# COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT, LOUISIANA APRIL 9, 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 3:11 p.m., Tuesday, April 9, 2002, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Councilman Spigener.

The Council recognized the River City Jubilee Chorus with a rendition of The Star Spangled Banner.

On Roll Call, the following members were Present: Councilmen Huckaby (arrived at 3:20), Stewart, Carmody, Serio (arrived at 3:15), Spigener, Shyne and Burrell. 7. Absent: None.

Motion by Councilman Spigener seconded by Councilman Burrell for approval of the Summary Minutes of the Administrative Conference of March 25, 2002 and the Minutes of the Regular Meeting of March 26, 2002. Motion approved by the following vote: Ayes: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Absent: Councilmen Huckaby and Serio. 2.

# <u>Awards, Recognitions of Distinguished Guests, and Communications of the Mayor Which Are</u> <u>Required By Law</u>.

Mayor Hightower: The only thing I would like to do, I don't want to bore the Council, but we would like to do maybe a shorten version of what we did yesterday on the Hotel Presentation for the general public whenever you think that is appropriate.

Councilman Stewart: With your permission and the permission of the Council, we'll do that immediately following our recognition of our guest. Would that be alright with you, Sir. Mayor Hightower: Absolutely.

Councilman Stewart: Given the circumstances that we have with us today, the time frame, 1. please accept my sincere thanks for what ya'll have done for us today, for being here and that we hope some time in the future, you can return again. We would ask, with your permission, that you would stand and face the audience. (Mr. Thompson read in its entirety, Resolution No. 32). Motion by Councilman Stewart to suspend the rules, seconded by Councilman Carmody to bring the resolution forward for reading, consideration and vote; motion unanimously approved.

Councilmen Burrell: While they were here I was going to ask them for one of my favorites, a rendition of Swanny River, but I don't guess they sing that.

Councilmen Stewart: Unfortunately, we can't have that today, but could we have a show of hands if you would like to come back some time and do Swanny River.

Councilmen Burrell: Undoubtedly, they don't know with. I wish I had known that before I voted for that resolution.

Councilmen Stewart: There is some political price here. Mr Maxfield represents the group and with the permission of the Council we will grant you a minute to give your thoughts and ideas. We certainly welcome you and wish all of you well. Thank you for representing Shreveport and our entire part of Northwest Louisiana.

Mr. Maxfield: Mr. Stewart, thank you very much for the time. I wanted to take this moment to advise that this month of April, is our Society Harmony Month. We take this time to celebrate the anniversary of our society by doing extra special type civic duties, our Chapter, this goes on all over the country right now. And we will be scheduled to sing at the Sportran bus terminal the 24<sup>th</sup> at 3 o'clock for the citizens of Shreveport and Bossier and that is going to be one of our involvements. But next year we are working on a youth explosion, (inaudible) Harmony for Caddo and Bossier students which is going to be a very major operation and it is part of our Youth Outreach and we continue to do those things as the year goes on. We hope to keep growing and put Shreveport on the map again, as a very involved City and we get and maybe you guys can come. You are most invited to come Monday evenings at 7:30 at the First Lutheran Church at 2115 Line Avenue and come and join us in a song and keep everybody singing (inaudible) and you would enjoy it. It is an open invitation for you right here.

Councilmen Stewart: And you could do Mr. Burrell's request then, right? Mr. Maxfield: We would work on it. We could work on. You could join us if you wish to. We'd be more than happy to.

Councilmen Burrell: I might do that. You better what you ask for. Mr. Maxfield: Please do. We really would like to have that very much.

Councilmen Carmody: That was beautiful gentleman. I normally would have participated, of course, knowing the song but I was trying to hear ya'll and I kept hearing Mr. Stewart kind of on and off key, so. . . He leaned over to me and said sing louder and I said, I'm trying to listen. Mr. Maxfield: February 8 and March 16 we are working with the Mudbugs and did the National Athem for the game and we also have been invited to the Battlewings on June 22<sup>nd</sup>, we'll be there as well. We are doing more and more work in that sort in the very near future and other performances throughout the area. So, please look, we have a newsletter. I believe you all received a news letter in front of you, that concerns our recent accomplishments and performances in our future items that we are doing and other description of our Society and youth outreach and charity contributions. Mr. Serio, I know you can sing. The invitation is open for you, too.

Councilmen Shyne: I believe Phil can because I've hard Phil kind of humming around here and I think he'd be a tremendous asset to you. Mr. Maxfield: The chorus has come to be a part of our community and (inaudible). Councilmen Serio: That would be worth a bet.

Councilmen Stewart: Let me say thank you again on behalf of everyone. You bring a real presence. And I certainly want to compliment Mr Carmody in his analysis of my singing. In all candor, I was the only person in Officers' School in the October 1, 1965 call, that they asked, not to sing in the choir. My prowess was elsewhere, obviously. We thank you for coming.

Mayor Hightower: We would like to do an abbreviated presentation from yesterday so that the general public can understand at least a little bit about how the Public Trust works so that we can put the hotel package together so that we can benefit the Convention Center.

Councilman Burrell: I would appreciate that for my benefit because I wasn't here on yesterday and I didn't get an opportunity to hear any of the discussion on this particular project. I did have an opportunity to be away learning something about these economic development initiatives. I take the time to say that, I did get an opportunity to graduate on Sunday from the International Economic Development Institute of the University of Oklahoma, so I understand a lot of this stuff. A lot of this economic development information, now, I can understand what they are saying when they are trying to pull the wool over our eyes, Mr. Chairman.

Councilman Stewart: That's wonderful and Mr. Thompson, could you check into the possibility of giving Mr. Burrell a raise since he has become better educated.

Councilman Shyne: That is a good idea.

Mr. Antee: I think that is called incentive pay in some of our departments.

Councilman Stewart: Congratulations, Mr. Burrell. We are proud of you, very much.

Mr. Antee: On yesterday we were requested, by different people for some additional information, so I handed out prior to the meeting, a packet. In that packet you'll find a letter from the law firm Crawford and Lewis who is the Bond Attorneys that are assisting us in this project which basically gives their legal opinion, that the trustee that is set out in the Trust Indenture, is in compliance with the state law.

We also have the Executive Summary of the PKF Report. The PKF Report is rather extensive. We can make available the complete copy of the report but the Executive Summary has the pertinent information. We also have, at the request of Councilman Carmody, the Consulting Agreement as it relates to PKF consulting us and the negotiations of the development and the Operation Agreement with HRI as well as a brief resume of Greg Crown with PKF.

Additionally, the next item is, the PKF Consulting Agreement to update the 1999 PKF study that will be updated at the appropriate time.

Councilman Shyne: Two of the members who wanted to actually hear this information is not, Councilman Carmody and Councilman Stewart. Councilman Burrell: Here come Councilman Carmody, I think Councilman Stewart had to leave for a short period.

Mr. Antee: And basically, Councilman Carmody, what we are going over is the packet that I discussed with you earlier for the benefit of Council.

The August 28, 2001 PKF is their Consulting Agreement to update the 1999 PKF Report which will be needed when we take the entire project to the bond market to be sold. The next item, which is this item is the actual Per Forma that was done by HRI. We have different Per Forma. One from the 1999 PKF Report, then two of the three developers that wanted to develop this project, each did their own Per Forma based on the '99 PKF Report and that is what this item is. And then the last item is the actual budget, the latest budget that as I said yesterday, changes regularly but it is the budget for the project.

What we are here for is to determine whether or not we need a Convention Center Hotel and if so, what is the best way to go about in getting one. I think it is clear, all the experts in the industry, all agree that in order to be competitive in the convention market which gets more competitive everyday, you've got to have a first-class, high-quality full service hotel, either adjacent to or attached to the Convention Center. If you don't, you are a great disadvantage to the other competitors in the market. Just ask: St. Louis, Houston, Madison, Wisconsin, just to name three that are now going back, years after the Convention Center has been developed and putting a hotel so that they can become competitive.

The City's objectives and the Mayor's objective from Day 1 in this process has been to minimize the exposure to the City. One of the advantages of doing it this way, the City's bond rating and bond capacity is not affected by the overall project, only by this portion which the City may or may not guarantee. At the time of the hotel financing to permit the hotel opening shortly after the Convention Center completion, you want to be able to open within 6 months or so of the opening of the Convention Center so that you can go out and attract conventions as early as possible.

You want to structure the investment so you get the best grade, quality credit to finance it at the lowest possible rates. In doing that you minimize your financing cost and more importantly you limit the exposure to the City.

One of the questions that has been asked is, why not create an enterprise fund for the hotel like we have for the Airport and Golf Course? The reason why ism when you do that, the City is on the hook and at risk for the development, for the operation, and the City's bond capacity is directly reduced; so, you eliminate the ability to go out and issue additional bonds for the \$40 million dollars that it takes project to do streets, drainage, water and sewer, parks, fire and police.

Now, what is the actual structure? And I wrote these in because yesterday we were not able to really see so excuse us for it, for having the handwriting. The actual structure is that you have the non-profit corporation on the Authority, is what we are asking you to authorize. The people on the hook are the bond investors. They are the ones buying the bonds and have money at risk. They have a contract, by buying the bonds from the Hotel Authority or the Hotel Corporation. The Hotel Corporation then enters into a qualified development, an asset management agreement, in this case with HRI who also works with a designed built contract with the contractor, the design team, and with the hotel operating company, which is HRI with the Hilton franchise.

Councilman Burrell: In terms of HRI, is that a contract that has already been done or is that a recommendation? Mr. Antee: That contract is currently being negotiated.

What the City receives in this format, with the (inaudible) hotel or (inaudible) ownership of the hotel, if the City will effectively contribute its tax exempt bonding capacity to the non-profit corporation which is authorized by Louisiana statute and the City controls that through the trustee. The land is contributed to corporation or leased to the corporation at a nominal rate which there again makes the feasibility of the project that much more appealing to the bondholders, the Corporation or the Authority, the Trust in this case constructs the hotel to the City's specification and owns the hotel until the debt is fully paid. When the debt is fully paid the Corporation can convey the hotel to the City at which time the City may sell the hotel or realize the full value of the asset or continue to operate it and receive the annual cashflow. And the most important part is, the City retains the upside from the success of the hotel and has very small risk on the downside.

The operation of the hotel. It is operated as stated by the not-for profit corporation or Trust under a management agreement, an operating agreement, which specifies the hotel manager and the flag hotel manager, and in this case would be HRI Management. The flag would be the Hilton which is incidently the largest in the world with the largest database for these type of conventions. The agreements are limited and qualified under the federal regulations. It does not put our tax free bonding at risk. The performance standards and the management operating agreement are set out in the agreement so that the trustees can look and determine if they are meeting the requirements in fulfilling their obligation. And if the operation fails or falters, there are available reserve funds that are used for the operating revenue shortfall and for the debt service until it can be straightened out.

The motivation for this type of an approach is it is easier access to the markets without—under the private sector coming in and developing the hotel, you have to have equity anywhere from 35% to 50% before you can go out and get the financing. The tax exemption on the financing substantially reduces the cost of the capital,

improving the project feasability and therefore increasing the probability of success.

The significant economic benefit to the City is that we have an asset which is reflected over there in the preliminary rendering of 17-story, 300 room hotel that that the City has the asset for and the City also maintains and receives all of the profits and net cashflows that would be generated by the hotel rather than it going through a developer.

And the City can use the captured funds to either retire the debt early on the hotel or for any other public purpose which one of the suggestions would be to use those monies to offset the operating deficit of the Convention Center.

And the main reason is that it limits the financial risk to the City and the transaction can be structured so that the City'S support is limited contingent upon the success of the hotel. As beneficiary of the hotel, the City has control of its own destiny.

Not only does it have control of the actual hotel, one of the questions that has been asked of me today is why do we need a hotel when we've got four others in the area and the answer to that question is simple: location, location, location. The further you are away from the actual Convention Center, the more of a disadvantage you are when you go out and market it.

And the other reason is, control of rooms. You don't want to have a hotel that you have got no control over being able to tell you how many rooms you can have available for any convention. In this scenario, the primary focus of this hotel is to service the Convention Center and we've got control in order to make sure that the rooms are there for the convention and then we can use the other hotels in the area to offset and to supplement, to make our package that much more attractive.

The flow of funds. I had to modify this somewhat so that you could read it, from yesterday. Once you had the net operating income, which is all of the income whether it be room rate, phone, food and beverage, parking—whatever income that is out there less the operating expenses to get the net operating income. With the inflow first to pay off the senior debt, and that would be the debt to the bondholders that put up the \$26 to \$30 million dollars in revenue bonds.

Once that bucket is full and that is paid, then the next money would go to put into a debt service reserve so that in the event they do default for a period fo time, there is a reserve there to take up that shortfall. And then from there we go to pay No. 4, the subordinate debt which would be what we call the, GAP financing yesterday which would be somewhere between \$5 to \$8 million dollars and the \$1.5 million dollars put up by the developer. When those are paid, then it goes to the Cash Capture Fund which would go to the City through the Trust and could be used for any public purpose as stated above.

One of the questions yesterday was in regard to HRI, who is HRI. What hotel experience do they have? And some of hotels that they have been involved in is they rehabilitated the Holmes Department Store into the Chateau Chanesta Hotel in New Orleans at the corner of Iberville and Bourbon Street. It is a 243-room luxury hotel. They also renovated the Blackstone Hotel in Fort Worth, Texas; the Briggs Comp in Omaha, Nebraska; the conversion of the St. Mary's Market in New Orleans as a limited service hotel by Marriott. Then they've just completed the new Hilton Garden Inn in New Orleans, directly across from the Moriel Convention Center. It is a 286-room hotel operated by HRI Management. And they are also currently involved in the Courtyard Renaissance by Marriott in Houston and Marriott's Renaissance Gateway in St. Louis. So, they've got extensive experience in both limited service and full service and the St. Louis Hotel, they'll operate as a headquarters hotel for the St. Louis Convention Center.

The other team members that we talked about, Solomon Smith Barney. They are the Financial Advisors and the group that will be handling the bond issue. They've put together their Per Forma as well as HRI, they put together the package that they think that they can sell to their bondholders and that is a question that I've been asked and I'm sure ya'll been asked several times is, whose going to buy these bonds? Well, these bonds

in the industry and they are structuring it as such to where they can increase the opportunity and the likelihood that we will sell it and they have been very conservative in their estimates and very conservative in their expenses to make sure that when they present it to the bond holders, it shows a good true picture and a strong likelihood of success. And also, maximize the amount of bonds that they can buy in that Class A or that senior debt because that would then minimize the amount that would go in the Class B debt that the City may be asked to guarantee.

So, the examples, and these are just the examples of similar projects that Solomon Smith Barney have been involved in, in the St. Louis, Myrtle Beach, Holiday Inn and JFK Airport, Sheraton in Sacramento, Crown Plaza in La Guardia and the Hyatt at Chesapeake, McCormick Place in Chicago and Pittsburgh Airport. So, they have been involved in a number of these and been successful with them and they know what they are doing.

That is kind of a brief rundown of the hotel project. What we are looking for to get for the benefit of the City. It is simple stated: The best hotel we possibly can at the lowest risk for the City. And the Mayor has been very successful in working with HRI to make sure that we've got a 4-star, full service hotel and not a limited service hotel, that the project of approximately \$50 million dollars and the most the City's exposure should be is somewhere between \$5 and \$8 million dollars in the form of a guarantee.

The other portion that was out there was to write a check to a private developer for anywhere from \$13 to \$20 million dollars to make it feasibly and that was something that the Mayor was very strongly against in terms of just cutting over a check and giving money to a private developer which other cities have done. The Mayor believes and we believe that what we are bringing to you today, is the best way to improve the success of the hotel and also the Convention Center.

One of the questions that were asked frequently is, is the City getting into the hotel business? Well, the voters by 70+%, said they wanted to get into the Convention business and that is what we are getting into is, the Convention business. In order to get into the Convention business, you've got to have a hotel. The Mayor was very adamant about giving the private sector the opportunity. We sent out a 100+ package to see if anybody was interested in developing the hotel on a purely private basis. We got 2 real responses. We did get numerous responses and inquiries and actually 3 proposals from developers to come in and develop it under this scenario. That shows you that this scenario works, it is in what is in the best interest of the City and that is why Mayor Hightower is presenting that to you today.

Councilman Carmody: Mr. Antee, I appreciate the presentation today. I do have, again, some questions for you. First, I guess I am going to ask your opinion and that is, I said this yesterday, that I had gone to the polls and had voted for the Convention Center and of support of the Convention Center, but I am going to ask your opinion. Had the referendum and the ballot read that it was going to include the City building a hotel, do you

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think that that would have garnered the support that the Convention Center project has and this is purely speculative, but you can answer how you want.

Mr. Antee: I don't know but it was never hid during that entire process and while we were out speaking to the different groups and while the Mayor was out promoting the Convention Center that we were going to have to have a hotel to go with it, to be successful. And at that point in time, we were told that in order to make a hotel work to where it feasible, you are going to have to look at this type of structure. And at that time, the Mayor said that may be the case, but before we do that, we are going to give the private sector the opportunity to go out and develop the hotel. So, it was known at that time, it was discussed at that time, that a Convention Center hotel was going to be necessary, it wasn't fully known to what extent it would be it.

Now, one thing that was clearly said is, we do not want to reduce the bonding capacity for the City to the extent that we would not be able to go out and do streets and drainage, water and sewer, parks, fire and police which we have done this year and last year, with water and sewer last year and then the \$70 million dollar issue back last year too. Had we gone out and done all of it at one time and used strictly the City's G. O. Bond, we would have not have had the additional bonding capacity to go and do the things out in the City that needed to be done that was done, so that is another reason why this is, the way to go.

Councilman Carmody: The second question I have is based upon the Executive Summary that you'd given me a copy of last night. Again, the information from PKF, the consultant, was based upon the market in 1999 and of course a lot of water has gone underneath the Red River bridge since that time, the market has changed, the number of rooms and that type of thing. And in looking at their projections toward the average daily room rate and occupancy, from what I understand, the average daily room rate for at least one of the major hotels downtown, it was not up to the point nor is their occupancy is about 12 percentage points lower and based upon that information, wouldn't it have been more prudent if the Administration had gotten a feasibility study already in hand before they brought this before the Council? Mr. Antee: Well we had a feasibility study and it was done in 99. Last year, we had them update that or begin the process of updating that to see if anything in the market has changed dramatically enough for us to step back and look at it and re-evaluate. They did that, I want to say it was in late October or early November. They had somebody come in, they spent five days here in the market going back through the steps that were done to go and do a full blown update. They got enough information to advise us at that time, that everything that they had projected for is still where it was based on the '99. I think the occupancy rate may have gone down and what they reviewed, by one or two percent, but that the room rate went up that offset it more than the occupancy rate. And the reason why they said the occupancy rate went down was because there were more rooms that were added, but the room rate made more than made up for that. So, they felt like we were in a better position, at time.

