dance, lecture or other similar performance.

(9) Convention halls.

(10) Sports arenas.

(11) Places of meeting or public assembly during such time as a meeting open to the public is being conducted for educational, religious, recreational or political purposes, but not including meetings conducted in private residences.

(12) Health care facilities including, but not limited to, hospitals, clinics, physical therapy facilities, convalescent homes, and homes for the aged.

(13) All pre-primary, primary, and secondary schools, community colleges, technical training establishments, specialty schools, colleges and universities.

(14) Elevators.

(15) In any waiting area, or portion thereof, in an enclosed area within a public place during the times in which the public is invited or permitted.

(16) All enclosed areas of public buildings or public facilities occupied or operated by the city or any of its agencies. This prohibition shall include private offices and other areas in city public buildings as well as areas open to the public.

(b) Smoking is prohibited in the following public places, whether or not in an enclosed area:

(1) Within twenty-five (25) feet of the entrance or exit to any public building or public facility occupied or operated by the city or any of its agencies.

(2) In any service line in a public place during the times in which the public is invited or permitted.

(3) City playgrounds and parks.

Sec. 50-214. Areas where smoking is not regulated.

The following places shall not be subject to the smoking restrictions of this article:

(1) Restaurants and alcoholic beverage establishments holding an alcoholic beverage dealer's permit, license, or certificate issued pursuant to the provisions of R.S. 26:71(A)(3)(a), 71.1, 72, 73, 271(A)(2) 271.1, 271.2, and 272.

(2) Private residences, except when a child care or health care facility is operated therein.

(3) Hotel and motel rooms occupied by or available for occupancy by guests.

(4) Tobacco businesses.

(5) Any property where gaming operations are conducted.

Sec. 50-215. Posting of signs.

"Smoking" or "No Smoking" signs, or the international symbols indicating the same, and any other signs necessary to comply with the provisions of this article shall be prominently and conspicuously posted at all major entrances to, and appropriate locations within, each enclosed area where smoking is either prohibited,

permitted or otherwise regulated by this article, by the owner, operator, manager or other person having control of such area.

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

BE IT FURTHER ORDAINED that all Ordinances or parts thereof in conflict herewith, including but not limited to Article VII. of Chapter 78 of the Code of Ordinances relative to Smoking and Tobacco Use in Public Buildings, are hereby repealed.

Michael G. Gibson, Chairman

Arthur G. Thompson, Clerk of Council

Amendment No. 6 to Ordinance No. 37 of 2005 By Councilman Hogan

In Section 50-215 at the end of the paragraph add the following:

All "No Smoking" signs shall also contain the following statement: "Smoking Prohibited by City of Shreveport Ordinance No. 37 of 2005."

ORDINANCE NO. 38 OF 2005

AN ORDINANCE AMENDING THE 2005 GENERAL FUND BUDGET AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

WHEREAS, the City Council finds it necessary to amend the 2005 General Fund budget, to appropriate funds from an economic development grant 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. 154 of 2004, the 2005 General Fund budget, is hereby amended as follows:

In Section 2 (Appropriations):

In Public Assembly and Recreation, increase Contractual Services by \$50,000.

In General Government, decrease Operating Reserves by \$50,000.

In Fire, decrease Personal Services by \$50,000 and increase Contractual Services by \$50,000.

Adjust all totals and subtotals accordingly.

BE IT FURTHER ORDAINED that the remainder of Ordinance No. 154 of 2004 shall remain unchanged and in full force and effect.

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

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

Michael G. Gibson, Chairman

Arthur G. Thompson, Clerk of Council

ORDINANCE NO. 39 OF 2005

AN ORDINANCE AMENDING THE 2005 CAPITAL IMPROVEMENTS BUDGET AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City Council finds it necessary to amend the 2005 Capital Improvements Budget to transfer funds between projects and for other purposes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in legal session convened, that Ordinance No. 153 of 2004, the 2005 Capital Improvements Budget, be further amended and re-enacted as follows:

In Program L (Transit Improvements)

Increase the appropriation for **2003 SporTran Capital Improvements (03L001)** by \$512,000. Funding sources are FTA \$412,000 and 1999 GOB, Prop. 4 \$100,000.

