

Council Proceedings of the City of Shreveport, Louisiana
May 24, 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 3:00 p.m., Tuesday, May 24, 2005, in the Government Chambers in Government Plaza (505 Travis Street).

Councilman Walford: Before we do the invocation, we lost two young men last Thursday in Iraq. Could I ask for just a moment of silence for Sgt Robin Feld, Sgt Bernard Sembly.

Invocation was given by Councilman Walford.
The Pledge of Allegiance was led by Councilman Green.

On Roll Call, the following members were Present: Councilmen Lester, Walford, Carmody, Gibson, Green, Hogan and Jackson (Arrived at 3:11 p.m.). 7. Absent: None.

Councilman Walford: Do we have an amendment that - - -.
Councilman Gibson: I think we do. Ms. Bea, do we have an amendment to that?
Deputy Clerk: That's correct Sir.

Amendment to Council Proceedings of the City of Shreveport, May 10, 2005.

Amend the Minutes of the May 10, 2005, City Council meeting as published in the Official Journal (The Times) on Monday, May 16, 2005, as follows:

1. On Page 12B, in Column 6, under Introduction of Ordinance

Delete the following:

10. **Ordinance No. 68 of 2005:** An Ordinance amending the 2005 Airports Enterprise Fund Budget and otherwise providing with respect thereto.
11. **Ordinance No. 69 of 2005:** An Ordinance amending the 2005 Capital Improvements Budget and otherwise providing with respect thereto.
12. **Ordinance No. 70 of 2005:** An Ordinance to amend and reenact portions of Chapter 50 of the Code of Ordinances relative smoking and to otherwise provide with respect thereto.

And,

Insert the following:

10. **Ordinance No. 68 of 2005:** ZONING - C-42-05 An Ordinance to amend certain sections of Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance; to amend the fees charged by the Shreveport Metropolitan Planning Commission; and to provide for other matters related thereto.
11. **Ordinance No. 69 of 2005:** An Ordinance amending the 2005 Airports Enterprise Fund Budget and otherwise providing with respect thereto.
12. **Ordinance No. 70 of 2005:** An Ordinance amending the 2005 Capital Improvements Budget and otherwise providing with respect thereto.

And, make the same amendment in the May 10, 2005, Minutes in the official "Council Book, 2005", and in the City Council Meeting Minutes as published on the City of Shreveport/City Council Web Page.

Motion by Councilman Green, seconded by Councilman Walford to approve the amendment to Council Meeting minutes , Tuesday, May 10, 2005. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Green, and Hogan. 6. Nays: None. Out of the Chamber: Councilman Jackson. 1.

Motion by Councilman Walford, seconded by Councilman Green to approve the minutes of the Administrative Conference, Monday, May 9, 2005 and Council meeting minutes as amended Tuesday, May 10, 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.

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

Councilman Gibson: Mr. Mayor?

Mayor Hightower: I don't have anything today Mr. Chairman.

Councilman Gibson: I do have one, and I'm catching both of 'em off guard. I have a couple of groups here. If I could the Local 764 Carpenters Union and also the Ladies from the Cedar Grove Neighborhood Association C.A.R.E to come forward for just a second, I would like to recognize both of those groups for something that took place that was very special last week. Ladies and gentlemen, it's always a pleasure and each one of us on Council have always had an opportunity to work with a variety of civic groups in our neighborhoods, but it's always especially great to see the private sector working in conjunction with the neighborhoods and in the public sector. Councilman's Lester's leadership a year and a half ago, led to a Neighborhood Investment Program that is currently underway of which all of our Districts are have been intricately involved with. And C.A.R.E. Group in the Cedar Grove Neighborhood Association has been a recipient of one of those grants for the last two years. They've put it to good use. Ms. Ware, you're the President of that group. I think you've put together a garden and some other amenities. But one of the things that were missing were some places for your neighbors to sit and to have chances to communicate and get to know one another. The Carpenters Local 764 and their friendship program and I'm extremely proud to say, they've got one of the best apprenticeship programs in north Louisiana put together a couple of benches, that they donated to your group last week for your residents to do, and I would just like to thank publicly the Local 764 for their good corporate citizenship, and publicly thank them and also thank Ms. Ware and the Cedar Grove Neighborhood Group, C.A.R.E. for keeping up the good stewardship within the neighborhood, because I know ya'll have a lot of activity going on. So, with that, I'd just like to give y'all a round of applause for that joint effort. Any other recognitions or awards from Council?

Reports:

Convention Center and Convention Center Hotel

Mr. Antee: On yesterday, Councilman Carmody asked that we provide each of the Council Members with the Capital Outlay requests for 2002, 2003, and 2004. Earlier today, I put those at your chair. In addition to that, on the second page, what I presented to you is a memo from Laura Plauche', the City's Attorney on the Capital Outlay lawsuit. Before we get into the budget on the project, I'd like to touch a couple of things on the Capital Outlay suit. As I explained yesterday, the Capital Outlay process is you have to have a request, that request has to be included in House Bill No. 2, the Capital Outlay Bill. It has to be approved by both houses. It has to be signed by the Governor. Once those steps are done, then it has to go to the State Bond Commission. The Bond Commission has to approve it, and actually allocate the lines of credit. Once that's done, then you enter into a Cooperative Endeavor Agreement. The issue that's being presented is that the Capital Outlay request for 2001, the initial request asked for a parking garage and plaza. April prior to the Bill becoming law, there was an additional request. That initial request was for \$11,500,000. In April, the Mayor sent a letter to Mark Drennan, the then Commissioner of Administration asking for an additional \$12,000,000 for the Convention Center Hotel. So our total request in 2001 was \$23,500,000. What was approved by the legislature and signed by the governor which ultimately was approved by the Bond Commission and was the subject of the Cooperative Endeavor Agreement, was the revised and an additional request of \$12,000,000. The \$11,500,000 for the parking garage, and the plaza was not approved. In 2002, for the next session for 2002, the request reverted back to the initial request. But even in that request, there was mention of a hotel. As you can see by the memo from Laura Plauche', and I'll read to you what the Act in 2002 which is the subject that Mr. Carmody brought up yesterday as to it being the Act that the Cooperative Endeavor Agreement referenced, the 2002 Act states all monies appropriated by this Act, and any applicable funds of a prior Capital Outlay Budget Act adopted by the legislature shall be deposited by the State Treasurer in the comprehensive Capital Outlay Escrow account established by this section in the State Treasurer. All such money shall be administered according to, and this is what's important, the particular act pertaining to the fiscal year in which such monies were appropriated. Now, what's important is the monies for the hotel, the \$12,000,000 was appropriated in the 2001 Legislative Act. Once the Bond Commission approved it, and established the lines of credit, it was afforded a project number by Facilities and Planning. All of that was in November of 2001. That number for that project has been the number in the project ever since then.

Councilman Carmody: Do you know what number Mr. Antee, just right off the top of your head. I didn't mean to interrupt you sir.

Mr. Antee: That's fine. I do have it. It is 50-MR1-01B-04

Councilman Carmody: Thank you.

Mr. Antee: And that is the Facility Planning Project Number November of 2001. That number for that project has been the number in the project ever since then.

Councilman Carmody: Do you know what number Mr. Antee, just right off the top of your head. I didn't mean to interrupt you sir.

Mr. Antee: That's fine. I do have it. It is 50-MR1-01B-04

Councilman Carmody: Thank you.

Mr. Antee: And that is the Facility Planning Project Number assigned to the

Convention Center Hotel. Now, in 2002 session, the 2003 session, the 2004 session, and this session, those acts merely deal with what priority the money's in. We've been carrying \$1.8 (million) in Priority I, which means we can draw on that immediately. And the remainder in Priority V. This year's Act contains \$6 ½ million in Priority I which means, we can call on that beginning July 1 of this year. And then \$5 ½ million in Priority V. But the significance of the applications after the Bond Commission and after it was afforded the number, is for priority. And that's where there's trying to be some confusion. Facility and Planning submitted all of this information to the Attorneys General when Councilman Carmody, last year, you asked for an Attorney's General Opinion, and in my memo that I presented to y'all on Friday of last week, I gave you the whole opinion as well as excerpts from it which clearly says that they can find no jurisprudence or law that says the money cannot be used for the hotel. And state in there that all of the documents that were presented to them clearly show that the \$12,000,000 was for the hotel. With that, if you want to ask any questions on the lawsuit, I can answer them, but next, I'm going to go over the budget.

Councilman Carmody: Mr. Antee, I appreciate you getting together the Capital Outlay request information, but I'm just wanting to ask you as I'm looking through it, it appears that the description does not change though on the different request for the fiscal year of 2003-2004, it still appears to read *'addition of 600 parking spaces to the proposed downtown garage construction of a landscaped plaza to connect the new convention center with a proposed hotel to the downtown (inaudible). Site improvements associated with ancillary uses as required'*. Why wouldn't it stipulate there, that this money for the Capital Outlay request for 2003-2004 be specifically noted for the hotel?

Mr. Antee: Because those applications didn't change, they just went back to the original application. If you look on page 2, you'll see where there's reference to the hotel, the garage convention hotel complex, negotiations are underway for a 300 room hotel to be co-located with the convention center. But you're right, that description didn't change, but if you noticed the name of the project changed and the subsequent pages clearly reflect to the hotel. But even with that, the significance of these applications have nothing to do with the Capital Outlay request. It only deals with what priority, once it's been approved that the money will go in, or how much money will be attributed to Priority I and Priority V.

Councilman Carmody: Then what I was trying to get back to though was it seemed when I'd asked the questions about the monies to do the additions to the parking garage and relocate the Greyhound Bus Terminal and build the plaza, that the Administration said that, that money was no longer there. That we would not have the ability to do that, but at some future date, we'd try to find the money to do those things.

Mr. Antee: That money was not appropriated.

Councilman Carmody: And that's why I'm still concerned as to why wouldn't the description then have been modified in the Capital Outlay request to indicate that this is the Convention Center Hotel now. It's no longer - - - why would we still have in there that the description still reads basically the same thing? "Addition of 600" - - -, let me get to it. Yeah, *"2003-2004 Capital Outlay Request Description: Addition of 600 parking places to the proposed downtown parking garage, construction of the landscaped plaza to connect with the new convention center and proposed hotel to the downtown (inaudible). Site improvements associated with ancillary uses as required"*. But if this

was 2003-2004, when was the money for that particular project as described denied?

Mr. Antee: In 2001.

Councilman Carmody: Well, why would we keep going back and asking for or describing the money that was approved for the hotel as being under this description?

Mr. Antee: Because the application and the request used each year, reverts back to the initial application which was in October of 2000. So, the application didn't - - - this is what's coming from Facilities Planning. It's all done online and you don't - - - they didn't go back in and change that. What's important though is what was awarded, what was included in the Act, what was approved by both houses and signed into law, what was approved by the Bond Commission, and what Facility and Planning assigned the number and the project to, and what the Cooperative Endeavor Agreement was assigned to. Keep in mind, we have Capital Outlay requests every year, that we've asked for since our first year in 1998 asking for stuff. Everything that every year, we ask for the same thing. We don't get the money, but we keep asking for it. But you're right, the initial description in those requests did not change.

Councilman Carmody: Okay.

Mr. Antee: But that doesn't have any legal significance, because if you'll look at the second page in the explanation by Ms. Plauche as to the 2002 Act, which was the act referenced in the Cooperative Endeavor Agreement, it specifically states that all monies appropriated by this act in any applicable funds of a prior Capital Outlay Budget Act adopted by the Legislature.

Councilman Carmody: And so the original monies then were allocated in the 2001 Capital Outlay approved by the State Legislature?

Mr. Antee: That's correct. With the Senate amendments 94 and 95 which added the language "the convention center complex and ancillary facilities and other uses. And then change the amount from the \$11.5 to the \$12 million. That's what was approved and all the back up documentation as well as all of Facility Planning's documentation clearly show that that \$12,000,000 was for the hotel that was appropriated. The other \$11.5 million was for the parking garage. And if you look at that amended application, and requests, you'll see that it totals \$23,500,000. It doesn't just go from \$11.5 to \$12,000,000. It's an additional \$12,000,000 that we ultimately received.

Councilman Carmody: Okay, and I'm trying to go back Mr. Antee and remember how you had to explain to the Council how the Capital Outlay process works, but in the 2001 Capital Outlay approval then as amended, had to have been a cooperative endeavor agreement I guess executed. When was the cooperative endeavor agreement executed?

Mr. Antee: January '03.

Councilman Carmody: In January of '03?

Mr. Antee: That's correct.

Councilman Carmody: Okay, but there's not a timeframe for you then to get a cooperative endeavor agreement together once the amount is approved, then you could basically get your cooperative endeavor agreement three years later, and then still pertain back to that money?

Mr. Antee: The key that makes it pertain back to the 2001 Act, is when the Bond Commission approved it and when Facility and Planning based on the Bond Commission's approval, assigned a project number to it. And all of that was done in November of '01. So the Act of '02, even though there was no cooperative endeavor

agreement done prior to the legislature meeting in '02, the Act in '02 encompasses and takes in all of the prior monies that were appropriated and allocated and approved. And that's the language in the Act. But the cooperative endeavor is always based on the most recent legislative act which incorporated all of the prior acts.

Councilman Carmody: But was not the Capital Outlay request for 2002 not the original request, but didn't contain the amendment?

Mr. Antee: No. The original request that contained the amendment was in 2001-

Councilman Carmody: Right.

Mr. Antee: Which was approved by the Bond Commission.

Councilman Carmody: So then although you submit the same application, although it's not reflected in the amendment, then you're basing the fact that the amended application that was originally filed in 2001 carries today. But anything after that regardless of what it says, it still reverts back to the first one that the Bond Commission approved?

Mr. Antee: That's correct. The one that has been appropriated and approved by the Bond Commission. Because none of the other acts go to the 2002,3, 4 and even this year will not go to the Bond Commission for approval for the lines of credit. Once it's done in the Bond Commission, then that's the only time it goes before them and then the cooperative endeavor memorializes that. Now, the reason there was a long delay between the Bond Commission, and the Cooperative Endeavor Agreement was - - - had to do with the mechanics of the Hotel Trust Authority, and several other things that wasn't high on Facility Planning's priority list because the actual construction of it was still down the road. So, the fact that the Cooperative Endeavor Agreement wasn't signed until January '03, doesn't change the fact that 2001 was the (inaudible) where it was appropriated and approved and the act in 2002 then carries it along with it.

Councilman Carmody: The 2002-2003 are just asking for priorities for the funding?

Mr. Antee: Right.

Councilman Carmody: They have nothing to do with regardless of what the description reads as to how the money's to be spent.

Mr. Antee: That's correct, and once the Bond Commission approves it, and Facility Planning assigns a number to it, technically, you don't have to submit the application according to Richard McGemsey, who is the Assistant Attorneys General for Facility Planning, individuals at Facility Planning and then the legal aspect that was provided by Laura Plauche.

Councilman Carmody: And one observation, and again I know we're going to disagree on this Mr. Antee, but the way that I read this from Mr. McGemsey's opinion, he said there wasn't anything in the Constitution that would prohibit the legislation from approving money for the hotel in Shreveport. What I called him about was to specifically ask him to address the question that I had asked for their opinion, and that was whether or not the State Legislature had voted to approve those funds for the construction of the hotel. He clearly at that point said I'm not - - - it's not my responsibility to ascertain or determine what the intent of the Legislature was. You asked me a question, I'm telling you that the Constitution wouldn't prohibit them from doing it. And so, I wanted to make sure that at least I threw in my two cents on your observation that McGemsey had basically provided cover on it. He basically said there wasn't anything in the

Constitution that wouldn't prohibit it. But he did not say indeed the legislature voted to approve this, because he said I'm not going into that. That's not my job to go into that.

Mr. Antee: Well, and I'm not going to get into what your conversation with him was. I do know that he is the attorney representing Facility Planning in this lawsuit, to defend the fact that the money can be used for the hotel.

Councilman Carmody: And I agree with that. Thank you. Thank you Mr. Chairman.

Councilman Gibson: Thank you Councilman Carmody, any questions or comments for Mr. Antee regarding that situation? The only think I want to clarify Mr. Antee, you had referred earlier in your presentation about 'issues in a group'. Who are we referring to? Are we talking about the group that filed the lawsuit? When - - - or which you were referring to there?

Mr. Antee: I'm not - - -

Councilman Gibson: You had made some kind of reference to the issue at hand and - - -

Mr. Antee: Yeah, I was referring to the allegations and the premises to which the lawsuit was based on.

Councilman Gibson: Okay, I just wanted to make sure, cause I wasn't quite - - - you didn't specify what that was. That's the only question I have. You have also on the budget, you have discussion on that item? And you had supplied some information yesterday on that particular to the City Council?

Mr. Antee: Right, and I wanted to briefly go through so that everybody can understand where we are now that we have the bids in and where we are in terms of revenue.

Councilman Gibson: Robert, could we dim the lights up here Ms. Bea, at least on the front edge so people can see what we've got up here? Thank you Ma'am.

Mr. Antee: As far as funds available for the hotel project, we have the Bonds that have been sold and issued of \$40,000,000; State Grant which is the Capital Outlay money of \$12,000,000; Interest Earnings of \$1,255,708. Right now, the money that's been borrowed is put into an interest bearing account that's earning approximately 2.77%. This figure's based on an average of 2.75% as the rates dip. If they go up, then our earnings will be more. Currently, we're paying between 2 and , you know we're on a 35 day variable rate, that was initially 2.5% now I think it's somewhere around the 2.77. So, until we start drawing money out, the interest that it's costing us is very little, because of the difference in what we're making and the difference in what we're spending. We have capitalized interest refund or surplus depending on what you want to call it. What that amount is, is in our Cap Interest account. You can see right here we have \$2,491,955, currently with an average interest of 3%, it's \$100,000 a month. What they had put away is nearly 25 months. What is normal is the term of the construction, which if we use 16 months, that'd be 16 months at \$100,000 plus four months to get the hotel up and running. Any monies that are left over in the capitalized interest fund which is in the account earning interest now, would be available to go to pay for the construction and pay for the project. So we took 20 months which is an extra month over what's normal and the difference would be that \$491,955. So, the total funding for the hotel project is \$53,747,600.63 when you add in the earned interest. The expenses, we have our Soft Costs Expenses that total \$7,331,155. Included in that amount are things such as your

debt service reserve of \$1.6 million. In addition to that \$1.6 million, we have \$1 ½ million dollars in a surety, so the total Debt Service Reserve Fund available is \$3.1 million. We have the Cap Interest that I just went over of almost \$2 ½ million. We have Working Capital to have in there for when the hotel gets up and going, we'll have the capital necessary to work with of \$469,000. They think that's probably a little high, we may not need that much, but we want to make sure we have enough. The pre-opening expenses of \$939,000, that's employees coming on board before it opens. That's advertising, marketing, all the things of pre-opening. Municipal Bond Insurance we went over before, but that's how we got the low rate and the AAA Bond Rating. And the other items are cost and issuance. We have the Development and Acquisition costs which are the design, we have \$100,00 for Soft Cost Contingency. We also have Construction Testing which has to be done throughout the construction. We've got all the engineering development fees designs fees, copying and reimbursable expenses. That's \$4,669,214. We have FF&E costs of \$7,042,500. That number's based on Hilton's requirements as well as prior experiences in opening hotels based on a per room fee basis done by HRI. And then we have a total construction cost amount of \$32,900,000. Over the last several days since Thursday, Walton Construction and the subcontractors have been working very diligently to find ways to take costs out of the hotel. The cost estimate provided to us by Hunt prior to the Bid was \$32,200,000. That was the number we were carrying in our budget. We had about \$2 ½ million in contingency at that point. The number that came in \$34,300,000 – Walton is comfortable that we'll be able to contract for reductions in that area of enough to get it down to \$32.9. And when we're talking about reductions, we're talking about things such as changing the type of tile from marble to a standard tile. Changing marble counter tops to a more durable, but less expensive granite counter tops. We're talking about coordinating the FF&E and expanding the length of the construction time, so that the FF&E is coordinated, so that they don't have to cram all the work in and then let FF&E come in. There are things such as that, that nobody will be able to gawk at and look at it and say 'oh, well they cut that out of the project'. We're still going to have a four star, full service Hilton quality hotel. So, none of that will change. It's just a better way for Walton to be able to construct it and it's a more questions that they had in looking at the plans, the more questions they got answered, the more they were able to take out of it. With that, we can go back to the budget.

Councilman Hogan: Mr. Antee, before you get to the next section, I have a question for you. Something I've not noticed before, there was a franchise application fee of \$90,000.

Mr. Antee: That's to Hilton.

Councilman Hogan: To Hilton, I understand. Are we going to be billed a recurrent franchise fee every year, and how much will that be?

Mr. Antee: I don't have that with me, it's a percentage. I want to say it's a 3% range that's carried in the pro forma as part of the operation of the hotel. But in the information that we provided with the financing and the business pro forma, it has all of those franchise fee percentages, and amounts in there. But I think it's somewhere in the 3% range.

Councilman Hogan: 3% of?

Mr. Antee: Gross.

Councilman Hogan: Gross, okay.

Mr. Antee: Which is a standard Hilton franchise arrangement.

Councilman Carmody: Before we move off of Hilton, I know that in order for Hilton to agree to grant the franchise, they have certain standards that they want to meet. Would, with a revised scope of work, in any way jeopardize what they say is acceptable construction for their standards?

Mr. Antee: No, everything is being looked at will meet Hilton's standards. If not, we'll work in other areas.

Councilman Gibson: Mr. Antee, on your budget, you had listed HCI as the design professional, and then you had a secondary design professional. Who was that professional?

Mr. Antee: I think that one that's referred to in there is Slack Alost. And then they have it broken down into the engineers, MEP, and other areas.

Councilman Gibson: I saw those others, I just didn't know who - - -

Mr. Antee: The total design percentage based on the construction cost is right at 7%.

Councilman Gibson: Wasn't that about two some odd million dollars?

Mr. Antee: Yes.

Councilman Gibson: Okay, cause I had a copy of the contract and all the stack of papers that you've given us. And in terms of Hilton's role for that franchise, you had mentioned before that was for their worldwide reservations and then obviously, their name attached to the building. Is that correct?

Mr. Antee: That's correct, as well as all of the products. Their marketing, their national sales, reservation system.

Councilman Gibson: And I guess they work in conjunction with SMG and the rest of everybody in terms of the joint partnership between the hotel and the convention center?

Mr. Antee: And the Convention and Tourist Bureau and hopefully all the residents. Going back to the budget, with the \$32,900,000 construction cost, that leaves us a contingency of \$1,804, 794. That contingency (inaudible) to 5% of the construction costs which is a very healthy contingency. Anywhere from 3-5% is the general rule. And we're just a little over that. That gives us some flexibility. Once we're further along and know where we are in construction if we want to step up some items in the FF&E or just whatever we want to do once we have a firm, we get close to the end of the construction and we know exactly where that's gonna come in. So that's the budget on the hotel. I explained somewhat about the contract with Walton Construction and where we are on getting the number down to the \$32,900,000 in addition to working with the architects and the subs on that, Walton's been very active in working on the Fair Share and minority participation. Prior to walking in, Greg McCrocklin with Walton did confirm to me that 75% right now goes to local subcontractors. And that's very good. The Fair Share participation number on the \$32,900,000 is 21%. On the \$34,000,000 number, it was 20%. But those, we have \$7,105,000 that goes to Fair Share and minority participation. And that number is based on actual numbers. And we have a list of who they are and how much it is. And I think 85-90% of that number is to African-American companies, not just Fair Share companies. So I think that's a very good start, as he's here that can answer any questions in regards to that. But like he said, that's where we start from and we can work to even improve upon that. So with that, glad to answer any

questions, but that's pretty much where we are. We feel very good. We've got a real good contractor. We've had a good experience with him on other projects. And one of the largest if not the largest in the State. And they've shown a very open and willingness since last Thursday to work to get as much local and Fair Share and minority participation as possible.

Councilman Hogan: Mr. Antee, in speaking of the terms of the contractors and subcontractors, even including minority participation, I'm pleased to hear that we're going to have a lot more local contractors participating in this, in fact I had a couple of 'em call me this morning to talk about it within my district, in fact they're subcontractors. If you, I wouldn't hold you to this, but if you had to give a percentage, would you care to venture and say a percentage of what you think the total construction is going to be here in terms of being local contractors?

Mr. Antee: Well, I asked that specific question and he told me that right now, about 75% is local subcontractors. Now that's 75% of the total dollar amount. When you take out the million dollars for the bond and insurance, when you take out their fee and their overhead, and you look at just how much is available to be subcontracted out, that number is going to be a lot higher. So, that is very good especially for our region.

Councilman Gibson: Councilman Hogan, also you might realize too, that in a project of this size, there are certain specialty items that we may not have in terms of availability in the local market place. Sometimes that requires some out of State or out of Region companies.

Councilman Hogan: Alright, good thank you.

Councilman Gibson: Any other questions or comments from Council? Mr. Antee, the one area that you had mentioned, Hunt Construction did the construct ability review?

