

COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT, LOUISIANA
JULY 23, 2002

The Regular Meeting of the City Council of the City of Shreveport, State of Louisiana, was called to order by Chairman Roy Burrell, at 3:15 pm., Tuesday, July 23, 2002, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Councilman Spigener.

On Roll Call, the following members were Present: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Absent: Councilman Huckaby (out of town) and Serio. 2.

Motion by Councilman Shyne, seconded by Councilman Carmody for approval of the Administrative Conference Summary Minutes of July 8, 2002 and the Regular Meeting Minutes of July 9, 2002. Motion approved by the following vote: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Absent: Councilman Huckaby and Serio. 2.

Awards, Recognitions of Distinguished Guests, and Communications of the Mayor Which Are Required By Law. Mayor Hightower: None.

Awards, Recognitions of Distinguished Guests, and Communications of the Council.

Councilman Shyne: I have a couple. Mr. Ferdinand, is there anybody here from Code Enforcement. Mr. Bowie, I've been getting a number of calls, and I happen to see a little piece in the paper this morning, and some of the other Council members might have been getting some calls, it seems like here and there, in some of our neighborhoods, we are having persons who are having a lot of dogs in their back yard and especially a couple of neighborhoods and I'll give them to you after the Council meeting. But I wish you would look into it with the Legal Department to see what we can do about people who keep a lot of dogs in their back yard and they are doing a lot of barking because we have a lot of elderly citizens who they lose their rest at night and it really disturbs the neighborhood and basically these are people who move into the neighborhood and who are renting houses or whatever it might be and its very disturbing.

It might not seem like it is, because if you live next door, matter of fact I went by one house and they wanted to prove to me how disturbing it would be. Within a matter of, I stayed about two hours and just during that two hour length, you could just hearing dogs barking and if you go out in the back yard, you can smell the odor because they are not keeping it clean. Do we do any monitoring of this? Do we do any checking of this?

Mr. Bowie: No, Sir there is a law on the book and it is a Parish law dealing with the Animal Control Center that they have laws against nuisance barking of dogs. We'll check with them and get these addresses and we will turn these complaints over to them.

Councilman Shyne: Please do.

Mr. Bowie: They have laws against that.

Councilman Shyne: Please do. And the other complaint I have and Mike, I don't know whether this would deal with your Department or with Code Enforcement, but I'm finding out in some neighborhoods, people have start putting basketball goals right next to the street. And they are playing basketball out in the streets, and especially in some of your older neighborhoods, this can be very disturbing to the citizens and even with cars trying to go up and down the street, they have to wait until the kids get out of the street. And they are not just rolled there, Mike, but they have dug a hole and put the goal post down, right next to the street. What do we have in relation to that?

Mr. Bowie: It is a Police issue. I don't have no laws on the books that I'm aware of, but we'll look into it though and check with the City Attorney.

Mr. Strong: Get us an address and we can do it. If they are doing it on the right of way or out in the street, then it is a violation.

Councilman Shyne: I'll get you the address.

Councilman Burrell: Councilman Shyne, also, I've had to deal with goals being placed in the street and I know that became a policing issue so that may be also happening.

Councilman Shyne: I thought it was a police issue, but what they people have told me that they have called the Police Department, the Police Department told them that it was not a police issue, so that is why I wanted to bring it to the Council to make sure that who ever needs to be looking at that will look at it. I kind of felt like it might have been a police issue, and they said no, we've called the Police Department. We would appreciate it if you'd mention it; so, that is why I mentioning it now because they were told that was not really a police issue.

Councilman Burrell: Well, lets get a clarification on it. Mike, are you saying that it is something that you deal with because I know I have been addressing it from the standpoint of police?

Mr. Strong: What is actually put into the right-of-way, we can handle. If they are out in the streets, we have an issue like that, we go through the Police Department; so that is why I say, if you get it to me, I can get it to the right. . . . Councilman Shyne: That is what I was about to—that is why I wanted to get it to you. I'll get the address to you and you channel it on to where it needs to go.

Councilman Burrell: We have a wonderful group of young people who dedicated themselves to the beautification of our city and other activities. At this time, I would like to recognize the ShreveCorps group who is here today. And, I believe we have with us to talk on that issue. I don't know, we have Ms. Yvonne Lee, Mr. Lee Jeters and we also have Alan Waller, Casie Williams, Cindy Smart, and Kathy Haller.

Ms. Yvonne Lee: First of all we would like to thank you for the opportunity of being here. Shreve Corps is an America Corp National Service Program that is administered by Shreveport Green. We are in our ninth year and we come here today for a lot of reasons, but specifically to say *thank you* for your support and to bring these fine young people to your attention.

We have 32 young people in our Corp this year. As I mentioned, it is our 9th year. This is an exceptional group of young people. I have had the honor of working with this group each year and am very fond of this group. They have done a tremendous job. There are a lot of things that have come to our community and we want ya'll to be able to appreciate what these young people do and what they have provided for the community. They are a great group. They have established some tremendous friendships and have really bonded together to do positive things not only for themselves, but for our community.

Mr. Lee Jeters: What we would like to present and we also have already passed out to the Council this afternoon is a copy of our Impact Statement. As Ms. Lee has said earlier today, this afternoon, these young people do outstanding work and some of the work that the young people have completed over the course of this summer, to give you an example without reading the entire Impact Statement.

Our members have completed 18,201 hours of community service and that is just these members along and it is not including the hours that we committed to volunteers, other volunteers that we recruited to do service across the City. Our members have earned an Education Award total for our of our members that will be in excess of \$46,000 and as well they've been paid a living allowance of \$79,587. Our members have collected 25 tons of litter and debris throughout different neighborhoods, waterway clean-ups and illegal dumpsite clean ups across our city and parish. We've painted 14 homes in the city of Shreveport for senior citizens and low income citizens. We've also groomed 18 intersections as part of the Care Program and that is just a small amount of service that these outstanding young people have committed throughout this summer. And as the Mayor is so fond of saying of bringing our citizens and our young people back home, these young people are doing positive things in our community to further their education and hopefully with the support of this Council and the continued support of the City of Shreveport, they will be able to continue their education and may be we will have these outstanding leaders contributing to the success of our city and I'd like to give some of our members an opportunity to address the Council.

Casie Williams: I just want to say thank you to all for funding this program. Because of the funding, I was able to have financial stability when entering college, so I just want to say thank you for that. We really appreciate it.

Donald (Inaudible): I am a second year Corp members and I spoke to you last year. I want to say

again, thank you for funding because I attend GSU and Education Award is helping me out with my college career.