Decrease the appropriation for **2004 SporTran Capital Improvements (04L001)** by \$500,000. Funding sources are FTA \$400,000 and 1999 GOB, Prop. 5 \$100,000.

Adjust totals and subtotals accordingly.

BE IT FURTHER ORDAINED that the remainder of Ordinance 153 of 2004, 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.

Michael G. Gibson, Chairman

Arthur G. Thompson, Clerk of Council

Amendment No. 1 to Ordinance No. 39 of 2005

AMEND THE ORDINANCE AS FOLLOWS:

In Program A (Buildings and Improvements):

Increase the appropriation for **Shreveport Convention Center Hotel and Associated Improvements (03A004)** by \$43,687,300. Funding sources are State Grant \$9,500,000 and 2005 Hotel Bonds \$34,187,300.

Amendment No. 2 to Ordinance No. 39 of 2005 By: Councilman Jackson

Before the first BE IT FURTHER ORDAINED paragraph insert the following:

BE IT FURTHER ORDAINED that paragraph 3 of Ordinance No. 153 of 2004 is hereby amended to read as follows:

3. The Mayor is hereby authorized to execute all contracts, deeds, grant documents and other legal instruments necessary to expend and receive the funds herein authorized, except that he is not authorized to execute such contracts, deeds, grant documents and other legal instruments to expend the funds appropriated for the Convention Center Hotel until specifically approved by the City Council by resolution.

ORDINANCE NO. 40 OF 2005

AN ORDINANCE AMENDING THE 2005 BUDGET FOR THE COMMUNITY DEVELOPMENT SPECIAL REVENUE FUND AND OTHERWISE PROVIDING WITH RESPECT THERETO

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

WHEREAS, the City Council finds it necessary to amend the 2005 budget for the Community Development Special Revenue Fund, to adjust appropriations, reflect current revenue estimates and for other purposes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in legal session convened, that Ordinance No. 158 of 2004, the 2005 budget for the Community Development Special Revenue Fund, is hereby amended as follows:

In Section 1 (Estimated Receipts):

Under "2004 and Prior-Year Funds":

Decrease Prior-Year CDBG Entitlement by \$345,200.

Increase Prior-Year HOME Entitlement by \$602,800.

Increase Prior-Year HOME Program Income by \$434,200.

Decrease Prior-Year HOPE Program Income by \$6,400.

Decrease Prior-Year WIA Grants by \$1,791,300.

Increase Prior-Year SHMA Program Income by \$41,800.

Increase Housing Program Income by \$639,600.

Increase Prior-Year Business Development Program Income by \$54,400.

Appropriate Prior-Year State STEPS Grant at \$59,300.

Appropriate Prior-Year Leased Housing Program at \$14,000.

Under "Fiscal Year 2005 Funds":

Decrease CDBG Entitlement by \$107,400.

Increase Housing Program Income by \$100,000.

Decrease HOME Entitlement by \$42,700.

Increase HOME Program Income by \$38,000.

Decrease HOME ADDI Grant by \$30,000.

Decrease Federal Emergency Shelter by \$1,000.

In Section 2 (Appropriations):

Under "Prior-Year Funds":

Appropriate Section 108 Grant at \$500,000.

Increase HOME Program by \$311,400.

Decrease HOME Program Income by \$200,000.

Decrease HOPE Program Income by \$6,400.

Decrease WIA by \$1,791,300.

Increase SHMA Program Income by \$41,800.

Increase Business Development Program Income by \$54,400.

Decrease Housing Program by \$1,420,200.

Decrease Housing Program Income by \$200,000.

Appropriate Total Commitment Program at \$1,439,600.

Appropriate HAPPI Program at \$491,400.

Increase Neighborhood Recovery Program by \$400,000.

Decrease CHDO by \$200,000.

Appropriate CHDO Set-Aside at \$634,200.

Appropriate Leased Housing at \$14,000.

Appropriate State STEPS Grant at \$59,300.

Under "2005 Revenues":

Restate the amount of included prior-year funds to read "\$150,200."

In Administration, decrease Personal Services by \$10,000, Materials and Supplies by \$1,000, Contractual Services by \$30,000, Transfer to General Fund by \$3,000 and Transfer to Capital Projects Fund by \$41,700.

Decrease Federal ESG by \$1,000.