Mr. Antee: Yeah.

Councilman Gibson: Where did that - - - what was that money, the dollar amount that we paid?

Mr. Antee: \$250,000.

Councilman Gibson: And was that in your budget here?

Mr. Antee: Yes.

Councilman Gibson: I guess I just overlooked that. So that is in the budget, it didn't come out any the other items?

Mr. Antee: If we can go in - - - it's included in the Development and Construction cost. You see Construction Review Cost Estimating - \$250,000.

Councilman Gibson: Okay.

Mr. Antee: Now what that money, what the City and what we got for that money was at various stages through the design. They were sent the plans and then they came back with what they thought the costs would be for the hotel, and from there they worked to change delivery systems, change different things and do value engineering before we ever got to the final product as well as cost estimating. And I think it was very beneficial in that prior jobs, you put it out there and you don't know what it is until you get the total bids back. At least here, even though the bids came in \$2.1 million higher than what they estimated it, it would still within the range that gave us a good number to work with from a budgeting and a planning standpoint. And as you can see even now, we're down closer to that \$32.2 million by going in and answering more questions because a lot of dollars

were in the bid because the construction company wasn't quite sure what the architect was saying on how to do something, and so they were putting money in to protect them. Once they met with 'em and got their questions answered, they were able to fine tune their numbers and work some of that off.

Councilman Carmody: I have two for Mr. Antee. The first one is, is that we do still have the I guess the pending lawsuit out there about the \$12,000,000. If the Mayor executes the contract with Walton at the negotiated new price, and then we were to not have the benefit of the \$12,000,000, would the City have an out with that contract to say that although we have signed off for this value, that we're not going to be able to perform on that \$12 (million)?

Mr. Antee: No.

Councilman Carmody: Well then how would the City pony up that money if we were determined we couldn't use that?

Mr. Antee: Well, there are several different ways we can approach that, and those are the contingency plans that we've been working on that we don't want to disclose because we don't want to - - - you know, it's just like when you go into a football game, you got a game plan, if you think you can pound 'em up the middle, you pound 'em up the middle, but when they stack everybody in the box, you start passing. And we don't want to come out there and tell them 'well, if you stop us here, here's where we go next.'

Councilman Carmody: Okay, the second question I had is have we gotten a final ruling or decision on whether or not the improvements, the hotel improvements would be taxable?

Mr. Antee: We haven't received anything final from the Tax Assessor. We do have you know the court cases that say that this specific hotel is a public purpose, and that's the Chance Energy V.S. the City of Shreveport. And then there's all kinds of cases out there that say, 'if it's for a public purpose, then it's not taxable.' But we don't have anything from Charlie Hennington.

Councilman Carmody: Has the Administration requested some verification from the Caddo Parish Tax Assessor that indeed that - - -

Mr. Antee: We have, and we've met with him. And I've been in conversation with Paul Atkins, his lawyer as recent as last Sunday, and Paul's response to me was 'you know Ken, I just hadn't gotten to it, because I've had a bunch of other things on my plate and Charlie hadn't been pushing me for it.

Councilman Carmody: Well could I ask maybe the Administration to push for it so that we've got that in our portfolio that says there's no tax consequence. Because if that ended up being \$1.4 or \$1.5 (million) a year that we had to come up with (inaudible).

Mr. Antee: I think it's estimated at about \$300-350,000, but that's \$350,000 we don't want to pay or are not required to pay. I even offered to write the opinion for Mr. Atkins, but he said he wasn't quite that desperate.

Councilman Carmody: He's not as gracious as Mr. Lafitte. Thank you Mr. Antee.

Councilman Hogan: Mr. Antee, having not ever had any experience of something of this size, I'm just trying to question- - I'm just wondering. And I was a little bit disappointed that Yates was the high bidder. You know, I would have thought with the degree of business we've done with them already and the Convention Center, that they could have given us a little bit better bid. Somebody said they were busy with other

projects or whatever the reason, but if they're going to be, and Councilman Gibson, you might can address this also. Is there going to be any problems with a different company coming doing the hotel versus a different company doing the Convention Center? They're obviously going to have to work together.

Mr. Antee: There's going to be some coordination issues. And as in any marriage, there's going to be issues that we will have to work with and deal with. We've tried to deal with as many of 'em up front in the bid plans. The primary thing is who has what space to work in. Who has what lay down areas. They, Yates was very helpful in working with, when certain areas they have now, when they'll be able to turn it over, because they no longer need it to whoever else. But are we going to have some issues out there when you know they're - - - 'you're on my turf.' Yeah, but we've got two good companies, two very professional companies and we don't see that as a major problem. Anytime you have a tight area to work in, you're going to have those issues in all of those or you know are planned for. And hopefully, if not, although all can't be as many as possible have been dealt with up front. As far as Yates and the bid, Yates has a change in management. Micky Rosenthenblum, whose been the head guy in the home office overseeing the convention center has left the company. They new guy coming in has just now taken over and I don't think he was real comfortable in taking on additional work. And I think that was reflected in the bid that we saw there, in addition to all the work they have going on like Tiger Stadium, Convention Center, and I think they want to make sure they can handle or at least what I got, they want to make sure they could get done what they have going rather than taking on other fast track projects at this time.

Councilman Hogan: I'm just wondering also, have these two companies ever worked together on a project before to your knowledge or Mr. Chairman, to your knowledge?

Councilman Gibson: Councilman Hogan, I would just suggest to you that the contractors, any general contractor that's been in business for any period of time doing business because they know how to schedule work and they've done a variety of projects out there that have unusual site conditions, this is no unusual - - - this site condition's not any more unusual than anything else that we've got out there that both companies are large companies. They know how to schedule, they've done under probably tighter situations whether it be in the City of New Orleans, which have a lot tighter confines to all over the country doing work. And I think that you'll find that the scheduling, remember contractors in their business get the projects done as quickly as possible. The faster they get it done, the less expense they have on their job cost. And it's to their advantage to work together because if one gets in the way of the other in scheduling, it's probably going to cost both of 'em some money, so they're going to work together, and I would suggest to you that the site conditions will be something that - - - or the site work will be something that will be an easy transition.

Property Standards Report

Councilman Gibson: Yesterday we had a few questions for Mr. Bowie and Ms. Moore, are there any other follow up from yesterday's property standards report? If not, we will move forward on public hearings.

Public Hearing: None.

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

Confirmations and/or Appointments. None.

Councilman Carmody: I was going to take this opportunity to ask again of the administration. I know that there are two expired terms on the Architects and Engineers Selection Committee. I believe it's Mr. Cash and Mr. Pernici. Is the Administration going to bring forward a nomination to fill those two seats?

Mr. Antee: We'll have to wait for the Mayor.

Councilman Gibson: Councilman Carmody, I appreciate that. There was also something that I was noticing in some of those boards and commissions. We lost a distinguished citizen to Santa Fe, New Mexico in Milton Williams. I believe he is on one of those boards and commissions. And I just bring to your attention, now that he's in Santa Fe, I think that, that position is also one that comes available. Mr. Antee if you could pass that along to the Mayor, I'd appreciate it.

Councilman Jackson: Mr. Antee, as you pass that along, would you make sure that the Mayor know that I have some recommendations.

Councilman Walford: I've already made him aware that I have some.

Councilman Gibson: So note. Always nice to have those nominees.

Councilman Walford: Mr. Chairman, in truth, it's nice to have people that are willing to serve with no compensation on those boards and committees.

Councilman Gibson: Well that's what I mean by nominees. Thank you
Councilman Walford.

Adding Legislation to the Agenda

The clerk read the following:

1. **Resolution No. 92 of 2005:** A resolution accepting dedication of right of way for Kansas City Avenue, and to otherwise provide with respect thereto. (A/Lester)
2. **Resolution No. 93 of 2005:** A resolution authorizing the Mayor's signature on a permanent right of way and easement document, and to otherwise provide with respect thereto. (B/Walford) - Convention Center
3. **Resolution No. 94 of 2005:** A resolution authorizing the Mayor's signature on a permanent right of way and easement document, and to otherwise provide with respect thereto. (B/Walford) - J.B.J. Waterway Visitor's Center
4. **Ordinance No. 83 of 2005:** An ordinance authorizing the purchasing agent to dispose of surplus real property and otherwise providing with respect thereto. (B/Walford)
5. **Resolution No. 95 of 2005:** A resolution to establish a committee to study the methods used to measure the distance between an establishment applying to sell alcoholic beverages and schools, libraries, and other protected uses; to make recommendations to the Council and the Legislative Delegation, and to otherwise provide with respect thereto.

Motion by Councilman Walford, seconded by Councilman Carmody to add Resolutions Nos. 92 thru 95 of 2005, and Ordinance No. 83 of 2005.

Councilman Gibson: The one item that I would bring to your attention. I didn't realize that later on today, we would be electing Chairman and Vice Chair, and one of the unfinished business items that I had under my Chairmanship was the issue dealing with alcohol permits, and within that 300 foot barrier, we had talked about establishing a committee regarding that situation to look at that situation as the crow flies versus the way it's currently in the State deal. That's that 5th item that's been submitted on that resolution. Any other questions or comments?

Councilman Jackson: Mr. Chairman, irregardless to that, I believe that the State Legislature is also on, well as it relates to No. 5, I know we haven't sent or haven't proposed a resolution that would endorse or whatever the right term is that we usually send to Baton Rouge or whatever, but the Chairman may want to consider that because it is as we speak being considered at the State Legislature. I guess it would be a scenario where it would be empowering local municipalities to be able to do some of the things that we talk about doing with this, or at least with what the committee would be studying.

Councilman Gibson: Are you suggesting that the committee do a fast track resolution to be brought back for the Council for legislation?

Councilman Jackson: Yeah. I mean with regards to sending some endorsement perhaps if it's something that that committee suggested to this Body. You know we always send things down that we support or not support and those kinds of things. So just that you Mr. Chairman may look into it.

Councilman Gibson: Good recommendation Councilman Jackson. I think we can definitely do that and take advantage of this session. Councilman Walford do you have something?

Councilman Walford: Just to piggyback on that, I know there is a piece of State Legislation that as Representative Powel has explained it to me, it's going to like a local option. We can use either 'as the crow flies', or the convoluted whatever the track is.

Councilman Gibson: Obviously, we went through a heated debate on that situation. I think that we've clarified it gives us at least some clarity. Any other discussion regarding adding legislation?

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.

Public Comments (*Agenda Items to be Adopted*)

Councilman Gibson: Ladies and Gentlemen, if you do have something that you would like to discuss, there are slips of paper out in the foyer that you are required to fill out and hand to our Clerk. I do have several that are germane to the docket today which are at the beginning of the meeting. Things that aren't germane would be placed at the end.

Mr. Bill Stowell: (5549 Cross Timbers Dr) And I'm here in reference to No. 61 in D concerning the closing of Songwood, abandoning of that short part of the street. Our concern there is I've lived in the Subdivision for 37-38 years, and our concern is safety for our children. There have been attempts from the developments nearby which I do not oppose developments, but they have desire to come through our subdivision with their traffic. We have no sidewalks, we have no shoulders on our roads. The roads are not all that great. And we have a really peaceful intergraded beautiful group. And we just wanted you to improve that for abandoning that to protect us. Also with me are one of the ladies lives right next to where it's going to be abandoned. I went to them and they approved, you know they asked and requested this abandonment, the three property owners. You know my house is also on Songwood, and so are the other two. So we just wanted you to please approve the abandonment.

Mr. Joe Strickland: (7421 Songwood St.) Also pretty much what Brother Bill said, but right in the intersection is where our children catch the bus, they walk from all directions, catch the school bus. You'd be routing traffic right smack through the middle of it. And I have my doubts about the streets holding up, the impact on it from the traffic. I think we'd have a street full of potholes. But pretty much what Brother Bill said. It'd just be really routing the traffic through the children's playground. We have no sidewalk, we have no curb and gutter, so it would be a hazard. A real hazard.

Ms. Tracie Isom: (10042 Somerset) I'm here today, and I'd like to address a few contradictions today in reference to Ordinance 47, which is an attempt to amend Ordinance 40 of 2003. Ordinance 40 of 2003 was an attempt to rename a portion of Shreveport-Blanchard Highway to Hilry Huckaby, III Ave. Previously, Jimmy Baker of Baker Machine Company filed suit against the City for it's disregard of Ordinance 40 and won. The Honorable Judge Brun granted Mr. Baker summary judgement and declared Ordinance 40 of 2003 invalid and in effective. Shreveport-Blanchard Highway remained Shreveport-Blanchard Highway. And as a point of fact, this case is currently in the Court of Appeals, so what exactly are you hoping to accomplish with Ordinance 47. Councilman Lester, just so I understand your intentions, you have proposed Ordinance 47 in order to delete that portion of City law which gives property owners a vote in the event their street was to be renamed. For what purpose did the City previously spend over \$36,000 plus in tax dollars surveying and polling the property owners, if the City did not want their opinions in the first place? To expend that amount of City money to obtain consent of property owners, only to decide afterwards, you don't receive the response that you were hoping for, then you don't need our feedback at all is alarming to say the least. I can only hope that your constituents hear your message loud and clear. Your tax dollars are expendable, your votes don't count. Thank you.

Mr. Justin Adcock: (6522 Indian Hills Blvd) I'm here to speak about Ordinance 47 that Ms. Isom just spoke about. I believe that this is an attempt to circumnavigate the laws that were established. As it stands, I believe that Ordinance 47 would eliminate the right of property owners to vote in order to change the name of a street. Previously, Judge Roy Brun had in a court decision that he handed down, he stated that what the City did was illegal in renaming Shreveport-Barksdale Highway. And it appears that Councilman Lester is trying to kinda of go behind that, that order that he handed down. And he is trying to do away with the two-thirds vote by property owners, which I believe

should be noted. Can I get a clarification if that's correct. If your ordinance does deny property owners the right to vote on name changes for streets?

Councilman Gibson: Mr. Adcock, at this point and time, I'll defer to the author of the legislation, but at this point and time, we may have to defer that to give you something in writing. But I'll leave that up to Councilman Lester.

Mr. Adcock: Okay, well thank you. I just wanted to state that I believe that this is an underhanded attempt to win - - - when something doesn't go your way, you change the laws in order to make it go your way. So, that was my statement. I'm opposed to Ordinance 47 and believe the Council should understand what it actually is before they vote on it. Thank you.

Councilman Gibson: I'd ask for your indulgence. I have two constituents that have another engagement that have some short comments regarding some issues in the District, that I'd ask for a suspension of the rules.

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

Motion by Councilman Carmody, seconded by Councilman Lester to allow three minutes to hear Ms. Michelle Walter and Ms. Virginia Ware.

Councilman Walford: Is that for each of the two speakers?

Councilman Gibson: For each - - -

Councilman Walford: Three minutes each.

Councilman Gibson: Yes.

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

Ms. Virginia L. Ware: (462 E. 77th St) I'm here on behalf of C.A.R.E. and that Cedar Grove Affirms Real Effort Neighborhood Association. And we recently organized as less than 2 years ago. However, we received and done great many works out there to perform and to have Cedar Grove become a better place, safer place for all of it's residents. And I'm here in plea - - - of requests for housing. That's location at the 500 Thornhill Street. That is at the A.B. Palmer Community Center and that location is one that we have request by, went by and asked the Mayor and our Councilman Gibson, who is the District D Councilman out there. So the letters have been sent out to each Councilman. And I think Councilman Hogan who responded by email that the letters were sent by email. So before you and those that don't have them, I have copies of them here of this particular request. This is our plea as we need housing for organization administration and to carry out the performance of our programs that we have established.

Councilman Gibson: Gentlemen, what we have is Cedar Grove Neighborhood Association or C.A.R.E. is provided information to SPAR including insurance and their 501(c)3 non-profit organization to begin a process that in the next couple of weeks, a

resolution will be coming from the Administration to ask that they have the opportunity to lease the old A.B. Palmer Building which has been vacant for quite some time. And if they would pay all the necessary insurance, and utilities and things of that nature. With that information is forthcoming from Gary Norman's department and the Administration. But they've been working hard. 1) The IRS, I think just approved last month their 501(c)3, I think that was the last legal hurdle that the City required, but they have all the necessary insurance, but I'll be visiting with each one of y'all at the appropriate time. I think Ms. Ware is giving each one of us that that resolution will be coming forth. Any questions or comments? Thank you Ms. Ware. Ms. Walter, we had a motion and a second for you to come forward, if you could state your name and address for the record, you have three minutes Ma'am.

Ms. Michelle Walter: (572 E. 75th St) I'm standing today with a request to widen our streets or provide us with sidewalks. The streets are extremely narrow, and the children really don't have any space to ride their bicycles or even to walk to and from school. There is also a safety issue, even last Tuesday, I was walking from 78th to 75th, and there was a car that was going so fast because they don't pay attention to the speed limits that it was going so fast when it went over the hump, then the back door flew open. And so I had to jump across the ditch and try not to hurt myself just so I could get out the way. And the ditches are uncovered, and they're not even properly draining, because there's water that's just sitting in there and it's infested with mosquitoes and last year, it was just terrible. And so that's another problem with that. And also, they're not draining because even when I go out of my front yard after it rains, it's just like I have a pool out there. It's just flooded with water. So they're there, but they're not working properly and so, I'm asking that either we get streets widened or get some sidewalks. That's all I have to say.

Councilman Gibson: Thank you Ms. Walter. You're also with Community Renewal, is that correct?

Ms. Walter: I am.

Councilman Gibson: Any other questions or comments for Ms. Walter? Thank you Ma'am for your time. Gentlemen, thank you for your indulgence on suspending the rules. That's the last of public comments, we're at Consent Agenda Legislation.

Councilman Walford: Mr. Chairman, before we go too far, I do not have a copy of the email that Ms. Ware referred to.

Councilman Gibson: Okay, we will make sure that you get that. I think you have a copy of that Ms. Ware, if we could get that to the Council Clerk. Matter of fact, for Councilman Jackson and Councilman Walford. In fact Councilman Green also.

**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. 86 OF 2005

A RESOLUTION ACCEPTING DEDICATION FOR ASHLEY RIVER ROAD, SUMMERVILLE DRIVE, PICKETT'S MILL DRIVE, AND ORMOND DRIVE IN TWELVE OAKS SUBDIVISION UNIT 2, 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 Ashley River Road, Summerville Drive, Pickett's Mill Drive, and Ormond Drive in Section 4 and 9 (T16N-R13W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

BE IT FURTHER RESOLVED that the original plat reflecting the dedication for Ashley River Road, Summerville Drive, Pickett's Mill Drive, and Ormond Drive be recorded in the official records of the District Court for Caddo Parish, Louisiana.

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

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

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

Councilman Carmody: Mr. Chairman, I just wanted to ask a question. We're accepting dedication of these roads, are these already built to the City standards?

Councilman Gibson: Mr. Strong is nodding affirmative.

Councilman Carmody: Okay, so we're comfortable in taking these in then? Very good. Thank you Mr. Chairman.

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

RESOLUTION NO. 77 OF 2005

A RESOLUTION GIVING THE MAYOR APPROVAL TO EXECUTE THE CONSTRUCTION CONTRACT FOR THE CONVENTION CENTER HOTEL AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the 2005 Capital Improvements Budget, as amended, requires City Council approval by resolution before the Mayor may execute contract documents for the construction of the Convention Center Hotel; and

WHEREAS, the City of Shreveport received bids on the Convention Center Hotel project on May 19, 2005; and

WHEREAS, the apparent low bidder was _____.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in legal session convened, that the Mayor be and he is hereby authorized to execute the construction contract for the Convention Center Hotel with _____, all in accordance with their bid received on May 19, 2005, provided that the contractor complies with the City's Fair Share ordinance and all other City requirements applicable thereto.

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

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

Mr. Thompson: I believe there are two amendments. One is on your e-agenda and the other has recently been passed out.

Councilman Gibson: Gentlemen, what we've done at least in the last few months, I'd like to take Amendment 2 and then Amendment 1 and then the main motion.

Read by title and as read, motion by Councilman Lester, seconded by Councilman Jackson to adopt. The Clerk read the following amendment(s):

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Amendment No. 2 Resolution No. 77 of 2005

AMEND THE RESOLUTION AS FOLLOWS:

In the second line of the title, after the word "contract," add the words "and Change Order Number One."

Delete the third "WHEREAS" paragraph and substitute the following:

WHEREAS, the low bidder was Walton Construction Company.

Delete the first "NOW, THEREFORE, BE IT RESOLVED" paragraph and substitute the following:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in legal session convened, that the Mayor be and he is authorized to execute the construction contract and Change Order No. 1 for the Convention Center Hotel, as required by Amendment No. 1 to Ordinance No. 39 of 2005. Walton Construction Company is the low bidder on the project. The contractor shall comply with the City's Fair Share ordinance and all other City requirements applicable thereto, and if Walton Construction does not comply with the Fair Share program to the tune of providing at least \$8.5 Million to fair share subcontractors, which represents 25% of the total construction budget, Walton Construction will be considered in default and said \$8.5 Million will be withheld from payment to said contractor. If a minority vendor is to be replaced, a second minority must be substituted where practicable. Said contract, together with Change Order No, 1, shall not exceed \$32,900,000.

Motion by Councilman Lester, seconded by Councilman Jackson to adopt Amendment No. 2 to Resolution No. 77 of 2005.

Deleted: Read by title and as read, m

Mayor Hightower: Mr. Chairman, before we address No. 2, I'd like to ask Greg McCrocklin, he is the General Manager, and I may not have that exactly right, of Walton Construction Company to come forward if he would. As everyone knows, Walton was the low bidder on the hotel project. The good news for us and extremely good news is that they are a local company. They're the largest local general contractor now and actually the largest general contractor in the State is my understanding, as of over the past 12 months, and perhaps longer than that even.

Mr. McCrocklin: Actually we're No. 2 in 2004, this year, we're currently headed for No. 1.

Mayor Hightower: With this project, they'll be No. 1 I'm certain. But we are glad to have them and we're also over the past several days since Thursday's bid opening, have had the opportunity to work with these guys and Greg in particular. We had some dealings with 'em in the past. They built the City Jail. Did an excellent job on it. It's state of the art working well, and have had virtually no problems with the construction since it's opening. We don't anticipate anything other than the best working relationship with these guys on this hotel project. And they've demonstrated that over the past several weeks. They came in, their bid was \$34,300,000. Since that time, they have worked the project back down as Mr. Antee said earlier in the day without cutting any noticeable cost. We'll still have a four star Hilton Hotel, certified by Hilton as a four star. So anything that has been cut, or will be cut out of the project to be sure that we have enough contingency to do the project, will be unnoticeable to the eye and certainly to the overall structure of the hotel. But some refining has been done and these guys have done a good job. They entered the project with a 10% commitment on Fair Share. To date, they've moved that up above 20%. And Greg indicates that he thinks they can do better than that. Good news is a lot, a lot, a lot of local participation, both in the minority and the majority community as far as construction companies and subs go. So, they've been good to work with. But before we move into a vote on the Amendment No. 2, I'd like for Greg to be able to talk to the Council a little bit about his commitment to the City, his commitment to the project, what he sees happening in the construction community. Where've they've been, and where they have come to and then open it up to any questions that the Council may have.

Mr. Greg McCrocklin: (653 Albemarle Dr) Basically, we've been working diligently on our Fair Share commitment for this contract. We began on bid day with only 10%. Our commitment has grown over the past three days. Currently, we're at 20% with firm names. Actually intent in place. We certainly want to honor this 21%. If we should at any point lose any of the percentage based on somebody being able to perform, or some of the agreements that we currently have in place prior to contract or not move forward, we certainly would entertain entering into a contract that says that we have to maintain a minimum of 21% Fair Share participation. We have no problem with that. We've partnered with a lot of individuals in this market and do business daily and every month with a lot of the people that we have currently listed. In fact most of the individuals that we're doing business with now, we're on our fourth, fifth and sixth jobs. So, we working diligently to improve the percentage, and I feel confident that at the end

of the day, we'll be at 25%, but currently we have a firm commitment for 21%, and you know we will contractually agree to maintain that throughout the project.

Councilman Green: Mr. McCrocklin, I'm James Green. We're just about finishing up the convention center. Mr. Yates stood where you are now, and basically made the same statement. Of course other than the percentage as to what he would do and what he would try and do. When I came here today, because of promises that have always been made, and at the end of the day, we get no results, I came to basically say either 25% of something or 100% of nothing. But as what you've said, and as reading the list that you already have 20.71% of minority participation at this point and time, my question to you would be, legally, we cannot basically force you to do this legally. But it's good faith and setting goals, would you be willing to write into the contract stating that you're at 21% now, that you would not drop below that basically stating that you would try and reach the 25%, but we would not drop below the 20.71% where we are. Would you basically have a problem with that?

Mr. McCrocklin: I would not have a problem with that. I stated earlier that we're willing to be contractually bound to the 20.7% and will not fall below that.

