

COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT
MARCH 11, 2003

The Regular Meeting of the City Council of the City of Shreveport, State of Louisiana, was called to order by Chairman James Green at 3:00 p.m., Tuesday, March 11, 2003, in the Government Chambers in Government Plaza (505 Travis Street).

Councilman Hogan led the Council in the Invocation.

On Roll Call, the following members were Present: Councilmen Lester, Walford, Carmody, Gibson, Green, Hogan, and Jackson (3:40). 7. Absent: None.

Approve Minutes. Motion by Councilman Gibson, seconded by Councilman Walford to approve the Administrative Conference Summary Minutes of February 24, 2003 and the Regular Meeting Minutes of February 25, 2003. Motion approved by the following vote: Councilmen Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Absent: Councilman Jackson. 1.

Awards, Recognition of Distinguished Guests, and Communications of the Mayor Which Are Required By Law. Mayor Hightower: I do have a communication today that I would like to address. There have been some accusations made or may be stones thrown, I am not real sure exactly, how to take them but I do feel like during this time, I would like to address some of those and it has to do in particular with the Convention Center.

First off, I want to be perfectly clear, not only to the Council but to the entire public and certainly the citizens of Shreveport that, there have been no funds spent on the Convention Center or mis-spent on the Convention Center that came from any other funding source, period. Everything that we have spent have been for a public purpose.

Back in 1996 when Mayor Williams came to the citizens and asked for a bond issue to be passed to fund a, for a park use along Cross Bayou, that proposition had been on a ballot prior to that and it was titled "Cross Bayou Project" or something of that nature. We came back and used "park use" hopefully so that money could be obtained through a bond issue to inventory property so that we could control waterfront property much as Administrations prior to the Mayor Williams had done along the riverfront itself. That bond issue did pass, it put \$5 million dollars in the coffers to be able to go and acquire land. As soon as that happened, Mayor Williams got right to work and I was on the Council at the time and he brought several pieces of property down along Spring Street to be used for public inventory, for public purpose down the road, no plan ever specifically in what we were going to do with any of that property, but we know that we wanted to control it all from the riverfront all the way to Common Street and like I said, he started working on that in 1997.

In 1999, when I became Mayor, we knew that we wanted to do a Convention Center and Mayor Williams had also kicked around that idea and it actually looked at several sites around the downtown area in particular and when we came in, we started acquiring property as well and we did in fact acquire two pieces of property, that when you look at your map are sitting where the Convention Center will eventually go, but those pieces of property were bought prior to the 1999 Bond Issue that the citizens passed for \$87 million dollars to include a brand new Convention Center. So, every purchase that we have every made, has been made for future public use out of that fund or Land Acquisition from the Convention Center fund as well.

And we won't know exactly for a decade or two what the use is going to be for every piece of that property from Common Street to the Red River. We've had legitimate inquiries already and I think this is going to happen again. Don't think that this is the only time we are

every going to run up against that.

We are going to have the Eddie Robinson Foundations and we are going to have the Train Museums and we are going to have people that want to operate private businesses along Cross Bayou that are going to want to know, can I locate on this property. At some point, I think we do have to sit down and determine is that property for sale, is that property for lease, is that property something that needs to be reimbursed to a park fund if we are to partner up with somebody or can we partner up with somebody to enhance any public space that may eventually be a park or is the Convention Center a part of a park, is a museum part of a park, is a library, is whatever use may come about, a part of the eventual park.

And I don't think that that is any different than going to the mall in Washington, when you look at the mall, is the monument a part of the park? You know, I think most would say, it probably is but I do think that we need to sit down as the body that is assembled here today and talk about how are we are going to handle inquiries, at least that come before this Administration and this Council and obviously ones on down the road; so, again, I think it is going to happen again.

Part of what I don't want to happen today though is to cloud what the real issue here today. And the real issue here is today is exactly what you know, did the MPC and the ZBA do their job?

And if we want to talk about bonds. I don't think that most taxpayers care whether the money comes out of their right pocket or their left pocket. They know they are paying it and it is tax money and they do expect us to do what they think we are going to do with it and they expect us to use it for a public purpose, they expect us to use it for the best things that we can possible use it for and never, ever have we strayed from that public trust.

We could sit on our hands and we could do nothing and we could become a great follow-up to (I hate to pick on anybody) but a Haynesville, Louisiana and sit around and keep our fingers crossed everyday and hope nothing happens. One thing that we've done over the past four years and we are going to do over the next four years, is we are going to make things happen, we are going to create, help to create along with the private sector, opportunities for all of our citizens and I don't apologize for doing that. And again, I don't believe we've misspent any money. We've inventoried property with that bond issue and there are only two pieces that I think that I think we ever have to even talk about, at least in the immediate future, as to whether we want to refund from the Convention Center fund and put those back onto the bond issue. I don't have a real problem with that at all, however, I think we may acquire more property along Cross Bayou that is adjacent to the Convention Center that will be green space that is obviously legitimate as well but again, I just think the Council needs to know that at some point whether it is this four years or the next four years many of you are going to be asked similar questions again. So, again it is going to happen again and I just don't think that is the issue that is before you today and I'm certainly glad to sit down and talk about this separate issue when and if the time comes to do that and reimburse that fund from Convention Center proceeds if that is what we need to do, but again it has nothing to do with the issue that is before you today.

We've actually got a I'm going a-- I'm going to let Tom talk just a minute and explain.
He

was actually the spokesman and the salesperson for the 1996 Bond Issue and I think we can tell you a little bit more about what went on back in those days. He actually sold it to community groups and so forth and I think actually help write the issue itself and he's got a letter that we've received. Was this distributed to everybody from Grant? We'll distribute this to everybody from Grant Schlueter, the Bond Attorney in that particular issue and I think he clarifies some of what was just conveyed to you over the past several minutes.

Mr. Dark: Gentlemen, I was in kind of a unique position. Mayor Williams honored me with the opportunity to serve as the Staff person for the Citizens Bond Issue Committee in 1996 and as such, I basically did all of their staff work, wrote the Final Report of the Citizens Bond Issue Committee that has been cited a good bit and discussed a good bit. And, I went out and did something like 35 or 40 speeches to public groups talking about the issue and basically what I told people then, the same thing I would tell them now. Back in the last '60s, early '70s when some of our predecessors bought up the squatters shacks and the old warehouses and the industrial area that became our riverfront, they didn't know what was going to happen to some of that property and we are so much better off because they did buy that property and put it in inventory so that we could do things with it down the road.

It was fairly clear in 1996 that our old riverfront had become somewhat full with other uses, some of which had never been contemplated back in the '70s when they purchased the property and if we were going to have any riverfront for the next 20 years, we needed to go up Cross Bayou. The Committee thought that was a good idea. They put in the bond proposition, the voters voted for it.

As the Mayor said, we started buying property at that point. The Williams Administration bought several pieces of property, primarily in the area of Spring and Commerce. This Administration has bought, I think three or four fairly large tracts with the Riverfront Bond proceeds over the years. Only two or those are the ones that the Mayor talked about and the ones that are even remotely at issue here. Both of them were bought before the election. We have made, I believe, five separate Convention Center related property purchases since then all of those have been made with Convention Center project funds not the Riverfront Fund.

So, basically what I am suggesting to you is that we've got a letter here dated today from Grant Schlueter of the firm of Foley & Judell. Mr. Schlueter was the City's Bond Counsel in 1996 when all of this was done. The letter is to the Mayor. It asked, it describes what it says in Proposition 8. It says very clearly, for the purpose of acquiring, and/or improving lands for a public park, title to which shall be in the public and to the extent feasible specifically for the Riverfront Park Extension Project set forth in the Citizens Bond Issue Committee Report. Well, he quotes the Committee Report in two different places. One of them very clearly says, we are convinced that the area, if developed properly, has the potential to be as important to our city in the future as the existing riverfront areas already are. For that reason we recommend that \$5 million dollars be included in the bond package for acquisition of the Cross Bayou frontage east of Commerce Street.

And then it basically says, in the next page, how the proceeds should be used. It refers to the information that you have in your possession about when properties were purchased and which properties were purchases and where they are and notes that we have committed to continuing to buy as much property along there as we can. We have several owners that we are still discussing property acquisition with. If we are able to come to a successful conclusion of those negotiations, can get a reasonable price, those will also be purchased. What it says in the final sentence of the first paragraph on the second page, it appears that the initial land

acquisitions were consistent with the wording of Proposition 8 and the report. At the time these purchases were made there was no Convention Center. It may be down the road that we decide with you all to look at the possibility, as the Mayor said, reimbursing that proposition with

Convention Center funds, that may be the proper thing to do, but please do not let it cloud the issue that you are here to deal with today.

There has been no bad faith. There has been a great deal of mis-information and speculation and perhaps I think, false hope a little bit about what we might or might not have done but I can tell you straight up that you have a legal opinion, you have the opinion of those of us who were around at the time and actually had something to do with putting this bond issue together, that we did not do anything improper in any of the purchases that are in question related

to the Convention Center or for that matter, related to anything else.

Mayor Hightower: I am going to let Ken walk up and put the map up on the screen so that

he can point out the pieces of property that have been purchased and when they were purchased. And you'll see on the screen some of them, well he can kind of tell you what the different colors are and you'll actually see at least one piece that is outside of the Common Street area that he'll address, as well.

Mr. Antee: One of the things Mr. Dark touched on was the Citizens Bond Issue Committee Report from the 1996 Bond Issue and the important part in that Committee Report was what the real intent of that Bond Issue was for and the intent was to acquire property from Common Street, this is the Common Street Cross Bayou Bridge all the way to the river. So, that that property could be protected and used in accordance with what the City felt like would be best, long term whether it be 5, 10, 15, 20 years from when the Bond Issue took place much the same way what took place along the riverfront as Tom described.

As you can see the twice pieces, two originally pieces of property that were purchased by the Williams Administration is this property and here, that was purchased in '97. Also purchased in '97 is this property, the Noel Property. When we came into office and began looking at what opportunities were available we knew what would take place once the Convention Center site had been determined. Property values in the property owners mind would skyrocket, that is exactly what happened with two of the property owners and we had to go through a long lengthy expensive litigation process to acquire that property. We started acquiring property in the spirit of the bond issue with the '99 property which are these two pieces, the old smoke stack property that was prior to the Bond Election in June, 1999.

We also began negotiating with Union Pacific and in doing so, Union Pacific had all of this property, this property, and this green property here. We tried to purchase just the property in green once the Convention Center site looked like it was going to go in that area. They would not sell the property without selling the whole package, that is why we got this property and these two parcels.

Part of our, when we went to them to try and purchase it just this piece and they said, no, we had a verbal agreement and discussions with Mr. Hanna and Caddo Parish about acquiring this frontage property and swapping it, that is where the horse barn is now. We looked at this property and either one of these parcels as property that we could swap to acquire this parish property. 'Cause you can see from down by Lake Street, the City has property all the way to

Cross Bayou and the only three parcels from Common Street to the Clyde Fant Park bridge is the D'Anna property, the KCS property, and then the Parish property which we've got a verbal agreement, as I said, to swap some property with them. So, in the spirit of the '96 Bond Issue and what was clear in the committee minutes was taking place.

We were able to acquire all of this green, these two parcels, this parcel and that parcel for \$1.50 a square foot and that was unheard of and that was one of the reasons why we went ahead and agreed with Union Pacific to acquire these parcels because it was so inconsequential when you looked at the price of what these other parcels were going for and knowing that we could try and work a deal with the Parish.

At no time during these discussions in purchasing this property did we ever think we were doing anything but what the intent of the Bond Issue was and that was to acquire the property so that it could be protected and developed much like Clyde Fant Parkway was for Cross Bayou all the way down to the 70th Street bridge. I will be glad to answer any questions regarding any of the properties on the map. The property you see in red, is city-owned property, this being McNeil and then of course the riverfront.

Councilman Gibson: Mr. Antee, regarding the purchases of property both for '97, well any of the property marked in purple, are there any existing facilities on those property?

Mr. Antee: The only property that has an existing facility with the '97 is the Noel property, which is right there.

Councilman Gibson: Where is that?

Mr. Dark: The old Train Station Mr. Gibson, it is still standing; that is the only thing that is still standing.

Mr. Antee: This property is vacant as well as this property.

Councilman Gibson: So none of the properties are being used for parking lots or for other than as vacant lots?

Mr. Antee: This property right there, is used as a parking lot and since you bring that up, we will clear the air on that. Prior to the Independence Bowl and right about the time of Thanksgiving holidays, Thomas Roberts with Harrah's came to us and said we are having a horrible parking problem. We've been dealing with the parking problems since the Entertainment District opened. Hollywood and Harrah's was starting to restrict access to only people with players cards and were in a long continuous discussion with them over parking in the riverfront area.

They came to us. That property had been cleared, from the construction trailer and most of the debris and they came and said look, there is property right behind our parking garage which is right there and there is property here. We will pave it because we've got to have some additional downtown parking. The City owns it. We'll pay to pave it, can we do that. We need to have it done prior to the Independence Bowl and the 6,000 people that were being expected for the Rally on the Red Tailgate party.

We said, yes. So, we immediately got our crews out there working to get it clean and get it to the point to where they could put the hard gravel on there for downtown parking. It was not parking for Deja Vu. It was parking for Harrah's and all the other businesses down on the riverfront. And if we find any other property that we own and if there is anybody else out there that wants to come in and help us pave it on this end of downtown or anywhere down there, we

would more than welcome that too because we need to address that parking.

Councilman Gibson: Mr. Antee, do we have some documentation from and can I get that, documentation if it is from the Administration from Harrah's in terms of correspondence and also documentation on them picking up the tab for the enhancements of that property?

Mr. Antee: Gary, do we have anything in writing from them on that. (Mr. Norman response from the audience was inaudible.) We can provide that to you.

Councilman Gibson: Just so I'm clear in my mind that that, the City, at no expense to us performed or did not perform the enhancements of a parking lot for Harrah's, that Harrah's picked up that tab. And again, maybe they can just provide an overview through a letter or showing the monies that went to making that parking lot converted over.

Mr. Antee: Now, the City did offer in-kind services. Our crews went out and leveled, our crews breed and rolled it. (Councilman Gibson: For prep work.) Harrah's paid for the materials, the crushed stone, and rock and stuff.

Councilman Gibson: Also, just so I could, a question was asked from the audience. Just, one more time, could you point out that property for me.

Mayor Hightower: One thing that I do want to make clear in Ken's comments is, when we talked with Harrah's about this parking lot, they fully understand the property belongs to the City,

it is temporary and we've had parking problems downtown for a long time. We have Carl Walker Parking Consultant under grant through the DDA to look at what we need to do to manage our parking better downtown. Will that be a parking garage and where will that parking garage need to go and that study is currently underway.

The other thing that we've been able to constantly assure, Harrah's in particular and Hollywood as well and the operators of the Red River Entertainment District is that, once the Convention Center garage gets put up and Ken if you'll show where that is going to be in relationship to where this temporary lot is, right next door, you can see that at some point that's probably not going to be the highest and best use for that temporary lot. We are doing the things that the MPC asked to do and landscaping and so forth to be sure that we don't just have a barren looking piece of asphalt or gravel or whatever eventually ends up being down there but everybody understand that is temporary until the garage is completed for the Convention Center and certainly that should alleviate parking on that end of downtown.

Councilman Walford: Mayor you will recall at one of the Red River District meetings that you and I attended, we discussed the sign saying "public parking" and that has been put on that lot indicated at the entrance, that it is public parking.

Now, for you. Didn't we also put a temporary lot in across from Sci-port, same kind of thing just to alleviate parking problems?

Mr. Antee: We've worked in the past with KCS and Union Pacific for the property that they own right in here for festivals and events so that we could use that property. I think there have also been events at Sci-port and in the Festival Plaza where the KCS property was used as a valet parking lot. And, anytime there is a major event downtown, we are looking for anything that we can possibly and safely use for parking and it made no sense to not come in where there is additional parking that Harrah's was willing to pay for only for the reason that Deja Vu was located across the street which wasn't even open at the time.

Mayor Hightower: And it is two separate lots.

Councilman Lester: Couple of questions. Isn't it a fact that the City has a contractual

agreement with Harrah's as it relates to Harrah's parking lot that says that part of the Harrah's parking lot can be used for the City functions as part of the lease agreement that it has with the City?

Mr. Antee: Right, the Hollywood and the Harrah's lease has language that it is to be open for public parking.

Councilman Lester: So, by putting this additional lot, that further gives us more public parking and it also, I'm a businessman, also does not handicap Harrah's as it relates to if they have a particularly big night where maybe their parking garage is full, you still have the benefit to the citizens of having free parking, but you don't basically hurt a Harrah's or Hollywood or any of those venues downtown because we are trying to bring people down there, isn't that a pretty fair assessment of what went into the calculus of putting this parking lot down there?

Mr. Antee: Oh, absolutely.

Councilman Lester: Just a few questions if I might and Ken, I know your background and Mr. City Attorney please feel free to jump in on this, as well. Is there any statutory prohibition against using funds in lets say a Proposition 8 for the acquisition of property along Cross Bayou, is there any statutory prohibition that you know of?

Mr. Antee: There are restrictions but I would defer that to the Bond Counsel, Mr. Grant Schlueter who was bond counsel in '96, has also been bond counsel for the City of Shreveport for 20+ years prior to that and I did not do bond work when I practiced law for 11 years.

Councilman Lester: It is very technical.

Mr. Antee: I'll defer to him and obviously.

Councilman Lester: And his report indicated that there was no prohibition?

Mr. Antee: Absolutely and that is what his letter to the Mayor that has been referred to, clearly shows is that everything that was done was legal but more importantly, it was done within

the spirit of what the Bond Committee in 1996 had and that was to acquire all of this property so that it could control the use. The last thing we want is another junk yard anywhere down there close to Cross Bayou or anywhere downtown.

Councilman Lester: How much property was purchased, if any at all with the Proposition 8 funds? Are we able to determine whether or not that happened at all?

Mr. Antee: Sure. The property purchased, the property that you see in purple was purchased with the '96 bond.

Mr. Dark: And the property you see in green was bought with Convention Center Project funds.

Councilman Lester: Can we get a delineation of how much was spent, obviously something was spent between from Prop 48 Prop. 8 funds (sports on the brain, watching the tournament) Prop. 8 funds versus the Convention Center funds, can we determine that and can we get that information if it is not available.

Mr. Dark: We spent from Proposition 8 total about \$3.9 million dollars. The two parcels that we referred to a couple of times today would have cost us just under a \$1 million dollars between them. We spent way beyond \$4 million dollars on Convention Center property because of what Ken talked about, the value going up so much and having to go to expropriation.

Councilman Lester: If I could get that in writing, I would appreciate it.

Mr. Antee: For example, Mr. Lester, all of this property in green (these parcels and this

big parcel on the corner of Cross Bayou and Common) was all purchased for less than what this piece in green was purchased for, the Chance Hollinshead property.

Councilman Lester: That is the property that the City went through that litigation?

Mr. Antee: Correct but you can see, all of this and that, for less than that half a block.

Councilman Gibson: My perspective. . . . I can't make out, what is the red color?

Mr. Antee: The red color is city-owned property that was owned prior to the '96 bond. This is McNeil area, this is the triangle, it is the triangle between Cross Bayou and Clyde Fant Parkway that was acquired as part of the Clyde Fant Parkway acquisition and obviously the riverfront.

Councilman Gibson: Can I get one more clarification, I'm a little bit slow over here. The \$3.9 million dollars that was spent, how much of that was spent on acquisition of land tied in with Convention Center?

Mr. Antee: The property here which was the Taliaferro smokestack property, I want to say was about \$650,000.

Mr. Dark: It was just under between that and the Real Estate Commission, was under \$700,000 and as I recall. The T& P property was about a quarter million more or less.

Mr. Antee: And that was the property the Williams Administration bought in '97 and that's the two parcels where the current footprint of the Convention Center is.

Councilman Gibson: So, a total of close to a million dollars out of Prop. 8 went for acquisition land for the Convention Center?

Mr. Dark: They went for the acquisition of land before there was a Convention Center even approved, it has become the site of it.

Councilman Gibson: But for the acquisition of land.

Mr. Antee: When these properties were purchased, it was prior to the Bond Election for the Convention Center and they were purchased in anticipation of accumulating land along Cross Bayou for an inventory because it looked like, it was not determined until well after that, that the Convention Center would even go there. But, the property was for sale, people were getting wind as to where the Convention Center may go, they were starting to speculate. As a matter of fact, somebody went after that property, it had been for sale for a long, long, time and somebody went out and put an option on the property at that time. So, what we were doing back then, was trying to accumulate as much property along Cross Bayou while it could still be affordable and before people would go out and acquire it just to jack it up and make a quick profit.

Councilman Gibson: Mr. Mayor, has there been any correspondence from you or the Administration, in terms of, to the MPC requesting designation of anything whether it be a park or any specific on properties that have been acquired, that are up on that map?

Mayor Hightower: No.

Councilman Lester: Want to get something clear. So, what you are saying is, the only two properties that have anything to do with the Convention Center that were purchased from Prop. 8 funds were those two pieces right there?

Mr. Antee: With the small exception of a small part of this since the railroad has been moved, there may be just a very small portion of that property which won't have a structure on it but it will be flat faced behind the parking garage for the Convention Center and then the other side is green space because the Railroad has been relocated to run right through here.

Councilman Hogan: Ken, back to the parking lot. Which you mind clarifying that for me. Would you mind, again, going over. I understand, we own the property, correct?

Mr. Antee: We own this property which triangle as well as this property which was

purchased in '97 and was subsequently cleared. This area was leased to Harrah's back during the construction of the hotel, that's where they put their staging site and their construction trailers. Once they were through and it was cleared off, it sat vacant behind the fenced lot for, I guess about a year or a year and half. Harrah's came to us since they had leased it before, knew it was available, they had experienced all of these parking problems and said, we'll pay for the materials if ya'll put it down so that we can have parking downtown.

Councilman Hogan: Well, on the information I've received, I'd like some clarification on this. It said on the February 12th ZBA meeting that the attorney for Deja Vu announced that a deal had been struck with the City Administration to pay half of the cost of paving the parking lot. Is there any truth to that?

Mr. Antee: Absolutely none because the parking lot was put in and had at least, again, I am not exactly sure when it was completed, but was prior to the Independence Bowl back in December.

But I don't know where you got that information, I'm sure it is not unlike a lot of information that a lot of people have been getting. Take a little bit of truth and a whole lot of wish and that is what comes out. And if he did make that statement, then he was absolutely mistaken and I'm sure that you can contact anybody with Harrah's that has been involved with it whether it be Rick Berry or Thomas Roberts and they can verify it, as well.

Councilman Hogan: Well, I could have misunderstood you a few minutes ago but as far as who is parking on the parking lot. I was curious to know myself and I've gone down one Friday night. I just wanted to see who was in fact parking on the parking lot. As I was there about an hour and a half one Friday evening that I observed that in fact, there are some people from Deja Vu parking there. I observed the valet parker guy taking cars over there, some of it looked like, maybe the employees going over there, I don't know but I also observed too that there was some people from Harrah's. It was obvious that they were parking in the parking lot and walking over to the Harrah's building. And, so, just for the record there are people from Harrah's parking there as well as the Deja Vu people.

Mr. Antee: Well, back in November when the Boutique Noel was going on, they used it for valet parking and that was prior to it being paved or the rocks put down. This past week, we had a call from Jim Fitzgerald with the Junior League (actually it was several weeks ago) asking if they could use it for valet parking as well for their Trends and Traditions Event that took place last Thursday. And so, we gave them right to use it, we blocked it off, and they've had full access and full use it for what was going on at Expo Hall. That's why, it was needed, that is why we agreed to it and that's why we don't apologize one minute for doing a deal with Harrah's and creating additional parking spaces downtown.

Councilman Hogan: So there was never any agreement in writing from Deja Vu about paying half or any portion of the cost of upgrading the parking lot?

Mr. Antee: As far as I know and I was involved somewhat on that, the City and Deja Vu never had discussions about that parking lot, we dealt with Harrah's. If Harrah's went to Deja Vu for help, that was between them and you would have to ask them. We dealt with Harrah's and Harrah's paid for the material.

Councilman Gibson: Mr. Antee, just so I can have for my records and it appears that we are getting multiple public use out of that parking lot and I heard you say something about the city making some in-kind services. Could you just give me, without expending a lot of time

'cause we ought to be able to put our hands on it real quick, exactly what in-kind contributions we made to that parking lot just for future reference because obviously when we make an investment and we get a return on the investment by multiple public use, for at least the Council's

pleasure, we know exactly what city employee contribution in terms of labor and any materials that went into that thing?

Mr. Antee: We can get that real easy.

Councilman Gibson: I'm just looking for ball park, I am not looking for exact.

Mr. Antee: Basically we cleared it and spread, where's Mike, Operational Services guy did it. So, Mike, exactly what all did we do other than grade it, clear it, and then spread it, and roll it?

Councilman Gibson: Again, if I could get that in writing in terms of just a line item approximation of the cost associated with each one of those things, just. It would be nice for historical data that if we have, come across this again. It is kind of like what we deal with here on Council looking at what we are dealing with, with say Expo Hall and uses of that and if we are getting economic return. But it sounds like to me with a couple of organizations that are already taking advantage of that parking lot, that would be Harrah's or this other group that you mentioned, that we are already putting some public monies to good use on that but again, I am not looking for that today but if you would provide that to me and I would ask that it would go to the other City Councilmen over the next week or so, I'd appreciate it.

Mr. Antee: The cost that Harrah's contributed is going to be approximately \$60,000. The City's contribution I would say, would venture to say was less than \$10,000 in in-kind services.

Councilman Gibson: You can't get that in writing?

Mr. Antee: But we will.

Councilman Gibson: Okay, thank you.

Councilman Hogan: What size is this parking lot that they are using? Do you know approximately what size it is?

Mr. Antee: It is between 100 and 120 spaces.

Councilman Hogan: Its not real important, but my question is what is our liability? This a public lot and I know we face liability issues every day, but are we concerned, bearing in mind that this is the Downtown District. Two hundred (200) feet away from this location, a few months ago a young girl was shot outside and killed; so we concerned? Are there any liability issues that we are concerned with?

Mr. Antee: I'm a lot less concerned with it being in shape for parking than I was or would be with it not because people were still parking there anyway. They were opening the gates and they were going in, it was un-level, there was construction materials still left out there that was all under the City's control. At least now, we've got a clean parking lot rather than just vacant land that somebody could have got on and parked, walked to Harrah's and twisted an ankle and sued us because there was a hole. Sure there is liability. There is liability for every street we have and everything else, but by it being fixed and cleaned and developed as a parking lot, it is a lot less than it just being raw land that people were parking on anyway.