Cindy Smart: I would like to thank you all for your time and effort. This is my first year with Shreve Corps. Thank you for supporting Shreveport Green and Shreve Corps. I am a current student at Bossier Parish Community College, Physical Therapy Assistant major and I plan to continue on with my Bachelor's degree at LSU and with your support that is going to be possible for me; so, thank you for your generosity.

Kathy Haller: I wanted to thank you guys for funding this program because it gives me the opportunity to not only help out my community and help others in the City of Shreveport, but also further my education and invest in my future. (Councilman Burrell: Did it give you that big smile, you have the biggest smile.)

Mr. Jeter: And we'd like to thank you very much for your time and we are going to try to be as disruptive as possible, less-disruptive as possible as we exit the Council, non-disruptive as possible. So we are going to exit the Council, and we thank you very much for your time. We appreciate it.

Councilman Burrell: Well we are the ones that are always disruptive, so we don't mind to have a little of that.

Now, I know the Mother Hen of it all, I know she is around here lurking somewhere, Donna. Awh, you never hide.

Ms. Donna Curtis: Well, I am so proud of all these groups, Mr. Burrell. They've come together remarkable and I think they truly become good friends and have worked together and have done so much for the community. I know you've seen them all over town from cleaning those intersections to planting those plants down at the Red River Entertainment District to painting houses, to cleaning up and picking up litter, and planting trees; so, I am very proud of them and thank you for recognizing and thank you for your support. They are a wonderful group. You couldn't put your money any place better, I don't think, than in our youth; thank you.

Councilman Burrell: Well, we want to thank all of you for coming and again, you all do a great work for the city and I know the Mayor is really proud of all the work that you've done, as well as the rest of us on the Council so keep up the good work. I was hoping to see if I could, \$79 thousand, that is pretty good money. I was just wondering if I could make a loan, that is what I was looking for.

Ms. Curtis: Hard work. Anywhere from 450 to 900 hours of service.

Councilman Shyne: I would like to ask Mr. Collie J. Nicholson, if he would come up, please. Collie and I, Mr. Mayor, go back to Grambling. Collie is one of the human resources that we've been so fortunate to have here in the State of Louisiana. People talk about Eddie Robinson and Ralph Jones of Grambling, but if it had not been for the pen of Collie Nicholson, a lot of what went on at Grambling would have been kept right there in the red hills of Grambling but because of the kind of skills that Collie had with the pen--and Roy, I guess this is why they say that, the pen is mightier than the sword—Collie was able to make Grambling known throughout the world and 'cause not only for the athletic program or for the football program, but Grambling was also known for having one of the best teacher education programs that you could find anywhere. Teachers could, elementary and high school teachers could finish from Grambling and they could go anywhere and school districts all over the country was glad to hire them and it was because of the kind of public relations work that Collie did. And I think what Collie first starting doing that kind of work, you didn't have many black schools who actually believed in what Collie was doing that you could sell your University. You could get what you were doing at your university out to the country and people could come and see what you were doing.

Collie, I am extremely proud of you and I know the State of Louisiana is extremely proud of you and as a home town boy, so to speak, from Winnfield to Grambling to Shreveport, we are all proud of you. And Mr. Arthur Thompson is going to read something, and then Collie we are going to ask you to say a few words, please.

Collie J. Nicholson, a Shreveport resident, is the recipient of the 2002 College Sports

Information Directors of America, Distinguished Trailblazer Award. The College Sports Information Directors of America is referred to hereafter as *CoSida*.

The Distinguished Trailblazer Award was presented to Mr. Nicholson on July 2, 2002 in Rochester, New York, during the annual CoSida Summer Workshop with over 700 sports information directors from colleges and universities from across America in attendance.

In making the presentation, Rod Commons, CoSIDA third vice president from Washington State University, said "This honor is reserved for pioneers in the field of sports information who have mentored and helped improve the level of ethnic and gender diversity within CoSIDA.

"When he wasn't knocking on doors and promoting Grambling in big city stadiums across the United States," Commons continued, "Collie was producing unique and award-winning press guides, with recognition from the NCAA, NAIA and CoSiDA. Two of his publications were voted "best in the nation."

Andrew Harris, sports editor of the local Shreveport Sun, once wrote that "Collie Nicholson set a standard of integrity, professionalism and competence that has served as role models for hundreds of young black sportswriters and sports information directors to follow."

Howie Evans, sports editor of the New York Amsterdam News, had similar thoughts on Collie. "He created a legacy by opening doors previously closed to black colleges. His media efforts and his salesmanship made owners and scouts of professional teams aware of Grambling and other black colleges."

Nicholson is a member of the Grambling State University and the Louisiana Sports Writers Hall of Fame. Following his 30-year career at Grambling, he has been recognized with numerous writing awards, including the Distinguished Service Award in Sports Journalism by the Louisiana Sports Writers Association in 1990. This month Nicholson was named a Lifetime Member of the Louisiana Sports Writers Association by the membership of that associations.

Mr. Nicholson: Councilman Shyne, I am just delighted to be here today. Actually, this recognition is not something personal for me, it really represents what took place at Grambling and it is a tribute to a marketing idea that gained international attention.

President Jones wanted to build Grambling into an outstanding university and he had no resources other than the idea that could be presented that would sell Grambling across the United States to the black consumer market. I remember very distinctively that in one of the early meetings we had after I came out of the Marine Corp, he said that something that I had not, really, paid any attention to. He said that the national black consumer spending in America, at that time, was \$200 million dollars. And he said if we can find a way to tap into creating a response from that group, if we can get them to support Grambling we can change the way that things are for Grambling and the country and the same time it would carry over to all the other black schools. So, to make a long story short, we started by selling and sending out news releases to, at that time, about 400 black newspapers in the country. The list has been cut down now to 200. We sent news stories out to these top black papers which didn't cost anything but a stamp and we created over a 10 year period, it took us 10 years to get name recognition and from that

name recognition we were able then, to go to marketeers in the major cities and the corporate entities and get them to support the Grambling and buy into the Grambling television show, to enable us to do major promotions at stadiums across the United States.

So, I appreciate the opportunity to once again, explain that were it not for Coach Eddie Robinson and for Ralph Waldoph Anderson Jones, the President of Grambling, none of this could have happened. Eddie created the environment Eddie created the environment for the appearances in the big stadiums because he, during his career at Grambling, he sent over 200 players into pro-football. He won 408 games, more games than anybody else, but all of this was a part of a unique approach developed by President Jones with little more than an idea because there were no other resources at Grambling at the time. Thank you very much.

Councilman Burrell: Collie is a true treasure for Louisiana as well as Grambling College. I've known the name for some time, never met him, didn't realize he was actually in my Council district until a number of years ago, he is always so quiet. Normally, you get a lot of complaints but I think in the eight years I've represented, I think I've only had one call from you, so I thank you for that, too. Because a lot of time people will give you call just to call and complain, but we are always there to serve. And again, if there is anything that I can do for the short while that I'm here, left on the Council, please let me know; appreciate it.