Councilman Green: Okay, and of course, and we'll just make sure that it's on record. Because there are some people out in the community, when you're in my shoes, they will basically say 'those three Negroes up there ain't doing nothing when it comes to getting Black folk money'. And I'd just like to speak straight. That's going to be the word on the street. So that, that's what they're going to say. And unless we do what I'm doing now, that it's in the record, that the word will get out. And when the word gets out, there are some good folk out there are some good folk out there that will tell the truth. Sometimes we do stuff in the back. And we put it under a bushel or whatever. I don't have any friends that I'd like to put on here. All I'm concerned is that, and I like to be straight, that people of my color make some real money when it comes to \$34,000,000, we ought to have our fair share. And with your commitment to doing that, on that commitment today, I'll be ready to vote for it. Of course, we'll have an amendment that we will vote. I'm sure the amendment won't pass. But we're going to vote on the amendment anyway. But by you making a pledge of what you will do, then I'm willing to do that. And I just - - - I was in hopes that we would get the whole \$8.5 million, but you say you'll work toward that. So, I'm good to go. And I like to speak straight from the hip. Not going to get back in the back and try to cut a deal with you and nobody else. I don't cut deals. I didn't come up here to cut deals. I come up here to serve. And that's what I am as a servant. So, I appreciate you coming today, and thank you very much. You probably thought we were going to beat up on you, I don't want to beat up on you, I just want some cash for the people that I serve. That's all. Because romance without finance ain't no fun.

Councilman Lester: Thank you Mr. Chairman. Mr. McCrocklin, first of all, I want to say congratulations for you being declared the low bidder on this project. I want to basically pick up where Councilman Green left off. For many of us, these municipal projects represent an opportunity for people who have not had an opportunity to do business with the City in a substitutive way. This Administration has been very forthcoming in putting together the Fair Share Program. The Fair Share Program is not the greatest program in the world, it's not. There are some things that probably need to be addressed, I know that there are. Certainly if it was my goal, of if I had the last say

so, I would make many of these things much more mandatory than voluntary, but the fact of the matter is, the program is a voluntary program. And from a legal perspective, until you do a factual predicate study, that many people call a disparity study, you cannot mandate someone to do a certain percentage with the minority business community. I know there's this idea that says when you mandate things, that's illegal, but clearly, the constitution and the jurisprudence says you can, once you do a factual predicate study. The fact of the matter is that has not been done. And this is what we have right now today. The problem that I have and the issue that Councilman Green alluded to earlier was we had this a similar conversation with some folks from Yates. And they stood right where you are standing and said, what was it? On time, and under budget, and to the owner's satisfaction. Well several of us made it clear that we were not going to be satisfied unless and until 25%, at least 25% of those contracts went to minority and Fair Share vendors. That has not happened. They're doing something, but it's not 25%. Later down the line, I came forth with an ordinance and a resolution asking the Mayor to sign an agreement or have the Yates folks and the other folks that deal with these projects voluntarily sign an agreement in their contract saying that they would agree to do the Fair Share. Because you and I both know and Councilman Gibson is very aware that this is a voluntary program. You could very easily tell us that you're going to do it. You could have your fingers and your toes crossed and as soon as you walk out of the building, you know all we have is your word. And sometimes your word is good, and I'm not saying that our word isn't because I don't know you. But a business concern could choose not to live up to those agreements. I'm pleased to hear and I want to go on record as saying, not only do we, and I expect, that you will put this voluntary language in the contract. I will be disappointed if that voluntary language is not in the contract and from what I understand from the Administration, that language will be added to the contract that says that you are voluntarily agreeing to at least do the 20, about 21% voluntarily, and it will not dip below that number for the entirety of the contract. Is that a clear assessment of what your voluntary agreement is?

Mr. McCrocklin: That's correct. I mean, that's our understanding.

Councilman Lester: Okay, now the other issue is and we're happy, I'm not going to say happy. It's good that you're agreeing to do the 21%, but please understand from where we sit, many of us are supporting this project predicated on the idea that local minority companies get at least 25% of the contract and the procurement as it relates to the construction of this particular project, and we're very, very, very serious about that. Our constituents expect us to hold your feet to the fire and the Administration's feet to the fire to make sure that not only do you do the 21% that you volunteered to do, that you come up with another 4% so that you at least get the 25%. And I say that because that is going to be a positive to the overall economic base for the City of Shreveport. Quite obviously, if you have local companies that are doing business, that's always a good thing, but when you put that type of capital in a minority community, that does a tremendous thing in terms of helping people with jobs, and helping people hire folks that have degrees and things of that nature. And you actually help start the process of actual real economic development. And many of us certainly this Councilman, sees the hotel project as a tremendous economic development opportunity that's out there. And I would say also and just going into a little colloquy about my amendment Gentlemen, I suspect and I fully suspect that this amendment is not going to pass. And in another world, it

would, but it's not going to pass here. And I don't necessarily have a problem with that, I understand the politics behind it. I think it was late President Reagan in a conversation he had with Mr. Gorbechov, he mentioned 'trust would verify'. And that's where we're coming from with this. I guess I'm sitting here kinda like those folks that have been vehemently anti-hotels. They know that they don't have the votes. They know that the project is going to proceed. But at every turn, they take every opportunity to make their point known. And so, in this particular effort, I'm going to take a page from those folks' books. I know that it's not going to pass. I know that the votes aren't there. But I'm going to take yet another opportunity to express where I'm coming from and where my constituents are coming from as it relates to insuring that local minority companies have an opportunity to take a significant portion of economic development opportunities in the City of Shreveport. Beyond being the right thing to do, our constituents expect and deserve no less. Thank you Mr. Chairman.

Councilman Walford: Mr. McCrocklin, I am going to sit there and thank you for what I see on the list. I know Sam is back there and he knows my feelings on Fair Share. I wish that Fair Shares said 'local' Fair Share. Because I don't want people from other places coming in here reaping the economic benefit and taking it out. What I like on this list is I see quite a few companies including my business neighbour, Mr. Lott included in your 20.71%. That's money that's staying here. That's money that's helping build his capacity. And I really appreciate that. So, I'm glad to see you using local companies, and I commend you for the 20.71% and I hope you'll like Mr. Lester and Mr. Green said, I hope that you can do even more. But I do commend you for using local companies, and I really like seeing that on here. So, that's all I've got.

Councilman Jackson: I'm done. I don't have any for Mr. McCrocklin. Thank you Mr. Chairman. I want to know, obviously I see what the spirit of this amendment is, and I certainly comply with the spirit of it as Councilman Lester suggested, it may not be something that happens, but it certainly is something I think says what my interest - - - articulates my interest. I want to know and I want to ask this Administration, the Mayor and Mr. Antee. Obviously, we're trying to move forward and some would say in haste to do so. Notwithstanding that, I guess my concern is when we look at it, and I heard Councilman Green, and Councilman Walford, and Councilman Lester speak just a moment ago, it has nothing to do with Mr. McCrocklin or anybody else. The truth of the matter is the truth is what it is, and that is that we go into all of these scenarios with a blind faith. That's always the worst way to do it? And that's why people put contracts in place to try to be sure that everything that they desire happens. It seems strange to me and you know it's certainly bigger than the context of this conversation, but we can ask for guarantees about everything. We can ask for guarantees about time, we can ask for guarantees about budget, we can ask for guarantees about everything. And I realize that perhaps this Council, this Administration, we've got other places we can place that blame, the Federal Government, the Supreme Court and otherwise, but I hope that the spirit of our conversation remains that everything we can do, we ought to do. To be really honest with you, I'd be lying if I told you I trusted all that, I don't. And for me, I would also like to, like anybody that goes into a store, or anybody who goes to buy any kind of vehicle, a house that certain assurances, you'd like to have in place before you make the purchase. Because you want to know that if whoever sold you the house, didn't tell you something, or changed something or withheld something from you, that there is

some way that some punitive way that, that person can make recompense for that. These contracts never do that. But we talk about Fair Share, but I mean, it has become more and more obvious to me that Fair Share and this program of Fair Share becomes a paper tiger in many of these situations. No teeth, no enforcement, we all have just got to go on, we all love each other, hold hands and sing Kum ba-yah. I mean it just seems to me that beyond that, it ought not be a surprise to anybody that, that's not good enough. That that's not an assurance, because people have gone down that road before, and there's a lot of evidence that, that's happens. It seems strange to me that when we come to this meeting today, we spent all of this time with this Gentleman who came up trying to figure out how much is going to be in there, how much is local, how much African-American- - - every project we ever voted on, somebody always makes money. We don't bring 'em in here and try to find out whose making what, whose making this, what percentage of the people live in east Shreveport versus people who live in west Shreveport versus the people that live in Bossier. But one when we come to these issues, we've got to beat this thing down to the final penny and all these kinds of things. I think if we are going to do things that are meaningful, that we've got to put our money where our mouth is and stop looking for excuses and I just hope that this, not only this Council, but this Administration, I don't know if there is anyway possible. Have we done everything? This is the question. Have we done everything possible to assure that we're going to meet our Fair Share goal in this contract?

Mayor Hightower: Councilman, I think the answer to that is yes. As I said when I opened up my comments a minute ago, these guys have come from 10% all the way up to 20.71%. They have the reputation at the State. They don't live in Arkansas or Mississippi, or Chicago. He lives on Albemarle or something, didn't you say in Spring Lake? So, he's not going anywhere. He's got an office at Bellmead on Youree Drive. They have a bunch of subs. Are there subs in the room? I know I say several of them. Any of the subs in the room, if you'd stand up? You know maybe that would help. It's not only 20.71%, that's DBE firms. That doesn't include the majority firms as well. The local firms that are going to participate in this project. So, I think we have a company that has a lot at stake, a lot to lose, a reputation to uphold, and I've been impressed over the past four or five days at the amount of work they've done to make sure that they can go under this Council's (inaudible) today.

Councilman Jackson: Well let me say Mr. Mayor with all due respect. Nobody's going to remember Mr. Greg McCrocklin, or the subs that just stood up. Nobody's going to remember them in six months or in two years. I'm not holding them responsible for getting it done. I hold the Administration for getting it done. And I hold this City Council responsible for being sure that we advocate and that we have the spirit. Because we set the tone, not them. We set the tone for what we are going to do. So as a result of that, I'm glad whatever the percentage is local, that's wonderful. Whatever it is Fair Share, that's wonderful. But at the end of the day, the people here in Shreveport are not going to look for those contractors, or those subcontractors throughout this process, the people want to know what did we do. As a Council, what did we do? As an Administration, and this is something that we've got together. And we have to all buy into the fact that 21(%) is good, certainly not what we'd like it to be, and that we've got to continue to push. And this is just one contract. There are other things that we have to continue to do and I think we need to be trying to set a standard with these kinds of

contracts, and I hope that we're not just saying we're going to be looking at whoever the contractor may be, we got to be looking at ourselves too and make sure that we hold - - - cause we're the customers. And they do what we want them to do. And we have to be sure that we don't put it off on them. I'm looking for we as the customers to run the project in the sense that we tell them exactly what we want. I think Councilman Lester said just now, you know under budget, on time, and to the customers satisfaction. Well Ladies and Gentlemen, the customers are all of the people that live in Shreveport. That person who lives in Shreveport, lives in east, west, north, and south Shreveport. The African-American, young, old, White, Latino, you name it. The customer is a diversified customer. We have to be sure that we are building this with an economic development perspective that remembers and includes everybody. Because it just amazes me when we get to these large projects, all of a sudden, we start counting dimes in this deal, when everything we vote on, somebody makes money. On a lot of the things, 90% of the things we vote on, some other things on this agenda today, somebody's going to make money on. But we're not going to take this much time to talk about those things. And I just think that we have to continue to be legitimate. I appreciate what the construction group has done. But I just hope that as a Council, we recognize that this is just a first step. It's a small step, it's not as large as it out to be, and that we can move forward. But I need to have the assurance that this Administration is not going to recant or relent on this, and that we're going to work as hard as we can to continue to press these folks who'll be working for us to get to these numbers we hope to reach.

Mayor Hightower: Councilman, I agree with you and I think the proof's in the pudding. And if we'll reflect back to the year 2000, January when we had our first day of operation of the Fair Share Program of the City of Shreveport, where it started and where it currently is, I think you've got solid ground to stand on to say we've done something. If you'll recall back when you and I were in the Mayor's race together, it was commonly thrown about that minority participation in the City contracts and City business in general was roughly 1%. Today, I can tell you that it's much higher than that. Much, much higher than I even dreamt that it would be. We all were concerned about capacity and where it would come from. It was a little bit more capacity maybe than most of us had figured there was at one time. And as a result of that, DBEs have grown and continue grow, and expand, and move to Shreveport, and grow their businesses to the tune of the 20% range in most projects we do. Sam's here. Sam, do you know where we have been, or would you happen to have those figures on the top of your head, where we've been year after year?

Mr. Gilliam: At the close of fiscal year 2004, we actually closed out at about 19 and some change. Roughly 20%.

Mayor Hightower: And again, that went from 1% up to roughly 20%. You may tell us where we are currently on the Convention Center project as well.

Mr. Gilliam: The present percentage we have there is 28.4%.

Mayor Hightower: 28.4%.

Mr. Gilliam: As of our last report as of the 10th of May. 26, 05

Mayor Hightower: And I say those things, to say that you don't have to worry about this Administration backing up or doing something different. We've done nothing with your help but march forward year, after year after year, project after project, after project. From 1% participation in the year 1999 to 19 plus participation at the close of

2004. And our commitment has been to continue to grow this community in every facet that we can. You've heard me say before we're only as strong as our weakest link. Doesn't do us any good to have a city of 200,000 if only 100,000 people have any money to spend. So, we're not a second tier city, if we're 100,000 with money in our pockets. To be a second tier city, we need to be 200,000 with people that have purchasing power. That's been our goal, that's been our effort. It's been steady, it's been true, it's been sure. And this project being the second biggest municipal project that we've ever had, we're not stopping, and we're not backing up now. A year and a half from now, I got a lot of cars to sell.

Councilman Gibson: Mr. Lafitte, could you come forward please? Mr. Lafitte, good afternoon.

Mr. Lafitte: Good afternoon.

Councilman Gibson: You are our City Attorney, you have a copy of Amendment 2 in front of you. Could you give your legal observation to this Council, because we rely on that legal advice from time to time.

Mr. Lafitte: Amendment 2 as it is written, of course it's prohibited mandate, however as the gentleman who was at the podium a moment ago, can of course agree to these terms to contract in part can agree to anything, but we cannot force him to meet these numbers. Our program as it exist is a good faith effort program and not a mandate. And this is written pretty much as a mandate. However, he can agree.

Councilman Gibson: So, we can't legislate, but the contractor can agree on their own to work with the Administration on that issue?

Mr. Lafitte: He can agree to be contractually bound as this is written here.

Councilman Gibson: But under the State Constitution, we cannot legislate mandates?

Mr. Lafitte: We cannot legislate mandates.

Councilman Jackson: I thought everybody knew that.

Councilman Lester: Mr. Chairman, but clearly if in fact, and I think you hit the nail on the head, if the two sides decide that they want to agree to the terms that are outlined in Amendment 2, they are free to do that.

Mr. Lafitte: Right. And this of course could be written to say that.

Councilman Lester: Right. Thank you Mr. Chairman.

Councilman Gibson: Mr. Lafitte, again, we would be legislating a mandate.

Mr. Lafitte: As it's written. Exactly.

Councilman Gibson: Okay, so from the legislative body's standpoint, there could be a problem from that standpoint?

Mr. Lafitte: There could be a problem if someone, if the, I guess the contractor later decided to challenge this and did not agree to be bound by it. But you could pass it. The contractor could say well, I'll be contractually bound by Amendment No. 2, and that would be fine. Or you could pass it, but the contractor might - - - he could say 'well, I'm not going to agree to be contractually bound by it and then challenge it in court. But in that case, he would win. But he could agree to be contractually bound by this amendment.

Mr. Antee: Mr. Chairman, in regards to the amendment, if the amendment authorizing the Mayor to enter into or sign any documents to expend the money, is declared to be illegal, then somebody, and it would not have to be the contractor, it could

be a citizen with standing could bring suit to question the legality of the ordinance. We've got a commitment from Walton Construction. Got a commitment from the Mayor that we will include that in the contract or contractual terms. And by doing that with contractual terms, you're not enacting an illegal legislation that could later come back and be attacked by citizens for so called good government. And so we would recommend that we not enter into a contract without a specific agreement in accordance with what Walton Construction agreed to, but not put it in legislation that could be subject of a lawsuit.

Councilman Gibson: And that's my point. If we legislate something, then we've got a potential legal problem coming our way.

Mr. Antee: If the legislation authorizing the expenditure is declared to be illegal, then we have a problem. But you have the commitment of the Mayor not to sign the contract that doesn't have the agreement complete as stated here today.

Councilman Green: Thank you Mr. Chair. I'd just like to say that this particular amendment as did one of the authors of said that it was just going through a formality. That this is not even an issue. We could actually just go on and move to the vote at this time. Because it could be used as a topic of conversation, but actually we've already discussed as to where this particular piece of legislation is.

Councilman Jackson: Mr. Chairman, Mr. Lafitte?

Mr. Lafitte: Yes.

Councilman Jackson: Based on what we've just said, obviously, if the amendment that was authorizing the Mayor or gave the Mayor approval to execute, what we legislate from this perspective to the Mayor is not a legal challenge scenario. It's what the Mayor attempts to execute with the contract. Am I correct?

Mr. Lafitte: Assuming I understand you, you are correct.

Councilman Jackson: In other words, if the amendment said to the Mayor, that we give the approval to execute the contract as long as he also negotiates in the contract that at least whatever the number may be, then that doesn't put us in any legal jeopardy, does it? Cause what we're doing is instructing the Mayor.

Mr. Lafitte: Under that scenario, no. I mean if you just give him the authority the execute the contract, and he sits down with the contractor and they agree to certain terms, the terms that they end up agreeing to could be exactly as written here.

Councilman Jackson: Right.

Mr. Lafitte: You have a valid contract at that point.

Councilman Jackson: So we could in this amendment simply say that we're not only giving the Mayor approval, but we're also saying to the Mayor when you go in, this is the term we would like for you to attempt to negotiate.

Mr. Lafitte: To negotiate. That's a good term.

Councilman Gibson: But you wouldn't need legislation to do that would you?

Mr. Lafitte: You don't need it.

Councilman Jackson: But if you wanted it on record,

Councilman Lester: Right

Councilman Jackson: That you sent the man there to do that

Councilman Lester: Right.

Councilman Jackson: And that was the spirit of it, wouldn't it make sense to put it in writing.

Councilman Lester: Right.

Mr. Lafitte: Yes, you could put it in writing, either way you could, or you could not. It's just the pleasure of the Council.

Councilman Jackson: Right. And I don't think anybody is going to challenge that in court.

Councilman Gibson: And from a legal opinion to this Legislative Body, that's not a legislative act directing the Administration to do something?

Mr. Lafitte: Directing the Administration to enter into a contract and negotiate the best deal for the City, or that they think it's the best deal for the City. Of course, there's nothing illegal about that.

Councilman Gibson: Without specifying the specifics and again, you're going to take out the specifics in terms of mandates?

Councilman Jackson: No, we - - - Mr. Chairman, we could leave the specifics in there.

Councilman Lester: Right.

Councilman Jackson: All we're doing is instructing the Mayor. And the specifics does not put us on any legal thin ice, because the Mayor could come away from that deal and say, couldn't do it. And then that doesn't stop him unless I'm - -that doesn't stop him from signing the contract, am I right about that?

Mr. Lafitte: You could ask the Mayor to attempt to negotiate an agreement to reach these numbers.

Councilman Jackson: Right.

Mr. Lafitte: And if he reaches it, fine. If he doesn't, either way, it's not - - - in that scenario, it's not illegal.

Councilman Gibson: Mr. Lafitte, I would ask, I would feel comfortable that you draft something before this legislative body that would keep this Legislative Body out of legal harms way.

Councilman Lester: Mr. Chairman, unless we belabour the point any more, the whole point of this amendment specifically says that 'the Mayor be and is authorized to execute'. It does not direct the Mayor to do anything. So, from a perspective of whether or not we're directing the Mayor to do something, we're not. We're authorizing the Mayor to do something. Clearly, those who have a philosophical bent or those who don't believe that we should do this, vote NO. Those that believe we should, vote YES, and lets move on. My point, and I'm going to be harking back to the whole deal about the hotel, there are groups of people that are anti-hotel period. They've been anti-hotel and they've taken opportunity after opportunity, after opportunity, after opportunity. And whenever we talk about the hotel, to remind folks from a legislative standpoint through ordinances and amendments, where they are on this issue. What I'm doing is taking the same opportunity to legislate to let my constituents and the Administration know where I stand on this particular issue. If there are four votes, great. If there are three votes, fine. The point of the matter is if certain ones of us don't force the issue, and this is nothing about the Administration. But I believe our obligation as Councilmen are to push certain issues. And my responsibility is to push this issue. And my constituents expect me to push this issue among a many others, but this is an issue of particular concern to my constituents. And that's why we're moving forward on this. Again, if there are three votes, fine. If there are four votes fine. I think my point that I'm trying to get across to

Mr. McCrocklin and Walton Construction, I think I got their attention, and I think we got their point, and I've heard what the Administration has said, and I think they understand that we're all on the same page, and this is what we want to do. So, having said that, I move for the question.

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

Motion denied by the following vote: Nays: Councilmen Walford, Carmody, and Hogan. 3. Ayes: Councilmen Lester, Green, and Jackson. 3. Abstain: Councilman Gibson. 1.

Councilman Walford: Question Mr. Chairman. I don't believe. Unless I misunderstand, and Ms. Glass I'm going to defer to you. Can a Council Member who is present in the Chamber Abstain?

Ms. Glass: The Council Rules say that a Council Member is supposed to vote unless he has to be excused because of a personal interest in the subject matter.

Councilman Walford: So, I would call for another vote on that issue Mr. Councilman.

Councilman Gibson: Ms. Glass according to the Board of Ethics if the issue at hand, if a politician has a vote that would be cast that could monetarily be gained according to the Board of Ethics at 11:00 this morning, they said that I have a fair conflict of interest, in an ethical issue, that my voting on this, that I would be subject to an ethical violation. That's why I'm abstaining.

Ms. Glass: Okay, the question was not originally gone through an ethics question. If there is an ethics problem with the vote, then the Council Member can recuse himself.

Councilman Gibson: And I have gotten that qualified from the Board of Ethics office in terms of Peggy Sobedic in the Louisiana Board of Ethics.

Councilman Jackson: Mr. Chairman?

Councilman Walford: Well, I'm not through yet.

Councilman Gibson: Councilman Walford.

Councilman Walford: So, are you telling us that you have a substantial economic interest in Walton Construction?

Councilman Gibson: I didn't say substantial, there - - - this construction contractor is a member of the organization that I run. And as a result, I will tell you this Mr. Walford, the Chairman is going to rule that the abstention is going to stand. If you want to challenge the Louisiana Board - - -

Councilman Walford: I'd like to do that Mr. Chairman.

Councilman Gibson: That's fine, my vote's not going to change. It's still going to be abstention. I am not going to take a legal fall for anybody as a City Councilman. And you can pull anything you want, but the Louisiana Board of Ethics has given me my direction and I'm sticking by that. Period. End of discussion. So, you can call all the votes you want. I'm going to abstain. I'm going to abstain - - -

Councilman Walford: Mr. Chairman, should you elect to abstain from voting, wouldn't it seem like you would follow the Council Rules of Procedure and ask the

Council in Section 4.2 of our Rules of Procedure.

Councilman Gibson: Councilman Walford, you can bring up whatever you want. The fact is, I went to - - -

Councilman Walford: What are you afraid of Councilman Gibson?

Councilman Gibson: I'm not afraid of anything. I'm afraid - - - I took an oath and that is if I've got a conflict of interest or an ethical issue, I'm going to stand by that. That's why I went to the Louisiana Board of Ethics Councilman Walford and I believe that this City deserves politicians to stand up if they think they've got a conflict of interest and recuse themselves. And in this particular case, I am abstaining, and that is gonna be my stand.

Councilman Walford: I would like to ask one more time, if you would tell us under the Louisiana Code of Ethics, R.S. 42.1101-1170, under what chapter are you claiming a conflict?

Councilman Gibson: Councilman Walford, again, I've already made my statement. I've visited with the Board of Ethics. That's the end of my discussion on this.

Councilman Jackson: Mr. Chairman, I think since this Council and particularly one of the members of this Council with all being equal has an issue with it. And the Chairman has a ruling that obviously was a personal ruling, and that was not a public ruling and that was not made public, that perhaps Mr. Chairman, it may be prudent for the Chairman to dismiss himself, and thus not vote rather than to appear to be recalcitrant with regards to abstaining. And I think that would get us across the legal hurdle, notwithstanding whatever the ethics issue may be, because I think we vote all the time on people to do contracts, I mean on people to do work around the City and to authorize the Mayor to do contracts to do work for different things. And I'm sure this is not the first contractor whose ever done some work around the City, who may be a member of the AGC. So, I would suggest that maybe, that would be the most prudent thing to do, if perhaps if you would excuse yourself and then we wouldn't have to deal with Councilman Walford's concern. Because he may in fact have a legitimate concern, and you may in fact have a legitimate ruling. But it's a personal one, that we're not made privilege to, and so the discomfort for this particular Councilman is a legitimate discomfort.