Increase Special Projects by \$30,000.

Increase Public Service Projects by \$148,900.

In Housing and Business Development, decrease Personal Services by \$29,000, Materials and Supplies by \$1,000, Improvements and Equipment by \$3,200, Transfer to General Fund by \$1,600 and Transfer to Fleet Services Fund by \$500. Increase Contractual Services by \$37,500 and Other Charges by \$600.

Decrease Housing Program by \$580,200.

Increase HOME Program by \$49,000.

Decrease HOPE ADDI by \$75,000.

Appropriate HOME ADDI at \$45,000.

In Codes Enforcement, increase Materials and Supplies by \$4,000 and Improvements and Equipment by \$31,000. Decrease Contractual Services by \$35,000.
Adjust totals and subtotals accordingly.

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

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

Michael G. Gibson, Chairman

Arthur G. Thompson, Clerk of Council

ORDINANCE NO. 41 OF 2005

AN ORDINANCE AMENDING AND REPLACING ORDINANCE NO. 111 OF 1964, 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 Ordinance No. 111 of 1964, which addresses prohibited parking along portions of Anniston Avenue, Patton Avenue, and Herndon Street, is hereby amended and replaced to read as follows:

SECTION 1: That it shall hereafter be unlawful for any person to park any vehicle between the hours of 7:00 am to 8:30 am and 2:00 pm to 3:30 pm Monday through Friday on the east and west sides of Anniston Avenue between Atlantic Avenue to Patton Avenue.

SECTION 2: That it shall hereafter be unlawful for any person to park any vehicle at anytime of the day or night on the north side of Patton Avenue beginning at the intersection of Patton Avenue and Anniston Street and extending West for a distance of four hundred (400) feet, as well as on the north side of Herndon Street beginning at Line Avenue and extending to Irving Place.

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.

Michael G. Gibson, Chairman

Arthur G. Thompson, Clerk of Council

ORDINANCE NO. 42 OF 2005

AN ORDINANCE DECLARING CERTAIN ADJUDICATED PROPERTIES TO BE SURPLUS AND TO AUTHORIZE THE MAYOR OF THE CITY OF SHREVEPORT TO SELL THE CITY OF SHREVEPORT'S TAX INTEREST IN CERTAIN SURPLUS ADJUDICATED PROPERTIES, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the City of Shreveport has a tax interest in the herein below described properties which have been adjudicated for the non-payment of City property taxes; and

WHEREAS, the herein below described properties are not needed for public purposes and should be declared surplus properties; and

WHEREAS, the City of Shreveport has received offers to purchase its tax interest in the herein below described properties as indicated below.

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

BE IT FURTHER ORDAINED, that the City Council of the City of Shreveport does hereby authorize the sale of its tax interest in the herein below described properties for an amount not less than the offer as indicated below.

Property No. 1: Legal Description - Lot 11, Block 7, Holmesville Subdivision, a subdivision in the City of Shreveport, Caddo Parish, Louisiana, as per plat thereof recorded in Book V, Page 733-734 of the Conveyance Records of Caddo Parish, Louisiana, together with all buildings and improvements located thereon.

(GEO#171306-053-0011-00) Municipal Address - 503 Egan Street

AMOUNT OFFERED: \$1,000.00 APPRAISED VALUE: \$6,000.00 DISTRICT B

Property No. 2: Legal Description - Lot 13, Block 9, Oakview Subdivision, a subdivision in the City of Shreveport, Caddo Parish, Louisiana, as per plat thereof recorded in Book 150, Page 279 of the Conveyance Records of Caddo Parish, Louisiana, together with all buildings and improvements located thereon.

(GEO#171425-032-0013-00) Municipal Address - 7541 Fairfield Ave.

AMOUNT OFFERED: \$1,250.00 APPRAISED VALUE: \$3,000.00 DISTRICT C

Property No. 3: Legal Description - Lot 508, Cedar Grove Addition Subdivision, a subdivision in the City of Shreveport, Caddo Parish, Louisiana, as per plat thereof recorded in Book 50, Page 389 of the Conveyance Records of Caddo Parish, Louisiana, together with all buildings and improvements located thereon.

(GEO#171425-061-0508-00) Municipal Address - 135 West 77th St.