Councilman Shyne: Again, Collie thank you for coming down and you are truly a great American and we appreciate that.

Public Hearing: None.

Confirmations and/or Appointments: None.

Adding Legislation to the Agenda: The Council added the following to the agenda on motion by Councilman Shyne, seconded by Councilman Carmody.

- 1) Resolution 101 of 2002: A resolution authorizing the Purchasing Agent to dispose of by public auction certain types of supplies, materials, equipment and vehicles determined to be surplus and to otherwise provide with respect thereto.
- 2) Resolution 102 of 2002: A resolution authorizing the execution of a Memorandum of Cooperative Endeavor with the Red River Waterway District and to otherwise provide with respect thereto.
- 3) Ordinance No. 118 of 2002: An ordinance amending the 2002 Community Development Special Revenue Fund and otherwise providing with respect thereto.

Motion approved by the following vote: Ayes: Councilmen Carmody, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Huckaby and Serio. 2. Out of Chamber: Councilman Stewart. 1.

Public Comments.

John Lorick (9413 Garfield Drive, Shreveport, 71118), President of the Southern Hills Business Association concerning the zoning of Diva's Nightclub at the South Jewella Plaza. We would like to request that the Council reverse the decision that made by the Zoning Commission.

You should have in your package, I'm sure a vast number of letters from churches, from

the citizens, taxpayers, businesses, those that are concerned in our area about the club going in where it is proposed to be located. The re-zoning there, we feel, serves absolutely no good purpose for our community and for our business community.

As you are aware, we are a struggling community seeking to re-claim and to revitalize our area. We feel that the nightclub staying open to 2 a.m. is not a good thing for us. The proposed club is located just a few blocks from Cargill Park. And as you are aware on a daily basis, every evening and weekend, there are literally hundreds of people, many of which are small children that pass that way going to the park and we feel that one intoxicated drinker leaving the club late in the evening could be a very costly price for our community and our city to pay.

Historically, the Council has not allowed such clubs to take place, I believe, that this close to the residential areas as this proposed club would be. So we would like to ask that you rescind that decision, overrule that decision that was made by the Zoning Commission.

Mary O. McCoy (306 Stacey Lane, Stonewall): I owe the property adjoining this South Jewella Plaza. The property I own is 8210 Trigger Trail. My son owns the property that joins the property on McCutchen, 2401. My daughter owns—well, all of my children own all of the property except one lot. I have lived out there until the last 2 years, since I was 15 years old. It has always been a residential neighborhood until the shopping center went in and we had the daiquiri place, it was virtually, even with all of the noise in Wal-Mart, it was virtually, you know, no problem neighborhood. We didn't have, once the daiquiri place went in, we called repeatedly, there was problems from day one. Not day one, the first man kept things under control, but then it was sold and then there was drug dealing out the back, they rode little skate boards. I called Bill Sale constantly about it.

Anyway, we have moved. We do rent the property. We still own it, we intend to own it. My son still owns his property, my daughter owns a section. She is in a buy-sale agreement with a lady, all of them are here, all of the property owners, we are all here. We are asking ya'll to please reverse the decision of the Metropolitan Planning Commission. This is a residential area. There is 11 little children who live within 600 feet of this proposed club, whether Diva's has it or whether it is some other place.

The shopping center was originally, when they first put it in, it was suppose to be a B-2 family owned businesses closing at 6 o'clock. Well that has gradually changed. How the daiquiri place got in, I never knew because I've lived there. I never got the first notice about the daiquiri in, until it was a fact. . . but anyway it is there. And I would ask ya'll to please, because it is a residential area, there is a lot of children that play. In the apartments across the street, there is a lot of children. The lady applying for the license stated that she could keep drinking under control. Why is she able, it has never happened anywhere? When people are drinking no one can control them, and we'd please ask ya'll to reverse that.

Frances McConnell (2400 McCutchen, Shreveport, 71108): I live directly across the street, kind of diagonally from the proposed site. It is where the Sports World used to be. And we've lived there for 14 years, my husband and I, and my 2 children and they are 4 years old, I have 4-year old twins.

We have our business there, we have our home there, and we have enjoyed living there. It has been a great place to live and have our business as a family, but there is a lot of noise like Ms. McCoy said. Just the fact that there is drinking, that close already in our neighborhood. In fact on my way here, a little while ago, there was a man, I wouldn't call him a gentleman, but, he was walking in the street with a liquor bottle in his hand in the middle of the day. My kids could have been out, playing in the front yard and he was just walking down the middle of the road and he wouldn't move, one way or the other. I had to completely come to a stop and wait for him to get out of the road. And I am not saying that this is in effect to the daiquiri place or Diva's Sports Pub or whatever, but there is just not a place to have liquor. If you want to consume liquor in your own home, that's your own business, but I just don't feel like that's what we need in our neighborhood. It is just not a good influence for our children.

There is churches, Pineroft is right down Jewella, there is Sunset Church of God, there is a, our whole area as ya'll know has gone down in the past 15 years and we just really feel like this would not be something that will be promoting our community, be promoting good business—it wouldn't be anything to upgrade Shreveport, it would just be something that would probably cause more problems. The noise is really bad. We can hear anything that goes on in that parking lot in the evening and I stated that to the Zoning Board. My children had been woke up at night just because of the noise coming from people parked in the parking lot after they have been to the daiquiri place and just sit in the parking lot. Police will come and they deter them and everything, but it hasn't but you can't keep a stop on noise all the time and it is just not something that we desire for our neighborhood. It is not something I desire for my children to be around and I would just ask ya'll to overturn the ZBA's decision.

Councilman Spigener: There are other people here who live in the neighborhood and who are opposed.

Earl Timmons (2000 McCutchen Street): I am a member of the Southern Hills Business Association, but I am also a neighbor to these folks. I live on McCutchen Street over at the other end of McCutchen.

My question, I have one question first of all, folks. The house that Ms. McCoy is talking about which the nearest neighbor, you could literally hit it with a baseball if you pitched it underhanded, from the back door of where this bar would be located. My question to you is, if someone were requesting to open up an establishment like that within that distance of your home, how would you be voting today?

I live down this street. I see people, retired people that like to walk that street to get exercise. In addition to that, right across the street, right across Jewella from where this would be located, there is an apartment complex that has a lot of children in there and I just can't see having an establishment like this where people that would be drinking, would leave there and possible cut through the apartment complex where children might be, coming down the street where retirement people are. The noise that is involved with it and again, being that close to residents, I can't see the Council voting for that and we would greatly appreciate it if you would consider that very seriously and vote against it as if it were right up against your back door. It is not that close to me, but I know people that are right there close to it and I feel for them because

of the noise and what they have to worry with, about their children. Just the idea of the gentleman walking in the street, just then. The bar is not even there yet, so we would greatly appreciate your cooperation and your vote against it.