Councilman Gibson: I appreciate that. Mr. Antee, could you answer a question? Is this the first time this Council has voted on a construction contract? To vote to give the Mayor authorization to sign a construction contract?

Mr. Antee: I think this is authorizing the Mayor to execute the documents to expend the monies- - -

Councilman Gibson: The construction contract.

Mr. Antee: As required in the amendment to the Capital Improvements Budget.

Councilman Gibson: I understand that, but my question being is, have we ever authorized from a legislative body for the Mayor to sign construction contracts?

Mr. Antee: I think there've been all, I don't know about specifically construction, but there are all kinds of times when you're authorizing the Mayor to execute contracts.

Councilman Gibson: Again - - -

Mr. Antee: But this amendment is in regards to authorize - - - if you recall there was a Capital Improvements Budget Amendment which allowed, which too, the \$40,000,000 that was received for the bonds and appropriated it in the Capital

Improvements Budget to be spent on this project. Attached to that was Councilman Jackson's amendment saying that before the money can be spent, the Council had to get approval. And that's what they are approving and authorizing him to execute the document so that they can expend, and I'm quoting the language in that amendment, "expend the money". So, I don't think technically we're voting to approve a contract. We're authorizing the Mayor to execute documents to expend funds.

Councilman Gibson: Well, eventually a contract is going to be signed based on that, and again gentlemen - - -

Mr. Antee: On every project contracts are - - -

Councilman Gibson: Gentlemen, my vote is going to stand.

Councilman Jackson: Mr. Chairman, but with all due respect Mr. Chairman, I know that as the Chairman of the Council, that you all serve in the capacity from time to time on the A&E Committee and I'm sure that you may have A&E Members who are a part of the AGC.

Councilman Gibson: They are not sir.

Councilman Jackson: But you have to make recommendations on, is that incorrect?

Councilman Gibson: That is incorrect. Not one architect or engineer is a member of AGC.

Councilman Jackson: Alright.

Councilman Gibson: So, Councilman Carmody?

Councilman Carmody: Yes sir, thank you. Could I ask for clarification from our Clerk? Mr. Thompson, I'm not sure if I was on the prevailing side. I assume in that I voted NO, and that the item failed, that I would be on the prevailing side. Is that correct?

Mr. Thompson: Yes.

Councilman Carmody: I would make a motion to reconsider the vote.

Motion by Councilman Carmody, seconded by Councilman Jackson to reconsider the vote.

Councilman Carmody: For sake of expediency, if I could ask you to remove yourself from the Chamber, and lets go ahead and vote and then we'll take care of this business and move on to the next item on the agenda?

Councilman Gibson: I appreciate that, but I'm going to stand to be here as Chairman.

Councilman Lester: Thank you Mr. Chairman. Far be it from me, to question any issue you might have with the State Board of Ethics, but as I see it, where we stand, we have two issues here. Issue No. 1 is the Chairman's perception, and the only reason I say perception because we don't have a written opinion, that he has a conflict that would prevent him from casting a vote. That's here. And at the same time, we have clearly a Council Rule that requires either a member, if that member is present, that member cannot abstain. That's not an option under our rules. It just seems to me that if in fact, there is a conflict or from your concern the potential of a conflict, or the appearance of a potential conflict, then the way to address that issue and still maintain the rules of this Body would be to excuse yourself from the vote and allow the vote to go forward. Because for you not to do so would be to subject yourself and this Body to a challenge of

the legality of this vote. And certainly, if our concern is that my amendment will subject us to some potential legal action if it passes, we certainly don't want to put ourselves in a situation where the vote itself can be attacked because someone who abstained, because of their clearly in their mind, there either was an actual conflict, or the appearance of a conflict participated in the vote. So, I guess what I'm imploring the Chairman to do is, if in fact that is your issue, and I take it at face value, that that is your issue, I believe that the only thing that you can do to serve both of those interest, i.e. the State Ethics Board as well as our local rules would be for you to exit yourself or remove yourself from the Chamber temporarily until the vote happens. Because otherwise, if you were to abstain, then you have cast what's clearly an illegal vote, and that in and of itself can be used to challenge this entire matter. Unless of course, that is what you're trying to do, and I don't think that is what you're trying to do.

Councilman Gibson: With that in mind, Mr. Lafitte, could you come forward please. As my colleague has stated, is that pretty much accurate?

Mr. Lafitte: Yes, under the Council Rules itself, it states a mandatory each member shall vote, unless excused by the Council. So, I mean, you have vote unless the Council votes to allow you - - -

Councilman Gibson: Then I will turn that over to Vice-Chairman Hogan on this particular item.

Councilman Walford: At that point, I'd call for the question.

Councilman Lester: Second.

Councilman Walford: So we're voting to call for the - - -

Councilman Carmody: To end the debate.

Councilman Hogan: Mr. Thompson, could you give us some direction at this point?

Mr. Thompson: You can call for the question or you can just withdraw it and if everybody is ready to vote, then just vote on the issue.

Councilman Walford: If everybody is ready to vote, then I'll be happy to withdraw that motion if the second was withdraws.

Councilman Hogan: Is everybody ready to vote?

Councilman Lester: Yes.

Councilman Walford: We're re-voting on - - - are we voting to reconsider I guess?

Councilman Jackson: That's the motion on the floor.

Councilman Lester: The motion on the floor is to reconsider.

Councilman Carmody: To reconsider the vote.

Councilman Hogan: Madam Clerk

Ms. Pierce: Oh, I am so sorry.

Councilman Hogan: Did you record that my vote would not be Councilman Gibson's vote? Cause I'm in the Councilman's Chair, I want to make sure- - -

Councilman Hogan: Perhaps we should vote by a show of hands.

Councilman Jackson: You voted for him.

Mr. Thompson: Mr. Chairman, so that it would be clear, why don't you just sit in your regular seat, and vote there. And on this vote, we will record your vote as being yes. We will record this vote for you as being YES..

Councilman Hogan: That's incorrect.

Councilman Lester: He wanted to vote NO.

Councilman Hogan: My vote was a NO.

Councilman Walford: To reconsider?

Councilman Hogan: Oh, to reconsider. Excuse me. That's correct vote to reconsider.

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

Motion to adopt Amendment No. 2 to Resolution No. 77 of 2005 denied by the following vote: Nays: Councilmen Walford, Carmody, and Hogan. 3. Ayes: Councilmen Lester, Green, and Jackson. 3. Out of the Chamber: 1.

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Amendment No. 1 Resolution No. 77 of 2005

AMEND THE RESOLUTION AS FOLLOWS:

In the second line of the title, after the word "contract," add the words "and Change Order Number One."

Delete the third "WHEREAS" paragraph and substitute the following:

WHEREAS, the low bidder was Walton Construction Company.

Delete the first "NOW, THEREFORE, BE IT RESOLVED" paragraph and substitute the following:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in legal session convened, that the Mayor be and he is authorized to execute the construction contract and Change Order No. 1 for the Convention Center Hotel, as required by Amendment No. 1 to Ordinance No. 39 of 2005. Walton Construction Company is the low bidder on the project. The contractor shall comply with the City's Fair Share ordinance and all other City requirements applicable thereto. Said contract, together with Change Order No, 1, shall not exceed \$32,900,000.

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

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Councilman Green: Question. Is that the amendment from the Administration?

Mr. Thompson: That's correct.

Councilman Hogan: That's the amendment from the Administration. Mr. Thompson, would you just for clarification purposes, would you give us that once more?

Mr. Thompson: Would you like for me to read the NOW, THEREFORE, BE IT RESOLVED clause? Which is the pertinent part of this.

Councilman Hogan: Yes please.

The Clerk read the following:

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Insert the whole amendment here.¶

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by the City Council of the City of Shreveport, in legal session convened, that the Mayor be and he is authorized to execute the construction contract and

Change Order No. 1 for the Convention Center Hotel, as required by Amendment No. 1 to Ordinance No. 39 of 2005. Walton Construction Company is the low bidder on the project. The contractor shall comply with the City's Fair Share ordinance and all other City requirements applicable thereto. Said contract, together with Change Order No. 1, shall not exceed \$32,900,000.

Councilman Hogan: Thank you Mr. Thompson. I have a comment. A couple of comments that I would like to make before we vote. I've been on record since we came on the Council as being in favor of the hotel. One of the things about the project that I was adamant on was that the public be able to vote on the project. And as hard as I tried and fought for that, it didn't happen. And you know I had first when I saw this intended to vote against it, but I've had a change of mind and I've talked to some people in my district, and they have sometimes told me that they were against what I thought. These are not YES people that always agree with me. But all six people are in agreement with me on this that it's time to move forward and I didn't get my on this, I put that behind me and I feel like the time has come for me to get on board with this project. And so, I've put this behind me and I'm ready to be a team player Mr. Mayor, and I'm excited about it. So with that said my vote will be in the affirmative. Councilman Jackson, did you have a comment?

Councilman Jackson: No sir, just a Point of Order for the clapping over there.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Hogan, Green, and Jackson. 5. Nays: Councilman Carmody. 1. Out of the Chamber: Councilman Gibson. 1.

Motion by Councilman Walford, seconded by Councilman Green to adopt Resolution No. 77 of 2005 as amended.

Councilman Carmody: Mine is going to be short and sweet, cause I know that that's really what the Council would prefer, but I'm going to go ahead and make my statement just for the record. Mr. Hightower, I appreciate and thank Mr. Antee for replying by email to me on the 23rd responding to my email again concerning my fear that the division of the Administration did not have the authority to execute the agreement for the City to provide the \$12,000,000 for the hotel. I also heard and understood Mr. Antee's comments at the Work Session yesterday and as follows: "*Once the Bond Commission approves the line of credit, which they did in November of 2001, those requests, though don't have anything to do with the project, they're merely a priority ranking in the Capital Outlay Bill. Once Facility Planning assigns a project number to it, which was done after the Bond Commission November 1st prior to the 2002 session, then that's the project, and the subsequent applications that you're referring to are merely for priority*". However Gentlemen, my fear is still for the viability of the project, and is for the following reasons. Again Mr. Antee's provided no authority, law, rule, or regulation or evidence to support the above quoted position. The Cooperative Endeavor

Agreement between the City and the States cites Act 23 of 2002's regular session of Louisiana Legislature, the Capital Outlay Act is authorized for the agreement. And the Mayor's letter to the local legislative delegation which was dated November 1, 2001 reads in parts as follows: *"I am writing to advise you of the projects which are included in the City's application for fiscal year 2002-2003, State Capital Outlay Program. The City has applied for six projects listed below in the order of priority. The first item listed is the Shreveport Convention Center Complex and other facilities. We have applied for \$12,000,000 for this project, which includes an expansion of the parking garage, the construction of a landscaped area and other amenities. Associated with the proposed Convention Center and Hotel Complex, we were appropriated the full \$12,000,000, \$1,875,000 in Priority I, and the remainder in Priority V during the current fiscal year and are still trying to get the funds included in this year's bond sale"*. And gentlemen, I've been informed by the members of the legislative delegation, that their vote on Act 23, was based on the scope of the project as defined in the Mayor's letter that I just quoted from, and the City's application for fiscal year 2002-2003. For those of you who were here earlier, I mentioned to Mr. Antee, that I appreciated him providing the Capital Outlay request, but those Capital Outlay requests basically were stating the same thing, that the Mayor was telling the legislative delegation that he wants them to approve. It does not say hotel. Based on the above, I'm still not convinced that the Division of Administration had the authority to execute an agreement with the City to provide \$12,000,000 for the hotel. Now, I asked Mr. Antee while he stood up here, if this lawsuit, the City does not prevail then, where would we come up with the \$12,000,000 that we would not have that we would have already entered into a contract for. Mr. Antee said there's a Plan B. and he used the analogy of a football game, that you run up the middle until they realize you're going up the middle, and then you go to a passing game. I can't follow that analogy from the standpoint that we're the elected officials for the City of Shreveport who basically asked to be given an opportunity and a privilege of counseling with the Administration of the City of Shreveport in order to do what's prudent for the City. To hold back, and Mr. Antee, again, I guess in his email has used the analogy of 'holding his cards close to the vest'. Well, Mr. Hogan just used the analogy, 'I want to be a team player'. Everyone of us wants to be a team player, but we're doing it to try to drive the team over the goal that we're all trying to do. Make the City of Shreveport successful. My concern is for the success of this project. We can go out and we can make sure that the City of Shreveport and local contractors, Black, White, Red, Purple, Green participate in this project. If the project fails in the long term, everybody else including those locals that are still here will pay the piper. I'm not planning on going anywhere, this is my home. This is where I'm planning on, and granted as Mr. Lester said, the votes are as they are. But my concern is that if we win in the short term, and in the next couple of years, we see an economic boom because we've infused money into the local market, and then spend the next 30 years paying that off in blood, sweat and taxes, that's not going to be a comfortable scenario. So, it's laudable for the Council Members to want to make sure there is local participation in a project. I support that. What I don't support and what I don't feel comfortable in supporting is the hotel portion of this project. Therefore, if we still don't have an answer as to whether or not this entity is going to be taxable, we are really out on thin ice in my opinion. Cause again, we might have to go into Plan C which could mean punt. And I don't know that,

that's really part of the football strategy that our Administration is going to employ, but I guarantee you, a good prudent coach is going to keep a punt in his game plan in case he's got to use it, if he's too far down. I don't want to see us get too far down. Therefore because of the questions and concerns that I have regarding the \$12,000,000 and the potential of the property tax obligation for the hotel, I do not believe it would be a prudent decision for me to vote to give the Mayor the authority to enter into the contract to build the hotel at this time. My fiduciary obligation to the citizens of this City requires me to vote NO. Thank you Mr. Chairman.

Councilman Hogan: Are we prepared to vote?

Councilman Jackson: Mr. Chairman, just for the record, earlier we talked about something, and I think maybe the Chairman, you I mean Mr. Chairman, may have alluded to it. And we've been through months and months on these same subjects. And one of the things initially, I noticed that Councilman Carmody, I believe in an amendment and subsequent to that, it's come up at least once or twice, talked about this public vote, and a public vote and of course once we start saying things, it gets out in the general public and people say it. And a lot of folks' objection is we didn't go to a public vote. But one of the things and I would ask Mr. Lafitte if who is here, and perhaps even Ms. Glass to for the next meeting, so that you may be able to clarify what I'm about to say. I have tried to do some homework. And as I understand it at this particular point and time, why we talked so much about that, this Council was not empowered with the ability to send this project out to a public vote. We would not have had the - - we did not have the legal State authority to send this project out for a State vote, public - - the way it is financed and the way it was. We did not have the legal authority to do so. And I wish that someone would clarify that. I'm sure that, that is the case. Now at one point, we started talking about a TIF. That was a different thing, because we were talking about taxing and those kinds of things, and even at once I believe someone talked about General Obligation Bonds, which would have put us in that scenario, where we had to. But I wanted the record to be clear. That it's not that we did not simply put this for a public vote. While it sounded good and it certainly sounds in a republic like the right thing to do democratically. That this Council was not empowered with the ability to simply take this project as it was brought to us, and it was designed to go out to a public vote. I think that's the case. I don't know if Mr. Lafitte or Ms. Glass has the answer right now to that, but if so, I'd like to clarify that right now. Because for the record, we've said over and over again, that we need a public vote, we need a public vote. And nobody's against referendums. But I mean, you can't arbitrarily cry referendum when you don't have the power to do it. And I'd like to clarify so that the public knows that even as we prepare to vote, it's not something that this - - some malfeasance on the part of this Council or some disdain or some disrespect for the citizens of this community, but that we did not have the legal authority to do that. Is that correct?

Ms. Glass: Mr. Chairman, that is correct. Mr. Jackson, that is correct. Under the State statutes, there has to be an authorizing or requiring State statute in order to call an election. Had some uncertainty about that at the beginning. I talked to Ms. Marietta Norton, who is the attorney for the elections division, and she confirmed that, that is the case.

Councilman Jackson: Well, I just wanted to say for the record. So that people around this community who said I would have supported it if we had a public vote,

should understand that the public vote was not in our purview to be able to put to the general electorate. So with that being said Mr. Chairman, those are my comments.

Councilman Carmody: Just one response to Councilman Jackson's - - - and I appreciate that clarification sir, I really do. But I think that the public was lobbied and marketed to support voting for the Convention Center. And part of that campaign which I was a part of and part of the committee to do it, basically assured the public that if they voted to approve the funds to build the Convention Center, that a third part would build the hotel. There is where I think, and again, I'm not trying to put myself in the shoes of every man out there that's a voter, but I think that had the public been asked up front to approve \$150,000,000 for the Convention Center/Hotel, they would have felt more comfortable about it. This - - - the scenario that was just laid out almost says 'wait a minute, the City Council doesn't have any authority to do any of this when we're talking about requiring public vote'. Hey that's news to me, but it sure seems like that the City Council had to do something in the way of enacting the legislation to put the referendum together for the \$85,000,000 of General Obligation Bonds. And Ms. Glass, am I correct in that?

Ms. Glass: I should have clarified that. It depends on the method of finance.

Councilman Jackson: Right.

Ms. Glass: For General Obligation Bonds, there's a statute that requires the election. Under this method of financing, there is not a statute that requires an election.

Councilman Carmody: Correct. Thank you for that clarification Ms. Glass.

Councilman Jackson: Yeah, and Mr. Chairman, with all due respect to Councilman Carmody, I couldn't agree with you more. But that wasn't my City Council. I mean, that was the last City Council, let me say. And perhaps, that should have been the case. But given the scenario we have, I want it to be known that given the set of circumstances that we did have, then I think we're acting in prudence, and so with that, thank you Mr. Chairman.

Councilman Hogan: I'm not trying to beat this dead horse, but I just have a question for the Administration. When was the decision made to go with the revenue bonds for the financing of the hotel? I thought that was indeed after the project had been proposed. Because originally it was going to be General Obligation Bonds. Mr. Antee, do you have - - -?

Mayor Hightower: We never anticipated using General Obligation Bonds to build the hotel.

Councilman Hogan: You didn't? Okay.

Mayor Hightower: We initially did anticipate that the private sector would come in and build the hotel. When it was evident that that would not happen, we looked for a way not to jeopardize or stress the City's bond rating and ability to go out for G.O. Bonds to continue to do infrastructure projects. Streets, drainage, water and sewer, and those types of things that are necessary to keep the City running. That's the reason that we financed the hotel on the back of the revenue bonds which are paid back by room rentals. So, this in no way again, jeopardized our ability to perform what most of us would consider basic city services. And go be able to do G.O. Bonds to get the money to do that. If it weren't for - - - so those people that have said in the past that if we can afford to build a hotel, we can afford to fix my street, the money is not the same. Revenue Bonds, the pay back is from the hotel itself. Nothing to do with G.O. Bonds. We still

have the ability to go borrow General Obligation Bonds to do streets and drainage, and the like. So again, this is a stand alone project that will pay itself back via revenue bonds. It was never a G.O. Bond issue at all. It was never even contemplated.

Councilman Hogan. Thank you Mr. Mayor. A couple of other comments I would like to make. I acknowledge that Councilman Carmody, I know you've done your homework on this issue. I certainly acknowledge there are risks involved. When we encounter any other legal problems, you know maybe so. I'm not sure, but anyway, again I'm ready to move forward with it. And lets do it. And with that I call for the question.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Hogan, Green, and Jackson. 5. Nays: Councilman Carmody. 1. Out of the Chamber: Councilman Gibson. 1.

Councilman Hogan: Are we ready to call Mr. Gibson back in?

Councilman Jackson: No, no, no. Not yet, not yet. Come back Mr. Chairman.

Councilman Walford: That was bad. Really bad.

Councilman Gibson: Thank you Gentlemen, thank you Councilman Hogan. I believe we are on 83.

RESOLUTION NO. 83 OF 2005

Offered by Councilman _____ and seconded by Councilman _____:

RESOLUTION

A Resolution authorizing the Mayor of the City of Shreveport, State of Louisiana to enter into a Surety Agreement with XL Capital Assurance Inc.; and providing for other matters in connection therewith.

WHEREAS, the City of Shreveport, State of Louisiana (the "City") has publicly issued and has outstanding several series of water and sewer revenue bonds (collectively, the "Bonds"); and

WHEREAS, in addition to the water and sewer revenues derived by the City from the water and sewer system, the Bonds are secured by a central debt service reserve fund (the "Reserve Fund"); and

WHEREAS, XL Capital Assurance Inc. ("XL") has offered to issue a Debt Service Reserve Fund Policy to replace a portion of the moneys held in the Reserve Fund; and

WHEREAS, XL has required the City to execute and deliver a Reserve Fund Surety Agreement (the "Surety Agreement"); and

WHEREAS, this City Council desires to authorize the Mayor to execute and deliver the Surety Agreement and other agreements or documents in connection therewith.

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

SECTION 1. Approval of Documents. The form of Surety Agreement is hereby approved and the Mayor is hereby authorized to execute and deliver the Surety Agreement to XL.

The Mayor is further authorized and empowered to execute and deliver any other documents, certificates or agreements in connection with the substitution of the Surety Agreement.

SECTION 2. Special Counsel. Casten & Pearce, A.P.L.C., Shreveport, Louisiana is hereby employed as special counsel to the City in connection with this transaction any compensation to be approved by the City and contingent upon the closing of the transaction

SECTION 3. Financial Advisor. Government Consultants of Louisiana, Inc. is hereby employed as financial advisor to the City in connection with this transaction any compensation to be approved by the City and contingent upon the closing of the transaction.

SECTION 4. Investment Banker. Stephens, Inc. is hereby employed as investment banker to the City in connection with this transaction any compensation to be approved by the City and contingent upon the closing of the transaction.

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. 85 OF 2005

A RESOLUTION SELECTING THE TIMES AS THE OFFICIAL JOURNAL FOR THE CITY OF SHREVEPORT FOR THE PERIOD COMMENCING JULY 1, 2005 THROUGH JUNE 30, 2006 AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the City of Shreveport is required by its Charter and State law to select an Official Journal to publish minutes, ordinances, resolutions, budgets, official notices, advertisements, and other official proceedings of the City of Shreveport for the period July 1, 2005 through June 30, 2006 ; and

WHEREAS, The Times has submitted the following proposal:

All printing of required legals in the Classified Section - \$0.27 per agate line (7 point);

All printing of required legals in the Retail Section - \$6.58 per column inch;

All other (non-required) ads in the Classified Section - \$1.66 per agate line;

All other (non-required) ads in the Retail Section - \$37.33 per column inch; Affidavits: \$15.00 each; and

WHEREAS, it is recommended that The Times be selected the Official Journal for the City of Shreveport to provide the services required by law for the prices described above. NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due, regular and legal session convened that the proposal of The Times is accepted and The Times be and is hereby designated the official journal of the City of Shreveport for the period July 1, 2005 and ending June 30, 2006 and the Mayor of the City is hereby authorized to execute an agreement with The Times under the terms and conditions described above.

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

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RESOLUTION NO. 87 OF 2005

A RESOLUTION SUSPENDING THE EFFECTS OF CERTAIN PROVISIONS OF CHAPTER 10 RELATIVE TO ALCOHOLIC BEVERAGES AND CHAPTER 106 RELATIVE TO ZONING FOR PROPERTY LOCATED AT ST. VINCENT MALL FOR THE ANNUAL FIRECRACKER RUN ON JULY 4, 2005 AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

By: Councilman Walford

WHEREAS, Sport Spectrum located at St. Vincent Mall intends to host the annual Firecracker Run July 4, 2005; and

WHEREAS, the establishment desires to dispense, and allow the consumption of alcoholic beverages on the grassy knoll on the Fairfield side of St. Vincent Mall, between the hours of 7:00 a.m. - 12:00 p.m.; and

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

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

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

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

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

WHEREAS, the adoption of this resolution would allow the dispensing, and consumption of alcoholic beverages on the grassy knoll on the Fairfield side of St. Vincent Mall, on July 4, 2005, between the hours of 7:00 a.m. - 12:00 p.m. for activities associated with the Firecracker Run.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened Sections 106-130(6), 10-103(a)(5) and 10-80(a) of the Code of Ordinances are hereby suspended on July 4, 2005 from 7:00 a.m. - 12:00 p.m. for activities associated with the Firecracker Run sponsored by Sport Spectrum, on the grassy knoll on the Fairfield side of St. Vincent Mall.

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

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the

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

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

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

Councilman Walford: This is the same thing we've done each year. It's the Firecracker run at Mall St. Vincent on the 4th of July.

Councilman Jackson: Mr. Chairman, I mean, I guess I mean Mr. Walford. Is this a firecracker run?

Councilman Walford: Right.

Councilman Jackson: And they have alcohol?

Councilman Walford: After the run.

Councilman Jackson: Oh, it's for after the run. Then alcohol is the key. Are there any children going to be involved in this process?

Councilman Walford: I'm sure there will be and the Mayor and I both will be involved. He's usually there to run as well.