We could have gone ahead and paid them the full amount of money to go ahead and finalize that, but we would have been wasting our money because in order to take this package to the bondholders, they want a feasibility study that is current and we knew that there was going to be a time lapse between the end of last year when they could have gotten us that and when we are ready to go to the bond market in six to eight months after the building has designed and we have got a guaranteed maximum price. So we stopped them there, and when we closer to time to take it to the bond market, they will pick back up, do a little bit of what they did before, and then bring it all the way current so that they've got a current feasibility study.

Councilman Carmody: I think you have indirectly answered another question. Do you anticipate the sale of these bonds to be six to eight months after. . . ?

Mr. Antee: They get to go ahead to start the design and get the guaranteed maximum price. I think our time line now is to go to the bond market in, I want to say, October, is that right—October/November, somewhere in there. And the process, once we get the Trust approved, we finalize the Development Agreement and the Operating Agreement. The design team goes to work full speed. They are working now, but just a little bit along until they get the contract to go ahead. Then, they have got to fully design. Then it has got to go out to the construction market to get bids and quotes and come up with a contractor that is 1. acceptable and most importantly acceptable to the bondholders, because it has got to be somebody the bondholders are comfortable with that knows that they've got the financial ability and the bonding capacity to do the project and to stand behind it. Then, they will come with a guaranteed maximum price. And once you have that, then you take all of that to the bond market to see how much you can sell in terms of bonds.

Councilman Carmody: And who would select the contractor? Mr. Antee: The Trust, the trustees of the Trust.

Councilman Carmody: We touched on this yesterday, there will require a Land Lease Agreement between the City of Shreveport and this Board of Trust in order for them to in turn, lease the property for a \$1 dollar and other good and valuable consideration in a year or two. . . (Mr. Antee: That is correct.) with HRI. Mr. Antee: I think in order to have it legally sound, you would want that lease as part of the package.

Councilman Carmody: And at the point, there will be some opportunity for the Council to include the provisions that they think are necessary for HRI to operate under? Mr. Antee: Obviously in order, that'd be correct with the actual lease to have in place to do that. Keep in mind, under Louisiana law, that the City can not provide money to the Trust without the Council voting to do it, for any purpose. And the Trust does not own the land, so it would have to lease it from the City, at which time the City could put the same terms and conditions as it did in the Hollywood and Harrah's lease.

Councilman Carmody: At this point you have reiterated that we are basically, by utilizing this particular method, we are limiting the exposure of the City of Shreveport to about \$5 million dollars worth of risk? Mr. Antee: Five to eight million (\$5 to \$8 million) wherever that gap comes in. Councilman Carmody: Five to eight. Mr. Antee: We are getting a \$50 million dollar hotel project by putting \$5 to \$8 million, maximum, at risk.

Councilman Carmody: What control is the Board of Trust going to have over the maintaining of the stated average daily rate in the market by the operator of the hotel? Mr. Antee: That would be worked out in the Operating Agreement with the manager.

Councilman Carmody: I think the concern, Mr. Antee, is that, if God forbid the project doesn't seem to be as successful as, I guess PKF Report indicates that it will be, that we would have another competitor in the market who would have to be competing with casinos, who of course can comp their rooms as well as the operators, hoteliers who have to try and maintain a particular average daily room rate in order for their property to be profitable.

Mayor Hightower: I think one think you've got to keep in mind, Mr. Carmody, with the Convention Center hotel, we've got—it is going to be a unique animal because they will essential as Mr. Antee said, control their own destiny because we'll have a capture audience there, much like the casinos do. The people that are

coming to conventions and the reason we want this hotel and those around it won't suffice, are that people want to stay at the headquarters hotel and they are willing to pay more to do that. So, when you take a look at the daily average room rate, likely, that daily average room rate will rise, as a result of the Convention Center hotel because people are willing to pay more not to go outside. So, we don't think that is going to be a real issue.

Now, will they have problem on the weekends? They may, but part of what we want to do there as well is work with not only boat show or local type activities, but work as well with the Hilton Honors Plan in this case and work with the casinos for overflow. Do we really need the Horseshoe hotel across the river to build 300 more rooms, I'm not real thrilled about that because I don't think Hollywood and Harrah's don't have any plans to do that at this point. Now does Horseshoe? They say they do, but I have got to think that with the hotel capacity we have now, 7,000+ rooms and then 300 additional Class A, 4-star rooms coming on board, that we can absorb and grow the casino market as well with the help of this hotel and that's the reason that the casinos went to build the hotels is they knew just like the Convention Center knows that, people want to stay where they play.

So, the philosophy is really not any different than the five casinos had in building the hotels attached to their casinos. We are using the same philosophy on the Convention Center, the difference is they do want to hold captive everybody they can at their casino and their boat. We don't. All we want to do is have 300 rooms, most of those which are blocked for the convention business. The rest could be travelers, some portion of that may be some travelers, but by in large, for the convention business and when we are bringing conventions of 300, 400, 500, and 1,200 people to town, our whole thought has never been to build a hotel like the casinos did to house all of their patrons. We want the spill over to flow out to the Holiday Inn Downtown and to the Chateau and to the Ramada at Monkhouse and to the Le Bossier, if that is where they need to go.

So, again, our philosophy all along has been to: 1) to grow the pie. To spread the business, that we have to grow the pie and to grow the pie, we have got to have the hotel attached to the Convention Center. And again not only do the experts in the Convention Center business say that it is necessary, but locally we have five casinos that have proven to us that it is necessary and they have proven to us that when they did it, it grew their market by leaps and bounds which have benefitted both sides of the river and again, I think that this will do the same.

But the daily average room rate may fluc from time to time and especially it may flux when we don't have a convention in town, but again, I think that this hotel will help the hotel entrepreneurs all over Shreveport and Bossier.

Mr. Antee: And that's been proven, throughout. I think the experts in the industry clearly indicate and documented that where a convention center exist without a hotel, that it struggles. And once they get a hotel that is adjacent or attached to the convention center then at that point and time, not only does the convention center do better but all the hotels in the area, their occupancy rates go up as well and that is the whole purpose and intent of building an \$85 million dollar convention center and then the \$40 to \$50 million dollar hotel is to benefit everybody else in the community and history has repeated itself, over and over and over, showing that that is the case. And it doesn't matter what we do, there is going to be some people out there that is never going to believe that, but they are not going to believe anything.

Councilman Burrell: Ken, what is the expected occupancy rater after the building of this hotel? Mr. Antee: The occupancy rate is based on 1999 dollars of \$98 dollars a night and the occupancy rate of 67% after the 4<sup>th</sup> year, which is the year that they anticipate it to level off. I think that that would equate into Year 4 of being \$110 dollars a night and they expressed to us that that is conservative.

And the other thing that they did with the 67% occupancy rate, they gave very little credence to our weekend occupancy now and they've said that that would benefit our study in the long run because of the history that we have about being full on the weekends by showing a much lower weekend rate at a Convention Center hotel, that is added benefit.

Councilman Burrell: What is the weekend occupancy rate as we have it now? Mr. Antee: I think—I thought I saw Ms. Brown come in from the Convention and Tourist Bureau, but I'd venture to say that it is excess of 95% on weekend. Councilman Stewart: Mr. Antee, would you like Ms. Brown to come forward? Mr. Antee: No, I think if I'm wrong, she'll let me know.

Councilman Burrell: It is 97? Mr. Antee: I said in excess of 95% on weekend.

Councilman Burrell: That is based upon? Mr. Antee: Based upon all my friends trying to get rooms on the weekend and calling and seeing if I can help them get one, both of my friends, let me re-phrase that.

Councilman Burrell: Well, what about the fact that this facility will be up and open, I guess that occupancy then would just go down a couple of percentage points, is that what you are saying? Mr. Antee: I am sorry, could you repeat that?

Councilman Burrell: I was asking—you mentioned the weekend occupancy rate being 97. (Mr. Antee: No, sir above 95.) That's assuming all of your friends don't come in town at once. But once this hotel is built, what would be your expected weekend occupancy rate then or is that what you are including in the figure? Mr. Antee: No, I am just saying it is hard to get a hotel room on the weekends here. What PKF did was they reduced the amount in their Per Forma as to what they thought they would get on the weekends where to somewhat below 65% because traditionally for convention center hotels, their high occupancy is Monday through Friday when the conventions are going on and they struggle to get business on the weekends. Where Shreveport is at an advantage but what PKF did not give us credit for is, we have a much higher demand on weekends then most of the other markets because of the casinos and that is proven through the industry here that our rates are real high on the weekend. PKF remained conservative in taking that into account but then they footnoted show that we think it works by discarding your market on the weekend and it gives us added confidence that this project will be successful.

Councilman Burrell: So, I am still to assume then your 67% occupancy rate, which is thought the week, is also placed on this particular hotel being built, after that point because you said a 4 year span, is my understanding so that would be after the hotel is up and running, is that correct? Mr Antee: The 67% was in the 4<sup>th</sup> Year, that is when they anticipate traditionally with hotels that they stabilize from opening, the 4<sup>th</sup> year of operation.

Councilman Burrell: I guess what I am asking for is a projection that I assume PKF has made that within four years, this four year projection, that this particular hotel will be up and going and those rooms would be added to the market that we would then project a 67% occupancy rate, am I off on that? Mr. Antee: That is correct.

Councilman Burrell: Okay, well I think I understand what is being asking. Secondly just to support

something that the Mayor is saying in terms of a hotel being built in conjunction with a Convention Center, that is very true because most of the conventions that I've gone to which have been various ones, had a hotel associated with it, even the one that I just recently went to. They had built a resort that had rooms but then they came back and built a convention center adjacent to it, so, now they have a convention center to accommodate the hotel rooms rather than the hotel rooms accommodating the convention center. And I asked them about that question and they told me they needed both so from that standpoint, that is a plus. Mr. Carmody, I think that is true statement that the Mayor is making, whether we accept it or not, on that issue.

The other thing that I have problem with and I briefly discussed it with the Mayor is that in this document, I don't want to leave anything to chance. We just recently went through our Audit and Finance Committee meeting and we were trying to deal with the Fair Share issue and I notice in your document, there is nothing to that extent and I know that that is a commitment that we've made to the people.

I am not, although I respect HRI, but I am not high on the information that I had received when they did the renovations of the existing structure that we have downtown in how they dealt with this particular issue although we didn't have in place what we call the fair share, at that time when Mayor Williams was in, but there was a strong commitment to that. And, I said as a Councilman at that time and I questioned their commitment to inclusion and I am going to have to question it, at this point since I haven't had the opportunity like some of us to really go through this document because I was out of town for a week, but I see no language in there and I wanted to know how we are going to deal with that issue and whether or not we really should be dealing with it now as part of this contract rather than trying to wait until later and beg for some support?

Mr. Antee: Well, there is two things to that: 1) by state law the creation of this Trust makes it a corporation of the City and therefore would be subject to the City's Fair Share Ordinance. 2) When HRI did the Lee Hardware and Jewelry building, they didn't have Mayor Hightower standing over them saying: You will respond to our Fair Share Program. And if there is anybody that has proven in the last 3 years, even prior to their being a Fair Share Ordinance that he's committed to make sure that the opportunity and the participation is there, it has been Mayor Keith Hightower. Councilman Burrell: Well, I don't question the Mayor's commitment, I think that we've all taken a role in that even whenever it is not politically popular, but I do stand behind the Mayor because I have worked with him as Chairman on this Council to put in place or should I say, impress upon many of the private sector to come in and work with us on this issue. But I do h ave a problem when it is not written when it could be written in to make sure that if Mayor Hightower, as Councilman Carmody said, God forbid he slipped on a banana peel and if something happens, then there would be something place that someone can pick up and go forward with that would help satisfy the letter of the law in case they are not that supportive of it.

Mr. Antee: And we believe that the ordinance clearly covers it but we are also not opposed if there is an amendment that specifically states that the Shreveport Convention Center Hotel Authority is subject to the City's Fair Share Plan. We have no opposition to that.

Councilman Burrell: Mr. Thompson, did you hear that? Mr. Thompson: No.

Councilman Burrell: Would you repeat that. Mr. Antee: I said if there was an amendment not an amendment a second ordinance or however best to do it that says that the Shreveport Convention Center Hotel Authority, which is what we are asking to you approve today, is subject to the City of Shreveport Fair Share Ordinance. We have no problem with that.

Councilman Burrell: When would it be best that that be done, as your advise to the Council, Mr. Thompson? Mr. Thompson: I mean, if it is an ordinance then it would have to be Introduced. The earliest it could be Introduced would be the next meeting and then passed two meetings after that, if that what we are talking about.

Councilman Burrell: Do we have a timetable such that it would be a problem if that is taken place? Mr. Antee: Absolutely. We need to have this passed today.

Mayor Hightower: We need, that is fine, but we need an amendment to the legislation on the agenda today. So, Art if you could have someone prepare that for a vote later today, an amendment to the legislation, we are perfectly fine with that. Mr. Thompson: We could put it in the resolution.

Councilman Stewart: Mr. Burrell, would that be in satisfaction to you, sir?

Councilman Burrell: Yes sir. Again, Mr. Chairman it is something that we all should be passionate all. Not that our Mayor nor this Council doesn't have a commitment to that, it is just that it is always important that we have these things documented, especially something of such importance, so I don't have a problem with that.

Councilman Stewart: Mr. Thompson are you comfortable that this is, it seems to me to be a reasonably easy to achieve request, would you agree with that or we could expedite a preparation for consideration today? Mr. Thompson: We should have it before the end of the meeting.

Councilman Shyne: I was about to say the same thing. I'd like to see an amendment added and that would not prolong. I don't know what the wishes of the Council members are today, but an amendment would not prolong, one way or the other. I don't know whether we can add some wording to the fact that we need to and I know the Mayor will and we have not spoken in length, but to make sure that our local contractors be involved. I made a call earlier to one of the members of HRI----I see so many alphabets until the all kind of run together---but to Sidney Bartholomew who is a member of, I think he is their governmental representative and those two points that I discussed with him.

And, I told him that the last project that they did here, of course I was not a member of the Council at that particular time, but I was told that they brought in a lot of contractors from out of town. We want to try to get as many dollars as we can spent right here in the City of Shreveport with our contractors.

So, I don't know whether it is a—Mr. Thompson, maybe you all can tell me---I don't know whether it is against the state law to put that kind of language in that would say that they would need to look here for local contractors or whether it would be the duty of the Authority to make sure that local contractors are involved, both black and white contractors, that the money is spent here. I think that if we include those two items in the contract it would make it a little bit more please-able to the people. Mr. Antee: Mayor Hightower's intent to try and obtain as much local participation and as much fair share participation as possible. The thing that has to be remembered. . . .

Councilman Shyne: I'm sorry, let me just stop you for one minute, I am sorry. And Mayor I didn't realize that maybe somebody was starting their Mayoral Campaign when they said that you might slip on a banana peel and might not be in office long, so I don't know whether that is somebody starting their mayoral campaign or not. Mr. Antee: If they will follow the Mayor's Fight Dirty Campaign, it won't be any banana peels out there to slip on. Councilman Shyne: Okay.

Councilman Stewart: Mr. Antee, that may have been your premier statement of your career.

Mr. Antee: But one of the things that I was going to point out is, that the ultimate people at risk in this project are the financial people that buy the bonds, the \$30 or whatever million dollars in Class A Bonds. In order for them to buy the bonds, they have to be completely comfortable with the contractor, but that is not to say that we don't have local . . .

Councilman Shyne: . . . .looking at is to make sure that there is an enforcement element within the agreement. Mr. Antee: . . . Mr. Hightower to get as much as possible in terms of local and fair share participation.

Councilman Shyne: These are the two main points that I would be looking for at his particular point because I honestly feel like we have some of the best contractors that you can find in Dallas or Houston or Atlanta or anywhere else. We have some skilled people right here in the City of Shreveport and if you don't grow your own, if you don't look out for your own then that make people think you don't have any confidence in yourself.

So, I would hope that the Mayor and the Council because there will be, if I am reading this right, there will be two Council members on this Authority at all times and if any of them have a mouth as big as mine and John David's, I know that they will hear that we want them to hire local contractors.

Councilman Stewart: Mr. Thompson, as a point of information based on Mr. Shyne's suggestions and Mr. Antee's response, would it and Mrs. Glass I address it to you too, would it be appropriate that there be 2 amendments. For your consideration while you are drafting it, if there is an issue associated with a concern for any type of favoritism, addressing local individuals, could you respond to that at this time.

Mrs. Glass: I think the issue of whether it would be one or two amendments is up to ya'll. We could do it as two separate amendments that can be voted on separately. What I was thinking about on the issue of the local preference, I'm not sure as to whether there would be problems with that with the public bid law. I have not personally researched this, I am not exactly sure exactly how the public bid law relates to this but it would seem that what we had thought about doing is amend the resolution itself to say that Trust of Indenture would include certain provisions, and then you would mention the ones you are talking about. And, on the one on the local preference, we could say something to the extent permitted by law. Councilman Shyne: Right.

Councilman Stewart: As long as you are comfortable with that, I don't think that there is a question that anybody on this Council, the Administration or in this audience, feels any differently than what has been suggested. We will follow your guidance.

Mrs. Glass: What I would do would be to try to draft something and let Mr. Antee and Mr. Barber look at it, they both been working on it and then we can go from there.

Councilman Shyne: I see we have Mike Gibson in the audience, who, I don't know whether he has, maybe can give us some insight on that. If he can give me some light on what I just said.

Councilman Stewart: May I offer a suggestion that I think would embrace your concern which is some of mine that he invest his time assisting the Clerk and Mrs. Glass so that then there is no question and it would not be involved in just discussion.

Councilman Shyne: And let me clear this up. Attorney Larry English looked at me with a not-so pleasant look on his face and said, could I be involved too. Mr. Antee: I answered that for him. Councilman Shyne. Councilman Shyne: Okay. Councilman Stewart: You told him, no, huh? Mr. Antee: Hey.

Councilman Stewart: Mr. Larry, I'm sorry, you chide me so much, I couldn't resist. Obviously anybody with expertise is welcome. I think that would speak for all of us.