Ms. Linda Fong (8204 Trigger Trail, Shreveport, 71108): I have been there 7 ½ years. We are renting to buy this trailer and we are right up behind the Sports World. And I'd appreciate it if ya'll would vote it down. Because we work every day, get up at 6 o'clock in the morning, and they want to stay open until 2 a.m. We hear all kind of noise form the back alley as it is, picking up bottles and trash from the Daiquiri Place. They drive those motorized skate boards and everything down the alley. We call the police, they come and run them off and they are right back. We just would like to keep it a resident and not a bar-hop over there.

Councilman Spigener: As I was saying, there are several other residents that are here in opposition (approximately 15 persons stood.) I think in all fairness, we need to ask also if there is someone here in support of it (no one stood.)

CONSENT AGENDA LEGISLATION:

INTRODUCTION OF RESOLUTIONS AND ORDINANCES ON CONSENT:

RESOLUTION: None.

ORDINANCE: None.

ADOPTION OF RESOLUTIONS AND ORDINANCES ON CONSENT:

RESOLUTIONS:

Motion by Councilman Carmody, seconded by Councilman Stewart to adopt the Resolutions on the Consent Agenda. Motion approved by the following vote: Ayes: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Huckaby and Serio. 2.

RESOLUTION NO. 95 OF 2002

A RESOLUTION ACCEPTING DEDICATION FOR LONG BAYOU LANE, FORK BAYOU LANE, AND GILMER BAYOU LANE IN THE BAYOU POINTE SUBDIVISION, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for Long Bayou Lane, Fork Bayou Lane, and Gilmer Bayou Lane in the Bayou Pointe Subdivision in Section 26 (T17N-R14W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

BE IT FURTHER RESOLVED that the original plat reflecting the dedication for Long Bayou Lane, Fork Bayou Lane, and Gilmer Bayou Lane be and recorded in the official records of the District Court for Caddo Parish, Louisiana.

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

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

RESOLUTION NO. 96 OF 2002

A RESOLUTION REJECTING BIDS RECEIVED ON IFB #02-061 FOR DOWNTOWN GATEWAY IMPROVEMENTS

WHEREAS, two bids were received as a result of solicitations for Downtown Gateway Improvements, IFB #02-061; and

WHEREAS, the City has rejected the bids due to the fact that all bids exceeded the budgeted amount allotted by the Engineering Department;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the bids received on IFB #02-061 be rejected.

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 declared repealed.

RESOLUTION NO. 97 OF 2002

A RESOLUTION REJECTING BIDS RECEIVED ON IFB #02-068 FOR THE WOOLWORTH ROAD LANDFILL OXIDATION POND DREDGING

WHEREAS, two bids were received as a result of solicitations for the Woolworth Road Landfill Oxidation Pond Dredging, IFB-02-068; and

WHEREAS, the City has rejected the bids due to the fact that all bids exceeded the budgeted amount allotted by the Engineering Department;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the bids received on IFB #02-068 be rejected.

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 declared repealed.

ORDINANCES: None.

REGULAR AGENDA LEGISLATION:

RESOLUTIONS:

RESOLUTION NO. 89 OF 2002

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE ENDEAVOR AGREEMENT WITH STEEPLE ECONOMIC DEVELOPMENT CORPORATION RELATIVE TO THE FIRST TEE YOUTH GOLF PROGRAM AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the City of Shreveport ("City") operates the Lakeside Golf Course; and

WHEREAS, City desires to participate in programs that provide unique recreational opportunities for children of the City;

WHEREAS, Steeple Economic Development Corporation ("SEDC") is a 501 (c)(3) non-profit corporation of the State of Louisiana and is the sponsor of the First Tee Junior Golf Program ("the Program") which is a unique and innovative youth golf program that combines fundamental instruction in the game of golf with life skills training that incorporates nine (9) core values: responsibility, sportsmanship, confidence, judgment, honesty, respect, courtesy and integrity; and

WHEREAS, the First Tee program will be open to all youth of the City however, special effort will be made to recruit participants who may not otherwise have an opportunity to learn the sport of golf; and

WHEREAS, City desires to participate with SEDC in sponsoring the First Tee Program by providing the use of the Lakeside Golf Course and other services for the Program; and

WHEREAS, the Program serves a public purpose.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Shreveport, in due, regular, and legal session convened that the Mayor of the City of Shreveport is authorized to execute a Cooperative Endeavor Agreement with Steeple Economic Development Corporation, substantially in accordance with the draft thereof which was filed for public inspection with the original of this resolution in the Office of the Clerk of Council on July 9, 2002.

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

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

Read by title and as read motion by Councilman Shyne, seconded by Councilman Spigener passed by the following vote: Ayes: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Huckaby and Serio. 2.

RESOLUTION NO. 90 OF 2002

A RESOLUTION AUTHORIZING THE MAYOR TO REVISE THE CONTRACT WITH THE TIMES, THE OFFICIAL JOURNAL FOR THE CITY OF SHREVEPORT FOR THE PERIOD COMMENCING JULY 1, 2002 THROUGH JUNE 30, 2003, TO MORE ACCURATELY TIE THE RATES TO THE PRINTING SERVICES TO BE PERFORMED AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the City is required by its Charter and state law to select an official journal; and

WHEREAS, the City Council of the City of Shreveport, advertised for the publishing of all minutes, ordinances, resolutions, budgets, official notices, advertisements, and other official proceedings of the City of Shreveport for the period July 1, 2002 through June 30, 2003 in accordance with law; and

WHEREAS, The Times submitted a responsive bid that was accepted by this Council, and a contract has been executed by the parties dated June 26, 2002; and

WHEREAS, the contract authorized by the Council and executed by the City and The Times does not contain the exact terms bid by The Times, and the contract is subject to interpretations not intended by the parties; and

WHEREAS, the (correct) terms bid are:

All printing of required legals in the Classified Section - \$0.27 per agate line;
All printing of required legals in the Retail Section - \$6.30 per column inch;
All other (non-required) ads in the Classified Section - \$1.60 per agate line;
All other (non-required) ads in the Retail Section - \$31.20 per column inch; and

WHEREAS, this bid and these terms are accepted; and

WHEREAS, it is necessary and desirable that an accurate agreement be executed by the parties for the period July 1, 2002 through June 30, 2003, and the new agreement substituted for the agreement previously executed by the parties dated June 26, 2002.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due, regular and legal session convened that the Mayor of the City is hereby authorized to execute an

agreement with The Times under the terms and conditions contained herein for the period July 1, 2002 through June 30, 2003, and to substitute the new agreement for the agreement dated June 26, 2002 previously executed by the parties.