Councilman Jackson: Mr. Chairman, my question was whether or not children were going to be involved in any proximity to this. And I think the Councilman said 'yes'. That answers my question.

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

RESOLUTION NO. 88 of 2005

RESOLUTION STATING CITY OF SHREVEPORT'S ENDORSEMENT OF U.S. SUPPORT COMPANY TO PARTICIPATE IN THE BENEFITS OF THE LOUISIANA ENTERPRISE ZONE PROGRAM AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY:

WHEREAS, the Louisiana Enterprise Zone Act of 901 of 1981, Act 337 of 1982, Act 433 of 1987, Act 1024 of 1992, Act 581 of 1995, Act 624 of 1997, and Act 997 of 1999;

WHEREAS, the Louisiana Enterprise Zone Program offers significant incentives for economic development to some of the most distressed areas in parish, and

WHEREAS, U.S. SUPPORT COMPANY is located in Census Tract 242.00 Block Group 1, which is not a designated Enterprise Zone, and

WHEREAS, said business will employ a minimum of 35% of its employees from the distressed groups targeted by the Enterprise Zone, and

WHEREAS, the City of Shreveport states this endorsement is in agreement with the Overall Economic Development Plan for the City of Shreveport, and

WHEREAS, the **attached Enterprise Zone map** is marked showing the location of the business being endorsed, and

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements the City of Shreveport agrees:

1. To participate in the Enterprise Zone Program
2. To assist the Department in evaluating progress made in any Enterprise Zone within its jurisdiction
3. To REBATE the 2.75% sales / use taxes imposed by the City of Shreveport on the purchase of

eligible construction materials, machinery, and equipment purchased for this project and used by a business **permanently on that site.**

NOW THEREFORE BE IT RESOLVED by the City of Shreveport, in due, regular, and legal session convened that **U.S. SUPPORT COMPANY** and their project **U.S. SUPPORT COMPANY**, Enterprise Zone Application # **2004-0159**, is endorsed to participate in the Louisiana Enterprise Zone Program.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the

application thereof is held invalid, such invalidity shall not affect other provisions, items or applications

of this resolution which can be given effect without the invalid provisions, items or applications and to

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

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

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

Councilman Hogan: Just a couple of quick comments that this is the U.S. Support Group that has to be included in the Enterprise Zone Program. They're providing - - - they originally had 1,300 jobs, and they're going to provide at least another 700 jobs from the participation, derived from the participation in the program. And the cost of the resolution is \$27,500. I'm recommending approval of it.

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

RESOLUTION NO. 92 OF 2005

A RESOLUTION ACCEPTING DEDICATION OF RIGHT OF WAY FOR KANSAS CITY AVENUE, 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 of right of way for Kansas City Avenue through Lot "I", Freestate Industrial Park, District 8, as recorded in Book 900, Pages 557-559 of the Records of Caddo Parish, Louisiana and recorded in Book 275, Pages 526 &

527 of the Records of Bossier Parish, Louisiana, and a 357.59' X 70' northeasterly extension thereof, 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 Kansas City Avenue be recorded in the official Records of the District Courts for Caddo and Bossier Parishes, 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 resolution which can be given effect without the invalid provisions, items or applications and, to this end, the provisions of this resolution are hereby declared severable.

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

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

RESOLUTION 95 OF 2005

A RESOLUTION TO ESTABLISH A COMMITTEE TO STUDY THE METHODS USED TO MEASURE THE DISTANCE BETWEEN AN ESTABLISHMENT APPLYING TO SELL ALCOHOLIC BEVERAGES AND SCHOOLS, LIBRARIES AND OTHER PROTECTED USES; TO MAKE RECOMMENDATIONS TO THE COUNCIL AND THE LEGISLATIVE DELEGATION, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

By: Councilman Gibson

WHEREAS, state law now requires the measurement between an establishment applying for the a permit to sell alcoholic beverages to be measured as a person walks using the sidewalk from the nearest point of the property line of the church or synagogue, public library, public playground, school, or full-time day care center to the nearest point of the premises to be licensed; and

WHEREAS, this method of measuring the required distance can result in the issuance of a permit to sell alcoholic beverages directly across the street from a school, church, playground or other protected use; and

WHEREAS, it is therefore necessary to determine if a better method is needed to make the measurement.

NOW THEREFORE BE IT RESOLVED that a special committee of the Council is established to study this issue and to make recommendations to the Council and/or to the State Legislative delegation in this regard.

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

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

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

Councilman Walford: Mr. Chairman, since there is pending State Legislation, I wonder if it's really necessary since if we're granted that authority by the State, we'll simply say 'as the crow flies'?

Councilman Gibson: I understand that. But as we all understand, I think that in Baton Rouge, is no assured thing down there. And I appreciate where they are coming from, but I think that we walked away from some highly debated issues regarding Bellmead Center. And I think we all agreed that lets be proactive and lets try to address this issue. And if legislation comes out then we're ahead of the game.

Councilman Walford: I have no problem with it, I just pointed that out.

Councilman Hogan: Thank you Mr. Chairman. Who will be responsible for composing the committee? You or our new Chairman.

Councilman Gibson: As I understand it, the Chair.

Mr. Thompson: The present Chairman can - - - I think can appoint the committee before he leaves.

Councilman Hogan: Do you have plans to appoint the committee, I'm just curious.

Councilman Gibson: If there's no objection, yes.

Councilman Hogan: That's fine, thank you. And how many will it be?

Councilman Gibson: I think we have three, is that right Mr. Thompson?

Mr. Thompson: That's up to the Chair.

Councilman Gibson: This is something that affects all of our districts and is going to continue to be an issue. I'm like Councilman Walford, I hope the State solves our problem, but at the same time, we thought they were going to solve some things regarding interstates and other things, and it takes sometimes 10 or 12 years to get something done.

Councilman Jackson: Please indulge me. The reason I bring it up is one of the statements the Chairman made was that this was coming, because one of the things I think you had pledged to do prior to leaving the Chairmanship was to be sure to get this committee going, and I'm in favor of that. Just as an aside Mr. Chairman, one of the other things that we had talked about, and I may have been gone, and if so, I apologize, if I wasn't here. But you had spoke of at some point establishing another committee as well. And I don't know if that had gotten done when I wasn't here. And if so, I apologize.

Councilman Gibson: No, in fact, I appreciate you bringing it to my attention, cause I think we're talking about dealing with Civic Appropriations.

Councilman Jackson: Well, that doesn't preclude you from doing at any time, I just knew that there was something else that we wanted to do.

Councilman Gibson: Well, I know that we've had quite a bit on our docket. I think we just finished one item that's consumed I think somebody said 12-14 months of our time. But anyway.

Councilman Jackson: That's just as an aside Mr. Chairman.

Councilman Gibson: Councilman Green, that might be something or whoever is going to be the next chair, that might look at, but any other discussions?

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

INTRODUCTION OF RESOLUTIONS

1. **Resolution No. 89 of 2005**: A resolution authorizing the Mayor to enter into an Intergovernmental Agreement with the Parish of Caddo for the Purposes of Providing Engineering Services and to otherwise provide with respect thereto.
2. **Resolution No. 90 of 2005**: A resolution authorizing and providing for a right of passage and utility easement on a portion of land owned by the City of Shreveport and adjacent to Cross Lake by Michael and Paula Golemon, as well as Bobby and Carolyn Wright. (A/Lester)
3. **Resolution No. 91 of 2005**: A resolution authorizing the Mayor to execute an option to lease and otherwise providing with respect thereto. (D/Gibson)
4. **Resolution No. 93 of 2005**: A resolution authorizing the Mayor's signature on a permanent right of way and easement document, and to otherwise provide with respect thereto. (B/Walford)
5. **Resolution No. 94 of 2005**: A resolution authorizing the Mayor's signature on a permanent right of way and easement document, and to otherwise provide with respect thereto. (B/Walford)

Read by title and as read, motion by Councilman Carmody, seconded by Councilman Walford to introduce Resolution No(s). 89, 90, 91, 93, and 94 to lay over until June 14, 2005 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None

INTRODUCTION OF ORDINANCES

1. **Ordinance No. 72 of 2005**: An ordinance amending the 2005 Budget for the Fleet Services Internal Service Fund.
2. **Ordinance No. 73 of 2005**: An ordinance amending the 2005 General Fund Budget.
3. **Ordinance No. 74 of 2005**: An ordinance amending the 2005 Budget for the SPORTRAN Enterprise Fund.
4. **Ordinance No. 75 of 2005**: An ordinance amending the 2005 Budget for the Water and Sewerage Enterprise Fund.
5. **Ordinance No. 76 of 2005**: ZONING – C-32-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located 220 feet west of N. Market and 1313 feet north of Nelson, Shreveport, Caddo Parish, Louisiana from I-2, Heavy Industrial District to R-3, Urban, Multiple-Family Residence District, and to otherwise provide with

- respect thereto. (A/Lester)
6. **Ordinance No. 77 of 2005**: ZONING – C-33-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the northeast corner of Shreveport-Blanchard Hwy., and Roy Road, Shreveport, Caddo Parish, Louisiana, from R-1H, Urban, One-Family Residence District to R-2, Suburban, Multi-Family Residence District and R-3, Urban, Multiple-Family Residence District, and R-1D, Urban, One-Family Residence District, and to otherwise provide with respect thereto. (A/Lester)
 7. **Ordinance No. 78 of 2005**: ZONING – C-34-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the southwest corner of Martin Luther King and Audrey Lane, Shreveport, Caddo Parish, Louisiana, from R-1H, Urban, One-Family Residence District to B-2, Neighborhood Business District, and to otherwise provide with respect thereto. (A/Lester)
 8. **Ordinance No. 79 of 2005**: ZONING – C-35-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the north side of Ford Street, 200 feet west of Allen Avenue, Shreveport, Caddo Parish, Louisiana, from B-2, Neighborhood Business District, to B-3-E community Business/Extended Use District. **LIMITED TO “STORAGE OF INOPERABLE VEHICLES,” ONLY**, and to otherwise provide with respect thereto. (A/Lester)
 9. **Ordinance No. 80 of 2005**: ZONING – C-36-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the north side of Sherwood, 300 feet east of Fairfield, 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. 81 of 2005**: ZONING – C-37-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the northeasterly side of Shreveport-Barksdale Highway, 400 feet north of Knight Street, Shreveport, Caddo Parish, Louisiana, from B-1, Buffer Business District, to B-1-E, Buffer Business/Extended Use District, **LIMITED TO “AUTOMOBILE RENTALS”, ONLY**, and to otherwise provide with respect thereto. (C/Carmody)
 11. **Ordinance No. 82 of 2005**: ZONING APPEAL – C-38-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the south side of Cedar Creek Drive, 1400 feet east of Dean Road, Shreveport, Caddo Parish, Louisiana, from R-2TH (PUD), Urban, One-Family Townhouse Residence (Planned Unit Development) District, and R-A, Residence –Agriculture District, to R-1D, Urban, One-Family Residence District, and to otherwise provide with respect thereto. (E/Hogan)
 12. **Ordinance No. 83 of 2005**: An Ordinance authorizing the purchasing agent to dispose of surplus real property and otherwise providing with respect thereto. (B/Walford)

Read by title and as read, motion by Councilman Green, seconded by Councilman Carmody to introduce Ordinance No(s). 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, and 83 to lay over until June 14, 2005 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None

ORDINANCES ON SECOND READING AND FINAL PASSAGE

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 – May 10, 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 Lester to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

2. **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 Green, seconded by Councilman Jackson. *The Clerk read the following amendment:*

AMENDMENT NO. 1

BY: Councilman Lester
Councilman Walford

Amend the Ordinance as follows:

Delete pages 1-22 of the original ordinance and substitute with the attached pages 1-24.

Councilman Lester: Thank you Mr. Chairman. If I could get Ms. Moore or someone from Community Development to come forward to give us a few high notes. Gentlemen what this ordinance and this amendment is going to do is - - - I think it's going to put Codes Enforcement and our Property Standards in a very positive position relative to enforcement. We've done a number of things in this ordinance. This is literally a complete revision of the entirety of Chapter 38 of our Code of Ordinance as it relates to Property Standards and Housing. Before we go any further, I'd like to publicly thank our Legal Staff, Ms. Glass, Ms. Scott. I want to thank everyone with Codes Enforcement, Mr. Bowie and his entire staff. The folks at Community Development for their hard work. The folks also in Finance that participated as well as the Councilmen

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that worked very hard on this particular item. What we're doing is we're changing like I said Code Enforcement. One of the things that we're doing just to hit some highlights, we're changing - - - one of the most significant changes is the changing of the definition of owner. That was one of the things that was holding us up tremendously in terms of dealing with both grass violations and a number of other types of violations. We've expanded the definition of owner to deal with the naked owner as well as persons who have a tax interest in the property. The other thing that we're doing is we're going to be able to go after those folks that are creating these problems in our neighborhoods in terms of absent property owners, and things of that nature. And hopefully, as we move forward with rolling this ordinance out, we're going to increase the numbers of violations, increase the numbers of people that are actually going to be going before the City Court in terms of folks that are not keeping their properties up in a positive way. The other thing I think that Councilman Walford hit on, on yesterday that is a significant change is that we're placing in the ordinance, a provision for restitution. And we're communicating to the courts that we want the City to be reimbursed for the cost that we incur in terms of our legal costs, in terms of our research costs and things of that nature. There are a number of other things in that are in the ordinance. I guess I would defer to the Council, if they have any questions. But I would simply say that this is something that has been a long time coming. It's something that a number of people have worked very, very hard on in order to come up with something that we can move forward on and actually enforce. And it put some very good ideas out there in terms of teeth for property violators. One of the things that it also does and I'll defer to Councilman Walford on this one. You have in my area like in Allendale and some of the older neighborhoods in town, you have a group of people who have been tax sale purchasers that basically buy interest in a piece of property with no intention of fixing it up at all. And they derive and economic benefit for tax purposes. And basically, what they do is they frustrate the process and complicate things. Because they have no interest in keeping these properties in a positive fashion. What we're doing is - - - there are provisions in here that enhance, for lack of a better term, the penalties on what we consider the serial slumlords. And as they have multiple violations, for multiple properties, they are dealt with a lot harsher than the small mom and pop that has one violation at their individuals homes. I could talk about this for a long time, but I would defer to Councilman Walford.

Councilman Walford: I think the greatest compliment to our ordinance short of it being passed is that someone whose name we see passed to us by Mr. Bowie every two weeks, told me how bad it was. So, I think that in itself says that they read it, and don't like it. But a lot has gone into this, and I've got to echo what Councilman Lester said. All of Community Development, Codes Enforcement, Legal, Finance, Data Processing, this has probably been the biggest group that's been brought together to work towards a single goal since I think any of us been on Council. And it's a good product. It may not be perfect. And if it's not, then we'll revise it at sometime, but it's an excellent start and it can help bring some of that money back, but more important, it can help clean up our neighborhood. I urge you to vote YES.

Motion by Councilman Lester, seconded by Councilman Carmody to adopt to adopt Amendment No. 1. Motion approved by the following vote: Ayes: Councilmen

Lester, Walford, Carmody, Gibson, Green, and Jackson. 6. Nays: None. Out of the Chamber: Councilman Hogan. 1.

Motion by Councilman Lester, seconded by Councilman Walford to adopt Ordinance No. 43 of 2005 as amended. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Green, and Jackson. 6. Nays: None. Out of the Chamber: Councilman Hogan.

3. **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) (Postponed – May 10, 2005)

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 Green to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Gibson, Green, and Jackson. 5. Nays: Councilman Carmody. 1. Out of the Chamber: Councilman Hogan. 1.

4. **Ordinance No. 59 of 2005**: An ordinance closing and abandoning the 60 foot-wide Monkhouse Drive in the J.B. Lewis Lands located in the SE ¼ of Section 18 (T17N-R14W), Caddo Parish, Louisiana and to otherwise provide with respect thereto. (G/Jackson)

Having passed first reading on May 10, 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 Jackson, 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

5. **Ordinance No. 60 of 2005**: An ordinance closing and abandoning a drainage easement and accepting dedication for a drainage servitude in Lim-Lin Subdivision Unit No. 2, and to otherwise provide with respect thereto. (D/Gibson)

Having passed first reading on May 10, 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 Gibson, seconded by Councilman Lester 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.

6. **Ordinance No. 61 of 2005**: An ordinance closing and abandoning the south 30 feet of the 60 foot-wide Songwood Street running adjacent to lots 74, 75, and 76 in the Birchwood Subdivision located in the NW ¼ of Section (T17N-R14W), Caddo Parish, Louisiana and to otherwise provide with respect thereto.

(C/Carmody)

Having passed first reading on May 10, 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 Green 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.

7. **Ordinance No. 62 of 2005**: An ordinance creating and establishing a No Through Truck Route on Klug Pines Road between Westport Avenue and W. 70th Street (LA. 511) and to otherwise provide with respect thereto.

Having passed first reading on May 10, 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 Green 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.

8. **Ordinance No. 63 of 2005**: An ordinance declaring the City's interest in a certain adjudicated property as surplus and otherwise providing with respect thereto. (C/Carmody)

Having passed first reading on May 10, 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 Green 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.

9. **Ordinance No. 64 of 2005**: An ordinance declaring the City's interest in certain adjudicated properties as surplus and otherwise providing with respect thereto. (A/Lester/F/Green)

Having passed first reading on May 10, 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, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Out of the Chamber: Councilman Walford. 1.

10. **Ordinance No. 65 of 2005**: An ordinance levying various taxes totaling eighteen and eighty-two one hundredths (18 and 82/100ths) mills per dollar on all property subject to Ad Valorem Taxation within the City of Shreveport for the year 2005 in the amounts and for the purposes described herein, and otherwise providing with respect thereto.

Having passed first reading on May 10, 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 Jackson, seconded by Councilman Green to adopt.

Councilman Hogan: Mr. Chairman, just for clarification purposes. As we talked about yesterday, these are renewals Mr. Thompson?

Mr. Thompson: Julie, you want to - - -

Ms. Glass: That's correct.

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.

11. **Ordinance No. 66 of 2005:** An ordinance levying a tax of twenty-seven and eighty-two one hundredths (27 and 82/100ths) mills per dollar on all property subject to Ad Valorem Taxation within the City of Shreveport for the year 2005 for the purpose of paying principal and interest on the outstanding General Obligation Bonds of the City of Shreveport, and otherwise providing with respect thereto.

Having passed first reading on May 10, 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 Jackson, seconded by Councilman Green 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.

12. **Ordinance No. 67 of 2005:** An ordinance levying a tax of eight and thirteen one hundredths (8 and 13/100ths) mills per dollar on all property subject to Ad Valorem taxation within the bounds of the downtown development district of the City of Shreveport as denied by Act 554 of 1978, as amended, for the purposes as set forth herein, and otherwise providing with respect thereto.

Having passed first reading on May 10, 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 Jackson, seconded by Councilman Green 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.

13. **Ordinance No. 69 of 2005:** An Ordinance amending the 2005 Airports Enterprise Fund Budget and otherwise providing with respect thereto.

Having passed first reading on May 10, 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. *The Clerk read the following amendment:*

Amendment No. 1
AMEND THE ORDINANCE AS FOLLOWS :

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In Section 2 (Appropriations):
Decrease Personal Services by \$20,000.
Increase Materials and Supplies by \$20,000.
Adjust totals and subtotals accordingly.

Motion by Councilman Carmody, seconded by Councilman Green to adopt Amendment No. 1 to Ordinance No. 69 of 2005. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

Motion by Councilman Hogan, seconded by Councilman Carmody to adopt Ordinance No. 69 of 2005 as amended. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

14. **Ordinance No. 70 of 2005**: An Ordinance amending the 2005 Capital Improvements Budget and otherwise providing with respect thereto.

Having passed first reading on May 10, 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 Walford to adopt.

Councilman Lester: Thank you Mr. Chairman, on yesterday's work session, I expressed to Mr. Miller at the Airport, a concern about the Fair Share participation of this particular project. And I want to acknowledge the correspondence from him evidence a commitment by *McInnis Brothers that they would reach the 25% Fair Share goal, and that Burk Kleinpeter and Airport staff will assure that opportunities exist (I'm reading now) for Fair Share companies and McInnis meets their commitment to achieve the 25% Fair Share participation.* He also included in his letter that representatives of McInnis Brothers are unable to meet on short notice, but they had a conference call with George McInnis this morning and will be present to answer any questions you may have. Mr. Miller, you can come forward please. Thank you Mr. Miller. Could you relate to me, myself and the Council the substance of those conversations?

Mr. Miller: Yes, basically we talked about we won't have plans and specs in our hands for the next couple of days. So we didn't have all the detail we needed to actually sit down and clarify the firm numbers. But we did have discussions with George McInnis and McInnis Brothers. We're going to work with them and use the Fair Share directory to insure that the proper - - - that we have the property delineation of what work would be available and to work to get vendors that can do that. Mr. McInnis told us he would do the 25% and hopefully exceed that. We're going to do our best to make sure that happens. I can bring you a follow up report once we get the plans and specs in his hands and look at all the scope of the work and (inaudible) where the opportunities are.

Councilman Lester: Thank you Mr. Chairman.

Councilman Jackson: Mr. Miller as in whatever projects there may be, we talked about earlier assurances. One of the things that and I think - - well I guess Mr. Gilliam is not here any longer, but one of the things is they often asked before the project happens

is submit subcontractor, you know identifying the subcontractors, and then they were able to know who in fact are subcontracting. And I don't know who the company is, the contractor who you are intending to use, but what assurances do you have that, that's going to happen?

Mr. Miller: Well, we've worked with George McInnis and McInnis Brothers over the years, and they've always worked with us to do what we need to do. So, I feel comfortable with the participants that we're dealing with cause we're going to get there. As a matter of reference, the Airport Authority over the years has had good DBE and MBE participation and we're going to continue that record. So, I can tell you as long as I'm out there and with the Mayor's support and the Board's support, we're going to have good Fair Share participation. If not, we won't negotiate - - - we won't sign the contract. What we're doing today is we're asking for an emergency be declared so that we can negotiate with McInnis to fix this roof. But if we don't have successful negotiations, then we'll look at another contractor. I don't think we'll have that problem, based on McInnis' record with us.

Councilman Jackson: To the Administration, that you all are going to be a part of making sure that this - - - giving us some assurances that this is going to take place?

Mayor Hightower: It's our intent. You actually - - - the Board actually signs the contract, though. Right? Or do we in this case? The Board does.

Mr. Miller: Yes sir. We comply with all the Fair Share requirements. We go through Mr. Gilliam's office and we go through Mr. Antee's office, and your office. So, there are a lot of checks and balances to make sure that this happens.

Mayor Hightower: We'll meet with him.

Councilman Lester: Thank you Mr. Chairman. And I would just ask that this letter from Mr. Miller that's addressed to Councilman Green and myself be entered into the record. And I would say that Councilman Green did raise this issue on yesterday during the Work Session. And he and I had an opportunity to visit with Mr. Miller, and he did respond in due course. So, I just ask that a copy of this letter be placed into the record. Thank you Mr. Chairman.

Councilman Green: I'd just like to say thank you Mr. Miller for doing what you said you were going to do.

Councilman Hogan: I hope the council will indulge me for just a moment. Mr. Miller, I just thought of something and that I'd like to ask you about it. I spoke to Bill Cooksey recently about our friend on Meriweather Road, Mr. Rainey. And he gave me a good explanation of the questions there. Based on past experiences with this gentleman, I prefer to have that in writing if you could by the next Council Meeting have that to me in writing or mail it to me or whatever.

Mr. Miller: Yes sir, I'll get it to you.

Councilman Hogan: You could? Thank you.

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

Councilman Jackson: Mr. Chairman, just a question of clarity because I know people are going to say something about it. We've been throwing around the name of a

contractor in this vote. Is this (inaudible) to the same situation we were earlier or are we clear on this, being able to vote on this McInnis person?

Councilman Gibson: I'm clear in my mind Councilman Jackson. I believe I heard plans and specifications. I also believe that we're not signing contracts. Is that correct Mr. Mayor?

Councilman Jackson: We didn't sign one the last time, I don't think.

Councilman Gibson: Well again, that's a matter of interpretation.

Councilman Jackson: I just want to be clear. Mr. Chairman, nothing. I just wanted to be consistent.

Councilman Gibson: Oh, believe me Councilman Jackson, you're the most consistent councilman we've got.

Councilman Jackson: I appreciate that. Never a (inaudible) word spoken.

- 15 **Ordinance No. 71 of 2005:** An ordinance declaring a public emergency in connection with replacing and upgrading components in the repair of the roof of the Express Jet maintenance facility at Shreveport Regional Airport and otherwise providing with respect thereto. (F/Green)

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

Deleted: Having passed first reading on May 10, 2005 was read by title, and on motion, ordered passed to third reading.

Deleted: the third time in full and

Deleted:

16. **Ordinance No. 49 of 2005:** ZONING – C-15-05: An ordinance 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)

Having passed first reading on April 26, 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 Green to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Out of the Chamber: Councilman Carmody. 1.