Report on Convention Center and Hotel Project: Mr. Antee: We basically have the bid scheduled, still in tact shooting for an advertising date of March 24th which we've got this room, if ya'll act on it today reserved for April 30 and May 1 to open the bid; so that is still moving forward. Really the rest of the work has been done by Barton Malow and Slack & Alost in getting everything ready so that we can put it out on the street.

Councilman Gibson: If I could pass this out to City Council along with the Mayor, I think the Mayor has a copy of this but I would like to go ahead and pass this out and for also the public regarding the Convention Center. On March 18, Barton Malow, the Construction Management will hold a Convention Center roll out meeting that will deal with the ins and outs of the Convention Center. It will be held at 4 o'clock, March 18, Tuesday over at Municipal Auditorium on Elvis Presley Avenue. I'd encourage all of my City Council to attend that meeting. Barton Malow will cover things from the Fair Share Program for the Convention Center to bonding requirements to bid dates and what to anticipate in that bid date and also setting a mandatory pre-bid of which for those of you that aren't in construction, mandatory pre-bids are required. If you are not in attendance as a contractor or a sub-contractor or supplier or anybody interested in bidding on this project, if you aren't in attendance at that mandatory pre-bid

you are not going to get to bid the project. That is not happening on March 18 this is more of an informational program that City officials, both, I guess the Administration and the Fair Share program will be there in addition to Barton Malow. But if you haven't had that information sent to you, please mark your calendar and if you can, try to be there.

Councilman Carmody: If this going to be the same type meeting that Whitaker had at the Municipal, I am going to go ahead and let you know that, I am not going to be able to attend. I appreciate the invitation, Sir.

Councilman Gibson: It is more detailed because they have got all the particulars on the packages including the details regarding bonding requirements and that, there was still a lot of unknowns when the Whitaker firm was involved but from what I saw in the agenda, in fact, I will

make sure that Barton Malow sees these. Everyone on Council, the agenda so you will know, but

I would expect that is going to be about an hour to an hour and half meeting going through all of the particulars but it will be a good opportunity for local minority firms and local construction firms to ask every type question necessary in order to assure themselves of what they are going to

be looking at in bidding that project.

Report on Property Standards Program. Councilman Lester: I will have this report circulated by Mr. Thompson, I just want to hit some of the highlights of the Property Standards Report Committee. I would like to thank Councilman Walford and the other Council members for attending. We've had some very good meetings, very good sessions. I think we have been very productive.

Some of actions that we've taken to date: We've adopted the requirements for the By-monthly Standards Structure Report. That Substandard Report is an oversight tool of the Committee and we believe it is going to be an effective management tool for the Department of Community Development.

Something else that we've done: We've facilitated the improved utilization of the Permits Plus System. For most of you that may or may not be aware, Permits Plus is the program that the City uses to deal with Code Enforcement issues.

At the request of the Task Force, we put Data Processing and put them together with the Cityview Program and what they did was, they linked the Cityview Program and the Permits Plus

databases so that we could have faster recall of information as it relates to substructure,

substandard reports and I think that that has been very important.

Our Codes Enforcement is now in the process of cleaning up the Permits Plus files so that we can have some accurate reports and they can automatically be generated by Data Processing thus slowing down the time for dealing with Code Enforcement problems.

One of the other things that we have is, the Regional Account Manager for the vendor for Permits Plus at the request of the Property Standards Task Force came to Shreveport today to do, as a result of our efforts to look at how we can further and better utilize the Permits Plus system. What he is looking to do is to provide a cost for a gap analysis to determine what things that Permits Plus can do that aren't being done as well as how we can better utilize the program to service our citizens. He is also going to give us some information about training. We are also going to get some information about the possible wireless system and we are very excited about that so that we can have our Code Inspectors out in the field making reports and instead of it having to be to write the reports and spend hours and hours doing that in the offices, they can actually assess the situation on the street and get that information to the system on an instantaneous basis.

They are also looking to do a GIS interface for Permits Plus.

Now, we have several recommendations for the Administration. I think there are four of them. 1. We believe that the Administration should determine the feasibility of providing laptop or handheld computers for Property Standards inspectors. We believe that this will give us an opportunity to again, assess the situation on the street using our Permits Plus program as a management tool and we believe that this will increase the efficiency of the Code Enforcement Office.

2. The other thing that we are asking is implementing an GIS System for maximum efficiency now and in the future. We believe that if we create a first-class GIS system, then that will have tremendous benefits and so we are asking and we understand the Administration has consulted with a company called 3001 and we want to encourage the Administration to explore putting a GIS system in place that is going to be even more effective.

3. We are asking the Administration to review is to establishing policies and procedures to require the more aggressive use of the criminal process to enforce the Property Standards Ordinance. In my particular district, we have a number of violators who have put parked cars in neighborhoods that have basically terrorized and helped to bring down the entire characteristics of a neighborhood and for one reason or another, we have not seen fit to aggressively go after these individuals. And so what we are asking and we have been working with the City Attorney's Office to establish some policies and procedures to require a more aggressive use of the criminal process. We believe that this will send a message throughout the City that we are serious about the upkeep of our neighborhoods and we don't want to see any more decline in our neighborhoods.

4. The fourth thing that we are suggesting to the Administration is something that I will give Mr. Mike Strong and his department of Operational Services and Malcolm Stadtlander who is a Property Management Supervisor as well as the Administration. We recommended that we place of the list of adjudicated properties on the City's webpage and that has been done. So, if any of you in the City or outside of the City are interested in acquiring some of these adjudicated properties, that information is available to you on the Website. That was a recommendation that the Task Force made and has quickly been dealt with by the folks at the Department of Operational Services in conjunction with Mr. Malcolm Stadtlander's office of Property Management and working with Data Processing.

So, we will give this report, ask that this report be entered into the record. Mr. Chairman I feel very excited about what we are doing with the Property Standards Task Force.

We are in a scenario where decline doesn't happen over night and we are not going to get out a declining situation as some of our neighborhoods in our areas overnight but we believe that the work that we have been doing, will eventually see a positive results on the street.

I think that we've begun to do some things that have changed the culture of Code Enforcement and Community Development to being a more pro-active as opposed to reactionary office and I think if we continue down this path and with the continued supported of the Administration on some of these ideas that we are coming up with, I think the citizens will see a product that is pleasing to them; so, that is our report. We do have a written report and we will distribute that to all of the Council members.

Public Hearings: None.

Confirmations and/or Appointments: Motion by Councilman Carmody to confirm the following: Buck Fulco (reappointment), SPAR Council (at-large), seconded by Councilman Lester and approved by the following vote: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. None.

Adding Legislation to the Agenda. Motion by Councilman Green, seconded by Councilman Lester to add the following to the agenda:

1. Appointment: James Pannell to the Caddo-Bossier Port Commission.

Motion by Councilman Lester, seconded by Councilman Walford to add the following to the agenda:

2. Resolution No. 29 of 2003: A resolution authorizing the execution of an agreement with the Shreveport Redevelopment Agency and Shreveport Urban Renaissance Corporation, Inc., and to otherwise providing with respect thereto.

3. Resolution No. 30 of 2003: A resolution authorizing the Mayor to accept the donation of certain property from Financial Plaza, L. L. C. and to otherwise providing with respect thereto.

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

Public Comments: Nancy Nixs (3300 Fairfield in Mr. Walford's District): And Mr. Mayor, the citizens of Shreveport do care where the bond money goes, and where it is spent, and which hand it comes from.

You may notice from my attire that I'm a teacher. It is pretty obvious when I come dressed like this that I need to tell you that, the first thing that I have my students do when they enter my classroom is we work on a character education lesson having do to with integrity.

You see, I teach them that integrity is the most valuable resource and capital that they have, that they need to guard it carefully, and they must understand if it is ever tarnished it is very, very, very difficult to retain or to get back again.

You see my students right now are engaged in high stakes testing, I'm sure you've all read about it and yet you gentlemen as my sweater indicates to you, are about to have the most important pop quiz of your political life.

You see you have to understand, this is not a matter of semantics. It is not the definition of a park, it has to do with public trust and integrity. You see implications from my students are far less than it is for this Council.

When I voted for Proposition 8 way back in 1996, my son was only 11. He graduates from high school this year, and I still have not been able to take him to the lovely green space along historic Caddo Cross Bayou in order to have a fun afternoon with my children.

I voted for it as every voter in Shreveport did with the understanding of the common definition of park. Webster defines it as, a plot of land set apart in a town for recreation. For recreation and perhaps ornamentation. Gentlemen of the Council, I hate to say it, but that is not the definition perhaps that lawyers or politicians construe it to be, but it is the definition by which

this proposition was passed. You see the Convention Center does not fall under the common definition nor does a parking lot.

Your constituents voted for you last Fall with the expectation that you would show the faith and trust that the bequeath to you in that vote. When I pulled the handle, Mr. Walford for you and I did vote for you (Councilman Walford: Thank you.) I expected you to become the public servant that each citizen of Shreveport expected each of you Council members to be. We want you to do what is right and not expedient. We want you to look at the expressed will of the people which was very clearly expressed and to do what is right. And as a new City Council, you

have that opportunity. You see, you set the tone today with this major vote and it is a major vote.

It is.

Benjamin F. Hood (7606 Brookhaven Way, University Terrace [Mr. Gibson's area]): I am not going to be as eloquent as Mrs. Nixs but I want to say the same thing. We do expect you to get it out of the right pocket. I would like to same the same thing that Mrs. Nixs said, this is an opportunity for you as a new Councilmen to do the right thing. We want the right thing done.

Mike Johnson (9070 Southern Charm Drive [Mr. Gibson's area]): I just wanted to come very briefly and offer for what it is worth this morning, an independent legal analysis that I think is at the heart of the matter that you will decide today regarding Deja Vu and the use of the public funds.

Ultimately, I think the question that is on a lot of people's mind is what happens if we take this action if we say that the public park exist and we define it that way pursuant to law and jurisprudence that is out there, what happens to Deja Vu.

I just passed out to you just a brief 2-page sort of summary that I put together for what it is worth.

As I say, the stance that the proposition that the City would prevail in any action that is brought by Deja Vu. The reasons I think that has been explained to each of you individually, but basically in Louisiana as this is summarized in the Civil Code Article 1967 that covers an action for detrimental reliance or estoppel which will be the only conceivable cause of action that Deja Vu might have.

I set forth down there that the Louisiana Supreme Court has said there is a four elements

test that is required for a plaintiff to meet a burden to be a city or a governmental entity in an action like this. For reasons that are set forth in that memo there, Deja Vu is not going to meet that burden. They were issued a building permit that would be irrelevant to a piece of litigation on these issues because the permit included no mention of what type of operation Deja Vu would be conducting there, i. e., an SOB operation.

The second reason is that the issue of the courtesy Certificate of Occupancy would not meet the four elements test either. For one reason, it was originally issued to an entity that is not the current owner-operator of Deja Vu, that is D. V. II. It was transferred to them and so the transfer is prohibited by the Shreveport City Code.

Secondly, the doctrine of clean hands would prohibit Deja Vu from prevailing in a lawsuit because with the doctrine, a party has to have clean hands if they are going to have an equity remedy. They don't have clean hands here because the original Certificate said that they would occupy and operate from the existing building on the property and of course they didn't do that.

And a couple of other reasons quickly. One, they would have no legal action because they themselves went to the District Court before Judge Brun and told him that the Certificate of Occupancy that they had, had no legal effect and therefore the plaintiffs in the original litigation had no cause of action. Now if they are on record with the court of having said that, they obviously can not come back later and say, no, it does have legal effect and we therefore determinately relied upon it.

Lastly, whether MPC officials or any other city officials gave them any suggestions or implications that they might do this, they can't rely upon that. There is a state court case there that says, that you can't rely upon a City officials if they are operating outside of their authority. If you are a contractor or someone who is doing business with the City, you have to independently verify and you are presumed with the knowledge of knowing what the city ordinances are.

And so for those reasons, the four limits test proposed by the Louisiana Supreme Court could not be met and we think the City would prevail in an action, that is just to give you some sense of comfort.

Councilman Gibson: Mr. Johnson, appreciate the 2-page hand-out. First sentence there, finding that a public park exist and I've underlined "exist" pursuant to the 1996 Proposition 8 Bond Issue it will prevent the operation of any sexual oriented business within a 1,000 foot of Cross Bayou site. You put "exist" in there, for what reason?

Mr. Johnson: I wouldn't say that that may not be the proper term of art, that is my words but if you decide that the park exist and we define it as such, that is how this has boiled down and has been articulated to be the issue before you today, if you find out that the public park there exist east of Commerce Street, then any funds that were taken from the existing public park would have been mis-used. Now, I am not going to stand here and tell you that that was intentionally done or that there was some subterfuge in mind but it apparently happened nonetheless and according to state law, that's a violation of the law.

So that would be something that would have to be remedied and if you do that, the further extension of this which I think each of you have come to your own conclusion on is that the Certificate of Occupancy for the SOB would no longer be valid because it would be in violation of the 1,000 foot rule.

Councilman Walford: Mr. Chairman, we have two other requests to speak on this issue and I am going to ask for some help from the City Attorney before I hand these to you, they are Brenda O'Brock who is an appellant. And, we had done a motion to allow the appellants 30 minutes, am I correct?

Mr. LaFitte: That is correct.

Councilman Walford: Do we allow Mrs. O'Brock an additional 3 minutes or is she held to the 30 minutes that we---and we also have Mr. Neil Erwin who will be speaking 30 minutes and we granted him the time in a motion yesterday.

Mr. LaFitte: Under those speaking under Public Speaking at public meetings, anyone who wants to address the Council during the Public Speaking section, has a right to do so.

Mrs. Brenda O'Brock (248 Lake Point Drive): And Theron Jackson, where are you? You are my Councilman and I did vote for you. Sorry to holler across the room there, but I thought we might save some time if I made it clear that I don't need a lot time.

You have a rendering, which is being passed out to you now, and I pass this out at the ZBA meeting. And it is important for everyone to know (do we have a way to put it on the projector, that would be good, but I have plenty of copies if the press wants copies.)

This is a rendering that was out in the foyer just nine months ago. That means at the time that this was still being promised to the citizens of Shreveport, Deja Vu was under construction. And I guess my question to City Council and our city government is why was the public park put on hold for so long, its been almost 7 years and we haven't seen a park yet?

And Mayor Hightower, with all due respect, I want to say you said that public funds will be used accordingly. I have a problem with that parking lot making Larry Flint a richer man. I have a problem with that. I don't go to Harrah's and I've never gone to the strip club. I want a piece of downtown for me and my family. I want some of that where the bond money was taken from me and many other citizens in this town, where do we have a place in downtown Shreveport?

You will notice on this rendering that millions of dollars were taken to construct this Cross Bayou Park. Also, federal funds for the Railroad Museum, \$195,000 was voted on in the City Council to add to this. I see a pattern here. I like to watch people in their patterns and I watched the pattern of our City Council. I don't like what I am seeing. I'm seeing monies taken, promises made and you are not following through.

You may be the City Council that can take Shreveport to a higher level, a higher standard.

I hope you are that City Council.

But I just want to say that this has happened before where we take money, it is promised, it is not brought to fruition. We've got the museum, the park, I hope not the Convention Center but I see a pattern here I don't like and you people are the ones that can turn this around and I hope you do.

Mr. Antee: If I may, we really need to set the record straight because the photograph that has been passed out and that was referred to, was not even conceived in 1996 when the Bond Issue was passed.

This photo is of the Riverview Project which Mayor Hightower went down to Natchitoches to the Red River Waterway Commission and convinced them to spend \$6 million

dollars in 1999 and 2000. And the Cross Bayou part that was going to be used and the triangle was moved because of the cost involved of putting the infrastructure in under the ground; so, that money that was to be spent there has been moved to right across the street from Sci-port which is where the Disney Fountain will go which is where people can bring their children and their family in the area of the riverfront that they need to be and that's in the Sci-port. So, this was not part of the '96 Bond Issue. This was done by Mayor Hightower by convincing the Waterway Commission to give us \$6 million dollars in 1999 and 2000.

Councilman Walford: Mrs. O'Brock I want to make clear, I was not trying to slight you or Mr. Erwin your time. We had, had a motion and I wanted to make sure where we were in that;

so I want to make sure we are clear on that.

Neil Erwin: I'll use none of my time now and would yield it whenever appropriate to Charles Kirkland to start comments on behalf of the Metropolitan Planning Commission.

Councilman Walford: You weren't looking for 3 minutes, you are looking for your 30 minutes.

Consolidated Hearing for BAC-8-03, BAC-9-03, and BAC-10-03. Councilman Walford: There was a request by Mr. Milkovich for additional time. At this time I would like to make a motion that that request for additional time be denied.

Motion by Councilman Walford, seconded by Councilman Lester to deny the request by Mr. Milkovich for additional time and approved by the following vote: Ayes: Councilmen Lester,

Walford, Carmody, Gibson, Green and Jackson. 6. Nays: Councilman Hogan. 1.

Councilman Green: The Consolidated Hearing, to hear the appeals from the ZBA rulings in cases numbered BAC-8-03, BAC-9-03, and BAC-10-03, is called to order.

The particular hearing is not about whether or not the money has been mis-spent, whether or not a park is there. The appellants alleges that a Certificate of Occupancy should not have been issued for 202 Commerce Street, primarily because 202 Commerce Street is within 1000 feet of a protected use such as a park, a library or a museum.

One of the appellants also appeals the decision of the Zoning Administrator to issue a Certificate to Lift Stay.

Each appellant, Deja Vu, and the Administration have been given 30 minutes to present their cases, and the MPC Staff has 10 minutes.

Mr. Milkovich has filed a motion, that motion has been denied.

We will proceed in the following order:

1. Mr. Charles Kirkland and Mr. Roy Jambor: 10 minutes.
2. Mr. Neil Erwin for the Administration: 30 minutes.
3. Mr. Scott Sinclair and his clients: 30 minutes.
4. Mr. John Milkovich and his clients: 30 minutes.
5. Mr. Bradley Shafer or Mr. Orie Hunter for Deja Vu: 30 minutes.

There will be no rebuttal. We all know the issues and each party is familiar with the arguments of the others.

I am also asking and requesting that members of the City Council, will wait until all presentations have been completed before questions are asked. If a question come up to mind, please take a note that after all of the presentations have been given then we will ask questions.

Mr. Kirkland: My staff said two things to me today before I can down to this meeting. 1. Make some friends. I don't know if I can make friends today, but I certainly don't want to lose

any so I'll do my best to avoid anything that might offend someone.

2. You really have to know my secretary as well as she knows me to understand this one and no offense to Reverend Green or Reverend Jackson or Reverend Pourciau or Reverend Edmonds but Diane comment was, don't be preachy. I'll do my best to make my remarks brief.

That's why Roy and I only need a few minutes to tell you essentially why this ordinance was adopted, a little brief history since six of you weren't here (Thomas, I'm sorry you've heard this comment before) but six of you didn't hear it unless you happen to watch the tapes.

The reason we have an SOB Ordinance in the City of Shreveport is that when river boats were known to be coming and on their way, Mayor Hazel Beard had hired some riverfront planning consultants, Chris Edmons & Associates in concert with Himmer, Silage, Vernon George to help her and the city officials to deal with the perceived and real impacts of riverfront gaming. None of us knew, had no idea what some of the problems might be. Crime was high on the mind as to things that might be just overwhelming to us because we thought of all the possible evils and sins that might come from gaming.

In any event, one of the strongest recommendations made by that consultant team to the Mayor and she agreed with it and I have to remind you too that, Mayor Beard to my knowledge, was one of the most conservative people, probably still is and typically some of the things in an SOB Ordinance she wouldn't even want to say out loud. But in any event, she agreed with the consultants after convincing evidence had been made that, yes we needed to plan for that riverfront and to avoid a lot of the, I'll just call in the vernacular, Las Vegas-type sins even though Las Vegas is apparently a lot of families go there these days, but in any event to deal with things. An SOB Ordinance was one of the things. There was also juice bars were going around the country where folks would have nude dancing and other things would essentially go in and if they didn't have to sell alcohol, then they would simply bypass all of the police laws of the community. So, it was not just us through in Shreveport and it wasn't just gaming, this was something going around the country and the thing City Attorney Jerry Jones, an outstanding, to my knowledge, Baptist and a very good lawyer and also a very conservative individual were the ones help draft this law and help researched it and help put it on the books.

Believe you me, they had hard time convincing the seven City Council members at the time and MPC had a hard time at the public hearing. I remember a few preachers they came and basically aid, what are you people doing? Why are you putting this law on the books? You are telling people they, can do these things; that wasn't easy to answer. And that is why then Councilman Hightower, now Mayor and a few others that were on the prior Council were sitting in on those voting sessions when they had to vote, it took a good while. They didn't just vote the first day that ordinance was presented to them because it did appear to be saying, yes and that is what the law says. It says and based on good legal advice that you have to permit some of these uses in certain parts of your City.

Believe you me, I was there and I say it with authority, we took the toughest, strongest stand we would take with the full knowledge that the day would come that one or more of these type uses, not just strip clubs there is a whole list of things in that ordinance, a lot of which you wouldn't want to read to your family but the bottom line, any of those adult book stores, video stores, et cetera. Guess what today, almost nine years later, 2 have been approved. Now, a lot more requests have been made but I think most of the lawyers (excuse me on this one) on behalf of their clients that have come to us asking to be approved, their location for an SOB, about the first thing I tell them and Alan Clarke tells them is, we are not our friend. We are not here to tell you where to find a site. You go find a site. You apply for it. We'll review it. We'll try to make

the best determination we can as to whether you can get your use approved or not. We are going to follow the law. That is what I have done, that is what my staff has done.

And when an SOB (I started to say, walks in the door) but when a SOB is asked for, then frankly what we do is all the flags go up. And we start looking and we start checking those records. Roy Jambor is going to outline all of that for you.

The purpose and you've got to remember this part of that law and I've been to a lot of national conferences on the American Planning Association since that time, the most recent of which was Chicago last year and I'm going to another one in Denver in just a few weeks and I'll bet you there will be another session on SOBs at that conference. It's a real popular subject. There are lot of folks around this country, cities that still don't have SOB laws and although I don't think Mr. Schaeffer would willing share with you some of the ins and outs of that law, he certainly got the experience in it when it is his turn to speak to you but the bottom line is, those folks are looking for cities to mess up, not apply the law correctly so that they may have an open door.

The Mayor knows this, I think some of you know it. I know it is sort of short learning curve on a lot of the ins and outs that have been said. But, I am going to shut my mouth, as Diane said, don't be preachy and I am going to sit down and Roy give you a brief outline of exactly what we did. Also, he will make a few brief remarks about Alan Clarke and the Lift the Stay Order that you will also be hearing about this afternoon.

Mr. Roy Jambor: As Mr. Kirkland implied, when we get this sort of application, we are extremely deliberate and careful in how we proceed. It involves several very deliberate steps.

The first thing that we did was generate the GIS map that most of you seen that basically was performed to accomplish/to establish the boundaries, if you will, of the area with a 1,000 feet

from the property line for the proposed facility. The second step was to physically inspect the area defined by the map or determine whether any of the facilities protected by the ordinance might in fact exist and therefore prohibit this particular location.

On many occasions prior to and after this application, we reviewed the language of the ordinance internally and with the advise of the City Attorney's Office. Despite all of the discussions and all of the other issues that might have been brought up, things like the language of the bond proposition, the staff has consistently maintained one simple conclusion that the ordinance only allows it to consider actual, physical facility. It does not contemplate or include speculative, previously planned or even future facilities. Nothing we've heard even before or since then is going to change that fact and it is the opinion that we've consistently maintained is and that is today on any of the previous appeals that have been brought before us or any determinations throughout this entire process, there has never been in existence either a park, non-profit museum or a law library that opened to the public. That is not going to change and it hasn't changed up to this point.

Future facilities are in fact contemplated by the ordinance and they don't have the effect of prohibiting this particular location. It specifically says, the future location of such a facility will not render it a non-conforming use.

Now, the second issue that is before you, 2 of the 3 appeals of course are in fact an appeal of the actual Certificate of occupancy. The other one is regarding the certificate that was issued by Mr. Clarke, the Zoning Administrator. The origins of that is back on December 27 and again on the 30, MPC Staff received requests from the lawyers representing Deja Vu that they make certain certifications regarding the property at 202 Commerce Street. At our request on

December 31, Mr. Arceneaux responded on behalf that such requests were pre-mature since we had no appeal pending at that specific time. But then on January 3, in his capacity as Zoning Administrator, Mr. Clarke issued a Certificate of Occupancy for this particular piece of property. On that same day, an appeal to the ZBA was filed that challenges either the Certificate of Occupancy itself or the MPC Staff determination that formed its underlying basis and that is in fact the appeal that is now in front of you today.

Subsequent to the research and counsel of the City Attorney and his staff, a Certificate to Lift the Stay was prepared for Mr. Clarke's review. After of several hours of additional discussions, he executed the Certificate on January 6. He has repeatedly assured me on several occasions that it accurately states his opinion regarding the issues in accordance with the legal advice that he has been provided. And quite frankly, that is simply and completely, all the steps taken by the MPC Staff throughout this entire process.

Councilman Gibson: Are we holding questions for, is the MPC finished with their presentation and do we have an opportunity to ask some questions?

Councilman Green: After the end of the entire presentation.

Councilman Gibson: Okay.

Mr. Neil Erwin, Attorney with Jeansonne and Remondet (401 Market Street, Suite 1250): I am representing not just the Administration but also the Zoning Administrator, the Executive Director of the Metropolitan Planning Commission and the Zoning Board of Appeals which has ruled on this not once but twice.

Members of the Council, Mayor, all citizens and you as Public Officials have a stake in what is a common problem and that is to regulate sexually oriented businesses to the full extent of the law. Full extent means to the full extent permitted by the U. S. Constitution and the U. S. Supreme Court, but no more and that is the oath of office that each one of you took to uphold the Constitution even though your heart may be sympathetic another way.

The primary issue before this Council is limited to Administrative Review. Did Mr. Alan Clarke, the Zoning Administrator and Mr. Charles Kirkland ignore the existence of a protected use, chiefly for purposes of the hearing today, a public park within 1,000 feet of the Deja Vu use and their interpretation of the City's Zoning and its sexually oriented business supplementary use regulations.