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 Stewart, seconded by Councilman Shyne passed by the following vote: Ayes: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Huckaby and Serio. 2.

RESOLUTION NO. 91 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 personal injury, premises liability and aviation related matters.

WHEREAS, pursuant to Section 8.03 of the City Charter, the City Attorney recommends that Danye W. Malone, with the law firm, Jeansonne and Remondet, Attorneys at Law, 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 Danye W. Malone, 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 July 9, 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 Spigener, seconded by Councilman Carmody passed by the following vote: Ayes: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Huckaby and Serio. 2.

The Deputy Clerk read the resolution by title: Resolution No. 92 of 2002; A resolution approving the Restoration Tax Abatement Renewal Application for 601 Spring Street, Ark-La-Tex Antique & Classic Vehicle Enterprise, LLC to participate in the benefits of the Louisiana Restoration Tax Abatement Program and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Carmody, seconded by Councilman Stewart to postpone the resolution until the August 13, 2002 meeting. Motion passed by the following vote: Ayes: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Huckaby and Serio. 2.

RESOLUTION NUMBER 98 OF 2002

A RESOLUTION DECLARING THE CITY'S INTEREST IN CERTAIN ADJUDICATED PROPERTIES 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 nonpayment 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 86 and 87, Block C,
Church

Oakmont Subdivision

Geographic No. 171426-027-0107

Council District "F"

Proposed Donee

Union Spring Missionary Baptist

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 Shyne, seconded by Councilman Spigener passed by the following vote: Ayes: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Huckaby and Serio. 2.

Mr. Thompson: Resolution No. 99 which is now on under Introduction can be adopted today and I believe that the Administration requests that the Rules would be suspended to consider Resolution No. 99 and to adopt it today, if there are no objections. Motion by Councilman Shyne, seconded by Councilman Spigener to suspend the Rules. Motion passed by the following vote: Ayes: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Huckaby and Serio. 2.

RESOLUTION NO. 99 OF 2002

A RESOLUTION MAKING APPLICATION TO THE STATE BOND COMMISSION FOR APPROVAL OF THE ISSUANCE BY THE CITY OF SHREVEPORT OF NOT TO EXCEED FORTY FIVE MILLION DOLLARS (\$45,000,000) AGGREGATE PRINCIPAL AMOUNT OF WATER AND SEWER REVENUE REFUNDING BONDS, IN ONE OR MORE SERIES, FOR THE PURPOSE OF REFUNDING CERTAIN EXISTING INDEBTEDNESS OF THE CITY.

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 \$40,940,000 of Water and Sewer Revenue Bonds, 1986 Refunding Series A (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 \$45,000,000 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 six percent (6%) per annum, maturing no later than fifteen (15) 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 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. 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 5. 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.

Read by title and as read motion by Councilman Shyne, seconded by Councilman Spigener passed by the following vote: Ayes: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Huckaby and Serio. 2.

RESOLUTION NO. 101OF 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 Carmody, seconded by Councilman Stewart passed by the following vote: Ayes: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Huckaby and Serio. 2.

INTRODUCTION OF RESOLUTIONS:

Mr. Thompson: The Administration had indicated earlier that they want to remove [Resolution No.] 100. Is that still the case, Mr. Mayor? Mayor Hightower: Yes, it is.

1. Resolution No. 100 of 2002: A resolution ordering and calling a special election to be held in the City, to authorize the incurring of debt and issuance of bonds pursuant to a proposal by the Downtown Development Authority, making application to the State Bond Commission in connection therewith and providing for other matters in connection therewith.

Read by title and as read motion by Councilman Shyne, seconded by Councilman Spigener to remove the resolution from the agenda. Motion passed by the following vote: Ayes: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Huckaby and Serio. 2.

2. Resolution 102 of 2002: A resolution authorizing the execution of a Memorandum of Cooperative Endeavor with the Red River Waterway District and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Shyne, seconded by Councilman Stewart for Introduction of the Resolution to lay over until the August 13, 2002 meeting. Motion passed by the following vote: Ayes: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Huckaby and Serio. 2.

INTRODUCTION OF ORDINANCES:

1. Ordinance No. 87 of 2002: An ordinance authorizing the Mayor to execute a lease agreement leasing certain city owned property to Gary Harris and Stephen D. Porter, and otherwise providing with respect thereto.
1. Ordinance No. 88 of 2002: An ordinance amending the 2002 budget for the Police Grants Special Revenue Fund and otherwise providing with respect thereto.
2. Ordinance No. 89 of 2002: An ordinance amending the 2002 Golf Enterprise Fund Budget and otherwise providing with respect thereto.
3. Ordinance No. 90 of 2002: An ordinance amending the 2002 Water and Sewerage Enterprise Fund Budget and otherwise providing with respect thereto.
4. Ordinance No. 91 of 2002: An ordinance amending the 2002 Capital Improvements Budget and otherwise providing with respect thereto.

5. Ordinance No. 92 of 2002: An ordinance amending the 2002 Airports Enterprise Fund Budget and otherwise providing with respect thereto.
6. Ordinance No. 93 of 2002: An ordinance to amend Section 10-52 of the City of Shreveport Code of Ordinances relative to alcoholic beverages and otherwise providing with respect thereto.
7. Ordinance No. 94 of 2002: A de-annexation ordinance to reduce the limits and boundaries of the City of Shreveport - A 59.16 acre tract of land located in the SW/4 of Section 4 (T16N-R15W), Shreveport, Caddo Parish, Louisiana, and to otherwise provide with respect thereto.
8. Ordinance No. 95 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the northwest corner of Jewella Avenue and Woodrow Street, Shreveport, Caddo Parish, Louisiana, from B-2, Neighborhood Business District to B-2-E, Extended Use Community Business District, limited to “a funeral home” only and to otherwise provide with respect thereto.
9. Ordinance No. 96 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 Greenwood Road, 75 feet west of Barbara, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One Family Residence District to B-3, Community Business District, and to otherwise provide with respect thereto.
10. Ordinance No. 97 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2634 Meriwether Road, Lots 1 and 2 as described herein as surplus property and otherwise providing with respect thereto.
11. Ordinance No. 98 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2642 Meriwether, as described herein as surplus property and otherwise providing with respect thereto.
12. Ordinance No. 99 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2700 Meriwether Road, as described herein as surplus property and otherwise providing with respect thereto.
13. Ordinance No. 100 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2722 Meriwether Road, as described herein as surplus property and otherwise providing with respect thereto.
14. Ordinance No. 101 of 2002: An ordinance authorizing the Shreveport Airport Authority to

dispose of property located on 2730 Meriwether Road, as described herein as surplus property and otherwise providing with respect thereto.