17. **Ordinance No. 68 of 2005:** ZONING - C-42-05 An Ordinance to amend certain sections of Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance; to amend the fees charged by the Shreveport Metropolitan Planning Commission; and to provide for other matters related thereto.

Having passed first reading on May 10, 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 Walford to adopt. Motion approved

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

The adopted ordinances and amendments follow:

ORDINANCE NUMBER 43 OF 2005

AN ORDINANCE TO AMEND CHAPTER 38 OF THE CITY OF SHREVEPORT CODE OF ORDINANCES RELTIVE TO HOUSING AND PROPERTY STANDARDS AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport in due, regular and legal session convened, that Section 38 of the City of Shreveport Code of Ordinances is hereby amended and reenacted to now read as follows:

ARTICLE I. GENERAL PROVISIONS

Sec. 38-1. Legislative findings of fact.

There exist in the city conditions on premises which are detrimental to the health, welfare and safety of the general public. Additionally, structures exist in the city which are used or intended for human habitation and nonresidential purposes that are substandard in structure and maintenance. These conditions, whether on the premises or the structure, foster a haven for criminal activity and contribute to neighborhood decay. In the absence of corrective measures, the neighborhoods where these conditions are located will experience a deterioration of social values, a curtailment of investment and tax revenue, an increase in criminal activity and an impairment of economic values. The city, acting through the city council as its governing body, has adopted, by way of ordinance at its regular meeting convened, this chapter which is authorized by LSA-R.S. 33:4752 and 33:4754.

Sec. 38-2. Title.

The provisions embraced within this chapter and the articles and sections thereof shall constitute and be known and may be cited as the "property standards code" or this "code".

Sec. 38-3. Purpose.

(a) The purpose of this chapter is to protect the health, safety and welfare of the citizens of the city by establishing standards applicable to residential and nonresidential premises. Standards are established with respect to structural and environmental standards essential to make all premises safe, sanitary and fit for human use and habitation.

(b) This chapter is found to be remedial and essential to the public interest, and it is intended that this chapter be liberally construed to affect its purpose. All premises within the city on the effective date of this chapter, those constructed thereafter or any relocated to the city thereafter must comply with the provisions of this chapter.

Sec. 38-4. Power not affected.

(a) Nothing in this chapter shall impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings.

(b) Nothing in this chapter shall abrogate or impair the power of the courts or any department of the city to enforce any provisions of the Home Rule Charter or other ordinances or regulations or to prevent or punish violations thereof.

(c) The imposition of any penalty hereunder shall not preclude the city attorney or other appropriate authority of the city, from instituting injunctive, mandamus, or other

appropriate action or proceedings to correct or abate any violation or nuisance or to prevent the occupancy of any building, structure, or land violating any provision of this chapter.

Sec. 38-5. Definitions and interpretation.

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

Administrator shall mean the director of the department of community development or his/her duly authorized representatives. The term "administrator" shall be construed as if followed by the words "or his/her designee".

Agent shall mean a person authorized by another to act for him and to be entrusted with his business.

Alter or *alteration* shall mean any change or modification in construction or occupancy of any structure subject to the provisions of this chapter.

Approved shall mean approved by the administrator.

Basement shall mean that portion of a structure that is completely below grade.

Board shall mean the property standards hearing board.

Boathouse shall mean a building to house and protect boats.

Building shall mean any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind, which has enclosing walls for 50 percent of its perimeter. The term "building" shall be construed as if followed by the words "or any part thereof." For the purpose of this chapter each portion of a building separated from other portions by a firewall shall be considered as a separate building.

Citation shall mean an official summons or notice to appear in court.

Civil action shall mean any action, suit, or cause instituted to punish an infraction or violation of the civil laws.

Code shall mean this chapter of the City of Shreveport Code of Ordinances.

Criminal action shall mean any action, suit, or cause instituted to punish an infraction or violation of the criminal laws.

Dwelling shall mean any building or structure which is wholly or partly used for or designed to be used for living or sleeping by humans and includes any appurtenances belonging thereto or usually enjoyed therewith.

Dwelling unit shall mean any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used for or intended to be used for living, sleeping, cooking and eating, whether or not such unit is occupied or vacant.

Extermination shall mean the control and extermination of insects, rodents or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest elimination methods.

Family shall mean one or more persons living together and having common housekeeping facilities.

Fire hazard shall mean any thing or any act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service of preventing, suppressing or extinguishing fire; or which may obstruct, delay or hinder, or may become the cause of an obstruction, a delay, a hazard or a hindrance to the prevention, suppression or extinguishment of fire.

Floor area shall mean s the total area of all habitable space in a building or structure.

Garbage shall mean the animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food.

Grade shall mean the natural surface of the ground, or surface of the ground after completion of any change in contour.

Habitable room shall mean a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage spaces.

Historic structure shall mean any building or structure of historical or architectural distinction listed on any national, state or local historic register.

Infestation shall mean the presence within or around a dwelling, building or structure of any insects, rodents or other pests.

Motor vehicle shall mean any vehicle, including but not limited to a motor home, which is/was designed, constructed and equipped to be used as a self-propelled conveyance on a public roadway.

Multiple dwelling shall mean any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of more than two families living independently of each other and doing their own cooking in such building, and shall include flats and apartments.

Nuisance shall mean whatever is dangerous or potentially dangerous to human life or detrimental or potentially detrimental to health including, but not limited to, the following:

(1) Any condition or use of any land, building, structure or dwelling, or any operation thereon or therein that causes or may cause a minor child of ordinary curiosity to desire to examine such condition, use or operation, and that is reasonably calculated to cause harm to such child, whether the condition, use or operation is located in a building or structure, on the premises of a building, or on a vacant lot. This subsection includes, without limitation, any abandoned wells, shafts, basements, abandoned refrigerators or motor vehicles, structurally unsound fences or other structures, or any lumber, trash, fence, debris or vegetation reasonably calculated to be a hazard for inquisitive minors.

(2) Uncleanliness, as determined by the administrator.

(3) The definition of nuisance as provided in section 38-91.

(4) A dwelling, building or structure or the use thereof that is dangerous or potentially dangerous to the physical health or safety of an occupant or other person or of the general welfare.

Occupant shall mean any person in charge or possession of any dwelling or building or part thereof whether as owner, tenant, or licensee.

Occupied property shall mean a lot, plot or parcel of property with a structure on it which is in current use as a resident or dwelling.

Openable area shall mean that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Owner shall mean the person specified in the last deed of record in the conveyance records of the clerk and recorder for the parish in which the property is situated.

With regard to any violation of Divisions 5 – 8 of Article III of this chapter, owner shall also mean any person with the charge, care or control of any dwelling or dwelling unit as

executor, executrix, trustee, administrator, tutor of the estate of the owner, mortgagee or vendee in possession, assignee of rents, lessee, tenant, or other person in control of or occupying a building.

The term "owner" shall be construed as if followed by the words "or his/her designee".

Party in interest shall mean any and include the owner of the title or a mortgage, whose interest is shown of record, or the agent of any such person or those in possession of any building, structure or premises. This definition includes any party whose property has been sold for delinquent taxes within the past three (3) years preceding the occurrence or alleged violation.

Person shall mean an individual, unincorporated association, corporation, partnership, or other entity.

Pier shall mean a structure as a breakwater extending into a body of water for use as a landing place or promenade.

Piling shall mean a heavy timber, concrete or steel beam driven into the earth as a structural support.

Placard shall mean that the structure has been condemned and, the use or occupancy has been prohibited by law.

Premises shall mean a lot, plot or parcel of land, including any buildings or structures thereon.

Public area shall mean an unoccupied open space adjoining a building and on the same property that is permanently maintained, accessible to the fire department, and free of all encumbrances that might interfere with its use by the fire department.

Repair shall mean the replacement of existing work and materials with work and materials meeting the standards of the City of Shreveport Comprehensive Building Code.

Required shall mean required by some provision of this chapter.

Residential buildings shall mean any building in which persons, families or households live or in which sleeping accommodations are provided.

Rubbish shall mean combustible and noncombustible waste materials, except garbage, including but not limited to, the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal mineral matter, glass, crockery and dust.

Secure (Secured) shall mean the closing of the building or structure by means of placing or attaching boards over doors, windows and other means of entrance in order to prohibit persons from entering the building or structure and in order to maintain the building or structure in its present condition without further damage to such building or structure or danger to the public welfare and safety.

Stairway shall mean one or more flights of stairs and the necessary landings and platforms connecting them to form a continuous and uninterrupted passage from one story to another in a building or structure.

Story shall mean that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

Structure shall mean that which is built or constructed, an edifice or building of any kind, any tent or trailer which is not attached to the ground, or any piece of work artificially built up or composed of parts joined together in some definite manner. The term "structure" shall be construed as if followed by the words "or any part thereof."

Supplied shall mean paid for, furnished or provided by or under control of the owner.

Tenant shall mean a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building, structure, or portion thereof .

Unoccupied property shall mean a lot, plot or parcel of property with a structure on it which is not in current use as a resident or dwelling.

Vacant property shall mean a lot or property with no structure on it.

Yard, front shall mean an open, unoccupied space on the same building site with a main building, extending the full width of the building site and situated between the street line and the front line of the building projected to the side lines of the building site. The depth of the front yard shall be measured between the front line of the building and the street line.

Yard, rear shall mean an open, unoccupied space on the same building site with a main building, extending the full width of the building site and situated between the rear line of the building site and the rear line of the building projected to the side lines of the building site. The depth of the rear yard shall be measured between the rear line of the building site and the rear line of the building.

Yard, side shall mean an open, unoccupied space on the same building site with a main building, situated between the side line of the building and the adjacent side line of the building site and extending from the rear line of the front yard to the front line of the rear yard; if no front yard is provided, the front boundary of the side yard shall be the front line of the building site, and if no rear yard is provided, the rear boundary of the side yard shall be the rear line of the building site.

(b) Meaning of certain words. Whenever the words "dwelling," "dwelling units," "roominghouse," "rooming units," and "premises" are used in this chapter, they shall be construed as though they were followed by the words "or any part thereof."

Sec. 38-6—38-10. Reserved.

ARTICLE II. ADMINISTRATION

Division 1. Generally

Sec. 38-11. Administration of this code.

(a) The administration and enforcement of this code shall be the responsibility of the department of community development. The administrator may employ inspectors, assistants and other employees to administer and enforce the provisions of this chapter. The administrator may assign the duties and responsibilities under this chapter to other employees of the department.

(b) The delineation of authority under the terms of this section shall not preclude other departments of the city from administering and enforcing those provisions of this chapter pertinent to their functions. The remedies provided in this chapter shall be in addition to any other remedies afforded by state law or city ordinance.

Sec. 38-12. Inspection.

(a) For the purpose of ascertaining whether violations of this chapter exist, the administrator, or his/her duly authorized agent or representative, is hereby authorized and directed to make inspections and investigations of any premises located within the corporate limits of the city. Upon receipt of a complaint (verbal or written) or upon information provided by a codes enforcement inspector, the administrator shall direct that an inspection of the premises be conducted to determine whether violations of this chapter exist. The inspection or investigation, as hereinabove referred to, shall be made upon presentation of proper identification to the owner, agent, occupant or tenant in

charge of the premises, if such person is present. The inspection or investigation shall be conducted to determine the condition of:

- (1) The premises surrounding, adjacent or contiguous to any dwelling, building or structure and being under the control or supervision of the owner, agent, occupant or tenant of the dwelling, building or structure, and any unimproved lot or parcel of land;
- (2) The exterior of any dwelling, building or structure;
- (3) The interior and/or exterior of any unoccupied property if the premises is unsecured or in a state of deterioration or disrepair; or
- (4) Any vacant property.

Sec. 38-13. Citations.

(a) The administrator or his designee, in addition to any other rights, powers, duties or obligations as might be enumerated in this chapter, shall be empowered to issue written citations to any owner, agent, occupant or tenant should the inspection required by Sec. 38-12 of this chapter disclose that a violation of the chapter has occurred. Each citation shall contain the following:

- (1) Shall be entitled "Warning Citation";
 - (2) Shall set forth those conditions of the premises which are in violation of the provisions of this chapter;
 - (3) Shall inform the recipient that, should the violation not be corrected within ten (10) calendar days, a court citation will be issued in accordance with the provisions of Section 38-14 of this chapter.
 - (4) Shall inform the recipient that any questions or comments concerning the violation should be directed to the office of the administrator or his/her designee, and shall include the administrator's telephone number;
- (5) Shall be signed by the issuing inspector; and
 - (6) Shall be signed by the recipient and the recipient's refusal to sign the citation shall be so indicated by the issuing party.

Sec. 38-14. Reinspection; citations.

The administrator shall cause the premises upon which a warning citation has been issued to be reinspected following the expiration of the ten (10) days allowed for taking corrective action. If the owner, agent, occupant or tenant has failed to correct the cited violations within the prescribed period of time, the administrator or his designee shall, in addition to any other rights, powers, duties or obligations as might be enumerated in this chapter, be authorized to issue a court citation to the owner, agent, occupant or tenant of the premises for violation of the provisions of this chapter.

Sec. 38-15. Fines.

(a) Upon conviction, any person violating any provision of this chapter shall be punished as follows:

- (i) First violation with no history of previous conviction within the twenty-four month period immediately preceding the conviction - fine of not less than \$200.00.
- (ii) First violation with history of previous conviction within the twenty-four month period immediately preceding the conviction - fine of not less than \$300.00 or by ordering the payment of restitution to the city for expenses, including reasonable and required administrative charges of the work of mowing, cleaning, maintaining the

premises, or abating any nuisance, whether such work was performed by the city or by a private contractor, or by a combination of fines and restitution.

(iii) Second violation with history of previous conviction within the twenty-four month period immediately preceding the conviction – fine of not less than \$400.00 or by imprisonment of not more than sixty (60) days, and by ordering the payment of restitution to the city for expenses, including reasonable and required administrative charges of the work of mowing, cleaning, maintaining the premises, or abating any nuisance, whether such work was performed by the city or by a private contractor.

(iv) Third or subsequent violations with a history of previous conviction within the twenty-four month period immediately preceding the conviction - fine of not less than \$500.00 and by imprisonment of not more than sixty (60) days, and by ordering the payment of restitution to the city for expenses, including reasonable and required administrative charges of the work of mowing, cleaning, maintaining the premises, or abating any nuisance, whether such work was performed by the city or by a private contractor.

(b) It shall not be a defense to prosecution under this section that the city performed the work necessary to correct the noted deficiencies and violations, or that the city caused such work to be performed.

(c) Each day the violation shall continue shall constitute a separate offense.

Secs. 38-16 – 38-20. Reserved.

Division 2. Administrator

Sec. 38-21. General powers and duties.

(a) The administrator may, upon determining that a building or structure is in such a state of disrepair that it endangers the public welfare or safety, and/or upon determining that the condition of any premises located within the corporate limits of the city is in violation of any provision of this chapter, order that the building or structure be secured as the term is defined herein, and/or order that the violations be abated as hereinafter provided.

(b) The administrator shall serve written notice of the violation to the owner of the building, structure, or premises, and any party in interest, in the manner provided in section 38-43 of this chapter. Any notice served pursuant to the provisions of this section shall automatically become an order if a written request for appeal is not filed with the board in the manner provided in Section 38-51 of this chapter.

(c) Any person aggrieved by any decision of the administrator shall file a written request for appeal of such order or decision with the board in the manner provided in Section 38-51 of this chapter.

(d) A certified copy of any order or decision rendered pursuant to the provisions of this section shall be filed and recorded in the office of the clerk of court of the parish in which the property is located. Any person acquiring any interest in the property thereafter shall be subject to the requirements of such order.

Secs. 38-22 – 38-25. Reserved.

Division 3. Property Standards Hearing Board

Sec. 38-26. Creation.

There is hereby created the property standards hearing board, referred to in this article as the board, which shall consist of seven (7) members who shall each be a qualified elector and resident of the city. Members shall be appointed by the mayor, subject to confirmation by the city council. Members shall not be employees of the city, except as

provided in section 14.07 (c) of the Charter, shall serve without compensation, and shall include the following:

- (a) One licensed architect who has had at least three (3) years experience in the profession;
- (b) One licensed health care professional who has had at least three (3) years experience;
- (c) One builder who has at least five (5) years experience in the construction industry;
- (d) Four residents of the city with a demonstrated interest in community affairs.

Sec. 38-27. Term of membership.

Except as otherwise provided by section 5.02 (b) of the Charter, the term of each board member shall be two years. Upon the expiration of their term, board members shall serve until their successors are appointed.

Sec. 38-28. Officers; rules of procedure.

The board shall elect a chairman and such other officers as necessary from its members and shall adopt rules of procedure in accordance with provisions of this chapter and applicable provisions of law.

Sec. 38-29. Powers, duties and responsibilities.

(a) The powers, duties and responsibilities of the board shall include, but not be limited to, the following:

- (1) Ordering that any dwelling, building or structure which is found to be unfit for human habitation be vacated and placarded.
- (2) Ordering that any dwelling, building or structure which is found to be in violation of this chapter be repaired.
- (3) Ordering the demolition and removal of structures found to be substandard. Demolition and/or removal may be accomplished by the use of city forces or private contractor retained by the city, with the costs of such demolition and/or removal being the responsibility of the owner.
- (4) Ordering the repair of a substandard structure as an alternative to demolition.
- (5) Ordering the removal of personal property from a structure ordered vacated or demolished. Removal may be accomplished by use of city forces or a private company if the owner of the personalty is not known or the whereabouts of the owner cannot be ascertained or the owner fails to remove the personality.
- (6) Ordering that a vacant structure or vacant portion of a structure constituting a hazard or nuisance be securely closed and made safe. The securing of such structure may be accomplished by the use of city forces or by private contractor retained by the city, with such costs of securing being the responsibility of the owner.
- (7) Ordering or causing the correction of a hazardous condition on the land. Correction of a hazardous condition may be accomplished by city forces or by private contractor, with such costs of correction being the responsibility of the owner.
- (8) Ordering the abatement of any condition determined to be a nuisance.
- (9) Hearing the appeal of any violation of any provision of this chapter.

(b) The board may vary the application of any provision of this chapter to any particular case when, in its opinion, the enforcement thereof would be a manifest injustice and would be contrary to the spirit and purpose of this chapter or the public interest. The decision to vary the application of any provision of this chapter shall specify in what manner such variation or modification is to be made, the conditions upon which it is made, and the reasons therefore.

Sec. 38-30. Appeal hearings; meetings.

The board shall fix a reasonable time for appeal hearings and meetings and shall give public notice thereof, as required by law, as well as notice to the applicant and the administrator. All appeal hearings and meetings shall be open to the public and shall be conducted in conformity with applicable provisions of law. The board shall not be bound by legal rules of evidence.

The chairman or, in his absence, the vice-chairman shall be empowered to compel the attendance of a witness, owner, agent, occupant or tenant and to administer oaths to anyone giving testimony before the board.

All persons present at the hearing and wishing to give testimony regarding an appeal pending before the board shall be afforded the opportunity to do so.

Special meetings may be called by the chairman, or in his absence, the vice-chairman, or a majority of the members of the board at any time, upon the giving of 24 hours notice to the public in the manner required by law.

Sec. 38-31. Determinations.

After hearing all the testimony and weighing all the evidence, the board shall render any order, finding or determination consistent with the provisions of this chapter with regard to the alleged violation including but not limited to:

(a) Finding that the structure is not a nuisance, order the repair of specified violations within a reasonable period of time, and direct the administrator to monitor the progress of the repairs. The order shall also state that, upon the expiration of the delays for repair, the administrator shall forward the case to the city attorney's office for prosecution or the institution of foreclosure proceedings;

(b) Finding that the structure is a nuisance and order the repair or correction of the violations within a specified period of time and demolition of the structure if the repairs or corrections are not timely effected. The order shall also state that if the owner fails or refuses to comply, demolition shall be by city forces or by private contractor retained by the city, with such cost being the responsibility of the owner;

(c) Finding that the structure is a nuisance and order its demolition within a specified period of time. The order shall also state that, if the owner fails or refuses to comply within the specified period of time, demolition shall be accomplished with city forces or by private contractor retained by the city, with such cost being the responsibility of the owner. In reaching this determination, the board of appeals shall consider the economic feasibility of making any repairs;

(d) Finding that a nuisance exists on the premises and order its abatement, removal or correction within a specified time. If the nuisance is on a vacant lot or on a lot with a vacant structure, the order shall also state that, if the owner fails or refuses to comply within the specified time, abatement, removal or correction shall be by city forces or by private contractor retained by the city, with the cost being the responsibility of the owner;

(e) Issuing any other lawful order or taking such other action it may deem fit and necessary including, but not limited to, asking that the office of the city attorney bring misdemeanor charges in city court against the owner, agent, occupant or tenant for violating the provisions of this chapter;

(f) Finding that the property is not in violation of this chapter.

Sec. 38-32. Decisions; appeals.

(a) The concurring vote of a simple majority of the members of the board present shall be necessary to reverse any order, decision, or determination appealed from the administrator or to decide in favor of the appellant on any matter upon which the board is authorized by this chapter to consider.

(b) Any person aggrieved by a decision of the board shall file a written request for appeal of such decision with the city council in the manner provided in Section 38-52 of this chapter.

Sec. 38-33. Records.

The board shall prepare a record of its proceedings for each case or matter heard, which record shall be a public record. The record shall show the grounds for each decisions and the vote of each member on each case or matter heard. The record of the proceedings shall be filed and retained in the office of the bureau chief of the bureau of codes enforcement as required by law.

Secs. 38-34 – 38-40. Reserved.

ARTICLE III. VIOLATIONS

Division 1. Generally

Sec. 38-41. General requirements for the exterior of structures.

No person shall occupy as owner-occupant, or let or sublet to another for occupancy, any dwelling or dwelling unit designed for or intended to be used for the purpose of living, sleeping, cooking or eating therein, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements:

(1) *Foundation.* The building foundation system shall be maintained in a safe manner and be capable of supporting the load which normal use may cause to be placed thereon.

(2) *Exterior walls.* Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair. Support members shall be structurally sound and sufficient to support normal loads.

(3) *Roofs.* Roofs, gutters, downspouts and other appurtenances shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portions of the building.

(4) *Means of egress.* Every dwelling shall have safe, unobstructed means of egress with minimum ceiling height of seven feet leading to a safe and open space at ground level. Stairs shall have a minimum headroom of six feet, eight inches.

(5) *Stairs, porches and appurtenances.* Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and be capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in sound condition and good repair.

(6) *Protective railings.* Protective railings shall be required in any unenclosed structure over 30 inches from ground level or on any steps containing four or more risers.

(7) *Windows and doors.* Every window, exterior door and basement or cellar door and hatchway shall be substantially weathertight, watertight and rodent-proof and shall be kept in sound working condition and good repair.

(8) *Windows to be glazed.* Every window sash shall be fully supplied with glass windowpanes or an approved substitute which are without open cracks or holes.

(9) *Window sash.* Every window sash shall be properly fitted and weathertight within the window frame.

(10) *Windows to be openable.* Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in position by window hardware.

(11) *Hardware.* Every exterior door shall be provided with proper hardware and maintained in good condition. Proper hardware should include a key-operated lock.

(12) *Door frames.* Every exterior door shall fit reasonably well within its frame so as to substantially exclude rain and wind from entering the dwelling building.

(13) *Screens.* Dwelling units which do not have a central air conditioning system shall have screens on all exterior openable windows and doors used or required for ventilation. Screens on windows and doors shall be stretched and fitted and maintained without open rips or tears.

(14) *Protective treatment.* All exterior wood surface, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding shall be weather-resistant and watertight. All masonry joints shall be sufficiently tuck pointed to ensure water- and air-tightness.

(15) *Accessory structures.* Garages, storage buildings and other accessory structures shall be maintained and kept in good repair and sound structural condition.

(16) *Structural supports.* Every structural element of the dwelling shall be maintained structurally sound and show no evidence of deterioration which would render them incapable of carrying loads which normal use may cause to be placed thereon.

Sec. 38-42. Notice of violation.

(a) Upon determining that any vacant lot or parcel of ground, premises surrounding any dwelling, building or structure, or any dwelling, building or structure located within the corporate limits of the city is in violation of any provision of this chapter, the administrator shall cause notice of such violation to be served upon the owner as hereinafter provided.

(b) All notices which are to be served on a domestic or foreign corporation, shall be served on any one of its agents for service of process. If the corporation has failed to designate an agent for service of process, or if there is no registered agent by reason of death, resignation or removal, service of the notice, citation or other process may be made at any place within the state where the business of the corporation is regularly conducted, either:

(1) By personal service or by certified mail on any officer, director or resident agent named in the articles of incorporation or the last report previously filed with the secretary of state; or

(2) By personal service, or by certified mail on any employee of suitable age and discretion.

Sec. 38-43. Notice of violation; content.

(a) Except as otherwise provided in Section 38-82 and 38-99 (b) of this chapter, notice of violation of any provision of this chapter shall be served upon the owner or other party in interest deemed by the administrator to be in violation of this chapter. Such notice shall be sent by certified U.S. mail, return receipt requested. The notice shall:

(1) Be in writing.