The Zoning Board of Appeals (independent citizens) have reviewed these issues twice after lengthy public hearings and twice they have upheld the Zoning Officials interpretation. Predecessor City Council, did the same thing. My advise is that the only legal decision is for this Council to do the same and uphold the Zoning Officials interpretation of the City's own Zoning Ordinance. This type of issue has already gone to court and then decided in favor of the Zoning Officials interpretation.

I refer you to the Knight case which you have in the handouts. This was a case that dealt with A. B. Palmer Park and sale of, in this case, alcoholic beverages near another protected use, a playground in the city ordinance.

On page 3 of that decision it was ruled by the Second Circuit Court of Appeals sitting here in Shreveport, Louisiana intimately familiar with the facts that the interpretation giving a city ordinance by a municipal authority is entitled to great weight.

A review in court should not overturn such a determination unless it is clearly wrong or unless a different construction is clearly required. In this case the appeal had gone to Mayor John

Hussey. We find the Mayor's interpretation of the ordinance, to be a reasonable one. His determination that the triangular tract of land at issue was not part of the playground as supported by the record which contains evidence that this land was not maintained by the City as part of the A. B. Palmer Park.

As stated by the Fourth Circuit, in another case, we need conclude only that the administrative construction is a reasonable one and does not clearly conflict with any provision of the ordinance which does not plainly require a different interpretation.

The administrative construction (inaudible) therefore it not to be overturned. And as part of the analysis, and this is what the headline on today's hearing is, what's a park. The court said that you look for the protected use to the usual and ordinary activities incident to such an institution. In this case, a park.

To rule otherwise, I suggest to you, than to uphold the administrative interpretation that has been made. I believe based upon the law and facts would be arbitrary and capricious and subject the City to significant risks of damages for violating a vested right. Contrary to what you heard today, which I respect, but respectfully disagree with. The amount of damages can not be accurately calculated now, but the risk is genuine. Therefore I think it is unfair for people to ask you to vote against the law.

At issue again is the interpretation that a portion of the City's Zoning Ordinance by the City's own Zoning officials. The interpretation of protected uses under the SOB supplementary regulations provides that the ordinance only allows us to consider actually physical facilities. It does not contemplate or include speculative, previously planned or even future facilities. That is the underlying portion of the MPC Staff response which reflects the interpretation made by Mr. Kirkland and Mr. Clarke. Again, the ordinance only allows us to consider actual physical facilities. It does not contemplate or include speculative, previously planned, or even future facilities.

I believe there are at least three good reasons to uphold this interpretation of the Zoning officials, I referred to them as the 3Ds.

1. No public park has been created or approved within the protected zone because the MPC has not approved its extent or location, therefore no park has been legally delineated. Under LA Revised Statute 33:140.14, the City's Zoning Enabling Legislation, which I have not seen referred to anyone else's materials, public land does not become a public park unless and until it is approved by the Shreveport MPC. That statutes states, after adoption of the Master Plan, no park shall be constructed or authorized in the area of the adopted plan unless and until the location and the extent thereof shall have been submitted to an approved by the Planning Commission. The MPC has not approved or designated a public park within this distance from Deja Vu according the MPC records.

The requirements of MPC approval is especially pertinent because parks are not listed as a use by right in any business or industrial district other than B-1, Buffer Business District. The property located within 1,000 feet of Deja Vu along Cross Bayou is zoned B-4 and I-2. Park is a use by right in all residential zoning districts. Park or a playground, public including recreation center need not be enclosed within structure, is also a use by right within a residential district. In the B-1, Buffer Business District, the following uses are of right: public services, including government offices, libraries, museums, outdoor parks and playgrounds, public ambulance services, fire stations, police stations, and post offices.

City Code also clearly provides that no land can be used or occupied except in

conformity

with the City's Zoning regulations. So therefore, no delineation of a public park by the MPC is required not just by local ordinance, but by state law.

2. No public park within the protected area has been designated by SPAR. SPAR does not list the Cross Bayou area as one of the park facilities that it maintains and it does not list it as a park having hours of operation under the City Code. That provision of the City Code was just updated about last August. There is no reference to Cross Bayou in any way in that provision of the City Code.

The Cross Bayou land located within a 1,000 feet of Deja Vu never has been developed or used as a public park and no public monies have been expended upon the improvement or maintenance of it by SPAR or any other city department, to our knowledge, except to keep it mowed to prevent a violation of the City's Weed Ordinance; so, no designation.

3. No park has yet been developed within the potential area. While land has been acquired and is being held in inventory for future development at some point along Cross Bayou, that doesn't create a park under law. This is consistent with the legal requirement that an issuance of permit you must look to the existing zoning, not future plans.

It is important to look to the differences between what is raw land that has been acquired by the City and what is a park. In light of this interpretation that has been made by the Zoning officials. Here, some of the things that the Zoning officials look to see and would have expected to have seen if this had been a park under SPAR's jurisdiction: maintenance on a regular schedule, signage with the name of the park and hours of operation, delineation of paths or improvements, for SPAR to be informed that it was being planned for a park. SPAR has never been so informed. Some level of improvements, minimum fencing at least, and perhaps most important of all, some type of public usage because after all, who you are trying to protect under the regulations for the sexually oriented businesses are people and there are no people using that park.

Right now you've heard about temporary use of one of the parcels, one of the parcels for parking.

There are attorney general's opinions that declare quite clearly that parking is a proper accessory use for park lands, therefore by using this property now for parking, there is nothing that prohibits it from being used for parking later for park land.

Therefore looking to delineation, designation, and development it fails the 3D test. Every dictionary definition of "park" that I've seen included the one that is cited by Mrs. Nix says that it

is maintained for recreation or ornamental purposes. This area that has been acquired is not being maintained in a way that would be anyway similar to a park, again, the only use of city funds that are known are for mowing those areas just to keep the weeds down and avoid a Code problem.

Now, the vested right issues. Be aware that Louisiana has a specific Constitution provisions, Article 1, Section 4 which guarantees the right for property. Every person has a right to acquire, own, control, use, enjoy, protect, and dispose of private property. This right is subject to reasonable statutory restrictions and the reasonable exercise of the police power, meaning zoning.

The Louisiana Supreme Court has said that a vested right in property exist when a property owner has obtained a building permit, has begun construction and has become liable for work and materials; all three exist in this case.

Again, my advise and my findings are that it would be arbitrary to overrule the decision of the Zoning Administrator, MPC Executive Director and upheld by ZBA therefore making it unreasonable. In the leading (inaudible) says, a vested right applies if the official decision turns out to be incorrect, but it is fairly debatable. So, the question is what then is this property.

It is property that has been held in inventory for potential development in the future at some part along Cross Bayou. Those are not grounds to be able to overturn the Zoning Administrator and the Executive Director of the MPC because we are dealing with a use-by-right contrary to some of the arguments that have been made to you.

The sexually oriented business supplementary regulations to the Zoning Ordinance provides sexually oriented businesses shall be allowed only the B-3, Community Business District and the B-4, Central Business District. Those supplementary regulations were approved by the City Council following extensive review by the Metropolitan Planning Commission, that is how zoning amendments are adopted. They are put in the Zoning Ordinance as supplementary regulations and to ignore that that shows that sexually-oriented businesses and where they are located of right, is now part of the Zoning Ordinance is to basically say that this City Council or its predecessor has no authority to be able to legislate.

I'd also address the action by Alan Clarke, Zoning Administrator to Lift Stay. The U. S. Supreme Court has ruled activities of Deja Vu are protected by the First Amendment, on the fringe but still within First Amendment protection. That opinion that case those rights was written by conservative Justice Sandra Day O'Connor; so, again we are talking about First Amendment rights, we are talking about specific property rights that are guaranteed under the Louisiana Constitution. I believe Mr. Alan Clarke, acted entirely properly to Lift the Stay.

I have additional comments about the alleged misuse of the 1996 Bond funds. I'll touch on it only to the extent to say, Mr. Lester before any assumptions get held in concrete or get set in concrete, I think it is premature to judge and unfair to allege there has been any misuse of those funds. There has been no breach of no law and no breach of faith because until the planning process, as the Mayor earlier alluded to, is complete for now not just one, but two projects on Cross Bayou, park lands and the Convention Center, it is too early to tell exactly what will be solely Convention Center and what will be appropriate for use as a park and therefore to allege that there is a misuse of those funds is entirely premature and unfair.

I think I would like to close now without using my full time. I thank you for your attention. There are other issues that have been raised in the lengthy filings that have been made. I think it is unnecessary to address all of those as long as you have had a chance to consider them but I do think it is important for you to concentrate your judgment on the thought of, has the interpretation that has been made of the City's own ordinance by the City Zoning officials, is that reasonable under all of the facts of the case. And if so, then I suggest to you that the proper vote to you is to uphold the Zoning officials and uphold the Zoning Board of Appeals which has reviewed this as independent citizens and affirm that interpretation.

Chuck Pourciau (551 Slattery): Please understand that it is not lost on the people in this room that, when you add up the amount of time the City presented their case, and then the MPC presented their case, and then the City presented their case again, and then Deja Vu presents their

case that would be a combined total of the City's case being presented for 2 hours and we have 30

minutes, but that's okay. It takes a lot longer to confuse than it does to inform.

I'm here because I'm angry at being taken for granted and considered ignorant and unobservant. And I have prepared statements that have gone out the window. I'm here with a different attitude now. I must admit when the Mayor began giving his comments and then Mr. Antee and some of the others, I felt very intimidated. Because I am not a lawyer, I am not a politician, I'm a preacher. But my intimidation melted away when I recognized how illogical many of their statements were. Statements like: Taxpayers don't care whether we take it out of the right pocket or the left. Statements like: We did nothing wrong, but we may need to reimburse. What's wrong with that? If we didn't do nothing wrong, why do we need to reimburse? And Mr. Antee alleged that: The information that we've been putting out there is a little bit of fact and a whole lot of wish. So, I'll try to delineate very clearly what is fact and what is wish.

Fact. In 1996 the ballot said for the purpose of acquiring land for a public park. Fact. The City's own memo states that \$3.3 million dollars of Proposition 8 money has been spent for Convention Center uses.

Fact. The Louisiana law says that if you spend that for something other than the voters intended, you have to go back to the voters and get their approval.

Fact. That hasn't happened.

Fact. In 1996 the Shreveport City Council said in Resolution No. 22, this governing authority does hereby commit and pledge itself to so budget such bond proceeds for said respective projects, fact.

Fact: Doesn't take long to tell them does it.

Wish. You are wishing if you think the voters when they looked at the words, for the purpose of acquiring and/or improving lands for a public park. They meant the Administration could spend it for any public use.

Wish: You are wishing when you see, when somebody pulled a lever above the words, for the purpose of acquiring and/or improving lands for a public park, that they were saying, oh, this means the Administration can spend money on a Convention Center I don't even yet know about and neither do they.

Wish. You are wishing when you say a voter in 1996 when he pulled the lever over the words, for the purpose of acquiring and/or improving lands for a public park. she was saying, oh this means later on when we have strip club downtown, we'll be able to provide a parking lot across the street instead of a swing set for my kids; that wish.

While I'm talking about the wish, I challenge you to produce me one voter not presently being compensated by the City of Shreveport, who'll stand here and say, that when they cast that vote, they cast it for anything other than, a public park. One, give me one you can't do it. But you can find plenty of people that are being paid to tell you that.

Wish. You are really wishing when you think that it doesn't matter to us what pocket it comes from when we specifically state, this money in this pocket goes for a park.

Wish. You are really wishing City Council if you think you can condone the actions of the Mayor and the Administration and you do not immediately become complacent in that guilt.

Wish. You might wish that it will be all over if you go ahead and condone the Administration and the MPC, you think it will be over. Well, tomorrow there will be a suit in

public court, but you will be defending Deja Vu instead of the people.

Wish. Above all things, it is a pie in the sky wish for you to think that is not a park.

What must you do today? I can't say it any better than one of you said it last week in a conversation with me. You said and I quote, "It is time to let Deja Vu prove it is not a park."

Scott Sinclair (143 Woodvale Creek, Bossier City, Louisiana): There are actually two appeals for my clients: 1. Dealing with the Certificate of Occupancy and 2. dealing with the Certificate to Lift Stay. In the interest of time and tolerance, I'm only going to address one of those. The written materials have addressed all the issues including the Certificate to Lift Stay and I can commend them to you.

Today, I want to focus your thoughts and your attention on what I believe to be the most compelling reason why you should vote to rescind Deja Vu's Certificate of Occupancy. That reason is that Deja Vu is within 1,000 feet of a public park.

Here's how we reached that conclusion.

In April of 1996, the citizens of Shreveport approved Proposition 8 which authorized \$5,000,000 to be used "for the purpose of acquiring and/or improving a public park" in accordance with a Citizen's Committee Report. On page 14 of that Report it specified that the money be spent and "used to acquire Cross Bayou frontage east of Common Street."

On page 17, the Committee emphasized the importance of the Cross Bayou area. They said, "We take pride in including several projects whose impact will be felt long after they are completed," including, "Funds to acquire the 'other riverfront,' Cross Bayou. We cannot imagine what today's Shreveport would be like without the riverfront property that was acquired a generation ago. We think that the next generation may well say the same thing about Cross Bayou." This is important because the Administration has suggested that we simply take the money and use it to buy park lands elsewhere. Well, that may be a good thing to do, but -- and this is the important part -- it's not what the voters approved.

Following the will of the voters, in 1997, the Williams Administration used Proposition 8 money to acquire three pieces of land. The Sugar Tract was acquired in 1997, for a total investment of over \$370,000 (the Sugar property is, this property just north of Deja Vu.). The City also invested over \$270,000 of Proposition 8 money acquiring the Arceneaux Tract (which is this property.) In addition, over \$250,000 was used to acquire the Noel Tract (which is this property.) Later in the year 2000, another \$1,590,000 was used to acquire the Gateway tract (right here.)

We do not contend that anything was done wrong to acquire those properties. Those properties were acquired for the purposes set forth in Proposition 8. What we contend was wrong was the July 31, 2002 memo that was issued by the City Finance Department, where they said all of this property was used to buy money for the Convention Center; that's the problem. Where did the Finance Department get the authority to divert that money and those properties from public park to Convention Center? Well, I don't know the answer to that but I know this: They didn't get that authority from the voters of the City of Shreveport. And, I also know this: the only place they could have gotten that authority is from voters of the City of Shreveport.

Today for the first time, the City Administration has apparently decided that we are no longer contending that all of this property is Convention Center property. Apparently, all they are saying now is only this property and another piece of property over here, the Taliaferro tract is the only property used by Proposition 8 money for the Convention Center.

Well, that's great news. What that means is that the rest of this property is something else. The only other thing it can be is a public park.

The Finance Department's memo appears to be the culmination of a deliberate plan to confiscate Proposition 8 park money and use it for the Convention Center.

Every year, the Administration submits a Capital Improvement Budget to the City Council. In 1997 and 1998, the Williams Administration, submitted a Project Description for Proposition 8 and they described it as follows: "Purchase and development of the Cross Bayou area as an extension of Riverfront Park."

Since taking over in late 1998, the Hightower Administration has consistently changed that Project Description. In the Year 2001, when it became clear that the Convention Center project was financially troubled, the Project Description was changed again. Now it reads, "Purchase and development of the Cross Bayou area, including the site for the Convention Center."

The Administration today says, that the original language of Proposition 8, was sufficiently broad so that it includes any public use including a convention center. Well, if they truly believed that, why did the Administration feel the need to cover its tracks by changing the project description year by year in the Capital Improvement Budget?

The Finance Department apparently believes that it has the authority to override the voters and to decide that these properties are now Convention Center properties. But even as Mr.

Antee pointed out to you, there is no Convention Center use planned, at all for the Sugar tract, for the Arceneaux tract and for the vast majority of the Gateway Tire tract. So why is it that the Administration in the memorandum is insisting that we call these Convention Center properties, when they are no Convention Center use?

What does the Administration really have in mind? Notwithstanding what they've said, here's what we now know. On December 24th, the Administration announced that it was making a temporary parking lot out of the Sugar Tract. Coincidentally, Deja Vu announced that their original plan for opening was just three days later, on December 27th. If you have taken the time to drive around there, I realize that some folks may park there from the casino but the most likely user of that parking lot is going to be from the property right next door or right across the street, which is, Deja Vu.

Now, on February 12th, Deja Vu's attorney did announce that Deja Vu had made a deal so they could pay part of the cost of paving that parking lot. It is in your materials, you will find it at page 7 of the minutes from the ZBA hearing and these were comments from Mr. Hunter. He says, there is a parking lot which the City agreed to pave. My client, Deja and Harrah's agreed to pay the cost of that pavement and yes, it is going to be additional parking. It is not going to be a park.

Mr. Antee has talked about the cost of putting rock out on the parking lot, which it currently has. He didn't talk to you about the paving and he admitted after being pressed that well, if Deja Vu has made any deals they've made it with Harrah's and not with the City.

The conclusion that we've reached from all of that it this -- The citizens of Shreveport invested over \$370,000 in the Sugar Tract to acquire it and clear it for a public park. If you fail to act today, what they will get for their investment is a parking lot for a strip club or a casino.

Land purchased with Proposition 8 money is a public park. How do I know that? Because the voters of the City of Shreveport took over \$2,000,000 out of their pockets and they handed that money to the City of Shreveport with an instruction, that instruction was use this

money to acquire lands for a public park, specifically, a park on Cross Bayou. When the City took that money and bought lands on Cross Bayou, it became a park, automatically because the City had no authority to use it for anything else.

Some of us has suggested that land only becomes a park when the MPC says so or when SPAR says so. Let me tell you something, anyone who takes that position has forgotten who the boss is. If you sit down and do an organizational chart for the City of Shreveport, you are going to put the voters at the top. You are not going to put the MPC at the top or SPAR.

And let me tell you something else, land purchased with Proposition 8 money is a park because the voters said so. They didn't to have that designation confirmed by the MPC or SPAR or anyone else and their designation can't be changed by a memo from the Finance Department. The bottom line is this: According to the boss, according to the voters, there is \$2,000,000 worth of public park land within 1,000 feet of Deja Vu. Now, the Administration has been busy coming up with loopholes that are designed to make you feel less guilty about subverting and just

plainly ignoring the will of the people. One of the loopholes is the City Attorney's opinion dated June 11, 2002. In that opinion, the City Attorney concluded that a preliminary measurement made by the MPC staff in October of 2001 was proper and that the MPC staff "correctly determined that Deja Vu was in a legal location."

Lets examine what we now know about the opinion. First and foremost, we know without a doubt that, it was wrong. The way we know that is because we are here today. If the City Attorney got it right, then there wouldn't have been a need to do this twice. His opinion was that in October, 2001 a proper measurement was made and it was a finished deal and Deja Vu was authorized and legal in that site.

If that were true, then the votes taken by the ZBA and the City Council in the summer of last year, would have ended this matter as an administrative proceeding. Judge Brun has already ruled that the City Attorney's opinion was incorrect because Judge Brun has ruled that the measurement taken by the MPC in October of 2001 had no legal effect whatsoever. The reason why the City Council is having to deal with this issue again is because the City Attorney's opinion was wrong.

The second thing we know about the City Attorney's opinion is that in order to accept it, you're going to have to buy into the argument that we can define "premises" for one purpose when we are talking about public park and for a completely different purpose when we are talking about residential districts or a building sites.

This is not the only place the Administration has taken the one-word, multiple definition approach. The Administration is now saying that a "public park" means one thing in the context of the bond laws, it means something entirely different in the context of zoning laws. Are you really going to stake your credibility on an argument that requires you to have multiple definitions for one word in your vote today? More importantly, do you really believe the citizens of Shreveport are buying into that argument?

Mr. Kirkland brought up the issue about why it is and the history behind the approval of the Zoning Ordinance Section 106.1129. The first thing in your binder is a set of maps. These maps were created in connection with the approval of that ordinance. What you can discern from

these maps are a couple of things. 1. The people who drafted that ordinance expected, anticipated uses to be taken into consideration. How do I know that? Because when these maps were made there wasn't any park along this part of the Red River or Cross Bayou and yet, the

drafters of that legislation took that into account to draw an area saying, this is where you can't have a sexually oriented business. The other thing that we can conclude from the history of Section 106.1129 is that this city government never anticipated that there would be another sexually oriented business within our riverfront. You won't find that capability in those maps.

Now, the last thing that we know about the City Attorney's opinion is that it doesn't consider or even mention the fact that these properties were purchased with Proposition 8 money.

It doesn't mention the fact that the Proposition 8 money can only be spent for a public park. It doesn't mention the fact that the citizens of Shreveport have invested over \$2 million in public park property within 1,000 feet of Deja Vu.

If you fail to find that this property to be a public park, then the citizens of Shreveport are going to have a legitimate question that deserves an answer from you. Just how many millions of dollars do we have to spend before you'll acknowledge that, that it is a park?

In the midst of all of the legal arguments, please don't lose sight of the simplicity and the gravity of what you are deciding today. Your decision will determine whether the citizens of Shreveport can trust the local government to keep its promises and to execute the will of the people. Your credibility is at stake in your vote today. We know how the Administration views this issue. The Administration believes that, so long as it is for a public purpose, the Administration can use that money for any purpose that wants. It can ignore the will of the people. It can divert money from one purpose to another without checking with anybody.

Your credibility does not depend on what a lawyer says a public park is. Your credibility depends upon what the voters of the City of Shreveport thought they were getting when they voted for Proposition 8. Do you really believe that the voters thought they were getting a convention center? Do you really believe that they thought they were getting a parking lot of any kind? If you can honestly answer those questions in the affirmative, then you need to reject our appeal. But if you can not answer both of those questions in the affirmative, then you must act today to restore the trust, and you can do that by restoring the park.

People are going to warn you about the consequences of your vote today. Some will want you to respond out of fear of a lawsuit. Well, I have got news for you. There's going to be a lawsuit. We are just here today, choosing up sides.

You can choose to defend a Michigan strip club that wants take a valuable piece of our riverfront and make it unsuitable for every child in our city and for most adults. Or, you can choose to defend the rights of the citizens who elected you and preserve their investment of over \$2,000,000 in public parklands.

One consequence that you should consider is whether you will ever be able to pass a bond election after today. If you fail to restore the confidence in our bond election process, every time the voters are asked to go to the polls on a bond proposal, they are going to ask themselves, "what are they really going to spend the money for, this time?"

If you fail to act today will put the citizens of Shreveport on notice that they had better read the "fine print" when the City is asking for money.

Mr. Erwin masterfully drove that point home. He left us with the conclusion that the Administration can do whatever it wants and hide behind the fact that it is has not acted. Go back and run through your mind all those things he said have to be done in order to have a park.

How can the City of Shreveport stand up here and tell you, its our failure to act, or failure to develop, our failure to designate that allows us to lose this property as a public property. Every reason arises out of the failure of the City to act to uphold the will of the people that Cross Bayou be designed as a public park.

If you fail to act today, you will condone the Administration's practice of robbing Peter to pay Paul. The Administration is clearly attempting to take money from the park fund and move it to convention center.

I have heard the suggestion that we can fix all this by simple restoring the money. Well, there are two problems with that. First, of all the voters said they wanted a public park and they wanted a public park on Cross Bayou. Giving the money back will not give the park back. That land is still there, it has not been used and you have the ability, today, to make sure that it gets used for a public park.

Second, where in the world are you going to get the money? The Convention Center doesn't have extra money laying around to throw into this deal. Are you going to rob some other needy city project so that you can now pay back the park fund? Where is this going to end?

Councilman Gibson has been around the construction business long enough to know that the fastest way a contractor gets in trouble, is by robbing Peter to pay Paul. If that is not a good idea for the construction business, I guarantee it is not a good idea for local government.

Representatives of Deja Vu are going to stand before you and they are going to argue that it is unfair to take away their Certificate of Occupancy. They are going to say that Deja Vu has done everything the City has asked so that they could have the right to operate their sexually oriented business. Every document that Deja Vu has been asked to sign, it signed. Every thing Deja Vu has been asked to do, it did. Every burden they were asked to bear, it bore.

When they tell you that, please remember this. Before Deja Vu ever set foot in this town, the citizens of Shreveport did everything they knew to do and were asked to do to insure that there would be a public park along Cross Bayou. When they were asked to vote for a \$5,000,000 to buy land for this purpose, they voted "yes." When they were asked to pay their taxes, they paid. When they were asked to trust the City to make sure that the money was properly spent, they trusted. How on earth can sit here today and fail to honor that trust?

Deja Vu does not need your protection. Deja Vu has been the master of its own destiny. In April of last year, Deja Vu knew that contentions were being raised that it was cited in a illegal

spot. If Deja Vu wanted to be sure that its investment was not wasted, Deja Vu had the choice to stop construction, sort all this out, and not run the risk of constructing a facility that could not be used for a sexually oriented business. Deja Vu chose to run that risk. The City did not force Deja Vu to make that choice, and the City is not responsible if it turns out to be a bad choice.

The citizens of Shreveport, on the other hand, have had no choices in this matter. They had to trust their city government to protect their \$2,000,000 investment in a public park on Cross Bayou. Are you going sit here today and tell the citizens that they put their trust in the wrong place?

On February 13, the City Council was considering whether the 1996 bond proposals should be sent to the voters as one, big "all-or-nothing" proposal or as ten separate proposals where the voters could pick and chose what they wanted to do. One of the councilmen at that time spoke in favor of sending ten separate proposals to the voters. Please, listen carefully to what he had to say, this is important, Mr. Green. Here's what he said: "I think the first thing

we've got to do is we have to regain the trust of the people who elected us." He went on to say that the voters should be able to "decide what they want to spend their money on and what they don't want to spend their money on." If those words sound familiar, Mr. Mayor, it's because they were yours.

You may not remember this, but Proposition 3 in the 1996 bond election was a proposal to spend \$2.5 million to renovate Independence Stadium. Proposition 3 failed. The voters decided they did not want to spend their money renovating Independence Stadium. Proposition 8 passed. The voters decided they did want to spend their money acquiring a public park on Cross Bayou. So where are we today? Well, the Hightower Administration has spent well over \$2.5 million renovating Independence Stadium, and if you fail to act today the Finance Department's memorandum today, will have allowed the Hightower Administration to successfully confiscated \$3.9 million from the public park on Cross Bayou.

Mayor Hightower's words are perhaps more true today than they were in 1996. The first thing you have to do is you have to regain the trust of the people. You can do that by acknowledging that money spent on property from Proposition 8 is a park, and it's a park because the voters said so. (2) You can acknowledge that the property within 1,000 Deja Vu is a public park and (3) you can revoke Deja Vu's Certificate of Occupancy.

