

COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT, LOUISIANA  
MARCH 26, 2002

The regular meeting of the City Council of the City of Shreveport, State of Louisiana, was called to order by Chairman John David Stewart, at 3:07 p.m., Tuesday, March 26, 2002, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Councilman Burrell.

On Roll Call, the following members were Present: Councilmen Huckaby, Stewart, Carmody, Serio (arrived at 3:25), Spigener, Shyne and Burrell. 7. Absent: None.

Motion by Councilman Shyne, seconded by Councilman Huckaby for approval of the Summary Minutes of the Administrative Conference of March 11, 2002 and the Minutes of the Regular Meeting of March 12, 2002. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Spigener, Shyne and Burrell. 6. Nays: None. Absent: Councilmen Serio. 1.

**Awards, Recognitions of Distinguished Guests, and Communications of the Mayor and Council Which Are Required By Law.**

Mayor Hightower: I do not have anything today. It is my understanding that a Council member is going to, are we going to have our young visitors come up today.

Councilman Stewart: Is the young group here, the guest of anybody in particular and do we have a representative? Mayor Hightower: We do.

Coach Delaney: Most people refer to me as Coach Delaney. I been coaching longer than I have been policing, but myself and Chief Jim Roberts, the Chief of Shreveport Police Department and Cleophaus Banks, we are coaches of 2 basketball teams. I've got an 11-year old basketball team who are the City Champs as well as the State Champs and we have an 8 year old basketball team who are the City Champs and both teams finished this season, one finished 17-0 and the other team finished the season 16-0. So with me today, I have all of my players and some of the parents.

Councilman Stewart: We are glad to have you with us. Could we see the Champions, would you ask them to stand. Coach Delaney: Yeah, I would.

Councilman Stewart: So that we have the record straight and make sure that we recognize this outstanding group, could you give us the names and ages or any other pertinent information.

Coach Delaney: As I mentioned earlier, we have two basketball teams, the 8-year old basketball team and most of those players are from Judson Elementary School and some of them I don't know by name even though they have been with me for 2 or 3 years. I call them, this is one of the twins. I call him Little Twin because I can't tell this one from. . . . They let me know during the game if I refer to them as Aaron and Aveon. If I call one the wrong name, they'll say I'm Aaron and I'm Aveon, so I came up with, three years, came up with Little Twin and Big Twin, that way I can get it right. I have David Swine (and I have some Parents and Grandparents and Aunts and Uncles also that is in the audience). He is part of the 11-year old City Champs. I have one young lady, who is the cutest thing on the team, her name is Diamond Williams. Matthew Delaney, my son, Nicholas Brewster, Torey Sledge, Roderick Kirkendoll, Tony Williams, DeCorey McMarshall, Chris Greggs and Jamel Williams and I have about 4 or 5 other players who are not here, they are out of town visiting parents. Chief Roberts, he and I been coaching this team for 3 years and he is out of town today and we just wanted to bring the teams before the Council and kind of show ya'll some of the things they been doing. These teams also make up a baseball team who is also the City Champs, so they been together for 3 years.

Councilman Shyne: Coach, you got another coach back there, Cle.

Coach Delaney: That's my Assistant Coach. When I was little boy—I hate to tell how old he is, but when I was little boy about this age, Cleophaus used to coach me, so. . .

Councilman Shyne: Now, that is what I was about to say. In case you all don't know, Cleophaus was an All American at Southern University. He could do, of course, he can't do it now but he could do it during that time, Cle was an All American.

Councilman Stewart: We are glad to have you with us. Do you have any assistants, and could you recognize the parents for us and let us hear their names and who their children are (the parents and grandparents introduced themselves and their children). Thank ya'll for being with us and thank you parents for standing and being recognized.

Coach Delaney: I would just like to say on behalf of the Police Department and in the absence of Chief Jim Roberts, thank ya'll for having us, giving us this opportunity to come down here to present the boys to you guys and girl. We look forward to coming back again next year.

Councilman Burrell : Who is on the 8-year old team?

Coach Delaney: Well, actually I'm glad you mentioned that Councilman, because actually most of my 8-year old boys are actually larger than my 11-year old boys.

Councilman Burrell: That is what I was wondering.

Coach Delaney: And I have 2 or 3 that is not here who are smaller than these 11-year old so actually when we go off to places to play, when they walk in the gym people kind of make fun of them, referring to them as midgets. At the end of the full quarter, we usually beat the opposing team by anywhere from 19 to 20 points (compared the size of two of the team members). So, most of my 8 and 9-year old players are larger than my 11-year old players. They been telling me that they can beat the 11-year old, but I don't think. . . .

Mr. Cleophaus Banks: I just wanted to preface the Coach's remarks, I just couldn't be remiss without saying that, he is very shy in tooting his own horn. Coach Delaney really stresses the fact, even at this age, that the children be student athletes, so to speak so it is not just the winning or an unblemished record, but the fact that we go to these kids school, check on their grades, and stress the need for them to be student athletes and be good citizens so we do, in many cases, we do most coaching off of the basketball court than on the basketball court and this is a continuation. These children are going to continue to be working with the same coaches throughout the duration until they get too old to coach because I think Coach Delaney has amazed something like about 700 victories over his career. And young men like Stromile Swift and if you watch the newspaper or read the newspaper, the other day I think there are about seven players on the first and second times, All City or All Parish teams that came under the toulage of Coach Delaney. And, so this is a continuation in terms of them continuing their careers and stressing the idea, they be successful to try to come back to the neighborhood and give something back so I just needed to say that before we leave.

Councilman Shyne: Mr. Chairman, I would hope that at some point you would call a public hearing because I think we are kind of at the end of the public hearings within the different Council districts, so we can get the feedback for the redistricting. I think by May, by the first Council meeting in May or the last Council meeting in April, we need to have something that we can vote on and send to the Justice Department for redistricting.

Councilman Stewart: I certainly will, I've made two calls to Mr. Gary and I've not heard from him yet, but your point is well taken, we'll certainly do it.

Councilman Carmody: Just a point of information. I have requested from Mr. Joiner that he provide us with a firm timeline after he has had a chance to speak with Ernie Roberson to confirm exactly when the last date for us to submit would be, so that we can make sure that we don't go

toward that end.

Councilman Shyne: You are exactly right because I think it would be better for us to have some flexibility time instead of just running right up to the last date. Last time, because it has been 10 years ago and I don't want it to seem like I been around that long Charles, but I don't know, maybe I was just a little boy 10 years ago, kind of looking then like those kids there, but we did, we kind of ran up to where it was a kind of a rush-rush and hurry-hurry and I would hope that we wouldn't get in that mode this time so as soon as you can and 'cause you might want to let Mr. Joiner know that, we are kind of setting the date and if it is something that he needs to do, he might need to kind of plan what he needs to do along with our timeline so we won't be running.

We've really had some wonderful feedback, I'm mean, we've had wonderful feedback and all of the meetings that I've attended, I think I may be attended about 4 or 5, we had excellent participation and we had some good questions raised. I think this time around, the plans that Mr. Joiner has put together have been excellent plans and I think we are kind of on a good time schedule and I wouldn't want to see us get that far behind.

Councilman Stewart: I agree 100 percent, thank you for your comments.

Councilman Burrell: On the redistricting plan, are we to assume them that the plan that was shown in the meetings are the only plans that we would be considering because that is not my understanding? It is my understanding from the meetings that I went to, the plans that were shown were base plans from which to finally formulate a plan and if I am mistaken, I would hope someone would correct me.

Councilman Stewart: Mr. Burrell, I don't believe you are incorrect at all. Mr. Joiner, I believe the last time perhaps someone could change me slightly here, there were 20 some odd plans at the end. Mr. Joiner, was charged with providing us some initial information with the testimony, comments, and the concerns and desires of everybody that were expressed in the district meetings as well as otherwise, I would assume would bring about other alternatives and possibilities and certainly perhaps some changes in the various plans that were presented. Those were a basis for a beginning not an end, in my opinion.

Councilman Burrell: You said 20 some odd plans?

Councilman Stewart: I was saying that in respects of last redistricting.

Councilman Burrell: Oh, okay because I only saw four.

Councilman Shyne: Tell him, Mr. Chairman, you are talking about the last 10 years. Ten years ago, not---may I comment on that too.

Councilman Burrell: I thought I'd miss something.

Councilman Stewart: Not at all, I think the point is, there were that many, the mid-20's and it was because of participation and changes and ideas and I think we were certainly pressing, at that time, a time frame just like this one and we need to obviously observe it.

Councilman Shyne: I think what would be good, because what we did last time, if you have a plan that you would like for Mr. Joiner to come up with, if you'd call him and go by his office and sit down and talk with him, he doesn't mind working with you and coming up with a plan. And at the last public hearing he would bring that plan forth because we don't have the time to sit down and just go over a whole lot of the plans because we only have maybe 2 or 3 more Council meetings and we are going to have to vote on this. But, from what we did last time, we called him and went by his office and we kind of went over with him the kind of plan that we thought that we would like to see and then you know, eventually, it is all brought to the Council and we vote on it.

Councilman Stewart: That is correct.

Councilman Shyne: We will vote on the plan.

Councilman Burrell: I agree with you there. I think that each of us sat with him and made our initial recommendations, that is what was my understanding, not a final plan that would like to see but a initial recommendation on what you would like to see in your district. From there, it is my understanding that the plans were fluid enough that if there was some give and take on these plans that we would try to do that before the final plans are looked at and brought before the public so that we can have a variation of, a variety of plans that we can chose from, so I guess that was my take on it.