Councilman Serio: Ken, you had commented somewhat about marketing, the marketing of this facility. That would typically be handled through who, the hotel itself or is this going to be a joint venture a far as the marketing? Would the City be involved in the marketing of this or would the Convention and Tourist Bureau be involved in it or what, what are we looking at?

Mr. Antee: Well, obviously bringing Hilton in, you bring the biggest hotel name and flag in the industry. They will have their own sales staff and in addition to that, SMG will have their sales staff. They were working as team, hopefully will be able to work as a team with the Convention and Tourist Bureau as well to go out and promote the Convention Center, the hotel in the region as a package. But it is no secret of how difficult it has been for both cities to try and work with the Convention and Tourist Bureau in trying to get funds to go out and do just that. But, we are hopefully that by the time we get all of this opened, then we'll have all that resolved and we'll have some money to go out and market. But to answer your question simple, the Convention, SMG will have a sales staff, the Hilton hotel will have a sales staff, the Convention and Tourist Bureau obviously has a staff and we want to put them together as a team and go out and sale.

Councilman Huckaby: How will the trustees who are leaving the Trust, for instance, those Councilpersons that rotate every six months, Chairman and Vice-Chairman, how will they be replaced?

Mr. Antee: Keep the person filling their position on the Council will by virtue of their position on the Council fill that spot. And keep in mind, the way it is set up now, except for the initial Council Chairman, they'll serve one year. They will serve six months as the Vice-Chair, and then move into the Chair which would be for the next six months and then the Vice-Chair that comes in there would be six months. So, after the initial period, then each Council member will serve one full year unless they do not go from Vice-Chair to Chair.

Mr. Thompson: I believe Mrs. Huckaby's question was about how the successor would be appointed. I think that the Trust Agreement that you have in your book is the old one and there has been one that has been amended since that time that was sent by Mr. Antee and it reads as it relates to the citizen, Mayor, that it will be chosen by the Mayor and approved by the City Council. So, it is this latest document with Mr. Antee's letter to Mr. Carmody.

Mr. Antee: And that document should have been in the book that you received last Friday because we provided to the Clerk's Office. Mr. Thompson: And it was given to you but the first one was not removed. Ms. Lee: It should have been on the lefthand side of your notebook: the letter to Mr. Carmody. It was a packet of information along with the rest of your mail.

Councilman Spigener: Am I understanding correctly that the person that is appointed by the Mayor will be subject to confirmation by the Council? Mr. Antee: Absolutely. To make it clear between the two Trust documents, the one that under the line has the: Mayor, CAO, Council Chairman, Vice-Chair and Citizen, that was the most recent that made all the amendments from two weeks ago.

Mr. Thompson: Just about every amendment that was asked for in the meeting is included in this new document.

Councilman Shyne: I think that Mrs. Glass has gone out with, I thought it was going to be two, it seems like it was half of the Chamber almost to make sure we get in place the language that we needed and Mr. Mike

Gibson gave me some information about after it becomes private, then the bid laws might not apply?

Mr. Antee: Under the state statute that creates the Public Trust, the bid laws do not apply as to having to follow every item of the bid as long as it is for an economic development facility, which this is. In this scenario, you don't want to have to go through the state bid law process and the reason why the statute reads that is because bondholders aren't going to buy bonds if they don't know who is building it.

Councilman Shyne: Alright, hold that point right there. There point that he was making was that, we might be able to put the language in there specifying that we would look for them to hire qualified local builders?

Mr. Antee: If you put the language in there that the Trust has to go out and bid it in accordance with the bid laws, you are killing the project because you are not going to be able to sell the bonds because the bondholders will not put \$30 million dollar at risk without knowing who is going to build it, without knowing what the guaranteed price is, and without knowing they can stand behind that price. And under the state bid law, you've got to go with the lowest bidder and that the reason why the State, and in the statute, it makes an exception for that purpose.

But, what can be followed and what will be followed is the City's selection process with selecting professionals and construction managers. The A & E Ordinance to where it goes through a selection process and you have several items there to chose from rather than just a low price because it could be Joe and Ken's Construction Company that is able to go out and buy a bond that could come in and get the bid, but the bondholders are not going to buy knowing that you and I are the ones out there to build it, so, that is why it is built into that.

So, if you put an amendment on there that we've got to comply with the state bid laws, you may as well just vote everything down because you are killing the project.

Councilman Shyne: This is the point that I was making that, we do not have to abide by the State's bid laws because I think that maybe somewhere in the State 's bid laws---and Mr. Thompson I am not attorney but I have been accused of practicing law from time-to-time and I'm guilty---that you can't specify that you have to use local contractors, but if you don't have the State bid law in there, then you can use local contractors. Mr. Antee: Well, but you may. . . . Councilman Shyne: Well, I think was the information that he was giving to me and I think that is what he is gone back in there to give to Mrs. Glass.

Mr. Antee: But you may jeopardize the ability to sell the bonds. Now, if you put in there to *use the best efforts* to go out to maximize that then that can be done.

Councilman Shyne: Well, you might need to convey that to Mike Gibson then.

Councilman Stewart: Do you have additional information to provide us, Mr. Antee? Mr. Antee: The last thing I'd state and I provided each of you a copy of the Public Subsidiaries for Headquarters Hotel Development. It is a well written article by Charles Johnson and Robin Hondun that are experts in the field in that industry, and they close out their article by saying that what has been proven is that where there is leadership, vision, energy by local boosters, be it politician, the business community, the convention and visitors bureau, philanthropic institutions or all of the above, convention hotels can become a reality through public-private partnership. And that is what you've got here through the Mayor with his leadership and vision, through the Council with your leadership and vision and hopefully we've answered all of your questions so that now we can move forward and we can take the next step to go to that next level and make sure that the Convention Center can be as successful as possible.

Councilman Burrell: Ken, I just wanted to get a point of clarification, you did say that the way the contract is written, there is language in there that would exempt it from the state bid laws?

Mr. Antee: No, the statute exempts it if it is for economic development from having to apply the state public bid laws. Councilman Burrell: So, it becomes basically a private project where you don't have to consider public, I won't say public input, but what the project would then be considered a public project?

Mr. Antee: It just says that it is a Public Trust, it is a division of the City or a corporation of the City and keep in mind three of the trustees are elected officials that are going to have to respond to the public if something doesn't go the way it should and that is why we have it set up that way. So, it merely states that you don't have to go through state public bid process but it doesn't say you can just go do whatever you want. I mean, you got a fiduciary responsibility as a trustee to do the most prudent and responsible thing.

Councilman Burrell: Don't get me wrong, really I don't want it really to go through the state bid law because I don't, there is certain statutes there that says Louisiana Constitution that I think its anti-what we are trying to do here in terms of including everybody in the City. And so it would be good if it doesn't, under those circumstances, that is the reason I was asking you the question.

Mr. Antee: And that Fair Share participation that can be one of the items in that scenario that can be evaluated and considered as well as strength of the company, ability of the company, price, participation all of those things can be waived to make the determination as to which group or which firm or which group of firms can best fulfill this project.

Mayor Hightower: Let me make one thing clear. I don't want anybody to be misguided or have any misinterpretation, everything will be competitively bid, everything, all the way from the bathroom fixtures to the contractor. The contractor itself will go through an A & E-type selection process just like we do now for architects and engineers, just like we did for the construction manager on the convention hotel, so that process will be followed and then everything will be bid, again, from the toilets to the air conditioners to the electrical. Everything will be bid so we can get the guaranteed maximum price to in turn take back to the bond market so that we can sell the contractor and the whole package, at one time. So, this process won't leave anybody out. If you've got an electrical firm and you want to submit a price on the hotel, you are going to have the ability to do that.

<u>Public Hearing:</u> 1. Approving a Restoration Tax Abatement Application: 6540 Line Avenue, Louisiana Capital Partners, L. L. C. The Chairman declared the hearing and called for a Presentation from the Administration.

Mayor Hightower: The only real presentation that we would have, I know there was some discussion on this item yesterday about the tax abatement. The question was asked, would the City be willing to abate our portion of the property tax and we batted that back and forth. The bottom line, the City's portion is roughly \$5,700 dollars a year for, and I don't see Julie, but I think it is a five-year period on this restoration tax abatement. The Parish would have to weight on their portion of the property taxes as well.

We are the administration, we being the City for the entire tax group so I doubt rather strongly that if we pull our support from tax restoration abatement, that the Parish or any other taxing entity is going to leave their's in. So what you are being asked to make a decision on today is do we, from the City's standpoint give up

\$5,700 dollars a year and that number comes from the current tax assessment on the property, as is, before renovation. So, it is not like we are going to zero (0), whatever that property is appraised for before renovation is what we will continue to receive for a five year period, but it will leave us \$5,700 dollars short per year of what we would get if we didn't do the abatement at all assuming the project went forward. And the reason the tax abatement restoration scenario was set up, was to obviously to encourage renovation of vacant property.

So, it is an entity that is set up to further economic development. So, the question is, are we losing any money? The answer to that is, no. Do we leave money on the table by doing this? The answer to that is yes, unless the property didn't get developed and I can't answer the question as to whether the developer will go forward with the project without the restoration tax abatement or not but again that is what the program is for is to encourage that.

I know that Councilman Carmody, I guess it is in your district at this point, but the recommendation of the Administration would be to approve so that we don't jeopardize the project. That piece of the property out there has been sitting vacant for Thomas you may know better than I, but several years and I think that we are fortunate to have somebody that wants to go in there and do something from an economic development standpoint and understanding that the vehicle is set up for things just as this and we would recommend the Council approve the tax abatement.

The Chairman called for persons to speak in favor of the application. No one came forward to be heard. The Chairman called for persons to speak in opposition to the application. No one came forward to be heard and the hearing was closed.

2. The Chairman announced at our next City Council meeting, two weeks from today, we will hold a public hearing on the Annexation Ordinance No. 43 which is on Introduction. For your information, the Annexation is Tag No. 01-06: Tract of land located along the Flournoy Lucas Rd., in the SW4 of Sec. 7 (T16N-R13W) and in the SE/4 of Sec. 12 (T16N-R14W). This is in District D, under Mr. Serio touluage.

Councilman Shyne: Since we are talking about public hearings, I would hope that this Council would consider our time line in trying to get public hearings in order to get the Reapportionment Plan because we are moving closer to the month of May. And it is not very many things that I like to rush and do right now. I used to like to do a whole lot of things, I used to rush and do, Mike, a whole lot of things. I'm getting to the point in life where I like to kind of take my time and if we don't hurry up and say a projected date that we need to look at, we are going to be over in the month of May and as a matter of fact at the end of May and it would be kind of like we did, 10 years ago, we were just rushing, rushing, rushing and we had to make some very important decisions in the last 2 or 3 days because we had just kind of waded around the water and waited until the last 2 or 3 days, Councilman Carmody, and you don't make your best decision in the last 2 or 3 days. So, I would hope that this Council would think about it and maybe before we adjourn, we would maybe look at trying to come up with a time line.

Councilman Stewart: We certainly will deal with it, at that time.

Councilman Burrell: Just to refresh my memory. Did we come up with an optimum time line, a deadline that we had, was it the end of May?

Councilman Stewart: I believe that we do. Mr. Thompson, can you respond, please. Mr. Thompson: I don't know what we are talking about.

Councilman Stewart: I apologize. There was concerned expressed about a time line associated with the final vote and public hearings associated with the re-districting process.

Mr. Thompson: We have scheduled a special meeting for the 7<sup>th</sup> of next month for a public hearing and to vote. Now, I am not saying that, that is a drop dead date, but that is the time that we have talked about and that we put on the calender. (Ms. Lee: The 9<sup>th</sup>.) The 9<sup>th</sup> of next month, I'm sorry at 3 o'clock.

Councilman Burrell: What is the drop deadline? Mr. Thompson: I think we get different answers whether we talk to Mr. Joiner or whether we talk to Mr. Robinson, so I can't give you that. . . .

Councilman Burrell: What did Mr. Joiner says? Councilman Stewart: May I offer a suggestion. Then let us get Mr. Joiner and Mr. Roberson together, and I will be happy to assist so that we get a resolution.

Mr. Thompson: And I also have dates that I got from the Secretary of the State about the dates for elections and that sort of thing and I think I've submitted that to Council members, already, and it has certain dates on it. We have it here so you have to back out of those dates and I think it is a guess on anybody's part.

Councilman Burrell: I want to reiterate, what did Mr. Joiner say since he is the one that has been working it right now or do you know?

Mr. Thompson: I don't remember. There were several members in that meeting, do any of you remember?

Councilman Stewart: We will get this in response in writing, this week.

<u>Confirmations and/or Appointments:</u> 1) Motion by Councilman Shyne, seconded by Councilman Burrell to confirm the Executive Appointment - Assistant City Attorney: Shante Y. Wells. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

- 2) Motion by Councilman Burrell, seconded by Councilman Serio to the Caddo Communications District No. 1 Board (reappointment): Dorothy Johnson. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.
- 3) Motion by Councilman Shyne, seconded by Councilman Carmody to the Downtown Development Authority Board: Lillian Priest and Reggie Abrams. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

<u>Public Comments:</u> Mr. Lynne Juneau (3333 Texas, Suite 1406, Shreveport, 71101): I am an attorney and I am here on behalf of Elaine Herold. Mrs. Herold is the widow of Simon Herold, a long time attorney and my partner. She owns property adjacent to Glen Iris. There has been discussion about closing Glen Iris between Ontario and, I believe the north boundary line of the subdivision.

Mrs. Herold would like to see that, that thoroughfare be closed, it has never been open, never been improved rather since the 84 years that the subdivision has been in existence. I understand that Mr. Bill Weiner has asked that it not be done. He has had the same comments for the last 30 some odd years, I think, in looking back at Mr. Herold's files on this matter, he always talks about maintaining that as an open thoroughfare. Mrs. Herold would respectfully request that it be closed at this point.

The neighbor on the other side, I believe, is in favor of the same thing and we'd ask for your favorable consideration.

Councilman Burrell: I don't know if he knows it, probably so. I met with Mrs. Malpass and I think several

of us did. It seems like at the last Council meeting that we discussed this matter, there was suppose to be some information brought back as to whether or to there was a street in there called Cleveland Street that was abandoned and that, that street was abandoned then the property at the time of abandonment should have gone to the property owners that were adjacent to that property. Councilman Stewart: Yes, sir that is correct.

Councilman Burrell: Is that correct. And given that fact since that Council meeting. . . gotten that information back as to whether or not the Cleveland Street, 1. was abandoned and 2. did the property in question which is Cleveland Street actually went to, a portion of it would gone to the property that Mr. Weiner now owns, at the time I understand he did not own it and the other portion of it would have gone to the Malpass and possible the others (Councilman Stewart: Mrs. Herold.) Mrs. Herold. Is that correct statement?

Mr. Juneau: That is my understanding, Mr. Burrell. I am not sure when Cleveland was closed. But, I know in the looking at the Herold deed which was in the '50s it refers to the south half of closed Cleveland Street, so apparently or at least at that point and time it had been closed.

Councilman Stewart: It was closed in the early '20s. Mr. Juneau: Was it.

Councilman Burrell: Well, I know we was suppose to have researched that information and I don't know if that answer was every brought back to this Council because I think a lot could be clarified on this issue if that would be brought forth. Because if so, then, Mr. Weiner would not have, would not be the adjacent property owner to the property that is in question which is this section we are trying to close.

Mr. Juneau: Well, I won't want to speak for Mr. Weiner, but it is my understanding it was closed. It did go to the adjoining landowners and Mrs. Malpass or her ancestor in title, the Hamiltons acquired the south half as did Mrs. and Mrs. Herold when they acquired their property. As to the north half of the property, I would presume it went to Mr. Weiner or his ancestor in title, but I certainly don't have any personal knowledge of that. I thought some information did go to Mr. Stewart, from Mr. Norwood's Office, et cetera.

Councilman Burrell: I wasn't really asking you for it because I think that we were suppose to be researching that ourselves, from the City's standpoint and maybe you all have gotten the information, but I know I haven't seen it.

Councilman Stewart: We do have information that Mr. Norwood and Mr. Strong will provide to us. Mr. Norwood, would you be the appropriate to join us at this time. Would you step to the microphone and let us get an answer. Mr. Juneau if you would wait.

Mr. Norwood: This is the map of the property. Cleveland Street was closed and abandoned in 1921, this entire stretch through here. When it was abandoned, the northern part, the section right here, went to Mr. Weiner, this part right here. The southern part went to, this section here, went to this parcel which is owned by Malpass and this piece here, went to Herold. This section right here went to the Glen Iris right-of-way and became a part of it.

So, in fact Bill Weiner is now an adjacent property owner on the Glen Iris right-of-way, however, if the Glen Iris right-of-way were to be abandoned, it would be divided along its center line with half going to Malpass and half going to Herold. Mr. Weiner would not retain any of that as property.

Councilman Burrell: Well, that is a little different than what it was explained to me before. It was explained to me that this portion here, when this street was abandoned, then this went to Mr. Weiner and this section here, back--since this was part of the right-of-way---went, well it actually went to either one of these---Mr. Norwood: No, that became part—that was like an addition to the Glen Iris right-of-way. Councilman Burrell: I have a better understanding.

Councilman Stewart: Would you be kind enough to assist us here, so that we get further clarity and reaffirmation at least on some facts. 1. It was passed to the property owner at that time which was not Mr. Weiner as was the adjacent properties, correct? Mr. Norwood: Correct, that was. . . .

Councilman Stewart: 2. Would you assist me on Lot 15. What street does it front on? Mr. Norwood: Well, Baltimore.

Councilman Stewart: And that's how it is listed. I just wanted a reaffirmation--because that has been the statement and it has been contested from time-to-time.

Councilman Spigener: Mr. Norwood, I guess the little piece of property that we have in question as to whether it joins Mr. Weiner's property or not, is that small portion of the right-of-way of Cleveland that intersects Glen Iris? How wide, now we know that the upper portion, the upper half of that Cleveland right-of-way belongs to Lot 15 which is owned by Mr. Weiner. What is the width of that little strip of property that is in question as to whether it should be split in half, I suppose is our big deal here? Mr. Norwood: Well, it is about 15 feet. The total Cleveland right-of-way is about 30 feet.

Councilman Spigener: So, we have 15 feet and the question is does 7 feet of it go to the Weiner property and the other 7 feet go to the other two property owners? Is that kind of where we are?