Vice-Chairman Walford: Thank you Mr. Sinclair and now Mr. Milkovich. You have 30 minutes sir.

Mr. Milkovich: Is it okay or would it be appropriate if we spoke after Deja Vu or make our presentation at the end?

Vice-Chairman Walford: The order was already set sir, and I believe we'll stick with it.

Mr. Milkovich: I was a little bit taken aback to see Mr. Erwin and I certainly don't mean this as any discourtesy or disrespect to Mr. Erwin. I was a little bit surprised to see him speaking on behalf of the Administration in this case, because he has in the past formally or informally consulted with opponents of Deja Vu.

But I'd like to show you all. . . this is a memo which Mr. Erwin sent to Gary Fox. Gary Fox has been an opponent of the strip club from the outset and this is what Mr. Erwin communicated in July 2002 relative to whether the City is liable for doing the right thing, going forward with the park instead of a strip club parking lot. He said that "as a general proposition, no rights will vest pursuant to a legally issued permit." That's the research that Mr. Erwin did and sent to Mr. Fox last summer, less than a year ago. He also pointed out that "there are also cases holding generally that a governmental authority always has the right to correct its mistakes." But he said that these sites are not handily available. Mr. Erwin was kind enough last year to demonstrate through his own research that Deja Vu does not get a public property right vested by virtue of an erroneously granted permit. And because no property rights vest, they do not have a valid law suit.

I'd also like to talk for a moment and I'm not sure if Mr. Erwin did not give the cite of the United States Supreme Court case he was talking about. He did talk about Sandra Day O'Connor. I'd like to direct to the Council's attention to a case that was filed by Mike Johnson and presented to this Council by Rev Edmonds, the City of Erie vs. Pabst A.M. 529 U. S. 277 decided by the United State Supreme Court in March of 2000, March 24th. In that case the United States Supreme Court ruled that a city can outlaw public nudity, period. A city can entirely outlaw public nudity. That is the pronouncement of the United States Supreme Court.

The court went on to say that if a statute focuses specifically on erotic dancing, it might violate the First Amendment. However, a city can flat out prohibit public nudity, the United States Supreme Court has said that is constitutional under the First Amendment.

What is the Louisiana Courts have to say, cause I know that this threat of a law suit has been used repeatedly to try to, we believe pressure the City Council into taking Deja Vu's side against the citizens in this conflict. But this is what the Court said in *St. Raymond vs. the City of New Orleans*. This is 769 Southern Second 575 and 576. The mere fact that a building permit was issued in error and contrary to the laws of the city does not vest an irrevocable right to proceed under that permit contrary to the subsequent action cancelling the permission previously granted. That conclusion is consistent with the following statement founded at (inaudible) which immediately follows the pro-quoted statement and done. "Generally (this is the court speaking), it may be said that a building permit in violation of law or under mistake of fact confers no right and may be revoked upon discovery of the error, even after business operations have begun." The United States Supreme Court is clearly stated that First Amendment does not prohibit us from shutting down public nudity. The Louisiana appellant cases and Mr. Erwin's own research have stated that if a certificate is granted in error, no property rights vested and we are not liable, the citizens are not liable.

I would like to talk to you very quickly about the fact that there are 39 statutes at least or excuse me 37 statutes that are affected by the location of Deja Vu and our City's central business district. We believe that at least 10 statutory violations that have been committed in the process of allowing Deja Vu to operate in the central business district. I will give Madam Clerk, this is a quotation from 37 statutes that are violated.

The up shot of it is that Deja Vu is not only unpopular, immoral and economically improvident, the bottom line is Deja Vu is statutorily illegal under the city ordinances of the City of Shreveport. The main premise that we go back to is what is the statute that deals with the zoning of strip clubs? [Section] 106-11-29. The pertinent language is no sexually oriented business shall be operating within 1,000 feet of an absolute prohibition. It doesn't say, maybe you can have can have an SOB if you feel like it or maybe if you get some phone calls to the right people at the right time, it can slide by. It says, none. No SOB shall be operated within 1,000 feet, public park, public library, non profit museum, church, synagogue (unclear).

The other critical language is that it says that measurement shall be made in a straight line from the nearest portion of the structure of the SOB to the nearest property line of the premises. That is the language that our city enacted in prohibiting and restricting SOBs. It doesn't say that the measurement is made from an SOB to an existing structure or a facility in use. The language is property line of the premises.

What does premises mean? According to the Louisiana 2nd Circuit Court of Appeals which is the appellate court with the highest. . . that's the court that has supervisory jurisdiction over all courts in North Louisiana, this is the ultimate legal authority other than if you want to go to New Orleans and get a case before the Louisiana Supreme Court, The 2nd Circuit Court of Appeals, in the case of *Caddo Parish Sewerage District vs Reeves*. 649 Southern 2nd, 1236: What did they say in that case? Measurements are made to the property line of premises and premises include land and tenements, an estate, the subject matter of a conveyance is one of the definitions of premises. The area of land surrounding a house. A distinct and definite locality. A distinct portion of real estate. A 2nd Circuit Court of appeals has stated, and by the way, it wasn't making law, it was simply quoting Black's Law Dictionary. The 2nd Circuit Court of

Appeals has told us that premises means, a distinct locality land that is the subject matter of a conveyance for distinct portion of real estate. And what we have in our map here has been discussed by the lawyers for the City as well as by Mr. Sinclair and his able presentation is multiple tracts that have been purchased for public purposes downtown that are within 1,000 feet.

Property line of the premises within 1,000 feet.

And I'm going to go as quickly as I can and I've submitted these filings. Let's talk about the Railroad Museum that our city has spent thousands of dollars on. According to a May 4, 2001 letter from DOTD to SPAR, the Railroad Museum project was initiated in 1993 and the State DOTD had appropriated \$200,000 for it. According to a fact sheet (also being presented to you), the Railroad Museum was accepted by the DOTD into a Capital Enhancement Program back in 1994-95. October of 1995, Mayor Bo Williams agrees to sponsor construction of the Railroad Museum. Resolution 218 of 1996 authorizes the Mayor to go forward with the Railroad

Museum. The City Council Minutes, the City Council voted for the Railroad Museum. The Mayor approved the Railroad Museum proposal. March 24, 1997, the Mayor of Shreveport enters into a written contract, (we filed that into evidence) and in that contract the City agreed to sponsor and supervise the construction of a Railroad Museum. As late as May or 2001, we have letters from SPAR to the DOTD stating that the City is working on land acquisition and site development for the Railroad Museum. May 24, 2001, the City is still planning to provide final Railroad Museum designs. December 6, 2001, correspondence showing that SPAR is looking for rolling stock railroad cars to put in the museum.

But lets, get down to brass tacks. The City budget shows. . . . the City's project status on the railroad museum states that the anticipated activity of 2002 was to complete site selection and

master planning, complete the building design and begin construction. And is this a specific designated tract or property that can be considered a premises? We have enclosed in our filings that we've made copies of the deeds pursuant to which the City purchased the Gateway Tire property. It's a specifically designated and delineated property that is the subject of a specific legal conveyance. That property was transferred from Richard and Sandra Neeson to Gateway Tire Co. and the City subsequently bought that same property. That property by the way that the City has purchased and has budgeted over a half-million to develop and has agreed in writing to develop along with the DOTD is here within 1,000 feet. We have enclosed the affidavit of Mark Juselin, he's an engineer locally who has confirmed by affidavit that this railroad property which we purchased, which we've developed, which we spent thousands of dollars planning for, is within 1,000 feet. Does it exist? Well, we spent the money. Is it a premises? According to the legal definition of premises. Given that it's the subject of a specific legal conveyance. And that's not (unclear), that's not the only site that was within a 1,000. The T & P Railroad Station also within 1,000 feet. The City also spent thousands of dollars. We have submitted to you the budget figure showing that approximately \$60,000 was spent in developing this site and several hundred-thousand dollars was spent purchasing it; again, its within 1,000 feet of Deja Vu.

The property line of the premises. Land that is the subject matter of a specific conveyance, specifically designed. The City bought it, the City spent money on it. And folks, in case anyone says that the railroad museum didn't have any existence, this is Exhibit 1A, this is for argument 1A. This is the 59+ page submittal that cost I believe about \$50 or 60,000 to the City to have developed this delineating the plan for this railroad museum. This is the City

expenditures. This is the architectural blue print or plan that was designated and put together for this project. As recently as October of 2001, and we've included that letter in our submissions, the City is writing to the DOTD asking for more money to develop the railroad museum; so, that's October of 2001, our City government is writing DOTD saying would you please give us more money so we can develop these railroad museum. I think Scott's done a beautiful job of discussing the Bond Proposal.

One thing that I do want to point out to the members of the honorable body, its not merely is the language that we actually voted on significant, I think there is also significance, look at the pamphlet that the City published to promote the purchase or the passage of the \$5 million bond

Councilman Hogan: Pardon me Mr. Milkovich, stay near the microphone because they can't record you.

Mr. Milkovich: Yes sir, thank you Mr. Hogan. This has also been included in our submission to the City Council. This is the City of Shreveport's Bond Proposal. This is the pamphlet that the City was placed out to publicize and promote the passage of the bond. What is the language used in this particular pamphlet. "Funds to purchase and develop the Cross Bayou area, from Caddo Street West to the McNeil Pumping Station. Where is that? Right across the street from Deja Vu. And I do have to agree with Pastor and Scott Sinclair that I don't think that the citizens of the City of Shreveport believed that they were buying a strip club parking lot when they agreed to step up to the plate for a \$5million bond issue. This park right across the street from Deja Vu.

The Law Library that's been talked about. Let me tell you, no one disputes that its within 1,000 feet. Some people have said that this is not a public library. I think these facts are interesting. This library is located on public property, in a public building staffed by public personnel and it's a resource for a public judicial system. I think it would be difficult to call this law library in our United States Courthouse a private library. When you talk about the legality of Deja Vu, I think we need to look at our statutes. I've handed ya'll 37 statutes. The first statutory violation is (unclear) within 1,000 feet. Also our City Ordinance state that no uses will be allowed in the Central Business District unless they are the subjected to or the subject of a zoning amendment; our statutes specifically state that.

If we look at Chapter 106, Section 698, it says uses listed below are permitted and that's approximately 165 uses listed under Section 698, strips clubs and SOBs are not included among them. Section 699 lists nine uses. Neither a strip club or SOB is listed. Section 700 states some additional uses that are allowed the Central Business District and among those three listed uses, neither a strip club or an SOB is included.

Section 700.1 list two more uses that are permitted in the Central Business District and neither a strip club or an SOB is mentioned. In short, our statutes, specifically list the uses that are permitted in the Central Business District of right or with permission of the MPC or the ZBA.

None of those uses and its about 180 that are specifically listed in the statute, none of them authorize a strip club or an SOB or a pornographic establishment of any kind. What our law does state is that, if there is going to be another use allowed within 1,000 feet of these protected uses such as parks, libraries, museums. . . there has to be a zoning amendment passed. And our zoning law is so strong that it says that the ZBA cannot even legally permitted to amend our

zoning statutes or our zoning maps. And in order for a zoning amendment to be passed, there has to be a motion by the City Council, a written application by private citizen or a motion by the MPC; that hasn't happened. In order for a zoning amendment to be passed, the MPC has to provide a public hearing with public notice on specific zoning amendment. In order for a zoning amendment to be passed, the MPC must make a determination of whether or not a new use should be allowed within the Central Business District. In order for a zoning amendment to be passed, there has to be recommendation by the MPC, there has to be a vote by the MPC and one the City Council specifically amend the zoning amendments. Finally, in order for a proposed zoning amendment to become affective, the City Council has to take formal action.

Our City Statutes outline seven steps that have to be taken for a zoning amendment to be passed. Those have not been complied with. None of them have been complied with. The basic rule is within the Central Business District, you were only permitted the uses by right. We set that out in that statute in our brief. In order to get anything else in there, has to be a zoning amendment. No zoning amendment, Deja Vu does not belong in our City's Central Business District.

I'd like to direct to Council's attention very quickly to the language and this is what we viewed to be the 3rd statutory violation. Our City Ordinances state what our Central Business District is about. And according to statutes or Section 696 of Chapter 106 and Section 91 of Chapter 70, the Central Business District is decreed and declared to be the civic, cultural, commercial, and symbolic center of our community. Does it violate the statutory purpose of our Central Business District as the civic and cultural center of our city to put a high class strip club in it. I believe it does.

But our statutes go even further Pastor. They say that it's a statutory purpose, (I'll read from Chapter 70, Section 91. Is it declared to be the purpose of the City Council that it is necessary for the public health, safety and welfare of the City, the property value deterioration in the principle areas of the Central Business District be halted and that causes of such deterioration be halted since such Central Business District is the center of commercial, civil, and cultural activities of the metropolitan area. Our City government has announced by statute that we cannot do anything to cause the deterioration of property values in the central business district. And in fact, we have a statutory mandate to halt property value deterioration. We have, I have not heard or seen or read any evidence in this case at all that has told us that Deja Vu is going to increase property values. We have submitted an editorial analysis by Allison, Light & McCloskey stating that this type of development is the opposite of what we need to do in our Central Business District to halt the decline in property values. As she has stated, who or what is going to be willing to move in next door to the classy strip club? In short placing Deja Vu in our Central Business District violates the statutory mandate that this is a cultural and symbolic and civic center of our city, violates the statutory mandate that deterioration of property values must be halted.

The Certificate of Occupancy that's been granted to Deja Vu its not legal either. The problem with the Certificate of Occupancy among other things, again, what do our statutes say? It says that, our City ordinances and I've lined out the specific statutes involved stat that in order for Certificate of Occupancy to be issued, to an SOB, the Certificate of Occupancy has to declare and certify that Deja Vu will be operating in compliance with all law. This Certificate of Occupancy does not even certify that Deja Vu is going to comply with the law. In fact the

Certificate of Occupancy does not even permit Deja Vu to operate a strip club or an SOB. The type of business industry that is permitted by this Certificate of Occupancy is a lounge or adult retail sales. The Certificate of Occupancy does not even authorize public nudity or strip clubs to operate and this is what they are operating.

Our city law further says that in order for this type of certificate to be issued to a strip club, they have to tender a written statement that they will comply with the law. I've asked repeatedly from the City for any documents submitted by Deja Vu. I've yet referenced to the anything by Deja Vu stating that they will comply with law. That is exactly what City Ordinance

requires. City Ordinance further states that there has to be an operating permit for an SOB. An operating permit and this is statutory violation No. 5. There is supposed to be an operating permit for an SOB issued by the Shreveport Police Department. This is what Chapter 72, Section

4 says 'before engaging in a sexually oriented business, an operator shall obtain a permit from the

Shreveport Police Department to conduct such business.' Chapter 72, Section 6 says 'No sexually

oriented business shall operate as an SOB as defined in this chapter without first obtaining a current permit to conduct such business. Where is the operating permit from the Shreveport Police Department? We have filed the affidavit of my wife. We called the Police Department and says 'is there an operating permit that allows Deja Vu to operate a strip club?' They said no. Would you give us an affidavit? We're not supposed to, we're supposed to go through the City Attorney. My wife has submitted an affidavit stating that she talked to Russ Collins in the Shreveport Police Department and he told her, there is no operating permit. They don't even have an operating permit.

Another statutory violation - Our City Ordinances state that no one "in any way financially interested" in an SOB may be a convicted felon. What do we confront in this case? We've got the evidence and we've filed the deposition testimony of Mr. Gus Mijalis, we took his deposition about five or six months ago and Mr. Mijalis was kind enough to acknowledge that he was instrumental in bringing Deja Vu to the City. That he was making the phone calls, he talked about his long time acquaintance with Mr. Kirkland. He said that he was helpful in finding the location and communicating with the City's zoning office, with getting the clearance with finalizing the location and we've even submitted, he stays involved. We've even submitted in our

submissions, a letter which references and states that in order to select the sign contractor for this project, someone needs to clear it with Gus, Mr. Mijalis, he's staying heavily involved with this. So Mr. Mijalis does have a felony conviction, I'm not trying to disparage him personally but this is what the laws states. He's heavily involved.

On top of that, we find out that his live-in girlfriend, Stacy Anderson, he's admitted this under oath, has an ownership interest. We then find out as he tells the Shreveport Times several months ago, that he had helped Deja Vu locate in Shreveport "in hopes of getting something down the road, that's the way it works in business." Sounds to me like he is financially interested. He is heavily involved. His girlfriend has an ownership interest. He cleared the way and he's publicly admitted that he's hoping to get some rumination down the road. Folks, that's illegal under our ordinances.

Another statutory violation. Our City Ordinances state that there cannot be an

interposition of ownership. That' means that I cannot own sexually oriented business and say that

Reverend Green is the actual owner when I'm owning it behind the scenes. We're raising the issue and I know that Reverend Green would not do that, but Reverend Green, its illegal for that to occur. We're concerned that, that's what happened in this case. Why? Again, these are the facts. Stacy Anderson is Mr. Mijalis's live-in girlfriend. He's admitted that in deposition testimony. There's been so showing that Stacy Anderson has paid one penny for her ownership interest in Deja Vu. We do know that Mr. Mijalis has played a pivotal role in getting Deja Vu in the City of Shreveport, he's admitted that and I think that Mr. Kirkland has admitted that. We have the letter that we submitted showing that he's even given input on which sign contractor to hire. Yet, for all of this involvement of Gus Mijalis, its not Gus Mijalis who has declared ownership. Its Stacy Anderson. We're concerned that Mr. Mijalis' owning this property through his live-in girlfriend Stacy Anderson. Again, that's illegal.

A few other statutory violations, what about retail alcohol outlets. The same provisions. You're not supposed to have someone financially interested in a retail alcohol outlet that's got a felony conviction. What do we have in this case? Again, Mr. Mijalis is instrumental, his girlfriend has declared ownership in it. He's hoping to get something down the road. He's a convicted felon. That's illegal not only for SOBs, that's illegal for retail alcohol outlet. Another statutory violation.

Also the interposition of ownership that I talked about that we believe that exist with respect to this Deja Vu strip club. Its not only illegal for SOBs, it's illegal for retail alcohol outlets. We have another statutory violation, we've cited the statute what happens to be Chapter 10, Section 44, Subsection C. Not supposed to be in a position of ownership with respect to an alcohol outlet, that appears to be the case in this case.

Another statutory violation. Mr. Sinclair and Pastor Pourciau spoke eloquently about the violation of the Bond. The Louisiana Revised Statute which says that if the citizens vote for a Bond issue, you can't change the money without getting voter approval. I'd simply point out that there is a defacto diversion of bond funds that occurs anytime citizens vote for \$5million for a park here and then the City later allows the Deja Vu to build a strip club here. How are we going to have a family park here right across the street from the strip club. In affect, by allowing Deja Vu in the door, we've made the park impractical and infeasible and we have defacto prevented the expenditure of \$5million for the development of that park. It's a defacto diversion of funds. By giving preference to Deja Vu, who came around, I think they started coming around in the Fall of 2001 giving them precedence over the park which was voted on in 1996 which we feel also is an unfortunate violation of statutory law.

What about Louisiana's open meeting law? We find out at the ZBA Meeting that there was a "bus tour" in which some information was shared about whether or not Deja Vu was legal or not, and its in the minutes, it says Bus Tour. What does Louisiana's Open Public Meeting Law

state? It says that no decisions or deliberations or acquisitions of information can be obtained by the majority or quorum of a public body unless its publicly noticed and the public is allowed to go along and be present and hear what's being said. However, in this case, the ZBA before they ruled, they go on a bus tour, take at least four members of the ZBA along with them and talk to them about what a park is and what it isn't. And I don't think they gave the definition that the 2nd Circuit gives that a premises is the subject of a legal conveyance or a specifically described property. I think they give the definition that is not within the statute again, property line of the

premises. I don't think the City Officials told the ZBA members that it's the property line of a premises, I think they may have told them its about whether there is a park there. Which is an inaccurate application of the law and its in the minutes, its in the ZBA's own minutes that they had a "Bus Tour". That is illegal. There is supposed to be minutes, its supposed to be publicly noticed. The public is suppose to have a right to attend.

And interestingly, after the meeting, one of the ZBA members and its not our purpose to disparage that particular, any ZBA member at all, but she basically told Brenda O'Brock standing right out there in the foyer and I was standing, I really wasn't even listening to the conversation, I just saw it occur and basically admitted that they were given the parameters of how to vote before

the ZBA meeting in the bus tour; that's a violation of public meetings law.

There is not supposed to be City Officials giving four or five of you together and saying 'look guys, this is the huddle, this is how we're supposed to vote.' Its supposed to be the information gathering process is supposed to be in public. Not phone calls from Gus Mijalis. Not the Mayor stating publicly that he's against Deja Vu, but they are lobbying City Council Members in explaining to them why you have to vote for 'em. And I don't mean to disparage, even the Mayor, but its time we get a little bit candid about what's been going on. Its been Gus Mijalis making phone calls, it has been the Mayor getting with City Council Members, one on one telling you why you gotta vote for Deja Vu. Now, I don't understand Mr. Mayor why you'd tell the City Council members they have to vote for the strip club. I still don't understand exactly why, but I think this, I don't think its too much. The citizens are mad, they paid \$5million, they want a family park downtown. Everyone will concede that there is not much for families downtown.

Councilman Green: Mr. Milkovich, thank you for your time.

Mr. Milkovich: Concluding statement.

Councilman Green: Thank you for your time.

Mr. Milkovich: Thank you very much.

Orie Hunter (330 Marshall): Mr. Chairman, Councilmen, Mr. Mayor, my name is Orie Hunter. I'm an attorney here in Shreveport representing Deja Vu.

I have already circulated a position paper which I assume the Council already got. I wont belabor those points that are in my position paper, I do feel that is incumbent on me to made some points though that have not been previously addressed.

This is an appeal. Its an appeal from a Zoning Board of Appeals decision. And as such, the City Council this evening is sitting as appellate review board. It is a quasi-judicial function. In that respect, it is totally different from many of the things that you are normally called upon to do as a Councilman. In considering this appeal, I think you need to be focused on what were the zoning issues that were before the ZBA, and there was only one issue. And that was, was there a protected use within a 1,000 feet of the property where Deja Vu is located in the Fall of 2001.

When Deja Vu, before they even bought the property, Deja Vu came to the City and said we want to buy this property, will it work? The study was made then in the Fall of 2001. There was no protected use. Mr. Sinclair is absolutely right from the get-go, Deja Vu has done everything it was supposed to do under the law. It has crossed all the t-s, it has dotted all the i-s.

Now, the zoning issue then is was there a protected use? These appellants have been fairly consistent in alleging three protected uses: a public library, a railroad museum, and a park. This last go around, we've had some peripheral issues. This is not a referendum this afternoon on

the expenditure of bond fund. This arose from the Zoning Board of Appeals' decision.

Now, I don't think anyone, besides if not Mr. Milkovich legitimately contends that the library in the federal courthouse is a public library anymore. First, of all the Federal 5th Circuit who owns it, says its not. Secondly, Judge Carl Stewart wrote a letter addressed to Mr. Sinclair - its not open to the public. Alright, we don't have a public library. The second issue has been, there is a railroad museum. To this day, no one has been able to tell me when and where a railroad museum will be located and they don't argue that point very hardly anymore because no one know. It may or may not happen.

Mr. Milkovich has included in his argument, several items that are not zoning items. He's talked about there is no permit from the police. Well, actually that process was under Chapter 32, it is not a zoning ordinance, it is a police ordinance and I think that if you make inquiries you will find that the police have never licensed anyone under that ordinance.

I think that it has probably also been cleared up by the recent passage of the new licensing ordinance by this City Council, approximately a month ago. Mr. Mijalis' involvement which by the way, they would have the burden of proof on that issue, is not an issue in this proceeding. This is a zoning proceeding.

He also raises the validity of the Certificate of Occupancy. Deja Vu did not prepare the Certificate of Occupancy. Deja Vu filled out the City's form for an application for a Certificate of Occupancy. Deja Vu has consistently disclosed on those applications, this was for an SOB. The City of Shreveport issued the Certificate of Occupancy just like they issued thousands of them. And if the Certificate of Occupancy was invalid because of something that the City has done, then every Certificate of Occupancy which has been issued to every business in this City is invalid, because it is on the same form. There was nothing different done for Deja Vu that was done for any other business in this City.

Now, lets address the park. In 1996, when the bond issue was passed, when it was put to the public, there were no plans for a park. You've been told by your own administrative sources that what Mrs. O'Brock saw was something in fact, Mayor Hightower had put together and that was in 1999 after the passage of the bond issue. The bond issue was designed to acquire property and to place that property in inventory. In fact, the City found out that it was not feasible to build a park there. The estimates that I've read was that there was over \$2 million dollars just to stabilize the bank and the City does have plans to build a park, over by Sci-port.

Lets be candid. This isn't about a park today. This isn't about the expenditure of bond monies today. This is about the opposition that people don't want Deja Vu in business, that's what it is about.

We are a society of law, we are governed by law. We are not governed by the loudest, the most vocal, the most eloquent. We are not governed by religious authority. We are governed by laws that protects the popular, the unpopular, the rich, and the poor and this is about opposition to Deja Vu.

Now, even my opponents know they can't just say, we are against it and that'll get the job done. They have to get the lawyers and the lawyers have to find a way. So they came up with three ways initially: library, railroad museum, park. They've since discovered library, railroad museum, those are groundless, there is no basis for that. So lets hit on the park and then lets really stir it up and say, well, they have spent bond money. There has been no human cry about a

park since 1996, for seven years. This isn't about the park. None of these good citizens have been down here in seven years asking you, where a park is?

What this is about is law and our society's law and the fact that you have a business enterprise that has come into this community, whose abided by your law, who has done everything by the book and whose entitled to protection of those laws. You've received an opinion from Mr. Erwin, a very good legal opinion in fact and I totally agree with what he's told you. You've also received an opinion from your bond attorney, I believe that he's given you good legal advise. Your position today is, are we a society of laws and are we going to apply those laws.

I also have with me today, Mr. Schaffer who is (inaudible) for Deja Vu who will be taking up the remainder of my time.

Mr. Brad Schaffer (3800 Capital City Boulevard, Lansing, Michigan): This is like deja vu all over again. I was in front of this Honorable Body last month, I hope this is the last time, probably not.

But I wanted to address some of the matters that were discussed in the presentation of the appellants here and because the time is limited I wanted to get really right to it, very quickly.