15. Ordinance No. 102 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2734 Meriwether Road, as described herein as surplus property and otherwise providing with respect thereto.
16. Ordinance No. 103 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2804 Meriwether Road, as described herein as surplus property and otherwise providing with respect thereto.
17. Ordinance No. 104 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2807 Meriwether Road, as described herein as surplus property and otherwise providing with respect thereto.
18. Ordinance No. 105 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2812 Meriwether Road, as described herein as surplus property and otherwise providing with respect thereto.
19. Ordinance No. 106 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2821 Meriwether Road, as described herein as surplus property and otherwise providing with respect thereto.
20. Ordinance No. 107 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2911 Meriwether Road, Lot 13, as described herein as surplus property and otherwise providing with respect thereto.
21. Ordinance No. 108 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2919 Meriwether Road, Lot 12 as described herein as surplus property and otherwise providing with respect thereto.
22. Ordinance No. 109 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2925 Meriwether Road, Lot B as described herein as surplus property and otherwise providing with respect thereto.
23. Ordinance No. 110 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 3005 Meriwether Road, Lot 8 as described herein as surplus property and otherwise providing with respect thereto.
24. Ordinance No. 111 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 3021A Meriwether Road, Lot 6 as described herein as surplus

property and otherwise providing with respect thereto.

25. Ordinance No. 112 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 3048 Meriwether Road, as described herein as surplus property and otherwise providing with respect thereto.
26. Ordinance No. 113 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2606 Betty Street, Lot 7 as described herein as surplus property and otherwise providing with respect thereto.
27. Ordinance No. 114 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2610 Betty Street, Lot 8 as described herein as surplus property and otherwise providing with respect thereto.
28. Ordinance No. 115 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2613 Betty Street, Lot 5 as described herein as surplus property and otherwise providing with respect thereto.
29. Ordinance No. 116 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 2614 Betty Street, Lot 9 as described herein as surplus property and otherwise providing with respect thereto.
30. Ordinance No. 117 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 3621 Maywood Drive, Lot 40 as described herein as surplus property and otherwise providing with respect thereto.
31. Ordinance No. 118 of 2002: An ordinance amending the 2002 Community Development Special Revenue Fund and otherwise providing with respect thereto.

Read by title and as read motion by Councilman Shyne, seconded by Councilman Stewart for Introduction of the Ordinances to lay over until the August 13, 2002 (Nos. 87 through 96 and 118) and August 27, 2002 (Nos. 97 through 117) meetings. Motion approved by the following vote: Ayes: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Huckaby and Serio. 2.

ORDINANCES ON SECOND READING AND FINAL PASSAGE:

1. Ordinance No. 86 of 2002; An ordinance to amend Article VII of Chapter 26 of the City of Shreveport Code of Ordinances relative to purchases and to otherwise provide with respect thereto.

Having passed first reading on July 9, 2002, was read by title and as read motion by Councilman Carmody, seconded by Councilman Spigener adopted by the following vote: Ayes: Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Huckaby and Serio. 2.

The adopted Ordinance follows:

ORDINANCE NUMBER 86 OF 2002

AN ORDINANCE TO AMEND ARTICLE VII OF CHAPTER 26 OF THE CITY OF SHREVEPORT CODE OF ORDINANCES RELATIVE TO PURCHASES AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport in due, regular and legal session convened that Article VII of Chapter 26 of the City of Shreveport Code of Ordinances is hereby amended to as follows:

- 1) To add Sec. 26-285 to read as follows:
Sec. 26-285. Adoption of state public contract provisions.
Except as otherwise specifically provided by state law and in this article, all provisions of R. S. 38:2184 through 38:2316 are hereby adopted and made a part of this article by reference as if written herein in extenso.
- 2) To add Sec. 26-286 to read as follows:
Sec. 26-286. Adoption of state procurement code provisions.
Except as otherwise specifically provided by state law and in this article, all provisions of R. S. 39:1551 through 39:2319 are hereby adopted and made a part of this article by reference as if written herein in extenso.

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.

/s/Roy A. Burrell, Chairman

/s/Arthur G. Thompson, Clerk of Council

UNFINISHED BUSINESS:

1. Discussion and/or Action Relative to the Public Safety Committee. (F/Shyne) (Tabled on

Oct. 23) Remained tabled.

2. Alcohol Retail Permit: Ms. Deborah Hawkins [Employer: 2901 Milam St. [Take-A-Bag Grocery] (G/Burrell) (Special Meeting scheduled for Thursday, August 29, 2002 at 1:30 p.m.)

NEW BUSINESS:

1. BAC-49-02, *Diva's Sports Pub*, 8201 Jewella Road, Special Exception Use and variance in the hours of operation in a B-3 District, lounge operating until 2 a.m.

Councilman Spigener: I would like to make a few comments. I made these comments yesterday and I believe all of you were there, at the meeting, so we were discussing this.

All of you received a package of letters that were asking us to overturn the ZBA's decision on this matter and I'm sure you had the opportunity to look at that. Also, Mr. Kirkland spoke yesterday and we an opportunity to ask some questions, so unless you have questions again today, I probably won't ask Mr. Kirkland to come forward. However, you noticed in the information we had from the Staff's assessment, one of the statements that was made, that this zoning may be too intense for this predominately residential neighborhood and as I explained yesterday, this property is separated from residential property by a cinder block fence, the properties adjoin each other.

The Police Department has been called out many times because of the Daiquiri Shop there, there is a lot of noise already and this has created a problem. Captain Shoemake is here, but unless you all have questions to verify that the police have been called out many times to this location, I think, I won't ask him to come forward unless you have questions.

But I would ask you to join me in overturning the decision of the ZBA in this matter (seconded by Councilman Shyne .) Thank you Councilman Shyne. So, at this point unless there are questions, I move to overturn the ZBA's decision in BAC-49-02, and to disapprove the application for a Special Exception Use to operate lounge in the South Jewella Plaza Shopping Center until 2 a.m.; so, I am asking you to vote with me to overturn the decision of the ZBA on this matter. I move to overturn, so that would be a *yes*, if you vote with me to overturn this.

Councilman Stewart: What is the vote needed, to overturn, a simple majority? Mr. Thompson: Yes. Councilman Stewart: Four (4) votes.

Councilman Spigener: And a *yes* vote on the motion that I made.

Councilman Stewart: Thank you, I just wanted clarity.

Motion by Councilman Spigener, seconded by Councilman Shyne to overturn the ZBA's decision in BAC-49-02, and to disapprove the application for a Special Exception Use to operate lounge in the South Jewella Plaza Shopping Center until 2 a.m. Motion approved by the following vote:

Councilmen Stewart, Carmody, Spigener, Shyne and Burrell. 5. Absent: Councilman Huckaby and Serio. 2.