AMOUNT OFFERED: \$2,000.00 APPRAISED VALUE: \$7,000.00 DISTRICT F

BE IT FURTHER ORDAINED, that the Mayor of the City of Shreveport shall be authorized to do any and all things and to sign any and all documents, including Acts of Cash Sale, in a form acceptable to the City Attorney necessary to effectuate the purposes set forth herein.

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

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

Michael G. Gibson, Chairman

Arthur G. Thompson, Clerk of Council

ORDINANCE NO. 44 OF 2005

AN ORDINANCE TO AMEND ARTICLE V OF CHAPTER 26 OF THE CODE OF ORDINANCES RELATIVE TO FUNDS BY ADDING DIVISION 8 RELATIVE TO THE CONVENTION CENTER HOTEL ENTERPRISE FUND AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the City of Shreveport (the "City") created the Shreveport Convention Center Hotel Authority (the Authority") by Indenture of Trust dated April 9, 2002 ; and

WHEREAS, in order to finance the construction of a Convention Center Hotel, the City has authorized 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 has entered into a cooperative endeavor agreement with the Authority for the management and operation of the hotel; and

WHEREAS, the Authority has entered into a Qualified Management Agreement with HRI Lodging, Inc. ("HRI") for the management and operation of the hotel; however, that agreement provides that the Authority is the Owner in fee title to the parcel of property on which the Owner will construct the hotel, neither of which is true because the City will now finance and own the hotel; and

WHEREAS, under the agreement between the Authority and HRI, the Authority as "Owner" is obligated to pay the debt service on the hotel, to provide funds for working capital, and to pay any debts of HRI not available from gross revenues; and

WHEREAS, the Authority has no funds with which to pay these obligations; and

WHEREAS, the gross revenues of the city-owned hotel are city funds and, as required by Article 7 of the City Charter, must be budgeted in order to be expended.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal and regular session convened that Division 8 of Article V of Chapter 26 of the Code of Ordinances of the City of Shreveport is hereby added to read as follows:

Chapter 26

* * *

Article V.

* * *

Division 8. Convention Center Hotel Enterprise Fund

Sec. 26-210. Created; purpose; assets.

There is hereby created and established a Convention Center Hotel Enterprise Fund, the purpose of which shall be to facilitate the operation, maintenance, and improvement of the Convention Center Hotel owned by the city. Assets of the fund shall include, but not be limited to, revenues derived from the charges for the use of the Convention Center Hotel.

Sec. 26-157. Administration; management.

The Convention Center Hotel Enterprise Fund shall be administered in accordance with the requirements of the City Charter relative to budgetary, accounting and other financial matters.

Sec. 26-158. Procedures.

It is the intent of this division that the Convention Center Hotel Enterprise Fund shall be operated as a self-supporting business enterprise. To this end, the following procedures are prescribed:

(1) *Billing and collecting.* All accounts and other records necessary for the collection of charges to be credited to the Convention Center Hotel enterprise fund shall be maintained by and under the supervision of the director of finance, or pursuant to a contractual agreement for the management of the hotel approved by the City Council.

(2) *General accounts and annual statements.* The director of finance, or the management contractor if approved as provided in subsection (1), shall keep the general accounts of the Convention Center Hotel Enterprise Fund in accordance with generally accepted principles of enterprise fund accounting. Expenditures shall be made in accordance with the adopted budget and shall be authorized in the same manner as expenditures from other funds or as provided in the approved management agreement. Within 90 days after the close of each fiscal year, the director of finance, or the management contractor if approved as provided above, shall prepare and submit to the council the following statements, in accordance with generally accepted principles of enterprise fund accounting:

- a. Balance sheet.
- b. Statement of revenues, expenses and changes in retained earnings for the fiscal year.
- c. Statement of changes in financial position.

(3) *Disposition of earnings.* Earnings from the Convention Center Hotel Enterprise Fund shall be expended in accordance with the amounts appropriated by the city council in the fund's annual budget ordinance. Any excess of expense over receipts shall be made up by appropriation from the general fund

to the Convention Center Hotel Enterprise Fund. Should the fund be dissolved by the city council, its assets shall revert to the general fund of the city.