Mr. Thompson: No, I don't think so. Mr. Norwood: No, ma'am. Mr. Thompson: None of it goes to the Weiner property. Mr. Norwood: No, actually what we are saying is if the Glen Iris right-of-way is abandoned, it is split between Malpass and Herold.

Councilman Spigener: So, that is really not in question----

Mr. Norwood: None of it goes to Weiner. Let me just read a section of Louisiana Revised Statute 48:701 which says in part: Upon such renovation, all of the soil covered and embraced in the roads, streets, or alleyways up to the center line (and they reference the centerline of the right-of-way) up to the centerline thereof shall revert to the then present owner or owners of the land contiguous thereto. The land contiguous to the center line. It is not the land at the end of the right-of-way. It is split down the center and this is the way we've always done it and this is the way Louisiana law reads, as we interpret, that it goes to either property owner. Councilman Spigener: I see, thank you.

Councilman Stewart: And that was substantiated by Mrs. Glass' opinion earlier on.

Councilman Spigener: I think the confusion that I had or that I did not understand was this Cleveland Street that had been closed and then the property, the right-of-way, had already been granted to the property owner on the north. Mr. Norwood: If you will look at the drawing, you see Baltimore and you see where the old Cleveland Street right-of-way went through Baltimore, well when it was abandoned that part became Baltimore right-of-way as did Glen Iris.

Councilman Shyne: Mr. Chairman, not a question but I've gotten enough information on this one subject to do a research paper, a term paper on. And if there is a course that is being offered at LSU or Southern or BPCC or Centenary, on street closing, I think I'll enroll in that course and do a term paper on this particular subject and see if I can't come out with an A, and Mr. Chairman, I'm ready to vote. Councilman Spigener: We are not there yet.

Councilman Shyne: What I mean is, when we get to that point, I'm ready to vote because we have gotten so much information. Mr. Norwood: We have countless manhours invested.

Councilman Stewart: Would you describe for the Council, what exists on that right-of-way now, what is its use? Mr. Norwood: There is a drainage box that runs from Ontario to the ditch.

Councilman Stewart: Concrete box? Mr. Norwood: Yes, sir, as a matter of fact you can see it in the drawing. It says 4 x 4 concrete box. It is actually exposed. If you go out there and look at it, it looks like an elevated sidewalk but that is actually the top of the box, then it drops off into the ravine.

Councilman Stewart: I just wanted the clarity because that, I think, answers everything about the map that we could question. I appreciate your assistance.

Mr. D. Scott Hughes (947 Ontario Street): I serve as the President of South Highlands Neighborhood Association. Our Association was previously asked and issued our opinion regarding the proposed closure and abandonment of the Glen Iris extension. Our position has not changed. In our letter dated January 21, 2002 still stands and outlines our position and our reason for favoring the closure.

I am here today to clarify two issues related to the revised discussion of this proposal. 1. As a Neighborhood Association, we are often asked and respond with our opinion. We assumed the Metropolitan Planning Commission, the City Council, and other City entities have and do offer legal advise regarding these closures. When we are asked for our opinion, we try to discuss the issues and reach an opinion that we feel fairly represents the entire neighborhood, i. e., if I were to poll all 818 homes in our Association, what would the result be.

Our experience is that intelligent people often differ. I represent both sides of this equation, Neighborhood President. We simple as a neighborhood try to reach a solution that speaks for the majority of the people. As such, we do not view our opinion as having any legal standing and we do not go through a complicated debate process such as the Council that allows for all sides to present their case.

We are a volunteer board of citizens elected by our general membership to act in a manner that will protect and enhance our neighborhood.

2. Our opinion is based largely on our desire to not allow precedent to be established that would allow or encourage streets that have never actually existed, to now become realty. Just to clarify, the term *closed* actually often implies this street actually existed. What we are offering closing and abandonment is just the right-of-way and in this case in the Glen Iris extension as the City Engineer just pointed out, there has never been a road there. It is just that a piece of land so we are closing and abandoning something that has never existed.

Most of our neighborhood, as you know is in an historic district and most parts date over 80 years old. Simply put, we do not wish to see streets that have not been needed for 80 years, now considered. We believe that it is in harmony and integrity and character of our neighborhood and in this specific case, we are simply applying our overriding desire of the neighborhood to not see new streets put into place.

While we have looked at some of the specifics involved in the case, our primary reason for supporting closure deals with the bigger picture issue of not wanting any unused right-of-way to suddenly become active in the historic district neighborhood.

As a neighborhood, the issue seems clear to us. Either vote today to close and abandon the property or vote today to dedicate the open and allocate the money to build the road. Continuing to hold property without improving it, does no one any good. The City has all the liability and the property owner in question still can not have access until the City installs the road. If there is no plan to ever build the road and this could not be a priority of the neighborhood at any time, then please get rid of the liability and let everyone move on. We would ask for you to support the closure and abandonment of Glen Iris.

Mrs. Charla Malpass (property owner at 1108 Ontario Street): I appreciate all the time and effort that has been put into this and I am here to ask that it be closed. We feel like as property owners that we have maintained the area. Also it is kind become an unsupervised park if you will with neighborhood children going down there. Recently some paint cans were exploded, children going down and smoking. Also, it is the drainage where people can travel all the way from Betty Virginia Park or vice versa, come back from the Park into the neighborhood. We want to secure the area and so I am just asking you to consider closing.

Mr. Ronnie Ology (1114 Kimberly Drive, Shreveport): I am unfortunately before the City Council to ask for help in regards to a workers' compensation claim I filed with the City. The claim was filed May 21, 2001. The claim was filed under the provisions of R. S. 33:2011, I think I gave ya'll a letter and I think that is a misprint on the letter. It is the Firefighters (inaudible) Cancer Act.

My claim was originally denied by e-mail by Mr. Tom Cody on February 6, 2002. The claim was denied because of an opinion expressed by Mr. Ron Lattier, the City workers' comp attorney that my cancer did not originate in the areas listed in the statute.

On February 19, 2002, I hand deliver a letter to Mr. Cody with supporting documentation that, in my opinion, shows the cancer is listed in the statute. And I asked Mr. Cody after review of this information, please let me know whether the City concurred or not.

At this point and date I have not received a response to it, for or against. I just wished that the Council would see if there is anything they could do in expediting an answer on. . . .

Councilman Stewart: Mr. Antee, could you give this gentleman any direction to embrace his claim? Mr. Antee: I'll personally get that file tomorrow and take a look at it and is Ramon still here? If you will give me your telephone number, I'll get with you tomorrow (687-1778).

Mr. Herbert Morris (4236½ Marston Street): I am up here to complain about my immediate Supervisor Kirk Wright, which is steady putting things in my file. I been with the City—Councilman Carmody: My question is to whether or not this is the appropriate point in the agenda for this particular Public Comment in that we are being asked to address items which are to be adopted today?

Councilman Stewart: This is a report for your supervisor and I think that, that is correct Mr. Carmody. Councilman Carmody: There will be an opportunity later on in the meeting.

Mr. Michael D. Williams (2101 Carver Place): I think pretty much a lot of my comments and questions have been answered. However, I would like to impose on you to consider when you are voting on this piece of legislation that you have the opportunity while you are crafting this legislation to be more inclusive to include our local contractors because you are about to make one of the second largest votes in public works project, in the city of Shreveport.

And it is not unusual to have a convention center with a hotel. We all travel throughout America and we see that people are very progressive in the entertainment and tourist industry, especially in Shreveport. It is the

economic engine that create jobs and opportunities for people in our community.

So, I hope that you will consider that the people that voted for this millage, that you will consider our local contractors because you have said that you wanted to be inclusive and a lot of the buzz words in Shreveport is fair share and lets work together in partnership. I am a strong advocate of public-private partnerships. I believe that it creates opportunities for everyone in our community.

I must inform you that it is very incumbent on you that you, in this legislation, have some accountability for any management team that is going to be awarded this contract, that they include all citizens in our community who have the expertise and qualifications and the credentials and the bonding license to be able to do these projects. Thank you.

Ya'll have done a great job thus far in getting this project up to this point. I think our Mayor has done a great job, but I do feel that good faith has not worked in the past. We do need some strong muscle and some language in this particular legislation to insure that local people don't get left out because in the past they have been left out.

Many people come here and say they want to hire local contractors and once they get the contract, it is over. We have no leverage we have no control, we have no voice anymore. But now, the ball is in your hand. You are the quarterback. You have an opportunity to throw the pass to make sure whatever management team, HRI whomever receive this contract, that they be more inclusive of people throughout our community and I hope that you would respectfully remember that when you voting on this particular project today.

I appreciate all the work you have been doing and I hope that you don't forget about our local people because they have been forgotten in the past when outside people come in they say they are going to do work with our people and they really don't. If you look at the records and if you look at the history of people who receive contracts from outside of our community, they haven't hired people, they brought there own people in.

It has been my experience as a Commissioner, we tried to do the same thing, but the state statute kept us from doing those particular projects. However, when this contract is awarded to a private sector, you do have the opportunity to do that. So, I hope you would do that. God bless you, keep up the good work.

Councilman Stewart: Mr. Williams, thank you very much. And I think I speak for the entire Council, certainly from what you've seen today and what I know, everybody feels very strongly about the importance of local people and fair share being a part of every event.

Councilman Shyne: I just want to tell Mr. Williams, I appreciate you coming down and I appreciate your support in this. And I learned a very important word today, when we begin to craft this legislation; that's real nice, Mike.

Mr. Calvin Lester (401 Market Street, Suite 448, Shreveport, Louisiana): I come as an attorney, also as a representative of the Shreveport-Bossier African-American Chamber of Commerce.

There are a number of projects that are going on in City and one of the projects that we are most concerned about is the Convention Center and the planned Convention Center Hotel.

We understand that the City wants to do a Public Trust as it relates to the governing authority on this particular project. While we express no position on the Trust, one way or the other, our concern is simply this: We want to make sure from our constituents as it relates to the Shreveport-Bossier African-American Chamber of Commerce, our membership is made up of black contractors, minority contractors, business people and professional people. Our organization and our members have the most to gain if we do this process right and our members also have the most to lose, if we do not. So, I rise, just like Mr. Gibson has come representing the Shreveport Associated General Contractors, I rise as a representative of the Shreveport African-American business Community.

Our concern is simple this: However, this deal is done, however this Council in its August decision-making process decides and deems necessary to put this deal together, our concern is simple this. We want to make sure that the African-American business community is included in an substantive way and we want to make sure that anything that needs to be done as it relates to amendments, as it relates to language in the lease, in the enabling legislation it is crafted in such a way that we can insure that there is significant participation by the African-American business community, that is our concern.

We believe that this project is one whose time has come. We are not obstructionist. We believe that anything that is good for the City is going to bring development to the City is good for African-American business community.

We want to participate. We are not asking for a handout. We just want to make sure and we are asking this Council to insure that the African-American business community is not left out.

And we believe if an amendment is not made so there is some stipulations, so there is some specific language in the body of this legislation that insures that the Fair Share Program is going to be involved and you are going to have minority participation in a substantive way on the local level, we believe that we could have a scenario where we are left out and we don't want to be left out.

So, that is our concern and we would just ask that this body consider that in whatever decision it makes. However, it is put together we just asking you to insure that our constituents, the African-American business community are protected because we believe that this is a good project and we want to participate just like the Associated General Contractors, just like the local contractors, we want to participate in this project because what is good for the City is good for us too.

Councilman Shyne: I want to make a commitment to you because I think that was one of the amendments that I asked the Clerk to prepare and Councilman Burrell also asked the Clerk to prepare an amendment where, we will make sure that the Fair Share Program is adhered to.

I believe, Mrs. Glass if I'm mistaken you can correct me and Mr. Antee you can too, that we will have other opportunities where we can come back and make sure that the Fair Share Program is adhered to; am I right or wrong?

And we can also, we also have an amendment in there that will make sure that our local contractors, both black and white, will be given an opportunity to participate because I'm a firm believer that we need to spend as many dollars as we can right here at home.

I'm a firm believer that we have craftsmen here that can do any kind of work that can be done in Dallas or in Houston or in New Orleans or anywhere else. I have gone to Dallas, I've gone to Houston, I've gone to St. Louis and I've gone to other places and we have people who were born and raised right here in Shreveport who are doing very important jobs in Atlanta, who are doing very important jobs in St. Louis, who are doing very important jobs in Chicago. Those persons started right here in Shreveport, so we've got to make sure that we take you care of our people here in Shreveport and this is what I am about and this is what the amendments will

do. We'll make sure that we are taken care of and like I say, we do have some safeguards where we will be able to come back.

Mr. Lester: I just want to say in closing, we appreciate your diligence because you are well known to myself and to our organization as an advocate for minority business community.

Our concern simple is this. It is not about trust. It is about making sure that our membership and like I said before, I don't know if other people speak for their constituency and our constituency is the African-American business community. We want to make sure in any amendment there is some type of enforcement. So our question would be if there is an amendment, what assurances do we have for the African-American business community, there is going to be some type of enforcement mechanism on this project? Because like I said, we think this Administration has done more than any other Administration as it relates to minority inclusion, I mean, that's a documented fact. The facts and figures state for themselves, but we are in a scenario where we have some things that are outstanding.

I mean, we have election coming up. There could be a change in the composition of this board as it relates, also the composition of the Mayor's Office. So we want to make sure that 1) an amendment is done so there is protection but we are also concerned about what is going to be the enforcement mechanism. What type of reporting requirements will there be such that organizations like myself and organizations like Mr. Gibson can have some assurances that this program and these amendments are being adhered to.

Councilman Shyne: I don't think we really, I don't think Mr. Thompson has really, I think it takes some time to sit down and come up with what kind of enforcement that we want to have to make sure that it comes about.

And you exactly right, in the next 6 or 8 eights months, you could be sitting up here because I'm told that you are going to be a candidate for the City Council from District G and—Mr. Lester: Stranger things have happened.

Councilman Shyne: That exactly right and you are a fine young man and I think Shreveport would do well to have a person of intellect and your character to be on the Council. But I asked the question just a few minutes ago, if we will have other opportunities to come back and to put an enforcement element into this.

I don't know whether we really have the time at this particular point to make sure that we have the kind of enforcement element that we wanted in there. You might have something in mind that might be an enforcement element, I might not agree with or some of the other Council members here might not agree with it, so it is left up to us to make that decision at this particular time.

I think that if we had more time to sit down and work it out and it is not that your enforcement suggestion might not be fine. I just might not. . . .if, I'm making any sense.

Mr. Lester: You are and we thank you for your support and we would ask that the Council give those amendments the proper consideration.

Councilman Burrell: Let me make a clarification Mr. Lester while you're there. I sponsored the legislation for the inclusion of Fair Share Plan into this process. 2. Let me assure you that having served on the Audit and Finance Committee for the last eight years, five of which I was Chairman, we have worked to try to make sure that the Fair Share Plan is adhered to. You talk about the enforcement. I think the greatest enforcement is creating and building a relationship with this Administration, because they are the ones that basically administered this, we actually just pass the legislation for him to do so that we work closely with them to make sure that this is carried out.

We are a lot further, we've come a long way, but we are a lot further than some cities. I was telling the Council, I just left San Diego where you know California birth the Proposition 209.Mr. Lester: That's correct. Councilman Burrell: The anti-affirmative action legislation and they are out there fighting in that city, a city of nearly 30% African-American population with over, I think it was, a \$400 million construction budget and only \$37,000 went to African-Americans, it is really sad.

So, you have to, sometimes, put these things into writing and try to adhere to and not leave it up to chance. And I think that we on this Council have an appreciation for the document that we passed for the betterment of the City as a whole. I know I've worked with Council woman Spigener and Councilman Carmody on the Audit and Finance Committee and they have a commitment to see that, that is carried out too because we are the persons who would look at policies and procedure of this Administration to see if they are carried out. So, I think that we've come a long way, but it's because of people who have worked and cared about this piece of legislation and I think that with this project coming up, we'll do pretty much the same if not better as the Convention Center.

Mr. Lester: And I would again say from our advantage point, we appreciate your diligence and we appreciate the diligence of this board.

Our position is much like the Russian proverb that says "Trust, but verify". So that's where we're coming from. We believe that this Administration is going to do what it says, because the track record is, it has done that. But then there is an uncertain nature because you know we're in the situation where if there is an election and there could be some changes in the composition of the board. We trust, but we want some verification and that's all we're saying.

And so we thank you for your service and again we thank the Council for their service and we would just ask that you give our concerns due diligence and due support in your considerations and we thank you.

Councilman Shyne: I just wanted to make the statement to Mr. Gibson and that was the reason why I mentioned about the local contractors. And I hope that it would not be put in the record that I sponsored that Mr. Gibson, I would hope that the entire Council sponsored that to let the local contractors know that we are all concerned about them getting their share of work. And Attorney Lester, I would hope that in that local contractors, I would hope that you would go back and let the minority contractors know that, they are local people (Mr. Lester: Right.) so when we make sure that the local contractors get the work, we're gonna make sure that all local contractors get the work in that, it was not legislation that . . . the amendment was not sponsored by me, but I would hope that you would tell them that it sponsored by all of the Council Members to let them know that the Council is concerned about making sure that our dollars are spent here with both black and white business people. Appreciate you coming down and you gave us some good information.

Mr. Larry English (401 Edwards Street, Suite 826, Shreveport, Louisiana) First of all, let me just say. Let me make this statement and I don't want to rain on anybody's parade neither the Mayor or the Council. But it seems that every time we start talking about equity, everybody starts jumping up and . . . .when I came down here yesterday, the question was not to question anybody's commitment to diversity or Fair Share, that's not what this is about.

I'm a trained lawyer. I only look at what's in the document. I'm representing anyone of you individuals in a contract and you came to me you asked me to look out for your interest and I told you Mr. Carmody, *you ought to trust Joe Shyne*. You would fire me and go get a lawyer who would codify what you want in there. So now, that we all on board on Fair Share and we think it ought to be easy.

Now, becomes the second question. How are you going to enforce it? Under the Trust Agreement as it is, HRI is a private entity that can select who they want, both from a design and construction process to build this project and you don't have anymore say so to it.

I would ask that you would add an additional amendment to what you're saying and I don't see any reason, because again the statue has empowered you that, that additional amendment would say, that HRI gets to pick their Development Team, gets to pick their Construction Manager, but that they must bring it back to the City Council for approval. That way, by bringing back to the City Council for approval, the public has some input in that because represent us and you are the best enforcement mechanisms.