Councilman Stewart: I think your concern and your interest are directed correctly, and I would encourage you to contact us Mr. Joiner and offer him your specific thoughts and request that he embrace that and how it would impacts your district and then the necessary impacts in the other districts.

Councilman Shyne: I would like to make this communication to the Administration. Mr. Mayor I would hope that we have the Swack Track Meet that is being held here in Shreveport again. And last year—I don't want to use the word, slip, but I guess I could, they kind of slipped in and we really didn't get the PR that we really needed and its really the kind of event that we need to keep here in Shreveport from talking to the director. I think you met him at the Eddie Robinson thing, Dr. (can't forget his name and he taught me Freshman Physical Education).

If you could assign maybe Liz Swaine and maybe Mr. Sam Gilliam and maybe another person to work with them in trying to make this a event that will go over extremely well because what they would like to do, they would like to keep it here in Shreveport. Shreveport is kind of a central place. They had it in Birmingham for a while and they had it in Houston for a while and they had it in Baton Rouge for a while, but it seems like Shreveport is a more centralized place and to be truthful with you, I think we have more activities to offer them than the city of Houston or the city of Birmingham and I know we have more to offer than they do in Baton Rouge. So, I would like to see that event held here each year so if you could kind of assign somebody to work with them. I think they have contacted somebody at the Sports Authority and see if we couldn't make that a big affair.

Mayor Hightower: We'll do it.

**Public Hearing:** None. We did have an error yesterday that we do need to restate for the records. Our Agenda items indicated that we were here to Approve a Restoration Tax Abatement Application: 6540 Line Avenue, Louisiana Capital Partners, LLC. However, this appeared in error on the agenda. The actual hearing will be held on April 9, 2002 and the resolution considered on April 9, 2002. However, since the misprint and the responsibility of the Council, if there are persons here today who have comments concerning this in this regard, we will be most happy to hear them and then continue the hearing until April 9, 2002. (No one came forward to be heard.)

**Confirmations and/or Appointments:** Councilman Shyne: I have two appointments that I would like to add to the agenda that I received from the Administration.

Councilman Stewart: And are these for consideration today and a vote?

Councilman Shyne: Right. I think that it was indicated by the Administration that it would be alright if we would consider these and vote on them today.

Councilman Stewart: Mr. Thompson, do we need a motion to add these? Motion by Councilman Shyne, seconded by Councilman Spigener to add the following individuals for confirmation and appoint: 1) Lillian Priest and Reggie Abrams to the Downtown Development Authority and 2) Dorothy Johnson to the Caddo Communications District No. 1 Board for a term of 4 years. Ms. Priest and Mr. Abrams will be added for a term of 3 years.

Councilman Carmody: I'm certain that all of these individuals are more than adequate for serving appointments to the Board, but I would like to ask Mr. Thompson, does it not require their

names lay over for 2 weeks? Mr. Thompson: That's what the Rules require.

Councilman Carmody: I just wanted to make sure that we were aware of that.

Councilman Stewart: Mr. Thompson, then it would be appropriate for us to add these, but we would need to wait until the next meeting for approval if we are to conform with the rules?

Mr. Thompson: If you were going to conform with the rules that would be correct.

Councilman Shyne: I don't think the Administration would have any drawbacks if they were to lay over for 2 weeks.

Councilman Serio: Does that mean, I mean, usually things have to be introduced on a Monday rather than a Tuesday? Will they will lay over until the next meeting or until the following meeting?

Mrs. Glass: The timeperiod is between the two regular meetings, so it is the next meeting.

Councilman Stewart: So, it is appropriate that these two be added at this time. Motion to add the confirmations to the agenda approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

Motion by Councilman Carmody, seconded by Councilman Serio to confirm as Deputy Building Official of Permits and Inspections: Michael R. Wood. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None. (Mr. Wood stood for recognition.)

**Public Comments:** Mr. Harold Coats (6117 Lovers Lane) concerning noise, pollution and motorcycle related to the ordinance.

Mr. Coats: This is a copy of the Highway Regulatory Act, you two gentlemen already have a copy of. It is to do with mufflers and noise pollution and so forth.

My question to the Council is that for many years, the noise created by the lack of mufflers on motorcycles has been ignored. It is a law but we are not enforcing that. I just wanted to see if we could look into, again enforcing that law through the City, the Parish, and the State and basically it. It is the law and I would like to see it carried through.

Councilman Carmody: Mr. Coats and you and I discussed this, my thoughts were certainly, every year I am required to take my vehicle in for a state inspection and at the time they verify that it is in compliance with regulations. I realize that there must be a number of vehicles, because I certainly hear them kind of rumbling down the street that are not in compliance. I would guess, maybe the proper authority to seek satisfaction in is the state level who authorizes these different entities to do the inspections. In that we are doing some consideration right now regarding the Noise Ordinance in respect to boomboxes, I think maybe this is something that we certainly can consider as adding and re-writing the law, but I think that it might be a higher authority than the City Council that you need to go to on this.

Mr. Coats: On that note, if I were to take my muffler off my automobile. I might be lucky to drive five miles before I'm cited by a city policeman. The city is-- this is the law and it is up to the City to carry this law out no matter about the inspection. I mean they can go in and have the inspection done, take the mufflers off, I can do that, you can do that. I can take my off my four vehicles. . .if you are not giving them to motorcycles, you can't give me one but of course, we don't want to, go there. But, it is up to the City to enforce the law as well as the Parish through the Sheriff's and then the State Police also.

Councilman Carmody: Assistant Chief, if I could ask you to provide the Council with a report on, I guess, the number of citations that have been issued by the department regarding noise violations and I guess specifically for Mr. Coats benefit, those that are for vehicles that are—automobiles, trucks, buses or motorcycles that are cited for failure to comply with the muffler

requirement.

Assistant Chief Charles Owens, Assistant Chief of Investigations: Be happy to, I wasn't prepared for that today. I do have some information on some tickets that were written last year as far as total tickets.

We wrote 1,080 (2 or 3, the edge of the paper is cut off here, so I can't give you exact count) 1,180+ tickets for loud music across the City. We also have, looks like 11 for defective muffler, excessive smoke, and we also have about that many also in reference to loud mufflers; so, we do have some tickets that were written for both loud mufflers, excessive smoke besides the music too.

Councilman Carmody: Do we have a break out of any of those, particularly what type of vehicles they were, whether they were. . . . Assistant Chief Owens: No, sir. I don't have that today as far as which type of vehicle they were.

Councilman Carmody: Could you look into that for and give us back a report so that we could see. Again, I think Mr. Coats concern is that the police don't seem to be monitoring that particular type of vehicle or motorcycle for a violation of this ordinance. Assistant Chief Owens: Yes sir.

Councilman Burrell: Under our Noise Ordinance that we have, the Noise Ordinance covered all noises that I assumed, well from what I understand, if the police can hear within 50 feet of where ever the noise is taking place, am I not correct on that in terms of the way the ordinance is read? I know that dealing with the boombox situation, I know that had been told to me a number of times, is that not a part of the ordinance—maybe the police can tell us because they are the ones that is governing that, I assume.

Assistant Chief Owens: . . . specific ordinance on loud music from the Title 32, Highway Regulatory Act and our city ordinances on just noise. You have several statutes dealing with disturbances of loud noises, even from yelling and hollering late at night to other types of noise.

Councilman Burrell: So, we are saying here, when we are dealing with the Noise Ordinance, the Noise Ordinance as we know it only pertains to music?

Assistant Chief Owens: There is specific ordinances dealing with different type noise. In other words, if we were talking about any noise you could hear 50 feet and then you couldn't operate dumpsters in the morning or at any time because when they set those deals down, they would be in violation of the law. So, it is each category of noises is specific legislation dealing with types of noise. As loud music, defective mufflers that are to loud things of that nature, hooting and hollering that disturbing people, that type of thing.

Councilman Burrell: I guess I've only dealt with the one that covered the music because that is the one that I've known in the last couple of years or several years we gotten most attention on and then possible music in homes, is another form. I thought it fell all under the same Noise Ordinance, but that is an education for me. But at the same time, I have requested some information on the Noise Ordinance itself. A letter was written from the Council Office to the Chief asking for the citations that were given, I assume that is part of what you have?

Assistant Chief Owens: Yes, sir I have some information for you on that when we get to that point.

Councilman Burrell: And particular this gentleman here is talking about vehicular noise, is that what you are talking about? Well, I thought noise is noise, but I guess not.

Councilman Carmody: Just to follow what Councilman Burrell had said. I guess noise is noise but some noise is very obnoxious and I think that is what a lot of the residents that you are hearing from and Mr. Coats as well is saying that, it is one thing to be sitting in traffic and have your car vibrate as a result of somebody elses' music and it is another thing to be disturbed by somebody

with a vehicle that does not have a muffler on it when the law clearly states that you have to. So, if there is way that we could possible re-visit the Noise Ordinance and its writing so that it takes into consideration both those obnoxious type activities then maybe we could tighten it up a little bit.

Councilman Burrell: My concern then, beyond the point where we are talking here where you are referring to the Noise Ordinance that is associated with car mufflers. I have not heard the penalty being as great as what is being recommended for loud music. Although we are talking about two different noises and noise is noise, but at the same time, I think that the result, which is penalizing the individuals who are creating the noise, then we have got to have some fairness in that area, I would assume. So maybe we need to address all of these different noise issues because to me, I don't like the loud music but I sure in the devil don't like a motorcycle coming by my house and waking me up at night, either or a truck with no muffler that comes by and hell, I wake up on both situations, to be honest.