- (2) Give the legal description of the lot or parcel of ground, or the municipal number of the building or structure.
- (3) State the nature of the violation and the section(s) of this chapter which are alleged to have been violated.
- (4) Provide the individual receiving the notice with available alternatives to abate the violations.
 - (5) Provide the individual receiving the notice with information concerning whom he should contact with any questions or objections.
 - (5) Provide the individual receiving the notice with information and procedures for the filing an appeal of the notice.
- (6) Contain a time period within which to comply with the notice.
 - (7) State the maximum penalty which can be imposed pursuant to this chapter for failure to correct any violation.
 - (8) State that any person acquiring any interest in and to the property cited by the administrator as violating any provision of this chapter shall be subject to the requirements of the notice and/or order.

(b) If a notice sent by certified mail is returned undeliverable, constructive notice may be accomplished by publication of a legal notice, one time in the official journal of the city. In the event of publication of a notice as required herein, a copy of the legal notice shall also be posted in a conspicuous place on or about the structure affected by the notice.

Sec. 38-44. Failure to comply with notice to abate violation(s) in structures.

(a) Any notice served upon any owner to repair or correct the violation(s) within a specific period of time or to demolish the structure if the repairs or corrections are not timely affected shall automatically be referred to the board for determination in accordance with Section 38-31 of this chapter.

(b) Any person aggrieved by any decision of the board shall have the right to appeal such decision to the city council in the manner provided in Section 38-52 of this chapter.

Sec. 38-45. Violations and penalties.

Any person who rents, leases or occupies, or who permits any person to rent, lease or occupy, any structure found by final order of the administrator, the board or the city council to be dangerous and/or unfit for human habitation or use, or any building which was placarded by the administrator, shall, upon conviction by a court of competent jurisdiction, be punished pursuant to section 38-15 of this chapter.

Each day the violation exists shall continue shall constitute a separate offense.

Sec. 38-46. Abatement of violation by city or private contractor.

The city may abate any violation by use of city forces or a private contractor upon the failure of the owner to do so after proper notice in which case, the city shall be entitled to assess and collect all costs incurred in performing such work, together with an administrative charge of \$125.00.

Sec. 38-47 – 38-50. Reserved.

Division 2. Appeals

Sec. 38-51. Appeal from decision of Administrator.

Any person aggrieved by any notice of violation from the administrator or any person aggrieved by any order or decision of the administrator shall have the right to appeal the notice or decision to the board by filing a written request for appeal within ten (10) days of receipt of such order, notice or decision.

The board, upon hearing all the testimony and weighing all the evidence, shall either affirm, modify, reverse, or remand the decision of the administrator.

Sec. 38-52. Appeal from decision of Board.

Any person aggrieved by the decision of the board shall have the right to appeal the decision to the city council by filing a written request for appeal within ten (10) days of the date of the decision by the board. The city council shall conduct the hearing on the appeal in accordance with its established rules and procedures. The city council shall either affirm, modify, reverse or remand the decision of the board.

Sec. 38-53. Appeal from decision of city council.

Any person aggrieved by the decision of the city council shall have the right to appeal the decision to a court of appropriate jurisdiction; provided, however, such petition is filed within thirty (30) days of the date of the decision by the city council.

Sec. 38-54. Notice to the chief building official.

Following the conclusion of all appeals, the administrator shall provide the chief building official or his designee with a copy of each order or decision rendered by the administrator, the board, or the city council. The chief building official or his designee shall thereafter limit any permits issued on the property affected by the order or decision to the period of time specified in the order or decision.

38-55 -- 38-60. Reserved.

Division 3. Boathouses and Piers

Sec. 38-61. General requirements for boathouses and piers. (formerly Sec. 38-113)

No person shall let or sublet, or otherwise use for nonresidential purposes, any boathouse or piers, nor shall any boathouse or piers be permitted to exist to which any or any combination of the following apply:

- (1) *Boathouse*: If a boathouse has become deteriorated through exposure to the elements, especially wind, hail or rain, or damage through fire to the extent that the roof, windows, doors or portions of the boathouse or structure will no longer reasonably protect the building and/or its contents from the weather, or the structure can no longer be reasonably used for the purpose for which it was intended.
- (2) *Piers*: If a pier has become so structurally deteriorated that it is in danger of collapse, or such that the pier cannot be expected to withstand the forces of nature, or is not capable of supporting the load which normal use may cause to be placed thereon.
- (3) *Posts and pilings*: Posts or pilings that remain from an inoperable or unusable pier, boathouse, duck blind or other structures shall be removed.

Sec. 38-62– 38-75. Reserved.

Division 4. Demolition

Sec. 38-76. Demolition; generally.

(a) The owner or his designated agent may proceed to demolish and remove any building or structure, or have it repaired, in accordance with the notice from the administrator or in the case of an appeal, the order of the board or the city council, provided that the owner or his agent executes a contract or provides a signed written statement obligating himself to have the work done within the required time and files a copy of same with the administrator.

(b) In the event that the owner of the building or structure fails or refuses to comply with the order or decision of the board or, in the case of an appeal, the city council, within the time period provided in the notice, then, in that event, the administrator, at the direction

of the mayor, may proceed with the demolition or removal of the condemned building or structure, in which case neither the mayor, the board, the city council, or any member thereof, nor the city, its elected officials, agents or employees shall be liable for damages.

(c) When the administrator makes the decision to proceed with the demolition or removal of the condemned building or structure, he shall notify the companies providing utility connections to the building or structure that the building or structure is scheduled for demolition or removal, and the notice shall request the utility company to discontinue service for that structure. The administrator shall attach to the notice the order providing for the demolition or removal, and the notice also shall state that the order is a final order which can only be suspended or overturned by a court of competent jurisdiction.

Sec. 38-77. Emergency.

(a) In case of grave public emergency where the condition of a vacated or empty building or structure presents a threat of extreme hazard or may cause possible immediate loss or damage to persons or property, the administrator may order the structure demolished after 24 hours' notice has been served upon the owner, his agent or any other party in interest. The notice required by this section shall state the specific reason(s) the condition of the building or structure is determined to present an emergency condition.

(b) Where a grave public emergency has been declared by the administrator, the owner, agent or any party in interest, or other representative of the owner who desires to prevent the demolition or removal of the building or structure, shall file a petition in a court of appropriate jurisdiction setting forth the reasons why the decision or order of the administrator is illegal or improper. The petition shall be filed within twenty-four (24) hours of receipt of the order. At the time of filing of the petition, a bond must be furnished as may be fixed by the district judge to cover any damage which might be caused by the condition of the building or structure.

(c) The matter shall be tried de novo and by preference in the district court.

Sec. 38-78--38-80. Reserved.

Division 5. Inoperable Vehicles; Storage of Personalty

Sec. 38- 81. Exterior storage of nonoperating vehicles prohibited.

(a) Abandoned motor vehicles defined. For the purpose of this section, an "abandoned motor vehicle" is defined as:

- (i) any motor vehicle that is in a state of disrepair and incapable of being moved under its own power; or
- (ii) any junked or wrecked motor vehicle which is inoperable, left unattended on any lot, plot or parcel of property, and is so damaged or dismantled as to be a total loss. The term "total loss" shall mean that the cost to repair a damaged or dismantled motor vehicle exceeds the junk value of said vehicle.

(b) No person in charge of or in control of premises, whether owner, lessee, tenant, occupant or otherwise shall allow an abandoned motor vehicle to remain on such property longer than ten (10) days; and no person shall leave any such vehicle(s) on any property within the city for a longer time than ten (10) days.

This section shall not apply with regard to any vehicle(s) in an enclosed building. This section shall further not apply with regard to any vehicle(s) on the premises of a business enterprise operated in a lawful place, and in a lawful manner, when the keeping or maintenance of such vehicle(s) is necessary to the operation of such business enterprise;

or with regard to a vehicle(s) in an appropriate storage place or depository maintained in a lawful place and manner by the city or any other public agency or entity.

Sec. 38-82. Notice.

Upon determining that a violation of this division has occurred, the administrator shall cause a notice to be securely affixed to such vehicle stating that the vehicle is in violation of the provisions of this section and notifying the owner thereof that it will be removed by the city upon the owners failure to remove the vehicle within the period of time provided for in the notice. Notice of violation of the provision of this section shall be sent by certified mail, return receipt requested to the owner of the vehicle as determined by the license tags if such information is available, otherwise notice of the violation shall be sent to the last known owner of the lot or parcel of ground upon which the inoperable vehicle is located as determined by the conveyance records of Caddo Parish. Any vehicle remaining on any property following the expiration of ten (10) days from the date of the notice shall be deemed to be public property and shall be disposed of by the city in accordance with established city procedures.

Sec. 38-83. Storage of personalty.

(a) Unsheltered storage defined. For the purpose of this section, "unsheltered storage" is defined as any storage that is completely enclosed and authorized to be used for such storage. Carports are not enclosed storage buildings. Unsheltered storage of old, unused, stripped, junked and other automobiles not in good and safe operating condition, and of any other vehicles, machinery, implements and/or equipment and personal property of any kind, which is no longer safely usable for the purposes for which it was manufactured, which in this subsection are collectively described as "such personalty," for a period of ten days or more, except in licensed junkyards, within the corporate limits of this city, is hereby declared to be a nuisance and dangerous to the public safety. Removal of such nuisances may be accomplished by use of city forces or a private company, if the owner is not known or the whereabouts of the owner cannot be ascertained or the owner fails to remove such nuisances, with such cost of removal and/or storage being the responsibility of the owner.

(b) No person in charge of or in control of premises, whether owner, lessee, tenant, occupant or otherwise shall allow any unsheltered storage to remain on such property longer than ten (10) days; and no person shall leave any such unsheltered storage on any property within the city for a longer time than ten (10) days.

Sec. 38-84. Appeal.

Any person desiring to appeal the notice of violation issued by the administrator pursuant to the provisions of this division or any person aggrieved by a decision of the administrator with respect to any provision of this division shall have the right to appeal such notice or decision to the board in accordance with the provisions of Section 38-51 of this chapter.

Sec. 38-85 -- 38-90. Reserved.

Division 6. Nuisances

Sec. 38-91. Nuisance generally.

(a) For the purposes of this division, the term "nuisance" is inclusive of the definitions of the term as defined elsewhere in this chapter, and is further defined to mean any condition or use of premises or of buildings exteriors which is detrimental to the property of others, of those things which are determined by the administrator to be dangerous or

potentially dangerous to human life and health including, but not by way of limitation, weeds, fallen dead trees, trash and garbage. This includes, but is not limited to, the keeping, retaining, or depositing on, or the scattering over the premises of, any of the following:

- i. Lumber, junk, trash, debris, glass or building material.
- ii. Abandoned, discarded or unused objects or equipment including but not limited to, automobiles, motor homes, furniture, stoves, refrigerators, freezers, cans or containers.

iii. Standing water in any receptacle.

(b) No person owning, leasing, occupying or having charge of premises shall maintain or keep any nuisance thereon.

Sec. 38-92. Abatement of nuisance.

(a) The owners, tenants, lessees and/or occupants of any lot within the corporate limits of this city upon which such storage is made, and also the owners and/or lessees of such personalty involved in such storage, all of whom are in this subsection referred to collectively as "owners," shall jointly and severally abate such nuisance by the prompt removal of such personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the city, or otherwise to remove it to a location without such corporate limits. Removal of such nuisances may be accomplished by use of city forces or a private company, if the owner is not known or the whereabouts of the owner cannot be ascertained or the owner fails to remove such nuisances, with such costs of removal and/or storage being the responsibility of the owner.

(b) Whenever a nuisance exists on public property, or on a public right-of-way within the city, a citation to appear in the city municipal court may be issued to the owner of the nuisance by the police department.

Sec. 39-93 – 38-98. Reserved.

Division 7. Swimming Pools

38-99. Maintenance of residential swimming pools.

a. Harbor or infestation. Every owner (or, if there is no owner, the occupant) of residentially zoned property having a swimming pool or man-made pond located thereon shall maintain the swimming pool or pond in such a manner that:

1. The swimming pool or pond shall not harbor or become infested with mosquitoes, vermin or other pests;
2. The swimming pool or pond shall not harbor or support submergent or emergent vegetation.

b. Enforcement. Notice of violation of the provisions of this section shall be served upon the owner of the property or other party in interest deemed by the administrator to be in violation of the provisions of this section by certified mail, return receipt requested. The individual receiving the notice shall have ten (10) days to abate the nuisance or the city may cause such nuisance to be abated by city forces or a private contractor, at the cost of the owner or party in interest as provided in this chapter, by methods which may include, but are not limited to, treating the water in the swimming pool or pond with chemicals, draining the contents of the swimming pool or pond, filling the swimming pool or pond with dirt or cement, and/or removing the swimming pool from the premises and disposing of it if it is a portable structure.

In addition to any other rights, powers, or authority contained herein, the administrator shall be empowered to issue written citations to any owner or party in interest deemed to be in violation of the provisions of this section in accordance with the provisions contained in sections 38-14 of this chapter.

Sec. 38-100-- 38-105. Reserved.

Division 8. Weeds and Grass

Sec. 38-106. Grass and weeds and wild growth.

(a) The owner, his agent or other person in control of any vacant lot, vacant place or vacant area within the city shall be required to cut, destroy or remove weeds or grass within a height equal to or greater than 24 inches, or deleterious or unhealthy growths or other obnoxious matter, growing, lying or located in or upon any such vacant lot, vacant place or vacant area, or on any sidewalk abutting such vacant lot, vacant place or vacant area; provided, that the owner, his agent or other person in control of any vacant lot, vacant place or vacant area within a recognized subdivision shall be required to cut, destroy or remove weeds or grass with a height equal to or greater than 12 inches, or deleterious or unhealthy growths or other obnoxious matter growing, lying or located in or on any such vacant lot, vacant place or vacant areas, or on any sidewalk abutting same, within a subdivision.

(b) For the purpose of this subsection, a "recognized subdivision" shall mean any subdivision of land approved by the city council as the governing authority of the city, or the metropolitan planning commission, and recorded in the official records of the parish. "Vacant lot, vacant place or vacant area," as used in this section, shall include all unoccupied properties, whether improved or unimproved.

(c) Exception: The owner, his agent or other person in control of any undeveloped vacant tracts or acreage, which is heavily wooded or otherwise inaccessible because of the overgrowth of natural vegetation, that is adjacent to or abuts developed lots or tracts, shall mow, cut or otherwise clear a minimum 25-foot buffer between the developed and undeveloped tracts or acreage.

(d) The chief administrative officer or his designee shall notify the owner(s) who are not in compliance with the provisions of this division, by certified United States mail, return receipt that if the owner does not comply with the ordinance by cutting, destroying or removing the weeds or grass, within ten (10) days of the receipt of the notice, the city will do so and will charge the cost to the owner.

(e) If the owner has not complied with the provisions of subsection (d) above, within the time allowed, the chief administrative officer or his designee shall then cause the necessary work to be done to effect compliance with the provisions of this section. The work to be performed hereunder shall be done at the expense of the record owner of the vacant lot, vacant place or vacant area and may be performed with the personnel and equipment of the city or by means of a contract with a third person.

(f) When the abatement is done the chief administrative officer shall compile the actual cost of the work, including an administrative charge, which shall be \$125. The director of finance or his designee shall furnish the owner an invoice showing the amount due, and the property on which the work was performed, and giving the owner ten (10) days from the date of the invoice to pay the amount due.

(g) If the invoice is not paid within thirty days of the date of the invoice, the following remedies shall apply:

(i) The director of finance or his designee shall take such action as necessary so that the amount thereof shall be included in and form part of the taxes due by the owner on such property; and

(ii) A certified copy of such invoice or a certified listing which includes the amount due on that invoice and specifies the lot or parcel of real estate to which it applies, shall be filed with the parish clerk of court by the chief administrative officer or his designee, and when so filed, the city shall have a privilege upon such lot or parcel of real estate, second only to tax liens, to secure the expenditures so made, and twelve (12) percent annum interest on the amount until paid. After the fixing of any such lien and for any such expenditures, and interest, suit may be instituted and recovery and foreclosure had in the name of the city in any court of competent jurisdiction, and in any suit or action, the invoice, or a certified copy thereof, shall be prima facie proof of the amount expended in any such work or improvements; and

(iii) The amount due may be collected by the city in any manner allowed by law, including but not limited to instituting collection actions against the property owner personally, placing the account with a collection agency, placing the debt on the property owner's personal credit record, offsetting the debt against funds owed by the city to the property owner, filing suit to recover all amounts due, and denying the property owner city services and privileges until debt is paid.

Secs. 38-107 --38-112. Reserved.

Division 9. Lien and Privilege

Sec. 38-113. Lien and Privilege.

The city shall have a lien and privilege for the cost of abating any violation on any property located within the corporate limits of the city.

Sec. 38-114. Administrative charges; lien and privilege for cost of performing work.

(a) If the owner shall fail to comply with any notice sent pursuant to any provision of this chapter or applicable provisions of state law, or shall fail to comply with any order, decision or determination rendered by the administrator, the board or the board of appeal as provided in this chapter, the city may cause such work to be performed by city forces or a private contractor, and in such case, the city shall be entitled to assess and collect all costs incurred in performing such work, together with an administrative charge of \$125.00.

(b) The city shall have a lien and privilege for the cost of performing any work, or abating any violation pursuant to the provisions of this chapter or applicable provisions of state law, against the lot and improvements upon which the work was performed or the violation abated, and shall be entitled to enforce its lien in accordance with the provisions of this section and applicable provisions of state law.

(c) In order to preserve the lien and privilege, it shall be the duty of the mayor to prepare and sign a sworn statement of facts, giving the description of property and the approximate cost of abating the violation, which statements of fact shall be filed and recorded in the office of the clerk of court of the parish in which the property is located. The city shall be entitled to recover the amount of this expense together with all costs of court by ordinary process in the district court having jurisdiction of the property. No contest or proceeding to question the validity of any lien filed pursuant to this section shall be begun in any court by any person for any cause whatsoever after the expiration of thirty (30) days from the date the lien is filed and recorded.

(d) The lien authorized by this section shall continue to accrue interest, which amount shall be paid prior to cancellation of the lien. The rate of interest shall not exceed the rate of legal interest, as provided in Civil Code Article 2924, and shall be computed from the date of recordation of the lien until paid or enforced.

(e) The city's privilege and lien shall prime all other liens or privileges against the property filed after the notice to the owner is filed with the clerk of court of the parish in which the property is located regardless of the date on which the city's lien and privilege is perfected, except that the city's lien and privilege will not prime other tax liens against the property.

(f) After the city has incurred such costs as constitute the lien and privilege on the property, the director of finance may add the amount of such costs to the next ad valorem tax bill of the owner, and such amount shall be subject to the same interest and penalties as delinquent ad valorem taxes.

(g) If, within six months after the filing of the lien provided for in subsection (a) above, the property owner fails to pay such lien and any interest thereon, the director of finance shall have the authority to offer for sale and subsequently sell or otherwise convey such property for the amount of all municipal liens operating against the property and interest thereon. The amount of any municipal lien operating against the property and interest accruing thereon, except a paving lien, may also be canceled in whole or in part by the city in order to facilitate the sale or disposition of the property for the unpaid lien, or to enable a governmental agency or an organization which is exempt from federal taxation under Section 501 of the Internal Revenue Code to use the property for a public purpose. The procedure for notice, advertisement and sale of the property shall be governed by the law applicable to the sale of property for delinquent city taxes.

(h) Alternatively, the privilege and lien may be enforced in the First Judicial District Court, Caddo Parish, Louisiana, pursuant to the Louisiana Code of Civil Procedure and may be enforced either against the subject property or against the owner personally by ordinary process and subsequent seizure and sale or garnishment of other movable or immovable property of the owner pursuant to the Code of Civil Procedure.

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.

Approved as to legal form:

AMENDMENT No. 1

BY: Councilman Lester
Councilman Walford

Amend the Ordinance as follows:

Delete pages 1-22 of the original ordinance and substitute with the attached pages 1-24.

Deleted: TO ORDINANCE
NUMBER 43 OF 2005

ORDINANCE NO. 59 OF 2005

**AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 60
FOOT-WIDE MONKHOUSE DRIVE IN THE J.B. LEWIS LANDS LOCATED IN**

THE SE 1/4 OF SECTION 18 (T17N-R14W) SHREVEPORT, CADDO PARISH, LOUISIANA, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY COUNCILMAN: Theron J. Jackson

BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that the 60 foot-wide Monkhouse Drive located in the J.B. Lewis lands in the SE1/4 of Section 18 (T17N-R14W), Caddo Parish, Louisiana, and as shown and as indicated on the plat attached hereto and made a part hereof, are hereby closed and abandoned.

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.

ORDINANCE NO. 60 OF 2005

AN ORDINANCE CLOSING AND ABANDONING A DRAINAGE EASEMENT AND ACCEPTING DEDICATION FOR A DRAINAGE SERVITUDE IN LIM-LIN SUBDIVISION UNIT NO 2, 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 existing drainage easement is hereby closed and abandoned and proposed drainage servitude be accepted as dedicated to the public for public use in the City of Shreveport in the Lim-Lin Subdivision Unit No. 2 in Section 35 (T17N-R14W), Caddo Parish, Louisiana, and as shown on the plat attached hereto and made a part hereof.

BE IT FURTHER ORDAINED that the original plat reflecting the easement closed and abandoned and dedication for drainage servitude be recorded in the official records of the District Court for Caddo Parish, Louisiana.

BE IT FURTHER ORDAINED 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.

ORDINANCE NO. 61 OF 2005

AN ORDINANCE CLOSING AND ABANDONING THE SOUTH 30 FEET OF THE 60 FOOT-WIDE SONGWOOD STREET RUNNING ADJACENT TO LOTS 74,75, AND 76 IN THE BIRCHWOOD SUBDIVISION LOCATED IN THE NW 1/4 OF SECTION 30 (T17N-R14W), CADDO PARISH, LOUISIANA AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, today the Property Management Section of the Department of Operational Services has received a request to close and abandon a portion the above identified public right-of-way; and

WHEREAS, Water and Sewerage Engineering has reviewed this request and has no objections to this portion of the street being closed and abandoned.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that the South 30 feet of Songwood Street right-of-way as acquired by the City of Shreveport and recorded in Book 1000, Page 51 & 53, 1961 of the Records and as shown and as indicated on the plat attached hereto and made a part hereof, is hereby closed and abandoned.

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.

ORDINANCE NO. 62 OF 2005

AN ORDINANCE TO CREATE AND ESTABLISH A NO THROUGH TRUCK ROUTE ON KLUG PINES ROAD BETWEEN WESTPORT AVENUE AND W.70th STREET (LA.511) AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY: COUNCILMAN JACKSON

BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened that Klug Pines Road between Westport Avenue and W.70th Street (La.511) is hereby created and established as a No Through Truck Route and it shall be unlawful for trucks exceeding fifteen thousand (15,000) pounds gross vehicle weight to use any portion of Klug Pines Road between Westport Avenue and W.70th Street(La.511) except for local pickup and delivery.

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

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

ORDINANCE NO. 63 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 - Lot 70, North Cedar Grove Addition , 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#171424-056-0070-00) Municipal Address - 6504 Southern Avenue

AMOUNT OFFERED: NONE APPRAISED VALUE: \$500.00 DISTRICT C

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.

ORDINANCE NO. 64 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 1, Delmar Subdivision & ½ Abandoned, Adjudicated Morrow Street, a subdivision in the City of Shreveport, Caddo Parish, Louisiana, as per plat thereof recorded in Book 250 Page 83 of the Conveyance Records of Caddo Parish, Louisiana, together with all buildings and improvements located thereon.

(GEO#171416-052-0010-00) Municipal Address - 5600 McAlpine Street

AMOUNT OFFERED: \$500.00 APPRAISED VALUE: \$2,600.00 DISTRICT F

Property No. 2: Legal Description - Lot 17, Pinetree Acres Subdivision, a subdivision in the City of Shreveport, Caddo Parish, Louisiana, as per plat thereof recorded in Book 700, Page 409 of the Conveyance Records of Caddo Parish, Louisiana, together with all buildings and improvements located thereon.

(GEO#171426-001-0017-00) Municipal Address - 919 Pinetree Drive.

AMOUNT OFFERED: \$13,200.00 APPRAISED VALUE: \$34,000.00 DISTRICT F

Property No. 3: Legal Description - Lot 11, Block 15, West Shreveport Subdivision, a subdivision in the City of Shreveport, Caddo Parish, Louisiana, as per plat thereof recorded in Book 15, Page 776 of the Conveyance Records of Caddo Parish, Louisiana, together with all buildings and improvements located thereon.

(GEO#171402-075-0011-00) Municipal Address - 1317 Portland

AMOUNT OFFERED: \$2,500.00 APPRAISED VALUE: \$6,500.00 DISTRICT A

Property No. 4: Legal Description - Lot 50, Block A, Washington Terrace Subdivision, a subdivision in the City of Shreveport, Caddo Parish, Louisiana, as per plat thereof recorded in Book 250, Page 280 of the Conveyance Records of Caddo Parish, Louisiana, together with all buildings and improvements located thereon.