Because at that point, HRI has to bid and talk to you and you get to have some kind of input on 1) okay HRI, tell me who your local minority people are before I approve this contract? Tell me, who your local contractors are? So, I want to praise you on the two amendments that have been offered, but I would ask that you would offer that one other amendment that HRI would have to, that the City Council would get final approval over the design and the construction team.

Now let me just say this. The question of it is that it has been said that well, we gotta be careful because the bondholders won't approve just anybody. HRI is a national company doing business all over the country. They're not going to bring back to you a Design Team or a Development Team that's not confident. Everybody here is serious business.

I think if you offer and put that one amendment in place today, I think that we can really all Councilman Shyne, grab hands and skip out this Council saying we are all in Fair Share and then that way, I don't have to trust you, you don't have to trust me and we can all say that what was done here was right. So, I ask you to consider just adding that one more amendment that would say that HRI would have to report back to you on who the design and construction people are.

Councilman Burrell: Mr. English, how does that differ from the A & E process that we have right now that actually selects 3 persons and then send forth to the Mayor?

Mr. Antee: Mr Chairman, if I may, I think I can clear up a lot of stuff. 1. HRI will not be selecting the contractors. The Trust will make the determination and will make the selection as to who the Design Team is, who the Contractor is and who the Operator is. HRI would just be one of those to be selected.

So it's not a matter of HRI going out and picking anything and approving it. The Trust will approve it and the amendment that's being offered will show that the Trust is subject to the Fair Share Ordinance and has to use its best efforts to use local contractors; so, hopefully, that clarifies it.

Mr. English: May I address with all due respect to the Trust and to Mr. Antee, the fact that the Trust, I would again ask that the Council reserve that for themselves, because all other A & E contracts that come through the City on the Convention Center came to the Council for approval. I think that is no more than right. Let's be consistent. I don't see any reason why anyone would have any concern about you fine ladies and gentlemen represented by the people, having final say so over the who the design and the construction people

I think that's consistent with what City Government operates now and I don't see where there would be a problem.

Adding Legislation to the Agenda. None.

**CONSENT AGENDA LEGISLATION:** 

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

**RESOLUTION**: None.

**ORDINANCE:** None.

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

## RESOLUTION:

Motion by Councilman <u>Burrell</u>, seconded by Councilman <u>Serio</u> passed by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

## RESOLUTION NO. 33 OF 2002

A RESOLUTION AUTHORIZING BARRY E. LEWIS & MELISSA LEWIS, LOCATED AT 9920 CANVASBACK DR., TO CONNECT TO THE WATER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that Barry E. Lewis & Melissa Lewis, be authorized to connect the building located at 9920 Canvasback Dr., to the water system of the City of Shreveport.

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

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

**ORDINANCE:** None.

#### **REGULAR AGENDA LEGISLATION:**

#### **RESOLUTIONS**:

#### 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

WHEREAS, the Restoration Tax Abatement has been created by the Electors of the State of Louisiana as an Act 445 of 1983, and amended in Act 783 of 1984, Article VII, Part II, Section 21(H) of the Louisiana Constitution and Louisiana R.S. 47:4311-4319, to authorize the Board of Commerce and Industry, with the approval of the Governor and the local governing authority and in accordance with procedures and conditions provided by law, to enter into a contract granting property owners who propose the expansion, restoration, improvement or development of an existing structure or structures in a downtown development district, historic district, or economic development district, established in accordance with law, the right to pay ad valorem taxes based upon the assessed valuation of the property prior to the commencement of the expansion, restoration, improvement or development; and

WHEREAS, the City of Shreveport desires to promote economic activity, create and retain job opportunities, and improve the tax base throughout the City for the benefit of all citizens; and

WHEREAS, it is the desire of the City Council to foster the continued growth and development (and redevelopment) of the City to the continued prosperity and welfare of the City; and

WHEREAS, this project is located in an Economic Development District; and

WHEREAS, this project is a commercial property;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular, and legal session convened that the City Council hereby approves the LOUISIANA CAPITAL PARTNERS, L.L.C. application 2000-0078-20 for participation in the Louisiana Restoration Tax Abatement Program.

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

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

Read by title and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Huckaby</u> passed by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

Councilman Carmody: Mr. Chairman, a very quick comment. Mr. Mayor, I think it was 1985 when Boots relocated their facility to the Inner Loop, so it's been a little bit longer than what we had discussed before. And if \$5,700 is the amount that the City has to forego for the next five years in order to get this part of the district back up and working and back in the production, I would say that it is money well spent. So I appreciate everyone's support of this.

# **RESOLUTION NUMBER 20 OF 2002**

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

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

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

WHEREAS, pursuant to Section 26-294 of the Code of Ordinances, the city's interests in adjudicated properties which are abandoned or blighted housing property and which the City Council has declared to be surplus, can be donated to a donee which is a nonprofit organization recognized by the Internal Revenue Service as a 501 (c) (3) or 501 (c) (4) nonprofit organization and which agrees to renovate and maintain such property until conveyance of the property by such organization; and

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

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

Property Description
Lots 1168, 1169, and ½ abandoned alley,

Proposed Donee
St. Catherine's
Roman

Cedar Grove Addition Subdivision, having Geographic No. 171425-088-1244

Catholic Church

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

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

Councilman Carmody: As I recall, this was postponed by request of the Administration? I make a motion for adoption.

Read by title and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Serio</u> passed by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

#### **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.

WHEREAS, it is the desire of the City of Shreveport to retain the services of outside legal counsel to represent the interests of the City of Shreveport in lawsuits involving construction related matters.

WHEREAS, pursuant to Section 8.03 of the City Charter, the City Attorney recommends that Carey T. Schimpf, with the law firm, Weems, Schimpf, Hayter, Gilsoul and Carmouche, be retained for the purpose of said representation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened that the mayor be and he is hereby authorized to execute, for and on behalf of the City of Shreveport, a retainer agreement with Carey T. Schimpf, substantially in accordance with the terms and conditions of the draft thereof which was filed for public inspection, together with the original copy of this resolution in the office of the Clerk of Council on March 26, 2002.

BE IT FURTHER RESOLVED that this contract shall be paid out of the general government legal expense fund.

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

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

Read by title and as read motion by Councilman <u>Serio</u>, seconded by Councilman <u>Carmody</u> passed by the following vote: Ayes: Councilmen Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 6. Nays: None. Out of Chamber: Councilman Huckaby. 1.

#### 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.

WHEREAS, it is the desire of the City of Shreveport to retain the services of outside legal counsel to represent the interests of the City of Shreveport in lawsuits involving employment law and personal injury.

WHEREAS, pursuant to Section 8.03 of the City Charter, the City Attorney recommends that Robert E. Piper, Attorney at Law, with the law firm, Piper and Associates, be retained for the purpose of said representation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened that the mayor be and he is hereby authorized to execute, for and on behalf of the City of Shreveport, CONTINUED - RESOLUTION NO. 22 OF 2002

a retainer agreement with Robert E, Piper, substantially in accordance with the terms and conditions of the draft thereof which was filed for public inspection, together with the original copy of this resolution in the office of the Clerk of Council on March 26, 2002.

BE IT FURTHER RESOLVED that this contract shall be paid out of the general government legal expense fund.

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

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

Read by title and as read motion by Councilman <u>Burrell</u>, seconded by Councilman <u>Spigener</u> passed by the following vote: Ayes: Councilmen Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 6. Nays: None. Out of Chamber: Councilman Huckaby. 1.

# 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.

WHEREAS, it is the desire of the City of Shreveport to retain the services of outside legal counsel to represent the interest of the City of Shreveport in negotiating contracts entered into with Red River Energy, L.L.C. and Caddo Parish Energy, L.L.C.

WHEREAS, pursuant to Section 8.03 of the City Charter, the City Attorney recommends that the Jack Brown, Attorney at Law with the law firm Casten and Pearce, be retained for the purpose of said representation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened that the mayor be and he is hereby authorized to execute, for and on behalf of the City of Shreveport, a retainer agreement with Jack Brown, Attorney at Law with the law firm, Casten and Pearce, substantially in accordance with the terms and conditions of the draft thereof which was filed for public inspection, together with the original copy of this resolution in the office of the Clerk of Council on March 26, 2002.

BE IT FURTHER RESOLVED that this contract shall be paid out of the general government legal expense fund.

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

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

Read by title and as read motion by Councilman <u>Spigener</u>, seconded by Councilman <u>Shyne</u> passed by the following vote: Ayes: Councilmen Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 6. Nays: None. Out of Chamber: Councilman Huckaby. 1.

## 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

WHEREAS, the City of Shreveport, State of Louisiana (the "City") now owns and operates a combined waterworks and sewer system, a revenue-producing public utility lying within and without the boundaries of the City (the "System") and has previously issued its \$40,153,936.80 of Water and Sewer Revenue Bonds, 1992 Refunding Series B (the "Prior Bonds") to finance improvements to the System.

WHEREAS, in order to realize interest cost savings and in accordance with the provisions of Chapter 14-A of the Louisiana Revised Statutes of 1950, as amended (the "Act"), the City intends to proceed with the issuance of not exceeding \$22,000,000 aggregate principal amount of Water and Sewer Revenue Refunding Bonds of the City (the "Bonds"), to be issued in one or more series to effectuate the current refunding of the Prior Bonds,

NOW THEREFORE, BE IT RESOLVED, by the Mayor and the Council of the City, acting as the governing authority of the City, that: SECTION 1. Preliminary Approval of Bonds. For the purpose of providing funds to refund the Prior Bonds in accordance with the provisions of the Act, the City intends to proceed with the issuance of the Bonds. The details of the Bonds shall be established by subsequent ordinance adopted by this governing authority. The proceeds of the Bonds will be used to effectuate the current refunding of the Prior Bonds. 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 water and 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 seven percent (7%) per annum, maturing no later than ten (10) years from the date thereof and shall be issued under the authority previously cited in this section.

SECTION 2. State Bond Commission Application. This governing authority hereby authorizes and directs that application be formally made to the State Bond Commission, Baton Rouge, Louisiana for final approval of the issuance of the Bonds by the City within the parameters set forth above.

SECTION 3. Employment of Bond Counsel. This governing authority finds and determines that a real necessity exists for the employment of special bond counsel in connection with the issuance of the Bonds. Casten & Pearce, A Professional Law Corporation, Shreveport, Louisiana is hereby employed as Bond Counsel to perform comprehensive legal and coordinate professional work as Bond Counsel with respect to the issuance and sale of the Bonds. Said Bond Counsel shall prepare and submit to this governing authority for adoption of all of the proceedings incidental to the CONTINUED - RESOLUTION NO. 24 OF 2002

authorization, issuance, sale and delivery of such Bonds, shall counsel and advise this governing authority as to the issuance and sale thereof and shall furnish its opinion covering the legality of the issuance of the Bonds. The fee of said Bond Counsel shall be fixed at a sum not exceeding eighty (80%) percent of the maximum fee allowed by the Attorney General of the State of Louisiana's fee schedule for comprehensive, legal and coordinate professional work in connection with the issuance of revenue bonds and based on the amount of the Bonds actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses, said fees to be contingent upon the issuance, sale and delivery of said Bonds. A certified copy of this resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated, and the Director of Administration is hereby empowered and directed to issue vouchers to said Bond Counsel in payment for the work herein provided for upon completion of the work herein specified and under the conditions herein enumerated.

SECTION 4. Investment Banker. Morgan Keegan & Company, Inc. of New Orleans, Louisiana, is hereby appointed and employed as investment banker/underwriter in connection with the Bonds, any compensation to be subsequently approved by the Issuer and to be paid from the proceeds of the Bonds and contingent upon issuance of the Bonds and the Bond Counsel is authorized and directed to prepare necessary documents appertaining thereto and to present them for further action by this Council.

SECTION 5. Financial Advisor. King, Bossier, Nosacka & Holley of Baton Rouge, Louisiana is hereby appointed and employed as financial adviser in connection with the Bonds, any compensation to be subsequently approved by the Issuer and to be paid from the proceeds of the Bonds and contingent upon issuance of the Bonds and the Bond Counsel is authorized and directed to prepare necessary documents appertaining thereto and to present them for further action by this Council.

SECTION 6. Publication. This resolution shall be published in The Shreveport Times, a daily newspaper published in Shreveport, Caddo Parish, Louisiana, and that, as provided by the Act, for a period of thirty (30) days from the date of such publication, any person in interest may contest the legality of this Resolution and the Bonds to be issued pursuant hereto and the provisions securing the Bonds. After the said thirty days, no person may have any right of action to contest the validity of the Bonds or the provisions of this Resolution, and all of the Bonds shall be conclusively presumed to be legal, and no court shall thereafter have authority to inquire into such matters.

BE IT FURTHER RESOLVED, that if any provision or item of this resolution or the application thereof be

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

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

Read by title and as read motion by Councilman <u>Serio</u>, seconded by Councilman <u>Carmody</u> passed by the following vote: Ayes: Councilmen Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 6. Nays: None. Out of Chamber: Councilman Huckaby. 1.

## 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.

WHEREAS, the City is interested in participating in the planning study to formulated alternatives to restore the lake's storage capacity for current and future water supply demands to the most practical engineering, commercial, and implemental extent. In addition, the City is interested in measures to reduce additional sedimentation runoff into the lake;

WHEREAS, the United States Department of the Army, Corps of Engineers, will be conducting these studies and has invited the City of Shreveport to participate;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the city of Shreveport in due, regular, and legal session convened and hereby authorizes the City of Shreveport, through Mayoral signature, to participate with the U. S. Department of the Army in a Planning Study concerning Cross Lake;

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

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

Read by title and as read motion by Councilman Carmody, seconded by Councilman Burrell for passage.

Mayor Hightower: I know that this is one item that probably seems minuscule on the agenda today, but when you start taking a look at the future of Shreveport and 25 years down the road, what are we going to do for a water supply.

We started take a look at that roughly 3 years ago. Understood that it is a multi-million dollar project to go in and look at dredging Cross Lake that will ultimately take federal assistance to do it. And in working with Mary Landrieu's Office she has got us hooked up with the U. S. Department of the Army to come in and take a look at Cross Lake, so this piece of legislation will actually be the first step in, hoping to at least to acquire some federal funds to help assure that our citizens have a quality water supply in the name of Cross Lake, in the future. So even though it is a small piece of legislation today, it could be huge step for us 20 years down the road.

Resolution passed by the following vote: Ayes: Councilmen Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 6. Nays: None. Out of Chamber: Councilman Huckaby. 1.

The Deputy Clerk read the resolution by title: 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.

Read by title and as read motion by Councilman <u>Burrell</u>, seconded by Councilman <u>Spigener</u> for passage. The Deputy read the following amendment(s):

## Amendment No. 1:

Amend Paragraph 3 "WHEREAS" of the Shreveport Convention Center Hotel Resolution to read as follows:

\* \* \*

WHEREAS, the trustees appointed are as follows: 1. Mayor of the City of Shreveport 2. Chief Administrative Officer 3. City Council Chairman 4. City Council Vice Chairman 5. Citizen, being a professional accountant, attorney or financial institution executive officer, chosen at the discretion of the Mayor and approved by the City Council;

Motion by Councilman Shyne, seconded by Councilman Burrell for adoption of Amendment No. 1. Amendment passed by the following vote: Ayes: Councilmen Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 6. Nays: None. Out of Chamber: Councilman Huckaby. 1.

# Amendment No. 2 by Mr. Burrell:

At the end of the NOW, THEREFORE BE IT RESOLVED paragraph, add the following:

Provided, the Indenture of Trust shall be revised to include a provision that the Shreveport Convention Center Hotel Authority and its contractors shall be subject to the City of Shreveport Fair

Share Program City Code Section 2-401 et. seq.

Motion by Councilman <u>Burrell</u>, seconded by Councilman <u>Shyne</u> for adoption of Amendment No. 2. Amendment passed by the following vote: Ayes: Councilmen Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 6. Nays: None. Out of Chamber: Councilman Huckaby. 1.

## Amendment No. 3 by Mr. Shyne (not offered).

Councilman Shyne: Instead of saying by Mr. Shyne, could you . . . (not offered.) Councilman Spigener: We "3" and we have "3A". Ms. Lee: That is what I was wondering. Councilman Spigener: It is my understanding that we are to chose one of these, is that correct. It seems that we just need to chose the wording of one?

Mr. Antee: From the Administration, we would ask that Amendment No. 3 not be accepted, but Amendment 3A accepted that removes any reference to the 5% higher.

Councilman Shyne: That makes a reference to what now? Mr. Antee: The last sentence in 3 is to the extent the cost thereof is not more than five percent higher than competing contractors, that that be removed.

Councilman Carmody: Elaborate as to why? Mr. Antee: The reason being is in order to minimize the exposure to the City, we want to sell as many Class A revenue bonds as possible and that if you go in and you put 5% higher for local contractors then that is going to increase the cost of the project, which in turn would then reduce the amount of bonds that the bondholders would be willing to purchase, which in turn, would make that GAP financing that the City may have to guarantee even more.

And just because of the fact that to increase the cost of the project would be detrimental to the entire project. And so I think by using the language in 3, it clearly shows that they are to use the best efforts, but in the event that they come in at 5% higher underneath this, then we may be mandated to use that and increase the cost of the project.

Councilman Shyne: Mr. Chairman, I think it was probably a typographical error where the 5%. I don't remember stating that; so, that might have been a typographical error and it's my mistake that I did not read that all the way through.

Chairman Stewart: So, then it would be appropriate at this time to? Mr. Thompson: To withdraw No. 3 and to consider 3A.

Councilman Shyne: Right. Chairman Stewart: Good. Do we need a motion to withdraw? Mr. Thompson: No. Just consider 3A when you. . .

## Amendment No. 3A by the City Council:

At the end of the NOW, THEREFORE BE IT RESOLVED paragraph, add the following:

Provided further, the Indenture of Trust shall be revised to include a provision that to the extent permitted by the law, the Shreveport Convention Center Hotel Authority shall use its best efforts to use contractors located in the Greater Shreveport Metropolitan Area.

Motion by Councilman Serio, seconded by Councilman Carmody for adoption of Amendment No. 3A.

Councilman Shyne: I hope Mr. Antee wouldn't mind, instead of it saying *suggested by Mr. Antee* we could use suggested by the entire Council. It think that this show that the entire Council is concerned about local contractors. Mr. Antee: No problem.

Councilman Shyne: . . giving up that big "I" and little "We". Mr. Antee: Not at all.