Councilman Spigener: And I do appreciate my colleagues voting with me on this and helping us to overturn, which would not be a good decision for our neighborhood there; thank you very much.

Councilmen Burrell: There is no further action on this?

Mr. Thompson: No, that is definitive. Its been overturn. We need to go back to 9A and consider a resolution that was added to the agenda today, which can be adopted [Resolution No. 101 of 2002.]

2. Alcohol Retail Permit: Mr. Alton Ross (2911 Milam Street - *New Nat Café*)

Mr. Thompson: There were certain questions that the MPC was suppose to answer when we left the meeting on yesterday and this is sort of a report. Julie, Charles, if I mis-speak, please step up and straighten me out on this.

But, Mr. Kirkland, other MPC Zoning personnel, Julie, Terri and I met today. The consensus is that the establishment, the New Nat Café must meet the requirements of the liquor ordinance. There was some questions as to whether or not they were grandfathered in as it relates to the liquor ordinance, but the consensus is that they must meet the requirements. Therefore the Council can deny the appeal if it believes that the evidence warrants that decision and the establishment will lose its liquor license. However, and Mr. Burrell had asked us to look at something else in this matter, however if the Council believes that the fact of this case warrants it, the Council could table the appeal and all allow the applicant to apply for a non-conforming use to sell alcoholic beverages as a restaurant or as a lounge, if he doesn't believe that he can meet the requirements of a restaurant or perhaps, and we were not absolutely sure of this, as a restaurant that does not meet the 60/40 rule, but where the principal commodity sold is food, i.e, it would be a 51% food sales which means that it could not sell alcohol on Sunday, but it could operate as a restaurant without the ability to sell alcohol on Sunday and it would only need a 51% food sale as opposed to a 60-40 food sales. So, I think, Julie is that what we. . . Julie, is that what we. . .? Ms. Glass: We did not (inaudible) for a non-conforming use. He would be applying for a new approval. Mr. Thompson: Okay.

Councilman Shyne: I would, if I could remember everything that Mr. Thompson has said. He is from Minden and he has a tendency to talk extremely fast. I would move at this particular point that *we would table it and* ask him to (Mr. Thompson: Get with Mr. Kirkland) apply—hey, to get with Mr. Kirkland and apply for the last one where he would not be able to sell liquor on Sundays, but he would be able to sell it during the week. Because I think, he's been in business for a longtime and it has been a family business and we've never had any problems at that particular location. And I think, they have done an excellent job at this particular location, so is Mr. Ross here? I would hope that that

would enable you to stay in business and to continue since you all have been in 1940 and I consider you all to be a historical business here in Shreveport. 'Cause I am not old enough to remember and I think Larry Ferdinand is probably old enough to remember that.

Mr. Ross: He probably would. I think he worked with my mother for sometime. . . he probably heard some stories about us.

Councilman Shyne: That's right and Larry doesn't admit, but Larry's is a pretty old guy. But, would that help you? I mean, would that. . . ?

Mr. Ross: Tremendously. That would really help us because it is pretty hard to meet the 60-40, but any compliance we need to make, we are going to work toward making that a reality there. But any help, legislation that you could give us that would help us maintain our stability, we would appreciate and try to. . .

Councilman Shyne: At this point, I would ask my Council persons to please show some compassion and some understanding and lets table this and let him come before Mr. Kirkland and get a new zoning, seconded by Councilman Burrell.

Councilman Carmody: I just wanted to ask what the Department's opinion was on the action that the Council was considering taking at this point?

Officer Collins: As far as the Sunday sales is concerned, there is nothing that I know of in the ordinance that differentiates Sunday sales as a separate entity on a bona fide restaurant. A bona fide restaurant simply means that they can operate as a restaurant selling alcohol. There is not a separate license for Sunday sales. Once they meet the qualifications of a bona fide restaurant, the 60-40 split, then that lets them make sales on Sunday also. So, that last part, I'll talk to Ms. Glass about it, but I don't see where there is a difference where not allowing them to sell on Sunday would take away the qualifications of 60-40, for that requirement, the 60-40 split; so that, I don't see how that can happen based on my knowledge of the ordinance.

Councilman Burrell: It appears that we still have some questions to answer because I want to make sure that Mr. Collins feels satisfied in what is being discussed, that he was not involved in earlier today which was actually between our Attorney, City Attorney, the Council Attorney, the MPC and our Clerk of Council.

Ms. Glass: I think Mr. Thompson did say that there was still some question about whether there was a way that he could operate as a restaurant without meeting the 60-40 designation and that gets into the issue that I talked to you about, it gets very complicated. It has to do with the interpretation of different portions of the ordinance, Officer Collins.

He is correct that there is not a restaurant permit. There is a retail dealers permit, but you have to meet certain qualifications to operate on Sunday. You have to meet certain qualifications to allow underaged persons and I think Mr. Thompson's point was, lets let them apply for the appropriate zoning and we can work, the part about the Sunday sales and the underage sales, out in the meantime.

Councilman Burrell: Is this one of those pieces of legislation. . . .

Councilman Carmody: Underage? Ms. Glass: I am sorry, Sundays sales and underage persons being in the—thank you. Thank you very much for correcting me.

Councilman Burrell: Is this one of those pieces of legislation or ordinances that we need to refine. You know, some times we find problems or loopholes? Ms. Glass: We'll never be through refining the alcoholic. . . .

Mr. Thompson: We just did that, Mr. Burrell, a year or two ago and we still have problems. . . we have a lot of exceptions and it is very difficult.

Councilman Burrell: Well many of these things are very fluid and some times we are able to define them a little better, but under the circumstances it appears that this is not one of them.

Councilman Spigener: I guess I don't now what my question is, but I guess I am a little bit confused that we seem to have a certain percentage of food to alcohol and yet we are saying, well it is how we interpret it. Well, who interprets it? Does it just mean that whoever comes along and interprets it, that is what we are going to go by? I mean, I'm hearing 51%?

Mr. Thompson: In order to be a bona fide restaurant, you have to have 60-40. We define *bona fide* restaurant in the ordinance. In order to meet that, you have to 60-40. But the reason I have some hesitancy think maybe there might be a middle road in this is that, my recollection is and I'm not sure that Mr. Kirkland agrees with me on this and we have to go back and research the history of it is that, we started the 60-40 when we started talking about, Sunday sales. We wanted to be sure that a person couldn't sell on Sunday unless he were a "bona fide restaurant" and so we said, you have to have 60% food sales as opposed to something less than 60% food sales. But, before we started talking about Sunday sales, it is my recollection that we didn't have any 60-40 rule. You could operate as a restaurant and it was assumed that your food sales were more than your alcohol sales, so we didn't have any hard and fast rules to it.