One of the things that Mr. Milkovich asserted was that it was not a certification provided by Deja Vu under Section 106-1129 of your Zoning Code. I want to read for you exactly what that says. In sub-para E: Issuance of Certificate of Occupancy: Prior to the issuance of a certificate of occupancy, the owner or applicant shall be required to sign a written statement verifying that a sexually-oriented business is operated at, as defined by this section.

Now, the materials that you have in your packet coming from the Zoning Board of Appeals have not only the application for Certificate of Occupancy where there is checkmark right by Mr. Zendale's name, that says it is going to be used for an SOB but right after that is a letter dated or a statement dated December 27, 2000. It says: To Whom It May Concern: Please be advised that we wish to update our application for Certificate of Occupancy at 202 Commerce Street, Shreveport, 71101. We wish to utilize our facility as a sexually-oriented business as defined in Article 106. 1129. Now, they have made the representation both in writing and orally today that there is no certification. It is right there.

Mr. Milkovich then made an interesting comment, he kind of left it dangling but he said, you know the U. S. Supreme Court in Pabst A. M. vs. City of Youree said that you can ban public nudity and didn't say anymore about that. Obviously the implication is, because you fine people, you have don't that and therefore you are lax in your job. You've done it. The State Legislature of Louisiana has done it, you can not dance nude or topless at Deja Vu. The State Liquor Code and the municipal liquor Code prohibit public nudity. They require entertainers to wear pasties and g-strings, which if you read the legal decision cited by Mr. Milkovich, that's exactly what the U. S. Supreme said that a municipality can require, pasties and g-strings.

Now, Mr. Sinclair made an interesting comment. He said that if we had any concerns about this, while we were building we should have stopped and had it all resolved. Well, what happened, what happened? They made us go through a process which now because we won both in front of the Zoning Board of Appeals and before your predecessors, now they are saying, that's

irrelevant, we have to do it all over again. This is not the first time that this Board has addressed this issue. Your appeal isn't from the first time the Zoning Board of Appeals addressed this issue. Nobody builds a \$4 million dollar business on a "if-come". There was a question that was

raised not by the City, but by the appellant and we went to the Zoning Board of Appeals and the Zoning Board of Appeals using their appropriate criteria determined that Deja Vu was in an appropriate location. That matter was appealed to your predecessors. And this City Council affirmed that decision and the construction was completed. I have no clue what Mr. Sinclair is talking about when he says, we should have stopped and had it all resolved. 'Cause we did. We did exactly what the City told us to do. We did exactly what the Zoning Board of Appeals told us to do, we did exactly what this City Council told us to do.

Now, Mr. Milkovich reads from you the preamble to the Central Business District portion of the Zoning Ordinance and what he means to imply is that the Deja Vu Club is not consistent with that preamble. Take out your Zoning Ordinance, find me a zoning district that says that adult businesses are consistent with that district. It is not in there because this City Council, its predecessor wrote a separate and distinct ordinance dealing with where adult businesses can locate and they can locate in as a matter of right in a B-3 and a B-4 zones. Why? Why would the City Council say that adult businesses have the right to exist some place in this City because as Mr. Erwin said, the United States Supreme Court said that you have to do that. You have to allocate certain areas for adult businesses and it can't be a hypothetical place. You know there is a great case out of Los Angeles called Topanka Press. The City of Los Angeles thought that they were going to get cute and they zoned adult businesses, literally, literally under the Pacific Ocean and on the runway of Los Angeles International Airport. And it doesn't take any stretch of the imagination to understand that the Federal Courts quickly rules that unconstitutional.

But what is Mr. Sinclair trying to say to you? What he is trying to say to you is that here is no place under your Zoning Code even though you have a specific Zoning Ordinance dealing with adult businesses. There is no place, as matter of right, that says adult businesses are a use as a matter of right. We've have to go through some type of discretionary process or better yet, we can't exist in the City of Shreveport, at all. Make my job easy. I mean that is a no brainer for a lawyer saying there is no place for an adult business to go. It is a no brainer for a lawyer when an adult has to go through a whole big process of standard-less procedures where a government can say, well may be we will let you exist, may be you won't. This City Council, its predecessor, your predecessors wrote it correctly. I don't know who your legal counsel was, but you got good legal counsel because there are places as a matter of right in the B-3 and the B-4 Districts where adult businesses can go, that's what renders the law unconstitutional.

I challenge these laws all the time when there is either no place to go or you have to go through a discretionary process and they are all ruled unconstitutional. So what Mr. Sinclair is asking you to do is to accept a determination that renders the entire adult Zoning Ordinance of this City unconstitutional which means that no only can Deja Vu stay where they are at, but any other adult business that wants to come into town can set up shop right next to a residential area because there is no legally, justifiable and enforceable adult ordinance.

I, for the life of me, I don't understand that argument. You have areas where adult businesses can locate. We are in one. The Zoning Board of Appeals has determined that twice, and this body has already determined that one prior time.

In regard the issues concerning the make-up of Deja Vu and what they have to comply

with, Mr. Hunter made some comments but I wanted to elaborate on that a little bit before because Mr. Milkovich gave you the impression that Deja Vu was somehow in violation of some type of municipal ordinance in getting a license.

Well, if they were, the police certainly would come in and cite us and the police have been there in an uncover capacity virtually since Day 1. But I don't have to explain to you why that argument is wrong, because you already know that. Why did you pass the ordinance last month? You passed it because Deja Vu, an adult "cabaret" was not subject to the Zoning Ordinance. It dealt with escort services and massage parlors. You expanded the scope of that ordinance to include a whole range of adult businesses, including what Deja Vu is. That ordinance went into affect March 1, applications are not due until the end of this month. There is no violation of that and more importantly there was no violation of that, at the time the Certificate of Occupancy was issued because there was no ordinance.

In regard to the liable and slander that has been occasioned upon certain individuals, what

I can say to you is this. Deja Vu went through a lengthy application process with the liquor authorities both on a city basis and a state basis. All of the ownership was fully disclosed. Everyone was fingerprinted, every "i" was dotted, every "t" was crossed. There was an investigation made and in fact and I know this from personal knowledge, the people from the Liquor Commission because of the appellants making hay about all of this, went out of their way to investigate this matter and I know that because I had to track down of the owners of the Deja Vu while he was on a cruise going through the Panama Canal to get him to sign an affidavit on a cruise ship, fax it back to me so that I could send it to the Liquor Commission. And we did all that and it was a whole entire investigation. And the Liquor Commission said what we have is just fine.

I'm not going to address the other liable and slanderous statements, I don't think they have any relevance whatsoever in regard to these proceedings.

The only thing I want to conclude is, with regard to the park and the museum and the library, we not only as Mr. Hunter said did the Zoning Board of Appeals have before it a letter from the Federal Judge saying that they law library is not a public library. What I can tell you, we even submitted as evidence in there which you should have before you is the web site of the 5th Circuit U.S. Court of Appeals. I am a member of the Bar of the United States Supreme Court. I have practiced before the United States Supreme Court. I have practiced before numerous Supreme Courts of the various states. I have been admitted to special counsel in cases in probably 20 different states. I am not permitted in the law library in the Federal Court House because I am not a member of the local Bar Association. Neither are any of you permitted in there, with the exception of you, Sir.

I believe that the staff and Mr. Erwin have well outlined the issues in regard to the park. I

would just like to make one further comment in that regard. And its going to go back to something Mr. Milkovich said and I'm going to quote from you Section C1 of Section 106-1129 which is your adult zoning ordinance and this deals with the measurements. How you measure the distances between adult businesses and other sensitive uses. It says measurement shall be made in a straight line without regard to intervening structures or objects from the nearest portion

of the structure where a sexually oriented business is located or conducted to the nearest property

line of a premises of a church, public park, public or private elementary or secondary school, daycare or kindergarten , (now listen to this) residential district or building site dedicated or devoted to a residential use.

Now notice, notice, it said nothing about property dedicated, even if we had property dedicated to a public park which Mr. Erwin has explained to you in great detail under the statutes of this state, we don't have a public park dedicated, let alone having a public park actually existing.

This ordinance that your predecessors enacted in regard to how adult businesses are to be regulated from a zoning perspective in this City specifically delineates between property dedicated for a residential uses and other uses where you actually have to have them in existence.

Why? Well, think about that. Because unlike public parks, residential areas are going to be zoned in advance. They may lie dormant for years and years and your predecessors determined that they wanted to make sure that there was not that encroachment, in the future. There is nothing in regards to that concerning public parks, day care facilities or anything else. It has to be as the staff has determined, an existing use and as Mr. Erwin stated at the beginning of his comments the case law of this state is very clear in regard to your obligations.

And I do want to say something to whoever it was that spoke to the good Reverend that it is Deja Vu's obligation to prove that this isn't a public park. No. That is not the legal standard, at all here. We are not even the appellees in this matter. We are the interested party, but this is the burden of the appellants to prove that this is a park and more importantly to prove that the staff was clearly, clearly in error. You have a legal opinion from an attorney now from this City saying

it would be arbitrary and capacious for you to do anything other than affirm for all the reasons that he stated, which was the laws of this state dealing with what you have to have for a public park, dealing with what you have to have for an existing use.

And I would submit to you that when you have a legal argument like that with nothing that has been presented to you, in response to, in regard to why the officials of the MPC and the Zoning authority were in error, this body should. As Mr. Hunter has eloquently stated, this is not about a park it is about people not liking Deja Vu. But the reality is, your predecessors submitted and enacted a Zoning Ordinance saying where adult businesses could locate. And it is in your interest to make sure that that law stands, that neither I nor anyone else in the future can legally challenge that. And the only way you do that is to enforce it appropriately by its letter and allow adult businesses to exist where you say they can exist. We would ask that the decisions be affirmed.

Councilman Green: Like We would like to thank all of you being so patient and we also would like to thank you for obeying the rules. As we move along, I'd just like to make one comment and the Council for questions and comment.

I would just simply like to make to try and clear up one comment that Mr. Milkovich made. Sometimes words can send subliminal messages. Before he took his seat he said, assume

he was talking about this Council. You got a call from Gus Mijalis and you did whatever. 1. Unless you were privy to wire tapping or you were privy to the phone call, I thought that a subliminal messages ought to be sent like that because 1. I did not receive a call from Mr. Mijalis nor did he send me a message; I wanted that to be cleared up. (Sir, don't do that. I didn't interrupt you other than telling you that your time was about 5 minutes. I would appreciate it if you would us the same. Sir, I simply said in making statements, words can be used as subliminal messages when they are just hanging. I can not speak for the rest of the body, but I can speak for myself but I did not receive a call from him, nor did I receive a message.)

Councilman Gibson: Mr. Kirkland, I appreciate your presentation. A couple of questions for you. In the review whether it be through your organization, ZBA and the whole shooting match, did we know within the MPC or Zoning Board any information pertaining to Proposition 8 regard determining the 1,000 foot barrier in terms of monies that were going to be allocated. What that ever considered or even introduced to anybody on the ZBA or MPC?

Mr. Kirkland: Let me sure I'm understanding your question. In the process of determining whether Deja Vu, I'll try to rephrase it and see if you agree, in our determination, the staff work, did we take into account the allocation of monies from the bond issue to acquire lands and/or approve a park. Is that the question because the Board itself, the ZBA was not involved. They were only after an appeal was filed of a staff decision. Neither was the MPC involved, this was staff work. And accordingly we following that law.

As I said, when an SOB request is made, and there have been a number over the years, we pay very deliberate attention to all of the requirements of the ordinance, but that ordinance does not say anything about whether a bond issue might have done in terms of a passage. It doesn't contemplate a plan that might be shaping up in the Mayor's mind or your mind. We have to look at uses that exist, as Mr. Schaefer said, with the exception of residential and there is no residential within 1,000 zoned, not use.

We very carefully look at every one of those things. Now, had a park or park improvements been under way and (inaudible), that would have been considered.

Let me say this Mr. Gibson not just to you but to everyone of these Council members. If I as a Planning Director of this city don't know enough after 16 years in this job of where parks are in this City or where various uses are, you should have fired me yesterday and I mean that from my heart because we take our job very seriously as you know even to the point of things that are unpleasant. Our job is to be fair to every member of this City to the maximum of our ability and Parish, not just City. But we are not trying as I (inaudible) we are not trying to help someone who wants that kind of business. We are not doing our job, and it is not there to help them thought, they will have prove to us in their location. We will do the investigation and then let them know.

Councilman Gibson: The question was not to question the experience or competency of your staff, it was to get a better understanding of the process. There is a couple of other things.

Mr. Kirkland: May I respond as quick. I appreciate that. This thing has, as I have said, my staff and I have gone though almost a living hell on this and it has been a lot of accusations, a lot of insinuations and when we are doing something most unpleasant to us, there is not a member of our staff that likes dealing with this, but we are there to do our job and so I'm sorry if I reacted emotionally.

Councilman Gibson: So, as I understand it and go back to a comment I made early in the Mayor's comment based on some information that was handed to us, your job was to look at the existing entities or on those properties within the 1,000 foot barrier?

Mr. Kirkland: Yes.

Councilman Gibson: And you did that,

Mr. Kirkland: Yes. Twice we did it.

Councilman Gibson: The next question I have under the Central Business District definition of what can be in that Central Business District, did the MPC review that criteria in determining whether Deja Vu met those definitions?

Mr. Kirkland: Absolutely. And I might say, it wasn't just for a strip club. Any of the SOB rights listed, this entity would be entitled to those rights. They would have to disclose them, as they have.

Councilman Gibson: This is one of my problems in the fact that I would have rather seen us to be able to ask questions as ya'll do your presentations and not an hour or 2 hours after the fact, but I agreed to support what we did here. Regarding the operating permit, MPC is involved in that process?

Mr. Kirkland: Certificate of Occupancy?

Councilman Gibson: Yes.

Mr. Kirkland: We are the last signatory on that document. The Permits and Inspections Department, the Fire Department, the Police Department. A number of folks have to sign off on that Certificate of Occupancy.

Councilman Gibson: And all of those departments signed off prior to you letting it?

Mr. Kirkland: Absolutely and we are the last one and there is a reason for that. We were given that, so called final authority years ago by a Mayor who said, and I won't name that Mayor, that said, we want to make sure that zoning laws are observed in this City and there might have been some laxity. So, Kirkland and the MPC we are going to give you that responsibility and you don't sign off until everybody else has signed off. Now, there is one minor thing and that is not in the CO but if they are applying for liquor, the Police won't sign off unless we have signed off to acknowledge that it has been properly zoned and/or approved for that alcohol (I'm sorry for the wordiness.)

Councilman Gibson: Again, I am just trying to confirm in my mind, exactly the steps that were taken in this process so all the Departments signed off on it before it came before the MPC for final.

Mr. Kirkland: Mr. Clark is the one who oversees that process. With the exception of SOB businesses and most liquor businesses, we know how sensitive alcohol is in this City and Parish, and we also know the same thing about SOB and Mr. Clark knows that he and I have to jointly have, have a meeting of the mind that we have done everything correctly, before he will sign off. But he is normally the signatory on a CO, as the Zoning Administrator.

Councilman Gibson: So in terms, if hear you right, and obviously this has been this has gone through two processes with the Zoning Board and I believe there are only two City Councilmen that sat through the Zoning Board of Appeals last meeting and that was Councilman Walford and myself, because of our interest the ramifications on this. Every department including your staff reviewed all the criteria within this 1,000 square foot area?

Mr. Kirkland: Not all Departments. We are the only one charged with the. . . .

Councilman Gibson: Bear with me here. And in addition, looked at the criteria underneath the Central Business District definitions?

Mr. Kirkland: Absolutely.

Councilman Gibson: And signed off, in your professional opinion, met all the specific criteria?

Mr. Kirkland: Would have not signed off if. . . .

Councilman Gibson: Just asking the question.

Mr. Kirkland: Certainly.

Councilman Walford: Before you sit down Mr. Kirkland, something was said that was sensitive to me. As you picked up yesterday and it was said today. I spent what, almost 7 years on the Zoning Board of Appeals. Did we ever violate the Public Meetings Law?

Mr. Kirkland: Not ever and I have good reason to know that law intimately, far better than I believe, Mr. Milkovich I won't say what I would like to say, but I am just glad he is not our legal counsel for the City.

Let me say something quickly, is that what you want is a question on about going on a tour. We've been doing that with MPC and ZBA for more than 20 years in this City, more than 20 years. I can't tell how many meetings that has been, at least two every month. That purpose and that activity has served this City well. Those lay citizens that serve on both those boards, they

go on that and yes they get staff information but it is not we are trying to brainwash any of those board members and I don't think what Mr. Milkovich overheard or inferred either, I would hope not that that Board thought that we were trying to brain wash them prior to the meeting. If anything, the staff jobs is to present information, let them hopefully listen to the public and Mr. Milkovich has the last work that day. He had the opportunity to make his remarks and he did. He

had big book this thick of things that he presented. But we put it on the notice that says the board

members will make, make site inspection prior to the meeting. It is published, not 24 hours in advance as the Open Meetings law calls for, 72 hours. We go overboard on Open Meetings law. We post it upstairs, we post it on the front of this building, we post it here at the Parish. We sent notice out to neighborhood groups. It is on there that we will make a site inspection prior to the meeting. If any member of the public wants to come, all they have got to do is call our staff they will tell them when we are going to go and they are welcome to go. If too many show up we will have to either get a bigger bus or we'll cancel that tour and rearrange it. I'm sorry,.

Councilman Walford: Again you answer exactly what I was looking for. It is properly noticed, it has been the practice for years and in my mind, just what you said, the public benefits from it. It is not in any way trying to circumvent open meetings, it is to the public's advantage.

Mr. Kirkland: It is. And the DA has had more, Paul Carmouche has had more than one opportunity to comment on MPC opening meetings law because under Mayor Hazel Beard, there was a real question brought by a citizen as to open meetings law and what every had to do to comply with them. It is not like we are inexperienced in that area.

You don't serve in this job that long without, again, if you don't know the rules, if I don't know them by now, either fire me yesterday or fire me tomorrow because I can't have that accused, frankly.

Councilman Lester: Mr. Sinclair and Mr. Milkovich if I could, for expediency sake. If you could bear with me Mr. Chairman, I have a number of questions that I would like to ask. I appreciate you gentlemen coming before this body to argue your cases. It is not very often that we as lawyers get to sit as lawyer, Councilman, and part time judge in the same day, so I'm kind of reveling in this opportunity, I wore all black.

But anyway, I want ask a few questions if I might. The first question is to Mr. Sinclair and Mr. Milkovich, how do you respond to or the reasoning that 33:1014, the state statute that specifically indicates that there is no park unless it is designated by the MPC. How do you square that statute and the fact that as I appreciate it, there has not been a designation of these properties or of this property that you have been talking about, under that statute how do you deal with that?

Mr. Sinclair: It is a massive failure on the part of our Administration to follow the will of the people because people said that we want a public park on Cross Bayou and the Administration has taken no steps to pursue that, then they failed miserably, you have the opportunity to correct that.

Councilman Lester: Okay, so under that, would you agree that, that is the statute that prescribes and designates what is and what isn't a park?

Mr. Sinclair: That is an enabling statute and it enables the City of Shreveport to pass ordinances. To my knowledge, the City of Shreveport has not passed any ordinances dealing with that issue. Consequently, if you are looking for some authority to designate property as a park, look to the ultimate authority and those are the voters.

Councilman Lester: Mr. Milkovich, how would you respond to that?

Mr. Milkovich: There is a circularity to it. If the City decides they want Deja Vu but they don't want the Railroad Museum, which we spent a bunch of money on, they don't want the park, we spent a bunch of money on. If they don't want, actually the two railroad museums that have been funded and we purchased property for. . .

Councilman Lester: With the understanding of course now, the City and the MPC are two separate bodies.

Mr. Milkovich: I understand.

Councilman Lester: Okay.

Mr. Milkovich: Well, can any agency of the City circumvent a bond that has been passed by the public simply by failing to act or failing to move. And I think what Scott is saying and I think he said better than, I think he said it well, was when the money is appropriated, can the City

sit on its hands for years, for seven years, until a strip club comes in after the fact and supercedes a public park and then blame the public? The public did what they were supposed to do. And I think that the statute that you refer to Mr. Lester, obviously it is not the only statute to be considered. The other statute is the statute which says that once bond moneys have been designated its up to the public to make a contrary election, which has not happened. So as of this point, we still have a legally binding decision by the voters of the City, that it is a park. And with

respect to---what is a designation of a park? I don't know if it counts if the City has spent thousands of dollars developing proposals and detailed, I mean, this is in writing, is this a

designation of a park? Is this a designation if the City spends \$50- or \$60,000, having an architect detail plans and saying, this is where we are going with the park? What about, the Mayor or his designee. . .

Councilman Lester: Let me ask you this, Mr. Milkovich, so its your argument that the, I guess what I am trying to figure out because I have a number of questions I am trying to work through this.

We would argue that 33:140.14 does it say, and I think it is pretty unequivocal that the MPC is the body has not only the responsibility but the authority to designate what a park is and what a park isn't in the municipality of Shreveport and the metropolitan area. Can we at least agree on that?

Mr. Milkovich: I don't think thought that it means, that the City, that the voters determination has no legal significance.

Councilman Lester: What I am trying to get is a baseline of, in your opinion because again, I am lawyer and I respect your arguments and I respect your positions, I'm just trying to figure out in your mind how do we deal with 33:140.14. Now, if it is your opinion that 33:140.14 is in competition with the designation under Proposition 8, then my next question is, if there is conflict between the state statute and Proposition 8, where do we fall there and I guess any one of you can answer that?

Mr. Sinclair: Again, I don't know that there is conflict because the state statue is enabling statute that allows the City to pass ordinances. Unless the City has acted, I am not sure that there is conflict and we have still got an ultimate issue comes back before this board in terms of what are you going to do about the public trust? The public asked you to spend money for a certain purpose and you have the opportunity to do that.

Councilman Lester: The other question I have is, how does the mere purchase of the land, not designated by MPC or the City, not maintained by the City, how does that equate to a definition of a park?

Mr. Sinclair: And I answered that in my initial comments and that is, the boss said so. The voters said that if you use this money, it will be a public park. You've used the money and therefore it is.

Councilman Lester: And so, if that be the case is it then your position that the vote of the people and the bond language supercedes the enabling statute?

Mr. Sinclair: Yes.

Mr. Milkovich: Plus, I don't think that it can be considered in a vacuum because No. 1 the bond has issued, but the other thing is we have under Section 1129, we have the definition that used for these zoning determinations which is premises and this is. . . Councilman Lester: But it also says, Mr. Milkovich, when it talks about premises, it says it also mentions 'premises', it also says, 'parks', it also indicates all of those things and I understand premise but it clearly does state that, if you read further along in that particular statute, it does speak to the park issue. So, I mean, we can't just stop at the whole premise and as I appreciate it in reading the statute, the premise that the statute is dealing with would be a church or a park or you are shaking your head, no. Why not?

Mr. Sinclair: I think that is a misunderstanding. The word 'premises' modifies all of those things. It modifies park, it modifies library, it modifies building site, and it modifies residential district. So, if you are going to say 'premises' only means something developed, in the

case of a park, something with a swing set on it, then you have to by that same interpretation for all of those things that that word modifies and that word modifies 'building site' and it modifies 'residential district' and you and I both know that those things can be things without improvements on them. So, the point is when you say, 'premises' means something with improvement on it, you've made a mistake.

Councilman Lester: The other question I wanted to ask was, there was some commentary about the railroad museum. Does the Railroad Museum exist today? I mean, can anyone of us walk into that Railroad Museum?

Mr. Milkovich: There is not an existing facility, but again there is a premises. It is land has been purchased. Premise that property line of the premises is what the statute uses and 'premises' is land that is the subject of a specific conveyance. We filed the deeds showing the City's purchase of it.

And my understanding, the most recent I've heard and maybe the Mayor can correct me on this, but the most recent I've been told is that now the Mayor has or the Administration's intention is to put the Railroad where Cross Bayou Park was suppose to be, put the Railroad Park. I'll stand to be corrected. Is that correct?

Mayor Hightower: It is correct, that is the first thing you've ever asked me.

Mr. Milkovich: Well, Sir, no, sir.

Councilman Lester: With all fairness, lets stay right here.

Mr. Milkovich: Okay, but what I can tell you, the most recent information that I have is that the Administration is now saying that they are going to place the Railroad Museum where the Cross Bayou, what we've been calling the Cross Bayou Park is. And I'll point out this what the City had done by an architect which prices the Shreveport Riverview Project, this is a schematic, a plan, a 20-page plan that was done by an architect and paid thousands of dollars of expenses, places it right here on Cross Bayou, right across the street from Deja Vu.

This is really about a race to the slab. Who gets the first concrete slab in. That means that a church could have bought a little parcel of property within 1,000 feet of Deja Vu after they got their approval and put in their foundation first. And under that theory or logic, Deja Vu would have been preempted.

Councilman Lester: That could have been possible, but that didn't happen. I'm trying to work through this.

Other question that I had was---I just want to make sure I answer all of my questions. So, in your mind Mr. Sinclair, the salient issue here is whether or not Déjà Vu is within a 1,000 feet of a park?

Mr. Sinclair: That is correct, that is what gives you the ultimate authority to revoke the Certificate of Occupancy.

Councilman Lester: Mr. Erwin, in your mind, obviously the public's concern about the whole issue for Proposition 8 saying that we are going to spend money for a park and some people believe that a park, money should have been spent for a park and because money wasn't spent for a park and was spent maybe extensively for another reason, then this land must be a park. And, because that land must be a park, then, and clearly the land that we are talking about is within the 1,000 feet then Déjà Vu's Certificate of Occupancy was improvidently granted? How do you deal with that?

Mr. Erwin: Again, I've got two reasons. First, as we discussed, I think it is premature to say that it is not a park. I think that is a clear thing that needs to be established out of this hearing.

It has not been confirmed as of today that any of that property is not going to be a park or used for park-related purposes including parking.

Because lets go back just quickly to Rivershape in 1989, 600 citizens come forward. They have ideas of what they would like to do on the Riverfront. I was privileged to chair that public gathering. Just because there is an idea, that doesn't create in and of itself a developed park. It creates a possible desire as Mr. Antee and the Mayor said earlier, we started acquiring property for a park which would be entirely consistent with what the Citizen's Committee said at the time. We said that \$5 million dollars be concluded in the Bond package for acquisition of the Cross Bayou frontage east of Common Street, additional funds for site development, site development will still be needed but these can come from riverboat gaming funds over a period of years.

I interpret that and I think the reasonable interpretation is, the 'acquisition' was separate from 'development.' And I think that it is very clear, that a park is not a park under the interpretation, reasonable interpretation of the Zoning Administrator and the Executive Director of the MPC until it is developed.