Councilman Carmody: I just received a message from Mr. Thompson basically citing Section 58-26 and this must be the Code of Ordinances of the City of Shreveport, I think each one of us have seen it. But basically: Sec. 58-26. *Loud, disturbing and unnecessary noise generally. The creation of any unreasonably loud or disturbing noise or any unnecessary noise within the limits of the city is hereby prohibited, and noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.* So again, it doesn't differentiate, I mean, noise is noise, as you said.

But, I think we can certainly look into Mr. Coats request that we address this specific issue as well and if the policemen provide us back the report breaking out the different types of vehicles that have been cited in this regard, I think it would be beneficial, as well.

Mr. Thompson: The next ordinance, 58-27 does deal specifically with sound systems and audio.

Assistant Chief Owens: That is what I was saying there are several different statues dealing with noise. You have a general noise statute, you have music, you have loud mufflers, you have yelling and screaming, disturbing the peace, generally. There are just so many different laws pertaining to that, that depending on the situation, you have an enforcement tool for it.

Councilman Burrell: Let me ask Mr. Thompson or someone to maybe get us a copy of the Noise Ordinance that will cover all of the noises because I am not sure if there is any consistency. There may need to be no consistency in these things, but it appears to me, noise is noise and one will wake me up just as well as the other. And if there is any penalty to be assessed in this area, then I think we owe it to the citizens to be somewhat fair about our assessment there since we are the one that is making the law; so, Mr. Thompson if you would oblige us with that information.

Councilman Spigener: It seems to me that this Section 58-26 would be or answer what Mr. Burrell is asking for, would it not, because it speaks of Noise in General and I think that is what we are concerned about is, noise regardless of the source of it.

Councilman Burrell: But they are saying that they got a number of different Noise Ordinances, under noise, is that what I am understanding?

Assistant Chief Owens: Yes, sir.

Councilman Burrell: If that is the case, we wouldn't need but this one right here, but undoubtedly we need others since we have them on the books, if not they should be obsolete.

Assistant Chief Owens: Well they kind of overlap and it is kind of like disturbing the peace. Your peace can be disturbed by several different things. One thing can be noise, another can be somebody engaging in a fight, throwing rocks, creating some kind of hazard situation, that disturbs your peace. So under disturbing the peace, there is a portion of that that relates to noise. Other laws

pertain to different types of noise from the specifically when we had the loud music problems and legislation was enacted dealing with the boomboxes and loud music specifically to deal with that problem and not just the general noise but a specific law and we have that throughout the Code.

With the Highway Regulatory Act where mufflers are required and also anything that you do to alter the system that increases the noise, is a violation of the Title 32. So there is just a lot of different categories that it could fall under.

I am not sure having one statute for noise period would be workable situation. Some of the problems that we get into in enforcement as with the law on the loud music, it specifies if you can hear it so many feet it is a violation and that is easy for us to enforce but in disturbing the peace, for example, the course of rules, you can't disturb a policeman's peace so I can't use that if I hear noise under disturbing the peace, I can't use that statute unless I have a citizen that's complaining about it and his peace is disturbed. So, we have some legal limitations on the enforcement of what we can just take action on versus having to have somebody else's peace being disturbed and a complainant.

In many cases, we'll get a call on loud music or something where there is no complainant. They don't want to be contacted and don't leave their name and sometimes we are unable to do any enforcement because we don't have the complaining victim.

Other times, the person is already gone and not there when we get there, so there are some considerations as you look at legislation on the enforcement of the noise statutes. Some of the court precedents or rulings that we previously have as to how much ability the police have in doing that, some of the statutes have been thrown out before because it is too vague and leaves too much discretion to the police officers to in their mind determine what's access or what's a violation of the statute. Where one police officer would say that is fine, another might say no, that is not. The court has historically thrown those out as being too vague.

So, as you contemplate doing something with the legislation I think we need to have a lot of legal advise and look at some of these court decisions because we may end up with another statute that is not as effective as we'd hoped.

Councilman Burrell: Again, I guess I wasn't aware of the different Noise Ordinances that we had on the books and variation that we had. But when you look at it from the end result and start establishing legislation to assess a penalty for a particular type of noise, then that is when my concern would come because when we are addressing the Noise Ordinance dealing with music, when I requested that the penalty be changed from \$25 dollars to \$100 dollars it was for the welfare of those youngsters, in my opinion, that was getting hearing damaged and complaints from the school system where young people were not listening—well, they could not hear the teacher and the teacher thought that they were being disrespectful but physically, they could not hear because their hearing was impaired because of the loud noise. But that noise there, is just as disturbing to me, as someone with a motorcycle or someone with a loud truck, if I'm in my bed and then they are swooning up and down the street with a motorcycle, I would like to penalize them also, but I don't think we have as part of our legislation any penalty for that. And now we are talking about getting recommendations to increase the amount of the penalty for music from \$100 dollars to possible \$500 dollars but yet and still we still have this other noise over here, we still don't assess any penalty on, something is wrong with that picture, as far as I am concerned as it relates to noise. So, I think we need to look at that.

Mrs. Glass: I am not sure why you are saying there is not a penalty. If you are reading the Code, it does not show up in that section but there is a general penalty for all ordinances that don't have a specific penalty in that section that applies to all others and it is not more than \$500 dollars or sixty days and it is set by the judge at the time.

Councilman Burrell: And that is on the City legislation or state?

Mrs. Glass: Section 1-14 of the City Code of Ordinances.

Councilman Burrell: From that perspective then, I think that we just need to educate ourselves more on what's already on the books, from that perspective because no one has said anything as it relates to the penalty associated with those, thus far.

Mr. Coats: Thank you for trying to distinguish between a motorcycle and an automobile. And according to the Regulatory Act, they just simply say *motor vehicle* which they both are. One is two wheels and one is four; so I think the penalty for an automobile would be the same as a motorcycle. A loud muffler, is a loud muffler no matter what kind of vehicle, whether it is a lawn mower.

Councilman Shyne: I think we need to look at this pretty closely because you have people who be cutting their yards. And just because a guy is cutting his yard and he wake me up, I don't need to go over there and tell him to stop cutting his yard just because his noise might be uncomfortable to me at that particular time, it doesn't necessarily say that his is breaking the law. It could be uncomfortable to me and it might not be that uncomfortable to the Mayor and I could be 50 or 60 feet down the street and hear a guy who is cutting his yard or a lady who is cutting her yard.

I think we need to take a look at what we actually kind of getting ourselves into because you have a lot of people who are not used to enforcing laws and you know it as an officer, once you start enforcing the law, it is a little bit different situation than Joe Blow who sits over there and think he knows what you ought to be doing. He can easily sit over there and tell you what you ought to be doing, I think we need to kind of take a kind of in-depth look at what we are getting ready to get ourselves into because you are going to go into a lot of neighborhoods and I mean if that is the case, I mean, you could stop people from cutting their yard. I mean, you could be 50 feet down the streets and say hey look, this guy's lawn mower is making up too much noise and I'm going to sign a complaint and I want you to go down there and arrest him or either I could be sleep, 'cause you have some houses where you might have 15 feet apart. I don't live out in one of those areas where my house is on an acre of land where the other guys house might be down the street and a guy could come by the room where I'm sleeping and I happen to live in one of those houses where, my walls are not that thick because I don't have the money to live in one of those houses where you got all this insulation and all this other stuff, and he wake me up. I call the Police Department and say hey look, this guy is cutting his yard and I'm in here trying to sleep and I can't sleep because he is cutting his yard. I mean, look at what we are getting ourselves into, if I am making any sense.

Assistant Chief Owens: When you use that analogy---Councilman Stewart: May I offer a question and a suggestion. Mr. Shyne you think it would be beneficial if we would could secure each of this laws and have them presented to the Council so we'd have some specific information in front of us?

Councilman Shyne: What I, the point that I'm trying to get to, you need to use some reasoning. Even, they could present them to the Council, but if you don't have no reasoning and because it puts the Police Department, Mr. Chairman, in a very awkward situation. I mean it is easy for us to sit up here and pass laws but we need to have some wisdom and some understanding in the kinds of laws and the kinds of situations that we are putting you all in when you go out to enforce these kind of laws.

Now, I think the gentleman's first request was about motorcycles not having, what is it, mufflers on there. Now, that I agree with. Motorcycles going through a neighborhood waking you up with out a muffler on it, I can agree with that. But now somebody with a lawn mower waking you up and he lives next door to you, I mean, Chief. . .

Mr. Coats: It was written for motor vehicles and a lawn mower is not a motor vehicle. Now, if that needs to be addressed by somebody else, they can create the law. But the law is already there for motor vehicles, including motorcycles and automobiles.

Councilman Shyne: That's what I'm saying. I agree with that, but we still have this general Noise Ordinance that has to do with your mouth, and that is not a motor vehicle. I mean, you can be out—Roy say, you call it motor mouth and maybe you do, that's what I'm saying.

I wouldn't want us to get into this, bringing all this information back before the Council and we looking at all of this. I think we need to look at what we have and apply some wisdom to the application to it, not so much of coming back and re-doing all of this because, some of you all are right, noise is noise whether it comes from your mouth or whether it comes from a motor vehicle because a lawn mower is a motor vehicle. I mean, it has got---Mr. Coats: It is not a vehicle that transports vehicle on the highway.

Councilman Shyne: I mean from the standpoint of maybe transporting people on highways, but I've seen people riding down the street on a riding lawn mower, so that is what I'm saying.

Mr. Coats: It is against the law. . . .