So, if that is true, then my theory is that if perhaps if he is not going to operate on Sunday, then the Council could approve some lesser percentage even though a majority of food sales, like 51%, with the understanding that he would not operate on Sunday. This may not be something that you'd want to do but this is something that we were throwing around in the hour that we had to talk about this.

What we are suggesting is that, there are two things that you can do: 1) You can uphold the Police Department if you feel that the evidence warrants it and say, you don't meet the 60% and you are out. 2) If the Council members like Mr. Shyne's motion who would like to see if it is possible for him to remain in business and have some beer sales, if you table it and give us a chance to see if we can reach a consensus and work it out or if he thinks that he can meet the 60-40 requirement, he can apply for that and a year from now we will know whether or not he meet the standards; so that is kind of where we are.

Councilman Spigener: I understand, but it seems to me that we need to have an ordinance that we either uphold or that we don't or we need to adjust the ordinance, or put a provision in the ordinance that would allow us to do the things we are wanting to do. I guess I, if the rule is the rule, we follow the rule.

Mr. Thompson: But the rule is that you apply to sell alcohol.

Councilman Spigener: I don't see though in the ordinance there is not a reference to the days of the week that you sell the alcohol, and that is what we are making as a part of the ordinance at this point, it seems to me. Are you following what I am saying? We say, well if you don't sell alcohol on Sunday, then you don't have to sell this much food, but that is not in the ordinance. I guess what I am saying is, it looks like we need to write the ordinance to reflect what we are actually going to do.

Ms. Glass: Well Sunday. . . so, and maybe part of the confusion is the fact that the Sunday Sales Ordinance says, if you are a bona fide restaurant, you can do the Sunday sales and you have to have the 60-40 to do that. In another section it says, you shall not allow persons who are underage in the establishment if your principal commodity is alcohol; that's the part that the question is: Does the 60-40 apply to that section or not and that is what there has been some disagreement about.

Councilman Spigener: So the 60-40 specifically addressed Sunday sales, is that what you are saying? Ms. Glass: Yes, I believe that that's the way it is written.

Councilman Stewart: Ms. Glass, then if you could assist me. I would sense what you and Mr. Thompson are discussing with us, should you make that determination would apply to every other bar that did not have Sunday sales or every other restaurant that did have Sunday, we are not just talking about an issue of one entity here. We are talking about and interpretation of the law, would apply to everyone else also? Ms. Glass: That is true.

Councilman Carmody: Again, I realize Mr. Ross' family has been in business a long time but I think we've got Officer Collins here in front of us as a representative of our Police Department asking to enforce the ordinances that this Council passes. And today we are, in essence, talking about sending mixed signals to him as to how to enforce the law.

Councilman Shyne: I don't really think that we are talking about sending mixed signals. I think we are talking about lets table and see if we can get together and work this out without sending mixed signals. I don't think we are making a decision today on sending you mixed signals. I think what we are saying today here is, let's table this. Let's give Charles and opportunity to get with the Legal Staff and work this out and then come back.

If there are other restaurants who are in the same situation that Mr. Ross is in and I feel like that we have a moral obligation to work with these people and try to help them out, if it anyway that we can do it. I mean, that's is why you make laws, and repeal laws and change laws and some become outdated and some become antiquated and this kind of stuff. You know, just because you, you know once upon a time, the law was for segregation. I mean, you and I couldn't go to school together. You know, we changed, that. So I don't think, I would hope that you would not feel like that we are sending mixed signals. The only thing that we are saying is, hey, lets table this. Lets see if we could work this out. Now, if we can't work it out, then we'll come back and it might not be to Mr. Ross' taste, but if we can't, then he understands but in the mean time, he is hoping that we can work it out and I would hope that we could and like I say, not only just so much for Mr. Ross, but for other people out there who are trying to make it who have not had any trouble or no trouble spots. There are folks out there who probably, who met the law and who've had a whole lot more

problems at their place than Mr. Ross has had or other people in that situation. I think, we have a moral obligation to work with people and to show some compassion and some concerns and I'm not saying that we don't do that, but I would hope that we would do it in this particular case. And my position is not sending mixed signals, but my position is to table this and let the MPC and the Legal Department get together and work this out.

Councilman Burrell: Let me make a comment here since this is in my Council district. I think if you remember the last vote that we took, I was very restrictive on what this particular business can do even to the extent that I said that, there would no expansion of alcohol in that area, that the zoning that we gave Mr. Ross had to do with his building and no expansion.

But given the fact that, we have a situation here were here are some questions legally as it relates to the alcohol ordinance, if not we would not be here discussing it this long. I want to give an opportunity for the Legal Counsel and the Police Department in which I think I told Officer Collins earlier, I understand what he is doing. He is doing a fine job in what he is trying to do. But at the same time, it does give us an opportunity to clarify some of these things that are still open and I don't think that given a little more time for that to be done, is too much to ask if we want to do it for the benefit of not only our citizens but as well as for the Police Department; so, that is pretty much where I stand on that particular issue.

Do you have an objection, first of all Officer Collins for the table?

Officer Collins: No, we want to do this fair and the only thing that the Police Department ask is, we base decisions on the past and not what is going to happen in the future. Everybody can change in the face of getting their license removed. We need to base the decision or we are asking that you base the decision on what the law is, the way it stands, if it is legal and base decision on that not if someone is going to change and meet it next year, that is not why it was denied. He was denied because he did not meet the requirements for his renewal so lets not—I just ask you to don't make a decision on what is going to happen in the future. If you make a decision on the facts that were presented and the facts did not meet it when the decision is made.

Councilman Burrell: Given the fact that, we are asking for time for you all to sit down, make that argument and then in that way, we'll have to live with it. There is a motion on the floor to table the appeal for the Police Department to get together without our Legal Staff, with MPC and others to try to help resolve this and possible, during this time, we could probably clear up some other things that would make it a bit more concrete in terms of making a decision later on because I can see here there are still some questions and that is not really our responsibility—I wouldn't say it is not our responsibility, we get—people are paid well to pass their judgment based upon their own expertise and I would like to have listened to that once that is resolved.

Motion by Councilman Shyne, seconded by Councilman Burrell to table the appeal. Motion approved by the following vote: Councilmen Stewart, Spigener, Shyne and Burrell. 4. Nays: Councilman Carmody. 1. Absent: Councilman Huckaby and Serio. 2.

REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES. None.

CLERK'S REPORT.

Letter of Appeal: C-32-02, Samuel Green, 3420 Jewella Avenue from B-2 to B-2-E, funeral home, office space, and flower shop.

THE COMMITTEE RISES AND REPORT. None.

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

/s/Roy Burrell, Chairman

/s/Arthur G. Thompson, Clerk of Council