Councilman Lester: So in other words, if I purchased some lumber and I said that with this lumber I am going to build a desk, but instead of building a desk, I build a door. Then that door certainly isn't a desk and certainly that lumber is neither a door or a desk until something is done with it.

Mr. Erwn: Right. I think it is exactly right in terms of the first part. Acquiring the lumber doesn't determine fully yet what kind of desk you are going to build and where you are going to put it, and that's the analogy here. The property has been acquired it, but if you see the wording of the bond proposition, it is for a park. And then to the extent feasible, specifically for the Riverfront Park Extension Project set forth in the Citizens Bond Issue Committee Report. You've already heard then in terms of what's been referred to often as this park in which so much has been spent. That was the Riverview Plan of the Red River Waterway Commission, no city money was spent on that. That was the plan and then it turned out to be infeasible to put it there. So there is that whole expanse now of Cross Bayou which I think this ought to be put into perspective. All the way past the Treatment Plant, that now is available for development as a park and property is being acquired just the way the citizens wanted. The approval for planning for that park which now has added to the Cross Bayou development the Convention Center, which wasn't there before. How fortunate we are now that we have two projects under way there to coordinate but when the planning is completed and the construction, you know, reaches the point then, we'll know what can be Convention Center and what appropriately can and will be developed as a park.

Councilman Lester: Would it be fair to say that your argument would be that while at some point there might have been a plan for a park, the fact that there was merely money spent to acquire land ostensibly for a park, does not create a park?

Mr. Erwn: Yes, although the only thing that I take exception to is, while there may have been a plan for a park, I don't think there was ever a plan for a park. I think there was a contemplation for a park and that is different than getting to the definite plan, this is where we are going to put it, that is why it says 'to the extent feasible.' Because you don't know and turns out that part of the area had in

mind,
was going to slide into the river if you built a park on top of it which would be contrary to the whole idea.

Councilman Lester: Mr. Sinclair, I saw and I want to give you a chance to respond to the colloquy that you just heard because I saw that you. . .

Mr. Sinclair: I just wanted to say that what we are hearing from the Administration today is that we bought property to inventory it for future public use.

As a matter of public policy, our ordinances have determined that it is not a good idea to have

sexually oriented business within 1,000 feet of public parks. So my question if you bought this property

and inventory it for public use and to protect it for public use, just how exactly have we protected it? As

a matter of fact is, we've condemned it for public use because we have allowed, we've sat on our hands

and said this is not a park and therefore Deja Vu you can come in and sit here. When we've done that,

we have not condemned \$2 million dollars worth of property that we've purchased for a public park.

Councilman Lester: And I want to be fair and give Mr. Milkovich, do you want to respond to the

last colloquy I had, question. And Mr. Chairman, whose the lawyer for Deja Vu. Mr. Hunter, either one,

if either one of you would like to respond to anything that any of the questions that I just asked or raised

with either Mr. Erwin or Messrs. Sinclair or Mr. Milkovich.

Mr. Schaffer: I guess I would really probably defer to Mr. Hunter and Mr. Erwin because this is

for City. But what I can tell you is still, I heard issues of conjuncture. We can take a look at a lot of

things that if somebody buys a piece of property and says that they are going to put a day care center on it

someplace, not what Mr. Milkovich said, where a church actually arose but someone just say, I'm buying

or even renting this and one day I am going to put a day care center in there. So what? So, now that is a

disabling factor everywhere?

You can take a look at every parcel in the City where an adult business could locate even assuming that there any left if you use this area as really a park, but assuming that there are some left you

can always get somebody to come and say, why I have a property within 1,000 feet and it is my contemplation to use it as a day care center. I'm going to deed it over to my church someday or something like that at some indefinite point in the future.

Staff has to deal with the realities of today not only because it is just a zoning issue, but

because
it is a First Amendment issue. And you can't allow the government just to really, really say, you know
we are going to apply this, we are not going to apply that, we may let them go here. You have to give
them definitive areas to go and the ordinance is clear, it has to be a park, it has to be existing
park and be
a dedicated zoning district for residential, but everything has to be in actual use, otherwise your
ordinance means nothing.

The other thing I wanted to say, I would make one comment. You know it is interesting
when we
are talking about this language that they are relying on and then we are saying in the same breath
that, the
language in that ordinance that says B-3 and B-4, the dedicated areas for adult, that doesn't apply
because you have to go to the Zoning District. So, I don't see how they say well I'm relying on
this
language in this ordinance but the other parts of the ordinance, forget, it is as if they are not
there.

Mr. Hunter: Just a couple of points, Councilman. The ordinance actually, 1129 actually
envisions a protected use coming into being after the establishment of an SOB.

And I guess what I am saying is, the City is not foreclosed from putting a park on that
property if
it chooses to do so to be right across the street from a casino also. And if the City chooses to put
a park
on that property or even if another protected use came in, say a child care center for casino
workers
wanted to build there, they can do it. They just can't affect the rights of my clients and the
ordinance
recognizes that. The ordinance specifically says if a protected use comes in after us, it doesn't
render our
occupancy, invalid. So the City is not foreclosed from putting a park there if they want to.

The second statement that you made and you are right, you are on the right track when
you were
discussion Title 33, Section 140.14. That section of Title 33 which begins roughly, I think, it is
140.

(Councilman Lester: 00014.) Is the specific enabling legislation for zoning in Shreveport
specifically
passed by the Legislature for Shreveport.

It also sets up the Zoning Board of Appeals, that's specific legislation. And you and I
both know
that when we have general rules versus specific rules, we look to those specific rules and that
section of
Title 33 is the specific Shreveport legislation and you are right, that is where we have to go to
first.

Mr. Schaffer: It is Subsection B.1 and (inaudible) where it is talking if intensive use
come. . .

Councilman Hogan: Mr. Erwin, you may recall yesterday Mr. Erwin when I first saw you here and Mr. Walford made the motion for you to speak, give you 30-minutes. I was in question over what your purpose was. I thought for a minute there that you had taken the place of Brad Schaffer. I didn't know what was going on, but you are here to represent the City Administration, correct?

Mr. Erwin: And the ZBA and the Zoning Officials.

Councilman Hogan: You know that, November 26th is when I took office. And since that time, I've understood and watched the process of how we obtain legal counsel outside of our City Attorney's Office. The process, the way I appreciate it has been that, a resolution will be made to the Council and then we vote on it. I don't remember a resolution coming forward for you to represent us on this, can you help me understand that.

Mr. Erwin: No there hasn't been one and I'll have to defer to the City Attorney and it may be turn out to be the same kind of advise that I was able to give on a friendship basis to Gary Fox, may be for free.

Mr. Antee: The firm has been authorized to represent the City on numerous occasions and it is on-going and the firm continues to represent the City. So, if need be we can provide another resolution to hire him for this specific case if you are not comfortable with the general resolution that was passed by the prior Council for his firm. Also, it is not uncommon at all for counsel to be brought on board and then a resolution come to the Council after services have already began.

Councilman Hogan: Well, I guess I haven't seen that happen, yet. And again, your firm, Mr. Erwin is?

Mr. Erwin: Jeansonne and Remondet. Dannye Malone is my law partner and Carl Ekindoll.

Councilman Hogan: I'm glad you said that because I'd asked our City Attorney and he said, Dannye Malone was the partner.

Mr. Erwin: Yes, sir.

Councilman Hogan: But that is within, under the umbrella of Jeansonne and Remondet.

Mr. Erwin: That's the way that I would interpret it.

Mr. Antee: Also, Mr. Hogan as an example, last meeting or meeting before the Council voted to authorize Mr. Randy King to represent the City with the Convention Center negotiations and he had been

providing services prior to that.

Councilman Hogan: Mr. Erwin, the paperwork you used in your presentation, the MPC Staff

Response. And again, that was handed to us five minutes after 3:00 when the Council meeting started. In

a way it reminds me of Mr. Schaffer's bringing us a 5,000 page document the Friday before at 5:30

where we was going to vote on it that Tuesday, that is kind of what that reminded of. I have to agree

with Dr. Pourciau that, what you said was very confusing and I'm going to just tell you. I am not a

lawyer, fortunately we have a lawyer on the Council, but it was very confusing. But I do just have a

question for you as I was looking over that information. Can you explain to me the relevance of the Pel-

State case that you highlighted in your response.

Mr. Erwin: It is the analogy to how are you suppose to and how have the courts interpreted

measurement from a protected use to a regulated use, in that case, alcohol.

And it was determined in that case that a portion of A. B. Palmer Park which was not maintained

by the City of Shreveport through SPAR wasn't a playground and it wasn't a park and it said in order to

determine what's a park or a playground you look at whether the customary and usual activities conducted at that protected use. And then it said in addition, that the interpretation given to a City's own

ordinance by the administrative officials are due great weight because they are the ones on the front line.

So, in bringing all of that together, that if you analogize a regulated use, the sale of alcohol to a

protected use, a playground or a park under the City ordinance to this one where you have regulated use,

a sexually oriented business to a protected use, a park it seems to me to be directly comparable in terms

of the idea of do you look at the customary and usual activities of a park and if they don't exist, then it is

not park land. And you also look and you see how have the zoning officials interpreted the City's own

ordinance and the courts give that great weight and I'm suggesting that this Council may want to do the

same.

Councilman Hogan: Mr. Schaffer, you know I had only heard rumors up until just a little while

ago about what's going on with the ownership of Deja Vu and I understand that Stacy Anderson is listed

as owner?

Mr. Schaffer: She is, she is currently owner.

Councilman Hogan: Who are the other owners?

Mr. Schaffer: Jason Monney, Roger Forbes, Stanley Marks, I think that is it, but it is all in the liquor file.

Councilman Hogan: Excuse me, in the what?

Mr. Schaffer: The liquor file. We have disclosed full ownership, full and complete ownership in the liquor file.

Councilman Hogan: You mean where the application was filed for the liquor permit?

Mr. Schaffer: Pardon me?

Councilman Hogan: Are you talking about with our, where the application was filed for the liquor permit?

Mr. Schaffer: Yes.

Councilman Hogan: That'll be with the Police Department.

Mr. Schaffer: I don't know if that would be the Police Department. I think your local officials took some part of the investigation of that, I know that for a fact because for a while it was held up here in Shreveport before it went over to Baton Rouge. Where the actual files may be in the Liquor Commission, I couldn't tell you.

Councilman Hogan: Mr. Milkovich, I need a little clarification on the part where you spoke of Mr. Mijalis and his comments or his phone calls to the Council. Who were you referring to and when did that happen?

Mr. Milkovich: Basically, it has been related to me that on a prior vote before the previous City Council and I would rather not disclose who it was because I was not given liberty to state who it was, but that at the point of voting, one City Council member turned to another and said, didn't you get called by Gus about this, basically in the context of it was, I've been called by Gus haven't you received your phone call from Gus. So that was the information that was relayed to me about what was stated at the point of voting on one of the times that Deja Vu came to. . . And, the other things we said about it is that in Mr. Mijalis' testimony he acknowledged he was instrumental in getting Deja Vu sited, located and being the liaison between Deja Vu's owners and the city government including the zoning.

Councilman Hogan: I appreciate that. I just wanted to clarify that that's what I understood you to say that it was the previous Council.

Mr. Milkovich: That's right.

Councilman Hogan: That you weren't inferring that it was current Council.

Mr. Milkovich: No, and actually, that is right and I do apologize Reverend Green if my comments were construed to say that the present Council had been called by Mr. Mijalis.

I guess I've been, with the exception of Mr. Carmody, I've probably been involved in this case longer than any of the members of the Council because we've been working on the case since, I guess last Spring, Spring 2002. So during the course of that, yes that did come to my attention, I'm talking about something that I think has got a long course and a long history. And yes, I'm concerned that, that there has been lobbying going on and not all of it from our perspective at least, have been in the public interest. I guess it is no secret I don't believe that Deja Vu is in the public interest and I don't think that that is Mr. --- with respect, I don't think that that is Mr. Mijalis' . . .

Councilman Hogan: Mr. Hunter, I remember you saying that Deja Vu had done everything by the books as far as their Certificate of Occupancy, the applications and so forth. One question that I don't understand is that on their original application for Certificate of Occupancy, why does it have a different name than the original, Deja Vu II of Shreveport, LLC? Why is the name different on the original application?

Mr. Hunter: What was the date on that application? I'm afraid the answer to your question may be that D. V. II LLC was in the process of being created and filed with the Secretary of State at that time which is a Louisiana Corporation. It was the successor to what's on the application.

Councilman Hogan: That's fine, thank you.

Mr. Hunter: If I understand your question, correctly.

Councilman Hogan: I hear what you are saying, that's a very cloudy answer to me.

Mr. Hunter: Well, ask it again to make sure I understand what you are asking me.

Councilman Hogan: On the original application, and I may need to ask Mr. Kirkland about this because I've seen it and I've got 1,000 pages in front of me and I don't have the original name that was on there. It was not Deja Vu or D. V. II of Shreveport LLC.; I do know that and that doesn't seem like that it would be a typical practice, to me.

Mr. Hunter: I think what I'm stating to you is that application was in the Fall 2001. It was transpiring at the same time that Deja Vu was acquiring that property. D.V. II LLC is Deja Vu, that is the legal entity. It is a Louisiana corporation that was created to do business here in Shreveport.

It was in the process of being created at the time they were acquiring the property and getting the necessary permits. I think what I am saying in answer to your question is, it was not finished being completed. It did not have the necessary paperwork back from the Secretary of State's office and MIC was the agent that was working for D. V. II Limited which is the permitted holder today.

Councilman Hogan: So, with the original application have been the parent company, I know it is a national chain? Could it have been the parent company, that, I still don't have the answer to.

Mr. Hunter: No, I think it was the agent that was working for.

Councilman Hogan: Mr. Schaffer, you can help me with that?

Mr. Schaffer: Yes, MIC Limited is a company, a property holding company that Deja Vu uses to purchases properties. Normally, when an actual location though is ultimately put into operation for liability purposes if nothing else, we segregate operational entities just like any other liquor facility does.

We segregate operational entities from a property entity and what occurred here is that there is actually D. J. V. II which is the operating entity and D. J. V. I is the property company that now owns the property that took up the place of MIC Limited because nothing had been formed by that point.

Councilman Hogan: So MIC Limited. . .

Mr. Schaffer: Yes, and if you take a look at the permit applications—let me make two points. First of all if you take a look at the permit application, it is the same application, the same permit number.

The staff just used the same permit file knowing that it was really just the entity that came in to being and then took over the property. The other point just dropped out of my head right now.

Councilman Hogan's question (paraphrased): What does 'MIC' stand for?

Mr. Schaffer: I have seen some people say that it stands for Michigan Investment Corporation but I've talked to the people involved in MIC and they say, that's just an old wives tale. It was just something somebody put together 20 years ago as a corporation.

And, now you have to understand that MIC Limited is a corporation and the entities that most business owners want to use today is limited liability companies so when we are looking at a location, we'll use MIC Limited or another corporation to initially purchase the property and then set up a new limited liability company to hold it and we do that in virtually every location.

Councilman Hogan: Did you think of your other point, there?

Mr. Schaffer: No, I apologize. It was important, but.

Councilman Hogan: It just comes to my mind. Maybe MIC could be 'Mijalis

Incorporated,' possible; do you think so.

Mr. Schaffer: No, I can tell you having represented MIC Limited for almost 20 years, I didn't even know Gus Mijalis until about 2 ½ months ago, never met him, never talked to him. So, he has nothing whatsoever, absolutely, positively, I will tell you as an officer of the court, he has no interest directly or indirectly. Stacy has no interest directly or indirectly with MIC Limited.

Councilman Hogan: I find that very strange, I'm going to tell you the truth that you can't explain to me who 'MIC' is?

Mr. Schaffer: I remembered what it is. I remembered what it is and it will actually address your concern. There is this opened-ended question of the prior procedure whether we had to get, whatever you want to call it, the advisory ruling, the advisory Certificate of Occupancy, the provisional Certificate of Occupancy. And, what happened was we did not believe that we did not have to go through that process and we still don't but we had to. The City made us go through that process. And what happened was is that, I believe I don't remember who it was but someone from Mr. Hunter's office received a phone call and said, you know you have to get this, this place, you have to understand was months and months away from opening. I don't even know if any construction had occurred yet, so normally you don't file an application for a Certificate of Occupancy at that point. But they were told because of this bizarre circumstance that we had to go through this process which the City of Shreveport hasn't made anyone else ever go through, that we needed an application for a Certificate of Occupancy, at that time. And so the just made an inquiry well, what is the entity. There hadn't even been an entity set up, MIC Limited was one of the property companies and they put in underneath that. But like I say, the permit application file, it's the same file. The City didn't change the application, it has the same number at the top.

Councilman Hogan: Mr. Kirkland, based upon what's he told me just then, would you agree that this was a bizarre process that they made them go through, and he just referred to it?

Mr. Kirkland: I understand why you call it, bizarre? Let me just say, the answer is, it is not uncommon for any business in this City to go through this sort of a process. They'll come in, in fact the Permits Office and we, those are separate groups, 'we' being Zoning Staff will tell a lot of businesses particularly if you are going to, if there is any question about whether the zoning is right or whether the codes can be met or whatever, we tell them to apply for it and it is not a formal process, a informally, it is a courtesy CO. And, what the does, is we will send all the inspectors out, including Zoning and we'll check it out and see if it meets the rules or it can be permitted. They might tell them they have got to have a fire hydrant within 500 feet or a lot of different things that those authorities will tell them and it is really, for \$20 bucks, the kind of service you get for that, but that is about as common as rain. It happens on a regular basis.

Like I told the last Council, hundreds of times a month or more this process is gone through and most of the pubic, in fact I've never heard anybody criticize that process, Mr. Hogan yet or accused it of being bizarre or anything else.

Councilman Hogan: I haven't either.

Mr. Kirkland: These folks simply went through the same thing. We told Mr. Mijalis, Jimmy Mijalis not Gus, Jimmy was representing the folks. We didn't even who he was representing as their lawyer and we said, Jimmy, apply for this. If you want to know if it meets it. They had already checked another piece of property which didn't meet the requirements. The bottom line is, it is not at all bizarre, in fact it is extremely common that businesses go through this process.

Councilman Hogan: I'm with you, I'd never heard anybody refer to it as a 'bizarre process.'

Mr. Kirkland: Nor I. Anyway, I'm sorry, did that answer your question?

Councilman Hogan: Well, it does and I never heard of Jimmy Mijalis, that's a whole 'nother point. But I'm not going to get into that because. . .

Mr. Kirkland: Well, he is probably about your age.

Councilman Hogan: Well, it is not relevant to our case here. But it does raise questions in my mind and I think it is very strange that the attorney that is representing Déjà Vu can not explain to me who the original person was, who the company is that filed for the application. I'm telling you, that is very strange to me. Now, you don't have to answer that, that is not a question.

Mr. Kirkland: It is not unusual at all that architects, engineers, lawyers, real estate brokers, I mean on everything, representing clients and we don't even know who the client is. And they'll say, 'can we get a permit.' And what they are doing is trying to do the work for their client, so it is not at all strange.

Councilman Hogan: You misunderstood my point, I know you wouldn't know, have knowledge of that. I'm talking about the person that that has been hired to come in for the company. I may be odd, but that is strange to me. I'm a businessman and that is strange, I'm going to tell you. And that is all I have to say and I'm through.

Councilman Gibson: Could I ask Mr. Kirkland, Mr. Jambor, Mr. Erwin and then I'd like comments from Mayor Hightower. Could I ask that one of you put this map back up on the screen. I'd like to re-visit this situation.

I believe that in top right hand corner marked in purple, those are all the properties, Mayor, that has been purchased with '96 Bond election funds, is that correct?

Mayor Hightower: That is correct.

Councilman Gibson: Is that correct, Mr. Erwin, to the best of your knowledge?

Mr. Erwin: . . . Mr. Dark, who knows it better than anybody.

Councilman Gibson: My question being, in the definition as I understand it and Mr. Erwin I would like your comments, to the best of my understanding and I've already admitted, I'm a little slow up here, a couple of times today. In that bond election in '96 it said that we were going to purchase properties east of Common.

Mr. Erwin: Yes, sir.

Councilman Gibson: And along Cross Bayou.

Mr. Erwin: Correct.

Councilman Gibson: And as I understand this discussion today, we are talking about inventories of property.

Mr. Erwin: Pending potential future plans, Sir.

Councilman Gibson: I would refer my Council representatives, peers and also this group up to the very top left-hand corner where it has got '00' on there, where your pinky is.

Mr. Kirkland, Mr. Jambor, in terms of inventories and I guess, Mr. Hightower, in the

inventories that have been accumulated, could that in a planning process under the definitions of the '96 Bond Election constitute or be considered by this body and by this Administration, as a park?

Mr. Kirkland: It could be.

Councilman Gibson: I'm just asking the question.

Mr. Kirkland: It would need some delineation, as you said.

Councilman Gibson: Again, it is eligible in the property acquired, in the inventories acquired, in a consideration, in a planning process of which we have not done at this point and time. But my question is in fulfilling the '96 Bond proposal--east of Common along Cross Bayou--and that was the criteria, as I've heard for approximately 4 hours and 15 minutes, that we do have properties in that inventory that are eligible for a park. And, that, because I am deeply concerned after some of the statements that have been made in the press and by certain parties in this community about the possible infringement or compromising the integrity and faith and trust of the public of which this body did not make those decisions, but the fact is we still have an opportunity to fulfill the obligation that was put forth before the voters in 1996, to fulfill that promise and upheld the integrity and the trust of the public by using that property that you just pointed to Mr. Erwin, in the top left-hand corner. Is that correct? Could I get a 'yes' or 'no' from Mr. Jambor or Mr. Kirkland.

Mr. Kirkland: Yes.

Mr. Jambor: Absolutely.

Councilman Gibson: Mr. Erwin?

Mr. Erwin: Yes sir, you have an opinion from Bond Counsel at the time, that said so.

Councilman Gibson: Mr. Hightower?

Mayor Hightower: Without a doubt.

Councilman Jackson: I apologize, I'm not feeling well but wanted to just say "thank you" to all of the, both the appellants and those people who represent them and those who represent the dissenting view, if you will or the other side.

I would ask that as we move toward making decisions on this, there has certainly been a lot of things that have been said today. I would certainly like to believe that most of them were a. heartfelt, b. sincere and c. with the best interest of the City in mind. I think the issue has become a cloudy issue and I think we have done a masterful job on both sides of the issue of muddying up the water if you will, such that we don't have clear view very often and perhaps even, I hope that's not the case with the Council, a clear view of what it is that we've been asked to do.

I'll be on record as saying and its no surprise, I've said it before that while I'm not necessarily a proponent of this particular establishment, I think when we're asked to legislate morality, that's beyond the scope and boundary of our duties, however, it is within the scope of boundary of our duties, to regulate behavior. And I do think that, that was the attempt, I can only speak for myself, but I can assume perhaps from Councilman Hogan and Councilman Carmody on a vote a few weeks ago on amendments that, that was our attempt not to legislate morality but to regulate behavior because of what already exist.

Unlike Mr. Kirkland, we don't have the luxury of coming to make friends. We have the responsibility of coming to make decisions. Tough ones and someone has said, this perhaps will be the most important vote of our political career. I beg to differ. I didn't run on this issue. There are too many people who are homeless in our City, too many people who are marginalized,

too many people who can't find work and other issues in our City that I think far exceed, while this is a significant issue, far exceed this issue as it relates to significance and my obsession is not with this particular case.

I think we have to continue to move forward and do what it is that we have been charged by our constituents to do. I think there are some fault on both sides of this issue. I think the first part if you will, I think there are some legitimate concerns about what happens with bond funds and the public trust and so on and so forth, but I think the issue today, as we have gotten this issue very cloudy was whether or not, there was located within 1,000 feet of Deja Vu or anything else, anything that was a protected class if you will, or protected use let me say, and that is the dismal if not the only issue that's before the Council today.

My emotions tell me that, by any means necessary we ought to continue to do what we can to eradicate those things that will continue to make our City less than what we want it to be. And so my emotions suggest to me that we ought to do what we can. My own doctrine and my Christianity says that I filter most of my decision-making through that filter of what would Jesus do in that same regard.

I think there is a lot of clear theological emphasis that we could put on that, however, that's not why I'm here today. I think from a theological perspective, it's my job to be concerned about what happens to those individuals when they come out of that club every night and whether or not, there is something that we are doing as a community of Christians to do that. And the questions comes to me that who has the moral authority? Obviously, there have been a lot of people that talked about a lot of things today. The moral authority though is not really a question today. I'm not concerned about a park when children are failing LEAP tests. I not concerned about a park so much whenever families are anemic and disintegrating. There is a greater work for me and my Church and my Christianity. There are some things that we need to do.

But as a Council, the question before us today is whether or not based on the appellants positions whether or not a park existed at the time of, I think it was, October 11, 2001 or somewhere around that time. Well, I've listened to the arguments today to try to develop whether or not that was the case, because I wanted so badly for it to be the case so that we could have a simple vote and that we could be on with it without fear or trepidation for lawsuits or whatever might ensue. I'd like to be able to say that we'd done the right thing. But I thought to myself as we sat here, that if our church members began to save money and they get an architect and they decide to build a church. Does that in fact mean we have a church? And I would suggest to you that it does not suggest that.

The question at hand today is not about the misuse of funds. I think whether or not that was the case, that perhaps those who want to pursue it ought to continue to pursue that, vigorously and I would concede that perhaps if that is the case, I do not want to be complicit in that regard and so I certainly am concerned about whether or not that's the case. However, that's not what we've been asked to decide today.

What we've been asked to decide today is a question of distance and a question of measurement and a question similarly of whether or not a park existed. The only thing I have to go by is my personal definition and anything that I've seen that legal people have presented to day

to define for me what is a park. And as a result of that, I would suggest to this Council to as we move forward and as we call for the vote on this issue, that we not get the issue clouded, that we would segregate if you will what are perhaps my personal convictions and my emotions versus what is the question before this Council as we sit as someone has said today in a quasi judicial, from a quasi-judicial perspective to make decisions on this particular issue.

And Mr. Chairman, I don't know and I certainly don't want to stop any other Council Member from having any commentary, but if there is no other commentary, then I would ask that we move to a vote.