Councilman Shyne: That is what I'm saying, we are getting ourselves. . . .I think what we need to do is to look at what we have, get together with the Police Department and see how we can apply this to what we have instead of looking at trying to re-do all of this. Now, when it comes to the motorcycles, I agree with you.

Councilman Stewart: Mr. Coats, we appreciate your time and I will on behalf of the Council, request that we have available to the Council members and a copy to you, all of the laws that relate to the issue of noise, control or interruption of our personal lives. Chief, thank you for joining us.

**Adding Legislation to the Agenda.** The following legislation was added to the Agenda: 1) Resolution No. 28 of 2002: A resolution authorizing the Mayor to execute a Lease-Purchase Agreement (Equipment Installment Purchase Agreement), Equipment Schedule No. 01, Escrow Agreement and related instruments with Suntrust Leasing Corporation and an escrow agent to provide financing for the acquisition of vehicles and equipment and otherwise providing with respect thereto. 2) Resolution No. 29 of 2002: A resolution declaring the intention of the City of Shreveport to reimburse itself for certain costs for vehicles and equipment with the proceeds of tax exempt obligations and otherwise providing with respect thereto. 3) Resolution No. 30 of 2002: A resolution authorizing Mayor to request approval from the Louisiana State Bond Commission relative to the City's loan from the Brownfields Cleanup Revolving Loan funds to itself; to ratify certain prior action in furtherance of such approval and to otherwise provide with respect thereto. 4) Resolution No. 31 of 2002: A resolution authorizing the Mayor to execute an agreement with Downtown Shreveport Unlimited, Inc., to sponsor up to four (4) festivals or events and to otherwise provide with respect thereto.

Motion by Councilman Shyne, seconded by Councilman Spigener to add the legislation to the agenda. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

**CONSENT AGENDA LEGISLATION:**

**INTRODUCTION OF RESOLUTIONS AND ORDINANCES ON CONSENT:**

**RESOLUTION:** None.

**ORDINANCE:** None.

**ADOPTION OF RESOLUTIONS AND ORDINANCES ON CONSENT:**

**RESOLUTION:** None.

**ORDINANCE:** None.

**REGULAR AGENDA LEGISLATION:**

**RESOLUTIONS:**

The Deputy Clerk read the resolution by title: Resolution 12 of 2002: A resolution authorizing the Mayor to accept the donation of certain immovable property from Charlton Christopher Holmes and to otherwise provide with respect thereto.

Councilman Carmody: I would like to ask Mr. Thompson for clarification and proper motion . I know that it indicated that this particular legislation was postponed. Do we need to defer at this time in that we are awaiting some information from the Administration which I don't think we anticipate by the next Council meeting?

Mr. Thompson: We could move to table it, if you'd like.

Read by title and as read motion by Councilman Carmody, seconded by Councilman Huckaby to table the resolution. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

The Deputy Clerk read the resolution by title: Resolution No. 18 of 2002: Resolution stating the City of Shreveport's endorsement of Louisiana Capital Partners, L. L. C. to participate in the benefits of the Louisiana Restoration Tax Abatement Program and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Carmody, seconded by Councilman Serio to postpone the resolution until the April 9, 2002 meeting. Motion passed by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

RESOLUTION NO. 19 OF 2002

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

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

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

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

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

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

Lots 23 and 24 of original block 7,                      Geographic Number 181424-006-0038  
North Shreveport Subdivision

**BE IT FURTHER RESOLVED** that if any provision of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or 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 Huckaby, seconded by Councilman Carmody passed by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

The Deputy Clerk read the resolution by title: Resolution No. 20 of 2002: A resolution declaring the city's interest in certain adjudicated properties as surplus and otherwise providing with respect thereto.

Read by title and as read motion by Councilman Carmody, seconded by Councilman Huckaby to postpone the resolution until the April 9, 2002 meeting. Motion approved by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

### **INTRODUCTION OF RESOLUTIONS:**

1. Resolution No. 21 of 2002: A resolution authorizing the employment of special legal counsel to represent the City of Shreveport and otherwise providing with respect thereto.
2. Resolution No. 22 of 2002: A resolution authorizing the employment of special legal counsel to represent the City of Shreveport and otherwise providing with respect thereto.
3. Resolution No. 23 of 2002: A resolution authorizing the employment of special legal counsel to represent the City of Shreveport and otherwise providing with respect thereto.
4. Resolution No. 24 of 2002: A resolution authorizing approval of application of issuance of Water and Sewer Revenue Bonds, seeking State Bond Commission approval, employing Counsel, Investment Banker, and Financial Advisor and approving publication and to otherwise provide with respect thereto.

5. Resolution No. 25 of 2002: A resolution authorizing the City of Shreveport to participate in a Planning Study of the United States Department of the Army concerning the future water supply of Cross Lake and to otherwise provide with respect thereto.
6. Resolution No. 26 of 2002: A resolution authorizing the creation of the Shreveport Convention Center Hotel Authority for Economic Development Facilities and Activities and authorizing the Mayor to sign the acceptance of beneficial interest in a Public Trust and appointing and approving the named trustees to the Trust and making application to the Louisiana State Bond Commission and to otherwise provide with respect thereto.
7. Resolution No. 27 of 2002: A resolution authorizing the Mayor to execute a Cash Sale Deed between the Caddo Parish School Board and the City of Shreveport and to otherwise provide with respect thereto.
8. Resolution No. 28 of 2002: A resolution authorizing the Mayor to execute a Lease-Purchase Agreement (Equipment Installment Purchase Agreement), Equipment Schedule No. 01, Escrow Agreement and related instruments with Suntrust Leasing Corporation and an escrow agent to provide financing for the acquisition of vehicles and equipment and otherwise providing with respect thereto.
9. Resolution No. 29 of 2002: A resolution declaring the intention of the City of Shreveport to reimburse itself for certain costs for vehicles and equipment with the proceeds of tax exempt obligations and otherwise providing with respect thereto.
10. Resolution No. 30 of 2002: A resolution authorizing Mayor to request approval from the Louisiana State Bond Commission relative to the City's loan from the Brownfields Cleanup Revolving Loan funds to itself; to ratify certain prior action in furtherance of such approval and to otherwise provide with respect thereto.
11. Resolution No. 31 of 2002: A resolution authorizing the Mayor to execute an agreement with Downtown Shreveport Unlimited, Inc., to sponsor up to four (4) festivals or events and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Burrell, seconded by Councilman Spigener for Introduction of the Resolutions to lay over until the April 9, 2002 meeting. Motion passed by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

Councilman Carmody: I want to address the following nine questions to 26 and this is in regards to the Convention Center Hotel Authority. Do you have a copy of this Mayor, that I'd tried try to get to you. But basically the nine questions are: 1) Purpose of Authority – What will be the Shreveport Convention Center Hotel Authority's responsibilities be relative to the construction and operation of (a) the Convention Center and b) the Convention Center Hotel? Please explain fully. 2) Article VI of the Indenture of Trust (the Agreement) lists the City Council "President" and "Vice-President". Please note, that we need to change

these to correctly reflect the Chairman and the Vice-Chairman as two of the five initial trustees. However, Article 6.3 provides that subsequent trustees shall be appointed by the Mayor from a list prepared by the Board of Trustees. Is this correct? Is the City Council shut out of the selection process and service on the Board after this? 3) Please complete the first page of the agreement. In that regard, please state who/what is the Settlor. I am not familiar with that particular term. 4) Please define Settlor, Grantor and Trustor, in the document. 5) Section 6.12 of the agreement authorizes the Trustees to pay themselves per diem without oversight from the Council or the citizens of Shreveport. Please explain why this is a good idea. 6) Section 6.14 of the agreement authorizes the Trustees to ownership and financial interests in organizations that do business with the Shreveport Convention Center Hotel authority (the Authority). (A) Are trustees of the Authority subject to the Code of Ethics of the State of Louisiana? (B) If so, doesn't this provision conflict with (i. e. violate) the Code of Ethics and should it be removed from the legislation? (C) If this provision does not present an ethics problem, please explain why this provision is a good idea. 7) Does Section 8.2 of the agreement mean that the citizens of the City of Shreveport can never share in the profits of the Authority unless this Trust Agreement is terminated, even if the venture is profitable? If so, please explain why this is a good idea. 8) Why does Section 11.1 of the Agreement authorize the City Internal Audit to audit the Authority? Is the City Internal prohibited from auditing the Authority? If so, please explain the reasons for this decision. 9) Section 11.1 of the Agreement which authorizes the Legislative Auditor of the State of Louisiana to inspect records of the Authority. Is the Legislative Auditor authorized to audit the Authority?

Mr. Antee: We will be glad to promptly respond to all of those. Briefly in response to some of those, the responsibility of the Authority will be solely for the Convention Center Hotel and its the Public Trust that we talked about for about a 1 ½ or 2 years to be the mechanism in which to get the Convention Center Hotel. It would have no authority at all over the Convention Center.

As far as the Settlor, that is merely the legal term stating who is establishing the Trust and that would be the city of Shreveport. It is no magic or hidden term there.

As far as Auditors, I think that it is set up to be a division or governmental trust established by the City of Shreveport, therefore the City Auditor will have the authority to audit and being a quasi-public entity would also allow the State Legislative Auditor to audit it as well. Basically what we did, we took a public trust from I think, Baton Rouge and maybe Monroe or a couple of other cities, and we did what lawyers do and plagiarize to the extent to where we made it fit to what we needed here, but we will be glad to respond to you.

Councilman Carmody: Well, I think I recognize it as being a boiler plate document in that it defines the City Council President and Vice-President, of course, we don't have those title.