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

Motion by Councilman <u>Shyne</u>, seconded by Councilman <u>Carmody</u> for adoption of the resolution as amended. Resolution passed by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

## 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

WHEREAS, it is the desire of the governing authority of the City of Shreveport to create a public trust for the fiduciary responsibility of constructing a Convention Center and Convention Center Hotel, to represent the interests of the City of Shreveport and to name the City of Shreveport as the beneficiary;

WHEREAS, pursuant to Louisiana Revised Statutes 9:2341 through 9:2346 (the "Act"), the governing body for the municipality of Shreveport, Louisiana has the authority and desires to create a public trust, to be known as the Shreveport Convention Center Hotel Authority and to authorize the Mayor to sign the Acceptance of Beneficial Interest in a Trust and to proceed with approval from the Louisiana State Bond Commission;

WHEREAS, the trustees appointed are as follows: 1. Mayor of the City of Shreveport 2. Chief Administrative Officer 3. City Council Chairman 4. City Council Vice Chairman 5. Citizen, being a professional accountant, attorney or financial institution executive officer, chosen at the discretion of the Mayor and approved by the City Council

WHEREAS, the term of the trustees shall be for as long as they hold the office enumerated above and the term of the citizen shall run concurrently with the mayoral term under which the citizen was appointed;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened that the Shreveport Convention Center Hotel Authority, for and on behalf of the City of Shreveport, under the direction of the appointed trustees, who will serve without compensation under oath and in

accordance with applicable Louisiana law, and of which an annual independent audit will be performed and of which indenture of trust was filed for public inspection, together with the original copy of this resolution in the Office of the Clerk of council on \_\_\_\_\_\_, 2002, is hereby created and that the mayor is authorized to sign the Acceptance of Beneficial Interest of a Public Trust and to seek The Louisiana State Bond Commission approval.

Provided, the Indenture of Trust shall be revised to include a provision that the Shreveport Convention Center Hotel Authority and its contractors shall be subject to the City of Shreveport Fair Share Program City Code Section 2-401 et. seq.

Provided further, the Indenture of Trust shall be revised to include a provision that to the extent permitted by the law, the Shreveport Convention Center Hotel Authority shall use its best efforts to use contractors located in the Greater Shreveport Metropolitan Area.

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

BE IT FURTHER RESOLVED that application is hereby made to the State Bond Commission, Baton Rouge, Louisiana for approval of the creation of the Shreveport Convention Center Hotel Authority pursuant to the Indenture of Trust.

BE IT FURTHER RESOLVED that the purposes and activities of the public trust are formed to be economic development activities and developments within the meaning of the Act.

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

#### **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.

WHEREAS, the Caddo Parish School Board (hereinafter referred to as "the Board") is the owner of property commonly known as the Hope Street property located within the City of Shreveport: and

WHEREAS, the Board has no further need for the property: and

WHEREAS, the City of Shreveport desires to obtain the property as a location for a jail to be built in the future: and

WHEREAS, in order to transfer ownership of the property from the Board to the City of Shreveport a Cash Sale Deed must be executed by the Board president and the Mayor.

THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due regular and legal session convened, that the Mayor be and hereby is authorized to execute a Cash Sale Deed between the Caddo Parish School Board and the City of Shreveport effective April 9, 2002, substantially the same as the document filed in the Office of the Clerk of Council on March 26, 2002.

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

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

Read by title and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Serio</u>.

Councilman Carmody: I believe we received a correction to yesterday's information. Mr. Strong had called me his morning to clarify that it was the Fire Department property that the Phase I had already performed on and not the Police Department's jail.

In talking to Mr. Strong I had asked him what he thought our potential risk might be in going ahead and acting on this without the Phase I. Based upon Mr. Strong's experience with the Department of Environmental Quality, and his recommendation that he understood that the property had been utilized as a school and that at some point to the parking lot and that he did not foresee any problems. I would say that we are probably on pretty solid ground. Based upon that recommendation I am going ahead and acting on this today.

Resolution passed by the following vote: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, and Burrell. 6. Nays: None. Out of Chamber: Councilman Shyne. 1.

The Deputy Clerk read the resolution: 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.

Read by title and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Huckaby</u> to postpone the resolution until the April 23, 2002 meeting. Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, and Spigener. 5. Nays: None. Out of Chamber: Councilman Shyne and Burrell. 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.

WHEREAS, the City of Shreveport, State of Louisiana (the "City") proposes to enter into a lease purchase or installment purchase agreement to fund the costs of purchasing vehicles and equipment; and

WHEREAS, prior to entering into a lease purchase or installment purchase agreement, the City intends to expend its own funds for the purchase of vehicles and equipment and reasonably expects to reimburse said expenditures from the proceeds of the lease purchase or installment purchase agreement in an amount

estimated to not exceed \$6,000,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, State of Louisiana, that:

SECTION 1. The City Council hereby declares the intention of the City of Shreveport to advance certain cost for vehicles and equipment and expects to reimburse itself from the proceeds of the lease purchase or installment purchase agreement in an amount estimated to not exceed \$6,000,000. Any such allocation of proceeds of said obligations for reimbursement will be with respect to capital expenditures and will be made upon delivery of said obligations and not later than one year after the later of (i) the date such expenditure was paid or (ii) the date on which the project was placed in service.

SECTION 2. This resolution is a declaration of official intent within the meaning of Treasury Regulations Section 1.150-2.

Read by title and as read motion by Councilman <u>Spigener</u>, seconded by Councilman <u>Carmody</u> passed by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, and Spigener. 5. Nays: None. Out of Chamber: Councilman Shyne and Burrell. 2.

#### **RESOLUTION NUMBER 30 OF 2002**

A RESOLUTION AUTHORIZING THE 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.

WHEREAS, the City of Shreveport ("City") is the recipient of Brownfields Cleanup Revolving Loan Funds ("BCRLF") from the U.S. EPA and is authorized to make certain loans or grants from these funds; and

WHEREAS, the funds are intended to be used to encourage the redevelopment of brownfields sites by making low interest loans or grants to parties willing to undertake initial cleanup of brownfields sites; and

WHEREAS, Resolution Number120 of 2000 (the "Resolution") ratified the City's loan of \$400,000.00 ("the loan") to itself from the BCRFL; and

WHEREAS, the loan is to be repaid over five (5) years in five (5) installments of \$80,000.00 each, at \$-0-percent interest; and

WHEREAS, to date, the City has not drawn down or made a request for use of any of the loan funds authorized by the Resolution; and

WHEREAS, the Resolution did not contain specific authority for the Mayor to request approval for the loan from the Louisiana State Bond Commission ("the Commission").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that:

- The Mayor is authorized to obtain the approval of the loan from the Louisiana State Bond Commission. The principal amount of the loan shall not exceed \$400,000.00, bearing interest at \$0 % percent and maturing over a period of five (5) years from the date thereof.
- 2) The City acknowledges that the loan has been executed in accordance with the provisions of LSA-R.S. 33:2921-2925 and other constitutional and statutory authority.
- 3) Application be and the same is hereby formally made to the Commission for its approval of the City's loan and a certified copy of this Resolution shall be forwarded to the Commission, together with a letter requesting the prompt consideration and approval.
- It is recognized, found and determined that a real necessity exists for the employment of bond counsel in connection with the request to the Commission, and, accordingly, the firms of Crawford Lewis, P.L.L.C., Baton Rouge, Louisiana and Casten & Pearce, Shreveport, Louisiana, are hereby employed as co-bond counsel to the City to do and to provide professional legal services with request to the approval from the Commission. The fees to be paid to co-bond counsel are contingent upon closing of the loan

CONTINUED - RESOLUTION NO. 30 OF 2002

- and, shall be an amount not to exceed 80% of the Attorney General's Fee Schedule, together with reimbursement of out-of-pocket expenses incurred and advanced, subject to the Attorney General's written approval of said employment fee.
- 5) The City hereby authorizes and directs its Mayor, Chief Administrative Officer, Clerk, and such other officials of the City to do any and all things necessary and incidental to carry out the provisions of this Resolution.
- 6) All prior act or actions performed by City relative to this resolution and the approval of the loan by the Commission are hereby ratified.

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

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

Read by title and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Serio</u> passed by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

SHREVEPORT UNLIMITED, INC., TO SPONSOR UP TO FOR UP TO FOUR (4) FESTIVAL OR EVENTS, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

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

WHEREAS, Downtown Shreveport Unlimited desires to conduct festivals and events in co-sponsorship with the City of Shreveport; and

WHEREAS, Downtown Shreveport Unlimited's festivals and events will serve a public purpose; and

WHEREAS, the City and Downtown Shreveport Unlimited desire to support and provide services as identified under the terms of the proposed Agreement to produce up to four (4) events and festivals.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City Shreveport in due, legal and regular session convened that Keith Hightower, Mayor, is hereby authorized to execute an agreement between the City of Shreveport, and Downtown Shreveport Unlimited to hold up to four (4) events or festivals in accordance with the draft thereof which was filed with the original copy of this resolution for public inspection in the Office of the Clerk of Council on March 26, 2002.

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

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

Read by title and as read motion by Councilman <u>Huckaby</u>, seconded by Councilman <u>Serio</u> passed by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

#### RESOLUTION NO. 32 OF 2002

A RESOLUTION TO RECOGNIZE THE NORTHWEST LOUISIANA CHAPTER OF THE SOCIETY FOR THE PRESERVATION AND ENCOURAGEMENT OF BARBER SHOP QUARTET SINGING IN AMERICA, INC. (SPEBSQSA), AND OTHERWISE PROVIDING WITH RESPECT THERETO:

#### BY: COUNCILMAN JOHN DAVID STEWART

WHEREAS, The Society For The Preservation and Encouragement of Barber Shop Quartet Singing in America (SPEBSQSA) was officially organized on April 11, 1938 in Tulsa Oklahoma; and

WHEREAS, The Northwest Louisiana Chapter of the SPEBSQSA was chartered in 1948; and

WHEREAS, The Northwest Chapter of the SPEBSQSA encourages activities in youth outreach through scholarships to Harmony Explosion Camps; and

WHEREAS, The Northwest Louisiana Chapter of the SPEBSQSA holds an annual Christmas show that is free to the public; and

WHEREAS, The Northwest Louisiana Chapter of the SPEBSQSA provides a healthy environment that men can gather, fellowship and "keep the whole world singing"; and

WHEREAS, The Northwest Louisiana Chapter of the SPEBSQSA encourages the spread of harmony amongst all people around the City of Shreveport through the language of music; and

WHEREAS, The Northwest Louisiana Chapter of the SPEBSQSA promotes musical education through music scholarships and other means and supports charitable foundations; and

WHEREAS, The Northwest Louisiana Chapter of the SPEBSQSA engages in laudable civic service and enrichment of our cultural life through the fostering of traditional values in entertainment and community endeavors; and

WHEREAS, The Northwest Louisiana Chapter of the SPEBSQSA brought back to Shreveport the Southeast Division Championship title March 2, 2002.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular, and legal session convened that the citizens of Shreveport, through its elected representatives, officially recognizes The Northwest Louisiana Chapter of the SPEBSQSA for its work in making Shreveport a better place.

BE IT FURTHER RESOLVED that The Northwest Louisiana Chapter of the SPEBSQSA and other citizens and CONTINUED - RESOLUTION NO. 32 OF 2002

organizations are encouraged to take initiatives that improve the quality of life from all citizens.

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

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

Read by title and as read motion by Councilman <u>Stewart</u>, seconded by Councilman <u>Carmody</u> passed by the following vote: Councilmen Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 6. Absent: Councilman Huckaby. 1.

# RESOLUTION NO. 34 OF 2002

A RESOLUTION SUSPENDING THE EFFECTS OF CERTAIN PROVISIONS OF CHAPTER 10 AND CHAPTER 106 OF THE CITY OF SHREVEPORT CODE OF ORDINANCES ON APRIL 19, 2002 FOR THE LOUISIANA STATE UNIVERSITY-SHREVEPORT "SPRING FLING" AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

# BY: COUNCILMAN PHILIP SERIO

WHEREAS, Louisiana State University-Shreveport ("LSU-S") will sponsor its annual "Spring Fling" on April 18-19, 2002 on the campus of the university; and

WHEREAS, LSU-S maintains a permit for the sale of low alcoholic content beverages (beer) on the campus;

WHEREAS, the permit does not authorize alcoholic beverages to be sold, dispensed, or consumed outside of the licensed premises;

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

completely enclosed structure; and

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

WHEREAS, LSU-S desires to dispense, and allow the sale and consumption of low alcoholic content beverages (beer) on the grounds of the university outside of the licensed premises between the hours of 10:00 a.m. and 3:00 p.m. on April 19, 2002 in conjunction with the Spring Fling event.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened Section 106-130 (6) and 10-80(a) are hereby suspended on April 19, 2002, from 10:00 a.m. to 3:00 p.m. to permit the sale of low alcoholic content beverages (beer) on the grounds of Louisiana State University-Shreveport outside of the licensed premises during the Spring Fling event.

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

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

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

Read by title and as read motion by Councilman <u>Serio</u>, seconded by Councilman <u>Carmody</u> passed by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

#### RESOLUTION NO. 35 OF 2002

A RESOLUTION AUTHORIZING THE PURCHASING AGENT TO DISPOSE BY PUBLIC AUCTION OF CERTAIN SUPPLIES, MATERIALS, EQUIPMENT AND VEHICLES AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, Ordinance No. 107 of 1980 authorizes the Purchasing Agent to dispose of certain supplies, materials, equipment and vehicles determined to be surplus, after consultation with the head of the department concerned; and

WHEREAS, the City Council desires to retain responsibility for the disposition of all surplus supplies, materials, equipment and vehicles having an acquisition value of \$10,000 or more; and

WHEREAS, the City desires to dispose of, by public auction, the supplies, materials, equipment and vehicles described in Exhibits A and B, attached hereto and made a part hereof, which have been determined to be surplus, obsolete or unusable for present and future City needs; and

WHEREAS, the City Council concurs in the finding that the supplies, materials, equipment and vehicles described in Exhibit A and B are surplus and no longer needed for public purposes and that the acquisition value of said property is greater than \$10,000.

NOW BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened, that the Purchasing Agent is hereby authorized to dispose of, by public auction, the surplus supplies, materials, equipment and vehicles described in Exhibits A and B, attached.

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

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

Read by title and as read motion by Councilman <u>Shyne</u>, seconded by Councilman <u>Spigener</u> passed by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

## **INTRODUCTION OF RESOLUTIONS:**

1. Resolution No. 36 of 2002: A resolution authorizing the Mayor to execute a Donation Agreement between the City and AOK, L.L.C. for private water and sewer mains, located in Lakeside at Long Lake Unit No. 1 Subdivision and otherwise providing with respect thereto.

Read by title and as read motion by Councilman <u>Serio</u>, seconded by Councilman <u>Carmody</u> for Introduction of the Resolution 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.

## **INTRODUCTION OF ORDINANCES:**

- 1. Ordinance No. 41 of 2002: An ordinance amending Section 2-27 of the Code of Ordinances of the City of Shreveport to reapportion the several council districts of the City and otherwise providing with respect thereto.
- 2. Ordinance No. 42 of 2002: An ordinance to repeal certain provisions of Chapter 90 of the City of Shreveport Code of Ordinances; to amend Section 90-273 of the City of Shreveport Code of Ordinances and otherwise providing with respect thereto.
- 3. Ordinance No. 43 of 2002: An ordinance to enlarge the limits and boundaries of the City of Shreveport -- A tract of land located along the Flournoy Lucas Road, in the SW/4 of Section 7 (T16N-R13W) and in the SE/4 of Section 12 (T16N-R14W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.
- 4. Ordinance No. 44 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the north side of 70<sup>th</sup> Street, 300 feet east of Dixie Meadow

Road, Shreveport Caddo Parish, Louisiana from R-A, Residence-Agriculture District and B-1, Buffer Business District to B-3, Community Business District, and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman <u>Burrell</u>, seconded by Councilman <u>Spigener</u> 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.

#### 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 <u>December 11, 2001</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Shyne</u> (I'm asking everybody for a positive vote on this legislation), seconded by Councilman <u>Huckaby</u>.

Councilman Spigener: We have addressed this before, it has come back before us and as you know, I voted not to close or abandon this right-of-way. I have changed my mind, changed by decision based upon additional information that I've received basically it has to do with the closure of Cleveland Street back in 1921. And that has shed entirely new light on the matter for me and I will vote to abandon this right-of-way.

Councilman Burrell: I thought Councilman Spigener had changed because it is a woman's prerogative. Councilman Spigener: Well that, sometimes has something to do with it, Mr Burrell but not this time, it is based on good judgment.

Councilman Serio: Several years we passed a piece of legislation that would have allowed for the staggering of streets to slow traffic down. And again as we were looking at this today, and we see that Cleveland Street was the cross street that would have connect Glen Iris to the other street and that Baltimore. It just goes to show that a 100 years ago they were slowing traffic down with the staggered streets, had to get that in in that it does work in that I'm glad to see this finally get off the table, as well. I cast my vote and I hope that everybody else has too.

Councilman Stewart: I appreciate ya'll review and your attention to these issues very much. It is important that the facts be shown and with ya'lls help, I think we have gotten there.

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

2. 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.

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

3. 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.

Having passed first reading on <u>March 26, 2002</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Serio</u>, seconded by Councilman <u>Spigener</u> adopted by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, and Burrell. 6. Nays: Councilman Shyne. 1.

4. 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.

Having passed first reading on <u>March 26, 2002</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Serio</u>, seconded by Councilman <u>Spigener</u> for adoption.

Councilman Burrell: Just for clarification and discussion, it appears that we are getting back into the gated situation, which I don' have a particular problem with especially if we are considering areas in our inner core, although we are not doing that as of yet. And by doing so, gated communities have proven, especially in our inner core area to reduce crime by 35 to 70%.

But at the time we are, I think there is still a subject of whether or not these are public streets or they are private streets. Have we addressed these issues to the extent that we are comfortable that we are not closing off public streets or that we are maintaining?

Mrs. Glass: Is the question that the gate is limiting access to public streets, that is the way that I understand the ordinance, that that is what it does at certain times, in accordance with all of the provisions and limitations on the ordinance.

Councilman Burrell: Are there still arguments that are outstanding on this issue? Because I don't know if we have ever resolved whether or not, I know there was a public opinion on this at one time that if we are still maintaining streets, can we authorize closing them off to the public?

Mrs. Glass: I would just direct you to Mr. Lafitte's answer yesterday which was that that matter was in litigation and I think he declined to give any other public opinion on it.