- (4) *Authority to incur indebtedness.* The assets of the Convention Center Hotel Enterprise Fund may, if authorized by ordinance or resolution of the city council, be pledged as security for bonded indebtedness if required to facilitate the construction of or improvements to the Convention Center Hotel. The assets of the Convention Center Hotel Enterprise Fund shall be used for the payment of principal and interest on the indebtedness in accordance with the provisions of the ordinance or resolution authorizing the issuance of debt.

BE IT FURTHER ORDAINED that before any funds are appropriated for the operation of the Convention Center Hotel, the Authority and HRI shall amend their agreement, subject to approval by the City Council, to include the city as a party, to recognize that the gross revenues from the hotel are city funds subject to appropriation and to recognize that the Authority has no funds with which to meet any obligations unless appropriated by the city.

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.

Michael G. Gibson, Chairman

Arthur G. Thompson, Clerk of Council

Amendment No. 1 to Ordinance No. 44 of 2005

AMEND THE ORDINANCE AS FOLLOWS:

In the last line of the fifth "WHEREAS" paragraph, delete the word "HRI" and substitute in lieu thereof the word "Hotel."

After the last "WHEREAS" paragraph, delete the period and substitute "; and"

After the last "WHEREAS" paragraph, add the following new paragraph:

WHEREAS, the City Council herein acknowledges, recognizes and accepts that the Authority has previously entered into contracts with Historic Restoration, Inc. (HRI) on January 9, 2003 to develop the proposed Hotel, with HCI Architects, Inc. (HCI) on December 2, 2003 to design the proposed Hotel and with HRI Lodging, Inc. on December 18, 2003 to manage and operate the proposed Hotel, said contracts to continue in full force and effect.

ORDINANCE NO. 45 OF 2005

AN ORDINANCE DECLARING A CERTAIN ADJUDICATED PROPERTY TO BE SURPLUS AND TO AUTHORIZE THE MAYOR OF THE CITY OF SHREVEPORT TO DONATE THE CITY OF SHREVEPORT'S TAX INTEREST IN A CERTAIN SURPLUS ADJUDICATED PROPERTY, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, the City of Shreveport has a tax interest in the herein below described property which has been adjudicated for the non-payment of City property taxes; and

WHEREAS, the herein below described property is not needed for public purposes and should be declared surplus property; and

WHEREAS, the City of Shreveport has received a request to donate its tax interest in the herein below described property as indicated below.

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

BE IT FURTHER ORDAINED, that the City Council of the City of Shreveport does hereby authorize the donation of its tax interest in the herein below described property.

Property No. 1: Legal Description - 1.011 Acres, Lot 86, Jones Mabry Subdivision, Unit #2, a subdivision in the City of Shreveport, Caddo Parish, Louisiana, as per plat thereof recorded in Book 300, Page 54 of the Conveyance Records of Caddo Parish, Louisiana, together with all buildings and improvements located thereon.

(GEO#181421-001-0086-00)

Municipal Address - 1828 Hersey D. Wilson

AMOUNT OFFERED: NONE APPRAISED VALUE: \$5,000.00 DISTRICT A

BE IT FURTHER ORDAINED, that the Mayor of the City of Shreveport shall be authorized to do any and all things and to sign any and all documents, including an Act of Donation, in a form acceptable to the City Attorney necessary to effectuate the purposes set forth herein.

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

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

Michael G. Gibson, Chairman

Arthur G. Thompson, Clerk of Council

Amendment No. 1 to Council Proceedings – December 14, 2004

ORDINANCE NO. 153 OF 2004

AN ORDINANCE ADOPTING THE 2005 CAPITAL IMPROVEMENTS BUDGET, APPROPRIATING THE FUNDS AUTHORIZED THEREIN, AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, Article 7 of the City Charter provides that the appropriations set forth in the annual Capital Improvements Budget remain in effect until they are amended or the project is closed; and

WHEREAS, 2005 appropriations are necessary only for those projects which are new or for which the appropriation is increased or decreased.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in legal session convened, that:

Section 1 - Appropriations:

The following funds are hereby appropriated for the projects in the column titled "2005 Budget." For those projects listed herein, total project spending for all years shall not exceed the amount appropriated herein, unless such amount is increased by subsequent action of the City Council. For active capital projects which are not listed herein, but which have been previously appropriated in a Capital Budget ordinance, the prior appropriation shall remain in effect. The Director of Finance is authorized to expend same in accordance with law, to the extent that funds are available.