Mr. Antee: As far as the per diem, I think that was what was in the other, but there is no problem in taking that out. I think that that was just an oversight.

Councilman Carmody: Very good. I will provide these questions and if you could get us back a response in writing I would appreciate.

## **INTRODUCTION OF ORDINANCES:**

1. Ordinance No. 29 of 2002: An ordinance closing and abandoning a portion of the 20 foot

alleyway running between Line and Creswell Avenues and between Longleaf Road and Unadilla Street and abutting Lots 11 thru 36 of Ormond Place Subdivision and Lots 78, 44 thru 52 and 58 of Pine Park Addition Subdivision in the NW/4 of Section 18 (T17N-R13W), Shreveport, Caddo Parish, Louisiana

2. Ordinance No.30 of 2002: An ordinance authorizing and providing for limited vehicular access (i.e. gated entrance) into the Lakeside on Long Lake Subdivision and to otherwise provide with respect thereto.
3. Ordinance No. 31 of 2002: An ordinance authorizing and providing for limited vehicular access (i.e. gated entrance) into the Emberwood and Hazelwood Village and Ravenna Units 1 & 2 Subdivisions and to otherwise provide with respect thereto.
4. Ordinance No. 32 of 2002: An ordinance authorizing and providing for limited vehicular access (i.e. gated entrance) into the Brunswick Place Subdivision and otherwise provide with respect thereto.
5. Ordinance No. 33 of 2002: An ordinance to amend Section 10-190 of the City of Shreveport Code of Ordinances relative to alcoholic beverages and to otherwise provide with respect thereto.
6. Ordinance No. 34 of 2002: An ordinance to create and establish three (3) stop intersections as indicated in the body of this ordinance and to otherwise provide with respect thereto.
7. Ordinance No. 35 of 2002: An ordinance to create and establish a yield intersection at the intersection of Acklen Street and Sevier Street and to otherwise provide with respect thereto.
8. Ordinance No. 36 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, to delete Sections II, III & IV of Ordinance No. 137 of 1968 regarding property located on the south side of Southfield 250 feet west of Youree Drive, Shreveport Caddo Parish, Louisiana and to otherwise provide with respect thereto.
9. Ordinance No. 37 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by re-zoning property located on the east side of Youree Drive 1000 feet south of Kay Lane, Shreveport, Caddo Parish, Louisiana, from R-A, Residence Agriculture District to I-1, Light Industry District, and to otherwise provide with respect thereto..
10. Ordinance No. 38 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by re-zoning property location the south side of Shreveport-Barksdale Highway 500 feet west of Knight Street, Shreveport, Caddo Parish, Louisiana from B-3, Community Business District to B-3-E, Community Business Extended Use District limited to “the outside storage of equipment for City of Shreveport facilities” only, and to provide with respect thereto.

11. Ordinance No. 39 of 2002: An ordinance amending Chapter 196 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by re-zoning property located on the NW corner of Milam Street & Christian Street Shreveport, Caddo Parish, Louisiana, from B-2, Neighborhood Business District to R-3, Urban, Multiple-Family Residence District and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Huckaby, seconded by Councilman Serio for Introduction of the Ordinances to lay over until the April 9, 2002 meeting. Motion passed by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

12. Ordinance No. 40 of 2002: An ordinance authorizing the Purchasing Agent to dispose of surplus real property Lots 1265 and 1266, Cedar Grove Addition and otherwise providing with respect thereto.

Read by title and as read motion by Councilman Huckaby, seconded by Councilman Serio for Introduction of the Ordinances to lay over until the April 23, 2002 meeting. Motion passed by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

Councilman Carmody: A point of clarification, on the agenda, Item 36 is incorrect. I believe that we have already cleared this up with Mr. Kirkland. It should reflect that C-8-02, 317 Southfield from B-3 to B-2. It should actually be confirming the B-3 status to remain and if we could act that be corrected on the agenda before our next meeting.

Mr. Thompson: We will correct it, it does not change the zoning, it just takes out some of the stipulations.

Councilman Stewart: We have an acknowledgment from Mr. Kirkland's nod, that, that is correct.

### **ORDINANCES ON SECOND READING AND FINAL PASSAGE:**

1. Ordinance No. 194 of 2001: An ordinance to reverse the decision rendered by the Metropolitan Planning Commission during their public hearing meeting of November 7, 2001, by closing and abandoning the portion of Glen Iris Boulevard located north of Ontario Street in the Glen Iris Addition Subdivision, and to otherwise provide with respect thereto.

Having passed first reading on December 11, 2001 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Stewart to postpone (pending a receipt of information from the City Attorney and other Department Heads at this time) the ordinance until the April 9, 2002 meeting, seconded by Councilman Burrell.

Councilman Burrell: On the information being requested, could you kind of give us an idea of what this additional information is over and above what was given last time?

Councilman Stewart: I am awaiting, Mr. Burrell, a legal opinion from the City Attorney. I am awaiting a clarification of the limits of the properties of this extension from

the City Engineer as well as additional information from Mr. Strong's office and a clarification as to the potential municipal address of the property in question.

Motion to postpone approved by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

2. Ordinance No. 23 of 2002: An ordinance authorizing the Purchasing Agent to dispose of surplus real property Lot 243, Coleman College Subdivision, and otherwise providing with respect thereto.

Having passed first reading on February 26, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Shyne, seconded by Councilman Carmody adopted by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

3. Ordinance No. 24 of 2002: An ordinance authorizing the Purchasing Agent to dispose of surplus real property Lot 244, Coleman College Subdivision, and otherwise providing with respect thereto.

Having passed first reading on February 26, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Shyne, seconded by Councilman Spigener adopted by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

4. Ordinance No. 25 of 2002: An ordinance authorizing the Purchasing Agent to dispose of surplus real property Lot 25, Texas Street and Linwood Avenue, and otherwise providing with respect thereto.

Having passed first reading on February 26, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Huckaby, seconded by Councilman Carmody adopted by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

5. Ordinance No. 26 of 2002: An ordinance authorizing the Purchasing Agent to dispose of surplus real property Lot B, Taylor Subdivision, and otherwise providing with respect thereto.

Having passed first reading on February 26, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Shyne, seconded by Councilman Huckaby adopted by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

6. Ordinance No. 27 of 2002: A ordinance amending the 2002 Capital Improvements Budget and otherwise providing with respect thereto.

Having passed first reading on March 12, 2002 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 Huckaby adopted by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

7. Ordinance No. 28 of 2002: An ordinance authorizing the issuance of not to exceed Seventy Million Dollars (\$70,000,000) of Water and Sewer Revenue Bonds, Series 2002, of the City of Shreveport, State of Louisiana; prescribing the form, terms and conditions of said Bonds, providing for the payment thereof in principal and interest; providing for the sale of the Bonds; and providing for other matters in connection therewith.

Having passed first reading on March 12, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Serio, seconded by Councilman Burrell adopted by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

Councilman Burrell: Before we go to Unfinished Business, yesterday we had a discussion on the disposal of this surplus property. Let me get another clarification, hopefully for myself as well as benefit of the public.

Councilman Stewart: Mr. Burrell, it would be more appropriate under Committee of the Whole, would that be a problem if we waited?

Councilman Burrell: Well, I was going to deal with it when we were dealing with the issue at hand which was the previous ones, 24 through 26, but that will be fine. Won't mind going back and addressing one of those.

Councilman Stewart: We will do that. I'll make a note.

The adopted Ordinances follow:

#### ORDINANCE NO. 23 OF 2002

AN ORDINANCE AUTHORIZING THE PURCHASING AGENT TO DISPOSE OF SURPLUS REAL PROPERTY LOT 243, COLEMAN COLLEGE SUBDIVISION AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

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

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

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

Lot 243, Coleman College Subdivision - 4057 Mayfield Street, a subdivision of Shreveport, Caddo Parish, Louisiana, bearing Assessor's geographical number 1714210280243.

Purchasers acknowledge and agree that the City of Shreveport shall retain, in perpetuity, a permanent servitude of drain encompassing the entirety of said lot, for use by the City, at its

direction and/or discretion. Purchasers and their heirs, assigns or successor owners are prohibited from constructing or placing buildings, structures or other personal property, movable or immovable, on the above described property, as said property has been determined to be prone to flooding. Furthermore, purchasers and their heirs, assigns, or successor owners shall make no alteration of existing ground cover or topography without the express written consent of the Shreveport City Engineer's Office. Additionally, purchasers and their heirs, assigns, or successor owners shall defend, indemnify and hold harmless the City of Shreveport from any losses or damages or any action or proceeding of any nature whatsoever. The minimum bid amount will be \$350.00.

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

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

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

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

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

#### ORDINANCE NO. 24 OF 2002

AN ORDINANCE AUTHORIZING THE PURCHASING AGENT TO DISPOSE OF SURPLUS REAL PROPERTY LOT 244, COLEMAN COLLEGE SUBDIVISION AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

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

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

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

Lot 244, Coleman College Subdivision - 4059 Mayfield Street, a subdivision of Shreveport, Caddo Parish, Louisiana, bearing Assessor's geographical number 1714210280244.

Purchasers acknowledge and agree that the City of Shreveport shall retain, in perpetuity, a permanent servitude of drain encompassing the entirety of said lot, for use by the City, at its direction and/or discretion. Purchasers and their heirs, assigns or successor owners are prohibited from constructing or placing buildings, structures or other personal property, movable or immovable, on the above described property, as said property has been

determined to be prone to flooding. Furthermore, purchasers and their heirs, assigns, or successor owners shall make no alteration of existing ground cover or topography without the express written consent of the Shreveport City Engineer's Office. Additionally, purchasers and their heirs, assigns, or successor owners shall defend, indemnify and hold harmless the City of Shreveport from any losses or damages or any action or proceeding of any nature whatsoever. The minimum bid amount will be \$350.00.