Mr. Thompson: There is a city ordinance that allows this and I believe Mr. Lafitte's answer was that they believe that the ordinance is valid and that is the argument they are taking in court even though he doesn't know

how the court is going to rule, but it is our strong belief that the ordinance is valid.

Councilman Burrell: So until then, we have a ground to stand on to allow the gating situation here, then? Mr. Thompson: I would say yes based on what Mr. Lafitte said yesterday. Of course if the courts rule against you, then that means that you have to go back and undue it but. . . .

Councilman Burrell: Well, I wasn't here yesterday so maybe I had a different opinion. I know that that was still in question.

Councilman Carmody: I realize that this is in Phil's district, I had just made a notation yesterday, we did have a gentleman that came before us that had confirmed that the gate were being installed at the residents' expense, the City was not contributing and that they would be open until 9 p.m. everyday (inaudible) and I just wanted to bring that to your attention

Councilman Spigener: I believe also that the gentlemen who Mr. Carmody is making reference to stated that, the Subdivision Association was paying the electric bill for the operation of the gates, also so it is not costing the City anything.

Councilman Shyne: My concern was not so much on who was installing the gates and who was going to pay to have them installed, the calls that I got was from people who was concerned about who was going to pay to upkeep the streets because that is basically what runs into the money. And I don't know, maybe we could suggest to the people since they are going to pay the cost of the gate and street light, they might want to pay the cost of the upkeep of the streets too, since they are that generous but that is what my concern would be and that is why I asked the Administration if they were building the streets to our specifications. Because I think there have been some times when we have taken the streets and maybe a few other things into the City that did not really meet out specifications and I guess maybe I am dating myself over the last—well lets say maybe not since I been on the Council but since I been keeping up with city government and that been over a period of maybe 25 or 30 years, Charles, I'm not that old, but just from going back and reading a lot of history. So, that was really my concern was to make sure that the streets are up to the specifications of the City specs and I believe you answered that as, yes, Mike Strong. (Councilman Stewart: Mr. Strong is nodding his head in the affirmative, is that correct.) I like how Mr. Strong has started talking with his head now, I like that sign language.

Councilman Serio: I am going to re-hash some of the same comments I made yesterday. Mr. Shyne, the residents in these neighborhoods, one of them is under development which is a new neighborhood but the residents in these neighborhoods probably pay on average about \$3 to \$6 maybe \$7,000 dollars in city and parish taxes. They pay their share of taxes on an annual basis.

I can tell you for a fact and I've got a police officer in the back that can verify these figures as well, that in the district we have one officer that rides in this district. There is other areas of town that have 6 and 7 officers that ride their district. And again, I'll go back to and this is one of the issues you are either going to provide protection, police protection all over the City or you are going to allow for protection in neighborhoods after hours and at 10 o'clock at night when the gates are closed, 6 o'clock or 7 o'clock in the morning when they are opened up.

If the City wants to change what it is doing right now with its Police Department and how it allocates policemen in the City of Shreveport then we probably wouldn't have as many requests for gated communities but obviously we can't do that, we have to handle emergencies the way we handle them.

We've got to look at ways to make neighborhoods secure. Obviously the some comment I made yesterday, it is hard to go cruising at night and sightsee in a neighborhood at 10 or 11 o'clock at night or 2 o'clock in the morning. If anybody is cruising and sightseeing in the neighborhood, they probably don't belong there anyway. I've noticed that tire marks, cut up yards, and things of that nature I guess is the best thing I ever say is a little kid who had broken one of the axles in the front end of his car while he was cutting through somebody's yard one day and he was stuck and had to admit that he was actually cutting yards. This slows this type of problem down. And I think if we are going to move forward and if we are going to enhance the neighborhoods that we have and keep our property values up, we are going to have to look at this type of government, local citizen involvement where the citizens are paying to put up the gates, to put up the fences, to maintain it, to put up the nice street lamps and signs that they have put up in their neighborhood. I don't know where the problem is.

Again, if you want to go back to the issue of allocating dollars to where the dollars come from, then you are going to have a whole different situation and that is not what is happening; so, I can understand the neighbors wanting to protect their neighborhood as much as they can.

Councilman Burrell: Mr. Serio, I wholeheartedly support the fact of gated communities. If you want to talk about crime, I think where gated communities should be is where your highest crime is because if you have stats that show how it reduces crime, then to me that would be the best investment that you can make if you want to look at it from that perspective. I think if we are going to allow certain neighborhoods to be gated, I think we need to establish a policy or some guidelines that we can use so that the citizens regardless of whether they make \$300,000 dollars or whether they make \$10,000 dollars that if it is part of a public policy then I think it is something that we can all live with because we all have to vote on these things regardless of where you are.

And given the fact that, it is a public street and public street, you maintain it publicly then I think that is your point of contention or point of controversy. I think if we are going to make decisions like this, we need to make decisions so that you can answer them just as well as I can answer them in case they call me although I may not have an area that is gated.

I am not an anti-gated person. I am a pro-gated person but from the standpoint of the things that I have read and studied that they can do, but I would hate for an area, say, I am not going to give a particular area that can be gated based upon the fact that they make a \$150,000 dollars or \$300,000 dollars a year. And then I go over here and someone else request that in the redevelopment of the neighborhood and we say, nah you can not have it because you only make \$20,000 dollars a year but yet and still you have public streets going through both neighborhoods. So, I think we need to set a set of policy from the Council if we are going to make these kind of decisions that we can all live with and that we can all administer.

Councilman Shyne: Mr. Serio I do respect your right to have an opinion that there should gated communities. But you kind of frightened me when you got into the point about distributing dollars based on the fact of where the dollars come from. This little lady who is on a fixed income or this gentleman who works at a service station who gives it his all and makes \$7 dollars an hour, if he property are \$250 dollars a year that is just as important to him, I almost said the banker, but I won't use the word banker, I'll use an attorney, lets say this attorney who makes a million dollars a year and probably pays \$10,000 dollars in taxes.

I don't think human value should be based on what our economic value is and I know we have a tendency to

do that in America and that could be one of the problems that we are having in the world now because it is kind of a funny thing. The have-nots, if you keep on depriving the have-nots of not having anything, don't think that they are going to be satisfied with just not having anything and don't think that you are cutting down crime when you start having gated communities because those people who live in a gated communities are going to have to leave out of that gated community and a lot of times that is where crime is perpetuated on them at Wal-Mart or at the Mall or at other places.

And, I would hope that we would not get into that scenario in order to justify having gated communities because those people who do not live in gated communities, those people who do not pay a lot of property taxes, are just as important to me because when you look back, that government who helped those who are less fortunate, in the long run is the best kind of government and those are the people who really need government. Those people who are less fortunate, those people who do not and if you will actually look back, that was one of the reasons why government was created so that those people who are not able to do for themselves, then government can do it.

But I do respect your opinion for having gated communities but I would hope that what you said would not really be your true, and I don't know whether I can say, Christian opinion because that frightens me some.

Councilman Spigener: I think that we are all aware of the fact that gated communities are in all communities, government-subsidies entities as well and that Councilman Burrell has indicated, reduces crime.

We are voting on gated communities and if we are going to move into the 21<sup>st</sup> Century, we are going to have to do this. And I think that we just as well go ahead and vote on it and put all of our other political and governmental reasons aside. We just need to go ahead and vote on this, and I think enough has been said because this is moving us into the 21<sup>st</sup> Century where the rest of the country is going.

Councilman Serio: For the record, that typically your streets are not paid for by the City, they are paid for out of the price of the individual lot with the development. So, the street itself is dedicated once that development is completed, those are dedicated to the City and that cost is borne by the people that live and that have brought the properties on that street and then it is dedicated and then it is given to the City and we accept these dedications and donations all the time. So it is not so much that the City has built the street and that the development comes after the street is built, the development is built and borne out of the cost of the individual lots that surround that property.

Councilman Shyne: We do what we call petition paving and I don't know whether we, we probably have not done any of that lately but, in previous years I've had streets paved in my district where houses had been built there for 30 years and the citizens still had to pay for it.

So, we are getting into this economic issue again. I mean where I live, I don't live in a gated community as a matter of fact kind of live in the 'hood so to speak. I paid for part of my street because it was in my payment every month to my banker and so I don't want us thinking that people that might not live in \$3-, \$4-, \$500,000 dollar neighborhoods don't have to pay for their streets because some of them do.

And, I think a certain quality-of-life within our neighborhoods are important and I love Councilwoman Spigener, but I have admit that a lot of decisions that I make up here, and this one of them, is a political decision because I've gotten calls from my constituents who are concerned. And if I get calls from m constituents who are concerned, a lot of times I might not vote my personal opinion, I vote the opinion of the people that I represent and that is what I told them when I ran for office that I wouldn't necessarily vote my personal opinion all the time, and a lot of times I don't, I vote the opinion of my constituents.

I mean, I have no hard feelings toward anybody who wants to live in a gated community, but I was just stating my reasons why I was voting against this particular ordinance, piece of legislation, because it is still in the court system. We don't know how the judges will rule on this and this is why I am voting a no vote. And this is not a vote against people who live in gated communities because I love people who live in gated communities and I love people who do not live live in gated communities, I just love people.

Ordinance adopted by the following vote: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, and Burrell. 6. Nays: Councilman Shyne. 1.

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.

Having passed first reading on <u>March 26, 2002</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Serio</u>, seconded by Councilman <u>Spigener</u> adopted by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, and Burrell. 6. Nays: Councilman Shyne. 1.

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.

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

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.

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

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.

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

office, I certainly appreciate the City's cooperation in expediting this and I think that they will be very pleased.

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.

Having passed first reading on <u>March 26, 2002</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Huckaby</u>, seconded by Councilman Serio for adoption. The Deputy Clerk read the following amendment:

Amend the ordinance as follows:

On page 1, Line 6, delete "IV" and replace with "V".

Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Serio</u> for adoption of the amendment. Motion approved by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Serio</u> for adoption of the ordinance as amended. Motion approved by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

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.

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

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.

Having passed first reading on <u>March 26, 2002</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Huckaby</u> for adoption.

Councilman Carmody: Again for Mr. Burrell who was not here yesterday, we are being asked to go ahead and change the zoning classification on the piece of property there at Shreveport-Barksdale Highway to allow an exception use. But again, our approval today is subject to the City's accepting the donation of the Holmes property within a year's period of today's vote.

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

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.

Having passed first reading on <u>March 26, 2002</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Stewart</u>, seconded by Councilman <u>Carmody</u> adopted 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.

Having passed first reading on <u>March 26, 2002</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Serio</u>, seconded by Councilman <u>Carmody</u> to postpone the ordinance until the April 23, 2002 meeting. Motion adopted by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

The adopted Ordinances, as amended, follow:

## 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.

WHEREAS, the Metropolitan Planning Commission (MPC) conducted a regularly scheduled public hearing meeting on November 7, 2001, to consider the proposed closure and abandonment of the portion of Glen Iris Boulevard running north of Ontario Street; and

WHEREAS, the request to close and abandon the portion of this street was denied by the MPC by unanimous decision; and

WHEREAS, the sponsor of the request desires to appeal to the City Council the decision to deny the closure and abandonment of the portion of the street as reviewed and rendered by the MPC during the said November 7, 2001, public hearing meeting.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the decision rendered by the Metropolitan Planning Commission to deny the closure and abandonment of a portion of this street is hereby reversed and overruled, and that the portion of the 60 foot-wide dedicated Glen Iris Boulevard running north of Ontario Street and located between Blocks 1 and 6 of Glen Iris Addition Subdivision in the SE/4 of Section 13(T17N-R14W), Caddo Parish, Louisiana, and as shown and as indicated on the plat attached hereto and made a part hereof, is hereby closed and abandoned, and be it ordained that utility and drainage servitudes are hereby retained throughout the closed and abandoned street right-of-way.

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

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

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

John David Stewart, Chairman	
Arthur G. Thompson, Clerk of Council	

#### 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.

BE IT ORDAINED by the City Council of the City of Shreveport in due, legal, and regular session convened, that 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), Caddo Parish, Louisiana, and as shown and as indicated on the plat attached hereto and made a part hereof, is hereby closed and abandoned. And be it ordained that utility and drainage servitudes be retained throughout the closed and abandoned alleyway.

CONTINUED - ORDINANCE NO. 29 OF 2002

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

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

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

John David Stewart, Chairman		
<u> Irthur</u>	G. Thompson, Clerk of Council	

## ORDINANCE NO. 30 OF 2002

A 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.

WHEREAS, Ordinance No. 190 of 1993 as amended authorized and enacted a new Section 78-4 into the Code of Ordinances of the City of Shreveport, which provides for request and procedures for limited vehicular access on public residential streets and also provides with respect thereto; and,

WHEREAS, Lakeside on Long Lake Subdivision is a recent development in Southeast Shreveport consisting of a total of 119 home building lots with Waters Edge Drive being the only access(es) to this development; and,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that a gated and regulated entranceway across Waters Edge Drive is hereby authorized and approved, and that all prior procedures and steps have been completed, and that all documentation as required has been attached to this ordinance, all in accordance with said Ordinance No. 190, as amended, of 1993.

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

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

 John David Stewart, Chairman	
Arthur G. Thompson, Clerk of Council	

#### 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.

WHEREAS, Ordinance No. 190 of 1993 as amended authorized and enacted a new Section 78-4 into the Code of Ordinances of the City of Shreveport, which provides for request and procedures for limited vehicular access on public residential streets and also provides with respect thereto; and,

WHEREAS, Emberwood, and Hazelwood Village, and Ravenna Units 1&2 Subdivisions are developments in Southeast Shreveport consisting of a total of 123 home building lots with Emberwood Place and Chinquapin Drive being the only access(es) to this development; and,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that a gated and regulated entranceway across Emberwood Place and Chinquapin Drive is hereby authorized and approved, and that all prior procedures and steps have been completed, and that all documentation as required has been attached to this ordinance, all in accordance with said Ordinance No. 190, as amended, of 1993.

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

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

John	David Stewart, Chairman	
 Arthur G. Th	ompson, Clerk of Council	

## ORDINANCE NO. 32 OF 2002

AN ORDINANCE AUTHORIZING AND PROVIDING FOR LIMITED VEHICULAR ACCESS (I.E., GATED ENTRANCE) INTO THE BRUNSWICK PLACE SUBDIVISION AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, Ordinance No. 190 of 1993 as amended authorized and enacted a new Section 78-4 into the Code of Ordinances of the City of Shreveport, which provides for request and procedures for limited vehicular access on public residential streets and also provides with respect thereto; and, CONTINUED - ORDINANCE NO. 32 OF 2002

WHEREAS, Brunswick Place Subdivision is a recent development in Southeast Shreveport consisting of a total of 37 home building lots with Demery Boulevard being the only access(es) to this development; and,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that a gated and regulated entranceway across Demery Boulevard is hereby authorized and approved, and that all prior procedures and steps have been completed, and that all documentation as required has been attached to this ordinance, all in accordance with said Ordinance No. 190, as amended, of 1993.

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

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

John David Stewart, Chairman	
Arthur G. Thompson, Clerk of Council	

# 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.

BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal and regular session convened that Section 10-190 of the Code of Ordinances of the City of Shreveport is hereby amended and now reads as follows:

Section 10-190. Drinking in public generally; exceptions.

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plastic containers on any public street, sidewalk or other public area located within the area bounded by the south bank of Cross Bayou on the north, the north side of Lake Street on the south, the west bank of the Red River on the east, and the east right of way line of Spring Street, not to include any sidewalk or pedestrian thoroughfare parallel and adjacent to Spring Street, on the west; and further includes, Block 48 of the City of Shreveport, known as Festival Plaza.

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

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

John David Stewart, Chairman

Arthur G. Thompson, Clerk of Council

#### 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.

BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened that the following intersections are hereby created and established as stop intersections:

- 1. Oregon Avenue and Utah Drive
- 2. Oregon Avenue and Wyoming Circle
- 3. Utah Drive and Wyoming Circle

Stop at Oregon Avenue Stop at Wyoming Circle Stop at Utah Drive

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

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

John David Stewart, Chairman

Arthur G. Thompson, Clerk of Council

## 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.

CONTINUED - ORDINANCE NO. 35 OF 2002

BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened that the intersection of Acklen Street and Sevier Street is hereby created and established a yield intersection, Sevier Street shall yield to Acklen Street.

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

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

John David Stewart, Chairman

Arthur G. Thompson, Clerk of Council

# 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 & V 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

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, to delete Sections II, III & V of Ordinance #137 of 1968 for property located on the south side of Southfield 250 ft. west of Youree Drive.

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.

	Stewart, Chairman
John IJawa	Stewart, Chairman
Arthur G. Thompson	o, Clerk of Council

#### ORDINANCE NO. 37 OF 2002

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING 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

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of the property located on the east side of Youree Drive 1000 feet south of Kay Lane, Shreveport, Caddo Parish, Louisiana, more legally described below, be and the same is hereby changed from R-A, Residence Agriculture District, to I-1, Light Industry District.

From a set 3/4" diameter iron pipe being the SE corner of Lot 8, Kay Acres, run thence S89°20'01"W along the south line of Kay Acres a distance of 791.24 feet, thence run S00°04'27"E a distance of 20.00 feet to a set ½" diameter iron pipe being the P-O-B of the tract herein described: from said P-O-B continue thence S00°04'27"E a distance of 327.97 feet to a set ½" diameter iron pipe being on the North line of River Storage Subdivision Unit No. 1, thence run S89°54'56"W along the North line of River Storage Subdivision Unit No. 1 a distance of 840.80 feet to a found 1½" diameter iron pipe being on the east R-O-W line of Louisiana Highway No. 1, thence run N25°49'31"E along the east R/W line of Louisiana Highway No. 1 a distance of 352.90 feet to a set ½" diameter iron pipe, thence run N89°20'01"E a distance of 994.17 feet to the P-O-B, said tract containing 6.81 acres, M/L.

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

1. A site development plan shall be submitted to and approved by the Planning Commission prior to the issuance of any permits.