Program A - Building and Improvements

<u>Projects:</u>	2005 CHANGE	2005 BUDGET
1. Municipal Auditorium Roof and Air Conditioning Replacement (94A002)	200,000	4,691,300
2. Shreveport Convention Center (97A004)	1,500,000	107,765,000
3. Downtown City Hall (99A002)	293,000	8,337,200
3. Energy Improvements for City Facilities (04A002)	(125,000)	5,125,000
4. ArtSpace at the West Edge (04A004)	(525,000)	300,000
5. Riverfront Parking Structure (05A001)	1,431,900	1,431,900
SUBTOTAL - PROGRAM A PROJECTS	2,774,900	127,920,400
TOTAL - ALL PROGRAM A PROJECTS	161,870,500	

Revenues:

Riverfront Development Fund	251,300
Downtown Parking Fund	900,000
State Capital Outlay	(525,000)
Water and Sewer Revenues	(150,000)
Interest Earned	1,793,000
Other Gifts and Federal Grants	630,600
State Revolving Loan Program	(5,250,000)
Certificates of Indebtedness	5,125,000
SUBTOTAL - PROGRAM A REVENUES	2,774,900

Program B - Recreation Improvements

<u>Projects:</u>	2005 CHANGE	2005 BUDGET
1. Independence Stadium Expansion (00B001)	23,300	31,532,200
2. Independence Stadium Capital Repairs & Improvements (02B001)	131,000	309,900
3. Chris Hayes Park Renovation (05B001)	150,000	150,000
4. Neighborhood Park Facility Improvements (96B006)	(18,800)	1,436,600
SUBTOTAL - PROGRAM B PROJECTS	285,500	33,428,700
TOTAL - ALL PROGRAM B PROJECTS	53,853,800	

Revenues:

Private Donations	35,000
Interest Earned	23,300
Other Funds	95,000
Riverfront Development	150,000
1998 GOB, Prop. 2 (Parks)	(18,800)
SUBTOTAL - PROGRAM B REVENUES	285,500

Program C - Street Improvements

<u>Projects:</u>	2005 CHANGE	2005 BUDGET
1. Downtown Gateway Improvements (96C002)	125,000	125,000
2. 2005 CDBG Overlay (04C001)	300,000	300,000
3. Shreve Park Industrial Campus Roadways (95C003)	2,750,000	8,693,000
SUBTOTAL - PROGRAM C PROJECTS	3,175,000	9,118,000
TOTAL - ALL PROGRAM C PROJECTS	81,369,400	

Revenues:

Downtown Ent. District Fund	125,000
Community Development Block Grant	300,000
State Capital Outlay	1,750,000
EDA Grant	1,000,000
SUBTOTAL - PROGRAM C REVENUES	3,175,000

Program D - Drainage Improvements

Projects:

1.	Ockley Ditch Improvements (92D002)	(2,000,000)	12,729,100
2.	Eastside Ditch Paving (01D007)	(450,000)	350,000
3.	2600 Leaf Lane Drainage (01D008)	(190,000)	250,000
4.	Trailridge Ditch Improvements (01D010)	(200,000)	595,000
	SUBTOTAL - PROGRAM D PROJECTS	(2,840,000)	13,924,100
	TOTAL - ALL PROGRAM D PROJECTS	(2,840,000)	37,150,200

Revenues:

2003 GOB	(840,000)
Statewide Flood Control Program	(2,000,000)
SUBTOTAL - PROGRAM D REVENUES	(2,840,000)

Program E - Water Improvements

Projects:

1.	Downtown Airport Perimeter Road and W & S Utilities (01E002)	(950,000)	500,000
	SUBTOTAL - PROGRAM E PROJECTS	(950,000)	500,000
	TOTAL - ALL PROGRAM E PROJECTS		45,301,200

Revenues:

Private Donations	(950,000)
SUBTOTAL - PROGRAM E REVENUES	(950,000)

Program F - Sewer Improvements

Projects:

SUBTOTAL - PROGRAM F PROJECTS	0	0
TOTAL - ALL PROGRAM F PROJECTS	98,840,700	

Program G - Traffic Engineering

Projects:

SUBTOTAL - PROGRAM G PROJECTS	0	0
TOTAL - ALL PROGRAM G PROJECTS	6,286,400	

Program H - Airports Projects

Projects:

1.	Part 150 Noise Acquisition Regional Airport (99H002)	8,313,900	37,478,200
2.	Rehabilitate Taxiway "F" - Downtown Airport (01H005)	87,400	637,400
3.	Upgrade ARFF Snuzzle (03H004)	21,000	43,000
4.	Rehabilitate Runway 5/23 Lighting and Taxiway "J" (05H001)	1,575,000	1,575,000
5.	Rehabilitate Taxiway "C" and "B" (Sealcoat) (05H002)	1,050,000	1,050,000
6.	Acquire ARFF Truck (05H003)	787,500	787,500
	SUBTOTAL - PROGRAM H PROJECTS	11,834,800	41,571,100
	TOTAL - ALL PROGRAM H PROJECTS		63,482,600

Revenues:

Federal Aviation Administration	10,249,500
State Grant	792,700
Shreveport Airport Authority	792,600
SUBTOTAL - PROGRAM H REVENUES	11,834,800

Program I - Fire Improvements

Projects:

SUBTOTAL - PROGRAM I PROJECTS	0	0
TOTAL - ALL PROGRAM I PROJECTS	14,820,000	

Program L - Transit Improvements

Projects:

1.	2005 SporTran Capital Improvements (05L001)	2,877,200	2,877,200
	SUBTOTAL - PROGRAM L PROJECTS	2,877,200	2,877,200
	TOTAL - ALL PROGRAM L PROJECTS		19,097,800

Revenues:

General Fund	410,000
FTA Grant	2,317,600
NL-COG	7,500
Downtown Development Authority	142,100
SUBTOTAL - PROGRAM L REVENUES	2,877,200

GRAND TOTAL - 2005 CHANGE	\$ 17,176,200
GRAND TOTAL - ALL PROJECTS	\$582,091,400

2. No office, department, agency or individual shall be allowed to expend any funds or incur any obligations other than in accordance with the Capital Improvements Budget's appropriations, as provided in Article 7 of the City Charter.

3. The Mayor be and is hereby authorized to execute all contracts, deeds, grant documents and other legal instruments necessary to expend and receive the funds herein authorized.

4. The Mayor is authorized to transfer among projects within programs and funding sources an amount which will not increase or decrease any project budget total more than ten per cent (10%), provided, however, that at least one hundred twenty (120) hours, excluding holidays and weekends, prior to taking such action, the Mayor shall notify the members of the City Council of the proposed action, the reasons for the proposed transfer and the impact the transfer will have on the projects, by filing such notice with the Clerk of Council, who shall immediately forward copies of the notice to all members of the City Council and shall file the original of such notice with the current Capital Budget Ordinance. Thereafter, a special Council meeting to consider any proposed transfer of funds will stop any action on the designated projects. Provided, further, that funds may be transferred one time only to or from a project unless the prior transfer(s) has been included in a capital budget amendment.

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.

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

Michael G. Gibson, Chairman

Arthur G. Thompson, Clerk of Council

UNFINISHED BUSINESS:

1. **Ordinance No. 98 of 2004:** An ordinance authorizing the Lease of City-Owned property to North Shreveport Development Corporation, Inc. (A/Lester) (Tabled December 27, 2004)

NEW BUSINESS: None.

REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES:

CLERK'S REPORT:

1. **Letter of Appeal: C-21-05;** 1000 East Preston, *Golf Links Ventures, L.L.C.*, Floyd Miller, Margie Miller and Robert Farmer, Georgene Farmer. (C/Carmody)
2. **Letter of Appeal: BAC-35-05;** 2004 Centenary Boulevard, *RCS LAND CO LLC*, Southwest corner of Centenary Boulevard and Olive; Mr. David Nixon. (B/Walford)

Mr. Thompson: Both of those can be dealt with at the next meeting.

THE COMMITTEE RISES AND REPORTS: (Reconvenes Regular Council Meeting)

ADJOURNMENT: There being no further business to come before the Council, the meeting adjourned at approximately 7: 10 p.m.

//s// Michael G. Gibson, Chairman

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