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

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

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

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

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

#### ORDINANCE NO. 25 OF 2002

AN ORDINANCE AUTHORIZING THE PURCHASING AGENT TO DISPOSE OF SURPLUS REAL PROPERTY LOT 25, TEXAS STREET & LINWOOD AVENUE, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

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

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

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

Lot 25, Texas Street & Linwood Avenue - No address, Caddo Parish, Louisiana, bearing Assessor's geographical number 17141049004100.

Purchasers acknowledge and agree that the City of Shreveport shall retain, in perpetuity, a permanent servitude of drain encompassing the entirety of said lot, for use by the City, at its direction and/or discretion. Purchasers and their heirs, assigns or successor owners are prohibited from constructing or placing buildings, structures or other personal property, movable or immovable, on the above described property, as said property has been determined to be prone to flooding. Furthermore, purchasers and their heirs, assigns, or successor owners shall make no alteration of existing ground cover or topography without the express written consent of the Shreveport City Engineer's Office. Additionally, purchasers and their heirs, assigns, or successor owners shall defend, indemnify and hold

harmless the City of Shreveport from any losses or damages or any action or proceeding of any nature whatsoever. The minimum bid amount will be \$24,000.00.

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

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

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

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

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

#### ORDINANCE NO. 26 OF 2002

AN ORDINANCE AUTHORIZING THE PURCHASING AGENT TO DISPOSE OF SURPLUS REAL PROPERTY LOT B, TAYLOR SUBDIVISION, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

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

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

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

Lot B, Taylor Subdivision - 4115 Samuels Street, Caddo Parish, Louisiana, bearing Assessor’s geographical number 171410139000200.

Purchasers acknowledge and agree that the City of Shreveport shall retain, in perpetuity, a permanent servitude of drain encompassing the entirety of said lot, for use by the City, at its direction and/or discretion. Purchasers and their heirs, assigns or successor owners are prohibited from constructing or placing buildings, structures or other personal property, movable or immovable, on the above described property, as said property has been determined to be prone to flooding. Furthermore, purchasers and their heirs, assigns, or successor owners shall make no alteration of existing ground cover or topography without the express written consent of the Shreveport City Engineer’s Office. Additionally, purchasers and their heirs, assigns, or successor owners shall defend, indemnify and hold harmless the City of Shreveport from any losses or damages or any action or proceeding of any nature whatsoever. The minimum bid amount will be \$1,300.00.

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

waive any informalities.

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

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

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

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

ORDINANCE NO. 27 OF 2002

AN ORDINANCE AMENDING THE 2002 CAPITAL IMPROVEMENTS BUDGET AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

WHEREAS, the City Council finds it necessary to amend the 2002 Capital Improvements Budget to provide additional funding for various 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. 149 of 2001, the 2002 Capital Improvements Budget, be further amended and re-enacted as follows:

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

Increase the appropriation for **Shreve Park Industrial Campus Roadway (95-C003)** by \$1,000,000. Funding source is State Grant.

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

Increase the appropriation for **Landfill Drainage Rehabilitation (00-D001)** by \$130,500. Funding source is 1996 GOB, Prop. 2 (Drainage).

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

Increase the appropriation for **Amiss WTP Plant I and II Filter Improvements (98-E006)** by \$16,875,000. Decrease State Grant by \$2,575,000 and appropriate \$19,540,000 from State Revolving Loan.

Create a new project entitled **200 and 300 Blocks of 73<sup>rd</sup> Street Water Main (02-E001)** and fund it at \$110,500 from 1994-A Utility Revenue Bonds.

Create a new project entitled **Prentiss and Westover Street Water Mains (02-E002)** and fund it at \$125,000 from 1994-A Utility Revenue Bonds.

**In Program F (Sewer Improvements):**

Increase the appropriation for **SSO Abatement Program (98-F004)** by \$128,600. Funding source is 1994-A Utility Revenue Bonds.

Increase the appropriation for **Lucas and North Regional WWTP Expansion (00-F001)** by \$306,800. Funding source is FEMA.

Increase the appropriation for **Wallace Lift Station Improvements (01-F003)** by \$600,000. Funding source is 2000-A Utility Revenue Bonds.

Increase the appropriation for **Stoner Lift Station Improvements (01-F004)** by \$200,000. Funding source is 2000-A Utility Revenue Bonds.

Create a new project entitled **North Regional WWTP Electrical Switchgear Improvements (02-F001)** and fund it at \$1,844,500 from 2000-A Utility Revenue Bonds.

Create a new project entitled **900 Stephenson Street Sewer Main (02-F002)** and fund it at \$130,700 from 1994-A Utility Revenue Bonds.

Create a new project entitled **3600 Lakeshore Drive Sewer Main (02-F003)** and fund it at \$106,000 from 1994-A Utility Revenue Bonds.

Create a new project entitled **Querbes Lift Station Force Main Replacement (02-F004)** and fund it at \$200,000 from 2000-A Utility Revenue Bonds.

Create a new project entitled **1700 Willis Sewer Main (02-F005)** and fund it at \$86,600 from 1993-B Utility Revenue Bonds.

Create a new project entitled **900 Madison Sewer Main (02-F006)** and fund it at \$99,500 from 1993-B Utility Revenue Bonds.

Create a new project entitled **900 Charlotte Street Utility Mains (02-F007)** and fund it at \$123,500 from 1994-A Utility Revenue Bonds.

Adjust totals and subtotals accordingly.

BE IT FURTHER ORDAINED that the remainder of Ordinance 149 of 2001, 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 NO. 28 OF 2002

AN ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED SEVENTY MILLION DOLLARS (\$70,000,000) OF WATER AND SEWER REVENUE BONDS, SERIES 2002, OF THE CITY OF SHREVEPORT, STATE OF LOUISIANA; PRESCRIBING THE FORM, TERMS AND CONDITIONS OF SAID BONDS, PROVIDING FOR THE PAYMENT THEREOF IN PRINCIPAL AND INTEREST; PROVIDING FOR THE SALE OF THE BONDS; AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

**WHEREAS**, the Issuer desires to finance the construction, improvement rehabilitation and expansion of the sewerage system (the "System") including sewerage treatment and sewerage disposal works in the City (the "Project"); and

**WHEREAS**, in accordance with the provisions of Title 30, Subtitle II, Chapter 4 (the "Louisiana Water Control Law") of the Louisiana Revised Statutes of 1950, as amended the Issuer now proposes to issue not to exceed Seventy Million Dollars (\$70,000,000) of its Water and Sewer Revenue Bonds, Series 2002 (the "Bonds"), from time to time and in one or more series, to finance the cost of the Project; and

**WHEREAS**, the proceeds of the Bonds will be used to finance the Project. The Bonds shall be limited and special obligations of the City as issuer of the Bonds, secured by and payable in principal, interest and redemption premium, if any, from sewer usage fees and other revenues derived or to be derived by the City from the operation of the System (after payment of the reasonable and necessary expenses of operating and maintaining the System) or from other lawfully available sources. The Bonds shall not be a charge on the other income and revenues of the City as prohibited under the provisions of Article VI, Section 37 of the Louisiana Constitution of 1974, nor shall they constitute an indebtedness or pledge of the general credit of the City. The Bonds shall bear interest at a rate of not to exceed three and ninety-five hundredths percent (3.95%) per annum (which includes the 0.5% administrative fee for the Louisiana Department of Environmental Quality), maturing no later than twenty two (22) years from the date thereof and shall be issued under the authority previously cited in this section.; and

**WHEREAS**, this City Council now wishes to fix the details necessary with respect to the authorization and issuance of the Bonds,

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

**SECTION 1.**        Definitions. The following terms as used in this Bond Ordinance shall have the following respective meanings such definitions to be equally applicable to both the singular and plural sense of any such terms:

"**Act**" means the applicable provisions of Title 30, Subtitle II, Chapter 4 (the "Louisiana Water Control Law") of the Louisiana Revised Statutes of 1950, as amended.

"**Administrative Fee**" means the fee due by the Issuer to the Department of one-half of one percent (0.5%) per annum of the outstanding principal amount of the Bonds or such less amount, if any, as the Department may approve from time to time, which shall be payable in installments on each Interest Payment Date.

"**Bond**" or "**Bonds**" means the Water and Sewer Revenue Bonds, Series 2002 of the Issuer authorized to be issued by this Bond Ordinance, in the total aggregate principal amount of not to exceed Seventy Million Dollars (\$70,000,000) issued from time to time in one or more series.

"**Bond Ordinance**" means the ordinance enacted by the Governing Authority on March 26, 2002 authorizing the issuance of the Bonds.

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

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

"**Department**" shall mean the Louisiana Department of Environmental Quality, an executive department and agency of the State, and any successor to the duties and functions thereof

"**Executive Officers**" means, collectively, the Mayor and the Clerk of the Council.

"**Governing Authority**" means the City Council of the Issuer.

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

"**Interest Payment Date**" means each June 1 and December 1, commencing December 1, 2002, and the date on which the outstanding principal amount of the Bonds is paid in full.

"**Issuer**" means the City of Shreveport, State of Louisiana.

"**Net Revenues**" means the Revenues of the System, after there have been deducted therefrom the reasonable and necessary costs and expenses of operating and maintaining the System.