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

	David Stewart, Chairman	-
Arthur G	nompson, Clerk of Council	

#### ORDINANCE NO. 38 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 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 OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on the south side of Shreveport-Barksdale Highway 500 ft. west of Knight Street, Shreveport, Caddo Parish, Louisiana legally described below, be and the same is hereby changed <u>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:</u>

7.00 acres, M/L, 1.23 acres M/L (Old River) from the NW corner of Section 9 (17-13), run east 992 ft., thence South 316 ft. to a point which is on the SE'ly R/W line of Shreveport-Barksdale Hwy. and the SW'ly R/W line of Knight Street, thence S43°17'E along SW'ly R/W line of Knight Street 250 ft. to P-O-B; thence S43°17'E along SW'ly R/W line of Knight Street 414.05 ft., thence S46°43'W 448.3 ft. to High Bank of Old River, thence with High Bank of Old River run N52°53'W 146.06 ft., N69°41'W 290 ft., N81°18'W 44.3 ft., N70°40'W77 ft., N83°04'W 25.7 ft., thence N20°09'W 152 ft., to SE R/W line of Shreveport-Barksdale Hwy., thence N46°56'E along Hwy. R/W 110.3 ft., continue along SE'ly R/W line of said Hwy. 240.02 ft., thence S43°17'E 248.8 ft., thence N46°27'E 275 ft. to P-O-B, also ½ of Old River adjoining same, of Anderson Island (17-13).

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

- 1. Development of the property shall be in substantial accord with the site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.
- 2. Approval is subject to the City Council's acceptance of the donation of said property, within a one year period.

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.

John David Stewart, Chairman	
Arthur G. Thompson, Clerk of Coun	

## ORDINANCE NO. 39 OF 2002

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING 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

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on the 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, Shreveport, Caddo Parish, Louisiana, legally described below, be and the same is hereby changed from B-2, Neighborhood Business District to R-3, Urban, Multiple-Family Residence District:

Beginning at the intersection of the north R/W of Milam and the west R/W of Christian, thence in a SW'ly direction along the north R/W line of Milam Street a distance of 320 ft.; thence run in a NW'ly direction being parallel with Christian Street a distance of 300 ft.; thence run NE'ly and parallel with Milam Street a distance of 320 ft. to the west R/W line of Christian Street; thence run in a SE'ly direction a distance of 300 ft. to the N'ly R/W line of Milam Street and the P-O-B.

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

1. Site development plan shall be submitted to and approved by the Planning Commission prior to the issuance of any permits.

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.

#### **UNFINISHED BUSINESS:**

- 1. Discussion and/or Action Relative to the Public Safety Committee. (F/Shyne) (Tabled on Oct. 23)
- 2. Ordinance No. 3 of 2002: ZONING APPEAL: C-78-01, *ALTON JEROME ROSS*, 2911 Milam Street from B-1 to B-2; restaurant or other permitted uses w/l this zoning classification. (G/Burrell) (Remanded to MPC Feb. 12)
- 3. Resolution No. 12 of 2002: Authorizing the Mayor to accept the donation of certain immovable property from Charlton Christopher Holmes. (1033 Shreveport-Barksdale Hwy.) (Tabled on March 26)

Councilman Carmody: Do we have any additional information on Resolution No. 12 of 2002 towards our progress on the assessment? Mayor Hightower: Nothing new.

Councilman Carmody: Do we know when we might anticipate receiving the information? Mayor Hightower: It was four to six weeks from the last Council meeting, so I guess we are two to four week now.

Councilman Stewart: We are withing 30-days.

Councilman Carmody: I appreciate that, it will unavailable for the next Council meeting that is why I wanted to ask. Mayor Hightower: We will be ready for the next one.

Councilman Shyne: And if so, would you fax it to him. Mayor Hightower: I may carry it to him. Where you going to be?

#### **NEW BUSINESS:**

1. ABO Card: Joshua D. Dayton [Employer: Chili's (D/Serio) / Residence: Bossier City] (Postponed on April 8)

Councilman Stewart: I bringing to everyone's attention here by virtue of the fact that I was given as I assume other members of the Council, a letter date April 9, 2002 from Chili's. It says: To Whom It May Concern: This letter is in regards to Joshua Dayton's request to receive an ABO Card for Chili's Grill and Bar in Shreveport, Louisiana. We are aware of Joshua's past records and we are willing to give him a chance to serve at our restaurant. If you have any questions please feel free to call me at any time. /s/Don Dare. There is an attachment that, I believe is his school record. These issues were discussed yesterday and these requests made.

Councilman Carmody: Can we ask our officer to come forward just to go back over this case, I know Mr. Burrell was not here yesterday.

Officer Collins: What it was, Mr. Dayton was denied on because of contributing to the delinquency of a juveniles on two different occasions within the last 2 years, one on November 4, 2000, when the applicant himself, was 18-years old and then 8 months later on July 14, 2000, again contributing the delinquency of juveniles. Either plead guilty to both or was found guilty to both of those.

Prior that he was found, when he was 17-years old, possession of alcohol, underage person and contributing to the delinquency of juveniles. He pled guilty on that one and then on February 3 of this month, just a couple of months ago he was arrested for DWI by Bossier Parish, both container and speeding and he has a scheduled arraignment for April 10.

Now, our stand is strong on this one. He is showing a trend here. I understand he has needs and he needs a job. He wants a job but our laws are very specific in this case and it is not one mistake, or he just made one bad decision. It was mistake, after mistake and bad decisions and we don't want that bad decision to go onto the job where he is working.

We understand that he needs a job but our ordinance is very specific in this he does not qualify for this job and the Police Department is asking you to uphold the denial based on that information.

Councilman Stewart: Mr. Serio, I would turn to you, not only to you, but since it is in your district, I would give you the honor of your suggestions and directions.

Councilman Serio: Mr. Chairman, I am a little perplexed, I really am. I have got a young man who has a 3.7 GPA, very intelligent young man but he is doing very stupid things. And I am just absolutely, I am just amazed looking at his transcript right here, and he has got such a good transcript and has the abilities to move forward and doing what you need to do be doing with your life.

You've got 54 hours, so he is almost, what 40% of the way through a degree and I understand that you have to work, as well. The only thing that I could suggest is....Councilman Stewart: One thing, we are not encumbered to vote on it today. Our normal postponement would carry us forward. Obviously the only reason I brought it back to your attention is that we did receive information that we'd requested in a timely fashion.

Councilman Serio: My suggestion, without further discussion with the young man, over the next 2 weeks would be with a site specific card (Councilman Shyne: I'll second that.) I'm just amazed that he got such a good school record and everything and he has done so well, that he is messing up so bad.

Councilman Stewart: Mr. Serio: You can correct me here, just trying to bring some of the discussion yesterday forward. My appreciation is that he is allowed to work and was part of the issue yesterday, during this pending time. We have an affirmative from the Police Department so he is not being denied a job by virtue of you looking to the next meeting if that is our wishes. I am certainly not trying to direct you as much as just give you the facts.

Councilman Serio: Lets get a clarification. He can maintain his position and his job at this point? Councilman Stewart: There is an affirmative from the officer in the back with a nod of the head, is that correct.

guess, I am sitting here thinking, would a denial maybe help teach one more lesson and yet if he is on the track of getting an education, that's where we need to keep here and I guess my question to you, Mr. Serio is do you foresee any other information coming to us that might make us change our mind at this point? I know it is ver hard to go against what the Police Department recommends.

Councilman Serio: Mrs. Spigener, I really do not see anything else coming forward. I guess, I do not. I am like the rest of us, I really am. I do not want to deny somebody the opportunity to work but I also want him to be responsible for his actions.

Councilman Shyne: . . . we probably would give him his ABO Card site-specific if he brought the letter back. Now, he brought the letter back, I mean we should have told him on yesterday don't worry about the letter because when you come back we are going to turn you down anyway.

I mean, that makes me feel bad, that makes me look bad, and it makes me sound bad, of course I don't know how it makes you all, but I for giving the young man a chance. I mean, the young man has a lot of potential. As I look around in the room, I don't see any perfect people here. Now, I might see some that have not -- well I see one hand back there, but then I going to give her the turkey for being the biggest liar in the room and I love you Deborah. But as I look around I see some people who might not drink, I mean I don't drink myself but because I don't drink, I mean, I'm not going to come down and I would hope at this particular point, the young man has learned his lesson and I believe we asked him on yesterday if he had learned his lesson.

I don't know what's going to change in the next two weeks basically, nothing but the weather. I mean, that's the only thing that I can say is going to change in the next weeks will be the weather. I would hope that at this particular point that, maybe I'm talking and I'm making a statement to some of my colleagues and they are not really listening and I see the young man back there see what's going on. I would hope that at this particular point that Councilman Serio would reconsider at this particular point and let's have some compassion. Let's give the young man another chance. If he mess up with it then we will know what to do but we have a young man here who has a lot of potential and I think we need to help him. I'm for helping him at this particular point.

Councilman Stewart: My information that I was sharing with you was certainly not to encourage you to vote or not to vote bur merely that if you did delay the decision it has been explained to me it would not prevent him from continuing to work, but I will follow the wishes of the Council obviously. Mr. Burrell had a comment for us also and I would be happy to call the applicant forward if you would like.

Councilman Burrell: Well I'm going to ask him that comes forward because I didn't have the opportunity to talk with him

Councilman Stewart: Mr. Dayton, could you please join us here. Mr. Burrell would like to address some issues and possibly some others.

Councilman Shyne: Mr. Chairman, I have an emergency. Please don't vote until I get back in. Councilman Stewart: Certainly.

Councilman Burrell: Mr. Chairman, my concern is not so much the young man's grade because again, to me if you are that intelligent then I would think that you should be able to think though this situation and to do something better. Unfortunately, I wasn't here yesterday to hear whatever your comments were. I think what I see that the Police Department is doing is trying to develop some sort of consistency in the decisions, to help us make some consistent decisions. We have gone from one end extreme on making decisions on issues like this to the other extreme, young man, which is no fault of your own.

An intelligent person can kill another person just as well as an ignorant person can if they are behind the wheel, that is the issue to me at hand. Since in some cases we have denied others for maybe even less than what you have on your record. I guess my position is since we have diddle-daddle this ball or bounce this ball in so many different direction on this Council, we have not developed a sense of consistency in my opinion on how we determine who gets what. But my question to you is, what help are you getting, given your record, to try to deal with your alcohol problem, that's what I'm concerned about. Is you hurting yourself and you hurting others out there, that has nothing to do with your grades. Do you understand my question?

Mr. Dayton: You are asking me what, I guess like professional help?

Councilman Burrell: Yes.

Mr. Dayton: No professional help, just I guess, friends and family.

Councilman Burrell: Okay. You don't see any need under the circumstances to try to get some professional help because I know some young people deny the opportunity of getting help because they don't feel that they have a problem. Mr. Dayton: It's not that I don't feel I don't have a problem, I know I do, but I feel like maybe my friends and my family is good enough and I know for that DWI that I will have to go classes, (inaudible) have already told me; so, I know there I will get help.

Councilman Burrell: Okay. Do you feel compel to or do you feel that there are going to court order you to get help? Mr. Dayton: Well, they are going to court order me anyway but I'm looking forward to it. It's not that I don't want to go and I will.

Councilman Burrell: Well, I guess again, my concern is I'm not here to badger you because my problem is, is that we deal with these situations and we are again, to use the same term, we are not consistent in our decisions on how these decisions are made. I would probably personally, would rather penalize a person who has the intelligence to know that they should not be doing what they should do then someone who is ignorant of the fact. I have probably more compassion in that direction because to me that is a natural order of things as far as how I make my decisions. But my – I guess what I really wanted to ask I've asked. You're saying that you will probably get the help because you are asked to get the help more so than you will take the initiative and go to your parents and say well look, I need help because my record states such and such and I maybe a menace to society if I don't get this help and that's not what I'm not hearing. Mr. Dayton: Well, I have changed. I mean, you don't know me so you are not going to know how I have changed since the trouble that I have been in. I have changed and – Councilman Burrell: Tell me how you have changed, maybe that will help me. Mr. Dayton: I understand what I did and I know I got to change. I mean, you will never know if I do or not because –Councilman Burrell: No, I won't. Mr. Dayton: . . . this will be the last time I see you, I'm sure.

Councilman Burrell: I hope so. What has changed, you said, to make me feel that I can vote to give you an ABO Card for you to work there; that's my question to you. Do you understand my question? Mr. Dayton: No, sir.

Councilman Burrell: My question is, you said that you have changed. You said that, I don't know what you have done to change. Tell me what you have done to change that will make me feel that I can give you my vote to give you the card? Mr. Dayton: I guess spend, instead of more time going out trying to hang out with my friends, more time with school which is reflected in my grades, more time with my family; that's about it I guess. I don't

drink, occasionally, special occasions. I don't drive and drink anymore. I learned my lesson on that one.

Councilman Burrell: Are you restricted not to drive or you are just committed to – Mr. Dayton: I have a temporary license for now but it will suspended.

Councilman Burrell: But I hope you understand my position. I mean, you grades impress me in terms of being a smart young man but they really disappointment the fact that you were smart enough to know that you shouldn't do that from that prospective. Thank you Mr. Chairman.

Councilman Serio: This is against my basic nature it really is. *I'm going to make a motion for a site specific which means that it is only good at Chili's and that if you lose your job at Chili's you are going to have to come back to the* Council again for a job anywhere else; so, I'm going to make a motion for a site specific, seconded by Councilman Shyne.

Councilman Serio: I'm going to ask you that you think about your – future of your life. I mean you are too young to be messing up right now, you really are. You are too young to be messing up but you know – I'm just amazed you got so much on the ball, you got so much opportunity ahead of you in computer information systems with what you have the potential to make in the future, don't blow it now. My God, don't blow it now. You got too much opportunity ahead of you. I'll make a motion for a sites specific and hopefully we won't see you back up here because I doubt if you will ever get one again if you are back up here.

Councilman Stewart: We have the motion from Councilman Serio and a second from Councilman Shyne. Mr. Serio, for clarification please. Are you restricting, re you suggesting in your motion that he be restricted to only one location, this specific one where he is now working?

Councilman Serio: I guess we need to ask, can you float between the Chili's? Mr. Dayton: I haven't yet and I don't know of anybody that works there besides the managers that do.

Councilman Serio: Okay, so you work on 70<sup>th</sup> Street now? Mr. Dayton: Yes sir.

Councilman Serio: Bayou Walk. I'm going to say site specific, Mr. Chairman.

Councilman Shyne: That's what I was about to say and I was going to ask him to – first of all Mr. Serio, thank you for your compassion and from time to time would you let Mr. Serio know how well you are doing. I'm going to take it from a positive standpoint and say that you are going to do well. Let him know how well you are doing because I think you are going to be successful. I don't think you are going to go down that road anymore. I think you have learned your lesson. Thank you.

Councilman Carmody: One quick comment and I don't know if you go by Joshua or David. Mr. Dayton: Joshua. Councilman Carmody: I'm going to ask you, did you find this find this experience of coming down here before this Council today pretty humiliating the second time after yesterday? Mr. Dayton: Not only humiliating but kind of dragging and don't feel like it's something that I should have to do. I mean, I have to do under the circumstances but if not I shouldn't have to do it.

Councilman Carmody: I'm going to vote not to allow you to have an ABO card because I think it's humiliating for you to have to stand here in front of me, okay. And I think it is humiliating for us to have to ask you the questions that we asked you. And I think maybe it would send a little message to other persons that are basically denied that you would want to go down and be humiliated in front of a governmental body because of the mistakes that you have made. Mr. Dayton: I feel it is worth a chance. Councilman Carmody: Well, of course it's worth a chance and I don't blame you. It's like, hey, what else I got to lose. I've already been denied. I'll go lay out my case and answer silly questions. Who knows, I roll the dice they might give it to me. Okay. But I'm sorry if you don't think I'm compassionate. I'm not here to win your favor as far as my compassion. What I'm looking at is the Police Department is basing their evaluation on what appears to be a very bad route that you are headed down.

We are all human, we all make mistakes but it's when you make repeated mistakes that it looks that you have a tendency to continue to do so and I'm not comfortable in giving you a site-specific today. I don't know what the rest of the Council is going to do, that's their decision to go whichever way they want to go but again, I think that if we had been all over the board and I know that we have in three years, that somewhere along the line that we need to be consistent and today I'm going to go with the consistency and support the Police Department in their denial. Thank you sir.

Motion approved by the following vote: Ayes: Councilman Huckaby, Serio, Spigener, and Shyne. 4. Nays: Councilmen Stewart, Carmody and Burrell. 3.

Councilman Stewart: Please, Mr. Thompson is the Clerk of Council, it's on the 4<sup>th</sup> floor, if your would be there tomorrow they will be glad to furnish you the appropriate documentation and we do wish you luck.

Councilman Shyne: Mr. Chairman. Don't let yourself down, hear Josh. Hear, don't let yourself down. Don't go down that road anymore. I got faith in you. Mr. Dayton: Thank you. Councilman Shyne: Don't let me lose that faith, hear. Mr. Dayton: Thank you.

Councilman Spigener: And Josh, be strong enough to stand up against what your friends want you to do and think about you and your future because this is a pretty close call today.

Councilman Stewart: Thank you, Josh. We wish you luck.

1. 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*)

Mr. Thompson: Mr. Chairman, as a result a poll that we sent around earlier, we only have four confirmed votes of people who are going to be here on that day. If anybody, you know, if we lose one for any reason then and we start the process or the witnesses are already here, if anybody feels uncomfortable with this margin, you might would want to talk among yourselves and let us know to see whether or not we need to try get a postponement or whether we should move forward. If we don't hear from you we will move forward with it.

Councilman Spigener: I'll get in touch with you tomorrow morning.

Councilman Stewart: And this meeting is scheduled for April 12<sup>th</sup>.

Mr. Thompson: That's correct, Friday.

Councilman Stewart: And that is this Friday. Thank you very much.

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

## **CLERK'S REPORT:**

ZONING APPEAL: C-15-02, ROY MAHONEY, 1520 Ford St. from B-2 and B-3 to I-2, short term storage of inoperable vehicles or other permitted uses w/I this zoning class. (A/Huckaby)

2. Appeal: Denial of Class A License to operate non-emergency Ambulance - North Webster Medical Services/MED-ONE Ambulance. (Special Meeting scheduled on April 19)

Mr. Thompson: Mr. Chairman on this one we only have four confirmed members who say that they will be present at that time, so we are in the same situation.

Councilman Stewart: April 19<sup>th</sup> and the day of the week is? Mr. Thompson: Friday.

Councilman Stewart: Friday, thank you.

Mr. Thompson: Mrs. Spigener on both of them is not sure whether or not she will be here because of . . . Councilman Spigener: I can give you a better decision tomorrow morning.

## THE COMMITTEE RISES AND REPORT. None.

## **ADJOURNMENT:**

There being no further business to co	ome before the Council, the meeting adjourned at approximately 6:57 p.m.
John David Stewart, Chairman	
Arthur G. Thompson, Clerk of Council	