(GEO#171416-054-0050-00) Municipal Address - 4041 Tate Street

AMOUNT OFFERED: \$3,000.00 APPRAISED VALUE: \$3,000.00 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.

ORDINANCE NO. 65 OF 2005

AN ORDINANCE LEVYING VARIOUS TAXES TOTALING EIGHTEEN AND EIGHTY-TWO ONE HUNDREDTHS (18 AND 82/100THS) MILLS PER DOLLAR ON ALL PROPERTY SUBJECT TO AD VALOREM TAXATION WITHIN THE CITY OF SHREVEPORT FOR THE YEAR 2005 IN THE

AMOUNTS AND FOR THE PURPOSES DESCRIBED HEREIN, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport in due and legal session convened, that:

An ad valorem tax of Ten and Ninety-nine One Hundredths (10 and 99/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2005; for the purpose of general operating expenses of the General Fund.

BE IT FURTHER ORDAINED that an ad valorem tax of Eighty-nine One Hundredths (89/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2005; for the purpose of operating and supplying recreational facilities and appurtenances and maintaining the same, title to which shall be in the public, in accordance with the results of a special election held April 5, 2003.

BE IT FURTHER ORDAINED that an ad valorem tax of One and Fifty-seven One Hundredths (1 and 57/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2005; for the purpose of providing revenues sufficient to enable the City of Shreveport to provide a three-platoon system in the Police Department, now in effect in the City of Shreveport in accordance with Act 323 of the Legislature of Louisiana for the year 1936.

BE IT FURTHER ORDAINED that an ad valorem tax of One and Nineteen One Hundredths (1 and 19/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2005; for the purpose of improving, repairing, and maintaining the streets of the City of Shreveport, title to which shall be in the public, in accordance with the results of a special election held April 5, 2003.

BE IT FURTHER ORDAINED that an ad valorem tax of One and Nineteen One Hundredths (1 and 19/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2005; for the purpose of continuing the salary and wage schedule of City employees, in accordance with the results of a special election held April 5, 2003.

BE IT FURTHER ORDAINED that an ad valorem tax of One and Nineteen One Hundredths (1 and 19/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2005; for the purpose of police and fire personnel and allowance for uniforms and equipment for said departments in accordance with the results of a special election held April 5, 2003.

BE IT FURTHER ORDAINED that an ad valorem tax of One and Eighty One Hundredths (1 and 80/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2005; for the purpose of providing funds for the City's portion of pensions, employee life insurance and hospitalization plan for City employees in accordance with the results of a special election held April 5, 2003.

BE IT FURTHER ORDAINED that this ordinance shall be full authority to the Tax Assessor of Caddo Parish and the Tax Assessor of Bossier Parish to extend said taxes on the assessment rolls of the City of Shreveport for the year 2005.

BE IT FURTHER ORDAINED that the Director of Finance, Ex Officio Tax Collector of the City of Shreveport, be and she is hereby empowered, authorized, and directed to cause said taxes, as herein above set forth, to be spread upon the tax roll of the City of Shreveport for the year 2005, to collect said ad valorem taxes for and on behalf of said City, according to law, and to place the same to the credit of the funds described herein above as authorized by law. The taxes herein levied shall become a permanent lien and privilege on all property subject to taxation as herein set forth, and the collection thereof shall be enforceable in the manner provided by law.

BE IT FURTHER ORDAINED that the Clerk of Council shall provide a certified copy of this ordinance to the Tax Assessor of Caddo Parish and the Tax Assessor of Bossier Parish immediately after its final passage by the City Council and approval by the Mayor.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance and the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications and to this end the provisions of this ordinance are hereby declared severable.

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

ORDINANCE NO. 66 OF 2005

AN ORDINANCE LEVYING A TAX OF TWENTY-SEVEN AND EIGHTY-TWO ONE HUNDREDTHS (27 AND 82/100THS) MILLS PER DOLLAR ON ALL PROPERTY SUBJECT TO AD VALOREM TAXATION WITHIN THE CITY OF SHREVEPORT FOR THE YEAR 2005 FOR THE PURPOSE OF PAYING PRINCIPAL AND INTEREST ON THE OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY OF SHREVEPORT, 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:

An ad valorem tax of Twenty-seven and Eight-two One Hundredths (27 and 82/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2005, for the purpose of paying the principal and interest on the outstanding general obligation bonds of the City of Shreveport, and creating a reasonable reserve for the payment of such principal and interest as the same respectively become due and payable, and this shall be full authority to the Tax Assessor of Caddo Parish and the Tax Assessor of Bossier Parish to extend said tax on the assessment rolls of the City of Shreveport for the year .

BE IT FURTHER ORDAINED that the Director of Finance, Ex Officio Tax Collector of the City of Shreveport, be and she is hereby empowered, authorized, and directed to cause said taxes, as herein above set forth, to be spread upon the tax roll of the City of Shreveport for the year 2005, to collect said ad valorem taxes for and on behalf of said City, according to law, and to place the same to the credit of the funds described herein above as authorized by law. The taxes herein levied shall become a permanent lien and

privilege on all property subject to taxation as herein set forth, and the collection thereof shall be enforceable in the manner provided by law.

BE IT FURTHER ORDAINED that the Clerk of Council shall provide a certified copy of this ordinance to the Tax Assessor of Caddo Parish and the Tax Assessor of Bossier Parish immediately after its final passage by the City Council and approval by the Mayor.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance and the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications and to this end the provisions of this ordinance are hereby declared servable.

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

ORDINANCE NO. 67 OF 2005

AN ORDINANCE LEVYING A TAX OF EIGHT AND THIRTEEN ONE HUNDREDTHS (8 AND 13/100THS) MILLS PER DOLLAR ON ALL PROPERTY SUBJECT TO AD VALOREM TAXATION WITHIN THE BOUNDS OF THE DOWNTOWN DEVELOPMENT DISTRICT OF THE CITY OF SHREVEPORT AS DEFINED BY ACT 554 OF 1978, AS AMENDED, FOR THE PURPOSES AS SET FORTH HEREIN, 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:

An ad valorem tax of Eight and Thirteen One Hundredths (8 and 13/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the bounds of the Downtown Development District, as defined by Act 554 of 1978, as amended, for the year 2005, and to be expended by the Downtown Development Authority for administration, operational expenses, capital improvements, project expenses or the retirement of bonds or other evidences of indebtedness, all in accordance with the results of a special election held November 5, 2002, and this shall be full authority to the Tax Assessors of Caddo Parish and Bossier Parish to extend said tax on the assessment rolls of the City of Shreveport for the year 2005.

BE IT FURTHER ORDAINED that the Director of Finance, Ex Officio Tax Collector of the City of Shreveport, be and she is hereby empowered, authorized, and directed to cause said taxes, as herein above set forth, to be spread upon the tax roll of the City of Shreveport for the year 2005, to collect said ad valorem taxes for and on behalf of said City, according to law, and to place the same to the credit of the funds described herein above as provided for and authorized by the special election held on November 5, 2002. The taxes herein levied shall become a permanent lien and privilege on all property subject to taxation as herein set forth, and the collection thereof shall be enforceable in the manner provided by law.

BE IT FURTHER ORDAINED that the Clerk of Council shall provide a certified copy of this ordinance to the Tax Assessor of Caddo Parish and the Tax Assessor of Bossier Parish immediately after its final passage by the City Council and approval by the Mayor.

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

items or applications and to this end the provisions of this ordinance are hereby declared severable.

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

ORDINANCE NO. 69 OF 2005

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

BY:

WHEREAS, the City Council finds it necessary to amend the 2005 budget for the Airports Enterprise Fund to reallocate funds among expenditure categories and for other purposes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in legal session convened, that Ordinance No. 165 of 2004, the 2005 budget for the Airports Enterprise Fund, is hereby amended as follows:

In Section 2 (Appropriations):

Decrease Operating Reserves by \$639,200 and increase Transfer to Capital Projects Fund by \$639,200.

BE IT FURTHER ORDAINED that the remainder of Ordinance No. 165 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.

Amendment No. 1

Deleted: to Ordinance No. 69 of 2005

AMEND THE ORDINANCE AS FOLLOWS :

In Section 2 (Appropriations):

Decrease Personal Services by \$20,000.

Increase Materials and Supplies by \$20,000.

Adjust totals and subtotals accordingly.

ORDINANCE NO. 70 OF 2005

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

By:

WHEREAS, the City Council finds it necessary to amend the 2005 Capital Improvements Budget to increase funding for capital 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 H (Airports Improvements)

Increase the appropriation for **Improvements for Continental Air Lines Facility (01H008)** by \$502,200. Funding source is Shreveport Airport Authority.

Increase the appropriation for **Jet Bridge for Northwest Airlink (04H006)** by \$137,000.
Funding source is Shreveport Airport Authority.

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.

ORDINANCE 71 FOR 2005

AN ORDINANCE DECLARING A PUBLIC EMERGENCY IN CONNECTION WITH REPLACING AND UPGRADING COMPONENTS IN THE REPAIR OF THE ROOF OF THE EXPRESSJET MAINTENANCE FACILITY AT SHREVEPORT REGIONAL AIRPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BY: COUNCILMAN GREEN

WHEREAS, the Shreveport Airport Authority ("Authority") has jurisdiction over and administrative control of the Shreveport Regional Airport; and

WHEREAS, over the years, the roof on the Expressjet Maintenance Facility has sustained significant wind damage and leaks causing water to enter into the hangar; and

WHEREAS, Expressjet is responsible under the terms of the lease for maintenance and repair of the Expressjet Maintenance Facility; and

WHEREAS, Expressjet has funded a Repair and Replacement Reserve Fund to accommodate such repairs; and

WHEREAS, it is important to promptly correct this problem before damage can escalate and cause additional repairs to be necessary.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in due legal, and regular session convened, that the emergency action be taken to repair the roof of the hangar; and

BE IT FURTHER ORDAINED that monies for this emergency repair shall be reimbursed from the Repair and Replacement Reserve Fund.

BE IT FURTHER ORDAINED that a public emergency is hereby declared and notice of such public emergency shall, within ten days thereof, be published in the official journal of the City of Shreveport proposing or declaring such public emergency in accordance with Section 38:212 (D) of the Louisiana Revised Statutes.

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 provision, 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 are hereby repealed.

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ORDINANCE NO. 49 OF 2005

BY:

AN ORDINANCE 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

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of Lot 111, Pine Hill Estates located on the SE corner of Downing and Redstone, Shreveport, Caddo Parish, Louisiana, **be and the same is hereby changed 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 .**

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

- 1. Development of the property shall be in substantial accord with a revised site plan to be submitted to and approved by the Zoning Administrator, showing parking and landscaping to ordinance standards, with any significant changes or additions requiring further review and approval by the Planning Commission.**
- 2. If the management/leasing of these housing units at this location ceases, then these office rights will terminate.**

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

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

ORDINANCE NO. 68 OF 2005

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY:

BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that certain sections of Chapter 106 of the Code of Ordinances are hereby amended as follows:

Amend Section 106-1 by deleting “*Minor modification*” from the list of defined terms.

Amend Section 106-22 of the Ordinance to now read as follows:

Sec. 106-22. Schedule of fees, charges and expenses.

The city council shall establish a schedule of fees, charges and expenses for applications for permits and certificates, amendments, appeals and other matters related to this chapter. Until all applicable fees, charges and expenses have been paid, no action shall be taken on any application or appeal. The fee schedule is hereby established as follows:

Application Description	Early filing fee	Final filing fee
Zoning Ordinance Amendment	\$ 500.00	\$ 650.00
Planned Unit Development (PUD)	500.00	650.00
Planned Building Group (PBG)	300.00	450.00
Uses Requiring Planning Commission Approval		
No Public Hearing	300.00	450.00
Public Hearing	500.00	650.00
Site Plan Approval / Revision (Board Review)	300.00	450.00
Stipulation Revisions (Public Hearing)	500.00	650.00
Zoning Board of Appeals		
Variance	300.00	450.00
Special Exception Use	500.00	650.00
Special Exception Use (Alcohol related)	750.00	900.00
Administrative Decision Appeal	500.00	650.00
Stipulation Revisions (Public Hearing)	500.00	650.00
Site Plan Revisions (Board Review)	300.00	450.00
Subdivision Reviews		
Preliminary Plan	100.00	200.00
Final Plat	*100.00	*200.00
*there is a \$100.00 flat filing fee with an additional \$10.00 fee per lot up to \$500.00 maximum for early filing. The maximum per lot fee for fees paid on the final filing date will not exceed \$600.00		
Administrative Procedures, Applications or Permits		Fee
Appeal to City Council		* \$ 250.00
Certificates of Occupancy		
Home based business		50.00
Commercial location		50.00
Zoning Verification		50.00
Other Procedures		
Administrative Approvals		
Variances		150.00
Use Approval (Residential)		350.00
Use Approval (Commercial)		500.00
Public Records Request (requiring research)		10.00 fee plus 10.00 / hour
Reproduction		.15 / page
Map Fees		
Single Plotted Zoning Map		8.00
Set Plotted Zoning Maps		190.00

Single Zoning Map on CD (pdf format)	8.00
Set of Zoning Maps on CD (pdf format)	30.00
Any Prepared Map Ready to Plot	8.00
Custom Map (1 hour minimum charge)	20.00 / hour
Color InkJet Copies	.50 / copy
Administrative Review for Wireless Communication Towers	500.00
Design Standards Review	200.00
Sign Permits	
On-Premise	
Attached	50.00
Detached	150.00
Surface Change Only	30.00
Off-Premise	
New, structural modification or change in the number of faces (per face)	200.00
Surface Change Only	no charge
*501(c)3 corporations (non-profits) and individuals qualifying as and executing an in forma pauperis affidavit are exempt from payment of this fee	

Amend Sec. 106-38—106-45. Reserved to now read “Amend Sec. 106-38 –106-44. Reserved”.

Amend the title of Division 3. APPEALS, VARIANCES AND SPECIAL EXCEPTIONS to now read “Division 3. APPEALS, VARIANCES AND SPECIAL EXCEPTIONS AND ADMINISTRATIVE APPROVALS”.

Add Section 106-45 to read as follows:

Sec. 106-45. Administrative approvals.

(a) *Types.* The planning director may provide administrative approvals under the conditions described herein without the requirement of an application to the respective board otherwise required by this ordinance. Planning director administrative approvals shall be limited to the following circumstances:

- (1) Reduction of not more than 25 percent in the front yard setback requirement in any district.
- (2) Reduction of not more than 50 percent in the rear or side yard setback requirements in any district, except when the reduction is for an accessory structure adjacent to a public utility easement, a railroad right-of-way or the 172-foot contour of Cross Lake, in which case the reduction may be up to 100 percent of the required rear or side yard.
- (3) Increase of not more than ten percent in the maximum height permitted in any district.
- (4) Reduction of not more than ten percent in the required number of hard-surfaced parking spaces, provided land area is available on the site to provide the required parking if necessary.
- (5) Approval of uses in a given district that are explicitly allowed by other sections of this ordinance.

(b) *Procedure.* An application for Planning Director or Administrative Approval may be requested by any person, firm or corporation by filing a written application thereof in the office of the metropolitan planning commission.

(1) *Application requirements.* Each application shall contain at least the following information:

a. *Applicant and owner.* The name, address and signature of the applicant and all property owners and all persons or legal entities whose ownership interest in the site being considered equals or exceeds five percent shall be included with the application.

b. *Property description.* A written legal description of the land area or property for which an administrative approval is being requested, as well as proof of ownership of such property such as a deed or tax notice.

c. *Site plan.* A plot plan showing accurate dimensions of the site, the location of any existing or proposed buildings on the site and dimensions of these buildings from the property lines, the location of off-street parking spaces and maneuvering area, existing and proposed landscaping and such other information that further defines the request.

d. *Signed statement.* A statement signed by each property owner whose property adjoins or is directly across the street from the applicant's property stating that they are aware of the request for an administrative approval and that they have no objection to the request.

e. *Fee.* Deposit with the planning commission a fee in the amount specified in the current schedule of fees for processing the application.

(2) *Administrative examination.* Upon receipt of a completed application, the planning director or his designee shall examine the application and shall conduct such investigations as necessary to determine that the representations in the application are accurate. Within 14 calendar days of receipt of the completed application, the planning director or his designee shall notify the applicant in writing of the decision, the reasoning and/or stipulations pertaining to the decision. The failure of the planning director to act upon any application within the time period provided herein shall be deemed as a denial. The decision of the planning director may be appealed to the zoning board of appeals and scheduled for a public hearing according to its established application requirements, deadlines, fees and public hearing process, provided that the appeal is filed within ten days of receipt of the planning director's or designee's certified decision notice, or within ten days from the date in which the application was deemed to be denied. The decision of the planning director may be appealed to the zoning board of appeals and scheduled for a public hearing according to its established application requirements, deadlines, fees and public hearing process, provided that the appeal is filed within ten days of receipt of the planning director's or designee's certified decision notice.

Amend Section 106-46(f)(5) to now read as follows:

Sec. 106-46. Board of appeals.

(f) *Powers of the board.* Subject to the limitations enumerated herein, the board shall have and exercise the following powers; in the exercise of its powers the board may reverse or affirm, in whole or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision

or determination as ought to be made and, to that end, shall have all of the powers of the officer or department from whom the appeal is taken:

(5) *Administrative Approvals.* To hear and decide appeals from any request for administrative approval of a Planning Director of staff decisions regarding uses or variances that are allowed with the planning director's approval.

Amend Section 106-46 as follows:

- a. Delete Section 106-46 (f) (6) in its entirety.
- b. Delete Section 106-46(g) in its entirety.

Amend Section 106-51 to now read as follows:

Sec. 106-51. Reports.

Monthly reports shall be provided to the zoning board of appeals and to the city planning commission regarding the number and disposition of administrative approval applications processed.

Amend Section 106-1122 (k) to now read as follows:

Sec. 106-1122. Off-premises outdoor advertising.

(k) *Permit requirement.* No sign shall be erected, altered, or relocated without first securing a permit from the superintendent of permits and inspections and payment of the fee established in the schedule of fees contained herein. Such permit shall contain the location of the sign structure, the name and address of the sign owner, the sign erector, a drawing or drawings showing the design and location of the sign and such other pertinent information as the superintendent of permits and inspections may require to ensure compliance with all ordinances of the city.

Amend Section 106-1123 (f) as follows:

- a) Amend Section 106-1123(f)(1) to now read as follows:

Sec. 106-1123. On-premises advertising signs.

(f) *Permit.*

(1) *Required.* No sign shall be erected, altered or relocated without first securing a sign permit from the chief building official and payment of the fee established in the schedule of fees contained herein. No permit will be required when changing out the sign face of an existing business. However, a permit will be required when changing out the sign face to a new business or ownership. Such permit shall contain the location of the sign structure, the name and address of the sign erector which shall be obtained from such drawings showing the design and location of the sign and such other pertinent information as deemed necessary to ensure compliances with all ordinances of the city. The zoning administrator shall ensure that all requirements of this chapter have been met prior to a permit being issued.

- b) Delete Section 106-1123(f)(2) in its entirety.

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

BE IT FURTHER ORDAINED if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions,

items, or applications and to this end the provisions of this ordinance are hereby declared severable.

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

UNFINISHED BUSINESS:

1. **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)

Motion by Councilman Lester, seconded by Councilman Hogan to remove this item from the agenda.

Mr. Thompson: For the record, that's Ordinance No. 98 of 2004.

Councilman Gibson: Mr. Thompson, do we need a motion to remove?

Mr. Thompson: Yes.

Councilman Gibson: Okay, thank you.

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

Councilman Hogan: Mr. Chairman, I know we've already voted, but Councilman Lester, what if you could, just tell us the outcome of this property. What exactly happened on it.

Councilman Lester: I think Mr. Chairman, I think it's a dead issue. I think it's been one of those things where we've been waiting for a report. And I think from what I understand from the Administration is we're looking to actually instead of donate, we're actually looking to sell the property as opposed to doing a donation. And at such time that the Administration does not find a suitable buyer, then they will be free to come back. But rather than for us to just sit on the agenda over and over, and over, and ask, I just said lets remove it and keep going.

Councilman Hogan: Would that include getting an appraisal on the property or has that been done yet?

Councilman Lester: I'm not - - - has that been done?

Mr. Antee: Talking about the fire station on Hearne?

Councilman Lester: Yes. NO, no, no. Not the Hearne. North Common, I mean N. Market.

Mr. Antee: That has been done. I'm sorry, I mean on North Market. Yes that has been done and I think we're in the process of advertising it for bids now.

NEW BUSINESS:

Councilman Gibson: Gentlemen, Mr. Thompson brought to my attention in terms of the resolution to establishing a committee, I will appoint Councilman Walford with his

experience in terms of some of the things dealing with zoning. I know he's had some concerns; Councilman Lester of which I know you've had some concerns regarding alcohol sales in your district, and myself. I'm going to look to try to have a meeting with Metropolitan Planning Commission and some of those within the next two weeks and I'll coordinate that with Charles Kirkland. And we'll see if we can get that going. And Councilman Walford, I would ask that you kinda keep tabs on what's happening down at the legislature as that commences. But I appreciate that.

Councilman Hogan: Mr. Chairman, just curious to know as a matter of record, did you appoint a chairman?

Councilman Gibson: I did not.

Councilman Hogan: You need one?

Councilman Gibson: In fact, I'll let that be the pleasure of the three Councilmen, and we'll kind of get together and pow wow on that. Would that be amenable Councilman Walford, and Councilman Lester?

Councilman Jackson: I'll take it.

Councilman Gibson: Under New Business, we have the election - - - Councilman, or Mr. Thompson, I'm trying to promote you over here to this empty seat.

Councilman Lester: Some say that might not be a promotion.

Mr. Thompson: This matter, the election is not on the official agenda. So a motion to suspend the rules and amend the agenda to provide for the election of the City Council Chairman and - - -

Motion by Councilman Lester, seconded by Councilman Hogan to suspend the rules to provide for the election of City Council Chairman and Vice-Chairman. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Out of the Chamber: Councilman Carmody. 1.

Councilman Gibson: Gentlemen, the floor is open for nominations for - - -

Councilman Lester: Mr. Chairman, I nominate Councilman Hogan as Chairman.

Councilman Walford: I'll second.

Motion by Councilman Lester, seconded by Councilman Walford to nominate Councilman Hogan for City Council Chairman.

Councilman Hogan: Mr. Chairman, thank you. You know I appreciate that, I really do, it's flattering. I have thought about this already as we've talked you know behind closed doors. And again, I thank you for the offer of the nomination Councilman Lester. But I'm choosing to pass Mr. Thompson, am I doing this appropriately? I'm decline.

Councilman Walford: Mr. Chairman, I understood that, but I wanted everyone to know that Mr. Hogan was afforded the opportunity. I think it was important for the public to understand.

Councilman Lester: Mr. Chairman, that being done, I nominate Councilman Green.

Councilman Green: I accept.

Motion by Councilman Lester, seconded by Councilman Jackson to nominate Councilman Green for City Council Chairman.

Councilman Jackson: Mr. Chairman, I want to bring it to the attention of Councilman Green who has accepted and I might add is everybody's second choice, I wanted to say to him, remind him that I think there is some prevailing, and maybe Ms. Glass can speak to it, legislation or ruling from the ethics committee, that in this case, the person who is nominated for chairman should not vote for himself in this - - - I think that's correct, but just wanted to bring that up for his edification, and maybe the Council's edification.

Councilman Gibson: Mr. Jackson, thank you and I'm going to turn to Mr. Thompson and Ms. Glass. I'm not sure that we've had that brought up in the past. Is that - - -?

Ms. Glass: I have to tell you, I have not recently researched that. I know that it was the law that you could vote for yourself in such a situation, but I am thinking there may have been a new opinion on that. I'm sorry, I just have not looked at it recently.

Councilman Gibson: So, I guess the previous Council Chair, we could have a legal challenge saying that the previous Chairs have all been illegal? I'd hate to ask Mr. Green to step out of the Chamber.

Councilman Jackson: He'd have to leave.

Councilman Gibson: So noted, and we'll leave it at that. We have a motion and a second on the floor for Chairman to take office in two weeks or I guess immediately.

Councilman Lester: I move that the nominations be closed.

Councilman Jackson: Second.

Motion by Councilman Lester, seconded by Councilman Jackson to cease nominations.

Councilman Hogan: But we hadn't voted on - - -

Councilman Gibson: I understand that, I think that's a formality.

Councilman Walford: Mr. Chairman, are you sure that's the right word up here right now?

Deleted: ¶

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

Councilman Gibson: Do we have nominations for Vice-Chair?

Councilman Walford: Mr. Chairman, I'd like to nominate Councilman Lester.

Councilman Lester: I decline.

Councilman Hogan: I'd like to nominate Councilman Jackson for Vice-Chairman.

Councilman Green: Second.

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