"**Owner**" or "**Owners**" when used with respect to any Bonds means the Person in whose name such Bond is registered in the Bond Register.

"**Paying Agent**" means the Director of Finance of the Issuer, unless and until a successor Paying Agent shall have become such pursuant to the applicable provisions of this ordinance, and thereafter "Paying Agent" shall mean such successor Paying Agent.

"**Person**" means any individual, corporation, partnership, joint venture, association, joint-

stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof

**"Project"** means the cost of the construction, improvement, rehabilitation and expansion of the sewerage system including sewerage treatment and sewerage disposal works in the City, which costs are to be financed on a permanent basis by the sale of the Bonds to the Department.

**"Record Date"** for the interest payable on any Interest Payment Date means the 15th calendar day of the month next preceding such Interest Payment Date.

**"Revenues"** means all income and revenues to be derived by the Issuer from the operation of the System, including earnings on investments in the funds and accounts described in Section 12 of this Bond Ordinance, but not including any insurance or condemnation proceeds, or proceeds from the sale or other disposition of any part of the System.

**"State"** means the State of Louisiana.

**"System"** means the revenue producing public utility of the Issuer, consisting of the sewer plant and system, as the system now exists and as it may be hereafter improved, extended or supplemented from any source whatsoever while any of the Bonds herein authorized remain outstanding, including specifically all properties of every nature owned, leased or operated by the Issuer and used or useful in the operation of the System, and including real estate, personal and intangible properties, contracts, franchises, leases and choses in action, whether lying within or without the boundaries of the Issuer.

**SECTION 2.** Authorization and Designation. For the purpose of providing permanent financing for the cost of the construction, improvement, rehabilitation and expansion of the sewerage system including sewerage treatment and sewerage disposal works to the System and paying the costs of issuance of the Bonds, and in compliance with and under the authority of the Act, there is hereby authorized the incurring of an indebtedness of not to exceed Seventy Million Dollars (\$70,000,000) for, on behalf of and in the name of the Issuer, and to represent this indebtedness, this Governing Authority does hereby authorize the issuance of Water and Sewer Revenue Bonds of the Issuer. The Bonds shall be in fully registered form, dated the date of delivery thereof, shall be in the denomination and principal amount of not to exceed Seventy Million Dollars (\$70,000,000) and numbered R-1 upwards. The unpaid principal of the Bonds shall bear interest from the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, at the rate of three and 45/100 percent (3.45%) per annum, said interest to be calculated on the basis of a 360-day year consisting of twelve 30-day months and payable on each Interest Payment Date. The principal of the Bonds shall be payable over a period of not to exceed 22 years from the date thereof. The Department, as the initial purchaser of the Bonds, will pay the purchase price of the Bonds to the Issuer in installments as needed by the Issuer to pay Project costs, and interest on the Bonds shall be payable only on the purchase price which shall have been paid to the Issuer and shall accrue with respect to each purchase price installment only from the date of payment of such installment to the Issuer. The Issuer also agrees to pay the Department an administrative fee which shall be at the annual rate of one-half of one percent (0.5%) on the outstanding principal amount of the Bonds and will be payable on each Interest Payment Date.

In the event (I) the Department owns the Bonds or the Department has pledged or assigned the Bonds in connection with its Municipal Facilities Revolving Loan Fund Program and (ii) the Administrative Fee payable by the Issuer to the Department under the terms of the Loan Agreement is declared illegal or unenforceable by a court or an administrative body of competent jurisdiction, the interest rate borne by the Bonds shall be increased to the rate of three and 95/100 percent (3.95%) per annum, effective as of the date declared to be the date from which the Administrative Fee is no longer owned because of such illegality or unenforceability.

The principal and interest on the Bonds will be payable by check mailed by the Paying Agent to the Owner (determined as of the Record Date) at the address as shown on the Bond Register, provided that payment of the principal of the Bonds shall be made only upon presentation and surrender of the Bonds to the Paying Agent.

**SECTION 3.**            Prepayment. The Bonds shall be subject to prepayment as provided in the Loan Agreement.

**SECTION 4.**            Transfer and Assignment. The Bonds shall be fully registered as to principal and interest, and no transfer or assignment shall be valid unless made on the Bond Register and similarly noted on the back of the Bonds. Upon such transfer or assignment, the transferor or assignor shall surrender the Bonds for transfer on said registration records and certification of endorsements made on the Bonds.

**SECTION 5.**            Form of Bonds. The Bonds and the certificates and the endorsements to appear on the back thereof shall be substantially in the forms attached hereto as Exhibit A.

**SECTION 6**            Execution of Bonds. The Bonds shall be signed by the Executive Officers for, on behalf of, in the name of and under the corporate seal of the Issuer, and the Executive Officers are further empowered, authorized and directed to cause the necessary Bonds to be printed or lithographed and to be properly executed.

**SECTION 7.**            Cancellation of Bonds. Upon surrender of the Bonds for payment or prepayment, the Bonds, if surrendered to the Paying Agent shall be promptly canceled by it and, if surrendered to the Issuer, shall be delivered to the Paving Agent and, if not already canceled, shall be promptly cancelled by the Paying Agent.

**SECTION 8.**            Security for the Payment of the Bonds. The Bonds shall constitute a limited and special obligation of the Issuer, the principal and interest of which is payable from the proceeds to be derived from the Net Revenues, after provision has been made for payment therefrom of the reasonable and necessary costs and expenses of operating and maintaining the System and any payments as required on the Prior Bonds and from other lawfully available sources

**SECTION 9.**            Payment of Bonds. The Issuer covenants that it will deposit or cause to be deposited with the Paying Agent, or pay directly to the Purchaser, from the moneys derived from the issuance of the Bonds and/or from other funds available to the Issuer for such purpose, funds fully sufficient to pay promptly the interest and principal on the Bonds as the same fall due.

**SECTION 10.**        Sale of Bonds. The sale of the Bonds to the Department in accordance with the terms of this Bond Ordinance is hereby approved, ratified and confirmed.

**SECTION 11.**        Regularity of Proceedings. This Governing Authority, having investigated the regularity of the proceedings had in connection with this issue of the Bonds and having determined the same to be regular, the Bonds shall contain the following recital, to-wit:

"It is certified that this Bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of this State."

**SECTION 12.**        Publication, Peremption. A copy of this Bond Ordinance shall be published immediately after its adoption in one issue of the official journal of the Issuer. For a period of thirty (30) days from the date of such publication any person in interest shall have the right to contest the legality of this Bond Ordinance or the Bonds and the provisions securing the Bonds. After the expiration of said thirty (30) days, no one shall have any right of action to contest the validity of the Bonds or the provisions of this Bond Ordinance and the Bonds shall be conclusively presumed to be legal, and no court shall thereafter have authority to inquire into such matters. A certified copy of this Bond Ordinance shall be filed and recorded as soon as possible in the Mortgage Records of the Parish of Caddo, Louisiana.

**SECTION 13.**        Loan Agreement. The Governing Authority recognizes that the Bonds will be delivered to the Department as evidence of the obligation of the Issuer to repay the loan by the Department to the Issuer in accordance with the provisions of this Bond Ordinance. If required by the Department, prior to the delivery of the Bonds and upon advice of Bond Counsel, the Issuer and the Department will enter into a Loan and Pledge Agreement (the "Loan Agreement") which will be presented by the Department pertaining to the Loan and the Project. If such Loan Agreement is required and is entered into by the Issuer and the Department, as long as the Department owns the Bonds (although such Bonds may be pledged or assigned to another), and only as long as the Department owns the Bonds, then to the extent that any provision of this Bond Ordinance is inconsistent with or contrary to the Loan Agreement, the applicable provision of the Loan Agreement shall control. As shall be provided in the Loan Agreement, the Issuer shall comply with certain provisions of the Loan Agreement, as specified therein, regardless of whether or not the Department is the owner of the Bonds and regardless of any prepayment or defeasance of the Bonds prior to the final stated maturity thereof

With the advice of Bond Counsel and the City Attorney of the Issuer, the Executive Officers are hereby further authorized and directed to execute on behalf of the Issuer the Loan Agreement and are hereby further authorized and directed for and on behalf of and in the name of the Issuer to execute and deliver any and all additional instruments, documents and certificates which may be required by or provided for in the Loan Agreement or requested by the Department or as may otherwise be required for or necessary, convenient or appropriate to the transactions authorized hereby and the Loan Agreement.

**SECTION 14.**        Severability. In case any one or more of the provisions of this Bond Ordinance or of the Bonds issued hereunder shall for any reason be held to be illegal or invalid, such

illegality and invalidity shall not affect any other provisions of this Bond Ordinance or of the Bonds, but this Bond Ordinance and the Bonds shall be construed and enforced as if such illegal or invalid provisions had not been contained therein. Any constitutional or statutory provision hereafter enacted which validates or makes legal any provision of this Bond Ordinance or the Bonds which would not otherwise be valid or legal, shall be deemed to apply to this Bond Ordinance and to the Bonds.

**SECTION 15.**        Arbitrage. The Issuer covenants and agrees that, to the extent permitted by the laws of the State of Louisiana, it will comply with the requirements of the Internal Revenue Code of 1986 and any amendment thereto (the "Code") in order to establish, maintain and preserve the exclusion from "gross income" of interest on the Bonds under the Code. The Issuer further covenants and agrees that it will not take any action, fail to take any action, or permit any action within its control to be taken, or permit at any time or times any of the proceeds of the Bonds or any other funds of the Issuer to be used directly or indirectly in any manner, the effect of which would be to cause the Bonds to be an "arbitrage bond" or would result in the inclusion of the interest on the Bonds in gross income under the Code, including, without limitation, (I) the failure to comply with the limitation on investment of the Bond proceeds or (ii) the failure to pay any required rebate or arbitrage earnings to the United States of America or (iii) the use of the proceeds of the Bonds in a manner which would cause the Bonds to be a "private activity bond".