Councilman Green: Thank you Councilman Jackson and just for the fear that one of our noted magazines would class me as being, heavy with the hammer, I'd just like to go around again to see if there are any questions or any comments, 1) from Council Members or from the Administration because I would not want that magazine to say that the Chair was heavy with the hammer because somebody helped him with his campaign. So, for fear of that, I want to make sure that everybody knows that my hand has not been heavy today. And if you think I'm talking about Lou Burnette, I'm not just really saying Lou, but I think the Mayor had adid you have your hand up?

Mayor Hightower: I would like to make a comment at some point. While I think it's true, I think Councilman Jackson stated pretty eloquently that there has been some unclear issues today and there are two separate issues, I do feel it necessary to try to clear up one. Not the one that you're trying to decide on today, but the one about public trust, misuse of public funds. And part of it I think is due to myself and the Administration maybe mishandling of this piece of paper that was given out to each and every one of you and perhaps not given back to the appellants or at least not explained to the appellants as it has been explained to some where it indicates almost all the properties on a piece of paper being designated Convention Center. That was a clerical error that was made in the Finance Department that, again, its partly my fault not to have publicly corrected for the appellants; so, I want to apologize for that.

But I do want to again point out, not only to the Council, but to the public in general and everybody sitting in the room tonight that, every piece of property that has been bought with Proposition 8 funds including those two right there, that were bought under this Administration after the other pieces had been bought under the prior Administration, were all, everyone of them bought prior to going to voters to ask for approval of a Convention Center Bond sale; all of 'em. Every one of them were bought for inventory for a potential public park.

Mr. Gibson, I think you made a perfect point a while ago. We're acquiring all of those pieces of property and indeed there will be public park. We know now that under those two pieces I just pointed to, its gonna be the Convention Center. We also know at some point under the piece that Mayor Williams bought that is now the Train Station, is not going to be the museum that was initially talked about, that museum is looking to move somewhere else, if that museum ever happens. So, things do change and things come about. But we have never breeched the public trust. We have never gone and use any of those bond monies after the bond issue election that the voters approved in July of 1999 to purchase property out of another pocket.

If I could take one thing back I said today, is 'out of one pocket or out of the other one,' that was certainly a mistake, I should not have said it because those monies did not come out of one pocket or the other, they are clearly different.

We got handed this a little while ago that said where's our park? One thing that this

Administration did immediately was we went to Natchitoches when I first got elected and we went and garnered \$6.4million in Waterway Commission funds to bring back to the City. How many have we got before that? Zero. Zip. Have gone all up and down the Red River when Caddo Parish has been the largest single contributor to the fund and we've never gotten any money back. We went down there, we presented our plan, lobbied our case and brought back \$6.4 million. Our plan indeed was to put part of that on the Cross Bayou. In Section 97 up there in the corner, again, the engineers came back and told us too much money underground, money not well spent.

So, I don't want anybody to leave the room today or turn off their T.V. set today or write an article today to say that we haven't tried to our jobs. We've tried to do our job. We continue to try to do our job. There will be a park, it may be bike trail, it may be a walk trail, it may be woods that you go look at birds in, I don't know, but we have not, (I repeat again), we have not done anything that should tarnish the public trust over the way we have spent Proposition 8 funds, Convention Center funds or Waterway Commission funds. Every single thing we've done has been above board, public issued. We proudly talked about and displayed everything we've done to the newspaper, to the T.V. stations, to the Council, to the public in general and that's still our position.

Again, I want everybody to understand that those monies that were spent in that piece that I pointed to a minute ago, will now be part of the Convention Center slab. There is a likely case that any other piece whether it be green, red, purple, may be brought back to the Council at some point, whether its this Council or the next Council or the one after that with a higher and better use. So, I think we're always gonna have to deal with a moving target when you're talking about the park money and what constitutes a piece of the park.

But again, no money, zero was spent out of Proposition 8 on the Convention Center. When that money was spent out of Proposition 8 to buy that property, there was no Convention Center.

And again, I want to apologize to Pastor Pourciau publicly that I didn't sit down or we didn't convey to each other prior to today, the facts and we heard the facts, the facts, the facts. I just gave you the facts. And, part of the comments that you heard today, I believe, Chuck, I think you would acknowledge were based on this sheet of paper that you had; so, again, I apologize for that.

So, again, I just want to be sure that nobody in this City leaves here thinking that the public trust should be tarnished in anyway by any stretch of the imagination by me, by this staff, by anybody in this Administration, by the prior Council or by this one as well, which you obviously had no, no purchases happened under your tenure. So, again, every dollar that has been spent out of Proposition 8 when it was spent, was spent on acquiring inventory for park land. And I don't know that I can make it any clearer than that.

So, at least we have one pool, I hope, that is clear, while the other one might be muddy, and I know it's a tough decision for you, but. . . .

Councilman Gibson: Mr. Clarke, I know you have gone through a lot of effort and your professionalism is unquestioned in terms of the job you do working in the department that you have. But, you were the responsible party in determining what was inside that 1,000 foot barrier if I heard some feedback correctly; is that right?

Mr. Clarke: It was a united decision between me and the Planning Director.

Councilman Gibson: I understand, but I guess, I've asked Charles several questions, I've got one specific. I want to refer back to the property in the far top left hand corner. In your professional opinion, that is shaded in purple up there or that we pointed to earlier, do I need to point to that to ya?

Mr. Clarke: You're talking about. . . ?

Councilman Gibson: The very top left hand corner, that one that Mr. Dark is pointing to. In your professional opinion without a tape measure, is that property outside the 1,000 foot barrier that we measured for the issuance of all the documentation for Deja Vu? In your professional opinion, without a tape measure?

Mr. Clarke: Based on not having any realistic measurements, I could not give you an honest opinion.

Councilman Gibson: Well, compared to where the 1,000 foot barrier is in relation to where Deja Vu is right now and all the other buildings that are in that circle. I mean, we were shown a map, Mr. Milkovich and some others showed that map. Do I need to get that one and put that one in, I guess I'm trying to establish, we still have plenty of opportunity to move forward and I would say I'm urging the Administration as Councilman in District D, that we move forward and look at. . . I think that 1996 is a long time, that we've got inventories established that we need to move forward and look at those properties that are outside that 1,000 foot barrier that's inside or in that inventory to be able to fulfill the final stages. Roy, you have something to put in close proximity?

Mr. Clarke: This is the document that we utilized in determining those (unclear).

Councilman Gibson: Now, if you looked at that document right there and then go back to the one . . . would you say that its outside the 1,000 foot barrier, the one that we referred to up in the top left hand corner?

Mr. Clarke: Yes it is.

Councilman Gibson: Thank you.

Mr. Clark: And I wanted to explain to you that we have a computerized system that we use to do those 1,000 foot radiuses and that is what we rely on.

Councilman Gibson: I'm very much appreciative because, GIS, that's one of the functions of GIS of which the Infrastructure Committee in the near future is going to be addressing in trying to get finalized for a lot of things in the City. Mr. Clarke, thank you.

Again, I wanted to stress that we are missing one last component of the '96 Bond Election that we, as we heard from several people who came forward that its time now to begin that process to see about getting all the components necessary to get a park and I would suggest that looking at the previous map, the bigger one, that it looks to me that we do have ample inventory to begin that process and I for one believes that seven years is too much time has gone by of which Mayor Hightower, you inherited this issue from Mayor Williams. But, I do believe we've got several options available to look into and I for one would like to see that happen and to begin that process.

Councilman Carmody: Mr. Mayor, I agree with you, mistakes can be made and I obviously am somebody that can make a mistake and injury myself and in hindsight, I wish I hadn't because it sure hurts.

I'd like to address a couple of things. And one of 'em is and was brought up by somebody. To quote a previous Council Member, I think the first thing that we've got to do is regain the trust of the people that elected us. I think that is just as true when it was said as it is

today.

Also paraphrasing and picking it up it says we've got some intelligent people that are going to the polls out there and decide on what they want to spend their money on and what they don't want to spend their money on. Gentlemen, I consider myself an intelligent person and when I went to the polls and I looked at the ballot, the ballot read Shreveport Proposition No. 8. And in parenthesis beneath it reads Riverfront Park Extension. Now, shame on me if I don't start splitting hairs trying to figure out whether or not that's discretionary; okay. But, I will tell you that when the Williams Administration, in my opinion, acquired the first piece of the property which are marked 97, on the furthest east of this end, they did create inventory and that was not inventory from the General Fund for buying land, okay. That was inventory for the park that was going to be built there.

And we've said and the Administration has said, none of this money was spent except for the public benefit and I agree with that 100%. Now there is a benefit that comes, in my opinion when you ask the public to support a referendum. And they instill in you that trust to say that we'll vote to support this project because we think that it is a worthy project. City, you go out as our agent, bond out this money, and acquire this property. How could it be otherwise not a park?

Its not discretionary. We get into the semantics of well, wait a minute, the Metropolitan Planing Commission has not designated this a park area. But the public in essence designated the fact that, that 's what they wanted to do.

Now, I would agree that we can go back and Councilman Gibson, I would say that you are right as rain in the fact that we can implement doing a park there. We don't have to be 1,000 feet. I believe the attorney for Deja Vu said that y'all can put any of these other uses right up next

to us, we don't have a problem with it. We don't have to stay 1,000 feet off of Deja Vu. But what the law states is that they as a sexually oriented business have to stay 1,000 feet off of protected use. And in my opinion after having heard and I will say that this was the most eloquent of Council Meetings that I have sat through and I have sat through a boo-qu that it cannot be otherwise when the City was entrusted in selling those bonds and started to acquire property, that is a park. If you can look and say well, its not in the Master Plan and its not all these things, if indeed we were acquiring properties in inventory with General Funds, that's discretionary. We can do with it what we want. We could turn around and we could sell it. We could lease it. We could build a brand new Convention Center on it. But the public told us that this is what they wanted us to do. It was implemented. We can go back and I think that it would be appropriate and I think this Administration would support it to say, those pieces of property that have now will sit underneath the Convention Center. We could probably do a budget amendment and restore those monies back to the park out of the Convention Center funds, that's probably not a problem; okay. So, that could be done by basically a resolution and a second and then we get at least a majority vote and then we do that and I would be happy to author that resolution and make that budget amendment.

But today, we are talking about what has occurred in the past. And remember, this did not occur on our watch; okay. We're here today talking about something that happened in hindsight. I know that these City employees have tried to do their best in carrying out the responsibilities that they have taken and that this has been heartbreaking as I think I heard it said a nightmare. No doubt about it. But to an intelligent man who remembers going to vote on his 35th in '96 on April 20th. I did just what the billboard said, Vote Yes1 and I voted yes for

Proposition 8 and as an intelligent man, I wanted a park along that area of Downtown Shreveport. And, I would say that for us to change that is not within our discretion to do it. We can go back, if that is what the consent of this Council is by the lead of the Administration, and say lets put it back before the voters. Maybe that's the thing to do, but right now, we don't have the opportunity to do that.

So, when we get to the point of voting as I say, my understanding as having looked at it is, is that we have a fiduciary responsibility as a municipality to fulfill the projects that we go out to the public and say, you give us the authority to sell General Obligation Bonds, we're going to do this project. It might not be what was envisioned on some rendering of Cross Bayou.

It might not look that nice, but in conclusion, I'm gonna leave y'all with this, because it did kind of hit me as to the fact that we've been dealing with so long now, I can't remember when it started 'cause remember, this is my second rodeo today.

But when I read the paper this morning, it said Council to mull over the definition of a park, and I pulled out my American Heritage Dictionary that I've had forever and park is defined as a noun, a tract of land set aside for public use; okay. And in my opinion, the public has a vested interested when we acquire that property to receive the benefit of it. If the benefit of it happens to be that its of protected use, that's what it is and my vote is going to reflect it.

Councilman Jackson: My question would be maybe to Mr. Carmody, because while that sounds good to an intelligent man who I might say, as well, have never been a supporter of the other things that may be going on down there, I think we have to make a decision very clearly. On April the 20th, I think, well I hope everybody voted and to a person who read the billboard as well and voted yes, and I'd like to think I'm reasonably intelligent, I couldn't have told where we would have put a park any day, because the geography was not spelled out on the ballot.

The Riverfront may have been spelled out on the ballot and I thought that what we were trying to do as it relates to the public trust, very often, because hindsight as I appreciate it has been cliched is supposed to be 20/20. Today, its very muddy. And, what I would suggest is that as a Council as we start talking about public trust, obviously there are issues on both sides, clearly, there are some things that if I were the Administration, I never would have done or said. But clearly, on the other side, if I were the opponents, there are some different strategy, I may have employed as well.

The point before us today is simply to make a decision relative to that. I would think as a Council Members, one of the things that we want to achieve as a goal is to move our City forward and not to tie our City up with foolishness that's basically based around the semantics of whoever is talking at the moment.

I would suggest as Mr. Gibson has suggested to us, that there is an opportunity from inventory property that was purchased from the same bond money, it would seem to me that what we've reached there is some kind of a scenario where everybody can get what they are asking for unless what everybody is asking for is to use this a ploy to accomplish some other goal. The goal, that I would like to accomplish as well, but I'm not willing to do it by any means necessary.

What about the public trust that accompanies will do anything to accomplish anything. I do not want the moniker of being willing to do anything to accomplish an ulterior and/or an alternate motive about a business be it whatever kind of business, it may be in Shreveport. Because it's Deja Vu. Tomorrow it will be something else on another side of town that has nothing to do with sexual orientation. And the questions will be, will we be able to get crowds

of
people to come in to say that its okay to make this thing happen for us.

My suggestion is that, there is not, and while I don't challenge anybody's religion or anything else about it. The relationship that I enjoy is a personal one. And its not predicated on things external because my personal belief is that it is not the job of the church to make sure that the world looks like us. Its our job to make sure we never look like them.

And I would suggest to you that from a moral and from a legal perspective, what we have to do is apply what we know as intelligent men. But to suggest that intelligence would only lead you to one decision suggest to me that its intelligence divorced of diplomacy, divorced of the idea of trying to move forward, and to make a marriage between two people and two entities who suggested.

Every person who came up to that podium said 'we want a park' because the park would restore the public trust. I'm not sure if that's the truth of what I heard and I would hate to think that anybody was being deceptive, deceitful or plain out lying. And so, if we want a park in Shreveport on the Riverfront, the question I have today is, can that be accomplished in any other plot of land other than the controversial piece that keeps us in a fight. Or can it be accomplished somewhere else and everybody have what they want, i.e., we would have a park on the riverfront as voted on by the electorate and still be able to move forward with the businesses downtown as they are.

And I think that there is another approach that I might add that will help to do away, (no offense to the Deja Vu people), but that will do away with that and do away with others, and do away with the one that nobody is talking about that's a couple of thousand feet away that's been down there 20 years or so.

And my concern is that we are not selectively moral and that we don't find 'hot' buttons that we want to jump on. Particularly not in the name of the church, but more specifically, that in the name of government which will be good government. The public trust ought to remain in a government that is a good government, that is a fair government and that treats all of its citizens fairly, businesses and residential, the whole nine. And I think that the job of government is to find out how we use limited resources to try to meet unlimited needs. And I would suggest that to move forward from this Council would be one that leads us as intelligent people to find out where there is a place where there doesn't have to be an intellectual or moral or any other kind of impasse, but that there could be some progress that all of the citizens of Shreveport can appreciate. I think that's the right thing to do unless we are just talking about something else. And if we are, then I think we ought to call a spade a spade and not dress it up and facade it under different things.

The truth is that we have to be able to speak truth to this issue. And, if we want to speak truth to this issue and give the citizens of Shreveport what they wanted, stop trying to wage this war in the media, be it television or newspaper, and take care of our business the way we are supposed to take care of it, then politics aside. Divorce ourselves from the politics. There may be people who don't appreciate what I say, what you will say, that's not what we were elected to do. We are not here to make friends. We are here to make decisions that are tough decisions. I

don't like it. As a matter of fact, I gotta hold my nose as we do it but it's the right thing to do.

Councilman Walford: You know Mr. Carmody, a month ago you made a motion to amend the budget to take bond money that the voters had approved to use for street maintenance. Along that same line we're not sitting at, what is it 1234 Texas Avenue or whatever, things change. We had a bond issue at one time for the campus plan and I think we certainly improved on that by being here. I certainly like it better and I think everyone does.

I'm not going to try to go very far because Mr. Jackson and you both have said it very eloquently, but this is not easy. Mrs. Nix, you said it very well. You're one of my constituents. You said you voted for me and I thank you and you said this is one of public trust and integrity and indeed I believe it is.

Mr. Sinclair said my credibility is at stake here and I understand that. Mr. Hunter is hiding over there, but I thought he made a couple of good points that this isn't a referendum on bond funds. And to paraphrase something he said about laws were to protect the popular and the unpopular.

But, I take this job very seriously. I've committed to uphold the law. We all stood and took an oath and I take that very, very seriously but I think we have to look at things as they are. The Mayor will remember that I served on Mayor Beard's Riverfront Development Citizens Committee I believe she called it and I was on the Cross Bayou Task Force and there is nobody sitting up here that wants a park on Cross Bayou anymore than I do and Keith remembers (excuse

me, Mayor) remembers us coming so many times with ideas from our Committee that we gave these Council Members and we had a lot of high hopes for Cross Bayou and I still do and I still want to see something happen there, and I believe it will. And if we have to do as Mr. Carmody suggested, that's what I think we should do, but the real issue here is did the MPC Staff measure correctly, act correctly, was there a park there? Did the ZBA make the correct decision and I will vote to uphold the ZBA decision.

Councilman Lester: This exercise Mr. Chairman, I'd like to first say I appreciate all of the comments, all of the reasoning, all of the arguments made by both sides, both from legal counsel as well as from the Administration and the Council.

I think this has been a tremendous exercise in the way government should work. And I think it's tremendous when we can have this many people look at an issue and come before this Council and speak to what their beliefs are. I think that's a good thing.

In my mind, we can talk about a number of things when it comes to the Bond Issue of 1996. In my mind, I can go back from a personal standpoint and remember some objections I had to the Bond Issue of 1996.

The Bond Issue of 1996 is one of the first bond issues that split up packages and as I can recall, I believe and this is only my belief and its worth about as much stock as you put in it, I believe one the reasons why the Bond Issue was split apart is because one of the projects that was included in that Bond Issue was a Black History Museum.

And I believe that there were certain people that did not want to have an African-American History Museum and didn't want to spend their money for it.

And I believe and as my grandmother would say, "I'll go to the ground believing," that's why we decided for the first time in the history of Shreveport to split up a Bond Issue. So some things could be passed and some things could not be passed of course that is my opinion and we

are not going to go there, because that's not properly before us.

And I would be remised if I did not mention to my constituents in City Council District A, more particularly the residents of the Cooper Road-MLK area that voted for a Bond Issue thinking they were going to get Paul Lynch Park. Paul Lynch Park not only was not involved in the list of ten, it didn't even make the Committee's list. But there are many people that I would dare tell you, if you go to MLK and ask them 'why did you vote for the Bond Issue?' They would say 'we thought we were going to get Martin Luther King a park' because people showed them diagrams. I've seen them, I know they exist. We thought we were getting Paul Lynch Park,
that's why we voted for it.

So, we can take this exercise to the inth degree, but that's not why we are here. To me, the law is very important to me. I study it. That's why I ran for this office, believe it or not, because I think its important. And the beautiful part about the law to me, is that it protects the just and maybe the unjust. The rules for something that is popular apply for something that is not popular, that in my mind is the beauty of our system.

Today, we can have a scenario where we're talking about a Deja Vu. Tomorrow, we might be talking about something that, we could flip the scenario. We could flip the hue of most of the people in this room. We could be talking about something that's objectionable in Mooretown. We could be talking about something that is objectionable is Cedar Grove. In this particular issue, what we're talking about comes down to one issue before this Council and to me,
its remarkably clear. Was there a park or was there not a park?

If you believe there was a park and thus a protected use, then the granting of Deja Vu's license was improvidently granted, period. If on the side, that you believe that the MPC and the ZBA providently issue this license based on the fact that there was not a park , then you must vote to uphold their decision, period.

There is an axiom that we, I don't know Mr. Antee or anybody else, at Southern's Law School, they told us three things. 1. When you have facts on your side, you argue the facts. 2. When you have the law on your side, you argue the law. 3. And, when you don't have either, you argue like hell and try to muddy the water. In this particular instance, I think the issue was clear. If you believe that there is a park, then you are bound to vote to overturn MPC's decision. If you believe that there was not a park, you are bound to vote to uphold their decision. All of the eloquence that we have heard and the brilliant legal arguments notwithstanding, that's it.

I like playing judge. It was cool. But at the end of the day, this is not where this is gonna be. And Mr. Sinclair said it correctly and I'm pretty sure that if the vote goes in his favor, then they will be the plaintiffs. If the vote does not, then he will be the plaintiff. But this is not going to be the end of this. In my mind, if you purchase lumber and you say you're going to build a desk and you build a door, that door is not a desk. And if you purchase lumber to build a desk or a door and you don't build either, its still lumber. The law is very clear. Its remarkably clear.

33-140.14 says that the only party that has the power vested by the Louisiana Legislature to designate what is or is not a park, is the MPC. The MPC did not do that period. And because they did not designate that area as a park and because of the rules that are there that says you cannot make your decision based on what you expect to be there, you can only deal with what is there, then you have to agree that there is not a park, period.

And because there is not a park, then your vote must be to uphold the MPC and the ZBA.

Whether you agree with Deja Vu, the fact is that they have a right to operate. You might not like it. I don't think if you ask us privately any of us will tell you that you like it, but the First Amendment guarantees them that right. And, if I have to go down voting for what I think is upholding the First Amendment, hey. . . I took an oath. But the oath I took predated the oath I took here, and that was the oath to defend the Constitution when the Supreme Court signed my law license.

So, I think at the end of the day this issue was clear. I have much respect for both sides of this issue. I have a tremendous amount of respect for the citizens that are here, because I think they exercised their privilege and I know that regardless how this vote comes out, this is not going to be the end. But I hope that at the end of the day, we can learn something from this exercise.

And my other issue as it relates to the spending of the money. I think that's something that at some point we will revisit. But, as a judge would say, that's not properly before us at this particular time. And when that is before us, whether it's the group of individuals, if they bring that back before us, then we'll deal with it at that time. But the only thing that's before us at this particular time is the zoning matter. And I think if we look at it in those terms, if we look at it as,

and I'm certainly not a conservative by any stretch of the imagination, but if you look at this as a conservative would, as strict constructionist, then those of you know what that is, I think that your decision would pretty much be clear, if you were sitting where I am sitting.

So, again, I want to just say, I appreciate the exercise, I appreciate both sides, I appreciate their positions and I appreciate what the Councilmen have said. I think at the end of the day, I think we can at some point revisit this issue and as Councilman Jackson and as Councilman Gibson have said, fashion a solution that allows us to uphold the law and the statute as well as the trust of the people. Because at the end of the day, we will have to come back to the citizens, because there are some things that need to be fixed, there are some things that need to be addressed and we are going to have to be able to look the people in the eye and say, if we ask for you money, this is what we're going to do with it and mean that and not stand behind our hands like the kids do and cross our fingers.

Councilman Jackson: Call for the question Mr. Chairman.

Councilman Green: Thank you. The question has been called for. I would just like to commend the Council, the Administration, all of the lawyers and all of you that have waited, to those of you that are interested in another item that's on the agenda, I'd like to commend you for being so patient.

This is very confusing, but this is not about a park. This is about Deja Vu and it gives many of us a different platform to stand on. It makes us to represent people for free for other motives. But I think that we the Church that's talking about we don't want Deja Vu, we ought to just stand up and say we don't want Deja Vu.

Because, I was here early and we're going to vote, there was a Brother that came up to me and said to me 'Brother, I'm praying for your wisdom.' He did not say 'for a park.' I could use my imagination as to what he was talking about. I think that at some point, we've got to come to grips to be real and not to be phonies.

1. I'm not going to Deja Vu and I'm going to preach every chance I get for my

parishioners not to go. I wish I could take temptation from everybody. God did not even do that for his Son because he permitted him to go into the wilderness for 40 days and 40 nights and there was temptation there. But what we can do is we can ask God to give us strength, one day at a time. And if and so we do that, it will make a difference in all of our lives.

Jesus says to us plainly, if we want to talk about the Church, render unto season that which is season and unto God that which is God's. Down on the riverfront, that doesn't belong to God. I look at that as being belonging to season; so, let him have it. Its my job to preach every opportunity against sin and Satan. And if in fact we would do our jobs, because we've been here now almost five hours and you're talking about public trust and about spending money, this is going to cost us, just for today a couple of hundred-thousand dollars, maybe \$300-- when you talk about spending the public money, the public didn't mean for us to be on one issue. And when we get through with this whole deal, its probably gonna cost about \$1million because there are some people with other motives that will say, I will represent you free, give me the opportunity so it presents a platform; so, we have to be careful what our motives are. I would appreciate people better if you just walked up to me and say 'look, vote against Deja Vu' instead of coming down here for hours and hours to talk about a park, when even if we got a park, I wouldn't take my grandchildren on the riverfront to visit this park, I really wouldn't. And I doubt if any of you would take your grandchildren down there to visit a park at this day and time; so, I think its time for us, to be real.

I think its time for us to step up to the plate and call a spade a spade and an ace an ace and be done with it. Its like a football game. If we win it, we win it. And somebody has said, its not whether we win or lose, its how we play the game and here today, there have been some deceitful things said for whatever reason and then we call it in the name of Jesus. And then we walk up to the Chair of the Council and say 'I pray for your wisdom today.' Well, what about tomorrow when Deja Vu is not even an issue? Pray for my wisdom everyday.

And just because I am not where you are because when you check the record, we've all come short. I don't care if it's Deja Vu, Deja Vay or whoever. According, if we're going to talk about the Church, we've all come short and he says when he comes back, he's coming back after a Church without a spot or a wrinkle, that means that some of us got spots and some of us got wrinkles, but I think we ought to at least be truthful.

I think somebody on both sides ought to say, that its about Deja Vu or its not about Deja Vu, because it is not about a park. And at this time, I would like to have a motion.

4. BAC-8-03: MUY ALTO CORPORATION, ET AL, (D. V. I - Shreveport / 202 Commerce St.);
administrative appeal of Certificate of Occupancy for Deja Vu in a B-4 District.

Motion by Councilman Walford to uphold the decision of the ZBA , seconded by Councilman Lester.

Councilman Green: Before we vote, Mr. Clerk give us some instruction. If we vote for, what are we saying? We are upholding it?

Mr. Thompson: Yes.

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

5. BAC-9-03: PASTOR RICKY EDMONDS, BRENDA O'BROCK, MIKE WELCH, CLASSIC, INC. & JEFF LUCE, (D. V. I - Shreveport / 202 Commerce St.); administrative appeal of Certificate of Occupancy for Deja Vu in a B-4 District.