**SECTION 16.**        Issuer's Continuing Disclosure Obligations of 15c2-12(b)(5).

The Issuer hereby acknowledges and agrees that even though the borrowing evidenced by the separate emissions of the Bonds are exempt from the continuing disclosure requirements of Rule 15c2-12(b)(5) of the Securities and Exchange Commission (the "Rule") pursuant to section (d)(1) and/or other exemptions to the Rule, in the event the Department should transfer the Bonds and/or the loan and either or both become a source of repayment of "municipal securities" sold through a "primary offering" (as both terms are defined and used in the Rule), it is possible that the Issuer could constitute an "obligated person" (as defined and used in the Rule). Issuer agrees that if it should ever constitute or be reasonably deemed an "obligated person" within the opinion of counsel experienced in federal securities matters to a "participating underwriter" (as defined and used in the Rule) and/or counsel to the Department in connection with any "primary offering" of "municipal securities" secured by the Bonds and/or the loan, Issuer will comply with all requirements of an "obligated person" or assist the Department in complying with all the requirements of an "issuer" or "obligated person" under the Rule including without limitation providing to each nationally recognized municipal securities information repository and the state information depository designated by the State, if any, any annual report which complies with the requirements of the Rule and Issuer shall comply with the requirements of the Rule regarding giving notice of the 11 specified events set forth in Section 5(I)(C)(1) through (11) of the Rule.

**SECTION 17.**        Effective Date. This Bond Ordinance shall become effective immediately.

**ORDINANCE INTRODUCED** on the 12th day of March, 2002.

**EXHIBIT A**

**[FORM OF WATER AND SEWER REVENUE BOND]  
UNITED STATES OF AMERICA  
STATE OF LOUISIANA PARISH OF CADDO  
WATER AND SEWER REVENUE BOND,  
SERIES 2002  
OF THE CITY OF SHREVEPORT, STATE OF LOUISIANA**

**BOND NUMBER DATED DATE MATURITY DATE INTEREST RATE PRINCIPAL  
AMOUNT R-** \_\_\_\_\_ 3.45% \$ \_\_\_\_\_

The City of Shreveport, State of Louisiana (the "Issuer"), for value received, promises to pay to:

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF LOUISIANA  
P.O. BOX 82231  
BATON ROUGE, LOUISIANA 70884-2231**

or registered assigns, on the dates and in the amounts as shown on Schedule B hereto, but solely from the revenues hereinafter specified, together with interest thereon from the date hereof or the most recent interest payment date to which interest has been paid or duly provided for, payable on June 1 and December 1 of each year, commencing December 1, 2002 (each an "Interest Payment Date"), at the Interest Rate per annum set forth above until said Principal Amount is paid, plus an Administrative Fee calculated at the annual rate of one-half of one percent (0.5%) of the outstanding Principal Amount until said Principal Amount is paid, unless this Bond shall have been previously called for prepayment and payment shall have been duly made or provided for. In the event that (I) the Bond is owned by the Louisiana Department of Environmental Quality of the State of Louisiana (the "Department") or the Department has pledged or assigned this Bond in connection with its Municipal Facilities Revolving Loan Program and (ii) the Administrative Fee (as defined in the hereinafter defined Ordinance) payable by the Issuer to the Department is declared illegal or unenforceable by a court or administrative body of competent jurisdiction, the interest rate borne by this Bond shall be increased by one-half of one percent (0.5%) per annum, effective as of the date declared to be the date from which the Administrative Fee is no longer owed because of such illegality or unenforceability. Interest on this Bond shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

The purchase price of this Bond shall be paid by the purchaser to the Issuer in installments, and interest on this Bond shall accrue only on the installments which shall have been paid to the Issuer and from the respective dates of payment. The amount and payment date of each purchase price installment shall be noted on Schedule A attached hereto.

This Bond represents the entire issue of Bonds designated "Water and Sewer Revenue Bonds, Series 2002, of the City of Shreveport, State of Louisiana," and this Bond is issued by the Issuer pursuant to an ordinance enacted by its governing authority on March 26, 2002 (the "Ordinance"), for the purposes set forth in the Ordinance, under the authority conferred by Title 30,

Subtitle II, Chapter 4 (the "Louisiana Water Control Law") of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority.

This Bond is subject to prepayment at any time at a price equal to the principal amount hereof (the aggregate purchase price installments paid to the Issuer) plus accrued interest to the date of prepayment.

The Issuer shall cause to be kept at the principal office of the Paying Agent (initially the Director of Finance of the Issuer) a register (the "Bond Register") in which registration of the Bond shall be made as provided in the Ordinance. No transfer or assignment shall be valid unless made on the Bond Register and similarly noted on the back of the Bond.

The Bond constitutes a limited and special obligation of the Issuer, the principal and interest of which is payable from the income and revenues derived or to be derived from the operation of the Issuer's revenue producing public utility combined water and sewer system (the "System"), after provision has been made for payment therefrom of the reasonable and necessary expenses of operating and maintaining the System and any payments as required on any outstanding indebtedness of the Issuer payable from a pledge of said income and revenues and any other legally available funds.

**IN WITNESS WHEREOF**, the City Council of the City of Shreveport, State of Louisiana, acting as the governing authority of the Issuer, has caused this Bond to be signed by the Mayor of the Issuer and the Clerk of Council, and the corporate seal of the Issuer to be hereon impressed, and this Bond to be dated as of the date of delivery hereof, March \_\_\_\_\_, 2002.

**CITY OF SHREVEPORT,  
STATE OF LOUISIANA**

\_\_\_\_\_  
**Clerk of Council**

\_\_\_\_\_  
**Mayor**

\* \* \* \* \*

**PROVISIONS FOR REGISTRATION**

\* \* \* \* \*

This Bond has been registered as to principal and interest in the name of the registered owner hereof on the books maintained by the paying agent, as follows:

<b>Date of Registration</b>	<b>Name of Registered Owner</b>	<b>Address of</b>
<b>Registered Owner</b>	<b>signature of REGISTRAR</b>	

**SCHEDULE A**

Date

Amount of Advance

**SCHEDULE B**

**Amortization Schedule**

Date

Payment Amount

/s/John David Stewart, Chairman

/s/Arthur G. Thompson, Clerk of Council

**UNFINISHED BUSINESS:**

1. Discussion and/or Action Relative to the Public Safety Committee (remained tabled).
2. Ordinance No. 3 of 2002: 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 Milam Street, 100 feet west of Arkansas, Shreveport, Caddo Parish, Louisiana, from B-1, Buffer Business District to B-2, Neighborhood Business District and to otherwise provide with respect thereto. (Remanded to MPC on Feb. 12)

Councilman Burrell: It is still going through the process, the MPC and probably be to us shortly.

**NEW BUSINESS:**

1. ABO Card: Robert Barnwell [Employer: Thrifty Liquor (D/Serio) / Residence: Bossier City] (Postponed until April 8)
2. Alcohol Retail Permit: Ms. Deborah Hawkins [Employer: 2901 Milam St. [Take-A-Bag Grocery] (G/Burrell) (No action taken on Jan. 22 - Special Meeting rescheduled for April 12)
3. Elected Officials Salary Review Committee. Motion by Councilman Stewart that an Elected Officials Salary Review Committee be established, seconded by Councilman Spigener. Councilman Stewart: The purpose of the committee shall be to determine whether the salaries (and benefits, if applicable) of the Mayor and Council Members are appropriate and to make recommendations to the Council in this regard on or before April 23, 2002. The Committee's term shall end on April 23, 2002, unless the term is extended by a majority vote of the Council. Mr. Thompson, could you offer a succinct explanation of what we are attempting to do here with this motion for the Council and for the public.

Mr. Thompson: To study the salaries of the Mayor and the Council members. The Charter provides that you can not raise the salary of Council members and the Mayor during

the present term. So, anything that would be done would be for the new Council that would be elected later this year. But it has been several years since there has been an adjustment in the salaries of the elected officials and Mrs. Spigener, has been sort of leading this effort and thinks that it is appropriate to take a look at that now to see what other cities are doing to get some guidance from some professionals and then try to make a recommendation to the entire Council.

Councilman Shyne: In you considering what member would serve on this Committee, I would hope that those of us that have a possibility of coming back---I mean it is not guaranteed because we could not be re-elected or Charles, we could have some elements out there who don't want to see us come back--- I would hope that you would not consider any of us on that committee. I would hope that you would consider those members that, because of term limits will not be coming back, if it is alright with Councilman Carmody.

Councilman Stewart: Mr. Shyne, I can help you. The committee will consist of Mrs. Spigener, Mr. Burrell, and myself.

Councilman Shyne: I appreciate that. I'm good, but I'm not a mind reader, because some times I can read a few minds, but I just wanted to clear that up.

Councilman Stewart: I think your point is well taken, and I appreciate that very much.

Motion passed by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

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

**CLERK'S REPORT:** None.

**THE COMMITTEE RISES AND REPORT.** None.

**ADJOURNMENT:**

There being no further business to come before the Council, the meeting adjourned at approximately 5:20 p.m.

/s/John David Stewart, Chairman

/s/Arthur G. Thompson, Clerk of Council