Motion by Councilman Walford to uphold the decision of the ZBA , seconded by Councilman Lester approved by the following vote: Ayes: Councilman Lester, Walford, Gibson, Green and Jackson. 5. Nays: Councilman Carmody and Hogan. 2.

6. BAC-10-03: MUY ALTO CORPORATION, ET AL, (D. V. I - Shreveport / 202 Commerce St.); administrative appeal of Zoning Administrator's issuance of Certificate to Lift Stay for Deja Vu in a B-4 District.

Motion by Councilman Walford to uphold the decision of the ZBA , seconded by Councilman Lester approved by the following vote: Ayes: Councilman Lester, Walford, Gibson, Green and Jackson. 5. Nays: Councilman Carmody and Hogan. 2.

CONSENT AGENDA LEGISLATION:

TO INTRODUCE RESOLUTIONS AND ORDINANCES ON CONSENT:

RESOLUTIONS: None.

ORDINANCES: None.

Motion by Councilman Jackson, seconded by Councilman Green to suspend the rule to add legislation to the agenda. Motion passed by the following vote: Ayes: Councilman Walford, Carmody, Gibson, Hogan, Green and Jackson. 6. Nays: Out of Chamber: Councilman Lester. 1.

The Clerk read the resolution by title: Resolution No. 28 of 2002: A resolution authorizing the Mayor to negotiate a collective bargaining agreement with PACE International Union and otherwise providing with respect thereto.

Motion by Councilman Jackson, seconded by Councilman Lester to add the resolution to the agenda.

Councilman Lester: I'm asking that we introduce this resolution and put it on the agenda and then give us an opportunity to discuss it further and not act on it at this particular meeting, but my request would be that we introduce the resolution at this time and give the Council an opportunity to review it at a subsequent Council Meeting.

Councilman Gibson: Just for the record, I think I understand what PACE stands for, but can we enter into the record what PACE officially stands for?

Councilman Lester: Mr. Chairman, I would, if allowed, I think there is a gentleman that is with the organization that might be able to give some . . .

Councilman Gibson: Just for the pleasure of the audience and for people on television, I think we are referring to to PACE, but we need to know what that acronym is.

Councilman Jackson: Mr. Chairman, I think Mr. Gibson is right, but I think if I'm not mistaken, he can clarify what we're asking for the acronym and not a background of the organization.

Councilman Gibson: Right, that's what I'm asking for Mr. Chair.

Councilman Green: Does anybody up here know what PACE stands for?

Councilman Gibson: We've got the business there, . .

Mr. Broussard: Yes, my name David Broussard, I'm the International representative and it's the Paper Allied Industrial Chemical and Energy Workers International Union.

Councilman Green: Thank you and I'd just like to make a statement to those of you, because I think some information about me has been misconstrued that I was the odd ball and I did not want it. And so, I would just like to set the record straight. I've met with Mr. Broussard, I've met with Ms. Debbie. I've met with Pete Anderson, I've met with Roosevelt Smalley. I said to them that what the Council and what the Administration needed was some information and education. Is that not true Mr. Broussard?

Mr. Broussard: Yes sir, that is true.

Councilman Green: Remain there. Ms. Debbie, are you in the building? Ms. Debbie: Yes sir.

Councilman Green: Would you come to the mic please? So, I want you all to understand that I've never been against you, I've always said to whoever I talked to that among Council Members, that I've worked at a company whereas there was a union, so I understand. But nobody has ever come to talk to me other than when Mr. Broussard came to town or when Ms. Debbie came to town last week. I said to Ms. Debbie that we needed to educate the Council, we needed to educate the Administration. I said that, because of fear, that, that's what we needed to do; is that true, Ms. Debbie?

Ms. Debbie: Yes sir and you were very helpful in that.

Councilman Green: And Ms. Debbie said to me that we gotta do something; okay? So, I said to her was the International tired of spending money and they wanted to move and they wanted make something happen and if the employees were unrest because nothing had happened, my advice was to make sure that everybody had the education as to knowing what was being put on the table.

So, I don't want anybody to think that James Green was against it. I said to them that before you go to the Council, before you go to the Administration, you need a strategy. Did I

say
that to you all?

Mr. Broussard and Ms. Debbie (in unison): Yes.

Councilman Green: So, what I wanted to do was to clear the air, because sometimes for whatever reason, people will mis-screw information. And, what was said to me from Ms. Debbie

was "let us get it on the docket, let us introduce it, then you all can table it and then in the process

of tabling it, we will have time to educate the Council and the Administration." Is that not our conversation Ms. Debbie?

Ms. Debbie: Yes sir, I did because I felt that we as PACE International had not done a good job in the educational process, but we intend to change that.

Councilman Green: And also so that I'll have everything clear, I said to you that the folk that came before you two, did not do a good job; is that not true?

Mr. Broussard: That is true.

Ms. Debbie: Yes sir.

Councilman Green: Thank you. Now, I just wanted the record to reflect because I was at the Pizza Hut on Greenwood Road last night getting me a vegetarian pizza and there was somebody said to me that, the City workers had got the information that I was the odd ball of holding this up. Whoever said that, there is something that I could tell you after the meeting that I can't say publicly nor in church.

Councilman Jackson: Call for the question Mr. Chairman.

Councilman Green: Thank you very much Mr. Jackson. I thought you were about to call for an offering.

Councilman Jackson: No, sir, question.

Motion to add the Resolution to agenda approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

Mr. Thompson: Mr Chairman, are we to put this under Introduction of Resolution not to be adopted prior to March 25th if it is adopted?

Councilman Green: Yes sir.

(Councilman Jackson was excused to attend the Queensborough Neighborhood Association Annual Dinner.)

Councilman Gibson: If I could, I'd like to recognize all those City employees that came tonight sat through about 5 hours. If y'all could stand. I'd like to thank y'all for coming down here. Obviously, y'all provide a tremendous service for this community and I know working for the Administration, working for management and things of that nature, we do appreciate your time and effort coming down here supporting your cause. Thank you very much.

Motion by Councilman Gibson, seconded by Councilman Walford to return to the regular order. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. Nays: None. Absent: Councilman Jackson. 1.

TO ADOPT RESOLUTIONS AND ORDINANCES ON CONSENT:

RESOLUTIONS: None.

ORDINANCES:

Motion by Councilman Lester, seconded by Councilman Gibson for Adoption of Ordinance No. 23 of 2003 on the Consent Agenda. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. Nays: None. Absent: Councilman Jackson. 1.

ORDINANCE NO. 23 OF 2003

AN ORDINANCE CLOSING AND ABANDONING A 14 FOOT- WIDE ALLEYWAY IN BLOCK 4 OF TUXEDO PARK SUBDIVISION LOCATED IN SECTION 1 (T17N-R14W), CADDO PARISH, LOUISIANA, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport in due, legal, and regular session convened, that the 14 foot-wide alleyway in Block 4 of Tuxedo Park Subdivision located between Boulevard and Dalzell Streets and between Lee Street and Fairfield Avenue in the SE 1/4 of Section 1 (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 servitudes be retained throughout the closed and abandoned alleyway.

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

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

REGULAR AGENDA LEGISLATION:

RESOLUTIONS ON SECOND READING AND FINAL PASSAGE:

RESOLUTION NO. 24 OF 2003

A RESOLUTION ADOPTING THE SYSTEM SURVEY AND COMPLIANCE QUESTIONNAIRE REQUIRED BY THE LEGISLATIVE AUDITORS OFFICE OF THE STATE OF LOUISIANA AND OTHERWISE TO PROVIDE WITH RESPECT THERETO.

WHEREAS, the City of Shreveport received a questionnaire from the State Legislative Auditor which is to be completed as a required part of the audit for which we have engaged certified public accountants, KPMG LLP; and

WHEREAS, upon completion of the questionnaire it must be presented to and adopted by the governing body of the City of Shreveport by means of a formal resolution at an open

meeting;
and

WHEREAS, the completed questionnaire must then be given to the auditor engaged by the municipality who will, during the course of his regular audit, test the accuracy of the answers to the questionnaire and submit to the municipality and the Legislative Auditor a report containing his opinion as to the validity of the answers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened, that the attached Systems Survey and Compliance Questionnaire for the City of Shreveport be and the same is hereby adopted.

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 Carmody, seconded by Councilman Gibson passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. Nays: None. Absent: Councilman Jackson. 1.

RESOLUTION NUMBER 25 OF 2003
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 said properties can be sold after the City Council declares them to be surplus; and

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

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

Geo #1714100290036 Lot 36, Exposition Heights;
Municipal Address : 3000 Block of Alabama Avenue
Council District - G

Geo #1714021160080 Lot Twenty-Six (26) and the East one-half («) of Lot Twenty-Five
(25), Boano Park Subdivision;
Municipal Address : 2701 West College
Council District - G

Geo#1814210010264 The East Sixty-Six (66) feet of the North One Hundred Twenty (120) feet of Lot Sixty-Three (63) of the Jones Mabry Subdivision, Unit No. 2, of Caddo Parish, Louisiana, as per map recorded in Book 300, Page 54, records of Caddo Parish, Louisiana; Less and Except for the following tract of land expropriated by the City of Shreveport pursuant to that Judgment of Taking filed under Registry Number 1677539 in Conveyance Book 3353, Page 264 of the records of Caddo Parish, Louisiana:

Begin at the Northeast corner of the East 66.0 feet of the North 120.00 feet of Lot 63 of the Jones-Mabry Subdivision Unit No. 2, thence South 00 degrees 39' 52" West a distance of 120.00 feet along the westerly right-of-way line of Russell Road; thence North 89 degrees 20' 08" West a distance of 4.60 feet; thence N 00 degrees 27' 52" East a distance of 120 feet along a line parallel to the center line Russell Road; thence South 89 degrees 32' 08" East a distance of 5.02 feet to the Point of Beginning;

Municipal Address - 1801 Martin L. King Drive
Council District - A

Geo#1814210010302 That part of West Sixty-Six (66) feet of North One Hundred Twenty (120) feet of Lot Sixty-Three (63) of Jones Mabry Subdivision, Unit No. 2;
Municipal Address: 1803 Martin L. King Drive
Council District - A

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 Lester, seconded by Councilman Carmody passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. Nays: None. Absent: Councilman Jackson. 1.

RESOLUTION NO. 26 OF 2003

A RESOLUTION TO ALLOW THE PURCHASING DEPARTMENT OF THE CITY OF SHREVEPORT TO USE THE GOVERNMENTAL CHAMBER TO RECEIVE AND OPEN BIDS FOR THE CONVENTION CENTER AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

By: Councilman Green

WHEREAS, the Shreveport City Council and the Caddo Parish Commission jointly adopted by resolution the rule that the Government Plaza Chamber's use shall be limited to meetings by the Shreveport City Council, the Caddo Parish Commission, the Metropolitan

Planning Commission, the Shreveport Metropolitan Zoning Board of Appeals, Louisiana House of Representatives and the Louisiana State Senate; and

WHEREAS, the legislation also established a Government Plaza Chamber Standing Committee to oversee the operation of the Chamber and adjoining conference rooms and to make recommendations to the Shreveport City Council and the Caddo Parish Commission relative to the use and operation of the chamber and conference rooms; and

WHEREAS, the Purchasing Department of the City of Shreveport has requested to use the Governmental Chamber to receive and open bids for the Convention Center Project because of the extraordinary number of contractors and others expected to attend; and

WHEREAS, the Chamber Standing Committee has recommended to allow the Purchasing Department of the City of Shreveport to use the Governmental Chamber to receive and open bids for the Convention Center Project with two stipulations: one that this would be a one time use only and two that there are no other meetings scheduled for that date; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal and regular session convened, to allow the Purchasing Department of the City of Shreveport to use the Governmental Chamber to receive and open bids for the convention center on a date to be scheduled in the next few months when no other meetings were scheduled for a one time use only.

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

Read by title and as read motion by Councilman Green, seconded by Councilman Walford passed

by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green.

Nays: None. Absent: Councilman Jackson. 1.

INTRODUCTION OF RESOLUTIONS:

1. Resolution No. 27 of 2003: A resolution authorizing the Mayor to make application with the

United States Department of Justice and otherwise provide with respect thereto.

2.. Resolution No. 28 of 2002: A resolution authorizing the Mayor to negotiate a collective bargaining agreement with PACE International Union and otherwise providing with respect thereto

3. Resolution No. 29 of 2003: A resolution authorizing the execution of an agreement with the Shreveport Redevelopment Agency and Shreveport Urban Renaissance Corporation, Inc., and to otherwise providing with respect thereto.

4. Resolution No. 30 of 2003: A resolution authorizing the Mayor to accept the donation of certain property from Financial Plaza, L. L. C. and to otherwise providing with respect thereto.

Read by title and as read motion by Councilman Lester, seconded by Councilman Gibson for Introduction of the Resolutions to lay over until the March 25, 2003 meeting. passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. Nays: None. Absent: Councilman Jackson. 1.

INTRODUCTION OF ORDINANCES:

1. Ordinance No. 26 of 2003: An ordinance amending the 2003 Capital Improvements Budget and otherwise providing with respect thereto.

Read by title and as read motion by Councilman Lester, seconded by Councilman Gibson for Introduction of the Ordinance to lay over until the March 25, 2003 meeting. passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. Nays: None. Absent: Councilman Jackson. 1.

2. Ordinance No. 27 of 2003: NINETEENTH SUPPLEMENTAL ORDINANCE: A Supplemental Ordinance amending and supplementing Resolution No. 131 of 1984 (the "General Bond Resolution") adopted on June 12, 1984, as amended; providing for the issuance of \$19,600,000 principal amount of Water and Sewer Revenue Bonds, 2003 Refunding Series B, of the City of Shreveport, State of Louisiana, pursuant to the General Bond Resolution; approving and confirming the sale of such bonds; prescribing the form, fixing the details and providing for the payment of principal of and interest on such bonds and the application of the proceeds thereof for refunding certain bonds issued for the purpose of constructing and acquiring extensions and improvements to the City's combined waterworks plant and system and sewer plant and system (the "System") of the City; making application to the State Bond Commission; and providing for other matters in connection therewith.

Read by title and as read motion by Councilman Carmody, seconded by Councilman Lester for Introduction of the Ordinance to lay over until the March 25, 2003 meeting.

Councilman Lester: Mr. Antee and the Administration, on this he Ordinance providing for the issuance for revenue bonds, have we had any conversation as to the Bond Council and whether or not we're going to have minority Counsel as part of this . . .

Mr. Antee: We do Mr. Lester. I think its Harvetta Colvin that will be providing services.

Councilman Gibson: Is that a local firm?

Mr. Antee: Yes, she's local, former Assistant U.S. Attorney

Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. Nays: None. Absent: Councilman Jackson. 1.

ORDINANCES ON SECOND READING AND FINAL PASSAGE:

1. Ordinance No. 19 of 2003: An ordinance amending the 2003 budget for the Community Development Special Revenue Fund and otherwise providing with respect thereto.

Councilman Green: Did you want a motion before -- did you want to question him before we . . .

Councilman Lester: Sure, I want to question him before. First of all I want to say Mr. Ferdinand, I really appreciate you giving the additional clarity in this particular budget amendment. As I appreciate it, my question is this Mr. Ferdinand. A number of these funds were not used. Are we in a situation where we have any I guess, what is the word I'm looking for, jeopardy, of losing any funds because they hadn't been used in a prior 2002 budget . . .

Mr. Ferdinand: Nah, normally, you know, we have some carryover amount of dollars every year and no funds are in jeopardy. In fact, we have gotten a letter, it must have been about a year ago from HUD saying that our spending ratio had come down tremendously, we are within guidelines and that's for CDBG and for HOME funds, no problem. In fact, Gary Norman would probably smiling because one way we were able to do it, we gave them about \$1.2 million over in SPAR to make sure we don't lose it.

Councilman Lester: That would make anybody happy. Thank you Mr. Ferdinand.

Having passed first reading on February 11, 2003 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester seconded by Councilman Green adopted by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Absent: Councilman Jackson. 1.

2. Ordinance No. 24 of 2003 by Councilman Lester: An ordinance amending Chapter 72 of the Code of Ordinances of the City of Shreveport, and otherwise providing with respect thereto.

Councilman Green: Would a member of the police department come forward please? Yes sir, we have an ordinance on SOB's, how would this . . .

Councilman Walford: Let me give you a motion.

Councilman Green: Hold on. We are not moving yet. How would this item help?

Councilman Gibson: Excuse me Mr. Chair, I think you need a motion and a second to move to be able to move to discussion. I think you are out of order. Can we get a motion and second, please?

Councilman Green: Mr. Clerk, do I have to have a motion before I talk to him.

Mr. Thompson: Under Roberts Rules of Order that would be the way to proceed.

Having passed first reading on February 25, 2003 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester seconded by Councilman Gibson for adoption.

Councilman Green: Question.

Councilman Gibson: We got to vote first.

Councilman Green: No.

Councilman Gibson: For the motion. Excuse me, I'm sorry, I apologize, Mr. Chairman.

Councilman Green: How will this help our amendment and what's your recommendation for this particular item?

Captain Shoemake: This was discussed before the actual ordinance was passed a couple of sessions ago doing basically this same thing. I have a problem with it due to the fact that it's basically going to affect dual purpose businesses as defined under the ordinance which are businesses that some part of their business is sexually oriented and some part of it is not, that's the main focus of this amendment. And, they may be as defined by ordinance, only 20% of their business would be done with sexually oriented materials. The other 80% of it would have nothing to do with that. So, therefore they would have some employees dealing with these none sexually oriented materials as opposed to the sexually oriented materials. Quite frequently, this is going to be like the Video One or something of this nature, they may have persons under the age of seventeen working for them or persons working for them that for some reasons or another cannot get an SOB card. They would have to fire these people if this ordinance pass because they could not work in the business whatsoever, that's the way I understood the ordinance. Mr. Lester whose ordinance it is, is shaking his head and that's you know, he can clarify that point.

Councilman Walford: Mr. Chairman, I'll defer to Mr. Lester for that clarification.

Councilman Lester: The purpose of this amendment is if an individual is going to sell any material that comes under the purview of the SOB ordinance then the person that actually sells the material whether if the person at the Video One or it's the person that's actually selling the material will have to have an SOB card, not everyone in the establishment. Just as if when you go to a liquor store or grocery store, if you have a 17 year old and we have all seen it before, the young person does not have an ABO card because they are not old enough, someone inside the establishment comes, swipes the alcoholic beverage and they move on; that's what this ordinance is going to do.

Now, the original amendment that I had would have been much broader, much more all inclusive but this particular instance, this particular amendment does not. It only comes into purview if your business is of such a character that it triggers being under the SOB ordinance. If you are triggered and you come under the SOB ordinance then the employee that actually sells the material has to have a SOB card other than that you don't have to.

Councilman Green: Let me get an opinion from Ms. Glass.

Ms. Glass: Well, Mr. Chairman, Mr. Thompson and I are looking at it and I believe Mr. Lester, if that is what you intended, it may not be worded correctly. We may need to do an amendment if that's what you intended.

Mr. Thompson: Right, Mr. Arceneaux probably did not get your intent down when he drew this and you might want to go back

Captain Shoemake: Can I make a comment on that also? As I understand what Mr. Lester is asking for, it's already in the ordinance. It is in the existing ordinance as it stands now. If you are saying if this is already classified as a SOB, they have at least 20% therefore they are an SOB. If so anybody that touches in any way form or fashion the sexually oriented materials has to have a card, that's in the ordinance as it stands right now.

Councilman Walford: Well, that's where I was going. This, as Julie or Ms. Glass has pointed out says, all employees of a dual purpose business shall be required to hold sexually oriented business employee cards. I'm with Captain Shoemake that what we passed in committee and Councilman Hogan help me out here because you remember, said that everybody that dealt with that in a dual purpose business had to have the card, right? So we are already there without passing this.

Councilman Lester: My intent of this amendment, dual purpose as I appreciate it is 50% or above.

Councilman Walford: No.

Captain Shoemake: Twenty percent (20%) and above.

Councilman Lester: Twenty percent (20%) and above is dual purpose?

Captain Shoemake: Yes sir.

Councilman Lester: It was my impression that there was a lower level that anything that is 20 and I guess you don't come into the purview of this statute until you get to the 20%. If that is the case then, I understand.

Captain Shoemake: Anything under 20% we don't even consider you. Above 20%, you are a sexually oriented business a dual purpose business which means you are less than anywhere from 20 to 50% you are a dual purpose business. Fifty percent and over you are a full-fledged sexually oriented business and everybody that works in that business has to have a card. If you are between twenty and fifty and you do not deal with sexually oriented material you do not have to have a card.

Councilman Lester: Okay. Well, if that be the case Mr. Chairman, I withdraw my amendment at this time.

Chairman Green: Thank you. We don't need a motion, right?

Ms. Glass: I believe the rules do say to withdraw an ordinance that's on second reading you would need to vote to withdraw.

Motion by Councilman Lester, seconded by Councilman Walford to withdraw Ordinance 24 from the agenda. Motion approved by the following vote: Councilmen Lester, Walford, Carmody, Gibson, Hogan and Green. 6. Nays. None. Absent: Councilman Jackson. 1.

Ms. Glass: Mr. Chairman, just for future reference I think I was wrong about that, I think the author can withdraw it but our brains are not working anymore.

3. Ordinance No. 25 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning the south 150 feet of

the north 350 feet of Lot 1, Dean Terrace Subdivision, Shreveport, Caddo Parish, Louisiana from R-1D, Urban, One-Family Residence District to B-1, Buffer Business District and by rezoning the north 350 feet of Lot 2, Dean Terrace Subdivision, Shreveport, Caddo Parish, Louisiana from R-1D, Urban, One-Family Residence District and B-2, Neighborhood Business District to B-3, Community Business District, and to otherwise provide with respect thereto.

Councilman Hogan: This is in my district. I have spoken with Mr. Canatella and Mr. Richard King who is representing him and they ask me, obviously they didn't want to sit through this whole meeting so they ask me to move to postpone this until they could get some other information together to present to the Council.

Having passed first reading on February 25, 2003 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Hogan seconded by Councilman Carmody to postpone the ordinance until the March 25, 2003 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Hogan, and Green. 5. Nays: None. Absent: Councilman Jackson. 1. Out of Chamber: Councilman Gibson. 1.

The Adopted Ordinance follow:

ORDINANCE NO. 19 OF 2003
AN ORDINANCE AMENDING THE 2003 BUDGET FOR THE COMMUNITY
DEVELOPMENT SPECIAL REVENUE FUND AND OTHERWISE PROVIDING WITH
RESPECT THERETO

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

WHEREAS, the City Council finds it necessary to amend the 2003 budget for the Community Development Special Revenue Fund, to appropriate additional prior-year funds and for other purposes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in legal session convened, that Sections 1 and 2 of Ordinance No. 170 of 2002, the 2003 budget for the Community Development Special Revenue Fund are hereby amended as follows:

In Section 1 (Estimated Receipts):

Under "2002 and Prior-Year Funds":

Increase Prior-Year CDBG Entitlement by \$439,000.
Appropriate Prior-Year HOME Entitlement at \$727,800.
Appropriate LHFA Substandard Housing Assistance at \$210,000.
Appropriate Prior-Year State ESG at \$18,000.

In Section 2 (Appropriations):

Under "Prior-Year Funds":

Increase SICED Grant by \$ 375,000.

Increase Housing Programs by \$64,000.

Appropriate LHFA Substandard Housing Assistance at \$210,000.

Appropriate State ESG at \$18,000.

Appropriate HOME Programs at \$232,800.

Appropriate CHDO at \$495,000.

Under "2003 Revenues":

Decrease Administration - Personal Services by \$13,100.

Increase Public Service Projects by \$25,000.

Decrease Housing and Business Development - Personal Services by \$13,100.

Increase Housing and Business Development - Other Charges by \$1,200.

Adjust totals and subtotals accordingly.

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

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

UNFINISHED BUSINESS

1. Alcohol Permit Renewal: Michael Smith for The American Legion (1725 Jamison St.) (Postponed on March 10)
2. Alcohol Retail Permit: Ms. Deborah Hawkins [Employer: 2901 Milam St. (Take-A-Bag Grocery)] (G/Jackson) (Special Meeting scheduled on Tuesday, April 29, 2003 at 3:00 p.m.)
3. Resolution 203 of 2002: Authorizing the execution of an Intergovernmental Agreement with the Parish of Caddo relative to the development and operation of a park and related facilities in the MLK area. (A/Lester) (Tabled on Feb. 11)

NEW BUSINESS (Public Comments were received under **Consolidated Hearing for BAC-8-03, BAC-9-03, and BAC-10-03.**):

1. BAC-8-03: MUY ALTO CORPORATION, ET AL, (D. V. I - Shreveport / 202 Commerce St.); administrative appeal of Certificate of Occupancy for Deja Vu in a B-4 District.

Motion by Councilman Walford to uphold the decision of the ZBA , seconded by Councilman Lester and approved by the following vote: Ayes: Councilman Lester, Walford, Gibson, Green and Jackson. 5. Nays: Councilman Carmody and Hogan. 2.

2. BAC-9-03: PASTOR RICKY EDMONDS, BRENDA O'BROCK, MIKE WELCH, CLASSIC, INC. & JEFF LUCE, (D. V. I - Shreveport / 202 Commerce St.); administrative appeal of Certificate of Occupancy for Deja Vu in a B-4 District.

Motion by Councilman Walford to uphold the decision of the ZBA , seconded by Councilman Lester approved by the following vote: Ayes: Councilman Lester, Walford, Gibson, Green and Jackson. 5. Nays: Councilman Carmody and Hogan. 2.

3. BAC-10-03: MUY ALTO CORPORATION, ET AL, (D. V. I - Shreveport / 202 Commerce St.); administrative appeal of Zoning Administrator's issuance of Certificate to Lift Stay for Deja Vu in a B-4 District.

Motion by Councilman Walford to uphold the decision of the ZBA , seconded by Councilman Lester approved by the following vote: Ayes: Councilman Lester, Walford, Gibson, Green and Jackson. 5. Nays: Councilman Carmody and Hogan. 2.

REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES. None.

CLERK'S REPORT. None.

THE COMMITTEE RISES AND REPORTS (reconvenes Regular Council Meeting).

ADJOURNMENT. There being no further business to come before the Council, the meeting adjourned at approximately 8:39 p.m.

/s/James Green, Chairman

/s/Arthur G. Thompson, Clerk of Council